

Arizona State Board of Nursing
Substantive Policy Statement

Guidelines and Criteria for Executive Director or Designee Accepting Signed Consent Agreement in Lieu of Summary Suspension

Revised - September 25, 2020

This Substantive Policy Statement is advisory only. A Substantive Policy Statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on the regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedures Act. If you believe that this Substantive Policy Statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes Section 41-1033 for a review of the statement. (ARS § 41-1091)

32-1605.01. Executive director; compensation; powers; duties

- C. If the board adopts a substantive policy statement pursuant to section 41-1091 and the executive director or designee reports all actions taken pursuant to this subsection to the board at the next regular board meeting, the executive director or designee may:
5. In lieu of a summary suspension hearing, enter into a consent agreement if there is sufficient evidence that the public health, safety or welfare imperatively requires emergency action

All cases submitted to the Board pursuant to this policy shall meet the following requirements:

1. Complaint has been investigated according to established protocols;
2. Evidence supports there is sufficient evidence that emergency action is required to protect public health, safety or welfare;
3. The Board President or in his or her absence, Vice President, has been consulted by the Executive Director, and informed about the investigative findings, concurs that emergency action is required, and agrees with the terms of a negotiated Consent Agreement;
4. The Consent Agreement is consistent with prior Board decisions or existing evidence;
5. The Consent Agreement requires, at a minimum, suspension from practice pending Board ratification, at a regularly scheduled Board meeting. The Board will review the licensee's/certificate holder's compliance with the terms of suspension and determine satisfactory compliance and/or need for further action;

6. The licensee/certificate agrees in writing to all terms, including immediate suspension of practice and the reporting of discipline to applicable databases and sources;

Once the executed agreement is approved by the Executive Director or designee, the matter will be closed and written notification sent to the Respondent/Applicant and complainant. At the next regularly scheduled Board meeting, the Board will be provided the completed investigative report and a complete copy of the consent agreement.