

**BEFORE THE ARIZONA STATE BOARD OF NURSING**

IN THE MATTER OF FOOTHILLS  
REHABILITATION CENTER NURSING  
ASSISTANT PROGRAM #NAUS5350 ISSUED  
TO:

FOOTHILLS REHABILITATION CENTER  
2250 NORTH CRAYCROFT ROAD  
TUCSON, AZ 85712

**RESPONDENT**

**DECREE OF CENSURE**  
**CONSENT AGREEMENT**  
**AND**  
**ORDER NO. 230101NAUS5350**

The Arizona State Board of Nursing (“Board”) and Foothills Rehabilitation Center CNA Program (“Respondent”) seek to resolve allegations that Respondent violated the Nurse Practice Act. In the interest of a prompt and speedy settlement of the above-captioned matter, consistent with the public interest, statutory requirements and the responsibilities of the Board, and pursuant to A.R.S. § 41-1092.07 (F)(5), the undersigned parties enter into this Consent Agreement as a final disposition of this matter.

Based on the evidence before it, the Board makes the following Findings of Fact and Conclusions of Law:

**FINDINGS OF FACT**

1. Respondent holds Board-issued program approval for a Nursing Assistant program, operating in Tucson, Arizona, receiving its original approval in 2021. Respondent’s last program approval was on June 25, 2021.

2. Respondent’s first time student pass rate on the State of Arizona mandated written and manual skills certifying examinations were below the minimum requirement as required in R4-19-801(E) in 2022 (see below). Based upon this information, the Board initiated an investigation.

3. Respondent's first time student pass rate on the written and the skills certifying examinations, are below the minimum requirement as required in R4-19-802(E). Specifically according to D&S Diversified Technologies, the approved test vendor, Respondent's annual pass rate for the written exam in 2022 was 63% and the skills was **30%**. The Arizona State average for the 2022 calendar year was 80% for written and 80% for the manual skills exam. Programs falling below the standard are those with less than 60% on the written exam and 60% on skills. Respondent tested 30 students.

4. During 2022, Respondent failed to ensure that students in the Certificate Nursing Assistant program were assessed for the English language, reading and math skills necessary to comprehend course materials and perform duties safely prior to admission into their program, which is a violation of R4-19-801(A) (1) (a) (ii).

#### **CONCLUSIONS OF LAW**

Pursuant to A.R.S. §§ 32-1606, 32-1663 and 32-1664, the Board has subject matter and personal jurisdiction in this matter.

The conduct and circumstances described in the Findings of Fact constitute violations of A.R.S. § 32-1663 (D) as defined in correctly cited as § 32-1601(26) "Unprofessional conduct" includes the following whether occurring in this state or elsewhere: (d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter (effective August 9, 2017); and currently cited as § R4-19-801. (A). Policies and Procedures 1. The program shall promulgate and enforce the following policies with accompanying procedures: Admission requirements including: ii. English language, reading and math skills necessary to comprehend course materials and perform duties safely. (E) Certifying Exam Passing Standard: A training

program and each site of a consolidated program under R4-19-801(E) shall attain, at a minimum, an annual first-time passing rate on the manual skill and written certifying examinations that is equal to the Arizona average pass rate for all candidates on each examination minus 20 percentage points. The Board may waive this requirement for programs with less than five students taking the exam during the year. The Board shall issue a notice of deficiency under A.A.C. R4-19-805 to any program with five or more students taking the exam that fails to achieve the minimum passing standard in any calendar year. § R4-19-805. A. Unprofessional program conduct A notice of deficiency or a disciplinary action including denial of approval or rescission of approval may be issued against a training program for any of the following acts of unprofessional conduct: 4. Failing to follow the program's or parent institution's mission or goals, program design, objectives, or policies;

However, in lieu of a hearing, Respondent agrees to issuance of the following Order and waives all rights to a hearing, rehearing, appeal or judicial review relating to this matter. Respondent further waives any and all claims or causes of action, whether known or unknown, that Respondent may have against the State of Arizona, the Board, its members, officers, employees and/or agents arising out of this matter.

Respondent admits to the Board's Findings of Fact and Conclusions of Law.

Respondent understands that the admissions in the Findings of Fact are conclusive evidence of a violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board or its designee and by Respondent as evidenced by the respective signatures thereto. Respondent's signature obtained via facsimile shall have the same effect as an original signature. Once signed by Respondent, the Agreement cannot be withdrawn without the Board's approval or by stipulation between Respondent and the Board's designee. The effective date of this Order is the date the Consent Agreement is signed by Respondent and accepted by the Board or its designee.

Respondent acknowledges and agrees that the acceptance of this Consent Agreement is solely to settle this Board matter and does not preclude the Board from instituting other proceedings as may be appropriate now or in the future.

Furthermore, and notwithstanding any language in this Consent Agreement, this Consent Agreement does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or in the future relating to this matter or other matters concerning Respondent, including but not limited to, violations of Arizona's Consumer Fraud Act. Respondent acknowledges that, other than with respect to the Board, this Consent Agreement makes no representations, implied or otherwise, about the views or intended actions of any other state agency or officer or political subdivision of the state relating to this matter or other matters concerning Respondent.

Debbie Friebus  
Debbie Friebus (Jun 21, 2023 14:47 PDT)

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Signature or Approved Respondent Representative  
Deborah Frieus, Foothills Rehabilitation Center  
CNA Program.

06/21/2023

Date

Debbie Friebus RN Program Coordinator

Print the signer's name AND title

ARIZONA STATE BOARD OF NURSING

*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director

Dated: Jun 21, 2023



JR/CG:sb

**ORDER**

In view of the above the Findings of Fact, Conclusions of Law, and the consent of Respondent, the Board hereby issues the following Order:

- A. Respondent's consent to the terms and conditions of this Order and waiver of hearing is accepted.
- B. It is ordered that a DECREE OF CENSURE be entered against program approval no. NAU5350, held by Respondent.

Board Date: May 19, 2023



*Joey Ridenour R.N. M.N. F.A.A.N.*

Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director  
ARIZONA STATE BOARD OF NURSING

Dated: 06/21/2023

JR/CG:sb

Transmitted this day June 19, 2023, via Adobe Sign to:

Deborah Fribus, Foothills Rehabilitation Center dfribus@devongables.com  
Also sent via US Mail *and* US Certified Mail ( ) to:  
Foothills Rehabilitation Center  
2250 North Craycroft Road  
Tucson, AZ 85712

By: Sarah Burton  
Administrative Assistant III

Fully Executed copy sent this 21st day of June, via Adobe Sign to:

Deborah Fribus, Foothills Rehabilitation Center dfribus@devongables.com  
Also sent via US Mail *and* US Certified Mail ( ) to:  
Foothills Rehabilitation Center  
2250 North Craycroft Road  
Tucson, AZ 85712

By: Sarah Burton  
Administrative Assistant III

**Signature:** Sarah Burton  
Sarah Burton (Jun 21, 2023 14:57 PDT)

**Email:** sburton@azbn.gov