

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF HAVEN OF
DOUGLAS NURSING ASSISTANT
PROGRAM #NAUS5585

ISSUED TO:

HAVEN OF DOUGLAS
1400 NORTH SAN ANTONIO AVENUE
DOUGLAS, AZ 85607

RESPONDENT

DECREE OF CENSURE
CONSENT AGREEMENT
AND
ORDER NO. 230101NAUS5585

The Arizona State Board of Nursing (“Board”) and Haven of Douglas 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 Douglas, Arizona, receiving its original approval in 2022. Respondent’s last program approval was on January 19, 2022.

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. Based upon this information, the Board conducted 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 40% and the skills was 40%. 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 15 students.

2. During the 5/31/2022 class, 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 according to their admission policies, which is a violation of

R4-19-801(A) (1) (a) (ii); and is also a violation of Respondent's admission policy, which is a violation of R4-19-805 (A) (4).

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: a. 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

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.

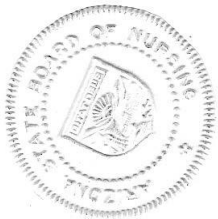
Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either obtained or is waived.

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.




Nikole Peralta (Jun 21, 2023 16:58 PDT)
Signature or Approved Respondent Representative
Nikole Peralta, Haven of Douglas

06/21/2023

Date

Nikole Peralta, RN

Print the signer's name AND title



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

Executive Director

ARIZONA STATE BOARD OF NURSING

06/22/2023

Dated: _____

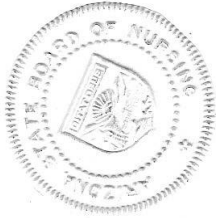
JR/CG:sb

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. NAUS5585, 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: 06/22/2023

JR/CG:sb

Transmitted this day June 21, 2023, via Adobe Sign to:

Nikole Peralta, Haven of Douglas

Also sent via US Mail and US Certified Mail () to:

Haven of Douglas
1400 North San Antonio Avenue
Douglas, AZ 85307

By: Sarah Burton
Administrative Assistant III

Fully Executed copy sent this 22nd day of June 2023, via Adobe Sign to:
Nikole Peralta, Haven of Douglas

Also sent via US Mail and US Certified Mail (7021 1970 0000 9121 6440) to:
Haven of Douglas
1400 North San Antonio Avenue
Douglas, AZ 85307

By: Sarah Burton
Administrative Assistant III

Signature: Sarah Burton
Sarah Burton (Jun 22, 2023 06:56 PDT)

Email: sburton@azbn.gov