

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF MOHAVE
COMMUNITY COLLEGE PN STEP OUT
PROGRAM NO. US96408700 ISSUED TO:

MOHAVE COMMUNITY COLLEGE
801 Detroit Avenue
Kingman, AZ 86401

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 220204US96408700**

CONSENT AGREEMENT

The Arizona State Board of Nursing (“Board”) and Mohave Community College (“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 pre-licensure program, operating in Kingman, Arizona, receiving its original approval in 1981. Respondent received a letter of concern for ineffective communication between the nursing program administrator and college administration, and for raising the Test of Essential Academic Skills (TEAS) minimum score for admission on 8/13/13, without documentation of the evidence considered to support the increased admission requirement. Respondent entered into a Consent agreement for 18 months probation for failing to provide a Systematic Plan of Evaluation that included implementation of the plan as part of their self-study in preparation for their joint AZBN and ACEN site visit, failing to conduct faculty

evaluations for 3 faculty members within the last 3 years and failing to implement an evidence-based progression requirement for the Math calculation required pass rate in 2016-2017. Respondent's last program approval was on 5/25/2020.

2. Respondent's NCLEX scores First-Time Pass Rate for 2021 were 65.77% and are below the required 80% and reflect a violation of Arizona Administrative Code R4-19-206 (G). The standard of practice is a minimum of 80% NCLEX for first time pass rates for students. Failure to achieve a minimum of 80% NCLEX pass rates negatively impacts the quality of the program and the ability of students to achieve nursing licensure.

3. Between Fall semester 2021 and April 30, 2022, Respondent failed to follow its own program testing policy by allowing students who were remote from the campus to engage in collaborative testing, when the policy only permitted the collaborative testing use for in person exams.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1644, 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 and currently cited as § 32-1601 (27) "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 a rule that is adopted by the Board pursuant to this chapter (effective September 29, 2021; and currently cited as R4-19-206 A nursing program shall maintain at least a 80% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation; and currently cited as R4-19-211. Unprofessional Conduct in a Nursing Program 1. A pattern of failure to maintain minimum standards of acceptable and prevailing educational or nursing practice, or any such failure related to student or patient health, welfare, or safety, 2. A pattern of deficiencies in compliance with the provisions of this Article, or any such deficiency related to student or patient health, welfare, or safety,

4. A pattern of non-compliance with the program's or parent institution's mission or goals, program design, objectives, or policies, or any such deficiency related to student or patient health, welfare, or safety.

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1664(N) to revoke, suspend or take other disciplinary action against Respondent's program approval in the State of Arizona.

Respondent admits the Board's Findings of Fact and the Conclusions of Law. Respondent understands that the Board does substantiate all of the facts in this agreement and that those findings may be used as prior discipline history in any future actions by the Board.

In lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached 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 understands that all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent understands that the Board finds that 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 either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board 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 the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

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.

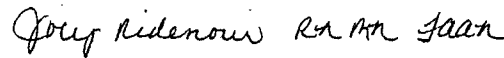
Board Date: June 3, 2022



Signature of Approved Respondent Representative

Date: 7/11/2022

SEAL



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

ARIZONA STATE BOARD OF NURSING

Acceptance Date: August 15, 2022

ORDER

In view of the above 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 the Order and waiver of public hearing is accepted.

B. Respondent's program approval is placed on probation for a minimum 36 months with terms and conditions. During these combined minimum 36 months probation, the program must have enrolled students and conduct regular program operations, including didactic and clinical sessions, for a minimum of 36 months.

C. If Respondent is non-compliant with any of the terms of the Order during the 36 months probation period, Respondent Program's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent Programs nursing program approval.

D. This Order becomes effective upon the Board and Respondent's acceptance of the Order. The effective date of this Order is the date the Consent Agreement is signed by Respondent and accepted by the Board or its designee. If Order is signed on different dates, the later date is the effective date.

E. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual, entity, or facility, Respondent must provide all pages of the Order.

F. The probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Notification of Public

Within seven days of the effective date of this Order, the Board shall note the probationary status of the program on the list of approved programs with the following notation: "VOLUNTARY CONSENT FOR PROBATION." Additionally the Board shall provide public access to this order through its website.

2. Quarterly Reports by Cohort

Within 7 days of each assigned quarterly reporting due date, Respondent shall provide the Board with accurate and complete monthly reports containing the following:

a. Notification on the Board's Website

- b. Number of Admissions with listing of admission exemptions and rationale for exemption
- c. Attrition by cohort
- d. Aggregated results of standardized predictive exams by cohort by term
- e. On time graduation rates per cohort
- f. Curriculum changes summary
- g. Grievances/complaints: – Any written or verbal complaints or concerns regarding the nursing program brought to the attention of the nursing program administrator and their resolution including informal complaints and comments on evaluations.
- h. Nursing department meeting minutes
- i. Personnel changes to include all nursing program hires, transfers, change in status and terminations
- j. All policy revisions
- k. Timely notification of any program changes that are or may be in violation of this agreement.
- l. Results of confidential and anonymous student evaluations of nursing courses, instructors, and the overall program.

3. Faculty/Admin Education

Respondent shall cause all faculty and administrators to complete the following Continuing Education at the program's expense, and submit proof of completion to the Board of the hours as described, below:

- Curriculum development, implementation and evaluation (8 hours)
- Testing standards and best practices (8 hours)

4. Outside Evaluation

Outside evaluation within 60 days, engage the services of a nursing program consultant approved by the Board to evaluate the curriculum in total including clinical components

and provide evaluation and recommendations to the Board. The Board reserves the right to amend the terms of the probation based on the evaluator's report.

Respondent shall cause the consultant to comprehensively evaluate the nursing program including, but not limited to, student admission standards, adequacy of infrastructure to support multiple admission cycles per year, student advisement/support, adequacy of curriculum and its implementation, program operations in relation to faculty scheduling methods, adequacy of faculty/student ratios, adequacy of faculty onboarding and ongoing faculty development and resources, quality of all instruction, number and quality of direct care clinical experiences, adequacy of the learning management system and how it is used, adequacy and efficacy of testing and graduation requirements, adequacy and efficacy of student preparation for exams, including predictive exams and NCLEX, and remediation upon failure/poor scores, consult with predictive exam representative to implement best practices, recommendations for faculty governance/engagement.

Respondent shall implement the recommendations of the consultant within the time frames as recommended by the consultant, including any new recommendations that the consultant identifies during the period of probation, including but not limited to additional education (in addition to the required education described, below) on an ongoing basis during the period of probation.

The Board reserves the right to amend the terms of the probation based on the evaluator's report.

Respondent is required to comply with all recommendations of the evaluator and submit monthly implementation reports unless otherwise noted.

5. Interview with the Board or Its Designee

Respondent's representative shall appear in person for interviews with the Board or its designee upon request at various intervals and with reasonable notice.

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6. Renewal of Approval

In the event Respondent's nursing program approval is expired or is scheduled to expire while this Order is in effect, Respondent shall apply for renewal of the approval and otherwise maintain approval for a nursing program in Arizona.

7. Obey All Laws

Respondent shall obey all laws/rules governing nursing education in this state and obey all federal, state and local criminal laws. Respondent shall report to the Board, within 10 days, any violation or potential violation of the Nurse Practice Act, Board of Nursing Rules or any federal, state or criminal laws.

8. Costs

Respondent shall bear all costs of complying with this Order.

9. Violation of Probation

If Respondent Program is noncompliant with this Order in any respect, the Board or its designee may notify Respondent Program's accreditation agency, including the institutional accrediting agency, of the non-compliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent Program notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent Program during probation, the Board shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

10. Voluntary Surrender of Approval

Respondent may, at any time this Order is in effect, voluntarily request surrender of their program approval.

11. Completion of Order

Upon successful completion of the terms of the order, Respondent may request formal review by the Board after 24 months to request early termination of the Order. After formal

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review by the Board, upon Board approval, Respondent's approval may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

Board Date: June 3, 2022

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

Acceptance Date: August 15, 2022

JR/KM:dh

Transmitted for signature this 6th day of July, 2022, via Adobe Sign to:

June Weiss, RN, MSN
Mohave Community College
jweiss@mohave.edu

By: C. Johnson
Administrative Assistant

EXECUTED SEALED COPY mailed this 16th day of August, 2022, by First Class Mail to:

June Weiss, RN, MSN
jweiss@mohave.edu
Mohave Community College
801 Detroit Avenue
Kingman, AZ 86401

By: Y. Pickett
Administrative Assistant