

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF PHOENIX COLLEGE
ADN PROGRAM 220202US96404100

CONSENT AGREEMENT

ISSUED TO:

AND

PHOENIX COLLEGE - ADN PROGRAM

3700 N. 3RD AVE.

ORDER NO. 220202US96404100

PHOENIX, AZ 85013

RESPONDENT

CONSENT AGREEMENT

The Arizona State Board of Nursing (“Board”) and PHOENIX COLLEGE (“Respondent”) seek to resolve the above-captioned matter. 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 full approval for a registered nursing program, operating in Phoenix, Arizona, receiving its original approval in 1959. Respondent’s current approval expires in 2025.

2. Respondent has demonstrated a pattern of NCLEX-RN first time pass rates below the required 80%. During 2021, Respondent's NCLEX-RN first time pass rates were below the required 80%. As documented in Respondent's NCLEX first time pass rates for 2021 NCLEX-RN were 78.51%. For 2022 YTD first time pass rates for NCLEX are 74.56% (85/114) as of 8/19/2022. 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. Respondent failed to retain sufficient numbers of qualified faculty members to support program processes and outcomes necessary for compliance with this Article. During 2019-2020, of 13 faculty positions, there were 2 resignations; in 2020-2021 there were 5 terminations. The standard of practice requires programs to maintain adequate numbers of qualified faculty. Failure to maintain adequate qualified faculty results in inadequate instruction and workload excess for other faculty.

CONCLUSIONS OF LAW

Pursuant to A.R.S. §§ 32-1606, 32-1644, 32-1646, 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 § 32-1601(27)(d) Any conduct or practice that is or might be harmful or dangerous to the health of a patient or the public; (j) Violating a rule that is adopted by the Board pursuant to this chapter; and A.A.C. R 4-19-201(A)(6), R4-19-206(G), and R4-19-211(1)

Respondent admits the Board's Findings of Fact and Conclusions of Law. 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 Findings of Fact, Conclusions of Law and Order are conclusive evidence of a prior violation of the Nurse Practice Act and may be used for purposes of determining sanctions in any future disciplinary matter. Respondent further understands that disciplinary actions are generally available to the public pursuant to public records requests; are posted on or available through the Board's website; and are reported to and are posted by national databases, which may be accessed online and whose retention and posting times are independently determined by the applicable national organization; and any of these policies or applicable laws may change over time.

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: SEPT 23, 2022



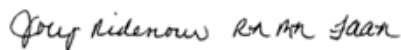


Constance Powers, ~~Ph.D.~~ MSN, RN,
CCRN, CNE, Program Director

10/17/2022

Date

ARIZONA STATE BOARD OF NURSING



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

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 of 24 months.

C. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. 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 latter is the effective date. Probation is to commence the effective date of this Order.

D. If Respondent is noncompliant with any of the terms of the Order, Respondent's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Respondent's nursing program approval.

E. 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. Monthly Reports

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

- a. Number of Admissions, admissions criteria/changes to admissions criteria, listing of admission exemptions and rationale for each exemption
- b. Attrition by cohort per term

c. Direct care clinical experiences: number of direct care clinical experiences scheduled, completed, and canceled; number of ‘conversions’ of direct care clinical experiences to simulation and reasons why the conversion occurred

d. Grievances/complaints: A summary of the number of informal or formal written complaints, their themes and resolution outcome regarding the nursing program

e. Nursing department meeting minutes with a summary of percentage of faculty attending, topics, and systematic plan of evaluation metrics discussed during the meeting.

f. Summary of committee meetings (date, number attending, major decisions/outcomes)

g. Personnel changes to include all nursing program hires, transfers, change in status and terminations

h. All policy revisions

i. Aggregated results of confidential and anonymous student evaluations of nursing courses and instructors after each term.

j. Aggregated student evaluations of the overall program.

k. Program report of status of implementation of all recommendations from external consultant (after consultant report is completed)

l. Notification of any program changes that are or may be in violation of this agreement.

3. Evaluations & Other Terms

A. Outside Evaluation/Consultant —Within 30 days of the effective date of the Order, at the program’s expense, Respondent shall retain a Board-approved nursing program consultant who meets established Board evaluator requirements, including a consultant who will maintain objectivity and has no prior/current personal, professional, or financial connection to the

program, and additionally has a minimum of 5 years experience in consulting for nursing programs or as a nursing program administrator (for programs who have maintained good standing with their accreditors and government regulators) and who holds a doctorate in nursing or nursing education.

Respondent shall cause the consultant to comprehensively evaluate the nursing program including, but not limited to, student admission standards, adequacy of faculty, administration, facilities (including simulation labs), and overall infrastructure to support the number of students admitted every 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, faculty and administrator retention, quality of all instruction, including but not limited to simulation experiences and 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, determine if a consultation with predictive exam representative to implement best practices is needed, recommendations for faculty governance/engagement.

Respondent shall cause the consultant to provide a comprehensive evaluation report and recommendations to the Board within 90 days of the effective date of the Order. The evaluation report shall include time frames for implementation of recommendation. The Board reserves the right to amend the terms of the probation based on the consultant's report.

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 training/education for faculty and/or administrators on an ongoing basis during the period of probation.

Respondent shall cause the consultant to continue to monitor the program and provide monthly reports to the Board for 12 months after the completion of the evaluation report, and quarterly thereafter for the duration of the order, that detail the progress of implementation of the consultant's recommendations and any other observations, concerns, or recommendations by the consultant.

4. Interview with the Board or Its Designee

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

5. Renewal of Approval

In the event Respondent's nursing program approval 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.

6. 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.

7. Costs

Respondent shall bear all costs of complying with this Order.

8. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent's accreditation agency, including the institutional accrediting agency, of the noncompliance. Additionally, the Board may revoke probation and take further disciplinary action for noncompliance with this Order after affording Respondent notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Respondent 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.

9. Voluntary Surrender of Approval

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

10. Completion of Order

Respondent is not eligible for early termination of this Order.

11. Release of Information Forms

Respondent shall sign all release of information forms as required by the Board or its designee and return them to the Board within 10 days of the Board's written request. Failure to

provide for the release of information, as required by this paragraph constitutes noncompliance with this Order.

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: October 18, 2022

JR/AG:y.h-p

Transmitted this 30 day of September, via Secured Virtu Email

Constance Powers, PhD-c, MSN, RN , CCRN, CNE,Program Director:

Also sent via US Mail to:

Constance Powers, ~~PhD-c~~, MSN, RN , CCRN, CNE
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