

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF SCL COLLEGE OF
NURSING, NURSING ASSISTANT
PROGRAM
NO. PENDING

APPLICATION BY:
SCL COLLEGE OF NURSING
5060 N. 19TH AVE., STE. 117,
PHOENIX, AZ 85015

Applicant

**CONSENT AGREEMENT
AND
ORDER NO. 210601NA0001P**

CONSENT AGREEMENT

The Arizona State Board of Nursing (“Board”) and SCL College of Nursing (“Applicant”) seek to resolve allegations that Applicant 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. Applicant submitted an application to the Board for a nursing assistant program, to operate in Phoenix, Arizona, on 4/1/2021, site visit was completed on 5/28/2021, all requirements were met with the application. Applicant is pending program approval after meeting all approval requirements and signing this consent agreement per Board motion made on 7/23/2021.

2. On 4/1/2021, SCL College of Nursing (Applicant), located in Phoenix, Arizona, submitted an application to the Board for a nursing assistant program approval. On or around

June 10, 2021, prior to program approval by the Board, Board staff was made aware by a prospective student Uncle that Applicant advertised its nursing assistant program, on its official website. On June 11, 2021, Board staff viewed the website and confirmed Applicant was advertising as being "Board approved", violating R4-19-801 (A)(3), inter alia. During the Board investigation of this matter, Applicant staff asserted to Board staff that they were confused as to the approval status of the program. However, Applicant's communications on June 10, 2021, reflected that Applicant was aware that the program was not yet approved. This included an email from an SCL Instructor and a telephone message from the program administrator, both on June 10, 2021, inquiring as to when the program might be approved by the Board.

3. On or about 6/10/2021, Applicant, through its administrator, and prior to Board program approval, gave a prospective student and his uncle a tour of the nursing assistant school at SCL in Phoenix, Arizona, per the prospective student's uncle, asked the prospective student to sign a program enrollment contract, and told the prospective student's uncle that 2 other students had already enrolled in the program. The prospective student was encouraged to enroll by Applicant, who told the prospective student, per his Uncle, that the program needed three students to start a class on 6/19/2021. Applicant's conduct is a violation of R4-19-801 (A) (3), inter alia, to advertise a program or enroll students in a program that has not yet been approved by the Board.

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(26)(d), (h) and (j).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. (h) Committing an act that deceives, defrauds or harms the public (j) Violating a rule that is adopted by the Board pursuant to this chapter. For Reference:A.R.S. § 32-1666. Unlawful acts -

(B) It is unlawful for a person to operate a training or educational program to prepare students for licensure or certification under this chapter unless it has been approved under this chapter.

R4-19-801. Common Standards for Certified Nursing Assistant (CNA) and Certified Medication Assistant (CMA) Training Programs A. Program Administrative Responsibilities

3. A training program shall obtain and maintain Board approval or re-approval as specified in this Article and A.R.S § 32-1650.01 (B) before advertising the program, accepting any tuition, fees, or other funds from prospective students, or enrolling students.

R4-19-805. Deficiencies and Rescission of Program Approval, Unprofessional Program Conduct, Voluntary Termination, Disciplinary Action, and Reinstatement

B. 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: 2. Any violation of this Article; 9. Engaging in fraud, misrepresentation or deceit in advertising, recruiting, promoting or implementing the program;12. Engaging in any other conduct that gives the Board reasonable cause to believe the program’s conduct may be a threat to the safety or welfare of students, faculty, patients or the public.

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 Applicant's program approval in the State of Arizona.

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

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

Applicant 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.

Applicant 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.

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

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

Applicant 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 Applicant, including but not limited to, violations of Arizona's Consumer Fraud Act. Applicant 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 Applicant.

Elange Nathan, Ph.D.
Elange Nathan, Ph.D. (Aug 5, 2021 14:05 PDT)

Signature or Approved Applicant Representative
Elange Nathan, SCL College of Nursing

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: 8/5/2021

ORDER

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

A. Applicant's consent to the terms and conditions of the Order and waiver of public hearing is accepted.

B. Applicant's program approval is placed on probation for a minimum of 12 months.

C. This Order becomes effective upon the Board and Applicant'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 Applicant. If the Consent agreement is signed on different dates, the later is the effective date. Probation is to commence the effective date of this Order.

D. If Applicant is noncompliant with any of the terms of the Order, Applicant's noncompliance shall be reviewed by the Board for consideration of possible further discipline on Applicant'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. **Quarterly Reports**

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

- a. Admissions, and
 - b. Attrition, and
 - c. Completion Rates, and
 - d. Curriculum changes, and
 - e. 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, and
 - f. Personnel Changes, and
 - g. All policy revisions, and
 - h. Timely notification of any program changes that are or may be in violation of this agreement, and
 - i. D&S pass rates, and
 - j. Clinical documentation for each student, and
 - k. Clinical attendance sheets, and
 - l. Admission test scores for each student admitted into the program, and
 - m. Results of confidential and anonymous student evaluations of nursing courses, instructors, and the overall program, and
 - n. Status of all recommendations from external consultant,
3. Nurse Practice Act Training for Faculty/Staff

Applicant Program will provide training on the Nurse Practice Act requirements applicable to nursing assistant programs, particularly Arizona Administrative

Code, Title 4, Chapter 19, Article 8 of the rules, to all employees within 60 days of the effective date of this Order, and submit the attendance log to the Board.

4. Interview with the Board or Its Designee

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

6. Obey All Laws

Applicant shall obey all laws/rules governing nursing education in this state and obey all federal, state and local criminal laws. Applicant 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

Applicant shall bear all costs of complying with this Order.

8. Violation of Probation

If Applicant is noncompliant with this Order in any respect, the Board or its designee may notify Applicant'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 Applicant notice and the opportunity to be heard. If a complaint or petition to revoke probation is filed against Applicant 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

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

10. Completion of Order

Applicant is not eligible for early termination of this Order. Upon successful completion of the terms of probation, Applicant may request formal review by the Board, and after formal review by the Board, Applicant's approval may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

11. Release of Information Forms

Applicant 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: 8/5/2021

JR/CG:ll

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Transmitted this 5th day of August, 2021, via Adobe Sign to:

Elange Nathan, SCL College of Nursing: drnathan@gc3.app


By: 
Lyn Ledbetter (Aug 5, 2021 13:27 PDT)
Lyn Ledbetter, Administrative Assistant

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Fully Executed copy sent this 6th day of August, 2021, via Adobe Sign to:

Elange Nathan, SCL College of Nursing: drnathan@gc3.app

Signed in the Board Office on 8/6/2021.

By: 
Lyn Ledbetter (Aug 6, 2021 14:08 PDT)
Lyn Ledbetter, Administrative Assistant