

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
UNIVERSITY OF DETROIT MERCY APRN
PROGRAM APPLICATION

**University of Detroit Mercy
McAuley School of Nursing
4001 W. McNichols Road
Detroit, MI 48221-3038**

APPLICANT

**CIVIL PENALTY
CONSENT AGREEMENT
AND
ORDER NO. 240301US09509500**

The Arizona State Board of Nursing (“Board”) and University of Detroit Mercy McAuley School of Nursing (“Applicant”) seek to resolve allegations that University of Detroit Mercy McAuley School of Nursing Advanced Practice Nursing Program 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 applied for Board issued Advanced Practice nursing program approval on April 11, 2024.
2. Beginning in January of 2023, Respondent admitted one student in its Adult Gerontology Clinical Nurse Specialist Program, with Arizona based clinical experiences, before the program was approved in Arizona and with faculty not properly credentialed to practice in Arizona. Respondent submitted an application for full APRN Distance Program Approval on April 11, 2024.

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; (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. (effective August 9, 2017); 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; Arizona Administrative Code R4-19-504 Notice of Deficiency; Unprofessional Program Conduct (D). A disciplinary action, denial of approval, or notice of deficiency may be issued against an RNP or CNS nursing program for any of the following acts of unprofessional conduct: 8. Failure to comply with Board requirements within designated time-frame. 9. Fraud or deceit in advertising, promoting or implementing a nursing program;

The conduct and circumstances described in the Findings of Fact constitute sufficient cause pursuant to A.R.S. § 32-1663(A) to deny, or issue a conditional approval of Applicant’s program approval to conduct an advanced practice nursing program in the State of Arizona.

However, in lieu of a hearing, Applicant agrees to issuance of the following 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 admits to the Board’s Findings of Fact and Conclusions of Law.

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 been either obtained or is waived.

Applicant understands that this Consent Agreement is effective upon its acceptance by the Board or its designee 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 Applicant and accepted by the Board or its designee.

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

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political subdivision of the state relating to this matter or other matters concerning Applicant.

Pamela Zarkowski, Provost/VPAA

Pamela Zarkowski, Provost/VPAA (Aug 1, 2024 10:43 EDT)

Signature or Approved Applicant Representative
Pamela Zarkowski, Provost



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: 08/01/2024

ORDER

In view of the above the 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 this Order and waiver of hearing is accepted.
- B. It is ordered that, upon meeting all approval requirements, acceptance by the Board of this agreement, and full and complete payment for the Civil Penalty received by the Board (see section C, below), the APRN Distance Program approval shall be granted.
- C. Applicant shall be assessed a Civil Penalty in the amount of \$1000.00.
 - 1) Applicant shall pay the Civil Penalty, in full, no later than 60 days after the effective date of this order **via the Board's Online Payment System**¹.
 - 2) If Applicant fails to timely pay the Civil Penalty, in the manner stated in paragraph C.(1), above, Applicant's nursing program application shall be DENIED, and the Applicant may not reapply for approval for a period of two (2) years.

¹ The Board's online payment system is available at <https://azbngateway.az.gov/>

Applicant waives any and all rights to a hearing, rehearing or judicial review of any suspension or revocation imposed pursuant to this paragraph.

D. While this Order is in effect and/or Applicant's approval is subject to discipline, up to and including denial, Applicant is not eligible to renew any other expired approval previously held by Applicant without prior review and approval by the Board.

Board Date: July 19, 2024

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: 08/01/2024

JR/SB:sb

Transmitted for Applicants signature this 3st day of July, 2024, via Adobe Sign to: mitzi.saunders3@gmail.com

By: Sarah Burton
Administrative Assistant III

Fully Executed copy sent this 1st day of August, 2024, via Adobe Sign to:

By: Sarah Burton
Administrative Assistant III