

**BEFORE THE ARIZONA STATE BOARD OF NURSING**

IN THE MATTER OF CERTIFIED NURSE  
ASSISTANT PROGRAM NO. 1027  
ISSUED TO:

**INTERNATIONAL NURSE ACADEMY,**

RESPONDENT

**CONSENT AGREEMENT  
AND  
ORDER NO. 230901NA1027**

**CONSENT AGREEMENT**

A complaint charging International Nurse Academy (hereinafter “Respondent”) with violation of the Nurse Practice Act has been received by the Arizona State Board of Nursing (hereinafter “Board”). 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 # 1027, operating in Gilbert, Arizona, receiving its initial approval on 7/4/2023.
2. On September 14, 2023, International Nurse Academy failed to provide a Board Approved Registered Nurse Instructor for the Certified Nursing Assistant Program being held at Wellsprings Therapy Center in Gilbert, Arizona, as required by rule. On September 15, 2023, during an interview with Board Staff, Student #1 that stated during week two of the program, they had class on September 12, 2023 and September 14, 2023 with no instructor. On September 12, 2023, Respondent’s instructor received an email from Human Resources at International Nurse Academy notifying her that services as an instructor would not be required the week of September 12, through September 15, 2023.

On September 14, 2023, in a video filmed by a student in the International Nurse Academy CNA program, the Program Director, Muganda, told students that “the plan is not to have a teacher all the time as you should be working together with this assignment and when the instructor comes back she will go over all you did.” Muganda also stated to students that they still had to come to class “even when an instructor isn’t there because you are getting counted for the assignments and the labs.”

On October 16, 2023, during an interview with Board Staff, Student #2 stated that during the second week of class the 12th and the 14th of September 2023, there was no instructor there. On September 15, 2023, during an interview with Board Staff, David Muganda, Program Administrator of International Nurse Academy stated that he told instructors to take off so students could get things done. Respondent failed to provide an approved RN instructor for the classroom learning on September 12, 2023 and September 14, 2023, to the September 2023 cohort at the International Nursing Academy. Students were given assignments and instructed to complete the assignments and the reading material amongst themselves. A Nursing Assistant program must always have an RN instructor present for all classes, both didactic and clinical pursuant to A.A.C. Rule 4-19-809(C)(9). Additionally, the program failed to maintain minimum standards of acceptable and prevailing educational practice when a qualified RN instructor was not present during scheduled classroom sessions.

3. On September 14, 2023, a video was filmed by a student in the International Nurse Academy CNA program. During the discussion in the video, the Program Director, David Muganda addressed all three cohort students, two of whom stated they were concerned about the lack of any instructor present during class time. In front of the other students, Muganda stated to one student that she had not completed her required TB test, and stated to another student that she had not completed her required physical exam. Muganda then stated that he was essentially doing the students a favor by allowing them to attend class in violation of the basic requirements of the program. These disclosures are a violation of the students’ confidentiality protections under FERPA, and also reflect that Muganda intentionally violated the policies of the program.

The standard of educational practice requires a nursing assistant program to maintain confidentiality of student records, and to follow its own policies. Respondent violated this standard by disclosing confidential student information and violating its policies that required a TB test and physical prior to commencing the program

4. As of October 20, 2023, International Nurse Academy is advertising, on their website, a nursing assistant training from November 3rd to December 9th, 2023, located at Wellsprings Therapy Center in Gilbert. As of October 20, 2023, International Nurse Academy does not have an instructor, coordinator, or physical site that is Board approved and is falsely advertising and recruiting for the program without the necessary resources to hold a nursing assistant training program.

International Nurse Academy advertised a class schedule of Monday through Friday from 0700 to 1530. Respondent then revised this schedule as a result of having only three students in the program to Monday through Thursday from 0700 to 1100. International Nurse Academy falsely advertised the length of their CNA program.

5. International Nurse Academy failed to submit written documentation to the Board within 30 days for a change in coordinator and instructors and a change in classroom location, as required by rule. Respondent's Coordinator resigned on on July 31, 2023, according to a coordinator transition document included in the Respondent Questionnaire Response by Muganda on September 27, 2023. Instructor's last day was September 7, 2023. R4-19-801 (A) (11) (a) requires that programs submit written documentation and information regarding program changes within 30 days of the change. The Board was not notified that Respondent did not have a coordinator since July 31, 2023 or received any applications for a new coordinator. As of November 3, 2023 Respondent does not have an approved coordinator or instructors.

6. On September 15, 2023, during an interview with Board Staff, Muganda, Administrator of International Nurse Academy stated that the CNA program currently has no Coordinator or Instructors. On July 31, 2023, Program Coordinator resigned. On September 14, 2023, the Executive Director of Wellsprings Therapy Center of Gilbert informed David

Muganda, Program Director of International Nurse Academy that the program would have to vacate the facility due to the concerns that were expressed to him by students. As of November 2, 2023, International Nurse Academy does not have an instructor, coordinator, or physical site that is Board approved and does not currently meet rule requirements for nursing assistant training programs.

7. On September 27, 2023, International Nurse Academy’s Administrator David Muganda provided Board Staff and email containing 13 documents. One of the documents is titled “revised fees Arizona Board of Nursing Nurse Assistant Program.” This document is a fee policy that is unclear and appears to represent that the fees are set by or collected by the Arizona State Board of Nursing.

8. As of November 14, 2023, International Nurse Academy is advertising, on their website, a nursing assistant training for the following dates

- December 1st to December 22nd
- December 2nd to January 7th
- December 4 to January 4th
- January 4th to February 1st
- January 6th to February 11th
- January 4th to February 6th
- February 2nd to February 22nd
- February 17th to March 24th
- February 8th to March 12th
- February 23rd to March 15th
- March 30th to May 5th
- March 14th to April 16th

located at Springdale Village Assisted Living in Mesa. As of November 14th, 2023, International Nurse Academy does not have an instructor, coordinator, or physical site that is

Board approved and is falsely advertising and recruiting for the program without the necessary resources to hold a nursing assistant training program.

### **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 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 this chapter or a rule that is adopted by the board pursuant to this chapter (effective September 29, 2021); and currently cited as A.A.C. R4-19-403 (1) A pattern of failure to maintain minimum standards of acceptable and prevailing nursing practice, (A) Program Administrative Responsibilities, 2.) If at any time, a person or entity offering a training program cannot provide a qualified instructor for its students, it shall immediately cease instruction and, if the training program cannot provide a qualified instructor within 5 business days, the training program shall offer all enrolled students a refund of all tuition and fees the students have paid to the program, 11.) A training program shall submit written documentation and information to the Board regarding the following program changes within 30 days of instituting the change: a.) For a change or addition of an instructor or coordinator, the name, RN license number, and documentation that the coordinator or instructor meets the applicable requirements of R4-19-802(B) and (C) for NA programs and R4-19-803 (B) for CMA programs, b.) For a change in classroom location, the previous and new location, and a description of the new class-room, c.) For a change in a clinical facility, the name and address of the new facility and a copy of the signed clinical contract, e. For a decrease in hours of the program, a written revised curriculum document that clearly highlights new content, strikes out deleted content and includes revised hours of instruction, as applicable, (C) Classroom and clinical instruction 3.) A training program shall provide a clean, comfortable, distraction-free learning

environment for didactic teaching and skill practice, 8.) A training program instructor shall: a. Plan each learning experience, b.) Ensure that the curriculum meets the requirements of this Section, c.) Prepare written course goals, lesson objectives, class content and learning activities, d.) Schedule and achieve course goals and objectives by the end of the course, and e.) Require satisfactory performance of all critical elements of each skill under R4-19-802(H) for nursing assistant and R4- 19-803(D)(4) for medication assistant before allowing a student to perform the skill on a patient or resident without the instructor's presence at the bedside, and 9.) A qualified RN instructor shall be present at all times and during all scheduled classroom, skills laboratory and clinical sessions. In no instance shall a nursing assistant or other unqualified person provide any instruction, reinforcement, evaluation or independent activities in the classroom or skills laboratory; R4-19- 802 (D) Clinical and classroom hour requirements and resources 1.) A nursing assistant training program shall ensure each graduate receives a minimum of 120 hours of total instruction consisting of: a.) Instructor-led teaching in a classroom setting for a minimum of 40 hours, b.) Instructor- supervised skills practice and testing in a laboratory setting for a minimum of 20 hours; and R4- 19-805 (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: 1.) Failing to maintain minimum standards of acceptable and prevailing educational practice, 2.) Any violation of this Article, 4). Failing to follow the program's or parent institution's mission or goals, program design, objectives, or policies, 5.) Failing to provide the classroom, laboratory or clinical teaching hours required by this Article or described in the program description, 6.) Enrolling students in a program without adequate faculty, facilities, or clinical experiences, as required by this Article, 8.) Failing to comply with Board requirements within designated timeframes, 9.) Engaging in fraud, misrepresentation or deceit in advertising, recruiting, promoting or implementing the program, and 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(O) to revoke, suspend or take other disciplinary action against Respondent's Program approval of certified nurse assistant program in the State of Arizona.

However, in lieu of a hearing on these issues, Respondent admits the Board's Findings of Facts and Conclusions of Law and 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 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 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 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 Consent 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.

Board Date: November 16, 2023

  
David Muganda (Nov 27, 2023 12:20 MST)

International Nurse Academy, Respondent

Dated: Nov 27, 2023





Joey Ridenour, R.N., M.N., F.A.A.N.  
Executive Director  
ARIZONA STATE BOARD OF NURSING

Acceptance Date: Nov 27, 2023

**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 are accepted.

B. Respondents Nursing Assistant Program approval is hereby revoked; however, the revocation is stayed for as long as Respondent remains in compliance with this Order. During the stay of the revocation, Respondent's program approval is placed on Stayed Revocation Suspension not to exceed 6 months, with terms and conditions. Upon successful completion of the terms of the Stayed Revocation Suspension, Respondent's program approval will be placed on, at minimum, a 36-month Stayed Revocation Probation with terms and conditions. Prior to termination of Stayed Revocation Probation, Respondent shall operate its Nursing Assistant Program for a minimum of 36 months.

C. While this Order is in effect and/or Respondent's license is subject to discipline, up to and including revocation or voluntary surrender, Respondent is not eligible to renew any other expired program approval previously held by Respondent without prior review and approval by the Board.

D. If Respondent is non-compliant with any of the terms of the Order, the stay of the Revocation shall be lifted and Respondent's program approval shall be automatically revoked, and Program may not apply for reissuance for a minimum period of 2 years. The Board or its designee, in its sole discretion, shall determine non-compliance with the stayed portion of the Order.

E. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual or facility Respondent shall provide all pages of the Consent Agreement and Order, and to include the attachments/exhibits, if any.

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

**TERMS OF STAYED REVOCATION SUSPENSION**

1. No Program Operation: Surrender of Program Approval

Upon acceptance of this Order by the Board or the Board's designee, and throughout the duration of the Stayed Revocation Suspension, Respondent shall not operate a Nursing Assistant Program in the State of Arizona during this period.

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## 2. Evaluations

Outside Evaluation: Within 30 days of the effective date of this Order, Respondent shall engage the services of a consultant approved by the Board, who is at least master's level prepared with at least 5 years experience as either a consultant for nursing assistant programs or administrator of nursing assistant programs, to evaluate the entire nursing assistant program, including clinical components, and provide a written evaluation with any recommendations for remediation, with a timeline for implementation. Respondent shall cause the evaluator to provide the evaluation and recommendations to the Board within 60 days of this order.

After receipt of the comprehensive report, the consultant shall continue to provide monthly reports to the Board during the period of suspension.

Prior to admitting students, including accepting tuition funds, Respondent shall cause the consultant to provide the Board with an assessment confirming that both students and patients will be adequately protected during all aspects of the program and that students will receive adequate training that meets rule requirements.

**If Respondent fails to engage the services of a Board-approved consultant who is at least master's level prepared with at least 5 years of experience as either a consultant for nursing assistant programs or administrator of nursing assistant programs, or the Board does not receive confirmation from the consultant that both students and patients will be adequately protected during all aspects of the program and that students will receive adequate training that meets rule requirements, Respondent's program approval shall be revoked automatically. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.**

## 3. Other Requirements

- Abstain from advertising or enrolling of students
- Within 60 days, submit the following to the Board:
  - Detailed syllabus of classes offered, day, night or weekend, to include: days, times, content, breakdown of each component of

didactic, skills and clinical. Also include a detailed topical schedule of each class

- Detailed curriculum for each class
- Staff orientation packet with schedule for staff training times and content of the training with attendance logs
- In addition to other orientation and training, at minimum two hours of training on Article 8 of the Nurse Practice Act for all instructors.
- Respondent shall submit to the Board an attendance log and outline of the training
- Full accounting of tuition funds received and any refunded to students since program inception
- Any/all contracts with high schools or other organizations
- Copy of contract with current physical site facility

**If Respondent fails to abstain from advertising or enrolling students during the period of Stayed Revocation Suspension, or Respondent fails to provide the Board with the listed items within 60 days from the effective date of this Order, Respondent's program approval shall be revoked automatically. Respondent waives any and all rights to a hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph.**

4. Completion of Suspension

Prior to admitting students, including accepting tuition funds, Respondent shall cause the consultant to provide the Board with an assessment confirming that both students and patients will be adequately protected during all aspects of the program and that students will receive adequate training that meets rule requirements; shall maintain abstinence from advertising or enrolling of students during the entire suspension period, and shall provide the listed items to the Board within 60 days. After Respondent has successfully completed all terms of the Stayed Revocation Suspension as determined by the Board's designee, Respondent's certified nursing assistant

program approval shall be placed on Stayed Revocation Probation for at minimum, 36 months with terms and conditions.

### **TERMS OF STAYED REVOCATION PROBATION**

1. Notification of Public/Approval Listed as “Probation”

Within seven days of the effective date of this Stayed Revocation Probation portion of the 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:

- Admissions
- Attrition
- Completion Rates
- Curriculum Changes
- 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.

- Personnel changes
- All policy revisions
- Timely notification of any program changes that are or may be in violations of this agreement.

- D&S pass rates
- Clinical documentation for each students
- Clinical attendance sheets
- Admission test scores for each student admitted into the program

- Results of confidential and anonymous student evaluations of nursing courses, instructors, and the overall program.

- Status of all recommendations from external consultant

3. Consultant

During the probationary period, Respondent shall cause the consultant to submit quarterly reports to the Board that detail the progress of implementation of the consultant's recommendations and any other observations, concerns, or recommendations by the consultant.

**TERMS APPLICABLE THROUGHOUT THE STAYED REVOCATION SUSPENSION  
AND STAYED REVOCATION PROBATION**

1. Release of Information Forms

Respondent Program shall cause an authorized program representative to 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.

2. 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.

3. Renewal of Approval

In the event Respondent's nursing assistant 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 assistant program in Arizona.

4. 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.

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5. Costs

Respondent shall bear all costs of complying with this Order.

6. Violation of Stayed Revocation Suspension or Stayed Revocation Probation

While this Order is in effect, if Respondent is non-compliant with the terms of the Order in any way, the stay of the Revocation shall be lifted and Respondent's program approval shall be automatically revoked, and Respondent may not apply for reissuance for a minimum period of 2 years. The Board or its designee, in its sole discretion, shall determine non-compliance with the stayed portion of the Order. Respondent waives any and all rights to any further review, hearing, rehearing or judicial review of any revocation imposed pursuant to this paragraph. If Respondent Program is noncompliant with this Order in any respect, the Board or its designee may also notify Respondent Program's accreditation agency, including the institutional accrediting agency, of the noncompliance. 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.

7. Voluntary Surrender of Approval

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

8. Completion of Order

Upon successful completion of the terms of the order, Respondent may request formal review by the Board, and after formal review by the Board, Respondent's approval may be fully restored by the appropriate Board action if compliance with this Order has been demonstrated.

9. For all evaluations

Respondent shall complete all recommendations of the evaluator and submit quarterly reports unless otherwise noted. Board reserves the right to amend the Consent Agreement

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based on recommendations of the evaluator

Board Date: November 16, 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

Acceptance Date: Nov 27, 2023

JR/SB/tv

Transmitted for Respondents signature this 24<sup>th</sup> day of November, 2023, via Adobe Sign to:

International Nurse Academy  
davem@internationalhealthacademy.net

By: T. Vasquez  
Legal Secretary

Fully Executed copy sent this 29th day of November, 2023, via Adobe Sign to:

International Nurse Academy  
davem@internationalhealthacademy.net

By: T. Vasquez  
Legal Secretary