



1 instructor comes back she will go over all you did.” Muganda also stated to students “that they  
2 still had to come to class even when an instructor isn’t there because you are getting counted for  
3 the assignments and the labs.”

4 On October 16, 2023, during an interview with Board Staff, Student #2 stated that during the  
5 second week of class the 12th and the 14th, there was no instructor there. On September 15,  
6 2023, during an interview with Board Staff, David Muganda, Program Administrator of  
7 International Nurse Academy stated that he told instructors to take off so students could get  
8 things done. Respondent failed to provide an approved RN instructor for the classroom learning  
9 on 9/12/2023 and 9/14/2023 to the 9/2023 cohort at the International Nursing Academy.  
10 Students were given assignments and instructed to complete the assignments and the reading  
11 material amongst themselves. A Nursing Assistant program must always have an RN instructor  
12 present for all classes, both didactic and clinical pursuant to A.A.C. Rule 4-19-809(C)(9).  
13 Additionally, the program failed to maintain minimum standards of acceptable and prevailing  
14 educational practice when a qualified RN instructor was not present during scheduled classroom  
15 sessions.  
16  
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18 2. On September 14, 2023, a video was filmed by a student in the International  
19 Nurse Academy CNA program. During the discussion in the video, the Program Director, David  
20 Muganda addressed all three cohort students, two of whom stated they were concerned about  
21 the lack of any instructor present during class time. In front of the other students, Muganda  
22 stated to one student that she had not completed her required TB test, and stated to another  
23 student that she had not completed her required physical exam. Muganda then stated that he was  
24 essentially doing the students a favor by allowing them to attend class in violation of the basic  
25 requirements of the program. These disclosures are a violation of the students’ confidentiality  
26

1 protections under FERPA, and also reflect that Muganda intentionally violated the policies of  
2 the program. The standard of educational practice requires a nursing assistant program to  
3 maintain confidentiality of student records, and to follow its own policies. Respondent violated  
4 this standard by disclosing confidential student information and violating its policies that  
5 required a TB test and physical prior to commencing the program.  
6

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

13 International Nurse Academy advertised a class schedule of Monday through Friday from 0700  
14 to 1530. Respondent then revised this schedule as a result of having only three students in the  
15 program to Monday through Thursday from 0700 to 1100. International Nurse Academy falsely  
16 advertised the length of their CNA program.  
17

18 4. International Nurse Academy failed to submit written documentation to the  
19 Board within 30 days for a change in coordinator and instructors and a change in classroom  
20 location, as required by rule. Respondent's coordinator, Daniela Stone resigned on 7/31/2023,  
21 according to a coordinator transition document included in the Respondent Questionnaire  
22 Response by Muganda on 9/27/2023. Instructor Cierra Beckett's last day was 9/7/2023. R4-19-  
23 801 (A) (11) (a) requires that programs submit written documentation and information  
24 regarding program changes within 30 days of the change. The Board was not notified that  
25 Respondent did not have a coordinator since 7/31/2023 or received any applications for a new  
26

1 coordinator. As of 11/3/2023 Respondent does not have an approved coordinator or instructors.

2 5. On September 15, 2023, during an interview with Board Staff, David Muganda,  
3 Administrator of International Nurse Academy stated that the CNA program currently has no  
4 Coordinator or Instructors. On July 31, 2023, program coordinator Daniela Stone resigned. On  
5 September 14, 2023 Executive Director of Wellsprings Therapy Center of Gilbert informed  
6 David Muganda, Program Director of International Nurse Academy that the program would  
7 have to vacate the facility due to the concerns that were expressed to him by students. As of  
8 November 2, 2023, International Nurse Academy does not have an instructor, coordinator, or  
9 physical site that is Board approved and does not currently meet rule requirements for nursing  
10 assistant training programs.  
11

12 6. On September 27, 2023, International Nurse Academy's Administrator David  
13 Muganda provided Board Staff and email containing 13 documents. One of the documents is  
14 titled "revised fees Arizona Board of Nursing Nurse Assistant Program." This document is a fee  
15 policy that is unclear and appears to represent that the fees are set by or collected by the Arizona  
16 State Board of Nursing.  
17

18 7. On November 2, 2023, Board Staff spoke with David Muganda, Administrator of  
19 International Nurse Academy telephonically. Muguanda informed Board Staff that four students  
20 are waiting to start the nursing assistant program on November 3, 2023 which is advertised on  
21 the International Nurse Academy website. Muganda stated that two to three students have  
22 already paid for the course starting on November 3, 2023. A nursing assistant program may  
23 accept tuition and begin teaching a cohort only with a Board-approved physical site,  
24 coordinator, and instructor(s), as required by rule. The program failed to maintain minimum  
25 standards of acceptable and prevailing educational practice when accepting payment from  
26

1 students for a program that does not have a Board approved physical site, instructor, or  
2 coordinator.

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

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

17 located at Springdale Village Assisted Living in Mesa. As of November 14th, 2023,  
18 International Nurse Academy does not have an instructor, coordinator, or physical site that is  
19 Board approved and is falsely advertising and recruiting for the program without the necessary  
20 resources to hold a nursing assistant training program.  
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23 **PRELIMINARY CONCLUSIONS OF LAW**

24 The Board has the authority to regulate and control the practice of nursing in the State of  
25 Arizona, pursuant to A.R.S. §§ 32-1606, 32-1663, 32-1664, and 41-1092.11(B). The Board also  
26

1 has the authority, pursuant to A.R.S. §§ 32-1601(26); 32-1605.01(B)(8); 32-1606(B)(1, 2, 8,  
2 10,11), 32-1645(A)(2) and (B)(2); 32-1647, 32-1663, 32-1664, 32-1667(3) to impose  
3 disciplinary sanctions against regulated parties including nursing assistant programs for  
4 violations of the Nurse Practice Act, A.R.S. §§ 32-1601 through 1667, and A.A.C. R4-19-101 to  
5 R-19-815. If the Board determines that an approved program has committed unprofessional  
6 conduct, it may take disciplinary action against the approval.  
7

8 The conduct and circumstances described in the Preliminary Findings of Fact constitutes  
9 unprofessional conduct and grounds to take disciplinary action pursuant to A.R.S. 32-1663 and  
10 32-1664, and violates the following statutes and rules currently cited as A.R.S. § 32-1663 (D) as  
11 defined in A.R.S. § 32-1601 (27) (effective September 29, 2021), where "Unprofessional  
12 conduct" includes the following, whether occurring in this state, or elsewhere:

- 13 1. **A.R.S. § 32-1601(27)(d)** Any conduct or practice that is or might be harmful or  
14 dangerous to the health of a patient or the public;
- 15 2. **A.R.S. § 32-1601(27)(h)** Committing an act that deceives, defrauds or harms the  
16 Public;
- 17 3. **A.R.S. § 32-1601(27)(j)** Violating this chapter or a rule that is adopted by the  
18 board pursuant to this chapter.  
19

20 For purposes of A.R.S. § 32-1601(27)(d), any conduct or practice that is or might be  
21 harmful or dangerous to the health of a patient or the public includes one or more of the  
22 following:

23 4. **R4-19-801 (A) (2)**

24 A. Program Administrative Responsibilities  
25  
26

1           2. If at any time, a person or entity offering a training program cannot provide a qualified  
2 instructor for its students, it shall immediately cease instruction and, if the training program  
3 cannot provide a qualified instructor within 5 business days, the training program shall offer all  
4 enrolled students a refund of all tuition and fees the students have paid to the program.

5           **5. R4-19-801 (11) (a) (b) (c) (e)**

6           11. A training program shall submit written documentation and information to the Board  
7 regarding the following program changes within 30 days of instituting the change:

8           a. For a change or addition of an instructor or coordinator, the name, RN license  
9 number, and documentation that the coordinator or instructor meets the applicable requirements  
10 of R4-19-802(B) and (C) for NA programs and R4-19-803 (B) for CMA programs;

11           b. For a change in classroom location, the previous and new location, and a description  
12 of the new class-room;

13           c. For a change in a clinical facility, the name and address of the new facility and a copy  
14 of the signed clinical contract;

15           e. For a decrease in hours of the program, a written revised curriculum document that  
16 clearly highlights new content, strikes out deleted content and includes revised hours of  
17 instruction, as applicable.

18           **6. R4-19-801 ( C ) (3) (8) (9)**

19           C. Classroom and clinical instruction

20           3. A training program shall provide a clean, comfortable, distraction-free learning  
21 environment for didactic teaching and skill practice.

22           8. A training program instructor shall: a. Plan each learning experience; b. Ensure that  
23 the curriculum meets the requirements of this Section; c. Prepare written course goals, lesson  
24  
25  
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1 objectives, class content and learning activities; d. Schedule and achieve course goals and  
2 objectives by the end of the course; and e. Require satisfactory performance of all critical  
3 elements of each skill under R4-19-802(H) for nursing assistant and R4-19-803(D)(4) for  
4 medication assistant before allowing a student to perform the skill on a patient or resident  
5 without the instructor's presence at the bedside.

6  
7 9. A qualified RN instructor shall be present at all times and during all scheduled  
8 classroom, skills laboratory and clinical sessions. In no instance shall a nursing assistant or  
9 other unqualified person provide any instruction, reinforcement, evaluation or independent  
10 activities in the classroom or skills laboratory.

11 **7. R4-19-802 (D) (1) (a, b)**

12 R4-19-802. Nursing Assistant (NA) Program Requirements

13 D. Clinical and classroom hour requirements and resources

14 1. A nursing assistant training program shall ensure each graduate receives a minimum of 120  
15 hours of total instruction consisting of:

16 a. Instructor-led teaching in a classroom setting for a minimum of 40 hours;

17 b. Instructor-supervised skills practice and testing in a laboratory setting for a minimum of 20  
18 hours; and  
19

20 **8. R4-19-805 (B) (1, 2, 4, 5, 6, 8, 9, 12)**

21 B. Unprofessional program conduct. A notice of deficiency or a disciplinary action including  
22 denial of approval or rescission of approval may be issued against a training program for any of  
23 the following acts of unprofessional conduct:

24 1. Failing to maintain minimum standards of acceptable and prevailing educational practice;

25 2. Any violation of this Article;  
26

- 1 4. Failing to follow the program's or parent institution's mission or goals, program design,  
2 objectives, or policies;
- 3 5. Failing to provide the classroom, laboratory or clinical teaching hours required by this Article  
4 or described in the program description;
- 5 6. Enrolling students in a program without adequate faculty, facilities, or clinical experiences, as  
6 required by this Article;
- 7 8. Failing to comply with Board requirements within designated timeframes;
- 8 9. Engaging in fraud, misrepresentation or deceit in advertising, recruiting, promoting or  
9 implementing the program;
- 10 12. Engaging in any other conduct that gives the Board reasonable cause to believe the  
11 program's conduct may be a threat to the safety or welfare of students, faculty, patients or the  
12 public.  
13  
14


15 **FINDING OF PUBLIC EMERGENCY AND ORDER**

16 Based upon the facts and circumstances set forth in the Preliminary Findings of Fact and  
17 Preliminary Conclusions of Law, the Board finds that the public health safety and welfare  
18 imperatively requires emergency action.

19 **IT IS THEREFORE ORDERED, pursuant to A.R.S. § 41-1092.11(B), and effective**  
20 **immediately, that INTERNATIONAL NURSE ACADEMY, PROGRAM APPROVAL**  
21 **NO. NA1027, ("Respondent"), is SUMMARILY SUSPENDED pending proceedings for**  
22 **revocation and other action by the Board. A hearing in this matter shall be promptly**  
23 **instituted and determined.**  
24

25 Dated this 16<sup>th</sup> day of November, 2023.

26 SEAL

  
\_\_\_\_\_  
Carolyn Jo McCormies, RN, MSN, FNP-BC  
Board President

1 **COPIES HAND-DELIVERED** in the Board office this        day of       , 2023 to:

2  
3  
4 **COPIES** mailed this 16<sup>th</sup> day of NOVEMBER, 2023 by First Class Mail and Certified Mail  
5 Receipt No. 9589 0710 5270 1275 6304 25 to:

6 Dave Muganda, Owner  
7 International Nurse Academy  
8 3310 Mercy Road  
9 Gilbert, AZ 85297  
10 davern@internationalhealthacademy.net  
11 Respondent

12 **COPY** hand-delivered this 16<sup>th</sup> day of NOVEMBER, 2023, to:

13 Deborah Abbey  
14 Assistant Attorney General  
15 2005 N. Central Ave SGD/LES  
16 Phoenix AZ 85004-1592

17 By: TRINA Smith  
18 Hearing Department Staff  
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23  
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