

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF NA4029
ISSUED TO: MOON VALLEY HIGH SCHOOL
NURSING ASSISTANT PROGRAM

Moon Valley High School
3625 W. Cactus Road
Phoenix, AZ 85029

RESPONDENT

**CONSENT AGREEMENT
AND
ORDER NO. 010101NA4029**

The Arizona State Board of Nursing (“Board”) and Moon Valley High School CNA Program (“Respondent”) seek to resolve allegations that Respondent 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. Respondent holds Board-issued program approval for a Nursing Assistant program, operating in Phoenix, Arizona, receiving its original approval in 2001. Respondent’s last program approval was on October 20, 2022.

2. Respondent’s first time student pass rate on the State of Arizona mandated written and manual skills certifying examinations were below the minimum requirement as required in

Arizona Administrative Code (“A.A.C.”) R4-19-801(E) in 2022. Based upon this information, the Board initiated an investigation.

3. Respondent’s Nursing Assistant (NA) program’s first-time student pass rate on the written and the skills certifying examinations, are below the minimum requirement as required in R4-19-801(E). Specifically, according to D&S Diversified Technologies, the approved test vendor, Respondent’s annual pass rate for the written exam in 2023 was 63% and the skills was 94%. The Arizona State average for the 2023 calendar year was 85% for written and 79% for the manual skills exam. Programs falling below the standard are those with less than 65% on the written exam and 59% on skills. The program tested 16 students.

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 correctly 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 and (j) Violating this chapter or a rule that is adopted by the board pursuant to this chapter (effective August 9, 2017); and A.A.C. R4-19-801 (E) Certifying Exam Passing Standard: A training program and each site of a consolidated program under R4-19-802 (E) shall attain, at a minimum, an annual first-time passing rate on the manual skill and written certifying examinations that is equal to the Arizona average pass rate for all candidates on each examination minus 20 percentage points. The Board may waive this requirement for programs with less than five students taking the exam during the year. The Board shall issue a notice of deficiency under A.A.C. R4-19-805 to any program

with five or more students taking the exam that fails to achieve the minimum passing standard in any calendar year.

However, in lieu of a hearing, Respondent 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 admits to the Board's Findings of Fact and Conclusions of Law.

Respondent 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.

Respondent understands the right to consult legal counsel prior to entering into this Consent Agreement and such consultation has been either 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 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.



Rhonda Sykes
Rhonda Sykes (Apr 18, 2024 13:13 PDT)

Signature or Approved Respondent Representative
Moon Valley High School

04/18/2024

Date

04/18/2024

Print the signer's name AND title

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: 04/18/2024

JR/CG/sb

ORDER

In view of the above the 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 this Order and waiver of hearing is accepted.

B. Respondent's approval is hereby placed on probation for a minimum of 12 months, with terms and conditions.

C. 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.

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

E. This Order becomes effective upon the Board and Respondent's acceptance of the Order. The effective date of this Order is the date the Consent Agreement is signed by the Respondent and accepted by the Board or its designee. If Order is signed on different dates, the later date is the effective date.

F. At any time Respondent is required by terms of the Order to provide a copy of the Order to another individual, entity, or facility, Respondent must provide all pages of the Order.

G. The probation is subject to the following terms and conditions.

TERMS OF PROBATION

1. **Notification of Public**

Within 7 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. Admission Report

a. Number of Admissions: Notify the Board at least 15 days before the start of each cohort with the dates the cohort starts and finishes, number of students admitted to the cohort, students names, facility name where clinical experience will take place, and faculty names who will be teaching each section: didactic, skills and clinical.

3. Graduation Report by Cohort

Respondent to provide a written report at the end of each semester and an end of the year report. Semester Reports will be due July 15, 2024 and January 15, 2025, with the End of Year Report due April 1, 2025 to include the following information:

4. Cohort Reports shall include:

- 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 violation of this agreement
- D&S pass rates (When testing has occurred and summary in the End of Year Report)
- Admission test scores for each student admitted into the program (Include in both Semester Reports)
- Results of confidential and anonymous student evaluations of nursing courses, instructors, and the overall program
- Final semester grades for each student. (Include in the End of the Year Report)

4. 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.

5. 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.

6. 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.

7. 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.

8. Cost

Respondent shall bear all costs of complying with this Order.

9. Violation of Probation

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

10. Voluntary Surrender of Approval

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

11. 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.

12. For all evaluations

Program will be required to comply with all recommendations of the evaluator and submit all reports unless otherwise noted.

Board Date: March 22, 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: 04/18/2024

JR/CG:sb

Transmitted this day 15th day of April, via Adobe Sign to:
Rhonda Sykes rhonda.sykes@guhsdaz.org

Also sent via US Mail *and* US Certified Mail () to: Moon Valley High School
3625 W. Cactus Road
Phoenix, AZ 85029

By: Sarah Burton
Administrative Assistant III

Fully Executed copy sent this 18th day of April, via Adobe Sign to:

Also sent via US Mail *and* US Certified Mail (7021 1970 0000 9121 6228) to:

Moon Valley High School
3625 W. Cactus Road
Phoenix, AZ 85029

By: Sarah Burton
Administrative Assistant III

Signature: *Sarah Burton*

Email: sburton@azbn.gov