

BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF APPLICATION FOR
UNIVERSITY OF ARIZONA ADVANCED
PRACTICE MIDWIFERY NURSING
PROGRAM

University of Arizona
1305 N. Martin Avenue, PO Box 210203
Tucson, AZ 85721

APPLICANT

**DECREE OF CENSURE WITH
CIVIL PENALTY**

**CONSENT AGREEMENT
AND
ORDER NO. 240201APAZ0004**

The Arizona State Board of Nursing (“Board”) and University of Arizona (“Applicant”) seek to resolve allegations that University of Arizona Advanced Practice Midwifery 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 Midwifery nursing program approval on March 1, 2024.
2. Beginning in Fall of 2022, Applicant, University of Arizona, offered an Advanced Practice Midwifery Nursing Program in Arizona for students without Arizona Board approval, or under any exemption, which is a violation of R4-19-503.

3. Beginning in the September of 2022, University of Arizona College of Nursing began offering a Midwifery Doctorate of Nursing Practice program and Post Masters Certificate in Midwifery program without approval from the Board of Nursing. In September 2022, the program admitted three DNP program students into the midwifery speciality. In the Fall of 2023, the program admitted nine DNP Program students into the midwifery speciality. On March 1, 2024, the Board received the Programs application for the midwifery program.

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; (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.

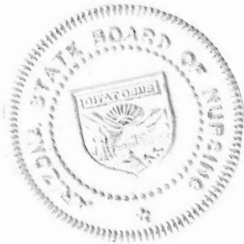
Furthermore, and notwithstanding any language in this Consent Agreement, this Consent Agreement does not preclude in any way any other state agency or officer or political subdivision of this state from instituting proceedings, investigating claims, or taking legal action as may be appropriate now or 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 political subdivision of the state relating to this matter or other matters concerning Applicant.



Signature or Approved Applicant Representative
Dr. Ronald Marx, Interim Senior Vice President for
Academic Affairs and Provost
University of Arizona

Ronald W. Marx, Provost

Print the signer's name *and* title



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: March 28, 2024

JR/SB:sb

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 approval shall be granted.

C. Applicant shall be assessed a Civil Penalty in the amount of \$5000.00.

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.

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

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

expired approval previously held by Applicant without prior review and approval by the Board.

Board Date: March 22, 2024

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: March 28, 2024

Acceptance Date: March 28, 2024

JR/SB:sb

Transmitted this 25th day of March 2024, via email to:
Marki Stewart mstewart@cblawyers.com

Also sent via US Mail and US Certified Mail (CertNumber) to:
University of Arizona
1305 N. Martin Avenue, PO Box 210203
Tucson, AZ 85721

By: Sarah Burton
Administrative Assistant III

Fully Executed copy sent this 28th day of March, via to:
Marki Stewart mstewart@cblawyers.com

7020 2450 0001 4320 1478

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Tucson, AZ 85721

By: Sarah Burton
Administrative Assistant III