BEFORE THE ARIZONA STATE BOARD OF NURSING

IN THE MATTER OF ARIZONA COLLEGE BSN PROGRAM, TEMPE CAMPUS NURSING PROGRAM NO. US96500100 ISSUED TO: ARIZONA COLLEGE 1620 W. FOUNTAINHEAD PARKWAY TEMPE, AZ 85282 RESPONDENT	**CONSENT AGREEMENT for PROBATION** **&** **ORDER NO. 210504RN96500100**

CONSENT AGREEMENT

The Arizona State Board of Nursing ("Board") and Arizona College ("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 full approval for a registered nursing program, operating in Tempe, Arizona, receiving its original approval in 2013. Respondent's current approval expires June 30, 2022.

2. Between May 6, 2021 and November 3, 2021 the Board received and identified 14 complaints regarding Respondent nursing program including complaints from students and faculty alleging issues with adequate control of the program by the

program administrator, non-compliance with program policies and standards, a high number of program and course changes without adequate notice to students, inadequate clinical faculty, and a decline in BSN completion rates; and an allegation of providing false information to an accrediting agency that was not substantiated after the Board's investigation.

3. The Administrator had inadequate control over the program in calendar year 2021, with decisions made by people in corporate positions and without adequate input from the Dean and/or faculty. This is in violation of: R4-19-203. C.5(i); R4-19-201. A.7; and R4-19-203.C. Examples include the following:

A. In 2021, Arizona College's Provost and Chief Operating Officer determined that the Respondent nursing program would dismiss all its clinical faculty who held baccalaureate (Bachelor's) degrees and require only Master's prepared clinical faculty in order to comply with what Respondent asserts they believed at the time was an accreditation requirement. Respondent asserts that nursing program deans were aware of this change for several months. Respondent dismissed 32 BSN clinical faculty in August 2021, approximately two weeks before the Fall semester commenced. This was against the recommendation of the Nursing Program Dean and faculty due to concern about not being able to replace the clinical faculty with Master's-prepared faculty. The program, through direction from the Provost and his team, continued the plan to admit approximately 140 students, despite the Dean's expressed concerns regarding gaps in clinical faculty. Two weeks into the semester, the staffing coordinator projected 65 unstaffed clinical shifts, 211 simulation hours, and 13.5 hours of skills lab not covered by faculty. These vacancies resulted in rescheduling or canceling multiple clinical experiences. From

August 30 - October 15, 2021, 19% of the clinical experiences were canceled primarily due to inadequate clinical faculty. This impacted some cohorts more than others with a range of 0 - 47% cancellation of clinicals per cohort experienced during that period. Documentation from the completed Fall 2021 semester indicated that for the total 891 scheduled clinical experiences for core nursing courses, 27.83% were changed, with 10.77% canceled altogether and 17.06% rescheduled to a different time. Respondent asserts that, from November 1, 2021, through December 5, 2021, only 0.8% of clinical experience hours were ultimately cancelled and not rescheduled, and all student clinical requirements were met for the Semester.

B. In the calendar year 2021, Respondent's Tempe campus Nursing Program Dean became aware of cheating by multiple students. In consultation with faculty, the Dean decided in June 2021 to disable the backward navigation button during test taking in the electronic Exam Soft platform to mitigate cheating. Later, around 6/25/21, Arizona College's Provost stated they could not disable backward navigation and instructed the Tempe campus Nursing Program Dean to discipline a faculty person related to disabling the back button. Nevertheless, in early July 2021, the Tempe campus Dean sent a communication to faculty informing them that they could disable the back button. On August 21, 2021, a new Faculty Handbook was instituted by Arizona College's Provost and his team, reversing the Tempe Nursing Program Dean's decision, and stating that they would be enabling backward navigation during exams. This reversing of decisions made by the program Dean reflects a lack of control over the nursing program by the nursing program Dean, which is a violation of the Nurse Practice Act.

C. On July 14, 2021, in the middle of a semester, Respondent's Provost sent out an email to the Deans announcing a new catalog with retirement of the current catalog, effective the same day. The new handbook stated that all exams would be taken in Exam Soft, the electronic platform. The existing practice for taking the med-math exam was using paper and pencil. Nursing program administrators and faculty were unaware of the change and so the 5th-semester students did the Med-Math test on paper the next day, thus not following the new policy. Students had not been prepared to take that test electronically. On a later examination, some students struggled with the new electronic testing, and the Tempe campus Dean therefore offered students an extra attempt to take the exam using paper and pencil, which was outside of the policy. The Dean stated that, although this was violating the new policy, she felt it was the fair and just action to take for the students given that the change was made mid-course. The manner and timing of the examination procedure change again reflects that nursing program Dean did not have control over their program testing processes, which is a violation of the Nurse Practice Act.

D. Respondent's Nursing Program's standardized curriculum has been under the authority of the Provost and his team, rather than the Nursing Program Deans, as required by the Arizona Nurse Practice Act. The Campus Deans stated to Board staff that they do not have decision-making authority related to curriculum, although they may have some input. This failure to permit the nursing program deans to control the nursing program curriculum is in violation of R4-19-203(C), which states that the administrator shall have the authority and responsibility to direct the program in all its phases, including directing activities related to curriculum.

4. AZ College demonstrated a pattern of noncompliance with their written policies and standards. This is in violation of: R4-19-201. B.2.c(ii) and R4-19-205.D. Examples include the following:

A. On June 12, 2021, ten students were on a clinical site in Mesa, Arizona without faculty supervision from clinical faculty for approximately 4 hours when the assigned clinical faculty reported to the wrong building and the error was not timely corrected. The Faculty Handbook 2020 and 2021 states that faculty are expected to be actively working with students and guiding their learning during clinical times and that faculty must always be available to students by cell phone even though they may be assisting another student. Faculty's absence from the clinical site while students were present is a violation of this policy, standards of educational practice that require clinical supervisor presence during student clinicals. Arizona College self-reported this incident.

B. On July 15, 2021, clinical faculty told students in the morning that she would be releasing them early from their clinicals at a hospital in Goodyear, Arizona, because it was her birthday and she wanted to leave early. She did release them at around 3:30 pm, rather than the scheduled time of 6 pm. Clinical faculty did not notify the Dean. She did notify the Associate Dean over 1 hour after she had dismissed the students and stated that she had just dismissed them (which was not accurate). Clinical faculty also did not conduct a post-conference with the students, which was required by policy. The Faculty Handbook 2020 and 2021 states that faculty are expected to be actively working with students and guiding their learning during clinical times; must always be available to students by cell

phone even though they may be assisting another student; must strictly adhere to the clinical schedule; and in the event a change is mandatory, the Dean must be notified. Clinical faculty's conduct violated program policy and rule requirements for clinical supervision. Arizona College self-reported this incident. Upon learning of this issue, the College sent a different clinical instructor to meet with the students, who then took them back to their clinical assignments and stayed on as their instructor.

C. On or around September 21, 2021, students were left unsupervised in a clinical setting for approximately 30 minutes while clinical faculty went off site to get lunch. The Faculty Handbook 2020 and 2021 states that faculty are expected to be actively working with students and guiding their learning during clinical times and must always be available to students by cell phone even though they may be assisting another student. Faculty's absence during student clinicals violated this policy.

D. There was failure to maintain minimum standard of educational practice during proctored test-taking in 2021, with multiple examples of cheating on exams reported by students, faculty, the Dean and the Chief Operating Officer of Nursing in the calendar year 2021. Proctoring was performed by faculty, counselors, and staff. Proctors were not paying close attention and had not been properly trained for the abrupt change to remote test taking that was required by COVID protocols. Cheating included students using the back button on exams to go back and change answers after receiving information from others.

5. Dean, faculty and students reported a number of programmatic and course changes without adequate notice and preparation in calendar year 2021. This is in violation of: R4-19-205.D. Examples include the following:

A. Respondent's Provost announced a new student handbook on July 14, 2021, mid-summer semester 2021, which included changes in testing procedures that would impact students taking the med-math test the next day, and other tests during that semester. This did not give students or faculty adequate time to prepare for and comply with the policy change.

B. The termination of 32 BSN-prepared clinical faculty two weeks before the start of the Fall 2021 semester without replacements and with approximately 144 new students starting did not leave adequate time to replace the clinical faculty. This resulted in multiple canceled and rescheduled clinical experiences for students.

C. The revised standardized curriculum was not adequately aligned with the standardized exams, resulting in a high failure rate for core nursing students in January and October 2021. However, Respondent asserts that students taking the exams in 2022 have not demonstrated a high failure rate. In January 2021 the first round of standardized exams were implemented on Tempe campus, and less than 6 percent passed. Of the less than 6 percent who passed, 100 percent were repeating the course for the second time. New standardized exams included questions that were not covered by faculty in the current curriculum and/or were not in alignment with some of the textbooks and resources. In addition to other violations, this violates the standard of educational practice that requires that a nursing program

provides student centered outcomes, a curriculum that is designed so that the student is able to achieve program objectives and is logically consistent within courses.

D. Respondent's standardized curriculum and exam process did not adequately prepare faculty or students for the transition to "NCLEX-type" exam questions and there was a significant disconnect between the curriculum taught, textbook and resource content, and the exam questions per students, faculty, and Dean. Failure to provide adequate preparation for students and faculty is a violation of the standard of practice, which requires that a nursing program first provide resources to faculty to orient them to new curriculum and exam processes, and then orient students to new processes, prior to beginning new examination processes, including aligning the content for exams into the curriculum taught to students by trained faculty. Respondent failed to provide preparation to faculty or students prior to transitioning to NCLEX-type examination questions, and those questions did not align with content taught in the course.

6. AZ College demonstrated inadequate clinical faculty in place to meet the needs of the students. This is in violation of: R4-19-205. A. Examples include the following:

A. 32 BSN Clinical faculty were laid off without qualified replacements in August 2021, two weeks before the new semester.

B. From August 30 - October 15, 2021, 19 percent of the clinical experiences for Tempe campus were canceled primarily due to inadequate clinical faculty.

This impacted some cohorts more than others with a range of 0 - 47 percent cancellation of clinicals per cohort during that period.

C. For the 2021 Fall semester, of the 819 scheduled clinical experiences for core nursing courses, 10.77 percent of the clinical experiences were canceled altogether and 17.06% were rescheduled experiences for students to replace the canceled clinicals primarily due to lack of qualified clinical faculty.

D. Respondent asserts that, fFrom November 1, 2021 through December 5, 2021, documentation indicates that only 0.8% of clinical experience hours were ultimately cancelled and not rescheduled.

E. For fall 2021 term, 43.2% of the adjunct/clinical faculty had no experience teaching (37 of 86 faculty).

7. AZ College has experienced a decline in the BSN completion rates and falls well below the standards adopted by the Commission of Collegiate Nursing Education (CCNE), AZ College's accreditor. This is a violation of R4-19-211. A.1.

A. Tempe campus has experienced a reduction of BSN students completing the nursing program from 71% in 2019, to 56% in 2020 and 56% in 2021, utilizing the Commission of Collegiate Nursing Education (CCNE) accreditation completion rate methodology. CCNE considers a completion rate of less than 70% as below the standard.

B. Respondent asserts that AZ College's Tempe campus has met the Board's own completion rate requirement of 45%, set forth in R4-19-206.H.

8. Arizona College's Tempe campus NCLEX pass rates have consistently been above the state average for the past four years. They were 100% in 2018 and 2019, 97% in 2020, 92% in 2021, and 100% so far in 2022, with only one student graduate not yet

tested. Arizona College asserts that these results demonstrate that its students have achieved program outcomes and have acquired more than minimal nursing competence, despite the issues identified above.

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 A.R.S. § 32-1601(26) (j) and (h); and Arizona Administrative code Rule R4-19-203.C.5.a(i); R4-19-201.A.7; R4-19-203.C; R4-19-201.B.2.c(ii); R4-19-205.D; R4-19-205.A; R4-19-211.A.(1).

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 in the State of Arizona.

Respondent admits the Board's Findings of Fact 4.A, 4.B, 4.C, 7 and 8 and its Conclusions of Law. Respondent notes that several of the incidents discussed above were self-reported. Respondent understands that the Board will adopt all of the Findings of Fact.

Nonetheless, in lieu of a formal hearing on these issues, Respondent agrees to issuance of the attached 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 all investigative materials prepared or received by the Board concerning these violations and all notices and pleadings relating thereto may be retained in the Board's file concerning this matter.

Respondent acknowledges that the Board finds that 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 either been obtained or is waived.

Respondent understands that this Consent Agreement is effective upon its acceptance by the Board 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 the Board and by Respondent. If the Consent Agreement is signed on different dates, the later date is the effective date.

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.

Shannon Olson

Shannon Olson, Dean of Nursing

Dated: 05/12/2022

ARIZONA STATE BOARD OF NURSING

Joey Ridenour RN MN FAAN

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

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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 is accepted.

B. Respondent's program approval is placed on probation for a minimum of 36 months.

C. Early termination eligible in 30 months and upon meeting all terms and conditions of probation.

D. This Order becomes effective upon the Board and Respondent's acceptance of the Consent Agreement. The effective date of this Order is the date the Consent Agreement is signed by the Board and by Respondent. If the Consent agreement is signed on different dates, the latter is the effective date. Probation is to commence the effective date of this Order.

E. 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 approval.

F. Probation is subject to the following terms and conditions:

TERMS OF PROBATION

1. Notification of Public

Within seven 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. Quarterly Reports

Beginning on July 14, 2022 and by the fourteenth day of every third month thereafter (October 14, January 14, April 14), Respondent shall provide the Board with accurate and complete quarterly reports containing the following, subject to the availability of the required information:

a. Admissions, and

b. Attrition by cohort, and

c. Standardized exam changes, and

d. Didactic and Clinical faculty/student ratios and clinical placements by cohort, and

e. On time graduation rates, and

f. Standardized Curriculum changes

g. Grievances, student appeals, and complaints - Any written complaints or concerns regarding the nursing program brought to the attention of the nursing program administrator and their resolution, and

h. Nursing department meeting minutes, and

i. Personnel changes, and

j. All policy revisions, and

k. Timely notification of any program changes that are or may be in violation of this agreement, and

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

m. Status of all recommendations from external consultant

3. Evaluations[1]

a. Evaluation——Within 30 days of the effective date of the Order, the program shall identify and submit the CV to the Board, a Board-approved nursing program consultant ("Consultant") to complete an outside evaluation of its program. The Consultant must meet established Board evaluator requirements, including a minimum of 5 years experience in consulting for nursing programs or as a nursing program administrator (for programs who have maintained good standing with their accreditors and government regulators) and hold a doctorate in nursing or nursing education.

b. Respondent shall, at its own expense, retain the Consultant, upon Board/designee approval, within 60 days of the effective date of this Order, unless an extension is granted by the Board or its designee.

c. Respondent shall cause the Consultant to comprehensively evaluate the nursing program including, but not limited to adequacy of infrastructure to support the number of admissions per year adequacy of standardized curriculum and its implementation, adequacy of faculty preparation for standardized curriculum, adequacy of testing practices, program operations in relation to faculty scheduling methods, adequacy of faculty/student ratios, adequacy of faculty onboarding and ongoing faculty development and resources, quality of simulation and skills lab experiences, adequacy

[1] All expenses associated with the Consultant and evaluation are the sole responsibility of Respondent.

and efficacy of student preparation for exams, and recommendations for faculty and Dean/Program Administrator governance/engagement.

d. Respondent shall cause the Consultant to provide a comprehensive evaluation report and recommendations to the Board within 90 days of the effective date of the Order. If Respondent makes a request for an extension, after Respondent has made good faith efforts to comply with the original deadlines and related to availability of the consultant, the Board or its designee may extend this period for up to 30 additional days, at its discretion. The evaluation report shall include time frames for implementation of recommendations.

e. Respondent shall implement the recommendations of the Consultant within the time frames as recommended by the Consultant, including any new recommendations that the consultant identifies during the term of this Order, including but not limited to additional education.

f. Respondent shall cause the Consultant to reevaluate the program in 12 months and provide a report to the Board on the progress of implementation of recommendations.

4. Faculty/Administrator Education

All educational requirements must be completed within 12 months of the effective date of this Order.

a. Curriculum: a minimum of 8 hours of training for each faculty member including fundamental principles to include progression across the

nursing program and integration of testing standards and content consistently for all courses. Training course content shall be submitted by Respondent and pre approved by Board staff.

b. Nursing Program Administrator/Coordinator education related to AZ Nurse Practice Act requirements and basic administrative operations for a nursing program for a minimum of 24 hours for all of Respondent's nursing program administrators and coordinators. Training course content shall be submitted to and pre-approved by Board staff.

c, Testing- review of testing requirements for best practices. Training course content shall be submitted to and pre-approved by Board staff.

5. Admissions. During the first 12 months of this Order, Respondent's ability to admit new students to the core nursing program is suspended, however this suspension is stayed while the program remains in compliance with this Order. Failure to comply with the Order may result in Board review and determination whether to lift the stay of suspension and thereby suspend new student admissions to the core nursing program until Arizona College demonstrates compliance with Order, as determined by the Board or its designee. Board review includes the opportunity for the program to address the Board and present documents to the Board for review at a regular or special Board meeting.

6. Faculty: Respondent shall (A) immediately maintain didactic and clinical faculty at the ratios of 1:30 for online didactic courses and 1:10 for clinical courses to include simulation; and shall achieve and maintain faculty/student ratios of 1:30 for in person didactic courses no later than the conclusion of the Fall 2022 semester; (B) not enroll additional students if the program does not have faculty available to teach each cohort with these ratios within the timeframes provided in section 6(A), above; and (C) provide

this information as part of its quarterly reports (see above), or monthly, if requested by Board staff.

7. Program Change Notification: Respondent must timely notify the Board of any program changes that are or may be in violation of this Order.

8. Interview with the Board or Its Designee

Respondent's authorized representative shall appear in person for interviews with the Board or its designee upon

request at various intervals and with reasonable notice.

9. Renewal of Approval

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

10. 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.

11. Costs

Respondent shall bear all costs of complying with this Order.

12. Violation of Probation

If Respondent is noncompliant with this Order in any respect, the Board or its designee may notify Respondent'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

notice and the opportunity to be heard. 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.

12. Voluntary Surrender of Approval

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

13. Completion of Order

Respondent is eligible for early termination of this Order. Upon successful completion of the terms of probation or after 30 months of compliance, 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.

14. Release of Information Forms

Respondent shall 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.

ARIZONA STATE BOARD OF NURSING

Joey Ridenour RN MN FAAN

Joey Ridenour, R.N., M.N., F.A.A.N.
Executive Director

Dated: May 25, 2022

JR/cj(EM/KS)

Transmitted this 25 day of May, 2022 to: Shannon Olson,
Arizona College Dean of Nursing (Tempe)