



Ohio Board of Nursing

www.nursing.ohio.gov

17 South High Street, Suite 400 • Columbus, Ohio 43215-7410 • (614) 466-3947

CONSENT AGREEMENT BETWEEN ANTONELLI COLLEGE PRACTICAL NURSING PROGRAM AND OHIO BOARD OF NURSING

This Consent Agreement is entered into by and between **ANTONELLI COLLEGE PRACTICAL NURSING PROGRAM**, located at 124 East 7th Street, Cincinnati, Ohio 45202 (**ANTONELLI**), and the Ohio Board of Nursing (Board), the state agency charged with enforcing Chapter 4723. of the Ohio Revised Code (ORC), and all administrative rules promulgated thereunder.

ANTONELLI voluntarily enters into this Consent Agreement being fully informed of its rights under Chapter 119., ORC, including the right to representation by legal counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4723.06(A)(4), Ohio Revised Code (ORC), to define the minimum standards for educational programs of the schools of registered nursing and schools of practical nursing in this state. Section 4723.06(A)(6), ORC, authorizes the Board to grant conditional approval, by a vote of a quorum of the board, to a new prelicensure nursing education program or a program that is being reestablished after having ceased to operate, if the program meets and maintains the minimum standards of the board established by rules adopted under section 4723.07 of the Revised Code. If the Board does not grant conditional approval, it shall hold an adjudication under Chapter 119. of the Revised Code to consider conditional approval of the program. If the Board grants conditional approval, at the first meeting following completion of the survey process required by division (A)(5) of Section 4723.06, ORC, the Board shall determine whether to grant full approval to the program. If the Board does

not grant full approval or if it appears that the program has failed to meet and maintain standards established by rules adopted under Section 4723.07 of the Revised Code, the Board shall hold an adjudication under Chapter 119. of the Revised Code to consider the program. Based on results of the adjudication, the Board may continue or withdraw conditional approval, or grant full approval. Chapter 4723-5, Ohio Administrative Code (OAC), establishes requirements for nursing programs to meet and maintain in order to obtain conditional, provisional and full Board approval.

- B. **ANTONELLI** currently operates a practical nursing program, located in Cincinnati, Ohio. The controlling agency for **ANTONELLI** is Technology Training Systems, Inc. a for-profit corporation doing business in Ohio under the name "Antonelli College." **Marre Barnette, R.N., M.S.N, C.N.S., Program Administrator (Program Administrator)**, is legally authorized to enter this Consent Agreement on behalf of **ANTONELLI** and its controlling agency.
- C. **ANTONELLI** was granted conditional approval by the Board effective November 15, 2012. On January 24, 2013, at **ANTONELLI's** request and in accordance with Rule 4723-5-08, OAC, the Board approved a change in the implementation date for **ANTONELLI's** Practical Nursing Program to May 13, 2013. On May 16, 2013, at **ANTONELLI's** request and in accordance with Rule 4723-5-08, OAC, the Board approved a change in the implementation date for **ANTONELLI's** Practical Nursing Program to September 2013.
- D. On July 15, 2014, the Board conducted an announced survey visit to review **ANTONELLI** for consideration for full approval at the November 2014 Board meeting (Survey Visit). The Board issued its Survey Visit Report (SVR) on July 30, 2014, and **ANTONELLI** submitted its Response on September 24, 2014 (SVRR).
- E. **ANTONELLI** agrees that it has not met or maintained the following requirements as discussed below and states that it has addressed these areas of citation so that its conditional status may be continued and its student enrollment not be adversely affected:
 - 1. Despite the requirements of Rule 4723-5-09(B)(12), OAC, **ANTONELLI** did not demonstrate that it was "maintaining resources, including but not limited to classroom and skills laboratory equipment and supplies necessary for students to successfully complete the program." Specifically, during the Survey Visit, **ANTONELLI** did not demonstrate that it maintained supplies necessary for its students to practice and verify their intravenous therapy skills, as required to meet **ANTONELLI's** stated course outcomes for PN 2304. Though this information was not shared at

the time of the Survey Visit, after the Survey Visit and after submission of its SVRR, **ANTONELLI** reported that butterfly needles were available in the lab at the time of the Survey Visit and had also been used by Cohort I students in PN 2304 to practice and verify intravenous therapy skills when angiocatheters were not available to practice and verify intravenous therapy skills.

2. Rule 4723-5-12(A)(3), OAC, requires that nursing programs implement a written policy for the awarding of advanced standing credit pertaining to prior military education and skills training. As required, **ANTONELLI**'s policies provided for the awarding of advanced standing credit for substantially equivalent military education and skills training. However, the policy also stated: "...Antonelli College will generally not grant transfer credit for courses in Practical Nursing (PN) or Massage Therapy (MS/MT)." This latter statement was inconsistent with **ANTONELLI**'s general policy on the awarding of advanced credit and was found to be inconsistent with Rule 4723-5-12(A)(3).
3. During the Survey Visit, it appeared that despite the requirements of Rule 4723-5-12(A)(4), OAC, **ANTONELLI** did not implement its progression policy as written, and progressed Cohort I students from PN 2304 Pharmacology for Nursing (PN 2304) to PN 2112 Practical Nursing II (PN II) and PN 2212 Practical Nursing III (PN III) when the students had not met the requirements of PN 2304. Cohort I students completed PN 2304, during their fourth term. At the time of the Survey Visit, Cohort I students were in their sixth term with an anticipated completion date of August 28, 2014. The PN 2304 course's Learning Outcomes and Skill Lab Competencies, which would account for 30% of the course grade, required students to "Demonstrate proper and safe techniques of intravenous therapy." In addition, the course syllabus stated that IV Therapy Skills Lab Return Demonstrations will compose 10% of the student's course grade, and failure to complete 100% of all required Skill Lab Competencies will result in a grade of "F" for the course. During the Survey Visit, **ANTONELLI** did not demonstrate that it had the equipment necessary to validate a student's intravenous therapy skills. The Program Administrator stated that the Cohort I students who were progressed to and engaged in PN III with clinical objectives including "initiate 2 to 3 parenteral IV for intravenous therapy to be validated/verified by faculty for safe and proper procedure" had not been given the opportunity to practice or be validated in initiating intravenous therapy venipuncture in the skills lab with angiocatheters because the program had been unable to secure angiocatheters. She stated that she anticipated the equipment would arrive prior to the Cohort I students' completion of the current

term and PN III. Though this information was not shared at the time of the Survey Visit, after the Survey Visit and after submission of its SVRR, **ANTONELLI** reported that all Cohort I students did complete PN 2304 and that the required intravenous therapy practice and verification had been completed with butterfly needles in the absence of angiocatheters that were on backorder.

4. Despite the requirements of Rule 4723-5-17(A), OAC, **ANTONELLI** utilized The Christ Hospital as a clinical site for students from May 13, 2014 through July 2, 2014 without having in place a written executed affiliation agreement with The Christ Hospital. **ANTONELLI** did have a Letter of Intent from The Christ Hospital at the time.
5. Rule 4723-5-08 (A)(3), OAC, requires that **ANTONELLI** submit, at least thirty days before the Board considers the program for full approval on November 21, 2014, a certified copy of a certificate of registration from the State Board of Career Colleges and Schools (SBCC&S) demonstrating that it has been approved by SBCC&S. On or about October 1, 2014, **ANTONELLI** sent a letter to the SBCC&S asking that SBCC&S send a certified copy of a certificate of registration to the Board. On November 13, 2014, the Board received a certified copy of the certificate of registration, issued July 23, 2014.

F. In its SVRR, **ANTONELLI** describes steps taken to address the areas of citation. Regarding Items E. 1 and E. 3, above, **ANTONELLI** states that following the Survey Visit, the Program acquired all equipment and supplies needed to complete all course objectives. Regarding venipuncture practice in PN 1112, **ANTONELLI** stated it was unable to provide documentation to demonstrate that each student practiced a successful venipuncture during the PN 1112 course because a faculty member did not document venipunctures performed by the students. Following the Survey Visit the Program Administrator ensured that each student was taught IV principles through the PN 2304 course and reinforced throughout the PN 1112, PN 2112 and PN 2212 courses and that each student was able to demonstrate proper and safe techniques of IV therapy prior to completion of PN 2304. **ANTONELLI** added that all students in Cohort I successfully performed four or more venipunctures prior to program completion. Regarding Item E. 2 above, **ANTONELLI** removed from its policies the statement, "Antonelli College will generally not grant transfer credit for courses in Practical Nursing (PN) or Massage Therapy (MS/MT)". Regarding Item E. 4 above, following the Survey Visit, **ANTONELLI** secured an executed Clinical Education Affiliation Agreement with The Christ Hospital. Regarding Item E. 5, above, **ANTONELLI** provided a copy of a letter that it submitted to SBCC&S on or about October 1, 2014 requesting

that SBCC&S submit a certified copy of the certificate of registration to the Board.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **ANTONELLI** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: The Board denies full approval status to **ANTONELLI** and **ANTONELLI's** conditional approval status is hereby continued until November 20, 2015, at which time its status will be reviewed by the Board pursuant to Section 4723.06(A)(6), ORC, subject to the following terms and conditions:

1. **ANTONELLI** shall not expand its program to any other locations prior to November 20, 2015.
2. **ANTONELLI** shall not make any change in its curriculum without advance approval by the Board or its designee.
3. **ANTONELLI** shall submit the reports and documentation required by this Consent Agreement or any other documents required by the Board in order to determine the program's compliance with Chapter 4723-5, OAC, to the attention of the Education Unit, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus, OH 43215-7410.
4. **ANTONELLI** shall verify, within ten days of submission, that the reports and documentation required by this Consent Agreement are received in the Board office.
5. In addition to the requirements set forth in Rule 4723-5-09, OAC, **ANTONELLI** shall inform the Board within ten (10) business days, in writing, of any change in its administrator.
6. At least one (1) survey visit of **ANTONELLI** will be conducted, in accordance with Rule 4723-5-06, OAC, prior to the Board's consideration of **ANTONELLI's** approval status at the November 2015 Board meeting. **ANTONELLI** acknowledges that representatives from the Board may conduct announced or unannounced survey visits, including, but not limited to, auditing student records, faculty and teaching assistant records, and contracts, to determine if **ANTONELLI** is complying with the terms and conditions of this Consent Agreement in addition to meeting and maintaining the requirements of Chapter 4723-5, OAC. **ANTONELLI** agrees to cooperate with all survey visits and ensure that all materials are timely made available to the Board or its representative.

7. **ANTONELLI**, through its administrator, shall submit written progress reports to the Board on or before the following dates: **December 19, 2014; March 19, 2015; June 19, 2015; and September 7, 2015**. These progress reports shall address **ANTONELLI's** progress in meeting the terms and conditions of this Consent Agreement, in addition to complying with the requirements of Chapter 4723-5, OAC.
8. **Within thirty (30) days of any change regarding any cooperating entity** (including changes involving any separate division within the same entity, facilities utilized for student clinical experiences, or termination of any existing agreement or the acquisition of any new affiliation agreement), **ANTONELLI** will report such change and provide documentation of the termination or new agreement to the Board.
9. **By DECEMBER 19, 2014, ANTONELLI** shall submit to the Board, for review and approval, a draft notification to every facility with whom it has an affiliation agreement securing clinical experiences for its students, in accordance with Rule 4723-5-17, OAC. The notification shall inform the facility that **ANTONELLI's** conditional approval status is subject to the terms and conditions of this Consent Agreement and that this Consent Agreement is available on the Board's website or will be provided by **ANTONELLI** upon the facility's request. **Within thirty (30) days of receiving Board approval of the notification, ANTONELLI** shall provide the notification to every facility with whom it has an affiliation agreement. Further, **within thirty (30) days of providing the notification to every facility, ANTONELLI** shall submit documentation to the Board identifying each facility that has received the Board-approved notification; identifying each facility that requested a complete copy of this Consent Agreement; and attesting that, when requested, **ANTONELLI** has provided a complete copy of this Consent Agreement to the requestor.
10. **ANTONELLI** is under a continuing duty to provide notification and, upon request, a complete copy of this Consent Agreement to any new facility providing clinical experiences for its students, in accordance with Rule 4723-5-17, OAC.
11. **By DECEMBER 19, 2014, ANTONELLI** shall provide a copy of this Consent Agreement to all licensed nurses who are teaching nursing courses at **ANTONELLI** as faculty or as teaching assistants. **By JANUARY 19, 2015, ANTONELLI** shall submit documentation to the Board signed by all licensed nurses who are teaching nursing courses at **ANTONELLI** as faculty or as teaching assistants to verify that they received a copy of this Consent Agreement. A typed roster will also be provided to the Board listing the names of each faculty member or teaching assistant who has signed the verification.

12. **ANTONELLI** is under a continuing duty to provide a copy of this Consent Agreement to any new faculty members or teaching assistants.
13. **By DECEMBER 19, 2014, ANTONELLI** shall provide written notification to all students that a copy of this Consent Agreement is available upon request. Such notification shall be displayed in a prominent manner in a common area, such as a student bulletin board. Upon request from a student, **ANTONELLI** shall provide a copy of this Consent Agreement to the student. Further, **by JANUARY 19, 2015, ANTONELLI** shall submit documentation to the Board explaining how it provided written notification to all students and attesting that, when requested, **ANTONELLI** has provided a copy of this Consent Agreement.
14. **ANTONELLI** is under a continuing duty to provide written notification to all new students that a copy of this Consent Agreement is available upon request.
15. **ANTONELLI**, its administrator and its other employees or agents shall not submit or cause to be submitted any false, misleading, or deceptive statements, information, or documentation to the Board, to **ANTONELLI's** students or applicants for admission, or to facilities with whom **ANTONELLI** contracts for student clinical experiences.

FAILURE TO COMPLY

ANTONELLI agrees that its conditional approval status will be considered at the November 2015 Board meeting, at which time the Board may grant or deny full approval status. If it appears that **ANTONELLI** has violated or breached any terms or conditions of the Consent Agreement or failed to comply with Chapter 4723 of the Ohio Revised Code (ORC) or any of the rules promulgated thereunder, prior to November 20, 2015, the Board may issue a Notice of Opportunity for Hearing and propose to withdraw **ANTONELLI's** conditional approval status. The Board reserves the right to take action based upon any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

DURATION/ MODIFICATION OF TERMS

The terms, limitations and conditions of this Consent Agreement may be modified or terminated in writing at any time upon the agreement of both **ANTONELLI** and the Board.

ACKNOWLEDGMENTS/LIABILITY RELEASE

ANTONELLI acknowledges that it has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

ANTONELLI waives all of its rights under Chapter 119., ORC, as they relate to matters that are the subject of this Consent Agreement.

ANTONELLI waives any and all claims or causes of action it may have against the Board, and its members, officers, employees and/or agents arising out of matters that are the subject of this Consent Agreement.

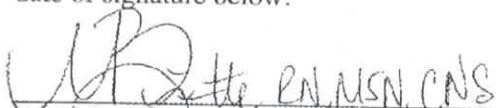
This Consent Agreement shall be considered a public record as that term is used in Section 149.43, ORC. The information contained herein may be reported to appropriate organizations, data banks and governmental bodies.

This Consent Agreement is not an adjudication order within the meaning Chapter 119., ORC. Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedures Act, Chapter 119., ORC.

ANTONELLI agrees that the Board is legally authorized under Section 4723.06(A)(6), ORC, to enter this Consent Agreement with ANTONELLI, in lieu of a hearing under Chapter 119., ORC, in order to continue its conditional approval status, and waives any legal argument to the contrary.

EFFECTIVE DATE

ANTONELLI understands that this Consent Agreement is subject to ratification by the Board prior to signature by the Board President and shall become effective upon the last date of signature below.



MARRE BARNETTE, R.N., M.S.N., C.N.S.
Program Administrator

11/18/14

DATE



JUDITH A. CHURCH, D.H.A., M.S.N., R.N.
President, Ohio Board of Nursing

11-21-14

DATE