



November 18, 2011

NOTICE OF OPPORTUNITY FOR HEARING

Erin Stout, M.S.N., R.N.
Program Administrator
Ohio American Health Care Inc.
Practical Nurse Program
2323 Lake Club Drive
Columbus, OH 43232

Dear Ms. Stout:

In accordance with Chapter 119, Ohio Revised Code (hereinafter "ORC"), you are hereby notified that the Ohio Board of Nursing (hereinafter "Board") proposes under authority of Section 4723.06(A)(6), ORC, to withdraw conditional approval and deny full approval status to Ohio American Health Care Inc. Practical Nursing Program ("Program") for the following reasons:

1. On or about March 22, 2011 the Board conducted an unannounced survey visit, and on June 22, 2011 the Board conducted an announced survey visit of the Program to review whether the Program was meeting and maintaining the standards for education programs established in Chapter 4723-5, Ohio Administrative Code (OAC), in accordance with Rule 4723-5-06, OAC. On or about August 9, 2011, the Board sent the Program a Survey Visit Report identifying standards not met and maintained. On or about August 23, 2011, the Board received documentation in response to the Survey Visit from the Program (Response). On November 18, 2011, the Board met and, having considered the Survey Report and the Program's Response, has determined that the following standards established in Chapter 4723-5, OAC, have not been met or maintained:
 - a. Despite being required by Rule 4723-5-09(B), OAC, the Program Administrator did not implement an orientation process for faculty members. The submitted Faculty orientation Policy required that each new employee receive an orientation. Upon review of four employee files, no documentation of orientation existed.

b. Despite being required by Rule 4723-5-12(A), OAC, the Program did not:

- (i) Implement its policies for student admission as follows: Student #1-6's (*See Attached Student Key ATTACHMENT A To Remain Confidential and Not Subject To Public Disclosure*) files did not include evidence of a CPR certification or that the students fulfilled the requirements of the Program's Health Policy as required; Student #1's file did not contain evidence of health and physical examination as required; Students #4, 5, 6 files did not contain any of the required documentation for health and physical examination, immunization status for measles, mumps and rubella, varicella, and tuberculosis; and Student #3-7's files did not contain documentation of CPR certification as required; Student #9's file did not contain documentation of health history; files for Students #8-10 did not contain documentation of completing background screening; and
- (ii) Implement its policies for student progression, regarding the the level of achievement a student must maintain in order to remain in the program or progress from one level to another, as follows: Despite the Program's written progression policy, the Program Administrator allowed students to advance to the third and final trimester of the curriculum plan without first completing the requirements of the second trimester. Students in the LPN 1 Cohort progressed from the second trimester to the third trimester of the Program without completing the clinical components of the second trimester. The students who participated in the nursing courses *PN008 Maternal and Childhealth Nursing*, and *PN009 Pediatric Nursing* did not engage in their clinical experiences concurrently with the theory content of the courses provided in the second trimester. The students in *PN008 Maternal and Childhealth Nursing* completed the course on February 14, 2011, but did not engage in clinical experiences until June 13, 2011. The students in

PN009 Pediatric Nursing completed the course on February 14, 2011, but did not start clinical experiences until June 13, 2011. Despite the policy that requires students to complete each nursing course prior to advancing to the next level nursing course, students were progressed to *PN011 Medical Surgical Nursing I and IV Therapy* on February 14, 2011 prior to completing the scheduled clinical experiences for *PN007 Gerontology*, *PN008 Maternal and Childhealth Nursing*, and *PN009 Pediatric Nursing*. Further, a third trimester nursing course *PN011 Medical Surgical Nursing I and IV Therapy*, that ended on March 19, 2011, included seventy-two (72) hours of clinical experience that was not provided to students. Faculty member Judy Leitenberger provided Board staff with documentation that students were progressed from *PN011* to the next course *PN012 Medical Surgical Nursing II*, without completing the requirements of *PN011*. The students who were progressed to *PN012 Medical Surgical Nursing II* were as of June 13, 2011, engaging in clinical experiences within that more advanced course.

- (iii) During the June 22, 2011 announced survey, the Program provided its fees policy as it was included in the *OAHC, INC School Catalog/Student Handbook 2011-2012*. The School Catalog/Student Handbook, provided on site for the survey visit, established the total Tuition and Fees as \$13,613.00. During the June 22, 2011, survey visit, Board staff reviewed fifteen (15) student's files. The review revealed that the fees charged to the students as documented on each individual student enrollment form were inconsistent from student to student. Several signed student enrollment forms included a total tuition and fee payment of approximately \$1000.00 more than the total amount for tuition and fees as indicated in the School Catalog/Student Handbook.
- c. Despite being required by Rule 4723-5-14 (A), (C), (D), and (E), OAC, the Program did not establish a Curriculum Plan that validated students' acquired knowledge, skills and behavior necessary to safely and effectively engage in the practice of nursing as a licensed practical

nurse, did not implement curriculum objectives or outcomes as written, did not provide instruction to students that would be consistent with curriculum plans and course syllabi that were provided to the Board, and/or did not provide clinical and laboratory experiences with individuals or groups across the lifespan concurrent with related theory instruction. Examples include, but are not limited to the following:

- (i) During the June 22, 2011, survey visit, the Program provided Board staff with the syllabus for *PN011 Medical Surgical Nursing I and IV Therapy*. The syllabus did not contain hours for the course's clinical component and students were not provided a clinical experience for the course as was indicated in the Program's proposal.
- (ii) The *PN007 Gerontology* course syllabus provided to Board on March 23, 2011 included one hundred and four (104) hours of clinical experience. Students in the LPN 1 Cohort attended eight (8) clinical hours per day for twelve (12) days for a total of ninety-six (96) hours which was less than the one hundred four (104) hours contained in the syllabus provided by the program, and less than the one hundred twelve (112) hours of clinical experience as contained in the Program's proposal.
- (iii) Despite requiring through the Program's approved curriculum plan one hundred twelve (112) hours of clinical experience for the course, Board staff review of the student clinical evaluation forms for *PN007, Gerontology* revealed Students # 11-18 (*See Attached Student Key ATTACHMENT A to Remain Confidential and Not Subject to Public Disclosure*) completed only ninety-six (96) hours of clinical experience at Westminster Thurber.
- (iv) Despite the syllabus for the January 31 – February 22, 2011 *PN008 Maternal and Childhealth Nursing Course* requiring forty (40) hours of clinical experience, the Program verified that the clinical experience was not provided for the students during the course because the Program was unable to secure a clinical site.

- (v) Despite the syllabus for the December 22, 2010 – January 27, 2011 *PN009, Pediatric Nursing* requiring forty (40) hours of clinical practice, the Program verified that the clinical experience was not provided for the students in this course because she was unable to secure a clinical site.
- (vi) During the June 22, 2011, survey visit, the Program verified that the students in the LPN 1 Cohort began their clinical experience at Southern Ohio Medical Center for *PN008, Maternal and Childhealth Nursing Course* and *PN009, Pediatric Nursing Course* on June 13, 2011, and had an anticipated completion of the clinical experience by August 12, 2011. However, the students completed their theory and laboratory components on February 14, 2011. Therefore, the Program did not provide the course’s clinical experience concurrently with the course’s theory content.
- (vii) The syllabus for *PN004 Practical Nursing Fundamentals* was contained in the Program’s proposal. The course proposal contained one hundred and twenty (120) theory hours and forty-two (42) laboratory hours that students were to complete. The course was offered beginning in June 2010. The Board requested all syllabi of courses provided by the Program. This course syllabus was not included with the syllabi presented the Board on March 23, 2011.

During the survey visit on March 22, 2011, Board staff requested documentation that students completing the PN004 course offered in **2010** engaged in the forty-two (42) laboratory hours and documentation validating laboratory skills competencies. The documents provided were blank skills checklists that included a footnote that stated, “*Copyright ©2011, F.A. Davis Company, Wilkinson&Treas/Procedure Checklists for Fundamentals of Nursing, 2e*” [emphasis added].

- (viii) During the survey visit of June 22, 2011, Board staff requested to see all completed laboratory skills documents for students from the inception of the program validating the students acquired knowledge, skills and behavior necessary to safety and effectively engage in the practice of nursing as a licensed practical nurse. The program verified that before April 2011, the Program did not document students' ability to perform laboratory skills.
- d. Despite being required by Rule 4723-5-15, OAC, the Program did not implement a systematic plan of evaluation as required by Rule 4723-5-15, OAC. During the March 22, 2011, survey visit Board staff requested the Program's systematic plan of evaluation. The Program verified that the systematic plan for program evaluation had not been completed. During the June 22, 2011, survey visit, Board staff again requested the Program's systematic plan of evaluation. The Program did not provide any further information in regard to the Program's evaluation plan.
- e. Despite being required by Rule 4723-5-19, OAC, the Program did not provide a syllabus or outline to each student. During the March 22, 2011, survey visit, the Program was unable to access or provide course syllabi for any courses included in the curriculum plan to Board staff. The Program's course syllabi were not made available until March 23, 2011, when Board staff returned to the Program to collect them. During the June 22, 2011 survey visit Board staff learned that students were not provided syllabi until after March 28, 2011. This includes, but is not limited to the following course syllabi: *PN002 Microbiology*; *PN003 Anatomy and Physiology*; *PN007 Gerontology*; *PN008 Maternal and Childhealth Nursing*; *PN009 Pediatric Nursing*; and *PN011 Medical Surgical Nursing I and IV Therapy*.
- f. Despite Rule 4723-5-25, OAC, the Program, through its Administrator submitted false, misleading or deceptive information or documents to the Board. On or about December 16, 2010, the Program Administrator submitted a signed Verification of Rule Compliance document, which was marked "yes" indicating the Program had met and maintained all of the rules on the document, including provisions of each of the following rules:

4.1 Organization and Administration of the Program as set forth in Rule 4723-5- 09, OAC

4.3 Program Policies as set forth in Rule 4723-5-12, OAC

4.4 Curriculum as set forth in: Rule 4723-5-14, OAC

4.5 Evaluation Plan for the Program as set forth in Rule 4723-5-15, OAC

Despite the Administrator's signed verification of compliance with the above stated rules the survey visit revealed: The Program Administrator did not implement an orientation process for faculty. The Program Administrator did not implement written program policies. The Program Administrator did not establish and implement a curriculum as required. The Program did not implement a systematic plan of evaluation as required.

2. On or about September 8, 2011 the Board conducted an unannounced survey visit of the Program to review whether the Program was meeting and maintaining the standards for education programs established in Chapter 4723-5, Ohio Administrative Code (OAC), in accordance with Rule 4723-5-06, OAC. On or about October 3, 2011, the Board sent the Program a Survey Visit Report identifying standards not met and maintained. The Board received correspondence in response to the Survey Visit. On November 17-18, 2011, the Board met and, having considered the Survey Report and the response, has determined that the following standards established in Chapter 4723-5, OAC, have not been met or maintained:
 - a. Despite being required by Rule 4723-5-12(A), OAC, the Administrator of the program and the faculty failed to establish and implement written policies for the following: (6) Payment of fees, expenses, and refunds associated with the program. The Board received the Program's policy titled, "*Student fees, expenses and refunds*", in the Program proposal, submitted on November 13, 2009 by Dr. Rosanna Bumgardner, the Program's Administrator from its inception until on or about March 28, 2011. The "*Student fees, expenses and refunds*", policy established the Program's tuition as \$9,920.00 with fees of \$1,258.00. The total tuition and fees are \$11,178.00. The same policy was also published in the "*OAHC, Inc., School Catalog/Student Handbook, 2009-2010*", and was reportedly distributed to the Program's students.

During the September 8, 2011, unannounced survey visit, the Program provided student rosters for each of the following cohorts: LPN Cohort 1, LPN Cohort 2, and LPN Cohort 3, for a total of sixty-one (61) students. The policy as it appears in the November 13, 2009 proposal and the *OAHC, Inc., School Catalog/Student Handbook, 2009-2010*, was applicable to twenty-five (25) of the sixty-one (61) students during this enrollment time period. Despite the Program's published tuition of \$9,920.00, all twenty-five of the students were charged \$12,500 in tuition. (*See Attached Student Key ATTACHMENT B To Remain Confidential and Not Subject To Public Disclosure*).

Despite the Program's published fees of \$1,258.00, twenty-three (23) of twenty-five (25) students, Students #1, 4, 11-14, 16-28, and 30-33, were charged \$1,470.00 for fees, and Students #2 and 29 were not charged fees. *Attached Student Key ATTACHMENT B* reflects the tuition and fees charged to each of the students.

Section 4723.06(A)(6), ORC, requires that, for a prelicensure nursing education program that has been granted conditional approval by the Board, at the Board's first meeting after the first class has completed the program, 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 the results of the adjudication, the Board may continue or withdraw conditional approval, or grant full approval.

Accordingly, the Board is authorized to propose to deny full approval and withdraw conditional approval of the Program based upon its failure to meet and maintain the standards established in rules adopted under Section 4723.07, ORC.

In accordance with Chapter 119, ORC, you are hereby informed that the Program is entitled to a hearing in this matter. If the Program wishes to request such hearing, the request must be made in writing and must be received in the Board office within thirty (30) days of the time of mailing of this notice.

You are hereby further informed that, if the Program timely requests a hearing, Section 119.07, ORC, states that "at the hearing [the Program] may appear in person, by its attorney, or by such other representative as is permitted to practice before the [Board], or may present [its] position, arguments, or contentions in writing." At the hearing the Program may also present evidence and examine witnesses appearing for and against the Program.

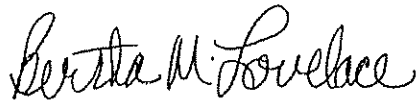
Should you choose to request a hearing, please mail or deliver the request, in addition to any other correspondence regarding this matter, to **Lisa Ferguson-Ramos, Compliance Unit**

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Manager, Ohio Board of Nursing, 17 South High Street, Suite 400, Columbus OH, 43215-7410, or to the email address, hearing@nursing.ohio.gov.

If the Board fails to receive a request for a hearing within thirty (30) days of the time of mailing of this notice, the Board may, in the Program's absence and upon consideration of the factual and legal allegations set forth in this Notice of Opportunity for Hearing, withdraw conditional approval and deny full approval status.

Sincerely,



Bertha M. Lovelace, RN, CRNA, President

Certified Mail Receipt No. 7011 1150 0002 0937 1037

Attorney Certified Mail Receipt No. 7011 1150 0002 0937 1044

cc: Michelle T. Sutter, Assistant Attorney General
Elizabeth Y. Collis, Esq.