



# Ohio Board of Nursing

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

2013 MAY 10 PM 3:00

BOARD OF NURSING  
OHIO

**CONSENT AGREEMENT  
BETWEEN  
BELMONT COLLEGE ASSOCIATE DEGREE  
NURSING PROGRAM (BELMONT)  
AND  
OHIO BOARD OF NURSING**

This Consent Agreement is entered into by and between **BELMONT COLLEGE ASSOCIATE DEGREE NURSING PROGRAM**, located at 120 Fox-Shannon Place, St. Clairsville, Ohio 43950-9735 (**BELMONT**), 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.

**BELMONT** 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 curricula and standards for education programs of the schools of professional nursing and schools of practical nursing in this state. The Board is empowered by Section 4723.06(A)(7), ORC, to place on provisional approval, for a period of time specified by the Board, a program that has ceased to meet and maintain the minimum standards of the Board established by rules adopted under Section 4723.07, ORC. Prior to or at the end of the period, the Board shall reconsider whether the program meets the standards and shall grant full approval if it does. If it does not, the Board may withdraw approval, pursuant to an adjudication under Chapter 119., ORC. 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. **BELMONT** operates an Associate Degree in Nursing program, located in St. Clairsville, Ohio. The controlling agency for **BELMONT** is Belmont College, a non-profit Ohio corporation. **Brenda Lohri-Posey, Ed.D., R.N., Executive Dean of Academic Affairs, and Program Administrator**, is legally authorized to enter into this Consent Agreement on behalf of **BELMONT** and its controlling agency.
- C. The Board most recently granted **BELMONT** full approval status effective July 17, 2008.
- D. On March 15, 2012, the Board withdrew **BELMONT's** full approval status and placed **BELMONT** on provisional approval status pursuant to Rule 4723-5-04(E)(4), OAC. Rule 4723-5-04(E)(4), OAC, provides that a program on full approval status shall be placed on provisional approval status if the program has pass rates on the licensure examination of less than ninety-five per cent of the national average for first-time candidates for the fourth consecutive year, as specified in paragraph Rule 4723-5-23(B)(4), OAC.
- E. On April 4, 2012, **BELMONT** surrendered its certificate of full approval as requested by the Board and stated in the accompanying letter that its "goal is to have two consecutive years of pass rates that meet the benchmark beginning in 2012 so that the program is restored to full approval."
- F. In 2012, ninety-five per cent of the national average pass rate for first-time candidates on the licensure examination was 85.82%. The average pass rate for **BELMONT's** first-time candidates in 2012 was 79.45%, making 2012 the fifth consecutive year in which **BELMONT's** average pass rate on the licensure examination for first-time candidates was less than ninety-five per cent of the national average.
- G. On February 20-21, 2013, the Board conducted an announced survey visit to review the program in accordance with Chapter 4723-5, OAC (the Survey Visit). The Board issued its Survey Visit Report (SVR) on March 8, 2013, and advised **BELMONT** that the Board would consider the SVR and **BELMONT's** approval status at the May 16-17, 2013 Board Meeting. **BELMONT** submitted its Response on or about March 27, 2013 (Response to the SVR).
- H. **BELMONT** agrees that it has not met or maintained the following requirements as set forth in the SVR, and agrees to correct these

deficiencies, so that its provisional status may be continued and its student enrollment not be adversely affected:

1. Despite the requirement of 4723-5-21(A)(1) that the Program Administrator maintain certain records, the records of Students #1, #2, and #3 [*See attached Student Key - to Remain Confidential and Not Subject to Public Disclosure*] did not contain documentation of the students' CPR certification despite the requirements in the program's admission policy that student applicants "[m]eet the ADN criteria for admission including current health admission forms (within the last four months) and a current Healthcare Provider CPR card"; and,
  2. Despite the requirement of 4723-5-21(D)(3) that the Program Administrator maintain certain records, the records for Adjunct Faculty Cathy Jo Ross, who was appointed to supervise students in their clinical experience beginning March 26, 2012 and continuing through June 9, 2012 contained documentation that her license was not verified until May 3, 2012.
- I. In its Response to the SVR, **BELMONT** describes procedures it has established and will utilize to ensure compliance with 4723-5-21, OAC, including timely verification of all faculty licenses and verification of current CPR certifications for all students as required by the program's admission policy.

#### AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **BELMONT** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: **BELMONT's** provisional approval status is hereby continued until the Board's May 2015 Meeting, at which time its approval status will be reviewed by the Board pursuant to Section 4723.06(A)(7), ORC, subject to the following terms and conditions:

1. **BELMONT** shall not expand its program to any other locations prior to the Board's May 2015 Meeting.
2. **BELMONT** shall not make any change in its curriculum without advance approval by the Board or its designee.
3. At least one (1) survey visit of **BELMONT** will be conducted, in accordance with Rule 4723-5-06, OAC, prior to the Board's consideration of **BELMONT's** program approval status at the May 2015 Board meeting. **BELMONT** agrees that representatives from the

Board may conduct announced or unannounced survey visits, including but not limited to, auditing student records and faculty records, to determine if **BELMONT** is complying with the terms and conditions of this Consent Agreement in addition to meeting and maintaining the requirements of Chapter 4723-5, OAC. **BELMONT** agrees to cooperate with all survey visits and ensure that all materials are timely made available to the Board or its representative.

4. **BELMONT**, through its administrator, shall submit written progress reports to the Board on or before the following dates: **June 17, 2013; September 16, 2013; December 16, 2013; March 17, 2014; June 16, 2014; September 15, 2014; December 15, 2014; and March 2, 2015.** These progress reports shall address **BELMONT's** progress in meeting the terms and conditions of this Consent Agreement, in addition to complying with the requirements of Chapter 4723-5, OAC. These progress reports shall also specifically address the actions being taken to ensure that **BELMONT's** pass rates on the licensure examination will rise to ninety-five percent of the national average for first-time candidates.
5. **BELMONT** 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.
6. **BELMONT** shall verify, within ten days of submission, that the reports and documentation required by this Consent Agreement are received in the Board office.
7. In addition to the requirements set forth in Rule 4723-5-09, OAC, **BELMONT** shall inform the Board within ten (10) business days, in writing, of any change in its administrator.
8. **By June 17, 2013, BELMONT** shall provide a copy of this Consent Agreement to all faculty members. **By July 15, 2013, BELMONT** shall submit documentation to the Board signed by each faculty member verifying that he or she received a copy of this Consent Agreement.
9. **BELMONT** is under a continuing duty to provide a copy of this Consent Agreement to any new faculty members.
10. **By June 17, 2013, BELMONT** 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, **BELMONT** shall provide a copy of this Consent Agreement to the student. Further, by **July 15, 2013**, **BELMONT** shall submit documentation to the Board explaining how it provided written notification to all students and attesting that, when requested, **BELMONT** has provided a copy of this Consent Agreement.

11. **BELMONT** is under a continuing duty to provide written notification to all prospective students that that a copy of this Consent Agreement is available upon request and, if the prospective student is admitted, to document in that student's file that such notification was given and when it was given.
12. **BELMONT**, 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 **BELMONT's** students or applicants for admission, or to facilities with whom **BELMONT** contracts for student clinical experiences.

#### **FAILURE TO COMPLY**

**BELMONT** agrees that its provisional approval status will be considered at the May 2015 Board meeting, at which time the Board may continue provisional approval status or propose to withdraw provisional approval status, or grant full approval status. If it appears at any time that **BELMONT** 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 the May 2015 Board meeting, the Board may issue a Notice of Opportunity for Hearing and propose to withdraw **BELMONT's** provisional 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 **BELMONT** and the Board.

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

**BELMONT** 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.

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

**BELMONT** 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.

**BELMONT** agrees that the Board is legally authorized under Section 4723.06(A)(7), ORC, to enter this Consent Agreement with **BELMONT**, in lieu of a hearing under Chapter 119., ORC, in order to continue its provisional approval status, and waives any legal argument to the contrary.

**EFFECTIVE DATE**

**BELMONT** 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.

  
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**BRENDA LOHRI-POSEY, Ed.D., R.N.**  
Executive Dean of Academic Affairs  
Belmont College

5-9-2013  
\_\_\_\_\_  
DATE

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

5/17/2013  
\_\_\_\_\_  
DATE

RECEIVED  
2013 MAY 10 PM 3:00  
BOARD OF NURSING  
OHIO