



**CONSENT AGREEMENT
BETWEEN
TOLEDO SCHOOL OF PRACTICAL NURSING PROGRAM
AND
OHIO BOARD OF NURSING**

This Consent Agreement is entered into by and between **TOLEDO SCHOOL OF PRACTICAL NURSING PROGRAM (TOLEDO)** 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.

TOLEDO 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. Section 4723.06(A)(5), ORC, authorizes the Board to survey, inspect, and grant full approval to prelicensure nursing education programs that meet the standards established in rules adopted under section 4723.07 of the Revised Code. Section 4723.06(A)(7), ORC, authorizes the Board 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 of the Revised Code. 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. of the Revised Code. Section 4723.07(B), ORC, authorizes the Board to establish minimum curricula and standards

for nursing education programs that prepare graduates to be licensed under this chapter and procedures for granting, renewing, and withdrawing approval of those programs. 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. Rule 4723-5-04(B)(3), OAC, states that if a program on provisional approval continues to fail to meet or maintain the requirements of this chapter at the end of the time period established for provisional approval, the Board may propose to continue provisional approval for a period of time specified by the Board or may propose to withdraw approval pursuant to an adjudication under Chapter 119. of the Revised Code. Rule 4723-5-04(B)(4), OAC, states that if a program on provisional approval in accordance with this chapter demonstrates that an additional requirement is not being met or maintained, the Board shall propose to withdraw approval pursuant to an adjudication under 119. of the Revised Code. Rule 4723-5-12(A)(4), OAC, requires administrator of the program to establish and implement written policies for student progression, which shall include the following: (a) The level of achievement a student must maintain in order to remain in the program or to progress from one level to another; (b) The requirements for satisfactory completion of each course required in the nursing curriculum. Rule 4723-5-14(E)(12), OAC, requires a program curriculum to include clinical and laboratory experiences that meet the established course objectives and outcomes. Rule 4723-5-14(F), OAC, requires all practical nursing education programs to include a course or content in intravenous therapy. A course or content in intravenous therapy to be included in a practical nursing education program shall have, at a minimum, didactic, laboratory, and supervised clinical practice that covers the following: (4) Nursing care of individuals receiving intravenous therapy, including but not limited to, procedures for: (a) Venipuncture; (b) Adding intravenous solutions to existing infusions; (c) Additive administration and intravenous line maintenance in accordance with section 4723.17 of the Revised Code; (d) Hanging and regulating the flow of intravenous solutions; (e) Changing intravenous tubing; (f) Performing intravenous dressing changes; (g) Flushing and converting peripheral intermittent infusion devices and heplocks; (h) Guidelines for preventing, identifying, and managing complications; (i) Related psychosocial preparation and care; (5) Documentation related to intravenous care.

- B. **TOLEDO** currently operates a school of practical nursing located in Toledo, Ohio. **TOLEDO** operates under the authority of the Toledo Public Schools. Sharon Moore, Program Administrator, is legally authorized to enter this Consent Agreement on behalf of **TOLEDO**.
- C. **TOLEDO** was initially granted conditional approval in 1956 by the Board and thereafter **TOLEDO** received full approval. Upon consideration of the Board's survey visit and **TOLEDO's** response to the survey visit report, **TOLEDO** was placed on provisional approval on September 18, 2008 for one year in accordance with R.C. 4723.06(A)(7). The Board continued provisional approval on July 23, 2009 for eighteen (18) months for continued failure to meet or maintain the requirements of Chapter 4723-5, OAC, in accordance with R.C. 4723.06(A)(7).
- D. On January 20, 2011, after full consideration of the Board's 2010 survey visit report and **TOLEDO's** response to the survey report the Board continued provisional approval for **TOLEDO** for a period of one (1) year, in accordance with R.C. 4723.06(A)(7).
- E. On October 26-27, 2011 the Board conducted an announced survey visit to review the Program for consideration of full approval at the January 2012 Board meeting.
- F. During the October 2011 survey visit, the Board found the following violations:
 - 1. Despite curricular requirement contained in 4723-5-14(E)(12), OAC, and the course requirements for IV therapy contained in Rule 4723-5-14(F)(4), OAC, the Program did not include IV therapy clinical experiences in its curriculum plan for its students to practice their IV therapy skills. **TOLEDO** admitted that it did not provide clinical experiences to meet course outcomes, and permitted students to progress in, and complete, the program without completing the IV therapy skills required in Rule 4723-5-14(F)(4), and without including clinical experiences in its curriculum as required in Rule 4723-5-14(E)(12).

2. Also, **TOLEDO's** written progression policy stated that the Program's Clinical/Laboratory Nursing Skills List must be completed satisfactorily in the clinical area and "signed off" by the clinical instructor to pass the course and progress to the next level in the Program. Despite its own written policy, **TOLEDO** permitted its students to progress and complete the program without the students satisfactorily completing all of the required skills on the Program's Clinical/Laboratory Nursing Skills List, and without the clinical instructor "signing off" that the students had satisfactorily completed the clinicals. Therefore, by failing to follow its Progression Policy, **TOLEDO** did not implement its established course objectives and outcomes, in violation of 4723-5-12(A). This violation demonstrated an additional requirement that had not been met or maintained, pursuant to 4723-5-04(B)(4), OAC.

G. **TOLEDO** seeks to cooperate with the Board and correct the areas of citation in the Survey Visit Report so that its provisional approval status may be continued and its student enrollment not be adversely affected. In a correspondence to the Board dated December 19, 2011, **TOLEDO** stated that it has taken steps to address the deficiencies by revising the course syllabus and adding an outpatient facility for supervised clinical practice in order to comply with Rule 4723-5-14(F)(4) and 4723-5-14(E)(12).

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **TOLEDO** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: **TOLEDO's provisional approval status is hereby continued until May 16, 2013**, at which time its status will be reviewed by the Board pursuant to Section 4723.06(A)(7), ORC, subject to the following terms and conditions:

1. **Within sixty (60) days following the effective date of this Consent Agreement, TOLEDO shall submit to the Board documentation that TOLEDO is providing students with clinical experience in IV therapy, in accordance with Rule 4723-5-14(F)(4), and 4723-5-14(E)(12) OAC.**
2. A survey visit of **TOLEDO** will be conducted, in accordance with Rule 4723-5-06, OAC, prior to the Board's consideration of **TOLEDO's** program approval status at the May 2013 Board meeting.

3. **TOLEDO**, 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 **TOLEDO's** students or applicants for admission, or to facilities with whom **TOLEDO** contracts for student clinical experiences.
4. **TOLEDO** 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.
5. **TOLEDO** shall verify that the reports and documentation required by this Consent Agreement are received in the Board office.
6. In addition to the requirements set forth in Rule 4723-5-09(D)(1), OAC, **TOLEDO** shall inform the Board within ten (10) business days, in writing, of any change in its administrator.

FAILURE TO COMPLY

TOLEDO agrees that its provisional approval status will be considered at the May 16-17, 2013 Board meeting, at which time the Board may continue provisional approval, grant or deny full approval status, or propose to withdraw approval status. If it appears that **TOLEDO** has violated or breached any terms or conditions of the Consent Agreement prior to May 16, 2013, the Board may issue a Notice of Opportunity for Hearing and propose to withdraw **TOLEDO'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 **TOLEDO** and the Board.

ACKNOWLEDGMENTS/LIABILITY RELEASE

TOLEDO 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.

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

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TOLEDO 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. **TOLEDO** agrees that the Board is legally authorized under Section 4723.06(A)(7), ORC, to enter this Consent Agreement with **TOLEDO**, 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

TOLEDO 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.

Sharon R Moore, M.Ed. *3/2/2012*
SHARON MOORE, Program Coordinator DATE
Toledo Practical Nursing Program

Bertha M Lovelace BA, CRNA, RN *March 16, 2012*
BERTHA LOVELACE, President DATE
Ohio Board of Nursing