



Ohio Board of Nursing

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17 S. High Street, Suite 660 • Columbus, Ohio 43215-3466 • 614-466-3947

I certify that the attached records are a true copy of Ohio Board of Nursing disciplinary records.

Betsy J. Houchen

Betsy Houchen, R.N., M.S., J.D.
Executive Director





State of Ohio Board of Nursing

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CONSENT AGREEMENT BETWEEN OHIO MEDICAL CAREER COLLEGE PRACTICAL NURSING EDUCATION PROGRAM AND OHIO BOARD OF NURSING

This Consent Agreement is entered into by and between **OHIO MEDICAL CAREER COLLEGE PRACTICAL NURSING EDUCATION PROGRAM (PROGRAM)** 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.

For purposes of this Agreement, "Consent Agreement" shall be defined as this Agreement, and the following records attached hereto and incorporated herein:

- Notice of Opportunity for Hearing, dated May 17, 2018 (May 2018 Notice)

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.

PROGRAM 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.

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 education programs of the schools of registered 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, provides that, for a nursing education program that has been placed on provisional approval for a period of time by the Board, prior to or at the end of the period, the Board shall determine whether to grant full approval to the program. The Board shall reconsider whether the program meets the standards and shall grant

full approval if it does. If the program has failed to meet and maintain the minimum standards established by rules adopted under section 4723.07 of the Revised Code, the Board may withdraw approval pursuant to an adjudication under Chapter 119. of the Revised Code. Rule 4723-5-04(B)(4), Ohio Administrative Code (OAC), states that if a program on provisional approval in accordance with this chapter demonstrates that an additional requirement is not being met and maintained, the Board shall propose to withdraw approval pursuant to an adjudication under Chapter 119. of the Revised Code. The adjudication may result in the continuance of provisional approval, withdrawal of approval, or granting of full approval. Section 4723.06(D)(1), ORC, states that when an action taken by the Board under Section 4723.06(A)(7), ORC, is required to be taken pursuant to an adjudication conducted under Chapter 119. of the Revised Code, the Board may, in lieu of an adjudication hearing, enter into a consent agreement to resolve the matter.

- B. **PROGRAM** currently operates a practical nursing program located in Dayton, Ohio. The controlling agency for **PROGRAM** is Ohio Medical College, LTD, a domestic limited liability company. **Daisy Deng, RN, MSN, Program Administrator**, has the authority, accountability, and responsibility for all aspects of the program, as provided in Rule 4723-5-09, OAC, and is authorized to enter into this Consent Agreement on behalf of **PROGRAM** and its controlling agency.
- C. **PROGRAM** was initially granted approval to operate a practical nursing program by the Board at the Board's July 23-24, 2009 Meeting. Effective March 12, 2015, the Program was placed on provisional approval due to low NCLEX pass rates, pursuant to Section 4723.06(A)(7), ORC, and Rule 4723-5-23(B)(4), OAC.
- D. **PROGRAM** acknowledges that pursuant to Section 4723.06(A)(7), ORC, and Rule 4723-5-23, OAC, for the Board to consider restoring a program to full approval status after the program has been placed on provisional status due to low NCLEX pass rates, the program shall attain a pass rate that meets or exceeds ninety-five per cent of the national average for first-time candidates for at least two consecutive years.
- E. **PROGRAM** knowingly and voluntarily admits the factual and legal allegations set forth in the May 2018 Notice.
- F. Regarding Item 1 b. of the May 2018 Notice, **PROGRAM** states as follows, "**PROGRAM** knowingly and voluntarily admits that the Board has accurately cited from the **PROGRAM's** March 2018 Response. Although the **PROGRAM** had no intention for its statement to be false, misleading, or deceptive, the **PROGRAM** admits that its response could have been phrased better. **PROGRAM** should have phrased its response

as follows: During the Board's investigation of an October 23, 2017 Dissatisfaction Report, OMCC Program Director voluntarily informed the Board about the medication errors to ensure full transparency as to the reasons behind the termination of the former faculty member who submitted the October 23, 2017 Dissatisfaction Form. The program director believes the Board should be informed of these incidents, because they provide relevant information about the former faculty member who submitted the October 23, 2017 Dissatisfaction Form only after she was terminated for the events of September 19, 2017, and September 26, 2017."

- G. **PROGRAM** agrees to correct the deficiencies identified in the May 2018 Notice, so that its current provisional approval status may be continued and its student enrollment not be adversely affected.
- H. **PROGRAM** agrees that the Board is authorized under law to enter this Consent Agreement with **PROGRAM**, in lieu of a hearing under Chapter 119., ORC, in order to continue its current provisional approval status.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, **PROGRAM** knowingly and voluntarily agrees with the Board to the following terms, conditions, and limitations: **PROGRAM's** provisional approval status is hereby continued until March 18, 2020, at which time **PROGRAM's** provisional approval status will be reviewed by the Board pursuant to Section 4723.06(A)(7), ORC, subject to the following terms and conditions:

1. **PROGRAM** is hereby fined five hundred dollars (\$500.00). By January 28, 2019, **PROGRAM** shall pay the fine of five hundred dollars (\$500.00), by certified check, cashier check, or money order, made payable to the "Treasurer, State of Ohio," to the Board.
2. **PROGRAM** shall not expand its practical nursing program to any other locations prior to March 19, 2020.
3. **PROGRAM** 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 660, Columbus, Ohio 43215-3466.
4. **PROGRAM** 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, **PROGRAM** 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 **PROGRAM** will be conducted, in accordance with Rule 4723-5-06, OAC, prior to the Board's consideration at the March 2020 Board meeting of **PROGRAM's** provisional approval status, its compliance with the terms and conditions of this Consent Agreement, and whether **PROGRAM** is meeting and maintaining the requirements of Chapter 4723-5, OAC. **PROGRAM** 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 **PROGRAM** is complying with the terms and conditions of this Consent Agreement in addition to meeting and maintaining the requirements of Chapter 4723-5, OAC. **PROGRAM** agrees to cooperate with all survey visits and ensure that all materials are timely made available to the Board or its representative.
7. **PROGRAM**, through its administrator, shall provide written progress reports to the Board on or before the following dates: **September 27, 2018; December 27, 2018; March 27, 2019; June 27, 2019; and September 27, 2019.** The progress reports shall address how **PROGRAM** is meeting the terms and conditions of this Consent Agreement, in addition to complying with the requirements of Chapter 4723-5, OAC.
8. **By August 27, 2018, PROGRAM** shall submit to the Board, for review and approval, a draft of 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 **PROGRAM's** provisional 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 **PROGRAM** upon the facility's request. **Within thirty (30) days of receiving Board approval of the notification, PROGRAM** shall provide the notification to every facility. Further, **within thirty (30) days of providing the notification to every facility, PROGRAM** 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, **PROGRAM** provided a complete copy of this Consent Agreement to the requestor.
9. **PROGRAM** is under a continuing duty, prior to the Board's consideration at the March 2020 Board meeting of **PROGRAM's** provisional approval status, 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.

10. **By August 27, 2018, PROGRAM** shall provide a copy of this Consent Agreement to all licensed nurses who are teaching nursing courses at **PROGRAM** as faculty or as teaching assistants. **By September 27, 2018, PROGRAM** shall submit documentation to the Board signed by all licensed nurses who are teaching nursing courses at **PROGRAM** 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.
11. **PROGRAM** is under a continuing duty, prior to the Board's consideration at the March 2020 Board meeting of **PROGRAM's** provisional approval status, to provide a copy of this Consent Agreement to any new faculty members or teaching assistants.
12. **By August 27, 2018, PROGRAM** shall provide written notification to all students enrolled in the **PROGRAM** 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, **PROGRAM** shall provide a copy of this Consent Agreement to the student. Further, **by September 27, 2018, PROGRAM** shall submit documentation to the Board explaining how it provided written notification to all students enrolled in the **PROGRAM** and attesting that, when requested, **PROGRAM** provided a copy of this Consent Agreement.
13. **PROGRAM** is under a continuing duty, prior to the Board's consideration at the March 2020 Board meeting of **PROGRAM's** provisional approval status, to provide written notification to all new students enrolled in the **PROGRAM** that a copy of this Consent Agreement is available upon request.
14. **PROGRAM** will be permitted, but is not required by this Consent Agreement or by the Board, in providing any notification or any copy of the Consent Agreement (as referenced in paragraphs 8 through 13 above) to state that the faculty member responsible for student supervision at Friendship Village was terminated after the events of September 19, 2017 and September 26, 2017, and that **PROGRAM** conducted training at a November 17, 2017 faculty meeting to ensure safe patient care practices and close supervision of nursing students at clinical sites.
15. **PROGRAM**, 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, **PROGRAM's** students or applicants for admission, or to facilities with whom **PROGRAM** contracts for student clinical experiences.

16. In addition to the requirements set forth in this Consent Agreement, **PROGRAM** shall comply with all of the requirements established in Chapter 4723., ORC, and Chapter 4723-5, OAC, for nursing education programs.

FAILURE TO COMPLY

PROGRAM agrees that its compliance with the terms and conditions of this Consent Agreement and its compliance with the requirements established in Chapter 4723., ORC, and Chapter 4723-5, OAC, for nursing education programs, will be considered at the March 18-19, 2020 Board meeting, at which time the Board may continue or modify its provisional approval status consistent with Section 4723.06(A)(7), ORC, and Rule 4723-5-23, OAC, or propose to withdraw its approval status. If it appears that **PROGRAM** has violated or breached any terms or conditions of the Consent Agreement or the requirements established in Chapter 4723., ORC, and Chapter 4723-5, OAC, for nursing education programs, prior to March 18, 2020, the Board may issue a Notice of Opportunity for Hearing and propose to withdraw **PROGRAM**'s 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 **PROGRAM** and the Board.

ACKNOWLEDGMENTS/LIABILITY RELEASE

PROGRAM 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.

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

PROGRAM 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.

PROGRAM agrees that the Board is legally authorized under Section 4723.06(D), ORC, to enter this Consent Agreement with **PROGRAM**, 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

PROGRAM 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.

Daisy Deng

**DAISY DENG, RN, MSN, Program Administrator,
Ohio Medical Career College Practical Nursing
Education Program**

7-11-18

DATE

Lauren K. Epperley

**LAUREN K. EPPERLEY, ESQ.
Attorney for Ohio Medical Career College Practical
Nursing Education Program**

7-11-18

DATE

Patricia A. Sharpnack

**PATRICIA A. SHARPNACK, D.N.P., R.N.
President, Ohio Board of Nursing**

7/26/18

DATE



May 17, 2018

NOTICE OF OPPORTUNITY FOR HEARING

Daisy Deng, RN, MSN
Program Administrator
Ohio Medical Career College
Practical Nursing Education Program
1133 S. Edwin C. Moses Blvd., Suite 110
Dayton, Ohio 45417

Dear Administrator Deng:

In accordance with Chapter 119, Ohio Revised Code (ORC), you are hereby notified that the Ohio Board of Nursing (Board) proposes under authority of Section 4723.06(A)(7), ORC, to withdraw provisional approval and to deny full approval status to Ohio Medical Career College Practical Nursing Education Program (Program) for the following reasons:

1. The Program has been on provisional approval since March 2015 based on its NCLEX pass rates in accordance with Section 4723.06(A)(7), ORC, and Rule 4723-5-23(B)(4), Ohio Administrative Code (OAC). On January 11-12, 2018, the Board conducted a survey visit to review whether the Program was meeting and maintaining the minimum standards for education programs established in Chapter 4723-5, OAC. On February 7, 2018, the Board sent the Program its Survey Visit Report identifying requirements not met and maintained (January 2018 SVR). The Program submitted its response on or about March 22, 2018 (March 2018 Response). On May 18, 2018, the Board met and, having considered the January 2018 Survey Visit Report and the March 2018 Response, determined that the following standards established in Chapter 4723-5, OAC, have not been met and maintained:
 - a. Despite the requirements of Rule 4723-5-20(A), OAC, that faculty, teaching assistants or preceptors supervise student clinical practice by providing guidance, direction and support to students appropriate for the clinical situation, Program students administered medications to patients at Friendship Village, Dayton, during clinical experiences for the course NUR103 (Medical Surgical Nursing II) on or about September 19, 2017 and September 26, 2017, without the supervision, guidance, direction and support appropriate for the clinical situation. A medication administration error was reported to have occurred, and was documented in

Program Incident Reports, during Student #1's clinical experience on September 19, 2017, and during Student #2's clinical experience on September 26, 2017. *See attached Student Key – to remain confidential and not subject to public disclosure.*

Rule 4723-5-20(A), OAC, provides that a faculty member of a nursing education program is responsible for planning the student's clinical experience and for evaluating the student's performance; that clinical nursing experiences are to be assigned by faculty based on course objectives and student learning needs; and, that faculty, teaching assistants or preceptors shall supervise student practice by providing guidance, direction, and support appropriate to the clinical situation.

- b. In its March 2018 Response, the Program stated: "OMCC Program Director self-reported med errors to Ohio Board of Nursing to ensure full transparency. The program director believes OBN should be informed of these incidents." Despite this, the medication errors (discussed in Item 1.a., above) were not reported by the Program to the Board, but were discovered by the Board in investigating allegations made in an October 23, 2017 Dissatisfaction Form submitted to the Board regarding the Program.

Rule 4723-5-25, OAC, provides that a program shall not make any false, misleading, or deceptive statements, or submit or cause to be submitted any false, misleading or deceptive information or documentation to the board or any representative of the board. Violation of this requirement shall be considered a failure to meet the requirements of this chapter in considering approval status.

Section 4723.06(A)(7), ORC, provides that if a program on provisional approval has failed to meet and maintain the minimum standards established by rules adopted under Section 4723.07, ORC, the Board may withdraw approval pursuant to an adjudication under Chapter 119. of the Revised Code. Rule 4723-5-04(B)(4), OAC, provides that if a program on provisional approval in accordance with this chapter demonstrates that an additional requirement is not being met and maintained, the Board shall propose to withdraw approval pursuant to an adjudication under Chapter 119. of the Revised Code. The adjudication may result in the continuance of provisional approval, withdrawal of approval, or granting of full approval.

Accordingly, the Board is authorized to propose to withdraw provisional approval and to deny full 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: **Hearing Requests/Compliance Unit, Ohio Board of Nursing, 17 South High Street, Suite 660, Columbus, OH 43215-3466, 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 provisional approval and deny full approval status.

Sincerely,

A handwritten signature in cursive script that reads "Patricia A. Sharpnack D.N.P., R.N." The signature is written in black ink and is positioned above the typed name and title.

Patricia Sharpnack, D.N.P., R.N.
President, Ohio Board of Nursing

Certified Mail Receipt No. 7017 2620 0000 9506 3097

cc: James T. Wakley, Senior Assistant Attorney General