



July 30, 2010

## NOTICE OF OPPORTUNITY FOR HEARING

Miami-Jacobs Career College  
Practical Nursing Program  
Attention: Brenda Cottrell, Program Administrator  
401 E. Third Street  
Dayton, Ohio 45402

Dear Ms. Cottrell:

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 Miami-Jacobs Career College Practical Nursing Program ("Program") for the following reasons:

1. On or about June 8, 2010, 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(A)(2), OAC. On or about June 17, 2010 the Board sent the Program a Survey Visit Report identifying standards not met and maintained. On June 29, 2010, the Board received a letter and documentation in response to the Survey Visit from the Program (Response). On July 29-30, 2010, 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 registered nurse administrator, who is required to meet the qualifications set forth in the rule 4723-5-11 of the Administrative Code for a practical nursing education program, did not have assume accountability and responsibility for all aspects of the program including but not limited to: (4) Implementing an orientation process for new faculty; and (5) Recommending faculty for appointment, promotion, tenure, or retention, and termination. The Program Administrator failed to implement an orientation process for new faculty during the time period in or about February 2010 through June 8, 2010. Rather, the Program Administrator stated, during the June 8, 2010 survey visit, that: (i) a non-nurse was hired in April 2010, and he

was responsible for orientation of new faculty; and (ii) no formal orientation process was in place since February 2010. In addition, the Program Administrator recommended faculty to appointment as an associate administrator when the faculty did not meet the minimum qualifications for the position. During the June 8, 2010 survey visit, Program Administrator stated to the Board that, effective on or about May 1, 2010, Ms. Villamor-Goubeaux was appointed as the Associate Administrator of the Program's Troy location, despite the fact that Ms. Villamor-Goubeaux did not meet the minimum qualifications, as set forth in paragraph 1.b., below.

- b. Despite being required by Rule 4723-5-11, OAC, for a practical nursing education program, an individual who did not meet the minimum qualifications as required by Rule 4723-5-11, OAC, was appointed as an associate administrator of the Program. Rule 4723-5-11(A) states that the minimum qualifications and academic preparation for administrative, faculty, and instructional personnel appointments for a practical nursing education program are as follows: (2) For an associate administrator of a program: (b) At least five years experience in the practice of nursing as a registered nurse, including two years as a faculty member in a registered or practical nursing education program. During the June 8, 2010 survey visit, the Program Administrator stated that effective on or about May 1, 2010, Ms. Villamor-Goubeaux was appointed as the Associate Administrator of the Program's Troy location. As of May 1, 2010, Ms. Villamor-Goubeaux did not have two years experience as a faculty member in a registered or practical nursing education program. In fact, the Program had asked the Board Education Unit Manager whether Ms. Villamor-Goubeaux's twenty-one months of teaching experience would meet the minimum qualifications, and on or about February 4, 2010, the Manager provided a written response indicating that Rule 4723-5-11(A)(2), OAC, would require "completion of the two years of teaching."
- c. Despite the requirements of Rule 4723-5-12(A), OAC, the administrator of the Program and faculty failed to establish and implement written policies for the following: (4) 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; and (b) The requirements for satisfactory completion of each course required in the nursing curriculum. These requirements were not met, as follows:
  - (i) The Program's "Practical Nursing Handbook, Revised Version III December 2, 2009" (2009 Handbook) and "Practical Nursing Handbook Revised Version III April 2010." (2010 Handbook), both

contain the *Attendance Policy for Clinicals*. This policy establishes:

You must attend 100% of clinical hours. There may be an opportunity for make up, but only 1 make-up clinical. Absenteeism greater than the make-up hours allowed will result in a grade of Unsatisfactory (U) in clinical and failure of the current course.

During the June 8, 2010 survey visit, the Program Administrator provided for review the files of twelve (12) Dayton Program location students who were to complete the Program in May 2010. Three (3) of the students' files, students #1 - 3 [see attached *Student Key*, to remain confidential and not subject to public disclosure] contained a document labeled "Clinical Make-up" dated December 14, 2009, which stated: "The student may select to either write a 25 page paper on Team Playing/Why Racism Doesn't Work or do 1 clinical make-up without complaining." The Program Administrator stated that a former program administrator provided this document to students at the Dayton location, providing the option to select how they desired to make-up the missed clinical. The clinical absence exception provided to Dayton Program location students #1 - 3 is not set forth in any written form as a policy option available to other Program students. The Program Administrator stated during the June 8, 2010 survey visit that students had previously been dismissed from the Program for their clinical absence without the ability to make-up the clinical experience.

(ii) During the June 8, 2010 survey visit, Board staff reviewed the Program file for student #4 (Troy Program location). This file contained a document entitled "Attendance Contract," dated February 2, 2010, signed by student #4, the Faculty Lead, the Program Administrator, and the Academic Dean (Contract). This Contract authorized student #4 to make-up clinical absences that the Contract states occurred on October 20, 2010 [sic] (PN 102), January 21, 2010 and January 25, 2010 (PN 103). The Troy Program location Associate Program Administrator, Campus Director, and Academic Dean stated to Board staff during the June 8, 2010 survey visit that student #4 was authorized by this Contract to progress to PN 103 before having completed the missed clinicals for PN 102. This was not in accordance with the Program's progression policy. In addition, the clinical absence exception made for student #4, in the form of the Contract, was not publicized by the Program or otherwise embodied in any written form as a policy option available to Program students.

(iii) The Program failed to establish and implement written policies for Program completion by establishing a verbal policy, on or about

November 16, 2009, that students who were scheduled to graduate in May 2010 (May Cohort) must successfully pass an “ATI Level II” examination prior to graduation and completion of the Program. In addition, the November 2009 verbal policy was verbally amended with respect to the effective date of the policy, i.e., in or about January 2010, the Program changed the effective date from November 2009 to March 2010. Despite the March 2010 effective date, this policy was not put in writing until in or about April 2010, when a “Nursing Program ATI Competency/Raising the Bar” (April 2010 ATI Policy) policy appeared in writing. Further, the April 2010 ATI Policy was verbally amended, and inconsistently applied, regarding how many test attempts would be allowed, testing dates, remediation and payment of fees to participate in re-takes, including but not limited to the following:

(a) The Program Administrator stated, during the June 8, 2010 survey visit, that students in the May Cohort would be required to pass the ATI at a level of 85% by June 20, 2010, and would be required to “repeat the course . . . and then be offered two attempts to pass the ATI exam.” However, students at the Springboro Program location were verbally advised that they would have one additional week to pass the ATI exam “due to a concern with a faculty member”;

(b) The Associate Administrator of the Troy Program location stated that students at the Troy location were allowed only one test retake, that the various Program locations implemented the new ATI exam policy at different times due to technical issues, and that the Troy location did not follow the April 2010 ATI Policy, as written, rather, they gave the ATI exam at least two weeks prior to the end of the quarter so that students could remediate and retake the exam (the April 2010 ATI Policy states that the exam is to be given one week before the end of the quarter);

(c) The Program Administrator provided a course syllabus for PN 120, dated as revised January 26, 2010, that provides that “students will have the opportunity for remediation of this practice test prior to taking the proctored exam [ATI] by completing 3.5 index cards on ‘topics to review’ on ATI report. Points may be awarded for remediation per instructor’s discretion.” This policy is inconsistent with the April 2010 ATI Policy, the PN 120 syllabus dated April 10, 2010, and the student handbooks dated December 2009.

d. Despite being required by 4723-5-17(B), OAC, the Program’s contracts with Adolescent and Pediatric Care, Tipp City (June 1, 2008) and United Rehabilitation Services, Dayton (April 22, 2010) failed to expressly set forth the expectations that the preceptors are to fulfill.

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

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