

IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

Ohio American Health Care, Inc.	:	
Registered Nursing Program	:	
Practical Nursing Program	:	
	:	
Appellant,	:	
	:	
vs.	:	Case No. 12-CVF-009722 and
	:	Consolidated Case No. 12-CVF-009723
Ohio Board of Nursing	:	
	:	Judge Schneider
Appellee.	:	

DECISION AND ORDER

This cause came before the court on a Motion for Stay filed by Appellant Ohio American Health Care, Inc. (OAHC) Registered Nursing Program pursuant to O.R.C. Section 119.12.

On August 6, 2012 the case styled *Ohio American Health Care, Inc. Practical Nursing Program vs. Ohio Board of Nursing*, Case No. 12-CVF-009723, was consolidated into this case.

On August 7 and 8, 2012 a hearing was held on the Motion for Stay as applicable to both cases. Testimony and evidence was presented as well as oral argument. Having considered the testimony, evidence and legal argument the Court grants a stay of the Ohio Board of Nursing's Adjudication Orders as to the Registered Nursing Program and Practical Nursing Program (both issued July 27, 2012) subject to the following terms as fixed by the Court pursuant to the express authority in O.R.C. Section 119.12:

1. Appellant shall not enroll any new students to its Registered Nursing Program or Practical Nursing Program during the pendency of this Order or until further Order of this Court.

2. Appellant may immediately resume its Registered Nursing Program and Practical Nursing Program subject to the continuing review and supervision of the Court which shall include the appointment by the Court of a Special Master who shall have the qualifications of a Program Administrator as defined in O.A.C. 4723-5-10(A)(1) (Registered Nursing Program) and 4723-5-11(A)(1)(Practical Nursing Program).
3. The Special Master shall be independent of the parties herein and shall be subject only to the Orders of this Court. The Special Master has no authority to require OAHC to hire any specific individual, nor does the Special Master have any authority to compel OAHC to expend funds, except as ordered by the Court.
4. The Special Master shall review and monitor OAHC's compliance with the O.A.C. Chapter 4723-5 as to the Registered Nursing Program and Practical Nursing Program and report to the Court on a monthly basis. The Special Master shall provide a copy of this report to counsel for both OAHC and the Board of Nursing by e-mail. A party may file an objection to any portion of this report within three business days. This report shall include but is not limited to:
 - a) Any changes in faculty, staff or administration;
 - b) Any changes to the student body including the names of any students that have completed the Registered Nursing or Practical Nursing program or have withdrawn from OAHC;
 - c) Any changes to affiliations with clinical sites;
 - d) Whether OAHC has demonstrated insufficient funds to continue operations; and

- e) Whether there have been any violations of O.A.C. Chapter 4723-5 or any Order of this Court.
5. OAHC shall be responsible for paying the Special Master at a rate of \$[] per hour.
[details to be determined after Court speaks with Special Master]
6. The Program Administrator shall have the full authority, accountability and responsibility for the Registered Nursing and Practical Nursing programs except that the Program Administrator may perform the following actions only with approval of the Special Master:
- a) The hiring or termination of any faculty or staff;
 - b) Changing the curriculum; and
 - c) Submitting a certificate of completion to the Board of Nursing pursuant to O.A.C. 4723-5-09(B)(9).
7. All tuition and fees received by OAHC from students must be placed into a bank account under the control of the Program Administrator. The Program Administrator shall have authority to pay all salaries, rent, and utilities from this bank account. The Program Administrator may expend up to \$1,000 for supplies without further approval. The Owner of OAHC may request that the Program Administrator make other purchases or distributions from this bank account. The Special Master must be immediately notified of any such request. The Program Administrator must provide a report every month of all activity in this bank account to the Owner of OAHC and the Special Master. In addition, the Owner of OAHC and the Special Master shall have the power to review all deposits and withdrawals made from this bank account at any other time.

8. If the position of Program Administrator becomes vacant, the Special Master shall immediately notify the Court who will take appropriate action. While the position of Program Administrator is vacant, the Special Master shall act as interim Program Administrator.
9. OAHC's owner and Program Administrator shall cooperate with the Special Master in every way and shall not undertake any change of curriculum or training without notifying and consulting with the Special Master who shall immediately report to the Court any non-compliance with this Order or O.A.C. Chapter 4723-5;
10. Students continuing in the Registered Nursing Program and the Practical Nursing Program shall acknowledge in writing they are aware of the stay Order and that if OAHC's appeal of the Adjudication Orders are unsuccessful at a later unknown date and they have not graduated prior to the lifting of the stay, OAHC will not be able to provide them with a certificate of completion or guarantee transfer of any credit;
11. Any student may withdraw from the Registered Nursing or Practical Nursing programs within thirty days of the entry of this order and shall be responsible for paying only any delinquent monthly tuition and fees.
12. Upon request, OAHC shall provide transcripts or other documentation necessary for any student who seeks to transfer to another nursing program and is not delinquent in their payment of monthly tuition and fees.
13. OAHC shall not charge a student additional tuition or fees if the Program Administrator and Special Master determines that, through no fault of the student, a student requires additional didactic, laboratory or clinical education in order for a letter of completion to be submitted to the Ohio Board of Nursing. This shall not

apply if the additional education is required because the student has failed a course or exit exam.

14. During the pendency of this stay, OAHC's ownership including, but not limited to Jolayemi Oladimeji, shall cooperate with the Program Administrator in the operations of the Registered Nursing Program or the Practical Nursing Program.
15. Any party may request a termination or modification of this order.
16. At any time when there is no Special Master, any issues that would otherwise have to be submitted to the Special Master shall be submitted to the Court and to counsel for both parties.
17. Nothing herein shall be deemed to be a final finding in favor of either party.
18. This Order is subject to further review by this Court no later than December 10, 2012.

SO ORDERED.



Judge Charles Schneider

Copies to: