



July 21, 2016

NOTICE OF OPPORTUNITY FOR HEARING

Connie Ray, R.N., M.S.N.
Interim Program Administrator
Practical Nurse Program, Canton City School District
2701 Coventry Boulevard N.E.
Canton, Ohio 44705

Dear Ms. Ray:

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)(7), ORC, to withdraw provisional approval and to deny full approval status to Practical Nurse Program, Canton City School District ("Program") for the following reasons:

1. Effective March 12, 2015, the Board placed the Program on provisional approval 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). Upon placing the Program on provisional approval, the Board required the Program to return its certificate of full approval and to submit periodic progress reports to the Board. On January 11, 2016, the Board conducted a survey visit to review whether the Program was meeting and maintaining the standards for education programs established in Chapter 4723-5, OAC, (January 2016 Survey Visit). On or about January 21, 2016, the Board sent the Program its Survey Visit Report identifying standards not met and maintained (January 2016 SVR). The Program submitted its Response on or about March 3, 2016 (March 2016 Response). On July 21, 2016, the Board met and, having considered the January 2016 SVR and the March 2016 Response, has determined that the following standards established in Chapter 4723-5, OAC, have not been met or maintained:
 - a. Despite the requirements of Rule 4723-5-11(A)(3)(d), OAC, for minimum qualifications of faculty for a practical nursing program teaching a nursing course, the Program utilized an individual, Beth Fetters, R.N., as faculty responsible for teaching nursing in the Program from on or about September 7, 2015, through on or about December 17, 2015, a period during which Ms. Fetters did not hold an active valid license as a

registered nurse.

Rule 4723-5-11(A), OAC, provides that the minimum qualifications and academic preparation for faculty for a practical nursing education program are as follows: (3) For faculty teaching a nursing course: (a) Completion of an approved registered nursing education program in a jurisdiction as defined in paragraph (P) of Rule 4723-5-11 of the Administrative Code; (b) Experience for at least two years in the practice of nursing as a registered nurse; (c) A baccalaureate degree in nursing; and (d) Current, valid licensure as a registered nurse in Ohio.

- b. Despite the requirements of Rule 4723-5-21(D), OAC, the Program failed to maintain a record for Instructor Marie Kathleen Hiles, B.S.N., that included the time by month and year of employment in clinical practice. In addition, the Program's records for Instructor Tracy Fry, B.S.N., did not contain verification of current, valid licensure at the time of renewal; the verification of Ms. Fry's licensure was dated on or about October 21, 2015.

Rule 4723-5-21(D), OAC, provides that the administrator of the program shall maintain records including the following: Records for each faculty and teaching assistant currently being utilized in the program that include: (1) Documentation of academic credentials, including copies of official academic transcripts; (2) A record that includes the time periods, by month and year of employment in clinical practice, and in teaching, and the names and locations of all employers in the field of nursing and nursing education; and (3) Verification of current, valid licensure as a registered nurse in Ohio at the time of appointment, and at each licensure renewal.

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 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), OAC, provides that the following procedures shall be followed by the Board when a program does not meet and maintain the requirements of this chapter: 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 400, Columbus, OH 43215-7410, 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,

Handwritten signature of Maryam W. Lyon MSN RN in black ink.

Maryam W. Lyon, M.S.N., R.N.
President, Ohio Board of Nursing

Certified Mail Receipt No. 7015 3430 0001 1696 3700

cc: Katherine Bockbrader, Principal Assistant Attorney General