

**STATE BOARD OF COMMUNITY COLLEGES**

**REFUSAL TO RECOMMEND PROPRIETARY LICENSE RENEWAL**

The State Board of Proprietary Schools submits this Refusal to Recommend Proprietary License Renewal to the State Board of Community Colleges, pursuant to Article III, Chapter 150B of the North Carolina General Statutes, and 2B SBCCC Subchapter 100.

**Proprietary School:** Apex Health Care Academy  
703 South Marietta Street  
Gastonia, NC 28052

**School Administrator:** Debbie Akhimien

**Attachments:**

1. Refusal to Recommend License Renewal issued to Apex Healthcare Academy.
2. Written response (dated May 21, 2019) received from Apex Healthcare Academy.

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703 South Marietta Street  
Gastonia, NC 28052

**School Administrator:** Debbie Akhimien

A copy of this document as compiled has been presented to the following:

1. Chair of the North Carolina State Board of Proprietary Schools
2. NCCCS Executive Vice President
3. NCCCS General Counsel
4. NCCCS Director of Marketing and Public Affairs

A copy of this document as compiled has been presented to the Chief Administrator of the proprietary school at issue within five (5) business days of the license renewal recommendation of the State Board of Proprietary Schools via email and U.S. Mail.

Submitted this 7<sup>th</sup> day of May 2019



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Scott Corl, Executive Director  
Office of Proprietary Schools

## **REFUSAL TO RECOMMEND PROPRIETARY LICENSE RENEWAL**

The State Board of Proprietary Schools submits this Refusal to Recommend Proprietary License Renewal to the State Board of Community Colleges, pursuant to Article III, Chapter 150B of the North Carolina General Statutes, and 2B SBCCC Subchapter 100.

### **I. Statutory Authority**

Under Article 8, Chapter 115D of the North Carolina General Statutes, the State Board of Community Colleges ("SBCC") licenses proprietary schools upon the recommendation of the State Board of Proprietary Schools ("SBPS").

In accordance with N.C.G.S. §115D-93, refusal to renew a proprietary license shall be made in accordance with Chapter 150B of the General Statutes. The State Board of Community Colleges Code provides due process through 2B SBCCC Subchapter 100.

### **II. School, License Renewal Process, and Incomplete Application**

Apex Health Care Academy ("Apex") was approved for initial proprietary school licensing in 2016. The school is currently licensed to offer two programs: Phlebotomy (240 clock hours) and Medication Technician (15 clock hours). The school is not approved to offer a Nurse Aide I program.

In accordance with N.C.G.S. §115D-91, Apex was required to file a renewal application to be considered for proprietary licensing effective July 1, 2019 – June 30, 2020. The statute required the school to file an application in the form and manner prescribed by the State Board, acting by and through the State Board of Proprietary Schools. The renewal application for the July 1, 2019 – June 30, 2020 license year was posted on the Community College System Office website in or about the middle of January 2019.

The school filed a timely renewal application, requesting approval to offer the Phlebotomy and Medication Technician programs—as well as a Nurse Aide I program, that it failed to obtain DHHS approval for during the July 1, 2018 – June 30, 2019 license year. The application contained several other deficiencies.

On March 27, 2019 the Office of Proprietary Schools requested specific corrections and supplements from the school owner (See attached letter dated March 27, 2019). On April 9th, the school owner emailed a "letter" that appeared to be blank. On April 11th, the school was advised the application was incomplete and an immediate response was requested (See attached emails dated April 9<sup>th</sup> – 11<sup>th</sup>). The school owner failed to respond.

Apex's owner was aware the Proprietary Board would meet to consider license renewal applications on Friday, May 3, 2019. At 4:56 p.m. on May 2nd, she submitted various corrections to the Office of Proprietary Schools via email (See attached email dated May 2, 2019--attachments not included for brevity). The corrections were insufficient. Among other things:

- The school failed to submit an Annual Report, provided in the renewal application, and required as part of the license renewal process.
- The school failed to submit an Affirmation of Teach-out Plan and Notice of Closure Requirement, provided in the renewal application, and required as part of the license renewal process.
- The revised school catalog failed to remove false and/or misleading statements about Nurse Aide I approval as directed by the March 27<sup>th</sup> letter. The following statement appears under the heading **License/Approval**: “The Division of Facility Services has approved a pending Nurse Aide I program. The Division of Facility Services will give final approval of the Nurse Aide I program.” The following statement appears under the heading **Facility Information**: “Apex Health Care Academy is a proprietary school approved by the North Carolina Board of Community Colleges, and also approved for Nurse Aide I Training Program [sic] by the Department of Health Services Regulation (DHSR).” (Additional evidence of unauthorized advertisement of Nurse Aide I approval was discovered during the renewal process.)

### **III. Rationale for SBPS’ Refusal to Recommend Renewal of Apex Health Care Academy’s Proprietary License**

In accordance with N.C.G.S. §115D-91(b), proprietary licenses are renewable if all of the following conditions are met:

(1) An application for the renewal of the license has been filed in the form and manner prescribed by the State Board, acting by and through the State Board of Proprietary Schools.

(2) The renewal fee has been paid.

(3) The school and its courses, facilities, faculty and all other operations are found to meet the criteria set forth in the requirements for a school to secure an original license.

On May 3, 2019 the State Board of Proprietary Schools met to consider renewal applications for the July 1, 2019 – June 30, 2020 licensing year. During consideration of Apex’s application, the Board found:

1. The application failed to meet the licensing requirement mandated in N.C.G.S. §115D-91(b)(1) because it was not filed in the form and manner prescribed by the State Board, acting by and through the State Board of Proprietary Schools. The application failed to include the required Annual Report, Affirmation of Teach-out Plan, and Notice of Closure Requirement. The revised school catalog also contains false and/or misleading statements about Nurse Aide I approval, which is a violation of 2A SBCCC 400.3 (“A licensed school shall not advertise through any media that it offers courses that the school has not been licensed to offer;” “Schools shall not make, cause, permit to be made, or publish any false, untrue, or deceptive statement or representation by way of advertising or otherwise concerning other proprietary schools or their activities in attempting to

enroll students or concerning the character, nature, quality, value, or scope of any course of instruction or educational service offered or in any other material respect.”

2. The application failed to meet the licensing requirement mandated in N.C.G.S. §115D-91(b)(3) because the school and its courses, facilities, faculty and all other operations did not meet the criteria set forth in the requirements for a school to secure an original license. Pursuant to N.C.G.S. §115D-90(c), a proprietary school license shall be granted to the applicant when it is shown (among other things) to the satisfaction of the State Board, acting by and through the State Board of Proprietary Schools, “that the courses, curriculum and instruction are consistent in quality, content and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.” [N.C.G.S. §115D-90(c)(1)]. Apex’s renewal application failed to meet the requirements in N.C.G.S. §115D-90(c)(1), specifically as it relates to Nurse Aide I. Nurse Aide I programs offered in North Carolina are required to be approved by DHHS. Nurse Aide I programs offered at proprietary schools are contingent upon continued approval by DHHS. Apex’s proposed Nurse Aide I program does not have DHHS approval. The Nurse Aide I program Apex requested for approval to offer is therefore not consistent in quality, content and length with similar courses in public schools and other private schools in the State, with recognized accepted standards.

The State Board of Proprietary Schools unanimously voted to refuse to recommend license renewal of Apex Health Care Academy for the July 1, 2019 – June 30, 2020 licensing year.

#### **IV. Notice of Right to Provide Written Response:**

**You (or another authorized agent of the school) have the right to provide a written response within ten (10) business days of receiving this Notice. The response must be signed and directed to the Executive Director of the Office of Proprietary Schools on behalf of the State Board of Proprietary Schools:**

Scott Corl, Office of Proprietary Schools  
North Carolina Community College System Office  
5001 Mail Service Center  
Raleigh, NC 27699-5001

## Scott Corl

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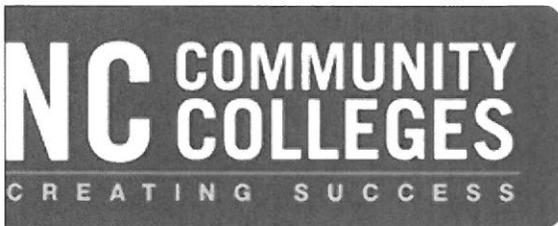
**From:** Scott Corl  
**Sent:** Wednesday, March 27, 2019 9:51 AM  
**To:** Apex Health Care Academy  
**Cc:** Scott Corl  
**Subject:** 2019 - 2020 License Renewal Application  
**Attachments:** License Renewal Application Review -Apex Health Care Academy.pdf

**Importance:** High

Please see the attached letter regarding the renewal application of Apex Health Care Academy.

Regards,

Scott Corl  
Executive Director  
Office of Proprietary Schools  
NC Community College System  
Phone: 919-807-7061  
Fax: 919-807-7169  
[corls@nccommunitycolleges.edu](mailto:corls@nccommunitycolleges.edu)



E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.



**NORTH CAROLINA COMMUNITY COLLEGE SYSTEM**

*Peter Hans, President*

March 27, 2019

VIA EMAIL

Debbie Akhimien, Director  
Apex Health Care Academy  
5715 Westpark Drive, Suite 202  
Charlotte, NC 28217

**Re: Renewal Application for Proprietary School Licensure**

Dear Ms. Akhimien:

Thank you for submitting your renewal application for proprietary school licensing. We have reviewed your application and request the following additional information:

Tab 4: Supplement a DHHS approval letter for the Nurse Aide I program. Your school will not be authorized to advertise or offer any Nurse Aide I instruction until our office receives an approval letter from DHHS.

Tab 6: All references to Nurse Aide I (see page 9 for example) must be removed from all parts of the school catalog until it is properly approved. Revise and resubmit an electronic copy.

Tab 8: Going forward, this section should include the approval letter from DHHS for the Nurse Aide I program. You should also have at least two clinical site contracts that match the locations approved by DHHS. Revise and resubmit accordingly.

Tab 9: Use the forms provided in the application to identify the approved instructors for each licensed program—Supplement.

Tab 11: Confirm and provide documentation that all concerns on the submitted inspection report are corrected.

Tab 12: Your submission did not include the Affirmation of Teach-out Plan and Notice of Closure Requirement--Supplement.

Tab 14: You should be working with a CPA to produce basic (not audited) financial documents including a balance sheet, profit & loss, and cash flow statement--  
Supplement.

Tab 15: Confirm the amount of coverage and renewal date of your bond. The application includes an invoice to renew the bond with no other documentation--  
Supplement documentation that the bond is paid in-full for the upcoming license year.

Tab 16: Your submission failed to include an Annual Report—Supplement.

**Please submit all requested corrections within 10 days.** We look forward to working with you and trust that 2019-2020 will be a successful year for your school.

A handwritten signature in black ink, appearing to read 'SCOTT CORL', with a long horizontal flourish extending to the right.

Scott Corl  
Executive Director  
Office of Proprietary Schools  
919-807-7061  
[corls@nccommunitycolleges.edu](mailto:corls@nccommunitycolleges.edu)

## Scott Corl

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**From:** apexhealthcare@carolina.rr.com  
**Sent:** Tuesday, April 9, 2019 5:32 PM  
**To:** Scott Corl  
**Subject:** [External]  
**Attachments:** Apex new logo.docx

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe.

Good afternoon

Attached is my letter

Apex Health Care Services  
703 S. Marietta St.  
Gastonia, NC 28052



# Apex Health Care Services

*"Excellence and Passion in Health Care"*

**Scott Corl**

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**From:** Scott Corl  
**Sent:** Wednesday, April 10, 2019 1:55 PM  
**To:** apexhealthcare@carolina.rr.com  
**Cc:** Scott Corl  
**Subject:** RE: [External]

This letter is blank.

Regards,

Scott Corl  
Executive Director  
Office of Proprietary Schools  
NC Community College System  
Phone: 919-807-7061  
Fax: 919-807-7169  
corls@nccommunitycolleges.edu

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Act and shall be disclosed to third parties when required by Chapter 132 of the North Carolina General Statutes.

-----Original Message-----

From: apexhealthcare@carolina.rr.com <apexhealthcare@carolina.rr.com>  
Sent: Tuesday, April 9, 2019 5:32 PM  
To: Scott Corl <corls@nccommunitycolleges.edu>  
Subject: [External]

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe.

Good afternoon

Attached is my letter

Apex Health Care Services

703 S. Marietta St.  
Gastonia, NC 28052

## Scott Corl

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**From:** Scott Corl  
**Sent:** Thursday, April 11, 2019 1:03 PM  
**To:** apexhealthcare@carolina.rr.com  
**Cc:** Scott Corl  
**Subject:** RE: [External]

**Importance:** High

I do not understand the apparent confusion but let me be as clear as possible:

Our office has not approved any type of extension to make corrections presented by letter dated March 27, 2019. Tabs 4, 6, and 8 deal with DHHS approval of Nurse Aide I. You will supplement those WHEN they are presented to you. Tabs 9, 11, 12, 14, 15, and 16 remain outstanding and need to IMMEDIATELY be corrected. Your application is incomplete. I am requesting an IMMEDIATE response regarding your application.

Regards,

Scott Corl  
Executive Director  
Office of Proprietary Schools  
NC Community College System  
Phone: 919-807-7061  
Fax: 919-807-7169  
corls@nccommunitycolleges.edu

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-----Original Message-----

From: Scott Corl  
Sent: Wednesday, April 10, 2019 1:55 PM  
To: apexhealthcare@carolina.rr.com  
Cc: Scott Corl <corls@nccommunitycolleges.edu>  
Subject: RE: [External]

This letter is blank.

Regards,

Scott Corl  
Executive Director  
Office of Proprietary Schools  
NC Community College System  
Phone: 919-807-7061  
Fax: 919-807-7169  
corls@nccommunitycolleges.edu

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Sent: Tuesday, April 9, 2019 5:32 PM  
To: Scott Corl <corls@nccommunitycolleges.edu>  
Subject: [External]

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Good afternoon

Attached is my letter

Apex Health Care Services  
703 S. Marietta St.  
Gastonia, NC 28052

## Scott Corl

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**From:** apexhealthcare@carolina.rr.com  
**Sent:** Thursday, May 2, 2019 4:56 PM  
**To:** Scott Corl  
**Subject:** [External]Application  
**Attachments:** SCOTT CORLS-05022019165015.pdf

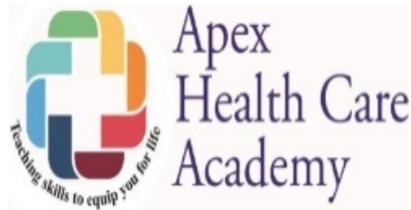
CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe.

Dear Scott,

Thank you for your patience with me, I still cannot my CPA to send the letter, he went on holiday and as soon as he comes back I will send it. Attached are the updates you wanted me to make

Sincerely

Debbie Akhimiem  
Apex Health Care Services  
703 S. Marietta St.  
Gastonia, NC 28052



**May 21, 2019**

**Mr. Scott Corl  
Executive Director  
Office of Propriety Schools  
NC Community College System**

**Re: Refusal To Recommend Proprietary License Renewal**

**Dear Mr. Corl:**

**I am writing in reference to the letter dated May 14, 2019 to Apex Health Care Academy for failure to secure a renewal license for 2019-2020 academic year, I am aware that the renewal for Nurse Aide I program is contingent upon approval from DHHS. The program has not been able to meet that requirement for a Nurse Aide I Program to be approved by DHHS; for this reason, Apex Health Care Academy removed the Nurse Aide I program completely from the application.**

**We have, however met the requirements for approval of Medication Technician and Phlebotomy program. Apex Health Care Academy is asking The State Board of Proprietary Schools for approval of the Medication Technician and Phlebotomy program pending when DHHS will approve the Nurse Aide I program.**

**Thank you for your consideration in this matter.**

**Sincerely**

**Debbie Akhimien  
Director**