

STATE BOARD OF COMMUNITY COLLEGES

State Board of Proprietary Schools

2B SBCCC 200.4 Initial Recommendation to the State Board of Community Colleges

Upon consideration of the attached investigation report, and pursuant to 2B SBCCC 200.4, the State Board of Proprietary Schools recommends that the Community College Board initiate suspension of Cumberland Nursing Academy's proprietary school license to operate Nurse Aide I and Nurse Aide II programs through June 30, 2019.

OFFICE OF PROPRIETARY SCHOOLS

INVESTIGATIVE REPORT:

Cumberland Nursing Academy

The North Carolina State Board of Proprietary Schools submits this Investigation Report to the North Carolina State Board of Community Colleges, pursuant to 2B SBCCC 200.2 and Article III, Chapter 150B of the North Carolina General Statutes.

SUMMARY

Report Overview:

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| 1. Copy of Documentation of Noncompliance | Page 3 |
| 2. The laws or rules allegedly violated and a detailed description of how the proprietary school allegedly violated each of the specified laws | Page 8 |
| 3. Description of investigative process | Page 14 |
| 4. Recommendation of suspension with a supporting rationale for suspension rather than for revocation | Page 15 |
| 5. Attachments | Page 18 |

Investigation Overview:

1. Investigation: August 21, 2018 – October 5, 2018
2. 13 former students interviewed
3. 1 school visit; numerous student records reviewed
4. Three (3) separate interviews with school administrators

Recommendation Overview:

1. Alleged violations in Documentation of Noncompliance: 3
2. Unsubstantiated violations: 1
3. Substantiated violations that rise to the level of suspension or revocation: 2
4. Recommendation to State Board of Proprietary Schools: Initiation of license suspension to operate one or more programs

PART 1: COPY OF DOCUMENTATION OF NONCOMPLIANCE

On August 21, 2018 the Office of Proprietary Schools presented the following Documentation of Noncompliance and Notice of Investigation to the administrator of the Cumberland Nursing Academy.

DOCUMENTATION OF NONCOMPLIANCE AND NOTICE OF INVESTIGATION: CUMBERLAND NURSING ACADEMY

The State Board of Proprietary Schools submits this Documentation of Noncompliance to the State Board of Community Colleges, pursuant to 2B SBCCC 200.2 and Article III, Chapter 150B of the North Carolina General Statutes.

Proprietary School: Cumberland Nursing Academy
949 Country Club Drive
Fayetteville, NC 28301

Administrators/Directors: Malcolm Dennis

Pursuant to rules adopted by the State Board of Community Colleges, a copy of this document as compiled has been presented to the following:

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

Pursuant to rules adopted by the State Board of Community Colleges, a copy of this document as compiled will be presented to the Chief Administrator of the proprietary school at issue within five (5) business days of documenting the noncompliance with the individuals above.

Submitted this 21st day of August 2018



Office of Proprietary Schools

**DOCUMENTATION OF NONCOMPLIANCE AND
NOTICE OF INVESTIGATION: CUMBERLAND NURSING ACADEMY**

The State Board of Proprietary Schools submits this Documentation of Noncompliance to the State Board of Community Colleges, pursuant to 2B SBCCC 200.2 and Article III, Chapter 150B of the North Carolina General Statutes.

I. Receipt of Complaint/Evidence of Noncompliance and Investigation

The State Board of Proprietary Schools (“SBPS”), by and through its Executive Director of the Office of Proprietary Schools (“OPS”) shall initiate and conduct an investigation of a proprietary school subject to Article VIII, Chapter 115D of the North Carolina General Statutes for either of the following:

(1) The SBCC, acting by and through the NCCCS President or the SBPS receives a written complaint alleging that a proprietary school subject to Article VIII of Chapter 115D has failed to comply with either the requirements of the law or the rules adopted by the SBCC; or

(2) If the State Board of Community Colleges (“SBCC”), acting by and through the State Board of Proprietary Schools (“SBPS”), has evidence that a proprietary school subject to Article VIII, Chapter 115D of the North Carolina General Statutes has failed to comply with either the requirements of law or the rules adopted by the SBCC.

If the SBCC, acting by and through the SBPS, has evidence that a proprietary school failed to comply with either the requirements of the law or the rules adopted by the SBCC, the SBPS shall document all of the evidence of noncompliance in a document to be titled, “Documentation of Noncompliance.”

EVIDENCE OF NONCOMPLIANCE

1. Cumberland Nursing Academy may be in violation of §115D-93(c)(2), by knowingly providing false or misleading information relating to approval or license.

§ 115D-93 (c)(2). Suspension, revocation or refusal of license; notice and hearing; judicial review; grounds.

2) That the applicant for or holder of such a license has knowingly presented to the State Board of Community Colleges false or misleading information relating to approval or license.

Documentation of possible violation:

Cumberland Nursing Academy (“Cumberland”) purchased an existing licensed proprietary school effective March 1, 2018. Following the notice of sale, the SBCC issued a 90-day temporary license to the school pursuant to N.C.G.S. 115D-91. The 90-day license did not authorize the school to advertise or conduct Nurse Aide I or Nurse Aide II instruction. On March 13, 2018 the Office of Proprietary Schools sent Cumberland an email reiterating the school was approved to offer all previously licensed

programs, with the exception of all Nurse Aide I and Nurse Aide II programs. (See attached copy of 90-day temporary license).

Nurse Aide I

On April 16, 2018 the Department of Health and Human Services (“DHHS”) sent Cumberland a pending approval letter to offer a traditional Nurse Aide I program. Final approval was contingent upon proprietary licensure from the State Board of Community Colleges. The pending approval letter did not include the Nurse Aide I Refresher program. (See attached letter dated April 16, 2018).

On or about May 1, 2018 OPS conducted an initial site visit at Cumberland. During that visit, the directors confirmed their understanding the school was not to enroll or teach any Nurse Aide I or Nurse Aide I Refresher courses until they received final approval from the SBCC.

On May 21, 2018 OPS advised the school director via email that the SBCC voted to issue Cumberland Nursing Academy an initial proprietary school license effective May 18, 2018. The email stated the initial license would supersede the 90-day temporary license, and authorized Cumberland to offer Nurse Aide I and Nurse Aide II training effective May 18, 2018. (See attached email dated May 21, 2018). The initial license did not include approval for the Nurse Aide I Refresher program. The school director acknowledged receipt and understating of the email. Up until this point, the school never acknowledged or gave notice of any ongoing Nurse Aide classes.

On May 29, 2018 OPS and DHHS conducted a joint site visit at Cumberland Nursing Academy. During this visit, it was discovered that a Nurse Aide I class was in progress. According to the attendance roster, class began on May 7, 2018-- prior to final approval and authorization from the SBCC or DHHS. Based on this noncompliance, DHHS withdrew Cumberland’s Nurse Aide I pending approval effective May 30, 2018. (See attached letter dated May 30, 2018). OPS issued a *Withdrawal of Nurse Aide I Program/Notice to Immediately Cease Ongoing Nurse Aide I Program* to Cumberland Nursing Academy the same day (See notice letter dated May 30, 2018).

Nurse Aide II

On May 1, 2018 the NC Board of Nursing (“NCBON”) issued Cumberland a 90-day temporary approval to offer the Nurse Aide II program. On May 1, 2018 OPS conducted an initial site visit at Cumberland. During that visit, the directors confirmed their understanding the school was not to enroll or teach any Nurse Aide II courses until they received final approval from the Community College Board.

During the May 29th joint site visit at Cumberland, it was discovered that a Nurse Aide II class was ongoing. Enrollment documents indicated a class start date of April 26th, 2018. In one instance, a student registered and paid as early as April 20th.

NCBON subsequently requested specific documents from the school. Based on the review of documents received from Cumberland, NCBON found that: students were accepted, enrollment agreements were signed, and money was paid by students for the Nurse Aide II program, prior to receiving approval to offer the class.

On June 19, 2018 NCBON withdrew Cumberland's temporary approval to offer Nurse Aide II. (See attached email dated June 19, 2018; BON detailed the specifics of the withdrawal in the attached letter dated June 21, 2018). OPS issued a *Withdrawal of Nurse Aide II Program/Notice to Immediately Cease Ongoing Nurse Aide II Program* to Cumberland Nursing Academy the same day.

Therefore, on information and belief, Cumberland knowingly provided to the State Board of Community Colleges, by and through the Office of Proprietary Schools, false or misleading information relating to approval or license.

2. Cumberland Nursing Academy may be in violation of 2A SBCCC 400.3(a) by advertising courses it was not approved to offer.

2A SBCCC 400.3 Advertising

(a) A licensed school shall not advertise through any media that is offers courses that the school has not been licensed to offer.

Documentation of possible violation:

Cumberland was not fully authorized to conduct Nurse Aide I or Nurse Aide II training until May 18, 2018. Furthermore, the school was never approved to teach a Nurse Aide I Refresher program.

During the May 29th joint site visit, it was discovered that the school had ongoing Nurse Aide I and Nurse Aide II programs, with enrollments and instruction occurring prior to May 18, 2018.

Based on information and belief, Cumberland Nursing Academy was advertising courses it was not approved to offer.

3. Cumberland Nursing Academy may be in violation of 2A SBCCC 400.11(a)(2)(3)(4) by not maintaining current, complete, and accurate records showing student progress and attendance, enrollment agreements and account ledgers.

2A SBCCC 400.11 Student Records

(a) *A school licensed under G.S. 115D, Article 8, shall maintain current, complete, and accurate records to show the following:*

(2) *Progress and attendance including date entered, dates attended, subjects studied, and class schedule;*

(3) *All student enrollment agreements shall include at a minimum, the program of study, program tuition and fees, date programs are to begin, time period covered by the tuition payment, and statement of or reference to the school's tuition refund policy;*

(4) *All student account ledgers shall include, at a minimum, monies owed and paid by each student, and refunds issued by the school.*

Documentation of possible violation:

On May 29, 2018 OPS and DHHS conducted a joint site visit at Cumberland Nursing Academy. OPS requested to review a specific student's file to confirm her program of enrollment and academic progress. The school was unable to produce the file during the visit. The school subsequently presented an attendance roster, indicating the student was enrolled in a Nurse Aide I Refresher course that started February 26, 2018 and ended on March 19, 2018.

OPS interviewed the student, who alleged that she paid for and enrolled in a full Nurse Aide I course and denied attending class prior to April 2018.

Based on information and belief, Cumberland may be in violation of 2A SBCCC 400.11(a)(2)(4) by failing to maintain current, complete, and accurate records showing student progress and attendance, signed enrollment agreements, and account ledgers.

Request to Provide Written Response:

Pursuant to 2B SBCCC 200.2(c), it is requested that the chief administrator or other agent of Cumberland Nursing Academy submit 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

PART 2: THE LAWS OR RULES THE PROPRIETARY SCHOOL ALLEGEDLY VIOLATED AND A DETAILED DESCRIPTION OF HOW THE PROPRIETARY SCHOOL ALLEGEDLY VIOLATED EACH OF THE SPECIFIED LAWS

I. UNSUBSTANTIATED VIOLATIONS:

Evidence collected during OPS' investigation failed to substantiate the following alleged violation as contained in the foregoing Documentation of Noncompliance and Notice of Investigation:

Allegation #2: Cumberland Nursing Academy may be in violation of 2A SBCCC 400.3(a) by advertising courses it was not approved to offer.

2A SBCCC 400.3 Advertising

(a) A licensed school shall not advertise through any media that it offers courses that the school has not been licensed to offer.

Cumberland was not fully authorized to conduct Nurse Aide I or Nurse Aide II training until May 18, 2018. Furthermore, the school was never approved to teach a Nurse Aide I Refresher program.

This allegation arose during a joint visit with the Department of Health and Human Services ("DHHS") at Cumberland Nursing Academy on May 29, 2018. It was discovered that the school had ongoing Nurse Aide I and Nurse Aide II programs, with enrollments and instruction occurring prior to May 18, 2018.

Investigation

OPS interviewed several former students of Cumberland Nursing Academy. Each student was asked the same general questions including how they found out about the school and why they chose to enroll. Responses indicated that most students were referred, while others conducted Google searches where the school's name would populate under the yellow or white page listings, or the former school name (Care One Health Training Institute) would appear. There was no indication that any printed materials such as brochures, flyers, or banners, were distributed. Additionally, we found no active website for Cumberland Nursing Academy.

Finding

Evidence gathered during the investigation failed to establish that Cumberland Nursing Academy violated 2A SBCCC 400.3(a):

- There was no evidence of an active school website.
- Many students indicated they were referred to the school by former students; or they were familiar with the previous school that existed before Cumberland purchased it. No students reported seeing any advertising.
- Lastly, there was no evidence of brochures, flyers, etc., advertising the school and its offerings.

Based on the collected evidence, it could not be substantiated that the school was actively advertising courses it was not approved to offer.

II. SUBSTANTIATED VIOLATIONS THAT RISE TO THE LEVEL OF RECOMMENDING PROPRIETARY LICENSE SUSPENSION OR REVOCATION:

Two alleged violations as contained in the foregoing Documentation of Noncompliance and Notice of Investigation were substantiated by evidence collected during the investigation. Due to the nature and severity of the violations, recommending initiation of license revocation or suspension to operate one or more programs is appropriate.

Allegation #1: Cumberland Nursing Academy may be in violation of §115D-93(c)(2), by knowingly providing false or misleading information relating to approval or license.

§ 115D-93. Suspension, revocation or refusal of license; notice and hearing; judicial review; grounds.

§ 115D-93. (c) The State Board, acting by and through the State Board of Proprietary Schools, shall have the power to refuse to issue or renew any such license and to suspend or revoke any such license theretofore issued in case it finds one or more of the following:

(2) That the applicant for or holder of such a license has knowingly presented to the State Board of Community Colleges false or misleading information relating to approval or license.

This allegation arose during a joint visit with the Department of Health and Human Services ("DHHS") at Cumberland Nursing Academy on May 29, 2018. It was discovered that a Nurse Aide I class was in progress prior to the school receiving final approval and authorization from the SBCC or DHHS. Furthermore, it was discovered that a Nurse Aide II class was also in progress prior to any final approval or authorization from the SBCC or NCBON. As discussed in the attached Document of Noncompliance, Cumberland held a Nurse Aide I class that began on May 7, 2018 and a Nurse Aide II class that began on April 26, 2018, prior to receiving full approval from the SBCC. Leading up to the May 29th site visit, the school administrators had numerous opportunities to inform the Office of Proprietary Schools that Nurse Aide classes were ongoing, but they failed to do so.

The following is a timeline of events that occurred leading up to the initial investigation:

- March 1, 2018 - Cumberland Nursing Academy purchased an existing proprietary school.
- March 13, 2018 - OPS sends Cumberland an email reiterating the school would be approved to offer all previously licensed programs--except Nurse Aide I and Nurse Aide II.

- On or about March 15, 2018, the SBCC issues Cumberland a 90-day temporary license (dated March 1, 2018 according to the sale date). The 90-day temporary license did not authorize Nurse Aide I or Nurse Aide II.
- April 16, 2018 - Department of Health and Human Services ("DHHS") issued Cumberland a pending approval letter to offer a traditional Nurse Aide I program. Final approval was contingent upon proprietary licensure from the SBCC.
- May 1, 2018 - NC Board of Nursing ("NCBON") issued Cumberland a 90-day temporary approval to offer the Nurse Aide II program.
- May 1, 2018 - OPS conducted an initial site visit at Cumberland. The directors confirmed their understanding that the school was not to enroll or teach any Nurse Aide I or Nurse Aide II programs until they received final approval from the SBCC.
- May 18, 2018 - SBCC voted to issue Cumberland an initial proprietary school license.
- May 21, 2018 - OPS advised Cumberland via email regarding the SBCC's vote. The email stated the initial license would supersede the 90-day temporary license and authorize the school to offer Nurse Aide I and Nurse Aide II effective May 18, 2018. The director acknowledged receipt and understanding of the email.
- May 29, 2018 - OPS and DHHS conducted a joint site visit at Cumberland. During this visit, it was discovered that Nurse Aide I and Nurse Aide II classes were in progress. According to the attendance rosters, classes began prior to final approval from SBCC.
- May 30, 2018 - DHHS withdrew Cumberland's Nurse Aide I pending approval. OPS noticed Cumberland of withdraw of Nurse Aide I approval and to immediately cease ongoing Nurse Aide I programs.
- June 19, 2018 - NCBON withdrew Cumberland's temporary approval to offer Nurse Aide II. OPS noticed Cumberland of Nurse Aide II approval withdrawal and to immediately cease ongoing Nurse Aide II classes.

Investigation

OPS conducted an initial in-person interview at Cumberland Nursing Academy on August 21, 2018 with Malcom and Tonya Dennis. Mrs. Dennis stated that after the purchase of the school, she assumed all previously approved programs under the former school license would transfer to the new school license. According to Mr. and Mrs. Dennis, and as indicated in the attached response to the Document of Noncompliance, they "misinterpreted the content of the pending approval letter for the Nurse Aide I program and misunderstood it as a letter to begin class enrollment for the Nurse Aide I program." This was despite receiving an email from OPS on March 13, 2018 that specifically stated the school would be issued a license addendum authorizing student enrollment once the Nurse Aide I and Nurse Aide II programs were approved (OPS did not issue a license addendum authorizing enrollment in any Nurse Aide programs). During the interview, and in the school's response to the Document of Noncompliance, Mrs. Dennis admitted to receiving a phone call and an email on March 13, 2018 from OPS stating that the school would be issued a 90-day temporary license that would include all previously licensed programs, except for Nurse Aide I and Nurse Aide II.

Mr. Corl, Executive Director of OPS, reminded Mrs. Dennis of a telephone conversation they had shortly after the school received the April 16, 2018 pending approval letter from DHHS--a telephone call that Ms. Dennis initiated. Mr. Corl recounted that he advised her the school was not to enroll or teach any Nurse Aide programs until they received final approval from the SBCC. During this interview and a subsequent third interview, Mrs. Dennis alleged she did not recall that specific telephone conversation. In the attached response to the Document of Noncompliance, Mrs. Dennis indicated that prior to the May 1, 2018 site visit by OPS, "she had not been told the steps of the process by anyone and was not aware of the time that the school would have to wait for an approval from the SBCC." Mrs. Dennis recalls the May 1, 2018 site visit, where she was "asking about the approval process and what were the next steps, and at that time he (Mr. Corl) explained the Office of Proprietary Schools Board meeting and the final step with the recommendation of the Office of Proprietary Schools Board to the State Board of Community Colleges." Regardless, the school failed to disclose that Nurse Aide I and Nurse Aide II classes were ongoing during the May 1st visit.

During the August 21, 2018 in-person interview, OPS asked Mrs. Dennis about conflicting information regarding a specific student's enrollment. The school previously presented an attendance roster indicating the student was enrolled in a Nurse Aide I Refresher course that started February 26, 2018 and ended on March 19, 2018--the student was the only name on the roster. When OPS interviewed the student, she alleged that she paid for and enrolled in a full Nurse Aide I course and denied attending class prior to April 2018. Mrs. Dennis maintained that this student was enrolled in a Nurse Aide I Refresher course that began on or about February 26, 2018. However, once OPS began to question Mrs. Dennis about classmates the student named (but were not on the roster), she admitted additional students were also enrolled at the school. According to Mrs. Dennis, there were two additional Nurse Aide I classes that began April 16, 2018: a day, and evening class, in which the student in question and her classmates were enrolled. When asked to review records from the classes, Mrs. Dennis stated the records were at her house. When asked why the files were at her house, she stated that she "wanted to remove everything that had to do with Nurse Aide from the school." However, the student files from a May 7th and May 21st Nurse Aide I class were still on site. Mrs. Dennis also stated that Mr. Dennis was not aware of the April 16, 2018 classes, and that the files should have been turned over to OPS during the May 1st site visit. Before leaving the school, OPS requested that the files for the April classes be immediately turned over to our office.

Shortly after the initial interview, Mrs. Dennis reached out to our office to request another meeting to discuss an accurate timeline of the events that transpired. On August 30, 2018 OPS conducted a second interview with Mrs. Dennis at the NC Community College System Office. At that time, Mrs. Dennis delivered the student records for the April 16th Nurse Aide I classes. Mrs. Dennis admitted that she had knowledge of the falsified attendance roster for the Nurse Aide I Refresher course. She stated that one of her former employees created and submitted the document to OPS. Mrs. Dennis also admitted that she knew the school did not have approval for Nurse Aide I Refresher, but still allowed the student in question to be documented as enrolling

and completing the Nurse Aide I Refresher course. "I shouldn't have done that," she said. On her own admission, Mrs. Dennis confirmed that she registered and enrolled students into Nurse Aide I courses before receiving final approval from the SBCC.

OPS asked Mrs. Dennis about the school's instructors. Mrs. Dennis identified herself, Norma Governor, and Karen Chavis, as approved Nurse Aide instructors for Cumberland Nursing Academy. She stated that Norma and Karen would primarily teach the classroom and clinical portions, while she would teach the skills lab and classroom. Students interviewed by OPS indicated that in addition to the instructors listed above, there were two other individuals that would help in the classroom and skills lab. Students identified the two individuals as Tonya C. ("Tonya 2") and Ms. Terrina ("Ms. T"). When OPS questioned Mrs. Dennis about these individuals she stated, "Tonya C. ran the office and would help out after class if students needed extra help. Ms. Terrina also sat at the front desk and she would help students with skills during lunch time or down-time." However, student comments contradicted Mrs. Dennis' statements. One student said, "In the skills lab Tonya (Mrs. Dennis) only came in maybe twice. The majority of the time the former student, Ms. T, was showing us the skills. The other lady at the front desk helped too. It was not during lunch or after hours, it was during actual class hours." Another student stated, "Tonya (Mrs. Dennis) was the instructor, but the other Tonya helped too. She (Tonya C.) did skills and in-class instruction." A third student stated, "Tonya (Mrs. Dennis) was the instructor for some classes and skills, but another lady named Ms. T taught and she only taught in the skills lab."

OPS conducted a third and final in-person interview on October 3, 2018. Mrs. Dennis was asked to clarify exactly when Tonya C. and Ms. Terrina assisted in the classroom or demonstrated skills to students. OPS advised her that interviewed students alleged Tonya C. and Ms. Terrina taught during regular class time and lab time--not after hours or during lunch. Mrs. Dennis stated that she would teach the skills first and the other two ladies would help the students with extra practice during the class and lab. She stated that Tonya C. and Ms. Terrina would help students practice a skill while she may be in another room teaching a different skill--all during regular class and lab time. This is not what Mrs. Dennis initially told OPS.

Finding:

Evidence collected during OPS' investigation establishes school administrators violated §115D-93(c)(2), by knowingly presenting false or misleading information relating to approval or license. Although the administrators contend they "misinterpreted" the pending approval letters from DHHS and NCBON, OPS sent numerous emails, had an extensive telephone conversation with Mrs. Dennis, and conducted two site visits, during which the school had ample opportunities to notify OPS of any ongoing Nurse Aide classes. During the investigation, Mrs. Dennis admitted additional Nurse Aide I classes started April 16th. She also admitted that she removed the April 16th student records from the school and kept them at her house. Furthermore, Mrs. Dennis acknowledged that she was aware of a falsified attendance roster that was presented to OPS. Finally, OPS received conflicting information regarding additional office staff and

how much assistance they provided to the approved instructors. Mrs. Dennis initially stated the individuals assisted in class and lab only during “lunch time” or “down time”—but later admitted they helped during regular class time.

Allegation #3 Cumberland Nursing Academy may be in violation of 2A SBCCC 400.11(a)(2)(3)(4) by not maintaining current, complete, and accurate records showing student progress and attendance, enrollment agreements and account ledgers.

2A SBCCC 400.11 Student Records

(a) *A school licensed under G.S. 115D, Article 8, shall maintain current, complete, and accurate records to show the following:*

(2) *Progress and attendance including date entered, dates attended, subjects studied, and class schedule;*

(3) *All student enrollment agreements shall include at a minimum, the program of study, program tuition and fees, date programs are to begin, time period covered by the tuition payment, and statement of or reference to the school's tuition refund policy;*

(4) *All student account ledgers shall include, at a minimum, monies owed and paid by each student, and refunds issued by the school.*

This allegation arose during a joint visit with DHHS to Cumberland Nursing Academy on May 29, 2018. OPS requested to review a specific student’s file to confirm her program of enrollment and academic progress. The school was unable to produce the file during the visit. The school subsequently presented an attendance roster indicating the student was enrolled in a Nurse Aide I Refresher course that started February 26, 2018 and ended on March 19, 2018. When OPS interviewed the student, she alleged that she paid for and enrolled in a full Nurse Aide I course and denied attending class prior to April 2018.

Investigation

During the initial August 21st in-person interview, Mrs. Dennis admitted this student was enrolled in an April 16th Nurse Aide I program, not a Nurse Aide I Refresher program as she had previously stated, and she knew the attendance roster presented to OPS was not accurate. She also indicated in the attached response to the Document of Noncompliance that the student did not have a signed enrollment agreement in her student file and she was unsure if the student’s account ledger presented accurate financial information. When OPS reviewed the student’s file, it did not include an enrollment agreement, documentation of prior education level, or the required Nurse Aide I Skills Checklists (Appendix A). During this visit, OPS reviewed student records from the following classes: Phlebotomy 3/20/18 – 5/10/18; Phlebotomy 3/27/18 – 5/17/18; Phlebotomy 5/22/18 – 7/12/18; Nurse Aide II 4/26/18 – 6/14/18; Medication Aide 3/1/18 – 3/4/18; Medication Aide 5/14/18 – 5/18/18; Medication Aide 3/26/18 – 3/30/18. Except for one or two missing high school or college transcripts, these student files were in good order.

During the August 30th in-person interview conducted at the Community College System Office, Mrs. Dennis delivered the April 16 through May 11, 2018 Nurse Aide I

student records for both the day and evening classes. The day class had a total of eight students and the evening class had six. OPS found the following:

- 0 of the 14 records contained proper enrollment documentation of a high school, community college, or university transcript.
- 0 of the 14 records contained the required Nurse Aide I Skills Checklists.

Finding:

Evidence gathered during the investigation established Cumberland Nursing Academy violated 2A SBCCC 400.11(a)(2) by not maintaining current, complete, and accurate records showing student progress and attendance. Mrs. Dennis admits to providing records to OPS that she knew were not accurate. In addition, records reviewed from the April 16 through May 11, 2018 Nurse Aide I class failed to contain proper enrollment documentation showing prior education level and did not contain Nurse Aide I Skills Checklists. Although record keeping issues appeared to be isolated to the Nurse Aide I program (other program files reviewed appeared to be in good order), it is a serious violation.

PART 3: DESCRIPTION OF INVESTIGATIVE PROCESS

I. INITIATION OF INVESTIGATION:

Cumberland Nursing Academy (“Cumberland”) purchased an existing licensed proprietary school effective March 1, 2018. Following the notice of sale, the SBCC issued a 90-day temporary license to the school pursuant to N.C.G.S. 115D-91. The 90-day license authorized the school to offer all previously licensed programs, with the exception of all Nurse Aide I and Nurse Aide II programs.

During a May 29th joint site visit by OPS and DHHS, it was discovered that Nurse Aide I and Nurse Aide II classes were ongoing. According to attendance rosters, classes began prior to the school receiving final approval and authorization from the SBCC, DHHS, or NCBON.

DHHS withdrew Cumberland’s Nurse Aide I pending approval effective May 30, 2018. OPS issued a *Withdrawal of Nurse Aide I Program/Notice to Immediately Cease Ongoing Nurse Aide I Program* to Cumberland Nursing Academy the same day.

On June 19, 2018 NCBON withdrew Cumberland’s temporary approval to offer Nurse Aide II. OPS issued a *Withdrawal of Nurse Aide II Program/Notice to Immediately Cease Ongoing Nurse Aide II Program* to Cumberland Nursing Academy the same day.

II. INVESTIGATION:

OPS formally presented Malcolm and Tonya Dennis with a Documentation of Noncompliance and Notice of Investigation on August 21, 2018. Mrs. Dennis provided a written response to the Notice on September 4, 2018. A total of fifteen (15) individuals were interviewed: 1) 13 former Cumberland Nursing Academy students; and

2) three (3) in-person interviews with school administrators Mr. and Mrs. Dennis. OPS also reviewed student files collected from the school.

**PART 4: RECOMMENDATION OF SUSPENSION OF THE PROPRIETARY
SCHOOL'S LICENSE TO OPERATE ONE OR MORE PROGRAMS WITH A
SUPPORTING RATIONALE FOR SUSPENSION RATHER THAN FOR REVOCATION**

Evidence collected during the investigation established that Cumberland Nursing Academy and its Director/Owner violated §115D-93(c)(2), by knowingly providing false or misleading information relating to approval or license; and violated 2A SBCCC 400.11(a)(2)(3)(4) by not maintaining current, complete, and accurate records showing student progress and attendance, enrollment agreements and account ledgers. Although the State Board of Proprietary Schools could seek license revocation pursuant to the Community Colleges Code, after thorough consideration of the following factors, OPS recommends the Board initiate license suspension to offer one or more programs until the school's current license expires on June 30, 2019:

1. Nature and severity of violations:

There is overwhelming evidence Cumberland Nursing Academy violated §115D-93(c)(2), by knowingly presenting false or misleading information relating to approval or license. School administrators failed to notify OPS of ongoing Nurse Aide I and Nurse Aide II classes conducted before receiving final approval from the SBCC. The school gave false information regarding at least one student's enrollment. Specifically, Mrs. Dennis claimed the student was enrolled in a Nurse Aide I Refresher program that the school was not authorized to offer. Mrs. Dennis admitted she had knowledge of the falsified attendance roster but, "just went along with it." Mrs. Dennis also hid and removed the April 16th Nurse Aide I student records from the school. Finally, Mrs. Dennis gave conflicting information regarding additional office staff and how much assistance they provided to the approved instructors.

Cumberland Nursing Academy was also found to be in violation of 2A SBCCC 400.11(a)(2)(3)(4) by not maintaining current, complete, and accurate records showing student progress and attendance, enrollment agreements and account ledgers. In addition to providing at least one falsified student record, OPS discovered student files that did not contain proper enrollment documentation such as a high school, GED, community college, or university transcript. Furthermore, none of the hidden April 16th Nurse Aide I student files contained the required Nurse Aide I Skills Checklists.

2. Statutory Authority:

Pursuant to North Carolina General Statute §115D-93(c), the State Board of Community Colleges, acting by and through the State Board of Proprietary Schools, "shall have the power to refuse to issue or renew any such license and to suspend or revoke any such license theretofore issued in case it finds one or more of the following:"

§115D-93(c)(1) - That the applicant for or holder of such a license has violated any of the provisions of this Article or any of the rules promulgated thereunder.

§115D-93(c)(2) That the applicant for or holder of such a license has knowingly presented to the State Board of Community Colleges false or misleading information relating to approval or license.

Evidence collected during the OPS investigation supports a finding that Cumberland Nursing Academy violated §115D-93(c)(2), by knowingly presenting false or misleading information relating to approval or license.

Cumberland Nursing Academy was also found to be in violation of 2A SBCCC 400.11(a)(2)(3)(4) by not maintaining current, complete, and accurate records showing student progress and attendance, enrollment agreements and account ledgers.

3. Policy:

"The State Board of Community Colleges, acting by and through the State Board of Proprietary Schools, shall have general supervision over proprietary schools in the State, the object of said supervision being to protect the health, safety and welfare of the public by having the proprietary schools maintain adequate, safe and sanitary school quarters, sufficient and proper facilities and equipment, sufficient and qualified teaching and administrative staff, and satisfactory programs of operation and instruction, and to have the school carry out its advertised promises and contracts made with its students and patrons." (North Carolina General Statute §115D-89(c)).

4. Actions of School Administrators and Student Feedback:

Mr. and Mrs. Dennis were responsive and cooperative throughout the OPS investigation. Both have accepted full responsibility for the actions leading to the investigation. To the knowledge of OPS, the school administrators took immediate steps to refund impacted students upon receiving the notice to terminate Nurse Aide I and Nurse Aide II instruction. They refunded approximately \$25,000 in tuition, fees, and other expenses to students. The school provided receipts of the refunds to OPS, and they were verified by the students. Mr. and Mrs. Dennis have expressed great regret regarding their actions: "This experience has been both emotionally and financially taxing to the both of us." We also note positive feedback from students OPS interviewed—several former Nurse Aide students expressed a desire to return to the school if the programs were reapproved.

CONCLUSION AND RECOMMENDATION

Mr. and Mrs. Dennis are both registered nurses in good standing with NCBON. Mr. Dennis holds a supervisory position with the VA. Mrs. Dennis worked at the proprietary school they purchased for several years. Both express a great passion for teaching and helping students in the Fayetteville community improve their lives and employment opportunities.

At the time of investigation, the school had been licensed for less than six months. Ownership of the school fulfilled a dream of Mrs. Dennis in particular, and we believe her passion and desire to succeed played a significant role in the poor judgment and decisions she made as the school's Director. We also believe that Mr. Dennis was unaware of certain actions and decisions she made. Mrs. Dennis has accepted full responsibility for her actions and stepped down as school Director. Mr. Dennis is the acting school Director and additional staff has been hired to take over the administrative operations such as enrollment, student payments, and other record keeping activities.

The school administrators took immediate steps to refund impacted students upon receiving the notice to terminate Nurse Aide I and Nurse Aide II instruction. They refunded approximately \$25,000 in tuition, fees, and other expenses to students. They fully acknowledge, "This experience has been both emotionally and financially taxing to us." Since withdrawal of approval to offer Nurse Aide I (May 30, 2018) and Nurse Aide II (June 19, 2018) instruction, the school has continued to be an asset in the community by offering other programs such as Phlebotomy and Medication Aide.

The school's noncompliance issues appear to be isolated to the Nurse Aide I and Nurse Aide II programs, which are correctable with appropriate training and additional oversight from OPS. This process has been initiated with Mrs. Dennis stepping down as Director, and by the hiring of additional staff to assist with administrative operations. With these changes, the Department of Health and Human Services has expressed a willingness to revisit the school's Nurse Aide I program application. Former students have also expressed their desire to return to the school to finish their Nurse Aide I or Nurse Aide II training if the school were to receive approval to offer them again.

For the foregoing reasons, we recommend suspension of all Nurse Aide (I and II) instruction through the remainder of the current license year (June 30, 2019), rather than permanent license revocation. This will allow the school the necessary time to take any other corrective measures as it relates to these programs. As expressed by Mr. and Mrs. Dennis in their written response, "We welcome the opportunity to work closely with the Office of Proprietary Schools, DHHS and the NCBON and welcome any training sessions, site visits and close monitoring to ensure our compliance with all statutes, rules, regulations and policies set forth to assist us with all of our licensed Programs." Should the school meet requirements for re-approval from DHHS (Nurse Aide I) and/or NCBON (Nurse Aide II), we recommend it have the opportunity to seek re-licensure of the programs by and through the State Board of Community Colleges on or after July 1, 2019.

Respectfully submitted this 1st day of February 2019.

Rasheeda McCormick

Scott Corl

ATTACHMENTS:

1. All attachments submitted as part of the Document of Noncompliance and Notice of Investigation.
2. Written response from Cumberland Nursing Academy to the Documentation of Noncompliance, post-marked September 4, 2018.
3. All attachments submitted as part of Cumberland's written response.



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

*Jennifer Haygood,
Acting President*

March 1, 2018

Tonya Dennis, Director
Cumberland Nursing Academy
1830 Owen Drive, Suite 204
Fayetteville, NC 28304

Dear Ms. Dennis:

Enclosed please find a 90-day Proprietary School License issued pursuant to §115D-91(d) of the North Carolina General Statutes, beginning March 1, 2018, and ending June 1, 2018. This license authorizes the Fayetteville campus of Cumberland Nursing Academy to offer the following programs:

Programs	Clock Hours
Phlebotomy	160
Medication Aide	24
Electrocardiogram Technician	48
Medical Assistant	917
Medical Billing and Coding Online	300
Health Unit Coordinator	164

Approval to offer the programs contained in your renewal application is granted under authority vested in the North Carolina State Board of Community Colleges by Article 8, Chapter 115D, North Carolina General Statutes. This statute requires immediate notification to the State Board of Community Colleges of any change of ownership, administration, location, faculty, instructional program, or other changes that may affect significantly the courses of instruction offered. New programs must be submitted and approved before advertisement or student enrollment.

Sincerely,

Jennifer Haygood



DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

April 16, 2018

Malcolm Dennis, Program Coordinator
Nurse Aide I Program
Cumberland Nursing Academy
1830 Owen Drive, #204
Fayetteville, NC 28304

Dear Mr. Dennis:

Please accept this letter as **pending** approval to offer a 105-hour Nurse Aide I Training Program at Cumberland Nursing Academy, located at 1830 Owen Drive, #204, in Fayetteville, North Carolina, effective April 16, 2018. Hours approved are 35 for classroom, 30 for lab and 40 for clinical for a total of 105 hours. Once you submit the license and licensure letter from the North Carolina Community College Office of Proprietary Schools to DHSR, you may offer the Nurse Aide I program through Cumberland Nursing Academy.

This approval is granted with the understanding that the program will use the schedule, curriculum, testing tools, faculty, clinical sites, policies and procedures approved by our agency. Failure to follow this program will result in withdrawal of approval. Should you wish to make changes to your programs, including faculty, curricula or evaluation tools, please contact our office for guidance.

Your program number is **70799**. Please use this number on all applications for registry listing and correspondence with our office.

Malcolm Kareem Dennis is approved as the program coordinator and an instructor. A list of instructors for the program is attached. Please submit a Faculty Application Request Form to add new faculty to your training program or a Faculty Removal Form for any faculty that no longer actively functions in a training program capacity. Both forms can be found at www.ncnar.org.

Whispering Pines Nursing and Rehabilitation Center and Pine Valley Adult Care Home are approved as clinical sites. Should you wish to make changes to clinical sites, please submit a Clinical Site Approval or Removal Form found at www.ncnar.org.

Room 2, located at 1830 Owen Drive, #204, in Fayetteville, is approved as a classroom for Nurse Aide I Training. Per your submitted diagram and DHSR site visit on April 11, 2018, there is adequate classroom

Health Care Personnel Education and Credentialing Section

www.ncnar.org

Tel 919-855-3970 • Fax 919-733-9764

Location: 801 Biggs Drive • Brown Building • Raleigh, NC 27603
Mailing Address: 2709 Mail Service Center • Raleigh, NC 27699-2709

An Equal Opportunity / Affirmative Action Employer



April 16, 2018
Cumberland Nursing Academy
Page 2

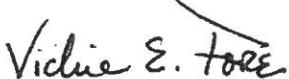
space for sixteen (16) adult learners. Room Lab #1, located at the same site, is approved as a Nurse Aide I lab and includes adequate lab space for two beds with all supplies, materials and equipment required by DHSR. Approval of the lab is based on your submitted diagrams, photographs and the April 11, 2018 DHSR site visit.

Nurse aide trainees are considered to be in a training program until they have successfully completed a state-approved competency evaluation program. During this time, they are prohibited from performing any tasks for which they have not been found proficient by their instructor.

Additionally, when performing services for residents, trainees are required to be under the general supervision of the registered nurse who is providing necessary guidance for the program and maintaining ultimate responsibility for the course.

From time to time, we conduct on-site reviews of nurse aide training programs. These evaluations are performed to assist you and to ensure the state maintains compliance with federal regulations governing training programs. Some of the reviews may be announced, while others may be unannounced. In the future, we will be asking you for a schedule of your planned programs.

Sincerely,



Vickie E. Fore, RN, MSN
Triangle Region Education Consultant

c: Scott Corl, Executive Director, NCCS Office of Proprietary Schools
Tonya Dennis, Owner/Administrator, Cumberland Nursing Academy

Proprietary School Licensing Action

Scott Corl

Mon 5/21/2018 10:30 AM

To:Cumberland Nursing Academy <cumberlandnursingacademy@gmail.com>; Malcolm Dennis <malcolm.dennis1@gmail.com>;

Cc:Rasheeda McCormick <mcallisterr@nccommunitycolleges.edu>; vickie.fore@dhhs.nc.gov <vickie.fore@dhhs.nc.gov>; kathy.turner@dhhs.nc.gov <kathy.turner@dhhs.nc.gov>; Joyce Roth <joycer@ncbon.com>; Scott Corl <corls@nccommunitycolleges.edu>;

Importance: High

Mr. Dennis,

On Friday, May 18, 2018, the State Board of Community Colleges voted to issue Cumberland Nursing Academy an initial proprietary school license. This was based upon the recommendation made by the State Board of Proprietary Schools on May 4, 2018. The initial license will supersede the 90-day temporary license previously issued to you. Our office will forward the signed license and program approval letter as soon as they are signed by the President of the Community College System.

As you are aware, the 90-day temporary license did not authorize instruction in certain programs--specifically Nurse Aide I and Nurse Aide II. The initial license authorizes Cumberland Nursing Academy to offer Nurse Aide I and Nurse Aide II vocational training effective May 18, 2018, so you may now start enrollment and instruction in those programs. Please note, the initial license **DOES NOT authorize** any enrollment or instruction in the following programs: Nurse Aide I Refresher; Nurse Aide I Online Hybrid—these will not be authorized until our office receives appropriate approvals from DHHS. Finally, as we previously discussed, authorization to offer Nurse Aide I and Nurse Aide II instruction by and through the State Board of Community Colleges is specifically contingent upon continued approval of those programs by DHHS and NCBON.

I respectfully request that you respond and acknowledge receipt and understanding of this email. Thank you.

Regards,

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



NC DEPARTMENT OF
HEALTH AND
HUMAN SERVICES
Division of Health Service Regulation

ROY COOPER • Governor
MANDY COHEN, MD, MPH • Secretary
MARK PAYNE • Director

May 30, 2018

Malcolm Dennis, Owner
Cumberland Nursing Academy
1830 Owen Drive, #204
Fayetteville, NC 28304

Dear Mr. Dennis:

On May 29, 2018, while visiting Cumberland Nursing Academy in conjunction with the NCCC Office of Proprietary Schools, it was discovered that a Nurse Aide I Training Program was in progress. According to the attendance roster, this class began on May 7, 2018 and is to be completed on June 4, 2018. Nine students are enrolled in the class and have attended at least 13 days.

A pending approval letter was sent to Malcolm Dennis and Tonya Dennis via email on April 16, 2018. The first sentence of the letter states that Cumberland Nursing Academy was granted **pending** approval to offer a Nurse Aide I Program. The last sentence of the first paragraph states that once Cumberland Nursing Academy submitted the license and licensure letter from the NCCC Office of Proprietary Schools to DSHR, a Nurse Aide I program may be offered through Cumberland Nursing Academy.

Neither the license nor licensure letter has been submitted to DSHR. In addition, Cumberland Nursing Academy is not fully approved by the State to teach any nurse aide training program. Therefore, the pending approval to offer a Nurse Aide I program at Cumberland Nursing Academy is withdrawn at this time. This means that the pending program number is unavailable for uploading students for state testing.

Full State-approval for Cumberland Nursing Academy to offer a Nurse Aide I Training Program is contingent upon the actions of the NCCC Office of Proprietary Schools.

Sincerely,

A handwritten signature in black ink that reads "Vickie E. Fore".

Vickie E. Fore, RN, MSN
Triangle Region Education Consultant

c: Scott Corl, Executive Director, NCCS Office of Proprietary Schools
Kathy Turner, Interim Section Chief, DHHS/DSHR
Tonya Dennis, Owner, Cumberland Nursing Academy
Joyce Roth, North Carolina Board of Nursing

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF HEALTH SERVICE REGULATION

HEALTHCARE PERSONNEL EDUCATION AND CREDENTIALING SECTION

LOCATION: 801 Biggs Drive, Brown Building, Raleigh, NC 27603

MAILING ADDRESS: 2709 Mail Service Center, Raleigh, NC 27699-2709

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NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Peter Hans,
President

May 30, 2018

VIA Email
Malcolm Dennis
Cumberland Nursing Academy
1830 Owen Drive, Suite 204
Fayetteville, NC 28304

Re: Notice to Immediately Cease Ongoing Nurse Aide I Program; Refund Student Tuition; Request for Student Contact Information

Dear Mr. Dennis:

During an unannounced joint visit with DHHS to Cumberland Nursing Academy (“Cumberland”) yesterday, our office became aware of an ongoing Nurse Aide I program currently scheduled to complete on or about June 4, 2018. As we discussed, DHHS did not complete a final approval of Cumberland’s Nurse Aide I program and therefore the school’s preliminarily-assigned program number is not active. Thus, I questioned whether completing students could be uploaded for state testing.

Our office has verified that the current Nurse Aide I students can **NOT** be uploaded for state testing. You are hereby advised to **immediately** cease all instruction in this ongoing program and **refund** all students in full. It is further requested that you forward our office a list of the impacted students, complete with contact information (phone and email) and refund documentation for each student. Finally, it is our specific understanding that no new Nurse Aide I programs will start pending further notice from our office.

Regards,

A handwritten signature in black ink, appearing to read "SCOTT CORL".

Scott Corl
Executive Director
Office of Proprietary Schools
North Carolina Community College System
corls@nccommunitycolleges.edu

From: Joyce Roth
To: Malcolm Dennis
Cc: Scott Corl; Turner, Kathy; Julie George; Jennifer Lewis; Tonya Fleshman; Tony Graham; Andrea Gunther
Subject: [External]Cumberland Nursing Academy NAI Course Approval Status
Date: Tuesday, June 19, 2018 2:13:15 PM
Importance: High

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,

This email is to inform you that after review of the documents you submitted for review, the temporary approval for Cumberland Nursing Academy to offer NAI courses is **withdrawn effective immediately**. Multiple issues and concerns were identified in the document review, and you will receive a letter outlining the findings that led to the decision to withdraw the temporary approval. Please note, you **may not** offer any NAI course from this point forward without obtaining approval from NCBON and the CC Office of Proprietary Schools. Please respond verifying receipt of this email.
Joyce

"Serving the Public Through Regulatory Excellence"

This message is confidential. The information contained in this electronic mail message is intended only for the use of the individual(s) or entity/entities to whom it is addressed, and it may also be privileged or otherwise protected by work product immunity or other legal rules. If the reader of this message is not an intended recipient, or the employee or agent responsible to deliver it to an intended recipient, the reader is hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. Please contact the sender by reply e-mail and destroy all copies of the original.



P.O. Box 2129
Raleigh, North Carolina 27602
919.782.3211
FAX 919.781.9461
Nurse Aide II Registry 919.782.7499
www.ncbon.com

June 21, 2018

Malcolm and Tonya Dennis
Cumberland Nursing Academy
PO Box 64483
Fayetteville, NC 28306

Dear Mr. and Ms. Dennis:

Thank you for submitting the NAI course documents recently requested for our review. This letter is confirmation of the June 19th email sent to you withdrawing North Carolina Board of Nursing (NCBON) temporary approval to offer the NAI courses, effective immediately upon receipt of yesterday's email. We have received your confirmation of receipt of the email sent yesterday. The four students enrolled in the course on April 26 will be unable to complete the course, and will not be eligible for listing on the NCBON NAI Registry.

This decision was based on the following factors:

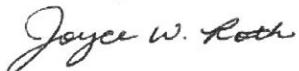
- Cumberland Nursing Academy is identified as a LLC. The NCBON has no record of LLC approval for this entity.
- NCBON was told by Malcolm Dennis that the NC Proprietary School Office had issued a 90-day provisional license to Cumberland Nursing Academy. Upon investigation, that provisional license did not include approval for NAI or NAI courses until approval was granted for these courses by DSHR and NCBON (respectively), and the Community College Office of Proprietary Schools.
- Students were accepted, enrollment agreements were signed, and money was paid by students prior to the issuance of a license from the Community College Office of Proprietary Schools or approval to offer a NAI course by NCBON.
- An orientation for the course was held on April 26, prior to the issuance of a license from the Community College Office of Proprietary Schools or approval to offer a NAI course by NCBON.
- Course documents inconsistently identify NAI listing as an admission requirement; 21NCAC 36.0405(b)(1)(D) specifically requires current NAI listing on DSHR Registry and GED or high school diploma. Furthermore, course information outlines a procedure for high school students to be admitted. The Administrative Code specifically identifies that high school diploma or equivalent is an admission requirement for a NAI course.
- The course syllabus submitted by the program is a mixture of NAI (DSHR) and NAI language and requirements; information is not accurate (i.e. upon completion of the course, the students will be licensed by NCBON)

- The calendar supplied states that NCBON competency skills checklists are used, but the skills checklist summary submitted does not reflect the required skills checklists.

Please note, you **may not** offer any NAI course from this point forward without obtaining approval specifically for NAI course offerings from both NCBON and the Community College Office of Proprietary Schools. In order to be considered by NCBON for approval to offer NAI courses in the future, you must submit an application and course documents that fully meet all of the requirements found in 21 NCAC 36 .0300, which can be accessed using the following link:

<http://reports.oah.state.nc.us/ncac/title%2021%20-%20occupational%20licensing%20boards%20and%20commissions/chapter%2036%20-%20nursing/chapter%2036%20rules.pdf>

Sincerely,



Joyce W. Roth, RN, MSN, NE-BC, SWP
Associate Executive Officer, Education and Practice

Cc: Julie George
Amy Fitzhugh
Scott Corl
Kathy Turner
Jennifer Lewis
Tonya Bordelon



NORTH CAROLINA COMMUNITY COLLEGE SYSTEM

Peter Hans,
President

June 19, 2018

VIA Email
Malcolm Dennis
Cumberland Nursing Academy
1830 Owen Drive, Suite 204
Fayetteville, NC 28304

Re: Withdraw of Nurse Aide II Program Approval; Notice to Immediately Cease Ongoing Nurse Aide II Program; Refund Student Tuition; Request for Student Contact Information

Dear Mr. Dennis:

The North Carolina Board of Nursing (“BON”) advised our office that it withdrew preliminary approval of the Nurse Aide II program at Cumberland Nursing Academy effective immediately. As you are aware, approval and licensure to offer a Nurse Aide II program by and through the State Board of Community Colleges is conditioned upon approval of the program by BON. You are hereby advised to cease all Nurse Aide II enrollment and instruction.

It is our understanding that current students will not be added to the Nurse Aide II Registry. You are hereby advised to **immediately** cease all instruction in this ongoing program and **refund** all students in-full. It is further requested that you forward our office a list of the impacted students, complete with contact information (phone and email) and refund documentation for each student.

Regards,

A handwritten signature in black ink, appearing to read "SCOTT CORL".

Scott Corl
Executive Director
Office of Proprietary Schools
919-807-7061
corls@nccommunitycolleges.edu

September 4, 2018

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

RE: Receipt of Complaint/Evidence of Noncompliance and Investigation

Dear Mr. Corl:

This letter is in response to your communication dated August 21, 2018 itemizing possible violation allegations of Noncompliance and Notice of Investigation of Cumberland Nursing Academy. The State Board of Community Colleges alleges the following violations:

- 1. Cumberland Nursing Academy may be in violation of §115D-93(c)(2), by knowingly providing false or misleading information related to approval of license.**
- 2. Cumberland Nursing Academy may be in violation of 2A SBCCC 400.3(a) by advertising courses it was not approved to offer.**
- 3. Cumberland Nursing Academy may be in violation of 2A SBCCC 400.11(a)(2)(3)(4) by not maintaining current, complete, and accurate records showing student progress and attendance, enrollment agreements and account ledgers.**

We wanted to inform you that we have reviewed these allegations thoroughly and we would like to address the concerning areas point-by-point, per request to submit a written response within ten (10) business days of receiving this Notice to the Executive Director of the Office of Proprietary Schools on behalf of the State Board of Proprietary Schools.

- 1. Cumberland Nursing Academy may be in violation of §115D-93(c)(2), by knowingly providing false or misleading information related to approval of license.**

Cumberland Nursing Academy purchased an existing licensed proprietary school effective March 1, 2018. The NC Community College System Office was notified of this sale effective via email on March 1, 2018 by the Administrator of the existing licensed

proprietary school. It was stated in this letter that the new Administrators of the school will be taking over the records and that the program course offerings will also remain unchanged. Mr. Corl contacted us via email on March 9, 2018 verifying coverage of the school bond and noted that he would be in contact at the beginning of the next week regarding the 90-day license. On March 13, 2018 we received an email from Ms. Fore from DHHS stating that Cumberland Nursing Academy must complete a new program packet for approval of a traditional Nurse Aide I program. The email stated that Cumberland Nursing Academy may not provide any nurse aide training programs until the paperwork is completed (Enclosure A). Also on March 13, 2018, Tonya Dennis, President/Owner of Cumberland Nursing Academy received a phone call from Mr. Corl stating that Cumberland Nursing Academy will be receiving a 90-day Provisional license to offer currently approved courses that were being offered at the previously owned licensed school but unfortunately we would not be able to offer Nurse Aide I and II due to those programs having separate approval processes from the other programs we were licensed to offer. We also received an email from Mr. Corl stating that his office will be submitting paperwork for the 90-day license to the President of the Community College System on the next day. The email also stated that that we will be approved to offer all previously licensed programs with the exception of all Nurse Aide I and Nurse Aide II and he understood that we were working towards approvals with the appropriate agencies on those programs. The email also stated that as soon as his office receives documentation of those approvals, we would be issued a license addendum authorizing student enrollment into those programs (Enclosure B). We received the 90-day Proprietary School License (postmark date March, 16, 2018) that authorized Cumberland Nursing Academy to operate for the 90-day period from March 1, 2018 through June 1, 2018. Cumberland Nursing Academy was added to the Nurse Aide I email listing and began to receive correspondence from DHHS regarding Nurse Aide school information and updates. We were also invited to attend the Triangle Region PC meeting, which was attended by Malcolm Dennis, Program Coordinator. On April 6, 2018, email correspondence was sent between Malcolm Dennis and Ms. Fore regarding scheduling a site visit at the school and finalizing information regarding the initial traditional NA1 program proposal packet which was in progress. Ms. Fore stated in the email correspondence that in order to approve the traditional NAI program on Wednesday, April 11, 2018 – site visit date (Enclosure C), some information would have to be completed and faxed by 6pm for her review by the day before the site visit. The information was faxed to her office as requested. During the site visit on April 11, 2018, we were in need of two urinals and fracture pans. Pictures of these items were emailed to Ms. Fore on April 11, 2018. On April 13, 2018, an email was received from Ms. Fore stating that the receipt of the pictures of the needed items concludes a successful review

of the lab and that it was approved (Enclosure D). Also included in the email were the requested lab drawings. It was our understanding at this time that the traditional Nurse Aide I program had been approved by DHHS to begin Nurse Aide I classes at Cumberland Nursing Academy.

Tonya Dennis, President/Owner made phone calls to the students that were registered for Nurse Aide I classes on April 14, 2018 (both a day and evening class) and told them that we were approved to begin classes and the first day of class would be 4/16/18. On 4/16/18, DHHS sent Cumberland Nursing Academy a pending approval letter to offer a traditional Nurse Aide I Program. (Enclosure E). It appears clear to us now that we seem to have misinterpreted the content of this pending approval letter for the Nurse Aide I Program and misunderstood it as a letter to begin class enrollment for the Nurse Aide I Program and as a temporary approval for the remainder for the 90-day period through June 1, 2018 and that we had approval to begin enrollment for Nurse Aide I classes from DHHS effective April 13, 2018. The letter from DHHS (Ms. Fore) was sent to Malcolm Dennis, Program Coordinator and to the Office of Proprietary Board on April 16, 2018, and listed Mr. Corl and Tonya Dennis names on page 2 of the document. We incorrectly understood that as long as the school would be approved to offer classes, unless otherwise noted from the Office of Proprietary Board meeting effective May 4, 2018, we were given the approval to begin the Nurse Aide I classes because the Office of Proprietary Schools was made aware of the pending approval. We must point out to you that at this stage of the Office of Proprietary Board or Nurse Aide I Program approval process, we had not been told the steps of the process by anyone and were unaware the time that we would have to wait for an approval from the State Board of Proprietary Schools Board meeting to obtain final approval to begin enrollment for Nurse Aide I classes. We were only aware of the upcoming meeting of the Office of Proprietary Board at which time our Initial License Application Packet would be up for review. On or about May 1, 2018, the Office of Proprietary School conducted an initial site visit at Cumberland Nursing Academy. At that visit, a school tour was provided and a meeting was held in the office with Mr. Corl. Tonya Dennis recalls asking about the approval process at this point and what were the next steps which at that time he explained the Office of Proprietary Schools Board Meeting and the final step with the recommendation of the Office Of Proprietary Schools Board to the State Board of Community Colleges for Cumberland Nursing Academy to be a NC Proprietary School at a meeting. We stated to Mr. Corl that we had the approval for the traditional Nurse Aide I Program and had submitted the Refresher Packet the day before his visit. Malcolm Dennis received a FYI email on May 1, 2018 from Mr. Corl confirming with Ms. Fore that he had Cumberland approved for NA I only and not the Refresher (Enclosure F). In no way are we stating

that Ms. Fore gave us a verbal approval to start the Nurse Aide I Program without confirmed final approvals from both the NCCCS Office of Proprietary Schools. After examining the DHHS pending approval letter and email correspondence after the notice of withdrawal of the pending approval, we note that Ms. Fore stated that this is a pending approval, dependent upon receipt of the licensing letter and licensed supplied to DHSR by Cumberland Nursing Academy. We should have asked questions and confirmed at both site visits from both Ms. Fore and Mr. Corl if we were authorized to enroll for the Nurse Aide I Program. We were inexperienced and overzealous about the entire process at the time of Mr. Corl's visit, we were under the assumption that that we were operating in compliance and did not think that we were running an unapproved Nurse Aide I Program and that each agency was aware so we never acknowledged or gave notice of any ongoing Nurse Aide classes.

On May 29, 2018 the Office of Proprietary Schools and DHHS conducted a joint site visit at Cumberland Nursing Academy, currently enrolled student files were requested and were given to Ms. Fore and Mr. Corl. The Nurse Aide I student files were for a class that was started on May 7, 2018 and May 21, 2018. Malcolm Dennis was unaware at this visit of the April 16, 2018 classes and files that should have been given to both Ms. Fore and Mr. Corl during this unannounced visit. These files had been stored in a file cabinet in the office by the Volunteer Office Assistant at the time. These two classes had completed at the knowledge of the Campus Director, Tonya Dennis who was under the assumption that on June 1, 2018, the school's Nurse Aide I Program number would be activated and the students would be able to be registered for testing. Ms. Fore was very helpful in providing contact information, upon request of Tonya Dennis, from Pearsonvue to setup Cumberland Nursing Academy as an In-facility test site to assist several local High Schools with their testing In-facility testing needs. Effective early May 2018, Cumberland Nursing Academy was listed on the NCNAR.org website as a State Approved Nurse Aide I Program. Tonya Dennis showed the listing to the students on the projector that were enrolled in the April 16, 2018 day class and possibly the May 7, 2018 day class. We began the Nurse Aide I day class effective May 7, 2018 unintentionally operating out of compliance prior to final approval and authorization form the SBCC or DHHS.

After receiving a congratulatory call from the Office of Proprietary Schools on May 4, 2018 stating that Cumberland Nursing Academy was approved by the Board, we were under the assumption that we had the official go ahead under the pending approval process through June 1, 2018 to offer the Nurse Aide I course until the final meeting that was mentioned by Mr. Corl at the site visit. On May 18, 2018, we received an email that the State Board of Community Colleges voted to issue Cumberland Nursing Academy an

initial proprietary school license. We acknowledge our mistake in not contacting the Office of Proprietary School or DHHS to verify that we were operating fully in accordance with the regulations set forth upon receipt of this email. We are willing and able to comply with all rules and regulations of the State Board of Community Colleges, Office of Proprietary Schools, the Department of Health and Human Services and the North Carolina Board of Nursing. All monies associated with each student's enrollment were refunded back to them immediately for all of the students for each enrolled class and upcoming classes that were scheduled. Refund forms documenting refunds for the May 7, 2018 Nurse Aide I class were emailed to the Office of Proprietary Schools.

Nurse Aide II

Cumberland Nursing Academy received a call from the North Carolina Board of Nursing on or about March 22, 2018. Tonya Dennis received the call from the school phone. Tonya Dennis was told that the NCBON had received a letter from the previous school Administrator of notice of sale of the existing licensed Proprietary School effective March 1, 2018. She was congratulated and was told to email Ms. Roth at the NCBON that the physical address would remain the same, list the name of the new owners and to state that we would like to offer the Nurse Aide II course at Cumberland Nursing Academy. Tonya Dennis was also told to include both her and Malcolm Dennis' RN license numbers and when asked about the process, she was told that the once the Nurse Aide I Program is approved, the NCBON verifies with Nurse Aide I and usually accepts their recommendation for the school to offer a Nurse Aide II Program. Since it was an already existing school/program, current curriculum was to be used, admission requirements are met, and that the same equipment and instructors would be used, usually in this type of case, a 90-day temporary approval should be granted. When asked about the 90-day approval process, it was stated to Tonya Dennis that during this 90-day timeframe, Cumberland Nursing Academy would be able to use this time to complete the application process. The NCBON representative also stated that we would be receiving the required modules, forms and checklists needed for the full approval of the application process. On March 22, 2018, Tonya Dennis sent an email to Ms. Roth as directed with the required information requested per the initial phone call stating at that time that we had been granted a 90-day Provisional license by the NC Proprietary School, referring to the 90-day Provisional license that was granted to the school for other programs, not clearly understanding the complete Nurse Aide I and Nurse Aide II approval process at that time. We received an automatic email on March 22, 2018 stating that Ms. Roth was currently out of the office with limited access to voicemail and email. On April 17, 2018, Ms. Roth from the NCBON requested Malcolm and Tonya Dennis' RN license numbers, which were emailed upon receipt. Tonya Dennis also resent the original email sent to Ms.

Roth from March 22, 2018. On April 30, 2018, Tonya Dennis sent an email to Mr. Corl regarding her contact with the NCBON regarding the Nurse Aide II Program and forwarded a copy of the original email sent to Ms. Roth. Per the email, Tonya Dennis stated that Ms. Fore approved the Nurse Aide I Program on 4/16/18 and that she just wanted to document that she had been in contact with the NCBON. In writing the email, Tonya Dennis felt she was including everyone involved in the approval process through full disclosure and that Cumberland Nursing Academy was in full compliance at that time. No response was sent to her stating that Cumberland Nursing Academy was not an approved Nurse Aide I Program at that time and the information in the email was neither accurate nor corrected. (Enclosure G).

On May 1, 2018, we received an email stating that the NCBON was granting Cumberland Nursing Academy a temporary approval for 90 days to offer the Nurse Aide II course as long as the above stated requirements were met. (Enclosure H). The letter stated that a completed application must be submitted to continue to offer the Nurse Aide II course beyond the 90 day temporary approval granted until we have received the completed application and have been granted full approval. A formal certified letter was also mailed to Cumberland Nursing Academy. On May 2, 2018, a thank you email was sent to the Ms. Roth and acknowledgement of receipt was sent from Cumberland Nursing Academy. We were unknowingly at fault to conduct an orientation and register students for the Nurse Aide II on or around April 26, 2018 – May 1, 2018 for the course that began on May 2, 2018. At that time, we were unaware that we could not register students for future Nurse Aide II courses. On June 11, 2018, we received an email from Ms. Roth stating that it had come to her attention that we were currently offering a Nurse Aide II course and she requested information regarding the roster, date students were accepted and submitted payment, detailed schedule and the curriculum used in the course. The information was emailed to Ms. Roth on June 13, 2018. Additional information was requested by Ms. Roth on June 15, 2018 requesting the admission requirements for the NAII course, instructor information and a course calendar clearly identifying specific times of class, lab and clinical. The information was emailed to Ms. Roth on June 18, 2018. On June 19, 2018, Ms. Roth sent an email stating that after the review of the documents submitted for review, the temporary approval for Cumberland Nursing Academy to offer NAII courses is withdrawn effective immediately. A certified copy was also mailed to Cumberland Nursing Academy. We sent an email thanking Ms. Roth for reviewing the documents and we understood the letter as a withdrawal to offer the Nurse Aide II course at this time. Cumberland Nursing Academy also received a letter from the Office of Proprietary Schools stating the same. We immediately refunded each student

enrolled all monies and fees associated with the course. An email of the refund forms documenting the refunds were given were emailed to the Office of Proprietary Schools.

2. Cumberland Nursing Academy may be in violation of 2A SBCCC 400.3(a) by advertising courses it was not approved to offer.

Cumberland Nursing Academy purchased an existing licensed proprietary school effective March 1, 2018. The NC Community College System Office was notified of this sale effective via email on March 1, 2018 by the Administrator of the existing licensed proprietary school. It was stated in this letter that the new Administrators of the school will be taking over the records and that the program course offerings will also remain unchanged. Cumberland Nursing Academy respectfully disagrees with the concerning allegation of violation by advertising Nurse Aide I and Nurse Aide II courses it was not approved to offer for malicious intent or to defraud consumers. It was our understanding, which we now know that we were in error, that we had the authorization to register and accept enrollments for upcoming Nurse Aide I and Nurse Aide II courses along with the other courses that were under the 90-day Provisional license period of March 1, 2018 – June 1, 2018. On March 13, 2018, we received email correspondence from the Office of Proprietary Schools stating that we will be approved to offer all previously licensed programs with the exception on all Nurse Aide I and Nurse Aide II. The correspondence did not specify that we were not to advertise or accept registration for Nurse Aide I and Nurse Aide II courses. The letter states that we will not be able to offer those courses until receipt of approvals from DHHS and NCBON authorizing enrollment into those programs. We were under the impression that we were authorized to register for the Nurse Aide I and Nurse Aide II courses since there was open communication between the Office of Proprietary Schools, DHHS and NCBON. It was a failure on our part to thoroughly read all email correspondence completely and to ask questions from all of the Agencies that were assisting us in our approval process has produced a negative cloud of non-compliance on Cumberland Nursing Academy. We have not provided any media advertising at this point. We did purchase a website but have not to date launched the website until it would meet the approval of the Office of Proprietary Schools. During Mr. Corl's site visit on or about May 1, 2018, Mr. Corl stated to us to make a clear distinction between licensed and unlicensed programs and would allow us to email him a copy of the website prior to launch for review. To our knowledge or consent, no written literature in the form of brochures, business cards, flyers, or banners have been printed or used to advertise for Nurse Aide I and Nurse Aide II courses.

3. Cumberland Nursing Academy may be in violation of 2A SBCCC 400.11(a)(2)(3)(4) by not maintaining current, complete, and accurate records showing student progress and attendance, enrollment agreements and account ledgers.

On May 29, 2018 the Office of Proprietary Schools conducted a joint visit with DHHS at Cumberland Nursing Academy. A specific student's file was requested to be reviewed. To the knowledge of Malcolm Dennis, Program Coordinator, the file was not on site at the time of the visit. Tonya Dennis was not onsite at the time of the joint visit and unaware of the exact location of the file when asked by Malcolm Dennis. The file had been removed from the class files due to the student's non-attendance status and being unable to contact the student. It was later confirmed that the file had been on site and the contents were requested to be faxed to the Administrator of the previously licensed school by the volunteer Office Assistant. Contents of the file that were faxed were unknown to Malcolm Dennis and Tonya Dennis was made aware after the fact. The student was enrolled in an evening Nurse Aide I course April 16, 2018 but did not start attending class until April 17, 2018. The student missed class on May 21, 2018 and May 22, 2018, which made her third absence, which resulted in her being dropped from the course. To the knowledge of Tonya Dennis, the student did not have a signed enrollment agreement in her student file and Tonya Dennis is unsure of whether or not her account ledger presented accurate financial information. According to our records, it appears the student did pay \$650.00 for the traditional Nurse Aide I program but did not attend the entire course due to dropping the course. These problems have been addressed and the volunteer Office Assistant has been relieved of her duties once this information came to light and will no longer have access to the facility unsupervised and no access to student files/records and account ledgers.

Cumberland Nursing Academy has since hired an experienced Office Manager that will be coming aboard to work in a full-time position and be thoroughly trained and given a job description that will be expected to be followed regarding office duties and responsibilities related to student files and recordkeeping. At this time, Tonya Dennis has been working in the capacity as acting Office Manager for Cumberland Nursing Academy.

Cumberland Nursing Academy has taken many steps to obtain and maintain compliance with all laws and regulations related to The State Board of Proprietary Schools, The Office of Proprietary Schools, Division of Health and Human Services and the North Carolina Board of Nursing. We have reached out for assistance and guidance and are willing and able to prove to The State Board of Proprietary Schools and The Office of

Proprietary Schools that if given the opportunity to have our Proprietary license reinstated to good standing and be able to offer both the Nurse Aide I and Nurse Aide II programs, we can surely prove our leadership in the community and become one of your most valuable Proprietary Schools. We welcome the opportunity to work closely with the Office of Proprietary Schools, DHHS and the NCBON and welcome any training sessions, site visits and close monitoring to ensure our compliance with all statutes, rules, regulations and policies set forth to assist us with all of our licensed Programs. As the School Administrators, we are actively working on a school operational plan so that our roles for both the school and individual programs will not become a conflict of interest and how we are to function a Program Director and Coordinator and Campus Director. We will also be enrolling in office management and conflict resolution courses and customer service training for all of our staff. This is defiantly not the tarnished vision we had for Cumberland Nursing Academy during the first 90 days of operation when we Prayed and agreed to purchase the previously licensed school.

When purchasing Cumberland Nursing Academy, we were unaware of the separate approval process for both the Nurse Aide I and Nurse Aide II Programs. It was stated to me a couple of times that this type of transition of an existing school had not occurred in North Carolina to date and this would be the first of this sort. We wanted to take pride in that privilege of having that opportunity and are hoping to be granted another chance to do so from The State Board of Proprietary Schools and The Office of Proprietary Schools. As Campus Director for the previous school, I was able to turn the school around in a positive light and I Pray for the opportunity to do so once again with Cumberland Nursing Academy. This experience has been both emotionally and financially taxing to both of us as a married couple of 17yrs and licensed RN's who are looked upon as positive examples as role models for our students. It is our heart to share with students from all walks of life healthcare education and training. We are both certified CPR Instructors, Medication Aide Instructors and Malcolm has recently completed his MSN during this heart-rending transition period.

We have provided student refunds close to \$25,000.00 including all expenses that were associated with the student attending class that either could not be completed or attended due to unintentionally offering the Nurse Aide I and Nurse Aide II courses without the proper approvals. These expenses included: Books that the students were allowed to keep, TB skin tests, criminal background checks, CPR certifications...etc. The students that were affected were invited to attend another class at the school and be able to complete their Nurse Aide training free of charge if and when the program will be reinstate to Cumberland Nursing Academy. Many of the students that were affected needed their CNA to apply for Nursing School, Physician Assistant School admissions

and several were college students attempting to meet their school deadlines with our flexible scheduling. Other students that were impacted were Military spouses and many were students trying to meet job requirements to maintain employment and/or gain better employment. Most of the students were referrals from other students that had attended the school previously. I feel that their time was the most valuable asset taken from them. I wish that a resolution could have been put in place sooner for these students impacted by the unintentional actions of myself as a representative of Cumberland Nursing Academy. I was able to refer some of them to other area Nurse Aide I programs but many were not able to travel or the classes were not available. The instructors were paid for teaching theory and clinical and the administrative staff was always paid although the students were given their entire refunds because it was no fault of their own as employees that this occurred. During this time, we have paid rent for two office spaces, the previous office space that we obtained an assumption of lease from April 2018 – August 2018 at a rental rate of \$3000.00/monthly and a new location including a deposit, first month's rent and rent of \$1600.00/monthly from April 2018 – current. We had to pay all utilities, internet and phone service plus maintenance, move in/out expenses at both locations and a \$4000.00 buildout for the relocation site. We were unable to move to a more desired and more polished location due to not being able to offer the Nurse Aide I and Nurse Aide II Programs, which are the most requested and needed programs in the local area related to occupational, employment and secondary health related program entrance requirements.

Cumberland Nursing Academy would like to continue the tradition of the previous school purchased as a top-rated alternative option for our students and the local community. When purchasing the previously licensed school, our main objective was to offer the Nurse Aide I and Nurse Aide II Programs to inspire our students to gain interest in the healthcare field that is both rewarding for both the student and the patients. We have been told that the previously licensed school that we purchased has one of the highest performance rates for Nurse Aide I training in the region. I am proud to say those numbers were a direct result of my staff's commitment to our students over the past 3 years under my leadership as Campus Director. Most of our students return to complete other courses at the school and many had planned on continuing their education with Cumberland Nursing Academy and I feel that I have let the students down.

We would like to note that we appreciate the cooperation and time given to this matter from Mr. Corl, Mrs. McCormick, Ms. Fore and Ms. Roth during this vexatious transition period. Cumberland Nursing Academy sincerely hopes that this communication is responsive to the questions raised by your office and trust this information is sufficient to assist with a thorough investigation. Please contact either one of us if you have any

further concerns regarding this matter. Malcolm Dennis can be reached at 910-850-0393 and Tonya Dennis can be reached at 910-850-0477.

Regards,

Tonya Dennis

Cumberland Nursing Academy

Enclosures

Good Morning Ms. Fore,

I hope that all is well. I am in the process of completing the program packet for the Cumberland Nursing Academy Nurse Aide 1 Program. I had a question regarding the Instructors listed on the faculty list. For the instructors that will be transitioning from Care One to Cumberland Nursing Academy, will I need to submit a new application and resume for them to include with the Nurse Aide 1 Training Program application?

Thank You,

Malcolm Dennis

On Tue, Mar 13, 2018 at 2:42 PM, Fore, Vickie <vickie.fore@dhhs.nc.gov> wrote:

Since there is a change in leadership, ownership and the name of the school, Cumberland Nursing Academy must complete a new program packet for approval of a traditional NAI program. The packet is found at: <https://www2.ncdhhs.gov/dhsr/hcpr/pdf/narpacket.pdf>. Add information in the spaces provided. If what you want to add doesn't fit the space provided, then edit the information until it does. The DHSR policies should cover only what is requested in the DHSR NAI packet.

Use the attached faculty list in place of Item 2 on Page 5 of the instructions in the packet. The list includes the instructors approved for Care One in Fayetteville plus I added Malcolm. Draw a line through instructors on the faculty list who will no longer be teaching at your school. Since you have submitted Malcolm's faculty approval form, you do not have to send another form for him.

Once the traditional NAI program is approved, I will send you paperwork for the NAI hybrid program and the Refresher program.

Cumberland Nursing Academy may not provide any nurse aide training programs until the paperwork is complete.

Please contact me any time with any questions as you complete the packet.

Enclosure A

Regards,

Vickie

Vickie E Fore, RN, MSN

Education Consultant

Division of Health Service Regulation

Health Care Personnel Education and Credentialing Section

North Carolina Department of Health and Human Services

919-855-3985 office

919-733-9764 fax

vickie.fore@dhhs.nc.gov

801 Biggs Drive

2709 Mail Service Center

Raleigh, NC 27699-2709



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Malcolm Dennis <cumberlandnursingacademy@gmail.com>

90-day License for Cumberland Nursing Academy

10 messages

Scott Corl <corls@nccommunitycolleges.edu>

Tue, Mar 13, 2018 at 5:53 PM

To: Malcolm Dennis <cumberlandnursingacademy@gmail.com>

Cc: Rasheeda McAllister <mcallisterr@nccommunitycolleges.edu>, Scott Corl <corls@nccommunitycolleges.edu>

Tonya & Malcolm,

Our office will be submitting paperwork for the 90-day license to the President of the Community College System tomorrow. Our office will confirm when it gets mailed out to you. You will be approved to offer all previously licensed programs with the exception of all Nurse Aide I and Nurse Aide II. I understand that you are working toward approvals with the appropriate agencies on those programs (Nurse Aide I -DHHS; Nurse Aide II -BON). As soon as our office receives documentation of those approvals, we will immediately issue a license addendum authorizing you to enroll students into those programs. Let me know if you have any questions.

Regards,

Scott Corl

Executive Director

Office of Proprietary Schools

NC Community College System

Phone: 919-807-7061

Fax: 919-807-7169

corls@nccommunitycolleges.edu



ONE TEAM WITH ONE VOICE... SERVING 58.

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Enclosure B

Fore, Vickie <vickie.fore@dhhs.nc.gov>
To: Malcolm Dennis <malcolmdennisacademy@gmail.com>

Fri, Apr 6, 2018 at 2:36 PM

How about Wednesday, April 11 at 10a for my visit?

During the visit, I'll look at the classrooms and labs to be used for nurse aide training. I go down the Basic Equipment and Supply List item for item and you'll show me the items and the correct number of items. Beds, curtains and sinks with hot and cold running water must work. The process may take up to 2 hours.

This is getting ahead of the usual order of the proposal packet. I'm attaching a form to replace Part II which starts on Page 17 in the new proposal packet. To approve the traditional NAI program on Wednesday, I will need the following faxed to 919-733-9764 by 6p on Tuesday:

- 1) Completed Part I with acceptable policies; if you resubmit Part 1 today or Monday, I will review and return it immediately so you can make any needed changes, if there are any, by Tuesday afternoon.
- 2) Completed Part II with diagrams (using attached form)

Kuburat had one classroom and one lab approved for use in nurse aide training. If it would be helpful, I can send you her diagrams as an example of the type of diagram that is acceptable. It can be hand drawn using a pen or marker with black ink so the diagram will survive faxing. Sometimes the lines and word lighten when faxed. Don't use the edge of the paper as the walls for the rooms. Draw a representative box for the walls.

Vickie

Vickie E Fore, RN, MSN

Education Consultant

Division of Health Service Regulation

Health Care Personnel Education and Credentialing Section

North Carolina Department of Health and Human Services

919-855-3985 office

919-733-9764 fax

vickie.fore@dhhs.nc.gov

Enclosure C

Fore, Vickie <vickie.fore@dhhs.nc.gov>
to me

Your picture of the two urinals and fracture pans concludes a successful review of the lab. It is approved.

However, you have to write a narrative on Page 18 of the proposal packet. **Do not resubmit a complete packet.** Using the Pages 17 and 18 that I've attached, check the check boxes and add a narrative. Email or fax the pages back to me.

- The picture below is what the attached Page 18 looks like. The check boxes are evident. When you start the narrative, click in the grayed line under each of the 3 to 10 words you can use. Be brief. Make sure the Signature and Date box stays on the page. If it goes on another page, edit your narratives so the Signature and Date box stays on the page.
- The second attachment, *New classroom & lab description form*, has narratives on it. You can use whatever you want from the attachment for your narrative on Page 18.

Check this box. I have the list so don't send another one.

Part II
Nurse Aide I Training Program Proposal Form

Complete this page by following the corresponding directions from the preceding pages, entitled **Instructions for Completing Part II of the Nurse Aide I Training Program Proposal**. In the space provided, write your policy statement or narrative. Attach the necessary list/diagrams placing a checkmark (✓) in the corresponding box.

1. Equipment and Supplies

→ Equipment and Supplies List attached

Enclosure D



DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF HEALTH SERVICE REGULATION

ROY COOPER
GOVERNOR

MANDY COHEN, MD, MPH
SECRETARY

MARK PAYNE
DIRECTOR

April 16, 2018

Malcolm Dennis, Program Coordinator
Nurse Aide I Program
Cumberland Nursing Academy
1830 Owen Drive, #204
Fayetteville, NC 28304

Dear Mr. Dennis:

Please accept this letter as **pending** approval to offer a 105-hour Nurse Aide I Training Program at Cumberland Nursing Academy, located at 1830 Owen Drive, #204, in Fayetteville, North Carolina, effective April 16, 2018. Hours approved are 35 for classroom, 30 for lab and 40 for clinical for a total of 105 hours. Once you submit the license and licensure letter from the North Carolina Community College Office of Proprietary Schools to DSHR, you may offer the Nurse Aide I program through Cumberland Nursing Academy.

This approval is granted with the understanding that the program will use the schedule, curriculum, testing tools, faculty, clinical sites, policies and procedures approved by our agency. Failure to follow this program will result in withdrawal of approval. Should you wish to make changes to your programs, including faculty, curricula or evaluation tools, please contact our office for guidance.

Your program number is **70799**. Please use this number on all applications for registry listing and correspondence with our office.

Malcolm Kareem Dennis is approved as the program coordinator and an instructor. A list of instructors for the program is attached. Please submit a Faculty Application Request Form to add new faculty to your training program or a Faculty Removal Form for any faculty that no longer actively functions in a training program capacity. Both forms can be found at www.ncnar.org.

Whispering Pines Nursing and Rehabilitation Center and Pine Valley Adult Care Home are approved as clinical sites. Should you wish to make changes to clinical sites, please submit a Clinical Site Approval or Removal Form found at www.ncnar.org.

Room 2, located at 1830 Owen Drive, #204, in Fayetteville, is approved as a classroom for Nurse Aide I Training. Per your submitted diagram and DSHR site visit on April 11, 2018, there is adequate classroom

Health Care Personnel Education and Credentialing Section

www.ncnar.org

Tel 919-855-3970 • Fax 919-733-9764

Location: 801 Biggs Drive • Brown Building • Raleigh, NC 27603
Mailing Address: 2709 Mail Service Center • Raleigh, NC 27699-2709

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Enclosure E

April 16, 2018
Cumberland Nursing Academy
Page 2

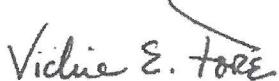
space for sixteen (16) adult learners. Room Lab #1, located at the same site, is approved as a Nurse Aide I lab and includes adequate lab space for two beds with all supplies, materials and equipment required by DSHR. Approval of the lab is based on your submitted diagrams, photographs and the April 11, 2018 DSHR site visit.

Nurse aide trainees are considered to be in a training program until they have successfully completed a state-approved competency evaluation program. During this time, they are prohibited from performing any tasks for which they have not been found proficient by their instructor.

Additionally, when performing services for residents, trainees are required to be under the general supervision of the registered nurse who is providing necessary guidance for the program and maintaining ultimate responsibility for the course.

From time to time, we conduct on-site reviews of nurse aide training programs. These evaluations are performed to assist you and to ensure the state maintains compliance with federal regulations governing training programs. Some of the reviews may be announced, while others may be unannounced. In the future, we will be asking you for a schedule of your planned programs.

Sincerely,



Vickie E. Fore, RN, MSN
Triangle Region Education Consultant

c: Scott Corl, Executive Director, NCCS Office of Proprietary Schools
Tonya Dennis, Owner/Administrator, Cumberland Nursing Academy

8/20/2018

Approval of new Nurse Aide I Program in Fayetteville, NC - cumberlandnursingacademy@gmail.com - Gmail

Apr

Scott Corl <corls@nccommunitycolleges.edu>
to Vickie, malcolmdennisa., me
Thanks Vickie!
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

From: Fore, Vickie [mailto:vickie.fore@dhhs.nc.gov]
Sent: Monday, April 16, 2018 2:48 PM
To: Malcolm Dennis (malcolmdennisacademy@gmail.com) <malcolmdennisacademy@gmail.com>
Cc: Scott Corl <corls@nccommunitycolleges.edu>; Tonya Renee Dennis (CumberlandNursingAcademy@gmail.com) <CumberlandNursingAcademy@gmail.com>
Subject: Approval of new Nurse Aide I Program in Fayetteville, NC

 **Scott Corl** <corls@nccommunitycolleges.edu>
to **Malcolm**, me
FYI....
Regards,

Ma

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

From: Fore, Vickie [mailto:vickie.fore@dhhs.nc.gov]
Sent: Tuesday, May 1, 2018 10:43 AM
To: Scott Corl <corls@nccommunitycolleges.edu>
Subject: RE: [External] FW: Approval of new Nurse Aide I Program in Fayetteville, NC

That's correct. I sent them the Refresher application which should take about 15 minutes to complete but they haven't submitted it.

Vickie

Vickie E Fore, RN, MSN
Nurse Consultant
Division of Health Service Regulation
Health Care Personnel Education and Credentialing Center
[NC Department of Health and Human Services](http://www.ncdhhs.gov)

Office: 919-855-3985
Fax: 919-733-9764
vickie.fore@dhhs.nc.gov

801 Biggs Drive, Brown Building
2709 Mail Service Center
Raleigh, NC 27699-2709

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From: Scott Corl [mailto:corls@nccommunitycolleges.edu]
Sent: Tuesday, May 01, 2018 10:38 AM
To: Fore, Vickie
Cc: Scott Corl
Subject: [External] FW: Approval of new Nurse Aide I Program in Fayetteville, NC

Enclosure F

8/20/2018

Approval of new Nurse Aide I Program in Fayetteville, NC - cumberlandnursingacademy@gmail.com - Gmail

CAUTION: External email. Do not click links or open attachments unless verified. Send all suspicious email as an attachment to [Report Spam](#).

I have Cumberland approved for NA I only and not the refresher—can you confirm that as accurate? Thanks!

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

From: Scott Corl
Sent: Monday, April 16, 2018 3:24 PM
To: Fore, Vickie <vickie.fore@dhhs.nc.gov>; Malcolm Dennis (malcolmdennisacademy@gmail.com) <malcolmdennisacademy@gmail.com>
Cc: Tonya Renee Dennis (CumberlandNursingAcademy@gmail.com) <CumberlandNursingAcademy@gmail.com>; Scott Corl <corls@nccommunitycolleges.edu>
Subject: RE: Approval of new Nurse Aide I Program in Fayetteville, NC



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8/20/2018

Transition of Ownership from Care One Health Training Institute to Cumberland Nursing Academy - cumberlandnursingacademy@gmail.com

Malcolm Dennis <cumberlandnursingacademy@gmail.com>
to Scott

Apr

Hello Mr. Corl,

I wanted to send you the email that I sent to Ms. Roth regarding the NA2 Program that we would like to offer. I emailed the original message on 3/22/18 and received response back on 4/17/18 requesting our RN license numbers that I had included in the original email. Per my conversation with Ms. Roth on 3/22/18, they would grant 90-day approval per approval of the NA1 Program. Ms. Fore approved the NA 1 program on 4/16/18. I forwarded my original email to Ms. Roth on 4/17/18. I just documented that I had been in contact with the NCBON regarding the NA2 Program.

Thank you,

Tonya Dennis

----- Forwarded message -----

From: Malcolm Dennis <cumberlandnursingacademy@gmail.com>
Date: Tue, Apr 17, 2018 at 3:23 PM
Subject: Fwd: Transition of Ownership from Care One Health Training Institute to Cumberland Nursing Academy
To: joycer@ncbon.com

----- Forwarded message -----

From: Malcolm Dennis <cumberlandnursingacademy@gmail.com>
Date: Thu, Mar 22, 2018, 11:44 AM
Subject: Transition of Ownership from Care One Health Training Institute to Cumberland Nursing Academy
To: <joycer@ncbon.com>

Hello Ms. Roth,

I hope that all is well. This letter is to inform the NCBON that Care One Health Training Institute - (Fayetteville location) has been purchased by Malcolm and Tonya Dennis. The school is now Cumberland Nursing Academy, LLC. The physical address of the school is currently the same. The new ownership is under Malcolm Dennis, President, Owner and Tonya Dennis, President, Owner. We would like to offer the Nurse Aide 2 Course here at Cumberland Nursing Academy. We have been granted Provisional license by the NC Proprietary School. Malcolm and Tonya Dennis are both NC Registered Nurses. Malcolm Dennis (License #171090). Tonya Dennis (License #189648). Please let us know what steps to take regarding the application for the Nurse Aide 2 Course approval.

Thank you for all considerations given. Have a great day.

Malcolm Dennis, RN
910-850-0393
Tonya Dennis, RN
910-850-0477

Joyce Roth <joycer@ncbon.com>
to Kathy, Tammy, me, Scott, Tonya, Jennifer

Ma

Good Morning, Malcolm and Tonya,
The NCBON is granting you temporary approval for 90 days to offer the NAII course through Cumberland Nursing Academy in Fayetteville provided the following requirements are met:
1. The required NAII modules and skills checklists/competency validations are utilized in all course offerings
2. NCBON approved NAII instructors teach all aspects of every course
3. The NAII course coordinator meets all NCBON requirements and has been approved to serve in that capacity
4. All NCBON NAII admission requirements for students are met
5. NAII students who successfully complete the NAII course are listed by the designated course coordinator in the NCBON electronic system. Please note – the NAII listing must be completed by both the program course coordinator and the student within 30 days of completion of the course. No exceptions will be granted to this 30 day requirement.
You must submit a completed application to continue to offer the NAII course. You may not offer the course beyond the 90 day temporary approval granted until we have received the completed application and you have been granted full approval to offer the course. Tonya in our office will send you the rules related to NAII programs, the link to the required NAII modules and skill checklists, and the application that you need to complete for full approval to offer the NAII course. She will also send you a formal letter with all of the information in this email. Your temporary approval to offer the NAII course will expire on July 31, 2018.
Please feel welcome to contact me for any questions you have related to the temporary approval. Tonya will be happy to assist you with the application if you have questions.
Joyce

From: Malcolm Dennis [mailto:cumberlandnursingacademy@gmail.com]
Sent: Tuesday, April 17, 2018 3:24 PM
To: Joyce Roth <joycer@ncbon.com>
Subject: Fwd: Transition of Ownership from Care One Health Training Institute to Cumberland Nursing Academy

Malcolm Dennis

Enclosure G



Malcolm Dennis <cumberlandnursingacademy@gmail.com>

Transition of Ownership from Care One Health Training Institute to Cumberland Nursing Academy

Joyce Roth <joycer@ncbon.com>

Tue, May 1, 2018 at 8:40 AM

To: Malcolm Dennis <cumberlandnursingacademy@gmail.com>

Cc: Scott Corl <corls@nccommunitycolleges.edu>, "Turner, Kathy" <kathy.turner@dhhs.nc.gov>, Tonya Fleshman <tfleshman@ncbon.com>, Jennifer Lewis <jlewis@ncbon.com>, Tammy Edelen <tammy@ncbon.com>

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[Quoted text hidden]

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"Serving the Public Through Regulatory Excellence"

Enclosure H

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