



# COMMONWEALTH of VIRGINIA

Arne W. Owens  
Director

## Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

[www.dhp.virginia.gov](http://www.dhp.virginia.gov)  
PHONE (804) 367- 4400

Virginia Board of Nursing  
Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director

Board of Nursing (804) 367-4515  
[www.dhp.virginia.gov/Boards/Nursing](http://www.dhp.virginia.gov/Boards/Nursing)

July 26, 2023

Jennifer Martinez  
Fortis College  
6300 Center Drive, 22  
Maury Building  
Norfolk, VA 23502

Certified Article Number

9414 7266 9904 2198 8181 96

SENDER'S RECORD

**RE: Case Number 226759**

Dear Jennifer Martinez:

The recommendation made by the Education Special Conference Committee following your informal conference was presented to the Board of Nursing ("Board") on July 18, 2023. The recommendation was accepted, and enclosed is a certified true copy of the Order issued by the Board.

If you object to this Order and desire a formal hearing before the Board, a written request must be received by the Board **within 33 days from the date of service of the Order**. If no written request is received by that time, this Order will be final.

In order to monitor your compliance with the terms and conditions of the Order, this matter will be forwarded to Tonya James, Compliance Case Manager, for the Board of Nursing. Please direct all questions, documents, and correspondence related to your compliance with the Order to Ms. James at (804) 367-4536, or by email to [Tonya.James@dhp.virginia.gov](mailto:Tonya.James@dhp.virginia.gov), Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233-1463.

If you have any questions regarding this matter, please contact Jacquelyn Wilmoth at (804) 367-4527 or [Jacquelyn.Wilmoth@dhp.virginia.gov](mailto:Jacquelyn.Wilmoth@dhp.virginia.gov).

Sincerely,

Jacquelyn Wilmoth, R.N., M.S.N.  
Deputy Executive Director  
Virginia Board of Nursing

cc: Julia Bennett, Deputy Director, Administrative Proceedings Division  
Melissa Gray, Adjudication Specialist, Administrative Proceedings Division  
Tonya James, Compliance Case Manager  
Arne W. Owens, Director, Department of Health Professions

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: FORTIS COLLEGE--NORFOLK  
PRACTICAL DEGREE NURSING EDUCATION PROGRAM  
Program Code: US28200500  
Case Number: 226759**

**RATIFICATION AND ORDER**

On July 18, 2023, the Board met to receive and act upon the Recommended Decision of the Education Special Conference Committee (“Committee”). Fortis College--Norfolk Practical Nursing Education Program (“Respondent”), was present and was not represented by legal counsel.

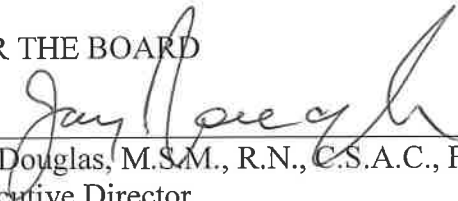
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Committee and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Respondent may, not later than 5:00 p.m., on August 28, 2023, request a formal administrative hearing before the Board by notifying Jay Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

This Order shall become final on August 28, 2023, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



\_\_\_\_\_  
Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

ENTERED AND MAILED ON:

\_\_\_\_\_  
July 26<sup>th</sup>, 2023

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: FORTIS COLLEGE--NORFOLK  
PRACTICAL NURSING EDUCATION PROGRAM  
Program Code: US28200500  
Case Number: 226759**

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**REPORT AND RECOMMENDATION OF THE EDUCATION SPECIAL CONFERENCE  
COMMITTEE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), the Education Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”), held an informal conference on June 20, 2023 in Henrico County, Virginia, to inquire into evidence that Fortis College--Norfolk Practical Nursing Education Program (“Respondent”) may have violated certain laws and regulations governing the operation of practical nursing education programs in the Commonwealth of Virginia.

Present at this proceeding on behalf of Respondent were the Dean of Nursing for the Fortis College—Norfolk PN program and members of the Fortis College program administration.

Upon consideration of the evidence, the Committee makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Recommended Findings of Fact and Conclusions of Law**

1. Fortis College--Norfolk (“Respondent”) was approved to operate a practical nursing education program in the Commonwealth of Virginia on March 3, 2006.
2. On February 7, 2022, Respondent was placed on conditional approval after its pass rate for first-time test takers of the NCLEX-PN was below 80 percent for the preceding two calendar years of 2020 and 2021.

3. Fortis college--Norfolk violated 18 VAC 90-27-210(A) and (B) of the Regulations Governing the Practice of Nursing Education in that its pass rate for first-time test takers of the NCLEX-PN was below 80 percent for the past three calendar years, as follows:

- a. In 2020, the pass rate was 54.55%;
- b. In 2021, the pass rate was 72.41%; and
- c. In 2022, the pass rate was 64.29%.

4. At the informal conference, the representatives from Fortis College-Norfolk spoke about the changes that have been made to address program deficiencies, including the creation of a course playbook for new and transitioning faculty as a resource for teaching concepts and instituting ways to identify and remediate at-risk students on a weekly basis. Additionally, the Dean of Nursing stated that she received strong support from the Campus President and the education affiliates nursing leadership team. Additionally, the Fortis College-Norfolk representatives stated that the NCLEX-PN pass rate for 2023 is 90%.

### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Committee recommends that the Board issue an Order as follows:

1. The approval of Fortis College--Norfolk ("Respondent") to operate a practical nursing education program is continued on CONDITIONAL APPROVAL, subject to the following terms:
  - a. Respondent's 2023 and 2024 NCLEX passage rate must be not less than 80%;
  - b. Respondent is subject to and must cooperate with a survey site visit in 2024.
2. Upon review of compliance with the terms and conditions of this Order, the Board will further consider Respondent's approval status, which may require its appearance before a Committee of the Board.

3. Within 60 days of Order entry, the Respondent shall:
  - i. Provide a copy of this Order to all current students, faculty members, and to the program's advisory board;
  - ii. Publish the Order on its website; and
  - iii. Update all publications and promotional materials provided to the public to reflect that the Respondent is on conditional approval.
4. Respondent shall comply with all of the Board's regulations for granting full program approval for a practical nursing education program in Virginia.
5. Any violation of the terms and conditions of this Order or any law or regulation affecting the operation of nursing education programs in the Commonwealth of Virginia may constitute grounds for the withdrawal of approval of Respondent, and an administrative proceeding shall be convened to determine whether such approval shall be withdrawn.

Reviewed and approved  
By Cynthia Swineford, R.N., M.S.N., C.N.E.  
Chair, Education Conference Special Committee



# COMMONWEALTH of VIRGINIA

Arne W. Owens  
Director

## Department of Health Professions

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July 26, 2023

Jennifer Martinez  
Fortis College  
6300 Center Drive, 22  
Maury Building  
Norfolk, VA 23502

Certified Article Number

9414 7266 9904 2198 8182 02

SENDER'S RECORD

**RE: Case Number 226760**

Dear Jennifer Martinez:

The recommendation made by the Education Special Conference Committee following your informal conference was presented to the Board of Nursing ("Board") on July 18, 2023. The recommendation was accepted, and enclosed is a certified true copy of the Order issued by the Board.

If you object to this Order and desire a formal hearing before the Board, a written request must be received by the Board **within 33 days from the date of service of the Order**. If no written request is received by that time, this Order will be final.

In order to monitor your compliance with the terms and conditions of the Order, this matter will be forwarded to Tonya James, Compliance Case Manager, for the Board of Nursing. Please direct all questions, documents, and correspondence related to your compliance with the Order to Ms. James at (804) 367-4536, or by email to [Tonya.James@dhp.virginia.gov](mailto:Tonya.James@dhp.virginia.gov), Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233-1463.

This Order will become final within 33 days from the date this Order is entered unless a request in writing is received to appeal to a formal hearing.

If you have any questions regarding this matter, please contact Jacquelyn Wilmoth at (804) 367-4527 or [Jacquelyn.Wilmoth@dhp.virginia.gov](mailto:Jacquelyn.Wilmoth@dhp.virginia.gov).

Sincerely,

Jacquelyn Wilmoth, R.N., M.S.N.  
Deputy Executive Director  
Virginia Board of Nursing



cc: Julia Bennett, Deputy Director, Administrative Proceedings Division  
Melissa Gray, Adjudication Specialist, Administrative Proceedings Division  
Tonya James, Compliance Case Manager  
Arne W. Owens, Director, Department of Health Professions

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: FORTIS COLLEGE--NORFOLK  
ASSOCIATE DEGREE NURSING EDUCATION PROGRAM  
Program Code: US28469500  
Case Number: 226760**

**RATIFICATION AND ORDER**

On July 18, 2023, the Board met to receive and act upon the Recommended Decision of the Education Special Conference Committee ("Committee"). Fortis College--Norfolk Associate Degree Nursing Education Program ("Respondent"), was present and was not represented by legal counsel.

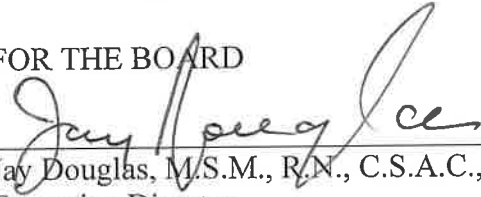
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Committee and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Virginia Code § 54.1-2400(10), Respondent may, not later than 5:00 p.m., on August 28, 2023, request a formal administrative hearing before the Board by notifying Jay Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

This Order shall become final on August 28, 2023, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director

Virginia Board of Nursing

ENTERED AND MAILED ON:

July 26<sup>TH</sup>, 2023

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: FORTIS COLLEGE--NORFOLK  
ASSOCIATE DEGREE NURSING EDUCATION PROGRAM  
Program Code: US28469500  
Case Number: 226760**

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**REPORT AND RECOMMENDATION OF THE EDUCATION SPECIAL CONFERENCE  
COMMITTEE**

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**Jurisdiction and Procedural History**

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), the Education Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”), held an informal conference on June 20, 2023 in Henrico County, Virginia, to inquire into evidence that Fortis College--Norfolk Associate Degree Nursing Education Program (“Respondent”) may have violated certain laws and regulations governing the operation of associate degree nursing education programs in the Commonwealth of Virginia.

Present at this proceeding on behalf of Respondent were the Dean of Nursing for the Fortis College—Norfolk Associate Degree Nursing program and members of the Fortis College program administration.

Upon consideration of the evidence, the Committee makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

**Recommended Findings of Fact and Conclusions of Law**

1. Fortis College--Norfolk (“Respondent”) was granted approval to operate an associate degree nursing education program in the Commonwealth of Virginia on March 29, 2016.

2. On February 7, 2022, Respondent was placed on conditional approval after its pass rate for first-time test takers of the NCLEX-RN was below 80 percent for the preceding two calendar years of 2020 and 2021.

3. Fortis College-Norfolk violated 18 VAC 90-27-210(A) and (B) of the Regulations Governing the Practice of Nursing Education in that its pass rate for first-time test takers of the NCLEX-RN was below 80 percent for the past three calendar years, as follows:

- a. In 2020, the pass rate was 71.43%;
- b. In 2021, the pass rate was 47.8%; and
- c. In 2022, the pass rate was 55.1%.

4. At the informal conference, the representatives from Fortis College—Norfolk spoke about the changes that have been made to address program deficiencies, including offering post-graduation and NCLEX support, required remediation for students who failed to meet testing benchmarks on standardized assessments, and stable program leadership. Additionally, the Dean of Nursing stated that she received strong support from the Campus President as well as the Education affiliates nursing leadership team.

### **Recommended Order**

Based on the foregoing Findings of Fact and Conclusions of Law, the Committee recommends that the Board issue an Order as follows:

1. The approval of Fortis College--Norfolk (“Respondent”) to operate an associate degree nursing education program is continued on **CONDITIONAL APPROVAL**, subject to the following terms:

- a. Respondent’s 2023 and 2024 NCLEX passage rate must be not less than 80%;

b. Respondent shall submit to the Board completed Quarterly Report forms, which can be prepared with templates found on the Department of Health Professions website Board of Nursing page on the Education Program subpage. The reports shall be submitted on a quarterly basis to the Board, with the first report due not later than 60 days from the date of entry of the Order and subsequent reports due the first Monday of January, April, July, and October until Respondent is notified, in writing, that the reporting requirement is ended;

c. Respondent is subject to and must cooperate with a survey visit in 2024.

2. Upon review of compliance with the terms and conditions of this Order, the Board will further consider Respondent's approval status, which may require its appearance before a Committee of the Board.

3. Within 60 days of Order entry, the Respondent shall:

i. Provide a copy of this Order to all current students, faculty members, and to the program's advisory board;

ii. Publish the Order on its website; and

iii. Update all publications and promotional materials provided to the public to reflect that the Respondent is on conditional approval.

4. Respondent shall comply with all of the Board's regulations for granting full program approval for an associate degree nursing education program in Virginia.

5. Any violation of the terms and conditions of this Order or any law or regulation affecting the operation of nursing education programs in the Commonwealth of Virginia may constitute grounds for the withdrawal of approval of Respondent, and an administrative proceeding shall be convened to determine whether such approval shall be withdrawn.

Reviewed and approved

By Cynthia Swineford, R.N., M.S.N., C.N.E.  
Chair, Education Conference Special Committee