



COMMONWEALTH of VIRGINIA

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

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July 20, 2021

Jennifer Martinez, MSN/ED, MHA, RN
Fortis College
2000 Westmoreland
Richmond, VA 23230

Certified Article Number

9414 7266 9904 2169 4061 48

SENDER'S RECORD

RE: Case Number [210737]

Dear Ms. Martinez:

The recommendation made by the Education Special Conference Committee following your informal conference was presented to the Board of Nursing ("Board") on July 20, 2021. 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.

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.

Sincerely,

Jacquelyn Wilmoth, RN, MSN
Deputy Executive Director
Virginia Board of Nursing

cc: Julia Bennett Deputy Director, Administrative Proceedings Division
Grace Stewart, Adjudication Specialist
David E. Brown, D.C., Director, Department of Health Professions
Barbara Allison-Bryan, M.D., Chief Deputy Director, Department of Health Professions
Sheryl Delozier, President
Peter Blake, Director, SCHEV

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: FORTIS COLLEGE
ASSOCIATE DEGREE NURSING EDUCATION PROGRAM
Program Code: US28408900
Case Number: 210737**

RATIFICATION AND ORDER

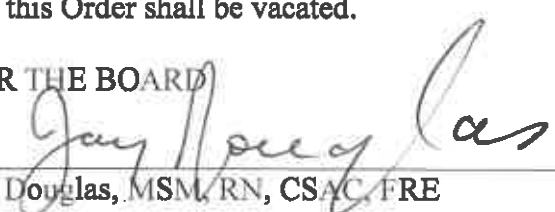
On July 20, 2021, a panel of the Board met to receive and act upon the Recommended Decision of the Education Special Conference Committee ("Committee"). Fortis College Associate Degree Nursing Education Program ("Respondent").

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.

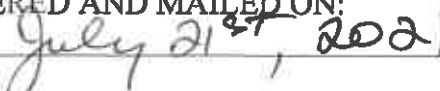
Pursuant to Virginia Code § 54.1-2400(10), Respondent may, not later than 5:00 p.m., on August 23, 2021, request a formal administrative hearing before the Board by notifying Jay Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE BOARD



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

ENTERED AND MAILED ON:



July 21st, 2021

This Order shall become final on August 23, 2021, unless a request for a formal administrative hearing is received as described above.

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: FORTIS COLLEGE
ASSOCIATE DEGREE NURSING EDUCATION PROGRAM
Program Code: US28408900
Case Number: 210737**

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

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 8, 2021 in Henrico County, Virginia, to inquire into evidence that Fortis College 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: Jennifer Martinez, MSN/ED, MHA, R.N., Dean of Nursing; Lora Smith, Academic Coach; Sheila Burke, Vice President of Nursing; and Sheryl Delozier, Campus President. Respondent was represented by Roger Swartzwelder, Esquire.

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.

Notice

By letter dated April 29, 2021, the Board sent a Notice of Informal Conference (“Notice”) to Respondent indicating that an informal conference would be held on June 8, 2021. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Recommended Findings of Fact and Conclusions of Law

1. Fortis College Associate Degree Nursing Education Program (“Respondent”), was granted approval to operate an associate degree nursing education program on March 17, 2015.

2. Respondent violated 18 VAC 90-27-210(A) of the Regulations for Nursing Education Programs (“Regulations”) in that its passage rate for first-time test takers on the NCLEX (“passage rate”) was less than 80% for three consecutive years. Specifically, its 2017 passage rate was 50%, its 2018 passage rate was 68.42%, its 2019 passage rate was 72.22%, and its 2020 passage rate was 52.17%. On February 25, 2019, Respondent was placed on conditional approval status by the Board after two consecutive years with a passage rate below 80%.

3. On March 8, 2020, inspectors from the Board of Nursing (“Inspectors”) conducted a survey visit (“Survey Visit”) in accordance with 18 VAC 90-27-150(A)(3) of the Regulations. At that time, Respondent failed to comply with the following nursing education program requirements:

a. Respondent violated 18 VAC 90-27-60(A)(2) of the Regulations in that it was unable to provide documentation showing that all faculty are oriented at all their clinical sites.

b. Respondent violated 18 VAC 90-27-180(D)(1) of the Regulations in that it failed to publish, post on its website, and distribute to current students and applicants NCLEX pass rates for the prior four years.

4. At the informal conference, the representatives from Fortis College were thorough and cooperative in providing evidence to and answering questions from the Committee.

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 Associate Degree Nursing Education Program (“Respondent”) to operate an associate degree nursing education program is WITHDRAWN.

2. This withdrawal of approval shall be STAYED, and Respondent shall remain on conditional approval, contingent upon the following terms and conditions:

a. Respondent shall halt admission of new students for one year from the date of entry of this Order.

b. Respondent’s passage rate for first-time test takers on the NCLEX shall be 80% or more in 2021 and 2022.

c. Respondent shall submit to the Board within 30 days of the date of entry of this Order evidence that it has posted to its website NCLEX pass rates for the years 2017 to 2020. Further, Respondent shall submit evidence to the Board that it will continue to regularly update its website regarding its NCLEX passage rates.

d. Respondent shall submit to the Board within 90 days of the date of entry of this Order evidence that its faculty have completed orientation for all clinical sites utilized in 2021. Additional evidence or submissions may be required if additional clinical sites are added after the original submission.

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

4. Respondent shall provide a copy of this Order to all current and prospective students, to all faculty members, and to the program’s advisory board. Further, Respondent shall publish this Order on its website.

5. All publications shall reflect that Respondent is on conditional approval.

6. Respondent shall comply with all of the Board's regulations for maintaining an approved associate degree nursing education program in Virginia.

7. 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 Ethlyn McQueen-Gibson, DNP, MSN, RN, BC
Chair, Education Conference Special Committee