





## **SPECIAL ANNOUNCEMENT**

### **DISCIPLINARY ACTION LIST**

On June 30<sup>th</sup> and December 31<sup>st</sup> of each year, the Bureau mails a list to all interested parties of disciplinary actions taken against licensees and applicants. The list includes data for the previous six-month period, and contains the licensee names, license numbers, and disciplinary actions imposed.

If you would like to receive a copy of the list, please leave your name and mailing address with Bureau staff. This list is also posted on the Bureau's Internet web site at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov).

(8/26/08)



**ADVISORY COMMITTEE MEETING MINUTES**

**SEPTEMBER 12, 2008**

**LOS ANGELES, CALIFORNIA**

**DRAFT**

**ADVISORY COMMITTEE**

**MEMBERS PRESENT:** John Vertido, L.V.N. Educator Member, Chair  
Todd D'Braunstein, P.T. Member, Co-Chair  
Kevin Baucom, P.T. Member  
Martin Mariscal, Public Member  
Kenneth Merchant, Public Member

**ADVISORY COMMITTEE**

**MEMBERS ABSENT:** Josefina Canchola, Public Member  
Angelique Stephens, Public Member

**STAFF PRESENT:**

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer  
Ann Shuman, Supervising Nursing Education Consultant  
Anne Powers, Nursing Education Consultant  
Cheryl Anderson, Nursing Education Consultant  
Jason Reinhardt, Administrative Secretary  
Melinda Kayser, Education Secretary  
Laura Freedman-Eidson, Legal Counsel, Department of  
Consumer Affairs

**1. CALL TO ORDER**

The meeting was called to order by Teresa Bello-Jones, Executive Officer (EO), at 9:01 a.m., September 12, 2008, at the Hilton Los Angeles Airport, 5711 West Century Blvd, Plaza Ballroom A, Los Angeles, CA 90045.

The EO read a special announcement regarding the Board's transition to a Bureau effective July 1, 2008. Because this is the first meeting of the Bureau's Advisory Committee, elections must be held to establish the Advisory Committee Chair and Co-Chair.

**2. INTRODUCTION OF ADVISORY COMMITTEE MEMBERS AND STAFF**

Advisory Committee Members introduced themselves. The EO introduced the staff present.

### 3. SELECTION OF CHAIR AND CO-CHAIR

The EO called for the election of the Advisory Committee Chair and Co-Chair.

**M – Kenneth Merchant; S – Kevin Baucom; and carried unanimously to elect John Vertido as Advisory Committee Chair.**

**M – Martin Mariscal; S – Kenneth Merchant; and carried unanimously to elect Todd D'Braunstein as Advisory Committee Co-Chair.**

John Vertido thanked the Advisory Committee for electing him as Chair.

Todd D'Braunstein thanked the Advisory Committee for electing him as Co-Chair.

### 4. INTRODUCTION OF ACCREDITED SCHOOLS REPRESENTED AT MEETING

Angeles Institute, Lakewood	Four-D College, Victorville
Annenburg School of Nursing, Reseda	High Desert Medical College, Lancaster
Antelope Valley Career Academy, Palmdale	Los Angeles Job Corps, Los Angeles
ATC College, Oakland	Lynwood Adult, Lynwood
California Career Institute, Garden Grove	Marian College, Los Angeles
Career Colieges of America, San Bernardino	Nursing Care Providers, Hayward
Career Networks Institute, Orange	Palo Verde College, Blythe
Casa Loma College, Hawthorne	St. Francis Career College, Lynwood
Casa Loma College, Van Nuys	Trinity Vocational Center, Van Nuys
CenterPointe Learning Institute, S. San Francisco	Valley School of Allied Health, Reseda
College of Medical Arts, Anaheim	Walter Jay M.D. Institute, Los Angeles
Four-D College, Colton	Western Career College, Sacramento

### 5. ADVISORY COMMITTEE CHAIR'S MESSAGE

The Chair read a special notice addressing the Bureau's legal mandate and procedure to have an issue placed on the Advisory Committee Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Committee's discussion. However, the Committee may limit the length of time allowed for comment.

The Chair announced that a list of disciplinary actions taken against licensees and applicants is published and distributed to all interested parties on June 30<sup>th</sup> and December 31<sup>st</sup> each year. Interested parties were advised to contact Bureau staff or submit a request in writing to the Bureau to obtain a copy of this list.

## 6. EXECUTIVE OFFICER'S REPORT

### State and Consumer Services Agency (Agency) & Department of Consumer Affairs (DCA)

**DCA Staff** – The EO provided an update of recent appointments within DCA's Executive Office.

**DCA Professionals Achieving Consumer Trust Summit (PACTs)** – The EO provided an update regarding the status of the PACTs meeting the DCA is planning for the week of November 17-22, 2008, in Los Angeles at the Westin LAX. The Bureau is scheduled to hold its Reinstatement Hearings and Regular Advisory Committee Meeting on November 20-21, 2008, respectively. There will be a variety of workshops and seminars for Board Members, Advisory Committee Members, and the public to attend.

### Budget Update

The EO reported that the Governor signed Executive Order S-09-08 effective July 31, 2008. Executive Order S-09-08 terminates the services of all temporary help employees; freezes any new hires, promotions, and transfers within State Government; prohibits the approving of overtime for pay or Compensating Time Off; and suspends all personal services contracts. As a result of the Executive Order, the Bureau lost 8 of its 10 Retired Annuitant staff and cannot fill two vacant positions. Additionally, the Bureau is facing severe backlogs due to the loss of temporary staff and the prohibition of overtime.

### Education Program

**Submission of School Materials for Nursing Education Consultants (NEC) Review** – The EO requested that schools cooperate with the Bureau when submitting materials for review. Specifically, she requested that the schools work with their NEC to establish mutually agreeable deadlines. The EO reminded the schools that all materials submitted must be in final form. The EO reported that review of new program packages takes a minimum of nine months and may take longer depending on the quality and completeness of the proposal.

**Education Program Statistics Update** – The EO reported that, as of September 12, 2008, the total number of accredited and approved vocational nursing (VN) and psychiatric technician (PT) programs was 224 (i.e. VN programs – 208 and PT programs – 16). The total number of VN and PT proposed programs was 71 (i.e. VN programs – 67 and PT programs – 4).

### Enforcement

**Public Forums – Overview of Mandatory Reporting Requirements** – The EO reported that staff held public forums on June 24, 2008, in Sacramento, and on June 26, 2008, in Los Angeles, to provide an overview of the mandatory reporting requirements that were established pursuant to Senate Bill 358 (Statutes 2003, Ch. 640), which became effective January 1, 2004. As implementation of these statutes

was contingent upon budget funding, the applicable regulations were approved by the Office of Administrative Law (OAL) effective October 11, 2007.

**Meeting with Division of Investigation (DOI)** – The EO reported that on July 23, 2008, the Bureau's Executive Staff and Enforcement Managers met with Lynda Swenson, Chief of the DOI, and Daryl Walker, Deputy Chief of the DOI, to discuss various issues related to the services provided by DOI.

### **Liaison Activities**

**National Council Licensure Examination (NCLEX) Examination Committee** – The EO reported that on July 22-23, 2008, Cheryl Anderson, NEC, met with the NCLEX Examination Committee in Chicago, IL. The Committee is responsible for item development, examination security, psychometrics, examination administration, quality assurance, approval of subject matter experts, and recommendation of test plans to the Delegate Assembly. Confidentiality of meeting materials was stressed at this meeting. Critical information and research relative to professional occupational analyses, item construction, examination development, and examination administration was presented. Additionally, the Examination Committee convened a meeting of the Item Review Subcommittee on August 19-22, 2008, in Chicago, IL. The purpose of the meeting was to analyze examination items for the NCLEX and develop recommendations to the Examination Committee. The next Committee meeting is scheduled for October 21-24, 2008.

**National Council of State Boards of Nursing (NCSBN) 2008 Delegate Assembly** – The EO reported that the NCSBN 2008 Delegate Assembly was conducted on August 4-8, 2008, in Nashville, TN. Elections were held for new and continuing officers and directors. The Delegate Assembly approved the Nebraska Board of Advanced Practice RN as a new member board; approved the College of Nurses of British Columbia as an associate member; adopted revised Advanced Practice Registered Nursing (APRN) Model Act and Rules; adopted revised Education Model Rules; approved the associate member annual fee of \$1500.00; and approved the Reassessment of the Uniform Core Licensure Requirements for currency and relevancy, and will report these findings to the 2009 Delegate Assembly.

### **Psychiatric Technician Program**

**Psychiatric Technician Licensure Examination Administration** – The EO reported that the Bureau convened an Examination Administration meeting on July 31, 2008, at Bureau Headquarters. The purpose of the meeting was to identify actions required to ensure the production of accurate statistical reports relative to the California Psychiatric Technician Licensure Examination. A project timeline was established to ensure expeditious accomplishment. The meeting specifically addressed the Rank of Schools Report and the Program Summary by Content Area Reports. These reports are critical to the Bureau's monitoring of programs' compliance with Section 2585(l) of the Psychiatric Technician Rules and Regulations.

## VN & PT Examination Update

**VN Examination Statistics** – The EO provided statistics from the NCLEX-PN® licensure examination for candidates who tested during the period from July 1, 2008, through August 15, 2008. The overall pass rate was 55% with a 73% pass rate for first-time candidates.

**PT Examination Statistics** – The EO provided statistics from the PT licensure examination for candidates who tested during the period from July 1, 2008, through August 15, 2008. The overall pass rate was 55% with a 71% pass rate for first-time candidates.

## Regulatory Update

**Rehabilitation Criteria and Disciplinary Guidelines** – The EO reported that the proposed regulations update the Bureau's criteria to evaluate the rehabilitation of a person when considering the denial, suspension, or revocation of a license and ensure consistency with the Disciplinary Guidelines. The final rulemaking file was submitted to the Office of Administrative Law (OAL) on August 20, 2008. OAL's review and approval is due October 2, 2008.

## Correspondence

The EO provided a summary of correspondence received regarding the EO's reappointment. Further, the EO presented a letter received from a school director thanking the EO and Cheryl Anderson, NEC, for their excellent service.

## Customer Service Surveys

The EO announced that the Bureau is distributing a "Customer Service Survey" (blue form) to solicit feedback regarding how it is accomplishing its mission and goals. The information is used to develop the Bureau's Strategic Plan and included in the Bureau's Sunset Review Reports.

## Miscellaneous

**Personnel Update** – The EO provided an update on personnel issues relative to vacant positions, new hires, promotions, and transfers.

## **7. CONSENT CALENDAR ITEMS**

A. Adoption of May 8-9, 2008 Meeting Minutes.

Kevin Baucom stated that he wished to clarify that for Agenda Item 11.A. of the May 2008 Board Meeting Minutes, he was in the room for the vote.

B. Adoption of 2009 Meeting Dates and Locations.

M – Martin Mariscal; and S – Kenneth Merchant; and carried unanimously to adopt the Board Meeting Minutes as amended.

M – Martin Mariscal; and S – Kenneth Merchant; and carried unanimously to adopt the 2009 Board Meeting Dates and Locations.

## **8. REPORTS OF ACTIONS TAKEN REGARDING SCHOOL PROGRAM APPROVALS AND AUTHORIZATIONS**

- A. The EO reported on actions regarding VN and PTs relative to applications, licenses, enforcement, faculty, and facilities.
- B. The EO reported on decisions for VN and PT Programs.
- C. Cheryl Anderson, NEC, reported that Antelope Valley Career Academy VN Program is noncompliant with provisional accreditation requirements and that a follow-up report will be presented at the February 2009 Board Meeting.

## **9. LEGISLATIVE REPORT**

Ann Shuman, SNEC, presented a status report on legislative bills that impact the Bureau and its licensees.

## **10. NURSING EDUCATION CONSULTANTS' RECOMMENDATIONS REGARDING VN AND PT PROGRAMS**

### **10.A. ATC COLLEGE, OAKLAND, VN PROGRAM – RECOMMENDATION FOR PLACEMENT ON PROVISIONAL ACCREDITATION**

Anne Powers, NEC, reported that the ATC College, Oakland, VN Program is presented to the Advisory Committee for consideration of placement on provisional accreditation.

ATC College, Oakland, VN Program failed to meet the requirements of section 2530(l) of the VN Rules and Regulations. The program's annual average licensure examination pass rates for the past eight quarters are more than ten percentage points below the state annual average pass rate for first-time candidates of accredited VN programs for the same period.

Anne Powers, NEC, reported that ATC College, Oakland, VN Program has committed seven egregious violations of the VN Rules and Regulations. Of these seven violations, four have not yet been corrected.

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 60 students for the period from January through April 2008.

- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from April 2006 through March 2008 were more than ten percentage points below the state average annual pass rate.
- Faculty and Facilities – The program has an adequate number of instructors and clinical facilities to support the current enrollment.

### Consultant's Recommendations:

1. Place the ATC College, Oakland, VN Program on provisional accreditation for a two-year period.
2. Issue a notice to the program that identifies specific areas of noncompliance and requirements for correction as referenced in section 2526.1(e) of the VN Rules and Regulations.
3. Require the newly appointed program director to submit to the Bureau a monthly accounting of theory and clinical instructional hours for every student in the ATC College, Oakland, VN Program.
4. If the seven violations noted under "Other Considerations" in the consultant's report are not corrected, the ATC College, Oakland, VN Program shall be presented to the Bureau in February 2009 for consideration of revoking accreditation.

### **Representative from the school: Sylvia Daniels, Director**

The Advisory Committee Members expressed concern that the administrator clearly disregarded her responsibilities, and asked Ms. Daniels if she felt that she would be able to effectively make changes. Ms. Daniels responded that she has begun having weekly meetings with faculty and the school administrator and that she hopes all such violations can be avoided in the future. Ms. Daniels stated that she intends to fully comply with the VN Rules and Regulations.

### Amended Recommendations:

Following discussion with Ms. Daniels, the Advisory Committee Members amended the consultant's recommendations to the following:

1. Place the ATC College, Oakland, VN Program on provisional accreditation for a **one-year** period.
2. Issue a notice to the program that identifies specific areas of noncompliance and requirements for correction as referenced in section 2526.1(e) of the VN Rules and Regulations.
3. Require the newly appointed program director to submit to the Bureau a monthly accounting of theory and clinical instructional hours for every student in the ATC College, Oakland, VN Program. **The program director shall also submit meeting minutes for meetings with faculty and the school administrator.**

4. If the seven violations noted under "Other Considerations" in the consultant's report are not corrected, the ATC College, Oakland, VN Program shall be presented to the Bureau in February 2009 for consideration of revoking accreditation.
5. **Provide a progress report to the Advisory Committee at the November 2008 Committee Meeting.**

**M – Martin Mariscal; S – Todd D’Braunstein and carried unanimously to adopt the recommendations as amended and forward to the Director of the DCA.**

The EO introduced Spencer Walker, Senior Advisor to the Director of the DCA. Mr. Walker spoke about the Professionals Achieving Consumer Trust Summit the DCA is sponsoring in November 2008, and reiterated for all present that the last date to register for the seminars and workshops is November 1, 2008.

#### **10.B. CAREER COLLEGES OF AMERICA, SAN BERNARDINO, VN PROGRAM – RECOMMENDATION FOR PLACEMENT ON PROVISIONAL ACCREDITATION**

Anne Powers, NEC, reported that Career Colleges of America, San Bernardino, VN Program is being presented to the Advisory Committee for consideration of placement on provisional accreditation.

Career Colleges of America, San Bernardino, VN Program failed to meet the requirements of section 2530 (l) of the VN Rules and Regulations. The program's annual average licensure examination pass rates for the past eight quarters are more than ten percentage points below the state annual average pass rate for first-time candidates of accredited VN programs for the same period.

Anne Powers, NEC, reported that Career Colleges of America, San Bernardino, VN Program had committed one egregious violation of the VN Rules and Regulations, which has been corrected.

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 53 students for the period from July 2007 through October 2007.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from April 2006 through March 2008 were more than ten percentage points below the state average annual pass rate.
- Faculty and Facilities – The program has an adequate number of instructors and clinical facilities to support the current enrollment.

#### **Consultant's Recommendations:**

1. Place the Career Colleges of America, San Bernardino, VN Program on provisional accreditation for a two-year period.

2. Issue a notice to the program that identifies specific areas of noncompliance and requirements for correction as referenced in section 2526.1(e) of the VN Rules and Regulations.

**Representative from the school: Sue Etter, Director**

Ms. Etter stated that the policy changes cannot be tracked via test scores until after October 2008, when students graduate and take the NCLEX-PN® exam.

**M – Kenneth Merchant; S – Kevin Baucom and carried 4-0 to adopt the consultant’s recommendations and forward to the Director of the DCA. Martin Mariscal abstained from voting.**

#### **10.C. CENTERPOINTE LEARNING INSTITUTE, VN PROGRAM – RECOMMENDATION FOR PLACEMENT ON PROVISIONAL ACCREDITATION**

Anne Powers, NEC, reported that the CenterPointe Learning Institute VN Program is being presented to the Advisory Committee for consideration of placement on provisional accreditation.

The CenterPointe Learning Institute VN Program was surveyed May 5, 2008. The program was reviewed to determine compliance with Article 5 of the VN Rules and Regulations. Three violations were noted.

Anne Powers, NEC, reported that three egregious violations of the VN Rules and Regulations were noted at the time of the survey. All three violations have since been corrected. Following the survey visit, four additional violations were noted. Three of the four additional violations have not been corrected.

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 80 students for the period from August 2007 through March 2009.
- Exam Pass Rates – Students have not yet graduated from this program; therefore, no licensure examination data is available.
- Faculty and Facilities - The program has an adequate number of instructors to support the current enrollment; however, in July 2008, the consultant became aware that clinical facilities were not sufficient in the maternity and pediatrics areas to provide clinical experience consistent with competency-based objectives.

#### **Consultant’s Recommendations:**

1. Deny initial full accreditation for the CenterPointe Learning Institute VN Program.
2. Place Centerpointe Learning Institute VN Program on provisional accreditation for a two-year period.
3. Issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in section 2526.1(e) of the VN Rules and Regulations.

4. Deny admission of the full-time class of 30 students on September 29, 2008, only, to **replace** graduating students, due to insufficient clinical facility resources.
5. At such time as the program is able to document sufficient resources to support a full-time class of 30 students, the program be approved to **replace** its graduating class.
6. Defer consideration of a March 16, 2009, additional full-time class of 30 students to a later date.

**Representative from the school: Lois Noyd, Director; Maggie Abelgas, Administrator**

Lois Noyd presented information to the Advisory Committee regarding the report of the consultant. The Advisory Committee Members voiced several serious concerns they had regarding the actions of this school and its failure to comply with the VN Rules and Regulations. Based on these concerns, Martin Mariscal moved to strike all of the original recommendations of the consultant, except for recommendation #1.

**Amended Recommendations:**

The recommendations of the Advisory Committee are as follows:

1. Deny initial full accreditation for the CenterPointe Learning Institute VN Program.
2. Recommend that the school notify its students of their option to apply for licensure by equivalent education or experience, rather than as graduates of an accredited VN program.

**M – Martin Mariscal; S – Todd D’Braunstein and carried 4-1 to adopt the recommendations as amended and forward to the Director of the DCA. Kenneth Merchant voted against adopting the recommendation.**

**10.D. COAST HEALTH EDUCATIONAL CENTER VN PROGRAM –  
RECOMMENDATION FOR PLACEMENT ON PROVISIONAL ACCREDITATION**

Cheryl Anderson, NEC, reported that Coast Health Educational Center VN Program is presented to the Advisory Committee for consideration of placement on provisional accreditation.

Coast Health Educational Center VN Program failed to meet the requirements of section 2530 (l) of the VN Rules and Regulations. The program’s annual average licensure examination pass rates for the past eight quarters are more than ten percentage points below the state annual average pass rate for first-time candidates of accredited VN programs for the same period.

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 47 students for the period from August 2007 to February 2009.

- Exam Pass Rates – The program's average annual licensure examination pass rates for the two-year period from April 2006 through March 2008 were more than ten percentage points below the state average annual pass rate.
- Faculty and Facilities – The program has an adequate number of instructors and clinical facilities to support the current enrollment.

**Consultant's Recommendations:**

1. Place Coast Health Educational Center VN Program on provisional accreditation for a two-year period.
2. Issue a notice to the program that identifies specific areas of noncompliance and requirements for correction as referenced in section 2526.1(e) of the VN Rules and Regulations.

**Representative from the school: None present**

**Amended Recommendations:**

Because there was not a representative of the school present, the Advisory Committee proposed amending the recommendations to the following:

1. Place Coast Health Educational Center VN Program on provisional accreditation for a ninety-day period.
2. Carry this issue forward for review at the November 2008 Advisory Committee Meeting for further action with a representative of the school present.

**M – Kenneth Merchant; S – Kevin Baucom and carried unanimously to adopt the recommendations as amended and forward to the Director of the DCA.**

**10.E. WALTER JAY M.D. INSTITUTE VN PROGRAM – RECOMMENDATION FOR PLACEMENT ON PROVISIONAL ACCREDITATION**

Anne Powers, NEC, reported that Walter Jay M.D. Institute VN Program is presented to the Advisory Committee for consideration of placement on provisional accreditation.

Walter Jay M.D. Institute VN Program is in violation of numerous VN Rules and Regulations. Additionally, the former director of the program requested Bureau approval to admit an additional full-time class of 50 students on September 5, 2008, with an anticipated graduation date of November 8, 2009.

Anne Powers, NEC, reported that Walter Jay M.D. Institute VN Program had committed six egregious violations of the VN Rules and Regulations. Of these six violations, two have not yet been corrected.

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 138 students for the period from August 2007 through September 2008.

- Exam Pass Rates - The program's average annual licensure examination pass rates for the period from October 2007 through March 2008 were more than ten percentage points below the state average annual pass rate.
- Faculty and Facilities – The program does not have adequate faculty and facilities to support the current enrollment.

**Consultant's Recommendations:**

1. Place the Walter Jay M.D. Institute VN Program on provisional accreditation for a two-year period.
2. Issue a notice to the program that identifies specific areas of noncompliance and correction as referenced in section 2526.1(e) of the VN Rules and Regulations.
3. Defer consideration of an **additional** full-time class of 50 students to a later date, when sufficient resources are available and verifiable.

**Representative from the school: Doreen Tan, Director**

Doreen Tan stated that she has only been the director of this program for eight weeks. She stated that she intends to bring the program into full compliance with the VN Rules and Regulations. Ms. Tan stated that she wishes to withdraw the request to admit a full-time class of 50 students at this time.

**Amended Recommendations:**

Due to Ms. Tan's withdrawal of the request to admit a full-time class of 50 students, the Advisory Committee Members amended the recommendations to the following:

1. Place the Walter Jay M.D. Institute VN Program on provisional accreditation for a two-year period.
2. Issue a notice to the program that identifies specific areas of noncompliance and correction as referenced in section 2526.1(e).

**M – Martin Mariscal; S – Kenneth Merchant and carried unanimously to adopt the recommendations of the consultant as amended and forward to the Director of the DCA.**

**11. CLOSED SESSION – HEARING DELIBERATIONS**

Closed session was not required.

**12. CLOSED SESSION – DISCIPLINARY ACTIONS**

Closed session was not required.

### 13. CLOSED SESSION – EXAMINATIONS

Closed session was not required.

### 14. PUBLIC COMMENT

Tony Myers, President of the California Association of Psychiatric Technicians (CAPT), stated that clarification is needed regarding the Mandatory Reporting requirements. Mr. Myers stated that the regulations are unclear regarding what constitutes a known violation and he is concerned about potential problems this could cause PTs. The EO stated that staff is aware of these concerns. The EO stated that the Bureau will provide a progress report regarding the Mandatory Reporting Requirements and what constitutes a "known" violation at the November 2008 Advisory Committee Meeting.

The Chair stated that no action could be taken regarding comments from the public at the current meeting, but all comments would be taken into consideration.

### 15. ADJOURNMENT

The Chair called for a vote to adjourn the meeting.

**M – Kenneth Merchant; S – Martin Mariscal and carried unanimously to adjourn the meeting.**

The meeting was adjourned at 12:55 p.m.

(Full text for each agenda item is on file at the Bureau's headquarters and is available upon request.)

Prepared by: \_\_\_\_\_  
**Teresa Bello-Jones, J.D., M.S.N., R.N.**  
Executive Officer

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_  
**John P. Vertido, L.V.N. Educator**  
Advisory Committee Chair

Date: \_\_\_\_\_

	VOCATIONAL NURSE			PSYCHIATRIC TECHNICIAN		
	MONTH	FYTD**	CYTD**	MONTH	FYTD**	CYTD**
<b>LICENSING</b>						
Interim Permits Issued	3	3	17	0	0	0
New Applications Received	662	662	5,985	21	21	421
Retake Applications Received	368	368	3,242	48	48	312
New Licenses Issued	349	349	4,023	25	25	291
Renewals Processed	2,633	2,633	18,484	355	355	2,431
Delinquent Licenses Processed	121	121	890	17	17	110
Exams Administered	1080	1,080	7,392	151	151	684
Number Passing Exams	586	586	4,109	84	84	345
<b>ENFORCEMENT</b>						
Complaints Received***	210	210	1,421	27	27	222
Reports of Unprofessional Conduct Received from Licensees	1	1	4	0	0	1
Investigations Opened	28	28	113	4	4	12
Investigations Closed	15	15	62	0	0	4
Cases Transmitted to AG	5	5	108	2	2	24
Accusations Filed	11	11	76	1	1	30
Statement of Issues Filed	1	1	5	1	1	1
License Denials (In House)	4	4	17	0	0	2
License Denials (Adjudicated)	0	0	0	0	0	0
Revocations	7	7	48	3	3	11
Citations and Fines	14	14	138	2	2	21
Advisement Letters	69	69	503	7	7	66
Petitions for Reinstatement Heard	0	0	0	0	0	0
Petition for Early Term of Probation Granted	0	0	1	0	0	0
Petition for Early Term of Probation Denied	0	0	2	0	0	0
Licensees Placed on Probation	14	14	49	3	3	11
Probation Compliance Meetings	0	0	1	0	0	2
Total # Actively on Probation			154			37
Licensees Entering Remediation	0	0	0	0	0	0
Total # Actively in Remediation			0			0
<b>EDUCATION</b>						
Instructors	143	143	930	4	4	147
Additional Faculty	7	7	55	0	0	1
Teaching Assistants	3	3	35	0	0	0
Assistant Directors	3	3	55	0	0	0
Directors	19	19	108	0	0	1
Clinical Facilities	111	111	529	0	0	2
<b>MISCELLANEOUS</b>						
Internet Inquiries Received	768	768	4,684			
Website Hits	62,248	62,248	429,951			

\*Statistics are collected using various methods from different sources. Numbers may fluctuate.

\*\*FYTD = Fiscal Year to Date. CYTD = Calendar Year to Date.

\*\*\*Data includes criminal history reports received.

# STATISTICS -- AUGUST 2008\*

	VOCATIONAL NURSE			PSYCHIATRIC TECHNICIAN		
	MONTH	FYTD**	CYTD**	MONTH	FYTD**	CYTD**
<b>LICENSING</b>						
Interim Permits Issued	2	5	19	0	0	0
New Applications Received	822	1,484	6,807	26	47	447
Retake Applications Received	366	734	3,608	27	75	339
New Licenses Issued	456	805	4,479	45	70	336
Renewals Processed	2,664	5,297	21,148	389	744	2,820
Delinquent Licenses Processed	108	229	998	13	30	123
Exams Administered	1029	2,109	8,421	99	250	783
Number Passing Exams	570	1,156	4,679	45	129	390
<b>ENFORCEMENT</b>						
Complaints Received***	163	373	1,584	14	41	236
Reports of Unprofessional Conduct Received from Licensees	0	1	4	0	0	1
Investigations Opened	21	49	134	5	9	17
Investigations Closed	12	27	74	1	1	5
Cases Transmitted to AG	16	21	124	1	3	25
Accusations Filed	16	27	92	8	9	38
Statement of Issues Filed	3	4	8	0	1	1
License Denials (In House)	2	6	19	0	0	2
License Denials (Adjudicated)	0	0	0	0	0	0
Revocations	2	9	50	0	3	11
Citations and Fines	21	35	159	4	6	25
Advisement Letters	70	139	573	12	19	78
Petitions for Reinstatement Heard	0	0	0	0	0	0
Petition for Early Term of Probation Granted	0	0	1	0	0	0
Petition for Early Term of Probation Denied	0	0	2	0	0	0
Licensees Placed on Probation	0	14	49	1	4	12
Probation Compliance Meetings	0	0	1	0	0	2
Total # Actively on Probation			150			36
Licensees Entering Remediation	0	0	0	0	0	0
Total # Actively in Remediation			0			0
<b>EDUCATION</b>						
Instructors	141	284	1,071	7	11	154
Additional Faculty	2	9	57	0	0	1
Teaching Assistants	6	9	41	1	1	1
Assistant Directors	10	13	65	0	0	0
Directors	20	39	128	1	1	2
Clinical Facilities	110	221	639	0	0	2
<b>MISCELLANEOUS</b>						
	MONTH	FYTD**	CYTD**			
Internet Inquiries Received	799	1,567	5,483			
Website Hits	62,159	124,407	492,110			

\*Statistics are collected using various methods from different sources. Numbers may fluctuate.

\*\*FYTD = Fiscal Year to Date. CYTD = Calendar Year to Date.

\*\*\*Data includes criminal history reports received.

(11/6/2008)

**STATISTICS -- SEPTEMBER 2008\***

	VOCATIONAL NURSE			PSYCHIATRIC TECHNICIAN		
	MONTH	FYTD**	CYTD**	MONTH	FYTD**	CYTD**
<b>LICENSING</b>						
Interim Permits Issued	1	6	20	0	0	0
New Applications Received	1055	2,539	7,862	46	93	493
Retake Applications Received	576	1,310	4,184	62	137	401
New Licenses Issued	647	1,452	5,126	62	132	398
Renewals Processed	2,967	8,264	24,115	399	1,143	3,219
Delinquent Licenses Processed	170	399	1,168	10	40	133
Exams Administered	1059	3,168	9,480	63	313	846
Number Passing Exams	584	1,740	5,263	26	155	416
<b>ENFORCEMENT</b>						
Complaints Received***	250	623	1,834	28	69	264
Reports of Unprofessional Conduct Received from Licensees	0	1	4	0	0	1
Investigations Opened	5	54	139	0	9	17
Investigations Closed	9	36	83	2	3	7
Cases Transmitted to AG	12	33	136	3	6	28
Accusations Filed	19	46	111	2	11	40
Statement of Issues Filed	8	12	16	0	1	1
License Denials (In House)	2	8	21	1	1	3
License Denials (Adjudicated)	0	0	0	0	0	0
Revocations	5	14	55	3	6	14
Citations and Fines	23	58	182	2	8	27
Advisement Letters	85	224	658	7	26	85
Petitions for Reinstatement Heard	0	0	0	0	0	0
Petition for Early Term of Probation Granted	0	0	1	0	0	0
Petition for Early Term of Probation Denied	0	0	2	0	0	0
Licensees Placed on Probation	5	19	54	1	5	13
Probation Compliance Meetings	0	0	1	0	0	2
Total # Actively on Probation			147			37
Licensees Entering Remediation	0	0	0	0	0	0
Total # Actively in Remediation			0			0
<b>EDUCATION</b>						
Instructors	169	453	1,240	7	18	161
Additional Faculty	10	19	67	1	1	2
Teaching Assistants	10	19	51	0	1	1
Assistant Directors	8	21	73	0	0	0
Directors	25	64	153	1	2	3
Clinical Facilities	71	292	710	6	6	8

<b>MISCELLANEOUS</b>	MONTH	FYTD**	CYTD**
Internet Inquiries Received	937	2,504	6,420
Website Hits	62,599	187,006	554,709

\*Statistics are collected using various methods from different sources. Numbers may fluctuate.

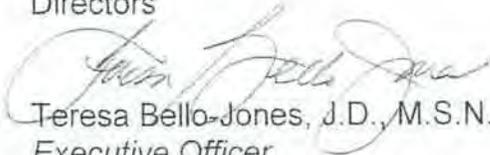
\*\*FYTD = Fiscal Year to Date. CYTD = Calendar Year to Date.

\*\*\*Data includes criminal history reports received.



DATE: November 7, 2008

TO: Directors

FROM:   
Teresa Bello-Jones, J.D., M.S.N., R.N.  
Executive Officer

SUBJECT: **Report on Executive Officer's Decisions for Vocational Nursing and Psychiatric Technician Programs**

The following is a summary of actions taken by the Executive Officer for vocational nursing and psychiatric technician programs.

**Effective September 17, 2008:**

1. **Academy of English Language Vocational Nursing Program –Request to Increase Frequency of Admissions** (Director: Lilibeth Leynes – Los Angeles, Los Angeles County, Private)

The director of the Academy of English Language Vocational Nursing Program requested Bureau approval to admit a part-time class of 40 students on January 12, 2009, with an anticipated graduation date of August 7, 2010.

The program's request to admit a part-time class of 40 students on January 12, 2009, only, was approved.

2. **College of Nursing and Technology Vocational Nursing Program – Request to Increase Frequency of Admissions** (Director: Tally Breitstein – Downey, Los Angeles County, Private)

The director of the College of Nursing and Technology Vocational Nursing Program requested Bureau approval to admit a part-time class of 36 students on September 28, 2008, thereby, increasing the program's frequency of admissions. The proposed class will graduate on March 16, 2010.

The program's request to admit a part-time class of 36 students starting September 28, 2008, only, was approved.

3. **Concorde Career College, San Diego, Vocational Nursing Program – Request to Admit a Class** (Director: Charlotte Stoudmire – San Diego, San Diego County, Private)

The director of the Concorde Career College, San Diego, Vocational Nursing Program requested to admit 30 students into a full-time class on September 29, 2008, **replacing** the part-time evening/weekend class that graduated in December 2007. The proposed class would graduate on November 4, 2009. The school will not admit any future part-time classes. This class is a one-time admission and will not be added to the program's ongoing admission pattern at this time.

The program's request to admit 30 students on September 29, 2008, into a one-time full-time class **replacing** the part-time evening/weekend class that graduated in December 2007 was approved.

4. **Four-D College, Victorville, Vocational Nursing Program – Request for Ongoing Admissions** (Director: Jean Stevenson, Victorville, San Bernardino County, Private)

The director of the Four-D College, Victorville, Vocational Nursing Program requested ongoing admission of four full-time classes per year with 45 students in each class. The program will admit a class in February, May, August and November each year.

The program's request for ongoing admissions to replace graduating classes, only, for the Four-D College, Victorville, Vocational Nursing Program was approved with the following stipulations:

- a. No additional classes are added to the program's current pattern of admissions without prior Bureau approval. The program's current pattern of admissions includes admission of one full-time class of 45 students in February, May, August and November of each year.
- b. The director documents that adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.

5. **Homestead Schools, Inc. Vocational Nursing Program – Request to Admit Students; Request to Increase Class Size; and Request to Increase Frequency of Admissions** (Director: Alfie Ignacio, Torrance, Los Angeles County, Private)

The director of Homestead Schools, Inc. Vocational Nursing Program requested Bureau approval to admit 30 students into a full-time evening class starting on September 22, 2008, to **replace** students who graduated on July 27, 2008, thereby increasing class size from 15 to 30 students. The proposed class will graduate on September 18, 2009.

The director also requested to admit 15 students into a part-time day class starting on September 20, 2008, with a projected completion date of April 18, 2010, and to admit 15 students into a full-time day class starting on November 17, 2008, with a projected completion date of November 13, 2009, thereby increasing frequency of admissions.

The program's request to admit 30 students into a full-time evening class beginning on September 22, 2008, only, to **replace** the students who graduated on July 27, 2008, thereby increasing class size from 15 students to 30 per class; the request to admit 15 students into a part-time day class beginning on September 20, 2008, only, thereby increasing frequency of admissions; and the request to admit 15 students into a full-time day class beginning on November 17, 2008, only, thereby increasing frequency of admissions, were approved.

6. **Lynwood Community Adult School Vocational Nursing Program – Report of Program Records Survey for Continued Accreditation** (Director: Elizabeth McCray, Lynwood, Los Angeles County, Adult School)

A Program Records Survey was completed by the Lynwood Community Adult School Vocational Nursing Program in June 2008. The program was reviewed to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. No violations were identified.

Lynwood Community Adult School Vocational Nursing Program's continued full accreditation for the four-year period from September 10, 2008, through September 9, 2012, was approved and a certificate will be issued accordingly.

7. **Unitek College, Sacramento, Vocational Nursing Program – Request for Class Admissions; Request for Ongoing Admissions** (Director: Karon Jones-Chrisman, Sacramento, Sacramento County, Private)

Unitek College, Sacramento, Vocational Nursing Program requests approval to admit a class of 36 students on October 13, 2008, and graduate on September 4, 2009. The requested class would **replace** a class graduating September 12, 2008.

Additionally, the program requests approval to admit 36 students each January, June, and October to **replace** graduating students.

The program's request to admit a class of 36 full-time students to commence October 13, 2008, only, to **replace** students graduating September 12, 2008, was approved; and the program's request to admit 36 students each January, June, and October to **replace** graduating students, was approved with the following stipulations:

- a. No additional classes are added to the program's current pattern of admissions without prior approval. The program's current pattern of admissions includes admission of one (1) full-time class of 36 students every January, June, and October to replace graduating students; and
- b. The director documents that adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.

**Effective October 8, 2008:**

8. **El Monte–Rosemead Adult School Vocational Nursing Program - Request to Replace Class** (Director: Angela Cheung, El Monte, Los Angeles County, Adult School)

The director of the El Monte–Rosemead Adult School Vocational Nursing Program requested Bureau approval to admit a full-time **replacement** class of 15 students on February 2, 2009, with an anticipated graduation date January 22, 2010.

The El Monte–Rosemead Adult School Vocational Nursing Program's request to admit a full-time **replacement** class for students graduating January 18, 2008, with fifteen (15) students to start on February 2, 2009, only, with an anticipated graduation date of January 22, 2010, was approved.

9. **Healthcare College of California Vocational Nursing Program – Request to Replace a Class** (Director: Milva Quial – Stockton, San Joaquin County, Private)

The director of the Healthcare College of California Vocational Nursing Program requested Bureau approval to **replace** a full-time class, admitting 40 students on November 10, 2008, with an anticipated graduation date of August 31, 2009.

The Healthcare College of California Vocational Nursing Program's request to admit a full-time **replacement** class of 40 students on November 10, 2008, only, with an anticipated graduation date of August 31, 2009, was approved.

10. **Medical Allied Career Center Vocational Nursing Program – Request to Increase Frequency of Admissions; and Request for Replacement Class** (Director: Phillip Miller – Santa Fe Springs, Los Angeles County, Private)

The director of the Medical Allied Career Center Vocational Nursing Program requested approval to admit a part-time class of 30 students on October 24, 2008, with an anticipated graduation date of May 30, 2010.

The director also requested approval to admit a full-time class of 30 students on November 17, 2008, to **replace** graduating students, with an anticipated graduation date of December 11, 2009. This class would replace students graduating on October 31, 2008.

The Medical Allied Career Center Vocational Nursing Program's request to admit 30 part-time students on October 24, 2008, only, with an anticipated graduation date of May 30, 2010, was approved and the request to **replace** a graduating class with a class of 30 full-time students on November 17, 2008, only, with an anticipated graduation date of December 11, 2009, was approved.

**11. Medical Career College Vocational Nursing Program – Request to Replace Classes** (Director: Marilyn Castillo, Fremont, Alameda County, Private)

The director of the Medical Career College Vocational Nursing Program requested Bureau approval to **replace** a full-time morning class of 30 students on December 1, 2008, with an anticipated graduation date of January 29, 2010.

The director also requested Bureau approval to **replace** a full-time evening class of 30 students on December 1, 2008, with an anticipated graduation date of January 29, 2010.

The Medical Career College Vocational Nursing Program's request to **replace** a full-time morning class of 15 students on December 1, 2008, only, with an anticipated graduation date of January 29, 2010, was approved and the request to **replace** a full-time evening class of 15 students on December 1, 2008, only, with an anticipated graduation date of January 29, 2010, was approved.

The Medical Career College Vocational Nursing Program is required to submit results of its curriculum review by October 22, 2008. If pass rates for the third quarter of 2008 have not improved, the program will be invited to the February 2009 Board meeting to explain its low pass rates.

**12. Solano College of Nursing – Request to Begin a Vocational Nursing Program** (Director: Wayne Williams, Vallejo, Solano County, Private)

Solano College of Nursing submitted a request to begin a vocational nursing program with an initial full-time class of 30 students on October 13, 2008. The projected graduation date is July 30, 2009.

The Solano College of Nursing's request to begin a vocational nursing program with an initial full-time class of 30 students on October 13, 2008, only, was approved and the program curriculum was approved for 1540 hours, including 584 theory, and 956 clinical hours.

**13. Unitek College, Fremont, Vocational Nursing Program – Request for Class Admission (Director: Margarita Valdes, Fremont, Alameda County, Private)**

The Unitek College, Fremont, Vocational Nursing Program requested approval to admit an additional class of 36 students commencing November 10, 2008. The proposed class is projected to commence November 10, 2008, and graduate October 2, 2009. The proposed class would allow for the accommodation of Fremont residents previously projected for admission to the Unitek College, San Francisco, Vocational Nursing Program. That program is scheduled for closure effective October 30, 2008.

Additionally, the program requested approval to increase its ongoing admissions to **replace** graduating students. Currently, the program is approved to admit two (2) classes of 45 students annually to **replace** graduating students only, for a maximum of 135 students annually. The program requested approval to increase the number of ongoing admissions to three (3) classes of 36 students annually to **replace** graduating students, for a maximum of 108 students annually.

The Unitek College, Fremont, Vocational Nursing Program's request to admit a class of 36 students effective November 10, 2008, with a projected graduation date of October 2, 2009, was approved. The program's request to increase its ongoing admissions to three (3) classes of 36 students annually to **replace** graduating students was approved, with the following stipulations:

- a. No additional classes are added to the program's current pattern of admissions without prior approval. The program's current pattern of admissions includes admission of one (1) full-time class of 36 students every March, August, and November to replace graduating students; and
- b. The director documents that adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.

**14. Unitek College, San Francisco, Vocational Nursing Program – Program Closure (Director: Becki Quick, San Francisco, San Francisco County, Private)**

Unitek College has notified the Bureau that the Unitek College, San Francisco, Vocational Nursing Program will close effective October 30, 2008. This decision was made due to the program's inability to expand at its current location and its inability to secure alternative space in the San Francisco area.

Currently, the program has one class of 36 students. That class is scheduled to complete course requirements on October 10, 2008.

The Unitek College, San Francisco, Vocational Nursing Program's name will be removed from the list of accredited vocational nursing programs effective October 30, 2008.

**15. Valley School of Allied Health Vocational Nursing Program – Request to Increase Frequency of Admissions; and Request for Approval of a Pattern of Admissions** (Director: Norma Jones – Reseda, Los Angeles County, Private)

The director of the Valley School of Allied Health Vocational Nursing Program requested approval to admit a part-time class of 20 students on October 14, 2008, with an anticipated graduation date of July 13, 2010.

The effect of approving this request will be a pattern of admissions consisting of four (4) full-time classes per year, to replace to graduating classes, and one (1) part-time class every 18 months, to replace graduating classes.

The Valley School of Allied Health Vocational Nursing Program's request to admit 20 students to a part-time class on October 14, 2008, with an anticipated graduation date of July 13, 2010, was approved and the program's request for ongoing admissions to replace graduating classes, only, was approved with the following stipulations:

- a. No additional classes are added to the program's current pattern of admissions without prior approval. The program's current pattern of admissions includes admission of three full-time classes of 30 students per year.
- b. The director documents that adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.

**16. Western Career College, San Jose – Request to Increase Frequency of Admissions; and Request for Ongoing Admissions** (Director: Jane Howard, San Jose, Santa Clara County, Private)

The director of the Western Career College, San Jose, Vocational Nursing Program requested approval to admit an additional full-time class of 30 students on November 24, 2008, thereby increasing frequency of admissions. That class will graduate March 19, 2010.

In addition, the director requested ongoing admission of three classes per year. The first replacement class will commence on April 6, 2009, and graduate on July 16, 2010.

The Western Career College, San Jose, Vocational Nursing Program's request to admit a full-time class of 30 students to start on November 17, 2008, only, was approved and the request for ongoing admissions to replace graduating classes, only, was approved with the following stipulations:

- c. No additional classes are added to the program's current pattern of admissions without prior Board approval. The program's current pattern of admissions includes three classes per year. The first replacement class will commence on April 6, 2009.
- d. The director documents that adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.

Effective October 22, 2008:

**17. Beaumont Adult School Vocational Nursing Program – Request to Admit Students** (Director: Lori Edwards, Beaumont, Riverside County, Adult School)

Beaumont Adult School Vocational Nursing Program requested approval to admit a class of 30 students commencing December 2, 2008 and graduating November 24, 2009. The proposed class will **replace** students who graduated September 15, 2008.

The Beaumont Adult School Vocational Nursing Program's request to admit a part-time class of 30 students to commence December 3, 2008, only, graduating April 1, 2010, to replace students who graduated September 15, 2008, was approved.

**18. Center of Education and Technology Vocational Nursing Program – Request to Admit Students** (Director: Generoso Flores, Whittier, Los Angeles County, Private)

The Center of Education and Technology Vocational Nursing Program requested approval to admit a full-time day class of 15 students on October 22, 2008, to graduate December 17, 2009. Additionally, the program requested approval to commence a full-time evening class of 15 students on October 22, 2008, to graduate December 17, 2009.

The Center of Education & Technology Vocational Nursing Program's requests to admit the following classes were approved:

1. A full-time Day class of 15 students commencing October 22, 2008, only, with a projected graduation date of December 17, 2009;
2. A full-time Evening class of 15 students commencing October 22, 2008, only, with a projected graduation date of December 17, 2009.

**19. Trinity Vocational Center Vocational Nursing Program – Request for Class Admissions** (Director: Zenaida Mitu, Carson, Los Angeles County, Private)

Trinity Vocational Center Vocational Nursing Program requested approval to commence a full-time class of 35 students on October 27, 2008, to graduate on October 23, 2009.

The Trinity Vocational Center Vocational Nursing Program's request to admit a class of 35 full-time students to commence October 27, 2008, only, and graduate on October 23, 2009, was approved.

BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS

LEGISLATIVE REPORT

November 21, 2008

- AB 1927**      **AUTHOR:**            Galgiani [D]  
                  **TITLE:**                Nursing Education: Career Technical Education  
                  **INTRODUCED:**      02/12/2008  
                  **LAST AMEND:**      06/11/2008  
                  **SUMMARY:**  
                  This bill requires vocational nursing and psychiatric technician schools to grant credit for secondary school courses that are equivalent to vocational nursing and psychiatric technician courses.  
                  **STATUS:**  
                  09/25/2008            Chaptered (Chapter #299).
- AB 2423**      **AUTHOR:**            Bass [D]  
                  **TITLE:**                Professions and Vocations: Licensure  
                  **INTRODUCED:**      02/21/2008  
                  **LAST AMEND:**      08/19/2008  
                  **SUMMARY:**  
                  This bill adds specific language to the Vocational Nursing Practice Act and the Psychiatric Technicians Law that defines terms and conditions for probationary licenses, authorizes the Board to request that an applicant with a dismissed conviction provide proof of that dismissal, specifies sources of evidence for rehabilitation, authorizes the Board to modify or terminate the terms and conditions on a probationary license if the licensee submits a petition, and specifies that the Board shall develop standard terms of probation when issuing a probationary license to qualified new applicants. The bill also authorizes the Board to suspend, revoke or deny a license at any time in accordance with provisions of the chapter, providing a statement of reasons for the denial as specified. If the license denial is due at least in part to the applicant's criminal history record, the Board shall provide the applicant with a copy of the criminal history record as specified if the applicant makes a written request. Also, the Board shall conduct a hearing of a license denial within 90 days of receiving an applicant's request for such a hearing. The Board shall determine when hearings will be conducted for all other hearing requests.  
                  **STATUS:**  
                  09/30/2008            Chaptered. Chapter No. 675.

SB 823

**AUTHOR:** Perata [D]  
**TITLE:** Private Postsecondary Education Act of 2007  
**INTRODUCED:** 02/23/2007  
**LAST AMEND:** 08/13/2008  
**SUMMARY:**

This bill recasts, revises, and reenacts the provisions of the Private Postsecondary and Vocational Education Reform Act of 1989 as the Private Postsecondary Education Act of 2007. The bill establishes a Board for Private Postsecondary Education and continues the existence of the Private Postsecondary and Vocational Education Administration Fund and the Student Tuition Recovery Fund.

**STATUS:**  
09/30/2008 Vetoed by Governor.

SB 1402

**AUTHOR:** Corbett [D]  
**TITLE:** Reporting Requirements  
**INTRODUCED:** 02/21/2008  
**AMENDED** 06/11/2008  
**SUMMARY:**

This bill amends existing law that requires entities within the Department of Consumer Affairs and the Department of Real Estate to provide certain information. Expands the information that licensing entities are required to disclose regarding licensees criminal backgrounds. Adds the Board of Chiropractic Examiners to the entities required to provide such information. Requires insurers providing liability insurance of chiropractors to send settlement of arbitration information to the Chiropractic Examiners Board. The Board completed an analysis and determined that this bill would have a minimal fiscal impact to the Board. However, the Board is concerned with providing licensees address information on the internet. This may be a licensee safety issue.

**STATUS:**  
09/27/2008 Vetoed by Governor.

SB 1441

**AUTHOR:** Ridley-Thomas [D]  
**TITLE:** Healing Arts Practitioners: Alcohol and Drug Abuse  
**INTRODUCED:** 02/21/2008  
**AMENDED** 08/14/2008  
**SUMMARY:**

This bill establishes a Substance Abuse Coordination Committee with the Department of Consumer Affairs (DCA). Further, it requires the Committee to establish uniform standards by January 1, 2010 to use in dealing with substance abuse licensees; requires all healing arts boards within DCA to follow the standards whether or not the board chooses to have a formal diversion program; specifies that managers of diversion programs for specified boards are responsible for certain duties previously assigned to the diversion evaluation committees; specifies that diversion evaluation committees created by any of the specified boards operate in an advisory role to the program manager of the

diversion program; and specifies that the diversion program responsibilities imposed on licensing boards under these provisions shall be considered current operating expenses of those boards. The BVNPT does not have a formal diversion program and would need statutory authority plus the necessary funding to establish one. Based on the number of licensees on probation for drug-related offenses (approximately 130), the bill may have a significant fiscal impact. The Bureau clarified its fiscal analysis of the bill for DCA's Division of Legislative & Policy Review on August 20, 2008.

**STATUS:**

09/28/2008

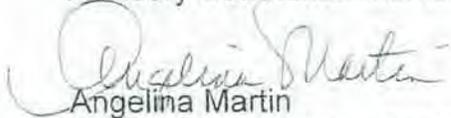
Chaptered. Chapter No. 548

(10/24/08)



DATE: November 13, 2008

TO: Advisory Committee Members

FROM:   
 Angelina Martin  
 Enforcement Division Chief

SUBJECT: **Progress Report on Mandatory Reporting Requirements**

On October 11, 2007, the Bureau of Vocational Nursing and Psychiatric Technicians (BVNPT) began implementation of its mandatory reporting requirements for licensed vocational nurses (LVNs), psychiatric technicians (PTs), and employers of LVNs and PTs.

LVNs and PTs are required to report known violations committed by another LVN or PT and employers of LVNs and PTs are required to report any suspension or termination for cause (as defined in statute – see Attachment A) of a LVN or PT in their employ.

Implementation of the mandatory reporting laws and regulations has enabled the BVNPT to increase consumer protection by being alerted to potentially incompetent and unsafe licensees who may have otherwise remained undetected.

Two concerns about the requirements have been raised by licensees and employers who have requested clarification from the BVNPT. The following summarizes those concerns and the BVNPT's responses:

1. How does the BVNPT define "knowledge" that a fellow licensee committed a violation?

**Response:** The BVNPT has been using common definitions in determining whether the licensee "has knowledge that" another person committed a violation. The legislative and regulatory language was developed using ordinary definitions of words and numerous legislative and regulatory hearings were held during the processes without comment regarding those terms, which suggests that the terms were understood. In addition, thus far, those definitions appear to be adequate for purposes of applying the statute and regulations. The BVNPT intends to continue to use such ordinary definitions of terms in the laws and regulations and consider each situation on a case-by-case basis.

2. Is an employer required to report a suspension or termination for cause within 30 calendar days from the effective date of the suspension or termination if the licensee files an appeal after the conclusion of the review process specified in [Title 2.] Section 52.3 of the CCR and *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194?

**Response:** Yes. Title 2, Section 52.3 of the CCR and the *Skelly* decision address rights regarding a state employee's opportunity to be heard **before** the effective date of the discipline. The employer's decision becomes effective before the formal appeal process to the State Personnel Board begins. Although a suspension or termination can be overturned after completion of the appeal process, pursuant to the CCR Sections 2520.5 (VN) and 2577.6 (PT), an employer is required to report to the BVNPT any suspension or termination for cause within 30 calendar days from **the effective date** of a suspension or termination.

The BVNPT encourages employers and licensees who have questions regarding these requirements to contact the Enforcement Division.

Over the past 13 months, since the effective date of the regulations, the BVNPT has tracked reports received as a result of these mandatory reporting requirements. As of November 12, 2008, employers have submitted one hundred seventy-two (172) reports and licensees have submitted seven (7). Together, that is approximately ten percent (10%) of the 1,728 complaints received by the BVNPT against licensees during this 13 month period. Additionally, one (1) investigation against an employer and two (2) investigations against licensees are pending for allegedly failing to report as required.

Of the one hundred seventy-nine (179) total reports received, twenty-three (23) investigations are complete. Three (3) cases have been transmitted to the Attorney General's Office for the preparation of an Accusation; four (4) citations with fines have been issued; and the remaining sixteen (16) cases were closed for insufficient evidence or other reasons. No citations and fines have been issued to either employers or licensees for failure to report violations under these requirements.

The BVNPT anticipates that the number of investigations resulting from these mandatory reporting requirements will increase as licensees and employers become more aware of these requirements and as the BVNPT identifies, during the course of its investigations, licensees and employers who fail to report as required.

# Mandatory Reporting Requirements Relevant Statutes and Regulations

## California Business and Professions Code

### Section 2878.1

(a) If a licensed vocational nurse has knowledge that another person has committed any act prohibited by Section 2878, the licensed vocational nurse shall report this information to the board in writing and shall cooperate with the board in furnishing information or assistance as may be required.

(b) Any employer of a licensed vocational nurse shall report to the board the suspension or termination for cause of any licensed vocational nurse in its employ. In the case of licensed vocational nurses employed by the state, the report shall not be made until after the conclusion of the review process specified in [Title 2,] Section 52.3 of the California Code of Regulations and *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194. This required reporting shall not constitute a waiver of confidentiality of medical records. The information reported or disclosed shall be kept confidential except as provided in subdivision (c) of Section 800 of the Business and Professions Code and shall not be subject to discovery in civil cases.

(c) For purposes of the section, "suspension or termination for cause" is defined as suspension or termination from employment for any of the following reasons:

- (1) Use of controlled substances or alcohol to the extent that it impairs the licensee's ability to safely practice vocational nursing.
- (2) Unlawful sale of a controlled substance or other prescription items.
- (3) Patient or client abuse, neglect, physical harm, or sexual contact with a patient or client.
- (4) Falsification of medical records.
- (5) Gross negligence or incompetence.
- (6) Theft from patients or clients, other employees, or the employer.

(d) Failure of an employer to make a report required by this section is punishable by an administrative fine not to exceed ten thousand dollars (\$10,000) per violation.

(e) Pursuant to Section 43.8 of the Civil Code, no person shall incur any civil penalty as a result of making any report required by this chapter.

(f) The board shall implement this section contingent upon the necessary funding in the annual Budget Act.

### Section 4521.2

(a) If a psychiatric technician has knowledge that another person has committed any act prohibited by Section 4521, the psychiatric technician shall report this information to the board in writing and shall cooperate with the board in furnishing information or assistance as may be required.

(f) Any employer of a psychiatric technician shall report to the board the suspension or termination for cause of any psychiatric technician in their employ. In the case of psychiatric technicians employed by the state, the report shall not be made until after the conclusion of the review process specified in Section 52.3 of Title 2 of the California Code of Regulations and *Skelly v. State Personnel Bd.* (1975) 15 Cal.3d 194. The reporting required herein shall not constitute a waiver of confidentiality of medical records. The information reported or disclosed shall be kept confidential except as provided in subdivision (c) of Section 800 of the Business and Professions Code, and shall not be subject to discovery in civil cases.

(b)

(c) For purposes of this section, "suspension or termination for cause" is defined as suspension or termination from employment for any of the following reasons:

- (1) Use of controlled substances or alcohol to the extent that it impairs the licensee's ability to safely practice as a psychiatric technician.
- (2) Unlawful sale of controlled substances or other prescription items.
- (3) Patient or client abuse, neglect, physical harm, or sexual contact with a patient or client.
- (4) Falsification of medical records.
- (5) Gross negligence or incompetence.
- (6) Theft from patients or clients, other employees, or the employer.

(d) Failure of an employer to make a report required by this section is punishable by an administrative fine not to exceed ten thousand dollars (\$10,000) per violation.

(e) Pursuant to Section 43.8 of the Civil Code, no person shall incur any civil penalty as a result of making any report required by this chapter.

(f) The board shall implement this section contingent upon necessary funding being provided in the annual Budget Act.

## **Title 16, California Code of Regulations**

### **Section 2520.4**

A licensed vocational nurse shall report, in writing, to the Board the commission of any act by another person that is prohibited by Business and Professions Code Sections 2878, 2878.1 and 2878.5. The report shall be made to the Board within 30 calendar days from the date the licensee knows that a violation occurred. Failure to make a report to the Board as required by this section shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 2878.

### **Section 2520.5**

Employers of licensed vocational nurses shall report, in writing, to the Board the suspension or termination for cause (as defined in Business and Professions Code Section 2878.1(c)) of any licensed vocational nurse in its employ. The report shall be made within 30 calendar days from the effective date of the suspension or termination. Failure to make a report to the Board as required under this section shall constitute a violation of Business and Professions Code Section 2878.1.

### **Section 2577.5**

A psychiatric technician shall report, in writing, to the Board the commission of any act by another person that is prohibited by Business and Professions Code Sections 4521 and 4521.2. The report shall be made to the Board within 30 calendar days from the date the licensee knows that a violation occurred. Failure to make a report to the Board as required by this section shall constitute unprofessional conduct within the meaning of Business and Professions Code Section 4521.

### **Section 2577.6**

Employers of psychiatric technicians shall report, in writing, to the Board the suspension or termination for cause (as defined in Business and Professions Code Section 4521.2.(c)) of any psychiatric technician in its employ. The report shall be made within 30 calendar days from the effective date of the suspension or termination. Failure to make a report to the Board as required under this section shall constitute a violation of Business and Professions Code Section 4521.2.

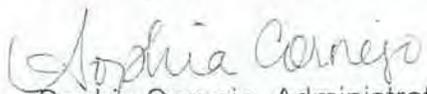


BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS  
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945  
Phone (916) 263-7800 Fax (916) 263-7859 Web www.bvnpt.ca.gov



DATE: November 7, 2008

TO: Advisory Committee Members

FROM:   
Sophia Cornejo, Administrative Analyst

SUBJECT: Stanbridge College Presentation Regarding School Encouragement of Student Involvement in Community-Based Programs.

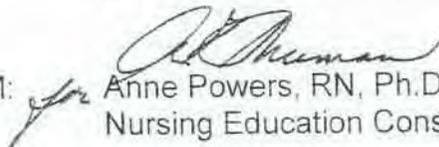
Yasith Weerasuriya, CEO/President of Stanbridge College, will present information and handouts at the meeting.

(11/5/08)



DATE: November 21, 2008

TO: Advisory Committee Members

FROM:  Anne Powers, RN, Ph.D.  
Nursing Education Consultant

SUBJECT: ATC College Vocational Nursing Program – Follow-up Report (Director: Sylvia Daniels, Oakland, Alameda County, Private)

On September 12, 2008, the ATC College Vocational Nursing Program was presented to the Advisory Committee and placed on provisional accreditation.

### History of Prior Board Actions

- On February 4, 2005, the Board approved the Around the Clock Educational Center's request to begin a full-time class of 30 students starting on February 8, 2005, in Oakland, California, with a projected graduation date of January 31, 2006. The Board also approved the program's curriculum for 1530 hours, including 576 theory and 954 clinical hours.
- On November 11, 2005, the Board approved initial full accreditation for the Around the Clock Educational Center for the four-year period from November 11, 2005, through November 12, 2009, and issued a certificate accordingly.
- On February 7, 2006, the Board approved the program's request to admit 30 students to replace students graduating January 31, 2006, only. The Board also approved the program's request to admit 30 students into a part-time class (evening and weekend) beginning on April 7, 2006, with a projected graduation date of July 7, 2007, thereby increasing frequency of admissions.
- On September 14, 2006, Jon Murphy was approved as the director.
- On September 14, 2006, the director notified the Board that the part-time evening and weekend class start would be delayed until October 17, 2006, with a projected graduation date of February 19, 2008.
- On October 23, 2006, Jean Crutch was approved as director.
- On December 7, 2006, the Bureau Chief notified the Board that the Department of Health Services approvals for the Around the Clock Educational Center in Oakland and Pittsburg, California, had been terminated.

- On April 12, 2007, the Board approved the Around the Clock Educational Center Vocational Nursing Program's request to admit 30 students into a full-time class starting on April 16, 2007, only, to replace students graduating February 28, 2007, with a projected completion date of May 10, 2008.
- On May 31, 2007, the Board notified the Around the Clock Educational Center Vocational Nursing Program, that their annual pass rate had fallen ten percentage points below the state annual average pass rate for the past four quarters. The Board requested the director to provide a written plan for improving the NCLEX-PN pass rates by June 30, 2007.
- On June 28, 2007, the director submitted a plan that was incomplete and the Board requested the director to rewrite the plan. On June 29, 2007, the consultant emailed suggestions for revision of the plan. Due to clerical mismanagement, the director did not receive the correspondence.
- On August 9, 2007, the Nursing Education Consultant notified the director of the Around the Clock Educational Center that their pass rates for the fifth quarter had fallen below ten percentage points of the state annual average. At that time the consultant questioned the delay in submission of the revised initial plan of improvement. The director stated that through clerical mismanagement the correspondence from the Board had not been delivered. The consultant then asked the director to combine the response for the fourth quarter low pass rates with a response for low pass rates in the fifth quarter, stating what had been implemented and what elements, if any, were effective.
- On August 31, 2007, the director submitted the revised plan of correction that included the following:
  1. All instructors will be required to pass a math/pharmacology exam upon hire.
  2. The clinical assignment will reflect the theory objectives being taught.
  3. The student will be given immediate feedback after exams.
  4. The examinations will reflect critical thinking/recognition/recall type of questions.
  5. The skills lab will be opened daily and by appointments for increased practice.
  6. Minimum exam pass scores will be increased from 70%-75%.
  7. A pass score of 80% will be required on remediation exams.
  8. All students are asked to do a self-analysis of their study skills
  9. The Health Education System Inc., (HESI) will be implemented.
  10. The Computer Adaptive Placement Assessment and Support System (COMPASS Test) will be used for the admission assessment and entrance exam.
  11. Weekly tutoring will be offered to students.
  12. Before the start of the next class a study skills class will be presented.
  13. A mandatory NCLEX-PN review will be provided at the end of the program.

- On November 27, 2007, the Board notified the Around the Clock Educational Center Vocational Nursing Program, that their annual pass rate had fallen ten percentage points below the state annual average pass rate for the past six quarters. The Board requested the director to submit verification that the elements of the program's plan of correction are being carried out.
- On December 5, 2007, the Board approved the Around the Clock Educational Center Vocational Nursing Program's request to admit 30 students to a full-time class starting January 7, 2008, only, with a projected graduation date of March 31, 2009, to replace students graduating December 21, 2007.

The Board also approved ongoing admissions to replace graduating classes, only, for the Around the Clock Educational Center Vocational Nursing Program, with the following stipulations:

a. No additional classes are added to the program's current pattern of admissions without prior Board approval. The program's current pattern of admissions includes a class admission of 30 students two times in a calendar year.

b. The director documents that adequate resources, i.e. faculty and facilities are available to support each admitted class of students.

- On December 6, 2007, the Board approved Sylvia Daniels as director.
- On January 22, 2008, the director notified the Board that the school name was changed to "ATC College."
- On January 28, 2008, the Board notified the director that pass rates for the ATC College Vocational Nursing Program had fallen below ten percentage points of the state average pass rate for the past seven quarters. The Board requested an analysis of the program's correctional plan which was submitted on August 31, 2007. The director was also asked to indicate which elements had been effective and those that were not. The director was also asked to describe alterations to that plan based on this analysis.
- On April 22, 2008, the Board approved Caroline Samiezade-Yazd as director, and notified Ms. Samiezade-Yazd that the ATC College Vocational Nursing Program's pass rates had fallen below ten percentage points of the state annual average pass rates for the past eight quarters.
- On July 3, 2008, the Board notified the director that pass rates for the ATC College Vocational Nursing Program had fallen below ten percentage points of the state average pass rate for the past eight quarters. The Board requested an analysis of the program's correctional plan, an enrollment data table, and a list of current faculty and clinical facilities. The due date for receipt of these materials was July 21, 2008.

- On August 8, 2008, the administrator notified the Board that Caroline Samiezade-Yazd was no longer the director.
- On August 21, 2008, Sylvia Daniels was approved as director.
- On September 12, 2008, the Board placed the ATC College Vocational Nursing Program on provisional accreditation.

The Advisory Committee required the newly appointed program director to submit to the Bureau a monthly accounting of theory and clinical instructional hours for every student in the ATC College Vocational Nursing Program. The director is also to submit monthly faculty meeting minutes for review.

Further, the Advisory Committee required that the seven (7) violations noted under "Other Considerations" be corrected, or the ATC College Vocational Nursing Program will be presented to the Board in February 2009 for consideration of revoking accreditation.

### Follow-up Report

- On September 22, 2008, the consultant notified the director that the accounting of student theory and clinical hours, including individualized remediation plans was overdue. This information was requested initially on August 19, 2008, and subsequently on three (3) occasions (August 21; August 27; and September 8, 2008).

The consultant notified the director that a progress report and minutes of faculty meetings is due on the first of each month, beginning October 1, 2008.

- On September 23, 2008, the director stated that she would submit a written statement that ATC College will distribute to students from the April 2008 class. This statement is to clarify that theory and clinical hours have not been completed, and that graduation packets cannot be submitted to the Board until the director is able to verify, under penalty of perjury, that all Board-approved hours have been completed. The director did not submit a copy of this written statement.
- On September 23, 2008, the consultant notified the director that students are complaining that they are being tested and dismissed from the program when they fail the test. The director stated that she devised her own test for administration to the students. The consultant recommended that the director give standardized tests that have been validated, rather than constructing a new test that has not been subjected to item analysis and statistical verification.

The consultant requested the names of any students that have been terminated by ATC College. The consultant also asked for a response to the student complaint by

October 7, 2008. The director did not respond to the student complaint, and did not provide any information about student terminations.

- On September 24, 2008, the director that she plans to administer clinical competency tests to all April 2008 students.
- On October 1, 2008, the consultant sent, by certified mail, the summary of the Bureau of Vocational Nursing and Psychiatric Technicians Advisory Committee decision and its adoption by the Director of Consumer Affairs.

The consultant requested remediation plans for all students that graduated in April 2008, all of whom reportedly did not have sufficient theory or clinical hours to qualify for graduation.

The ATC College update report and faculty meeting minutes that were required by October 1, 2008 were not received.

- On October 2, 2008, the director called and stated that she will be late submitting the Board-required documentation that was due on October 1, 2008.
- The director has not submitted a list of all students who are on remediation.
- On October 23, 2008, the director has submitted a Faculty/Student Clinical Assignment form showing where students are receiving clinical instruction and remediation.
- The director submitted a list of all students currently enrolled at ATC College.
- Since the September 12, 2008, Advisory Committee meeting, the director has called the consultant on eight (8) occasions. In one phone conversation, the director stated that the April 2008 graduating class "needs to start from scratch."

The consultant received eight (8) calls from students who were supposed to graduate in April 2008, and one (1) call from an attorney representing students who were supposed to graduate in April 2008.

- The director did not submit the Annual Report by the due date of October 17, 2008.
- On October 20, 2008, the director stated that all April 2008 graduates completed their theory and clinical hours prior to her tenure as director. This statement is in direct disagreement with all her previous statements, that the April 2008 class was severely deficient in theory and clinical hours.

The director was unable to answer why she would be providing intensive remediation and re-testing to the April 2008 graduates if they had already completed all theory and clinical. She was also unable to answer why ATC College

would not submit graduation packets for the April 2008 class if all graduation requirements had been met.

- On October 23, 2008, the director submitted a written response dated [sic] September 12, 2009, to the Advisory Committee. The response re-stated the information contained in the September 12, 2008 Advisory Committee report presented by the consultant with regard to curriculum changes that have been implemented at ATC College.

The director submitted minutes of faculty meeting for August 26 and September 9, 2008, but no minutes of faculty meetings after those dates. The August 26, 2008 staff minutes state that faculty is [sic] "revisiting all fundamental systems, students are extremely behind in theory." The September 9, 2008 staff minutes state that "students are having difficulty arriving at clinical sites [sic] on times, poor attitudes to clinical assignment."

The director reported that the April 2008 class "is now taking HESI modules in [sic] fundamental, medical-surgical, maternity, and pediatric. Scores 800 are needed for passing. Also completing their fundamental skills competencies."

The director submitted the faculty/student clinical assignments for currently enrolled students.

- The director submitted updated clinical facility applications and has expanded the faculty.
- On October 23, 2008, the director submitted grades for the current term only, for currently enrolled students. Of the 50 currently enrolled students, 35 are performing below or well below acceptable academic standards. Grades are so low in many cases that it is unclear why the students have not been terminated from the program.
- As of November 3, 2008, BVNPT has not received the October or November monthly reports, nor any faculty meeting minutes.

### **Recommendation:**

The Bureau place the ATC College Vocational Nursing Program on the February 20, 2009 Board meeting calendar for consideration of revocation of accreditation, per the Advisory Committee recommendation of September 12, 2008, subsequently adopted by the Director of Consumer Affairs on September 26, 2008.

**Rationale:** The ATC College Vocational Nursing Program is not in compliance with Section 2530(l) of the Vocational Nursing Rules and Regulations.

# Agenda Item #11.B.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR  
**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945  
Phone (916) 263-7800 Fax (916) 263-7866 Web www.bvnpt.ca.gov



DATE: November 14, 2008

TO: Advisory Committee Members

FROM: *Anne Powers*  
Anne Powers, Ph.D., R.N.  
Nursing Education Consultant

SUBJECT: CenterPointe Learning Institute Vocational Nursing Program – Follow-up Report (Director: Arthur Dimpas, Daly City, San Mateo County, California; Private School)

On September 17, 2008, the CenterPointe Learning Institute Vocational Nursing Program administration emailed Teresa Bello-Jones, Executive Director, asking to appeal the September 12, 2008, decision of the Bureau of Vocational Nursing and Psychiatric Technicians (BVNPT) Advisory Board and its adoption by the Director of Consumer Affairs on September 26, 2008, to deny full accreditation (see Attachment A).

## History of Prior Board Actions

- On August 1, 2007, the Board approved the CenterPointe Learning Institute's request to begin a full-time vocational nursing program with an initial class of 30 students starting August 13, 2007, only, with a projected graduation date of August 20, 2008.

The Board approved the program's curriculum for 1530 hours, including 576 theory and 954 clinical hours.

- On September 12, 2008, the Bureau denied the CenterPointe Learning Institute Vocational Nursing Program's request for full accreditation.
- On September 12, 2008, Lois Noyd was terminated as director.
- On September 26, 2008, the Director of the Department of Consumer Affairs adopted the Bureau's recommendation.
- On October 9, 2008, Arthur Dimpas was approved as director.

## Status Update

- Following the September 12, 2008, Advisory Committee meeting, the consultant received 12 letters from students at CenterPointe Learning Institute Vocational Nursing Program asking for consideration of provisional accreditation. Students

reported that the administration and former director asked students to write and call the consultant to appeal the September 12, 2008, Advisory Committee decision.

- On October 1, 2008, the consultant notified the CenterPointe Learning Institute, by certified mail, regarding the recommendation of the Bureau of Vocational Nursing and Psychiatric Technicians Advisory Committee on September 12, 2008, and its subsequent adoption by the Director of the Department of Consumer Affairs on September 26, 2008.
- On October 3, 2008, four students from CenterPointe Learning Institute arrived at the BVNPT office, without an appointment, asking to see the consultant about the denial of accreditation.
- On October 9, 2008, the administrator submitted written documentation that was distributed to students that addressed the denial of accreditation, and outlined student options for licensure by the equivalency method.

Following the termination of a faculty member, the administrator submitted a revised Faculty/Student Clinical Assignment form showing assignments of students at various clinical facilities. The consultant contacted the administrator to ask whether or not students are still placed in clinical facilities: The program previously stated that students completed clinical rotations on August 30, 2008. The administrator did not respond to the inquiry.

- As of October 9, 2008, the consultant has received 22 telephone calls and 9 e-mails from students and administrators at CenterPointe Learning Institute inquiring about the denial of accreditation. Several phone calls were from the former director, Lois Noyd.
- The consultant has mediated five (5) complaints against CenterPointe Learning Institute from a student who is related to the former director.
- On October 24, 2008, the consultant requested the name and contact information for all students at CenterPointe Learning Institute. The director supplied this information on October 28, 2008.
- On October 28, 2008, the consultant contacted all CenterPointe Learning Institute students by mail and invited them to a meeting at the BVNPT headquarters to provide information about the licensure application process by the equivalency method.
- On November 14, 2008, BVNPT staff reviewed the licensure application process with 12 CenterPointe students.

**Recommendation:**

No recommendation is made, based on the program's request for reconsideration and its submission of information at the time of the Committee's hearing.



Marina  
Okimoto/vocnurse/DCANotes  
09/18/2008 04:10 PM

To Ann Shuman/vocnurse/DCANotes@DCANotes, Suellen  
Clayworth/vocnurse/DCANotes@DCANotes, Anne  
Powers/vocnurse/DCANotes@DCANotes

cc

bcc

Subject Centerpoint Learning Institute -- Maggie Abelgas,  
Administrator

FYI

--- Forwarded by Marina Okimoto/vocnurse/DCANotes on 09/18/2008 04:10 PM ---



maggie@centerpointeinstitute  
.net  
09/17/2008 12:33 PM

To <leresa\_bello-jones@dca.ca.gov>

cc

Subject

Dear Mrs. Jones:

On behalf of CenterPointe Learning Institute, I am appealing for your kind consideration regarding the decision by the Advisory Board to deny the school its provisional accreditation. In the NEC report to the Board, Dr. Anne Powers stated that all violations by the school have been rectified. The school curriculum, faculty competence, classroom and/or clinical training for the students were never disputed. If anything, the violations were attributed to the lack of dedication and commitment by the former program director, Lois Noyd. Despite the absence of desired managerial efficiency on her part, the school was able to provide sufficient training to assist the students in eventually becoming reasonably qualified nurse practitioners.

The management of CenterPointe Learning Institute is aware that as a new institution, there is room for improvement to be had. Corrective measures have been (and will continue to be) taken to avoid occurrence of any infractions in the future. As an initial step, we have terminated the services of Ms. Noyd who we believe had grossly misrepresented the school at the meeting on September 12, 2008. We have appointed Arthur Dimpas as acting program director to fill behind her position. Together with management, Mr. Dimpas is committed to work diligently with the NEC in fully implementing the rules and regulations according to the standards set by the Board.

Please bear in mind that the real victims in this case are the students of CenterPointe Learning Institute. They have invested and sacrificed so much in terms of time and money to complete the program successfully. They have demonstrated a strong desire to succeed, even traveling from the Bay Area to Stockton, just to comply with the clinical requirements. They deserve to be commended for the dedication they have shown in the pursuit of education. The students and their families are anxiously looking forward to graduation as a realization of their life-long dream. It would be unfair and a real injustice to them if they could not graduate appropriately because the school has been denied its accreditation.

In light of the above, please grant CenterPointe Learning Institute another opportunity to present its case before the Advisory Board at the next meeting in November 2008. The school management is determined to perform its moral

obligation and do everything it can for the benefit of the students. I can assure you that lessons learned from this unfortunate experience will help tremendously in strengthening our goal of preparing each student to become competent nurse practitioners in line with the Board's mission of protecting the consumers.

Should you have any questions or need additional information, I can be reached at (916) 880-8745 or by email at [maggieabelgas@yahoo.com](mailto:maggieabelgas@yahoo.com). Thank you for your attention to this matter.

Sincerely,

Maggie Abelgas  
Administrator



DATE: November 7, 2008

TO: Advisory Committee Members

FROM:   
Cheryl C. Anderson, M.S., R.N.  
Nursing Education Consultant

SUBJECT: Coast Health Career College Vocational Nursing Program –  
Recommendation for Extension of Provisional Accreditation (Director: Oscar  
De Jesus, Anaheim, Los Angeles County, Private)

On September 12, 2008, the Advisory Committee placed Coast Health Career College Vocational Nursing Program on provisional accreditation due to licensure examination pass rates that are noncompliant with Section 2530(l) of the Vocational Nursing Rules and Regulations. The regulation states:

“The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period.

- (1) Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional accreditation.”

The Committee recommended provisional accreditation last for 90 days, and requested that the program return to the following meeting to discuss whether accreditation should be revoked in its entirety. Committee members expressed concern that a program representative was not available to provide information prior to the Committee's vote on the matter of accreditation. Following discussion, the Committee adopted the following recommendations:

1. Place Coast Health Career College Vocational Nursing Program on provisional accreditation for a ninety-day period.
2. Carry this issue forward for review at the November 2008 Advisory Committee meeting for further action with a representative of the school present.

On September 26, 2008, these recommendations were adopted by the designee of the Director of the Department of Consumer Affairs.

## History of Prior Board Actions

- On February 4, 2005, the Board approved the Coast Health Educational Center, Inc. to commence a full-time vocational nursing program with an initial class of 30 students beginning February 7, 2005, with a projected graduation date of February 3, 2006.

The program is a 48-week full-time program divided into four semesters.

- On May 21, 2005, the director informed the Board that admission of the first class was delayed to March 21, 2005, with an expected graduation date of March 28, 2006.
- On October 25, 2005, a new program director was approved.
- On January 11, 2006, the Board approved initial full accreditation for the Coast Health Educational Center, Inc. Vocational Nursing Program for the period of February 4, 2006, through February 3, 2010, and issued a certificate accordingly.

The Board approved the program's request to admit 45 students into a full-time class beginning April 17, 2006, to replace the class graduating on March 17, 2006. In so doing, the program's class size was increased from 30 to 45 students per class.

Additionally, the Board approved the program's request to admit 45 students into a third full-time class beginning July 24, 2006, with a projected graduation date of July 21, 2007. In so doing, the program's frequency of admissions was increased.

- On November 2, 2006, the Board approved the program's request to admit an additional class of 45 students commencing November 16, 2006, with a projected graduation date of November 30, 2007.
- On April 12, 2007, the Board approved the program's request to admit a class of 45 students commencing April 30, 2007, with a projected graduation date of April 11, 2008, to replace students graduating April 27, 2007, and admit a class of 45 students commencing July 23, 2007, with a projected graduation date of July 10, 2008, to replace students graduating July 20, 2007. Additionally, a follow-up report was to be presented relative to the program's licensure examination pass rates.
- The program had no candidates completing the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX/PN) from January - June 2007.
- On June 27, 2007, the Board notified the program that the pass rates for Coast Health Educational Center Vocational Nursing Program had fallen below 10 percentage points of the state average pass rate for **four** (4) consecutive quarters. The Board requested an analysis of the program and written plan for improving program pass rates.

- On July 20, 2007, the Board received the program's plan to improve its performance statistics on the NCLEX-PN®.
- On August 20, 2007, the Board notified the program that its pass rates had fallen below 10 percentage points of the state average pass rate for **five** (5) consecutive quarters.
- On December 14, 2007, the Board notified the program that its pass rates had fallen below 10 percentage points of the state average pass rate for **six** (6) consecutive quarters.
- On December 18, 2007, the program advised that admission of the class scheduled to commence July 23, 2007, was delayed until August 2007.
- On January 9, 2008, the Board approved the program's request to admit a full-time class of 20 students commencing January 21, 2008, only, with a projected graduation date of January 8, 2009.
- The program delayed commencement of the January 21, 2008 class to February 11, 2008.
- On February 13, 2008, the Board notified the program that its pass rates had fallen below 10 percentage points of the state average pass rate for **seven** (7) consecutive quarters. The Board requested a report relative to the program's current enrollment, faculty and facilities, student clinical rotation schedule, and analysis relative to the effectiveness of the previously submitted corrective plan.
- On March 7, 2008, the Board received the program's plan of intervention addressing program performance statistics on the NCLEX-PN®.
- On March 26, 2008, the program advised that effective April 1, 2008, the name of the program would change to Coast Health Career College, Vocational Nursing Program.
- On May 6, 2008, the Board notified the program that its pass rates had fallen below 10 percentage points of the state average pass rate for **eight** (8) consecutive quarters.
- On May 7, 2008, the program submitted correspondence summarizing effects of interventions employed to improve performance statistics on the NCLEX-PN®.
- On May 21, 2008, the Board approved the program's request to admit a full-time class of 15 students commencing June 16, 2008, only, with a projected graduation date of June 26, 2009, to replace students graduating May 2, 2008; and approved the admission of a full-time class of 15 students on September 15, 2008, only, with

a projected graduation date of September 22, 2009, to replace students graduating August 18, 2008.

- On June 12, 2008, the Board was notified that the start of the June 16, 2008 class would be delayed to July 14, 2008, due to an insufficient pool of qualified applicants.
- On June 19, 2008, the Board received notification of the resignation of four (4) approved faculty. Additionally, the Board was notified of the program director's resignation, effective July 2, 2008.
- On June 20, 2008, the Board forwarded correspondence to the program director requesting information relative to the program's status. A response was requested by June 30, 2008.
- On June 24, 2008, the Board forwarded correspondence to the program's owner requesting information relative to the program's status, due to the imminent departure of the director. A response was requested by June 30, 2008.
- On June 30, 2008, the program submitted the requested information.
- On July 15, 2008, the Bureau forwarded correspondence advising the program's owner of deficiencies identified in faculty approval applications for a director and assistant director.
- On September 12, 2008, a report for consideration of the program's placement on provisional accreditation was presented to the Advisory Committee. The program was not represented at this meeting.

Committee members expressed concern that a program representative was not available to provide information prior to the Committee's vote on the matter of accreditation. Following discussion, the Committee adopted the following recommendations:

1. Place Coast Health Career College Vocational Nursing Program on provisional accreditation for a ninety-day period.
2. Carry this issue forward for review at the November 2008 Advisory Committee meeting for further action with a representative of the school present.

On September 26, 2008, these recommendations were adopted by the designee of the Director of the Department of Consumer Affairs.

- On October 3, 2008, the Bureau forwarded written notification, by certified mail, relative to the change in the program's accreditation status, areas of noncompliance, and requirements for correction. Additionally, the owner was reminded that the program was noncompliant with Section 2529(b) of the Vocational Nursing Rules and Regulations. The owner was advised that reconsideration of the program's accreditation status was scheduled for November 21, 2008. Receipt of notification was confirmed by the United States Postal Service.
- On October 27, 2008, a new program director was approved.

### **Other Considerations**

As noted in the history, the program's owner was notified by certified mail of the Committee's actions on October 3, 2008. Additionally, the owner was reminded that the program was noncompliant with Section 2529(b) of the Vocational Nursing Rules and Regulations. The owner was advised that the program's status was scheduled for reconsideration on November 21, 2008.

On October 16, 2008, the program's response was received. (See Attachment A) The owner reported that a revision of the previously submitted plan of correction is in progress. The following changes were enumerated.

1. Implementation of Health Education Systems, Inc. (HESI) Admission Assessment and Exit Examinations will commence with the admission of the November 2008 class.
2. Ten (10) instructors were terminated due to unsatisfactory performance. Currently, the program's approved faculty totals seven (7), including the program director. The director has 100% administrative duties. Of the total faculty, seven (7) are approved to teach in the clinical area.
3. Students are now required to pass all examinations with a score of 80%.
4. All text books will be updated.

Additionally, the program clarified its current enrollment by stating that admission of the full-time class of 15 students previously scheduled to commence September 15, 2008 was delayed to November 17, 2008.

### **Recommendations:**

1. Extend Coast Health Educational Center Vocational Nursing Program's provisional accreditation through February 28, 2010.
2. Issue a notice to the program that identifies specific areas of non-compliance and requirements for correction as referenced in Sections 2526.1 (e) of the California Code of Regulations.

**Rationale:** This provisional accreditation period is based on the expectation of the program's immediate improvement to be reflected in the next four full quarters in which licensure examination data is reported (January through December 2009). Review of four quarters of licensure examination data is necessary to establish the program's compliance or lack of compliance with Section 2530(l) of the Vocational Nursing Rules and Regulations that states:

"The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period."

The February 2010 Board meeting is the earliest date on which pass rate data can be reported for this four-quarter period.

Attachment A

October 15, 2008

Cheryl Anderson, M.S., R.N.  
Nursing Education Consultant  
Board of Vocational Nursing and Psychiatric Technicians  
2535 Capital Oaks Drive  
Sacramento, CA 95833

EXMPT  
2008 OCT 15 PM 2:2

Dear Ms. Anderson

Subject: Response to Reconsideration of Provisional Accreditation Status

Thank you for your very informative correspondence. I would like to respond item by item as outlined in your letter dated October 3, 2008

- 1.) Program Director: The deficiencies you noted in the application of Catherine McGinty are being researched. Copies of course contents taken at the University of Redlands in her B.A and M.A. programs have been requested and will be submitted to you.

Enclosed is a copy of my old transcript of records which was evaluated by the Academic and Professional International Evaluation, Inc., for you to evaluate. If I am qualified I will remain in position as the Director until such time Ms. Catherine McGinty's approval to be the Director of our VN program transpire.

I will confirm that I as part owner of Coast Health Career College will be in attendance at the meeting in November.

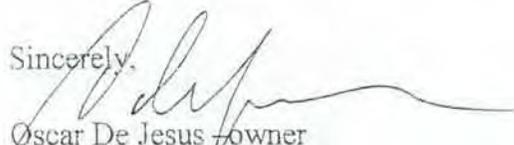
- 2.) Current Enrollment Information:  
Attached
- 3.) Current Faculty and Faculty Information:  
Attached
- 4.) Correctional Plan: Goal is to increase the pass rate on first time licensure examinations taken.
  - New entrance examinations have been developed
  - New exit examinations will be reformatted in the very near future
  - The passing grade of all examinations will be increased to a 80% pass rate
  - Class size was decreased by 66% - down to 15 students per class.
  - Reduction in instructors who were poor performers
  - Finally – We are looking forward to change the text book that we use

By utilizing Elsevier Publishing resources (Mosby and Saunders), see attached.

Please find my attached, signed "Acknowledgement in Change in Accreditation Status".

My intent of this correspondence is to explain the process's I am dedicated to take to be able to meet the standards set by the Board of Vocational Nursing and Psychiatric Technicians.

Sincerely,



Oscar De Jesus -owner  
Coast Health Career College  
Vocational Nursing Program  
1741 Katella Ave  
Anaheim, CA 92804

# Agenda Item #12.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER GOVERNOR

**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945  
Phone (916) 263-7800 Fax (916) 263-7859 Web [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



DATE: November 7, 2008

TO: Advisory Committee Members

SUBJECT: Closed Session – Disciplinary Actions

Closed Session – Disciplinary Actions (not open to the public), Government Code Section 11126(c)(3).

(11/3/08)

# Agenda Item #13.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

## BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS

2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945

Phone (916) 263-7800 Fax (916) 263-7859 Web [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



DATE: November 7, 2008

TO: Advisory Committee Members

SUBJECT: Closed Session – Examinations

Closed Session – Examinations (not open to the public), Government Code Section 11126(c)(1).

(11/3/08)



**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
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Phone (916) 263-7800 Fax (916) 263-7859 Web [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



DATE: November 7, 2008

TO: Advisory Committee Members

SUBJECT: Public Comment

Individuals may appear before the Advisory Committee At this time to discuss items not on the agenda; however, the Advisory Committee can take no official action on these issues. [Government Code Section 11125.7(a)]

(11/3/08)