

Agenda Item # 7.A.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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ADVISORY COMMITTEE MEETING MINUTES

NOVEMBER 21, 2008

LOS ANGELES, CALIFORNIA

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
Angelique Stephens, Public Member

ADVISORY COMMITTEE

MEMBERS ABSENT: Josefina Canchola, Public Member

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Marina Okimoto, Assistant Executive Officer
Ann Shuman, Supervising Nursing Education Consultant
Angelina Martin, Enforcement Division Chief
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 John Vertido, Advisory Committee Chair (Chair), at 9:00 a.m., November 21, 2008, at the Westin Los Angeles Airport, 5400 West Century Blvd, Theater, Los Angeles, CA 90045.

2. INTRODUCTION OF ADVISORY COMMITTEE MEMBERS AND STAFF

Advisory Committee Members introduced themselves. The Executive Officer (EO) introduced the staff present.

3. INTRODUCTION OF ACCREDITED SCHOOLS REPRESENTED AT MEETING

American Career College, Ontario	Coast Health Career College, Anaheim
Angeles Institute, Lakewood	Lynwood Adult, Lynwood
Annenburg School of Nursing, Reseda	Pacific College, Costa Mesa
Antelope Valley Career Academy, Palmdale	
California Career Institute, Garden Grove	St. Francis Career College, Lynwood
Casa Loma College, Hawthorne	St. Francis Career College, San Jose
Casa Loma College, Van Nuys	Western Career College, Sacramento
CenterPointe Learning Institute, S. San Francisco	

4. 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 was 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 30th and December 31st 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.

5. 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.

Budget Update

The EO reported that the Executive Order S-09-08 remains in effect through June 30, 2009; however, the Governor's Office has provided alternative methods of compliance. As a Non-General Fund agency, the DCA was delegated the authority to resume hiring, transfers, and promotions of employees; bring back retired annuitants, permanent intermittents, seasonals, temporary help, and student assistants; authorize overtime; and restore suspended contracts. The DCA was urged to prioritize its expenditures to focus on mission-critical services.

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 November 21, 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 77 (i.e. VN programs – 73 and PT programs – 4).

Enforcement

Public Disclosures – The EO reported that, effective October 22, 2008, the Bureau uploaded all its pending accusations to its website and is working on uploading final decisions. In addition, the Office of Information Services (OIS) is creating a link from the licensure look-up screens to the accusations so the public will have easier access to the documents.

Fingerprinting – The EO reported that, effective November 4, 2008, Carrie Lopez, Director of the DCA, directed all health boards within DCA to implement a plan for securing fingerprints from all of its licensees. The Bureau is working with the DCA to ensure that statutory and regulatory authority exists to implement retroactive fingerprinting of its licensees. The DCA is coordinating the budget requests needed to ensure that sufficient staff and enforcement are approved to proceed with retroactive fingerprinting.

Examination

Recruitment for NCLEX Item Writers and Item Reviewers – The EO reported that the Bureau is soliciting educators and practitioners for participation in the development of the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX/PN).

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 November 7, 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 November 7, 2008. The overall pass rate was 54% with a 69% pass rate for first-time candidates.

Liaison Activities

California Vocational Nurse Educators (CVNE) Conference – The EO reported that the Chair presented at the October 18, 2008, CVNE conference regarding the transition of the Bureau back into a Board on January 1, 2009.

NCLEX Examination Committee Meeting – The EO reported that Cheryl Anderson, NEC, represented the Bureau at the NCLEX Examination Committee Meeting on October 21-23, 2008. At this meeting, critical information relative to professional occupational analyses, item construction, examination development, and examination administration was presented. Additionally, a statistical analysis of the NCLEX/RN and NCLEX/PN item banks, examination security, and other processes impacting the NCLEX/PN and NCLEX/RN examinations were discussed. The Bureau's representative serves as the sole representative of an LVN/Practical Nurse Board. As such, our participation is critical. The next Committee meeting is scheduled for January 20-23, 2009.

American Career College and West Coast University Ontario Campus Open House – The EO reported that she gave a speech at the Open House of the new American Career College and West Coast University's Ontario Campus on October 23, 2008. Guests of the event included community leaders, healthcare professionals as well as staff and faculty from the schools' three Southern California campuses.

Regulatory Update

Rehabilitation Criteria and Disciplinary Guidelines – The EO reported that the Bureau's proposed regulations to update the rehabilitation criteria and the disciplinary guidelines were approved by the Office of Administrative Law (OAL) in late September and went into effect on October 29, 2008.

Correspondence

The EO provided a summary of correspondence she received thanking her for her cooperation with agencies and schools.

Customer Service Surveys

The EO announced that the Bureau is distributing a "Customer Service Survey" (goldenrod 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.

6. CONSENT CALENDAR ITEMS

A. Adoption of September 12, 2008, Meeting Minutes.

M – Kenneth Merchant; and S – Kevin Baucom; and carried unanimously to adopt the Advisory Committee Meeting Minutes.

7. 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.

8. LEGISLATIVE REPORT

Ann Shuman, Supervising Nursing Education Consultant (SNEC), presented a status report on legislative bills that impact the Bureau and its licensees.

9. PROGRESS REPORT ON MANDATORY REPORTING REQUIREMENTS

Angelina Martin, Enforcement Division Chief, provided a progress report on the mandatory reporting requirements.

10. STANBRIDGE COLLEGE PRESENTATION REGARDING SCHOOL ENCOURAGEMENT OF STUDENT INVOLVEMENT IN COMMUNITY-BASED PROGRAMS

Yasith Weerasuriya, CEO/President of Stanbridge College, gave a presentation regarding the benefits of encouraging students to volunteer or participate in community-based programs.

11. NURSING EDUCATION CONSULTANTS' RECOMMENDATIONS REGARDING VN AND PT PROGRAMS

11.A. ATC COLLEGE, OAKLAND, VN PROGRAM – FOLLOW-UP REPORT

Ann Shuman, SNEC, reported that the ATC College, Oakland, VN Program was presented to the Advisory Committee at its Meeting on September 12, 2008. On September 26, 2008, the Director of the DCA adopted the Committee's recommendations and placed ATC College, Oakland, VN Program on Provisional Accreditation.

The ATC College, Oakland, VN Program has failed to correct the violations presented to the Committee and has not complied with the Committee's recommendations.

Consultant's Recommendation:

1. Place the ATC College, Oakland, VN Program on the February 20, 2009, Board Meeting agenda for consideration of revocation of accreditation per the Advisory Committee's recommendation of September 12, 2008, subsequently adopted by the Director of the DCA on September 26, 2008.

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

11.B. CENTERPOINTE LEARNING INSTITUTE VN PROGRAM – FOLLOW-UP REPORT

Ann Shuman, SNEC, reported that the CenterPointe Learning Institute VN Program e-mailed the EO on September 17, 2008, asking to appeal the September 12, 2008, recommendation of the Advisory Committee and its adoption by the Designee of the Director of the DCA on September 26, 2008, to deny accreditation to the CenterPointe Learning Institute VN Program.

Following the September 12, 2008, Advisory Committee Meeting, the Board also received 12 letters from students at CenterPointe Learning Institute VN Program asking for reconsideration of the program's accreditation. On October 28, 2008, the Board contacted all CenterPointe Learning Institute VN Program students by mail and invited them to a meeting at the Board's headquarters to provide information about the licensure application process by the equivalency method. On November 14, 2008, Board staff reviewed the licensure application process with 12 CenterPointe Learning Institute VN Program students.

Consultant's Recommendation:

The consultant made no recommendation.

Representative from the school: Arthur Dimpas, Director; Maggie Abelgas, Administrator

Arthur Dimpas requested that the Advisory Committee reconsider its denial of accreditation to CenterPointe Learning Institute VN Program. Mr. Dimpas stated that he has reviewed all faculty, curriculum, and resources and has determined that they are all sufficient. Kevin Baucom asked if Mr. Dimpas had come to the meeting prepared with a plan of correction. In response, Mr. Dimpas stated that he was not fully aware of the reasons the school was denied accreditation. Ms. Abelgas believes that all violations have been corrected since the September 12, 2008, Advisory Committee Meeting. It was explained that the Board had to look at compliance at the time of review, not since. The program received written explanation of that action by the Board Report and the subsequent action the Board took.

Several former students expressed their frustration and desire to be able to graduate from an accredited institution.

Martin Mariscal stated that the Advisory Committee Members are sympathetic to the students' situation, but the school didn't meet its requirements at the time of review, so the Board could not grant them accreditation. John Vertido stated, for clarification purposes, that the students are not being denied a chance to take the NCLEX/PN exam; their method of qualifying to take the exam has changed.

The Advisory Committee moved as follows:

1. Deny the request of CenterPointe Learning Institute VN Program to reconsider denial of accreditation.
2. Recommend that the school submit a new application for approval of a VN Program to the Board at some future time if they choose to do so.

M – Kenneth Merchant; S – Angelique Stephens and carried unanimously to adopt the recommendations and forward to the Director of the DCA.

11.C. COAST HEALTH CAREER COLLEGE VN PROGRAM – RECOMMENDATION FOR EXTENSION OF PROVISIONAL ACCREDITATION

Ann Shuman, SNEC, reported that Coast Health Career College VN Program is presented to the Advisory Committee for consideration of extending provisional accreditation.

On September 12, 2008, the Advisory Committee voted to place Coast Health Career College VN Program on provisional accreditation for a 90-day period due to licensure examination pass rates that are noncompliant with Section 2530(l) of the VN Rules and Regulations. The Designee of the Director of the DCA adopted this decision on September 26, 2008.

On September 12, 2008, the Advisory Committee placed Coast Health Career College VN Program on provisional accreditation for a 90-day period, and requested that the program return to the Advisory Committee at the November 21, 2008, meeting to discuss whether accreditation should be revoked in its entirety. Advisory Committee members expressed concerns that a representative was not available at the September 12, 2008, Advisory Committee Meeting to provide information to the Advisory Committee prior to a vote on the matter of accreditation.

Consultant's Recommendations:

1. Extend Coast Health Career College VN Program's provisional accreditation through February 28, 2010.
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: Oscar de Jesus, Owner.

Oscar de Jesus stated that all "poor" instructors were replaced and the current student/teacher ratios are 15/1 for both clinical and theory. Kevin Baucom expressed concern about the school's lack of responsiveness to the poor performance.

Martin Mariscal expressed concern about the quality of the program and stated that he would like the motion to be revised to state that the period of provisional accreditation should be limited to **February 28, 2009**.

Following discussion of specific school issues, Kenneth Merchant suggested that the matter of how long schools are placed on provisional accreditation should be delegated to the Education and Practice Committee, and that this general matter should be brought before the Board at a later date. The Advisory Committee Members agreed unanimously that this matter should be brought before the Education and Practice Committee to make a recommendation on the issue.

M – Todd D'Braunstein; S – Kevin Baucom and carried 5-1 to adopt the recommendations of the consultant and forward to the Director of the DCA.

12. CLOSED SESSION – HEARING DELIBERATIONS

Closed session was not held.

13. CLOSED SESSION – DISCIPLINARY ACTIONS

Closed session was not held.

14. CLOSED SESSION – EXAMINATIONS

Closed session was not held.

15. PUBLIC COMMENT

Rafat Qahoush, RN, stated that he thinks failures of schools may also be a failure on the part of the Nursing Education Consultant to provide guidance. Mr. Qahoush stated that he thinks the Board needs stricter criteria for directors and instructors, and guidelines for building successful programs, especially to help those programs that are failing.

Elizabeth Wider, owner of Wider Health Careers (pending approval), stated that she disagrees with Mr. Qahoush. She stated that it is the responsibility of the directors and administrators to make use of the current guidelines and to follow the laws.

Ilda Nostratis, CenterPointe Learning Institute VN Program student, stated that she believes that students must complete programs that have already been established. Ms. Nostratis asked the Advisory Committee why students were allowed to complete a program that was not fully accredited.

Yasith Weerasuriya, CEO/President of Stanbridge College, urged the Advisory Committee to consider accepting accreditations issued to schools from other accrediting bodies. He stated that schools must work very hard to ensure that they are graduating safe practitioners.

The Chair stated that no action could be taken regarding comments from the public at the current meeting.

16. ADJOURNMENT

The Chair adjourned the meeting at 12:14 p.m.

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: _____