

Agenda Item #9.B.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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DATE: September 3, 2009

TO: Board Members

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

SUBJECT: Antelope Valley Career Academy, Inc. Vocational Nursing Program –
Reconsideration of Provisional Accreditation and Request to Replace
Class (Director: Belen Malayang, Palmdale, Los Angeles County, Private)

Antelope Valley Career Academy, Inc., Vocational Nursing Program is presented to the Board for reconsideration of its provisional accreditation. The program's status was changed to provisional accreditation on February 1, 2008. That action was taken due to the program's noncompliance with Section 2530(l) of the Vocational Nursing Rules and Regulations, which 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 following table shows the variance of the program's pass rates from the state average annual pass rates of first time graduates of accredited vocational nursing programs for the past 15 quarters. This data substantiates the program's continued non compliance with Section 2530(l) of the Vocational Nursing Rules and Regulations.

NCLEX-PN® Licensure Examination Pass Rates			
Quarter	State Average Annual Pass Rate	Program Average Annual Pass Rate	Variance from State Average Annual Pass Rate
Oct – Dec 2005	81%	68%	- 13
Jan - Mar 2006	79%	65%	- 14
Apr - Jun 2006	79%	68%	- 11
Jul - Sep 2006	79%	66%	- 13
Oct - Dec 2006	78%	67%	- 11
Jan - Mar 2007	77%	66%	- 11
Apr –Jun 2007	77%	58%	- 19
Jul - Sep 2007	76%	57%	- 19
Oct – Dec 2007	76%	57%	-19
Jan – Mar 2008	75%	51%	-24
Apr – Jun 2008	74%	52%	-22
Jul – Sep 2008	74%	54%	-20
Oct – Dec 2008	73%	56%	-17
Jan – Mar 2009	72%	58%	-14
Apr – Jun 2009	70%	54%	-16

The program requests approval to admit a full-time class of 30 students to commence January 11, 2010 and graduate December 17, 2010. Additionally, the program requests approval to admit a part-time class of 30 students commencing January 22, 2010 and graduating September 16, 2011.

History of Prior Board Actions

- On June 28, 2002, the Board approved the school’s request to begin a full-time vocational nursing program with an initial class of 30 students on July 22, 2002, only. The program is 49 weeks in length divided into 3 terms (Term one is 16-weeks in length; Term two is 17-weeks in length; and Term three is 16-weeks in length). The Board also approved the vocational nursing curriculum of 1,540 hours, including 576 theory and 964 clinical hours.
- On June 20, 2003, the Board approved initial full accreditation for the period July 22, 2002, through June 19, 2007; approved the program’s request to begin a full-time class of 30 students on July 28, 2003, only, to **replace** students graduating July 12, 2003; and approved the request to commence a part-time class of 30 students on July 25, 2003 only.
- On October 31, 2003, the Board approved the program’s request to admit a full-time class of 30 students starting January 26, 2004 only.

The Board also approved the admission of 30 students in the part-time class starting on January 30, 2004 only. This class actually began in February 2004.

- On May 14, 2004, the Board approved the program’s request to admit a full-time class of 30 students starting July 26, 2004 only, to **replace** the class graduating July 9, 2004, **and** a part-time class of 30 students starting July 30, 2004.

- On August 17, 2004, the Board approved the program's request to admit a full-time class of 30 students starting January 17, 2005 only, to **replace** the class graduating December 24, 2004.
- On January 12, 2005, the Board approved the program's request to admit 30 students into the part-time class starting April 8, 2005, to **replace** the class graduating March 27, 2005.
- On August 17, 2005, the Board approved the program's requests to admit a full-time class of 30 students on August 22, 2005, to **replace** the class graduating July 15, 2005, **and** a full-time class of 30 students on January 16, 2006, to **replace** the class graduating December 23, 2005.

The Board also approved ongoing admissions to **replace** graduating classes only for the Antelope Valley Career Academy Vocational Nursing Program with the following stipulations: 1) No additional classes are added to the program's current pattern of admissions without prior Board approval; and 2) The director documents that adequate resources, i.e. faculty and facilities are available to support each admitted class of students.

- On December 13, 2006, the Board forwarded correspondence informing the program that the program's average annual pass rate had fallen below ten (10) percentage points of the state average annual pass rate for four (4) quarters.
- **On January 9, 2007, the Board cited the program for violation of Vocational Nursing Rules and Regulations Section 2530(k), in that the program admitted a full-time class on April 17, 2006, without prior Board approval.**

The Board approved the program's admission of 28 students into a full-time class that started on April 17, 2006, and made the effective date of the approval retroactive to April 17, 2006. This class was scheduled to graduate April 5, 2007.

- **On March 19, 2007, the Board forwarded correspondence informing the program that admission of its planned April 2007 full – time class was not a part of the program's established pattern of admissions.**
- On April 13, 2007, the Board forwarded correspondence informing the program that its average annual pass rate had fallen below ten (10) percentage points of the state average annual pass rate for five (5) quarters. Additionally, the program was requested to submit a written plan for improving their pass rates on the NCLEX-PN[®] by May 11, 2007.
- On May 8, 2007, the Board forwarded correspondence relative to the program's perception of a lack of notification and inconsistencies in information provided relative to Board decisions. A summary of Board actions from June 28, 2002 through January 11, 2007 was enclosed.
- On May 10, 2007, the Board received program correspondence setting forth a plan to increase program pass rates.

- On June 27, 2007, the Board forwarded correspondence informing the program that the program's average annual pass rate had fallen below ten (10) percentage points of the state average annual pass rate for six (6) quarters. Additionally, the program was requested to submit documentation that elements of the program's plan for improving their pass rates on the NCLEX-PN® were being carried out and the effectiveness of the employed interventions.
- On July 2, 2007, the Board received program correspondence requesting the admission of a part-time class of 30 students on August 24, 2007. The program also requested the admission of a full-time class of 30 students on August 20, 2007, to **replace** the class graduating August 10, 2007.
- On July 5, 2007, the Board received program correspondence stating that no revisions had been made in its plan for improving the pass rates of program graduates on the NCLEX-PN®.
- On August 15, 2007, the Board approved the program's request to admit a full-time class of 30 students on August 20, 2007 only, to **replace** the full-time class graduating August 10, 2007, **and** a part-time class of 30 students on August 24, 2007 only, to **replace** the part-time class graduating August 26, 2007.
- On August 20, 2007, the program was notified that its average annual pass rates had fallen more than 10 percentage points below the state average annual pass rate for seven (7) consecutive quarters. Additionally, the director was requested to submit the following information by October 12, 2007: 1) Current enrollment; 2) Current faculty and facility information; 3) Clinical rotation schedules for all current classes; 4) Analysis of program's previously submitted corrective plan identifying those elements that have been successful and those unsuccessful and planned alterations to address the program analysis.
- On September 7, 2007, in the absence of a quorum, a committee of the Board heard the consultant's report recommending to the full Board approval of the following actions:
 1. The Board rescind its approval for the program to admit replacement classes without prior authorization from the Board, and require that the program obtain Board approval prior to admission of each class.
 2. The Board approve the admission of a full-time class of 30 students on January 14, 2008 only, to **replace** the full-time class graduating December 21, 2007, **and** a part-time class of 30 students on January 18, 2008 only, to **replace** the part-time class graduating December 2, 2007.
 3. The Board approve continued full accreditation for the Antelope Career Academy Vocational Nursing Program for a four-year period from June 20, 2007 through June 19, 2011, and issue a certificate accordingly.
- On October 12, 2007, the Board received program correspondence relative to its plans for improving their pass rates on the NCLEX-PN®.

- Additional examination data was received subsequent to the September 2007 Board Meeting. On December 14, 2007, the program was notified that its average annual pass rates had fallen below 10 percentage points of the state average annual pass rate for eight (8) consecutive quarters.
- On February 1, 2008, the Board placed Antelope Valley Career Academy, Inc. Vocational Nursing Program on provisional accreditation for the two-year period from February 1, 2008 through January 31, 2010 due to the program's violation of Vocational Nursing Rules and Regulations, Section 2530 (l). **The program was placed on the September 2009 agenda for the Board's reconsideration of the program's accreditation status.**
- On February 25, 2008, the Board received program correspondence requesting Board approval to admit a class of 30 full - time students to **replace** the class graduating April 18, 2008. Additionally, the program requested approval to admit 30 students to an April part - time class.
- On March 28, 2008, the Board forwarded correspondence notifying the program of specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the Vocational Nursing Rules and Regulations. (See Attachment A)
- On April 14, 2008, the Board forwarded correspondence advising the program that pursuant to the Board's action of February 1, 2008, the program may not admit "new" classes beyond the established pattern of admissions previously approved by the Board. **The program was notified that the Board was unable to approve the request for admission of a full – time class of 30 students on April 18, 2008, to replace a class graduating April 18, 2008 and a part-time class of 30 students.**
- On July 14, 2008, the Board received program correspondence requesting approval to admit 30 full-time students on August 25, 2008 to replace the August 8, 2008 graduating class and 30 part – time students on August 29, 2008, to replace the January 2007 part – time class graduating August 31, 2008. Additional documentation with this correspondence indicated that **a full-time class of 18 students had been admitted on April 30, 2008. This admission occurred without Board approval**
- On July 21, 2008, the Board forwarded correspondence notifying the program that the Executive Officer approved the following class starts.
 - a. Admit 30 full–time students on August 25, 2008, to **replace** the class graduating August 8, 2008; and
 - b. Admit 30 part–time students on August 29, 2008, to **replace** the class graduating August 31, 2008.
- On July 31, 2008, the Board forwarded correspondence notifying the program of its noncompliance with regulations relative to provisional accreditation.

- On September 12, 2008, the Board received an informational update relative to the program's status. Presentation of a follow-up report was scheduled for the February 2009 Board meeting.
- On September 22, 2008, the Board received program correspondence requesting approval to admit a full-time class of 30 students on January 12, 2009 to **replace** students graduating December 19, 2008.
- On October 9, 2008, the Board forwarded correspondence notifying the program that the Executive Officer approved the program's request to admit a full – time class of 30 students on January 12, 2009 only, to **replace** students graduating December 19, 2008.
- On January 9, 2009, the Board received correspondence and supporting documents relative to the status of the program. Based on current and projected enrollment data, the program will have a maximum of 63 students after admission of the full - time class admitted January 12, 2009. No further violations were identified relative to the program's admission of classes without prior Board authorization.
- On February 20, 2009, the Board considered a report of the program's status relative to provisional accreditation noncompliance. A school representative was not present. **Following discussion, the Board approved a motion to place the program on the May 22, 2009 Board meeting agenda for consideration of its accreditation status including any additional information available.** The Board President also asked staff to send a letter to the program director strongly suggesting that she attend the May 2009 Board meeting.
- On March 25, 2009, Board staff received correspondence from the program requesting placement on the May 2009 Board agenda. Specifically, the program proposed the admission of a full-time class of 30 students commencing August 17, 2009, to replace the full – time class graduating on August 14, 2009. Additionally, the program proposed the admission of a part - time class of 30 students commencing August 21, 2009, to replace the part-time class graduating April 26, 2009.
- On April 21, 2009, the program was notified, per certified mail, that the Board approved a motion to place the program on the May 22, 2009 Board meeting agenda for consideration of its accreditation status.
- On May 22, 2009, the Board approved the program's request to admit a full – time class commencing August 17, 2009, to **replace** the full - time class graduating on August 14, 2009. The size of the class was limited to a maximum of 15 students. Additionally, the Board approved the program's request to admit a part – time class commencing August 21, 2009, to **replace** the part – time class graduating April 26, 2009. The size of the class was limited to a maximum of 15 students.
- On June 24, 2009, the Board forwarded correspondence to the program advising that its accreditation status would be reconsidered at the September 11, 2009 meeting. A comprehensive report was requested by July 17, 2009.

- On July 20, 2009, the Board received the program's report.

Enrollment

The program is currently approved for ongoing admissions to **replace** graduating students only in its 49-week full-time class. Generally, those classes commence in January and August of each year. Additionally, the program is approved for ongoing admissions to **replace** graduating students only in its 78-week part-time class. The program's admission pattern for current classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and projected class starts and completions. The table indicates a **maximum enrollment of 96 students** for the period January 2008 through January 2010.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
1/08 (PT)		11	4	4
8/08 (PT)		7	0	4 + 0 = 4
1/09 (FT)		12	6	4 + 6 = 10
8/09(FT)		15		10 + 15 = 25
8/09 (PT)		15		25 + 15 = 40
	9/09 (1/08 PT)		- 4	40 - 4 = 36
1/10 (proposed FT)		30		36 + 30 = 66
1/10 (proposed PT)		30		66 + 30 = 96

Licensing Examination Statistics

The following statistics, furnished by the Pearson Vue and published by the National Council of State Boards of Nursing as "Jurisdictional Summary of All First-Time Candidates Educated in Member Board Jurisdiction," for the period October 2005 through June 2009, specify the pass percentage rates for graduates of the Antelope Valley Career Academy Inc. Vocational Nursing Program on the National Council Licensure Examination for Practical (Vocational) Nurses (NCLEX-PN®).

NCLEX-PN [®] Licensure Examination Data						
Quarterly Statistics					Annual Statistics*	
Quarter	# Candidates	# Passed	% Passed	State Quarterly Pass Rate	Program Annual Average Pass Rate	State Annual Average Pass Rate
Oct-Dec 2005	19	11	58%	79%	68%	81%
Jan-Mar 2006	16	10	62%	80%	65%	79%
Apr-Jun 2006	17	14	82%	76%	68%	79%
Jul-Sep 2006	12	7	58%	79%	66%	79%
Oct-Dec 2006	18	11	61%	77%	67%	78%
Jan-Mar 2007	15	9	60%	77%	66%	77%
Apr-Jun 2007	12	6	50%	74%	58%	77%
Jul-Sep 2007	16	9	56%	76%	57%	76%
Oct-Dec 2007	25	15	60%	76%	57%	76%
Jan-Mar 2008	8	1	13%	75%	51%	75%
Apr-Jun 2008	7	4	57%	70%	52%	74%
Jul-Sep 2008	8	6	75%	74%	54%	74%
Oct-Dec 2008	4	4	100%	73%	56%	73%
Jan-Mar 2009	14	5	36%	70%	58%	72%
Apr-Jun 2009	2	0	0%	71%	54%	70%

*The Annual Pass Rate changes every quarter. It is calculated by dividing the number of candidates who passed during the current and previous three quarters by the number of candidates who tested during the same period.

Based on the most recent data available (April–June 2009), the program's average annual pass rate is 54%. The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN[®] for the first time during the same period is 70%. The average annual pass rate for the Antelope Valley Career Academy, Inc. Vocational Nursing Program is 16 percentage points **below** the state average annual pass rate.

Faculty and Facilities

Section 2534(d) of the Vocational Nursing Rules and Regulations states:

"For supervision of clinical experience, there shall be a maximum of 15 students for each instructor."

The total number of Board approved faculty is 35, including the program director. The director is full-time and has 90% administrative and 10% teaching duties. Of the total faculty, 26 are approved to teach in the clinical area.

For a maximum enrollment of 96 students, seven (7) instructors are needed. Therefore, the number of current faculty is adequate for the current and proposed enrollment.

Section 2534(b) of the Vocational Nursing Rules and Regulations states:

"Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of

patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught.”

The program has clinical facilities that are adequate as to type and variety of patients treated to enable current and proposed students to meet clinical objectives, in accordance with Section 2534(b) of the Vocational Nursing Rules and Regulations. This information has been confirmed by the consultant.

Other Considerations

On December 13, 2006, the Board advised the program that its average annual pass rate had fallen below ten (10) percentage points of the state average annual pass rate for four (4) quarters. On April 13, 2007, the assigned consultant notified the program that its average annual pass rate had fallen below ten (10) percentage points of the state average annual pass rate for five (5) quarters. Additionally, the consultant requested the program to submit a comprehensive plan for improving their pass rates. That plan was received on May 10, 2007.

On June 27, 2007, the consultant notified the program that its average annual pass rate had fallen below ten (10) percentage points of the state average annual pass rate for six (6) quarters. Additionally, the program was requested to submit written documentation verifying implementation of the submitted plan and the effectiveness thereof.

On August 20, 2007, the consultant notified the program that its average annual pass rate had fallen below ten (10) percentage points of the state average annual pass rate for seven (7) quarters. The program was requested to complete a thorough analysis of the program’s corrective plan and submit a report identifying those elements that were successful, those unsuccessful, and planned alterations to address continued deficits.

That report was received on October 12, 2007. The director reported implementation of the following alternative interventions to improve program pass rates.

1. Assessment of applicants and students utilizing Health Education Systems, Inc. (HESI) assessment tools.
2. Referral of students who lack proficiency in speaking and writing English.
3. Weekly examinations in all theory classes. Students are required to achieve a minimum score of 75%.
4. Tutorial sessions relative to critical thinking and test-taking strategies.
5. Mandatory completion of a 40-hour NCLEX/PN review course during the final term of the program.
6. Mandatory completion of Mosby/PN Assessment Tool at completion of academic requirements.
7. Periodic evaluation of all instructors.
8. Faculty in-service workshops with monthly staff meetings.
9. Intensive curriculum review by faculty with emphasis on critical thinking.
10. Intensive remediation of students for topics whose coverage was found inadequate.
11. Maintenance of interpersonal and business relationship with acute, skilled nursing, and long term clinical facilities.

On December 14, 2007, the consultant notified the program that its average annual pass rates had fallen below ten (10) percentage points of the state average annual pass rate for eight (8) quarters.

On February 1, 2008, the Board placed the program on Provisional Accreditation due to the program's violation of Vocational Nursing Rules and Regulations, Section 2530 (I). On March 28, 2008, the Board issued the program a notice of the violation of Section 2530(I) of the California Code of Regulations relative to program pass rates on the NCLEX-PN® and requirements for correction (See Attachment A). The program was advised that,

“In order to return to full accreditation status, the Antelope Valley Career Academy Vocational Nursing Program must bring its licensure examination annual average pass rate up to no more than ten percentage points below the State annual average pass rate by January 31, 2010. Failure to do so may cause the Board to consider revocation of the program's accreditation.”

To date, the program's annual average pass rates have risen sporadically. However, the program has failed to demonstrate sustained improvement. The Board considers that preparation of students to be successful on the licensure examination is the major objective of a vocational nursing program. Based on regulatory requirements, Antelope Valley Career Academy Vocational Nursing Program has failed to meet this objective for the past 15 quarters.

Recommendations:

1. Deny Antelope Valley Career Academy, Inc., Vocational Nursing Program's request to admit a full-time class of 30 students commencing January 11, 2010.
2. Deny the program's request to admit a part-time class of 30 students commencing January 22, 2010.
3. If Antelope Valley Career Academy, Inc., Vocational Nursing Program fails to bring the average annual pass rate of its first-time graduates on the NCLEX-PN® to no more than ten percentage points below the State annual average pass rate by January 31, 2010, then:
 - a. Revoke the program's accreditation, effective January 31, 2010.
 - b. Remove the program from the *List of Accredited Vocational Nursing Schools*.
4. If Antelope Valley Career Academy, Inc., Vocational Nursing Program brings the average annual pass rate of its first-time graduates on the NCLEX-PN® to no more than ten percentage points below the State annual average pass rate by January 31, 2010, restore full accreditation in accordance with the notification dated March 28, 2008.

Rationale: The March 28, 2008 notice set forth corrective action for the program. The Board gave the program until January 31,

2010 to bring its pass rate up. Given that the date has not yet come, it is **theoretically** feasible that the program could comply. If it does comply, pursuant to the March 28, 2008 notice, the Board indicated the program would return to full accreditation status.

If the program fails to comply, it will have failed to demonstrate compliance with California Business and Professions Code, Division 2, Chapter 6.5, Article 4 and California Code of Regulations, Division 25, Chapter 1, Article 5 for the past 15 quarters.

If the program's accreditation is revoked, 30 students approved by the Board on May 22, 2009 and admitted in August 2009 will remain. Their status is reflected in the table below.

Students Remaining After 1/31/10	
Start Date (#)	Completion Date
August 2009 Full-time (15)	July 2010
August 2009 Part-time (15)	February 2011

If the Board adopts recommendation #3, the following options are available for these students.

- a. Students may apply for admission to other programs, requesting transfer credit for previously completed theory and clinical instruction.
- b. Students with prior paid work experience may apply for vocational nurse licensure based on equivalent education and experience.