

# Agenda Item #14.E



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](http://www.bvnpt.ca.gov)



DATE: February 1, 2010

TO: Board Members

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

SUBJECT: Professional Medical Careers Institute Vocational Nursing Program:  
Consideration of Placement on Provisional Accreditation; Request to  
Admit Students (Director: Helen Taylor, Thousand Oaks, Ventura County, Private)

In accordance with Section 2883 of the Vocational Nursing Practice Act, it is the Board's duty, through an official representative, to inspect all schools of vocational nursing in California. Written reports of the representative's visits shall be made to the Board's Executive Officer. Such inspections determine program compliance with Article 5 of the Vocational Nursing Rules and Regulations.

The Professional Medical Careers Institute Vocational Nursing Program was inspected on September 14-15, 2009. The program was reviewed to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Five (5) violations were noted.

Furthermore, the director of the Professional Medical Careers Institute Vocational Nursing Program requested Board approval to **replace** students finishing classes February 27, 2010, with a full-time class of 34 students on March 10, 2010. That class is projected to graduate on July 9, 2011.

In addition, the director of the Professional Medical Careers Institute Vocational Nursing Program requested Board approval to admit 34 students to a full-time class on September 13, 2010. That class is projected to graduate on December 17, 2011.

ARTICLE 5 – SCHOOLS OF VOCATIONAL NURSING	VIOLATIONS	
	YES	NO
2526 (a) Procedure for Accreditation (17)(B): Attendance	X	
2526 (g): Material misrepresentation	X	
2527. Reports	X	
2529. Faculty Qualifications		X
2530. General Requirements		
(a) Resources		X
(b) Faculty Meetings		X
(c) Clinical Faculty		X
(d) Teacher Assistant		X
(e) Lesson Plan		X
(f) Instructional Plan		X
(g) 12th Grade Completion	X	
(h) Attendance Policy	X	
(i) Remediation		X
(j) Posting of Required Information		X
(k) Prior Board Approval to Increase Enrollment		X
2532. Curriculum Hours		X
2533. Curriculum Content		X
2534. Clinical Experience		X
2535. Credit for Previous Education and Experience		X

### **History of Prior Board Actions**

- On August 13, 2008, the Board approved the Professional Medical Careers Institute Vocational Nursing Program to start, with an initial class of 30 students on October 6, 2008, only, and an anticipated graduation date of February 7, 2010.

The program curriculum was approved for 1546 hours, including 586 theory and 960 clinical hours.

**Enrollment**

The program must have prior approval to admit students to the 62-week full-time program.

The following table represents **projected** student enrollment based on the current class data. The table indicates a **maximum enrollment of 68 students** for the period of October 2008 to September 2010.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
10/08		25	22	<b>22</b>
	2/10 (10/08 class)		-22	22-22 = <b>0</b>
2/10		34 (proposed)		<b>34</b>
9/10		34 (proposed)		34+34 = <b>68</b>

**Licensing Examination Statistics**

Students have not yet graduated from this program; therefore, no licensure examination data are available.

**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 number of approved faculty is 12, including the program director. The director has 90% administrative and 10% teaching responsibilities. Nine (9) instructors are approved to teach in the clinical area. The program has two (2) teacher assistants, who are not being utilized at this time. An enrollment of 68 students requires five (5) instructors approved to teach in both the classroom and clinical areas; therefore, the number of 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 sufficient clinical facilities to afford the number, type, and variety of patients that will provide clinical experience consistent with competency-based objectives and the theory being taught for a current and proposed enrollment of 68 students.

### **Initial Accreditation Survey Visit**

Article 5 of the Vocational Nursing Rules and Regulations was reviewed with the director and administrator during assessment of the curriculum.

A tour of the school indicated that there is adequate classroom as well as skills and computer laboratory space. The skills lab contains one (1) low fidelity mannequin. The director stated that the skills lab is used rarely, due to the wealth of clinical opportunities in the community.

The students were interviewed in the classroom. Student concerns included: (a) inconsistent application of the attendance and make-up policies; (b) complaints that the remediation policies were not followed consistently; and (c) cheating and plagiarism, without consequence. Student clinical experiences were rated positively, and they stated that they receive effective clinical instruction. The students stated that the facilities were welcoming, and that interactions with staff were positive.

As explained below, the consultant verified inconsistent application of the attendance policies. A review of remediation documentation in student files did not reveal inconsistency in following remediation policies. The director submitted a statement about student cheating and plagiarism (Attachment B).

The results of the survey were discussed with the director during the closing meeting at the end of the survey visit. Five (5) violations of Article 5 of the Vocational Nursing Rules and Regulations were noted.

**Section 2526(a)(12) of the Vocational Nursing Rules and Regulations states,**

**“(a) The institution shall apply to the Board for accreditation. Written documentation shall be prepared by the director and shall include:  
...(12) Admission criteria.”**

**Violation #1:**

The program admitted 14 students (of a total of 22 students) that did not meet the Board-approved Screening and Selection criterion of a score of 60% on the nursing admissions test (see Attachment C).

The program admitted 17 students (of a total of 22 students) whose files did not contain evidence of completion of a pre-requisite course about the Structure of the Human Body, and completion of a First Aid course. The director did not submit evidence of completion of the Structure of the Human Body and First Aid courses during the two-day survey (Attachment D). Subsequent submissions did not include documentation of completion of First Aid courses for all students.

**Plan of Correction #1:**

On September 30, 2009, the director submitted the following statement:

“...Students who score less than 60% on the entrance exam will be required to take our preparatory program. Those who score less than 50% will be required to take the exam again after successful completion of the preparatory program...”

The director modified the admissions criteria following the survey. This policy revision was approved. If followed, this plan corrects the violation.

On January 19, 2010, the director submitted a spiral-bound set of statements, included in the Board meeting materials. The director addressed these violations on page 4, in the first three paragraphs of the bound response.

**Section 2530(h) of the Vocational Nursing Rules and Regulations states, in part,**

**“Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required.”**

**Section 2526(a)(17)(B) of the Vocational Nursing Rules and Regulations states, in part,**

**“The institution shall apply to the Board for accreditation. Written documentation shall be prepared by the director and shall include:**

- (17) Student policies:**
  - (A) ...**
  - (B) Attendance.”**

## **Violation #2:**

Based upon the nursing education consultant's review of student files, attendance records demonstrate that the program is not adhering to its attendance policies, nor is the program documenting whether absences are excused or unexcused. The consultant discussed the lack of documentation in the student and program files with the director. The director did not present documentation of excused absences and associated make-up plans, nor excused absences with associated remediation plans. Some students exceeded the allowable absences without a consequence being noted in program files.

## **Plan of Correction #2:**

During the survey visit, a program technician demonstrated a new computer tracking system that was in the process of being designed. The tracking system is being designed to generate emails and notifications when a student is absent. In addition, the director stated that instructors will be required to call in attendance on a daily basis. This plan is consistent with the existing attendance policy. This plan corrects the violation.

On December 9, 2009, the director submitted a statement addressing other potential violations. In the statement, the director stated that the attendance policy was violated due to "a swine-flu epidemic." See Attachment E. The director also addresses the attendance issue in the program's bound document, at pages 27-39. The director did not make any statements during the survey, or during her initial written response to survey violations, about student absences due to swine flu.

## **Section 2526(g) of the Vocational Nursing Rules and Regulations states,**

**"A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of accreditation or provisional accreditation."**

## **Violation #3:**

1. In an email to the Board dated October 1, 2009, the program misrepresented itself as an accredited program. The Board received the following request from Gina Fetman, an administrator, of the Professional Medical Careers Institute Vocational Nursing Program Vocational Nursing Program:

"I work for Professional Medical Careers Institute. We have been at our current location of 299 W. Hillcrest Dr Suite 110 Thousand Oaks CA 91360 for over a year now but on the website it still lists our old address. Also, we ***have received state accreditation through the BVNPT*** [emphasis and italics added] so if the asterisks could be removed that would be great because we need people to

know that we are now accredited. If I need to submit some special form requesting these changes please let me know. Thank you!!" (Attachment F).

The consultant contacted the program director as follows: "Please be advised that the program has not yet been accredited. The accreditation request is pending review by the Executive Officer in December 2009. It is a material misrepresentation of fact to state that the program has received 'state accreditation' at this point."

2. On October 8, 2009, the Board received a consumer complaint regarding a possible material misrepresentation by the program. The consumer stated that the program represented itself as accredited to a prospective student. The complainant produced an email dated September 16, 2009, wherein Gina Fetman, program controller, wrote,

"I just wanted to give you an update on the upcoming LVN Course. ***The state has given us accreditation*** [emphasis and italics added], but upon doing so has told us to change the start date from January 13<sup>th</sup> to February 4<sup>th</sup>..." (Attachment G).

- a. At the time the emails were written, the program was not accredited.
- b. The consultant did not tell the program to "change the start date from January 13<sup>th</sup> to February 4<sup>th</sup>." The director requested the class dates noted in this report.

### **Plan of Correction #3:**

In a letter received on October 20, 2009, the director stated, "This communication on September 16<sup>th</sup> – one day after our survey, was a mistake that was made due to a lack of information about the procedure and time involved in the accreditation process. It was not an intentional misrepresentation. We are a new school and additional information about the entire accreditation process would have been helpful to prevent mistakes and [sic] mis-information." See Attachment G.

Despite the director's statements, the nursing education consultant was clear to the director about the process. The nursing education consultant provided the director with the following information in an electronic communication on August 26, 2009:

"Professional Medical Careers Institute is approved to begin its first class as a vocational nursing program. The accreditation process for nursing schools is a two-step process. Towards the end of the first class, a nursing education consultant performs a site visit to determine whether or not the program meets the requirements for accreditation. An accreditation decision will be made by the Board's Executive Officer prior to graduation of the first class." (Attachment H).

During the New Director Orientation teleconference on November 15, 2007, in emails, and at the initial survey site visit, the nursing education consultant provided the director with specific information about the accreditation process, and advised the director that the Executive Officer would consider the initial accreditation request in December 2009.

Upon investigation of these complaints, the director stated that the program corrected the employee and made clear that it would not represent the program as accredited (Attachment I). This corrects the violation.

**Section 2527(b) of the Vocational Nursing Rules and Regulations states,**

**“A school shall report to the Board within ten days of the termination of a faculty member.”**

**Violation #4:**

One faculty member terminated employment with the program in June 2009. The program notified the Board of the termination on July 22, 2009 by submitting a form entitled “Annual Report – School Faculty” which showed the employee termination date (Attachment J).

**Plan of Correction #4:**

During the initial site visit, the director stated her intention to notify the Board regarding faculty terminations within 10 days. This plan corrects the violation.

**Section 2530(g) of the Vocational Nursing Rules and Regulations states,**

**“Each school shall have on file proof that each enrolled student has completed a general education course of study through the 12th grade or evidence of completion of the equivalent thereof. Equivalency is determined by the Department of Education in any of the United States or by a nationally-recognized regional accrediting body.”**

**Violation #5:**

The program admission policy states, “Applicants who have not completed high school must have earned a General Education Diploma (GED) before enrolling in the Vocational Nursing Program.” (See Attachment K). The program submitted a document with its request for initial accreditation showing that two (2) students were admitted without supplying evidence of completion of a general education course of study through the 12<sup>th</sup> grade or evidence of completion of the equivalent thereof (Attachment L).

### **Plan of Correction #5:**

On December 3, 2009, the consultant, following up on the violation noted during the survey, asked the director to submit evidence of completion of a general education course of study (GED) for two (2) students. The director submitted a written response, stating that the two (2) students failed the GED a second time (Attachment M). In addition, please see page 4 of the bound documents submitted by the program.

To date, the director has not submitted evidence of completion of a general education course of study through the 12<sup>th</sup> grade or the equivalent thereof. This violation is not corrected.

### **Other Considerations:**

1. The consultant recommended that the program stop granting extra credit to students who complete remediation requirements, since this practice is inconsistent with adult learning principles and the program's policies.
2. During the site visit, the nursing education consultant stated that a report would be generated summarizing the results of the initial accreditation survey visit. This report would be presented to the Executive Officer in December 2009. The decision about accreditation is made by the Executive Officer or full Board. As such, the consultant made no statements promising or assuring the program about accreditation. The consultant stated that the program may establish a waiting list for the requested replacement class, but that no statements about program accreditation may be made until a decision is rendered.
3. During the site visit, the nursing education consultant met with the student body privately. During the meeting, six (6) students alleged that cheating occurred during remediation examinations. The students stated that an instructor did not proctor the examinations continuously, but stepped out of the classroom for periods of time, allowing students to discuss the examinations. During the site visit, the director agreed that the proctor left the classroom for limited periods of time without assigning another proctor to be present during her absence.

On September 24, 2009, the director submitted a statement in response to student complaints of cheating in the classroom (Attachment B).

4. On December 8, 2009, the consultant advised the director that the Executive Officer decided to defer the program's request for accreditation and two (2) classes until the meeting of the full Board on February 18, 2010. The reasons for the deferral of the request were disclosed. The consultant advised the program to delay the graduation of the class until a decision about accreditation was rendered (Attachment N).

5. On December 11, 2009, the director submitted additional correspondence related to the violations.
6. On December 17, 2009, the director submitted a 14-page document summarizing the program's response to survey violations again. The director submitted test samples, statements from two (2) instructors in support of the program, and a three-page, non-authored document entitled, "A real life scenario in the day of a nursing school director – The Dangers Associated with Nursing School Gossip." Attachment O).
7. On December 21, 2009, the director submitted a two-page document. This document shows the written summary provided by the nursing education consultant to the program director on September 23, 2009. As noted above, the consultant provided the director with the same information, verbally, on September 15, 2009 (Attachment P).
8. On December 29, 2009, the consultant sent the director an electronic communication addressing specific program questions (Attachment Q).
9. On January 5, 2010, the director submitted a five-page letter entitled, "Unfair procedures – request for immediate removal of violation and shoddy evidence (Attachment R)"
10. On January 6, 2010, the director submitted a 23-page facsimile document entitled, "Letter, evidence and exhibits to support a formal request to have inadmissible evidence and unauthenticated emails removed from the survey report of Professional Medical Careers Institute and report of an unjust and unfair violation. The requests are replicated in the bound document submitted as a program response.
11. On January 6, 2010, the director submitted an electronic communication asking for deletion of the admissions and attendance violations, and making statements about students and other schools (Attachment S).
12. On January 6, 2010, the director submitted a 31-page facsimile document, entitled "Letter, evidence and exhibits to support a formal request to have attendance and admissions violations from the survey report of Professional Medical Careers Institute reassessed and/or removed. The requests are replicated in the bound document submitted as a program response.
13. On January 6, 2010, the director forwarded an email communication she sent to a student in the VN program (Attachment T).

## Recommendations:

1. Place the Professional Medical Careers Institute Vocational Nursing Program Vocational Nursing Program on provisional accreditation for the one-year period from February 18, 2010, through February 17, 2011, and 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 California Code of Regulations (see Attachment A draft).
2. Require the program to show documented progress by submitting a follow-up reports in four (4) and seven (7) months. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timelines for expected results, and the effectiveness of corrective actions taken to address the following elements:
  - a. Current Student Enrollment.
  - b. Admission Criteria.
  - c. Screening and Selection Criteria.
  - d. Terminal Objectives.
  - e. Curriculum Objectives.
  - f. Instructional Plan.
  - g. Theory and Clinical Objectives for Each Course.
  - h. Lesson Plans for Each Course.
  - i. Textbooks.
  - j. Attendance Policy.
  - k. Remediation Policy.
  - l. Evaluations of Theory and Clinical Faculty.
  - m. Evaluations of Theory Presentations.
  - n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - o. Evaluation of Student Achievement.
3. Require the program to comply with all accreditation standards in article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and article 5 of the Board's regulations, commencing at California Code of Regulations, title 16, section 2525.
4. Approve the program's request to admit a class of 34 students on March 10, 2010, only, to **replace** students graduating on February 27, 2010. That class is expected to graduate on July 9, 2011.
5. Approve the program's request to admit a class of 34 students on September 13, 2010, with an anticipated graduation date of December 17, 2011.

## Rationale:

1. The Professional Medical Careers Institute Vocational Nursing Program must have prior approval to admit students to the 62-week full-time program. The program has the faculty and facilities to support the number of students requested.
2. The program is not currently compliant with all sections of Article 5 of the Vocational Nursing Rules and Regulations. The program had multiple violations of the Vocational Nursing Rules and Regulations, but significant aspects of the program are compliant. One violation remains uncorrected.

Attachment A:	DRAFT Notice of Change in Approval Status
Attachment B:	Letter from Helen Taylor, program director, dated December 11, 2009
Attachment C:	Program's Screening and Selection Criteria
Attachment D:	Review of Student Files: NEC notations made during site survey and file review
Attachment E:	Statement from Helen Taylor, program director, dated December 9, 2009, stating that absences were due to swine flu
Attachment F:	Email from Gina Fetman, controller, dated October 1, 2009, to BVNPT webmaster requesting website update
Attachment G:	Consumer submission of program statement about accreditation status, dated October 8, 2009, with director's response to consultant inquiry about the accreditation statement
Attachment H:	NEC electronic communication to program director, in response to director's question about how to address student anxiety about the accreditation process, dated August 26, 2009
Attachment I:	Email from Helen Taylor, program director, regarding controller's accreditation statements, dated October 20, 2009
Attachment J:	Annual Report table submitted by program director, showing a faculty termination in June 2009, reported on July 22, 2009 (submitted in initial accreditation request materials)
Attachment K:	Program's Admission Policy (Page 1 of 3, showing high school equivalency requirement)
Attachment L:	Table submitted by program showing that two (2) students were admitted without proof of completion of a general education course of student through the 12 <sup>th</sup> grade or evidence of completion of the equivalency thereof
Attachment M:	December 3, 2009 letter from program director, documenting that two (2) students have not yet passed the GED
Attachment N:	NEC correspondence to program director, dated December 8, 2009, addressing deferral of program request for accreditation to the Board meeting
Attachment O:	14-page FAX from program director, dated December 17, 2009, addressing violations, and submitting program materials for review
Attachment P:	Email from program director, dated December 21, 2009, which shows the September 2009 communication from NEC regarding survey violations on second page
Attachment Q:	Email from NEC to program director, dated December 29, 2009, responding to program questions
Attachment R:	6-page email from program director, dated January 5, 2010, regarding accreditation
Attachment S:	Email from program director, dated January 6, 2010 with statements about students and other programs
Attachment T:	Email from program director to student, forwarded to NEC, dated January 6, 2010