

Agenda Item # 7.



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



BOARD MEETING MINUTES

OCTOBER 7, 2009

LOS ANGELES, CALIFORNIA

BOARD MEMBERS

PRESENT:

John Vertido, L.V.N. Educator Member, President
Todd D'Braunstein, P.T. Member, Vice President
Kevin Baucom, P.T. Member
Jessica Leavitt, Public Member
Martin Mariscal, Public Member
Kenneth Merchant, Public Member

BOARD MEMBERS

ABSENT:

Angelique Stephens, Public Member

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Ann Shuman, Supervising Nursing Education Consultant
Angelina Martin, Enforcement Division Chief
Cheryl Anderson, Nursing Education Consultant
Anne Powers, Nursing Education Consultant
Sophia Cornejo, Administrative Analyst
Jason Reinhardt, Administrative Secretary
Laura Freedman Eidson, Legal Counsel, Department of
Consumer Affairs

Prior to calling the meeting to order, the Board Vice President presented Ann Shuman, Supervising Nursing Education Consultant, with a plaque for her retirement.

1. CALL TO ORDER

The meeting was called to order by the Board President, John Vertido, at 9:06 a.m., October 7, 2009, at the Radisson Los Angeles Airport, Ballroom ABC, 6225 W. Century Blvd., Los Angeles, CA 90045.

2. INTRODUCTION OF BOARD MEMBERS AND STAFF

The Board Members introduced themselves. Teresa Bello-Jones, Executive Officer (EO), introduced the staff present.

3. INTRODUCTION OF ACCREDITED SCHOOLS REPRESENTED AT MEETING

American Career College, Los Angeles
American Career College, Ontario
Anderson Medical Career College, Commerce City
Anderson Medical Career College, North Hollywood
Angeles Institute
Annenburg School of Nursing
California Career Institute
California Nurses Education Institute
Career Colleges of America, Los Angeles
Career Colleges of America, San Bernardino
Career Colleges of America, South Gate
Career Development Institute
Career Networks Institute
Casa Loma College, Hawthorne
Casa Loma College, Van Nuys
Citrus College
College of Nursing & Technology
Concorde Career College, Garden Grove

Everest College, Anaheim
Four D College, Colton
Four D College, Victorville
Glendale Career College
Gurnick Academy of Medical Arts, Concord
Gurnick Academy of Medical Arts, Fresno
Gurnick Academy of Medical Arts, Modesto
Gurnick Academy of Medical Arts, San Mateo
High Desert Medical College
Lynwood Adult School
North West College, Glendale
North West College, Pasadena
North West College, Pomona
North West College, Riverside
North West College, West Covina
Pacific College
Palladium Technical Academy
Santa Barbara Business College, Bakersfield
Santa Barbara Business College, Santa Maria
Santa Barbara Business College, Palm Desert
St. Jude Healthcare Education Center
Summit Career College, Colton
Walter Jay, M.D. Institute
Western Career College, Pomona

4. BOARD PRESIDENT'S MESSAGE: MEETING AND PUBLIC COMMENT PROCEDURES

Mr. Vertido, Board President, read a special notice addressing the Board's legal mandate and procedures to have an issue placed on the Board Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Board's discussion; however, the Board may limit the length of time allowed for comment.

5. EXECUTIVE OFFICER'S REPORT

Enforcement Update

On July 16, 2009, Governor Schwarzenegger took immediate action following a *Los Angeles Times* and *ProPublica* report citing unacceptable investigation and enforcement processing delays at the Board of Registered Nursing (BRN). He also directed State and Consumer Services Agency (SCSA) to conduct an internal review of all the health care boards' enforcement programs and the Department of Consumer Affairs (DCA) Division of Investigation. SCSA and DCA conducted an internal review that found most of the health care boards face significant complaint investigation backlogs because all use the same system. The Governor charged the new DCA

Director, Brian Stiger, with reforming the current enforcement process for the health care boards.

The DCA is moving quickly to establish a new Enforcement Model. Health care boards are submitting detailed enforcement information, workload data, and recommendations for change. As many of the boards currently have Budget Change Proposals (BCPs) underway, the DCA Budget Office, SCSA and the Department of Finance (DOF) agreed to combine all healing arts programs' enforcement proposals into the Healing Arts Enforcement Reform BCP.

The New Enforcement Model will require extensive statutory changes. Senate Bill 294 (Negrete-McLeod) is a two-year bill that addresses statutory mandates for these changes. The model will increase the number of enforcement staff within the boards and the authority of boards to handle enforcement cases, as well as reduce the time needed to take cases to completion.

Board Member Update

There are currently four vacant Board Member positions – two Licensed Vocational Nurses (LVNs) and two public members. Anyone interested in serving on the BVNPT should contact the Governor's Appointment Secretary.

Budget Update

- BCP: Licensing Workload – Board staff plans to request additional staff for the Licensing Division in Budget Year 2010/2011. Backlogs are growing due to a significant increase in the number of new applications for vocational nursing (VN) programs, and students admitted to and graduating from VN programs.
- Furlough Program (Executive Order S-13-09) – The Governor's Executive Order S-13-09 ordered an additional mandatory furlough day each month, for a total of three furlough days per month. Beginning July 1, 2009, through June 30, 2010, state offices will be closed the first, second, and third Fridays of each month. Employees are no longer allowed self-directed furlough days.

DCA Updates

- Brian J. Stiger was appointed Director of DCA by Governor Arnold Schwarzenegger effective August 11, 2009.
- Patricia Harris, Acting Chief Deputy Director of DCA, accepted a position with the Victim Compensation and Government Claims Board effective October 1, 2009.

Education Program Update

The EO reported that the Board currently has 210 accredited and approved VN Programs and 17 accredited and approved Psychiatric Technician (PT) programs.

Due to the present shortage of consultant staff and the imposition of three furlough days per month that began July 1, 2009, for most state employees (including Board staff), new program proposals may take twelve (12) months or longer for review, depending on the quality and completeness of the proposal.

Examination Update

- **Examination Development** – On July 1-2, 2009, Cheryl Anderson, Nursing Education Consultant (NEC), and Ann Shuman, Supervising Nursing Education Consultant (SNEC), completed a final analysis and evaluation of new examination items. Items for the 2010 Psychiatric Technician Licensure Examination were approved consistent with established professional and psychometric standards and Board requirements.
- The average annual pass rate for California first-time VN program graduates was 74%, while the overall pass rate for VN candidates was 56%. The average annual pass rate for first-time PT program graduates was 84%, while the overall pass rate for PT candidates was 68%.

Statutory and Regulatory Update

- **Governor's Consolidation Proposal** – On December 31, 2008, Governor Schwarzenegger proposed consolidating the Licensed Vocational Nurses with the Board of Registered Nursing to create a new Board of Registered and Vocational Nurses. He also proposed consolidating the Psychiatric Technicians with the Board of Psychology and the Board of Behavioral Sciences to create a new Board of Mental Health. On June 15, 2009, the Senate Business and Professions Committee held a hearing to hear testimony and regarding this proposal. By a vote of 6-3, the Committee voted against the consolidation of Psychiatric Technicians with the Board of Psychology and the Board of Behavioral Sciences to create a new Board of Mental Health. By a vote of 7-2, the Committee voted to keep the separate nursing boards.
- **Retroactive Fingerprint and Fee Regulations** – On January 9, 2009, the Office of Administrative Law (OAL) approved the emergency regulations to implement retroactive fingerprinting and a fee increase to obtain the staff and funding needed for this action. On June 30, 2009, Board staff completed the final regulatory activities to make the emergency regulations permanent, which entailed filing a Certificate of Compliance and resubmitting the regulations through the regular rulemaking process. On August 11, 2009, OAL approved the regulatory action to make permanent the emergency regulations.
- **Law & Regulations Booklets** – Board staff updated the Vocational Nursing Practice Act with Rules and Regulations and the Psychiatric Technicians Law with Rules and Regulations to include amendments through September 1, 2009.

Liaison Activities

- On May 30, 2009, the Board President was the commencement speaker at the American College of Nursing VN Program graduation.
- On June 5, 2009, the Board President was the commencement speaker at the Dinuba Adult School VN Program graduation.
- On June 8, 2009, Ann Shuman, SNEC, testified at the Senate BP&ED Hearing regarding Assembly Bill 1416.
- On July 11, 2009, Cheryl Anderson, NEC; Ann Shuman, SNEC; and Licensing staff met with students from ATC College of Nursing following revocation of the program accreditation.
- On July 16, 2009, the Board President was the commencement speaker at the Palo Verde College, Fast Track, VN Program graduation.
- On August 17, 2009, the EO, as well as many other health care boards' Executive Officers, was asked to testify on establishing best practices for enforcement at the Senate BP&ED Committee Enforcement Hearing.
- On August 20, 2009, the EO and Ann Shuman, SNEC, met with Karen Rea the California Department of Corrections and Rehabilitation Nurse Executive to discuss VN & PT Scopes of Practice.

Other Important Issues

- Customer Service Surveys – The EO announced that the Board is distributing “Customer Service Surveys” to solicit feedback regarding how it is accomplishing its mission and goals. The information is used to develop the Board’s Strategic Plan and included in the Board’s Sunset Review Reports.

Public Comment:

Tricia Hunter, of American Nurses Association, California, stated that she is angry about the *Los Angeles Times* article that caused the DCA to have to make changes in Enforcement processes. Ms. Hunter further stated that she is against the Governor’s furlough order and is supporting legislation to have the furloughs reversed.

6. CONSENT CALENDAR ITEMS

A. Adoption of May 21-22, 2009, Board Meeting Minutes.

M – Todd D’Braunstein; and S – Kevin Baucom; and carried unanimously to adopt the Board Meeting Minutes.

B. Adoption of 2010 Board Meeting Dates and Locations.

M – Kevin Baucom; and S – Todd D’Braunstein; and carried unanimously to adopt the 2010 Board Meeting Dates and Locations.

7. REPORT ON DECISIONS FOR VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIAN PROGRAMS

The EO reported on decisions for VN and PT Programs.

8. LEGISLATIVE REPORT

Ann Shuman, SNEC, reported on the status of legislative bills that may impact the Board and its licensees.

9. NURSING EDUCATION CONSULTANTS’ RECOMMENDATIONS REGARDING VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIAN PROGRAMS

9.A. ANDERSON MEDICAL CAREER COLLEGE, NORTH HOLLYWOOD, VOCATIONAL NURSING PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION

Cheryl Anderson, NEC, reported that Anderson Medical Career College, North Hollywood, is presented to the Board for reconsideration of its provisional accreditation status.

Ms. Anderson stated that on February 1, 2008, the Board placed the Anderson Medical College, North Hollywood, VN Program on provisional accreditation.

The Board considered the following key factors of the consultant’s report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 24 students for the period from April 2009 through April 2010.
- Exam Pass Rate – The program’s average annual licensure examination pass rates for the period from April 2009 through June 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities – The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment

Recommendations:

1. Extend provisional accreditation of Anderson Medical College, North Hollywood, Vocational Nursing Program for the one-year period from September 17, 2009, through September 30, 2010, 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.
2. Require the program to show documented progress by submitting a follow-up report in 10 months. The report must include a comprehensive analysis of the program, specific actions taken to improve the program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - 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. Evaluations 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.

Representative of the School: Estellia Sonia, Education Director

Discussion:

Kenneth Merchant asked Cheryl Anderson, NEC, if there were any violations of the Vocational Nursing Practice Act, other than low test scores, that the VN program needed to address. Ms. Anderson responded that there were no other violations. Mr. Merchant stated that, for a year, the school was in compliance with their pass rates prior to being placed on provisional accreditation. Ann Shuman, SNEC, stated that the school was placed on two-year provisional accreditation when there were eight (8) quarters of data indicating low test scores. She also stated that the school did not request early release from provisional accreditation.

Kenneth Merchant stated that he would like the school to come back before the Board next year for a status check. Mr. Merchant stated that he has no objection to extending the provisional accreditation for this school, but no additional classes should be approved until new exam data is received showing that there is improvement.

The Board President asked Estella Sonia how many classes would be in training next year if the Board were to extend provisional accreditation. Ms. Sonia responded that 35 students would be in the program, with a graduation date of Spring 2011.

Kevin Baucom moved to revise the Consultant's recommendation.

Board Member Recommendations:

1. Extend provisional accreditation of Anderson Medical College, North Hollywood, Vocational Nursing Program for the period from October 7, 2009, through May 31, 2010, 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.
2. Require the program to show documented progress by submitting a follow-up report in February 2010. The report must include a comprehensive analysis of the program, specific actions taken to improve the program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis:
 - 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. Evaluations 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.

Martin Mariscal stated that he wanted the motion to include that no classes could be approved until Board review in May 2010. Kevin Baucom amended his motion to include:

4. The program shall not admit students into its part-time or full-time classes to replace graduating students unless authorized by the Board at the May 20, 2010, Board Meeting.

M – Kevin Baucom; and S – Kenneth Merchant; and carried unanimously to adopt the amended recommendations.

9.B. ANTELOPE VALLEY CAREER ACADEMY, INC. VOCATIONAL NURSING PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION AND REQUEST TO REPLACE CLASS

Cheryl Anderson, NEC, reported that Antelope Valley Career Academy, Inc., Vocational Nursing Program is presented to the Board for reconsideration of its provisional accreditation.

Ms. Anderson stated that on February 1, 2008, the Board placed the Antelope Valley Career Academy, Inc. VN Program on provisional accreditation.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 96 students for the period from January 2008 through January 2010.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from July 2007 through June 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities – The program has an adequate number of instructors and sufficient clinical facilities to support the current and proposed enrollment

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.

Representative from the school: Belen Malayang, Director.

Discussion:

Belen Malayang stated that there appear to be discrepancies with her schools NCLEX-PN® exam pass rates. Ms. Malayang claims that additional students were mistakenly added to her school's scores, bringing her school's pass rates down. Ms. Malayang stated that her program's only area of noncompliance with the Vocational Nursing Practice Act is the low pass rates, which seems to be occurring because of "ghost students."

Public Comment:

Billie Jenkins, of Career Colleges of America, stated that she would like to know if there is any way for the Board to require students to test within a certain timeframe.

The Board President responded that the Board does not have that authority.

Linda Hoffman, of California Nurses Education Institute, stated that she has had "phantom" students show up on her results as well. Ms. Hoffman stated that she would like to have the Board or its consultants revamp the reports, because it is difficult to take the information supplied in the current reports and apply it to current students. Ms. Hoffman stated that she would like to receive copies of students pass/fail reports in order to improve her records.

Kevin Baucom and Laura Freedman Eidson, Legal Counsel, responded that it cannot send copies of students pass/fail reports due to privacy laws.

Kenneth Merchant amended the consultant's recommendation.

Board Member's 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. Extend the program's provisional accreditation to February 28, 2010, and bring the program back before the Board for review on February 18, 2010.
4. 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 February 28, 2010, then:

- a. Revoke the program's accreditation, effective February 28, 2010.
 - b. Remove the program from the *List of Accredited Vocational Nursing Schools*.
5. 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 February 28, 2010, restore full accreditation in accordance with the notification dated March 28, 2008.

M – Kenneth Merchant; S – Kevin Baucom and carried 4-2 to adopt the amended recommendations. Martin Mariscal and Jessica Leavitt voted no.

9.C. ATC COLLEGE, OAKLAND, VN PROGRAM – RECONSIDERATION OF REVOCATION OF PROVISIONAL ACCREDITATION AND REMOVAL FROM THE LIST OF ACCREDITED VOCATIONAL NURSING PROGRAMS

Ann Shuman, SNEC, reported that ATC College, Oakland, VN Program is presented to the Board for reconsideration of revocation of provisional accreditation and removal from the *List of Accredited Vocational Nursing Programs*.

The director of the former ATC College, Oakland, Vocational Nursing Program requested reconsideration of the Board's May 22, 2009, action with regard to its accreditation. The Board's action was to revoke its accreditation and remove the program from the Board's *List of Accredited Schools*. Subsequent to the Board's May 22, 2009 action, the following events took place:

- On June 6, 2009, the Board received an electronic mail request from Sylvia Daniels, director of the former ATC College Vocational Nursing Program to review the ATC curriculum.
- On June 11, 2009, staff conducted an informational meeting at the Board's Sacramento office for students from ATC to advise them of the Board's May 22, 2009, decision to revoke the program's provisional accreditation and explain options that are available to them.
- Also on June 11, 2009, Ms. Daniels sent a second electronic mail request to review the curriculum and address other violations she deemed to be inaccurately represented in the May 2009 report.
- On June 12, 2009, the Board sent an electronic mail response to Ms. Daniels advising that her request for reconsideration would be placed on the September 2009 Board meeting agenda. Additionally, the Board requested that 12 copies of documentation supporting her request be submitted to the Board 30 days prior to the meeting.
- On July 25, 2009, the Board sent by certified mail the ATC curriculum to Ms. Daniels as requested.

- As of the date of this report, the Board has received no materials from Ms. Daniels.

Recommendation:

1. The Board uphold its May 22, 2009, actions to revoke the program's provisional accreditation, effective May 22, 2009, and remove the program from the List of Accredited Vocational Nursing Schools.

Representative from the school: None present.

M – Kenneth Merchant; S – Todd D’Braunstein and carried unanimously to adopt the recommendation.

**9.D. CAREER COLLEGES OF AMERICA, SOUTHGATE, VN PROGRAM –
CONSIDERATION OF REVOCATION OF PROVISIONAL ACCREDITATION AND
REMOVAL FROM LIST OF ACCREDITED VOCATIONAL NURSING PROGRAMS**

Anne Powers, NEC, reported that Career Colleges of America, Southgate, VN Program is presented to the Board for consideration of revocation of provisional accreditation and removal from the List of Accredited Vocational Nursing Programs.

Career Colleges of America, Southgate, VN Program was placed on provisional accreditation for the two-year period from February 1, 2008, through January 31, 2010, for failure 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.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 41 students for the period from October 2008 through April 2010.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from July 2007 through June 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. If Career Colleges of America, Southgate, 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:

- a. Revoke the program's accreditation, effective January 31, 2010.
 - b. Remove the program from the *List of Accredited Vocational Nursing Schools*.
2. If Career Colleges of America, Southgate, 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, 2008.

Representative from the school: Kelly Lyons, Director.

Discussion:

Kelly Lyons requested that the Board extend the Career Colleges of America, Southgate, Vocational Nursing Program's provisional accreditation for one year. Ms. Lyons stated that since she has become the director, she has neither admitted nor graduated any new students. All students graduating are remaining from previous classes. Ms. Lyons stated that she chose this tactic to give herself and Ron Schector, president of Career Colleges, time to evaluate the entire program and implement necessary changes one at a time to see which changes work and which ones do not.

Kenneth Merchant asked if he could get a sense from the Board about whether or not they would be willing to extend provisional accreditation. Martin Mariscal responded that he is not comfortable extending provisional accreditation because the school is failing in its mandate to graduate students.

Todd D'Braunstein moved to amend the Consultant's recommendations.

Board Member's Recommendations:

1. Extend Provisional Accreditation to September 30, 2010.
2. If Career Colleges of America, Southgate, 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 September 30, 2010:
 - a. Revoke the program's accreditation, effective September 30, 2010.
 - b. Remove the program from the *List of Accredited Vocational Nursing Schools*.
3. If Career Colleges of America, Southgate, 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 September 30, 2010, restore full accreditation.
4. Admit no new classes without prior Board approval.

5. Present a status-report at the September 2010 Board Meeting.

M – Todd D’Braunstein; S – Kenneth Merchant and carried 4-0 to adopt the Board Member’s recommendations. Martin Mariscal and Kevin Baucom abstained from voting.

9.E. CAREER DEVELOPMENT INSTITUTE, INC., LOS ANGELES, VOCATIONAL NURSING PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION

Cheryl Anderson, NEC, reported that Career Development Institute, Inc., Los Angeles, Vocational Nursing Program is presented to the Board for consideration of placement on provisional accreditation.

Career Development Institute, Inc., Los Angeles, 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.

The Board considered the following key factors of the consultant’s report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 9 students for the period from October 2005 through October 2010.
- Exam Pass Rate – The program’s average annual licensure examination pass rates for the two-year period from July 2007 through June 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Place Career Development Institute, Inc., Los Angeles, Vocational Nursing Program on provisional accreditation for the two-year period from September 17, 2009, through September 30, 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.
2. Require the program to show documented progress by submitting follow-up reports in 10 and 22 months. The report must include a comprehensive analysis of the program, specific actions taken to improve the program pass rates, timelines for expected results, and the effectiveness of the 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.

Representative from the school: Sasha Rarang, Director.

Discussion:

Sasha Rarang stated that the program is implementing the action plan submitted to Ms. Anderson. The school is re-evaluating the program, including the director and all instructors.

M – Kenneth Merchant; S – Kevin Baucom and carried unanimously to adopt the recommendations.

9.F. CAREER NETWORKS INSTITUTE, ORANGE, VOCATIONAL NURSING PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION

Cheryl Anderson, NEC, reported that Career Networks Institute, Orange, Vocational Nursing Program is presented to the Board for reconsideration of provisional accreditation.

Career Networks Institute, Orange, VN Program was placed on provisional accreditation on February 1, 2008, for failure 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 were more than ten percentage points below the state annual average pass rate for first-time candidates of accredited VN programs for the same period.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 169 students for the period from November 2008 through February 2010.

- Exam Pass Rate – The program’s average annual licensure examination pass rates for the period from October 2005 through March 2008 were more than 10 percentage points below the state’s average annual pass rate. The program’s average annual licensure examination pass rates for the period from April 2008 through June 2009 have been within 10 percentage points of the state average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendation:

1. Approve full accreditation of Career Networks Institute, Orange, Vocational Nursing Program for the four-year period from September 17, 2009 through September 16, 2013, and issue a certificate accordingly.

Representative from the school: Vijayakumari Bhaskar, Director.

Discussion:

Vijayakumari Bhaskar thanked Ms. Anderson for her guidance and support.

M – Kevin Baucom; S – Todd D’Braunstein and carried unanimously to adopt the recommendations.

9.G. GURNICK ACADEMY OF MEDICAL ARTS, FRESNO, VOCATIONAL NURSING PROGRAM – CONSIDERATION OF DENIAL OF ACCREDITATION

Anne Powers, NEC, reported that Gurnick Academy of Medical Arts, Fresno, VN Program is presented to the Board for consideration of denial of accreditation.

Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program was inspected on June 15-16, 2009, to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Six violations were noted.

The Board considered the following key factors of the consultant’s report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 60 students for the period from July 2008 through September 2009.
- Exam Pass Rate – Students have not yet graduated from this program; therefore, no licensure examination data are available.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Deny accreditation for the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program.
2. Deny the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program's request to admit a replacement full-time class of 30 day students on September 29, 2009, only, with an anticipated graduation date of October 30, 2010.
3. Deny the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program's request to admit an additional full-time class of 30 evening students on September 29, 2009, only, with an anticipated graduation date of October 30, 2010.

Representatives from the school: Larisa Rezvina, Director; Konstantin Gourji, Owner; Edward Kramp, Attorney.

Discussion:

Edward Kramp stated that the program is requesting placement on provisional accreditation.

Konstantin Gourji stated that a plan of action has been submitted to Dr. Powers. Mr. Gourji stated that the plan of action contains elements to correct all violations contained in the report. Mr. Gourji further stated that the school has corrected several of the violations listed in the consultant's report.

Kevin Baucom requested clarification regarding the violation that the school was using teaching assistants to teach classes without an instructor on site. Mr. Baucom asked what the professional credentials were for the teaching assistants and whether they had a credential to teach in any setting. Mr. Gourji responded that the teaching assistants were all either LVNs or Registered Nurses and they did not have the credentials to act as instructors.

The Board President expressed concern that the school clearly and knowingly violated the Nursing Practice Act by using teaching assistants inappropriately. Mr. Gourji, Mr. Kramp, and Ms. Rezvina responded that the school has taken steps to ensure that this violation is not repeated.

The Board President expressed further concern that a student caught cheating may get a second chance. Mr. Gourji responded that students caught cheating is placed on immediate academic probation. If they further violate the program's policies, they are dismissed from the program.

The Board President expressed concern that the school split a class. Mr. Gourji responded that the split class was approved by the Nursing Education Consultant at the time. Martin Mariscal asked who the consultant was at the time. Ann Shuman, SNEC, responded that Debbie DeBechevet was the consultant at the time, but she did not approve the splitting of the class, as this would have caused further concerns about available resources.

Mr. Mariscal stated that he thinks the violations are correctable; as such, Mr. Mariscal made the following motion, pertaining to Gurnick Academy of Medical Arts, Fresno and Modesto, Vocational Nursing Programs.

Board Member Recommendations:

1. Place Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program on provisional accreditation through May 31, 2010.
2. Require a site visit by a Nursing Education Consultant at Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program by April 2010, with a report to be presented to the Board at the May 2010 meeting.
3. Approve a replacement class of 30 day-time students, only, and 30 evening students, only, with an anticipated graduation date of October 30, 2010.
4. Bring Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program back before the Board in May 2010 for a follow-up report.

M – Martin Mariscal; S – Kenneth Merchant and carried unanimously to adopt the recommendations.

9.H. GURNICK ACADEMY OF MEDICAL ARTS, MODESTO, VOCATIONAL NURSING PROGRAM – CONSIDERATION OF DENIAL OF ACCREDITATION

Anne Powers, NEC, reported that Gurnick Academy of Medical Arts, Modesto, VN Program is presented to the Board for consideration of denial of accreditation.

Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program was inspected on June 18-19, 2009, to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Seven violations were noted.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 60 students for the period from July 2008 through September 2009.
- Exam Pass Rate – Students have not yet graduated from this program; therefore, no licensure examination data are available.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Deny accreditation for the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program.

2. Deny the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program's request to admit a replacement full-time class of 30 day students on September 29, 2009, only, with an anticipated graduation date of October 30, 2010.
3. Deny the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program's request to admit an additional full-time class of 30 evening students on September 29, 2009, only, with an anticipated graduation date of October 30, 2010.

Representatives from the school: Larisa Rezvina, Director; Konstantin Gourji, Owner; Edward Kramp, Attorney.

Discussion:

The reports for Gurnick Academy of Medical Arts, Fresno and Modesto, Vocational Nursing Programs were combined. The motion made by Martin Mariscal, as follows, pertains to both programs.

Board Member's Recommendations:

1. Place Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program on provisional accreditation through May 31, 2010.
2. Require a site visit by a Nursing Education Consultant at Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program by April 2010, with a report to be presented to the Board at the May 2010 meeting.
3. Approve a replacement class of 30 day-time students only, and 30 evening students, only, with an anticipated graduation date of October 30, 2010.
4. Bring the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program back before the Board in May 2010 for a follow-up report.

M – Martin Mariscal; S – Kenneth Merchant and carried unanimously to adopt the recommendations.

9.I. SUMMIT CAREER COLLEGE, ANAHEIM, VOCATIONAL NURSING PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION

Cheryl Anderson, NEC, reported that Summit Career College, Anaheim, VN Program is presented to the Board for reconsideration of its provisional accreditation.

Summit Career College, Anaheim, Vocational Nursing Program was placed on provisional accreditation on February 1, 2008, for failure 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 were more than ten percentage points below the state annual average pass rate for first-time candidates of accredited VN programs for the same period..

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 552 students for the period from April 2008 through June 2010.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the period from October 2005 through September 2008 were more than 10 percentage points below the state average annual pass rate. For the period from October 2008 through June 2009, the program's average annual pass rate was within 10 percentage points of the state average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendation:

1. Approve full accreditation of Summit Career College, Anaheim, Vocational Nursing Program for the four-year period from September 17, 2009 through September 16, 2013, and issue a certificate accordingly.

Representative from the school: Hector Cascalla, Director.

Discussion:

Hector Cascalla detailed for the Board the changes the program made that turned the program's performance around.

Martin Mariscal expressed concern about approving full accreditation for a full four-year period.

M – Todd D'Braunstein; S – Kevin Baucom and carried 5-0 to adopt the recommendation. Martin Mariscal abstained from voting.

9.J. SUMMIT CAREER COLLEGE, COLTON, VOCATIONAL NURSING PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION

Cheryl Anderson, NEC, reported that Summit Career College, Colton, VN Program is presented to the Board for reconsideration of its provisional accreditation.

Summit Career College, Colton, Vocational Nursing Program was placed on provisional accreditation on February 1, 2008, for failure to meet the requirements of section 2530(l) of the VN Rules and Regulations. The program's annual average licensure examination pass rates for eight quarters were more than ten percentage points below the state annual average pass rate for first-time candidates of accredited VN programs for the same period.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 619 students for the period from April 2008 through June 2010.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the period from October 2005 through March 2009 were more than 10 percentage points below the state average annual pass rate. For the period from April 2009 through June 2009, the program's average annual licensure examination pass rates were 10 percentage points below the state's average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendation:

1. Extend Provisional accreditation of Summit Career College, Colton, Vocational Nursing Program for the one-year period from September 17, 2009, through September 30, 2010, and issue a notice to the program to identify specific areas of non compliance and requirements for correction as referenced in Section 2526.1(e) of the California Code of Regulations.
2. Require the program to show documented progress by submitting a follow-up report in 10 months. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of the employed interventions. The following elements must be addressed in the analysis:
 - 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 Correlations to Theory Presentations.
 - o. Evaluations of Student Achievement.
3. Rescind ongoing admissions for full-time and part-time classes, effective immediately. The program must obtain prior Board approval to admit future classes.
4. 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.

Representative from the school: Judith Sheinin, Director.

Discussion:

Judith Sheinin stated that she is working hard on turning the program around. Ms. Sheinin is not just trying to help first-time students, but she is also working with candidates who are taking the test for a second time. Ms. Sheinin stated that she has made changes with staff and curriculum to ensure that seasoned instructors are teaching areas most appropriate to their experience.

M – Kenneth Merchant; S – Martin Mariscal and carried unanimously to adopt the recommendations.

10. PUBLIC COMMENT PERIOD

No public comment received.

11. ADJOURNMENT

The meeting adjourned to closed session at 4:32 p.m.

Prepared by: _____ Date: _____

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

Approved by: _____ Date: _____

John P. Vertido, L.V.N.
President