

# Agenda Item #14.C.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR  
**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
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**DATE:** May 4, 2010

**TO:** Board Members

**FROM:** Pam Hinckley, RN, MSN  
Nursing Education Consultant

**SUBJECT:** Computer Institute of Technology Vocational Nursing Program –  
Consideration of Application for Accreditation (Director: Marie Magpantay, North Hollywood, Los Angeles County, Private)

The Computer Institute of Technology, North Hollywood, Vocational Nursing Program was visited by Board representatives March 31, 2010. The unannounced inspection was prompted by a rapid turnover of program directors and prolonged periods during which there was no director for the vocational nursing program. Additionally, the director had reported a lack of access to critical program reports, materials, students, and faculty.

The program was reviewed to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Based on the visit, five (5) violations were identified.

ARTICLE 5 – SCHOOLS OF VOCATIONAL NURSING:	VIOLATIONS	
	YES	NO
2526(a) Procedure for Accreditation	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

ARTICLE 5 – SCHOOLS OF VOCATIONAL NURSING:	VIOLATIONS	
	YES	NO
(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
(l) Maintenance of Minimum Pass Rate		X
2532. Curriculum Hours		X
2533. Curriculum Content		X
2534. Clinical Experience	X	
2534.1 Clinical Preceptorships		X
2535. Credit for Previous Education and Experience		X

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

- On April 12, 2007, prior to Board approval, the school administrator was asked to cease and desist advertising the existence of the Computer Institute of Technology Vocational Nursing program in a career magazine (see Attachment A).
- On May 14, 2008, the Executive Officer approved Computer Institute of Technology, North Hollywood, to begin a vocational nursing program with an initial class of 30 students on May 19, 2008 only, with a projected graduation date of August 10, 2009; and approved the program curriculum for 1560 hours, including 600 theory and 960 clinical hours.
- **In March 17, 2009, the program director (Lovely Israel) resigned.**
- On June 4, 2009, the assigned consultant forwarded to the owner a Notice of Violation per U. S. certified and regular mail relative to noncompliance with California Code of Regulations Section 2529 (b). The owner was requested to provide information relative to program administration and the suspension of classes by June 12, 2009 (see Attachment B).
- On August 10, 2009, a new director application was submitted by the owner. Approval was denied due to the applicant's failure to meet requirements specified in California Code of Regulations Section 2529 (c) (1) (see Attachment C).

- **On October 20, 2009, a new director (Verancy Poitier) was approved.** The assigned consultant forwarded the Self - Directed New Director Orientation.
- On November 12, 2009, the director forwarded electronic correspondence to the assigned consultant verifying completion of the orientation and evaluation of enrolled students.
- On January 15, 2010, the director forwarded electronic correspondence to the assigned consultant relative to the status of enrolled students. The director stated the students were in “review and will be until the middle of February” (see Attachment D).
- **On March 4, 2010 the director (Verancy Poitier) notified the Board that she was no longer employed by the program, effective February 28, 2010.**
- On March 31, 2010, Board representatives made an unannounced site visit.
- **On April 8, 2010, a new director (Marie Magpantay) was approved.**
- On May 10, 2010, the Board’s representative requested theory and clinical schedules to include specific dates, times, specific content and instructor assigned.
- On May 12, 2010, the Board’s representative received the requested documents.

**Enrollment**

The following table represents current student enrollment based on the initial class start and completion information provided by the program. The table indicates a **maximum enrollment of 29 students** for the period May 19, 2008 through August 10, 2009.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Completed			
05/08		30	29	<b>29</b>
	08/09 (05/08 Class)		- 29	29 – 29 = <b>0</b>

**Licensing Examination Statistics**

Based on information from the owner, the initial class graduated August 10, 2009. To date, no licensure examination data has been reported by Pearson VUE and published by the National Council of State Boards of Nursing.

## **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 six (6), including the program director. Of the total faculty, five (5) are approved to teach in the clinical area.

Based on a maximum enrollment of 29 students, two (2) instructors are needed. Therefore, the number of approved faculty is adequate for the enrolled student population.

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."

Board records substantiate approval of sufficient clinical facilities to afford the number, type, and variety of clients consistent with competency-based objectives and theory included in the instructional plan. This information was verified by the consultant.

## **Other Considerations**

On June 3, 2009, the assigned consultant forwarded correspondence to the approved director, Lovely Israel, relative to initial program accreditation. The director was requested to complete and return the Program Records Survey and required curricular materials by July 15, 2009. Ms. Israel responded per email that she had resigned from the program, effective March 17, 2009.

As noted previously, on June 4, 2009, the assigned consultant forwarded correspondence to Rene' Aguero, owner, per United States certified and regular mail. The correspondence expressed the Board's concerns relative to the following issues:

1. The program's non-compliance with the California Code of Regulations regarding program administration.
2. The currently enrolled students are not receiving instruction necessary to pass the licensure examination and practice safely and competently.

Mr. Aguero was advised that the program's non-compliance may jeopardize the Board's issuance of initial accreditation. The consultant recommended suspension of classes

until a director is hired and approved by the Board. Mr. Aguero was requested to notify the Board by June 12, 2009, relative to his plans for program administration and intentions relative to suspension of classes. The requested information was not received.

On August 10, 2009, the consultant forwarded correspondence denying the program's request for approval of a new director. Based upon submitted information, the program failed to substantiate that the applicant met qualifications specified in California Code of Regulations, section 2529(c) (1).

On October 20, 2009, the consultant forwarded electronic correspondence to the owner specifying the approval of Verancy Poitier as new program director. The owner was requested to provide an email address and telephone number for the new director for dissemination of critical information relative to regulatory requirements for program administration and curricular instruction. Upon receipt, the Board's Self – Directed New Director Orientation, critical documents, and materials were forwarded to the director. On November 12, 2009, the director confirmed completion of the orientation and evaluation of enrolled students.

On January 15, 2010, the director, Ms. Poitier, forwarded electronic correspondence to the assigned consultant relative to the status of enrolled students. The director stated the students were in "review and will be until the middle of February"

On March 4, 2010, Ms. Poitier notified the assigned consultant that "I am no longer employed as program director at CIT nursing college", effective February 28, 2010 (see Attachment E). Subsequently, the director reported orally that she had been hired to administer the program only 50 percent of the time. Additionally, she reported classes continued; however, her access to student records, including grades, evaluations, communication with the instructors and other critical program documents was denied by the owner. This information was confirmed in Ms. Poitier's electronic correspondence dated April 28, 2010 (see Attachment F).

### **Visit Findings**

As noted previously, an unannounced visit was conducted to the program on March 31, 2010. Upon arrival, Mr. Aguero, the owner was not on site. Board representatives contacted the owner by telephone. When asked if any vocational nursing students were currently in the program, Mr. Aguero answered "no". The representative also asked if he had suspended classes when the Board suggested he do so in its June 4, 2009 letter. Mr. Aguero responded that he had not suspended classes.

Board representatives informed the owner of serious concerns relative to the continuation of the program without active administration by an approved director and the quality of academic instruction. The consultant requested to see program administration documents, videos and/or DVD's, the library and other required program

resources. The secretary informed Board representatives that the requested materials were locked in Mr. Aguero's office and inaccessible.

Based on information provided and findings observed during the visit, the following violations were identified.

**Section 2526 (a) (7) of the Vocational Nursing Rules and Regulations states,**

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

...

**(7) Instructional plan**

**Violation #1:** The program failed to present instruction consistent with the approved instructional plan. On March 31, 2010, the owner informed Board representatives that the enrolled class graduated in August 2009. According to the approved instructional plan, the curriculum consists of 60 weeks of theory and clinical instruction. Week 60 of the approved instructional plan specifies that all theory hours (10) and clinical hours (16) were allocated to NCLEX review.

Correspondence from the program director, Ms. Poitier, confirmed students' were receiving academic instruction (review) on November 12, 2009, January 15, 2010, and would be completed in February 2010.

**Correction #1:** This violation has **not** been **corrected**.

**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 #2:** The program did not notify the Board within ten (10) days of the termination of a faculty member as required by existing regulations. On June 3, 2009, the program director of record, Ms. Israel, informed the Board that she had resigned, effective March 17, 2009. Between March 17, 2009 and June 3, 2009, the program failed to notify the Board of the resignation of the director. A new director, Ms. Poitier, was approved October 20, 2009. On March 4, 2010 the new director notified the Board that she was no longer employed by the school, effective February 28, 2010. The program again failed to submit the required notification.

**Correction #2:** This violation has **not** been **corrected**.

**Section 2529 (b) of the Vocational Nursing Rules and Regulations states,**

**“Each vocational program shall have one faculty member, designated as director who meets the requirements of subsection (c) (1) herein, who shall actively administer the program.”**

**Violation #3:** As noted previously, the program was without a director from March 17, 2009 through October 19, 2009. On June 3, 2009, the director of record, Lovely Israel, notified the Board she had resigned effective March 17, 2009. A new director, Ms. Poitier, was approved October 20, 2009. On March 31<sup>st</sup>, the owner, Rene’ Agüero, confirmed to Board representatives that classes continued from March 17, 2009 through October 19, 2009. As such, minimally seven (7) months of instruction were provided without the program administration required by existing regulations.

**Correction #3:** This violation has **not** been **corrected**.

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

**“The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory, and equipment to achieve the program’s objectives.”**

**Violation #4:** A tour of the school classroom and skills and computer laboratories revealed minimal supplies. Additionally, the classroom and skills laboratory were unclean. Linen and materials were soiled and stacked haphazardly in the cupboard. A small computer lab was observed that had a maximum capacity of 5 students. Some of the computers were broken and inoperable.

The skills laboratory was dimly lit and in disarray. The laboratory contained two beds, one of which appeared to be in pieces. Supplies and materials were not observed that would allow vocational nursing students to demonstrate competence and proficiency in the performance of basic, intermediate, and advanced nursing skills.

**Correction #4:** This violation has **not** been **corrected**.

**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...”**

**Violation #5:** Board records substantiate approval of sufficient clinical sites consistent with statutory and regulatory requirements. As specified in Attachment G, the following facilities were approved:

1. Consultorio Medico Latino Clinic:
2. Monterey Park Hospital:
3. Golden State Colonial Convalescent:
4. San Fernando Hospital.

Consultorio Medico Latino Clinic offered clinical experience in Obstetrical and Pediatric Nursing. Monterey Park Hospital offered Obstetrical Nursing only (see Attachment G).

The approved instructional plan specifies that each student was to receive 40 hours of clinical instruction in Obstetrical Nursing and 40 hours in Pediatric Nursing, a combined total of 80 hours. The clinical rotation schedule provided by the new director, Marie Magpantay, specifies that the students were assigned to Consultorio Medico Latino Clinic for 5 days from 8:00 A.M. to 4:00 P.M. Allowing 1 hour for lunch each day, the maximum instruction that could have been provided for Obstetrical and Pediatric Nursing, was seven (7) hours per day. Therefore for five (5) days, the maximum instruction students could have received in Obstetrical and Pediatric Nursing was 35 hours. Monterey Park Hospital was not used.

In summary, as presented on the program’s clinical rotation calendar, students received 35 hours of Obstetrical and Pediatric Nursing clinical instruction **combined**. As such, students received 45 hours less than the number of hours required in the approved curriculum.

Although not cited as a violation, it is noted that the Board approved instructional plan contained an error that would have to be corrected should the program continue.

**Correction #5:** This violation has **not** been **corrected**.

**Recommendation:**

Accreditation be denied and the Computer Institute of Technology, North Hollywood, Vocational Nursing Program be removed from the Board’s list of approved programs.

**Rationale:** The program is not in compliance with Article 5 of the Vocational Nursing Rules and Regulations or section 2882 of the Business and Professions

Code. Further, the school owner has not shown a good faith effort to optimize the learning experience for the students enrolled in the initial class. He failed to provide adequate space or resources for the students. His efforts to recruit and retain a program director to actively administer the program appeared to be minimal. He failed to communicate with the Board regarding his efforts in this regard

Given this information, it does not appear that the owner intended to follow the Board's laws and regulations when allowing the director position to be vacant for eight of the 15 months the program was in session. This lack of oversight has severely jeopardized the students' education and eligibility for the licensure examination. His actions in advertising the existence of a vocational nursing program before the Board approved the proposal were deceptive. This prompts the questioning of his overall intentions and willingness to comply with the rules and regulations in managing the program.

If the Board adopts the recommendations, the following options are available for these students.

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

Attachment A: Board's correspondence dated April 12, 2007

Attachment B: Board's correspondence dated June 4, 2009.

Attachment C: Board electronic correspondence dated August 10, 2009.

Attachment D: Program electronic correspondence dated 1/15/10.

Attachment E: Program electronic correspondence dated 3/4/10.

Attachment F: Program electronic correspondence dated 4/28/10.

Attachment G: Summary of Program's Approved Clinical Facilities.