

# Agenda Item #11.A.



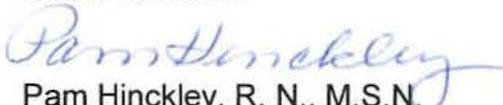
STATE AND CONSUMER SERVICES AGENCY • GOVERNOR BERNARD O. BROWN, JR.

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



DATE: August 25, 2011

TO: Board Members

FROM:   
Pam Hinckley, R. N., M.S.N.  
Nursing Education Consultant

SUBJECT: Advanced Pro Nursing Institute Vocational Nursing Program – Consideration of Placement on Provisional Accreditation; Consideration of Request to Admit Students (Director: Linda Pousson, Hayward, Alameda County, Private)

Advanced Pro Nursing Institute Vocational Nursing Program is presented to the Board for consideration of placement on provisional accreditation.

In accordance with Section 2526.1(c) of the Vocational Nursing Rules and Regulations,

“The Board may place any program on provisional accreditation when a program does not meet all requirements as set forth in this chapter and in Section 2526...”

Section 2530(l) of the Vocational Nursing Rules and Regulations states:

“The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period..”

The following table shows the variance of the program's pass rates from the state average annual pass rates of first time graduates of accredited vocational nursing programs for the past fifteen (15) quarters. This data substantiates the program's noncompliance with Section 2530(l) of the Vocational Nursing Rules and Regulations.

NCLEX-PN® Licensure Examination Pass Rates			
Quarter	State Annual Average Pass Rate	Program Annual Average Pass Rate	Variance from State Annual Average Pass Rate
Oct – Dec 2007	76%	63%	-13
Jan – Mar 2008	75%	44%	-31
Apr – Jun 2008	74%	42%	-32
Jul – Sep 2008	74%	38%	-36
Oct – Dec 2008	73%	20%	-53
Jan – Mar 2009	72%	36%	-36
Apr – Jun 2009	70%	59%	-11
Jul – Sep 2009	72%	64%	-8
Oct – Dec 2009	73%	62%	-11
Jan – Mar 2010	74%	61%	-13
Apr – Jun 2010	75%	58%	-17
Jul – Sep 2010	75%	56%	-19
Oct – Dec 2010	76%	59%	-17
Jan – Mar 2011	77%	54%	-23
Apr – Jun 2011	76%	60%	-16

Advanced Pro Institute Vocational Nursing Program requests approval to admit a class of 30 full-time students on November 9, 2011, and graduate on March 9, 2013, to **replace** students scheduled to graduate October 31, 2011.

### History of Prior Board Actions

- On January 11, 2006, the Executive Officer approved Advanced Pro Nursing Institute’s request to begin a vocational nursing program with an initial class of 30 students on February 6, 2006 only, and approved the program curriculum for 1719 hours, including 713 theory and 1006 clinical hours.
- On April 12, 2007, the Executive Officer approved initial full accreditation for the Advanced Pro Nursing Institute Vocational Nursing Program for the period April 12, 2007, through April 11, 2011, and issued a certificate accordingly. Additionally, the Board approved the program’s request to admit a full-time class of 30 students on August 6, 2007 only, to **replace** students graduating on June 30, 2007.
- On April 10, 2008, the Executive Officer approved the program’s request to admit 30 students on April 22, 2008 only, with a projected graduation of July 25, 2009.
- On November 13, 2008, the program was notified that the pass rates for Advanced Pro Nursing Institute Vocational Nursing Program had fallen below 10 percentage points of the state average pass rate for four (4) consecutive quarters.
- On February 24, 2009, the program was notified of two (2) violations of the California Rules and Regulations.

The consultant discussed the performance of program graduates on the NCLEX/PN® with the director. The director was requested to complete an analysis of all program elements impacting student achievement. A written report summarizing that analysis and a comprehensive plan to address the program's low performance statistics on the NCLEX/PN was to be submitted by March 31, 2009. The report was to include, but not be limited to, critical information relative to the following program elements.

- a. Admission Criteria.
- b. Screening and Selection Criteria.
- c. Evaluation Methodology for Determining Student Progress.
- d. Identification of Students with Deficits in Theory and Clinical Performance.
- e. Adequacy of Instructional Methods, Materials, and Resources.
- f. Curriculum Performance.
- g. Faculty Evaluations.
- h. Clinical Facilities.

- On February 27, 2009, the Executive Officer approved the program's admission of a class of 30 students on March 2, 2009, only, with a projected graduation date of June 13, 2010, to **replace** students that graduated in November 2008.
- On March 30, 2009, the program director submitted a written report, as requested. Information submitted per element follows:

- a. **Admission Criteria:** The program increased the required pass rate on the TEAS entrance examination from 50% to 60%.
- b. **Screening and Selection Criteria:** As noted in #1, above.
- c. **Evaluation Methodology for Determining Student Progress:** The program began using the ATI Comprehensive Assessment and Review Program, including use of practice tests and the Proctored Comprehensive Predictor Assessment tool that predicts a student's readiness for the NCLEX-PN® licensing examination.
- d. **Identification of Students with Deficits in Theory and Clinical Performance:** Not addressed in director's response.
- e. **Adequacy of Instructional Methods, Materials, and Resources:** Not addressed in director's response.
- f. **Curriculum Performance:** Not addressed in director's response.
- g. **Faculty Evaluations:** Not addressed in director's response.
- h. **Clinical Facilities:** Not addressed in director's response.

- On April 21, 2009, the Board notified the program that the pass rates for the Advanced Pro Nursing Institute Vocational Nursing Program had fallen below 10 percentage points of the state average pass rate for six (6) consecutive quarters. The consultant requested submission of an analysis of the effects of the program improvement plan.

The director replied that the program has strengthened its admissions, screening and selection criteria. The program required human anatomy and physiology, general psychology, and pharmacology prior to admission. A 60% score is required on the ATI Admission Test, and CNA certification is preferred but not required.

The director did not address the adequacy of the instructional methods, how the program deals with student deficiencies, curriculum analysis, or faculty and facility evaluations.

- On June 30, 2009, the Board representative asked the director to completely answer the questions requested on February 24, 2009. As noted above, the director's response **did not** address how the program is actively dealing with the following issues:
  - a. Identification of Students with Deficits in Theory and Clinical Performance.
  - b. Adequacy of Instructional Methods, Materials, and Resources.
  - c. Curriculum Performance.
  - d. Faculty Evaluations.
  - e. Clinical Facilities.
- On August 19, 2009, the Board notified the director that the pass rates for the Advanced Pro Nursing Institute Vocational Nursing Program had fallen below ten (10) percentage points of the state average pass rate for seven (7) consecutive quarters. The consultant requested submission of an analysis of the effects of the program improvement plan.
- On August 31, 2009, the director submitted the requested information. As reported, the program: (a) strengthened its admissions, and screening and selection criteria; (b) revised the criteria by which facility clinical experiences are evaluated; (c) plans to review and revise the curriculum in September 2009; (d) addressed student behavior and attitude issues; (e) established more consistent remediation processes; and, (f) strengthened the clinical skills assessment criteria. If implemented, these actions may help to improve the program's pass rates
- On September 3, 2009, the Executive Officer approved the program's request to admit a class of 30 students on September 21, 2009, only, with a projected graduation date of November 30, 2010, to **replace** students that graduated in July 2009.
- On December 4, 2010, the Board notified the director that pass rates for Advanced Pro Nursing Institute Vocational Nursing Program had fallen more than ten (10) percentage points below the state average annual pass rate for four (4) quarters. The assigned consultant requested the program's plan to increase their pass rates by December 17, 2010.
- On December 16, 2010, the Board received the program's response.
- On May 3, 2011, the director was notified of the program's noncompliance with regulatory requirements related to the failure to notify the Board of termination of faculty. The director was required to submit a plan of correction by May 13, 2011.
- On May 13, 2011, the Board received the program's plan of correction relative to the noncompliance cited on May 3, 2011.

- On May 16, 2011, the Board notified the director that program pass rates had fallen more than ten (10) percentage points below state average annual pass rates for five (5) quarters. The assigned consultant requested the program's plan to increase their pass rates by June 3, 2011.
- On June 30, 2011, the director was notified of three (3) violations and required to submit a plan to prevent future reoccurrences by July 8, 2011. The following violations were cited:
  - a. Admission of two (2) unapproved classes; and,
  - b. Utilization of unapproved curriculum; and,
  - c. Deficiency of curricular hours
- On July 20, 2011, the plan to prevent reoccurrence of the violations cited on June 30, 2011, was received.
- On August 5, 2011, the assigned consultant forwarded correspondence requesting the program to submit fifteen (15) copies of pertinent documents relative to the programs actions taken to correct identified problems that they desire Board members to consider.
- On August 17, 2011, fifteen (15) copies received of the program's plan to improve licensure pass rates.

**Enrollment**

The program offers full - time day and full - time evening classes that are 72 weeks in length. Prior Board approval is required for the admission of classes into each class. The pattern of admissions for the proposed class is seen in the enrollment table below.

The following table represents **current and proposed** student enrollment based on class starts and completions. The table indicates **a maximum enrollment of 44 students** for the period **July 2010 through November 2011**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Completed			
7/10 <b>(Unapproved AM)</b>		17	19	<b>19</b>
1//11 <b>(Unapproved PM)</b>		15	14	19 + 14 = <b>33</b>
	10/11 (7/10 Class)		-19	33 - 19 = <b>14</b>
11/11 <b>(Proposed PM)</b>		30		14 + 30 = <b>44</b>

## Licensing Examination Statistics

The following statistics, furnished by the Pearson Vue and published by the National Council of State Boards of Nursing as “Jurisdictional Summary of All First-Time Candidates Educated in Member Board Jurisdiction,” for the period October 2007 through June 2011, specify the pass percentage rate for graduates of the Advanced Pro Nursing Institute, Vocational Nursing Program on the National Council Licensure Examination for Practical (Vocational) Nurses (NCLEX-PN®).

NCLEX-PN® Licensure Examination Data						
Quarterly Statistics					Annual Statistics*	
Quarter	# Candidates	# Passed	% Passed	State Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate
Oct - Dec 2007	8	5	63%	76%	63%	76%
Jan - Mar 2008	8	2	25%	75%	44%	75%
Apr - Jun 2008	3	1	33%	70%	42%	74%
Jul - Sep 2008	2	0	0%	74%	38%	74%
Oct - Dec 2008	2	0	0%	73%	20%	73%
Jan - Mar 2009	4	3	75%	70%	36%	72%
Apr - June 2009	9	7	78%	71%	59%	70%
Jul - Sep 2009	7	4	57%	74%	64%	72%
Oct - Dec 2009	22	12	55%	76%	62%	73%
Jan - Mar 2010	11	7	64%	76%	61%	74%
Apr - Jun 2010	No Candidates Tested			74%	58%	75%
Jul - Sep 2010	1	0	0%	76%	56%	75%
Oct - Dec 2010	10	6	60%	77%	59%	76%
Jan - Mar 2011	2	1	50%	80%	54%	77%
Apr- Jun 2011	7	5	71%	71%	60%	76%

\*The Annual Pass Rate changes every quarter. It is calculated by dividing the number of candidates who passed during the current and previous three-quarters by the number of candidates who tested during the same period. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on the most current data available (April to June 2011), the program’s average annual pass rate is 60%. The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time is 76%. The average annual pass rate for the Advanced Pro Nursing Institute, Vocational Nursing Program is **16** percentage points **below** the state average annual pass rate.

## Faculty and Facilities

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

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

The total number of Board - approved faculty is eight (8), including the program director. The director has 100% administrative duties. Of the total faculty, six (6) are approved to teach in the clinical area.

Based on a maximum enrollment of 44 students, three (3) instructors are required. Therefore, the number of current faculty is adequate for the current and proposed enrollment.

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

"Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught."

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

## Other Considerations

The program's average annual pass rates have been more than ten (10) percentage points **below** the state average annual pass rate for fourteen (14) out of the previous fifteen (15) quarters. For the period (July – September 2009), the program's average annual pass rate was eight (8) percentage points below the state average annual pass rate. For the remaining fourteen quarters, the program's average annual pass rate ranged from 11 to 53 percentage points **below** the state average annual pass rate.

From October 2007 through June 2011, 96 program graduates have taken the licensure examination. Of those tested, 53 passed and 43 failed. As such, 55.2% passed and 44.8% failed the licensure examination.

On February 28, 2011, the director submitted a plan to improve the program's average annual pass rates. On June 1, 2011, the program submitted an evaluation of the plan they initiated previously. The ATI entrance exam criteria being utilized by the program is currently at 60%. The director states that the community colleges utilizing the same entrance test require 62%, so she feels confident that this criterion is appropriate for her current population of students. Additionally, the program has set the comprehensive

predictor score at 91% or higher. Students who do not make the required 91% will be required to attend a review class and retake the exams (see Attachment A).

Based on the previous program performance statistics and submitted documents and materials, the following violation(s) are identified.

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

**“The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school’s request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:**

- (1) Sufficient program resources as specified in Section 2530 (a).**
- (2) Adequacy of clinical experience as specified in section 2534.**
- (3) Licensure examination pass rates as specified in Section 2530 (l).**

**Violation #1:** Board records and submitted enrollment data confirms the program’s admission of two (2) classes without prior Board approval.

**Correction #1:** This violation has been **corrected**. The program was issued a Notice of Violation on June 30, 2011. The director was requested to submit a detailed explanation of the violation and a plan to prevent reoccurrences by **Friday, July 15, 2011**. The Board received the program’s explanation and plan to prevent future reoccurrences on **July 20, 2011**.

**Section 2530(l) of the Vocational Nursing Rules and Regulations states:**

**“The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period.”**

**Violation #2:** As noted previously, the program’s average annual pass rate has been more than ten (10) percentage points below the state average annual pass rate for fourteen (14) of the previous (15) quarters. Further, the program’s average annual pass rate has been more than ten (10) percentage points below the state average annual pass rate for the previous seven (7) consecutive quarters.

**Plan of Correction #2:** This violation is **not corrected**. The violation will be corrected when the program’s pass rates improve consistent with regulatory requirements.

**Section 2533 (f) of the Vocational Nursing Rules and Regulations states:**

**“All curricular changes that significantly alter the program philosophy, conceptual framework, content, objectives, or other written documentation as required in Section 2526, shall be approved by the Board prior to implementation...”**

**Violation #3:** When submitting information requested in support of the program’s request, the director reported hours of instruction that were inconsistent with those specified in Board records.

On January 11, 2006, the Board approved Advanced Pro Nursing Institute Vocational Nursing Program’s curriculum for 1719 hours, including 713 theory and 1006 clinical.

On March 14, 2008, the NEC of record approved the program’s request to modify the curriculum sequence and program hours to **617 theory hours and 954 clinical hours for a total 1571 total hours for full – time day and evening classes**. No other Board actions have occurred since March 14, 2008 related to changes in program hours.

Based on submitted documents and information, the program implemented a major revision of its curriculum **without prior approval** of the Board.

**Plan of Correction #3:** This violation is **not corrected**. On June 30, 2011, the Board forwarded a Notice of Violation to the program per certified and regular mail. A copy of that notice is attached. (See Attachment B) On July 20, 2011, the Board received the program’s plan to prevent reoccurrences of the violation. To date, a revised instructional plan has not been submitted, as required.

**Section 2532 (b) of the Vocational Nursing Rules and Regulations states:**

**“The minimum hours required shall be as follows: Theory Hours - 576, which shall include a minimum of 54 hours in pharmacology; Clinical Hours - 954.”**

**Violation #4:** Information submitted by the director substantiates that the program’s hours of instruction are inconsistent with regulatory requirements. As reported, the program offers **1571 hours of instruction (617 theory hours; 954 clinical hours) for full – time day classes** and **1529 hours of instruction (571 theory hours; 958 clinical hours) for full – time evening classes**. As such, the instruction provided by the program for the evening class is deficient in theory hours.

**Plan of Correction #4:** This violation is **not corrected**. This violation will be corrected when the program submits and receives Board approval for the new instructional plan **or** provides instruction consistent with the current Board - approved instructional plan.

On August 5, 2011, the assigned consultant forwarded correspondence requesting the program to submit fifteen (15) copies of pertinent documents and subsequent actions taken to correct identified problems that they desire Board members to consider.

On August 17, 2011, the Board received correspondence from the director and fifteen (15) copies of documents for Board member dissemination (see attachment C). Included in those documents, the director indicates she wants to adjust the program into four (4) 16 - week segments. "At the same time adding flexible time for additional remediation, testing, and/or make-up of clinical or theory." The plan also states the program will take the following additional steps.

- a. Enforce the attendance policy.
- b. Require that all objectives and hours missed be completed as a condition of graduation.
- c. Consider **"...looking outside the country..." for clinical experiences**. The program identified there are limited clinical experiences for students in their area.

Based on submitted information, the director's planned revision would increase the length of the program from 61 weeks to 64 weeks. It is noted that the program has Board – approved clinical rotations sufficient for the enrolled and projected student populations. **It is further noted that the program's planned utilization of clinical experiences "outside of the country" is inconsistent with regulatory requirements.**

In summary, the program has chosen not to follow the California Code of Regulations by admitting unapproved classes and modifying and implementing an unapproved curriculum. The program offers a course of instruction that is less than the minimum hours required by existing regulations. Further, the program's average annual pass rates have been 11 to 53 percentage points below the state average annual pass rates for fourteen of fifteen quarters from October 2007 through June 2011.

**Recommendations:**

1. Place Advanced Pro Nursing Institute, Vocational Nursing Program on provisional accreditation for the two-year period from September 9, 2011, through September 30, 2013, 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 D).
2. Require the program to submit a revised instructional plan and objectives consistent with California Code of Regulations Section 2532 (b) and Section 2533 by October 14, 2011.

3. Deny the program's request to admit 30 full-time students on November 9, 2011, graduating March 9, 2013, to **replace** a class that will graduate October 31, 2011.
4. Approve the program's admission of a class of 20 students commencing on November 9, 2011 only, graduating on March 9, 2013, to **replace** students graduating on October 31, 2011.
5. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate by September 30, 2013.
6. Require the program to submit follow-up reports in 9 months, but no later than **June 1, 2012**, and 21 months, but no later than **June 1, 2013**. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
  - a. Admission Criteria.
  - b. Screening and Selection Criteria.
  - c. Terminal Objectives.
  - d. Curriculum Objectives.
  - e. Instructional Plan.
  - f. Theory and Clinical Objectives for Each Course.
  - g. Lesson Plans for Each Course.
  - h. Textbooks.
  - i. Attendance Policy.
  - j. Remediation Policy.
  - k. Evaluations of Theory and Clinical Faculty.
  - l. Evaluations of Theory Presentations.
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - n. Evaluation of Student Achievement.
  - o. Current Enrollment.
7. Require the program to admit no additional students unless approved by the full Board.
8. 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 2526.
9. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
10. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

11. Place the program on the **September 2013** Board agenda for reconsideration of provisional accreditation.

**Rationale:** The Board has serious concerns relative to the program's consistent noncompliance with regulatory requirements. The program has had only one (1) quarter out of 15 in which its average annual pass rate was within ten (10) percentage points of the state average annual pass rate on the NCLEX/PN<sup>®</sup>. From October 2007 – March 2011, the program's average annual pass rate has ranged from 11 to 53 percentage points **below** the state average annual pass rate.

Reported program performance statistics substantiate that of the 96 graduates that have taken the licensure examination, **53 (55.2%) passed; 43 (44.8% program candidates) failed.** Such performance statistics support the recommendation to place the program on provisional accreditation.

The program's admission of two (2) unapproved classes is also of great concern. Of equal concern is the program's implementation of a major curriculum revision without prior Board approval. The curriculum implemented offers a course of instruction that is **less** than the required minimum hours of instruction specified in existing regulations.

The program has demonstrated that it has sufficient resources to support the current and proposed enrollment. However, the program's performance statistics do not support approval of the requested admission of 30 students. Denial of the proposed number of students and the admission of a smaller class will allow the program time to fully evaluate the effectiveness of reported interventions to enhance student achievement, identify and implement necessary modifications, and monitor their effectiveness. Board staff will continue to monitor the program by tracking its licensure examination pass rate quarterly.

Attachment A: Program correspondence dated February 28, 2011.

Attachment B: Board correspondence dated June 30, 2011.

Attachment C: Program correspondence dated August 12, 2011; Received August 17, 2011.

Attachment D: Draft Notice of Change in Accreditation Status.