

Agenda Item #11.C.



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDWIN D. BROWN, JR.

BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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DATE: August 25, 2011

TO: Board Members

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

SUBJECT: Healthcare College of California Vocational Nursing Program –
Consideration of Placement on Provisional Accreditation; Consideration of
Request to Admit Students (Director: Milva Quial, Stockton, San Joaquin County,
Private)

Healthcare College of California 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 fourteen (14) 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
Jan – Mar 2008	75%	50%	-25
Apr – Jun 2008	74%	27%	-47
Jul – Sep 2008	74%	30%	-44
Oct – Dec 2008	73%	30%	-43
Jan – Mar 2009	72%	46%	-26
Apr – Jun 2009	70%	68%	-2
Jul – Sep 2009	72%	65%	-7
Oct – Dec 2009	73%	58%	-15
Jan – Mar 2010	74%	48%	-26
Apr – Jun 2010	75%	41%	-34
Jul – Sep 2010	75%	42%	-33
Oct – Dec 2010	76%	49%	-27
Jan – Mar 2011	77%	55%	-22
Apr – Jun 2011	76%	56%	-20

Healthcare College of California Vocational Nursing Program requests approval to admit a class of 20 full - time students on September 19, 2011, graduating on July 13, 2012, to **replace** a class that graduated December 27, 2010.

History of Prior Board Actions

- On January 9, 2007, the Executive Officer approved the Nursing Care Provider School, Stockton's request to begin a vocational nursing program on January 15, 2007, only, with a projected graduation date of December 20, 2007, with an initial class of 40 students; **and** approved the program curriculum for 1626 hours, including 667 theory, and 959 clinical hours.
- On June 22, 2007, the Executive Officer approved the program's request to change the program name, from Nursing Care Provider School, Stockton, to Healthcare College of California Vocational Nursing Program.
- On November 7, 2007, the Executive Officer approved initial full accreditation for the Healthcare College of California Vocational Nursing Program for the period from November 7, 2007, through November 6, 2011, and issued a certificate accordingly.

The Executive Officer also approved the program's request to admit a full - time class of 40 students to start January 14, 2008, only, with a projected graduation of October 31, 2008. The class will **replace** students graduating on December 28, 2007.

- On February 27, 2008, the Executive Officer approved the program's request to admit 40 students on June 14, 2008, only, with an anticipated graduation date of March 31, 2009.

- On October 8, 2008, the Executive Officer approved the program's request to admit 40 students on November 10, 2008 to **replace** students who graduated October 31, 2008.
- On March 25, 2009, the assigned consultant sent correspondence to the program notifying the director that the program's licensure examination pass rates had fallen below 10 percentage points of the state average pass rate for the past four (4) quarters. The program was asked to provide the Board with a written plan for improving the program's NCLEX-PN® pass rates by April 27, 2009.
- On April 1, 2009, the program was asked to submit detailed documentation verifying implementation of the submitted plan of correction, dates of implementation of the plan, the effectiveness of the employed interventions, and modifications, if any, in the submitted plan, on or before April 30, 2009.

The requested report was to include a comprehensive analysis of the program, specific actions to improve the program pass rates, timeline for implementation, and expected outcomes. The following elements were to 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. List of 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.
- On April 8, 2009, the Executive Officer **denied** the program's request to admit a class of **40** students and **approved** the admission of **20** students on April 22, 2009 only, to **replace** students who graduated on April 18, 2009. Additionally, the program was required to submit a follow – up report by April 30, 2009, that included a comprehensive program analysis, specific actions to improve program pass rates, timeline for implementation, and expected outcomes.
 - On April 20, 2009 the Board received the director's response to the notification. As reported, the program is focusing on stricter implementation of the program's tardiness policy; increasing the frequency of meetings between theory and clinical instructors to coordinate teaching; stricter implementation of the program's remediation policy; improving student counseling resources; enhancement of library resource materials; and the addition of two NCLEX-PN® review classes.
 - On April 30, 2009, the director stated, "Your letter ... appears to assume that the low pass rates could be attributed to a wide range of factors, from admission

policy to theory presentations and clinical rotations. Although there is always room for improvement in all areas of training, we continue to hold on to our original assessment that full time employment is the main culprit behind the school's low pass rate for its first batch of graduates... The results of the first batch of graduates must not be used as a yardstick to measure our present performance as a training school."

- **On May 12, 2009, a new program director was approved.**
- On October 20, 2009, the Executive Officer approved the program's admission of 40 students on October 20, 2009, only, to **replace** the class graduating on September 12, 2009.
- On November 20, 2009, the Executive Officer approved the Healthcare College of California Vocational Nursing Program's request to admit a class of 30 students on April 5, 2010 only, to **replace** a class graduating on March 27, 2010.
- On March 1, 2010, the Executive Officer **denied** the Healthcare College of California Vocational Nursing Program request to admit a class of **40** students on February 22, 2010, to **replace** a class graduating on February 12, 2010; and **approved** the program's admission of a class of **30** students on February 22, 2010 only, to **replace** a class graduating on February 12, 2010.
- On November 16, 2010, the SNEC and assigned consultant requested the following information per telephone, relative to a program request:
 - a. Revised enrollment information for all classes from 2009 – 2011.
 - b. List of currently approved faculty.
 - c. List of currently approved clinical facilities.
 - d. Interventions to improve student achievement.

Following the telephone call, the assigned consultant forwarded electronic correspondence memorializing the above conference call. The director was advised that submission of the requested information and documents was required by December 15, 2010.

- On December 4, 2010, the program was notified that its average annual pass rate had fallen more than ten (10) percentage points below the state average annual pass rate for the past four (4) quarters. The program was requested to submit a written plan for improving their NCLEX-PN[®] pass rates by December 17, 2010.
- On December 16, 2010, the Board received program documents related to its written plan to increase NCLEX-PN[®] pass rates. **The enrollment information, list of approved faculty, and clinical facilities were not submitted as requested on November 16, 2010.**
- **On December 21, 2010, the assigned consultant forwarded electronic correspondence advising that the requested information had not been submitted**

as agreed. The director was advised that action on the program's request for approval to admit a new class would be delayed pending receipt of the requested documents.

- On December 22, 2010, the Board received documents relative to enrollment, faculty and facilities.
- **On January 4, 2011, the assigned consultant issued the program a Notice of Violation for noncompliance with California Code of Regulations Section 2530 (k), due to the program's admission of a class without prior Board approval.**
- On January 13, 2011, the Board received documents presenting the program's plan to prevent future admissions of unapproved classes.
- On January 26, 2011, the Executive Officer **denied** the Healthcare College of California Vocational Nursing Program's request to admit full – time class of **30** students on February 22, 2011, graduating December 30, 2011 to **replace** a class that graduated on August 14, 2010; and, **approved** the program's admission of a full-time class of **20** students on February 22, 2011, graduating December 30, 2011 to **replace** a class that graduated on August 14, 2010. Additionally, the program was required to continue obtaining Board approval prior to the admission of each class.
- On May 16, 2011, the program was notified that its average annual pass rates had fallen more than ten (10) percentage points below the state average annual pass rate for the past six (6) quarters. The program was requested to submit a written evaluation of the plan for improving their NCLEX-PN[®] pass rates by June 3, 2011.
- On June 15, 2011, the program director advised the Board that admission of the February 22, 2011 class had been delayed to March 1, 2011.
- **On June 21, 2011, the assigned consultant contacted the school relative to the program's failure to submit an evaluation of the plan to improve licensure pass rates that was due June 3, 2011.**
- On June 27, 2011, the Board received documents related to the effectiveness of the plan to improve licensure pass rates.
- **On July 19, 2011, the Executive Officer deferred action on the program's request to admit 20 full – time students, for consideration by the Board at the September 9, 2011 meeting. This decision was based on the following critical factors:**
 - a. **The program's extensive history of poor student achievement;**
 - b. **Noncompliance with regulatory requirements regarding performance pass rate statistics;**
 - c. **Noncompliance with regulatory requirements relative to the admission of students; and**
 - d. **Repeated lack of compliance with prior requests for information.**

The assigned consultant forwarded correspondence to the director advising of the Executive Officer's decisions.

- On July 20, 2011, the Board received electronic correspondence from the program director, dated July 19, 2011 regarding the Executive Officer's decision. Based on submitted information, the director was requested to provide information relative to the program's planned utilization of DnD Educator programs.
- On July 20, 2011, the program was notified that its average annual pass rates had fallen more than ten (10) percentage points below the state average annual pass rate for the past seven (7) quarters. The program was requested to submit a written evaluation of the plan for improving their NCLEX-PN[®] pass rates by August 1, 2011.
- On July 26, 2011, the assigned consultant forwarded correspondence to the director regarding the program's failure to submit requested information regarding its utilization of DnD Educator programs. Submission of the requested information was requested by Friday, July 29, 2011.
- On July 28, 2011, the Board received electronic correspondence from the director regarding the utilization of DnD Educator programs as a part of its plan to improve its pass rates on the NCLEX-PN[®]
- On August 5, 2011, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents from the December 16, 2010, plan and subsequent actions taken to correct identified problems that they desire Board members to consider (see Attachment A).

Enrollment

Currently, the program is approved to offer a full – time course of instruction that is 42 weeks in length. The program requires prior Board approval for the admission of each class. The pattern of admissions for current classes 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 48 students** for the period **April 2009 through December 2011**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
4/09		24 (EO approved 20)	23	23
10/09		25	25	23 + 25 = 48
	2/10 (4/09 Class)		-23	48 - 23 = 25
3/10		28	22	25 + 22 = 47
	8/10 (10/09 Class)		-25	47 - 25 = 22
	12/10 (3/10 Class)		-22	22 - 22 = 0
3/11		16	14	0 + 14 = 14
11/11 (Proposed)		20		14 + 20 = 34
	12/11 (3/11 Class)		-14	34 - 14 = 20

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 January 2008 through June 2011, specify the pass percentage rate for graduates of the Healthcare Career College of California 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 Average Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate
Jan - Mar 2008	2	1	50%	75%	50%	75%
Apr - Jun 2008	24	6	25%	70%	27%	74%
July - Sep 2008	1	1	100%	74%	30%	74%
Oct - Dec 2008	No Candidates Tested			73%	30%	73%
Jan - Mar 2009	21	14	67%	70%	46%	72%
Apr - June 2009	6	4	67%	71%	68%	70%
July - Sep 2009	10	6	60%	74%	65%	72%
Oct - Dec 2009	18	8	44%	76%	58%	73%
Jan - Mar 2010	12	4	33%	76%	48%	74%
Apr - Jun 2010	9	2	22%	75%	41%	75%
Jul - Sep 2010	14	8	57%	76%	42%	75%
Oct - Dec 2010	14	10	71%	77%	49%	76%
Jan - Mar 2011	18	10	56%	80%	55%	77%
Apr-Jun 2011	13	5	39%	71%	56%	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 56%. 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 Healthcare Career College Vocational Nursing Program is **20** 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 program's Board-approved faculty totals eleven (11), including the director. The director has 80% administrative and 20% teaching responsibilities. Eleven (11) instructors are approved to teach clinical.

Based on a maximum enrollment of 48 students, four (4) instructors are needed. Therefore, the number of current faculty is adequate for the current and proposed enrollment.

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

“Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas

specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught.”

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

Other Considerations

To date, the program has had 162 candidates take the licensure exam. Seventy-nine (79) candidates have passed and 83 have failed. As such, 48.7% passed and 51.3% failed the licensure examination.

Of the 14 quarters that the program has had candidates take the licensure exam, the program has only had two (2) reported average annual pass rates that were within ten (10) percentage points of the state average annual pass rate. Currently, the program’s **quarterly** pass rate is **39%** and the average **annual** pass rate is **56%**. As such, the program’s average **annual** pass rate is **20** percentage points **below** the state average annual pass rate.

On May 16, 2011, the program was notified that its average annual pass rate had fallen more than ten (10) percentage points below the state average annual pass rate for six (6) quarters. **The program failed to submit the analysis of their implemented plan by the due date of June 3, 2011. On June 21, 2011, the NEC contacted the director relative to the program’s failure to submit the analysis and related information, as requested. On June 27, 2011, the Board received correspondence from the director documenting the effectiveness of the program’s plan to improve licensure pass rates (see Attachment B).**

The program director reported that the interventions employed in March 2011 remain the same at this time. Two (2) primary areas of concern were identified as “disaster points.” The director reported that the screening and selection processes were compromised. Specifically, leniency in proctoring the entrance exam was identified. Further, the integrity of the exam was found to be compromised. As discussed with the assigned consultant, the director indicated a strong suspicion that applicants had transmitted the contents of the exam to others. The director reported these deficiencies have been corrected. A prior review of the program’s theory and clinical objectives were deemed sufficient, by the director, at this time.

The recent class admitted on March 1, 2011 was subjected to a new exam and stricter monitoring. The director indicates that she is evaluating instructor performance and “faculty are strongly encouraged to attend development seminars at company’s expense.” Additionally, the director has incorporated NCLEX style questions with each system test. The director is hopeful to utilize the services of DnD Educator programs (a company she states provides a review course) to assist in preparing future classes for the NCLEX/PN®.

On July 19, 2011, the Executive Officer deferred action on the program's request to admit 20 full – time students on July 19, 2011, for consideration by the full Board on September 9, 2011. That decision was based on the following critical factors:

- a. The program's extensive history of poor student achievement;
- b. Noncompliance with regulatory requirements regarding performance pass rate statistics;
- c. Noncompliance with regulatory requirements relative to the admission of students; and,
- d. Repeated lack of compliance with prior requests for information.

The assigned consultant forwarded correspondence to the director advising of the Executive Officer's decisions. Additionally, the director was requested to provide information regarding its utilization of DnD Educators. (See Attachment C)

On July 20, 2011, the Board received electronic correspondence, dated July 19, 2011, from the director voicing "disappointment and devastation" with the decision of the Executive Officer. Reconsideration was requested. (See Attachment D)

On July 26, 2011, the assigned consultant forwarded a second request for information relative to the program's utilization of DnD Educators. Submission of the requested information was requested by Friday, July 29, 2011.

On July 28, 2011, the Board received electronic correspondence from the director relative to the program's planned utilization of DnD Educators. Based on submitted information, the director advises that DnD Educators provides an NCLEX review course, pre-tests, post-tests and exit exams for each subject taught. Additionally, the company provides faculty development programs and will be used "as a resource to assist regular instructors throughout the program."

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

Section 2527 (a) of the Vocational Nursing Rules and Regulations states:

"The Board shall require such reports by schools and conduct such investigations as necessary to determine whether or not accreditation will be continued."

Violation #1:

Board records substantiate that the program has failed to comply with requests for information on several occasions. Most recently, on November 16, 2010, the program was requested to submit information by December 15, 2010, relative to complete enrollment data, current faculty and clinical facilities, and interventions employed to improve student achievement.

On December 16, 2010, the director submitted correspondence regarding the program's interventions to improve student

achievement. Enrollment data and a list of current faculty and clinical facilities and their planned utilization were not submitted.

On December 21, 2010, the assigned consultant forwarded correspondence to the director regarding the program's lack of compliance with the prior request. On December 22, 2010, the requested information was submitted.

On May 16, 2011, the Board requested the director submit a written evaluation by June 3, 2011, regarding the program's plan to improve its pass rates. On June 21, 2011, the assigned consultant forwarded correspondence to the director regarding the program's lack of compliance. On June 27, 2011, the requested evaluation was submitted.

Correction #1: This violation has been **corrected**. All information requested through July 1, 2011, has been submitted.

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...”

Violation #2: Board records substantiate the Executive Officer's decision of April 8, 2009, approving the program's admission of **20** students on April 22, 2009 only, to **replace** students who graduated on April 18, 2009.

Based on enrollment data submitted in support of the program's current request, the program admitted **23** students on April 27, 2009. In so doing, the program exceeded the number of students approved for admission by the Executive Officer.

Correction #2: This violation has been **corrected**. On January 13, 2011, the director submitted documentation specifying the program's plan to prevent admission of unapproved classes in the future.

Section 2530(I) 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 #3: The program's average annual pass rate has been more than ten percentage points below the state average annual pass rate for seven (7) consecutive quarters.

Plan of Correction #1: This violation is **not corrected**. The violation will be corrected when the program's pass rates improve and are consistent with regulatory requirements.

Recommendations:

1. Place Healthcare Career College of California 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 non compliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations (see Attachment E).
2. Deny the program's request to admit 20 full-time students on September 19, 2011, graduating July 13, 2012, to **replace** a class that graduated December 30, 2010.
3. Approve the program's admission of 15 full – time students on September 19, 2011, graduating July 13, 2012, to **replace** a class that graduated December 30, 2010.
4. Require the program to admit no additional students unless approved by the full Board.
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 1, 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 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.
8. 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.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
10. Place the program on the **September 2013** Board agenda for reconsideration of provisional accreditation.

Rationale: As previously stated, the program has had 162 candidates take the licensure exam. Seventy-nine (79) candidates have passed and 83 have failed. As such, 48.7% passed and 51.3% failed the licensure examination.

The program's most recent **quarter** pass rate is **39%** and the average **annual** pass rate is **56%**. The program's licensure pass rates have been well below the state average annual pass rates for twelve (12) of the fourteen (14) quarters that licensure data has been recorded for the program. During the twelve (12) quarters of low pass rates, the program's average annual pass rate varied **15 to 47** percentage points **below** the state average annual pass rates. As such, provisional accreditation is warranted.

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 20 students. Approving the admission of a class of 15 students will allow time for the program to fully develop and implement an effective plan to bring up the programs licensure pass rates.

The fourteen (14) currently enrolled students are scheduled to graduate December 30, 2011. This class was admitted utilizing the new policies listed in the program's plan to improve pass rates. Licensure data for these students should be available approximately May of 2012.

Board staff will continue to monitor the program by tracking its licensure examination pass rate quarterly.

- Attachment A: Program correspondence dated August 15, 2011, received August 17, 2011.
- Attachment B: Program correspondence dated May 12, 2011, received June 27, 2011.
- Attachment C: Board correspondence dated July 19, 2011.
- Attachment D: Program correspondence dated July 19, 2011; received July 20, 2011.
- Attachment E: Draft Notice of Change in Accreditation Status.