



Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945
Phone 916-263-7800 Fax 916-263-7855 www.bvnpt.ca.gov



DISCIPLINARY BOARD MEETING MINUTES

November 21, 2013

Sacramento, CALIFORNIA

**BOARD MEMBERS
PRESENT:**

Todd D'Braunstein, P.T. Member, President
Eric Mah, Public Member, Vice President
Vivien Avella, Public Member
Tammy Endozo, L.V.N. Member
Samantha James-Perez, P.T. Member
Jessica Leavitt, Public Member
Andrew Moreno, Public Member
John Vertido, L.V.N. Educator Member

**BOARD MEMBERS
ABSENT:**

Eduardo Angeles, Public Member

STAFF PRESENT:

Teresa Bello-Jones, Executive Officer
Marilyn Kimble, Enforcement Division Chief
Mark Ito, Licensing Program Analyst
Jay Prouty, Enforcement Program Analyst
Laura Friedman, Legal Counsel, Department of Consumer Affairs

The Disciplinary Board Meeting was called to order by President Todd D'Braunstein at 9:05 a.m., November 21, 2013, at the Hilton Sacramento Arden West, 2200 Harvard Street, Sacramento, California.

Karl Engeman, Administrative Law Judge, presided. The State was represented by Deputy Attorney Generals Elena Almanzo and Leslie Burgermyer.

The following petitions were heard by the Board of Vocational Nursing & Psychiatric Technicians (Board). Following the hearings, the Board convened in closed-session. The Board's decisions from closed-session deliberations are included.

1. Kap Sun Je, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the vocational nurse license.

2. Martin Perez, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the psychiatric technician license.

3. Jim Alcantar, PETITION FOR REINSTATEMENT

The Board granted the Petition for Reinstatement of the psychiatric technician license.

4. Luis Avalos, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the vocational nurse license.

5. Shonntae Cross, PETITION FOR REINSTATEMENT

The Board granted the Petition for Reinstatement of the psychiatric technician license.

6. Todd Lisbon, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the vocational nurse license.

7. Heather Zander, Early Termination of Probation

The Board denied the Petition for Early Termination of Probation of the vocational nurse license. But the Board did grant a modification of the probation terms.

ADJOURNMENT

The Disciplinary Board Meeting adjourned at 2:32 p.m. The Board went into closed session at 2:37 p.m. for the purpose of hearing deliberations, pursuant to Government Code section 11126 (c)(3).

Prepared by: _____
Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

Date: _____

Approved by: _____
Todd D’Braunstein, P.T.
President

Date: _____



BOARD MEETING MINUTES

NOVEMBER 22, 2013

SACRAMENTO, CALIFORNIA

BOARD MEMBERS

PRESENT:

Todd D'Braunstein, P.T. Member, President
Eduardo Angeles, Public Member
Vivian Avella, Public Member
Tammy Endozo, L.V.N. Member
Samantha James-Perez, P.T. Member
Jessica Leavitt, Public Member
Andrew Moreno, Public Member
John Vertido, L.V.N. Educator Member

BOARD MEMBERS

ABSENT:

Eric Mah, Public Member, Vice-President

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Cheryl Anderson, M.S.N., R.N., Supervising Nursing Education
Consultant
Pam Hinckley, M.S.N., R.N., Nursing Education Consultant
Suellen Clayworth, M.N., R.N., Nursing Education Consultant
Marilyn Kimble, Enforcement Division Chief
Carol Northrup, Licensing and Administration Services Manager
Mark Ito, Licensing Program Analyst
Jay Prouty, Enforcement Program Analyst
Laura Freedman, Legal Counsel, Department of Consumer Affairs

1. CALL TO ORDER

The meeting was called to order by the President, Todd D'Braunstein, at 9:00 a.m., November 22, 2013, at the Hilton Sacramento Arden West, 2200 Harvard Street, Sacramento, California 95815.

2. PLEDGE OF ALLEGIANCE

John Vertido led those assembled in the Pledge of Allegiance.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

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

4. INTRODUCTION OF APPROVED AND PROPOSED SCHOOLS REPRESENTED AT MEETING BASED UPON VOLUNTARY SIGN-IN LIST

The following programs voluntarily signed in and were recognized by the Board President:

ABC Educators Nursing School	Curam College of Nursing
Advanced Computing Institute	High Desert Medical College
Advanced Medical School of Nursing	Infotech Career College
Angeles College	Intercoast - Fairfield
Annenberg School of Nursing	Kaplan College- Modesto
Bay Area College of Nursing	NCP College of Nursing
California Career Institute	North West College
Casa Loma College – Hawthorne	Santa Barbara Business College
Charles A. Jones LVN School	Stanbridge College
Charter College – Long Beach	Summit College – Anaheim
Clovis Adult and Vocational Education	Summit College – Colton

5. BOARD PRESIDENT’S MESSAGE: MEETING AND PUBLIC COMMENT PROCEDURES

Mr. D’Braunstein read a special notice addressing the Board’s legal mandate and the procedure 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, no action may be taken at this time and the Board may limit the length of time allowed for comment.

6. EXECUTIVE OFFICER’S REPORT

Ms. Bello-Jones provided an update on Board activities relative to:

- Board Member Update
- Education Division
- Licensure Examinations
- Liaison Activities
- Personnel
- BreEZe Update
- National Council of State Boards of Nursing (NCSBN) NCLEX Paperless Program
- Customer Service Surveys

Public Comment: None received.

Board Discussion:

- Vivian Avella requested clarification on the backlog of the 140 applications of schools seeking approval. Ms. Avella asked the Board staff how long it would take to alleviate the backlog if the Education Division was fully staffed. Ms. Bello-Jones responded that an exact time cannot be made until the Board receives and analyzes the numbers from the stakeholder surveys.
- Mr. Vertido asked Board staff what percentage of the applications from the proposed programs are deficient. Cheryl Anderson responded that none of the applications are submitted without deficiencies and it is an intense effort to review 2,000 pages of an application.
- Eduardo Angeles stated that the Board should issue a moratorium on applications for proposed programs. His concern is that the Board will not reduce its backlog if new applications are continually received. Laura Freedman stated that the Board does not

have the authority to reject applications from being submitted, but does have the authority to issue a moratorium on processing the applications.

- Mr. Angeles requested that an agenda item be placed on the February Board Meeting agenda with background, such as statistical data, benchmarks, and expectations.

7. CONSENT CALENDAR

- A. Adoption of September 12-13, 2013 Board Meeting Minutes.
- B. Adoption of October 21, 2013 Board Meeting Minutes.
- C. EO's Report on Decisions for Vocational Nursing (VN) and Psychiatric Technician (PT) Programs.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the Consent Calendar items.

Moved/Seconded: John Vertido/Eduardo Angeles

Support: 8 **Oppose:** 0 **Abstain:** 0

8. PROPOSAL FOR MULTI-STATE LICENSURE COMPACT BY THE CALIFORNIA COALITION FOR MULTI-STATE LICENSURE

Teresa Bello-Jones, EO, presented a report relative to the California Coalition for Multi-State Licensure's desire for California to participate in a multi-state licensure compact for licensed VNs. Under the optional multi-state compact model, a license would be issued by the licensee's home state of residence. The licensee would be authorized to practice in any state in which a compact agreement had been executed without obtaining a license in the second state. The Board considered this issue in the late 1990's and declined to pursue participation due to its impact on California's ability to protect its consumers.

Public Comment:

- Angela Macadangdang, Director of Patient Care Services Advance Home Health, stressed the importance of nurse license portability. She stated that nurses have to travel with patients to other states, particularly hospice nurses. She indicated that the possibility of error increases if the patient's nurse cannot travel to other states.
- Marilyn Edwards, RN Care Manager, stated that she agrees with some of the Board's concerns over the multi-state license compact, but in today's day and age with patients leaving their state of residence, a nurse needs to have a license in every state.

Board Discussion:

- Mr. Vertido stated his concern is that the Board would not be aware of when a licensee from another state enters California to practice as a nurse. Additionally, he voiced concern that the Board would lack jurisdiction if the licensee practices in a negligent, incompetent, or unprofessional manner then leaves California and returns to their state of licensure. The Board would lose the ability to protect California consumers from unsafe and incompetent licensees. Mr. Vertido also mentioned the expense of taking disciplinary action and the differences in the scope of practice.

- Mr. D'Braunstein asked Ms. Macadangdang if her organization is currently working with a legislator. Ms. Macadangdang responded that she is not working with a legislator, but there are associations who support the multi-state licensure compact.
- Mr. Angeles stated prior to obtaining approval to practice, the VN needs to be approved by the licensing entity. He understood that there could be a patient transportation issue, but the proposed solution went well beyond fixing that issue.

9. DISCUSSION OF LICENSE APPLICATION PROCESSING TIME

Mark Ito, Licensing Analyst, presented a report relative to the application processing times for graduates of VN programs. Board records indicate that during fiscal year 2012/13, the average processing time for applications received from graduates of VN approved programs was approximately 9 weeks. Mr. Ito reported that as of October 2013, the Board staff eliminated the backlog of applications received from graduates of approved programs.

Public Comment:

- Sybil Damon, President and CEO of the Association of California Directors of Vocational Nursing Programs, Inc. (ACDVNP), reported that their survey results indicated that the Board's processing time for applications received from graduates of VN approved programs was 14-16 weeks. She acknowledged the reduction in time required for processing program applications for licensure and stated that she is hopeful that the Board can consistently maintain their current processing time.
- Judy Corless, RN, stated that she previously worked as a Board Member for the Board of Registered Nursing. She also stated that programs have had to keep their students on virtual ATI for a substantial amount of time due to the length of time it has taken to process applications from graduates of approved nursing programs. She thanked the NECs for their support and is thrilled that the Board is in the process of filling the vacant NEC positions.
- Jay Murvine, President, Summit Career College, stated that it is taking 60-90 days to get a test date after the Board approves their application. Mr. Ito asked Mr. Murvine if this has been an ongoing issue. Mr. Murvine responded that this issue has been happening for a considerable amount of time and has resulted in a number of programs incurring additional expense to bus graduates to San Diego for testing. Ms. Bello-Jones stated that she will contact the NCSBN regarding this issue.

Board Discussion: None received.

10. PRESENTATION OF THE LEGISLATIVE REPORT

Mark Ito, Licensing Program Analyst, reported on 12 bills currently being tracked.

Public Comment: None received.

Board Discussion: None received.

11.A. UPDATE ON PROPOSED REGULATORY ACTION TO IMPLEMENT SB 539, PERMISSIVE SITE VISITS

Mark Ito, Licensing Program Analyst, presented a report relative to proposed regulatory action to implement SB 539, permissive site visits. Mr. Ito reported that a public hearing was held on August 5, 2013. The Board received no oral or written comments from the public.

Subsequently, on August 19, 2013, the Board published a 15-day notice of proposed changes as advised by the Board's Legal Counsel. The notice specified changes recommended by the DCA Division of Legislative & Policy Review. On October 21, 2013, the Board approved the amended notice, proposed language, and Initial Statement of Reasons. Preparation and submission of the Final Rulemaking File is anticipated to be completed by December 3, 2013.

Public Comment: None received.

Board Discussion: None received

11.B. UPDATE ON PROPOSED REGULATORY ACTION TO IMPLEMENT SB 539, MANDATORY REPORTING REQUIREMENTS

Mark Ito, Licensing Program Analyst, presented a report relative to the proposed regulatory action to implement SB 539, mandatory reporting requirements. Mr. Ito reported that the Office of Administrative Law approved the rulemaking file on September 17, 2013 and the regulations would take effect on January 1, 2014.

Public Comment: None received

Board Discussion: None received.

12. ENFORCEMENT DIVISION REPORT

Marilyn Kimble, Enforcement Division Chief, presented the Enforcement Division Report relative to the following:

- Consumer Protection Enforcement Initiative
- Enforcement Program Measures
- Field Investigation Credentials
- Enforcement Division Updates
- Enforcement Division Statistics

Public Comment: None received.

Board Discussion:

- Ms. Avella requested clarification from Ms. Kimble on why the average cycle time for intake and investigations substantially increased from May to June. Ms. Kimble responded that the average cycle time can be affected when the Board closes enforcement cases that have taken a substantial amount of time to investigate. Ms. Kimble stated that she will do additional analysis on the statistics.

13. EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS

13.A.1. ABC Educators Nursing School Vocational Nursing Program – Reconsideration of Provisional Approval

Suellen Clayworth, Nursing Education Consultant (NEC), presented a report relative to reconsideration of provisional approval for the ABC Educators Nursing School Vocational Nursing Program. On November 10, 2011, the Board placed the program on provisional approval for the two-year period from November 10, 2011 through November 30, 2013 due to program pass rates that were noncompliant with requirements specified in California Code of

Regulations Section 2530 (l). At that time, the program's average annual pass rate was 24%, 52 percentage points below the State average annual pass rate. On November 9, 2012, the Board reconsidered the program's status and continued the program on provisional approval and scheduled the next review for November 2013. At that time, the program's average annual pass rate was 61%, 13 percentage points below the State average annual pass rate. Based on data from the third quarter of 2013, the program's average annual pass rate is 36%, which is 38 percentage points below the State average annual pass rate. As such, published examination statistics substantiate the program's noncompliance with regulatory requirements for 91.3% of the time from January 2008 through September 2013; the program has been compliant 8.69% of the time. Based on reported and submitted information, the program is noncompliant with requirements specified in California Code of Regulations Sections 2529 (b), 2530 (a), 2534 (b), 2530 (l), and 2534 (c).

Program Representative:

Susan Yowell, Program Director

- Ms. Yowell thanked the Board for their support. She stated that she agrees with the report, but asked the Board to allow the current students to complete the program. She also indicated that she takes full responsibility for the school's actions.

Public Comment: None received.

Board Discussion:

- Samantha James-Perez asked Ms. Yowell when the students are scheduled to graduate. Ms. Yowell responded that the students will graduate in December 2014.
- Mr. Vertido asked Ms. Yowell if the students have completed their clinical hours as specified in the approved instructional plan and if so, how many? Ms. Yowell responded that the students have started their clinical experience. Mr. Vertido also asked Ms. Yowell if the students owe additional money upon completing the program. Ms. Yowell responded that the students do not owe any more money to the program.
- Ms. Avella requested clarification from Ms. Clayworth on whether the Board approved more students 5 months ago. Ms. Clayworth responded that the Board approved the class in November 2012, to begin in June 2013.
- Ms. Avella and Mr Angeles asked for clarification of what would happen to the students if the program's provisional approval is revoked. Ms. Anderson responded that the students could either enroll in another approved school or could possibly apply for the licensure examination based on their education and/or experience.

MOTION: To accept the report and adopt the recommendation as follows:

1. Revoke the provisional approval of the ABC Educators Nursing School Vocational Nursing Program
2. Remove the program from the List of California Approved Vocational Nursing Program effective immediately.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 8 **Oppose:** 0 **Abstain:** 0

13.A.2. Advanced Computing Institute, Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for the Advanced Pro Nursing Institute Vocational Nursing Program. The program was placed on provisional approval for the two-year period from September 6, 2012 through September 30, 2014 due to program pass rates that were noncompliant with requirements specified in California Code of Regulations Section 2530 (l). At that time, the program's average annual pass rate was 60%, 14 percentage points below the State average annual pass rate. Based on data from the third quarter of 2013, the program's average annual pass rate is 27%, which is 47 percentage points below the State average annual pass rate. Based on reported and submitted information, the program is noncompliant with requirements specified in California Code of Regulations Sections 2527(a), 2527(b), and 2530 (l).

Program Representative:

Bethel De Rossett, Program Director

- Ms. De Rossett requested that the Board reconsider the recommendation to revoke the program's provisional approval. She stated that the program's new full-time curriculum has not been implemented. She also stated that the program is in the process of implementing a two week NCLEX preparation program.
- Daniel Mainea, Owner, stated that there are no students currently enrolled in the program and that financial aid will begin in 2014.

Public Comment: None received.

Board Discussion:

- Mr. Vertido stated that he appreciates the effort of the program, but there is a report that is overdue to the Board. Mr. Vertido requested information from Ms. De Rossett on why the report was not submitted by the due date of June 1, 2013. Ms. De Rossett responded that she sent the package to Ms. Hinckley through overnight mail. Ms. Hinckley responded that she has not personally received the package.
- Ms. Avella asked Ms. De Rossett why the report was submitted five months late. Mr. Mainea responded that the previous program director was very sick and probably overlooked the report.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny Advanced Computing Institute's request to admit a class of 20 students on November 25, 2013; completing on December 14, 2014. This class would **replace** students that graduated on September 24, 2012.
2. Revoke the provisional approval of the Advanced Computing Institute Vocational Nursing Program.
3. Remove the program from the *List of Approved Vocational Nursing Schools* effective immediately.

Moved/Seconded: John Vertido/Samantha James-Perez

Support: 8 **Oppose:** 0 **Abstain:** 0

13.A.3. Bay Area College of Nursing, Palo Alto, Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Suellen Clayworth, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for the Bay Area College of Nursing, Palo Alto, Vocational Nursing Program. The program was placed on provisional approval for the two year period from November 10, 2011 through November 30, 2013, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations Section 2530 (l). At that time, the program's average annual pass rate was 39%, 37 percentage points below the State average annual pass rate.

Program Representative:

Rachelle Cagampan, Program Director

- Ms. Cagampan requested the Board to approve the NEC's recommendations and extend her program's provisional approval to give the program a chance to show that the new curriculum is working.

Public Comment: None received.

Board Discussion:

- Ms. Avella asked Ms. Clayworth if there is any additional data available for the program. Ms. Clayworth responded that additional program examination statistics will be available at the end of the fourth quarter.

MOTION: To accept the report and adopt the NEC's recommendations as follows:

1. Extend the provisional approval of the Bay Area College of Nursing, Palo Alto, Vocational Nursing Program for the one year period from December 1, 2013 through to November 30, 2014.
2. Approve the program's request to admit 20 students plus two (2) alternates into an evening class commencing February 10, 2014 and graduating May 24, 2015.
3. Continue to require the program to bring its average annual pass rate to no more than ten percentage points below the state average annual pass rates.
4. Continue to require the program to admit no additional students unless approved by the full Board.
5. Require the program to submit a follow-up report in nine (9) months, but no later than **August 1, 2014**. The report must include a comprehensive analysis of the program, specific actions to improve program pass rates, timeline for implementation, and expected outcomes. 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
6. Require the program to comply with all approval 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.
 7. 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 approval.
 8. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 9. Place the program on the **November 2014** Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Andrew Moreno
Support: 8 **Oppose:** 0 **Abstain:** 0

13.A.4. InfoTech Career College, Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for the InfoTech Career College, Vocational Nursing Program. The program was placed on provisional approval for the two year period from November 10, 2011 through November 30, 2013, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations Section 2530 (l). At that time, the program's average annual pass rate was 100%; however, it was noted that the program's average annual pass rate reflected one (1) program graduate. It was further noted that for seven of the previous eight consecutive quarters, the program's average annual pass rates had been 13 to 51 percentage points below State average annual pass rates. Based on data from the third quarter of 2013, the program's average annual pass rate is 64%, which is ten (10) percentage points below the State average annual pass rate.

Program Representative:

Elizabeth Estrada, Program Director

- Ms. Estrada thanked Ms. Hinckley for her support and guidance. She stated that she has great support from her college and will continue to grow school.

Public Comment: None received.

Board Discussion:

- Mr. Vertido asked Ms. Estrada if the outreach to students is reasonable. Ms. Estrada responded that all the students have passed the ATI the second time.

MOTION: To accept the report and adopt the NEC's recommendations, with the addition of item 6(p), as follows:

1. Deny InfoTech Career College Vocational Nursing Program's request to admit a class of 30 full-time, students on February 10, 2014, graduating on April 22, 2015 to replace the class that graduated on August 27, 2012.

2. Approve the program to admit a class of 20 full-time students on February 10, 2014, only, graduating on April 22, 2015 to **replace** the class that graduated on August 27, 2012.
3. Extend provisional approval for the Info Tech Career College Vocational Nursing Program for a one (1) year period from November 22, 2013, through November 30, 2014 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.
4. Require the program to admit no additional classes without prior approval 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.
6. Require the program to submit a follow-up report in nine (9) months but no later than **August 1, 2014**. 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 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. Evaluation of Student Achievement.
 - p. Evaluation of Outreach Attempts to Reach Prior Graduates who have not taken the Licensure Examination.

Failure to show progress shall constitute cause for revocation of provisional approval.

7. Require the program to comply with all approval 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.
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 approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
10. Place the program on the November 2014 Board agenda for reconsideration of provisional approval

Moved/Seconded: John Vertido/Eduardo Angeles

Support: 8 **Oppose:** 0 **Abstain:** 0

13.A.5. High Desert Medical College Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for the High Desert Medical College Vocational Nursing Program. The program was placed on provisional approval for the two-year period from November 10, 2011 through November 30, 2013, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations Section 2530 (I). At that time, the program's average annual pass rate was 63%, 13 percentage points below the State average annual pass rate. On October 21, 2013, the Board deferred action on the program's request to admit a class of 20 part-time students on October 4, 2013 to the November Board Meeting.

Based on data from the third quarter of 2013, the program's average annual pass rate is 41%, which is 33 percentage points below the State average annual pass rate.

Program Representative:

Cindy Fairchild, Program Director; LeAnn Rohmann, President

- Ms. Rohmann stated that the program had completed a major curriculum revision and that the students who take advantage of the NCLEX refresher courses have passed the licensure examination.
- Ms. Fairchild stated that there are two students that passed the licensure examination in Nevada, but the program does not receive the results.
- Ms. Rohman stated that they are new owners that have taken responsibility for all prior graduate; even those who graduated before they became owners. They also stated that they are dedicated to all of the current and former students and would like the Board to wait to see the examination results of the May 2013 graduates.

Public Comment: None received.

Board Discussion:

- Mr. Angeles stated that the Board should extend the program's provisional approval to allow the students to take the licensure examination.
- Ms. Avella stated that she is in agreement that the program's provisional approval be extended due to the representative's compelling presentation and the good faith effort that the program has exhibited.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny the program's request to admit a part-time class of 20 students on January 7, 2013; graduating February 14, 2015 replacing students that graduated March 8, 2012.
2. Extend the provisional approval of the High Desert Medical College Vocational Nursing Program from December 1, 2013 through September 30, 2014.
3. Place the program on the September 2014 Board agenda for reconsideration of provisional approval.

Moved/Seconded: Eduardo Angeles/Jessica Leavitt

Support: 7 **Oppose:** 1 **Abstain:** 0

13.A.6. Southern California Medical College Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for the Southern California Medical College Vocational Nursing Program. The program was placed on provisional approval for the two-year period from November 10, 2011 through November 30, 2013, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations Section 2530 (I). At that time, the program's average annual pass rate was 20%, 56 percentage points below the State average annual pass rate.

Based on data from the third quarter of 2013, the program's average annual pass rate is 94%, which is 20 percentage points above the State average annual pass rate.

Program Representative:

Nomar Tongco, Program Director

- Mr. Tongco thanked the Board for their support. He stated that he did not create a new process; he listened to the Board and his colleagues. He also stated that he will continue to keep the program's pass rate above standard.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as amended:

1. Issue a certificate of approval to Southern California Medical College Vocational Nursing Program for the four-year period from November 22, 2013 through November 21, 2017.
2. Approve the program's request to admit a class of 25 full-time students on February 10, 2014, only, graduating on February 20, 2015, to **replace** students who will graduate February 7, 2014.
3. Approve the program's request to admit a class of 30 full-time students on September 8, 2014, only, graduating on September 18, 2015, to **replace** students who will graduate September 5, 2014.
4. Require the program to obtain Board approval prior to the admission of each class.

Moved/Seconded: Eduardo Angeles/John Vertido

Support: 8 **Oppose:** 0 **Abstain:** 0

13.A.7. Valley College of Medical Careers Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for the Valley College of Medical Careers Vocational Nursing Program. The program was placed on provisional approval for the two-year period from November 10, 2011 through November 30, 2013, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations Section 2530 (I). At that time, the program's average annual pass rate was 62%, 14 percentage points below the State average annual pass rate.

Program Representative:

Carol Williams, Program Director

- Ms. Williams thanked the Board for their support. She stated that she agrees with the recommendations. She indicated that the program has three maternity clinical sites.

Public Comment: None received.

Board Discussion:

- Mr. Vertido asked Ms. Williams when she found out that the program didn't have adequate Maternity clinical sites to provide clinical experience consistent with the Board-approved Instructional Plan. Ms. Williams responded that the program already had acquired the necessary Board approved clinical sites.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny Valley College of Medical Careers Vocational Nursing Program's request to admit a class of 20 full-time day students on January 21, 2014, graduating on May 8, 2015, to **replace** the day class that was scheduled to graduate September 20, 2013.
2. Extend the program's provisional approval for the two (2) month period from December 1, 2013 through January 31, 2014.
3. Require the program to obtain and submit for Board approval clinical facility sites sufficient to provide clinical experience in Maternity Nursing consistent with the approved instructional plan.
4. Require the program to submit a clinical rotation calendar verifying the scheduling and completion of Maternity Nursing experience for the enrolled students that is consistent with the approved instructional plan.
5. Place the program on the February 2014 agenda for reconsideration of provisional approval.
6. Require the program to comply with all approval 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.
7. 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 approval.
8. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

Moved/Seconded: Eduardo Angeles/John Vertido

Support: 8 **Oppose:** 0 **Abstain:** 0

13.B.1. Angeles College Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to the Angeles College Vocational Nursing Program's request to admit students. The Board placed the program on provisional approval for the two-year period from November 9, 2012 through November 30, 2014, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations §2530 (l). At that time, the program's average annual pass rate was 47%, 27 percentage points below the State average annual pass rate. Based on data from the third quarter of 2013, the program's average annual pass rate is 38%, which is 37 percentage point above the State average annual pass rate.

Program Representative:

Asima Jabbar, Program Director

- Ms. Jabbar stated that the program's students are utilizing the NLN examination. She also stated that the program is providing tutoring services and spending 7 days with the students preparing them for the NCLEX examination.

Public Comment: None received.

Board Discussion: None received

MOTION: To accept the report and adopt the recommendations as amended:

1. Approve Angeles College's request to admit a day class of 15 students on January 20, 2014, only; completing on January 16, 2015, **replacing** the class that graduated August 29, 2013.
2. Deny the program's request to admit an evening class of 15 students on March 4, 2014; completing on August 21, 2015 **replacing** the class that will graduate on December 14, 2013.
3. Continue to require the program to obtain prior Board approval to admit students.

Moved/Seconded: Samantha James-Perez/John Vertido

Support: 7 Oppose: 0 Abstain: 1

13.B.2. Casa Loma College, Hawthorne, Vocational Nursing Program – Consideration of Request to Admit Students

Suellen Clayworth, NEC, presented a report relative to the Casa Loma College, Hawthorne, Vocational Nursing Program's request to admit students. The Board placed the program on provisional approval for the two-year period from November 9, 2012 through November 30, 2014, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations §2530 (I). At that time, the program's average annual pass rate was 61%, 13 percentage points below the State average annual pass rate. Based on data from the third quarter of 2013, the program's average annual pass rate is 55%, which is 19 percentage point above the State average annual pass rate.

Program Representative:

Billy Hutchison, Program Director

- Mr. Hutchison thanked the Board and the NECs for their support. He stated that the program is more consistent that it had been previously. He also stated that being approved for a class of 30 students would allow the program to stay on track with its admissions and faculty.

Public Comment: None received.

Board Discussion:

- Ms. Avella asked the Board if the multiple changes in directors show a lack of stability in leadership. Ms. Clayworth responded that the change in directors does raise questions about their leadership.

- Mr. Vertido asked the Board if a smaller class size would be more prudent. Ms. Clayworth responded that since the action plan has been implemented, the students from the classes that have graduated have had positive results.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Casa Loma College Vocational Nursing Program's request to admit 30 students into a full-time class that would commence on December 9, 2013, to **replace** the class graduating on December 20, 2013. The requested class would graduate on January 8, 2015.
2. Continue to require the program to admit no additional students unless specifically approved by the full Board.

Moved/Seconded: Samantha James-Perez/Andrew Moreno

Support: 8 **Oppose:** 0 **Abstain:** 0

13.B.3. Santa Barbara Business College, Bakersfield, Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to the Santa Barbara Business College, Bakersfield, Vocational Nursing Program's request to admit students. The Board placed the program on provisional approval for the two-year period from February 22, 2013 through February 28, 2015, due to program pass rates that were noncompliant with requirements specified in California Code of Regulations §2530 (I). At that time, the program's average annual pass rate was 58%, 16 percentage points below the State average annual pass rate. Based on data from the third quarter of 2013, the program's average annual pass rate is 68%, which is 6 percentage point above the State average annual pass rate.

Program Representative:

Carolyn Santiago, Program Director

- Ms. Santiago thanked the NECs for their support and stated that she agrees with the recommendations.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Santa Barbara Business College Vocational Nursing Program's request to admit 36 students on January 6, 2014, only, graduating March 12, 2015. This class will **replace** students that graduated on August 1, 2013.
2. Continue to require the program to admit no additional students without prior approval by the full Board.

Moved/Seconded: Eduardo Angeles/John Vertido

Support: 8 **Oppose:** 0 **Abstain:** 0

14. DISCUSSION OF ENFORCEMENT MAIL BALLOTS

Public Comment: None received.

Board Discussion:

- Mr. D’Braunstein stated that this item is on the agenda so the Board Member can see the enforcement mail ballots. At the February 2014 Board Meeting, the Board Members will have a discussion on ways to streamline the process.

15. DISCUSSION OF EXECUTIVE OFFICER’S ANNUAL EVALUATION FORM

Public Comment: None received.

Board Discussion:

- Mr. D’Braunstein stated that this item is on the agenda to provide the Board Members an opportunity to review the form prior to the February 2014 Board Meeting. He also stated that the Board Members will have a discussion regarding the Executive Officer’s Annual Evaluation during closed session of the Board Member Workshop.

16. PUBLIC COMMENT PERIOD

- Dr. Ike Muonekwu, Advanced Medical School of Nursing, thanked the Board for their support. He asked the Board what their stance is on the future of vocational nurses because hospitals are not hiring them as often as in previous years. Mr. Angeles stated that the Board Members cannot take action during the public comment period and that this was Mr. Muonekwu’s chance to address the Board.

17. AGENDA ITEMS FOR FUTURE MEETINGS

Public Comment: None received.

Board Discussion: None received.

18. ADJOURNMENT

The meeting was adjourned at 4:01 p.m.

Prepared by: _____
Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

Date: _____

Approved by: _____
Todd D’Braunstein, P.T.
President

Date: _____



DISCIPLINARY BOARD MEETING MINUTES

November 21, 2013

Sacramento, CALIFORNIA

**BOARD MEMBERS
PRESENT:**

Todd D'Braunstein, P.T. Member, President
Eric Mah, Public Member, Vice President
Vivien Avella, Public Member
Tammy Endozo, L.V.N. Member
Samantha James-Perez, P.T. Member
Jessica Leavitt, Public Member
Andrew Moreno, Public Member
John Vertido, L.V.N. Educator Member

**BOARD MEMBERS
ABSENT:**

Eduardo Angeles, Public Member

STAFF PRESENT:

Teresa Bello-Jones, Executive Officer
Marilyn Kimble, Enforcement Division Chief
Mark Ito, Licensing Program Analyst
Jay Prouty, Enforcement Program Analyst
Laura Friedman, Legal Counsel, Department of Consumer Affairs

The Disciplinary Board Meeting was called to order by President Todd D'Braunstein at 9:05 a.m., November 21, 2013, at the Hilton Sacramento Arden West, 2200 Harvard Street, Sacramento, California.

Karl Engeman, Administrative Law Judge, presided. The State was represented by Deputy Attorney Generals Elena Almanzo and Leslie Burgermyer.

The following petitions were heard by the Board of Vocational Nursing & Psychiatric Technicians (Board). Following the hearings, the Board convened in closed-session. The Board's decisions from closed-session deliberations are included.

1. Kap Sun Je, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the vocational nurse license.

2. Martin Perez, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the psychiatric technician license.

3. Jim Alcantar, PETITION FOR REINSTATEMENT

The Board granted the Petition for Reinstatement of the psychiatric technician license.

4. Luis Avalos, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the vocational nurse license.

5. Shonntae Cross, PETITION FOR REINSTATEMENT

The Board granted the Petition for Reinstatement of the psychiatric technician license.

6. Todd Lisbon, PETITION FOR REINSTATEMENT

The Board denied the Petition for Reinstatement of the vocational nurse license.

7. Heather Zander, Early Termination of Probation

The Board denied the Petition for Early Termination of Probation of the vocational nurse license. But the Board did grant a modification of the probation terms.

ADJOURNMENT

The Disciplinary Board Meeting adjourned at 2:32 p.m. The Board went into closed session at 2:37 p.m. for the purpose of hearing deliberations, pursuant to Government Code section 11126 (c)(3).

Prepared by: _____
Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

Date: _____

Approved by: _____
Todd D’Braunstein, P.T.
President

Date: _____