

Agenda Item #8.C.5.



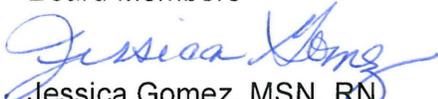
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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DATE: January 30, 2015

TO: Board Members

FROM: 
Jessica Gomez, MSN, RN
Nursing Education Consultant

SUBJECT: Shepherd University Vocational Nursing Program – Consideration of Request to Admit (Director: Daisy Magimaidason, Los Angeles, Los Angeles County, Private)

On May 16, 2014, the Board placed the Shepherd University Vocational Nursing Program on provisional approval for the two - year period from May 16, 2014 through May 15 2016 due to noncompliance with regulatory requirements relative to program pass rates.

On September 12, 2014 the Board approved the program's request to **admit** a class of 20 students commencing November 3, 2014, and graduating February 19, 2016 only, to **replace** students who graduated September 2013, **provided** the program has no more than ten (10) students per instructor during clinical experience.

On October 20, 2014 the Board received notice from the director that the University administration had **canceled** the November 3, 2014 class due to low enrollment.

The Shepherd University Vocational Nursing Program requests approval to admit 20 students commencing April 6, 2015, and graduating July 9, 2016, to **replace** students who graduated September 19, 2013.

History of Prior Board Actions

(See Attachment A, History of Board Action)

Enrollment

The program is approved to offer full – time classes that are 12 months (52 weeks) in length and part - time classes that are 15 months (60 weeks) in length. The program requires approval by the full Board prior to the admission of each class.

The following table represents **current and proposed** student enrollment based on current and proposed class starts and completions. The table indicates **a maximum enrollment of 20 students** for the period from **March 2012 through February 2016**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
3/12		11	9	0 + 9 = 9
6/12		8	8	9 + 8 = 17
	3/13 (3/12 Class)		-9	17 - 9 = 8
	9/13 (6/12 Class)		-8	8 - 8 = 0
11/14	2/16	0	0	0 + 0 = 0
4/2015	7/16	20	20	20 + 0 = 20

Licensing Examination Statistics

The following statistics, furnished by 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 2010 through December 2014, specify the pass percentage rates for graduates of the Shepherd University 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 [CCR §2530(I)]	Variance From State Average Annual Pass Rate
Jan - Mar 2010	14	12	86%	76%	64%	74%	-10
Apr - Jun 2010	10	9	90%	74%	71%	75%	-4
Jul - Sep 2010	10	6	60%	74%	78%	75%	+3
Oct - Dec 2010	8	7	88%	77%	81%	76%	+5
Jan - Mar 2011	19	16	84%	80%	81%	77%	+4
Apr - Jun 2011	12	7	58%	71%	73%	76%	-3
Jul - Sep 2011	10	7	70%	74%	76%	76%	0
Oct - Dec 2011	11	6	55%	74%	69%	75%	-6
Jan - Mar 2012	19	12	63%	77%	62%	74%	-12
Apr - Jun 2012	11	4	36%	72%	57%	74%	-17
Jul - Sep 2012	15	9	60%	74%	55%	74%	-19
Oct - Dec 2012	7	4	57%	70%	56%	74%	-18
Jan - Mar 2013	10	6	60%	75%	53%	73%	-20
Apr - Jun 2013	10	6	60%	78%	60%	73%	-13
Jul - Sep 2013	8	4	50%	75%	57%	74%	-17
Oct - Dec 2013	12	8	67%	76%	60%	76%	-16
Jan - Mar 2014	8	3	38%	74%	55%	76%	-21

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 [CCR §2530(l)]	Variance From State Average Annual Pass Rate
Apr – Jun 2014	2	0	0%	66%	50%	73%	-23
Jul – Sep 2014	3	0	0%	72%	44%	73%	-29
Oct – Dec 2014	4	2	50%	72%	29%	72%	-43

*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.

California Code of Regulations (Code) section 2530(l) 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 approved vocational nursing schools for the same period.”

Published examination statistics for the period of January 2012 through December 2014 substantiate the program’s **noncompliance** with regulatory requirements for **twelve (12) consecutive quarters**.

Based on the most recent data available (October to December 2014) the program’s average annual pass rate is **29%**. The California average annual pass rate for graduates from approved vocational nursing programs who took the NCLEX-PN® for the first time during the same period is 72%. The pass rate for the Shepherd University Vocational Nursing Program is **43** 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 number of Board-approved faculty totals 14, including the director. The director has 100% administrative responsibilities. Of the total faculty, 14 instructors are approved to teach clinical.

On September 12, 2014 the Board approved the program’s request to **admit** a class of 20 students **provided** the program has no more than ten (10) students per instructor during clinical experience.

Based on the Board’s prior decision and a maximum enrollment of 20 students, two (2) 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, in part:

“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 sufficient clinical facilities to afford the number type and variety of patients that will provide clinical experience consistent with competency-based objectives and theory.

Other Considerations

On May 16, 2014, the Board placed the Shepherd University Vocational Nursing Program on provisional approval for the two - year period from May 16, 2014 through May 15, 2016. A decision relative to the program's request to admit twenty (20) students to begin September 2, 2014 and graduating December 2015 was deferred to the Executive Officer, pending the program's documentation of adequate clinical facilities by July 30, 2014, provided the program has no more than ten (10) students per instructor in clinical sites.

On June 4, 2014, Board staff approved four (4) clinical facility applications including:

- a) One (1) acute care hospital for clinical experience in Pediatric and Maternity Nursing;
- b) One (1) sub-acute facility for clinical experience in Pediatric Nursing;
- c) One (1) healthcare center for clinical experience in Medical/Surgical and Rehabilitation Nursing; and
- d) One (1) skilled nursing facility for clinical experience in Nursing Fundamentals and Medical/Surgical Nursing.

On June 11 and 12, 2014, Board representatives conducted an unannounced onsite program inspection to determine the program's compliance with Board and regulatory requirements. Seven (7) violations of the California Code of Regulations were identified.

On July 1, 2014, the Board received the required written report from the director relative to his comprehensive analysis and employed interventions. The director attached new forms, and processes that were developed. The new plan has not been implemented due to no current students.

On September 8, 2014, the director submitted the required clinical evaluations for all Board – approved clinical sites.

On September 12, 2014, the Board approved the program's request to admit a class of 20 students commencing November 3, 2014, and graduating February 19, 2016 only, to **replace** students who graduated September 2013, **provided** the program has no more than ten (10) students per instructor during clinical experience.

On October 20, 2014, the director notified the Board of the university administration's intent to cancel the approved November 3, 2014 class due to low enrollment. The director submitted his resignation, effective October 31, 2014.

On December 5, 2014, the Board approved the school's Dean of Nursing as Interim Program Director. That action was proposed by the school to ensure continued compliance with regulatory requirements. The school continued its recruitment and hiring process to secure a permanent director.

On January 9, 2015, the Board approved a new Program Director.

To date, four (4) of the identified violations have been corrected, the remaining violations cannot be corrected until a new class is admitted.

Recommendations:

1. Approve the Shepherd University Vocational Nursing Program's request to admit a class of 20 students commencing April 6, 2015, and graduating July 9, 2016 only, to **replace** students who graduated September 19, 2013, **provided** the program has no more than ten (10) students per instructor during clinical experience.
2. Continue the program's requirement to admit no additional classes without prior approval by the full Board.

Rationale: The Board approved a class of 20 students to commence November 3, 2014 during the September 12, 2014 meeting. However, due to low enrollment, the university administration canceled the class and the director resigned. On January 9, 2015, the Board approved a permanent director for the program.

As previously noted, of the previously identified violations, four (4) violations have been corrected. Plans for correction of the remaining three (3) violations have been submitted. Implementation will commence with the admission of a new class. The program has admitted no students since its placement on provisional approval.

Board staff will continue to monitor the program's effectiveness by tracking class admissions, the effectiveness of employed interventions, and the program's licensure examination pass rates each quarter.

Attachment A: History of Prior Board Actions.

Agenda Item #8.C.5., Attachment A

SHEPHERD UNIVERSITY VOCATIONAL NURSING PROGRAM

History of Prior Board Actions

- On January 11, 2006, the Executive Officer approved Shepherd University's request to begin a vocational nursing program with an initial class of 30 students on March 13, 2006, only; and approved the program curriculum for 1560 hours, including 600 theory, and 960 clinical hours.
- On April 12, 2007, the Executive Officer approved initial full accreditation for Shepherd University Vocational Nursing Program for the period from April 12, 2007, through April 11, 2011, and issued a certificate accordingly; and approved the program to admit a full-time class of 30 students to start on May 21, 2007, only, to **replace** students graduating on June 16, 2007.
- On August 1, 2007, the Executive Officer approved the program's request to admit a full-time class of 30 students to start on September 10, 2007, only.
- On December 5, 2007, the Executive Officer approved the program's request to admit a full-time class of 30 students to start on January 6, 2008, only.
- On June 4, 2008, the Executive Officer approved the program's request to admit 1a full-time class of 30 students to start on June 16, 2008, only. The Executive Officer approved the Shepherd University Vocational Nursing Program's request to admit a full-time class of 30 students on August 18, 2008, to **replace** students graduating on August 9, 2008.
- On December 8, 2008, the Executive Officer approved the program's request to admit a full-time class of 30 students on December 8, 2008, only.
- On March 18, 2009, the Executive Officer approved the program's request to admit a class of 30 students to start April 13, 2009 to **replace** the class graduating April 4, 2009.
- On August 18, 2009, the Executive Officer approved the program's request to admit a full-time class of 30 students on August 18, 2009, only, with an anticipated graduation date of November 6, 2010.
- On November 4, 2009, the Executive Officer approved the Shepherd University Vocational Nursing Program's request to admit a full-time **replacement** class for students graduating January 22, 2010, with 30 students, to start on November 30, 2009, only, with an anticipated graduation date of March 13, 2011.

- On August 6, 2010, the Executive Officer approved Shepherd University Vocational Nursing Program's request to admit a part-time, 60 week class, class of 30 students commencing August 9, 2010 only, with a projected graduation date of October 22, 2011, to **replace** students graduating July 17, 2010, **and** approved the program's request to admit a part-time class of 30 students commencing November 15, 2010 only, with a projected graduation date of February 25, 2012, to **replace** students graduating November 6, 2010; **and** denied the program's request for ongoing admissions of four (4) part-time classes, of 30 students each, every 16 weeks, at this time; **and** required the program to obtain Board approval prior to the admission of each class.
- On February 18, 2011, the Executive Officer **approved** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing March 21, 2011, graduating June 16, 2012. The proposed class will **replace** students graduating March 12, 2011; and, **approved** the program's request to admit a part-time class of 30 students commencing July 11, 2011 only, with a projected graduation date of October 11, 2011, to **replace** students scheduled to graduate July 2, 2011; and, **denied** Shepherd University Vocational Nursing Program's request for ongoing admissions of four (4) part-time classes, of 30 students each, every 16 weeks, at this time; and, required the program to obtain Board approval prior to the admission of each class.
- On November 21, 2011, the Executive Officer approved the Shepherd University Vocational Nursing Program's application for continued full accreditation for the period from April 12, 2011, through April 11, 2015, and issued a certificate accordingly. Additionally, the program was issued a Notice of Violation for noncompliance with California Code of Regulations Section 2534 (a) and required to submit written documentation setting forth its plan to prevent reoccurrences of the violation by December 16, 2011. The Executive Officer denied the program's request for ongoing admission of four (4) part-time classes of 30 students every 16 weeks and approved the admission of a part-time class of 30 students to start November 28, 2011 to **replace** the class graduating on October 22, 2011. The program was required to continue obtaining Board approval prior to the admission of each class.
- **On March 1, 2012, a new director was approved by the Board.**
- On March 16, 2012, the Executive Officer **approved** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing March 19, 2012, and graduating June 1, 2013. The proposed class will **replace** students who graduated February 25, 2012; **and**, required the program to continue to obtain Board approval prior to the admission of each class.
- On April 6, 2012, the director submitted a plan to increase program licensure.
- On June 22, 2012, the Executive Officer **approved** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing June 25, 2012, and graduating September 21, 2013. The proposed class will **replace** students who graduated June 16, 2012; **and**, required the program to continue to obtain Board approval prior to the admission of each class.

- On November 2, 2012, the Executive Officer **denied** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing November 5, 2012, and graduating February 8, 2014. The proposed class will **replace** students who graduated October 6, 2012; **and**, required the program to submit a report to the Board no later than **November 30, 2012**. The report shall include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timelines for expected results, and the effectiveness of corrective actions taken to address the following elements:
 - a. Current Student Enrollment.
 - b. Admission Criteria.
 - c. Screening and Selection Criteria.
 - d. Terminal Objectives.
 - e. Curriculum Objectives.
 - f. Instructional Plan.
 - g. Theory and Clinical Objectives for Each Course.
 - h. Lesson Plans for Each Course.
 - i. Textbooks.
 - j. Attendance Policy.
 - k. Grading Policy
 - l. Remediation Policy.
 - m. Evaluations of Theory and Clinical Faculty.
 - n. Evaluations of Theory Presentations.
 - o. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - p. Evaluation of Student Achievement.

And, require the program to continue to obtain Board approval prior to the admission of each class.

- On July 29, 2013, the Board forwarded a letter to the director requesting documentation verifying elements of the program's plan to increase the program's licensure pass rate had been implemented
- On November 2, 2013, a letter was sent to the director notifying the program of low pass rates, requesting an update on the previously submitted action plan, and potential change in program status for noncompliant pass rates.
- On November 26, 2013, the assigned consultant forwarded electronic correspondence to the director requesting a copy of his revised plan of correction by December 4, 2013.
- On December 4, 2013, the requested report was received.
- On March 7, 2014, a letter was sent to the director notifying the program director the program had been placed on the May Board agenda for consideration of placement on provisional approval.
- On May 16, 2014 the Board rendered the following decisions:

- 1) Placed the Shepherd University Vocational Nursing Program on provisional approval for the period from May 16, 2014 to May 31, 2016 and issued 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; and
- 2) Denied the program's request to admit a class of 30 student commencing July 7, 2014, and graduating September 19, 2015, to **replace** students who graduated September 2013; and
- 3) Deferred to the Executive Officer approval of the program's admission of 20 students commencing September 2, 2014, and graduating December 11, 2015, to **replace** students who graduated September 19, 2013, **provided** the following conditions are met by **July 30, 2014**.
 - a. The program submits written documentation verifying Board approval of clinical facilities required to provide clinical experiences of like character and quality for all students in the areas specified in Section 2533 of the California Code of Regulations.
 - b. The program has no more than ten (10) students per instructor during clinical experience; and
- 4) Required the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate; and
- 5) Required the program to admit no additional classes without prior approval by the full Board; and
- 6) Required the program to submit a report to the Board no later than six (6) months after commencement of the next class. 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. 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; and

7) Required 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; and

8) Required 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; and

9) Informed the program that failure to take any of these corrective actions may cause the full Board to revoke the program's approval; and

10) Placed the program on the Board agenda scheduled **May 2016** for reconsideration of provisional approval.

- On June 11 and 12, 2014, an unannounced program survey visit was conducted.
- On June 20, 2014 the Executive Officer issued a letter noting violations identified on the program survey visit and requiring the director to submit, no later than July 11, 2014 a plan and timeline for correction of each violation, a policy and tool for written evaluation of clinical facilities, proof of high school equivalency for the two (2) students missing documentation of same in their files, most recent version of the admission, screening and selection policies, a revised vocational nursing program handbook with revised and updated grade policy, a written list of resources related to counseling and tutoring, and a revised remediation policy.
- On July 1, 2014, the program director submitted a comprehensive analysis of the Shepherd Vocational Nursing Program.
- On July 7, 2014, the program director submitted a letter in response to the Vocational Nursing Program Notice of Violation and summarized the July 1, 2014 Comprehensive Report.
- On September, 12, 2014 the Full Board required the Shepherd University Vocational Nursing Program to submit written evaluations for each clinical facility to which assignment of students is proposed by September 30, 2014; **and**, approved the program's request to **admit** a class of 20 students commencing November 3, 2014, and graduating February 19, 2016 only, to replace students who graduated September 2013, provided:
 - a. The program submits a Board-approved clinical rotation calendar specifying proposed placements for each student; and
 - b. The program has no more that ten (10) students per instructor during clinical experience;
and,
Continue to program's requirement to admit no additional classes without prior approval by the full board.
- On December 5, 2014, the Board approved an interim program director.
- On January 9, 2015, the Board approved a new program director.

