

# Agenda Item #8.C.6.



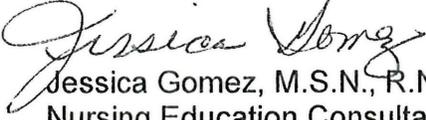
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR

**Board of Vocational Nursing and Psychiatric Technicians**  
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945  
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DATE: January 30, 2015

TO: Board Members

FROM:   
Jessica Gomez, M.S.N., R.N.  
Nursing Education Consultant

SUBJECT: WestMed College, San Jose, Vocational Nursing Program – Consideration of Request to Admit Students. (Director: Marisol Manipol, San Jose, Santa Clara County, Private)

On November 21, 2014, WestMed College - San Jose, Vocational Nursing Program, was placed on provisional approval for the one – year period from November 21, 2014 to November 30, 2015 due to noncompliance with regulatory requirements relative to program pass rates.

The program requests approval to admit a class of 15 full - time students commencing March 16, 2015 and graduating May 5, 2015 to **replace** the class scheduled to graduate March 6, 2015.

## History of Prior Board Actions

(See Attachment A)

## Enrollment

The program offers full-time classes that are 51 weeks in length. The program requires approval by the full Board prior to the admission of each class. The pattern of admissions for proposed classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and proposed class starts and completions. The table indicates a **maximum enrollment of 108 students** during the period **January 2012 through October 2015**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
1/12		30	28	28

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
5/12		30	25	28 + 25 = 53
8/12		30	30	53 + 30 = 83
	2/13 (1/12 Class)		-28	83 - 28 = 55
1/13		27	24	55 + 24 = 79
5/13		30	27	79 + 27 = 106
	6/13 (5/12 Class)		-25	106 - 25 = 81
8/13		30	27	81 + 27 = 108
	9/13 (8/12 Class)		-30	108 - 30 = 78
1/14	3/15	23	18	78 + 18 = 96
	3/14 (1/13 Class)		-24	96 - 24 = 72
5/14	6/15	15	15	72 + 15 = 87
	6/14 (5/13 Class)		-27	87 - 27 = 60
9/14		14	16	60 + 16 = 76
	9/14 (8/13 Class)		-27	76 - 27 = 49
	3/15 (1/14 Class)		-18	49 - 18 = 31
3/15 Proposed	5/16	15	15	31 + 15 = 46
	6/15 (5/14 Class)		-15	46 - 15 = 31
	10/15 (9/14 Class)		-16	31 - 16 = 15

### Licensing Examination Statistics

The following statistics, furnished by the Pearson Vue 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 2011 through December 2014, specify the pass percentage rates for graduates of the WestMed College, San Jose, Vocational Nursing Program on the National Council Licensure Examination for Practical (Vocational) Nurses (NCLEX-PN®).

NCLEX-PN® Licensure Examination Data							
Quarterly Statistics					Annual Statistics*		
Quarter	# Candidates	# Passed	% Passed	State Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate [CCR §2530(l)]	Variance From State Average Annual Pass Rate
Jan – Mar 2011	24	18	75%	80%	63%	77%	-14
Apr – Jun 2011	20	13	65%	71%	72%	76%	-4
Jul – Sep 2011	12	8	67%	74%	75%	75%	0
Oct – Dec 2011	7	2	29%	74%	67%	75%	-8
Jan – Mar 2012	9	7	78%	77%	65%	74%	-9
Apr – Jun 2012	17	12	71%	72%	64%	74%	-10
Jul – Sep 2012	8	5	63%	74%	63%	74%	-11
Oct – Dec 2012	10	8	80%	70%	73%	74%	-1
Jan – Mar 2013	16	10	63%	75%	69%	73%	-4
Apr – Jun 2013	8	3	38%	78%	62%	73%	-11
Jul – Sep 2013	20	12	60%	76%	61%	74%	-13
Oct – Dec 2013	13	9	69%	76%	60%	76%	-16
Jan – Mar 2014	27	13	48%	74%	54%	76%	-22
Apr – Jun 2014	11	5	45%	66%	55%	73%	-18
Jul – Sep 2014	7	4	57%	72%	53%	73%	-20
Oct – Dec 2014	20	12	60%	72%	52%	72%	-20

\*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 substantiate the program’s noncompliance for nine (9) of the previous sixteen (16) quarters. Further, the program’s average annual pass rates have been noncompliant for the most recent seven (7) consecutive quarters.

Based on the most current data available (October through December 2014), the program’s average annual pass rate is **52%**. The California average annual pass rate for graduates from approved vocational nursing programs who took the NCLEX-PN® for the first time is **72%**. The average annual pass rate for the WestMed College, San Jose, Vocational Nursing Program is **20** percentage point **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 current number of Board-approved faculty totals twelve (12), including the program director and assistant director. The director has 70% administrative and 30% teaching duties. Of the total faculty, twelve (12) instructors teach clinical.

Based upon a maximum enrollment of 108 students, eight (8) instructors are required for clinical supervision. Therefore, the current number of faculty is adequate for the current 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.”

It was previously determined from documents submitted by the director, that the program **did not** have adequate clinical sites for Maternity Nursing. Since the November 2014, Board meeting the program has acquired two (2) clinical sites that offer clinical experience in Maternity Nursing consistent with the approved curriculum. Currently 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.

### **Other Considerations**

The program's 2013/2014 Annual Report evidenced the program's difficulties in securing adequate clinical facilities sufficient for the enrolled student population. As reported therein, the report specified that the college had no clinical facilities that provided clinical experiences in Maternity Nursing. The director was requested to submit an instructional calendar for the enrolled students specifying presented theory and clinical facilities to which students were assigned correlated clinical experience.

On October 10, 2014, the director submitted the requested instructional calendar for all current and projected classes. As submitted, the instructional calendar confirmed the lack of clinical experience in Maternity Nursing for the enrolled students. Students had been assigned to simulation lab for Maternity Nursing. At no time were the students assigned to a clinical site during Maternity Nursing. Such assignment is inconsistent with the program's approved instructional plan. Further, this change was made without prior approval of the Board, as prescribed by section 2533 (f) of the Vocational Nursing Rules and Regulations.

Given the foregoing, three (3) violations of the Vocational Nursing Rules and Regulations were identified:

- **Section 2533(f) of the Vocational Nursing Rules and Regulations**
  - Implementation of curricular changes that significantly altered the program's content objectives.

➤ **Section 2534(b) of the Vocational Nursing Rules and Regulations**

- Not having adequate clinical facilities as to number, type, and variety of patients treated, to provide clinical experience of like character and quality for all students consistent with the approved curriculum.

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

- Failure to maintain compliance with regulatory requirements relative to program pass rates.

For these reasons, the Board placed the program on provisional approval for a period of one year. The Board scheduled reconsideration of the program's status for the February 2015 Board due to the identified inadequacy of critical resources.

**Summary and Status of Program Deficiencies**

Currently, the program's quarter pass rate is 60% and the average annual pass rate is 52%. As such, the program's average annual pass rate has dropped 1 percentage point since placement on provisional approval.

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

**Violation:** Inadequate clinical facilities as to number, type, and variety of patients treated, to provide clinical experience of like character and quality for all students consistent with the approved curriculum.

**Status:** This violation is **corrected**. On November 25, 2014, Board staff approved two (2) clinical sites that provide clinical experience in Maternity Nursing consistent with the curriculum, s adequate for the enrolled and proposed student population.

**Recommendations:**

1. Continue the provisional approval of WestMed College – San Jose, Vocational Nursing Program for the one – year period from November 21, 2014 to November 28, 2015.
2. Require the program to comply with required corrections specified in the Notice of Correction dated December 10, 2014.
3. Approve the program's request to admit a class of 15 full time students commencing March 16, 2015 and graduating May 5, 2015, only, to **replace** the class graduating March 6, 2015.
4. Continue the program's requirement to admit no additional classes without prior approval by the full Board.

**Rationale:** The program was successful in obtaining two (2) maternity clinical sites, which allows the program to follow the curriculum as approved by the

Board. The director has supplied clinical calendars that correlate educational topics in theory and clinical.

A new director was approved June 20, 2013. Her leadership has directly influenced only the two most currently graduating classes of students. While the program's average annual pass rate remains non-compliant at 22 percentage points **below** the state average annual pass rate, the program's quarter pass rate had improved from 45% to 60%.

Considering the director has obtained two (2) Board approved Maternity Nursing clinical sites and the program has shown incremental improvement in the **quarterly** pass rates since the new Director was approved; approving the class of 15 students, and continuing the provisional approval is recommended.

Attachment A: History of Prior Board Actions

Attachment B: Notice of Change in Approval Status, Dated December 10, 2014.

# Agenda Item #8.C.6., Attachment A

## WESTMED COLLEGE, SAN JOSE VOCATIONAL NURSING PROGRAM

### History of Prior Board Actions

- On February 20, 2004, the Board approved WestMed Training to begin a full-time vocational nursing program with an initial class of 30 students commencing March 15, 2004, with a projected date of graduation of January 27, 2005. Additionally, the Board approved the program's total curriculum for 1544 hours, including 590 theory and 954 clinical hours.
- On September 30, 2004, the Board was notified that the school's name had been changed from WestMed Training to WestMed College.
- On November 2, 2004, the Board approved initial accreditation of the WestMed College Vocational Nursing Program for the period February 4, 2005, through February 3, 2009, and issued a certificate accordingly. The Board approved the program's request to admit 30 students into a full-time class starting February 28, 2005, only, to **replace** the class graduating February 14, 2006. The class is projected to complete program requirements on December 17, 2005. Additionally, the Board approved the program's request to admit 30 students into a full-time evening class starting February 15, 2005 only, with a projected completion date of December 17, 2005.
- On August 17, 2005, the Board approved the program's request to admit a class of 30 students on February 13, 2006, to **replace** the part-time class graduating December 16, 2005, and to admit a class of 30 students February 27, 2006, to **replace** the full-time class graduating December 17, 2005. The program postponed commencement of the February 27, 2006 class to April 17, 2006, with a completion date of February 23, 2007.

Additionally, the Board approved the program's request to admit 30 students to a part-time class starting on September 26, 2005, with a projected completion date of September 27, 2006.

- On August 25, 2006, the program was cited for two (2) violations that were generated from numerous student complaints. The students alleged the school had failed to maintain standards set by the Board related to final exam scores; students were not dropped according to policy; school administered multiple final exams; and students were required to take mandatory refresher courses until they passed the final exam before being released from the school. The school submitted and implemented a plan of correction. The identified violations were corrected. The Board requested a follow-up presentation at the February 2007 Board meetings.
- On September 8, 2006, the Board approved the admission of 30 students on September 25, 2006, to **replace** the students graduating September 27, 2006, contingent upon the program's compliance with Article 5 of the Vocational Nursing Rules and Regulations.

- In February 2007, the Board accepted a follow-up report relative to the program's correction of identified violations. The Board approved the program's request to admit 30 students February 26, 2007, to **replace** the class graduating December 14, 2007, and approved the admission of 30 students on April 16, 2007, to **replace** the class graduating February 21, 2007. Further, the Board approved the program's request for **ongoing** admissions based on the current pattern of admissions that includes three (3) classes per year admitted every February, April, and September.
- **On June 1, 2007, a new program director was approved.**
- **On April 18, 2008, a new program director was approved.**
- On December 15, 2008, the program submitted its Program Records Survey for continued accreditation.
- **On December 16, 2008**, the Board received notification that the current program director would be reassigned as Assistant Director, effective December 22, 2008. A **new program director** was designated.
- On February 4, 2009, the program was reviewed to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Six (6) violations were identified. Three (3) were subsequently corrected. Three (3) will be analyzed by the director with a plan of correction to be submitted by March 10, 2009. A follow-up report will be presented to the Executive Officer relative to the status of the program and specific actions taken to correct the identified violations by March 31, 2009, and;

The Executive Officer approved continued full accreditation for the WestMed College, San Jose, Vocational Nursing Program for a four-year period from February 4, 2009 through February 3, 2013, and directed staff to issue a certificate accordingly.

- **On December 29, 2009, a new program director was approved.**
- **On April 27, 2011, a new program director was approved.**
- On August 26, 2011, the program was cited for three (3) violations, 2530(k), 2527(c) and 2533(f). Required **response due September 8, 2011**. Additionally, the program was notified they had been removed from the September Board agenda, since their licensure pass rates raised to 74% after eight (8) quarters of significantly low licensure pass rates.

Additionally, the Executive Officer:

1. Approved the programs curriculum revision as follows:
  - a. Decrease overall program hours from 1544 to 1539.
  - b. Decrease theory hours from 590 to 579.
  - c. Increase clinical hours from 954 to 960.
2. Required the program to submit a new Instructional Plan by **September 30, 2011**.

# Agenda Item #8.C.6., Attachment B



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## CERTIFIED MAIL

December 10, 2014

Marisol Manipol, B.S., R.N.  
Director, Vocational Nursing Program  
WestMed San Jose  
3031 Tisch Way, Suite 8PW  
San Jose, CA 95029

### ***Subject: Notice of Change in Approval Status***

Dear Ms. Manipol,

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on November 21, 2014, WestMed College San-Jose, Vocational Nursing Program was placed on provisional approval for the two year period from November 21, 2014, through November 30, 2016.

The purpose of this letter is to explain the areas of non-compliance found and the corrections required of your program to avoid losing approval completely.

Once you have reviewed this letter, please sign and return the enclosed "Acknowledgement of Change in Approval Status" form by **Monday, December 15, 2014**.

### **AREAS OF NON-COMPLIANCE [VIOLATION(S)]**

In accordance with Section 2526.1(c) of title 16 of the California Code of Regulations,

"The Board may place any program on provisional approval when that 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 Board 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."

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

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

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 pass rates of the WestMed College, Vocational Nursing Program for the past fifteen (15) quarters are set forth in the following table.

<b>NCLEX-PN® Licensure Examination Pass Rates</b>			
<b>Quarter</b>	<b>State Annual Average Pass Rate</b>	<b>Program Annual Average Pass Rate</b>	<b>Variance from State Annual Average Pass Rate</b>
Jan – Mar 2011	77%	63%	-14
Apr – Jun 2011	76%	72%	-4
Jul – Sep 2011	75%	75%	0
Oct – Dec 2011	75%	67%	-8
Jan – Mar 2012	74%	65%	-9
Apr - Jun 2012	74%	64%	-10
Jul – Sep 2012	74%	63%	-11
Oct – Dec 2012	74%	73%	-1
Jan – Mar 2013	73%	69%	-4
Apr – Jun 2013	73%	62%	-11
Jul – Sep 2013	74%	61%	-13
Oct – Dec 2013	76%	60%	-16
Jan – Mar 2014	76%	54%	-22
Apr – Jun 2014	73%	55%	-18
Jul – Sep 2014	73%	53%	-20

Based on this data, the program failed to comply with regulatory requirements.

**REQUIRED CORRECTION(S)**

1. The WestMed College, San Jose, Vocational Nursing Program shall bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.

2. The program shall admit no additional classes without prior approval by the full Board.
3. The program shall submit for Board approval applications for the approval of clinical facilities sufficient to provide clinical experiences in Maternity Nursing for the enrolled students by **December 15, 2014**.
4. The program shall submit an instructional calendar that substantiates theory and correlated clinical experience for enrolled students including clinical facilities to which students are assigned by **December 15, 2014**.
5. The program shall submit a report to the Board no later than seven (7) months, but no later than **June 1, 2015**, and twenty – one (21) months, but no later than **August 1, 2016**. 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.
6. The program shall 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. The program shall 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.

Notice of Change in Approval Status  
WestMed College - San Jose  
Vocational Nursing Program  
December 10, 2014  
Page 4 of 4

**FUTURE BOARD ACTION**

Your program will be placed on the **February 2015 and November 2015** Board Meeting agendas, at which point the Board may revoke or extend the program's approval. If you have additional information that you wish considered beyond the required corrections listed on page 2 through 3, you must submit this documentation by the fifteenth day of the second month prior to the Board meeting.

**OTHER IMPORTANT INFORMATION**

Please be advised that, pursuant to the Board's regulations, the program will not be authorized to admit new classes beyond the established pattern of admissions previously approved by the Board. The established pattern of admissions approved by the Board is as follows: **Prior approval by the full Board is required to admit classes.**

In the event your program is required to submit any report(s) as a corrective action pursuant to this notice, such reports are required in addition to any other reports required pursuant to 2527 of the Board's regulations.

The program may not advertise that it has full approval, and should take steps to correct any ongoing advertisements or publications in that regard.

A copy of title 16, California Code of Regulations, section 2526.1, regarding provisional approval is attached for your reference. A complete copy of the Board's laws and regulations can be found on the Board's web site at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov).

Should you have questions, please do not hesitate to contact the Board.

Sincerely,



**TERESA BELLO-JONES, J.D., M.S.N., R.N.**  
Executive Officer

Enclosures

cc: Board Members

TBJ:jg