

# Agenda Item #6.D.4.



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

BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS  
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945  
Phone (916) 263-7800 Fax (916) 263-7855 Web [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



## COVER SHEET

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

### Recommendations:

1. Approve Shepherd University Vocational Nursing Program's request to admit a full time class of 20 students commencing September 9, 2015, and graduating November 11, 2016 only, **provided** the program maintains an instructor – to – student ratio that does not exceed ten (10) students per instructor during clinical classes.
2. Require the director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation, no later than **15 days after class starts**.
3. Continue the program's requirement to admit no additional classes without prior approval by the full Board.

**Rationale:** As noted previously, the program was placed on provisional approval for a two (2) year period on May 16, 2014. **At that time, the program's quarter pass rate was 38% and its average annual pass rate was 55%**, 21 percentage points below the state average annual pass rate. Based on published examination statistics for **Quarter 2 - 2015, the program's average annual pass rate declined to 29%**. As such, the program has had fourteen (14) consecutive quarters of noncompliant pass rates. However, the program has had no graduates since September 2013. No first time test takers from Shepherd University have taken the licensure examination during the Quarter 1 - 2015 or Quarter 2 - 2015 reporting periods.

During the September 12, 2014 meeting, the Board approved a class of 20 students to commence November 3, 2014. However, due to low enrollment, the university administration elected to cancel the class and the director resigned. On February 13, 2015, the Board approved a class of 20 students to commence April 6, 2015. The program admitted four (4) students. Currently the program's total enrollment is three (3) students. The program has adequate resources to administer the program, and meet learning and program objectives for the current and proposed student population.

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.

# Agenda Item #6.D.4.



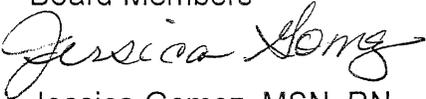
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Vocational Nursing and Psychiatric Technicians  
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945  
Phone 916-263-7800 Fax 916-263-7859 www.bvnpt.ca.gov



DATE: August 5, 2015

TO: Board Members

FROM:   
Jessica Gomez, MSN, RN  
Nursing Education Consultant

SUBJECT: Shepherd University Vocational Nursing Program – Consideration of Request to Admit Students (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. At that time, the program's average annual pass rate was 55%.

On February 13, 2015, the Board approved the 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 2013, **provided** the program has no more than ten (10) students per instructor during clinical experience.

The Shepherd University, Vocational Nursing Program, requests approval to admit a full time class of 20 students commencing September 7, 2015, and graduating November 11, 2016.

## 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 23 students** for the period from **March 2012 through July 2016**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
3/12 (FT)		11	9	0 + 9 = 9
6/12 (PT)		8	8	9 + 8 = 17
	3/13 (3/12 FT Class)		-9	17 - 9 = 8
	9/13 (6/12 PT Class)		-8	8 - 8 = 0
11/14 (PT)		0	0	0 + 0 = 0
4/15 (FT)		4	3	3 + 0 = 3
9/15 (FT) Proposed	11/16	20	20	3 + 20 = 23
	7/16 (4/15 FT Class)		-3	24 - 3 = 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 June 2015, 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

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
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
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
Jan – Mar 2015	No Candidates Tested			73%	22%	71%	-49
Apr – Jun 2015	No Candidates Tested			69%	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 June 2015, substantiate the program’s **noncompliance** with regulatory requirements for **fourteen (14) consecutive quarters**.

Based on the most recent data available (April through June 2015) 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. It is noted that the program’s average annual pass rate represents statistics for seven (7) program graduates.

### 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 classes.

On February 13, 2015, 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 classes.

Based on the Board's prior decision and the program's proposed maximum enrollment of 23 students, three (3) 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 experiences consistent with competency-based objectives and theory instruction.

### **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 on September 2, 2014 and graduating December 2015, was deferred to the Executive Officer, pending the program's submission of documentation confirming adequate clinical facilities and other critical resources by July 30, 2014. The Board required the program to maintain an instructor-to-student ratio not to exceed ten (10) students per instructor in clinical classes.

On May 27, 2014, the Board forwarded to the director, per certified and regular mail, the *Notice of Change in Approval Status*.

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 inspection of the program to determine 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, pursuant to Corrective #3 of the *Notice*. The director attached new forms, and processes that were developed.

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 classes.

**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.**

On February 13, 2015, the full Board approved the 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 maintains an instructor – to – student ratio that does not exceed ten (10) students per instructor during clinical experience.

Based on submitted enrollment data, the program graduated its last class in September 2013. On April 6, 2015, the program admitted a class of four (4) students. Of the total admitted, three (3) students remain in the class.

To date, the violation of Section 2530(l) of the California Code of Regulations has **not** been corrected. From Quarter 1 – 2014 through Quarter 2 – 2015, 17 program graduates completed the NCLEX-PN®. Of the total population tested, five (5) program graduates passed (29.41%) on initial testing; twelve (12) program graduates failed (70.59%). During Quarter 1 – 2015 and Quarter 2 – 2015, no program graduates completed the NCLEX-PN®. The program's average annual pass rate for Quarter 2 – 2015 is 29%.

#### **Recommendations:**

1. Approve Shepherd University Vocational Nursing Program's request to admit a full time class of 20 students commencing September 9, 2015, and graduating November 11, 2016 only, **provided** the program maintains an instructor – to – student ratio that does not exceed ten (10) students per instructor during clinical classes.
2. Require the director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation, no later than **15 days after class starts**.

3. Continue the program's requirement to admit no additional classes without prior approval by the full Board.

**Rationale:** As noted previously, the program was placed on provisional approval for a two (2) year period on May 16, 2014. **At that time, the program's quarter pass rate was 38% and its average annual pass rate was 55%**, 21 percentage points below the state average annual pass rate. Based on published examination statistics for **Quarter 2 - 2015, the program's average annual pass rate declined to 29%**. As such, the program has had fourteen (14) consecutive quarters of noncompliant pass rates. However, the program has had no graduates since September 2013. No first time test takers from Shepherd University have taken the licensure examination during the Quarter 1 - 2015 or Quarter 2 - 2015 reporting periods.

During the September 12, 2014 meeting, the Board approved a class of 20 students to commence November 3, 2014. However, due to low enrollment, the university administration elected to cancel the class and the director resigned. On February 13, 2015, the Board approved a class of 20 students to commence April 6, 2015. The program admitted four (4) students. Currently the program's total enrollment is three (3) students. The program has adequate resources to administer the program, and meet learning and program objectives for the current and proposed student population.

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.

Attachment B: Notice of Change in Approval Status, Dated May 27, 2014.

## **Agenda Item #6.D.4., 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**, required 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. Seven (7) violations of the California Code of Regulations were identified.
  - On June 20, 2014 the Executive Officer issued a *Notice* specifying violations identified on the program survey visit and requiring the director to submit, no later than July 11, 2014, the following documents and materials.
    1. Plan and timeline for correction of each violation.
    2. Policy and tool for written evaluation of clinical facilities.
    3. Proof of high school equivalency for the two (2) students missing documentation of same in their files at the time of the onsite inspection.
    4. Most recent version of the admission, screening and selection policies.
    5. Revised vocational nursing program handbook with revised and updated grading policy.
    6. Written list of resources related to counseling and tutoring.
    7. 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 *Notice of Violations* and summarized the July 1, 2014 comprehensive report.
  - On September, 12, 2014 the full Board required the 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 than ten (10) students per instructor during clinical experience; **and**,

**And** continued to program's requirement to admit no additional classes without prior approval by the full board.

- On October 20, 2014, the Board received correspondence from the director reporting the university administration's intent to cancel the approved November 3, 2014 class due to low enrollment. Additionally, **the director reported the submission of his resignation, effective October 31, 2014.**
- **On December 5, 2014, the Board approved an interim program director.**
- **On January 9, 2015, the Board approved a new program director.**
- On February 13, 2015, the full Board approved 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; **and**, continued the program's requirement to admit no additional classes without prior approval by the full Board.



## Agenda Item #6.D.4., Attachment B

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.  
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS  
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945  
Phone (916) 263-7800 Fax (916) 263-7855 Web [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



### CERTIFIED MAIL

May 27, 2014

Agustin Dominic Pacis, B.S., R.N.  
Director, Vocational Nursing Program  
Shepherd University  
3200 North San Fernando Road  
Los Angeles, CA 90065

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

Dear Mr. Pacis:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on May 16, 2014, the status of the Shepherd University Vocational Nursing Program has been changed from full approval to provisional approval for the two – year period from May 16, 2014 through May 31, 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 **Friday, June 6, 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 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."

Section 2530(l) of title 16 of the California Code of Regulations states:

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

The program pass rates of the Shepherd University Vocational Nursing Program for the past sixteen (16) quarters are set forth in the following table.

NCLEX-PN® Licensure Examination Data			
Annual Statistics*			
Quarter	State Average Annual Pass Rate	Program Average Annual Pass Rate	Variance from State Average Annual Pass Rate
Jan - Mar 2008	76%	81%	+5
Apr - Jun 2008	78%	75%	-3
July - Sep 2008	74%	74%	0
Oct - Dec 2008	73%	85%	+12
Jan - Mar 2009	72%	87%	+15
Apr - Jun 2009	70%	79%	+9
July - Sep 2009	72%	71%	-1
Oct - Dec 2009	73%	64%	-9
Jan - Mar 2010	74%	64%	-10
Apr - Jun 2010	75%	71%	-4
Jul - Sep 2010	75%	78%	+3
Oct - Dec 2010	76%	81%	+5
Jan - Mar 2011	77%	81%	+4
Apr - Jun 2011	76%	73%	-3
Jul - Sep 2011	76%	76%	0
Oct - Dec 2011	75%	69%	-6
Jan - Mar 2012	74%	62%	-12
Apr - Jun 2012	74%	57%	-17
Jul - Sep 2012	74%	55%	-19
Oct - Dec 2012	74%	56%	-18
Jan - Mar 2013	73%	53%	-20
Apr - Jun 2013	73%	60%	-13
Jul - Sep 2013	74%	57%	-17
Oct - Dec 2013	76%	60%	-16
Jan - Mar 2014	76%	55%	-21

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

Based on this data, the program failed to meet the average annual pass rate requirement.

**REQUIRED CORRECTION(S)**

1. The Shepherd University 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 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.

---

4. ~~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.~~
5. 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.
6. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

**FUTURE BOARD ACTION**

Your program will be placed on the **May 2016** Board Meeting agenda, 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 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 no longer 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



**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945  
Phone (916) 263-7800 Fax (916) 263-7855 Web [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



May 27, 2014

**TO:** Education Division

**FROM:** Shepherd University Vocational Nursing Program

**SUBJECT:** *Acknowledgement of Receipt of Board Meeting Materials*

I, hereby acknowledge receipt of the following documents with attachments memorializing Board decisions rendered at the May 16, 2014 Board Meeting.

➤ *Shepherd University Vocational Nursing Program.*

1. *Notice of Provisional Approval.*
2. *California Code of Regulations Excerpt Section 2526.1. Provisional Approval.*
3. *Certificate of Provisional Approval.*
4. *Acknowledgement of Change in Approval Status*

Please sign and fax the *Acknowledgement of Receipt of Board Meeting Materials* to the Board at (916) 263-7866 by Friday, June 6, 2014.

\_\_\_\_\_  
(Signature, Director)

\_\_\_\_\_  
(Date)

Name of Program: \_\_\_\_\_

***Please complete this form and fax to the Board at  
(916) 263-7866 by Friday, June 6, 2014.***



## Acknowledgement of Change in Approval Status

I, Agustin Dominic Pacis, director of Shepherd University Vocational Nursing  
(Director's Name) (Name of Program)

Program hereby acknowledge that this program approval status has been changed from full approval to provisional approval for the two – year period from May 16, 2014 through May 31, 2016. I understand that in accordance with Section 2526.1 (f) of the Vocational Nursing Rules and Regulations and Section 2581.1 (f) of the Psychiatric Technician Rules and Regulations, the Board will consider any advertisement of full approval while on provisional approval as “material misrepresentation of fact.” “Material misrepresentation of fact” may lead to revocation of the program’s approval. Further, I understand the program’s provisional approval status will be reflected on the Board’s internet website.

Please complete and return this form to the Board by **Friday, June 6, 2014.**

*I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.*

\_\_\_\_\_  
(Signature of Director)

\_\_\_\_\_  
(Date)



## TITLE 16 CALIFORNIA CODE OF REGULATIONS

### 2526.1. Provisional Approval.

- (a) Provisional approval means a program has not met all requirements as set forth in this chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.
- (b) Provisional approval shall be granted for a period determined by the Board.
- (c) 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. If the program has not met all requirements at the end of the initial provisional approval period, provisional approval may be extended if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.
- (d) Any program holding provisional approval may not admit "new" classes beyond the established pattern of admissions previously approved by the Board. The admission pattern is defined by the number of students per class and the frequency of admissions for the six class admissions that immediately precede the Board action to consider provisional approval.
- (e) A program placed on provisional approval shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program's failure to correct delineated areas of noncompliance is cause for revocation of provisional approval.
- (f) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for revocation of provisional approval.
- (g) A program whose provisional approval has been revoked shall be removed from the Board's list of approved programs. The status of students as potential applicants for licensure will be determined by the Board.
- (h) A program that is removed from the Board's list of approved programs subsequent to Board action based on the program's non-compliance with applicable regulations shall not reapply to establish a vocational nursing program for a minimum period of one calendar year.



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  
Phone 916-263-7800 Fax 916-263-7855 Web [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)



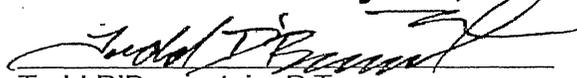
## **CERTIFICATE OF PROVISIONAL APPROVAL**

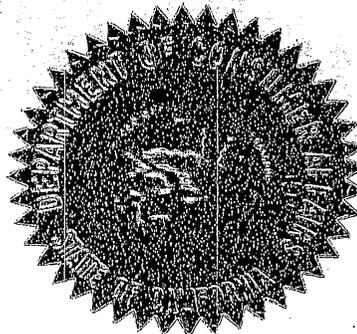
for

*Shepherd University*  
*Vocational Nursing Program*

This document reflects that the Board of Vocational Nursing and Psychiatric Technicians (Board) has provisionally approved the above-named program pursuant to Article 5 of the Vocational Nursing Practice Act and the Board's Rules and Regulations. A copy of documents related to the provisional approval may be obtained by contacting the Board at the address above. A candidate's completion of an approved vocational nursing program is partial fulfillment of requirements for the vocational nurse licensure examination.

**Effective: May 16, 2014**

  
Todd D'Braunstein, P.T.  
President



**Expires: May 31, 2016**

  
Teresa Bello-Jones  
Executive Officer