

Agenda Item #19.B.2.



BUSINESS CONSUMER SERVICES AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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COVER SHEET

SUBJECT: *American College of Nursing Vocational Nursing Program – Reconsideration of Provisional Approval.* (Director: Felicidad Silva, Concord, Contra Costa County, Private)

The American College of Nursing Vocational Nursing Program is presented for reconsideration of provisional approval. Revocation of the program's provisional approval is recommended.

Recommendations:

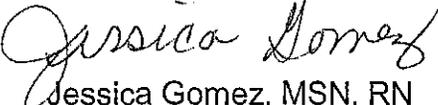
1. Revoke American College of Nursing Vocational Nursing Program's provisional approval, effectively immediately.
2. Remove the program from the Board's *List of Approved Vocational Nursing Programs*, effectively immediately.



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DATE: October 20, 2016

TO: Board Members

FROM: 
Jessica Gomez, MSN, RN
Nursing Education Consultant

SUBJECT: American College of Nursing Vocational Nursing Program – Reconsideration of Provisional Approval (Director: Felicidad Silva, Concord, Contra Costa County, Private)

The American College of Nursing Vocational Nursing Program is presented for reconsideration of provisional approval. Revocation of the program's provisional approval is recommended.

The Board placed the program on provisional approval on May 15, 2015, for a two (2) year period through May 31, 2017, due to noncompliance with regulatory requirements. The Board required the program to correct and sustain correction of twelve (12) identified violations. The violations, required corrections, and timeline for correction were specified in the *Notice of Change in Approval Status*, dated June 12, 2015. Further, the program was required to admit no additional students without prior approval by the Board.

On August 6, 2015, the Acting Executive Officer (AEO) approved the program's request to admit an evening class of 20 students starting September 23, 2015, and denied the program's request to admit a day class of 30 students starting October 19, 2015.

On November 18, and 19, 2015, an unannounced onsite inspection of the program was conducted. At that time, four (4) of the previously identified violations remained uncorrected and three (3) new violations were identified.

On February 5, 2016, the Board continued provisional approval through May 31, 2016, and placed the program on the May 2016 Board agenda for consideration of provisional approval and possible revocation. Additionally the Board required the program to correct the seven (7) outstanding violations.

On May 13, 2016, the Board continued the program's provisional approval, approved a major curriculum revision, and denied the program's request to admit students. Additionally, the program was required to correct all violations no later than June 30, 2016.

On May 16, 2016, the program submitted documents including revised policies and procedures. If implemented as reported, the identified violations would be considered corrected.

On August 1, 2016, the Executive Officer denied the program's request to admit 20 students and approved admission of a class of 10 students to commence August 29, 2016, and expected to graduate September 20, 2017.

On September 15, 2016, an unannounced program inspection was conducted. Six (6) violations which had been considered corrected were identified as reoccurring violations.

History of Prior Board Actions

(See Attachment A, History of Prior Board Actions)

Enrollment

Currently, the program offers full – time day classes and full – time evening classes that are 90 weeks in length. The program must obtain Board approval prior to the admission of each class.

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 25 students** for the period from **October 2015 through September 2017**.

ENROLLMENT DATA				
CLASS DATES		# Students Admitted	# Students Current or Completed	Total Enrolled
Start	Completed			
10/15 (PM Class)		20	15	0 + 15 = 15
8/29/16 (PM Class)	9/17	10	10	15 + 10 = 25
	10/16 (10/15 PM Class)		-15	25 - 15 = 10
	9/17		-10	10 - 10 = 0

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 2014 through September 2016, specify the pass percentage rates for graduates of the American College of Nursing Vocational Nursing Program on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX-PN).

NCLEX-PN® Licensure Examination Data							
Quarterly				Annual Statistics*			
Quarter	# Candidates	# Passed	% Passed	State 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 2014	12	7	58%	74%	74%	76%	-2
Apr – Jun 2014	13	7	54%	66%	67%	73%	-6
Jul – Sep 2014	9	8	89%	72%	69%	73%	-4
Oct – Dec 2014	11	7	64%	72%	64%	72%	-8
Jan – Mar 2015	10	9	90%	73%	72%	71%	+1
Apr – Jun 2015	14	3	21%	69%	61%	72%	-11
Jul – Sep 2015	10	6	60%	73%	56%	72%	-16
Oct – Dec 2015	12	9	75%	75%	59%	72%	-13
Jan – Mar 2016	10	5	50%	73%	50%	72%	-22
Apr – Jun 2016	14	6	43%	75%	57%	74%	-17
Jul – Sep 2016	4	0	0%	72%	50%	72%	-22

*The Annual Pass Rate changes every quarterly period. It is calculated by dividing the number of candidates who passed during the current and previous 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 Section 2530(I) 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.”

This data substantiates the program’s compliance with Section 2530(I) of the Vocational Nursing Rules and Regulations for six (6) of the previous ten (10) quarters. The program has been noncompliant with regulatory requirements for the past six (6) consecutive quarters (April 2015 – September 2016); since placement on provisional approval.

Based on the most recent data available (July to September 2016) the program’s average annual pass rate is **50%**. 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 American College of Nursing Vocational Nursing Program is **22** 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.”

Board approved faculty for the program totals 13, including the director. The director has 75% administrative responsibilities and duties. Of the total faculty, 11 are approved to teach in the clinical area.

Based on a maximum enrollment of 25 students, three (3) instructors are needed. Therefore, the number of current 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."

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

On September 24, 2014, the Board received correspondence via email from the interim school administrator advising of the termination of the program's director, effective immediately. The correspondence specifically stated a new director would be in place the following day. The Board subsequently received a number of complaints regarding the program.

On October 8, 2014, the Board approved a new program director.

On October 14 and 15, 2014, Board representatives conducted an unannounced onsite inspection of the program. During the inspection, twelve (12) violations of the California Code of Regulations were identified.

On November 26, 2014, the Board notified the director via certified mail advising the program of violations identified during the onsite inspection.

On January 9, 2015, the Board received notification that the director had been placed on an extended medical leave of absence.

On January 21, 2015, the Executive Officer denied the program's request for approval to admit a new class. Further, the program was required to submit a report confirming correction of the cited violations. (See Attachment B)

On January 27, 2015, the Board approved a new assistant director of nursing for the program. On February 25, 2015, the Board received electronic correspondence regarding the resignation of the newly approved assistant director of nursing.

On March 2, 2015, the Board received the program's response to the violations as requested. Documentation provided evidence that four (4) of the violations had been corrected. An analysis of submitted documents and materials confirmed that the program continued to have an inadequate number of resources including clinical sites for Pediatric and Maternity Nursing. Further, the attendance policy was not being enforced. Remediation and tutoring policies were developed; however, evidence of implementation was not provided.

On March 25, 2015, the Board approved a new assistant director of nursing.

On March 27, 2015, the Board received notification regarding an extension of the director's medical leave until April 15, 2015.

On April 7, 2015, the assigned Nursing Education Consultant and Supervising Nursing Education Consultant met with the school administrator and newly appointed assistant director relative to the status of the program. Board representatives discussed the program's submitted responses addressing previously identified violations. Of particular note, Board representatives discussed the instability in program administration since September 24, 2014, during a time when students were enrolled. Due to the lack of correction of identified violations, program representatives were advised of the program's placement on the Board's agenda for consideration of provisional approval.

On April 13, 2015, the Board approved a new program director.

On April 13, 2015, the new director submitted a written response to the violations. Upon analysis, the assigned consultant identified that the response consisted of forms, policies, attendance records, and remediation forms, each of which had been previously submitted by the preceding director. A detailed report was not included, and no information was provided to indicate actions taken by the program and any changes regarding the status of the violations.

On May 15, 2015, the Board placed the American College of Nursing Vocational Nursing Program on provisional approval for a two (2) year period through May 31, 2017. The Board directed the program to correct the identified violations. The program was also required to admit no additional students without prior approval by the Board.

On June 4, 2015, the Board approved a new director.

On June 12, 2015, the Board forwarded a *Notice of Change in Approval Status* to the program director per certified and regular mail. That *Notice* specified identified program deficiencies, required corrections, and timeline for completion (see Attachment C).

On June 16, 2015, the program submitted and obtained Board approval of four (4) facility applications attaining adequate clinical sites for all currently enrolled students for Pediatrics and Maternity Nursing.

On June 29, 2015, the director submitted documentation reporting that all violations, as specified in the *Notice*, had been addressed. If the program maintained the corrective

actions instituted by the director, all of the violations would have been considered corrected. (See Attachment D)

On July 29, 2015, the director submitted documentation reporting that all students from the January 2014, day and evening classes and the July 2014 day class had completed all required Pediatric and Maternity Nursing clinical hours and objectives.

On August 6, 2015, the Acting Executive Officer approved a class of 20 students starting September 23, 2016, only, and denied a class of 30 students starting October 19, 2015.

On November 17 and 18, 2015, the Board conducted an unannounced onsite inspection to evaluate the program's correction of previously identified violations and compliance with all regulatory requirements. During the inspection, **three (3) new violations** were identified and **four (4) of the previous violations** were determined to remain **uncorrected**.

On February 4, 2016, the full Board placed the program on the May 2016 agenda for reconsideration of provisional approval and possible revocation.

On February 26, 2016, the Board received correspondence from the director regarding the a comprehensive analysis of the program as required by the *Notice of Change in Approval Status*, dated June 12, 2015 (see Attachment E). The report failed to include a timeline for completion or re-evaluation. The report included:

- **Admission Criteria:**

The program is continuing to follow the program's Board approved admission policy. An audit of all student files indicates compliance.

- **Screening and Selection Criteria:**

Student files indicate all program candidates were screened per the program's Board approved screening and selection methodology.

- **Terminal Objectives:**

Current students are in Level 1. The students are meeting the theory and clinical objectives which will lead to the students meeting the terminal objectives. The current curriculum is being revised. The new curriculum will be aligned to the terminal objectives.

- **Curriculum Objectives:**

The students are meeting the curriculum objectives.

- **Instructional Plan:**

The current instructional plan is available to all faculty and being implemented in all theory and clinical classes.

- **Lesson Plans:**

Lesson plans are available to the instructors. When the new curriculum is completed and approved by the Board, new lesson plans will be specifically tailored to the course content and objectives.

- **Textbooks:**

Current textbooks meet the minimum requirements of the current curriculum and terminal objectives. New textbooks have been identified to replace the current textbooks upon approval of the revised curriculum.

- **Attendance Policy:**

Student files and records indicate that the Board approved attendance policy is being followed, and make-up hours for theory and clinical are being completed.

- **Remediation Policy:**

The remediation policy is being followed. Of the current students, five (5) were placed on remediation, three (3) students completed the remediation and two (2) of the students withdrew from the program for behavioral and financial issues.

- **Evaluation of Theory/Clinical Faculty:**

Theory and clinical faculty are meeting the course objectives and are effective. (No information or evidence was provided as to how or when the faculty were evaluated).

- **Correlation of Theory to Clinical:**

Correlation between theory and clinical has been maintained for all current students.

(When questioned, the director submitted an email stating the theory and clinical faculty each have access to the instructional plan providing the current topics to be addressed. Additionally, the course theory and clinical faculty members and the director meet to discuss expectations for student clinical assignments, and student progress in meeting course objectives).

- **Current Enrollment:**

There is one class of students currently attending the program

- 20 students were admitted September 23, 2015. Graduation of the class is projected on September 23, 2016.
- 4 students withdrew from the program
 - 1 lost her scholarship
 - 2 terminated due to behavior issues
 - 1 failed to meet academic standards
- 1 student is on a leave of absence
- 15 students remain

- **Assessment Technology Institute (ATI) Testing:**

ATI testing and remediation processes have been implemented into the program to assist students with critical thinking, problem solving and test taking strategies. ATI is being offered to past graduates who have not taken the NCLEX-PN® licensure examination.

- **NCLEX-PN Pass Rates:**

The program is reaching out to the past graduates. Graduates are not taking advantage of returning to the college for remediation and access to ATI NCLEX prep, due to

distrust of the program due to numerous changes in the program's leadership over the last two years.

On May 13, 2016, the Board continued the program's provisional approval until May 2017. Additionally, a major curriculum revision to include 1626 total hours [Theory – 652; Clinical – 974] was approved.

On May 16, 2016, the Board received the program's report regarding corrections for previously identified violations (see Attachment F). Corrections to the violations are specified below.

Violations:

The following summarizes previously identified violations and the status of corrective actions by the program.

Section 2526(a)(7) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

... (7) Instructional Plan.

Violation #1: Board files confirm that the program has a Board-approved instructional plan. However, the program was unable to provide a copy of the approved instructional plan during the survey visit or provide documentation confirming its implementation.

Status #1: This violation is **corrected**.

On November 18, 2015, Board staff observed the current instructional plan in binders located in the faculty room, and on the school intra-net in faculty folders.

Section 2526(a)(8) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

... (8) Evaluation methodology for curriculum."

Violation #2: Board files confirm that the program has an approved methodology and procedure for evaluation of the curriculum. However, during the inspection, program representatives failed to produce evidence confirming that the curriculum had been evaluated to determine its effectiveness, currency, or need for revision.

Status #2: This violation is **corrected**.

Submitted minutes of faculty meetings confirmed discussion and evaluation of the curriculum. Based upon that evaluation, the need for a

revised curriculum was identified. Continued evaluation of the curriculum and students' progress are now standard agenda items for each faculty meeting.

2526(a)(11) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

... (11) Evaluation methodology for clinical facilities."

Violation #3: Program representatives failed to provide documentation confirming implementation of its approved methodology for the evaluation of clinical facilities to which students are assigned.

Status #3: This violation is **corrected**.

On November 18, 2015, the director provided copies of evaluation forms specifying that the director, clinical instructors, and students have completed assessments of all clinical sites. Evaluation forms included an appraisal of the appropriateness of clinical site per level of student, availability of a variety of patients and resources allowing students to complete clinical objectives, and receptiveness of facility staff to student learning.

Section 2526(a) (16) of the Vocational Nursing Rules and Regulation states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

... (16) List of resources for provision of counseling and tutoring services for students."

Violation #4: The program failed to provide a list of resources for provision of counseling and tutoring services for students. No list of available resources for counseling or tutoring was found posted on campus or in the student handbook.

Further, students confirmed during interviews they were unaware of any counseling services available for mental health issues, or other life crises at the school or within the community.

Status #4: This violation is **corrected**.

On February 19, 2016, the director submitted a list of resources accompanied with signed forms by students verifying that each student had received a list of resources and tutoring available in the community. Additionally, the director supplied a copy of the revised student handbook. The last two (2) pages contain the same list of resources available to the students.

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

"A school shall report to the Board within ten days of the termination of a faculty member."

Violation #5: The program failed to consistently report the termination of program faculty within ten (10) days as prescribed by existing regulations. According to the interim administrator and director, since September 2014, several instructors had been terminated or resigned. The program was unable to provide a list of current faculty.

Status #5: This violation is **corrected**.

On November 18, 2015, during the onsite inspection, documentation and faculty files provided by the program matched the Board's list of current faculty members for the program.

Section 2530(e) of the Vocational Nursing Rules and Regulation states:

"Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director."

Violation #6: Faculty members were unable to provide lesson plans as required by the regulation. Board representatives observed the director teaching a scheduled class and confirmed that instruction was provided from a syllabus rather than lesson plans derived from the Board – approved Instructional Plan.

Status #6: This violation is **corrected**.

On May 13, 2016, the Board approved the programs new curriculum and instructional plan. Lesson plans specific to the new curriculum are now in binders in the faculty room, accessible to the director and program instructors.

Section 2530 (f) of the Vocational Nursing Rules and Regulations states:

"The program's instructional plan shall be available to all faculty."

Violation #7: The program failed to have a copy of the approved instructional plan available for all faculty as prescribed by regulation. Further, an analysis of documents provided during the survey visit by the interim administrator and director confirmed that the program is **not** using the Board - approved instructional plan. Specifically, representatives provided copies of classroom syllabi; however, the provided documents **do not** correlate with the approved instructional plan.

Status #7: This violation is **corrected**.

On November 18, 2015, Board staff observed the current instructional plan in binders located in the faculty room, and on the school intranet in faculty folders. The program has a current Board - approved instructional plan that will be replaced upon completion of the new curriculum, and approval by the Board.

Section 2530 (h) of the Vocational Nursing Rules and Regulations states:

"Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required."

Violation #8: The program has an attendance policy published in the student handbook. However, the interim administrator confirmed that accurate attendance records had not been kept for students in the vocational nursing program and stated a new plan had been developed. An examination of program documents during and since the onsite inspection produced no evidence of follow-up for student absences from theory or clinical classes.

Status #8: The violation is **corrected**.

On November 18, 2015, the program provided records that indicate that the attendance policy is currently being followed. Documentation provided confirmed that clinical and theory hours were made up timely and clinical make-up correlated to theory.

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

"Vocational nursing programs shall include theory and correlated clinical experience."

Violation #9: The program has a Board - approved curriculum that includes correlation between theory and clinical experiences offered to students. Students were interviewed during a scheduled clinical rotation at an adult skilled nursing facility providing clinical experience in **Gerontological and Medical/Surgical Nursing**. Students reported that they were currently receiving **didactic instruction in Pediatric Nursing**. As such, the course of instruction provided by the program **lacked** correlation between the theory and clinical instruction for the class.

Board representatives interviewed students, the director, and the interim administrator. All confirmed that the program **lacked** clinical facilities that offered clinical rotations in Maternity Nursing or Pediatric Nursing for the enrolled students.

Status #9: The violation is **corrected**.

During the November 2015 inspection, student and attendance records were analyzed. Information contained in those records indicated that the recently graduated students had completed their Pediatric and Maternity Nursing rotations months after completion of their theory courses. Considering the program follows policies that have been placed and the director actively evaluates the availability of clinical facilities this violation will be considered corrected.

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. Clinical objectives which students are expected to master shall be posted on patient care unit utilized for clinical experience."

Violation #10: The program failed to secure adequate clinical sites as to number, type, or variety of clients consistent with the approved curriculum. Specifically, the program failed to secure clinical facilities for Maternity, and Pediatric Nursing. During an interview with students, Board representatives were informed that all clinical experiences for Maternity and Pediatric Nursing are held in the Skills Lab observing both purchased DVDs and YouTube videos, and working with baby, child, and an adult mannequins. Board representatives confirmed the information with the Director.

Status #10: The violation is **corrected**.

On June 27, 2016, the program submitted a calendar for current and requested students. Additionally, facility applications for Pediatric clinical rotations were submitted for Board approval. If the program calendar is followed as submitted this violation will be considered corrected.

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

"Schools are responsible for the continuous review of clinical facilities to determine if the student's clinical objectives for each facility are being met."

Violation #11: As noted in Violation #3, program representatives were unable to provide documentation substantiating the evaluation of clinical facilities.

Status #11: This violation is **corrected**.

As stated previously, on November 18, 2015, the assigned consultant was provided copies of evaluation forms specifying the director, clinical instructors, and students have completed assessments of all clinical sites. Evaluation forms included an appraisal of the appropriateness of clinical site per level of student, availability of a variety of patients and resources allowing students to complete clinical objectives, and receptiveness of facility staff to student learning.

Section 2529 (b) of the Vocational Nursing Rules and Regulations states:

“Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525et seq.)”

Violation #12: On September 24, 2014, the Board received notification of the termination of the program director. On October 8, 2014, the Board approved a new director. On January 9, 2015, the Board was informed that the director had been placed on medical leave. To date, that medical leave continues. On April 13, 2015, the Board approved a new program director.

Observations by Board representatives during the onsite program inspection, and the analysis of critical elements, documents, materials, and information submitted by program representatives subsequent to the onsite inspection confirm the lack of active program administration by a Board – approved director.

Status #12: This violation is **corrected**.

Where some violations remain, the current director has shown consistent efforts to correct the violations and actively administer the program. As such, a new curriculum, instructional plan and lesson plans were approved May 13, 2016. Thirteen (13) violations have been corrected; two (2) violations remain uncorrected. Of the two (2) uncorrected violations, one (1) violation cannot be corrected until a class of students are admitted, and one (1) violation cannot be corrected until graduation of the current class of students. As such, it is determined the director is actively administering the program and this violation is considered corrected.

The following summarizes new violations identified during the November 18 and 19, 2015 unannounced onsite program survey.

Section 2526(a)(12) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

~~(12) Admission criteria."~~

Violation #13: The program has a Board approved admission policy. On September 4, 2015, the director submitted the 2015 Annual Report representing the program's admission policy requirements that an applicant attain a minimum score of **80%** on the GAIN entrance examination, pass an interview with the director, and have completed prerequisites.

On November 18, 2015, information provided by program representatives confirmed that the current student handbook lists program admission criteria specifying that an applicant must pass the GAIN entrance examination with a minimum score of **75%**.

An analysis of documentation in student records provided by the program confirmed the following.

1. Documentation in student files verified that one (1) student was admitted with a GAIN score of 73.7%.
2. Two (2) student files did not contain evidence confirming completion of the GAIN entrance exam score.
3. Five (5) students did not have documentation of completion of the required prerequisites, however the director did provide a printout transcript with a grade for the American College of Nursing prerequisites for four (4) of the students.

Status #13: This violation is **corrected**.

The director has submitted a policy and procedures to be followed during the admission process. If the program follows and implements the policy and procedures the violation will be considered corrected.

Section 2530(g) of the Vocational Nursing Rules and Regulations states:

"Each school shall have on file proof that each enrolled student has completed a general education course of study through the 12th grade or equivalence of completion of the equivalent thereof. Equivalency is determined by the Department of Education in any of the United States or by a nationally-recognized regional accrediting body."

Violation #14: On November 9, 2015, the assigned NEC received notification from the director that a graduate of the program was denied the opportunity to take the licensure examination because of the lack of a high school diploma.

During the November 18 – 19, 2015 onsite inspection, the NEC completed an analysis of the program's student records. The analysis confirmed that five (5) current students lacked documentation of a high school diploma or equivalency.

Status #14: This violation is **corrected**.

On May 16, 2016, the program provided evidence, that all current students have completed high school or the equivalence, and has corrected all the current student files. The graduate mentioned above did submit evidence to the Board which completed the application for the student to take the NCLEX-PN®.

Section 2530(i) of the Vocational Nursing Rules and Regulations states:

"Each school shall evaluate student performance to determine the need for remediation or removal from the program."

Violation #15: During the evaluation of student files no evidence of remediation or student evaluation regarding student progress was identified in any of the student files. Grades indicated that three (3) of the students had failed the final exam for their last course and had retaken their final examination, failed, and progressed to the next level in the program.

Status #15: The violation is **corrected**.

On May 16, 2016, the program supplied the Board evidence which included documentation of need for remediation, with follow-up actions and reevaluation for three current students.

Program Inspection:

On September 15, 2016, an unannounced program inspection was conducted by the Board staff. **Five (5) reoccurring violations were identified and the violation of Section 2530(i) remains.**

The following summarizes findings of the Board representative.

Campus:

The physical campus and resources including class rooms, skills lab, and faculty space for class preparation are unchanged from the previous inspections. The instructional plan and lesson plans were identified in binders and on the program intranet. Outside resources for tutoring and counseling remain available to student. Program policy and procedure manuals were evaluated including faculty meeting minutes, clinical site evaluations, attendance records, and grading.

Student Interviews:

The program offers only evening classes. Seven (7) students were interviewed at the Diamond Ridge Health Care Center located in Pittsburg CA. The students were very open to discuss the program with the Board Representative.

- Students voiced concern that they have “gone to the same clinical sites over and over again, and it would be nice to see how other facilities work”.
- Students voiced concerns that the clinical instructors change too frequently and that the variation of teaching styles impedes student learning. The students would like to have one clinical instructor for one clinical course.
- The students identified one theory instructor who they described as “prideful”. He is unwilling to discuss theory topics deeper than the initial instruction. He is unwilling to answer questions. Additionally, the students alleged that the instructor will not assist them with remediation or tutoring.
- Students stated they would like the program to develop better communication with students.
- The Director is strict but awesome.

Faculty Interview:

The clinical instructor had positive remarks regarding the program and the clinical site.

- The Instructor stated that she enjoys teaching at American College of Nursing.
- Students are able to meet all of the clinical objectives at the clinical site.
- The director is supportive of the instructor’s needs.
- The instructional plan is available to all faculty members.
- The clinical instructors are made aware of the content being discussed in the classroom and are able to correlate clinical experiences with theory.

Clinical Site:

Diamond Ridge Health Care Center is a skilled nursing facility. At the time of the visit it was clean, and the staff members were receptive to having student nurses. The clinical objectives were hanging at the nurses stations. The facility has adequate patients for the students to complete and meet the clinical objectives.

Student Files and Records:

Evidence of correction of previously identified violations in the admission and screening policy was confirmed by the presence of missing documents confirming the completion of high school or the equivalent thereof in all current student files. Evidence that remediation for both academic and attendance deficiencies was initiated and a date for completion or reevaluation was supplied. However, there was **no** evidence of reevaluation of students. Completion of theory and **clinical make-up** hours were **identified as writing reports**.

Violations identified:

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

"A school shall report to the Board within ten days of the termination of a faculty member."

Violation #1: This is a reoccurrence of a previously corrected violation. The violation appeared to have been corrected on November 18, 2015.

Analysis of submitted program documents and Board records confirm the program failed to report the termination of program faculty within the ten days prescribed by existing regulations. Discrepancies in the list of faculty provided and Board documents were identified. Board approved faculty were not on the list of faculty provided by the director.

Status #1: This violation is **not corrected**.

Section 2530 (h) of the Vocational Nursing Rules and Regulations states:

"Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required."

- (1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.
- (2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients."

Violation #2: This is a reoccurrence of a previously corrected violation.

Student files verify that the program has an approved attendance policy including a remediation form and plan for student make-up hours. However, analysis of student files confirms a failure to adhere to the approved policy.

- One student's file identified the clinical make-up assignment as a paper on open reduction and internal fixation, for a total of eight (8) hours make-up time. The paper was attached.
- Another student's eight (8) hour clinical make-up assignment was Congenital Heart Defects. Paper was attached to the remediation form.
- One student's file had a remediation form initiated for the student being late, determination of clinical or theory was not identified. The make-up assignment or number of hours were not identified.

Status#2: This violation is **not corrected**.

Section 2530(i) of the Vocational Nursing Rules and Regulations states:

"Each school shall evaluate student performance to determine the need for remediation or removal from the program."

Violation #3: This is a reoccurrence of a previously corrected violation.

Based on observation, student files contained evidence that remediation had been initiated with several students; however, documents substantiating the reevaluation of the students was identified.

- **Two** student's files contained a remediation form dated February 24, 2016. No follow-up or indication the student completed the remediation was identified.
 - On March 24, 2016, documents indicate the students were removed from the program.
 - On March 25, 2016, the students were reinstated. Student files contained no documentation confirming that remediation was completed, or the student had been reevaluated.
- **One** student's file contained documentation of Academic Probation dated February 24, 2016. Student records indicated that the student continued to fail Level 2 with scores of 61% on examinations. No evidence of completion of remediation or further documentation of student reevaluation or progression was found.

Status #3: The violation is **not corrected**.

Section 2530(l) of the Vocational Nursing Rules and Regulations states:

"The program shall maintain a yearly average minimum pass rate of the licensing examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited psychiatric technician schools for the same period."

Violation #4: This is a continuing violation.

Since placement on provisional approval the program's average annual pass rate has declined from **72%** for Quarter 1 - 2015, **1** percentage points **above** the state average annual pass rate, to **50%** for Quarter 3 - 2016, **22** percentage points **below** the state average annual pass rate for first – time program graduates.

Status #4: The violation is **not corrected**.

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

“Schools are responsible for the continuous review of clinical facilities to determine if the student’s clinical objectives for each facility are being met.”

Violation #5: This is a **reoccurrence of a previously corrected violation**.

Program representatives failed to provide documentation confirming implementation of its approved methodology for the evaluation of clinical facilities to which students are assigned. When asked to see the clinical site evaluations, the director stated we have them this time. A binder was supplied that contained only student clinical performance evaluation. The clinical facility was not evaluated.

Status #5: This violation is **not corrected**.

Section 2529 (b) of the Vocational Nursing Rules and Regulations states:

“Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525 et seq.)”

Violation #6: This is a **reoccurring violation**.

Observations during the onsite program inspection, evaluation of critical elements, and identification of reoccurring violation verify that the program lacks active administration by a program director.

Status #6: This violation is **not corrected**.

On September 30, 2016, Notification of Violations was sent via Certified Mail to the program. (See Attachment G)

Summary

On May 13, 2016, a major curriculum revision was approved which has been initiated with the students admitted in August of 2016.

Published examination statistics confirm that the program’s average annual pass rate has **decreased 22 percentage points** since placement on provisional approval on May 15, 2015. At that time, the program’s average annual pass rate was **72%**, **one percentage point above** the state average annual pass rate. The Quarter 3 - 2016, average annual

pass rate is **50%**, **22** percentage points **below** the state average annual pass rate for first – time program graduates/

Based on submitted enrollment data, ten (10) students are currently enrolled, who started the program in August of 2016. Those students are scheduled to graduate in September 2017.

Since October 2014, 15 violations of the California Code of Regulations have been identified. The Board has notified the program of the violations in writing. The program submits evidence of correction, however, unannounced onsite inspections substantiate a reoccurrence of the violations reoccur. Currently the program has six (6) violations which includes the noncompliant pass rates.

Recommendations:

1. Revoke American College of Nursing Vocational Nursing Program's provisional approval, effectively immediately.
2. Remove the program from the Board's *List of Approved Vocational Nursing Programs*, effectively immediately.

Rationale: Since September 23, 2014, the American College of Nursing Vocational Nursing Program has lacked consistent and active administration by a Board approved director during a time when students are enrolled. That failure is evidenced by the following:

- a. Termination of the director on September 23, 2014;
- b. Appointment and approval of a new director on October 8, 2015;
- c. The director's medical leave commencing December 9, 2015;
- d. Termination director effective April 13, 2015;
- e. The appointment and approval of a new director on April 13, 2015;
- f. Termination of Director on June 4, 2016;
- g. Appointment and approval of a new director on June 4, 2015.

Further, the program failed to correct four (4) of the twelve (12) violations identified during an unannounced onsite inspection conducted October 14 and 15, 2014. Three (3) additional violations were identified during an onsite inspection conducted on November 18 -19, 2015.

On May 15, 2015, the Board placed the program on provisional approval. At that time the program's annual average pass rate was **72%**, 1 percentage point above the state. The program's average annual pass rate has continued to decline since placement onto provisional approval. The most current quarter July through September 2016, the program had 4 candidates take the examination and 4 failed for a quarter pass rate of **0%**. The current average annual pass rate is **50%**, **22** percentage points below the state.

Three (3) times, the program has reported implementation of changes to correct all violations. However, upon unannounced inspections of the

program, the same violations continue to reoccur. Student attendance, remediation and progression are of major concern. The reoccurrence of the violations evidences the absence of active administration of the program by an approved director.

Taking into consideration the current quarterly and average annual pass rates, and the reoccurring violations, revocation of approval is recommended.

If the recommendations are adopted, the following options are available for enrolled students:

1. Students may apply for admission to existing approved vocational nursing programs; or
2. Students may seek to qualify for licensure based on the completion of equivalent education and experience.

Attachment A: History of Prior Board Actions.
Attachment B: Board Correspondence Dated January 22, 2015.
Attachment C: Board Correspondence Dated June 12, 2015.
Attachment D: Correspondence Dated June 29, 2015.
Attachment E: Correspondence Dated February 26, 2016.
Attachment F: Correspondence Dated May 16, 2016.
Attachment G: Notice of Violations Dated September 30, 2016

Agenda Item #19.B.2., Attachment A

American College of Nursing Vocational Nursing Program

History of Prior Board Actions

- On April 12, 2007, the Executive Officer approved American College of Nursing's request to begin a vocational nursing program with an initial class of 45 students commencing May 21, 2007, with a projected graduation of May 19, 2008; and approved the program curriculum for 1560 hours, including 596 theory, and 964 clinical hours.
- On March 4, 2008, the Executive Officer approved initial full accreditation for the American College of Nursing Vocational Nursing Program for the period March 4, 2008, through March 3, 2012, and issued a certificate accordingly. Additionally, the Executive Officer approved the program's request to admit a full – time class of 45 students beginning June 2, 2008 only, to **replace** students graduating on May 19, 2008.
- On November 5, 2008, the Executive Officer approved the program's request to admit an additional class of 45 students on December 1, 2008.
- The program delayed commencement of the class until December 15, 2008, with a projected graduation of December 11, 2009.
- On May 5, 2009, the Executive Officer approved the program's request to admit a full – time class of 45 students on June 1, 2009 only.
- On January 6, 2010, the Board notified the program that its pass rates on the NCLEX/PN® had fallen below 10 percentage points of the state average annual pass rate for **four** (4) consecutive quarters. The director was requested to submit a written plan for improving the program's pass rates by February 1, 2010.
- On January 7, 2010, the Executive Officer approved American College of Nursing Vocational Nursing Program's request to admit a full–time class of 45 students on January 11, 2010 only, with a projected graduation date of January 13, 2011, to **replace** students who graduated December 11, 2009.
- On April 30, 2010, the Executive Officer approved the program's request to admit a full – time class of 45 students on May 3, 2010 only, with a projected graduation date of April 23, 2011. Additionally, the program was required to obtain Board approval prior to the admission of all classes.
- On July 20, 2010, the Executive Officer approved the program's request to admit a full – time class of 60 students commencing July 12, 2010 only, with a projected

graduation date of July 22, 2011, to **replace** students graduating June 20, 2010; and required the program to obtain board approval prior to the admission of all classes.

- On January 28, 2011, the Executive Officer approved the program's request to admit a full-time class of 45 students commencing January 31, 2011 only, with a projected graduation date of February 2, 2012, to **replace** students who graduated January 22, 2011; and required the program to obtain Board approval prior to the admission of all classes.
- On May 13, 2011 the Board approved the program's admission of 45 students and 4 alternates into a full – time evening class commencing May 23, 2011, only, with a projected graduation date of May 30, 2012, to **replace** students scheduled to graduate May 18, 2011; **and**, denied the program's request for ongoing admissions of a full-time day class of 45 students two (2) times each year, commencing July 18, 2011; **and**, continued to require the program to obtain Board approval prior to the admission of each class.
- On February 1, 2012, the Board received the program's completed Program Records Survey for continued program approval.
- On June 7, 2012, the program was issued a Notice of Violation relative to noncompliance with California Code of Regulations Section 2530(k).
- On June 7, 2012, the Executive Officer approved the American College of Nursing Vocational Nursing Program for a four-year period from March 4, 2012 to March 3, 2016, and the Board issued a certificate accordingly; **and**, denied the program's request to admit 45 students and approved admission of an evening class of 45 students with a start date of June 18, 2012 and graduation date of June 22, 2013, only, to replace students graduating June 1, 2012; **and**, denied the program's request to admit 45 students; **and**, approved admission of a day class of 30 students with a start date of July 23, 2012 and graduation date of July 27, 2013, only, to replace students graduating July 20, 2012, only; and continued to require the program to obtain Board approval prior to the admission of each class.
- On August 28, 2012 the board received action plan regarding NCLEX-PN® pass rates.
- On May 20, 2013, the Executive Officer approved the program's request to admit an evening class of 30 students and 3 alternates on June 17, 2013, **only**, to **replace** students graduating on June 13, 2013; **and**, approved the program's request to admit a day class of 30 students and 3 alternates on July 15, 2013, **only**, to **replace** students graduating on July 11, 2013; **and**, continues to require the program to obtain Board approval prior to the admission of each class.
- On December 6, 2013, the Executive Officer approved the program's request to admit an evening class of 30 students and 3 alternates on January 2, 2014, with a graduation date of January 9, 2015. That class will be an additional class; **and**, approved the program's request to admit a day class of 30 students and 3 alternates on January 21, 2014, with a graduation date of January 22, 2015. That class will

replace students graduating on January 16, 2014; **and**, continued to require the program to obtain Board approval prior to the admission of each class.

- On May 22, 2014, the Executive Officer **approved** American College of Nursing Vocational Nursing Program's request to admit an evening class of 30 students and 3 alternates on July 16 2014, with a graduation date of July 23, 2015. That class will **replace** the students that are scheduled to graduate on June 21, 2014; **and**, approved the program's request to admit a day class of 30 students and 3 alternates on July 21, 2014, with a graduation date of July 30, 2015. That class will **replace** students scheduled to graduate on July 19, 2014; **and, continue** to require the program to obtain Board approval prior to the admission of each class.
- On September 23, 2014, the interim administrator notified the Board of Termination of the Director effectively immediately.
- On October 14 and 15, 2014, an unannounced program site visit was conducted.
- On November 26, 2014, the program was notified of violations.
- On December 15, 2014, Board received response of violations.
- On January 9, 2015, the Interim administrator resigned and the director was placed on an extended sick leave. On January 20, 2015, the Executive officer required the program to supply a report confirming correction of the violations and denied the requested class.
- On January 20, 2015, the Executive Officer **denied** the American College of Nursing Vocational Nursing Program's request for approval to admit a class of 30 evening students on January 27, 2015 and graduating on February 25, 2016. **Continued** to require the program to obtain Board approval prior to the admission of each class. **Required** the program to submit documentation confirming the program's active administration by a director as required by California Code of Regulations Section 2529 (b) by **February 1, 2015**. **Required** the program to submit for Board approval clinical facilities adequate as to number, type, and variety of patients treated to provide clinical experiences of like character and quality and consistent with the approved Maternity and Pediatric Nursing curriculum for the enrolled students by **February 1, 2015**. **Required** the program to correct deficiencies identified during the onsite visit and submit documentation confirming correction of the following no later than **March 1, 2015**.
 - a. Implementation of the program's approved methodology including a timeline for initial and ongoing evaluation of the curriculum.
 - b. Names of faculty terminated since September 1, 2014, including utilization and dates of termination.
 - c. Plan to ensure maintenance of accurate faculty data and Board notification of faculty terminations as prescribed by Section 2527 (b) of the Vocational Nursing Rules and Regulations.
 - d. Lesson plans for the approved curriculum.
 - e. Availability of the program's instructional plan for all approved faculty.

- f. Implementation of the program's attendance policy to include identification of students for whom absences are identified and assigned follow – up.
- g. Clinical facilities that offer clinical experiences consistent with the approved curriculum in Maternity Nursing and Pediatric Nursing including care of sick children.
- h. Implementation of the program's approved methodology including a timeline for the initial and ongoing evaluation of clinical facilities utilized for student clinical experience; **and**

Required the program to submit a report no later than **March 1, 2015**, regarding how, when, and where enrolled students will obtain clinical experiences in Maternity Nursing and Pediatric Nursing, including sick child experience, in approved clinical facilities prior to students' graduation. **Required** the program to submit an instructional calendar that substantiates theory and correlated clinical experience provided for enrolled students, including clinical facilities to which students are assigned by **March 1, 2015**.

- On January 27, 2015, the Board approved an assistant director of nursing
- On February 25, 2015, the Board received the resignation of the assistant director of nursing
- On March 2, 2015, the Board received the required response to violations.
- On March 25, 2015, the Board approved a new assistant director of nursing.
- On March 27, 2015, the Board received an extension of the director's medical leave until April 15, 2015.
- **On April 13, 2015, the Board approved a new Program Director**
- On May 15, 2015 the Full Board Place the American College of Nursing, Vocational Nursing Program on provisional approval for the two-year period from May 15, 2015 through May 31, 2017.
 - 1. Required the program to admit no additional students without prior approval by the Board.
 - 2. Required the program 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 by **June 1, 2015**.
 - 3. Required the program to correct existing violations identified during the onsite inspection, and submit a report providing evidence of implemented interventions, to include the following no later than **June 30, 2015**.
 - a. Implementation of the approved methodology, including timeline for initial and ongoing evaluation of the curriculum.

- b. Implementation of the approved methodology for evaluation of the clinical facilities.
 - c. Plan to ensure maintenance of accurate faculty data and Board notification of faculty terminations as prescribed by Section 2527 (b) of the Vocational Nursing Rules and Regulations.
 - d. Implementation of the approved attendance policy to include identification of students for whom absences are identified and assigned follow-up.
 - e. Instruction that demonstrates a correlation between theory and clinical experiences for enrolled students.
 - f. Identification and Board approval of clinical facilities that provide clinical experiences that are consistent with the curriculum and adequate to provide clinical experiences of like character and quality for the enrolled student population.
 - g. Implementation of the program's approved methodology including timeline for initial and ongoing evaluation of clinical facilities utilized for student clinical experiences.
 - h. Active administration by a Board - approved director.
 - i. Instructional calendar that specifies a schedule for the provision of theory and correlated clinical rotations consistent with the curriculum for enrolled students.
 - j. Documentation of the following is required for students admitted January 2014 who lack clinical rotations in Maternity Nursing and Pediatric Nursing:
 - 1) Name and classification of clinical facility to which students are assigned.
 - 2) Name of facility contact.
 - 3) Facility telephone number.
 - 4) Dates of assigned clinical rotations.
 - 5) Objectives to be achieved.
4. Required the program to submit a follow-up report regarding the effectiveness of all implemented interventions no later than **August 30, 2015**.
5. Required the program to submit follow-up reports in ten (10) months, but no later than **March 1, 2016**, and 22 months, but no later than **March 1, 2017**. The reports shall 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.

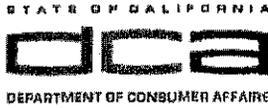
- k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
6. Required the program to comply with all approval standards 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 2525.
 7. Required the program to demonstrate correction and sustain corrections in relation to the violations.
 8. Failure to make any of these corrective actions may cause the full Board to revoke the program's approval.
 9. Placed the program on the **May 2017** Board agenda for reconsideration of provisional approval.
- On June 4, 2015, the Board approved a new **Program Director**.
 - On June 12, 2015, the Board forwarded a *Notice of Change in Program Status* to the program director per certified and regular mail. That *Notice* specified identified program deficiencies, required corrections, and timeline for completion.
 - On June 29, 2015, the Board received correspondence from the director confirming that all violations as specified in the *Notice* have been addressed. Additionally, the director submitted evidence that all students from the January 2014, day and evening classes and the July 2014 day class have completed all required pediatric and maternity nursing clinical hours.
 - On August 6, 2015 the Acting Executive Officer **denied** American College of Nursing Vocational Nursing Program's request for approval to admit an evening class of 30 students starting September 23, 2015, with a projected graduation date of September 23, 2016, **only**, to **replace** the evening class that graduated on July 16, 2015. **Approved** the program's admission of an evening class of 20 students starting September 23, 2015, with a projected graduation date of September 23, 2016, **only**, to **replace** the evening class that graduated on July 16, 2015. **Denied** the program's request for approval to admit a day class of 30 students starting October 19, 2015, with a projected graduation date of October 13, 2016, **only**, to **replace** the day class that graduated on July 16, 2015; **and, continued** to require the program to admit no additional students without prior approval by the Board.
 - On November 24, 2015, the assigned consultant met with the director regarding the development of a new curriculum.
 - On December 3, 2015, the Board received the director's first draft of the new curriculum and instructional plan.
 - On February 5, 2016, the Board continued provisional approval of the American College of Nursing Vocational Nursing Program through May 31, 2017, additionally the Board:

2. **Placed** the program on the **May 2016**, Board agenda for reconsideration of provisional approval and possible revocation.
 3. **Required** the program to obtain approval by the full Board prior to the admission of additional classes.
 4. **Required** the program to maintain a 1:10 instructor to student ratio in all clinical activities.
 5. **Required** the program 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 within 15 days the class start.
 6. **Required** the program to correct all violations identified during the onsite inspections, and submit a report identifying implemented interventions and timelines no later than **April 1, 2016**. The report shall include the following.
 - a. Implementation of the approved methodology, including timeline for initial and ongoing evaluation of the curriculum, and provide **evidence** of ongoing evaluation.
 - b. Implementation of the approved methodology for admission and screening students.
 - c. Implementation of a methodology to correctly identify prospective student's requirement of completion of high school or equivalency.
 - d. Evaluation of student performance to determine the need for remediation or removal from the program.
 - e. Implementation of program's remediation policy to include identification of students who are at risk of failure from either academic or code of conduct issues, identification of deficiencies, remediation plan, **and** follow-up.
 7. Require the Director to submit a report to the Board no later than **April 1, 2016**. The report must include:
 - a. A comprehensive analysis of the program,
 - b. Specific actions taken to improve program pass rates,
 - c. Timeline for implementation, and the effect of employed interventions.
 8. Failure to take these corrective actions may cause the full Board to revoke the program's approval.
- On May 13, 2016, The Board Continue provisional approval of the American College of Nursing Vocational Nursing Program through May 31, 2017, and,
 1. Required the program to correct all violations identified during the onsite inspections, and submit a report identifying implemented interventions and timelines no later than **June 30, 2016**. The report shall include the following.

- a. Implementation of the approved methodology, including timeline for initial and ongoing evaluation of the curriculum, and provide **evidence** of ongoing evaluation.
 - b. Implementation of the approved methodology for admission and screening students.
 - c. Implementation of a methodology to correctly identify prospective student's requirement of completion of high school or equivalency.
 - d. Evaluation of student performance to determine the need for remediation or removal from the program.
 - e. Implementation of program's remediation policy to include identification of students who are at risk of failure from either academic or code of conduct issues, identification of deficiencies, remediation plan, **and** follow-up.
2. Denied the program's request to admit a class of 20 students commencing on May 23, 2016, with an expected graduation date of May 9, 2017.
 3. Required the program to submit for Board approval clinical facilities adequate as to number, type, and variety of patients treated to provide clinical experiences of like character and quality and consistent with the approved Pediatric Nursing curriculum
 4. Continued the program's requirement to obtain approval by the full Board prior to the admission of additional classes.
 5. Continued to require the program to maintain a 1:10 instructor – to - student ratio in all clinical activities.
 6. Continued to require the program 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 within 15 days the class start.
 7. Approved the program's request for a major curriculum revision, to include 1626 total hours [Theory – 652; Clinical – 974].
 8. Required the Director to submit a report to the Board no later than **March 15, 2017**. The report must include:
 - a. A comprehensive analysis of the program,
 - b. Specific actions taken to improve program pass rates,
 - c. Timeline for implementation, and the effect of employed interventions.
 9. Failure to take these corrective actions may cause the full Board to revoke the program's approval.
 10. Place the program on the May 2017, Board agenda for reconsideration of provisional approval.
- On August 1, 2016 The Executive Officer **denied** approval of American College of Nursing Vocational Nursing Program's request to admit and evening class of 20 students commencing on August 29, 2016, and scheduled to graduate on September 20, 2017; **and**,
 1. Approve the program's admission of an evening class of 10 students commencing on August 29, 2016, and scheduled to graduate on September 20, 2017.
 2. Continue to require the program to obtain approval by the Board prior to the admission of additional classes.

3. Continue to require the program to maintain a 1:10 instructor to student ratio in all clinical activities.
4. Continue to require the program 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 within 15 days of the class start.
5. Continue to require the Director to submit a report to the Board no later than **March 15, 2017**. The report must include:
 - A. A comprehensive analysis of the program,
 - B. Specific actions taken to improve program pass rates,
 - C. Timeline for implementation, and the effect of employed interventions.
6. As noticed in Board correspondence dated June 12, 2015, failure to make or maintain required corrective actions may cause the full Board to revoke the program's approval.

Agenda Item #19.B.2., Attachment B



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 www.bvnpt.ca.gov



CERTIFIED MAIL

January 22, 2015

Ms. Cynthia Illicito
Director, Vocational Nursing Program
American College of Nursing
1855 Gateway Boulevard
Concord, CA 94520

SUBJECT: Request to Admit – Consideration of Violations

Dear Ms. Illicito,

On January 21, 2015 the Board of Vocational Nursing and Psychiatric Technicians (Board) considered the consultant's report relative to the ***American College of Nursing – Vocational Nursing Program – Request to Admit, Consideration of Violations***

The following decisions were rendered:

1. Deny the American College of Nursing Vocational Nursing Program's request for approval to admit a class of 30 evening students on January 27, 2015 and graduating on February 25, 2016.
2. Continue to require the program to obtain Board approval prior to the admission of each class.
3. Require the program to submit documentation confirming the program's active administration by a director as required by California Code of Regulations Section 2529 (b) by **February 1, 2015**.
4. Require the program to submit for Board approval clinical facilities adequate as to number, type, and variety of patients treated to provide clinical experiences of like character and quality and consistent with the approved Maternity and Pediatric Nursing curriculum for the enrolled students by **February 1, 2015**.
5. Require the program to correct deficiencies identified during the onsite visit and submit documentation confirming correction of the following no later than **March 1, 2015**.
 - a. Implementation of the program's approved methodology including a timeline for initial and ongoing evaluation of the curriculum.
 - b. Names of faculty terminated since September 1, 2014, including utilization and

Notice of Board Decision
American College of Nursing
Vocational Nursing Program
January 22, 2015

- dates of termination.
- c. Plan to ensure maintenance of accurate faculty data and Board notification of faculty terminations as prescribed by Section 2527 (b) of the Vocational Nursing Rules and Regulations.
 - d. Lesson plans for the approved curriculum.
 - e. Availability of the program's instructional plan for all approved faculty.
 - f. Implementation of the program's attendance policy to include identification of students for whom absences are identified and assigned follow – up.
 - g. Clinical facilities that offer clinical experiences consistent with the approved curriculum in Maternity Nursing and Pediatric Nursing including care of sick children.
 - h. Implementation of the program's approved methodology including a timeline for the initial and ongoing evaluation of clinical facilities utilized for student clinical experience.
 - i. Require the program to submit a report no later than **March 1, 2015**, regarding how, when, and where enrolled students will obtain clinical experiences in Maternity Nursing and Pediatric Nursing, including sick child experience, in approved clinical facilities prior to students' graduation.
 - j. Require the program to submit an instructional calendar that substantiates theory and correlated clinical experience provided for enrolled students, including clinical facilities to which students are assigned by **March 1, 2015**.

Rationale: As stated previously, on September 24, 2014, the Interim Administrator sent via email a detailed letter regarding the termination of the Vocational Nursing Program Director effective immediately. On October 14 and 15, 2014 an unannounced onsite program survey was conducted. Eleven (11) violations of the Vocational Nursing Rules and Regulations were identified. On November 26, 2014, the director was sent via certified mail a notification of the eleven violations and actions needed to correct the violations by December 15, 2014. The director responded to the violations. Two (2) of the eleven violation have been corrected.

The program has failed to obtain adequate clinical sites as to number, type and variety of patients treated to provide clinical experiences to students, specifically Pediatric and Maternity nursing clinical sites. The director was informed during the survey, and in the violation letter that clinical sites must be obtained and available for the current and proposed students. At this time, there remains no approved clinical sites for Pediatric or Maternity Nursing.

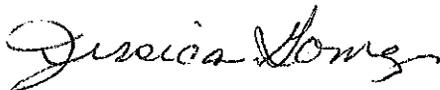
The program's average annual pass rates is **69%** which is **four (4) percentage points below** the state average annual pass rate, and has consistently remained within **10 percentage points** of the state.

Notice of Board Decision
American College of Nursing
Vocational Nursing Program
January 22, 2015

Given the foregoing, denying the program's request to admit students is warranted. Should the program fail to correct the identified violations, the program may be placed on the May 2015 agenda for the Board's consideration of placement on provisional approval.

Please contact your Nurse Education Consultant should further clarification be needed.

Sincerely,

A handwritten signature in cursive script that reads "Jessica Gomez".

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



DECLARATION OF SERVICE BY MAIL

Program Name: Angeles College, Vocational Nursing Program

Provider Name: Cynthia Ilcito

Fax #: _____ Email Address cynthia.ilcito@acnconcord.com

Address: 1855 Gateway Boulevard Tower II Suite 180, Concord, CA. 94520

I declare:

I am employed in the County of Sacramento, California, I am over the age of 18, and not a party to the within action. My business address is 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833-2945.

On 1/22/2015, I served the following document(s) described as:

***ELECTRONIC TRANSMISSION: Cynthia Ilcito, American College of Nursing,
Vocational Nursing Program
RE. Request to Admit – Consideration of Violations***

By causing to be delivered a true and correct copy thereof to the addressee(s) as follows:

X VIA U.S. MAIL:

By placing a copy in each of two separate sealed envelopes with postage thereon fully prepaid and causing them to be deposited in the mail at Sacramento, California for delivery by way of Certified Mail and First Class Mail.

Certified Mail Number:

____ VIA PERSONAL SERVICE:

I myself, or a designated courier, delivered such document(s) by hand to the offices of the addressee.

____ VIA FACSIMILE:

Such document(s) were transmitted to the facsimile number(s) listed above. The facsimile machine I used was in working order and no communication or delivery error was reported by the machine.

X VIA ELECTRONIC TRANSMISSION:

I caused the documents to be sent to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that my transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. This declaration was executed at Sacramento, California on 1/22/2015.

Jessica Gomez
(Typed Staff Name)

Jessica Gomez
(Staff Signature)



Agenda Item #19.B.2., Attachment C

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



CERTIFIED MAIL

June 12, 2015

Felicidad Silva, B.S., R.N.
Director, Vocational Nursing Program
American College of Nursing
1855 Gateway Blvd., Tower 2 Ste. 180
Concord, CA 94520

Subject: Notice of Change in Approval Status

Dear Ms. Silva:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on May 15, 2015, the American College of Nursing Vocational Nursing Program has been placed on provisional approval for the two – year period from May 15, 2015 through May 31, 2017.

The purpose of this letter is to explain the areas of non-compliance identified 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 26, 2015**.

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 2526(a)(8) of title 16 of the California Code of Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (8) Evaluation methodology for curriculum."

Section 2526(a)(11) of title 16 of the California Code of Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (11) Evaluation methodology for clinical facilities."

Section 2527(b) of title 16 of the California Code of Regulations states:

"A school shall report to the Board within ten days of the termination of a faculty member."

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

"Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required . . ."

Section 2533 (a) of title 16 of the California Code of Regulations states:

"Vocational nursing programs shall include theory and correlated clinical experience."

Section 2534(b) of title 16 of the California Code of Regulations states:

"Schools shall have clinical facilities adequate as to number, type, and variety of patients treated to provide clinical experiences for all students in the area 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. Clinical objectives which students are expected to master shall be posted on patient care unit utilized for clinical experiences."

Section 2534 (c) of title 16 of the California Code of Regulations states:

"Schools are responsible for the continuous review of clinical facilities to determine if the student's clinical objectives for each facility are being met."

Section 2529(b) of title 16 of the California Code of Regulations states:

"Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1. Article 5 (commencing with Section 2525 et seq.)."

REQUIRED CORRECTION(S)

1. The American College of Nursing Vocational Nursing Program shall submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **June 30, 2015**.

2. The program shall admit no additional students without prior approval by the Board.
3. The program shall correct existing violations identified during the onsite inspection, and submit a report providing evidence of implemented interventions, to include the following no later than **June 30, 2015**.
 - a. Implementation of the approved methodology, including timeline for initial and ongoing evaluation of the curriculum.
 - b. Implementation of the approved methodology for evaluation of the clinical facilities.
 - c. Plan to ensure maintenance of accurate faculty data and Board notification of faculty terminations as prescribed by Section 2527 (b) of the Vocational Nursing Rules and Regulations.
 - d. Implementation of the approved attendance policy to include identification of students for whom absences are identified and assigned follow-up.
 - e. Instruction that demonstrates a correlation between theory and clinical experiences for enrolled students.
 - f. Identification and Board approval of clinical facilities that provide clinical experiences that are consistent with the curriculum and adequate to provide clinical experiences of like character and quality for the enrolled student population.
 - g. Implementation of the program's approved methodology including timeline for initial and ongoing evaluation of clinical facilities utilized for student clinical experiences.
 - h. Active administration by a Board - approved director.
 - i. Instructional calendar that specifies a schedule for the provision of theory and correlated clinical rotations consistent with the curriculum for enrolled students.
 - j. Documentation of the following is required for students admitted January 2014 who lack clinical rotations in Maternity Nursing and Pediatric Nursing:
 - 1) Name and classification of clinical facility to which students are assigned.
 - 2) Name of facility contact.
 - 3) Facility telephone number.
 - 4) Dates of assigned clinical rotations.
 - 5) Objectives to be achieved.
4. The program shall submit a follow-up report regarding the effectiveness of all implemented interventions no later than **August 30, 2015**.
5. The program shall submit follow-up reports in ten (10) months, but no later than **March 1, 2016**, and 22 months, but no later than **March 1, 2017**. The reports shall 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 Vocational Nursing Rules and Regulations, commencing at California Code of Regulations, Title 16, section 2525.
 7. The program shall demonstrate correction and sustain corrections in relation to the violations.
 8. Failure to make 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 2017** 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 pages 2 through 4, 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 Board is required to admit classes.**

American College of Nursing Vocational Nursing Program
Notice of Change in Approval Status
June 12, 2015
Page 5 of 5

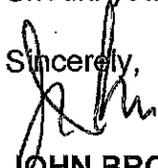
In the event your program is required to submit any report(s) as a corrective action pursuant to this notice, such reports are required in addition to any other reports required pursuant to 2527 of the Board's regulations.

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.

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

Sincerely,



JOHN BROOKS
Acting Executive Officer

Enclosures

cc: Board Members

JB: jg

Section 2527(b) of title 16 of the California Code of Regulations states:

"A school shall report to the Board within ten days of the termination of a faculty member."

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

"Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required . . ."

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"Vocational nursing programs shall include theory and correlated clinical experience."

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Section 2534 (c) of title 16 of the California Code of Regulations states:

"Schools are responsible for the continuous review of clinical facilities to determine if the student's clinical objectives for each facility are being met."

Section 2529(b) of title 16 of the California Code of Regulations states:

"Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1. Article 5 (commencing with Section 2525 et seq.)."

REQUIRED CORRECTION(S)

1. The American College of Nursing Vocational Nursing Program shall submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **June 30, 2015**.

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3. The program shall correct existing violations identified during the onsite inspection, and submit a report providing evidence of implemented interventions, to include the following no later than **June 30, 2015**.
 - a. Implementation of the approved methodology, including timeline for initial and ongoing evaluation of the curriculum.
 - b. Implementation of the approved methodology for evaluation of the clinical facilities.
 - c. Plan to ensure maintenance of accurate faculty data and Board notification of faculty terminations as prescribed by Section 2527 (b) of the Vocational Nursing Rules and Regulations.
 - d. Implementation of the approved attendance policy to include identification of students for whom absences are identified and assigned follow-up.
 - e. Instruction that demonstrates a correlation between theory and clinical experiences for enrolled students.
 - f. Identification and Board approval of clinical facilities that provide clinical experiences that are consistent with the curriculum and adequate to provide clinical experiences of like character and quality for the enrolled student population.
 - g. Implementation of the program's approved methodology including timeline for initial and ongoing evaluation of clinical facilities utilized for student clinical experiences.
 - h. Active administration by a Board - approved director.
 - i. Instructional calendar that specifies a schedule for the provision of theory and correlated clinical rotations consistent with the curriculum for enrolled students.
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 - 3) Facility telephone number.
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5. The program shall submit follow-up reports in ten (10) months, but no later than **March 1, 2016**, and 22 months, but no later than **March 1, 2017**. The reports shall 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.
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FUTURE BOARD ACTION

Your program will be placed on the **May 2017** 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 pages 2 through 4, 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 Board is required to admit classes.**

American College of Nursing Vocational Nursing Program
Notice of Change in Approval Status
June 12, 2015
Page 5 of 5

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.

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

Sincerely,



JOHN BROOKS
Acting Executive Officer

Enclosures

cc: Board Members

JB: jg



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.



Acknowledgement of Change in Approval Status

I, Felicidad Silva, director of American College of Nursing Vocational Nursing
(Director's Name) (Name of Program)

Program hereby acknowledge that this program's status has been changed to provisional approval for the two – year period from May 15, 2015, through May 31, 2017. 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.

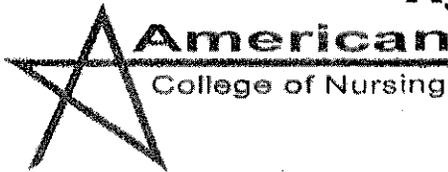
Please complete and return this form to the Board by June 26, 2015.

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)

**Please complete this form and fax to the Board at
(916) 263-7866 by Friday, June 26, 2015.**



Agenda Item #19.B.2., Attachment D

1855 Gateway Blvd, Suite 180

Concord, CA 94520

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Fax: 925.689.99090

BVNPT RECD via
Certified Mail
7/2/15

June 29, 2015

Ms Cheryl C. Anderson, MSN, RN
Supervising Nurse Education Consultant

Ms Jessica Gomez
Nurse Education Consultant

Dear Ms Anderson and Ms Gomez,

The American College of Nursing would like to express our gratitude to our Nurse Education Consultant, Ms Jessica Gomez for her patience, support, and guidance during this process. Likewise, to the supervising Nurse Education Consultant, Ms Cheryl Anderson for her dedication and commitment in ensuring the safety of the general public.

This letter is in response to our VN Program violations:

Section 2526(a)(8) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

... (8) Evaluation methodology for curriculum."

Violation #2: Board files confirm that the program has an approved methodology and procedure for evaluation of the curriculum. However, during the visit the program representatives produced no evidence confirming that the curriculum had been evaluated to determine its effectiveness, currency, or need for revision.

Status #2: This violation is **not corrected**. The assistant director provided evidence of staff meeting minutes stating the evaluation of the program curriculum was discussed. On April 13, 2015, for the ten (10) faculty members, the new director submitted two (2) curriculum evaluation forms dated April 10, 2015 signed by the evaluating instructor. The information provided reflected the opinions and contained signatures of two (2) faculty members only. The forms had large areas redacted.



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To date, the program failed to submit findings from the evaluation of the curriculum, including, but not limited to, its effectiveness, correlation of theory and clinical content, revisions, etc. Further, a timeline and plan for future evaluations was not submitted.

ACN response: The VN Students filled out a Student Curriculum Evaluation form. (See Exhibit VN-V#2a: VN Curriculum Evaluation)

ACN held a faculty meeting on Thursday, June 11. The curriculum evaluation is part of the discussion. The curriculum discussion will be an ongoing part of the faculty meeting agenda every month. (See Exhibit VN-V#2b. Faculty meeting minutes section V. pertaining to the curriculum discussion)

2526(a)(11) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (11) Evaluation methodology for clinical facilities."

Violation #3: Program representatives were unable to provide documentation confirming implementation of its approved methodology for the evaluation of clinical facilities to which students are assigned.

Status #3: This violation is **not corrected**. The program has a Board approved methodology for evaluation of clinical sites. The director has submitted a plan for implementation of the approved methodology. According to the submitted, the clinical facility evaluation form was introduced at the January 2015 faculty meeting and the student evaluation forms were introduced to students on February 9, 2015. However, to date, the program has failed to submit a timeline of implementation, or evidence that any clinical sites have been evaluated by the director, or faculty members.

ACN response: Evaluation of clinical facility conducted by our faculty and students for appropriateness and ability to meet the clinical objectives. (See Exhibit VN-V#3a: clinical site evaluations by students and faculty). This is conducted in the afternoon of the last clinical day of the rotation. The student clinical evaluation by the instructor will also be conducted at the same time. Note that the students and instructors are not to wait until the last day of the rotation to make an evaluation if the facility no longer meets the clinical objectives of the rotation.



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

"A school shall report to the Board within ten days of the termination of a faculty member."

Violation #5: The program failed to consistently report the termination of program faculty within ten (10) days as prescribed by existing regulations. According to the interim administrator and director, since September 2014, several instructors have been terminated or resigned. The program was unable to provide a list of currently faculty.

Status #5: This violation is **not corrected**. The program has submitted a list of current faculty and their utilization. The prior director submitted a

plan to evaluate faculty status **monthly** and notify the Board of any changes. As presented, the plan is noncompliant with the regulatory requirement to notify the Board within ten (10) days of termination or resignation of a faculty member.

On April 13, 2015, the newly approved director submitted a plan specifying that each employee will submit in writing their intentions to continue teaching at the American College of Nursing **weekly**. To date, the director has failed to indicate how the information and forms would be handled or when the Board would be notified of terminations or resignations was provided.

It is important to note that reported weekly notification of faculty intentions to continue teaching **does not** support the development of a consistent schedule for instruction and may negatively impact the delivery of quality education for enrolled students

ACN response: The Program Director updated the current faculty roster based on current faculty assignment. Any instructor not actively teaching was removed from the active list and reported to the board as terminated as of the date of investigation. If at any time the removed faculty wishes to teach again, a new faculty approval application will be submitted to the board. Moving forward, any faculty



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termination or resignation will be reported to the board on the same day of determination or within 10 days at most. (See exhibit VN-V#5a: List of BVNPT approved VN faculty. See exhibit VN-V#5b: Email to NEC of VN faculty termination notification.)

Section 2530 (h) of the Vocational Nursing Rules and Regulations states:

"Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required. . ."

Violation #8: The program has an attendance policy published in the student handbook. However, the interim administrator confirmed that accurate attendance records had not been kept for students in the vocational nursing program and stated a new plan has been developed. An examination of program documents during and since the onsite inspection produced no evidence of follow-up for student absences from theory or clinical classes.

Status #8: The violation is **not corrected**. On December 13, 2014, the director submitted to the Board a revised attendance policy. The assistant director resubmitted the revised attendance policy on March 3, 2015, however, the assistant director failed to submit supporting documentation confirming implementation of the policy.

On April 13, 2015, the new director submitted the original Board approved attendance policy. Additionally, she submitted attendance sign – in sheets for the month of March for the MS-I course. Upon analysis, the consultant noted that one student had missed eight (8) days (64 hours) of theory classes 47% of the total scheduled hours of theory instruction.

According to policy, students must attend 90% of each class, and make up all missed time. Evidence that the program is following the approved attendance policy was not provided.

ACN response: **A list of all students with absences was reviewed and those who exceed the 10% allowable were counseled and placed on probation with a make up plan devised for each of them. The student will sign the make-up plan to indicate agreement and commitment to satisfy the board required number of hours prior to graduation. The students are reminded that non-completion of the required hours will mean non-completion of**



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the program and non-submission of exit papers for lack of adequate number of ours completed. (See Exhibit VN-V#8a: Memo on absence and make up work, make up work issued, Exhibit VN-V#8b: make up work completed. Exhibit VN-V#8c probation advisement.)

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

“Vocational nursing programs shall include theory and correlated clinical experience.”

Violation #9: The program has a Board - approved curriculum that includes correlation between theory and clinical experiences offered to students. However, students interviewed during a scheduled **clinical rotation at an adult skilled nursing facility** reported that the program was currently providing students **didactic instruction in Pediatric Nursing**. As such, the course of instruction provided by

the program **lacked** a correlation between the theory and clinical instruction for the class.

Board representatives interviewed students, the director, and the interim administrator. All confirmed that the program **lacked** clinical facilities that offered clinical rotations in Maternity Nursing or Pediatric Nursing for the enrolled students.

Status #9: The violation is **not corrected**. The program continues to lack a correlation in didactic and clinical instruction provided. Specifically, a lack of correlation is confirmed in Maternity Nursing and Pediatric Nursing. Twenty – six (26) students admitted in January 2014 day and evening classes were scheduled to graduate in January 2015. However, the students have been unable to complete clinical requirements for Maternity Nursing and Pediatric Nursing due to the programs lack of applicable clinical rotations. As a result, the students have been unable to complete program requirements for graduation.

ACN response: ACN has started the Maternity and Pediatric clinical experience of 10 postgraduate students at Community Medical Center in Lodi. All the remaining clearance requirements were submitted to the facility director on the third day of the first rotation expecting to have at least 8 students cleared and start right after the first batch ends. On



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the expected date of decision, June 19, the facility director notified the ACN director that the determination will not be done until another week i.e. June 26. This 1 week delay is a major setback, preventing us from completing the clinical rotations by the set deadline.

ACN recently received BVNPT approval for the 2 health centers in San Jose. The clinical rotation will start the week of June 22 for the current VN students. ACN's PD met with Dr Page Pressley last Wednesday, June 24, 2015 of the Contra Costa Child Health Services in the hopes of establishing another clinical site. They are willing to go into partnership with ACN but not until July through August of 2015 when their Social Work interns complete their rotation. This site is focusing on behavioral health of children below 18 as well as pregnant teens. ACN continue to increase appropriate clinical affiliations to ensure that our students have concurrent didactic and clinical experiences and prevent this deficiency from happening again. We are working on acquiring another maternity and pediatric clinical cite very soon. As of 5 PM, June 26, CMC has not responded to our communications regarding the second batch of students. However, we were successful in convincing Gardner to accommodate our post graduate students at their facility from Monday through Friday. This will help in the completion of the required hours for the post graduate class. (See Exhibit VN-V#9a: Lodi clinical site evaluations for maternity and pediatric rotations. VN-V#9b: CMC email to ACN to CMC. VN-V#9c: ACN email to Gardner and their response)

Section 2529 (b) of the Vocational Nursing Rules and Regulations states:

“Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525et seq.)”

Violation #12: On September 24, 2014, the Board received notification of the termination of the program director. On October 8, 2014, the Board approved a new director. On January 9, 2015, the Board was informed that the director had been placed on medical leave. To date, that medical leave continues. On April 13, 2015, the Board approved a new program director.



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Observations by Board representatives during the onsite program inspection, and the analysis of critical elements, documents, materials, and information submitted by program representatives subsequent to the onsite inspection substantiate the lack of active program administration by a Board – approved director.

Status #12: This violation is **not corrected**. The program has failed to demonstrate consistent and active administration by a Board – approved director. The new director was supplied the standard *New Director Orientation Packet*. The Director stated that the orientation packet was inadequate and she would like to have at least a week of one-on-one orientation.

ACN response: The newly approved Program Director has been working in this capacity for over 6 years. Her employment track record indicates her commitment and determination to achieve compliance with the board and implement systems that would contribute to better training of future nurses and to the improvement of the school in general. The new PD orientation packet was completed before the 2 week deadline. (Exhibit VN-V#12a: PD orientation checklist)

All efforts are geared in putting American College of Nursing back on track and into excellence. I sincerely hope that these submissions merit the board's consideration and approval. Ms Jessica's availability and support is very much appreciated during this transition. The board has my full respect and cooperation as we partner in improving the education and training of our future nurses.

Sincerely,


Faye Silva, RN, BSN, MPH

VN Program Director

Via email JG



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February 26, 2016

This report is in compliance with the BVNPT requirement of a follow up report in ten months but no later than March 1, 2016 on page 13 of Agenda item #7.B.2 dated April 28, 2015.

ACN follow up report on the VN Program Violations:

Criteria	Follow up report:
Admission criteria	ACN continues to follow our admission requirements as stated in our VN student handbook. An audit of all VN student files indicates compliance.
Screening and selection criteria	All current VN students went through the admission screening and selection criteria.
Terminal objectives	The VN students are currently in Level 1 geared towards achieving the program's terminal objectives as approved by the board. ACN has submitted an application for curriculum revision on November 30, 2015 and is currently under review.
Curriculum Objectives	The VN students are meeting the curriculum objectives.
Instructional Plan	The board approved instructional plan is being implemented.
Theory and Clinical Objectives for each course	The theory and clinical objectives for each course are being implemented and the students are able to meet the course objectives.
Lesson plans for each course	The lesson plans are in place and available to the instructors. Lesson plans that are more specific and tailored to our course objectives will be utilized pending new VN curriculum approval.
Textbooks	Textbooks meet the minimum requirements of the current curriculum and terminal objectives. However different textbooks have been identified in the new curriculum proposal to improve critical thinking and decision making.
Attendance policy	The attendance policy is being implemented. All make up work is being enforced.
Remediation policy	The remediation policy is being followed. There was a total of 5 remediation action plans for academics at the beginning of the level. Of the 5 students, 3 were resolved and 2 withdrew from the program for reasons other than academics i.e. behavioral and financial. The students are nearing the end of Level 1 and are faced with challenges with critical thinking. Academic probation with remediation action plans are being implemented.

Evaluations of theory and clinical faculty	The theory and clinical faculty are meeting the course objectives and are effective in their instructions.
Evaluations of theory presentations	Theory presentations are engaging and interactive.
Evaluations of clinical rotations and their correlation to theory presentations	Clinical rotations are correlated to their theory classes. The current VN students are now in MS1 and their clinical experiences are correlated to their theory classes.
Evaluation of student achievement	This current VN cohort is highly motivated to succeed and is a very cohesive group. They are passing their courses and most of them come to campus before their scheduled class time to do a group study or individual study.
Current enrollment	The VNE G1015 class started with 20 students. 4 withdrew from the program and 1 had to go on a leave of absence due to a family emergency. Of the 4 withdrawn students, 1 lost her scholarship, 2 had behavior / attitude problems, and 1 struggled in academics in spite of the remediation action plan. Total number of current students = 15.

Comprehensive analysis of the program:

American College of Nursing continues to strive to deliver good nursing education within our approved curriculum. We are awaiting the approval of our curriculum revision proposal. We are continuously evaluating our test items to promote critical thinking, problem solving, and prioritizing among our students to help prepare them for the NCLEX. We are using ATI to help supplement our curriculum and support our students in their NCLEX preparation. Furthermore, we continue to reach out to previous graduates to offer support to help them pass the NCLEX. This effort is not yet fully recognized by our previous graduates probably because of the numerous changes that transpired in the school's leadership. Nonetheless, for graduates who graduated many years ago and had failed the NCLEX or have not yet taken the NCLEX, we likewise offer academic support either with ATI or tutoring sessions with the Program Director. We realize that this may take time for us to regain the trust of our graduates. Nonetheless, we continue to do our best to reach out and to improve our pass rates. This is an ongoing process as we evaluate what strategy is working and what is not. I voluntarily moved my office hours in the evening to be available to our students for any concerns or questions or support they might need. We had a student who had to relocate residence (to Sacramento) yet still decided to continue her studies with us because of her high level of satisfaction with the education she is receiving here. If we get approved for our VN day class, I will need to balance my work schedule to lend support to both day and evening students. We are consistent in the implementation of policies and this builds trust among our students. I believe we are on the right track.

E. Silva 2-26-16
Elye B. Silva, RN, BSN, MPH
Dean of Nursing
American College of Nursing



1855 Gateway Blvd, Suite 100

Concord, CA 94520

Tel.: 925.689.9900

Fax: 925.689.9909

May 16, 2016

**Ms Jessica Gomez
Nurse Education Consultant**

Dear Ms Gomez,

The American College of Nursing would like to express our gratitude to you for your never ending support and guidance during this challenging process.

This letter is in response to our Agenda Item #12.A.2. Current Status of Violations:

Section 2534(b) of the Vocational Nursing Rules and Regulations states:
"Schools should have clinical facilities adequate as to number, type, and variety..."

Status #10: The violation is not corrected.

...To date, sufficient rotations in Maternity Nursing have been secured; however a deficit in Pediatric nursing rotation continues.

ACN response: The Pediatric schedule of the VN class in progress is revised to accommodate correlated clinical experience. Each student will have the required amount of theory, skills and clinical hours as per the approved curriculum for this class. (Please see Exhibit D)

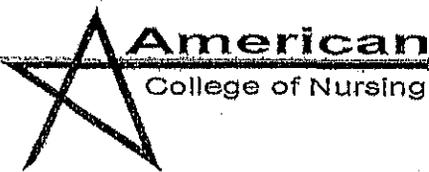
Section 2530(g) of the Vocational Nursing Rules and Regulations states:

"...completed a general education course of study through the 12th grade or evidence of completion thereof."

Status # 14: This violation is not corrected.

"...documentation verifying completion of high school or the equivalent of the five (5) current students has not been submitted to the board."

ACN response: The Program Director submitted a copy of proofs of high school completion of the current class in the February 5, 2016 board meeting to the full board. It was then labeled as Exhibit H. Nonetheless, we are resubmitting the proofs of high school graduation or its equivalency of not only of the five (5) identified students but all 20 admitted students of the current class for your kind consideration. (Please see Exhibit A)



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Section 2530 (i) of the Vocational Nursing Rules and Regulations states:

“Each school shall evaluate student performance to determine the need for remediation or removal from the program.”

Status # 15: The violation is not corrected. Grades indicated that three (3) of the students had failed the final exam for their last course, and had retaken their final examination, failed, and progressed to the next level in the program.

ACN response: The Program Director submitted a copy of the student grade indicating that two (2) students failed, remediated with a grade of 77% and 81% and therefore received a grade of C and were allowed to progress in the program. This report was also submitted to the full board in the February 5, 2016 board meeting. It was then labeled as Exhibit I. We are resubmitting the grading template for your kind consideration. (Please see Exhibit B)

Status #15: “...No evidence confirming the reevaluation of student progress was supplied to the board. The director did not respond to this violation in the document submitted on February 19, 2016.

ACN response: The Program Director submitted copies of five (5) remediation plans with follow up reports to the full board in the February 5, 2016 board meeting. This report was then labeled as Exhibit J. We are resubmitting the remediation plans as proof of compliance for your kind consideration. (Please see Exhibit C)

Additional report due on June 30, 2016: “Require the program to correct all violations identified during the onsite inspections, and submit a report identifying implemented interventions and timelines no later than June 30, 2016. The report shall include the following:

Criteria	Follow up report
<p>a. Implementation of the approved methodology, including timeline for initial and ongoing evaluation of the curriculum, and provide evidence of ongoing evaluation.</p>	<p>We are teaching out the current cohort using the previously approved VN curriculum. Academic supplements are given to the students to augment the gaps of the current curriculum. The new approved VN curriculum will be used for the next cohort after approval of a new class by the board.</p>



<p>b. Implementation of the approved methodology for admission and screening of students.</p>	<p>The approved methodology for admission and screening of students is being implemented. The Program Director screens and interviews and signs off on all VN admissions. This will become evident after the approval and start of a new class.</p>
<p>c. Implementation of a methodology to correctly identify prospective student's requirement of completion of high school or equivalency.</p>	<p>The Program Director screens and interviews all VN admissions for completion of requirements specifically the proof of completion of high school or equivalency. This will become evident after the approval and start of a new class.</p>
<p>d. Evaluation of student performance to determine the need for remediation of removal from the program.</p>	<p>Evaluation of student performance is in place. The instructors submit the grading template to the Program Director regularly for early intervention of students at risk for failing. There is no student identified as at risk at this time.</p>
<p>e. Implementation of program's remediation policy to include identification of students who are at risk for failure from either academic or code of conduct issues, identification of deficiencies, remediation plan, and follow up.</p>	<p>The remediation policy is in place to include a plan of action. Currently, there is no need for a remediation plan but there is an ongoing process of evaluation of student performance.</p>

I hope that these submissions and resubmissions merit the board's consideration and approval. I want to express my gratitude again to our NEC, Ms Jessica Gomez for her support and understanding and sage pieces of advice during this process.

Sincerely,


Faye Silva, RN, BSN, MPH

VN Program Director

American College of Nursing

Agenda Item #19.B.2., Attachment G



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



CERTIFIED MAIL

September 30, 2016

Faye Silva
Vocational Nursing Program
American College of Nursing
1855 Gateway Blvd., Tower II, Ste 180
Concord, CA. 94520

Subject: Vocational Nursing Program - Notice of Violation

Dear Ms. Silva:

On September 14 and 15, 2016, the Board of Vocational Nursing and Psychiatric Technicians (Board) made an unannounced site visit to American College of Nursing. During the two-day visit, Board representatives assessed the physical resources for the program, inspected records for recently graduated and currently-enrolled students, and facilitated discussions with the program director. Following are the violations identified during the program inspection. Required corrective actions are listed with each violation.

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

"A school shall report to the Board within ten days of the termination of a faculty member."

Violation #1: This is a reoccurrence of a previously corrected violation. The violation appeared to have been corrected on November 18, 2015. Discrepancies were identified from the list of faculty provided to the Board, and Board files. Board approved faculty were not on the list of faculty provided by the director.

Required Action: This violation is not corrected.

The director submitted documentation, and faculty applications to correct the violation. However, with the reoccurrence of the violation a pattern of compliance must be obtained to correct this violation.

Section 2530 (h) of the Vocational Nursing Rules and Regulations states:

"Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required."

- (1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.
- (2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients."

Violation #2: This is a reoccurrence of a previously corrected violation. Student files verify that the program has a remediation form and plan for student make-up hours.

- One student's file identified the clinical make-up assignment as a paper on open reduction and internal fixation, for a total of eight (8) hours make-up time. The paper was attached.
- Another student's eight (8) hour clinical make-up assignment was Congenital Heart Defects. Paper was attached to the remediation form.
- One student's file had a remediation form initiated for the student being late, clinical or theory was not identified and make up assignment or hours were not identified.

Required Action: Provide documentation of make-up of missed hours and specific course objectives for which make-up time is required.

Due no later than October 14, 2016.

Section 2530(i) of the Vocational Nursing Rules and Regulations states:

"Each school shall evaluate student performance to determine the need for remediation or removal from the program."

Violation #3: This is a reoccurrence of a previously corrected violation. Evidence that remediation had been initiated with several students no reassessment was identified.

- **Two** student's files contained a remediation form dated 2/24/16. No follow-up or indication the student complete the remediation was identified.
 - On 3/24/16 documents indicate the students were removed from the program
 - On 3/25/16 the students were reinstated no documentation identified that remediation was completed, or student was reevaluated.
- **One** student's file contained documentation of Academic Probation dated 2/24/16. Student records indicated the student continued to fail Level 2 with scores of 61% on examinations. No evidence of completion of remediation or further documentation of student reevaluation or progression.

Required Action: Provide a detailed written proposal, including timeline for implementation, for revision of the policies for evaluation of student

progress and remediation, including minimum passing rate on examinations and appropriate follow-up with students.

Due no later than October 14, 2016.

Section 2530(l) of the Vocational Nursing Rules and Regulations states:

"The program shall maintain a yearly average minimum pass rate of the licensing examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of accredited psychiatric technician schools for the same period."

Violation #4: This is a continuing violation. Since placement on provisional approval the program's average annual pass rate has declined from Quarter 1 2015, of 72%, 1 percentage points above the state to Quarter 2, 2016, of 57% 17 percentage points below the state.

Required Action Develop a plan to evaluate students through the program and implement processes to ensure students receive adequate remediation and tutoring. Assisting the student to develop the knowledge to be safe practitioners, and pass the licensure examination. Additionally, develop a plan to evaluate and assist past graduates, who have not taken the NCLEX-PN® licensure examination.

Due no later than October 14, 2016.

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

"Schools are responsible for the continuous review of clinical facilities to determine if the student's clinical objectives for each facility are being met."

Violation #5: This is a reoccurrence of a previously corrected violation. Program representatives failed to provide documentation confirming implementation of its approved methodology for the evaluation of clinical facilities to which students are assigned. When asked to see the clinical site evaluations the director stated we have them this time. A binder was supplied that contained only student clinical performance evaluation. The clinical facility was not evaluated.

Required Action: Provide documentation of evaluation of clinical facilities and a proposed timeline for ongoing evaluation of clinical facilities. Evaluation of clinical facilities should include, but not be limited to:

- 1) Which term(s) the program the facility is utilized by students;
- 2) Describe the types of experience available as related to the ability of the students to meet the program's stated clinical objectives;

- 3) Description of observed evidence of correlation of theory to clinical;
- 4) Dates students are in the clinical site;
- 5) Identified problems;
- 6) Plan to correct problems.

Due no later than October 14, 2016.

Section 2529 (b) of the Vocational Nursing Rules and Regulations states:

“Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525et seq.)”

Violation #6: This is a reoccurring violation. Observations during the onsite program inspection, evaluation of critical elements, and identification of reoccurring violation verify that the program lacks active administration by a program director.

Required Action Correct all current violations. Provide a plan with timeline to prevent further reoccurrence of violations or the development of new violations.

Due no later than October 14, 2016.

Be advised that the continuation of such a violation jeopardizes your program's approval. Please submit the following by the date listed below:

The Board requests the above information no later than **Friday, October 14, 2016.**

Should further information be needed, please feel free to contact me at (916) 263-7839

Sincerely,



**Kameka Brown, Ph.D., MBA. NP
Executive Officer**