



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

Board of Vocational Nursing and Psychiatric Technicians
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DATE: November 6, 2017

TO: Board Members

FROM: Education Committee

SUBJECT: Proposal for Adoption of Fixed Pass Rate for Vocational Nursing and Psychiatric Technicians Programs

BACKGROUND AND SUBJECT REVIEW

On June 1, 2000, the Board adopted regulations establishing specific terms relative to programs on provisional approval.

Regulations currently allow programs to operate without being placed on provisional approval if their pass rates do not fall below 10 percentage points of the statewide average annual pass rate for two years or eight consecutive quarters. The aggregate Vocational Nursing (VN) average annual pass rates for the 10-year period 2007–2016 for California and nationwide are as follows:

- **71.7%** Average annual California pass rate for first time testers, who took the NCLEX-PN® within the calendar year period 2007–2016.
- **84.8%** Average annual national pass rate for first time testers, who took the NCLEX-PN® within the calendar year period 2007–2016.
- **86.8%** Average annual National pass rate for first time testers who took the NCLEX-PN® within the calendar year period 2007–2016 (excluding the California data from the calculation).

Over the past 10 years, California's VN pass rate ranking among the 50 States is as follows:

- 4 times California ranked 50th out of 50 (2007, 2008, 2012 & 2016)
- 3 times California ranked 49th out of 50 (2009, 2010, & 2015)
- 2 times California ranked 48th out of 50 (2011 & 2014)
- 1 time California ranked 47th out of 50 (2013)

For Psychiatric Technicians (PT) programs operating in California, the 5-year average pass rate for the calendar year periods 2012–2016 was **78.3%**. Since

California administers the licensure examination, there are no national PT average pass rates to compare to. However, Board staff feel it is in its best interest to have a uniform pass rate for both programs.

Current regulations hinder the Board's ability to place a program on provisional approval when their average annual pass rates initially fall below 10 percentage points of the statewide average annual pass rates for first time test-takers (based on quarterly reports from test administrators). A program is not in compliance until quarterly test data demonstrates the program's failure to maintain acceptable average annual pass rates for two years or eight consecutive quarters.

At the May 16, 2014, Board Meeting, a motion was passed "to accept the Legislative Report as amended" and to accept, in part, a proposal to amend the California Code of Regulations (CCR) regarding the failure to maintain the minimum pass rate average for 2 years for both VN and PT. The proposal was to delete the 2-year or eight consecutive quarter requirements for both licensee categories. At the August 21, 2015, Board Meeting, an update on the progress of the regulation package was presented to the Board. Unfortunately, the regulatory process was not completed in a timely manner, so the proposal was not adopted.

Board staff has since reignited this project, at the direction of the Education Committee.

RESULTS OF RECENT NATIONWIDE SURVEYS OF STATES

On October 30, 2017, Board staff sent out a nationwide survey on this subject with the assistance of the National Council of State Boards of Nursing (NCSBN). As of November 3, 2017, the results showed that 33 out of 53 State boards had responded to the survey. The results of the survey are as follows:

Pass Rate Percentage

- 25 of the 33 States that responded indicated they have a fixed pass rate.
- For comparable states identified by the Education Committee: Colorado (75% over 8 consecutive quarters); Nevada (80%); Texas (80%)
- 75% is the lowest, fixed pass rate indicated by 4 States.
- 80% is the fixed pass rate indicated by 14 States.
- 85% is the fixed pass rate indicated by 2 States.
- 95% of the National average is the pass rate indicated by 3 States.
- National Average for year is indicated by 1 State.
- "If practical nursing (PN) programs fall 10 percentage points of more below the national PN pass rate, they must submit a pass rate report." is indicated by 1 State.

When calculating a program's pass rate, does your Board include all first-time takers or do you exclude graduates who wait a long time after graduation to test?

- 16 States indicated they count all first-time test takers, regardless of when they graduated.
- 4 States indicated they count first-time test takers that test within six months of graduation or program completion.
- 1 State responded: "We include all first-time test takers. Also, we track those that have taken the exam more than 6 months."
- 1 State responded: "Only first-time test takers. Requirement must take now within 6 months of graduation."
- 1 State responded: "All first-time test takers in a calendar year."
- 1 State responded: "Graduates that are out from graduation longer than 1 year do not count against the programs' first-time tester pass rate."
- 1 State responded: "Our pass rate calculation is all first-time test takers. When it has been more than 5 years after graduation, the applicant will not be allowed to take the NCLEX without repeating a nursing program. Just first-time takers."

What is the maximum time frame from graduation that an applicant may take the examination without taking a refresher course?

- 7 States indicated that they do not have a time limit or time frame.
- 1 State responded: 3 months, then 1 year intervals.
- 3 States responded: applicants must take a refresher after two years.
- 1 State responded: applicants must take a refresher after three years.
- 2 States responded: applicants must take a refresher after four years.
- 1 State responded: applicants must take a refresher after five years
- 1 State responded: no refresher allowed, must take 6 months after graduation.
- 1 State responded: between years two and five, if applicants have not taken the exam, they must petition the board for permission to take the NCLEX. After five years after graduation, the graduate must retake a nursing program (not a refresher course).

Does your Board include the graduate's name when sharing examination results with the VN/PN school or program?

- 24 States responded: Yes
- 9 States responded: No

On November 1, 2017, Board staff sent out a follow-up survey. As of November 3, 2017, the results showed that 27 out of 53 State boards had responded to the follow-up survey. The results of the follow-up survey are as follows:

If a program's pass rate falls below the minimum pass rate percentage established by your State, does your State change the approval status of that program?

- 12 of the 27 States that responded indicated: Yes (they do change status).

If yes, what is the change? Also, what is the time period a program must be below the pass rate before the program's approval status changes?

- 14 of the 17 States that responded stated they place a program on "provisional" or "conditional" status if the pass rate falls below the minimum pass rate percentage established by their State.
- **Colorado**, a comparable State, responded: We tend to give the program a year to get pass rate up to the required 75% average. However, it depends on a number of factors (Board members at the time; areas of non-compliance; number of graduating classes in a year; quality of action plan in regard to self-evaluation of issues; evaluation of the action plan). The Board may request a site visit; may change status to "conditional" and give another year. The only programs that have been moved to closure are programs that have had more than one area of non-compliance along with chronic low pass rates.
- **Nevada**, a comparable State, responded: Go on conditional status after 2 years to increase pass rates or do a teach out. Programs reviewed yearly.
- **Texas**, a comparable State, responded: We have a process whereby the program must write a Self-Study Report after one time low pass rate; has a visit and placed on warning after a second consecutive low pass rate; is placed on conditional approval after 3 consecutive years of low pass rate; and will be removed from list of approved after four years. Two years for a Warning status; three years for conditional status.
- **Washington**, a comparable State, responded: This is a really depends answer. We may put them on conditional approval status after two years of low pass rates.

RECOMMENDATION FROM THE COMMITTEE

The following are recommendations and discussion points the Education Committee recommends the Board consider:

- CCR Section 2530 (VN) and 2585 (PT) be amended and that a pass rate percentage of at least 75% be adopted.
- Have Board staff define how a new pass rate percentage and failure to maintain a certain pass rate percentage:
 - will be implemented,
 - when it will be implemented,
 - what effect it will have on the programs and
 - what support or help the Board staff will provide for programs that cannot meet the new criteria
- Can the Board create a form that will allow student test result information to be shared with the program they attended?
- Build consideration for irregular programs into regulation. For example, some programs do not hold annual classes.
- Investigate the possibility of engaging the services of Mountain Measurement, Incorporated to obtain detailed information regarding student test results.
- Have the Board members discuss adequacy of whether a program must maintain a pass rate for two years or eight consecutive quarters or be subject to provisional approval.