



BOARD MEETING MINUTES

MAY 16, 2014

SACRAMENTO, CALIFORNIA

BOARD MEMBERS PRESENT:

Todd D'Braunstein, P.T. Member, President
John Vertido, L.V.N. Educator Member, Vice-President
Eduardo Angeles, Public Member
Vivian Avella, Public Member
Tammy Endozo, L.V.N. Member
Samantha James-Perez, P.T. Member
Jessica Leavitt, Public Member
Eric Mah, Public Member
Andrew Moreno, Public Member
Donna Norton, L.V.N. Member
Susan Rubin, Public Member

STAFF PRESENT:

Teresa Bello-Jones, Executive Officer
Angelina Martin, Assistant Executive Officer
Cheryl Anderson, Supervising Nursing Education Consultant
Jessica Gomez, Nursing Education Consultant
Pam Hinckley, Nursing Education Consultant
Donna Johnson, Nursing Education Consultant
Denise R. Rodriguez, Nursing Education Consultant
Suellen Clayworth, Nursing Education Consultant (RA)
Marilyn Kimble, Enforcement Division Chief
Rocio Llamas, Enforcement Program Manager
Carol Northrup, Licensing Division Manager
Mark Ito, Licensing Program Analyst
Jennifer Almanza, Human Resources Liaison
Laura Freedman, Legal Counsel, Department of Consumer Affairs

1. CALL TO ORDER.

The meeting was called to order by the President Todd D'Braunstein at 9:03 a.m., May 16, 2014, at the Doubletree by Hilton, 2001 Point West Way, Sacramento, California 95815.

2. PLEDGE OF ALLEGIANCE.

Donna Norton led those assembled in the Pledge of Allegiance.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF.

The Board Members introduced themselves. Teresa Bello-Jones, Executive Officer (EO), introduced the staff present.

Ms. Bello-Jones recognized Brady Oppenheim and Ann Lyles of the California Association of Psychiatric Technicians (CAPT). Ms. Bello-Jones also recognized Tricia Hunter, Executive Director of the American Nurses Association of California, and Velma Gaines-Miller, L.V.N. League of California.

4. INTRODUCTION OF APPROVED SCHOOLS REPRESENTED AT MEETING BASED UPON VOLUNTARY SIGN-IN LIST.

The following programs voluntarily signed in and were recognized by the Board President:

Advanced Medical Science Center	Curam College of Nursing
American College of Nursing	Gurnick Academy
Bethesda University	North West College
California Career Institute-Garden Grove	NCP College
California Nurses Educational Institute	Oikos University
Casa Loma College	Premiere Career College
Charles A. Jones School	Santa Barbara Business College Bakersfield
Charter College - Canyon Country	Shepherd University – Los Angeles
Clovis Adult and Vocational Education	Summit Career College
Concorde Career College	WestMed College

5. MEETING AND PUBLIC COMMENT PROCEDURES.

Mr. D'Braunstein read a special notice addressing the Board's legal mandate and the procedure to have an issue placed on the Board Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Board's discussion; no action may be taken at this time; and the Board may limit the length of time allowed for comment.

6. BREEZE UPDATE.

Awet Kidane, Chief Deputy Director, Department of Consumer Affairs (DCA), provided an update on the BreEZe project. Mr. Kidane thanked the Board Members and Ms. Bello-Jones for the opportunity to present at the Board Meeting, and acknowledged Cheryl Anderson, SNEC, and the acquisition of new NEC staff.

Mr. Kidane stated that BreEZe is a 77 million dollar project. That cost is not the contract cost but the cost to run the project overall. Mr. Kidane classified the Release I phase of the project as a success. The DCA is intent on getting things right using lessons learned from Release I which include the importance of change management and the improved focus on system design. DCA is exploring ways to contract out for change management to help boards re-write manuals and has negotiated additional time for design and testing.

Public Comment: None received

Board Discussion:

- Andrew Moreno asked if the time frames have been pushed back for Release II and Release III because of the updates made after Release I was implemented. Mr. Kidane responded yes, but did not give firm dates.
- Ms. Bello-Jones asked if the April 2015 date to go live was still accurate. Mr. Kidane indicated that April 2015 might be too aggressive but did not give another date.
- Mr. Moreno asked what the current status of BreEZe is. Mr. Kidane responded that staff and experts were sent to reduce the backlog with Boards in the Release I group, especially the Board of Registered Nursing (BRN) and that currently there is no backlog.

- Mr. D'Braunstein asked if the BRN will continue to benefit in Release III, from what was learned in Release I and what we are learning in Release II. Mr. Kidane responded yes, because as the code base is updated, all of its predecessors will benefit. Mr. D'Braunstein also asked if the license processing time will be better than the current processing time. Mr. Kidane responded that there may be fluctuations until problems are resolved.
- Eric Mah asked if the vendor agreement is hourly based or a flat fee based. Mr. Kidane responded there are three contracts; the delivery and integration contract is a flat rate; the maintenance contract is hourly-based. Mr. Mah pointed out that functional testing for this type of project is essential and asked who is accountable for the problems experienced in Release I so that we can prevent those problems in the future. Mr. Kidane indicated that the system design was very anemic in Release I and confirmed that DCA didn't provide a detailed scope of work. However, the DCA found holes and bottlenecks in Release I and got emergency fixes to the system.

7. BUDGET UPDATE.

Taylor Schick, DCA Budget Officer, provided an update of the Board's fund conditions. Mr. Schick stated the Vocational Nursing Program's fund condition is structurally balanced; currently 11.9 months in reserve and anticipates an increase over the next several fiscal years. The Psychiatric Technician fund condition has a structural imbalance and not bringing in revenues sufficient to keep up with ongoing expenditures. Currently, it appears as though the PT fund condition will become insolvent in fiscal year (FY) 2016/17, however, it is probable that the fund will not reach a deficiency until FY 2017/18 or later. Mr. Taylor confirmed that the Board approved merging the VN and PT funds, however, legislation is required to merge them.

Public Comment:

- Ms. Lyles, CAPT, asked Ms. Bello-Jones who advised the Board not to move forward with merging of funds. Ms. Bello-Jones responded the Board was advised by the Budget Office to delay legislation to merge the funds because the fund conditions were projected to be balanced for several years and consultants for the Senate Business and Professions Committee concurred.
- Freddie Rodriguez, Preferred College of Nursing, asked if the Board knows what the Bureau for Private Postsecondary Education (BPPE) charges for an annual fee for the approval of schools. He indicated that schools pay a 10% fee to BPPE, yet they work with the Board 70% of the time. Mr. Rodriguez suggested that, if the Board cannot raise fees, perhaps the schools can share the cost. Mr. D'Braunstein responded that the support from the schools to share and present the idea was appreciated.

Board Discussion:

- Ms. Bello-Jones asked if the BreEZe figures are included in the fund condition. Mr. Schick responded the funds are built in the budget incrementally by a Budget Change Proposal (BCP).
- John Vertido asked if disbursements covers pro-rata, administrative support, and legal funds. Mr. Schick responded yes, it covers these costs and any contracts, as well as outside vendors.
- Donna Norton asked if there would be room to investigate whether the Board is duplicating services provided by BPPE. Mr. Kidane stated the BPPE does not have the expertise to look at curriculum. The BPPE reviews financials, ensures student agreements are in order, and conducts site visits. It is different from what the Board does. There is collaboration, but no cross-over.

8. EXECUTIVE OFFICER'S REPORT.

Ms. Bello-Jones provided an update on Board activities relative to:

- Annual Staff Meeting
- Board Member Orientation
- BreEZe
- Risk Assessment
- Strategic Plan
- Sunset Review
- Education Division
- Enforcement Division

Public Comment: None received.

Board Discussion:

- Vivien Avella recommended the Education Division set goals to get the backlog down in proposed program applications and asked if the Board can hire temporary help. Ms. Bello-Jones responded that new staff have been hired but they need to be trained.
- Mr. Moreno asked if the non-responsive school proposals will be processed after the moratorium. Ms. Anderson responded yes.
- Angelina Martin, Assistant Executive Officer, stated that the Board is in early stages of discussing a BCP with the Budget Office to add new staff to the Education Division.
- Mr. Moreno asked Marilyn Kimble, Enforcement Division Chief, how we decide if we use our own investigators or Division of Investigation (DOI). Ms. Kimble responded only when a sworn peace officer is needed to aid in an investigation.
- Ms. Norton asked if the number of case referrals to DOI has decreased because cases are being conducted in-house. Ms. Bello-Jones responded that Board was given authority to hire investigators in 2010/2011.
- Samantha James-Perez asked Ms. Anderson if she was successful in getting expert consultants for exam development/review. Ms. Anderson responded they received three; one educator and two PT consultant, and continue to recruit.

9. CONSENT CALENDAR.

A. Adoption of February 27-28, 2014, Board Meeting Minutes.

B. Executive Officer's Report on Decisions for Vocational Nursing and Psychiatric Technician Programs.

Public Comment: None received.

Board Discussion:

- Ms. Bello-Jones stated on Page 19, 13.E.1, under "Program Representative" needs to be revised to read the Board voted to reconsider the item.
- Ms. James-Perez stated on the last page, she and Ms. Avella opposed the vote. The vote should be 8 in Support and 2 Opposed. Ms. Bello-Jones responded the minutes will be revised to reflect the change.
- Ms. Freedman stated the minutes for the Thursday meeting are not ready for adoption and need to be pulled.

MOTION: To accept the Consent Calendar items with the minutes amended.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 10 **Oppose:** 0 **Abstain:** 1

10. ENFORCEMENT MAIL BALLOTS.

Marilyn Kimble, Enforcement Division Chief, presented information regarding the Board's mail ballot process and proposed revisions to the mail ballot policy and forms.

Public Comment: None received.

Board Discussion:

- Ms. James-Perez asked, if seven Board Members voted for non-adoption, would it automatically be non-adopted or would it go to closed session. Ms. Freedman responded it would be non-adopted for practical reasons.
- Ms. James-Perez said she requested at a previous meeting that we find out how many non-adoption votes it takes to pull Board Members into closed session. What is the standard practice with other Boards? Ms. Freedman responded that it usually takes two votes for a case to go to closed session.
- Ms. Avella stated the number of two is appropriate with a smaller Board, but a Board of 11 should have a higher number.
- Ms. Norton stated she votes for closed session not because of a disagreement with ALJ, but because she wants the ability to discuss in closed session.
- Jessica Leavitt stated she likes the two-person limit. She appreciates the perspective of other Board Members.
- Mr. Mah stated he would like to see how other members voted in the tally. He said he would be open to increasing the number to three when the Board has 11 members. If the Board drops to nine, it should be two.
- Mr. D'Braunstein agreed that two members is a good threshold and also directed the EO to report at the November Board Meeting on making the voting process fully electronic.
- Mr. Moreno asked Ms. Avella if she had a specific number she would like to propose to the Board. Ms. Avella responded she did not.
- Ms. Freedman stated it's the Board's policy and can be changed at any meeting. The Board can take action so long as a quorum is established so not every member has to be present.

MOTION: To adopt the recommendation as follows:

1. Revise the Mail Ballot Policy and Procedures to include changing the #3 in Attachment B to #2.
2. Adopt the revised mail ballots to include abstain and recuse categories, together or separate, but in a manner that is clear.
3. Direct the Board's EO to investigate the feasibility of moving the process to a fully electronic method, and provide a progress report to the Board at the November 2014 meeting, with the understanding the report may be limited due to BreEZe.

Moved/Seconded: Todd D'Braunstein/John Vertido

Support: 9 **Oppose:** 2 **Abstain:** 0

11. LEGISLATIVE REPORT.

Mark Ito, Licensing Program Analyst, focused his report on 4 bills that pertain to the Board; Assembly Bills (AB) 1758, 2102, 2165, 2396. There are 22 bills currently being tracked.

Public Comment:

- Ms. Lyles, CAPT, commented, that AB 2102 would require the Board to collect and report demographic information that is already collected by the State Controllers' Office. She believes the information is helpful and hopes the Board supports the bill. Ms. Lyles also commented that AB 2155, which was not included in this report, states that a facility cannot require a nurse or CNA to work in excess of their regular work week. She stated that psychiatric technicians log more mandatory overtime hours than any other nursing classification. CAPT will ask that this bill be amended. She also noted that CAPT supports AB 2144 lowers staffing ratios from 1:8 and 1:16 to 1:6 and 1:12.

Board Discussion:

- Ms. James-Perez asked if AB 2396 would allow the Board to consider convictions and expungements as part of the enforcement process. Ms. Kimble responded the Board can consider the acts underlying that conviction even if it has been expunged.
- Ms. Freedman stated this is correct, however, this may impose more work for staff if there are multiple expunged convictions.

MOTION: To accept the Legislative Report.

Moved/Seconded: Jessica Leavitt/John Vertido

Support: 11 **Oppose:** 0 **Abstain:** 0

12. REGULATORY REPORT.

A. PROPOSED REGULATORY ACTION TO AMEND CALIFORNIA CODE OF REGULATIONS SECTIONS 2517.5 (VN) AND 2575.5 (PT), FINGERPRINT AND DISCLOSURE REQUIREMENTS FOR RENEWAL OF LICENSE

Mark Ito, Licensing Program Analyst, provided an update on the proposed regulatory action to amend California Code Regulations Section(s) 2517.5 (VN) and 2575.5 (PT), Fingerprint and Disclosure Requirements for Renewal of License. The proposed amendments will increase the reportable traffic infraction fine amount from \$300 to \$1,000.

Public Comment: None received.

Board Discussion:

- Mr. Mah suggested adjusting the question on the reinstatement form and remove traffic violation language, but not affect the recommendation.

MOTION: To accept the report and adopt the recommendation as follows:

1. The Board approved the regulatory proposal to amend Division 25 of Title 16, California Code of Regulations Section 2517.5 (VN) and 2575.5 (PT).
2. Direct staff to prepare a rulemaking file for notice and comment.
3. Authorize the Executive Officer to make changes consistent with the intent of the above proposal.

Moved/Seconded: Jessica Leavitt/John Vertido

Support: 11 **Oppose:** 0 **Abstain:** 0

B. PROPOSED REGULATORY ACTION TO AMEND CALIFORNIA CODE OF REGULATIONS SECTIONS 2526.1 (VN) AND 2581.1 (PT), PROVISIONAL APPROVAL AND 2530 (VN) AND 2585 (PT), GENERAL REQUIREMENTS

Mr. Ito presented a report on proposed regulatory action to amend Sections 2526.1 (VN) and 2581.1 (PT, Provisional Approval and 2530 (VN) and 2585 (PT), General Requirements. The proposed amendments clarify requirements and improve the probability of correction of program deficiencies.

Public Comment: None received.

Board Discussion:

- Ms. Freedman suggested modifying Recommendation #4 to read, "Authorize the Executive Officer to make non-substantive changes as are required by the Director of the Department of Consumer Affairs and the Office of Administrative Law, assuming non-negative comments are received."

MOTION: To accept the Legislative Report as amended.

1. Approve the regulatory proposal to amend California Code of Regulations, Title 16, Division 25, Chapter 1, Article 5, Sections 2526.1 (d), 2526.1 (e), and 2530 (l).
2. Approve the regulatory proposal to amend California Code of Regulations, Title 16, Division 25, Chapter 2, Article 5, Sections 2581.1 (d), 2581.1 (e), and 2585 (l).
3. Direct staff to submit the Rulemaking File to the Department of Consumer Affairs and to the Office of Administrative Law.
4. Authorize the Executive Officer to make non-substantive changes as are required by the Director of the Department of Consumer Affairs and the Office of Administrative Law, assuming no negative comments are received.

Moved/Seconded: Samantha James-Perez/John Vertido

Support: 11 **Oppose:** 0 **Abstain:** 0

C. PROPOSED REGULATORY ACTION TO IMPLEMENT SB 539, PERMISSIVE SITE VISITS

Mr. Ito provided an update on the proposed regulatory action to implement SB 539, Permissive Site Visits. Following approval of the Economic and Fiscal Impact Statement by the DCA Budget Office, Agency Secretary, and Department of Finance, the final rulemaking file will be submitted to the Office of Administrative Law for approval.

Public Comment: None received.

Board Discussion:

- Ms. Bello-Jones stated there is no action to be taken on this item.

MOTION: To accept the Regulatory Report.

Moved/Seconded: Jessica Leavitt/John Vertido

Support: 9 **Oppose:** 2 **Abstain:** 0

13. EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS.

13.A.1. Bethesda University of California Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students.

Pam Hinckley, Nursing Education Consultant (NEC), presented a report relative to reconsideration of provisional approval and consideration of the request to admit students for Bethesda University of California, VN Program. On May 11, 2012, the Board placed the program on provisional approval for the two-year period from May 11, 2012 through May 30, 2014, due to noncompliance with regulatory requirements relative to program pass rates. At that time, the program's average annual pass rate was 29%.

Based on the data from the 1st quarter of 2014, the program's average annual pass rate is 56%, which is 20 percentage points below the State average annual pass rate. The program's average annual pass rate has increased 27 percentage points since placement on provisional approval.

Program Representative:

Nanyun Lee, Director of Nursing and Hyunhye Kim, CAO of Bethesda University. Ms. Lee agrees with the Board's recommendations and promised improvement on NCLEX scores. She thanked Ms. Anderson and Ms. Hinckley for their continued support.

Public Comment: None received.

Board Discussion:

- Ms. Avella asked Ms. Lee to explain the low pass rates after having been on provisional approval for last two years. Ms. Lee responded they were transfer students from Stanton University, and they didn't have time to utilize the new curriculum to improve NCLEX scores.
- Mr. Mah asked what special offerings were given to prior students. Ms. Lee responded they were offered NCLEX preparation review courses after graduation.
- Ms. Avella commented she felt comfortable waiting for another quarters' data before giving the program students, and asked Ms. Lee if the school currently had students. Ms. Lee responded the school currently has no students.

MOTION: To accept the report and adopt the recommendation as follows:

1. Extend provisional approval for a one-year period from May 16, 2014 through May 30, 2015, and issue a notice identifying specific areas of noncompliance and requirements for correction, as referenced in section 2526.1(e) of the California Code of Regulations.
2. Deny the program's request to admit 30 full-time students into a class commencing on May 6, 2014, graduating on April 10, 2015, to replace students that graduated on October 8, 2012.
3. Approve the programs admission of 20 full-time students into a class commencing on June 16, 2014, graduating on June 5, 2015, to replace students that graduated on October 8, 2012, providing the program has no more than ten students per instructor during clinical experience.
4. Require the program to admit no additional classes without prior approval by the full Board.
5. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
6. Require the program to submit a follow-up report in four months, but no later than September 1, 2014, and nine months, but no later than February 1, 2015. The report must include a review of the prior comprehensive analysis, effectiveness of employed interventions, revisions to the original plan, and timeline for implementation and correction.
7. Require 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.

8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 9 **Oppose:** 2 **Abstain:** 0

13.A.2. Career Colleges of America Vocational Nursing Program – Reconsideration of Provisional Approval.

Ms. Hinckley, NEC, provided a report on the reconsideration of provisional approval for Career Colleges of America VN Program. On February 28, 2014, the Board placed the program on provisional approval for a three month period from February 28, 2014 through May 31, 2014, due to the program's inability to provide instruction and noncompliance with regulatory requirements. Specifically, the Board required the program to: 1) Demonstrate BPPE approval by March 31, 2014; 2) Obtain a Board-approved program director and faculty, and 3) submit the previously requested required reports, and 4) admit no additional classes without approval of the full Board. In January 2014, the Board was informed of action taken by the Accrediting Council for the Continuing Education (ACCET) at its April 2014 Commission Meeting withdrawing the accreditation of Career Colleges of America. Additional information provided by the BPPE confirmed that Career Colleges of America, Los Angeles, was approved by the BPPE by means of accreditation. Therefore, once the program lost their accreditation by ACCET, they also lost BPPE approval to operate.

Program Representative: No representative present.

Public Comment: None received.

Board Discussion:

- Ms. James-Perez asked Ms. Hinckley if ACCET accreditation has been reinstated. Ms. Hinckley responded that ACCET accreditation has not been reinstated.

MOTION: To accept the report and adopt the recommendations as follows:

1. Revoke provisional approval of the Career Colleges of America, Los Angeles, Vocational Nursing Program.
2. Remove the program from the *List of Approved Vocational Nursing Schools* effective immediately.

Moved/Seconded: Samantha James-Perez/John Vertido

Support: 11 **Oppose:** 0 **Abstain:** 0

13.A.3. Oikos University Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Modification of Request to Admit Students.

Suellen Clayworth, NEC, Retired Annuitant (RA), presented a report relative to the reconsideration of provisional approval and consideration of modification of request to admit students for Oikos University VN Program. On May 11, 2012, the program was placed on

provisional approval for the period of May 11, 2012, through May 31, 2014, due to noncompliance with regulatory requirements relative to program pass rates.

Based on data from the 1st quarter of 2014, the program's average annual pass rate is 67%, which is nine percentage points below the State average annual pass rate.

Program Representative:

Ellen Cervellon, Director, and Lia Little, Program Coordinator. Ms. Cervellon stated she agrees with the NECs recommendations.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the NEC's recommendations as follows:

1. Extend Oikos University VN Program's Provisional Approval for the two-year period from May 16, 2014 through May 30, 2016, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations.
2. Approve the program's request to modify the start date of the class of 30 students, originally approved by the full Board to start in September 2014, to now start on May 27, 2014, and graduate on October 3, 2015, provided that the program has no more than ten (10) students per instructor during clinical experience.
3. Require the program to admit no additional students unless approved by the full Board.
4. Require the program to submit a follow-up report in nine months, but no later than **February 1, 2015**, and in 21 months, but no later than **February 1, 2016**. Each report must include a review of the comprehensive analysis submitted by the program including the effect of employed interventions and identification of revisions required to the program's plan of correction, and a timeline for implementation.
5. Failure to show progress shall constitute cause for revocation of provisional approval.
6. Require the program to bring its average rate to no more than ten percentage points below the State average annual pass rate.
7. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professional Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
10. Place the program on the **May 2016**, Board agenda for reconsideration of provisional approval.

Moved/Seconded: Andrew Moreno/John Vertido

Support: 11 **Oppose:** 0 **Abstain:** 0

13.A.4. Sierra Pacific College Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students.

Jessica Gomez, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Sierra Pacific College, Redlands VN Program. On May 11, 2012, the Board placed the program on provisional approval for the two-year period from May 11, 2012 to May 16, 2014, due to noncompliance with regulatory requirements relative to program pass rates. Additionally, the program requests approval to admit 15 full-time students commencing June 16, 2014, with graduation projected June 26, 2015. This is **not** a replacement class.

Based on data from the 1st quarter of 2014, the program's average annual pass rate is 0%, which is 76 percentage points below the State average annual pass rate.

Program Representative: No representative present.

Public Comment: None received.

Board Discussion:

- Ms. James-Perez asked if the college has any students and if the school has BPPE approval to operate. Ms. Gomez confirmed the college has no students. Ms. Anderson responded the school had not obtained approval from BPPE.
- Ms. Freedman responded she is not familiar with the BPPE's history. It did not exist for a time, so more research may be necessary. The BPPE likes to see Board approval.
- Mr. Mah asked if Recommendation #10 implies the program is returning to the Board in May 2015. Ms. Anderson responded yes.

MOTION: To accept the report and adopt the recommendations as follows:

1. Extend provisional approval for the Sierra Pacific College, Redlands, Vocational Nursing Program for one year from May 16, 2014 to May 30, 2015, and reissue a notice to the program to identify specific area of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations.
2. Deny the program's request to admit a class of 15 full-time students on June 16, 2014, only; graduation on June 26, 2015.
3. Decline to consider any request to admit students until the program obtains and submits documentation substantiating approval to operate by the DCA's BPPE.
4. Require the program to admit no additional students unless approved by the full board. This includes any previously approved classes that were not admitted.
5. Require the program to submit a follow-up report in six (6) months after admission of the next class. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timelines for implementation, and the effect of employed interventions. The report must address all elements as identified in the comprehensive analysis submitted September 2013. The following elements must be addressed in the analysis:
 - a. Admission Criteria
 - b. Screening and Selection Criteria
 - c. Terminal Objectives
 - d. Curriculum Objectives
 - e. Curriculum Evaluation
 - f. Instructional Plan
 - g. Theory and Clinical Objectives for Each Course
 - h. Lesson Plans for Each Course
 - i. Text books

- j. Attendance Policy
 - k. Remediation Policy
 - l. Evaluation of Theory and Clinical Faculty
 - m. Evaluations of Theory Presentations
 - n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentation
 - o. Evaluations of Student Achievement
 - p. Current Enrollment
6. Require the program to bring its average pass rate to no more than ten (10) percentage points below the state annual pass rate.
 7. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
 8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
 9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 10. Place the program on the **May 2015**, Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Eric Mah
Support: 11 **Oppose:** 0 **Abstain:** 0

13.B.1. Preferred College of Nursing, Van Nuys, Vocational Nursing Program – Consideration of Placement on Provisional Approval.

Denise Rodriguez, NEC, presented a report relative to consideration of placement of provisional approval for the Preferred College of Nursing, Van Nuys VN Program, due to noncompliance with regulatory requirements relative to program pass rates.

Based on data from the 1st quarter of 2014, the program's average annual pass rate is 48%, which is 28 percentage points below the State average annual pass rate.

Program Representatives: Joievelynn Herra, Program Director, stated she agrees with the Board's recommendations, and she has concerns. Ms. Herra said she has proof of the thread of communication between the NEC regarding the implementation of the program's plan of correction, and that she sent it on her end. She requested time to submit proof of communication with the NEC.

Fred Rodriguez, Vice-President, responded they are asking for consistency, but recommendations will not change. He stated they accept the Board's recommendation.

Public Comment: None received.

Board Discussion:

- Ms. Avella asked if provisions 2 and 3 were in regard to admissions. Ms. Rodriguez responded yes. The school is not asking to admit students.
- Mr. Vertido asked Ms. Rodriguez if she sent a request for information and if she received a reply. Ms. Rodriguez replied that the program director was requested to submit

documentation regarding implementation of the plan of correction submitted on May 29, 2013. To date, the requested documentation has not been received.

- Ms. Freedman asked Ms. Anderson to clarify if a plan of correction was submitted and if the plan was not implemented because the school did not respond. Ms. Anderson responded that documentation had been requested to confirm the program's implementation of the previously submitted plan of correction, problems encountered during implementation, and subsequent modifications of the plan. In the absence of the requested documentation, implementation of the submitted plan of correction cannot be substantiated.
- Mr. D'Braunstein asked the program director if providing additional time would change the recommendation.
- Tammy Endozo asked for clarification regarding Recommendation #4 which reads "two-year" period. Ms. Rodriguez responded it is a typo and it should read four-month period.

MOTION: To accept the report and adopt the recommendations as follows:

1. Place Preferred College of Nursing, Van Nuys, Vocational Nursing Program on provisional approval for the 4-month period from May 16, 2014, through September 30, 2014, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations.
2. Rescind approval of the program's ongoing admissions.
3. Require the program to admit no additional classes without prior approval by the full Board.
4. Require the program to submit a written report no later than **June 1, 2014**. The report shall include a comprehensive analysis of the program including all elements in the previously submitted plan of correction, identification of factors negatively impacting student achievement, specific actions taken to improve program pass rates, dates of implementation, the effect of employed interventions, specific program resources required for achievement of program objectives.
5. If the program fails to submit the report as specified in Recommendation #4 by **June 1, 2014**, place the program on the **September 2014**, Board agenda for reconsideration of provisional approval.
6. If the program submits the report as specified in Recommendation #4 by **June 1, 2014**, extend the program's provisional approval from **September 30, 2014** through May 31, 2016.
7. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
9. Require the program to submit follow-up reports in two (2) months, but no later than July 1, 2014, and 21 months, but no later than February 1, 2016. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria
 - b. Screening and Selection Criteria
 - c. Terminal Objectives
 - d. Curriculum Objectives
 - e. Instructional Plan
 - f. Theory and Clinical Objectives for Each Course
 - g. Lesson Plans for Each Course
 - h. Text books
 - i. Attendance Policy

- j. Remediation Policy
 - k. Evaluation of Theory and Clinical Faculty
 - l. Evaluations of Theory Presentations
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentation
 - n. Evaluations of Student Achievement
 - o. Current Enrollment
10. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
11. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

Moved/Seconded: Eric Mah/John Vertido

Support: 11 **Oppose:** 0 **Abstain:** 0

13.B.2. Shepherd University Vocational Nursing Program – Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students.

Jessica Gomez, NEC, presented a report relative to consideration of placement on provisional approval and consideration of request to admit students for Shepherd University VN Program, due to noncompliance with regulatory requirements relative to program pass rates.

Based on data from the 1st quarter of 2014, the program's average annual pass rate is 55%, which is 21 percentage points below the State average annual pass rate.

Program Representative: Augustin Dominic Pacis, Director, thanked Ms. Anderson and Ms. Hinckley and agrees with the recommendations.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as amended:

1. Place the Shepherd University on provisional approval for the period from May 16, 2014 to May 16, 2016, and issue a notice to the program to identify specific area of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations.
2. Deny the program's request to admit a class of 30 students commencing July 7, 2014, and graduating September 19, 2015, to **replace** students who graduated September 2013.
3. Defer to the Executive Officer approval of the program's admission of 20 students commencing September 1, 2014, and graduating December 11, 2015, to replace students who graduated September 19, 2013, **provided** the following conditions are met by June 30, 2014.
 - a. The program submits written documentation verifying Board approval of clinical facilities required to provide clinical experiences of like character and quality for all students in the areas specified in Section 2533 of the California Code of Regulations.
 - b. The program has no more than ten (10) students per instructor during clinical experience.
4. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.

5. Require the program to admit no additional classes without prior approval by the full Board.
6. Require the program to submit a report to the Board no later than six (6) months after commencement of the next class. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and 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. Text books
 - i. Attendance Policy
 - j. Remediation Policy
 - k. Evaluation of Theory and Clinical Faculty
 - l. Evaluations of Theory Presentations
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentation
 - n. Evaluations of Student Achievement
 - o. Current Enrollment
7. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
10. Place the program on the **May 2016**, Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Samantha James-Perez

Support: 11 **Oppose:** 0 **Abstain:** 0

13.C.1. Casa Loma College, Hawthorne, Vocational Nursing Program – Consideration of Request to Admit Students; Consideration of Report of Unannounced Survey Visit.

Suellen Clayworth, NEC (RA), presented a report relative to the consideration of report of unannounced program survey visit, and consideration of request to admit students for Casa Loma College, Hawthorne, VN Program. On November 9, 2012, the program was placed on provisional approval for the two-year period from November 9, 2012, through November 30, 2014, due to the program's noncompliance with regulatory requirements relative to program pass rates. The Board specified that the program was required to demonstrate incremental progress in correcting its noncompliance. The program was also required to obtain approval by the full Board prior to the admission of additional students. Reconsideration was scheduled for November 2014. At that time, the program's average annual pass rate was 61%, which is 13 percentage points below the State average annual pass rate.

On February 28, 2014, the Board denied the program's request to admit students. At that time, the program's average annual pass rate was 53%, 23 percentage points below the State average annual pass rate. The Board noted that the program had failed to demonstrate incremental progress in correcting its deficiencies, as specified in the Notice of Change in Approval Status.

Based on data from the 1st quarter of 2014, the program's average annual pass rate is 52%, which is 24 percentage points below the State average annual pass rate.

Program Representative: Dr. Billy Hutchinson, Director, stated he was not in favor of the recommendations.

Public Comment: None received.

Board Discussion:

- Ms. James-Perez asked Mr. Anderson if the consultant that Casa Loma hired to help improve the program's situation, is the same person as in Agenda Item 13.C.4, the Director of Valley School of Allied Health, whose school has been on provisional approval for four years. Ms. Anderson responded, yes.
- Mr. Mah asked Dr. Hutchinson to clarify if the decision to move students to another school, was based on finances. Dr. Hutchinson responded that no income was coming in for the March class, and also the owner decided not to renew its lease. Dr. Hutchinson stated yes, part of the reason was for the move was financial and they couldn't afford to keep the building.
- Ms. James-Perez asked if all of the school's students went from Hawthorne to Anaheim. Dr. Hutchinson responded most of the students from Level II went to Anaheim. He stated he is down to five students in Level II.
- Ms. James-Perez stated, the violations are based on the Hawthorne campus, which has since moved to the Anaheim campus, not in violation. Ms. James-Perez proposed to the Board, 15 students if there is an evaluation of the Anaheim campus and the campus meets regulations/standards.
- Ms. Avella asked if the Board see's any reasonable basis to go against the recommendation and approve a class and if not, make a motion to accept the report and approve the recommendations.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny the Casa Loma College, Hawthorne, Vocational Nursing Program's request to admit 30 students into a full-time class that would commence on June 2, 2014, to **replace** the class graduating on June 25, 2014. The requested class would graduate on June 17, 2015.
2. Deny the Casa Loma College, Hawthorne, Vocational Nursing Program's request to admit 30 students into a full-time class on August 11, 2014, to **replace** the class graduating on August 26, 2014. That requested class would graduate on August 25, 2015.
3. Issue a supplemental Notice Identifying specific areas of non-compliance referenced in Violations 1 through 4 and requirements for correction, as referenced in Section 2526.1 of the California Code of Regulations.
4. Require the program to submit a plan of correction related to the violations noted in this report no later than **June 13, 2014**.
5. Require the program to include a progress report regarding the status of actions taken as specified in the supplemental notice in the comprehensive analysis of the program that is due to the Board on **August 1, 2014**.

6. Continue to require the program to comply with all corrections specified in the Notice of Change of Approval Status issued on November 12, 2012.

Moved/Seconded: Eduardo Angeles/Donna Norton
Support: 9 **Oppose:** 1 **Abstain:** 1

13.C.2. Premier Career College Vocational Nursing Program – Consideration of Request to Admit Students.

Ms. Hinckley, NEC, presented a report relevant to the consideration of request to admit students for Premier Career College, VN Program. On February 28, 2014, the Board placed the program on provisional approval for the two-year period from February 28, 2014, through February 28, 2016, due to the program's noncompliance with regulatory requirements relative to program pass rates.

Based on data from the 1st quarter of 2014, the program's average annual pass rate is 65%, which is eleven percentage points below the State average annual pass rate.

Program Representative: Faye Arragon, President, agrees 100% with the Board's recommendations and expressed her gratitude with support that Ms. Anderson and Ms. Hinckley have provided. Ms. Arragon requested that due to the holiday, they be approved to start September 2, 2014 instead of September 1, 2014.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as revised:

1. Deny Premiere Career College Vocational Nursing Program's request to admit a day class of 30 students commencing on May 19, 2014, graduating July 24, 2015, to **replace** students that graduated on March 14, 2014.
2. Deny the program's request to admit an evening class of 30 students commencing on June 9, 2014' graduating August 24, 2015, to **replace** students that graduated on March 14, 2014.
3. Approve the program's admission of 20 students commencing on June 9, 2014; graduating August 24, 2014, to **replace** students that graduated on March 14, 2014, provided that the program has no more than ten (10) students per instructor during clinical experience.
4. Deny the program a day class of 30 students commencing on September 2, 2014; graduating November 16, 2015, to **replace** students scheduled to graduate August 29, 2014.
5. Approve the program's admission of 20 students commencing September 2, 2014, graduating November 16, 2015, to **replace** students scheduled to graduate August 29, 2014, provided that the program has no more than ten (10) students per instructor during clinical experience.
6. Continue to require the program to obtain approval of the full Board prior to the admission of additional students.

Moved/Seconded: Eric Mah/John Vertido
Support: 11 **Oppose:** 0 **Abstain:** 0

13.C.3. Santa Barbara Business College, Bakersfield, Vocational Nursing Program – Consideration of Request to Admit Students.

Ms. Hinckley, NEC, presented a report relative to consideration of request to admit students for Santa Barbara Business College, Bakersfield, VN Program. On February 22, 2013, the Board placed the program on provisional approval for the two year period from February 22, 2013 to February 28, 2015, due to the noncompliance with regulatory requirements relative to program pass rates.

Based on data from the 1st quarter of 2014, the program's current annual pass rate is 70%, which is six percentage points below the State annual average pass rate.

Program Representative: Carolyn Santiago, stated she agrees with the recommendations and thanked the NECs.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Santa Barbara Business College Vocational Nursing Program's request to admit a class of 36 students on August 4, 2014, graduating October 8, 2015.
2. Continue to require the program to admit no additional students without prior approval by the full Board.

Moved/Seconded: Samantha James-Perez/Eric Mah

Support: 11 **Oppose:** 0 **Abstain:** 0

13.C.4. Valley School of Allied Health Vocational Nursing Program – Consideration of Request to Admit Students.

Ms. Hinckley, NEC, presented a report relative to consideration of request to admit students for Valley School of Allied Health, VN Program. On September 16, 2010, the Board placed the program on provisional accreditation for the two-year period from September 16, 2010, through September 30, 2012. Further, the Board rescinded approval for the program's ongoing admissions, and required the program to admit no additional students unless approved by the Board. On September 6, 2012, the Board **extended** provisional approval of the program for the two-year period from September 6, 2012 through September 30, 2014, due to the noncompliance with regulatory requirements relative to program pass rates. Reconsideration was scheduled for September 2014.

Based on from the 1st quarter of 2014, the program's average annual pass rate is 51%, which is 25 percentage points below the State average annual pass rate.

Program Representative: None present.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny Valley School of Allied Health Vocational Nursing Program's request to admit a full-time class of 20 students on June 23, 2014; graduating July 23, 2015 to **replace** students who graduated on June 13, 2014.

2. Continue the program's requirement to obtain approval by the full Board prior to the admission of future classes.

Moved/Seconded: John Vertido/Andrew Moreno
Support: 11 **Oppose:** 0 **Abstain:** 0

13.C.5. West Med College, Merced, Vocational Nursing Program – Consideration of Request to Admit Students.

Ms. Rodriguez, NEC, presented a report relative to consideration of request to admit students for West Med College, Merced, VN Program. On February 24, 2012, the Board placed the program on provisional approval for the two-year period from February 24, 2012 through February 28, 2014, due to the noncompliance with regulatory requirements relative to program pass rates.

Based on the data from the 1st quarter of 2014, the program's average annual pass rate is 74%, which is two percentage points below the State average annual pass rate.

Program Representative: Donna Chinn, Program Director, agrees with the recommendations.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve West Med College, Merced, Vocational Nursing Program's request to admit a class of 20 full-time students and two alternates on October 10, 2014, **only**, graduating November 20, 2015, to **replace** students that graduate on June 27, 2014.
2. Continue to require the program to admit no additional students unless approved by the full Board.

Moved/Seconded: John Vertido/Eric Mah
Support: 11 **Oppose:** 0 **Abstain:** 0

13.D.1. Summit College, Colton, Vocational Nursing Program – Consideration of Request to Admit Students.

Suellen Clayworth, NEC (RA), presented a report relative to the consideration of request to admit students for Summit College, Colton VN Program. On February 28, 2014, the Board considered the program's unauthorized admissions and the program's request for approval to admit students. Specifically, it was discovered that the program admitted eighteen classes without prior approval as required by the Board. Subsequent to that discovery, the director requested approval to admit a full-time class of 60 students.

Program Representative: Renee Sheehan, Director of Nursing, thanked the NECs and agrees with the recommendations. Ms. Sheehan asked that future requests be submitted through the EO.

Public Comment: None received.

Board Discussion:

- Ms. James-Perez asked Ms. Bello-Jones if future requests can be submitted through the EO or require full Board approval. Ms. Bello-Jones responded the program is not on provisional approval.
- Ms. Freedman stated the program is not on provisional, therefore, the Board can modify the requirement regarding who gives approval.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve Summit Career College, Colton, Vocational Nursing Program's request to admit a part-time class of 60 students commencing May 27, 2014, **only**, graduating December 2015. The requested class will **replace** the class that graduated March 23, 2014.
2. Approve the program's request to admit a full-time class of 60 students commencing on June 9, 2014, **only**, graduating on June 5, 2015. The requested class will **replace** the class that graduated on May 2, 2014.
3. Continue to require the program to obtain full Board approval prior to the admission of each class.

Moved/Seconded: Eric Mah/John Vertido
Support: 9 **Oppose:** 2 **Abstain:** 0

14. PUBLIC COMMENT PERIOD.

Public Comment: None received.

Board Discussion: None received.

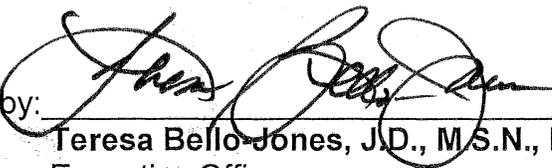
15. AGENDA ITEMS FOR FUTURE MEETINGS.

Public Comment: Dr. Nacio supports the proposed regulatory action to increase the reportable traffic infraction fine amount from \$300 to \$1,000 threshold, to include applications.

Board Discussion: None received.

16. ADJOURNMENT

The meeting was adjourned at 5:00 p.m.

Prepared by: 

 Teresa Bello-Jones, J.D., M.S.N., R.N.
 Executive Officer

Date: 9/17/14

Approved by: 

 Todd D'Braunstein, P.T.
 President

Date: 9-12-14