



## **BOARD MEETING MINUTES**

**AUGUST 21, 2015**

**LOS ANGELES, CALIFORNIA**

### **BOARD MEMBERS**

#### **PRESENT:**

Todd D'Braunstein, P.T. Member, President  
Samantha James-Perez, P.T. Member, Vice-President  
Vivien Avella, Public Member  
Bernice Bass de Martinez, Public Member  
Tammy Endozo, L.V.N. Member  
Eric Mah, Public Member  
Andrew Moreno, Public Member  
Donna Norton, L.V.N. Member  
Susan Rubin, Public Member  
John Vertido, L.V.N. Educator Member

#### **STAFF PRESENT:**

John Brooks, Acting Executive Officer  
Cheryl Anderson, Supervising Nursing Education Consultant  
Jessica Gomez, Nursing Education Consultant  
Donna Johnson, Nursing Education Consultant  
Gina Bayless, Enforcement Division Chief  
Carol Northrup, Licensing & Admin. Division Manager  
Jennifer Almanza, Administrative Analyst  
Jay Prouty, Enforcement Division Analyst  
Laura Freedman, Legal Counsel, Department of Consumer Affairs

#### **1. CALL TO ORDER.**

The meeting was called to order by Todd D'Braunstein, Board President, at 9:01 a.m., August 21, 2015, at the Hilton Los Angeles Airport, 5711 West Century Boulevard, Los Angeles, California 90045.

#### **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. John Brooks, Acting Executive Officer (EO), introduced board staff present and Laura Freedman, Legal Counsel, Department of Consumer Affairs (DCA).

#### **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:

American Career College, Los Angeles	Gurnick Academy of Medical Arts, Concord
American Career College, Orange County	Gurnick Academy of Medical Arts, Concord (PT)
American Career College, St. Francis	Gurnick Academy of Medical Arts, Fresno
Annenberg School of Nursing	Gurnick Academy of Medical Arts, Modesto
CA Career Institute, Garden Grove	Gurnick Academy of Medical Arts, San Mateo
CA Career Institute, Hawthorne	Hacienda La Puente Adult Ed., Willow Ctr. (PT)
Career Care Institute, Moreno Valley	High Desert Medical College
Casa Loma College, School of Nursing & Allied Health (Previously Hawthorne)	Homestead Schools, Inc., Torrance
CNI College (Formerly Career Networks Institute)	LAUSD: Maxine Waters Employment Prep. Ctr.
College of the Desert	Medical Allied Career Center, Inc.
Concorde Career College, Garden Grove	Pacific College
Concorde Career College, North Hollywood	Palo Verde Community College, Nursing and Allied Health
Concorde Career College, San Bernardino	Platt College, Alhambra
Concorde Career College, W. Los Angeles	Santa Barbara College, Bakersfield
Concorde Career College, Woodland Hills	Summit College, Colton
Curam College	YWCA-Los Angeles Job Corps, Los Angeles
Grossmont Health Occupations Center	CES 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.

**13. ENFORCEMENT DIVISION REPORT.**

*This agenda item was taken as Agenda Item #6 at the Board Meeting.* Gina Bayless provided a report relative to the Enforcement Division and the Enforcement Task Force recommendations as discussed at the May 2015 Board Meeting.

Ms. Bayless reported in response to one of the Enforcement Task Force recommendations, Enforcement program staff are in contact on a weekly basis with the Office Attorney General's (OAG) and discuss streamlining the Board's processes, as well as other enforcement-related issues and the program's training needs. Ms. Bayless introduced Stephanie Whitley, Supervising Special Investigator (SSI) and Helen Tennyson, Special Investigator (SI), DCA, Division of Investigation (DOI), who provided an update on the findings of their assessment of the Enforcement Division.

**Board Discussion:**

- Ms. Avella asked for a status regarding the Enforcement Division's efforts on using the Cite and Fine process in an effort to settle cases. Ms. Bayless responded that the Enforcement Division is working with respondents regarding a payment plan in an effort to reduce the number cases referred to the OAG's Office to expedite the settlement of cases and use citations when appropriate.
- Ms. Avella asked if the Board was to be fully staffed with its authorized positions, would this be adequate enough to meet the CPEI target date of 18 months for its formal process. Mr. Brooks said the Board is close to being fully staffed and that he would have a more definite answer in six to eight weeks.

Ms. Whitley, SSI, DCA/DOI commented that during their assessment of the Enforcement Division, staff shared many ideas and were open to new ways of helping the program processes be more efficient. Ms. Whitley reported that prior to April 2015, communication between BVNPT and DOI had already begun to discuss the implementation of the Task Force recommendations. However, it was the DOI's goal in May 2015 when she and her staff arrived at the BVNPT, to review enforcement process timelines, reduce case aging, identify the causes of the Board's case aging, and to implement best practices for the Board. Ms. Whitley added the following changes that were implemented: established a complaint intake unit within the program to receive/review initial complaints to determine how the complaint will be processed; reorganized case files and established a new filing system; reviewed/revise enforcement-related forms; reviewed/revise the investigator report form; implemented the electronic enforcement activity reporting system to track investigator's time spent on a case; received subpoena delegation for the EO and Ms. Bayless, and provided subpoena training to field staff.

Ms. Tennyson, SI, DCA/DOI, highlighted the following DOI recommendations to be implemented by Board management: conduct a review of Enforcement staff duty statements to ensure staff are performing appropriate duties; review/revise desk manuals and internal policy and procedure manuals; review/revise disciplinary guidelines and provide additional disciplinary guideline training to staff; review Notice of Warnings to determine appropriate use and ensure notices are issued in accordance with Board standards; re-evaluate fine amounts allow licensees to enter into a formal payment plan to pay fine; reassign one Enforcement staff to work the "cite and fine" desk. Ms. Tennyson also highlighted the following long-term goal: conduct a workload study to determine which Enforcement units are understaffed, and if necessary, submit a request for additional staff.

**Public Comment:** None.

**Board Discussion:**

- Ms. Avella asked what the role of the enforcement monitor is. Mr. Brooks responded that the assignment of the enforcement monitor is part of the Board's Sunset Bill, AB 178.
- Ms. Bass de Martinez asked if the DOI has timelines for the Board to implement the recommendations. Ms. Whitley responded that it is the DOI's role to present the recommendations, not set the timelines.

**6. EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS.**

**A.1. Institute of Medical Education, Oakland, Vocational Nursing Programs. Consideration of Revocation of Approval.**

Cheryl Anderson, Supervising Nursing Education Consultant (SNEC) presented a report relative to the Consideration of Revocation of Approval for Institute of Medical Education (IME), Oakland and IME, San Jose. Effective February 16, 2012, the Bureau for Private Postsecondary Education (Bureau) of the Department of Consumer Affairs ordered IME to cease enrollment of new students, cease instruction, and cease collection of tuition or fees.

The Bureau took this action pursuant to Education Code section 94937 and Title 5 of the California Code of Regulations section 75150. The Bureau's order was issued as an emergency, and was temporary pending final action taken by the Bureau. The order applied to both the San Jose and Oakland campuses. As a result of the Bureau's order, IME was

prohibited from instructing students in its vocational nursing (VN) programs. Further, IME was prohibited from enrolling new VN classes into those programs.

On February 17, 2012, the Board issued a Notice of Required Correction to the IME requesting it provide evidence of IME's authority to instruct students in the vocational nursing programs at the San Jose and Oakland campuses. IME failed to provide evidence of the approval from the Bureau to instruct existing vocational nursing students or to enroll new students.

In response to the Bureau's action, the Board took the following actions on February 22, 2012:

1. Suspend the Institute of Medical Education's approvals at the San Jose and Oakland campuses during the period of time the programs lack the ability to instruct students, pursuant to the Bureau's Order. In the event the Bureau's Order is set aside or modified, the suspension will be automatically lifted and the approval reinstated or modified consistent with any revised Order.
2. Any prior permission issued by the Board authorizing the Institute of Medical Education to start a new [VN] class at either location is expressly withdrawn. Should the Order prohibiting the Institute of Medical Education from enrolling new students be set aside or modified, the Institute of Medical Education shall submit a new request for each class to the Board.

On March 16, 2012, the Board forwarded correspondence informing IME of the approval status of the Oakland and San Jose vocational nursing programs. The above actions have been posted on the Board's website since 2012.

On May 28, 2015, the Board received the following additional information from the Bureau.

- On October 1, 2012, IME tried to surrender to the Bureau its approval to operate the IME, San Jose, and Oakland campuses.
- On September 20, 2013, the IME's Bureau-issued approval to operate was formally revoked by disciplinary action [**Bureau Case No. 997952; OAH No. 2012030566**]. Additionally, IME was ordered to:
  1. Provide official IME transcripts to all students who completed a course at IME.
  2. Pay restitution to 112 students.
  3. Pay to the Bureau investigative costs in the amount of \$39,974.38, and attorneys' fees in the amount of \$99,292.50.

The Bureau's orders became effective January 2, 2014. Further, IME's owner, current or former IME agents, and administrative personnel were deemed ineligible to apply for approval to operate a private postsecondary educational institution or be a member of the board of directors or an officer in a postsecondary educational institution in California until such time as IME complied with the terms and conditions set forth in the Order.

On July 9, 2015, the Board sent a letter to IME to determine if it had complied with the Order. The letters were sent per certified and regular mail to IME program directors and president. A response was requested no later than Friday, July 17, 2015.

The Board's letters sent to IME program directors and president via certified mail, were unclaimed and returned by the U.S. Postal Service (USPS) on July 24, 2015. A stamp was affixed to each letter stating, "Unable to Forward."

After issuing a Notice of Change in Program Status, specifying identified deficiencies and required corrections, the Board is authorized to revoke a program's approval and remove the programs from the *List of Approved Programs*.

**Program Representative:** None.

**Public Comment:** None.

**Board Discussion:** None.

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

1. Issue a Notice of Correction requiring Institute of Medical Education, Oakland and San Jose, Vocational Nursing Programs, to, within seven (7) days of the notice, present written evidence that it has approval to operate from the Bureau for Private Postsecondary Education.
2. In the event the Board does not receive a response to the above notices, delegate to the Acting Executive Officer authority to revoke approval of one or both of the vocational nursing programs offered by the Institute of Medical Education in Oakland and San Jose, such revocation to be effective immediately.
3. In the event the delegated authority noted above is exercised, delegate the authority to the Acting Executive Officer to remove the appropriate vocational nursing program(s) from the *List of Approved Vocational Nursing Programs*.

**Moved:** John Vertido

**Seconded:** Samantha James-Perez

Mr. D'Braunstein, Vivien Avella, Bernice Bass de Martinez, Tammy Endozo, Samantha James-Perez, Eric Mah, Andrew Moreno, Ms. Norton, Susan Rubin, and John Vertido voted in favor of the motion. **The motion passed.**

**A.2. Institute of Medical Education, San Jose, Vocational Nursing Program. Consideration of Revocation of Approval.**

**Program Representative:** None.

**Public Comment:** None.

**Board Discussion:** None.

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

1. Issue a Notice of Correction requiring Institute of Medical Education, Oakland and San Jose, Vocational Nursing Programs, to, within seven (7) days of the notice, present written

evidence that it has approval to operate from the Bureau for Private Postsecondary Education.

2. In the event the Board does not receive a response to the above notices, delegate to the Acting Executive Officer authority to revoke approval of one or both of the vocational nursing programs offered by the Institute of Medical Education in Oakland and San Jose, such revocation to be effective immediately.
3. In the event the delegated authority noted above is exercised, delegate the authority to the Acting Executive Officer to remove the appropriate vocational nursing program(s) from the *List of Approved Vocational Nursing Programs*.

**Moved:** John Vertido

**Seconded:** Samantha James-Perez

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin, and Mr. Vertido voted in favor of the motion. **The motion passed.**

**B.1. Preferred College of Nursing, Los Angeles, Vocational Nursing Program. Reconsideration of Provisional Approval; Notice of Program Closure.**

Donna Johnson, NEC, presented a report relative to the reconsideration of provisional approval; notice of program closure for Preferred College of Nursing, Los Angeles, Vocational Nursing Program. On September 12, 2014, the Board placed the program on provisional approval for the two (2) year period from September 12, 2014 through September 30, 2016, due to non-compliance with regulatory requirements relative to program pass rates. At that time, the program's average annual pass rate was 62%.

On February 13, 2015, the Board reconsidered the program's approval status based on the 15 additional violations identified during an unannounced program inspection that was conducted in October 2014. On February 23, 2015, the Board issued a *Notice of Change in Approval Status*, including additional required Corrective Actions. The USPS verified program receipt of the Notice on February 25, 2015.

The program failed to comply with all required corrective actions and was scheduled for reconsideration of its provisional approval status. Subsequently, the program notified the Board of its intent to close the Vocational Nursing Program after graduation of the currently enrolled students.

**Program Representative:** None.

**Public Comment:** None.

**Board Discussion:** None.

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

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

**Moved:** John Vertido

**Seconded:** Samantha James-Perez

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

**B.2. Prime Career College Vocational Nursing Program. Consideration of Program Closure.**

Ms. Johnson, NEC, presented a report relative to the consideration of report of program closure for Prime Career College Vocational Nursing Program. On November 17, 2005, Prime Career College Vocational Nursing Program was approved to begin an initial class of 30 students on January 9, 2006. On September 8, 2006, the program was granted full accreditation for the period from September 8, 2006, through September 7, 2010.

On February 28, 2014, the program was placed on provisional approval due to non-compliance with regulations relative to licensure examination pass rates. At that time, the program's average annual pass rate was 46%. The program was approved to admit 20 students beginning March 10, 2014, and graduating April 10, 2015.

On May 15, 2014, the program submitted a request to admit students. On July 11, 2014, after consultation with the assigned NEC regarding inadequate clinical facilities to support the proposed students, the program withdrew the request. On May 12, 2015 the program reported the intent to close, effective immediately. The program also requested to be removed from the list of approved schools effective immediately.

**Program Representative:** None.

**Public Comment:** None.

**Board Discussion:** None

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

1. Accept the voluntary closure of the Prime Career College Vocational Nursing Program.
2. Remove the program from the *List of Approved Vocational Nursing Programs*, effective immediately.

**Moved:** John Vertido

**Seconded:** Andrew Moreno

Ms. Avella, Ms. Bass De Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

### **B.3. West Med College, San Jose, Vocational Nursing Program. Consideration of Intent to Close Program.**

Jessica Gomez, NEC, presented a report relative to consideration of intent to close for West Med College, San Jose, Vocational Nursing Program. On November 21, 2014, the program was placed on provisional approval for the one – year period from November 21, 2014 through November 30, 2015, due to noncompliance with regulatory requirements relative to program pass rates.

On June 11, 2015, the Board received e-mail correspondence from Tracey Jensen, President of WestMed College, informing the Board of the administrative decision to close the program after the final class graduates on October 30, 2015. The program also requested to withdraw voluntarily from the Board's list of approved schools, effective November 1, 2015.

**Program Representative:** None.

**Public Comment:** None.

**Board Discussion:** None.

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

1. Accept WestMed College, San Jose, Vocational Nursing Program's voluntary closure effective November 1, 2015.
2. Remove the program from the Board's *List of Approved Vocational Nursing Programs*, effective November 1, 2015.

**Moved:** John Vertido

**Seconded:** Donna Norton

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

### **C.1. Hacienda La Puente Adult Education Psychiatric Technician Program. Consideration of Placement on Provisional Approval; Request to Admit Students.**

Ms. Johnson, NEC, presented a report relative to consideration of placement on provisional approval; request to admit students for Hacienda La Puente Adult Education Psychiatric Technician Program due to non-compliance with regulatory requirements relative to program pass rates. In addition, the program requests approval to admit twelve (12) students beginning August 24, 2015 and graduating August 18, 2016, to **replace** the class scheduled to graduate on August 12, 2015.

Based on examination data from the 2<sup>nd</sup> Quarter of 2015, the program's average annual pass rate is **66%**, 12 percentage points **below** the state average annual pass rate.

**Program Representative:** Sharon Anderson, Director of VN and PT Programs; Mathew Smith, Interim Career Tech. Education Director; (Name inaudible), Interim Administrator.

**Public Comment:**

- Ms. (Sharon) Anderson commented she agrees with the recommendations.

**Board Discussion:**

- Mr. D'Braunstein disclosed he is an alumni of this program, and that he consulted with DCA Legal Counsel, and there is no conflict of interest.
- Mr. Mah thanked Mr. D'Braunstein for disclosing that he was an alumni of the program.
- Ms. James-Perez asked Ms. (Sharon) Anderson, about the size of the program's applicant pool. For the proposed class of 12, Ms. James-Perez asked how many applicants were received by the program, and how competitive is entry to the program. Ms. (Sharon) Anderson responded the program has a good applicant pool; however, once the applicants take the TABE exam, the applicant pool decreases. For the proposed class of 12, the program received 14 applications. That applicant pool has decreased to 11.
- Ms. Bass de Martinez asked Ms. (Sharon) Anderson how the instructors match their own instructional style to the learning style of the students in their class. Ms. (Sharon) Anderson replied that she talks to the students about the status of their progress, as well as the instructors to ensure the students have an understanding of the critical thinking process.
- Mr. (speaker did not provide name), Interim Administrator, stated the students are interviewed to determine their learning needs, and faculty also receives training in order to assist the students with their learning needs.

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

1. Place the Hacienda La Puente Adult School Psychiatric Technician Program on provisional approval for the two – year period from August 21, 2015 through August 31, 2017, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2581.1 (e) of the California Code of Regulations.
2. Rescind approval of the program's ongoing pattern of admissions effective immediately.
3. Approve admission of one (1) class of twelve (12) students to begin August 24, 2015, graduating August 18, 2016, only.
4. Require the program to admit no additional classes without prior approval by the full Board.
5. Require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.
6. 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 by **September 15, 2015**.
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 submit a report to the Board in nine (9) months, but no later than **May 1, 2016**, and twenty – one (21) months, but no later than **May 1, 2017**. The report

must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.

- a. Admission Criteria.
  - b. Screening and Selection Criteria.
  - c. Terminal Objectives.
  - d. Curriculum Objectives.
  - e. Instructional Plan.
  - f. Theory and Clinical Objectives for Each Course.
  - g. Lesson Plans for Each Course.
  - h. Textbooks.
  - i. Attendance Policy.
  - j. Remediation Policy.
  - k. Evaluations of Theory and Clinical Faculty.
  - l. Evaluations of Theory Presentations.
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - n. Evaluation of Student Achievement.
  - o. Current Enrollment.
9. Require the program to comply with all approval standards in Article 4 of the Psychiatric Technicians Law commencing at Business and Professions Code Section 4530, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2580.
10. 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.
11. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
12. Place the program on the **August 2017** Board agenda for reconsideration of provisional approval.

**Moved:** Donna Norton

**Seconded:** John Vertido

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

## **C.2. Platt College, Alhambra, Vocational Nursing Program. Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students.**

Ms. Johnson, NEC, presented a report relative to the consideration of placement on provisional approval; consideration of request to students for Platt College, Alhambra, Vocational Nursing Program due to non-compliance with regulatory requirements relative to program pass rates. On April 27, 2015, when considering the program's request for continued approval, the Executive Officer noted the program's noncompliance with regulatory requirements for program pass rates on the licensure examination. Specifically, the program's average annual

pass rates were 26 – 32 percentage points below state average annual pass rates from Quarter 1 – 2014 through Quarter 1 – 2015. The Executive Officer referred the program to the Board for consideration of placement on provisional approval.

In addition, the program has requested approval to admit one (1) class of 20 students beginning November 10, 2015 and graduating January 30, 2017. The requested class would **replace** the class scheduled to graduate on November 9, 2015.

**Program Representative:** Janice Montgomery, Director.

Based on examination data from the 2<sup>nd</sup> Quarter of 2015, the program's annual pass rate is 36%, 36 percentage points below the state average annual pass rate.

**Public Comment:**

- Ms. Montgomery commented she accepts the recommendations.
- Ms. Montgomery asked the Board to consider the program's request to admit 20 students. She added, she is very dedicated to the program, as well as, the students' success. The main problem was integration of theory and clinical content, and number of remediations allowed. In addition to hiring new teaching staff, the program has changed the attendance and remediation policies, and has excellent clinical sites in place. The new curriculum will be implemented with the new class.

**Board Discussion:**

- Ms. Rubin asked Ms. Johnson what measures are taken into consideration when recommending provisional approval and the approval of additional students. Ms. Johnson responded in this case, the program's admission standards and policies, remediation policies and curriculum have been completely revised. Ms. Johnson added the program is demonstrating a commitment to improve, and has excellent facilities in place to support the admission of additional students.
- Mr. Vertido asked if the program has seen results with the new attendance and remediation policies that were implemented. Ms. Montgomery responded yes, the program has seen improvement since the implementation of the new remediation and attendance policy. She added, the program has also seen a difference in the students' accountability and recognition of their responsibility as they want to succeed. The program is also reaching out to past graduates.
- Ms. James-Perez asked Ms. Montgomery to provide clarification regarding the number of students graduating on November 9, 2015. Ms. Montgomery replied the program has 15 students who will graduate in November 2015. If the request for additional students is not approved, the program will have no students.
- Ms. James-Perez asked Ms. Montgomery if there are facilities in place to support additional students. Ms. Montgomery responded yes, the program has facilities in place to accommodate the additional students.

**MOTION: To accept the report and adopt the recommendations:**

1. Place the Platt College, Alhambra, Vocational Nursing Program on provisional approval for the two (2) year period from August 21, 2015 through August 31, 2017, and issue a notice to the program to identify 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 Platt College, Alhambra, Vocational Nursing Program's request to admit one (1) class of twenty (20) students to a class beginning on November 10, 2015, graduating January 30, 2017, **only**.
3. Require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.
4. Require the program to admit no additional classes without prior approval by the full Board.
5. 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 by **September 15, 2015**.
6. Require the program to submit follow up reports in nine (9) months, but no later than **May 1, 2016**, and 21 months, but no later than **May 1, 2017**. The reports must include a comprehensive analysis of the program, specific actions taken to improve 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
7. Require the program to bring its average annual pass rate to no more than (10) ten 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 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.
10. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

11. Place the program on the Board's **August 2017** agenda for reconsideration of provisional approval.

**Moved:** John Vertido

**Seconded:** Bernice Bass de Martinez

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

**D.1. Career Care Institute, Inc., Moreno Valley, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Gomez, NEC, presented a report relative to reconsideration of provisional approval, consideration of request to admit students for Career Care Institute, Inc., Moreno Valley, Vocational Nursing Program. The program was placed on provisional approval for the period September 6, 2012, through September 30, 2014, due to non-compliance with regulatory requirements relative to program pass rates.

The program was required to bring its average annual pass rate to no more than ten (10) percentage points **below** the state average annual pass rate of first – time program graduates. Further, the program was directed to admit no additional classes without prior approval by the full Board.

On September 12, 2014, the Board extended the program's provisional status for the five (5) month period from September 12, 2014 through February 28, 2015, and issued a notice identifying specific areas of noncompliance and requirements for correction, as referenced in section 2526.1 (e) of the California Code of Regulations. The Board denied the program's request to admit a day class of 50 students commencing October 27, 2014, graduating February 26, 2016, to **replace** the class that graduated February 13, 2014.

On February 13, 2015, the Board extended the program's provisional status for a one (1) year period from February 28, 2015 through February 28, 2016 and issued a notice identifying specific areas of non-compliance and requirements for correction. The Board required the program to obtain adequate clinical facilities as to number, type, and variety of patients treated to provide clinical experiences in Pediatric Nursing for all students by **March 31, 2015**. Additionally, the Board approved the program's admission of a day class of 20 full-time students on April 13, 2015 graduating on October 20, 2016, to **replace** a class that graduated February 13, 2014 only, **provided** the program maintains a 1:10 instructor-to-student ratio for all Skills Laboratory and clinical experience.

Based on examination data from the 2<sup>nd</sup> Quarter of 2015, the program's average annual pass rate is **92%**, 20 percentage points **above** the state average annual pass rate.

**Program Representative:** Allan Ocampo, Director; Corrine Stevens, Dean of Nursing Education.

**Public Comment:**

- Mr. Ocampo commented he agrees with the recommendations.
- Mr. Ocampo added that he is 100 % committed to implementing the changes in the comprehensive analysis the program submitted to the Board.

### **Board Discussion:**

- Mr. Vertido congratulated Mr. Ocampo on the improvement of the program's pass rate.
- Ms. James-Perez voiced her concern regarding the program's decision to decrease its Level 1 and Level 2 achievement standards, and asked Mr. Ocampo if decreasing the standards will affect the program. Mr. Ocampo responded no, the changes implemented will not have an effect.
- Ms. James-Perez asked Mr. Ocampo if the program would admit a student on probationary status if the student has a positive drug test. Mr. Ocampo responded no, a student who tests positive will not be admitted to the program on probation.

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

1. Approve the Career Care Institute, Moreno Valley, Vocational Nursing Program's request to admit a day class of 30 full-time students on October 26, 2015 graduating on March 24, 2017, to **replace** a class that graduated February 27, 2015, **provided:**
  - a. The director submits, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation, no later than **15 days after class starts; and**
  - b. The program maintains a 1:10 instructor to student ratio in all clinical activities.
2. Require the program to obtain Board approval prior to admitting a class.

**Moved:** John Vertido

**Seconded:** Samantha James-Perez

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

### **D.2. High Desert Medical College Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Anderson, SNEC, presented a report relative to consideration of a request to admit students to High Desert Medical College Vocational Nursing Program. On November 10, 2011, the program was placed on provisional approval for the two-year period from November 10, 2011 through November 30, 2013. The program was directed to obtain approval by the full Board prior to the admission of additional students. Reconsideration of the program's status was scheduled for the November 2013 Board meeting.

The Board extended the program's provisional approval on November 22, 2013 through September 2014. On September 12, 2014, the Board extended the program's provisional approval through February 28, 2015.

On February 13, 2015, the Board extended the program's provisional approval through February 28, 2016, and issued a notice identifying specific deficiencies, required corrections, and timeline for implementation. Reconsideration of the program's status is scheduled for February 2016.

Based on examination data from 2<sup>nd</sup> Quarter of 2015, the program's average annual pass rate is **60%**, 12 percentage points **below** the state average annual pass rate.

**Program Representative:** Michelle Welch, Director.

- Ms. Welch commented she agrees with the recommendations.

**Public Comment:** None.

**Board Discussion:**

- Ms. James-Perez asked Ms. Welch why the program requests approval for additional students, if there is a lack of faculty to support the request. Ms. Welch responded she was recruiting additional faculty, and completed clinical placements for all students and courses. At the time the request was submitted, it appeared the program would have sufficient faculty prior to the admission of new students.
- Ms. Bass de Martinez asked Ms. Welch to briefly describe what changes will be implemented to improve the program's pass rates. Ms. Welch responded the program completely revised the old curriculum, and remediation is now being documented in a timelier manner.

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

1. Approve High Desert Medical College Vocational Nursing Program's request to admit a full-time class of 19 students to begin on October 12, 2015; graduating November 16, 2016.
2. Require the program to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation, no later than **15 days after class commencement**.
3. Continue to require the program to maintain a 1:10 instructor to student ratio in all clinical activities.
4. Deny the program's request to admit a part-time class of 15 students to begin on October 16, 2015; graduating June 18, 2017.
5. Continue to require the program to obtain approval by the full Board prior to admitting an additional class.

**Moved:** John Vertido

**Seconded:** Donna Norton

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

**D.3. Santa Barbara Business College, Bakersfield, Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Anderson, SNEC, presented a report relative to the consideration of a request to admit students to the Santa Barbara Business College, Bakersfield, Vocational Nursing Program.

The program was placed on provisional approval for the two-year period from February 22, 2013 to February 28, 2015. Additionally, the Board denied the program's request for approval to admit 36 students with three (3) alternates commencing March 18, 2013, graduating May 21, 2014, to **replace** students that were scheduled to graduate December 20, 2012. The program was required to obtain approval by the full Board prior to the admission of students. This action was taken due to the program's non-compliance with regulatory requirements relative to program pass rates.

The program requests approval to admit 36 students on October 12, 2015, graduating December 15, 2016, to replace students scheduled to graduate October 8, 2015.

Based on examination data from the 2<sup>nd</sup> Quarter of 2015, the program's current average annual pass rate is **81%**, **9** percentage points **above** the state annual average pass rate.

**Program Representative:** Carolyn Santiago, Director.

**Public Comment:** Ms. Santiago commented she agrees with the recommendations.

**Board Discussion:**

- Mr. Vertido congratulated the program on their good work, and asked Ms. Santiago if she has the support of the school administration to continue producing qualified nurses. Ms. Santiago replied she has the support of the school's administration.

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

1. Approve Santa Barbara Business College, Bakersfield, Vocational Nursing Program's request to admit a class of 36 students on October 12, 2015, **only**, graduating December 15, 2016, to **replace** students scheduled to graduate October 8, 2015.
2. Require the program to submit, under penalty of perjury, the names of all newly enrolled students, date of admission, placement in the curriculum, and expected dates of graduation no later than **October 23, 2015**.
3. Continue the program's requirement to admit no additional students without prior approval by the Board.

**Moved:** John Vertido

**Seconded:** Samantha James-Perez

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

**D.4. Shepherd University Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Gomez, NEC, presented a report relative to the consideration of a request to admit students to the Shepherd University Vocational Nursing Program. The program was placed on provisional approval for the two-year period from May 16, 2014, through May 15 2016, due to noncompliance with regulatory requirements relative to program pass rates. At that time, the program's average annual pass rate was 55%.

On February 13, 2015, the Board approved the program's request to **admit** a class of 20 students commencing April 6, 2015, and graduating July 9, 2016, only, to **replace** students who graduated September 2013, **provided** the program has no more than ten (10) students per instructor during clinical experience. The program requests approval to admit a full time class of 20 students commencing September 7, 2015, and graduating November 11, 2016.

Based on examination data from 2<sup>nd</sup> Quarter of 2015, the program's average annual pass rate is **29%**, **43** percentage points **below** the state annual average pass rate.

**Program Representative:** Daisy Magimaidason, Director, VN Program.

**Public Comment:** Ms. Magimaidason stated she agrees with the recommendations.

**Board Discussion:**

- Ms. James-Perez asked Ms. Gomez for a status of the six (6) uncorrected violations. Ms. Gomez replied implementation plans to correct the violations have been submitted for most of the violations, however, the remaining uncorrected violations cannot be addressed until a new class is admitted.
- Ms. James-Perez asked Ms. Magimaidason why only four (4) students were admitted, and the program received approval on November 3, 2014, for 20 new students. Ms. Magimaidason replied that the program does not have Title IV federal funding for the VN program so most of the students must lack funding required to pay for their schooling.
- Ms. James-Perez asked Ms. Magimaidason if the program has clinical facilities that provide clinical experience in Pediatric Nursing adequate for the current and proposed students. Ms. Magimaidason responded that the program has clinical placements consistent with the student population and curriculum.
- Mr. Vertido voiced concerns regarding the program's low pass rates and approving a new class, and the students who are responsible for paying full tuition and do not pass the NCLEX. Ms. Magimaidason responded that existing examination statistics do not reflect data after implementation of revisions.
- Mr. Mah asked Ms. Magimaidason to explain what the program's efforts are to recruit new students not qualified for Title IV funding. Ms. Magimaidason said the program's recruitment efforts included participation in a hospital event and advertising within the community.
- Mr. Mah asked Ms. Magimaidason the status of the four (4) enrolled students who were admitted. Ms. Magimaidason responded two (2) of the students voluntarily dropped out of the program; two (2) remaining students are currently enrolled in the program.
- Ms. James-Perez asked Ms. Magimaidason to comment on the number of applicants expressing interest in program admission. Ms. Magimaidason responded that school staff had reported inquiries for program admission; however, a specific number of inquiries or applications was not provided.

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

1. Approve Shepherd University Vocational Nursing Program's request to admit a full time class of 20 students commencing September 9, 2015, and graduating November 11, 2016 only, **provided** the program maintains an instructor – to – student ratio that does not exceed ten (10) students per instructor during clinical classes.

2. Require the director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation, no later than **15 days after class starts**.
3. Continue the program's requirement to admit no additional classes without prior approval by the full Board.

**Moved:** Vivien Avella

**Seconded:** Donna Norton

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Mr. Moreno, Ms. Norton, and Mr. Vertido voted in favor of the motion. Ms. James-Perez, Mr. Mah and Ms. Rubin were opposed. **The motion passed.**

## 7. CONSENT CALENDAR.

### A. Adoption of May 15, 2015 Board Meeting Minutes.

**Public Comment:** None.

#### **Board Discussion:**

- Laura Freedman, DCA Legal Counsel, recommended including verbiage to Item #21 on page 24, the item was added to the agenda, but not necessary.
- Ms. James-Perez pointed out that on Page 1, the May Board Meeting was held in Sacramento and not Los Angeles, and recommended the minutes be changed to reflect the correct location.

**MOTION: To adopt the May 15, 2015 Board Meeting Minutes as modified.**

**Moved:** Susan Rubin

**Seconded:** Eric Mah

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

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

**Public Comment:** None.

#### **Board Discussion:**

- Ms. James-Perez referred to the calendar year on Item numbers 2 and 3 is 2014, and recommended changing to reflect the correct year.

**MOTION: To adopt the EO's Report on Decisions for VN and PT Programs as modified.**

**Moved:** Susan Rubin

**Seconded:** Eric Mah

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

**8. REVIEW AND POSSIBLE APPROVAL OF BOARD INSIGNIA.**

Mr. Brooks presented three (3) proposed logos to the Board for review and possible approval.

**Public Comment:** None.

**Board Discussion:**

- Ms. Rubin asked Mr. Brooks how each of the proposed designs represent the Board. She commented, a new Board logo should have some significance to the Board.
- Ms. James-Perez agreed with Ms. Rubin's comment and stated a logo should have some meaning as well as represent the Board.
- Ms. Norton agreed with Ms. James-Perez that a new logo should represent the Board, and said she was partial to the heart concept because it represents healthcare and caring, and added in her opinion, the tree logo represents the tree of life.
- Mr. Vertido agreed with Ms. Rubin, the logo should represent the Board, as well as incorporate the aspects of what the Board does. He also thanked Mr. Brooks for the effort put into the logos presented to the Board.
- Mr. Mah suggested making the Board logo an open submission process by allowing students and schools to be involved with the design of the new logo.
- Mr. D'Braunstein stated this agenda item will be placed on a future board meeting agenda for consideration.

**MOTION: NO MOTION TAKEN. This item will be placed on a future Board Meeting Agenda for consideration.**

**9. EXECUTIVE OFFICER'S REPORT.**

Mr. Brooks provided an update on Board activities relative to:

- Board Member Update
- BreEZe
- Budget
- Personnel

In addition, Mr. Brooks stated he received updated information from the DCA Budget Office. He commented that the Board did not exceed its budget fiscal year (FY) 2014/15, and added that the current FY fund condition for VN is strong, however, not as strong on the PT side. He reported that the board plans to advertise the vacant NEC positions as "home based" positions in an effort to increase the candidate pool of qualified applicants.

**Public Comment:** None.

**Board Discussion:**

- Ms. Avella asked why the Board is not filling the vacancies in Licensing Division and if the issue is salary conflicts. Mr. Brooks responded that salary conflicts is not an issue.
- Ms. Avella asked if the DCA audit of operations was limited to the Enforcement Division, or were other areas of the Board audited. Mr. Brooks responded the Enforcement Division

audit was completed, however, the audit is ongoing in the Licensing and Administrative Division.

- Ms. Avella asked if the purpose of the audit is to provide feedback on operational improvements. Mr. Brooks responded the goal of the audit is to give feedback on procedural deficiencies and areas of improvement.
- Ms. Avella asked if the audit was to ensure the Board is following the rules as opposed to a process improvement initiative and if the Education Division is being audited as well. Mr. Brooks responded the audit may result in process improvement recommendations, and that the Education Division is included in the audit.
- Ms. James-Perez asked if allowing NECs to work remotely would increase the supervisory burden on SNEC Cheryl Anderson. Mr. Brooks responded there are currently five NEC positions and only two of the NEC vacancies are filled. He added, the volume of additional work required to supervise should be negated by the less amount work currently being performed by Ms. Anderson that should be completed by an NEC.
- Ms. James-Perez asked Mr. Brooks if travel restrictions are imposed for Board Members to travel for outreach purposes, presentations at schools, etc. Mr. Brooks responded, at this time, no travel restrictions are imposed for Board Members.
- Mr. Vertido commented on the NEC salary issue. He added that he wants to ensure the Board does not lose site on this issue as the NECs are underpaid. Mr. Brooks said that he is currently working the DCA Office of Human Resources (OHR) regarding the NEC salary issue, and to prepare a classification analysis for the remaining NEC vacancies.
- Mr. D'Braunstein requested Mr. Brooks coordinate with DCA- OHR to provide a report to the Board at the November 2015 Board Meeting, regarding the NEC classification salary. Mr. Brooks responded that he will coordinate with the DCA OHR Classification and Pay Unit to provide a report at the November Board Meeting, however, he did not know if DCA-OHR would be able to provide a deadline for a resolution to the NEC pay issue.
- Ms. Avella asked if the DCA-OHR is actively assisting the Board with the processing hiring documents in an effort to fill vacancies. Mr. Brooks responded the Board is not receiving resources to help fill vacancies; however, DCA-OHR makes every effort to expedite the processing of the Board's hiring documents.
- Ms. Norton asked Mr. Brooks if the Board has reviewed its current hiring process to determine if the recruitment process should be revised. Mr. Brooks responded that the issue is not necessarily the Board's recruiting process and obtaining a pool of candidates. He added, the issue for some of the vacant positions, is reaching a qualified candidate on a certification list.

**MOTION: NO MOTION REQUIRED.**

## **10. LEGISLATIVE REPORT**

Carol Northrup presented a report on key bills the Board is currently following. She added that most of the bills are in a pending status, and there should be activity on some of the bills.

**Public Comment:** None.

### **Board Discussion:**

- Ms. James-Perez asked Ms. Northrup to clarify the status of AB 179, merging of the VN and PT funds. Ms. Northrup responded that the bill is currently pending until Legislators go back in session.

- Ms. Endozo added that AB 179 was heard by Legislation on August 17, 2015, and the bill is currently in suspense in appropriations.
- Mr. D'Braunstein asked Ms. Northrup if it would be beneficial for the Board to submit a second letter indicating the Board's continued support of the changes made on AB 179. Ms. Northrup responded she would research and if necessary, staff will draft a letter of support on AB 179.
- Mr. Brooks commented that action must be taken on suspense bills by August 28, 2015.
- Mr. Mah commented letters of bill support should be drafted for the Board President's signature and not the EO.

**MOTION: NO MOTION TAKEN.**

## **11. 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.**

Ms. Northrup reported the final rulemaking file was filed with the Office of Administrative Law (OAL) on June 16 2015. The final rulemaking file was approved by the OAL on July 27, 2015, and the effective date for this regulatory action is October 1, 2015.

**Public Comment:** None.

**Board Discussion:** None.

**MOTION: NO MOTION REQUIRED ON THE REPORT.**

### **B. Update of Proposed Regulatory Action to Amend California Code of Regulations Sections 2526.1 (VN) and 2581.1 (PT), Provisional Approval, and Sections 2530 (VN) and 2585 (PT) General Requirements.**

Ms. Northrup presented a report relevant to the proposed regulation.

**Public Comment:** None.

**Board Discussion:**

- Ms. Freedman suggested modifying Recommendation #4 in the report, to include language that assuming there are no negative comments to the 15-day notice, the Board authorizes the EO to make non-substantive changes to the proposed language.

**MOTION: To accept the report and recommendation(s) as modified.**

**Moved:** Samantha James-Perez

**Seconded:** Bernice Bass de Martinez

Ms. Avella, Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. **The motion passed.**

## 12. LICENSING DIVISION REPORT.

Ms. Northrup provided a report relative to the Licensing Division, and provided vocational nursing and psychiatric technician application processing times

**Public Comment:** None.

### **Board Discussion:**

- Mr. D'Braunstein request a running average for processing times be included in the Licensing Division Report.

**MOTION: NO MOTION REQUIRED.**

## 14. EDUCATION DIVISION REPORT.

Ms. Anderson presented a report relevant to the Education Division. Ms. Anderson also talked about Director's Forum held on August 20, 2015 at the Hilton – LAX. Ms. Anderson added the Northern California Director's Forum will be held in Sacramento, California in September 2015.

### **Public Comment:**

- Vijayakumari Bhaskar, Director, Sri Sai Krish Institute VN Program, commented that her program was newly approved in November 2014. She stated she is an experienced director and wrote the curriculum for a previous school. She added that because of her education and previous experience, she thought the new program approval process would be easy, however it was not. She commented that the NECs are very thorough, professional and very efficient, and she learned a lot from the experience.
- Kary Weybrew, R. N., Lead Curriculum Chair, California & Director of Nursing Education, Concord Career College. Ms. Weybrew stated she is also an education consultant, has two master's degrees and is currently a PhD student. She stated some states contract out for Nursing Education Consultant Services.
- Ann Lyles, California Association of Psychiatric Technicians (CAPT). Ms. Lyles commented that CAPT has been concerned since the moratorium was implemented, and agreed that the NECs have a heavy workload and should be compensated accordingly.

### **Board Discussion:**

- Mr. D'Braunstein asked Ms. Anderson if any of the schools or owners attend both the Northern and Southern California Director's Forum. Ms. Anderson responded that some directors, faculty, school administrators, and owners attend the Southern and Northern forums.
- Ms. Avella asked Ms. Anderson for clarification regarding the program proposals processed between February and August 2015. Ms. Anderson responded that during this time period, proposed programs were being processed by the NEC-Retired Annuitants (RAs) who only work two days per week. Due to previously reported budget deficits, the Board placed all temporary and retired annuitant staff on leave from April 10, 2015 through July 7, 2015. Currently, the NEC-RA's are completing an analysis of documents submitted during their absence to address previously identified deficits in submitted proposals in addition to completing an analysis on remaining proposals.
- Ms. Avella asked if the delayed program approval process is a staffing issue. Ms. Anderson responded that processing of program proposals is not only a staffing issue, it is the quality of work being submitted to staff by the proposed programs.

- Mr. Vertido commented on the necessity of the submission of quality proposals with adequate resources required for achievement of educational objectives. There are no short cuts. A significant number of proposals submitted lack presentation of accurate information that is consistent with established standards of the professions and regulatory requirements.
- Ms. Norton asked if the Board has a cost recovery system for institutions, programs, or individuals who submit proposals that are inadequate or noncompliant with statutory and regulatory requirements and established professional standards.
- Mr. D'Braunstein responded to Ms. Norton that this issue has been discussed by the Board. Currently, the Board does not have authority for to charge such fees; the issue will be revisited by the board in the future.
- Ms. Bass de Martinez commented on the necessity of ensuring that new proposals include a quality curriculum prior to approval. She stated that universally educational institutions experience tremendous difficulties in developing quality curricula. The development of the curriculum is the most involved and demanding component of the proposal. No accrediting or approval body across the nation has found a way to reduce the time required to develop a sound curriculum that includes required content, i.e., procedures, techniques, components, that are presented in a manner and sequence that leads to achievement of all educational objectives.

**MOTION: NO MOTION REQUIRED.**

**15. REVIEW AND POSSIBLE ACTION ON PETITION FOR REINSTATEMENT OF LICENSE APPLICATION FORM.**

Ms. Bayless presented the revised Petition for Reinstatement of License Application form that incorporates the changes recommended at the May 2015 Board Meeting.

**Public Comment:** None.

**Board Discussion:**

- Mr. Mah highlighted the following changes to the revised application form: number each question on the application; add a cover sheet asking the licensee if he/she needs a translator; require the application be typed and not handwritten; provide check box options related to rehabilitation on Page 5; add "in the past" if applicant checks "no"; add "in the past" to questions regarding rehabilitation on Page 6; add the word "voluntary" to question regarding disclosure of medications on page 7.
- Ms. James-Perez asked Ms. Bayless why the question on Page 4 regarding license revocation is limited to only the last four years. Ms. Bayless responded that typically the Board considers the most recent history and what continuing education has been completed in the last four years.
- Ms. James-Perez asked Ms. Bayless if confidentiality is an issue to request the applicant's email on the form so the Board can communicate via email with the applicant. Ms. Bayless responded the form can be revised to include a request for an email address.
- Ms. Rubin suggested making the form a "fill and print" application on the Board's website, and creating the form so that it cannot be submitted until all fields on the application are completed.
- Ms. Norton commented that she did not see the value in asking the applicant to disclose the medications currently taking or taken in the past, and require the applicant to complete the entire application.

- Ms. Freedman commented that requiring an applicant type the application can be done, however, a regulation must be in place in order to make the requirement enforceable.
- Ms. Bayless asked the Board for clarification if the application is to be a PDF fill and print form on the Board's website, and clarification about disclosure of medications on the application.
- Mr. Mah responded the Board should compare the verbiage of other Boards' regarding the disclosure of medications.
- Ms. Norton asked if the Board is required to provide a translator if the applicant requests one.
- Ms. Freedman responded that under the Administrative Procedures Act, the Board is required to provide a translator at legal hearings; however the Board is not required to provide a translator for the purpose of completing an application.

**MOTION: NO MOTION TAKEN. This item will be placed on the November 2015 Board Meeting Agenda for consideration.**

**16. DISCUSSION AND POSSIBLE ACTION REGARDING DISCIPLINARY GUIDELINES AND UNIFORM STANDARDS.**

Ms. Bayless advised the board that no handout is provided for this agenda item as this is a discussion item. She also requested the item be deferred to a future board meeting to allow time for staff to assess the current discipline guidelines and uniform standards. Ms. Bayless added that staff are being redirected to work on BreZE which is expected to go live this year.

**Public Comment:** None.

**Board Discussion:** None.

**MOTION: NO MOTION TAKEN. This item will be placed on the February 2016 Board Meeting Agenda for consideration.**

**17. REVIEW AND POSSIBLE APPROVAL OF EXECUTIVE OFFICER DUTY STATEMENT.**

Mr. Brooks advised the Board that the previous EO duty statement approved by the Board did not include the Educational component and the proposed duty statement is being presented for changes or possible approval.

**Public Comment:**

- Kary Weybrew commented that the proposed EO duty statement was not on the Board's website. She expressed concern regarding the qualifications being considered for an EO. She asked how the Board determines removing the licensure requirement from the duty statement.
- Mr. Mah commented he confirmed with Board staff, that a copy of the proposed EO duty statement is currently on a table outside the meeting room. He suggested that in the future, if a board report is not available on the board's website prior to a board meeting, board staff include language on the Board's website indicating that an official copy of the agenda report/item will be made available for public viewing at the board meeting.

**Board Discussion:**

- Mr. Mah asked Mr. Brooks if there is a version of the EO duty statement that reflects the change of the licensure requirement if AB 178 passes.
- Ms. Freedman responded if AB 178 passes, the language regarding the licensure requirement will be removed from the duty statement).
- Ms. Bass de Martinez asked if there is regulation that prohibits the Board from imposing a degree requirement for the EO position. Ms. Freedman responded no, however the Board can impose a degree requirement on the job announcement during the recruitment process.
- Ms. James-Perez commented she is opposed to imposing a degree requirement because there are many licensed VNs and PTs that do not possess a degree.
- Ms. Norton commented she is opposed to imposing a degree requirement for the EO position because the purpose of AB 178 removing the licensure requirement is to increase the candidate pool to fill the position.
- Ms. Freedman recommended revising the EO duty statement to reflect that the EO "oversees" the clarification and interpretation of telephone and written inquiries. She added, as it written, it gives the impression that the EO directly responds to telephone inquiries and receives/responds to all written inquiries.

**MOTION: To adopt the EO Duty Statement as modified.**

**Moved:** Samantha James-Perez

**Seconded:** Bernice Bass de Martinez

Ms. Avella, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, and Ms. Rubin voted in favor of the motion. Mr. Vertido was opposed. Ms. Bass de Martinez abstained. **The motion passed.**

**18. PUBLIC COMMENT PERIOD.**

**Public Comment:** None.

**Board Discussion:** None.

**19. AGENDA ITEMS FOR FUTURE MEETINGS.**

**Public Comment:** None.

**Board Discussion:**

- Mr. Mah recommended adding information on the Board's website that items not available on the board's website prior to a board meeting, will be made available for public viewing at the Board Meeting. He also suggested including intended breaks to the agendas.
- Mr. Mah informed the Board he is relocating to San Diego for employment purposes, and he will continue his appointment on the Board.

**20. CLOSED SESSION: Appointment and Recruitment of an Executive Officer (not open to the public), Government Code Section 11126(a)(1).**

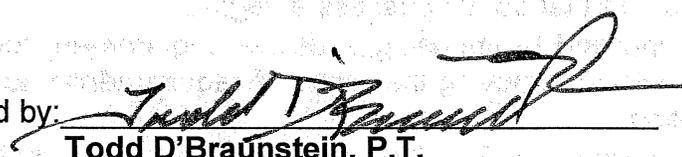
Nothing discussed on this agenda item. This item was added to the agenda, but not necessary.

**21. ADJOURNMENT.**

The meeting was adjourned at 4:52 p.m.

Prepared by:   
**John Brooks**  
Acting Executive Officer

Date: 10-26-15

Approved by:   
**Todd D'Braunstein, P.T.**  
President

Date: 10-26-15