



Board of Vocational Nursing and Psychiatric Technicians
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BOARD MEETING MINUTES

NOVEMBER 21, 2014

OAKLAND, CALIFORNIA

BOARD MEMBERS

PRESENT:

Todd D'Braunstein, P.T. Member, President
John Vertido, L.V.N. Educator Member, Vice-President
Vivian Avella, Public Member
Tammy Endozo, L.V.N. Member
Samantha James-Perez, P.T. Member
Jessica Leavitt, Public Member
Eric Mah, Public Member (arrived at 9:16 a.m.)
Andrew Moreno, Public Member
Donna Norton, L.V.N. Member
Susan Rubin, Public Member

STAFF PRESENT:

Teresa Bello-Jones, Executive Officer
Cheryl Anderson, Supervising Nursing Education Consultant
Pam Hinckley, Nursing Education Consultant
Marilyn Kimble, Enforcement Division Chief
Rocio Llamas, Enforcement Program Manager
Carol Northrup, Licensing Division Manager
Jay Prouty, Enforcement Analyst
Jennifer Almanza, Administrative 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 9:00 a.m., November 21, 2014, at the Hilton Oakland Airport Hotel, 1 Hegenberger Road, Oakland, CA 94621.

2. PLEDGE OF ALLEGIANCE.

John Vertido, Vice President, 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.

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:

Bay Area College of Nursing, Daly City
Bay Area College of Nursing, Palo Alto
Bethesda Christian University of California
Casa Loma College of Nursing and Allied Health, Anaheim
Casa Loma College of Nursing and Allied Health, Van Nuys
Glendale Career College
NCP College of Nursing, South San Francisco
North-West College, Pasadena

North-West College, Pomona
North-West College, Riverside
North-West College, West Covina
Santa Barbara Business College, Bakersfield
Santa Barbara Business College, Rancho Mirage
WestMed College, Merced
WestMed College, San Jose

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. EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS.

A.1. Angeles College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Report of Unannounced Visit; Consideration of Request to Admit Students.

Cheryl Anderson, Supervising Nursing Education Consultant, presented a report relative to reconsideration of provisional approval for Angeles College Vocational Nursing Program. On November 9, 2012, the Board placed the Angeles College Vocational Nursing Program on provisional approval for the two-year period from November 9, 2012, through November 30, 2014. That action was taken due to the program's noncompliance with regulatory requirements relative to program pass rates. The Board rescinded approval of the program's ongoing admissions and required the program to obtain approval by the full Board prior to the admission of students.

On June 10 and 11, 2014, Board representatives conducted an unannounced onsite visit. Eight (8) violations were identified. The program is presented for reconsideration of provisional approval and consideration of a report of the unannounced program visit. Additionally, the director requests approval to admit a class of 20 students commencing February 9, 2015, and graduating February 26, 2016, to replace students who are scheduled to graduate January 13, 2015.

Based on the most recent data available (July – September 2014), the program’s average annual pass rate is 47%.

Program Representative: Mary McHugh, Director.

Public Comment:

- Ms. McHugh advised that the program's plan of correction states they will not violate again. She stated part of that problem is the former director promoted students to Term Two (2) who did not do well or achieve requirements for Term One (1).
- Ms. McHugh was appointed Director on the day of unannounced visit.

Board Discussion:

- Mr. D'Braunstein recommends motion to change revocation date to January 31, 2015 and delete #10.
- Andrew Moreno, Board Member, asked Ms. Anderson if previous graduates who test in the fourth (4th) quarter, will reflect scores by February 2015. Ms. Anderson answered yes.

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

1. Extend Angeles College Vocational Nursing Program's provisional approval for the three (3) month period from December 1, 2014 to February 28, 2015.
2. Deny the program's request for approval to admit a class of 20 full-time students commencing on February 9, 2015, only, graduating February 26, 2016, to replace students scheduled to graduate January 13, 2015.
3. Require the program to admit no additional students without prior approval by the full Board.
4. Continue to 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. Continue to require the program to correct deficiencies identified during the onsite visit and submit documentation confirming correction no later than December 15, 2014.
6. Require the program to submit a follow-up report by December 15, 2014. 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. Continue to 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. Continue to 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 February 2015 Board agenda for reconsideration of provisional approval.

Moved/Seconded: Andrew Moreno/John Vertido

Support: 7 **Oppose:** 2 **Abstain:** 1

A.2. Bay Area College of Nursing, Palo Alto, Vocational Nursing Program. Reconsideration of Provisional Approval.

Pam Hinckley, Nursing Education Consultant, presented a report relative to reconsideration of provisional approval for Bay Area College of Nursing, Palo Alto, Vocational Nursing Program. On November 10, 2011, the Board placed the Bay Area College of Nursing, Palo Alto Vocational Nursing Program on provisional accreditation for a two (2) year period from November 10, 2011 through November 30, 2013, due to noncompliant licensure pass rates.

Based on the most current data available (July through September 2014), the program's average annual pass rate is 75%.

Program Representative: Rachelle Cagampan, Program Director; Dr. Yancy Aquino, Director of Education Services.

Public Comment:

- Ms. Cagampan stated that she disagreed with recommendation four (4), however agrees with all other recommendations. She stated that she'd like to keep the faculty to student ratio at 1:15, which is compliant with regulations. Ms. Cagampan states instructors are competent to handle their students.

Board Discussion:

- Mr. Vertido asked why increase ratio. He stated that the recommendation of 1:10 allows instructors to give better quality education and patient safety. Recommendation provides the instructor the time required for observation of assigned students to ensure accomplishment of educational objectives.
- Vivien Avella, Board Member, asked if the NEC still agrees that the recommendation of student - faculty ratio remains appropriate.
- Ms. Hinckley stated she agrees the 10:1 gives the students a better quality education and the time and instruction required to demonstrate proficiency.

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

1. Extend provisional approval of the Bay Area College of Nursing, Palo Alto, Vocational Nursing Program for the one year period from December 1, 2014 through to November 30, 2015.
2. Continue to require the program to maintain its average annual pass rate at no more than ten percentage points below the state average annual pass rates.
3. Continue to require the program to admit no additional students unless approved by the full Board.
4. Require the program to provide no less than one (1) clinical instructor for every 10 (ten) students in all clinical experiences.
5. Require the program to submit a report analyzing the reasons for the decrease in the number of graduates taking the licensing examination since the introduction of the new curriculum. The report must be submitted no later than January 15, 2015.
6. Require the program to submit a follow-up report in nine (9) months, but no later than August 1, 2015. The report must include a new comprehensive analysis of the program, specific actions to improve program pass rates, timeline for implementation, and expected outcomes. 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. Continue to 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. Continue to 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 November 2015 Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Donna Norton.

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

A.3. Bethesda University of California Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.

Ms. Hinckley, Nursing Education Consultant, presented a report relative to reconsideration of provisional approval and request to admit students for Bethesda University of California Vocational Nursing Program. On May 11, 2012, the Board placed the Bethesda University of California, Vocational Nursing Program on provisional approval for the two - year period from May 11, 2012 through May 30, 2014. The program was required to admit no additional students without prior approval by the full Board. That action was taken due to the program's noncompliance with regulatory requirements regarding program pass rates. Reconsideration of the program's status was scheduled for May 2014. On May 16, 2014, the Board extended provisional approval for Bethesda University of California Vocational Nursing Program for the one (1) year period from May 16, 2014 through May 30, 2015.

Based on the most recent data available (July - September 2014), the program's average annual pass rate is 41%.

Program Representative: Delores Terriquez, Director of Nursing; Lucy Kim, Administrator

Public Comment:

- Ms. Terriquez requests the Board not to revoke the program' provisional approval and to not remove Bethesda from the list of approved Vocational Nursing schools.

Board Discussion:

- Samantha James-Perez, Board Member asked how long Ms. Terriquez has been Director. Ms. Terriquez stated since July 2014.
- Ms. James-Perez asked why Ms. Terriquez's ideas were not implemented over the summer. Ms. Terriquez stated they now have a team to do so.

MOTION: To modify and adopt the recommendations as follows:

1. Continue provisional approval through February 28, 2015 and admit no students without full Board approval.

Moved/Seconded: Vivian Avella/Eric Mah

Support: 9 **Oppose:** 1 **Abstain:** 0

A.4. Casa Loma College, Anaheim, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.

Ms. Anderson, SNEC, presented a report relative to reconsideration of provisional approval and request to admit students for Casa Loma College, Anaheim, Vocational Nursing Program. On November 9, 2012, Casa Loma College, Anaheim (formerly Hawthorne), Vocational Nursing Program was placed on provisional approval for the two - year period from November 9, 2012, through November 30, 2014. Provisional approval was imposed due to the program's noncompliance with regulatory requirements relative to program pass rates.

Based on the most recent data available (July through September 2014), the program's average annual pass rate is 52%.

Program Representative: Janet Nishina, Director (since August 2014).

Public Comment:

- Ms. Nishina agrees with recommendations that have been provided, states she would be excited to have a new class, and continue to make improvements.

Board Discussion: None received.

MOTION: To modify and adopt the recommendations as follows:

1. Extend provisional approval through November 30, 2015.
2. Place the program on the February 2015 agenda, for reconsideration of the request to admit students, and November 2015 agenda for reconsideration of provisional status.

Moved/Seconded: Eric Mah/Susan Rubin

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

A.5. Info Tech Career College Vocational Nursing Program. Reconsideration of Provisional Approval.

Ms. Hinckley, Nursing Education Consultant, presented a report relative to reconsideration of provisional approval for Info Tech Career College, Vocational Nursing Program. On November 10, 2011, the Board placed the Info Tech Career College, Vocational Nursing Program on provisional accreditation for the two (2) year period from November 10, 2011 through November 30, 2013 due to pass rates on the licensure examination that were noncompliant with regulatory requirements set forth in California Code of Regulations Section 2530 (I) relative to program pass rates. The Board directed that the program admit no additional students unless approved by the full Board. On November 22, 2013, the Board extended the program's provisional approval from November 22, 2013 through November 30, 2014. The program requests approval to admit a full-time day class of 30 students on December 1, 2014, graduating on January 26, 2016.

Based on the most current data available (July to September 2014), the program's average annual pass rate is 100%. It was noted that the program's current average annual pass rate is based on the pass rates of program graduates.

Program Representative: Elizabeth Estrada, Director

Public Comment:

- Ms. Estrada encourages the Board to remove the program's provisional status. Further, she stated that it is easier to recruit students if the program is not on provisional approval.

Board Discussion:

- Mr. D'Braunstein asked when the students will take the NCLEX. Ms. Estrada stated in January.

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

1. Approve InfoTech Career College, Vocational Nursing Program's request to admit a class of 30 full-time students on December 1, 2014, only, graduating on January 26, 2016 to replace the class that graduated on August 26, 2013.
2. Extend InfoTech Career College's Vocational Nursing Program provisional approval for a one (1) year period from December 1, 2014, through November 30, 2015, 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.
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 (9) months, but no later than August 1, 2015. The report must include an updated comprehensive analysis of the program, identifying specific actions taken to improve program pass rates that have worked and those that needed revision and why. 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.
5. Continue to 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.
6. Continue to 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.
7. Failure to show progress shall constitute cause for revocation of provisional approval.

8. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
9. Place the program on the November 2015 Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Samantha James-Perez

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

B.1. Preferred College of Nursing, Carson, Vocational Nursing Program. Consideration of Placement on Provisional Approval.

Ms. Anderson, SNEC, presented a report relative to consideration of provisional approval for Preferred College of Nursing, Carson, Vocational Nursing Program, relative to non-compliance with program pass rates.

On October 27-28, 2015, Board representatives completed an unannounced survey visit. Twenty – five (25) violations of the California Code of Regulations were identified.

Based on the most recent data available (July through September 2014), the program's average annual pass rate is 36%.

Program Representative: None.

Public Comment: None received.

Board Discussion: None received.

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

1. Place the Preferred College of Nursing, Carson, Vocational Nursing Program on provisional approval for the three (3) month period from November 21, 2014, through February 28, 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. Rescind approval of the program's ongoing admissions effective immediately.
3. Require the program to admit no additional classes without prior approval by the full Board.
4. Require the program to provide evidence of active administration of the program no later than December 15, 2014.
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 provide a minimum of one (1) clinical instructor for every ten (10) students in all clinical experiences.
7. Require the program to submit the following reports no later than December 15, 2014.
 - a. 2014 Annual Report
 - b. Plan to Improve Program Pass Rates.
 - c. Enrollment Data for classes admitted from 2010 through 2014.
 - d. Names and Assignment of all Program Faculty.
 - e. Names and Assignment of all Clinical Facilities to Which Students Are Assigned.
8. Require the program to submit a written and specific plan to correct all identified violations no later than December 15, 2014.
9. Require the program to submit a detailed written report, no later than December 31, 2014. That report must include a comprehensive analysis of the program, identification of elements

impeding students' success, timeline for correction, and the effect of employed interventions. The following elements must be addressed in the analysis.

- a. Current Student Enrollment.
- b. Admission Criteria.
- c. Screening and Selection Criteria.
- d. Terminal Objectives.
- e. Curriculum Objectives.
- f. Instructional Plan.
- g. Theory and Clinical Objectives for Each Course.
- h. Lesson Plans for Each Course.
- i. Textbooks.
- j. Attendance Policy.
- k. Remediation Policy.
- l. Evaluations of Theory and Clinical Faculty.
- m. Evaluations of Theory Presentations.
- n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
- o. Evaluation of Student Achievement.

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 2525.
11. Require the program to demonstrate incremental progress in correcting the violations.
12. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
13. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
14. Place the program on the February 2015 Board agenda for reconsideration of provisional approval.

Moved/Seconded: John Vertido/Samantha James-Perez

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

B.2. West Med College, San Jose, Vocational Nursing Program. Consideration of Placement on Provisional Approval.

Ms. Anderson, SNEC, presented a report relative to consideration of provisional approval for West Med College, San Jose, Vocational Nursing Program.

Published examination statistics substantiate the program's noncompliance with regulatory requirements for six (6) consecutive quarters. Based on the most current data available (July through September 2014), the program's average annual pass rate is 53%.

Program Representative: Marisol Manipol, Director; Austin Bell, Assistant Director; Assistant Vice President; Tracy Jansen, President

Public Comment:

- Ms. Jansen disagrees with recommendations, and stated the program was never informed they needed clinical sites.
- Ms. Manipol stated she is committed to providing students a good education. They started a no-cost program (RISE), to help students.

Board Discussion:

- Mr. Vertido stated the program knew regulations require maternity clinical sites.
- Mr. Vertido does not agree with the program stating they were not informed.

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

1. Place the WestMed College - San Jose, Vocational Nursing Program on provisional approval for the one- year period from November 21, 2014 to November 30, 2015, 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. Rescind approval of the program's ongoing pattern of admissions effective immediately.
3. Deny approval of the program's projected class of 20 students scheduled to commence January 27, 2015 and graduate March 4, 2016.
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 for Board approval applications for approval of clinical facilities sufficient to provide clinical experiences in Maternity Nursing for the enrolled students by December 15, 2014.
7. Require the program to submit an instructional calendar that substantiates theory and correlated clinical experience for enrolled students including clinical facilities to which students are assigned by December 15, 2014.
8. Require the program to submit a report to the Board no later than seven (7) months, but no later than June 1, 2015, and twenty- one (21) months, but no later than August 1, 2016. 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 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. 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 February 2015 Board agenda for reconsideration of provisional approval.
13. Place the program on the November 2015 Board agenda for reconsideration of provisional approval.

Moved/Seconded: Samantha James-Perez/Susan Rubin

Support: 10 Oppose: 0 Abstain: 0

C.1. Santa Barbara Business College, Bakersfield, Vocational Nursing Program. Consideration of Request to Admit Students.

Ms. Hinckley, Nursing Education Consultant, presented a report relative to consideration of request to admit students for Santa Barbara Business College, Bakersfield, Vocational Nursing Program. On February 22, 2013, the Board placed the Santa Barbara Business College, Bakersfield, Vocational Nursing Program on provisional approval for the two (2) year period from February 22, 2013 to February 28, 2015. The program was required to obtain approval by the full Board prior to the admission of students. Reconsideration of the program's status was scheduled for February 2015. Santa Barbara Business College, Bakersfield, Vocational Nursing Program is requesting Board approval to admit a class of 36 students on January 5, 2015; graduating March 10, 2016.

Based on the most current data available (July through September 2014), the program's average annual pass rate is 62%.

Program Representative: Carolyn Santiago, Program Director

Public Comment:

- Ms. Santiago agrees with NECs recommendations.

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 January 5, 2014 graduating March 10, 2016, provided the program has no more than ten (10) students per instructor during clinical experience.
2. Continue to require the program to admit no additional students without prior approval by the full Board.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 10 Oppose: 0 Abstain: 0

D.1. Valley College of Medical Careers, Vocational Nursing Program. Consider of Program Closure.

Ms. Hinckley, Nursing Education Consultant, presented a report relative to the program's closure. On November 10, 2011 the Board placed the Valley College of Medical Careers Vocational Nursing Program on provisional approval for the two-year period from November 10, 2011 through November 30, 2013. That action was taken due to the program's noncompliance with Section 2530 (l) of the Vocational Nursing Rules and Regulations regarding program pass rates.

On July 14-15, 2014, Board representatives conducted an unannounced onsite survey of the program. Eight (8) violations of the California Code of Regulations were identified.

On October 20, 2014, the Board received correspondence from Tony Pina, Assistant Campus Director, stating, "...Valley College of Medical Careers has chosen to discontinue its Vocational Nursing program..."

Based on the most current data available (July through September 2014), the program's average annual pass rate is 75%. It was noted that the program's current average annual pass rate is based on the pass rates of 16 program graduates.

Program Representative: None.

Public Comment: None received.

Board Discussion: None received.

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

1. Remove the Valley College of Medical Careers Vocational Nursing Program from the Board's List of Approved Vocational Nursing Schools, effective immediately. This removal of the program from the List of Approved School's, voids any previously approved class admissions.

Moved/Seconded: Donna Norton/Tammy Endozo

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

7. EXECUTIVE OFFICER'S REPORT

The EO provided an update on Board activities relative to:

- Board Members
- BreEze
 1. "Go Live" date moved to the end of 2015
- Projected Budget
 1. Available to Board January 2015
- Criminal Offender Record Information (CORI) Internal Control Audit
 1. The audit identified several areas in need of improvement. However, all findings associated with this Board were cleared.
- Internal Audit
 1. On November 19, 2014, the Board was informed by Naomi Banks from the DCA Internal Audit Office that it was randomly selected for an internal audit.
- Personnel Update

Public Comment: None received.

Board Discussion: None received.

8. CONSENT CALENDAR.

- A. Adoption of September 12, 2014 Board Meeting Minutes.

Public Comment: None received.

Board Discussion:

- Eric Mah, Board Member, suggested as best practice to include names of who left the meeting and at what motion or agenda item.

MOTION: To accept the report with modifications.

Moved/Seconded: Eric Mah/Jessica Leavitt

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

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

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations.

Moved/Seconded: Eric Mah/Jessica Leavitt

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

C. Adoption of 2015 Board Meeting Dates and Locations.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the report and adopt the recommendations.

Moved/Seconded: Eric Mah/Jessica Leavitt

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

9. SUNSET REVIEW REPORT.

The EO presented information regarding the Board's Sunset Review Report.

Public Comment: None received.

Board Discussion:

- Mr. Vertido complimented and thanked the EO and her staff for the quality of work, and the accumulation and accuracy on the data presented.

MOTION: To accept the report and adopt the recommendations.

Moved/Seconded: Jessica Leavitt/Eric Mah

Support: 9 (Ms. James-Perez not present) **Oppose:** 0 **Abstain:** 0

10. LEGISLATIVE REPORT.

Assembly Bills 809, 1702, 1711, 2058, 2102, 2155, 2396, and 2720; and Senate Bills 1159, 1243, 1445 and 1466.

Carol Northrup, Licensing Division Manager.

Legislative report updated to reflect anything from last Board meeting that was signed/vetoed by the Governor.

Public Comment: None received.

Board Discussion:

- AB 2058 vetoed by Governor, is there any effect on the Board. Laura Freedman, Legal Counsel, advised "no".

MOTION: No action required.

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, Licensing Division Manager, 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.

Final proposed regulatory language is being submitted to the Board for final approval to grant the EO the authority to make technical or non-substituent changes that might be required to complete the rule making process.

Public Comment: None received.

Board Discussion:

- Mr. Moreno questioned when fingerprints are scanned, is it just for California. Ms. Northrup responded no, fingerprints are submitted and Criminal Background Reports obtained from the California Department of Justice and Federal Bureau of Investigation.

MOTION: To accept the report and adopt recommendations.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 9 (Ms. James-Perez absent) **Oppose:** 0 **Abstain:** 0

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, Licensing Division Manager.

The submission of final notice of proposed change to DCA and filing with the Office of Administrative Law is projected by December 2, 2014; publication notice scheduled for December 12, 2014. Required public hearing scheduled for January 26, 2015.

Public Comment: None received.

Board Discussion: None received.

MOTION: No action required.

12. ENFORCEMENT TASK FORCE REPORT

Ms. Avella, Board Member

A. Consideration of Policy, Regulatory or Statutory Changes to Increase Enforcement Processing Efficiencies

Public Comment:

- Rex Cowart, Northern Area Commander, Division of Investigation (DOI), stated that in 2008 an automated case tracking system was implemented, and provided real time data on case status. The Division also opened an enforcement support unit to assist boards and bureaus with their cases. He further stated he's been with the department for over 20 years, and communication is key to success.
- David Chriss, Deputy Chief, DOI, stated the Division has made significant improvements in their case completion times in the last four years. The case workload was too high, so they changed the focus to solely complex and serious cases. They have been completing cases on average in 164 days, and only 5% of cases are over one year old. They continue to improve overall since 2009. He feels communication is key, and they'd like to do work for us.
- Joshua Room, Supervising Deputy Attorney General (SDAG), Office of the Attorney General (OAG), stated that DOI has made significant improvements in timeliness and quality in the last five years. It is also an advantage to use DOI in cases that also involve criminal activity due to their sworn peace officer status. He further stated each Board has a liaison DAG assigned to them to facilitate communication, and they are willing to do as much as possible to facilitate further communication.

Board Discussion:

- Mr. Mah stated DOI previously had a high backlog, which is why the Board hired its own investigators. He asked if DOI had done analysis to see if taking our cases would create a backlog in their cases overall. He also wondered about the financial impact on the Board.
- Ms. James Perez stated the task force focused on diminishing enforcement delays and assisting staff with high workloads. She feels DOI has made significant improvements, and can assist the Board with its workload.
- Mr. Vertido stated that previously DOI would charge for cases that were incomplete, and he is concerned about using them again at this time. There are also financial considerations involved. Although he does realize the benefits of using sworn officers.
- Ms. Avella stated they have been provided with statistics that address the improvements DOI has made in the last few years. The presentation has shown DOI has improved and can assist the Board. She doesn't feel it is appropriate to say that the Board can't afford DOI's services because the Board's current fund condition is strong.
- Susan Rubin, Board Member, stated that whatever the history with DOI, the Board has a responsibility to improve its numbers, and she is happy with the presentation.
- Mr. D'Braunstein asked for clarification regarding the enforcement support unit and its responsibilities. He also asked who has the final decision regarding which cases DOI accepts. Mr. Chriss responded that the decision is based on the case acceptance matrix.

Recommendation #1: The Task Force recommends the Board to approve the use of the Consumer Protection Enforcement Initiative (CPEI) case referral acceptance matrix in determining investigation referrals to the DOI. BVNPT Board staff should refer incoming category one and two cases to the DOI. Additionally, Board staff will hold regular meetings and develop a system of communication with the DOI to discuss case status and to address quality issues and backlogs that may arise.

MOTION: To modify and accept the recommendation as follows:

The Task Force recommends the Board to approve the use of the CPEI case referral acceptance matrix in categorizing the priority of its cases. BVNPT Board staff should refer incoming category one and two cases to the DOI. Additionally, Board staff will hold regular meetings and develop a system of communication with the DOI to discuss case status and to address quality issues and backlogs that may arise.

Moved/Seconded: Vivian Avella/Samantha James-Perez

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

Recommendation #2: The Task Force recommends the establishment of increased communications with both of the OAG and Office of Administrative Hearing (OAH), including a regular monthly meeting/conference call to discuss caseload aging and status.

MOTION: To accept the recommendation.

Moved/Seconded: Samantha James-Perez/Jessica Leavitt

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

Recommendation #3: The Task Force recommends participation in the AG's fast track pilot program as available. The Task Force recommends BVNPT staff increase its efforts to seek settlements as appropriate and in accordance with its Disciplinary Guidelines. In order to achieve greater settlements, BVNPT staff should provide acceptable terms of settlement for all cases transmitted to the AG, and should target 50-60% of all cases for ultimate settlement.

MOTION: To accept the recommendation.

Moved/Seconded: Samantha James-Perez/Jessica Leavitt

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

Recommendation #4: Regarding default decisions, the Task Force recommends the Board seek legislative authority to delegate adoption of default decisions to the EO.

MOTION: To accept the recommendation.

Moved/Seconded: Vivian Avella/Susan Rubin

Support: 8 (Ms. James-Perez absent) **Oppose:** 0 **Abstain:** 1 (Eric Mah)

Recommendation #5: The Task Force's recommendation is to advise or direct the Board Staff to increase the frequency of mailings and number of decisions in each mailing at its discretion to reduce decision processing time. However, the number of decisions per mailing package should not exceed 65.

MOTION: To accept the recommendation.

Moved/Seconded: Vivian Avella/Eric Mah

Support: 9 **Oppose:** 0 **Abstain:** 1 (John Vertido)

Recommendation #6: The Task Force believes an alternative drug diversion program should be considered as a long-term solution to manage its growing enforcement caseload, protect the public safety and reduce enforcement delays. A recommended next step is to invite Maximus to make a presentation to the Board regarding its drug diversion program services at a future Board meeting.

MOTION: To accept the recommendation.

Moved/Seconded: Eric Mah/Susin Rubin

Support: 9 **Oppose:** 1 (John Vertido) **Abstain:** 0

13. ENFORCEMENT DIVISION REPORT

Marilyn Kimble, Enforcement Division Chief, provided an update relative to:

- Need for PT Expert Witness (continue to recruit interested individuals)
- Conducted Expert Witness training on October 30, 2014 and trained eight (8) individuals.

Public Comment:

- Tricia Hunter, American Nurses Association of California representative stated the BRN has not adopted the uniform standards as recommended due to concerns regarding the exorbitant cost of mandatory drug testing.

Board Discussion:

- Mr. Vertido would like mail ballots updated to reflect current disciplinary guidelines.
- Ms. James-Perez stated she felt that could overlap with future Task Force recommendations.
- Mr. Mah would like a history and analysis regarding the uniform standards at the May 2015 Board Meeting. The presentation should include information on which Boards have or have not adopted the uniform standards.
- Ms. James-Perez agrees with Eric Mah that a presentation of this kind would be helpful.

MOTION: No motion required.

14. LICENSING DIVISION REPORT

Ms. Northrup, Licensing Division Manager, provided an update on the Licensing Division, relative to:

- PT application average processing time (approximately 3 weeks).
- VN application average processing time (approximately 5 ½ weeks).
- OPES will provide presentation at the February 2015 Board Meeting regarding the ongoing development of the PT exam.

Public Comment:

- Angel Garibaldo, Consultant on behalf of TLC Institute of Nursing provided Board Members with a timeline in regards to communication with the Board.
- Mr. Garibaldo requests to amend California Code of Regulations, Section 2516.
- Mr. Garibaldo requests an alternative pathway to Method 3.
- Mr. Garibaldo requests a letter from the Board (Ms. Northrup) summarizing their meeting, also addressing the Board does not have an issue with the TLC pharmacology course or education elements.
- Mr. Garibaldo requests dedicated resources from the Board for proposed recommendation to amend CA Code of Regulations, Section 2516.

Board Discussion:

- Mr. Mah suggested Mr. Garibaldo develop the issue in writing with consistency.
- Mr. Vertido stated Mr. Garibaldo's recommendation is circumventing the law.
- Mr. Garibaldo will be addressed in Agenda Item 17, Public Comment.

MOTION: To accept the report.

Moved/Seconded: Eric Mah/Susan Rubin

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

15. EDUCATION DIVISION REPORT

Ms. Anderson, SNEC, provided an update on Education Division relative to:

- Two (2) new programs approved.

Public Comment: Director of new approved program located in Stanton, California thanked NECs for their hard work and dedication to the program.

Board Discussion:

MOTION: No action required.

16. PUBLIC COMMENT PERIOD.

Public Comment: None received.

Board Discussion: None received.

17. AGENDA ITEMS FOR FUTURE MEETINGS.

Public Comment: None received.

Board Discussion:

- Ms. Rubin suggested creating a draft of instructions/guidance to ALJ and DAGs in regards to how the Board runs meetings.
- Mr. Mah requests for staff to send him a soft copy of a Reinstatement Application for proposed edits and potential clarification.
- Mr. D'Braunstein addresses Mr. Garibaldo and Mr. Bernard Thomas' public comment given during Agenda Item #14.

- Mr. D’Braunstein appointed Mr. Vertido and Ms. James-Perez to the Education and Practice Committee and assigned the Committee to complete an analysis of TLC Institute of Nursing’s request. The Education and Practice Committee will decide whether or not the organization will be a future agenda item.

18. ADJOURNMENT

The meeting was adjourned at 5:17 p.m.

Prepared by: _____
Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

Date: _____

Approved by: _____
Todd D’Braunstein, P.T.
President

Date: _____