



## BOARD MEETING MINUTES

February 5, 2016

SACRAMENTO, CALIFORNIA

### BOARD MEMBERS

#### PRESENT:

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

### BOARD MEMBERS

#### ABSENT:

Vivien Avella, Public Member

### STAFF PRESENT:

John Brooks, Acting Executive Officer  
Cheryl Anderson, Supervising Nursing Education Consultant  
Jessica Gomez, Nursing Education Consultant  
Donna Johnson, Nursing Education Consultant  
Lydia Zeigler, Nursing Education Consultant  
Gina Bayless, Enforcement Division Chief  
Rocio Llamas, Enforcement Division Manager  
Carol Northrup, Licensing & Administration Division Manager  
Jennifer Almanza, Administrative Analyst  
Jay Prouty, Enforcement Division Analyst  
Rebecca Bon, Legal Counsel, Department of Consumer Affairs

### 10. CALL TO ORDER.

The meeting was called to order by Todd D'Braunstein, Board President, at 9:00 a.m., February 5, 2016, at the Hilton Los Angeles Airport, 5711 West Century Boulevard, Los Angeles, California 90045.

### 11. PLEDGE OF ALLEGIANCE.

John Vertido led those assembled in the Pledge of Allegiance.

**12. INTRODUCTION OF BOARD MEMBERS AND STAFF.**

The Board Members introduced themselves. John Brooks, Acting Executive Officer (EO), introduced board staff present and Rebecca Bon, the Board’s Legal Counsel, Department of Consumer Affairs (DCA).

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

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

- |  |  |
|--|--|
| Advanced Medical School of Nursing                               | High Desert Medical College - Lancaster                          |
| American Career College - LA                                     | Lynwood Community Adult School - Lynwood                         |
| American Career College – St. Francis                            | Marian College – Los Angeles                                     |
| American College of Nursing - Concord                            | Medical Allied Career Center, Inc.–Santa Fe Springs              |
| Angeles Institute - Artesia                                      | Northwest College - Pasadena                                     |
| Annenberg School of Nursing - Reseda                             | Pacific College – Costa Mesa                                     |
| Brightwood College – San Diego                                   | Palo Verde Community College, Nursing and Allied Health - Blythe |
| California Career Institute – Garden Grove                       | Platt College - Alhambra   |
| Career Care Institute – Lancaster                                | Preferred College of Nursing – Van Nuys                          |
| Career Care Institute – Moreno Valley                            | Premiere Career College - Irwindale                              |
| Career Development Institute, Inc. - LA                          | Professional Medical Careers Institute– Westlake Village         |
| Carrington College - Pomona                                      | Santa Barbara Business College – Bakersfield                     |
| Casa Loma College, School of Nursing and Allied Health - Anaheim | Summit Career College – Anaheim                                  |
| CES College - Burbank  | Summit College – Colton  |
| Chaffey College - Chino  | Tri-County ROP –Yuba City  |
| Charter College – Canyon Country                                 | Trinity School of Health & Allied Sciences - Gardena             |
| CNI College – Orange County                                      |  |
| College of the Desert – Palm Desert                              |  |
| Concorde Career College – San Bernardino                         |  |
| Concorde Career College _ North Hollywood                        |  |
| Curam College of Nursing - Sacramento                            |  |
| Glendale Career College - Glendale                               |  |
| Grossmont Health Occupations Center - Santee                     |  |

**14. 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.

**15. REVIEW AND CONSIDERATION TO ADOPT BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL.**

Agenda item moved to the end of the day.

**16. ELECTION OF BOARD OFFICERS.**

John Brooks, Acting Executive Officer (EO), opened the table for the 2016 election of a new Board President and Vice President.

**Board President Nomination:** Samantha James-Perez was nominated by John Vertido and seconded by Bernice Bass de Martinez.

**Board Discussion:** None

**Public Comment:** None

**Motion to close:** John Vertido      **Seconded:** Todd D’Braunstein

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. Ms. Avella was absent. **The motion passed.**

**Board Vice President Nomination:** Donna Norton was nominated by John Vertido and seconded by Bernice Bass de Martinez. Andrew Moreno was nominated by Eric Mah and seconded by Susan Rubin.

**Board Discussion:** Donna Norton withdrew her election, stating it would be better for the Board to have a Public Member nominated.

**Public Comment:** None

**Motion to close:** Bernice Bass de Martinez      **Seconded:** Tammy Endozo

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. Ms. Avella was absent. **The motion passed.**

**30. CLOSED SESSION.**

A. The Board will meet in closed session to consider the appointment of an Executive Officer pursuant to Government Code Section 11126 (a) (1).

Eric Mah made note he doesn’t support going into closed session out of order because making the programs wait is a disservice to them. Newly elected Board President, Samantha James-Perez explained there is a time schedule with interviewees and personnel from DCA. He motioned to have the Board reconsider keeping the agenda as is, but the motion died due to lack of a second motion.

**31. RECONVENE OPEN SESSION**

**17. EDUCATION DIVISION PROGRAMS REGARDING VN AND PT PROGRAMS.**

**A.1. American College of Nursing Psychiatric Technician Program. Reconsideration of Provisional Approval; Failure to correct violations identified during Program inspection.**

Ms. Jessica Gomez, Nursing Education Consultant (NEC) presented a report relative to reconsideration of provisional approval due to the continued failure to correct violations identified during the October 2014 program inspection. The Board placed the program on provisional

approval for a two (2) year period through May 31, 2017, due to noncompliance with regulatory requirements. The program was required to admit no additional students without prior approval by the Board. On September 2, 2015 the Acting Executive Officer, approved the program's request to admit 20 evening students starting November 16, 2015. On November 18 and 19, 2015, an unannounced onsite inspection of the program was conducted. At that time, four (4) of the previously identified violations remained uncorrected.

Currently the program's average annual pass rate is 56%, which is 20 percentage points **below** the state average annual pass rate. Since the initiation of the program there have been 28 graduates, sixteen (16) or 57% have taken the licensure examination and eleven (11) or 69% passed.

Due to the substantial decrease in the pass rates and the failure to correct outstanding violations, the program is required to obtain approval by the full Board prior to the admission of additional classes and may be reconsidered from provisional approval status to possible revocation.

**Program Representative:** Lyza Jaynegado, Program Director

**Public Comment:**

- Ms. Jaynegado agrees with the recommendations, but would like to make some clarifications. She said the curriculum for the PT program has been revised and upon approval will submit the lesson plans
- Resources for counseling have been posted and an addendum for tutoring services have been added to the student handbook.
- Six (6) of the enrolled students passed so remediation will be as needed

**Board Discussion:**

- Mr. Moreno confirmed the program is in agreement with the recommendations.

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

1. Place the American College of Nursing Psychiatric Technician Program on provisional through May 31, 2017.
2. Place the program on the **May 2016**, Board agenda for reconsideration of provisional approval and possible revocation.
3. Require the program to obtain approval by the full Board prior to the admission of additional classes.
4. Require the program to maintain a 1:10 instructor to student ratio in all clinical activities.
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 within 15 days of the class start.
6. Require the program to correct all violations identified during the onsite inspections, and submit a report identifying implemented interventions and timelines no later than April 1, 2016. The report must include:

- a. Development and implementation of a plan to evaluate curriculum.
  - b. Development and implementation of a permanent plan to notify students of available counseling in the area.
  - c. Development and implementation of the program lesson plans.
  - d. Evaluation of student performance to determine the need for remediation or removal from the program.
  - e. Implementation of the approved remediation policy to include identification of students who are at risk of failure from either academic or code of conduct issues, identification of deficiencies, remediation plan and follow-up.
7. Require the Director to submit a report to the Board no later than April 1, 2016. The report must include:
- a. A comprehensive analysis of the program.
  - b. Identification of program elements negatively impacting student achievement.
  - c. Specific actions taken to improve program pass rates.
  - d. Timeline for implementation, and the effect of employed interventions.
8. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

**Further Discussion:**

Mr. D'Braunstein recommended if the program has documents to be reviewed, they should submit them in advance to make it easier for the Board members to review.

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. Ms. Avella was absent. **The motion passed.**

**Procedure Question:** Ms. Norton questioned at previous Board meetings, members responded "Yea" or "Nay", Ms. Bon responded, per Bagley Keene, roll call votes need to have the Board member's name announced followed by their vote.

**A.2. American College of Nursing Vocational Nursing Program. Reconsideration of Provisional Approval; Failure to correct violations identified during Program inspection.**

Ms. Jessica Gomez, NEC presented a report relative to the reconsideration of provisional approval and consideration of provisional approval due to the continued failure to correct violations identified during the October 2014 program inspection. The Board placed the program on provisional approval on May 15, 2015 for a two (2) year period through May 31, 2017, due to noncompliance with regulatory requirements. The program was required to admit no additional students without prior approval by the Board. On August 6, 2015, the Acting Executive Officer approved the program's request to admit an evening class of 20 students starting September 23, 2015 and denied the program's request to admit a day class of 30 students starting October 19, 2015. On November 18 and 19, 2015, an unannounced onsite inspection of the program was conducted. At that time, four (4) of the previously identified violations remained uncorrected and three (3) new violations were identified.

Based on examination data for the 4<sup>th</sup> Quarter of 2015, the program's average annual pass rate is 59%, which is 13 percentage points **below** the state average annual pass rate and a **decrease** of 13 percentage points since placement on provisional approval.

**Program Representative:** Lyza Jaynegado, Program Director

**Public Comment:**

- Ms. Jaynegado agrees with the recommendations, but would like to make some clarifications. The violation regarding a student completing the program without documentation of completion of a general education course through the 12<sup>th</sup> grade or equivalent. The student was studying civil engineer in his own country when circumstances brought him to the United States. He went back to his country to get his diploma and mailed it to the program.

**Board Discussion:**

- Mr. Vertido stated in the report they have, on an unannounced inspection there were four (4) uncorrected violations and on the second inspection there were three (3) more violations. One of the violations being the curriculum doesn't match the lesson plan. How long has that been in place? The other report is regarding no pediatric sites in place and that they admit students that don't meet their own school's criteria.
- Ms. Jaynegado responded the curriculum has been revised and they are waiting for it to be approved before submitting the lesson plan. She stated she has only been with the program for eight months. They have added pediatric sites and at the time Ms. Gomez was reviewing the files, pre-requisites and test scores were missing, this has been corrected.
- Ms. Bass de Martinez asked for clarification since her appointment to Director what the conditions were and what kind of changeovers? She asked Ms. Gomez if there are any procedure or policy practice of notification of changes to a program.
- Ms. Jaynegado stated there were a lot of turnovers and changes over the last year, which caused documentation not getting filed. Ms. Gomez responded they don't require notification of reduction in staff, the only people they are interested in are the Director, Assistant Director and faculty.
- Ms. Jaynegado stated violation number four (4) is the same as the Program Technicians having a lack of counseling and tutoring. It has been corrected. She referenced to the comment there was a lack of maternity and pediatric sites for rotations. They have six (6) sites. Ms. James-Perez asked Ms. Gomez if she saw the clinical applications. Ms. Gomez responded there is no correlation between the clinical educational experiences with the clinical rotation.

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

1. Continue provisional approval of the American College of Nursing Vocational Nursing Program through May 31, 2017.
2. Place program on the **May 2016**, Board agenda for reconsideration of provisional approval and possible revocation.

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

**Moved:** Donna Norton

**Seconded:** John Vertido

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. Ms. Avella was absent. **The motion passed.**

### **A.3. Angeles College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Angeles College Vocational Nursing Program. The Board initially placed the program on provisional approval for a two-year period from November 9, 2012 through November 30, 2014, due to the program's noncompliance with regulatory requirements relative to program pass rates. On June 10 and 11, 2014 the Board conducted an unannounced onsite visit. Eight (8) violations were identified, currently seven (7) of those violations have been corrected. In addition the Board approved the program's request to admit 20 students commencing April 6, 2015, graduating May 20, 2016, only to **replace** students scheduled to graduate on January 23, 2015.

**Program Representative:** Mary McHugh, Director

**Public Comment:**

- Ms. McHugh agrees with the recommendations.

**Board Discussion:**

- None

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

1. Extend Angeles College of Nursing Vocational Nursing Program's provisional approval for one year from February 28, 2016 – February 27, 2017 and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the agenda of the Board's **February 2017**, meeting for reconsideration of provisional approval.
3. Deny the program's request to admit 20 students into a full-time day class commencing on May 9, 2016, graduating June 12, 2017, only.
4. Continue the director's requirement to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation within 15 days of the commencement of a class.
5. Continue the program's requirement to admit no additional classes without prior approval by the full Board.
6. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code, section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
7. 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.

**Moved:** Todd D'Braunstein

**Seconded:** Andrew Moreno

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. Ms. Avella was absent. **The motion passed.**

#### **A.4. Bay Area College of Nursing, Daly City, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Donna Johnson, NEC, presented a report relative to the consideration of placement on provisional approval and consideration of request to admit students for Bay Area College of Nursing. On September 6, 2012, The Board placed the Bay Area College of Nursing, on provisional approval for the two-year period from September 6, 2012, through September 30, 2014, due to the program's noncompliance with regulations relative to licensure pass rates. Since that time the Program has struggled with pass rates before and since placement on provisional approval in 2012. The program's current pass rate of **50%**, is **22** percentage points **below** the state average annual pass rate. The program's average annual pass rate has been non-compliant with regulations **71%** of the time since placement on provisional approval. A total of 11 violations were identified in December 2014, while the program presented plans that would correct the violations, a second unannounced inspection in late 2015, identified six (6) more violations. The program has had only one (1) quarter of compliant pass rates in the past two (2) years.

**Program Representative:** Rachelle Cagampan, Director

#### **Public Comment:**

- Ms. Cagampan agrees with the recommendations.

#### **Board Discussion:**

- Mr. D'Braunstein queried when the current class would graduate and how many students were in that class. There are 10 students in the class scheduled to graduate by June 2016.
- Mr. Vertido queried the long history of substandard pass rate performance, with an average annual pass rate of 71% and the program being on probation for over 3 years with consistently low passing rates.
- Ms. Cagampan responded since they revised the curriculum in 2013 the pass rate increased 70%, but they are having a hard time sustaining the pass rate. They have a plan of action to resubmit another revised curriculum.
- Ms. Bass de Martinez asked for an explanation of the staff and changes, Ms. Cagampan responded with the consistent change in staff documents were misfiled and/or misplaced.
- The program is scheduled to be on the August agenda, Ms. Norton has concerns with the class graduating in June there won't be enough data to make any decisions.
- Mr. D'Braunstein motioned to accept the report and adjust recommendations # 1 and #2 from August to November 2016.

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

1. Extend provisional approval of the Bay Area College of Nursing, Vocational Nursing Program for a nine (9) month period from March 1, 2016 through November.
2. Place the program on the **November 2016** Board agenda for reconsideration of provisional approval.

3. **Deny** the program's request for approval to admit one (1) class of 15 students beginning March 8, 2016 and graduating May 21, 2017.
4. 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.
5. Continue to require the program to admit no additional students unless approved by the full Board.
6. Require the program to provide no less than one (1) clinical instructor for every ten (10) students in all clinical experiences.
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 these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Todd D'Braunstein

**Seconded:** Susan Rubin

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. Ms. Avella was absent. **The motion passed.**

#### **A.5. Bay Area College of Nursing, Palo Alto, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Donna Johnson, NEC, presented a report relative to the consideration of placement on provisional approval and consideration of the program's request for approval to admit students for Bay Area College of Nursing. On November 10, 2011, the Board initially placed the program on provisional approval for a two (2) year period from November 10, 2011 through November 30, 2013, due to noncompliant licensure pass rates. The program's current pass rate is **56%**, which is **16** percentage points **below** the state average annual pass rate. The program's average annual pass rate has been non-compliant with regulations 71% of the time since being placed on provisional approval.

**Program Representative:** Rachelle Cagampan, Director

#### **Public Comment:**

- Ms. Cagampan agrees with the recommendations, but would like an extension.

**Board Discussion:**

- Mr. Vertido commented on the total of OB/Pediatric sites for ten (10) students would leave five (5) extra students. Ms. Cagampan stated they have a satellite class for those five extra students. Mr. Vertido recommended that all the students be rotated to have an equal amount of clinical experience to ensure all the students get the full experience. Ms. Anderson and Ms. Johnson both stated that one of the requirements when evaluating a program is to ensure they have an adequate number, type and variety of clinical experiences for all the students. Mr. Vertido motioned to have the recommendation added to the report, but because it's a requirement for a program, he withdrew his motion.

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

1. Extend provisional approval of the Bay Area College of Nursing, Vocational Nursing Program for the six month period form March 1, 2016 through November 2016.
2. Place the program on the **November 2016** Board agenda for reconsideration of provisional approval.
3. **Deny** the program's request for approval to admit one (1) class of 15 students beginning February 23, 2016 and graduating April 30, 2017.
4. 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.
5. Continue to require the program to admit no additional students unless approved by the full Board.
6. Require the program to provide no less than one (1) clinical instructor for every 10 (ten) students in all clinical experiences.
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 these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Todd D'Braunstein**Seconded:** Tammy Endozo

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. Ms. Avella was absent. **The motion passed.**

**A.6. Career Care Institute, Moreno Valley, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC presented a report relative to the reconsideration of placement on provisional approval and consideration of the program's request for approval to admit students for Career Care Institute, Vocational Nursing Program. On September 6, 2012 the program was placed on provisional approval for the period of September 6, 2012 through September 30, 2014 due to pass rates on the licensure examination that were noncompliant with regulatory requirements regarding program pass rates. At that time the program's average annual pass rate was **52%**, **22 percentage** points **below** the state average annual pass rate. The Board extended the program's provisional status for a one (1) year period from February 28, 2015 through February 28, 2016. At that time the program's average annual pass rate was **63%**, **9 percentage** points **below** the state average annual pass rate. Currently the program's average annual pass rate is 74%, an **increase of 15 percentage** points since placement on provisional approval and two (2) percentage points **above** the state average annual pass rate.

**Program Representative:** Allan Ocampo, Director

**Public Comment:**

- Mr. Ocampo agrees with the recommendations

**Board Discussion:**

- Mr. Vertido congratulated the program on their pass rates
- Ms. Norton acknowledged their approval

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

1. Approve Career Care Institute, vocational Nursing Program for the four year period from February 5, 2016 through February 4, 2020, and issue a certificate accordingly.
2. Approve the program's request to admit 30 students into a class commencing April 4, 2016 and graduating July 21, 2017; **only**, this is not a replacement class.

**Moved:** Todd D'Braunstein

**Seconded:** Bernice Bass de Martinez

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. Ms. Avella was absent. **The motion passed.**

**A.7. High Desert Medical College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval and consideration of the program's request for approval to admit students for High Desert Medical College, Vocational Nursing Program. The Board initially placed the program on provisional approval for the two (2) year period from November 10, 2011, through November 30, 2013 due to pass rates that were noncompliant with requirements regarding program pass rates. At the time, the program's average annual pass rate was 63%. Examination statistics for the most recent reporting period (Quarter 4 2015) confirm that the program has had no candidates take the licensure examination for five (5) consecutive quarters

(October 2014 – December 2015). Currently the program has a class of 14 students enrolled that is scheduled to graduate May 18, 2016. Additionally, the program enrolled a class of 13 students in October 2015, which is projected to graduate in November 2016.

**Program Representative:** Michelle Welch

**Public Comment:**

- Ms. Welch agrees with the recommendations

**Board Discussion:**

- Ms. James-Perez commented on possible typo in the last sentence of the first paragraph and recommendation number 2. She asked Ms. Gomez for clarification on what the correct date should be. Ms. Gomez said it should be February 2017.

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

1. Extend the High Desert Medical College Vocational Nursing Program's provisional approval for a one – year period from February 28, 2016 through February 28, 2017, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the agenda of the Board's **February 2017**, meeting for reconsideration of provisional approval.
3. Deny the program's request to admit a full-time class of 19 students to begin on May 23, 2016; graduating July 26, 2017, only.
4. Continue to require the program to admit no additional classes unless approved by the full Board.
5. Continue the program director's requirement 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.
6. Continue to require the program to maintain a 1:10 instructor to student ratio in all clinical education.
7. Continue the program's requirement to maintain its average annual pass rate at no more than ten (10) percentage points below the state average annual pass rates.
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.

**Moved:** John Vertido

**Seconded:** Andrew Moreno

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

#### **A.8. Saint Joseph School of Nursing Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval and consideration of the program's request for approval to admit students for Saint Joseph School of Nursing, Vocational Nursing Program. The program was initially placed on provisional approval for the two –year period from February 28, 2014 through February 28, 2016, due to noncompliance with regulatory requirements relative to program pass rates. The Board approved the program's request to start a class of 15 students commencing March 3, 2014, and graduating February 3, 2015. The program was required to submit a follow-up report in nine (9) months to include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation and the effect of employed interventions. On March 20, 2014, the Notice of Change in Approval Status was sent to the program via certified mail. The program has failed to submit reports required by the Board in accordance with the established timeline.

**Program Representative:** Adeniki Joseph-Coker

#### **Public Comment:**

- Ms. Joseph-Coker agrees with the provisional to be extended, but disagrees with the reduction of 20 students to 10 students. She proposed 20 students start February 8, 2016 with a graduation date of February 2017. Her rationale is the reason they were placed on provision was due to five students test results, which brought their pass rate down. Review classes have been incorporated.
- Ms. James-Perez commented according to the report the pass rate is not the reason for probation. The reason for the probation was due to reports not being submitted by required due dates. Ms. Joseph-Coker said it has been corrected, she calls weekly to improve communication. Ms. Anderson stated that has nothing to do with turning in reports as required.
- Ms. Norton asked why she is asking for 20 students versus the recommended 10. Ms. Joseph-Coker responded they have always had 20 students and with their pass rates at 100% for a year, she doesn't understand why they are being penalized. Ms. Norton also asked if she's taking accountability for turning in reports late.
- Mr. Mah asked if they have the resources to accommodate 20 students. The director responded yes, they have added more clinics. Is the main factor not allowing 20 students due to the late reports? Ms. Gomez responded that's part of it, the other part is on her onsite visit in October, she saw students that graduated in February still getting remedial training, she felt that was too long.
- Mr. D'Braunstein asked where they are now with enrolling for the February start date. The director responded they are currently waiting for the Board's approval.

### **Board Discussion:**

- Mr. Mah asked if there was anyone sympathetic to the 20 students. Ms. James-Perez said she was, but the fact is the program needs to follow the rules, turning in late reports is not acceptable.
- Ms. Bass de Martinez commented the late reports being part of the problem, but are there any further comments the Board should hear. The director responded in their February 2014 proposal how to improve passing rates, they put together a NCLEX readiness plan, which included tutoring and review. What Ms. Gomez saw were the students in review, preparing to take the NCLEX. To clarify the number of students in review, the director told Mr. Vertido of the 12 students, 9 passed and 3 dropped out.

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

1. Extend Saint Joseph's School of Nursing, Vocational Nursing Program's provisional approval for the one – year period from February 28, 2016 – February 28, 2017, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the agenda of the Board's **February 2017**, meeting, for reconsideration of provisional approval.
3. Deny the program's request to admit 20 students into a class commencing February 8, 2016, and graduating February 25, 2017; only, to **replace** students that graduated on May 30, 2015.
4. Approve the program's admission of 10 students into a class commencing February 8, 2016, and graduating February 25, 2017; only, to **replace** students that graduated on May 30, 2015.
5. Continue the director's requirement to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduating within 15 days of the commencement of a class.
6. Require the program to admit no additional students unless approved by the Board.
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 Professionals 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.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

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

**A.9. Santa Barbara Business College, Bakersfield, Vocational Nursing Program. Reconsideration of Provisional Approval.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval and consideration of the program’s request for approval to admit students for Santa Barbara Business College, Vocational Nursing Program. The program was initially placed on provisional approval for the two – year period from February 22, 2013 to February 28, 2015, due to noncompliance with regulatory requirements relative to program pass rates. At the time, the program’s average annual pass rate was 58%. On February 13, 2015, the program’s provisional approval was extended through February 28, 2016. Additionally, the Board approved the program’s admission of a class of 36 students on May 26, 2015, only, to **replace** students scheduled to graduate on March 12, 2015, **provided** the program has no more than ten (10) students per instructor during clinical classes. At that time, the program’s average annual pass rate was 68%.

**Program Representative:** Carolyn Santiago

**Public Comment:**

- Ms. Santiago agrees with the recommendations

**Board Discussion:** None

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

1. Approve Santa Barbara Business College, Bakersfield, and Vocational Nursing Program for the four – year period from February 29, 2016 through February 28, 2020, and issue a certificate accordingly.
2. Approve the program’s request to admit a class of 36 students with three (3) alternates on May 23, 2016, **only**, graduating August 3, 2017, to **replace** students scheduled to graduate March 10, 2016.
3. Continue the program’s requirement to admit no additional students without prior approval by the Board.

**Moved:** Donna Norton

**Seconded:** John Vertido

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. Ms. Avella was absent. **The motion passed.**

#### **A.10. Shepherd University Vocational Nursing Program. Reconsideration of Provisional Approval.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval for Shepherd University Vocational Nursing Program. On May 16, 2014, the Board initially placed the program 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 annual pass rate was 55%, 21 percentage points **below** the state average annual pass rate. Based on published examination statistics for Quarter 4 – 2015 the program’s average annual pass rate has declined to 0%. The program has had sixteen (16) consecutive quarters of noncompliant pass rates. Since placement on provisional approval, the Board has approved the program’s admission of four (4) classes. The program has failed to admit four (4) of the last five (5) approved classes, and has had problems keeping a Board – approved director.

**Program Representative:** None

**Public Comment:** None

#### **Board Discussion:**

- Ms. Bass de Martinez clarified there is currently no director, Ms. Gomez responded that is correct. Ms. Anderson commented the program submitted correspondence accepting the report as is and will be reapplying in a year. Ms. Endozo inquired about the 2 students who were enrolled in the program in February 2015. Ms. Anderson responded they have 2 options; they may apply for admission to other programs, requesting transfer credit for previously completed theory and clinical instruction or if students have prior paid work experience, they may apply for licensure based on equivalent education and experience. Mr. Vertido clarified the school is aware of this.

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

1. Revoke the provisional approval of Shepherd University Vocational Nursing Program, effective immediately.
2. Remove the program from the Board’s List of Approved Programs.

**Moved:** Todd D’Braunstein

**Seconded:** Eric Mah

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. Ms. Avella was absent. **The motion passed.**

#### **B.1. Homestead Schools Vocational Nursing Program. Consideration on Provisional Approval.**

Ms. Donna Johnson, NEC, presented a report relative to the consideration of placement on provisional approval for Homestead Schools Vocational College of Nursing. On December 18, 2015, the Acting Executive Officer (EO) considered a report regarding the program for ongoing approval and the program’s request for approval to admit three (3) classes of students. Out of

a total of six (6) violations identified, four (4) of which remained uncorrected, the Acting EO denied the request for ongoing approval and the request to admit students. The program was referred to the full Board for consideration of placement on provisional approval due to violations of the Vocational Nursing Rules and Regulations. On January 6 and 7, 2016, on an unannounced inspection, additional violations were identified and a Notice of Violations was forwarded to the program.

**Program Representative:** Adelwisa Blanco, Director and ViJay Fadia, President

**Public Comment:**

- Ms. Blanco and Mr. Fadia disagree with the recommendations and feel they are being treated unfairly. They spoke about the programs pass rates consistently meeting the Board's requirements, having approved clinical facilities and submitting required documentation by the required due date. They asked the Board to consider allowing them more students and to defer any actions until May 2016 to allow the program to correct any violations.

**Board Discussion:**

- Ms. James-Perez commented the program isn't on provisional due to pass rate, but for uncorrected violations. She asked legal if a program could be placed on provisional for reasons other than pass rate. Ms. Bonn responded yes. Mr. Mah made a motion to extend approval to the next meeting in May to give the program time to make corrections. Mr. Vertido had concerns extending approval due to the onsite visit in January 2016 identifying new violations. He commented on the program not teaching to standards in preparing the students for the workplace. Ms. Johnson commented the program isn't teaching according to the Board approved outline and the program instructional schedule doesn't meet the requirements.
- The motion was amended to place the program on provisional approval until the May 2016 Board meeting to re-evaluate what to do.

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

1. Place the Homestead Schools Vocational Nursing Program on provisional approval for the two (2) year period from February 5, 2016 through May 13, 2016, and issue a notice to the program to identify specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the Board's **May 13, 2016** agenda for reconsideration of provisional approval.
3. Require the program to admit no additional classes without prior approval by the full Board.
4. 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 **February 15, 2016**.
5. Require the program to submit for Board approval the following:
  - a. Curriculum objectives no later than **February 15, 2016**.
  - b. A revised policy for the evaluation of student performance to determine the need for remediation or removal from the program no later than **March 1, 2016**.

- c. A revised attendance policy that identifies criteria for attendance, the specific course objectives for which make-up time is required, and acceptable methods for make-up that are specific for theory and clinical time missed, and timely make-up of missed hours that maintains theory to clinical correlation no later than **March 1, 2015**.
  - d. A revised policy for the admission, screening, and selectin of applicants to the program that defines the number and frequency of allowable retakes on an admission test and steps to be taken to ensure that the policy is followed, including appropriate interview of applicants no later than **March 1, 2016**.
  - e. Evidence of training of all involved personnel regarding the transfer credit policy that was submitted to the Board on December 1, 2015, including credit to be given for certified nurse assistant courses, and how this new policy is to be implemented no later than **March 1, 2016**.
6. Require the program to submit documentation of implementation of the Board approved Instructional Plans for both the full-time and the part-time programs **no later than March 1, 2016**.
  7. Require the program to submit documentation of placements consistent with the Board-approved Instructional Plans and with adequate faculty for all currently enrolled students **no later than March 1, 2016**.
  8. Require the program to submit follow up reports in nine (9) months, but no later than **October 1, 2016**, and 21 months, but no later than **October 1, 2017**. The reports must include a comprehensive analysis of the program, specific actions taken to improve pass rates and to correct all violations, a timeline for implementation and the effect of employed interventions. The analysis must include, but should not be limited, to the following elements:
    - a. Admission Criteria
    - b. Screening and Selectin 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. Evaluatjion of Student Achievement
    - o. Current Enrollment
  9. Require the program to maintain its average annual pass rate no more than ten (10) percentage points below the State average annual pass rate.
  10. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and

Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.

11. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Donna Norton

**Seconded:** Eric Mah

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

### **C.1. Preferred College of Nursing, Van Nuys, Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Donna Johnson, NEC, presented a report relative to the consideration of request for approval to admit students to the Preferred College of Nursing, Vocational Nursing Program. On May 16, 2014, the program was initially placed on provisional approval and required to obtain full Board approval, prior to admitting students. On November 20, 2015 the Board approved admission of 10 students, rather than the 20 students requested by the program.

**Program Representative:** Elizabeth Estrada, Program Director and Stan Gersh, Consultant

#### **Public Comment:**

- Ms. Estrada withdrew the program's request to admit more students. She wanted to clarify the report by Ms. Johnson the program not having approved facilities. She has submitted documentation showing the list of facilities they have available. She would like to see whether the directors could have access to information regarding the NCLEX takers so they could reach out to them and offer NCLEX reviews, which would help with their pass rates. She also thinks it would be helpful if the Board acknowledged their positive accomplishments.

**Board Discussion:** None

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

1. Deny the Preferred College of Nursing, Van Nuys, Vocational Nursing Program's request for approval to admit one (1) part-time class of 20 students beginning April 4, 2016 and graduating September 25, 2017.
2. Continue to require the program to admit no additional classes without prior approval by the full Board.
3. Continue the program's placement on the Board's May 2016 agenda for reconsideration of provisional approval.

**Moved:** Todd D'Braunstein

**Seconded:** Donna Norton

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

## **C.2. Sierra Pacific College Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the consideration of a request to admit students for Sierra Pacific College Vocational Nursing Program. The Board initially placed the program on provisional approval for the two-year period from May 11, 2012 through May 31, 2014 due to the program's noncompliance with regulatory requirements relative to program pass rates. At the time, the program's average annual pass rate was 29%. On May 16, 2014, the Board extended the program's provisional approval through May 30, 2015 and declined the request to admit students. On May 15, 2015, the Board extended provisional approval for a period of two (2) years from May 30, 2015 through May 29, 2017 and approved the program's request to admit a class of 15 students.

**Program Representative:** None

**Public Comment:** Ms. Gomez commented an announced site visit was made on January 27, 2016 with additional violations. Her recommendations remain the same.

**Board Discussion:** None

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

1. Require the Sierra Pacific College Vocational Nursing Program to submit a detailed report that includes an analysis of the curriculum including the instructional plan, identification of areas requiring revision, and timeline for completion to ensure inclusion of all areas of the current NCLEX/PN no later than **March 1, 2016**.
2. Place the program on the **May 2016** Board agenda.
3. Deny the program's request to admit a class of 15 students commencing April 4, 2015 and graduating on April 28, 2017, only.
4. Continue the program's requirement to maintain an instructor-to-student ratio that does not exceed ten (10) students for each instructor in during clinical experience.
5. Continue the program director's requirement to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation within 15 days of the commencement of a class.
6. Continue the program's requirement to obtain approval by the full Board prior to the admission of future classes.
7. Continue the program's requirement to submit follow-up reports no later than **February 1, 2016**, and **February 1, 2017**. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation,

and the effect of employed interventions. The following elements must be addressed in the analysis:

- a. Admission Criteria
- b. Screening and Selectin 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. Evaluatjion of Student Achievement
- o. Current Enrollment; **and,**

8. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professional Code Section 2880, and Article 5 of the Board’s Regulations, commencing at California Code of Regulations, Title 16, Section 2526.

9. Require the program to demonstrate incremental progress in correcting the violation. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program’s approval.

**Moved:** Eric Mah

**Seconded:** Samantha James-Perez

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. Ms. Avella was absent. **The motion passed.**

**18. Adoption of November 20, 2015 Board Meeting Minutes.**

Tabled to May 2016 Board Meeting

**Public Comment:** None.

**Board Discussion:** None

**19. Adoption of Executive Officer’s Report on Decisions for Vocational Nursing and Psychiatric Technician Programs.**

**Public Comment:** None

**Board Discussion:** None

**MOTION:** To adopt the EO’s Report on Decisions for NV & PT Programs.

**Moved:** Susan Rubin

**Seconded:** Donna Norton

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. Ms. Avella was absent. **The motion passed.**

Mr. Vertido excused himself to leave to catch a flight back home.

**20. Executive Officer's Report.** John Brooks, Acting Executive Officer  
The EO Report consisted of the following items:

Board Members

BreEZe

Budget

Fund Condition

Personnel Update

Fee Audit

**Public Comment:** None

**Board Discussion:**

Ms. James-Perez wanted clarification on the 2 NEC positions posted as home-based, Mr. Brooks responded the positions are available anywhere in California.

Ms. Norton wanted to know the Board of Nursing implemented application fee and curriculum revisions, which didn't slow down the number of incoming applications, but it may be a way to show justification for additional positions. Mr. Brooks is looking into conducting a fee audit utilizing a third party vendor to do an analysis of our entire fee schedule.

Mr. Moreno inquired whether BreEZe is fully up and in operation, and if there is any feedback from the public. Mr. Brooks responded it is currently conducting data clean up and is fully operational. He has not received any negative feedback from staff.

**MOTION: No Motion Required on the Report.**

**21. Regulatory Report.** Jennifer Almanza, Administrative Analyst, Administration Unit

**A. Proposed Regulatory Action to Amend California Code of Regulations 2503 (VN) and 2563 (PT), Delegation of Certain Functions.**

**B. Proposed Regulatory Action to Amend California Code of Regulations Sections 2537 (VN) and 2590 (PT), Military Requirements.**

**C. Proposed Regulatory Action to Amend California Code of Regulations Sections 2526.1 (VN) and 258.1 (PT), Provisional Approval, and Sections 2530 (VN) and 2585 (PT) General Requirements.**

**Public Comment:** None

**Board Discussion:** None

**MOTION: No Motion Required On the Report**

**22. Legislative Report.** Carol Northrup, Licensing and Administrative Services Division Manager.

- A. AB12 (Cooley) State Government: Administrative Regulations: Review
- B. AB611 (Dahle) Controlled Substances: Prescriptions: Reporting
- C. AB750 (Low) Business and Professions: Licenses.
- D. AB840 (Ridley-Thomas S) Nurses and Certified Nurse Assistants: Overtime
- E. AB923 (Steinorth) Respiratory Care Practitioners.
- F. AB1165 (Ridley-Thomas S) Vocational Nursing: Post-Secondary Education
- G. SB390 (Bates) Home-Health Agencies: Skilled Nursing Services.
- H. SB779 (Hall) Skilled Nursing Facilities: Staffing
- I SB780 (Mendoza) Psychiatric Technicians and Assistants: Overtime
- J Other Legislation Impacting the Board's Jurisdiction or Board Operations

**Public Comment:** None

**Board Discussion:**

Ms. James-Perez inquired about AB750 bill, which authorizes boards to establish a system of a retired category of license, is it the same as inactive and how would you differentiate the two? Would it affect the forms and how we code? Ms. Northrup responded your status would be at the time you apply, it would affect the forms, but not sure how it would affect BreEZe.

Ms. Bon stated this is authorizing the Board to create regulations, not mandating the Board.

**MOTION: No Motion Required on the Report**

**23. Licensing Division Report.** Carol Northrup, Licensing and Administrative Services Division Manager

**Public Comment:**

Ms. Nicole Everidge the NCLEX coordinator for the American Career College has concerns about the processing times. She understands BreEZe is new, but is wondering what the timeline will be and when improvements will be seen. Ms. Northrup responded once staff gets used to using the system the processing time will improve. Mr. Brooks added the online process eventually will save time omitting the mailing and waiting time.

**Board Discussion:**

Ms. James-Perez inquired why the pass rate percentage for the PT program is lower than previous reports and why the average processing time increased. Ms. Northrup responded she can't address the lower passing rate without reviewing the prior reports. The longer processing time has to do with seven of her staff being redirected to BreEZe and having to use other staff to cover other areas. She anticipates the processing time will eventually be reduced with a full staff.

**MOTION: No Motion Required on the Report**

**24. Enforcement Division Report.** Gina Bayless, Enforcement Division Chief

**Public Comment:** None

**Board Discussion:**

Ms. James-Perez glad to see the investigation unit is utilizing the recommendations that were made by the task force and can see a lot of progress being made. She thought the average time to complete a discipline case would be better, but it appears to be about the same, is there a reason why? Ms. Bayless responded they're still moving a backlog of older cases through, which is affecting the number of days.

**MOTION: No Motion Required on the Report**

**25. Review and Possible Action on Petition for Reinstatement of License Application Form.** Gina Bayless, Enforcement Division Chief

**Public Comment:** None

**Board Discussion:**

Ms. Rubin commented at the last Board meeting she volunteered to look over the test form, but the Board doesn't have the resources to make the form interactive. Mr. Mah wanted to change question #13 currently attending alcohol/drugs and add other and to make it unspecific. Ms. Bon recommended to have check one as an option, omitting the other choices. Ms. James-Perez commented on the requirement of a translator or interpreter was removed, but thought it was a legal requirement. Ms. Bon recommended to remove the requirement after reading the government code, which lists the agencies that require an interpreter. If the Board chooses to adopt it, it would go case by case through the ALJ. Ms. James-Perez wanted to make sure they were being fair and doing their duty for people who speak another language.

**MOTION: Motion to Accept the New Application with the Recommended Changes**

**Moved:** Eric Mah

**Seconded:** Todd D'Braunstein

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

**26. Education Division Report.** Cheryl Anderson, Supervising Nursing Education Consultant

**Public Comment:** None

**Board Discussion:**

Mr. D'Braunstein asked whether Ms. Anderson had anything highlighted she wanted to point out to the Board. Ms. Anderson responded the statistics speak for themselves, they're there to show the impact of the scores of provisional programs overall. She is currently doing an analysis on the statistics and the regulations we currently have and will bring options to the May meeting. There is a comparison showing our average to the national. At the November meeting the Board extended the proposed moratorium to February 28, there are currently still originals with ten (10) new ones added. Ms. James-Perez welcomed Ms. Ziegler the new NEC based in the southern region and inquired how things were going. Ms. Ziegler responded there have been technical problems with her laptop and cell phone, but otherwise it's going well.

**MOTION: No Motion Required on the Report**

**27. Parameters of Closed Session.** Rebecca Bon, DCA Legal Counsel

**Public Comment:** None

**Board Discussion:**

Ms. Bon addressed what goes in closed session, there are very specific times the legislature outlined when the Board can go into closed session. She gave two guides online: Handy Guide to Bagley-Keene Open Meeting Act from the AG office and DCA – Guide to Open Meeting-Bagley-Keene Act. Mr. Mah asked to have the links sent to the Board members.

**MOTION: No Motion Required.**

**15. Review and Consideration to Adopt Board Member Administrative Procedure Manual.** John Brooks, Acting Executive Officer

Questions regarding the Boards role, there was never any outline available as a resource so staff put something together for the Boards review.

**Public Comment:** None

**Board Discussion:**

Mr. D’Braunstein would like to change the wording under Board member participation from fullest extent of knowledge to express enough information to make a decision. Mr. Mah likes the idea of having government codes listed, but he would like to see more specifics. He volunteered to look it over to try and make it more useful and practical. Ms. James-Perez had comments regarding the enforcement overview describing disciplinary action against incompetent or unsafe licensees, she would add negligent. She would like more clarification on reimbursement of expenses for meals, when election of officers are held, and committees (which will be discussed at the May 2016 meeting). Ms. Bass de Martinez questioned how committees function, how appointments are made and whether there are any current appointees. Since a draft is being revised, Ms. Bon made suggestions on the way it should be organized.

**MOTION: No Action taken at This Time**

**28. Public Comment on Items Not on the Agenda.** The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7 (a)).

**Public Comment:**

Kimberly Martin, Director of CNI College and the President of the Southern California Directors Vocational Nursing Programs (SCDVNP) had concerns with the NCLEX report the directors receive. There is a negative impact on schools pass rate when students who aren’t prepared to take the NCLEX fail. They would like to receive a confidential list of NCLEX test takers to help prepare them to pass and when students wait more than six (6) months after they graduate to take the NCLEX, they recommend a second approval be put in place. Ms. Marie Cordero the Director of Annenberg School of Nursing and secretary of SCDVNP wanted to generate a discussion with the Board and was very disappointed when they weren’t placed on the agenda. Ms. Cordero sent three letters and received communication from staff saying they were received so she was very disappointed this was the first the Board was hearing of this.

The director from Advance School of Nursing gave the NEC staff a round of applause for all the hard work they do helping the programs.

Judy Corliss recommended at previous Board meetings they should form a NEC committee to talk specifically about colleges. She believes that would help bring down the number of programs on provisional approval.

**Board Discussion:**

Mr. Mah and Ms. James-Perez suggested Ms. Cordero submit a statement of problems and proposals in a summary.

**MOTION: No Motion Required.**

**29. Agenda Items for Future Meetings.** The Board may not discuss or take action on any matter that is not included on this agenda except to decide whether to place the matter on the agenda of a future meeting. (Government Code Section 11125 and 11125.7 (a)).

**Public Comment:** None

**Board Discussion:**

Ms. James-Perez would like to add the issue of committees to the May 2016 agenda and place the SCDVNP on the August 2016 agenda so they could present their report.

Mr. Mah acknowledged and thanked Mr. D’Braunstein for his service as Board President.

Ms. James-Perez seconded that.

**MOTION: No Motion Required**

**32. ADJOURNMENT.**

The meeting was adjourned at 5:06 p.m.

Prepared by: \_\_\_\_\_

**John Brooks**  
Acting Executive Officer

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

**Samantha James-Perez**  
President

Date: \_\_\_\_\_



## BOARD MEETING MINUTES

NOVEMBER 20, 2015

BURLINGAME, 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  
Rocio Llamas, Enforcement Division Manager  
Carol Northrup, Licensing & Admin. Division Manager  
Lanessa Guerra, Licensing Analyst  
Jay Prouty, Enforcement Division Analyst  
Rebecca Bon, Legal Counsel, Department of Consumer Affairs

#### 11. CALL TO ORDER.

The meeting was called to order by Todd D'Braunstein, Board President, at 9:00 a.m., November 20, 2015, at the Doubletree Hotel – San Francisco Airport, 835 Airport Boulevard, Burlingame, California.

#### 12. PLEDGE OF ALLEGIANCE.

John Vertido led those assembled in the Pledge of Allegiance.

#### 13. INTRODUCTION OF BOARD MEMBERS AND STAFF.

The Board Members introduced themselves. John Brooks, Acting Executive Officer (EO), introduced board staff present. Mr Brooks also introduced Rebecca Bon, Legal Counsel, Department of Consumer Affairs (DCA).

**14. 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:

Angeles College	Gurnick Academy of Medical Arts, Concord
Bay Area College of Nursing	Gurnick Academy of Medical Arts, Fresno
CA Career Institute, Garden Grove	Gurnick Academy of Medical Arts, Modesto
Casa Loma College, School of Nursing & Allied Health, Anaheim (Previously Hawthorne)	Gurnick Academy of Medical Arts, San Mateo
Carrington College, Pomona	Infotech Career College
Carrington College, San Jose	Oikos University, Oakland
City College of San Francisco	Preferred College of Nursing, Van Nuys
Curam College	Premier Career College
	Summit Career College, Anaheim
	Summit College, Colton

**15. 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.

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

**A.1. Bay Area College of Nursing, Palo Alto, Vocational Nursing Programs. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Donna Johnson, Nursing Education Consultant (NEC) presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Bay Area College of Nursing, Palo Alto, Vocational Nursing Program. On November 10, 2011, the Board placed the program on provisional approval for a two (2) year period from November 10, 2011 through November 30, 2013, due to non-compliance with regulatory requirements relative to program pass rates. On November 22, 2013, the Board extended the program’s provisional approval for one (1) year through November 30, 2014. On November 21, 2014, the Board extended the program’s provisional approval for the one (1) year period from December 1, 2014 through November 30, 2015.

On August 27, 2015, the program submitted a request for approval to admit one (1) class of 10 students beginning December 1, 2015, and graduating March 6, 2017. On September 21 and 22, 2015, an unannounced program inspection was conducted and a total of eight (8) violations were identified.

Based on examination data from the 3<sup>rd</sup> Quarter of 2015, the program’s average annual pass rate is 64%, eight (8) percentage points **below** the state average annual pass rate.

**Program Representative:** Rachelle Cagampan, Director; Yancy Aquino, Director, Education Services; Ms. Sanchez, Office Manager

**Public Comment:**

- Ms. Cagampan said she acknowledges the recommendations but requests the Board approve the request to admit students and extend provisional approval for one year.

### **Board Discussion:**

- Ms. Avella asked Ms. Johnson what results the board expects to see by giving the program an additional three months of provisional approval.
- Ms. Johnson responded the additional three months will allow her to evaluate the program. The inspection was done in late September, and the program has not had sufficient time to correct the violations.
- Mr. Moreno asked Ms. Cagampan what the program's objective is for requesting a one year extension versus a three-month extension.
- Ms. Cagampan responded that three months is not enough time to evaluate. They have classes that are still ongoing.

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

1. Extend provisional approval of the Bay Area College of Nursing, Palo Alto, Vocational Nursing Program for the three-month period from December 1, 2015 through February 29, 2016.
2. Deny the program's request for approval to admit one (1) class of 10 students beginning December 1, 2015, and graduating March 6, 2017.
3. Require the program to correct violations identified during the onsite inspection and submit a report identifying implemented interventions including, but not limited to, the following no later than **December 15, 2017**.
  - a. Timeline for implementation of the policies and documentation of evaluation of curriculum and clinical facilities, including program administration oversight;
  - b. Plan of correction that describes how the program will follow and/or improve the policies for admission, screening and selection of applicants;
  - c. Detailed plan and timeline for improving resources sufficient to achieve the program's objectives;
  - d. Documentation of high school graduation or the equivalent for each student;
  - e. Revised policy, including timeline for implementation, for evaluation of student progress and remediation.
  - f. Plan of correction, including timeline for implementation, that ensures correlation between theory and clinical in the case of absences.
4. 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.
5. Continue to require the program to admit no additional students unless approved by the full Board.
6. Require the program to provide no less than one (1) clinical instructor for every 10 (ten) students in all clinical experiences.
7. 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 **December 1, 2015**.

8. 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.
9. 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.
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 **February 2016** Board agenda for reconsideration of provisional approval.

**Moved:** John Vertido

**Seconded:** Eric Mah

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

Ms. Johnson, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Casa Loma College, Anaheim, Vocational Nursing Program. On November 9, 2012, the Board placed the program on provisional approval for a two (2) year period from November 9, 2012 through November 30, 2014, due to non-compliance with regulatory requirements relative to program pass rates. On November 21, 2014, the Board extended the program's provisional approval for one (1) year through November 30, 2014. On November 21, 2014, the Board extended the program's provisional approval for the one (1) year period November 30, 2015.

In addition, the program has requested approval to admit one (1) class of 20 students beginning March 7, 2016, graduating on March 6, 2017.

Based on examination data from the 3<sup>rd</sup> Quarter of 2015, the program's average annual pass rate is 44%, 28 percentage points **below** the state average annual pass rate.

**Program Representative:** Janet Nishina, Director.

**Public Comment:**

- Ms. Nishina said she agrees with the recommendations. She added that the program has made significant changes with this class beginning with increasing admission pass rates. She said she is working diligently with the Van Nuys campus on how to improve what is currently in place.

**Board Discussion:**

- Ms. Avella asked Ms. Johnson what the Board can expect to see in six months.
- Ms. Johnson responded the program currently has enrolled students for which they do have adequate facilities and faculty, thus allowing the students to complete the program. She added that the current class is in term three of five.

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

1. Extend provisional approval for the Casa Loma, Anaheim, Vocational Nursing Program for a **six (6) month** period from November 30, 2015 through May 31, 2016, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations. (See Attachment E)
2. 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.
3. Continue to require the program to obtain approval by the full Board prior to the admission of additional students.
4. Deny the program's request to admit 20 students into a class commencing March 7, 2016, and graduating March 6, 2017.
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 dates of graduation by **December 1, 2015**.
6. Continue to require the program to provide no less than one (1) instructor for every ten (10) students in all clinical experiences.
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 Professionals 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 **May 2016** Board agenda for reconsideration of provisional approval.

**Moved:** Eric Mah

**Seconded:** John Vertido

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. Ms. Avella abstained.

**The motion passed.**

**A.3 Info Tech Career College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Jessica Gomez, NEC presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Info Tech Career College Vocational Nursing Program. On November 10, 2011, the Board placed the program on provisional approval for a two (2) year period from November 10, 2011 through November 30, 2013, due to non-compliance with regulatory requirements relative to program pass rates. On November 22,

2013, the Board extended the program's provisional approval for one (1) year period from November 22, 2013 through November 30, 2014. On November 21, 2014, the Board extended the program's provisional approval for a one (1) year period, and issued a notice to the program identifying specific areas of noncompliance and requirements for correction.

In addition, the program requests approval to admit a full-time day class of 20 students on February 22, 2016, graduation on July 17, 2017. The class would replace the class scheduled to graduate on February 20, 2016.

Based on examination data from the 3<sup>rd</sup> Quarter of 2015, the program's average annual pass rate is 67%, five (5) percentage points **below** the state average annual pass rate.

**Program Representative:** Asima Jabbar, Director.

**Public Comment:**

- Ms. Jabbar said she agrees with the recommendations. She added that she is requesting a one-year extension to allow the program to report back to the board with positive results.

**Board Discussion:**

- Ms. James-Perez asked Ms. Gomez if she would be opposed to extending the recommendation to a one (1) year period.
- Ms. Gomez responded no, she would not be opposed to changing the recommendation to a one-year extension.

**Motion: To accept the report and adopt the recommendations as modified.**

1. Extend the provisional approval of InfoTech Career College Vocational Nursing Program for the one (1) year period from December 1, 2015 through December 31, 2016, and issue a certificate accordingly. (See Attachment E)
2. Approve the program's request to admit a class of 20 full-time students on February 22, 2016, **only**, graduating on July 17, 2017 to **replace** the class scheduled to graduate on February 20, 2016.
3. Require the program director to submit, under penalty of perjury, the names of all enrolled students, dates of admission, placement in the curriculum, and expected dates of graduation by **March 14, 2016**.
4. Continue the program's requirement to admit no additional students unless approved by the full Board.
5. Require the program to submit a follow-up report in three (3) months, but no later than **February 15, 2016**. 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.
6. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code, section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
  7. 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.
  8. Place the program on the agenda of the Board's **November 2016** meeting, for reconsideration of provisional approval.

**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.**

**A.4. Premiere Career College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Gomez, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Premiere Career College Vocational Nursing Program. On February 28, 2014, the Board placed the program on provisional approval for a two (2) year period from February 28, 2014 through February 28, 2016, due to non-compliance with regulatory requirements relative to program pass rates. On May 15, 2015, the Board approved the program's request to admit 30 students into an evening class commencing August 24, 2015. Additionally, the program was approved to admit 30 students into a day class commencing November 15, 2015.

The program also requests approval to admit the following classes:

1. Evening class of 30 students commencing February 22, 2016, graduating April 28, 2017, to replace students scheduled to graduate February 19, 2016.
2. Day class of 30 students commencing May 16, 2016, graduating July 21, 2017, to replace students scheduled to graduate May 13, 2016.

Based on examination data from the 3<sup>rd</sup> Quarter of 2015, the program's average annual pass rate is 85%, 13 percentage points **above** the state average annual pass rate.

**Program Representative:** Dr. Marcelino De Guzman, Director.

**Public Comment:**

- Dr. De Guzman said he agrees with the recommendations.

**Board Discussion:** None.

- Ms. James-Perez congratulated the program on its improvement.
- Mr. Vertido also congratulated the program on its improvement.

**Motion: To accept the report and adopt the recommendations.**

1. Approve Premiere Career College, Vocational Nursing Program for the four year period from November 20, 2015 through November 19, 2019, and issue a certificate accordingly.
2. Approve Premiere Career College Vocational Nursing Program's request to admit an evening class of 30 students commencing on February 22, 2016, graduating April 28, 2017, **only**, to **replace** students that will graduate on February 19, 2015.
3. Approve the program's request to admit a day class of 30 students commencing on May 15, 2016, graduating July 21, 2017; **only**, to **replace** students that will graduate on May 13, 2016.
4. Continue to require the program to obtain Board approval prior to the admission of additional students.

**Moved:** Donna Norton

**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.**

**B1. Carrington College, San Jose, 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 and consideration of request to admit students for Carrington College Vocational Nursing Program. On August 13, 2015, when considering a report of violations identified in the course of investigating a complaint, and when considering the consecutive quarters of non-compliance with regulations related to licensure pass rates, the Acting 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 class of 30 students beginning January 4, 2016 and graduating December 16, 2016.

Based on examination data from the 3<sup>rd</sup> Quarter of 2015, the program's average annual pass rate is 53%, 19 percentage points **below** the state average annual pass rate. The program's average annual pass rate has been greater than 10 percentage points below the state average annual pass rate for the past seven (7) consecutive quarters.

**Program Representative:** Janice Montgomery, Director; Sheila Burke, Dean of Nursing, Carrington College.

**Public Comment:**

- Ms. Montgomery said she agrees with the recommendations.

**Board Discussion:** None.

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

1. Place the Carrington College, San Jose, Vocational Nursing Program on provisional approval for the two (2) year period from November 20, 2015 through November 30, 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. (See Attachment K)
2. Approve the Carrington College, San Jose, Vocational Nursing Program's request to admit one (1) class of thirty (30) students to a class beginning on January 4, 2016, graduating December 16, 2016, **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 **January 15, 2016**.
6. Require the program to a submit follow up reports in nine (9) months, but no later than **August 1, 2016**, and 21 months, but no later than **August 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 **November 2017** agenda for reconsideration of provisional approval.

**Moved:** Eric Mah

**Seconded:** Susan Rubin

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. Angeles College of Nursing Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Gomez, NEC, presented a report relative consideration of request to admit students for Angeles College of Nursing Vocational Nursing Program. On November 9, 2012, the Board placed the program on provisional approval for the two (2) year period from November 9, 2012 through November 30, 2014, due to non-compliance with regulatory requirements relative to program pass rates.

On November 12, 2012, the Board forwarded to the program's director, the Notice of Change in Approval Status identifying program deficiencies and required corrections. On June 10 and 11, 2014, Board representatives conducted unannounced onsite visit. Eight (8) violations were identified. On November 21, 2014, the Board continued the program's provisional approval for three (3) months from November 21, 2014 through February 28, 2015. The Board directed the program to correct identified violations and submit documentation confirming their correction by December 15, 2014.

On February 13, 2015, the Board extended the program's provisional approval for the one (1) year period from March 1, 2015 through February 28, 2016. In addition, the Board approved the program's request to admit 20 students commencing on April 6, 2015, graduating May 20, 2016, only, to replace students scheduled to graduate on January 23, 2015.

Based on examination data from the 3<sup>rd</sup> Quarter of 2015, the program's average annual pass rate is **68%**, four (4) percentage points **below** the state average annual pass rate.

**Program Representative:** Mary McHugh, Director.

**Public Comment:**

- Ms. McHugh said she supports the recommendations.

**Board Discussion:** None.

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

1. Approve the Angeles College of Nursing Vocational Nursing Program's request to admit 20 students into a full – time day class commencing on January 4, 2016, graduating March 3, 2017, only.
2. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation within 15 days of the commencement of the class.
3. Continue the program's requirement to admit no additional students without prior approval by the full Board.
4. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code, section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
5. 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.
6. Continue the program's placement on the agenda of the Board's **February 2016**, meeting, for reconsideration of provisional approval.

**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.**

**C.2. Bay Area College of Nursing, Daly City, Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Johnson, NEC, presented a report relative consideration of request to admit students for Bay Area College of Nursing, Daly City, Vocational Nursing Program. On September 6, 2012, the Board placed the program on provisional approval for the two (2) year period from September 6, 2012 through September 30, 2014, due to non-compliance with regulatory requirements relative to program pass rates. On September 12, 2014, with a rational noting some incremental, but inconsistent, improvement in licensure pass rates and few candidates taking the licensure examination, the Board extended the program's provisional approval for the five (5) month period from October 1, 2014 through February 28, 2015.

On February 13, 2015, the Board considered the report of an unannounced program inspection conducted in December 2014; approved the admission of one (1) class of students, contingent upon documentation of adequate clinical placements; and extended the program's provision approval for the one (1) year period through February 29, 2016, to allow the program time to comply with corrective actions required by the Board.

The program submitted a request for approval to admit students on August 27, 2015. A second unannounced program inspection was conducted on September 22 and 23, 2015. The program now requests approval to admit one (1) class of 10 students beginning December 3, 2015, graduating March 27, 2017.

Based on examination data from the 3<sup>rd</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:** Rachelle Cagampan, Director.

**Public Comment:**

- Ms. Cagampan said she accepts the recommendations.

**Board Discussion:**

- Ms. James-Perez asked Ms. Cagampan if the program has made changes to the skills lab.
- Ms. Cagampan responded yes, and the changes were submitted before the deadline.

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

1. Deny the Bay Area College of Nursing, Daly City, Vocational Nursing Program's request for approval to admit one (1) class of 10 students beginning December 3, 2015, graduating March 27, 2017.
2. Require the program to correct violations identified during the onsite inspection and submit a report identifying implemented interventions including, but not limited to, the following no later than **December 15, 2017**.
  - a. Time line for implementation of the policies and documentation of evaluation of curriculum and clinical facilities, including program administration oversight;
  - b. Plan of correction that describes how the program will follow and/or improve the policies for admission, screening and selection of applicants;
  - c. Detailed plan and timeline for improving resources sufficient to achieve the program's objectives;
  - d. Revised policy, including timeline for implementation, for evaluation of student progress and remediation.
3. Continue to require the program to provide no less than one (1) instructor for every ten (10) students in all clinical experiences.
4. Continue to require the program to obtain approval by the full Board prior to the admission of additional students.
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 Professionals 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 take any of these corrective actions may cause the full Board to revoke the program's approval.
8. Continue the program's placement on the February 2016 Board agenda for reconsideration of provisional approval.

**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.**

### **C.3. Oikos University Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Johnson, NEC, presented a report relative to the consideration of request to admit students for Oikos University Vocational Nursing Program. On May 11, 2012, after identifying unapproved admissions of 36 students, and with eight (8) consecutive quarters of non-compliance with regulatory requirements relative to program pass rates, the Board placed the program on provisional approval for a two (2) year period. On May 16, 2014, with an average annual pass rate of 67%, the Board extended the program's provisional approval through May 30, 2016.

Based on examination data from the 3<sup>rd</sup> Quarter of 2015, the program's average annual pass rate is **100%**, 28 percentage points **above** the state average annual pass rate. However, no candidates have taken the examination for the past two (2) quarters.

**Program Representative:** Ellen Cervellon, Director.

#### **Public Comment:**

- Ms. Cervellon said she agrees with the recommendations.

**Board Discussion:** None.

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

1. **Deny** the Oikos University Vocational Nursing Program's request to admit one (1) class of 12 students beginning January 11, 2016, graduating May 20, 2017.
2. Approve the program's request to admit one (1) class of **six (6)** students beginning January 11, 2016, graduating May 20, 2017, only.
3. Continue to require the program to admit no additional students unless approved by the full Board.

**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.**

**C.4. Preferred College of Nursing, Van Nuys, Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Johnson, NEC, presented a report relative to consideration of a request to admit students for Preferred College of Nursing, Van Nuys, Vocational Nursing Program. On May 16, 2014, the Board placed the program on provisional approval for the four (4) month period from May 16, 2014 through September 30, 2014, due to non-compliance 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 admitting students. Further, the director was required to submit a written report of a comprehensive program analysis, identification of factors negatively impacting student achievement, specific actions taken to improve program pass rates, dates of implementation, the effect of employed interventions, and specific program resources required for achievement of program objectives, no later than June 1, 2014.

On May 30, 2014, the Board received the required comprehensive analysis from the program director and provisional approval was extended through May 31, 2016.

On February 13, 2015, the Board considered a report of an October 2014, unannounced program inspection that identified a total of 16 violations.

Based on examination data from 2<sup>nd</sup> Quarter of 2015, the program’s average annual pass rate is **65%**, seven (7) percentage points **below** the state average annual pass rate.

**Program Representative:** Elizabeth Estrada, Director.

**Public Comment:**

- Ms. Estrada said the plan is to increase the number of facilities, and asked the Board to consider modifying the recommendations to approve 20 students.

**Board Discussion:**

- Ms. Bass de Martinez asked Ms. Estrada if there is a transitional plan in light of the schools move.
- Ms. Estrada responded there is a transitional plan and that students will not be at two sites at one time.
- Mr. Mah commented to Ms. Estrada that it may be prudent to place the program on a future agenda to allow the Board time to evaluate the newly submitted documentation before approving a new class.

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

1. Require the Preferred College of Nursing, Van Nuys, Vocational Nursing Program to submit a revised policy, and timeline for implementation of the policy, for the evaluation of student progress to determine the need for remediation or removal from the program. Due no later than **December 14, 2015.**

2. Require the program to submit documentation of adequate physical resources to support achievement of the program's objectives. Due no later than **December 14, 2015**.
3. Deny the program's request for approval to admit one (1) class of 20 students beginning January 11, 2016, graduating January 30, 2017.
4. Contingent upon satisfactory submission of documentation of physical resources and a revised policy for evaluation of student progress, **approve** the Preferred College of Nursing, Van Nuys, Vocational Nursing Program's admission of one (1) class of ten (10) students beginning January 11, 2016, graduating January 30, 2017, **only**.
5. Continue to require the program to admit no additional classes without prior approval by the full Board.
6. Require the program director to submit, under penalty of perjury, the names of all enrolled students, dates of admission, placement in the curriculum, and expected dates of graduation by **January 29, 2016**.
7. Continue the program's placement on the Board's May 2016 agenda for reconsideration of provisional approval.

**Moved:** Eric Mah

**Seconded:** Tammy Endozo

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.5. 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 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 non-compliance with regulatory requirements relative to program pass rates. On September 12, 2014, the Board approved a class of 20 students to commence November 3, 2014. The director reported that university administration elected to cancel the class due to low enrollment; the director resigned.

On February 13, 2015, the Board approved the program's request to admit a class of 20 students commencing April 6, 2015, graduating July 9, 2016, only, to replace students who graduated September 2013, provided the program has no more than 10 students per instructor during clinical experience. Of the total approved on February 13, 2015, the program admitted four (4) students. Two (2) dropped out of the program, and two (2) students remain in the class.

On August 21, 2015, the Board approved the program's request to admit a full-time class of 20 students commencing September 9, 2015, graduating November 11, 2016, only. On August 31, 2015, the program informed the Board of the university administration's intent to cancel the newly approved September 9, 2015, class "due to unavailability of financial aid."

Based on examination data from the 2<sup>nd</sup> Quarter of 2015, the program's current average annual pass rate is **40%**, 32 percentage points **below** the state annual average pass rate.

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

**Public Comment:**

- Ms. Magimaidason said she agrees with the recommendations.

**Board Discussion:**

- Ms. Avella expressed her concern over the program's provisional approval status of over one year, and the program still does not have a class.
- Mr. Mah commented that he does not support a class of 20 students.
- Ms. Norton expressed her concern if a class of 20 students is approved, and the program only gets 10, the class would have to be cancelled.
- Ms. James-Perez commented she be comfortable with approving 10 students, rather than 20.

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

1. Approve Shepherd University Vocational Nursing Program's request to admit a full time class of 10 students commencing January 4, 2016, and graduating March 31, 2017 only, **provided** the program maintains an instructor – to – student ratio that does not exceed ten (10) students per instructor during clinical classes.
2. Continue the program's requirement to admit no additional classes without prior approval by the full Board.
3. Require the program director to submit, under penalty of perjury, the names of all enrolled students, dates of admission, placement in the curriculum, and expected dates of graduation by **January 29, 2016**.
4. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code, section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
5. 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.
6. Continue the program's placement on the agenda of the Board's May 2016, meeting, for reconsideration of provisional approval.

**Moved:** Vivien Avella

**Seconded:** Samantha James-Perez

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

**17. A. ADOPTION OF THE OCTOBER 26, 2015 TELECONFERENCE BOARD MEETING MINUTES.**

**Public Comment:** None.

**Board Discussion:**

- Mr. Mah asked requested the Board Meeting dates be emailed to the Board Members as they were not attached to a copy of the agenda item.

**MOTION: To adopt the October 26, 2015 Teleconference Board Meeting Minutes.**

**Moved:** John Vertido

**Seconded:** Donna Norton

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

**B. ADOPTION OF EXECUTIVE OFFICER’S (EO) REPORT ON DECISIONS FOR VN AND PT PROGRAMS.**

**Public Comment:** None.

**Board Discussion:** None.

**MOTION: To adopt the EO’s Report on Decisions for VN and PT 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.**

**18. EXECUTIVE OFFICER’S REPORT.**

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

- Board Member Update
- BreEZe
- Budget
- Personnel

**Public Comment:** None.

**Board Discussion:**

- Ms. Norton asked Mr. Brooks if the Administrative and Enforcement Monitor will be a new employee or an employee of the Board. She also asked if the Board has control over the salary being paid to and the selection of the monitor.
- Mr. Brooks responded that the monitor is a contract employee who will be appointed by DCA, and that the Board will not be involved with the selection process.
- Ms. James-Perez expressed her concern over the cost for the Admin and Enforcement monitor’s salary.
- Mr. Brooks responded that the full cost for the enforcement monitor salary will be approximately \$150, 000 to \$175,000 per year. He added that the Board will reimburse

DCA for the salary benefits, and that a budget change proposal has been submitted so that the Board's normal operating budget will not be impacted.

- Ms. Norton asked if the BCP will be approved.
- Mr. Brooks responded approval of the BCP is with the Department of Finance, and out of the Board's control.

**MOTION: NO MOTION REQUIRED.**

- 19. NURSING EDUCATION CONSULTANT COMPENSATION AND REVIEW PROCESS.** (This agenda item was taken out of order after Agenda Item #16.B.1)  
Ricardo De la Cruz, Department of Consumer Affairs, Personnel Officer.

Mr. De la Cruz provided a handout to the board members which included an overview of the NEC classification (fact sheet), NEC salary range, minimum requirements of the NEC classification, number of authorized NEC positions for the Board as of November 1, 2015 and number of NEC vacancies. He gave the Board an overview of the NEC compensation and review process.

**Public Comment:**

- Commenter did not provide name, should develop a resolution stating the reasons why the NECs should be compensated. He added the expertise needs to stay within the Board because the schools need it.
- Commenter did not provide name. She said she greatly appreciates all of the NECs and if the California Directors can do something about the compensation and who they should address.
- Mr. D'Braunstein said that letters of support can be sent directly to the Board.
- Ann Mayer, Director, City College, said the NECs need to be compensated accordingly and deserve the respect.
- Dr. Marcelino De Guzman. Mr. De Guzman stated the Board has to prove the NECs are critical in their position so they can be compensated.
- Commenter did not provide name. She said the Board should do whatever needs to be done so the NECs can get the compensation they deserve.
- Larissa (name inaudible), Gurnick Academy of Medical Arts. She added that she appreciates the Education Division and their hard work.

**Board Discussion:** None.

**MOTION: NO MOTION REQUIRED.**

- 20. LEGISLATIVE REPORT**

Carol Northrup presented a report on key bills the Board is currently following.

**Public Comment:** None.

**Board Discussion:** None.

**MOTION: NO MOTION REQUIRED.**

**21. REGULATORY REPORT.**

**A. Proposed Regulatory Action to Amend California Code of Regulations Sections 2503 (VN) and 2563(PT), Delegation of Certain Functions.**

Ms. Northrup presented a report with recommendations relevant to the proposed regulatory action.

**Public Comment:** None.

**Board Discussion:** None.

**Motion:** To accept the report and adopt the recommendations.

**Moved:** Eric Mah

**Seconded:** Samantha James-Perez

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

**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:** None.

**MOTION: NO MOTION REQUIRED.**

**C. Proposed Regulatory Action to Amend California Code of Regulations Sections 2537 (VN) and 2590 (PT), Military Requirements.**

Ms. Northrup presented a report with recommendations relevant to the proposed regulatory action.

**Public Comment:** None.

**Board Discussion:** None.

**Motion:** To accept the report and adopt the recommendations.

**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.**

**22. 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:** None.

**MOTION: NO MOTION REQUIRED.**

**23. ENFORCEMENT DIVISION REPORT.**

Gina Bayless provided a report relative to the Enforcement Division.

**Public Comment:** None.

**Board Discussion:**

- Ms. Avella asked Ms. Bayless if there are major issues the Board should be aware of.
- Ms. Bayless responded they are meeting monthly with Division of Investigation discuss status of cases.
- Ms. Avella Ms. Bayless that in future meetings, to report on the number of cases being settled.

**MOTION: NO MOTION REQUIRED.**

**24. 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 August 2015 Board Meeting.

**Public Comment:** None.

**Board Discussion:**

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

**25. EDUCATION DIVISION REPORT.**

**A. Consideration of Moratorium on Review of Proposed Programs.**

Ms. Anderson presented a report relevant to the Education Division and consideration of moratorium on review of proposed programs.

**Public Comment:** None.

**Board Discussion:**

- Mr. Mah asked Ms. Anderson to speak about lifting the moratorium and how it will affect the NECs workload.
- Ms. Anderson responded the goal is not to add to the workload of the current NECs, however, utilize two retired annuitant NECs to dedicate their workload to processing new applications.

**MOTION: To adopt the report and lift the moratorium effective February 29, 2016.**

**Moved:** Susan Rubin

**Seconded:** Samantha James-Perez

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

**26. PUBLIC COMMENT PERIOD.**

**Public Comment:**

- The commenter said AB 178 recently signed by Governor Brown is disheartening.
- The commenter expressed the need to increase the NEC classification salary.

**Board Discussion:** None.

**MOTION: NO MOTION REQUIRED.**

**27. 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.

**28. 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.

**29. RECONVENE OPEN SESSION.**

Closed session not necessary.

**30. ADJOURNMENT.**

The meeting was adjourned at 4:11 p.m.

Prepared by: \_\_\_\_\_

**John Brooks**  
Acting Executive Officer

Date: \_\_\_\_\_

Approved by: \_\_\_\_\_

**Todd D’Braunstein, P.T.**  
President

Date: \_\_\_\_\_