


# Agenda Item #16.



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.  
**Board of Vocational Nursing and Psychiatric Technicians**  
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945  
Phone 916-263-7800 Fax 916-263-7855 www.bvnpt.ca.gov



DATE: October 20, 2016  
TO: Board Members  
FROM:   
Kameka Brown, PhD, MBA, NP  
Executive Officer  
SUBJECT: Review and Adopt Board Meeting Minutes

Attached for your review are Board Meeting Minutes for the following:

- A. May 12-13, 2016
- B. June 20, 2016 (Video Conference Meeting)
- C. August 25 – 26, 2016



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**BOARD MEETING MINUTES**

**MAY 12 – 13, 2016**

**SACRAMENTO, CALIFORNIA**

**BOARD MEMBERS**

**PRESENT:**

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

**STAFF PRESENT:**

Dr. Kameka Brown, Executive Officer  
Cheryl Anderson, Supervising Nursing Education Consultant  
Jessica Gomez, Nursing Education Consultant  
Donna Johnson, Nursing Education Consultant  
Lydia Ziegler, Nursing Education Consultant  
Carol Northrup, Licensing & Admin. Division Manager  
Lori Kemp, Human Resources Liaison  
Jay Prouty, Enforcement Division Analyst  
Rebecca Bon, Legal Counsel, Department of Consumer Affairs

1. Overview of Board’s Process Related to Applicant’s with Convictions and Post – Licensure Requirements.
2. Questions and Answers.
3. Call to Order, Roll Call, and Establishment of Quorum.
4. Pledge of Allegiance.
5. Public Comment on Items Not on the Agenda. **Note:** *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)).*

**6. PETITION HEARINGS:**

A. Reinstatement:

1. Kevin Friend
2. Tina Gomez
3. Martine Perez
4. Kambria Jackson
5. Andrea James
6. Andrea Mathews

B. Early Termination of Probation:

1. Francis Gatewood
2. Olga Puente

**7. CLOSED SESSION.**

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to deliberate and vote on the above matters, and any other disciplinary matters.

**8. RECONVENE OPEN SESSION**

Recess until next day.

**9. CALL TO ORDER.**

The meeting was called to order by Samantha James-Perez, Board President, at 9:00 a.m., Friday, May 13, 2016, at the Department of Consumer Affairs (DCA), 1625 North Market Boulevard, Sacramento, California.

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

The Board Members introduced themselves. Ms. James-Perez welcomed newest Board Member John Dierking. She also reported that Susan Rubin resigned from the Board and was recently appointed a member of the Earthquake Advisory Board. Ms. James-Perez introduced DCA Legal Counsel Rebecca Bon and newly appointed Executive Officer (EO), Dr. Kameka Brown. EO Brown introduced board staff present.

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

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

American Career College at St. Francis	Homestead Schools, Inc. Torrance
American College of Nursing	Institute of Technology, Clovis
Annenberg School of Nursing	Institute of Technology, Modesto
Carrington College, Sacramento	Mission Community College
Carrington College, San Jose	Oikos University
Casa Loma College, School of Nursing & Allied Health, Van Nuys	Palo Verde Community College, Nursing and Allied Health
Casa Loma College, School of Nursing and Allied Health, Anaheim	Premiere Career College
Charles A. Jones Career and Education Ctr.	Santa Rosa Junior College
CNI College (Formerly Career Networks Inst.)	Sierra Pacific College
	Southern California Medical Center
	Summit Career College, Anaheim

Concorde Career College, Garden Grove  
Concorde Career College, North Hollywood  
Concorde Career College, San Bernardino  
Concorde Career College, San Diego  
Gurnick Academy of Medical Arts

Summit College, Colton  
West Coast Ultrasound Institute, Beverly Hills  
West Coast Ultrasound Institute, Ontario  
Hacienda La Puente Adult Education – PT  
Mission Community College - PT

**Ms. James-Perez informed those present at the meeting, due to time constraints, agenda item numbers 15, 16, and 17 will not be discussed at this meeting. She also informed those in attendance that a three-minute time limit will be adhered to for public comment.**

## **12. EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS.**

### **A.1. American College of Nursing Psychiatric Technician Program. Reconsideration of Provisional Approval.**

Jessica Gomez, Nursing Education Consultant (NEC) presented a report relative to the Reconsideration of Provisional Approval for American College of Nursing Psychiatric Technician Program. The Board placed the program on provisional approval for a two (2) year period through May 31, 2017, due to non-compliance with regulatory requirements. The Board directed the program to correct and sustain correction of the eleven (11) identified violations. Further, the program was required to admit no additional students without prior approval by the Board. The violations, required corrections, and timeline for correction were specified in the *Notice of Change in Approval Status* dated June 12, 2015.

On November 18 and 19, 2015, an unannounced on-site inspection of the program was conducted. At that time, four (4) of the previously identified violations remained uncorrected. On February 5, 2016, the program presented to the Board for reconsideration of provisional approval due to the continued failure to correct identified violations. The Board directed the program to be placed on the May 2016 agenda for reconsideration of provisional approval. Based on the 1st Quarter of 2016, the program's average annual pass rate is **56%**, which is 14 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Felicidad (Fe) Silva, Director, PT Program.

- Ms. Silva thanked the NECs for their guidance and the Board for approving the program's curriculum.

**Public Comment:** None.

### **Board Discussion:**

- Ms. James-Perez asked Ms. Gomez if the violations identified in the report have been corrected. Ms. Gomez responded the violations identified specific to the psychiatric technician program have been corrected.
- Andrew Moreno asked Ms. Silva if she agreed with the NEC's recommendations. Ms. Silva stated she agrees with the NEC's recommendations.

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

1. Continue provisional approval of the American College of Nursing Psychiatric Technician Program through May 31, 2017.
2. Place the program on the **May 2017** Board agenda for reconsideration of provisional approval.
3. Approve the program's request for a major curriculum revision, to include 1560 total hours [Theory – 593; Clinical – 967].
4. Continue the program's requirement to obtain approval by the Board prior to the admission of additional classes.
5. Require the program to maintain a 1:10 instructor-to-student ratio in all clinical activities.
6. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation within 15 days of the class start.
7. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Andrew Moreno

**Seconded:** John Vertido

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

**A.2. American College of Nursing Vocational Nursing Program. Reconsideration of Provisional Approval.**

Ms. Gomez presented a report relative to the Reconsideration of Provisional Approval for American College of Nursing Vocational Nursing Program. The Board placed the program on provisional approval on May 15, 2015, for a two (2) year period through May 31, 2017, due to non-compliance with regulatory requirements. The Board required the program to correct and sustain correction of the twelve (12) identified violations. Further, the program was required to admit no additional students without prior approval by the Board. The violations, required corrections, and timeline for correction were specified in the *Notice of Change in Approval Status* dated June 12, 2015.

On November 18 and 19, 2015, an unannounced on-site inspection of the program was conducted. At that time, four (4) of the twelve (12) previously identified violations remained uncorrected, and three (3) new violations were identified.

On February 5, 2016, the program was presented to the Board for reconsideration of provisional approval due to the continued failure to correct identified violations. The Board directed the program to be placed on the May 2016 agenda for reconsideration of provisional approval and possible action.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **50%**, which is 23 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Felicidad (Fe) Silva, Director.

- Ms. Silva stated she agrees with the recommendations.

**Public Comment:** None.

**Board Discussion:**

- Ms. Avella asked Ms. Gomez based on the program's history of violations, does the program have the ability to correct the violations within three months. Ms. Gomez expressed her concern is with the program establishing clinical sites before the class goes into pediatrics. Ms. Gomez added that she believes the remaining violations will be corrected.
- Ms. Bass de Martinez asked Ms. Silva who is in charge of clinical site selection, and has that individual been in their role long enough to help maintain cooperative relationships with public or private clinical sites. Ms. Silva responded it is the Office of the Program Director to find clinical sites.
- Ms. Norton asked Ms. Gomez if the program submitted the required complete comprehensive report by April 1, 2016. Ms. Gomez responded the report was submitted timely.
- Ms. James-Perez expressed her concern that five students with no history of high school graduation were allowed to graduate, however now the students cannot take the licensure exam because they had no proof of a high school diploma or equivalency. Ms. Gomez responded that it is her understanding that all but one of the five students now have either a high school diploma or equivalency in their file at this time. She added there is one student that could not take the licensure exam due to no proof of a high school diploma or equivalency exam.
- Mr. D'Braunstein asked Ms. Silva what the minimum passing score is to allow a student to move forward to the next term. Ms. Silva responded the minimum passing score is 75%.

**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. Require the program to correct all violations identified during the onsite inspections, and submit a report identifying implemented interventions and timelines no later than **June 30, 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.

3. Deny the program's request to admit a class of 20 students commencing on May 23, 2016, with an expected graduation date of May 9, 2017.
4. Require the program to submit for Board approval clinical facilities adequate as to number, type, and variety of patients treated to provide clinical experiences of like character and quality and consistent with the approved Pediatric Nursing curriculum
5. Continue the program's requirement to obtain approval by the full Board prior to the admission of additional classes.
6. Continue to require the program to maintain a 1:10 instructor – to - student ratio in all clinical activities.
7. Continue to 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 start.
8. Approve the program's request for a major curriculum revision, to include 1626 total hours [Theory – 652; Clinical – 974].
9. Require the Director to submit a report to the Board no later than **March 15, 2017**. 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.
10. Failure to take these corrective actions may cause the full Board to revoke the program's approval.
11. Place the program on the May 2017, Board agenda for reconsideration of provisional approval.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

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

**A.3. Bay Area College of Nursing, Daly City, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Donna Johnson, NEC, presented a report relative to the Reconsideration of Provisional Approval and Consideration of Request to Admit Students for Bay Area College of Nursing, Daly City, Vocational Nursing Program. On February 5, 2016, the Board extended the program's provisional approval through November 30, 2016, and denied the program's request to admit students. The program has been on provisional approval since September 2012.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **45%**, which is 28 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Rachelle Cagampan, Director; Dr. Yancy Aquino, Director of Educational Services.

- Ms. Cagampan stated she does not agree with the NECs recommendations.

**Public Comment:**

- Danetta Garcia commented that many programs were not reviewed enough or at all as a result of staff shortage/reduction. She added that the Board failed in its responsibility to the program.

**Board Discussion:**

- Ms. James-Perez asked Ms. Johnson to clarify the action taken at the February 2016 Board Meeting. Ms. Johnson responded in February 2016, the Board granted a provisional approval extension
- Ms. Avella commented the extension of provisional approval does not guarantee the program provisional status or alleviate it from performing within regulation. Ms. Avella added that she disagrees with the notion that the program is guaranteed provisional approval through any date.
- Ms. James-Perez said there is a provision that states incremental progress must be made and that just because provisional approval is granted, it is not guaranteed.
- Mr. Vertido asked Ms. Cagampan how many successful quarters has the program had meeting the state regulatory pass rate requirement. Ms. Cagampan responded five (5) quarters. Mr. Vertido asked out of how many total quarters. Ms. Cagampan responded eight (8). Mr. Vertido again asked how many successful quarters since the school began. Ms. Cagampan responded from the time the curriculum was revised, eight (8) quarters.
- Mr. Vertido asked Ms. Cagampan how many successful quarters has the school had since it started. Ms. Cagampan responded 23. Mr. Vertido said since 2008, the program has had only six (6) successful quarters meeting the state regulatory requirement of a total of 31.
- Mr. Mah asked Ms. Cagampan how many students the program expects to test. Ms. Cagampan responded 11 students are expected to test.
- Mr. Mah told the board he would like to see more data in order to make a decision.
- Ms. Avella commented this program has been given provisional approval for almost four years, and has been extended three times, and still has not shown incremental progress.
- Ms. James-Perez agreed with Ms. Avella.
- Mr. Mah said he would prefer to extend the program's provisional approval to the next board meeting.
- Ms. James-Perez asked Ms. Johnson if there were additional violations. Ms. Johnson replied there were numerous violations and after consultation, the program submitted plans that if consistently implemented should correct the violations, however, after the first inspection, the plans made were not consistently implemented.
- Ms. Bass de Martinez asked Ms. Cagampan what steps are being taken now to let the Board know that success of the program is probable. Mr. Aquino responded they are doing one on one's with the students, and if they test poorly, they will be given additional works/progress reports.
- Mr. D'Braunstein asked Ms. Cagampan what the minimum pass rate is in order for students to progress. Ms. Cagampan responded 75 percent.
- Mr. D'Braunstein commented the pass rate for the students is in a higher standard than what their current pass rate is.



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

1. Revoke the Bay Area College of Nursing, Daly City, Vocational Nursing Program's provisional approval effective July 31, 2016.
2. Remove the program from the Board's list of *Approved Vocational Nursing Programs*, effective July 31, 2016.

**Moved:** John Vertido

**Seconded:** Eric Mah

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

**A.4. Casa Loma College, Anaheim, Vocational Nursing Program. Reconsideration of Provisional Approval.**

Ms. Johnson presented a report relative to the Reconsideration of Provisional Approval for Casa Loma College, Anaheim, Vocational Nursing Program. On November 9, 2012, the Board placed the program on provisional approval for the two-year period from November 9, 2012 through November 30, 2014, due to non-compliance with regulatory requirements for program pass rates. At that time, the program's average annual pass rate was **61%**, 13 percentage points **below** the state average annual pass rate.

On November 21, 2014, that provisional approval was extended through November 30, 2015. At that time, the program's average annual pass rate was **52%**.

On November 20, 2015, the Board extended the program's provisional approval through May 31, 2016, and denied the program's request to admit students. At that time, the program's average annual pass rate was **44%**, 28 percentage points **below** the state average annual pass rate.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **32%**, which is 41 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Greg Malone, President.

- Mr. Malone stated he disagrees with the recommendations.

**Public Comment:**

- Mr. Malone stated that the candidate pool was limited due to the previous location of the school and the school requested to relocate. The program relocated and was approved for one class at the new location, which is scheduled to graduate in May 2015.

**Board Discussion:**

- Mr. Vertido asked Mr. Malone to explain why the program has not met state regulatory requirements for pass rates since October 2010. Mr. Malone responded that the program was in an area that was converting to industrial use, thus limiting the candidate pool. The school relocated and requested a new start.
- Ms. James-Perez asked Mr. Malone how many students are currently admitted. Mr. Malone responded the program started with 11 and only eight (8) remaining.

- Ms. Avella commented that this program has been before the board almost every quarters since she has been on the board. She added the school has been given ten (10) new starts, six (6) years on provisional approval. She stated she disagrees with the programs notion that the board should discount the past quarters.
- Mr. D’Braunstein asked Mr. Malone what the minimum pass rate at which students are allowed to progress. Mr. Malone responded 75 percent.
- Mr. D’Braunstein asked Mr. Malone if he were allowed to write the recommendations what he would recommend. Mr. Malone responded he would recommend extending provisional approval until the current class takes the exam to show incremental progress.
- Ms. Johnson responded to the comment regarding new materials and added that the curriculum was approved in 2012.

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

1. Continue Casa Loma College, Anaheim, Vocational Nursing Program’s provisional approval through May 31, 2016.
2. Remove the program from the Board’s *List of Approved Programs*, effective May 31, 2016.

**Moved:** Todd D’Braunstein

**Seconded:** John Vertido

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

**A.5. Homestead Schools Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Johnson, presented a report relative to the Reconsideration of Provisional Approval and Consideration of Request to Admit Students for Homestead Schools Vocational Nursing Program. On February 5, 2016, the Board placed the program on provisional approval for three-month period from February 5, 2016 through May 31, 2016, due to non-compliance with regulatory requirements for program pass rates.

In addition, the program has requested approval to admit three (3) classes:

One (1) full-time day class of 24 students beginning May 16, 2016, graduating May 12, 2017.

One (1) part-time class of 24 students beginning May 21, 2016, graduating April 1, 2018.

One (1) full-time evening class of 24 students beginning June 12, 2016, graduating June 9, 2017.

Based on the 1st Quarter of 2016, the program’s average annual pass rate is **69%**, which is **4** percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Adelwisa V. Blanco, Director; Vejay Fadia, President of Homestead Schools.

- Ms. Blanco stated she disagrees with the recommendations.

**Public Comment:**

- Ms. Blanco apologized to the Board for submitting information directly to Board members.
- Mr. Fadia said the program was notified of the violations in February 2016, and within three (3) days from the date they were notified, the violations were corrected. He added that the program's pass rate for the last quarter was 100%, for the past seven quarters has been within 6-8 points of the state's regulatory requirement for pass rates. He said all of the violations have been corrected, and pediatric and maternity clinical sites have been approved.

**Board Discussion:**

- Mr. Moreno asked Ms. Johnson if she received any new information regarding how many terms the program would allow before a student fails. Ms. Johnson replied she has not received any new information other than what was included in the report.
- Mr. D'Braunstein asked Ms. Johnson how much time the programs have to submit information after they are informed the program will be placed on the agenda. Ms. Johnson replied this program was notified in February of placement on this agenda. She added that this program was given until March 15, 2016, to submit information to be included in the report for this board meeting.
- Ms. James-Perez addressed Ms. Blanco and Mr. Fadia regarding information the program submitted directly the board members and that this was not proper protocol, and that there may have been some miscommunication. She added the appropriate way of submitting information should be to send to Board staff.
- Mr. Moreno asked the program representatives how many fails are given before a student is deemed no longer able to continue in the program. Ms. Blanco responded this was one of the violations and this has been corrected and that students will be remediated twice, and repeat the entire course.
- Ms. Avella asked Ms. Johnson, if satisfied with the program's incremental progress on correction of the violations, does the program have the opportunity to request to be removed from provisional approval before the next board meeting? Ms. Johnson responded yes.
- Ms. Blanco asked the Board why the program is being placed on two-year provisional approval. Dr. Brown responded that there were other concerns than just the program's pass rate.

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

1. Extend the provisional approval of the Homestead Schools Vocational Nursing Program for the two (2) year period from May 13, 2016 through May 31, 2018, 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 G)
2. Place the program on the Board's **May 2018** agenda for reconsideration of provisional approval.
3. Continue to require the program to admit no additional classes without prior approval by the full Board.

4. Approve the program's request to admit one (1) full-time Day class of 24 students beginning May 16, 2016, graduating May 12, 2017, **only**.
5. **Deny** the program's request to admit one (1) part-time class of 24 students beginning May 21, 2016, graduating April 1, 2018, only.
6. Approve the program's request to admit one (1) full-time Evening class of 24 students beginning June 12, 2016, graduating June 9, 2017, **only**.
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 **July 1, 2016** and **every three (3) months, thereafter**.
8. Continue to 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 Selection Criteria
  - c. Terminal Objectives
  - d. Curriculum Objectives
  - e. Instructional Plan
  - f. Theory and Clinical Objectives for Each Course
  - g. Lesson Plans for Each Course
  - h. Textbooks
  - i. Attendance Policy
  - j. Remediation Policy
  - k. Evaluations of Theory and Clinical Faculty
  - l. Evaluations of Theory Presentations
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations
  - n. Evaluation of Student Achievement
  - o. Current Enrollment
9. Continue to require the program to maintain its average annual pass rate no more than (10) ten percentage points below the State average annual pass rate.
10. 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.
11. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Todd D’Braunstein

**Seconded:** John Vertido

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

**A.6. Oikos University Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Johnson presented a report relative to the Reconsideration of Provisional Approval and 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 of regulatory requirements for program pass rates, the Board placed the program on provisional approval for a two-year period. At that time, the program’s average annual pass rate was **47%**, 27 percentage points **below** the average pass rate.

On May 16, 2014, the Board extended the program’s provisional approval through May 30, 2016. At that time, the program’s average annual pass rate was **67%**, 7 percentage points **below** the state average annual pass rate.

On November 20, 2015, with inadequate clinical facility resources to support the requested 12 students in a manner that is consistent with regulations, the Board approved the program to admit six (6) students. The class began in January 2016.

**Introductory Remarks by Program Representative:** Ellen Cervellon, Director; Ms. Little, Nursing Coordinator.

- Ms. Cervellon stated she agrees with the NECs recommendations and requests approval to admit six (6) students with a class to begin August 29, 2016, graduating in January 21 2017.

**Public Comment:** None.

**Board Discussion:**

- Mr. Moreno asked Ms. Cervellon, if she is confident the program will meet the July 1, 2016 deadline set by the NECs for demonstrating adequate clinical sites, and what progress has been made. Mr. Cervellon responded yes and that they have had progress in pediatric and maternity sites, and there is a surgical site that she will be able to secure.

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

1. Extend the Oikos University Vocational Nursing Program’s provisional approval for the two - year period from May 13, 2016 through May 31, 2018, 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. Place the program on the **May 2018** Board agenda for reconsideration of provisional approval.

3. Require the program to submit documentation of clinical placements for requested students such that clinical facilities are adequate as to number, type, and variety of patients treated, consistent with competency-based objectives and theory. **Due no later than July 1, 2016.**
4. **Contingent** upon receipt of proposed clinical placements documenting, to the satisfaction of the Board, clinical facilities adequate as to number, type, and variety of patients treated, consistent with competency-based objectives and theory, approve the program's request to admit one (1) class of 6 students beginning August 29, 2016 and graduating January 21, 2018, **only.**
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) instructor for every 10 students in all clinical experiences.
7. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
8. Continue to require the program to maintain its average annual pass rate no more than ten (10) percentage points below the State average annual pass rate.
9. Require the program to demonstrate progress in correcting the violations. If the program fails to satisfactorily demonstrate 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.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

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

**A.7. Preferred College of Nursing, Van Nuys, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Johnson presented a report relative to the Reconsideration of Provisional Approval and Consideration of Request to Admit Students for Preferred College of Nursing, Van Nuys, Vocational Nursing Program. The program requested approval to admit one (1) part-time evening class of 20 students to begin July 5, 2016, graduating January 13, 2018. Revocation of the program's provisional approval is recommended.

On May 16, 2014, with an average annual pass rate of 48% and total of three (3) violations identified, the Board placed the program on provisional approval 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. No changes were made regarding the program's approval status.

On February 2 and 3, 2016, an unannounced program inspection was conducted. A total of seven (7) violations were identified. On February 5, 2016, the Board denied the program's request to admit students.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **54%**, which is 19 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Elizabeth Estrada, Director; Freddy Rodriguez, Vice President.

- Ms. Estrada stated she is a new director since August of 2015, only for about 7 months. She sought to clarify and acknowledge her ultimate responsibility is consumer protection and also upholding the laws, rules, and regulations. She also formally disagrees with the recommendations.
- Ms. Estrada quoted from 16 CCR § 2526.1(c): "If the program has not met all requirements...provisional [approval] may be extended if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies," and "humbly asks" the board to extend provisional accreditation until the program is able to graduate one class of 10 students, which began January 11, 2016 with anticipated graduation date of March 7, 2017. She truly believes in her heart and soul that they are one of the schools that deserves a good faith recommendation.
- She asks that she and her team are given the chance to prove once again they can develop safe, competent, and caring nurses.
- She reminds the Board she has taken a failing school and brought them to success, but it took four years.
- She states the NECs might be overworked but the programs want help.
- [At this point Mr. Mah commented that the programs should be allowed more comment time to speak, and Mr. D'Braunstein asked Ms. Estrada to please continue.]
- At this point the program has the efforts and the team – 11 staff members dealing with 9 students, which is almost 1:1.
- Ms. Estrada appreciates the team members who believe in the program, and invested time, attention and financial backing. The program has increased resources, a new facility, and has followed the NECs recommendations.
- She states they have responded to every violation – they had 16 and then after a surprise visit, there were 7 violations. They withdrew their request on February 4, 2016 until they felt they addressed those violations. And rather than reflecting a withdrawing of the request, she states it reflects as a denial by the Board. She states she was shocked at this recommendation to revoke.
- She states she has been in four other failing schools before. And when she arrived here, she addressed 16 violations within 2 weeks.
- She respectfully requests the Board extends provisional approval and until the program is able to graduate the last 10 students and one part-time class added.

**Board Discussion:**

- Mr. Moreno asked Ms. Johnson if the programs have time or opportunity to rectify violations when they are notified. Ms. Johnson responded there is every possibility of submitting

information to board staff to bring to the Board, but probably not a lot of time between receiving the report with recommendations and the board meeting.

- Mr. Mah asks NEC to characterize Ms. Estrada's responsiveness to staff. Ms. Johnson states it has been a little mixed in receiving documentation. Sending communication in March and not receiving response from her, and in other things Ms. Estrada is very timely. Ms. Johnson points to a detailed list of sent responses, there have been issues in the past with clinical facilities applications being discrepant from the facilities records, etc.
- Ms. James-Perez clarified the chart provided by staff as the quarterly pass rates.
- Ms. Norton clarified how many current students and what would happen if program approval were to be revoked. The response reflected there are currently 9 students. Ms. Johnson states those students projected to graduate in January 2017 could transfer to other programs or work with USDOE and BPPE for tuition recovery; they are very early rather than late in program study.
- Ms. Estrada comments that she helped a closed school in L.A. transfer its students, and when they transfer they incur extra time, expenses, and stress. They may not have the almost 1:1 ration currently provided by this program. And a new location has provided great resources. She concludes that transferring is starting all over with possibly not getting transfer credit or financial help; the students are not happy to transfer.
- Ms. James-Perez asks if there is a transfer plan in place now. Ms. Estrada describes a transfer plan of contacting surrounding schools to place students. She is absolutely dedicated to help them if that happens.
- Ms. Johnson points to page 17 of board report: one of major concerns for current students is ability to meet objectives of clinical placements. Ms. Estrada agrees it is not a positive thing for students to only go to one clinical placement. She states the program is currently requesting more placements.
- Ms. Norton asks program if it responded to request Accrediting Bureau of Health Education and Sciences (page 18 of report). Mr. Rodriguez states there were 16 violations and now down to 1 violation, which they submitted May 1<sup>st</sup> (12 days ago). Ms. Estrada states there were zero violations during a specific site visit.
- Mr. Rodriguez goes on to state they are making good faith progress as required by the regulation. He also asks for consideration from the Board to allow the opportunity to realize the chance for Ms. Estrada to work as the director.
- Ms. Avella asks about incremental progress from more recent quarters rather than the older quarters – October to December 2015, which is more current. Mr. Rodriguez states they incorporated NCLEX review as part of the curriculum; he states those are outliers. He states they have hired someone to help bring students back to do NCLEX review. Former graduates take a long time to take the exam; if the time a student were eligible to sit for the exam could be reduced it would create better results.
- Ms. Bass de Martinez asks Ms. Estrada how she believes she can turn this school around. Ms. Estrada cites the dedication of her support staff and her own motivation and not being a quitter. Third she cites the new resources and financial capability. Lastly, she says she knows they can do it and she is hopeful. She says she was successful with three previous schools. She estimates it would take 2 years to solidify and get the program to her standards. She states they need students. She says in 2 years she foresees it as having higher pass rates, good instructors, and an expansion of the location and student rates. She believes they have met every deadline in responding to the NEC. Mr. Rodriguez adds he has been seeking investors and obtained resources because of those investors.
- Ms. Avella appreciates Ms. Estrada's past successes, but a lot of this is anecdotal. She states she is seeking fact-based progress to show why extension of provisional would be



necessary. She sees 3 current violations occurring right now; the school has a history of violations and some under Ms. Estrada's tenure. She sees a declining pass-rate trend: in last two quarters 4/12 or 33% passing. This director might have a good reputation, but a new director does not invalidate the school's results. She doesn't see clear incremental progress to warrant a second provisional term. She doesn't see the rationale. Ms. Estrada cites page 18 of the report to address the three current violations. Evaluation methodology for Clinical Facilities: she was not told those were not sufficient in response to that violation. Evaluation methodology for curriculum: she agrees she saw significant need, but there was not enough time to take it in November. Therefore they deferred that item until an entire curriculum could be submitted with major changes. The third was attendance policy, and she submitted a new policy. She does not believe they were given feedback on the new submissions. Ms. Johnson states that while the program did submit the clinical facilities evaluations after the February inspection, it did not submit a plan with how it would move forward with other evaluations of clinical facilities, which is a very important part of a program. Same with curriculum and instructional plan submitted March 14, things are evaluated as quickly as possible. Dr. Brown states she had asked for specific curriculum evaluations because previously used ones were also used by previously revoked programs. Both program representatives state they are seeking guidance and help from the board's consultants.

- Mr. Mah states a lot appears to be riding on the new director; in the institution itself the board is quite disappointed. It appears there is a conflict regarding resources because resources could include a curriculum consultant; it is a resources issue to some degree. But the most troubling thing is the continued non-compliance; there are 5 repeat violations. He states it was likely a good move to hire the new director, but that it may be 'too little too late.' Ms. Estrada states she believes some are fixed, some have a plan in place that if followed would solve the problem, and she is personally committed to solving those violations. She states she cannot do it overnight, but she can do it.
- Ms. Norton cites page 17, clinical hours, and asks if students will only receive clinical instruction at a skilled nursing facility. Ms. Estrada states the program currently has mostly clinics, it has skilled facilities, and it has a hospital with a sub-acute unit. She states they are working on an acute hospital, but it takes a while because those hospitals have a full complement. She is hoping by the end of the year; Mr. Rodriguez states they have an agreement with Kaiser.

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

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

**Moved:** Vivien Avella

**Seconded:** John Dierking

**Public Comment:**

- Julie Vasquez states she is a very proud student of Preferred College of Nursing; she is in class 44 and was sent by the students to represent them as student class president.
  - It was a lifetime dream of hers to become a nurse and she has made large sacrifices as a single mother to be able to go to nursing school full-time. Placement of her at another school would mean the shattering of her dreams.

- She spent several schools looking at and interviewing different schools, until she found PCN as a group of dedicated individuals.
- She commented the program provides emotional support, educational tools and is preparing students for the NCLEX.
- She wants that class 44 is not punished for things that happened years ago, and that Ms. Estrada is only held responsible for what is happening currently.
- She pleads for the opportunity to be the nurse she can be and brings a petition (distributed to the board) from other students.
- She is a consumer with a voice and asserts that she knows how to speak up if she isn't getting what she is paying for.
- Mr. Mah asks for clarification that she feels she is getting a good education and would be harmed if the Board revoked the program. Ms. Vasquez agrees, and states that relocation would not work for her and her limited funds.
- Mr. Gershovich speaks about investing in the school. He states he sees the director every day and ensures the school has resources such as textbooks and laptops. He comments on complying with the NEC, and asks for the same consideration of their director. He states he has been 19 years in the community.
- Danetta Garcia commented there are NCLEX testing issues, programs sent information.
  - She states she used to sit in the unit where the data came in, and she states there were times information came in and it wasn't addressed because there were over 80 programs with only four people to review. Schools are held accountable.
  - She states the graduation dates are redacted because of confidentiality; she comments those dates are important or would be helpful.
  - She explains she is not a disgruntled former employee. She comments that responses from NECs are not as supportive as possible.
  - On curriculum development she comments that staff has not taken a course.
  - Dr. Brown comments on changes being made to the entire process at the board at this time. She also comments that while she appreciates that Ms. Estrada is the director at Preferred College, it is late.
- An Anonymous Commenter states she is a program director and asks Ms. Estrada to remember it is the director's responsibility to review their programs and not place blame on the NECs. She comments to the board that the directors have the responsibility and are gatekeepers, and it is not dependent on NECs.
- Ms. Avella appreciates the students' comments, and she states that an eloquent argument was made that the board and the schools oftentimes fail students.
  - She states the board allows students to stay in sub-performing schools, and she believes the board fails students by not allowing them to get the appropriate education.
  - She states that without going into the statistics again, the board's duty is to protect consumers, and the primary argument here, she states, is an emotional one.
- Ms. Norton states she is excited about the direction this board is taking; she states it seems there is an increased level of accountability all around. She also states she is reminiscing to the days when schools were not put on as much notice.
- Mr. Mah states the board may have erred when it allowed the class to start in January. He states students are consumers telling the board that we want to continue even knowing they might not get a good education, but that if the approval is taken away they would be harmed now. He states that does not give a sense of fairness and he will vote no to allow the students to finish.
- Ms. James-Perez states it is a difficult situation they find themselves in.

- Dr. Ike Muonekwu is a member of the public who states that it appears that the NECs are being accused of doing a bad job, but there was a time only one or two NECs handled all schools. He comments there may be staffing issues that need to be addressed, but he comments we should not blame the NECs and that he knows the NECs are doing a wonderful job and maybe need support.

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

### **CLOSED SESSION**

The Board met in closed session pursuant to Government Code Section 11126(c)(3) to deliberate and vote on disciplinary matters.

### **RECONVENE OPEN SESSION**

#### **A.8. Sierra Pacific College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Gomez presented a report relative to the Reconsideration of Provisional Approval and Consideration of Request to Admit Students for Sierra College Vocational Nursing Program. Additionally, the program has requested approval to admit a class of 15 students on July 11, 2016, graduating July 28, 2017. 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 programs non-compliance with regulatory requirements relative to program pass rates. At that time, the program’s average annual pass rate was **29%**, which was 47 percentage points **below** the state average annual pass rate.

Subsequently, the Board received information regarding the program’s non-compliance with specific requisites specified in the Education Code requiring the program to obtain approval from the DCA Bureau for Private Post-Secondary Education (Bureau) as a condition of operation. On May 16, 2014, the Board extended the program’s provisional approval through May 30, 2015. Further, the Board declined to consider any request to admit students until the program’s submission of documentation substantiating that approval to operate had been granted by the Bureau. On February 13, 2016, the Board denied the program’s request to admit students on April 4, 2016, and placed the program on the May 2016 agenda. The Board required the director to analyze the program and curriculum and submit a report no later than March 1, 2016.

**Program Representative:** Gina Guarim, Admissions Officer.

#### **Public Comment:**

- Ms. Guarim asked the Board to reconsider the program’s provisional status and not seek revocation.

#### **Board Discussion:**

- Mr. Moreno asked Ms. Gomez if the school has provided required documentation. Ms. Gomez replied yes, she received the documentation timely.

- Mr. Vertido asked Ms. Guarim if the program has authorization to conduct classes or if they are awaiting certification status from the Bureau of Private Post-Secondary Education (BPPE). Ms. Guarim replied they received approval from the BPPE in 2015.
- Mr. Vertido asked Ms. Guarim the reason for the delay in the program returning the required documentation back to the Board. Ms. Guarim said they tried to revise the curriculum through the NEC's methods and this is why it's taking so long to complete the revisions.
- Ms. Bass de Martinez asked Ms. Guarim if she was involved with any of the direct written changes of the curriculum. Ms. Guarim responded no.
- Mr. Mah asked Ms. Guarim what is her area of expertise. She responded that she ensures the students' files are complete before they enter the program.
- Ms. James-Perez told Ms. Guarim the board would not ask her questions, as she did not have a direct knowledge of the program, and they had hoped to speak to the DON or program director.

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

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

**Moved:** Todd D'Braunstein

**Seconded:** Eric Mah

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

**B.1. Carrington College, Pleasant Hill, Vocational Nursing Program. Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students.**

Ms. Johnson presented a report relative to the Consideration of Placement on Provisional Approval for Carrington College, Pleasant Hill, Vocational Nursing Program. On February 17, 2016, when considering a report regarding a request to admit students and 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. However, on April 8, 2016, the Board received the program's request to suspend all admissions and to close the program effective July 8, 2016, which is the date the currently enrolled students are scheduled to graduate.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **54%**, which is 19 percentage points **below** the state average annual pass rate.

**Program Representative:** Lolita Casey Gibson, Dean of Nursing, Carrington College, Sacramento; Dr. Danika Bowen, President of Academic Affairs.

**Public Comment:**

- Ms. Gibson stated she agrees with the NECs recommendations, and asked the Board to consider extending the provisional approval to July 31, 2016.
- Ms. Bowen said they would like to reallocate the resources of this program to other programs.

**Board Discussion:**

- Ms. Avella asked Ms. Johnson why she did not recommend removing the program from the list of approved schools. Ms. Johnson replied it is the Board's decision, and based on the program's pass rates and non-compliance with regulations, she recommends moving forward with the recommendations.
- Ms. Bon added that the placement of the program by the Board is independent of the position of the school that may be taken.
- Ms. James-Perez asked Ms. Gibson if the school will close effective July 31, 2016. Ms. Gibson replied yes, and there are no plans to re-open it.
- Ms. Bass de Martinez asked if there are still students at this site and when they are expected to graduate. Ms. Gibson replied there are still students at this location, and they are expected to graduate July 8, 2016.

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

1. Place the Carrington College, Pleasant Hill, Vocational Nursing Program on provisional approval for the one (1) year period from May 13, 2016 through May 31, 2017, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations. (See Attachment C)
2. Place the program on the Board's **May 2017** agenda for reconsideration of provisional approval.
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 **June 1, 2016**.
6. 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.
7. 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. 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. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Eric Mah**Seconded:** John Vertido

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

**B.2. Casa Loma College, Van Nuys, Vocational Nursing Program. Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students.**

Ms. Johnson presented a report relative to the Consideration of Placement on Provisional Approval and Consideration of Request to Admit Students for Casa Loma College, Van Nuys, Vocational Nursing Program. On February 17, 2016, when considering a report regarding an unannounced program inspection that identified a total of 11 violations, and noting four (4) consecutive quarters of non-compliance with regulatory requirements related to licensure pass rates, the Acting Executive Officer referred the program to the Board for consideration of placement on provisional approval.

After the March 15, 2016 deadline, the program requested approval to admit one (1) class of 30 students to begin July 11, 2016, graduating July 13, 2017.

Based on the 1st Quarter of 2016, the program’s average annual pass rate is **40%**, which is 33 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Greg Malone, C.E.O.

- Mr. Malone said he disagrees with the recommendations.

**Public Comment:** None.

**Board Discussion:**

- Mr. Vertido asked Mr. Malone about the 11 violations in the last report. Mr. Malone responded all of the violations are being resolved.
- Mr. Mah commented on the programs declining pass rates, contingent on corrections of the violations.

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

1. Place the Casa Loma College, Van Nuys, Vocational Nursing Program on provisional approval for the three (3) month period from May 13, 2016 through August 31, 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 (e) of the California Code of Regulations. (See Attachment H)
2. Place the program on the Board’s **August 2016** agenda for reconsideration of provisional approval.
3. Contingent upon satisfactory receipt of evidence of all corrected violations, defer decision to admit 30 students on July 11, 2016 to the Executive Officer.
4. Require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.

5. Require the program to admit no additional classes without prior approval by the full Board with the exception of the July 11, 2016 class.
6. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **June 1, 2016**.
7. Require the program to submit the following, no later than **June 15, 2016**.
  - a. Revised Curriculum Objectives
  - b. A copy of the Board-approved Instructional Plan
  - c. Proposed methodology and timeline for evaluation of the curriculum
  - d. A proposed policy for admission, selection, and screening of applicants to the program and steps to ensure consistent implementation of the policy
  - e. Plan for provision of resources to meet the objectives of the program
  - f. Allocation of Teacher Assistant hours and responsibilities in the program
  - g. Documentation that all faculty have access to the Board-approved Instructional Plan
  - h. Proposed policy for attendance and appropriate make-up and plan for consistent implementation of the policy
  - i. Proposed policy for evaluation of student progress and determination of the need for remediation or termination from the program
  - j. Documentation of posting of clinical objectives on patient care units utilized for clinical experience
  - k. Plan and timeline for correlating theory in clinical practice experiences
  - l. Plan for improvement of NCLEX-PN® pass rates
8. Submit clinical placement plans for all enrolled students throughout their program of study using the provided Faculty/Student Clinical Assignment Form, the Maternity Faculty/Student Clinical Assignment Form, and the Pediatric Faculty/Student Clinical Assignment Forms and completing them as instructed, **no later than June 15, 2016**.
9. Require the program to submit a comprehensive analysis of the program, specific actions taken to improve pass rates, timeline for implementation, and the effect of employed interventions. The report is due **no later than June 15, 2016**. 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

10. 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.
11. 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.
12. 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.
13. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** John Vertido

**Seconded:** Vivien Avella

Ms. Avella, Ms. Bass De Martinez, Ms. James-Perez, Mr. Moreno, and Mr. Vertido voted in favor of the motion. Mr. D'Braunstein, Mr. Dierking, Ms. Endozo, Mr. Mah, and Ms. Norton opposed. **The motion did not pass.**

**Public Comment:** None.

**Board Discussion:**

- Mr. Mah asked Mr. Malone as a representative of the program, how he felt about the modified recommendation. Mr. Malone replied he agrees with the recommendation.

**MOTION: To place the program on the August 2016 agenda for reconsideration of provisional approval.**

1. Place the Casa Loma College, Van Nuys, Vocational Nursing Program on provisional approval for the three (3) month period from May 13, 2016 through August 31, 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 (e) of the California Code of Regulations. (See Attachment H)
2. Place the program on the Board's **August 2016** agenda for reconsideration of provisional approval.
3. Contingent upon receipt of correction of all violations as determined by the Executive Officer, approve the program's request to admit one (1) class of thirty (30) students to begin July 11, 2016, graduating July 13, 2017.
4. Require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.



5. Require the program to admit no additional classes without prior approval by the full Board with the exception of the class requested to begin July 11, 2016, which will be considered by the Executive Officer.
6. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **June 1, 2016**.
7. Require the program to submit the following, no later than **June 15, 2016**.
  - a. Revised Curriculum Objectives
  - b. A copy of the Board-approved Instructional Plan
  - c. Proposed methodology and timeline for evaluation of the curriculum
  - d. Documentation of evaluation of clinical facilities.
  - e. A proposed policy for admission, selection, and screening of applicants to the program and steps to ensure consistent implementation of the policy
  - f. Plan for provision of resources to meet the objectives of the program
  - g. Description of responsibilities of a Teacher Assistant and allocation of Teacher Assistant hours and responsibilities in the program
  - h. Documentation that all faculty have access to the Board-approved Instructional Plan
  - i. Proposed policy for attendance and appropriate make-up and plan for consistent implementation of the policy
  - j. Proposed policy for evaluation of student progress and determination of the need for remediation or termination from the program
  - k. Documentation of posting of clinical objectives on patient care units utilized for clinical experience
  - l. Plan and timeline for correlating theory in clinical practice experiences
  - m. Plan for improvement of NCLEX-PN<sup>®</sup> pass rates
8. Submit clinical placement plans for all enrolled students throughout their program of study using the provided Faculty/Student Clinical Assignment Form, the Maternity Faculty/Student Clinical Assignment Form, and the Pediatric Faculty/Student Clinical Assignment Forms and completing them as instructed, **no later than June 15, 2016**.
9. Require the program to submit a comprehensive analysis of the program, specific actions taken to improve pass rates, timeline for implementation, and the effect of employed interventions. The report is due **no later than June 15, 2016**. 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
10. 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.
  11. 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.
  12. 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.
  13. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Eric Mah

**Seconded:** Donna Norton

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

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

1. Place the Casa Loma College, Van Nuys, Vocational Nursing Program on provisional approval for the three (3) month period from May 13, 2016 through August 31, 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 (e) of the California Code of Regulations. (See Attachment H)
2. Place the program on the Board's **August 2016** agenda for reconsideration of provisional approval.
3. Contingent upon receipt of correction of all violations as determined by the Executive Officer, approve the program's request to admit one (1) class of thirty (30) students to begin July 11, 2016, graduating July 13, 2017.
4. Require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.
5. Require the program to admit no additional classes without prior approval by the full Board with the exception of the class requested to begin July 11, 2016, which will be considered by the Executive Officer.
6. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **June 1, 2016.**

7. Require the program to submit the following, no later than **June 15, 2016**.
  - a. Revised Curriculum Objectives
  - b. A copy of the Board-approved Instructional Plan
  - c. Proposed methodology and timeline for evaluation of the curriculum
  - d. Documentation of evaluation of clinical facilities.
  - e. A proposed policy for admission, selection, and screening of applicants to the program and steps to ensure consistent implementation of the policy
  - f. Plan for provision of resources to meet the objectives of the program
  - g. Description of responsibilities of a Teacher Assistant and allocation of Teacher Assistant hours and responsibilities in the program
  - h. Documentation that all faculty have access to the Board-approved Instructional Plan
  - i. Proposed policy for attendance and appropriate make-up and plan for consistent implementation of the policy
  - j. Proposed policy for evaluation of student progress and determination of the need for remediation or termination from the program
  - k. Documentation of posting of clinical objectives on patient care units utilized for clinical experience
  - l. Plan and timeline for correlating theory in clinical practice experiences
  - m. Plan for improvement of NCLEX-PN<sup>®</sup> pass rates
8. Submit clinical placement plans for all enrolled students throughout their program of study using the provided Faculty/Student Clinical Assignment Form, the Maternity Faculty/Student Clinical Assignment Form, and the Pediatric Faculty/Student Clinical Assignment Forms and completing them as instructed, **no later than June 15, 2016**.
9. Require the program to submit a comprehensive analysis of the program, specific actions taken to improve pass rates, timeline for implementation, and the effect of employed interventions. The report is due **no later than June 15, 2016**. 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
10. 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.

11. 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.
12. 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.
13. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

**Public Comment:** None.

**Board Discussion:** None.

**Moved:** John Dierking

**Seconded:** Eric Mah

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

### **B.3. CNI College Vocational Nursing Program. Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students.**

Ms. Johnson presented a report relative to the Consideration of Placement on Provisional Approval and Consideration of Request to Admit Students for CNI College Vocational Nursing Program. On March 1, 2016, the Acting Executive Officer reviewed a report regarding the program's request to admit two (2) classes. With the program in the third consecutive quarter of average annual pass rates greater than ten (10) percentage points **below** the state average annual pass rate; with a total of 12 violations previously identified and failure to correct three (3) violations; and, after it was **determined that data submitted by the program constituted a material misrepresentation of fact**, the Acting Executive Officer denied the request to admit students and referred the program to the full board.

The program has requested approval to admit a full-time class of 24 students beginning May 23, 2016, graduating May 23, 2017. The program has also requested approval to admit one (1) part-time class of 32 students beginning May 23, 2016, graduating January 13, 2018

Based on the 1st Quarter of 2016, the program's average annual pass rate is **57%**, which is 16 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Kim Martin, Director.

- Ms. Martin stated she agrees with the recommendations.

**Public Comment:** None.

**Board Discussion:** None.

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

1. Place the CNI College Vocational Nursing Program on provisional approval for the three (3) month period from May 13, 2016 through August 31, 2016, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations.
2. Place the program on the Board's **August 2016** agenda for reconsideration of provisional approval.
3. Deny the program's request to admit one (1) full-time class of 24 students beginning May 23, 2016, graduating May 23, 2017, only.
4. Deny the program's request to admit one (1) part-time class of 32 students beginning May 23, 2016, graduating May 23, 2017, only.
5. Require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.
6. Require the program to admit no additional classes without prior approval by the full Board.
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 **June 15, 2016**.
8. Require the program to submit a follow up a report no later than **June 15, 2016**. The reports must include a comprehensive analysis of the program, specific actions taken to correct identified violations, 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
9. 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.

10. Require the program to demonstrate progress in correcting the violations. If the program fails to satisfactorily demonstrate progress the full Board may revoke the program's approval.
11. 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.
12. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Todd D'Braunstein

**Seconded:** Eric Mah

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

#### **B.4. Mission College Psychiatric Technician Program. Consideration of Placement on Provisional Approval.**

Ms. Gomez presented a report relative to the Consideration of Provisional Approval for Mission College Psychiatric Technician Program due to non-compliance with regulatory requirements for program pass rates. The program requests approval to admit a class of 20 students in August 2016, graduating in December 2017, to **replace** students scheduled to graduate in May 2016.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **39%**, which is 31 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Dr. Shara Crary, Director of Health Occupations.

- Ms. Crary stated the program agrees with the recommendations, however is requesting the Board stay on the decision for Violation #5 in the report until the November 2016 Board Meeting.

**Public Comment:** None.

#### **Board Discussion:**

- Mr. Dierking asked Ms. Gomez under what circumstances would a student be considered part of a new class when they fall behind due to remediation. Ms. Gomez responded the student would need to go into an approved class when they fall behind.
- Mr. Dierking asked if the violation can ever be corrected. Ms. Gomez responded the violation cannot be corrected because the students were placed in another class of eight rather than going into an approved class. She added that Dr. Crary has implemented a policy so that this does not happen again.
- Mr. D'Braunstein asked Dr. Crary if the program has looked to other community college psychiatric technician programs for assistance. Dr. Crary responded the program does have an email group they are in contact with, but have not had any other consultants review the curriculum.

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

1. Place Mission College, Psychiatric Technician Program on provisional approval for two (2) years from May 13, 2016 through May 31, 2018, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2581.1 (c) of the California Code of Regulations. (See Attachment C)
2. Require the program to admit no additional classes without prior approval by the full Board.
3. Approve the program's request to admit a class of 20 students in August 2016, graduating December 2017, to **replace** students graduating in May 2016.
4. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
5. Require the program to submit a report to the Board within six (6) months, but no later than **November 14, 2016**, and twenty – one (21) months, but no later than **February 1, 2018**. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
  - a. Admission Criteria.
  - b. Screening and Selection Criteria.
  - c. Terminal Objectives.
  - d. Curriculum Objectives.
  - e. Instructional Plan.
  - f. Theory and Clinical Objectives for Each Course.
  - g. Lesson Plans for Each Course.
  - h. Textbooks.
  - i. Attendance Policy.
  - j. Remediation Policy.
  - k. Evaluations of Theory and Clinical Faculty.
  - l. Evaluations of Theory Presentations.
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - n. Evaluation of Student Achievement.
  - o. Current Enrollment.
6. Require the program to comply with all approval standards in Article 4 of the Psychiatric Technician Practice Act, commencing at Business and Professions Code Section 4530, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2580.
7. Require the program to demonstrate progress in correcting the violations. If the program fails to satisfactorily demonstrate progress, the full Board may revoke the program's approval.
8. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

9. Place the program on the **May 2018** Board agenda for reconsideration of provisional approval.

**Moved:** Vivien Avella

**Seconded:** John Dierking

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

#### **B.5. North-West College, Pomona, Vocational Nursing Program. Consideration of Provisional Approval.**

Ms. Gomez presented a report relative to the Consideration of Provisional Approval for North-West College, Pomona, Vocational Nursing Program due to non-compliance with regulatory requirements for program pass rates. The program currently has Board approval for ongoing admissions of three (3) classes of 40 students each year into the 60-week, full-time program.

Based on the 1st Quarter of 2016, the program’s average annual pass rate is **42%**, which is 31 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Adnan Al Mouazzen, Director; Irma Zins, Assistant Director of Nursing.

- Mr. AlMouazzen stated he agrees with the recommendations.

#### **Public Comment:**

- Ms. Zinz commented that since her appointment on February 19, 2016, she is working closely with the instructors to ensure the HESI system is being utilized properly, as well as sitting with students to find out if the system is useful to them.

**Board Discussion:** None.

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

1. Place the North West College Pomona, Vocational Nursing Program on provisional approval for the two-year period from May 13, 2016, through May 2018; and issue a notice to the program to identify specific area of non-compliance and requirements for correction as referenced in Section 2526.1 of the California Code of Regulations. (See Attachment E)
2. 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. Rescind approval of the program’s ongoing admission of three (3) classes of 40 students each year to **replace** graduating students only, effective immediately.
4. Require the program to admit no additional classes without prior approval by the full Board.
5. Approve the program’s admission of a class of 40 students commencing on May 31, 2016, and graduating on July 30, 2017, to **replace** students scheduled to graduate in May 2016.



6. Require the director's 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.
7. Require the program to submit a report to the Board no later than seven (7) months, but no later than **December 1, 2016**, and twenty – one (21) months, but no later than **November 1, 2017**. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
  - a. Admission Criteria.
  - b. Screening and Selection Criteria.
  - c. Terminal Objectives.
  - d. Curriculum Objectives.
  - e. Instructional Plan
  - f. Theory and Clinical Objectives for Each Course.
  - g. Lesson Plans for Each Course.
  - h. Textbooks.
  - i. Attendance Policy.
  - j. Remediation Policy.
  - k. Evaluations of Theory and Clinical Faculty.
  - l. Evaluations of Theory Presentations.
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - n. Evaluation of Student Achievement.
  - o. Current Enrollment
8. 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.
9. 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. Place the program on the Board's **May 2018** agenda for reconsideration of provisional approval.

**Moved:** John Vertido

**Seconded:** John Dierking

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

**B.6. West Coast Ultrasound Institute, Beverly Hills, Vocational Nursing Program. Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students.**

Ms. Gomez presented a report relative to the Consideration of Placement on Provisional Approval and Consideration of Request to Admit Students due to non-compliance with regulatory requirements for program pass rates. The program requests approval to admit 15 students commencing on July 5, 2016, and expected to graduate on September 24, 2017, to **replace** students scheduled to graduate June 2016.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **58%**, which is 15 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Hany Nashed, Director.

- Mr. Nashed stated he agrees with the recommendations.

**Public Comment:** None.

**Board Discussion:**

- Mr. Vertido asked Mr. Nashed how the program can have a Director of Nursing (DON) who resides out of state and how long the DON worked out of state. Mr. Nashed responded the DON who founded the program resided out of state, and worked out of state for ten (10) years.
- Mr. D'Braunstein asked Mr. Nashed what start date he proposes for the July class he is requesting. Mr. Nashed responded he would like the new class to begin in August 2016.

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

1. Place West Coast Ultrasound Institute, Beverly Hills, Vocational Nursing Program on provisional approval for two (2) years from May 13, 2016 through May 31, 2018 and issue a notice to the program to identify specific area of noncompliance and requirements for correction as referenced in Section 2526.1 (c) of the California Code of Regulations. (See Attachment G)
2. Deny the program's request to admit a class of students to commence on July 5, 2016, and expected to graduate on September 24, 2017.
3. Require the program to admit no additional classes without prior approval by the full Board.
4. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
5. Require the program director to correct all violations identified during the onsite inspection, and submit a report identifying implemented interventions and timelines no later than July 1, 2016. The report shall include the following:
  - a. Implementation of a methodology, and include a timeline and evidence of correction verifying only Board approved instructors conduct skills lab, or assists and evaluates students with clinical or theory make-up time.

- b. Implementation of a methodology, and include a timeline for correction to provide all faculty with assess of the instructional plan.
  - c. Implementation of the program 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
  - d. Implementation of the methodology, including timeline for initial and ongoing evaluation of clinical facilities.
6. Require the program to submit a report to the Board within six (6) months, but no later than **November 30, 2016**, and twenty – one (21) months, but no later than **February 1, 2018**. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
- a. Admission Criteria.
  - b. Screening and Selection Criteria.
  - c. Terminal Objectives.
  - d. Curriculum Objectives.
  - e. Instructional Plan.
  - f. Theory and Clinical Objectives for Each Course.
  - g. Lesson Plans for Each Course.
  - h. Textbooks.
  - i. Attendance Policy.
  - j. Remediation Policy.
  - k. Evaluations of Theory and Clinical Faculty.
  - l. Evaluations of Theory Presentations.
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - n. Evaluation of Student Achievement.
  - o. Current Enrollment.
7. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board’s Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program’s approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program’s approval.
10. Place the program on the **May 2018** Board agenda for reconsideration of provisional approval.

**Moved:** Todd D’Braunstein

**Seconded:** Vivien Avella

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

**C.1. Carrington College, San Jose, Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Johnson presented a report relative to the Consideration of Request to Admit Students for Carrington College, San Jose, Vocational Nursing Program. The program was placed on provisional approval on November 20, 2015. At that time the program's annual average pass rate was 53%, and the program recently corrected four (4) violations that were identified in the course of investigating a complaint. The program has now requested approval to admit one (1) class of 15 students to begin August 29, 2016, graduating August 18, 2017.

Based on the 1st Quarter of 2016, the program's average annual pass rate is **65%**, which is 8 percentage points **below** the state average annual pass rate.

**Introductory Remarks by Program Representative:** Janice Montgomery, Director.

- Ms. Montgomery stated she agrees with the recommendations and will continually work to improving the program's pass rates.

**Public Comment:** None.

**Board Discussion:** None.

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

1. Approve the Carrington College, San Jose, Vocation Nursing Program's request to admit one (1) class of 15 students to begin August 29, 2016 and to graduate August 18, 2017, only.
2. Continue to require the program to admit no additional students unless approved by the full Board.
3. Continue to require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.
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 **September 15, 2016**.

**Moved:** John Vertido

**Seconded:** Andrew Moreno

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

**C.2. Hacienda La Puente Adult School Psychiatric Technician Program. Consideration of Request to Admit Students.**

**Introductory Remarks by Program Representative:** Sharon Anderson, Director of VN and PT Programs; Adam Argueta.

- Ms. Anderson stated she agrees with the recommendations.

**Public Comment:** None.

**Board Discussion:** None.

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

1. Continue the program's provisional approval through August 31, 2017.
2. Approve admission of one (1) class of ten (10) students to begin June 6, 2016 and graduating June 21, 2017.
3. Continue the program's requirement to admit no additional classes without prior approval by the full Board.
4. Continue the program's requirement to provide no less than one (1) instructor for every ten (10) students in clinical experiences.
5. Continue the program's requirement to bring its average annual pass rates to no more than ten (10) percentage points below the State average annual pass rate.
6. Require the director to submit a report in six (6) months, no later than October 1, 2016. The report must include an assessment of the program's support available to administer the program according to its Board-approved Curriculum, Policies and Procedures. It must also include an assessment of the program's resources.
7. Continue the program's requirement to submit a report to the Board in six (6) months, but no later than **October 1, 2016**, and twelve (12) months, but no later than **May 1, 2017**. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
  - a. Admission Criteria.
  - b. Screening and Selection Criteria.
  - c. Terminal Objectives.
  - d. Curriculum Objectives.
  - e. Instructional Plan.
  - f. Theory and Clinical Objectives for Each Course.
  - g. Lesson Plans for Each Course.
  - h. Textbooks.
  - i. Attendance Policy.
  - j. Remediation Policy.
  - k. Evaluations of Theory and Clinical Faculty.
  - l. Evaluations of Theory Presentations.
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
  - n. Evaluation of Student Achievement.
  - o. Current Enrollment.
8. Continue the program's requirement to comply with all approval standards in Article 4 of the Psychiatric Technicians Law commencing at Business and Professions Code Section

4530, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2580.

9. Continue the program's requirement 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. Continue the program's placement on the **August 2017** Board agenda for reconsideration of provisional approval.

**Moved:** Andrew Moreno

**Seconded:** John Vertido

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

### **13. Adoption of the November 20, 2015 and February 5, 2016 Board Meeting Minutes.**

**Public Comment:** None.

- Ms. Avella commented the February meeting was in Los Angeles and not in Sacramento, as indicated on Page 1.

**MOTION: To adopt the November 2015 and February 2016 Board Meeting Minutes as modified.**

**Moved:** John Vertido

**Seconded:** Todd D'Braunstein

Ms. Avella, 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. Dierking and Mr. Mah abstained. **The motion passed.**

### **14. EXECUTIVE OFFICER'S REPORT.**

Dr. Brown provided an update on Board activities relative to:

- Board Operations
- Enforcement Division Report
- Licensing Update
- IT/BreEZe
- Organizational Development
- External Outreach

Dr. Brown highlighted the Board's budget. DCA Budget staff, Marina O'Connor and Tonya Rogers also provided a budget update to Board Members.

**PUBLIC COMMENT.**

Maureen Wall, Director of the VN program at Santa Rosa Junior College said the BreEZe submission is difficult to upload transcripts and suggested it be made easier to use.

**MOTION: NO MOTION REQUIRED.**

**15. QUALIFICATION FOR LICENSURE BASED ON EQUIVALENT EDUCATION AND/OR WORK EXPERIENCE.**

This item was not discussed at this meeting and will be placed on a future agenda.

**16. ELECTING FIXED PASS RATES.**

This item was not discussed at this meeting and will be placed on a future agenda.

**17. DISCONTINUING POCKET CARD LICENSE ISSUANCE.**

This item was not discussed at this meeting and will be placed on a future agenda.

**18. CLARIFICATION ON REGULATORY PROPOSAL TO AMEND CALIFORNIA CODE OF REGULATIONS SECTIONS 2503 (VN) and 2563 (PT), DELEGATION OF CERTAIN FUNCTIONS.**

EO Brown said reported this item requires Legislation change and will not be discussed at this meeting.

**Public Comment:** None.

**Board Discussion:** None.

**MOTION: NO MOTION REQUIRED.**

**19. NORTH CAROLINA STATE BOARD OF DENTAL EXAMINERS v. FEDERAL TRADE COMMISSION CASE REVIEW.**

Ms. Bon said this item is just to put on the board's radar, and generally speaking, we want to encourage competition in the marketplace. The Board's role is not to inhibit competition, but consumer protection. We want to highlight this to the Boards and have the Board always articulate the reasons for its actions and how the actions relate to consumer protection, and the actions aren't affecting the marketplace. She added that to the extent there could be an effect, this case has to do with liability v. immunity, and we want to ensure the Boards operate on the right side of not being liable for any kind of infringement on competition in the marketplace. Ms. Bon said there is currently legislation in the works on this issue.

**Public Comment:** None.

**Board Discussion:**

- Ms. Norton commented that it seems that we are on the right side of this issue. Ms. Bon responded there are a few factors that surfaced in the case, and spoke of the importance

of the varied factors that the legislation is taking up, such as increased state oversight, composition of boards, etc.

- Ms. James-Perez echoed what Ms. Norton commented that we are on the right side of this, and that we are only one of the healing arts boards that have a public majority. With this case, the issue was with the board having a professional majority.

**MOTION: NO MOTION REQUIRED.**

## **20. LEGISLATIVE UPDATE.**

EO Brown presented an update on legislation the board is tracking. Dr. Brown highlighted Senate Bill (SB) 1195. This bill includes administrative details and expands on the responsibilities of the DCA Director and the Office of Administrative Law level of review, and information related to the Veterinary Medical Board and Board of Registered Nursing Executive Officer. Dr. Brown added that until the Board has a legislative consultant, the board has not taken a position on any of the bills in the report.

**Public Comment:** None.

### **Board Discussion:**

- Mr. D’Braunstein said he would like the board to consider taking a position on SB1155.

**MOTION:** Direct Board staff to draft a letter for the Board President’s signature in support of SB1155.

**Moved:** Mr. D’Braunstein

**Seconded:** Ms. James-Perez

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

## **21. EDUCATION DIVISION REPORT.**

Board members reviewed the Education Division Report in their meeting materials. Ms. Anderson accepted questions from the Board relevant to the report.

**Public Comment:** None.

### **Board Discussion:**

- Ms. Avella asked Ms. Anderson for confirmation of the number of proposed programs indicated in the report from 20 to four (4). Ms. Anderson responded as of April 29, 2016, there are three (3) proposed programs; two (1) VN and one (1) PT.
- Ms. Avella asked Dr. Brown if reclassifying one or more of the NEC positions in an effort to fill vacancies and reduce the vacancy rate would be helpful to the Division. Ms. Anderson responded no, it would not be helpful, qualified staff are needed to fill the vacancies.
- Ms. James-Perez asked Ms. Anderson if staff at a lower level could go out and perform site visits.
- Ms. Bass de Martinez expressed her concern about the average pass rate.

**MOTION: NO MOTION REQUIRED.**



**22. PUBLIC COMMENT PERIOD.**

**Public Comment:**

- Brian Chilstrom commended the Board for revoking the schools that are jeopardizing the students education.
- Danetta Garcia commented that Board staff are overwork and underpaid.
- VJ commented the NECs are overworked, underpaid and undervalued.

**Board Discussion:** None.

- Mr. D’Braunstein said this will his last board meeting until he enters into the grace period.
- Ms. James-Perez thanked Mr. D’Braunstein for his service.
- Mr. Vertido announced the end of his term and will serve a grace period.

**23. DISCUSSION AND POSSIBLE ACTION REGARDING ADJUSTMENT OF THE AUGUST BOARD MEETING DATES.**

**Public Comment:** None.

**Board Discussion:**

- Ms. Norton commented that she makes her vacation schedule a year in advance.

**MOTION: To adopt the August Board Meeting dates as modified to August 24, 25, and 26, 2016.**

**Moved:** Todd D’Braunstein

**Seconded:** Samantha James-Perez

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

**24. AGENDA ITEMS FOR FUTURE MEETINGS.**

**Public Comment:** None.

**Board Discussion:**

- Ms. James-Perez said the board must initiate committees and that committees will meet at least one public meeting.
- Mr. D’Braunstein asked that cost recovery be addressed at the next board meeting.

**25. ADJOURNMENT.**

The meeting was adjourned at 6:56 p.m.

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

**Dr. Kameka Brown**  
Executive Officer

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

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

**Samantha James-Perez, P.T.**  
Board President

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



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.  
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## BOARD MEETING VIDEO TELECONFERENCE MINUTES

**JUNE 20, 2016**

### **SACRAMENTO, CALIFORNIA 95834**

Department of Consumer Affairs; 1625 N. Market Boulevard, Hearing Room-South, Room 102

### **SAN DIEGO, CALIFORNIA 92127**

Bureau of Automotive Repair, 16855 West Bernardo Drive, Suite 112

### **SOUTH EL MONTE, CA 91733**

Bureau of Automotive Repair, 1180 Durfee Avenue, Suite 120

#### **BOARD MEMBERS**

##### **PRESENT:**

Samantha James-Perez, P.T. Member, Board President (Sacramento)  
Andrew Moreno, Public Member, Board Vice President (Sacramento)  
Todd D'Braunstein, P.T. Member (S. El Monte)  
John Dierking, Public Member (S. El Monte)  
Tammy Endozo, L.V.N. Member (San Diego)  
Eric Mah, Public Member (San Diego)  
John Vertido, L.V.N. Educator Member (Sacramento)

#### **BOARD MEMBERS**

##### **ABSENT:**

Dr. Bernice Bass de Martinez, Public Member  
Eric Mah, Public Member  
Andrew Moreno, Public Member

#### **BOARD STAFF**

##### **PRESENT:**

Kameka Brown, PhD, MBA, NP, Executive Officer  
Gina Bayless, Enforcement Division Chief  
Jay Prouty, Enforcement Analyst  
Lanessa Guerra, Licensing Analyst  
Rebecca Bon, Legal Counsel

#### **1. CALL TO ORDER, ROLL CALL, AND ESTABLISHMENT OF QUORUM.**

The meeting was called to order by the Board President, Samantha James-Perez at 9:00 a.m., Monday, June 20, 2016, from the Department of Consumer Affairs (DCA) Hearing Room, 1625 North Market Boulevard, Room S-102, Sacramento, California 95834. Ms. James-Perez took attendance of the Board Members by roll call. Board members introduced themselves by announcing their name, location, and noting if members of the public were in attendance.

**2. INTRODUCTION OF BOARD STAFF.**

Dr. Brown introduced herself and board staff present. Rebecca Bon, DCA Legal Counsel, introduced herself. All staff members were present in Sacramento at the DCA Hearing Room location.

**3. REPORT ON ADMINISTRATIVE AND ENFORCEMENT MONITOR INITIAL RESULTS.**  
Ben Frank, Administrative and Enforcement Monitor.

Mr. Frank present the initial results report his findings. His presentation included a project background, Organization restructuring, Licensee Complaint Workflow Restructuring, Impacts of Organizational and Licensee Workflow Restructuring, License Applicant Arrest/Conviction Report Cases, BVNPT Case Mix Summary, Signs of Recent Improvement and the next steps for the Board. He then received questions from the Board.

**Public Comment:**

Sacramento: None.

San Diego: None.

South El Monte: None.

**Board Discussion:**

- Ms. James-Perez commented that the historical information provided was important and the Board is committed to positive change.
- Mr. Vertido asked Mr. Frank if financial consideration was factored in his assessment. Mr. Frank responded he was aware of some of the information.
- Mr. Moreno said he now has a better understanding of the CPEI guidelines.
- Ms. Bass de Martinez said she is interested in more defined information for comparisons such as that of other boards/bureaus.
- Ms. James-Perez said the board is committed to transparency.
- Mr. Mah requested a copy of the contract between the Board and Mr. Frank.

**MOTION: No motion required on this report.**

**4. PUBLIC COMMENT PROCEDURES.**

Ms. James-Perez announced public comment procedures and that public comment is welcome on any open agenda item prior to the Board's discussion; no action may be taken at this time on those items not on the agenda; and the Board may limit the length of time allowed for comment. She also provided WebEx instructions for those board members and members of the public at the San Diego and South El Monte meeting locations.

3. **PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA.**

**Public Comment:**

Sacramento: None.  
San Diego: None.  
South El Monte: None.

**Board Discussion:**

Sacramento: None.  
San Diego: None.  
South El Monte: None

9. **ADJOURNMENT**

The meeting was adjourned at 10:06 a.m.

Prepared by: \_\_\_\_\_  
**Kameka Brown, PhD, MBA, NP**  
Executive Officer

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

Approved by: \_\_\_\_\_  
**Samantha James-Perez, P.T.**  
Board President

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