

# AGENDA ITEM 20.C



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN, JR.

## Board of Vocational Nursing and Psychiatric Technicians

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DATE: January 25, 2018

TO: Education Committee Members

FROM: Board Staff

SUBJECT: Proposed Regulatory Action to Amend California Code of Regulations (CCR) Title 16, Division 25, Chapter 1, Article 5, Section 2530 for (VN) and Chapter 2, Article 5, Section 2585 for (PT)

### **BACKGROUND**

Board of Vocational Nursing and Psychiatric Technicians (Board) pass rates for first time test taker candidates rank among the lowest in the nation. For example, California's VN pass rates ranked between 47th and 50th out of 50 states over the past 10 years, making this issue a strong concern regarding the safety and the protection of the public.

At their meeting on November 17, 2017, the Board voted on the motion: **To amend CCR sections 2530 (VN) and 2585 (PT) be amended and that a pass rate percentage of a least 75% be adopted.**

By comparison, Texas counts pass rate percentage during the examination year. Texas Administration Code, Title 22, Part 11, Chapter 214, Rule § 214.4(2)(A) states:

(2) NCLEX-PN® Pass Rates. The annual NCLEX-PN® examination pass rate for each vocational nursing education program is determined by the percentage of first time test-takers who pass the examination during the examination year.

(A) Eighty percent (80%) of first-time NCLEX-PN® candidates are required to achieve a passing score on the NCLEX-PN® examination during the examination year.

At the upcoming February 2018 Board Meeting, the committee will recommend revised language to CCR sections 2530(l) for VN and 2585(l) for PT.

Using CCR § 2530(l) for VN as an example, staff recommends revising language as follows:

Current language:	The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of approved vocational nursing schools for the same period.
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Proposed revised language:	The program shall maintain a <del>yearly average minimum</del> pass rate <u>percentage of at least 75%</u> on the licensure examination <del>that does not fall below 10 percentage points of the state average pass rate for first time candidates of approved vocational nursing schools for the same period.</del>
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**EDUCATION COMMITTEE MEETING – JANUARY 25, 2018**

Currently, VN and PT programs may be placed on provisional status if they fail to maintain the required pass rate for eight consecutive quarters.

At the upcoming February 2018 Board Meeting, the committee will recommend proposed revised language to CCR sections 2530(l)(1) for VN and 2585(l)(1) for PT for review and adoption. This is how it will look for the VN code, and the corresponding change for the PT regulation will be presented for the final vote in February:

Current language:	Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional approval.
Option 1 revised language:	Failure to maintain the required <del>yearly average minimum</del> pass rate <u>percentage</u> for <del>two years or eight consecutive quarters</del> <u>one year or the four most recent quarters in which the program had first-time test takers</u> may be cause to place a program on provisional approval.
Option 2 revised language:	Failure to maintain the required <del>yearly average minimum</del> pass rate <u>percentage</u> for <del>two</del> <u>one</u> years or <del>eight</del> <u>four</u> consecutive quarters may be cause to place a program on provisional approval.
Option 3 revised language:	Failure to maintain the required <del>yearly average minimum</del> pass rate <u>percentage</u> for <del>two years or eight consecutive quarters</del> <u>in a calendar year</u> may be cause to place a program on provisional approval.

**IMPLEMENTATION OF REVISED LANGUAGE**

Board staff recommends implementation of Option 1 for the following reasons:

- ❖ The newly proposed regulations would hold VN and PT programs to a **consistently higher pass rate standard than the current regulations**. Programs would be required to maintain pass rate percentages of at least 75% every quarterly-period of time. This is in strong contrast to comparable states that calculate program pass rate percentages of at least 80% based on a one-year period of time.
- ❖ After the implementation of the new regulations, VN and PT programs, regardless of their approval status, would be given a period of two years to reach compliance. Thereafter, the new regulations would apply.

- ❖ There would be no need for “grandfathering in”, as all VN and PT programs, including those on provisional status, would have the first two years to reach compliance.
- ❖ Board staff recommends implementation to begin after the first quarter after the regulation is enacted and monitoring of the outcomes to be ongoing.