



BOARD MEETING MINUTES

NOVEMBER 20, 2015

BURLINGAME, CALIFORNIA

BOARD MEMBERS

PRESENT:

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

STAFF PRESENT:

John Brooks, Acting Executive Officer
Cheryl Anderson, Supervising Nursing Education Consultant
Jessica Gomez, Nursing Education Consultant
Donna Johnson, Nursing Education Consultant
Gina Bayless, Enforcement Division Chief
Rocio Llamas, Enforcement Division Manager
Carol Northrup, Licensing & Admin. Division Manager
Lanessa Guerra, Licensing Analyst
Jay Prouty, Enforcement Division Analyst
Rebecca Bon, Legal Counsel, Department of Consumer Affairs

11. CALL TO ORDER.

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

12. PLEDGE OF ALLEGIANCE.

John Vertido led those assembled in the Pledge of Allegiance.

13. INTRODUCTION OF BOARD MEMBERS AND STAFF.

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

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

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

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

15. MEETING AND PUBLIC COMMENT PROCEDURES.

Mr. D'Braunstein read a special notice addressing the Board's legal mandate and the procedure to have an issue placed on the Board Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Board's discussion; no action may be taken at this time; and the Board may limit the length of time allowed for comment.

16. EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS.

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

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

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

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

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

Public Comment:

- Ms. Cagampan said she acknowledges the recommendations.

Board Discussion:

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

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

1. Extend provisional approval of the Bay Area College of Nursing, Palo Alto, Vocational Nursing Program for the one-year period from December 1, 2015 through December 31, 2016. (See Attachment H)
2. Deny the program's request for approval to admit one (1) class of 10 students beginning December 1, 2015, and graduating March 6, 2017.
3. Require the program to correct violations identified during the onsite inspection and submit a report identifying implemented interventions including, but not limited to, the following no later than **December 15, 2017**.
 - a. Timeline for implementation of the policies and documentation of evaluation of curriculum and clinical facilities, including program administration oversight;
 - b. Plan of correction that describes how the program will follow and/or improve the policies for admission, screening and selection of applicants;
 - c. Detailed plan and timeline for improving resources sufficient to achieve the program's objectives;
 - d. Documentation of high school graduation or the equivalent for each student;
 - e. Revised policy, including timeline for implementation, for evaluation of student progress and remediation.
 - f. Plan of correction, including timeline for implementation, that ensures correlation between theory and clinical in the case of absences.
4. Continue to require the program to maintain its average annual pass rate at no more than ten percentage points below the state average annual pass rates.
5. Continue to require the program to admit no additional students unless approved by the full Board.
6. Require the program to provide no less than one (1) clinical instructor for every 10 (ten) students in all clinical experiences.

7. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **December 1, 2015**.
8. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
9. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
10. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
11. Place the program on the **February 2016** Board agenda for reconsideration of provisional approval.

Moved: John Vertido

Seconded: Eric Mah

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

A.2. Casa Loma College, Anaheim, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.

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

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

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

Program Representative: Janet Nishina, Director.

Public Comment:

- Ms. Nishina said she agrees with the recommendations. She added that the program has made significant changes with this class beginning with increasing admission pass rates.

She said she is working diligently with the Van Nuys campus on how to improve what is currently in place.

Board Discussion:

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

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

1. Extend provisional approval for the Casa Loma, Anaheim, Vocational Nursing Program for a **six (6) month** period from November 30, 2015 through May 31, 2016, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations. (See Attachment E)
2. Continue to require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
3. Continue to require the program to obtain approval by the full Board prior to the admission of additional students.
4. Deny the program's request to admit 20 students into a class commencing March 7, 2016, and graduating March 6, 2017.
5. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected dates of graduation by **December 1, 2015**.
6. Continue to require the program to provide no less than one (1) instructor for every ten (10) students in all clinical experiences.
7. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code, section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
8. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
10. Place the program on the **May 2016** Board agenda for reconsideration of provisional approval.

Moved: Eric Mah

Seconded: John Vertido

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

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

Jessica Gomez, NEC presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Info Tech Career College Vocational Nursing Program. On November 10, 2011, the Board placed the program on provisional approval for a two (2) year period from November 10, 2011 through November 30, 2013, due to non-compliance with regulatory requirements relative to program pass rates. On November 22, 2013, the Board extended the program's provisional approval for one (1) year period from November 22, 2013 through November 30, 2014. On November 21, 2014, the Board extended the program's provisional approval for a one (1) year period, and issued a notice to the program identifying specific areas of noncompliance and requirements for correction.

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

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

Program Representative: Asima Jabbar, Director.

Public Comment:

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

Board Discussion:

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

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

1. Extend the provisional approval of InfoTech Career College Vocational Nursing Program for the one (1) year period from December 1, 2015 through December 31, 2016, and issue a certificate accordingly. (See Attachment E)
2. Approve the program's request to admit a class of 20 full-time students on February 22, 2016, **only**, graduating on July 17, 2017 to **replace** the class scheduled to graduate on February 20, 2016.
3. Require the program director to submit, under penalty of perjury, the names of all enrolled students, dates of admission, placement in the curriculum, and expected dates of graduation by **March 14, 2016**.

4. Continue the program's requirement to admit no additional students unless approved by the full Board.
5. Require the program to submit a follow-up report in three (3) months, but no later than **February 15, 2016**. The report must include an updated comprehensive analysis of the program, identifying specific actions taken to improve program pass rates that have worked and those that needed revision and why. The following elements **must be addressed** in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
6. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code, section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
7. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
8. Place the program on the agenda of the Board's **November 2016** meeting, for reconsideration of provisional approval.

Moved: Samantha James-Perez

Seconded: Bernice Bass de Martinez

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

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

Ms. Gomez, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Premiere Career College Vocational Nursing Program. On February 28, 2014, the Board placed the program on provisional approval for a

two (2) year period from February 28, 2014 through February 28, 2016, due to non-compliance with regulatory requirements relative to program pass rates. On May 15, 2015, the Board approved the program's request to admit 30 students into an evening class commencing August 24, 2015. Additionally, the program was approved to admit 30 students into a day class commencing November 15, 2015.

The program also requests approval to admit the following classes:

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

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

Program Representative: Dr. Marcelino De Guzman, Director.

Public Comment:

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

Board Discussion: None.

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

Motion: To accept the report and adopt the recommendations.

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

Moved: Donna Norton

Seconded: Samantha James-Perez

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

B1. Carrington College, San Jose, Vocational Nursing Program. Consideration of Placement on Provisional Approval; Consideration of Request to Admit Students.

Ms. Johnson, NEC, presented a report relative to the consideration of placement on provisional approval and consideration of request to admit students for Carrington College Vocational Nursing Program. On August 13, 2015, when considering a report of violations identified in the course of investigating a complaint, and when considering the consecutive quarters of non-compliance with regulations related to licensure pass rates, the Acting Executive Officer referred the program to the Board for consideration of placement on provisional approval.

In addition, the program has requested approval to admit one 91) class for 30 students beginning January 4, 2016 and graduating December 16, 2016.

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

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

Public Comment:

- Ms. Montgomery said she agrees with the recommendations.

Board Discussion: None.

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

1. Place the Carrington College, San Jose, Vocational Nursing Program on provisional approval for the two (2) year period from November 20, 2015 through November 30, 2017, and issue a notice to the program to identify specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations. (See Attachment K)
2. Approve the Carrington College, San Jose, Vocational Nursing Program's request to admit one (1) class of thirty (30) students to a class beginning on January 4, 2016, graduating December 16, 2016, **only**.
3. Require the program to provide no less than one (1) instructor for every ten (10) students in clinical experiences.
4. Require the program to admit no additional classes without prior approval by the full Board.
5. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **January 15, 2016**.
6. Require the program to submit follow up reports in nine (9) months, but no later than **August 1, 2016**, and 21 months, but no later than **August 1, 2017**. The reports must

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

- a. Admission Criteria
 - b. Screening and Selection Criteria
 - c. Terminal Objectives
 - d. Curriculum Objectives
 - e. Instructional Plan
 - f. Theory and Clinical Objectives for Each Course
 - g. Lesson Plans for Each Course
 - h. Textbooks
 - i. Attendance Policy
 - j. Remediation Policy
 - k. Evaluations of Theory and Clinical Faculty
 - l. Evaluations of Theory Presentations
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations
 - n. Evaluation of Student Achievement
 - o. Current Enrollment
7. Require the program to bring its average annual pass rate to no more than (10) ten percentage points below the State average annual pass rate.
 8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress the full Board may revoke the program's approval.
 9. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
 10. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 11. Place the program on the Board's **November 2017** agenda for reconsideration of provisional approval.

Moved: Eric Mah

Seconded: Susan Rubin

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

C.1. Angeles College of Nursing Vocational Nursing Program. Consideration of Request to Admit Students.

Ms. Gomez, NEC, presented a report relative consideration of request to admit students for Angeles College of Nursing Vocational Nursing Program. On November 9, 2012, the Board

placed the program on provisional approval for the two (2) year period from November 9, 2012 through November 30, 2014, due to non-compliance with regulatory requirements relative to program pass rates.

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

On February 13, 2015, the Board extended the program's provisional approval for the one (1) year period from March 1, 2015 through February 28, 2016. In addition, the Board approved the program's request to admit 20 students commencing on April 6, 2015, graduating May 20, 206, only, to replace students scheduled to graduate on January 23, 2015.

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

Program Representative: Mary McHugh, Director.

Public Comment:

- Ms. McHugh said she supports the recommendations.

Board Discussion: None.

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

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

6. Continue the program's placement on the agenda of the Board's **February 2016**, meeting, for reconsideration of provisional approval.

Moved: Samantha James-Perez

Seconded: Bernice Bass de Martinez

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

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

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

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

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

Based on examination data from the 3rd Quarter of 2015, the program's average annual pass rate is **60%**, 12 percentage points **below** the state average annual pass rate.

Program Representative: Rachelle Cagampan, Director.

Public Comment:

- Ms. Cagampan said she accepts the recommendations.

Board Discussion:

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

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

1. Approve the Angeles College of Nursing Vocational Nursing Program's request to admit 20 students into a full – time day class commencing on January 4, 2016, graduating March 3, 2017, only.

2. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation within 15 days of the commencement of the class.
3. Continue the program's requirement to admit no additional students without prior approval by the full Board.
4. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code, section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
5. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
6. Continue the program's placement on the agenda of the Board's **February 2016**, meeting, for reconsideration of provisional approval.

Moved: John Vertido

Seconded: Andrew Moreno

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

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

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

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

Program Representative: Ellen Cervellon, Director.

Public Comment:

- Ms. Cervellon said she agrees with the recommendations.

Board Discussion: None.

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

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

Moved: John Vertido

Seconded: Bernice Bass de Martinez

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

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

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

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

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

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

Program Representative: Elizabeth Estrada, Director.

Public Comment:

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

Board Discussion:

- Ms. Bass de Martinez asked Ms. Estrada if there is a transitional plan in light of the schools move.

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

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

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

Moved: Eric Mah

Seconded: Tammy Endozo

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

C.5. Shepherd University Vocational Nursing Program. Consideration of Request to Admit Students.

Ms. Gomez, NEC, presented a report relative to the consideration of a request to admit students to Shepherd University Vocational Nursing Program. The program was placed on provisional approval for the two-year period from May 16, 2014 through May 15, 2016 due to non-compliance with regulatory requirements relative to program pass rates. On September 12, 2014, the Board approved a class of 20 students to commence November 3, 2014. The

director reported that university administration elected to cancel the class due to low enrollment; the director resigned.

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

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

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

Program Representative: Daisy Magimaidason, Director.

Public Comment:

- Ms. Magimaidason said she agrees with the recommendations.

Board Discussion:

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

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

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

2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.

5. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
6. Continue the program's placement on the agenda of the Board's May 2016, meeting, for reconsideration of provisional approval.

Moved: Vivien Avella

Seconded: Samantha James-Perez

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

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

Public Comment: None.

Board Discussion:

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

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

Moved: John Vertido

Seconded: Donna Norton

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

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

Public Comment: None.

Board Discussion: None.

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

Moved: John Vertido

Seconded: Samantha James-Perez

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

18. EXECUTIVE OFFICER'S REPORT.

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

- Board Member Update
- BreEZe
- Budget
- Personnel

Public Comment: None.

Board Discussion:

- Ms. Norton asked Mr. Brooks if the Administrative and Enforcement Monitor will be a new employee or an employee of the Board. She also asked if the Board has control over the salary being paid to and the selection of the monitor.
- Mr. Brooks responded that the monitor is a contract employee who will be appointed by DCA, and that the Board will not be involved with the selection process.
- Ms. James-Perez expressed her concern over the cost for the Admin and Enforcement monitor's salary.
- Mr. Brooks responded that the full cost for the enforcement monitor salary will be approximately \$170, 000 to \$175,000 per year. He added that the Board will reimburse DCA for the expenditure, and that a budget change proposal has been submitted so that the Board's normal operating budget will not be impacted.
- Ms. Norton asked if the BCP will be approved.
- Mr. Brooks responded approval of the BCP is with the Department of Finance, and out of the Board's control.

MOTION: NO MOTION REQUIRED.

19. NURSING EDUCATION CONSULTANT COMPENSATION AND REVIEW PROCESS. (This agenda item was taken out of order after Agenda Item #16.B.1)

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

Public Comment:

- Commenter did not provide name, should develop a resolution stating the reasons why the NECs should be compensated. He added the expertise needs to stay within the Board because the schools need it.
- Commenter did not provide name. She said she greatly appreciates all of the NECs and if the California Directors can do something about the compensation and who they should address.
- Mr. D'Braunstein said that letters of support can be sent directly to the Board.
- Ann Mayer, Director, City College, said the NECs need to be compensated accordingly and deserve the respect.

- Dr. Marcelino De Guzman. Mr. De Guzman stated the Board has to prove the NECs are critical in their position so they can be compensated.
- Commenter did not provide name. She said the Board should do whatever needs to be done so the NECs can get the compensation they deserve.
- Larissa (name inaudible), Gurnick Academy of Medical Arts. She added that she appreciates the Education Division and their hard work.

Board Discussion:

- Ms. Norton said it would be beneficial for CalHR to give a presentation to the Board. She added what other classifications are being
- Mr. Mah asked Mr. De la Cruz to identify steps the Board can take to

MOTION: NO MOTION REQUIRED.

20. LEGISLATIVE REPORT

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

Public Comment: None.

Board Discussion: None.

MOTION: NO MOTION REQUIRED.

21. REGULATORY REPORT.

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

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

Public Comment: None.

Board Discussion: None.

Motion: To accept the report and adopt the recommendations.

Moved: Eric Mah

Seconded: Samantha James-Perez

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

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

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

Public Comment: None.

Board Discussion: None.

MOTION: NO MOTION REQUIRED.

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

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

Public Comment: None.

Board Discussion: None.

Motion: To accept the report and adopt the recommendations.

Moved: John Vertido

Seconded: Samantha James-Perez

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

22. LICENSING DIVISION REPORT.

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

Public Comment: None.

Board Discussion: None.

MOTION: NO MOTION REQUIRED.

23. ENFORCEMENT DIVISION REPORT.

Gina Bayless provided a report relative to the Enforcement Division.

Public Comment: None.

Board Discussion:

- Ms. Avella asked Ms. Bayless if there are major issues the Board should be aware of.
- Ms. Bayless responded they are meeting monthly with Division of Investigation discuss status of cases.

- Ms. Avella Ms. Bayless that in future meetings, to report on the number of cases being settled.

MOTION: NO MOTION REQUIRED.

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

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

Public Comment: None.

Board Discussion:

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

25. EDUCATION DIVISION REPORT.

A. Consideration of Moratorium on Review of Proposed Programs.

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

Public Comment: None.

Board Discussion:

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

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

Moved: Susan Rubin

Seconded: Samantha James-Perez

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

26. PUBLIC COMMENT PERIOD.

Public Comment:

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

Board Discussion: None.

MOTION: NO MOTION REQUIRED.

27. AGENDA ITEMS FOR FUTURE MEETINGS.

Public Comment: None.

Board Discussion:

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

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

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

29. RECONVENE OPEN SESSION. Closed session not necessary.

30. ADJOURNMENT.

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

Prepared by: 
Dr. Kameka Brown
Executive Officer

Date: 5/13/2016

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

Date: 5/13/2016