

Agenda Item # 6.A.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7859 Web www.bvnpt.ca.gov



BOARD MEETING MINUTES

MAY 22, 2009

BURLINGAME, CALIFORNIA

BOARD MEMBERS

PRESENT:

John Vertido, L.V.N. Educator Member, President
Todd D'Braunstein, P.T. Member, Vice President
Kevin Baucom, P.T. Member
Jessica Leavitt, Public Member
Martin Mariscal, Public Member
Kenneth Merchant, Public Member
Angelique Stephens, Public Member

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Angelina Martin, Enforcement Division Chief
Cheryl Anderson, Nursing Education Consultant
Mark Ito, Enforcement Analyst
Jason Reinhardt, Administrative Secretary
Laura Freedman Eidson, Legal Counsel, Department of
Consumer Affairs

1. CALL TO ORDER

The meeting was called to order by John Vertido, at 9:03 a.m., May 22, 2009, at the Crowne Plaza San Francisco Airport, Plaza Ballroom, 1177 Airport Blvd, Burlingame, CA 94010.

2. INTRODUCTION OF BOARD MEMBERS AND STAFF

The Board Members introduced themselves. Teresa Bello-Jones, Executive Officer (EO), introduced the staff present.

The EO administered the Oath of Office to Jessica Leavitt, Public Member.

3. INTRODUCTION OF ACCREDITED SCHOOLS REPRESENTED AT MEETING

American College of Nursing, Concord
Annenburg School of Nursing, Reseda
Antelope Valley Career Academy,
Palmdale
ATC College, Oakland
California Career Institute, Garden
Grove
California Nurses Education Institute,
Cathedral City
Concorde Career College, San
Bernardino

CSI Career College, Vacaville
Medical Career College, Alameda
NCP College of Nursing, South San Francisco
North West College, Pomona
North West College, Riverside
St. Francis Career College, Lynwood
St. Francis Career College, San Jose
Summit Career College, Anaheim
Summit Career College Colton
Walter Jay M.D. Institute, Los Angeles

4. BOARD PRESIDENT'S MESSAGE: MEETING AND PUBLIC COMMENT PROCEDURES

Mr. Vertido, Board President, read a special notice addressing the Board's legal mandate and procedures 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; however, the Board may limit the length of time allowed for comment.

5. EXECUTIVE OFFICER'S REPORT

Board Member Update

There are currently four vacant Board Member positions – two Licensed Vocational Nurses (LVNs) and two public members. Anyone interested in serving on the Board should contact the Governor's Appointment Secretary.

Budget Update

- Budget Change Proposal (BCP) Retroactive Fingerprinting – The Board received funding and approval to hire 15.5 staff members over the next two fiscal years to handle the retroactive fingerprinting workload. Of those, only 6.0 are permanent. The remaining 9.5 positions are limited term, and will expire on June 30, 2011.
- BCP: Licensing Workload – Board staff plans to request additional staff for the Licensing Division in Budget Year 2010/2011. Backlogs are growing due to a significant increase in the number of new applications from vocational nursing (VN) programs.

- Furlough Program (Executive Order S-16-08) – The Governor’s Executive Order S-16-08 ordered a mandatory two-day furlough each month for applicable state employees. Upon ratification by the Legislature, employees represented by Service Employees International Union will change to a one-day furlough program that will be reconciled as of February 1, 2009, through June 2010.

Department of Consumer Affairs (DCA) Updates

- Agency and DCA Updates – On March 18, 2009, Fred Aguiar was appointed as the State & Consumer Services Agency (SCSA) Secretary and DCA’s Chief Deputy Director Scott Reid was appointed as the SCSA Undersecretary. Fred Aguiar replaces Rosario Marin, who resigned on March 5, 2009. On March 27, 2009, Carrie Lopez resigned from her position as DCA Director, effective April 3, 2009. Patricia Harris is the Acting DCA Chief Deputy Director.
- Substance Abuse Coordination Committee (SACC) Working Group – Senate Bill 1441 directs DCA to establish a Substance Abuse Coordination Committee that consists of EOs of the Healing Arts Boards. The purpose of the SACC is to formulate uniform and specific standards in certain areas that are to be used in dealing with licensees identified as having substance abuse problems. Marilyn Kimble, Enforcement Program Analyst, attended the working group meetings on April 10, 16, and 23, 2009.
- Professionals Achieving Consumer Trust (PACT) Meeting – The DCA is planning its 2nd Annual PACT Meeting in January 2010.

Education Program Update

The EO reported that the Board currently has 211 accredited and approved VN Programs and 17 accredited and approved Psychiatric Technician (PT) programs.

Due to the present shortage of consultant staff and the imposition of two furlough days per month that began February 6, 2009, for most state employees (including Board staff), new program proposals may take twelve (12) months or longer for review, depending on the quality and completeness of the proposal.

Examination Update

- On March 24, 2009, the PT Annual Planning Meeting was conducted with the DCA Office of Professional Examination Services (OPES).
- The average annual pass rate for California first-time VN candidates was 73%, while the overall pass rate for VN candidates was 55%. The average annual pass rate for first-time PT program candidates was 78%, while the overall pass rate for PT candidates was 58%.

Statutory and Regulatory Update

- **Governor's Consolidation Proposal** – On December 31, 2008, Governor Schwarzenegger proposed consolidating the Licensed Vocational Nurses with the Board of Registered Nursing to create a new Board of Registered and Vocational Nurses. He also proposed consolidating the Psychiatric Technicians with the Board of Psychology and the Board of Behavioral Sciences to create a new Board of Mental Health. As part of the May Budget Revision, the Governor reintroduced this proposal.
- **Retroactive Fingerprint and Fee Regulations** – On January 9, 2009, the Office of Administrative Law (OAL) approved the emergency regulations to implement retroactive fingerprinting and a fee increase to obtain the staff and funding needed for this action.
- **Statutory Fee Range Change** – Board staff were unable to obtain an author in 2009 to amend its statutory fee ranges; due to the State's budget deficit, most Legislators were unwilling to author a bill related to fees. Board staff will be actively seeking an author for next year's legislative session.

Liaison Activities

- On February 27, 2009, the Board President was the commencement speaker at the Stanbridge College VN Program graduation.
- On March 18, 2009, Cheryl Anderson, Nursing Education Consultant (NEC), and the OPES convened the 2009 PT Annual Planning Meeting. The purpose of the meeting was to evaluate the California PT Licensure Examination and develop future project plans.
- On March 26, 2009, the Board President spoke to students at Woodcreek High School regarding the VN profession.
- On April 17, 2009, Cheryl Anderson, NEC, attended the California Psychiatric Technician Educators' Director Forum at Mission College, Santa Clara, CA.
- On April 22, 2009, the Board President and Anne Powers, NEC, presented information on Legislation and the Nursing Profession to the Licensed Vocational Nurses League of California.
- On April 20-24, 2009, Cheryl Anderson, NEC, and the OPES convened the 2009 Psychiatric Technician Committee of Content Experts Conference. The purpose of the conference was the construction of the 2010 PT Licensure Examinations.
- On April 24, 2009, the Board President presented information on proposed legislation that may affect the Board to the California Vocational Nurse Educators group.

The EO presented certificates of appreciation to the Board Members.

6. CONSENT CALENDAR ITEMS

A. Adoption of February 20, 2009, Board Meeting Minutes.

M – Kenneth Merchant; and S – Kevin Baucom; and carried unanimously to adopt the Board Meeting Minutes.

B. Adoption of March 23, 2009, Teleconference Board Meeting Minutes.

M – Kenneth Merchant; and S – Kevin Baucom; and carried unanimously to adopt the Teleconference Board Meeting Minutes.

C. Adoption of April 2, 2009, Teleconference Board Meeting Minutes

M – Kenneth Merchant; and S – Kevin Baucom; and carried unanimously to adopt the Teleconference Board Meeting Minutes.

7. REPORT OF DECISIONS REGARDING SCHOOL PROGRAM APPROVALS AND AUTHORIZATIONS

The EO reported on decisions for VN and PT Programs.

8. 2009 STRATEGIC PLAN

The EO reported that at its annual workshop on February 18, 2009, the Board reviewed and updated its Strategic Plan for the year 2009.

Recommendation:

The Board adopt the 2009 Strategic Plan and forward it to the DCA by June 1, 2009.

M – Kenneth Merchant; and S – Angelique Stephens; and carried unanimously to adopt the 2009 Strategic Plan.

9. LEGISLATIVE REPORT

Kenneth Merchant, Legislative Committee Chair, reported on the status of legislative bills that may impact the Board and its licensees.

10. REGULATORY REPORT: CONFORMING REGULATIONS REGARDING RETROACTIVE FINGERPRINTING, RESPONSE TO BOARD INQUIRIES, AND FEE INCREASE

Angelina Martin, Enforcement Division Chief, reported that, pursuant to the OAL's emergency regulation procedures, the Board is required to prepare a certificate of compliance to make the emergency fingerprinting regulations permanent. The Board must file the regulations through the regular rulemaking process.

At the February 20, 2009, Board Meeting, the Board voted to eliminate the phrase "traffic infractions under \$300" from the proposed regulatory language. Subsequent to the Board Meeting, the Enforcement Division identified major concerns that the amendments will significantly alter the intent of the regulation and may cause licensees to not disclose pertinent convictions.

At its regulatory hearing on May 12, 2009, the Board received a comment from Ann Lyles, Consultant with the California Association of Psychiatric Technicians, stating that the proposed language in Sections 2504.1(a) and 2564.1(a) needed clarification. Ms. Lyles requested that the Board clarify whether licensees must respond to Board inquiries within 30 days from service or within 30 days of receipt of the inquiry.

The proposed language for the fee increase may call for a change in prior practice due to the statement that fees shall only be applied "for licenses that expire on or after July 1, 2009." This language might prevent the Board from assessing the new fee for delinquent licenses renewed after July 1, 2009.

Board staff recommended modifying the proposed language to:

- Clarify in Sections 2504.1(a) and 2564.1(a) that licensees must respond to Board inquiries within 30 calendar days after service of an inquiry;
- Reverse the changes made to Sections 2517.5(b) and 2575.5(b) to leave in the phrase "traffic infractions under \$300;" and
- Modify the implementation language for the fee change consistent with the Board's prior fee changes.

If approved, the Board will provide a 15-day notice of modified text required for these additional changes. Because any additional notice and comment period may mean that the conforming regulations will not take effect prior to the expiration of the emergency regulations, the Board should also re-adopt the emergency regulations to avoid a lapse in the fingerprint and disclosure requirements.

Recommendations:

1. Approve amendments to Sections 2504.1(a) and 2564.1(a) to specify that a licensee must respond to a Board inquiry within 30 calendar days after service of the inquiry as explained above;
2. Approve amendments to Sections 2517.5(b) and 2575.5(b) to include the phrase “traffic infractions under \$300” as explained above;
3. Approve amendments to Sections 2537 and 2590 regarding the implementation date of the fees as explained above;
4. Adopt the proposed modified language to amend Division 25 of Title 16, California Code of Regulations, to amend sections 2504.1, 2517.5, 2537 and 2540.6 (VN Regulations) and amend sections 2564.1, 2575.5, 2590 and 2592.6 (PT Regulations);
5. Authorize the Executive Officer to restore the text to the originally proposed language regarding the effective date of the fees as necessary for approval of the regulation package by DCA or OAL; and
6. Authorize the Executive Officer to make any non-substantive changes to the regulation as may be required by the Director of the DCA or the OAL.
7. Re-adopt the Emergency Regulations effective January 9, 2009 (OAL File #2008-1230-03 E) and delegate the Executive Officer the authority to make any non-substantive changes to the regulation as may be required by the DCA or OAL.

Public Comment:

None received.

Discussion:

Martin Mariscal stated that he would like to see the dollar threshold raised to \$500.

Kevin Baucom stated that the Board should keep the \$300 threshold to remain consistent with the DCA.

M – Kenneth Merchant; and S – Martin Mariscal; and carried unanimously to adopt the recommendations.

11. NURSING EDUCATION CONSULTANTS' RECOMMENDATIONS REGARDING VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIAN PROGRAMS

11.A. ANTELOPE VALLEY CAREER ACADEMY, INC. VOCATIONAL NURSING PROGRAM – CONSIDERATION OF ACCREDITATION STATUS AND REQUEST TO REPLACE CLASS

Cheryl Anderson, NEC, presented a status report regarding Antelope Valley Career Academy, Inc. VN Program's provisional accreditation non-compliance.

Ms. Anderson stated that on February 1, 2008, the Board placed the program on provisional accreditation. The Board became aware of the program's admission of a full-time class on April 30, 2008. This class was admitted without prior Board approval. On February 20, 2009, the Board approved a motion to place the program on the May 2009 Board meeting agenda for consideration of its accreditation status.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 87 students for the period from January 2007 through August 2009.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from October 2005 through March 2009 were more than 10 percentage points below the state average annual pass rate.
- Faculty & Facilities – The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Deny Antelope Valley Career Academy, Inc., VN Program's request to admit a full-time class of 30 students commencing August 17, 2009, to replace the full-time class graduating on August 14, 2009.
2. Deny the program's request to admit a part-time class of 30 students commencing August 21, 2009, to replace the part-time class graduating on April 26, 2009.

Kevin Baucom asked if the corrective plan had been effective at all.

Ms. Anderson responded that there has been no sustained improvement to the average annual pass rate.

Martin Mariscal asked for clarification regarding the number of classes the school had admitted without prior Board approval and whether or not the school had ever provided an explanation as to why classes were admitted without Board approval.

Ms. Anderson responded that the school admitted two full time classes without Board approval. The school's first unapproved class was retroactively approved.

Representative of the School: Belen Malayang, Director.

Ms. Malayang indicated that she had corresponded with Board staff and provided documents to the Board to support her position. She stated that she was under the impression that the unapproved classes were actually approved. She attempted to clarify the issue, but she claims that she did not receive a response from Board staff.

Ms. Malayang claims that her students' pass rates for the last three quarters have been 100 percent. She stated that the annual average pass rate is misleading.

Discussion:

Mr. Mariscal stated that, of the 14 quarters of data available for this school, there were only three quarters where the school met or exceeded the state's average annual pass rate. Mr. Mariscal asked whether the Board should revoke the accreditation of this program at this time. The Board President stated that it appears the school is making a good-faith effort to correct their deficiencies and he would like to give them an opportunity to continue to improve.

Kenneth Merchant stated that, if the recommendations of the consultant are adopted, the school may have no opportunity to improve as there will no longer be students.

Public Comment:

Eddie Borna, Chairman of the school board for Antelope Valley Career Academy, Inc., stated that the school is implementing its corrective action plan. Mr. Borna stated that, if the recommendations are adopted, he would close the school immediately.

Revised Recommendation:

Mr. Baucom moved to grant the admission of an August full-time class, with class-size limited to 15 students, and deny the August part-time class.

M – Kevin Baucom; and S – Todd D'Braunstein; and failed 2-5 to adopt the motion. John Vertido, Kenneth Merchant, Martin Mariscal, Angelique Stephens, and Jessica Leavitt voted no.

After the vote, Mr. Merchant asked if the school would be able to stay open if neither class were approved. Mr. Borna responded no. He reiterated that the school has been showing improvement for the last three quarters.

Todd D'Braunstein stated that he would like to see the school have the opportunity to improve.

Revised Recommendations:

Mr. Baucom moved to grant both the full-time and part-time August classes, but limit the class-size to 15 students maximum.

M – Kevin Baucom; and S – Kenneth Merchant; and passed 4-3 to adopt the Board’s amended recommendations. John Vertido, Jessica Leavitt, and Martin Mariscal voted no. The amended recommendations were as follows:

- 1. Approve the program’s request to admit a full-time class of 15 students commencing August 17, 2009, to replace the full-time class graduating on August 14, 2009.**
- 2. Approve the program’s request to admit a part-time class of 15 students commencing August 21, 2009, to replace the part-time class graduating on April 26, 2009.**

11.B. ATC COLLEGE, OAKLAND, VOCATIONAL NURSING PROGRAM – CONSIDERATION OF REVOCATION OF PROVISIONAL ACCREDITATION AND REMOVAL FROM LIST OF ACCREDITED VOCATIONAL NURSING PROGRAMS

Cheryl Anderson, NEC, reported that ATC College, Oakland, VN Program is presented to the Board for consideration of revocation of provisional accreditation and removal from the list of accredited VN Programs. The program was cited for seven violations of the VN Rules and Regulations.

The Board considered the following key factors of the consultant’s report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 51 students for the period from January 2008 through May 2009.
- Exam Pass Rate – The program’s average annual licensure examination pass rates for the two-year period from October 2006 through March 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities – The program has an adequate number of instructors; however, the program does not have sufficient clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Revoke ATC College, Oakland, VN Program’s provisional accreditation, effective immediately.
2. Remove ATC College, Oakland, VN Program from the List of Accredited VN Schools.

Representative from the school: Sylvia Daniels, Director.

Ms. Daniels stated that she has been trying to correct deficiencies, but Board staff has informed her that the documents submitted are not sufficient.

The Board President noted that there are several documents Board staff has asked for that have never been received. Ms. Daniels responded that she submitted those documents though they were submitted late.

Discussion:

Board Members expressed serious concern that the program has failed to correct deficiencies.

Public Comment:

Ms. Daniels stated that she wishes to see the current students graduate with accreditation. She asked for time to show that they are able to communicate with Board staff and to correct its deficiencies.

M – Kenneth Merchant; and S – Kevin Baucom and carried unanimously to adopt the recommendations.

11.C. CSI CAREER COLLEGE, VACAVILLE, VOCATIONAL NURSING PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION

Cheryl Anderson, NEC, reported that CSI Career College, Vacaville, VN Program is presented to the Board for consideration of placement on provisional accreditation. The program failed to meet the requirements of section 2530(l) of the VN Rules and Regulations.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 99 students for the period from June 2007 through April 2009.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from January 2007 through March 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Place CSI Career College, Vacaville, VN Program on provisional accreditation for the two-year period from May 22, 2009, through May 21, 2011, 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. Require the program to submit a follow-up report in 11 months, but no later than May 21, 2010. 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.

Representative from the school: Jennifer Cannon, Director.

Ms. Cannon stated that she has been the director of CSI Career College since September 2008 and has implemented a corrective plan that has been effective. The students are beginning to show improvement.

Discussion:

Laura Freedman Eidson recommended amending recommendation #2 to read, "Require the program to show documented progress by submitting a follow-up report in ..."

Revised Recommendations:

M – Martin Mariscal; S – Kevin Baucom and carried unanimously to adopt the revised recommendations as follows:

1. **Place CSI Career College, Vacaville, VN Program on provisional accreditation for the two-year period from May 22, 2009, through May 21, 2011, 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. **Require the program to show documented progress by submitting a follow-up report in 11 months, but no later than May 21, 2010. 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.

11.D. NORTH-WEST COLLEGE, WEST COVINA, VOCATIONAL NURSING PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION

Cheryl Anderson, NEC, reported that North-West College, West Covina, VN Program is presented to the Board for consideration of placement on provisional accreditation. The program failed to meet the requirements of Section 2530(l) of the VN Rules and Regulations.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 58 students for the period from June 2008 through January 2009.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from April 2007 through March 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Place North-West Career College, West Covina, VN Program on provisional accreditation for the two-year period from May 22, 2009, through May 21, 2011, 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. Require the program to submit a follow-up report by May 21, 2010. The report must include a comprehensive analysis of the program, specific actions to improve the program pass rates, timeline for implementation, and expected outcomes. The following elements must be 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. List of 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.

Representative from the school: Adnan Al Muazzan, Corporate Director of Nursing.

Mr. Al Muazzan stated that the classes under consideration were under the purview of a previous director. He is currently correcting deficiencies and providing remediation for poorly performing students. He asked for more time to correct deficiencies prior to placing the program on provisional accreditation.

Discussion:

The EO stated that recommendation #2 should be amended to read, "Require the program to show documented progress by submitting a follow-up report by..." as agenda item 11.C. was amended.

Revised Recommendations:

M – Kevin Baucom; and S – Kenneth Merchant and carried unanimously to adopt the revised recommendations as follows:

1. **Place North-West Career College, West Covina, VN Program on provisional accreditation for the two-year period from May 22, 2009, through May 21, 2011, 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. **Require the program to show documented progress by submitting a follow-up report by May 21, 2010. The report must include a comprehensive analysis of the program, specific actions to improve the program pass rates, timeline for implementation, and expected outcomes. The following elements must be 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. List of 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.

11.E. WALTER JAY M.D. INSITUTE, LOS ANGELES, VOCATIONAL NURSING PROGRAM – CONSIDERATION OF REQUEST TO REPLACE CLASS AND ACCREDITATION STATUS

Cheryl Anderson, NEC, reported that the director of the Walter Jay M.D. Institute, Los Angeles, VN Program requested Board approval to admit a full-time class of 30 students on May 25, 2009, with an anticipated graduation of July 1, 2010, to replace students who graduated in November 2008. The EO declined to act on the program's request for students due to prior violations which remain uncorrected and a new violation relative to program pass rates on the licensure examination.

The program failed to meet the requirements of section 2530(l) of the VN Rules and Regulations.

The Board considered the following key factors of the consultant's report:

- Enrollment – Current and proposed enrollment indicates a maximum enrollment of 85 students for the period from May 2006 through May 2009.
- Exam Pass Rate – The program's average annual licensure examination pass rates for the two-year period from October 2007 through January 2009 were more than 10 percentage points below the state average annual pass rate.
- Facility & Facilities - The program has an adequate number of instructors and clinical facilities to support the current and proposed enrollment.

Recommendations:

1. Upon acceptable proof of correction of violations noted in the Notice of Change in Accreditation Status, dated October 1, 2008, authorize the Executive Officer to approve the Walter Jay M.D. Institute, Los Angeles, VN Program's request to admit a replacement class of 30 students on May 25, 2009, only, with an anticipated graduation date of April 25, 2010.

2. Issue a Revised Notice of Noncompliance and Requirements for Correction to reflect:
 - a. Prior violations shall be corrected within two weeks of the date of the revised notice; and
 - b. New violation relative to the program's annual average pass rate on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX/PN®).
 - c. Compliance with all accreditation standards is required

3. Require the program to submit a follow-up report in 11 months, but no later than March 1, 2010, evaluating the effectiveness of any corrective actions taken. 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.

Representative from the school: Doreen Tan, Director.

Ms. Tan stated that she has corrected the deficiency regarding failure to notify Board staff when an instructor is terminated. Ms. Tan stated that she now keeps copies of all communications with Board staff.

Discussion:

Laura Freedman Eidson recommended recommendation #3 to read, "Require the program to show documented progress by submitting a follow-up report in..."

Mr. Merchant requested that recommendation #1 be changed to read "Approve the Walter Jay M.D. Institute, Los Angeles, VN Program's request..." and delete the first two lines.

Revised Recommendations:

M – Kenneth Merchant; S – Todd D’Braunstein and carried unanimously to adopt the revised recommendations as follows:

- 1. Approve the Walter Jay M.D. Institute, Los Angeles, VN Program’s request to admit a replacement class of 30 students on May 25, 2009, only, with an anticipated graduation date of April 25, 2010.**
- 2. Issue a Revised Notice of Noncompliance and Requirements for Correction to reflect:**
 - a. Prior violations shall be corrected within two weeks of the date of the revised notice; and**
 - b. New violation relative to the program’s annual average pass rate on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX/PN®).**
 - c. Compliance with all accreditation standards is required**
- 3. Require the program to show documented progress by submitting a follow-up report in 11 months, but no later than March 1, 2010, evaluating the effectiveness of any corrective actions taken. 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.**

12. PUBLIC COMMENT PERIOD

No public comment received.

The EO announced that the Board is experiencing problems with its new telephone system. Board staff is working diligently with the vendor to resolve the problems.

13.ADJOURNMENT

M – Kevin Baucom; and S – Kenneth Merchant; and carried unanimously to adjourn the Meeting.

The meeting adjourned at 2:07 p.m.

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

Approved by: _____ Date: _____
John P. Vertido, L.V.N.
President

DRAFT