

Agenda Item #9.G.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR

Board of Vocational Nursing and Psychiatric Technicians

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DATE: September 25, 2009

TO: Board Members

FROM: Anne Powers, Ph.D., R.N.
Nursing Education Consultant

SUBJECT: Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program—
Consideration of Denial of Accreditation (Director: Larisa Rezvina, Fresno,
Fresno County, Private)

In accordance with Section 2883 of the Vocational Nursing Practice Act, it is the Board's duty, through an official representative, to inspect all schools of vocational nursing in California. Written reports of the representatives' visits shall be made to the Board. Such inspections determine program compliance with Article 5 of the Vocational Nursing Rules and Regulations.

The Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program was inspected on June 15-16, 2009. The program was reviewed to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Six (6) violations were noted.

Furthermore, the director requested Board approval to **replace** students graduating on September 18, 2009, with a full-time class of 30 day students on September 29, 2009, with a projected graduation date of October 30, 2010.

In addition, the director requested Board approval to admit an additional full-time class of 30 evening students on September 29, 2009, with a projected graduation date of October 30, 2010.

ARTICLE 5 – SCHOOLS OF VOCATIONAL NURSING:	VIOLATIONS	
	YES	NO
2526(a) Procedure for Accreditation	X	
2526(g) Material Misrepresentation	X	
2527. Reports		X
2529. Faculty Qualifications	X	
2530. General Requirements		
(a) Resources		X
(b) Faculty Meetings		X
(c) Clinical Faculty		X
(d) Teacher Assistant	X	
(e) Lesson Plan		X
(f) Instructional Plan		X
(g) 12th Grade Completion		X
(h) Attendance Policy		X
(i) Remediation	X	
(j) Posting of Required Information		X
(k) Prior Board Approval to Increase Enrollment	X	
(l) Maintenance of Minimum Pass Rate		X
2532. Curriculum Hours	X	
2533. Curriculum Content	X	
2534. Clinical Experience	X	
2535. Credit for Previous Education and Experience		X

History of Prior Board Actions

- On May 14, 2008, the Board approved the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program request to begin a vocational nursing program with an initial class of 50 students on July 7, 2008, only, with a projected graduation date of September 18, 2009.

The Board also approved the program curriculum for 1535 hours, including 581 theory and 954 clinical hours.

- On July 13, 2009, the Board representative approved the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program request to change its program curriculum to a total of 1530 hours, including 576 theory and 954 clinical hours. This aligns the program with the other Gurnick Academy of Medical Arts curricula.
- On September 25, 2009, Board representatives met with the program director and administrator to discuss program concerns relative to the survey findings noted in this report.

Enrollment

The Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program must request each class admission. The pattern of admissions for current classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and proposed class starts and completions. The table indicates a **maximum enrollment of 60 students** for the period July 2008 through September 2009.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
7/08		50	48	48
	9/09 (7/08 class)		-48	48 – 48 = 0
9/09 Day		30 (proposed)		0 + 30 = 30
9/09 Eve		30 (proposed)		30 + 30 = 60

Licensing Examination Statistics

Students have not yet graduated from this program; therefore, no licensure examination data are available.

Faculty and Facilities

Section 2534(d) of the Vocational Nursing Rules and Regulations states:

“For supervision of clinical experience, there shall be a maximum of 15 students for each instructor.”

The total number of Board-approved faculty totals 12, including the director. The director has 100% administrative responsibility. Seven (7) instructors teach clinical. For a maximum enrollment of 60 students, four (4) instructors are needed. Therefore, faculty is adequate for the current and proposed enrollment.

Section 2534(b) of the Vocational Nursing Rules and Regulations states, in part:

“Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught.”

The program has sufficient clinical facilities to afford the number type and variety of patients that will provide clinical experience consistent with competency-based objectives and theory. This has been confirmed by the consultant.

Initial Accreditation Survey Visit

Article 5 of the Vocational Nursing Rules and Regulations was reviewed with the director and administrator during assessment of the curriculum. Suggested revisions of policies and procedures were discussed prior to and during the initial accreditation survey visit.

A tour of the school indicated that there is adequate classroom and skills lab space for a maximum of 30 students. There are four (4) laptop computers for student use. One non-functional printer was present: This was repaired during the survey.

Thirty-nine of the 48 enrolled students attended a meeting with the Board representative. During that meeting, student concerns were discussed. Among the more serious student concerns were: (1) high faculty turnover; and (2) inadequate or malfunctioning equipment; (3) academic integrity; (4) teacher assistants teaching clinical without the instructors on site; and (5) a teacher assistant teaching theory.

The results of the survey were discussed with the director and administrator during the closing meeting at the end of the survey visit. A summary of student concerns was given. Six (6) violations of the Vocational Nursing Practice Act and Article 5 of the Vocational Nursing Rules and Regulations were noted.

Section 2526(a)(15) of the Vocational Nursing Rules and Regulations states,

**“The institution shall apply to the Board for accreditation. Written documentation shall be prepared by the director and shall include:
... (15) Evaluation methodology for student progress.”**

Section 2529(b) of the Vocational Nursing Rules and Regulations states,

“Each vocational nursing program shall have one faculty member, designated as director who meets the requirements of subsection (c)(1) herein, who shall actively administer the program. The director is responsible for compliance with all regulations in Chapter 1, Article 5 (commencing with Section 2525 et seq.)”

Section 2530(i) of the Vocational Nursing Rules and Regulations states,

“The school shall evaluate student performance to determine the need for remediation or removal from the program.”

Violation #1:

Four (4) students were discovered to be cheating on classroom examinations. Three (3) of the students were dismissed from campus for the day by instructors, and one (1) student was placed on probation by a campus administrator.

Documentation from an instructor dated March 4, 2009, states, “[The administrator] spoke in detail to [the student] and has decided to allow her to remain in the program with one condition. That condition is that [the student] act with total professional integrity during her remaining hours at GAMA. This will include her reporting any awareness to cheating activities or anything that would be considered inappropriate directly to her instructor immediately.”

Further, the campus administrator issued a memorandum to one (1) student stating, “At this time we have decided not to expel you from the program, but while on the probation status, you are subject to immediate dismissal from the program for any violation of any of the school policies including but not limited to Grading Policy, Attendance, Academic Integrity, Professional Behavior, or any other conduct that we will find violating or ethically inappropriate.”

The evaluation methodology for student progress requirement implies that unprofessional conduct and unethical behavior will not be tolerated. The Gurnick Academy of Medical Arts Student Conduct policy states, “Students are subject to immediate dismissal for ... unethical conduct or violation of the rules of conduct or violation of academic integrity or professional behavior standards.”

Section 2518.6 of the Vocational Nursing Regulations states in part, “A licensed vocational nurse shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice...” Vocational nursing program administrators, director, faculty and staff have an inherent responsibility to demonstrate to their students and reinforce the ways in which ethical and behavioral standards are applied. This program has failed to an extreme degree to live up to that responsibility.

Correction #1:

This violation has not been corrected. The program allowed four (4) students to remain in the program without significant consequence after they cheated on examinations.

The director did not address the issue of cheating with four (4) students personally. The cheating incidents were managed by instructors and the campus administrator. A failure of the director to respond appropriately to cheating violates a core responsibility of a school of vocational nursing. As such, these actions do not correct the violation.

Section 2526(g) of the Vocational Nursing Rules and Regulations states,

“A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for denial or revocation of accreditation or provisional accreditation.”

Section 2532(b) the Vocational Nursing Rules and Regulations states,

“The minimum hours required shall be as follows: Theory Hours – 576, which shall include a minimum of 54 hours in pharmacology; Clinical hours – 954.”

Violation #2:

1. The director submitted forms to the Board that were allegedly signed by five (5) of the seven (7) faculty members to indicate receipt of the program’s instructional plan. However, the director admitted that three (3) of these forms were not signed by faculty, but rather by the administration.
2. The program asked students to sign that they were present for eight-hour clinical rotations at Pacific Gardens Nursing and Rehabilitation Center. Students confirmed the fact that, on average, they were dismissed from clinical after four (4) hours of clinical training per day, on a regular basis. The students stated that they did not spend more than six (6) hours in clinical during any scheduled eight (8) hour shift.

Correction #2:

1. The director stated that the faculty members have access to the instructional plan on the program's computer shared drive. The director subsequently submitted additional, reasonably credible evidence that each member of the faculty had reviewed the instructional plan.

Although evidence of the faculty's knowledge of the instructional plan was submitted, no credible reason for the administration's act of signing on the faculty's behalf was offered. As such, the violation was not corrected.

2. The program repeatedly sent students home from eight-hour clinical assignments after four to six hours of training. It is not possible to determine how many of the Board-required clinical hours were completed, since students were asked to sign paperwork indicating that the full number of clinical hours had been completed. However, students stated that they eventually refused to sign the paperwork verifying that they had finished a full clinical shift.

This violation has not been corrected.

Section 2530(d) of the Vocational Nursing Rules and Regulations states,

"Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed."

Violation #3:

The director assigned a teacher assistant to teach theory. The director did not assign an approved instructor to teach theory when the regularly assigned instructor was absent, nor did she come to the campus herself as a substitute instructor.

There are two instances indicating violations of Section 2530(d), cited above.

- a. The director assigned a teacher assistant to teach theory. The director stated that she knew this was a violation of the Vocational Nursing Rules and Regulations when she made this assignment. She stated, "[The teacher assistant] was assigned to teach theory class, as a temporary measure due to the fact that current approved instructor had emergency and need to take a family leave. [The teacher assistant] was removed from instructing a theory class after 2 weeks and was substituted by an approved instructor."
- b. The director assigned three teacher assistants to teach in the clinical facilities without an instructor on site. Although they were all approved as a teacher

assistants, one of these was only approved as a teacher assistant for the Concord campus of Gurnick Academy of Medical Arts, not for the Fresno campus.

Plan of Correction #3:

- a. This violation occurred in the past and, as such, cannot be corrected. The director removed the teacher assistant from his theory assignment when directed to do so by the Board representative, and stated that she understood that the program may not assign a teacher assistant to teach theory in the future.

In a letter dated July 6, 2009, the director stated, "...To prevent similar violations in the future, we will not utilize teacher assistants in the program and will only have approved instructors to teach theory or clinical classes."

This violation occurred in the past and, as such, cannot be corrected.

- b. The students completed their clinical rotations during the week of the initial accreditation survey. Therefore, the teacher assistants who were assigned alone in the clinical facilities had already completed their assignments.

The director stated, "It's our full intention to utilize approved instructors only without utilizing the help of TA, however if we will use any teacher assistant in any campus, they will work under the direction of an approved instructor. Approved Instructor will always conduct a clinical or skilled Lab class and TA will only serve as an assistant."

This violation occurred in the past and, as such, cannot be corrected.

Section 2530(k) of the Vocational Nursing Rules and Regulations states, in part,

"The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes."

Violation #4:

The program was approved to start a class of 50 students on July 7, 2008, only. The survey revealed that the program split the 50 students into two (2) classes of 25 students per class, a day class and an evening class, without Board approval. This dual schedule has the effect of creating two classes.

The program has classroom and skills lab space to accommodate a maximum of 30 students at a time.

Plan of Correction #4:

This violation occurred in the past and cannot be corrected.

The director responded, "...We found that it was rather difficult for an instructor to have a didactic class with 50 students in it at one time. Our classroom size is limited to hold 42 students maximum. We thought it was more effective and educationally beneficial to have 25 students in each didactic class thus dividing the class into two sessions. Additionally, we found that our students usually held full-time jobs or had family obligations that made holding class sessions at alternative hours conducive to learning."

The director requested two classes of 30 students for the future. If implemented, this plan of correction would correct the violation for the future.

Section 2533(f) of the Vocational Nursing Rules and Regulations states, in part,

"All curricular changes that significantly alter the program philosophy, conceptual framework, content, objectives, or other written documentation as required in Section 2526, shall be approved by the Board prior to implementation. Proposed curricular changes must be submitted to the Board in final form by the fifteenth day of the second month preceding the month of the Board meeting at which the changes will be considered. Revisions should include: (1) Explanation of changes; (2) Rationale for proposed revision; (3) Description of revised curriculum materials; and (4) Changes to behavioral objectives, if applicable."

Violation #5:

The director stated that the program was approved for 1530 hours. Board records show approval for a 1535 hour program. The director was not aware that the Board-approved program was 1535 hours in length. The director also submitted documents showing a distribution of instructional plan hours that differed from the Board-approved instructional plan. When the Board representative questioned the discrepancy, the director changed the program hours to match the Board-approved hours without explaining the discrepancy.

Changes were also made to the pharmacology and Medical-Surgical curriculum hours without notifying the Board. The director expressed no knowledge that the program had submitted two different instructional plans, one at the time of approval to start, and the other at the time of application for accreditation. Later, the director attributed the two different instructional plans to a clerical error, without further explanation.

The director then submitted a third version of an instructional plan, and stated that pediatric skills had been taught in the first module of the program. Under the Board-

approved plan, pediatrics should not have been not taught until later in the curriculum. This was, likewise, an unapproved instructional plan.

Plans of Correction #5:

- a. On June 1, 2009, the director submitted a revised instructional plan (version #4) which consisted of the addition of skills lab instruction prior to community pediatric clinical placements; corrected pharmacology instructional hours; corrected medical-surgical instructional hours; and a plan to give students additional instruction in pharmacology and medical-surgical nursing in compliance with Board-approved hours.

The new instructional plan was approved on July 13, 2009.

- b. In a letter dated July 6, 2009, the director stated that the initial instructional plan was approved by a previous nursing education consultant in March 2008. The program “urgently submitted additional versions of the instructional plan with sick children component as well as skills lab for pediatrics and maternity. First we submitted instructional plan with additional pediatrics skilled lab showing labs in the first module. However since labs didn’t precede the theory, we had to resubmit instructional plan again showing skills labs to be held in 4th module after pediatrics theory instructions.”

The clinical objectives in the newly revised instructional plan have been amended. The Board representative provided the program with feedback about the sequencing of theory in Module 4, but the director opted to retain the revision she submitted. The instructional plan now meets the criteria outlined in Section 2533(d) for curriculum content.

Section 2534(b) of the Vocational Nursing Rules and Regulations states,

“Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught. Clinical objectives which students are expected to master shall be posted on patient care units utilized for clinical experience.”

In addition, Section 2882 of the Vocational Nursing Practice Act states, in part,

“The course of instruction of an accredited school of vocational nursing shall consist of not less than the required number of hours of instruction in such subjects as the board may from time to time by

regulation determine, together with the required number of hours in the care of medical, surgical, obstetrical patients, sick children, and such other clinical experience as from time to time may be determined by the board.”

Violation #6:

The program's course of instruction did not include the care of sick children. The program's course of instruction contained placement in childcare facilities during the pediatrics rotation only. The childcare facilities do not offer medical care to sick children.

Correction #6:

The program established contracts with providers of appropriate pediatric clinical experience, and corrected its student clinical assignments to include the required experience. This action corrects the violation.

Other Considerations:

1. An initial site visit appointment was cancelled by the Board representative due to late submission of accreditation materials. A second site visit appointment was cancelled by the Board representative due to the program's need to obtain pediatric clinical experiences that satisfy statutory requirements.
2. The director is on campus for two days every other week. The daily operations of the vocational nursing program are delegated to an instructor.
3. There are serious student complaints regarding the program at Gurnick Academy, Fresno, including the following:
 - a. Students complain about high faculty turnover at the school. The Board representative was not able to find any evidence to support this allegation.
 - b. Students complain that they were released from clinical after four (4) to six (6) hours of scheduled eight (8) hour shifts, on a regular basis.
 - c. Students complain that other students cheated on exams, without expulsion from the program.

Recommendations:

1. Deny accreditation for the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program.
2. Deny the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program's request to admit a **replacement** full-time class of 30 day students on September 29, 2009, only, with an anticipated graduation date of October 30, 2010.

3. Deny the Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program's request to admit an additional full-time class of 30 evening students on September 29, 2009, only, with an anticipated graduation date of October 30, 2010.

Rationale: The Gurnick Academy of Medical Arts, Fresno, Vocational Nursing Program has failed to comply with California Business and Professions Code, Division 2, Chapter 6.5, Article 4 and California Code of Regulations, Division 25, Chapter 1, Article 5. There are multiple violations of the Vocational Nursing Rules and Regulations, and the director and program have failed to deal with serious and egregious issues.