

Agenda Item #9.H.



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, Modesto, Vocational Nursing Program—
Consideration of Denial of Accreditation (Director: Larisa Rezvina, Modesto,
Stanislaus 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, Modesto, Vocational Nursing Program was inspected on June 18 - 19, 2009. The program was reviewed to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Seven (7) 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	
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, Modesto, 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, Modesto, 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, Modesto, 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	45	45
	9/09 (7/08 class)		-45	45 - 45 = 0
9/09 Day		30 (proposed)		0 + 30 = 30
9/08 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. Eight (8) 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.

A tour of the school indicated that there is adequate classroom space for a maximum of 35 students at a time, skills lab space for a maximum of 25 students at a time, and computer laboratory space.

Thirty-nine of the 45 enrolled students attended a meeting with the Board representative. During that meeting, student concerns were discussed. Among the student concerns were: (1) reports that the skills lab contained one patient care unit for 45 students prior to scheduling of the initial accreditation survey, at which time four other patient care units were added; and (2) reports that the student remediation policy was not clearly written or followed consistently. A summary of those concerns was reported by the consultant to the director and administrator during a survey summary meeting.

The results of the survey were discussed with the director and administrator during the closing meeting at the end of the survey visit. Seven (7) violations of Article 5 of the Vocational Nursing Rules and Regulations were noted.

Section 2526(a)(12) 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: Admission criteria.”

Violation #1:

The admission criteria for the program include evidence of completion of cardiopulmonary resuscitation certification for the healthcare provider. Seven (7) student files did not contain evidence of completion of cardiopulmonary resuscitation certification for the healthcare provider. Although the Vocational Nursing Rules and Regulations do not require that students hold certification in cardiopulmonary resuscitation, the omission demonstrates that the program does not closely enforce its admissions policy.

Plan of Correction #1:

The director stated that the program will offer the seven (7) students a course leading to completion of cardiopulmonary resuscitation certification for the healthcare provider. The director stated that prospective students for future classes will be screened to be sure that they have completed cardiopulmonary resuscitation certification for the healthcare provider. In addition, the students who did not have the correct course are scheduled for CPR certification on July 25, 2009.

If followed, this plan of correction will correct the violation for the future.

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 #2:

One (1) student was discovered to be cheating on classroom examinations. On July 28, 2008, the campus administrator issued a letter to the student stating, “As per this discussion and writing warning on 7/28/2008 you will be placed on Probationary Status within the school. The reason for this are: On 7/23/2008 you were observed by your instructor to have inappropriately conferred with another student during an exam; Plagiarism, the copying of answers or the collaboration with another student on an exam are grounds for immediate dismissal from the program. Our sincere hope in moving forward is that this issue will not arise again. If school policies or academic integrity should be challenged again, please be aware that it may result in immediate dismissal from the LVN program.”

The director did not respond personally to an incident of student cheating. The incident was managed by a school administrator, and included placing the student on probationary status only.

Correction #2:

This violation has not been corrected. The program failed to respond adequately by allowing a student to remain in the program after an incident of cheating.

The failure of the director or program to respond appropriately to cheating is a violation of the core responsibilities of a school of vocational nursing and the program director, and indicates a failure of the program director to actively administer the program. As such, the violation is not corrected.

Section 2527(a) of the Vocational Nursing Rules and Regulations states,

“The Board shall require such reports by schools and conduct such investigations as necessary to determine whether or not accreditation will be continued.”

Violation #3:

The director submitted a list of faculty members on April 1, 2009. This list appeared to be incomplete, so the Board representative requested an updated list of faculty members. The director submitted the update on June 5, 2009.

The update contained the name of a teacher assistant who is on the Fresno faculty, not the Modesto faculty. The update failed to include the name of an instructor who was approved on October 16, 2008. The program failed to provide an accurate reporting of faculty information, which is used by the Board to determine program resources.

Plan of Correction #3:

The director stated her intention to correct the faculty form, and to ensure that the administrators delegated to updating the forms do an accurate job in the future.

If followed, these actions will correct the violation for the future.

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 #4:

The director of Gurnick Academy of Medical Arts, Modesto, assigned three (3) teacher assistants to teach in the clinical facilities without an instructor on site.

Plan of Correction #4:

The director stated in writing, "Teacher Assistants were not properly used in [the] ... Modesto [campus]... 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."

If followed, this plan will correct the violation for the future.

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 #5: 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 #5:

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 violation occurred in the past and, as such, cannot be corrected. The director requested two classes of 30 students for the future. This request for reduction in the size of future classes may improve existing deficiencies, but it does not explain why the program violated the regulation for the approved class, and therefore is not a plan of correction.

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

(f) 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 #6:

- a. 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.
- b. 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 #6:

- a. The director changed the program hours to match the Board-approved hours without explaining the discrepancy or the correction.
- b. 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 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 meets the criteria outlined in Section 2533(d) for curriculum content.

These program responses correct the violation of failing to obtain pre-approval, in this instance.

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 #7:

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. Childcare facilities do not offer medical care to sick children, and are appropriate for the observation of growth and development only.

Correction #7:

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:

The director is on campus for only two days every other week. The daily operations of the vocational nursing program are delegated to administrative personnel.

Recommendations:

1. Deny accreditation for the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program.
2. Deny the Gurnick Academy of Medical Arts, Modesto, 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, Modesto, 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, Modesto, 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.