

# Agenda item #14.E.



STATE AND CONSUMER SERVICES AGENCY • ARNOLD SCHWARZENEGGER, GOVERNOR  
**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
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DATE: May 4, 2010

TO: Board Members

FROM: Pam Hinckley, M.S.N., R.N.  
Nursing Education Consultant

SUBJECT: Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program,  
– Reconsideration of Provisional Accreditation Status; and Request to  
Replace Students (Director: Larisa Revzina, Modesto, Private)

The Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program is presented for reconsideration of its provisional accreditation status, as directed by the Board at its October 7, 2009 meeting.

At that meeting, the Board considered a report by the Nursing Education Consultant relative to denial of accreditation for Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program. The recommendation for denial was based on findings from a survey visit conducted June 18-19, 2009 during which seven (7) violations of Article 5 of the Vocational Nursing Rules and Regulations were noted.

After discussion of the findings, the Board took the following actions.

1. Placed Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program on provisional accreditation through May 31, 2010.
2. Required a site visit by a Nursing Education Consultant at Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program by April 2010, with a report to be presented at the May 2010 Board meeting.
3. Approved a **replacement** class of 30 day-time students only, and 30 evening students only, with an anticipated graduation date of October 30, 2010.
4. Directed that Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program be brought back before the Board in May 2010 for a follow-up report.

Accordingly, Board representatives visited the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program on April 8, 2010. The purpose of the visit was an evaluation of the program's correction of deficiencies and compliance with Article 5 of the Vocational Nursing Code and Regulations. No violations were noted.

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

Following the survey visit, the program director submitted a request to admit one (1) day and one (1) evening class on July 12, 2010. Both classes, consisting of 30 students each, would overlap the current day and evening classes that started October 13, 2009 and are scheduled to complete the program October 30, 2010. Essentially, this constitutes **additional** classes rather than replacement classes; however, the director explained that the school is attempting to amend the start date for Modesto classes to fall in line with the same start dates of the other Gurnick campuses. The Modesto admission schedule was altered by the Board's October 2009 action to place Gurnick School on provisional accreditation at that time.

The overlap of classes is of concern to the Board because of the requirement for clinical faculty. The director specified, however, that clinical instruction for the classes proposed to start in July 2010 will not begin until October 2010. This is the same period during which the prior class that started October 13, 2009 will complete the program.

Based on these comparisons, the Board's concern about overlapping classes is greatly diminished.

### **History of Prior Board Actions**

- On May 14, 2008, the Board approved the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program's 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, 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 October 7, 2009, the Board placed Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program on provisional accreditation through May 31, 2010; required a site visit by a Nursing Education Consultant by April 2010, with a report to be presented to the Board at the May 2010 meeting; approved a **replacement** class of 30 day-time students only and 30 evening students only, with an anticipated graduation date of October 30, 2010; and directed that Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program be brought back before the Board in May 2010 for a follow-up report.

### **Enrollment Data**

The Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program must request Board approval prior to each class admission. The pattern of admissions for current and proposed classes is seen in the enrollment table below.

The following table represents **projected** student enrollment based on current and proposed class starts and completions. The table indicates a **maximum enrollment of 107 students** for the period July 2008 through October 2010.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
7/08		48	45	45
	9/09 (7/08 class)		-45	45 - 45 = 0
10/09 A.M.		30	26	0 + 26 = 26
10/09 P.M.		23	21	26 + 21 = 47
7/10 (Proposed A.M.)		30		47 + 30 = 77
7/10 (Proposed P.M.)		30		77 + 30 = 107
	10/10 (10/09 A.M. class)		-26	107 - 26 = 81
	10/10 (10/09 P.M. class)		-21	81 - 21 = 60

### Licensing Examination Statistics

The following statistics, furnished by Pearson VUE, and published by the National Council of State Boards of Nursing as "Jurisdictional Summary of All First-Time Candidates Educated in Member Board Jurisdiction" for the period October through December 2009, specify the pass percentage rates for graduates of the Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX-PN®).

NCLEX-PN® Licensure Examination Data						
Quarterly Statistics					Annual Statistics*	
Quarter	# Candidates	# Passed	% Passed	State Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate
Oct-Dec. 2009	7	7	100%	76%	100%	73%

\*The Annual Pass Rate changes every quarter. It is calculated by dividing the number of candidates who passed during the current and previous three quarters by the number of candidates who tested during the same period.

Based on the most recent data available (October to December 2009) the program's average annual pass rate is 100%. The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time during the same period is 73%. The pass rate for the Gurnick Academy of

Medical Arts, Modesto, Vocational Nursing Program is 27 percentage points **above** the state average annual pass rate.

### **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 number of Board-approved faculty is thirteen (13), including the program director. The director has 100% administrative responsibility. All twelve (12) instructors are approved to teach in the clinical area.

Based on a maximum enrollment of 107 students, eight (8) instructors are required for clinical supervision. Therefore, the number of faculty is adequate for the current enrollment and proposed.

**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."**

The program has sufficient clinical facilities to afford the number, type, and variety of clients that will provide clinical experience consistent with competency-based objectives and the theory being taught. This information was verified by the consultant.

### **Survey Summary:**

Board representatives reviewed many aspects of the program but focused primarily on the violations set forth in the October 2009 Board report. Discussions between Board and program staff and the findings of Board staff regarding those violations are summarized as follows:

**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  
...  
(12) Admission criteria."**

**Violation #1:** Lack of evidence of cardiopulmonary resuscitation (CPR) cards in student files, as required by school policy.

**Correction:** This violation has been **corrected**. Admission criteria for the school include a current cardiopulmonary resuscitation (CPR) card. Program staff explained that they now check each student to insure CPR cards are current prior to starting the LVN class. Admission personnel have been trained to get a copy of the CPR card for the student file.

All student files examined had a copy of current CPR card in the file. Board representatives considered that these program actions adequately addressed the violation.

**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 subsection 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:** Student cheating on exams.

**Correction:** This violation has been **corrected**. Program staff explained that they now disseminate different versions of an examination throughout the classroom, as indicated by different colors of paper. Questions are scrambled. Also, faculty has been advised to utilize stricter control and oversight of examination sessions.

The program director will be actively involved in student cheating resolutions in the future. Consequences for students who are found to be cheating include dismissal from the program.

Board representatives reviewed a set of scrambled tests. Additionally, faculty minutes revealed that the director addressed the new policy for test oversight and control. Board representatives

considered that these program actions adequately addressed the violation.

**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:** Failure to accurately report faculty list.

**Correction:** This violation has been **corrected**. Program staff explained that the faculty list is currently up to date and that all updates are routinely reviewed by the program director, then dated and signed at the bottom of the page.

Board staffs' analysis of the list of program approved faculty presented in the annual report substantiated that information submitted by the program was accurate and up to date. Board representatives considered that these program actions adequately addressed the violations.

**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 only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.”**

**Violation #4:** Use of teacher assistants in clinical settings without instructor supervision.

**Correction:** This violation has been **corrected**. Program staff explained that it is their intent to utilize approved instructors only; however, if teacher assistants are used, they will work under the direction of an approved instructor in skills lab or clinical only.

Board staffs' analysis of the program's approved instructors substantiated that no teacher assistants are included in program faculty. Board representatives considered that these program actions adequately addressed the violations.

**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 student per class and/or increase the frequency of admissions.”**

**Violation #5:** Splitting of initial class into two classes.

**Correction:** This violation has been **corrected**. Program staff had found that it was difficult for one instructor to teach didactic for a class of 50 students at one time. Classroom size is limited to a maximum of 42 students. Program staff thought it was more effective and educationally beneficial to have 25 students in each didactic class, thus dividing the class into two sessions. Additionally, they found that students held full-time jobs or had family obligations that made holding class sessions at alternate hours more conducive to learning.

The program director verbalized that she realizes this was an error in judgment and a violation of the rules and regulations. The director will request that future classes be two (2) classes of 30 each, a day rotation and the other an evening rotation.

Board representatives considered that these program actions adequately addressed the violations.

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

**“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:** Unapproved number of program hours and Instructional Plan.

**Correction:** This violation has been **corrected**. Program staff stated that the original changes/discrepancies in hours for the class were strictly clerical errors and that it was not their intention to make any changes. All documents, including the instructional plan, have now been updated to read 1530 total hours, with 576 hours of theory and 954 hours of clinical. These numbers were previously Board-approved. Documents reviewed by board staff validated these numbers.

On June 1, 2009, the director submitted a revised instructional plan with corrected hours and placements for pediatric clinical, corrected

pharmacology hours, & corrected medical-surgical hours. This plan gave students additional instruction for these areas to bring them into compliance with Board-approved hours and meet the criteria outlined in Section 2533 (d) for curriculum content. The new plan was approved by the Board on July 13, 2009.

Board representatives considered that these program actions adequately addressed the violations.

**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.”**

**Section 2882 (b) 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:** Clinical curriculum did not include care of sick children.

**Correction:** This violation has been **corrected**. The program has established contracts with providers of appropriate pediatric clinical experience, and corrected the student clinical assignments to include the required experience.

Board representatives considered that these program actions adequately addressed the violations.

Following a full review of all data from the survey, no additional violations were noted; however, the following suggestions were made to improve various elements of the program.

1. Designate an individual to handle student inquiries, problems and other administrative aspects of the program in a timely manner who is at the Modesto campus a majority of the time. Currently, the director visits each campus only

one (1) day per week. The designee should consistently keep the director aware of all actions.

2. Review the contents of the library for nearly outdated material and update as indicated.
3. Consider subscribing to the National Council of State Boards of Nursing (NCSBN) Profiles to obtain specific data about school results on the licensure examination.

**Recommendations:**

1. Approve Gurnick Academy of Medical Arts, Modesto, Vocational Nursing Program's full accreditation for the four-year period from May 20, 2010 to May 19, 2014 and direct staff to issue a certificate accordingly.

**Rationale:** The program has demonstrated full compliance with Article 5 of the Vocational Nursing Rules and Regulations. Based on the findings from the survey, the program appears to have corrected problems negatively impacting student achievement.

2. Approve the program's request to admit a day class of 30 students on July 12, 2010, only. This class is projected to complete August 20, 2011.
3. Approve the program's request to admit an evening class of 30 students on July 12, 2010, only. This class is projected to complete August 20, 2011.
4. Require the program to request prior Board approval for admission of future classes.

**Rationale:** The pass rate on the NCLEX/PN for the period October to December 2009 is 100%; however, this report is based on seven students only. Board staff will monitor the program for sustained effectiveness by tracking its licensure examination pass rates quarterly, reviewing Annual Reports submitted by the program, and performing accreditation surveys every four years.