



STATE AND COUNTY PROFESSIONAL SERVICES AGENCY • GOVERNOR M. EDWIN J. BROWN JR.
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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DATE: April 25, 2012

TO: Board Members
Pam Hinckley

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

SUBJECT: Soledad Adult School/Mission Trails Vocational Nursing Program –
Reconsideration of Provisional Approval (Director: Susan Hanna, Soledad,
Monterey County, Adult School)

The Soledad Adult School/Mission Trails Vocational Nursing Program is presented to the Board for reconsideration of Provisional Approval¹. On September 9, 2011, the Board placed the program on Provisional Accreditation for the five – month period from September 9, 2011, through February 29, 2012. The Board's action was taken due to noncompliance with Sections 2529 (b) and Section 2533 (f) of the Vocational Nursing Rules and Regulations, which states:

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.); **and**,

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...”

On September 2, 2011, the assigned consultant approved a new program director.

¹ Prior to January 1, 2012, references in article 4 of the Vocational Nursing Practice Act and article 4 of the Psychiatric Technicians Law provided that the Board accredits all vocational nursing and psychiatric technicians programs. Pursuant to Business and Professions Code Sections 2883 and 4532 (Senate Bill 539, Chapter 338, Statutes of 2011), **accredit** was changed to **approve**. There was no change to the Board's authority or jurisdiction.

On **September 23, 2011**, the Board received electronic correspondence from the principal indicating the **director had resigned**.

On **February 24, 2012**, the Board **extended** the program's provisional accreditation for the three-month (3) period from **February 29, 2012, through May 31, 2012**, and **directed the program to obtain a Board - approved program director**.

On March 5, 2012, a new program director was approved by the Board.

History of Prior Board Actions

- On April 12, 2006, the Board approved Soledad Adult School/Mission Trails' request to begin a part - time vocational nursing program with an initial class of 20 students on September 5, 2006, only; and approved the program curriculum for 1530 hours, including 576 theory and 954 clinical hours.
- On October 5 – 6, 2008, the assigned consultant surveyed the Soledad Adult School/Mission Trails Vocational Nursing Program. The program was inspected to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Two (2) violations were noted.
- On December 8, 2008, the Executive Officer approved initial full accreditation for the Soledad Adult School/Mission Trails Vocational Nursing Program for the four-year period December 8, 2008 through December 7, 2012, and issued a certificate accordingly, **and**; approved the Soledad Adult School/Mission Trails Vocational Nursing Program's request to admit a part - time class of 20 students commencing February 10, 2009, only, to **replace** graduating students, with an anticipated graduation date of April 16, 2011.
- On December 4, 2010, the Board forwarded correspondence to the director advising that the program's pass rates had fallen more than ten (10) percentage points below the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010.
- On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director.
- On January 13, 2011, the assigned consultant forwarded correspondence to the principal regarding the lack of active program administration by a Board – approved director. The program was requested to submit information relative to the program's plans for program administration by January 21, 2011.

- On January 27, 2011, the Board received an application from the principal requesting approval of a new program director. The principal was advised that the applicant **did not** meet regulatory requirements.
- On February 10, 2011, the Board forwarded correspondence to the principal advising that the program's pass rates had fallen more than ten (10) percentage points of the state average annual pass rate for five (5) consecutive quarters. Additionally, the principal was requested to submit information relative to program administration by February 15, 2011.
- On February 15, 2011, the Board received correspondence from the principal relative to program administration.
- On February 23, 2011, the Board received an application from the principal requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the principal advising that the applicant **did not** meet regulatory requirements.
- On April 26, 2011, the Board received a telephone inquiry from the principal and district administrator relative to regulatory requirements and the program's difficulties in hiring a new program director.
- On May 2, 2011, the Board received a telephone call from the district superintendent relative to the school district's attempts to ensure program administration.
- On May 23, 2011, the Board received correspondence, dated May 20, 2011, from David Robinette, attorney for Soledad Unified School District, requesting information relative to the Board's actions regarding the program.
- On June 10, 2011, the Board forwarded correspondence to David Robinette, the school district's attorney, in response to correspondence received May 25, 2011.
- On July 13, 2011, the Board received electronic correspondence from the school with an application requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the staff person and principal advising that the applicant **did not** meet regulatory requirements.
- On August 4, 2011, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents and actions taken to correct identified problems that they desire Board members to consider.
- **On September 2, 2011, a new program director was approved.**
- On September 9, 2011, the Board placed Soledad Adult School/Mission Trails Vocational Nursing Program **on provisional accreditation for the five - month period from September 9, 2011, through February 29, 2012**, and issued 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; **and**,

Required the program to obtain a director who meets requirements set forth in California Code of Regulations Section 2529 (c)(1) by December 31, 2011; and, required the program to admit no additional students without the approval of the full Board; **and,** placed the program on the **February 2012** Board agenda for reconsideration of provisional accreditation; **and,**

Required the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526, **and,** required the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation, and, failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

- **On September 23, 2011, the Board received correspondence from the Principal indicating the new program director had resigned.**
- On October 4, 2011, a Notice of Change in Accreditation Status was sent to the program per certified and regular mail.
- On January 19, 2012, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents and subsequent actions taken to correct identified problems that they desire Board members to consider.
- On January 25, 2012, the Board received correspondence from the Principal, Denise Estrella, that Soledad Adult School/Mission Trails ROP "has closed its Vocational Nursing Program due to the inability to adequately staff the Director of Vocational Nursing position".
- On **February 24, 2012,** the Board **extended the program's Provisional Accreditation** for the three (3) month period from February 29, 2012 through May 31, 2012; and, directed the program to get a Board approved program director.
- **On March 5, 2012, a new program director was approved.**
- On March 6, 2012, the assigned consultant forwarded electronic correspondence relative to the status of the program and plans for future students and requested a response **by March 23, 2012.**
- On March 9, 2012, the assigned consultant forwarded electronic correspondence relative to the program's plan for a replacement class. The director responded there is no plan for a replacement class.
- On March 14, 2012, the NEC responded to Linda Coyne's (school's consultant) electronic communication advising the NEC that Susan Hanna accepted the position as director of the Vocational Nursing Program. The NEC advised Ms. Coyne to have the

new director contact the NEC as soon as possible, since on two (2) separate occasions, the NEC had tried to contact the new consultant and received no response.

- On March 29, 2012, the NEC contacted the Principal (Denise Estrella) to request the status of the new director, since the new director had not responded as requested by March 23, 2012. **The principal indicated that the new director was “on the fence” as to whether or not to take the position as director of the Soledad Adult School Vocational Nursing Program.** The principal indicated she should know one way or the other if she would take the position by Monday, April 2, 2012 and would advise the NEC accordingly.
- On April 4, 2012, the assigned consultant forwarded correspondence to the Board – approved director and principal, per certified and electronic mail, requesting submission of eighteen (18) copies of pertinent documents and subsequent actions taken to correct identified problems that they desire Board members to consider.
- On **April 5, 2012**, Linda Coyne, the school’s consultant, left the assigned consultant a telephonic message stating **the Board – approved director decided not to take the position.**

Enrollment

The program is approved to offer part – time classes that are 96 weeks in length. Board approval is required prior to the admission of each class. The admission pattern for current classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and projected class starts and completions. The table indicates a **maximum enrollment of 14 students** during the period **November 2006 through December 2011.**

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
11/06		19	6	0 + 6 = 6
	1/09 (11/06 Class)		-6	6 – 6 = 0
2/09		20	14	0 + 14 = 14

Licensing Examination Statistics

The following statistics, furnished by the Pearson Vue 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 April 2009 through March 2012, specify the pass percentage rates for graduates of the Soledad Adult School/Mission Trails 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
Apr – Jun 2009	5	5	100%	71%	100%	70%
Jul – Sep 2009	No Candidates			74%	100%	72%
Oct – Dec 2009	No Candidates			76%	100%	73%
Jan – Mar 2010	1	0	0%	76%	83%	74%
Apr – Jun 2010	No Candidates			74%	0%	75%
Jul – Sep 2010	No Candidates			76%	0%	75%
Oct – Dec 2010	No Candidates			77%	0%	76%
Jan – Mar 2011	No Candidates			80%	0%	77%
Apr – Jun 2011	No Candidates			71%	0%	76%
Jul – Sep 2011	No Candidates			74%	0%	76%
Oct– Dec 2011	No Candidates			74%	0%	75%
Jan – Mar 2012	No Candidates			77%	0%	74%

*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. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on the most current data available (January through March 2012), the program's average annual pass rate is **0%**. However, it is noted that the program has had **no graduates tested for eight (8) consecutive quarters**.

The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time is 74%. The average annual pass rate for the Soledad Adult School/Mission Trails Vocational Nursing Program is **74** percentage points **below** 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 program's number of Board-approved faculty totals seven (7), including the director. Of the total approved faculty, seven (7) instructors are approved to teach clinical.

Based upon a maximum enrollment of 14 students, one (1) instructor is required for clinical instruction. Therefore, the current number of faculty is adequate for the current enrollment.

The program has clinical facilities that are adequate as to type and variety of patients treated to enable current and proposed students to meet clinical objectives in accordance with Section 2534 (b) of the Vocational Nursing Rules and Regulations. This information has been verified by the consultant.

Other Considerations

Board records substantiate the program's noncompliance with existing regulatory requirements. On April 12, 2006, the program was approved to admit an initial part – time class of 20 students on September 5, 2006 only. On October 5 – 6, 2008, the assigned consultant inspected the program to determine compliance with requirements set forth in California Code of Regulations Article 5. Two (2) violations were noted and corrected.

On December 8, 2008, the Board approved the program's initial full accreditation for the four (4) year period, December 8, 2008 through December 7, 2012. Additionally, the program was approved to admit a second part – time class of 20 students commencing February 10, 2009 only, to **replace** students scheduled to graduate on January 14, 2009.

Of the **19 students admitted** in the initial class, **six (6) graduated** on January 14, 2009. The program admitted its second class of 20 students on February 10, 2009.

On December 4, 2010, the assigned consultant forwarded correspondence to the director of record, Donna Staunton, advising that the program's pass rates had fallen more than ten (10) percentage points **below** the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010.

On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director. The principal advised, "Since the graduation of the 2009 cohort, Soledad Adult School/Mission Trails ROP has separated from the Boston Reed College program. We are currently offering a locally based program. Soledad Adult School/Mission Trails ROP is now under the leadership of a new Director who works collaboratively with the Vocational Nursing Program staff to oversee and make program improvements. We have undergone changes in personnel, including hiring two new instructors. We are in the process of replacing our Vocational Nursing Program Director".

On **January 13, 2011**, the assigned consultant forwarded a **Notice of Violation** to the principal per certified and regular mail, regarding the lack of active program administration by a Board – approved director. **Specifically, the program had been without a program**

director since September 2010. The program was requested to provide the Board with their progress on hiring a new director by January 21, 2011.

On **January 27, 2011**, the principal responded via electronic communication, that the school was in the process of hiring a director and submitted an application for Board approval. On that day, **the assigned consultant forwarded correspondence informing the principal that the candidate did not meet the qualifications as set forth in the California Code of Regulations, section 2529(c)(1).** The principal queried if she should still submit the timeline for hiring a replacement director. The NEC responded, advising that submission of the timeline and other information is requested by February 15, 2011.

On **February 15, 2011**, the Board received correspondence from the principal stating that the **former director had resigned September 12, 2010.** The principal stated the school district began active recruitment for a director on September 24, 2010. Additionally, the principal stated, **"...there are currently 16 students enrolled and in session at this time. These students have been enrolled in our program for over two years and are scheduled to graduate in October 2011."** It is important to note, that the current class was approved to commence February 10, 2009, with an anticipated graduation date of April 16, 2011.

On February 23, 2011, the Board received a second application for program director. On that same day, the assigned consultant notified the principal via electronic communication that the applicant did not meet the requirements for director as set forth in California Code of Regulations, section 2529 (c)(1). Specifically, the principal was advised that the submitted application and supporting documents **did not** verify the applicant's completion of the following required courses: Administration, Teaching, and Curriculum Development. The application was returned to the program via mail on February 28, 2011.

On April 26, 2011, the principal and a district administrator telephoned the assigned consultant questioning the consultant's determination that based on submitted documents, the applicant failed to meet requirements for director as specified in California Code of Regulations.

On May 2, 2011, the assigned consultant received a telephone message from the superintendent stating the district was actively attempting to hire a new director. Further, the superintendent stated that students had hired an attorney with the intent of suing the school district if the Board did not allow the district to continue classes.

On May 23, 2011, the Board received correspondence, dated May 20, 2011, via first class mail from David Robinette, attorney for Soledad Unified School District, requesting information related to the notice of violation sent to the school on January 13, 2011.

On June 10, 2011, the Board sent correspondence to Attorney Robinette, via certified mail and regular mail, in response to his correspondence received May 23, 2011.

On July 13, 2011, the assigned consultant received electronic correspondence from the school with a third application requesting approval of a new program director. On that same day, the assigned consultant forwarded electronic correspondence to the staff person and

principal advising that the applicant **did not** meet regulatory requirements. Specifically, submitted documents failed to verify the applicant's completion of a course in curriculum development.

On July 25, 2011, the assigned consultant telephoned the principal relative to the district's plans in hiring a new director. The principal advised that a decision was anticipated by Friday, July 29, 2011, and that she would communicate the decision to the Board per telephone.

In the absence of program communication, the assigned consultant telephoned the principal on July 29, 2011. The principal communicated a plan to contact the proposed director related to hiring and would inform the Board thereafter.

On August 5, 2011, the assigned consultant telephoned the principal relative to the progress, or lack thereof, in hiring a new director. Again, the principal stated she had not spoken with the proposed director but would notify the Board thereafter. Additionally, the principal stated that the school district planned to close the program after graduation of the **14 enrolled students**.

On **September 2, 2011**, the Board received a new application for program director; **the Board approved a new program director**. The NEC requested the school to provide the Board with the new directors contact information, in order that the new director orientation could be sent to her.

On **September 9, 2011**, the Board placed Soledad Adult School/Mission Trails Vocational Nursing Program on **provisional accreditation for the five - month period from September 9, 2011, through February 29, 2012**, and issued 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 (see Attachment A).

On September 12, 2011, the principal of record forwarded, via electronic correspondence, the directors contact information. The NEC forwarded the "new director orientation packet" to the new director and advised her it needed to be completed by September 26, 2011.

On September 23, 2011, the Board received electronic correspondence from the principal indicating the director had resigned.

On October 4, 2011, a Notice of Change in Accreditation Status was sent Certified and regular mail to the program (see Attachment B).

On October 19, 2011, the Board received the program's signed Acknowledgement of Change in Accreditation Status. The document was signed by the principal on October 8, 2011 (see Attachment C).

On November 28, 2011, the NEC sent the Principal, Denise Estrella, via electronic communication, the following attachments to be completed and resubmitted in preparation for the February 24, 2012 Board meeting: Enrollment form, Blank Faculty and Facility spreadsheet, Faculty clinical assignment form, Maternity/Pediatric clinical assignment form.

The Principal responded questioning "What steps should our district take to officially close the program? Would it be a letter?"

On November 29, 2011, the NEC responded that "a letter would suffice". Additionally, the NEC requested information relative to the 14 students that had been reported as currently enrolled. Specifically, did the students graduate? Were the students given information on attending other schools or other avenues to qualify for licensure?

Of additional concern, and originally cited in the September 2011 Board report, the program **did not** follow the Board approved instructional plan. As noted on February 15, 2011 above, the principal stated, "...there are currently 16 students enrolled and in session at this time. These students have been enrolled in our program for over two years and are scheduled to graduate in October 2011."

On December 5, 2011, the Board's Evaluations Unit received an application for vocational nurse licensure from a consumer specifying prior education in the Soledad Adult School Vocational Nursing Program. The submitted Record of Nursing Program stated the **graduation date as September 24, 2011**. It is important to note that date of graduation is different than the date specified at the time of Board approval and the date conveyed by the Principal on February 15, 2011.

It is also important to note that the document contained the signature of Denise Estrella as program director. Previously submitted documents confirm that Ms. Estrella is the Principal of the school. The Board has neither received nor approved an application for Ms. Estrella as program director.

The program has made little progress finding and or keeping a Board - approved director. As previously reported, the program was without a Board - approved director from September 2010 to September 2011. On September 2, 2011, the Board approved a new program director. On September 23, 2011, the Board received notification of the director's resignation. Therefore, **from September 16, 2010 through February 24, 2012, the program had only had a Board - approved director for 21 days and was noncompliant with regulatory requirements.**

On **February 24, 2012**, the Board **extended** the program's **Provisional Approval** for the three (3) month period **from February 29, 2012 through May 31, 2012; and, directed the program to get a Board approved program director** (see Attachment D).

On **March 5, 2012**, the Board **approved a new program director**.

On March 6, 2012, the assigned consultant forwarded electronic correspondence relative to her plans for the remaining enrolled students (see Attachment E).

On March 9, 2012, the assigned consultant forwarded electronic correspondence relative to the status of the program and plans for future classes (see Attachment F). The new director **contacted** the NEC via electronic communication. The director indicated that it is her understanding that the Soledad Adult School will not be replacing the class that is graduating.

On **March 13, 2012**, the assigned consultant received electronic **correspondence from Linda Coyne, the school district's consultant advising that Ms. Hanna had accepted the position of director.**

On March 14, 2012, the Board's consultant forwarded electronic correspondence to Ms. Coyne requesting communication from the new director in response to correspondence sent on March 6 and 9, 2012 (see Attachment G).

On March 19, 2012, the Board forwarded to the director the Notice of Change in Accreditation Status (see Attachment H).

On **March 29, 2012**, the NEC contacted the Principal (Denise Estrella) to request the status of the new director, since the new director had not responded, as requested by March 23, 2012. **The principal indicated that the new director was "on the fence" as to whether or not to take the position as director** of the Soledad Adult School Vocational Nursing Program. The Principal indicated she should know one way or the other if she would take the position **by Monday, April 2, 2012** and would advise the NEC accordingly per telephone.

On Monday, April 2, 2012, the Board did not receive a response from Principal Denise Estrella, as promised on March 29, 2012.

On April 4, 2012, the NEC contacted the school to find out the status of the director. A message was left requesting the Principal to update the Board relevant to the director's status. Additionally, the assigned consultant forwarded correspondence to the Board – approved director and principal, per certified and electronic mail, requesting submission of eighteen (18) copies of pertinent documents and subsequent actions taken to correct identified problems that they desire Board members to consider (see Attachment I).

On April 5, 2012, Linda Coyne, the school's consultant, left the assigned consultant a telephonic message stating the Board – approved director decided **not** to take the position.

Based on submitted program documents and information and the program's pass rate statistics, the following violations of the California Code of Regulations are identified.

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.)."

Violation #1: Submitted information confirms the program has been without a director since September 15, 2010. As such, the program was without a director for 11.5 months prior to a new director being

hired **and** again from September 24, 2011 to date, during which students were enrolled.

Plan to Correct #1: This violation is **not corrected**. On February 27, 2012, the program submitted an application to the Board for approval of a director. On March 5, 2012, the Board approved a new director and forwarded the Board's New Director Orientation.

On April 5, 2012, the assigned consultant received a telephonic message from the program consultant stating the Board – approved director had decided **not** to take the position.

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...”

Violation #2: On December 8, 2008, the Executive Officer approved the program's request to admit a part – time class of 20 students commencing February 10, 2009, with an anticipated graduation of **April 16, 2011**.

Based on information submitted by the principal on February 15, 2011, the program admitted 20 students in February 2009; 16 students were currently enrolled and in session; and graduation of those students was scheduled for October 2011. As such, the program extended the approved course of study without prior Board approval.

Plan to Correct #2: This violation **has not** been corrected. The new director has been requested to complete an evaluation of the current class's course of instruction, compare it to the Board - approved instructional plan, and correct identified deficiencies.

Recommendations:

1. Revoke Accreditation for the Soledad Adult School, Vocational Nursing Program effective immediately.
2. Remove the program from the Board's *List of Approved Vocational Nursing Programs*.

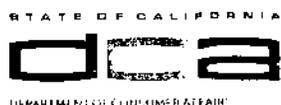
Rationale: The program was without a director, **minimally**, eighteen (18) months, during the time students were enrolled. **A new director was approved by the Board on September 2, 2011**. On **September 23, 2011**, the Board received electronic correspondence from the principal indicating the **director**

had resigned. As such, the program had a Board - approved director for **21 days.**

On March 5, 2012, a new program director was approved by the Board and sent the Board's New Director Orientation. The director was to complete the orientation by March 23, 2012 and contact the NEC. The director **did not** contact the NEC as requested. The director was sent several electronic communications requesting her to contact the NEC. The director responded to one (1) electronic correspondence, in which she identified that the school did not plan to request a replacement class. **On April 5, 2012, the Board received a telephonic message from Linda Coyne, the school's consultant, stating that the director had chosen not to take the position.** As such, the recommendation to revoke the school's approval is warranted.

- Attachment A: Board Report Dated August 23, 2011; Presented September 9, 2011.
- Attachment B: Notice of Change in Accreditation Status; Dated October 4, 2011.
- Attachment C: Acknowledgement of Change in Accreditation Status Dated October 8, 2011; Received October 19, 2011.
- Attachment D: Board Report Dated February 6, 2012; Presented February 24, 2012.
- Attachment E: Board Electronic Communication Dated March 6, 2012.
- Attachment F: Board Electronic Communication Dated March 9, 2012.
- Attachment G: Board Electronic Communication Dated March 14, 2012.
- Attachment H: Notice of Change in Accreditation Status; Dated March 19, 2012.
- Attachment I: Board Correspondence Dated April 4, 2012.

Agenda Item #12.A.3. Attachment A



STATE AND COUNTY SUPERVISOR AGENCIES • GOVERNMENT CONTRACTORS • EMPLOYERS
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
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DATE: August 23, 2011

TO: Board Members

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

SUBJECT: Soledad Adult School/Mission Trails Vocational Nursing Program –
Consideration of Placement on Provisional Accreditation (Director: VACANT,
Soledad, Monterey County, Adult School)

The Soledad Adult School/Mission Trails Vocational Nursing Program is presented to the Board for consideration of placement on provisional accreditation.

In accordance with Section 2526.1(c) of the Vocational Nursing Rules and Regulations,

“The Board may place any program on provisional accreditation when a program does not meet all requirements as set forth in this chapter and in Section 2526...”

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.).”

The Soledad Adult School/Mission Trails Vocational Nursing Program has been without a program director since September 15, 2010.

History of Prior Board Actions

- On April 12, 2006, the Board approved Soledad Adult School/Mission Trails' request to begin a part - time vocational nursing program with an initial class of 20 students on September 5, 2006, only; and approved the program curriculum for 1530 hours, including 576 theory and 954 clinical hours.

- On October 5 – 6, 2008, the assigned consultant surveyed the Soledad Adult School/Mission Trails Vocational Nursing Program. The program was inspected to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Two (2) violations were noted.
- On December 8, 2008, the Board approved initial full accreditation for the Soledad Adult School/Mission Trails Vocational Nursing Program for the four-year period December 8, 2008 through December 7, 2012, and issued a certificate accordingly, **and**; approved the Soledad Adult School/Mission Trails Vocational Nursing Program's request to admit a part - time class of 20 students commencing February 10, 2009, only, to **replace** graduating students, with an anticipated graduation date of April 16, 2011.
- On December 4, 2010, the Board forwarded correspondence to the director advising that the program's pass rates had fallen more than ten (10) percentage points below the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010.
- On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director.
- On January 13, 2011, the assigned consultant forwarded correspondence to the principal regarding the lack of active program administration by a Board – approved director. The program was requested to submit information relative to the program's plans for program administration by January 21, 2011.
- On January 27, 2011, the Board received an application from the principal requesting approval of a new program director. The principal was advised that the applicant **did not** meet regulatory requirements.
- On February 10, 2011, the Board forwarded correspondence to the principal advising that the program's pass rates had fallen more than ten (10) percentage points of the state average annual pass rate for five (5) consecutive quarters. Additionally, the principal was requested to submit information relative to program administration by February 15, 2011.
- On February 15, 2011, the Board received correspondence from the principal relative to program administration.
- On February 23, 2011, the Board received an application from the principal requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the principal advising that the applicant **did not** meet regulatory requirements.

- On April 26, 2011, the Board received a telephone inquiry from the principal and district administrator relative to regulatory requirements and the program's difficulties in hiring a new program director.
- On May 2, 2011, the Board received a telephone call from the district superintendent relative to the school district's attempts to ensure program administration.
- On May 23, 2011, the Board received correspondence, dated May 20, 2011, from David Robinette, attorney for Soledad Unified School District, requesting information relative to the Board's actions regarding the program.
- On June 10, 2011, the Board forwarded correspondence to David Robinette, the school district's attorney, in response to correspondence received May 25, 2011.
- On July 13, 2011, the Board received electronic correspondence from the school with an application requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the staff person and principal advising that the applicant **did not** meet regulatory requirements.
- On August 4, 2011, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents and actions taken to correct identified problems that they desire Board members to consider.

Enrollment

The program is approved to offer part – time classes that are 96 weeks in length. Board approval is required prior to the admission of each class. The admission pattern for current classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and projected class starts and completions. The table indicates a **maximum enrollment of 14 students** during the period **November 2006 through September 2011**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
11/06		19	6	0 + 6 = 6
	1/09 (11/06 Class)		-6	6 - 6 = 0
2/09		20	14	0 + 14 = 14

Licensing Examination Statistics

The following statistics, furnished by the Pearson Vue 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 April 2009 through June 2011, specify the pass percentage rates for graduates of the Soledad Adult School/Mission Trails 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
Apr – Jun 2009	5	5	100%	71%	100%	70%
Jul – Sep 2009	No Candidates			74%	100%	72%
Oct – Dec 2009	No Candidates			76%	100%	73%
Jan – Mar 2010	1	0	0%	76%	83%	74%
Apr – Jun 2010	No Candidates			74%	0%	75%
Jul – Sep 2010	No Candidates			76%	0%	75%
Oct – Dec 2010	No Candidates			77%	0%	76%
Jan – Mar 2011	No Candidates			80%	0%	77%
Apr – Jun 2011	No Candidates			71%	0%	76%

*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. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on the most current data available (April – June 2011), the program’s average annual pass rate is 0%. However, it is noted that the program has had no graduates tested for five (5) consecutive quarters.

The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time is 76%. The average annual pass rate for the Soledad Adult School/Mission Trails Vocational Nursing Program is 76 percentage points **below** 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 program’s number of Board-approved faculty totals seven (7). As noted previously, the program is currently without a director. Of the total approved faculty, seven (7) instructors are approved to teach clinical.

Based upon a maximum enrollment of 14 students, one (1) instructor is required for clinical instruction. Therefore, the current number of faculty is adequate for the current enrollment.

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 clinical facilities that are adequate as to type and variety of patients treated to enable current and proposed students to meet clinical objectives in accordance with Section 2534 (b) of the Vocational Nursing Rules and Regulations. This information has been verified by the consultant.

Other Considerations

Board records substantiate the program's noncompliance with existing regulatory requirements. On April 12, 2006, the program was approved to admit an initial part – time class of 20 students on September 5, 2006 only. On October 5 – 6, 2008, the assigned consultant inspected the program to determine compliance with requirements set forth in California Code of Regulations Article 5. Two (2) violations were noted and corrected.

On December 8, 2008, the Board approved the program's initial full accreditation for the four (4) year period December 8, 2008 through December 7, 2012 (see Attachment A). Additionally, the program was approved to admit a second part – time class of 20 students commencing February 10, 2009 only, to **replace** students scheduled to graduate on January 14, 2009.

Of the 19 students admitted in the initial class, six (6) graduated on January 14, 2009. The program admitted its second class of 20 students on February 10, 2009.

On December 4, 2010, the assigned consultant forwarded correspondence to the director of record, Donna Staunton, advising that the program's pass rates had fallen more than ten (10) percentage points **below** the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010. (See Attachment B)

On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director. The principal advised, “Since the graduation of the 2009 cohort, Soledad Adult School/Mission Trails ROP has separated from the Boston Reed College program. We are currently offering a locally based program. Soledad Adult School/Mission Trails ROP is now under the leadership of a new Director who works collaboratively with the Vocational Nursing Program staff to oversee and make program

improvements. We have undergone changes in personnel, including hiring two new instructors. We are in the process of replacing our Vocational Nursing Program Director" (See Attachment C).

On January 13, 2011, the assigned consultant forwarded a Notice of Violation to the principal per certified and regular mail, regarding the lack of active program administration by a Board – approved director. Specifically, the program had been without a program director since September 2010. The program was requested to provide the Board with their progress on hiring a new director by January 21, 2011. (See Attachment D)

On **January 27, 2011**, the principal responded via electronic communication, that the school was in the process of hiring a director and submitted an application for Board approval. On that day, **the assigned consultant forwarded correspondence informing the principal that the candidate did not meet the qualifications as set forth in the California Code of Regulations, section 2529(c)(1)**. The principal queried if she should still submit the timeline for hiring a replacement director. The NEC responded, advising that submission of the timeline and other information is requested by February 15, 2011.

On February 15, 2011, the Board received correspondence from the principal stating that the former director had resigned September 12, 2010. The principal stated the school district began active recruitment for a director on September 24, 2010. Additionally, the principal stated, "...there are currently 16 students enrolled and in session at this time. These students have been enrolled in our program for over two years and are scheduled to graduate in October 2011." (See Attachment E) **It is important to note, that the current class was approved to commence February 10, 2009, with an anticipated graduation date of April 16, 2011.**

On **February 23, 2011**, the Board received a second application for program director. On that same day, **the assigned consultant notified the principal via electronic communication that the applicant did not meet the requirements for director as set forth in California Code of Regulations, section 2529 (c)(1)**. Specifically, **the principal was advised that the submitted application and supporting documents did not verify the applicant's completion of the following required courses: Administration, Teaching, and Curriculum Development**. The application was returned to the program via mail on February 28, 2011.

On April 26, 2011, the principal and a district administrator telephoned the assigned consultant questioning the consultant's determination that based on submitted documents, the applicant failed to meet requirements for director as specified in California Code of Regulations.

On May 2, 2011, the assigned consultant received a telephone message from the superintendent stating the district was actively attempting to hire a new director. Further, the superintendent stated that students had hired an attorney with the intent of suing the school district if the Board did not allow the district to continue classes.

On May 23, 2011, the Board received correspondence, dated May 20, 2011, via first class mail from David Robinette, attorney for Soledad Unified School District, requesting

information related to the notice of violation sent to the school on January 13, 2011 (see Attachment F).

On June 10, 2011, the Board sent correspondence to Attorney Robinette, via certified mail and regular mail in response to his correspondence received May 23, 2011 (see Attachment G).

On July 13, 2011, the assigned consultant received electronic correspondence from the school with a third application requesting approval of a new program director. On that same day, the assigned consultant forwarded electronic correspondence to the staff person and principal advising that the applicant did not meet regulatory requirements. Specifically, submitted documents failed to verify the applicant's completion of a course in curriculum development.

On July 25, 2011, the assigned consultant telephoned the principal relative to the district's plans in hiring a new director. The principal advised that a decision was anticipated by Friday, July 29, 2011, and that she would communicate the decision to the Board per telephone.

In the absence of program communication, the assigned consultant telephoned the principal on July 29, 2011. The principal communicated a plan to contact the proposed director related to hiring and would inform the Board thereafter.

On August 5, 2011, the assigned consultant telephoned the principal relative to the progress, or lack thereof, in hiring a new director. Again, the principal stated she had not spoken with the proposed director but would notify the Board thereafter. Additionally, the principal stated that the school district planned to close the program after graduation of the 14 enrolled students.

Based on submitted program documents and information and the program's pass rate statistics, the following violations of the California Code of Regulations are identified.

Section 2527(c) of the Vocational Nursing Rules and Regulations states:

"A school shall report to the Board within ten days of the termination of a faculty member."

Violation #1: The program failed to notify the Board of the termination of faculty members within the ten (10) days as required by existing regulations. Submitted information confirms the director's resignation on September 15, 2010. On February 15, 2011, the Board received correspondence from the principal stating the director's resignation.

Plan to Correct #1: This violation is **not corrected**. The program director terminated September 15, 2010. The program failed to notify the Board of the Director's termination. To date, the program has not submitted

documentation correcting the violation or setting forth a plan to prevent reoccurrences.

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.)”

Violation #2: Submitted information confirms the program has been without a director since September 15, 2010. As such, the program has been without a director for 11 months during which students were enrolled.

Plan to Correct #2: This violation is **not corrected**. The violation will be corrected when a new director is approved by the Board.

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...”

Violation #3: On December 8, 2008, the Board approved the program's request to admit a part – time class of 20 students commencing February 10, 2009, with an anticipated graduation of April 16, 2011.

Based on information submitted by the principal on February 15, 2011, the program admitted 20 students in February 2009; 16 students were currently enrolled and in session; and graduation of those students is scheduled for October 2011. As such, the program extended the approved course of study without prior Board approval.

Plan to Correct #3: This violation **has not been corrected**.

Recommendations:

1. Place Soledad Adult School/Mission Trails Vocational Nursing Program on provisional accreditation for the five - month period from September 9, 2011, through February 29, 2012, 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 (see Attachment H).

2. Require the program to obtain a director who meets requirements set forth in California Code of Regulations Section 2529 (c)(1) by December 31, 2011.
3. Require the program to admit no additional students without the approval of the full Board.
4. Place the program on the February 2012 Board agenda for reconsideration of provisional accreditation.
5. Require the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
6. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
7. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

Rationale: The Board has critical concerns relative to the program's lack of compliance with existing regulatory requirements. The program has been without a director, minimally, eleven (11) months, during the time students were enrolled. Submitted information substantiates that the program failed to notify the Board of the termination of a faculty member within the time prescribed by existing regulations. During this period, three applications have been submitted to the Board for approval. Based on submitted information and materials, none of these applicants meet the qualifications as set forth in the California Code of Regulations, Section 2529(c)(1).

Additionally, submitted information substantiates that the program extended the course of instruction for the current students without prior Board approval. The currently enrolled students were to graduate April 16, 2011. To date, the students are still attending classes. Submitted correspondence states the 14 enrolled students are scheduled to graduate in October 2011.

In addition, the Board has serious concerns relative to the program's rate of attrition. Board records confirm the admission of 19 students in the program's initial class. Of the total admitted, 6 graduated. As such, 31.5% of the enrolled population graduated; 68.5% did not complete the class. Of the six (6) graduates who took the licensure examination, five (5) passed (83.3%) and one (1) failed (16.7%).

The program's current licensure pass rate is 0%. However, it is noted that the program has had no candidates tested for the last five (5) consecutive quarters. Based on the program's "revised" projected graduation, no further program graduates are eligible to test until Quarter 4 2011 through Quarter

1, 2012 . At the earliest, data from these graduates would be available in January 2012.

In summary, the program's noncompliance as stated above warrants placing the program on provisional accreditation. Further, in view of the absence of a director for 11 months during which students have been enrolled and in session, scheduling the program for reconsideration of its provisional accreditation status in February 2012 is prudent.

Board staff will continue to monitor the program by tracking its licensure examination pass rate quarterly.

Attachment A: Board Report dated December 8, 2008.

Attachment B: Board Correspondence Dated December 4, 2010.

Attachment C: Program Correspondence Dated December 14, 2010, Received December 22, 2010.

Attachment D: Notice of Violation Dated January 13, 2011.

Attachment E: Program Correspondence Dated February 15, 2010, Received February 16, 2010.

Attachment F: Attorney Correspondence Dated May 20, 2011, Received May 23, 2011.

Attachment G: Board Correspondence Dated June 10, 2011.

Attachment H: Draft Notice of Change in Accreditation Status.



BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7866 | Web www.bvnpt.ca.gov



DATE: December 8, 2008

TO: Board Members

FROM: Anne Powers, RN, PhD
Nursing Education Consultant

SUBJECT: Soledad Adult School/Mission Trails ROP, Vocational Nursing Program:
Report of Initial Accreditation Survey Visit; and Request to **Replace a Class** (Director: Rosemary Michels, Soledad, Monterey County, California; Adult School)

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

The Soledad Adult School/Mission Trails ROP Vocational Nursing Program was surveyed on October 5-6, 2008. The program was reviewed to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Two (two) violations were noted.

The program is requesting approval to **replace** students graduating on January 14, 2009 with a part-time class of 20 students, to start February 10, 2009, with an anticipated graduation date of April 16, 2011.

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
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 April 12, 2006, the Board approved Soledad Adult School/Mission Trails ROP request to begin a part-time vocational nursing program with an initial class of 20 students on September 5, 2006, only.

The program curriculum was approved for 1530 hours, including 576 theory and 954 clinical hours.

Enrollment

The program must have prior approval to admit students to the 97 week part-time program.

The following table represents **projected** student enrollment based on current and proposed class starts and completions. The table indicates a **maximum enrollment of 20 students** for the period from November 2006 through February 2009.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
11/06		19	6	6
	1/09		-6	6 - 6 = 0
2/09		20 (proposed)		0 + 20 = 20

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 number of approved faculty is four (4), including the program director. The director has administrative duties 60% of the time and teaching responsibilities 40% of the time. Four (4) instructors are approved to teach in the clinical area. An enrollment of 20 students requires two (2) instructors approved to teach in both the classroom and clinical areas; therefore, the number of faculty is adequate for the current and proposed enrollment.

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 patients that will provide clinical experience consistent with competency-based objectives and the theory being taught for a proposed enrollment of 20 students.

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 as well as skills and computer laboratory space.

The students were interviewed in the classroom. During that interview, student concerns were discussed. A summary of those concerns was reported during the survey’s closing meeting.

The results of the survey were discussed with the director and administrator during the closing meeting at the end of the survey visit. Two (2) violations of Article 5 of the Vocational Nursing Rules and Regulations were noted.

Section 2526(a)(13) states, in part,

“Written documentation shall be prepared by the director and shall include: (13) Screening and selection criteria.

Violation #1: The screening and selection criteria state, “A minimum score of 75 percent must be achieved on the following assessment exams to qualify for application: TEAS: Reading, mathematics, and English.” The school admitted six (6) students with composite scores below the minimum score of 75% (ranging from 50 – 60%). Further, the school allowed students to take the assessment exam three (3) times, and averaged the three scores. This practice was not defined in the screening and selection policy.

Correction #1: The director attributed the violation to errors in direction provided by the Boston Reed nursing consultant who was contracted to assist Soledad Adult School. The program has changed its admission, screening and selection policies to indicate that an applicant must score 68% on the entrance exam, and that applicants will be allowed to test up to a maximum of three times. All entrance exam scores will be averaged to obtain a final entrance exam score.

Section 2530(g) states, in part,

“Each school shall have on file proof that each enrolled student has completed a general education course of study through the 12th grade or evidence of completion of the equivalent thereof.”

Violation #2: One student file did not contain proof of completion of a general education course of study through the 12th grade or evidence of completion of the equivalent thereof.

Correction #2: The director allowed verification of 12th grade equivalency to be done by the school district, and did not review the documents herself. She now understands her responsibility to actively administer all aspects of the program, including reviewing admissions documents.

The director provided evidence of a completed associate's degree, and this document has been placed in the student's file.

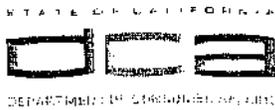
Recommendations:

1. The Board approve initial full accreditation for the Soledad Adult School/Mission Trails ROP, Vocational Nursing Program for the four-year period December 8, 2008 through December 7, 2012, and issue a certificate accordingly.

Rationale: The program is currently compliant with all sections of Article 5 of the Vocational Nursing Rules and Regulations.

2. The Board approve the Soledad Adult School/Mission Trails ROP, Vocational Nursing Program request for a part-time class of 20 students, to **replace** graduating students, commencing February 10, 2009, only, with an anticipated graduation date of April 16, 2011.

Rationale: The current faculty is adequate for a current and proposed enrollment of 20 students. 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 the theory being taught for a proposed enrollment of 20 students.



STATE OF CALIFORNIA
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



December 4, 2010

CERTIFIED MAIL

Donna Staunton
Vocational Nursing Program Director
Soledad Adult School/Mission Trails ROP
973 Vista de Soledad
Soledad, CA 93960

Dear Donna Staunton:

Please be advised that Soledad Adult School/Mission Trails ROP currently is in danger of being placed on Provisional Accreditation due to low passing scores on the NCLEX-PN®. According to the California Code of Regulations (Code) Section 2526.1(c). Section 2530(i) of the Code states:

"The programs shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below ten (10) percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period.

(1) Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional accreditation."

Reports furnished by the 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," specify that the annual pass rate for **Soledad Adult School/Mission Trails ROP** has been more than ten (10) percentage points below the state annual average pass rate for the past **four (4)** quarters. As such, the program has failed to maintain the required annual average pass rate.

Please submit the following information no later than **Friday December 17, 2010**:

1. Effect of actions you have taken to improve student achievement and the pass rate performance of program graduates.

Please contact the Board at (916) 263-7843 should further clarification be needed.

Sincerely,

Pam Hinckley, RN, MSN
Nursing Education Consultant

Soledad Unified School District

Community Education Center

EVENT

690 Main Street
Soledad, CA 93960

2010 DEC 20 PM 4:51
Denise M. Estrella, Principal

(831) 678-6300

FAX (831) 678-0162

EMVNET Received edu
on 12/22/10 with me

December 14, 2010

Pam Hinckley
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833-2945

Dear Pam Hinckley,

In response to your certified letter dated December 4, 2010, here are the actions taken by the Soledad Adult School/Mission Trails ROP Vocational Nursing Program to address the low passing scores on the NCLEX-PN.

Since the graduation of the 2009 cohort, Soledad Adult School/Mission Trails ROP has separated from the Boston Reed College program. We currently offer a locally based program.

Soledad Adult School/Mission Trails ROP is now under the leadership of a new Director who works collaboratively with the Vocational Nursing Program staff to oversee and make program improvements. We have undergone changes in personnel, including hiring two new instructors. We are in the process of replacing our Vocational Nursing Program Director. We believe that our new program personnel will lead to better learning outcomes for our students. We have built a stronger collaborative culture for our instructional staff to support student learning.

Finally, students are offered 1:1 help by instructors when they struggle with content mastery. Students who do not pass exams are required to meet with an instructor on a 1:1 basis until their mastery reaches passing levels.

If you have any further questions, please contact me at (831) 678-6300.

Sincerely,



Denise M. Estrella, Principal/Director

cc: Deneen Newman, Superintendent
Jorge Z. Guzman, Director of Curriculum and Instruction
Gary Johnson, Director of Special Projects



Pinnacles
High
School



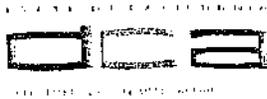
Soledad
Adult
School



Chalone
High
School



Regional
Occupational
Program



CERTIFIED MAIL

January 13, 2011

Denise Estrella
Soledad Adult School/Mission Trails ROP
690 Main Street
Soledad, CA 93960

Subject: Vocational Nursing Program

Status; Notice of Violation

Dear Ms. Estrella:

The Board of Vocational Nursing and Psychiatric Technicians (Board) recently received new information regarding the Soledad Adult School/ Mission Trails ROP, Vocational Nursing Program. Specifically, the Board has been informed that the program director resigned effective September 2010. Since the program has not sought approval of a new director, the program lacks active administration by a Board-approved director.

On January 12, 2010, the Board confirmed that a class is currently enrolled in the Soledad Adult School/ Mission Trails ROP Vocational Nursing Program. Since the program has operated without an approved program director since September 2010, the program is in violation of California Code of Regulations section 2529 (b) which 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 Board has serious concerns relative to the program's non-compliance with the California Code of Regulations. Further, the Board is concerned that the current students are not receiving instruction and content that is consistent with the knowledge, skills, and abilities that will enable them to pass the licensure examination and practice as competent nurses. Additionally, because your program does not meet all applicable statutory and regulatory requirements as required by Section 2526 (d) of the California Code of Regulations, the Board may not accredit the program.

Section 2526 (d) of the California Code of Regulations states:

“Accreditation will be granted by the Board when a vocational nursing program demonstrates that it meets all requirements as set forth in this chapter and in chapter 6.5. Division 2 of the Business and Professions Code.”

To prevent continuation of the current violation, the Board recommends that classes be suspended until the Board approves a new program director.

Please notify the Board of your progress in hiring a new director. Once a new director is approved, the Board is able to provide an orientation and to explain the previous violations and the appropriate procedures. The Board requests information relative to your plans for program administration no later than Friday, January 21, 2010.

Should further information be needed, please feel free to contact me at (916) 263-7840.

Sincerely,

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

Soledad Unified School District

Community Education Center

690 Main Street
Soledad, CA 93960

Denise M. Estrella, Principal/Director
(831) 678-6300
FAX (831) 678-0162



Soledad
Adult
School



Chalone
High
School



Regional
Occupational
Program

February 15, 2011

Pam Hinckley
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833-2945

Dear Pam Hinckley,

The former Vocational Nursing Director resigned from her position on September 15, 2010. We have been actively searching and advertising to fill this vacancy since September 24, 2010. Though we have fielded several calls of interest, to date only one candidate application has been submitted to your organization for approval. On January 27, 2011, we were informed that our most qualified candidate did not meet the minimum requirements to fill the director position.

On February 22, 2011, we will interview a candidate for the Vocational Nursing Director position. Our candidate is a registered nurse and holds a Masters degree in nursing, and we hope that his qualifications will meet the requirements for Vocational Nursing Director by the Board of Vocational Nursing and Psychiatric Technicians. Should our candidate be found to be qualified, offered the position and accept, we anticipate that he could start in the Vocational Nursing Position as soon as March 1, 2011.

There are currently 16 students enrolled and in session at this time. These students have been enrolled in our program for over two years and are scheduled to graduate in October of 2011. Our students have committed extensive time and money to this program. We ardently wish to continue our program long enough for this cohort to complete their course of study and to graduate. Though it is our desire to continue this program for future cohorts, it is most important to us that we not let our current students down by cancelling our program before graduation. Please consider this request to continue the program at least through October of 2011 so that we may complete our delivery of services to this group of hard working students.

If you have any further questions, please contact me at (831) 678-6300.

Sincerely,

Denise M. Estrella, Principal/Director

cc: Deneen Newman, Superintendent
Jorge Z. Guzman, Director of Curriculum and Instruction
Gary Johnson, Director of Special Projects

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

5075 HOPYARD ROAD, SUITE 210
PLEASANTON, CALIFORNIA 94588-2097
(925) 227-9200

FAX (925) 227-9202
WWW.AALRR.COM

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FAX (562) 653-3333

FRESNO
(559) 225-6700
FAX (559) 225-3416

IRVINE
(949) 453-4260
FAX (949) 453-4262

RIVERSIDE
(951) 683-1122
FAX (951) 683-1144

SACRAMENTO
(916) 923-1200
FAX (916) 923-1222

SAN DIEGO
(656) 485-9526
FAX (656) 485-0412

OUR FILE NUMBER

005441.00001
304039V1

idie
BVNPT Received
on 5-25-11 with KR

May 20, 2011

VIA FIRST CLASS MAIL

Pam Hinckley, RN, MSN
Nursing Education Consultant
Board of Vocational Nursing & Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833

**Re: Vocational Nursing Program
January 13, 2011, Notice of Violation**

Dear Ms. Hinckley:

This office represents the Soledad Unified School District ("District") and responds on its behalf to the Board of Vocational Nursing & Psychiatric Technicians ("Board") Notice of Violation the District received on or about January 13, 2011, with regard to the Soledad Adult School Vocational Nursing Program ("Nursing Program").

In the January 13, 2011, Notice of Violation, you described the violation as follows:

[T]he Board has been informed that the program director resigned effective September 2010. Since the program has not sought approval of a new director, the program lacks active administration by a Board-approved director.

[B]ecause your program does not meet all applicable statutory and regulatory requirements as required by Section 2526(d) of the California Code of Regulations, the Board may not accredit the program.

You concluded the Notice of Violation with the following advice:

To prevent continuation of the current violation, the Board recommends that classes be suspended until the Board approves a new program director.

In order to better understand the basis for your recommendation that the District immediately suspend the Nursing Program, the District has asked for our assistance in requesting additional information from the Board with regard to the process in place when a violation of statutory and/or regulatory requirements for a vocational nursing program occurs.

Pam Hinckley, RN, MSN

May 20, 2011

Page 2

Business and Professions Code section 2883 provides that:

[I]f the board determines that any accredited school of vocational nursing is not maintaining the standard required by the board, notice thereof in writing specifying the defect or defects shall be immediately given to the school. If the defects are not corrected within a reasonable time, the school of nursing may be removed from the accredited list and notice thereof in writing given to it.

Further, title 16, California Code of Regulations, section 2526.1 provides that:

- (a) Provisional accreditation means a program has not met all requirements as set forth in this chapter . . .
- (c) The Board may place any program on provisional accreditation when that program does not meet all requirements as set forth in this chapter and in Section 2526. If the program has not met all requirements at the end of the initial provisional accreditation period, provisional accreditation may be extended if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.
- (d) Any program holding provisional accreditation may not admit "new" classes beyond the established pattern of admission previously approved by the Board . . .
- (e) A program placed on provisional accreditation shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program's failure to correct delineated areas of noncompliance is cause for revocation of provisional accreditation.

In the present case, the Board provided written notice to the District, on or about January 13, 2011, of the violation relating to the program director. However, this notice did not indicate to the District that, by law, it had a "reasonable" amount of time to correct the defect nor provide any indication of what length of time the Board would consider "reasonable" under the circumstances. Rather, your letter appeared to advise the District to immediately suspend its Nursing Program until the Board approved a new program director.

Further, with regard to an earlier notice of a deficiency in the Nursing Program (low passing scores on the NCLEX-PN), the Board advised that the school may be placed on provisional accreditation. Yet, for the current stated deficiency (no current program director), there was no mention of provisional accreditation as an option.

Based on the foregoing, the District has the following questions:

Pam Hinckley, RN, MSN

May 20, 2011

Page 3

- (1) On what basis did the Board advise that the District to immediately suspend classes for the Nursing Program, rather than indicate to the District that it had a "reasonable" amount of time to correct the defect, with an indication of what length of time the Board considered "reasonable" under the circumstances?
- (2) Since the Nursing Program is already accredited through 2012, would the Board revoke its accreditation outright, or would it place the Nursing Program on provisional accreditation, so that it may correct the cited defect(s), pursuant to title 16, California Code of Regulations, section 2526.1?
- (3) If the Board would not consider provisional accreditation for the Nursing Program under these circumstances, why not? And if not, what are the standards and criteria for the Board to utilize provisional accreditation?
- (4) Does the Board have a link on its web page, or is there any other source, setting forth the procedural steps for revoking a school's accreditation due to violation of statutory and/or regulatory requirements?

In addition to the four questions, above, relating to revocation of a school's accreditation, the Nursing Program has asked us to raise the following additional questions in order for it to effectively address the Board's concerns raised in previous correspondence/communications. The Soledad Adult School has made good faith efforts to hire a new program director, but it is our understanding that thus far, the Board has rejected the prospective applicants due to the Board's determination that they lacked the qualifications in curriculum, instruction and administration required on Box 12 of the Faculty Approval Application. In order for the Soledad Adult School to submit a qualified application that would meet the Board's approval, feedback on the questions below would greatly assist the Soledad Adult School towards securing a viable program director:

- (1) For prospective applicants for the vacant program director position, is providing a transcript with course descriptions the only way to meet the requirements for administration, curriculum, and instruction? Or are there other ways a prospective applicant can meet those requirements?
- (2) With regard to the course descriptions in the previous question, what specifically must be included in that course description to demonstrate that the applicant has met the required competency?
- (3) With regard to questions nos. 1 and 2, above, would the Designated Subjects Career Technical Education Teaching Credential satisfy the requirements for administration, curriculum, and instruction for the vacant program director position?

Pam Hinckley, RN, MSN

May 20, 2011

Page 4

- (4) At what sort of institution (i.e., nursing school, graduate school, career technical agency) can a prospective applicant complete the Board's requirements for administration, curriculum, and instruction?

Needless to say, the District, the Adult School, and the faculty and students of the Nursing Program are anxious to have this matter resolved to the satisfaction of the Board. It is my understanding that the District and Adult School has had some difficulty in communicating with the Board through this process, but I trust that you and the Board will provide the necessary feedback and assistance so that the Adult School can secure a qualified program director within a reasonable amount of time to avoid provisional accreditation or any other negative consequences.

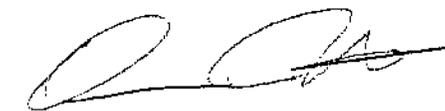
We look forward to your response. If you believe that the Board cannot respond to the questions in this letter before May 31, 2011, please let us know if you require anything of the District, Adult School, or Nursing Program in the interim, or if they should just stand by to await your response.

If you have any questions, please do not hesitate to contact me.

Best regards,

ATKINSON, ANDELSON, LOYA,
RUUD & ROMO

By



David E. Robinett

DER/bla

cc: Deneen Newman, Superintendent
Soledad Unified School District

Denise M. Estrella, Principal/Director
Soledad Adult School/Mission Trails ROP



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



CERTIFIED MAIL

June 10, 2011

David E. Robinett
Atkinson, Anderson, Loya, Rudd & Romo
5075 Hopyard Road, Suite 210
Pleasanton, CA 94588

Re: Soledad Adult School Vocational Nursing Program

Dear Mr. Robinette,

The Board of Vocational Nursing and Psychiatric Technicians (Board) acknowledges receipt of your inquiry regarding Soledad Adult School Vocational Nursing Program relative to the Board's Notice of Violation issued on January 13, 2011.

The first question in your letter seeks clarification about provisional accreditation and outright revocation. You have appropriately identified the law relating to how a program may lose its accreditation, whether in its entirety or partially through a provisional accreditation. As those laws indicate, a program's accreditation may be revoked or conditioned when the program fails to follow the Board's laws and regulations regarding program standards.

As you and the school acknowledge, the school has been operating in violation of the Board's standards. It has operated without a current program director since September 2010. This is a nine (9) month period the program has operated without an active director in place. Title 16, California Code of Regulations, section (b) 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 regulation in Chapter 1, Article 5 (commencing with Section 2525 et seq)."

In the absence of a Board-approved director at a program, the Board's concerns are for the student population currently enrolled in that vocational nursing program. Of particular concern is whether the students are receiving instruction and content related to a program's Board-approved instructional plan, correlated theory to clinical experience, an achieving the knowledge and skills necessary to pass the licensure examination.

The absence of a director running the program is a violation of the rules and regulations, but knowingly continuing to operate with such a violation compounds the violation, making it more serious. It is for that reason, the Board advises the program to cease operating until the violation is corrected. In addition to the lack of program director, the school's low pass rates are a violation of the Board's regulations. Title 16, California Code of Regulations, Section 2530 (l) states:

"The programs shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below ten (10) percentage points of the state average pass rate for first time candidates of accredited vocational nursing schools for the same period.

(1) Failure to maintain the required yearly average minimum pass rate for two years or eight consecutive quarters may be cause to place a program on provisional accreditation."

These violations constitute a basis for the program's accreditation to be revoked or placed on provisional accreditation. The decision to revoke or otherwise restrict a program's accreditation falls to the members of the Board. The program would be provided written notice in advance of the program's placement on a Board meetings agenda for discussion. The notice would include any recommended action by Board staff and the basis for that recommendation. The program would be provided the opportunity to respond to the staff recommendation to the Board members. You can review prior agendas and similar notices on the Board's website at www.bvnpt.ca.gov.

In response to your questions about the qualifications required of a director, Title 16, California Code of Regulations, section 2529, subdivision (c) (1), specifies the requirements for a director position. That subsection states that, to be qualified, a director must:

- "(A) Hold a current California active license as a Registered Nurse; and
- (B) Hold a baccalaureate degree from an accredited school; and
- (C) Have a minimum of three years experience as a registered nurse; one year shall be in teaching or clinical supervision, or a combination thereof, in a state accredited or approved registered nursing or vocational nursing, or psychiatric technician school within the last five years; or have a minimum of three years experience in nursing administration or nursing education within the last five years; and
- (D) Have completed a course or courses offered by an accredited school with instruction (1) in teaching, (2) curriculum development, and (3) administration."

These courses must be obtained in an accredited school. The courses may have been achieved in a credentialing course, but as required by the regulation, the school offering them must still be accredited. Because the credential alone may not include sufficient detail to determine completion of instruction in teaching, curriculum development, and administration, the Board may need to look to the transcript, course description, course outline, objectives, etc. to determine compliance.

The Board will continue to work with the school to approve a director that meets the qualifications as set forth in the regulation quoted above.

If we may be of further assistance, please feel free to contact us.

Sincerely,

Pam Hinckley
Nursing Education Consultant



CERTIFIED MAIL

September XX, 2011

Denise M. Estrella, Principal
Vocational Nursing Program
Soledad Unified School District Community Education Center
690 Main Street
Soledad, CA 93960

Subject: Notice of Change in Accreditation Status

Dear Ms. Estrella:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on September 9, 2011, the accreditation status of the Soledad Adult School/Mission Trails ROP Vocational Nursing Program has been changed from full accreditation to provisional accreditation for the six – month period from September 9, 2011 through February 29, 2012. The purpose of this letter is to explain the areas of non-compliance found and the corrections required of your program to avoid losing accreditation completely.

Once you have reviewed this letter, please sign and return the enclosed "Acknowledgement of Change in Accreditation Status" form by **Friday, September 30, 2011.**

AREAS OF NON-COMPLIANCE [VIOLATION(S)]

In accordance with Section 2526.1(c) of title 16 of the California Code of Regulations,

"The Board may place any program on provisional accreditation when that program does not meet all requirements as set forth in this chapter and in Section 2526..."

In accordance with Section 2527 (c) of title 16 of the California Code of Regulations:

"A school shall report to the Board within ten days of the termination of a faculty member.

In accordance with section 2529 (b) of title 16 of the California Code of Regulations:

"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.).”

In accordance with Section 2533(f) of title 16 of the California Code of Regulations:

“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...”

The program pass rates of the Soledad Adult School/Mission Trails ROP Vocational Nursing Program for the past nine (9) quarters are set forth in the following table.

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
Apr – Jun 2009	5	5	100%	71%	100%	70%
Jul – Sep 2009	No Candidates			74%	100%	72%
Oct – Dec 2009	No Candidates			76%	100%	73%
Jan – Mar 2010	1	0	0%	76%	83%	74%
Apr – Jun 2010	No Candidates			74%	0%	75%
Jul – Sep 2010	No Candidates			76%	0%	75%
Oct – Dec 2010	No Candidates			77%	0%	76%
Jan – Mar 2011	No Candidates			80%	0%	77%
Apr – Jun 2011	No Candidates			71%	0%	76%

*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. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on this data, the program failed to meet regulatory requirements for program accreditation.

REQUIRED CORRECTION(S)

1. The Soledad Adult School/Mission Trails ROP Vocational Nursing Program must obtain a director who meets requirements set forth in California Code of Regulations Section 2526 (c)(1) by December 31, 2011.

2. The program shall admit no additional students unless approved by the full Board.
3. The program shall comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.

Failure to take these corrective actions may cause the Board to revoke the program's accreditation. In the event additional violations of the accreditation standards are identified, such violations may result in further corrective action or revocation of provisional accreditation.

FUTURE BOARD ACTION

Your program will be placed on the **February 2012** Board Meeting agenda, at which point the Board may revoke or extend the program's accreditation. If you have additional information that you wish considered beyond the required corrections listed on page 2, you must submit this documentation by the fifteenth day of the second month prior to the Board meeting.

OTHER IMPORTANT INFORMATION

Please be advised that, pursuant to the Board's regulations, the program will not be authorized to admit new classes beyond the established pattern of admissions previously approved by the Board. The established pattern of admissions approved by the Board is as follows: **Prior Board approval was required for the admission of each class; however, based on the above corrections, the full Board's permission will be required for each future class admission.**

In the event your program is required to submit any report(s) as a corrective action pursuant to this notice, such reports are required in addition to any other reports required pursuant to 2527 of the Board's regulations.

The program may no longer advertise that it has full accreditation, and should take steps to correct any ongoing advertisements or publications in that regard.

A copy of title 16, California Code of Regulations, section 2526.1, regarding provisional accreditation is attached for your reference. A complete copy of the Board's laws and regulations can be found on the Board's web site at www.bvnpt.ca.gov.

Should you have questions, please do not hesitate to contact the Board.

Sincerely,

TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer

Enclosures

cc: Board Members

TBJ:ph



STATE AND COUNTY CLERK DEPARTMENT

Agenda Item #12.A.3. Attachment B

BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7855 Web www.bvnpt.ca.gov



CERTIFIED MAIL

October 4, 2011

Denise Estrella, Principal
Community Education Center
~~Soledad Unified School District~~ Community Education Center
690 Main Street
Soledad, CA 93960

Subject: Notice of Change in Accreditation Status

Dear Ms. Estrella:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on September 9, 2011, the accreditation status of the Soledad Adult School/Mission Trails Vocational Nursing Program has been changed from full accreditation to provisional accreditation for the five – month period from September 9, 2011 through February 29, 2012. The purpose of this letter is to explain the areas of noncompliance found and the corrections required of your program to avoid losing accreditation completely.

Once you have reviewed this letter, please sign and return the enclosed "Acknowledgement of Change in Accreditation Status" form by **Friday, October 14, 2011**.

AREAS OF NON-COMPLIANCE [VIOLATION(S)]

In accordance with Section 2526.1(c) of title 16 of the California Code of Regulations,

"The Board may place any program on provisional accreditation when that program does not meet all requirements as set forth in this chapter and in Section 2526..."

Section 2527 (c) of title 16 of the California Code of Regulations:

"A school shall report to the Board within ten days of the termination of a faculty member.

Section 2529 (b) of title 16 of the California Code of Regulations:

"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 2533(f) of title 16 of the California Code of Regulations:

"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..."

The program pass rates of the Soledad Adult School/Mission Trails Vocational Nursing Program for the past nine (9) quarters are set forth in the following table.

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
Apr – Jun 2009	5	5	100%	71%	100%	70%
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Oct – Dec 2009	No Candidates			76%	100%	73%
Jan – Mar 2010	1	0	0%	76%	83%	74%
Apr – Jun 2010	No Candidates			74%	0%	75%
Jul – Sep 2010	No Candidates			76%	0%	75%
Oct – Dec 2010	No Candidates			77%	0%	76%
Jan – Mar 2011	No Candidates			80%	0%	77%
Apr – Jun 2011	No Candidates			71%	0%	76%

*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. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on this data, the program failed to meet regulatory requirements for submission of reports and information, program administration, and curriculum changes.

REQUIRED CORRECTION(S)

1. The Soledad Adult School/Mission Trails Vocational Nursing Program shall obtain a director who meets requirements set forth in California Code of Regulations Section 2526 (c)(1) by December 31, 2011.
2. The program shall admit no additional students unless approved by the full Board.

3. The program shall comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
4. The program shall demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
5. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

In the event additional violations of the accreditation standards are identified, such violations may result in further corrective action or revocation of provisional accreditation.

FUTURE BOARD ACTION

Your program will be placed on the **February 2012** Board Meeting agenda, at which point the Board may revoke or extend the program's accreditation. The nursing education consultant assigned to your program will ask you to submit documentation of the correction of your violation(s) by the fifteenth day of the second month prior to that Board meeting. If you have additional information that you wish considered beyond the required corrections listed on page 2 and 3, you must submit this documentation by the fifteenth day of the second month prior to the Board meeting.

OTHER IMPORTANT INFORMATION

Please be advised that, pursuant to the Board's regulations, the program will not be authorized to admit new classes beyond the established pattern of admissions previously approved by the Board. The established pattern of admissions approved by the Board is as follows: **Prior Board approval was required for the admission of each class; however, based on the above corrections, the full Board's permission will be required for each future class admission.**

In the event your program is required to submit any report(s) as a corrective action pursuant to this notice, such reports are required in addition to any other reports required pursuant to 2527 of the Board's regulations.

The program may no longer advertise that it has full accreditation, and should take steps to correct any ongoing advertisements or publications in that regard.

A copy of title 16, California Code of Regulations, section 2526.1, regarding provisional accreditation is attached for your reference. A complete copy of the Board's laws and regulations can be found on the Board's web site at www.bvnpt.ca.gov.

Should you have questions, please do not hesitate to contact the Board.

Sincerely,



TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer

Enclosures

cc: Board Members

Deneen Newman, Superintendent
Soledad Unified School District

TBJ:ph



TITLE 16 CALIFORNIA CODE OF REGULATIONS

Section 2526.1

2526.1. Provisional Accreditation.

- (a) Provisional accreditation means a program has not met all requirements as set forth in this chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.
- (b) Provisional accreditation shall be granted for a period determined by the Board.
- (c) The Board may place any program on provisional accreditation when that program does not meet all requirements as set forth in this chapter and in Section 2526. If the program has not met all requirements at the end of the initial provisional accreditation period, provisional accreditation may be extended if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.
- (d) Any program holding provisional accreditation may not admit "new" classes beyond the established pattern of admissions previously approved by the Board. The admission pattern is defined by the number of students per class and the frequency of admissions for the six class admissions that immediately precede the Board action to consider provisional accreditation.
- (e) A program placed on provisional accreditation shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program's failure to correct delineated areas of noncompliance is cause for revocation of provisional accreditation.
- (f) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for revocation of provisional accreditation.
- (g) A program whose provisional accreditation has been revoked shall be removed from the Board's list of accredited programs. The status of students as potential applicants for licensure will be determined by the Board.
- (h) A program that is removed from the Board's list of accredited programs subsequent to Board action based on the program's non-compliance with applicable regulations shall not reapply to establish a vocational nursing program for a minimum period of one calendar year.



Acknowledgement of Change in Accreditation Status

I, Denise Estrella, principal of Soledad Adult School/Mission Trails Vocational
(Director's Name) (Name of Program)

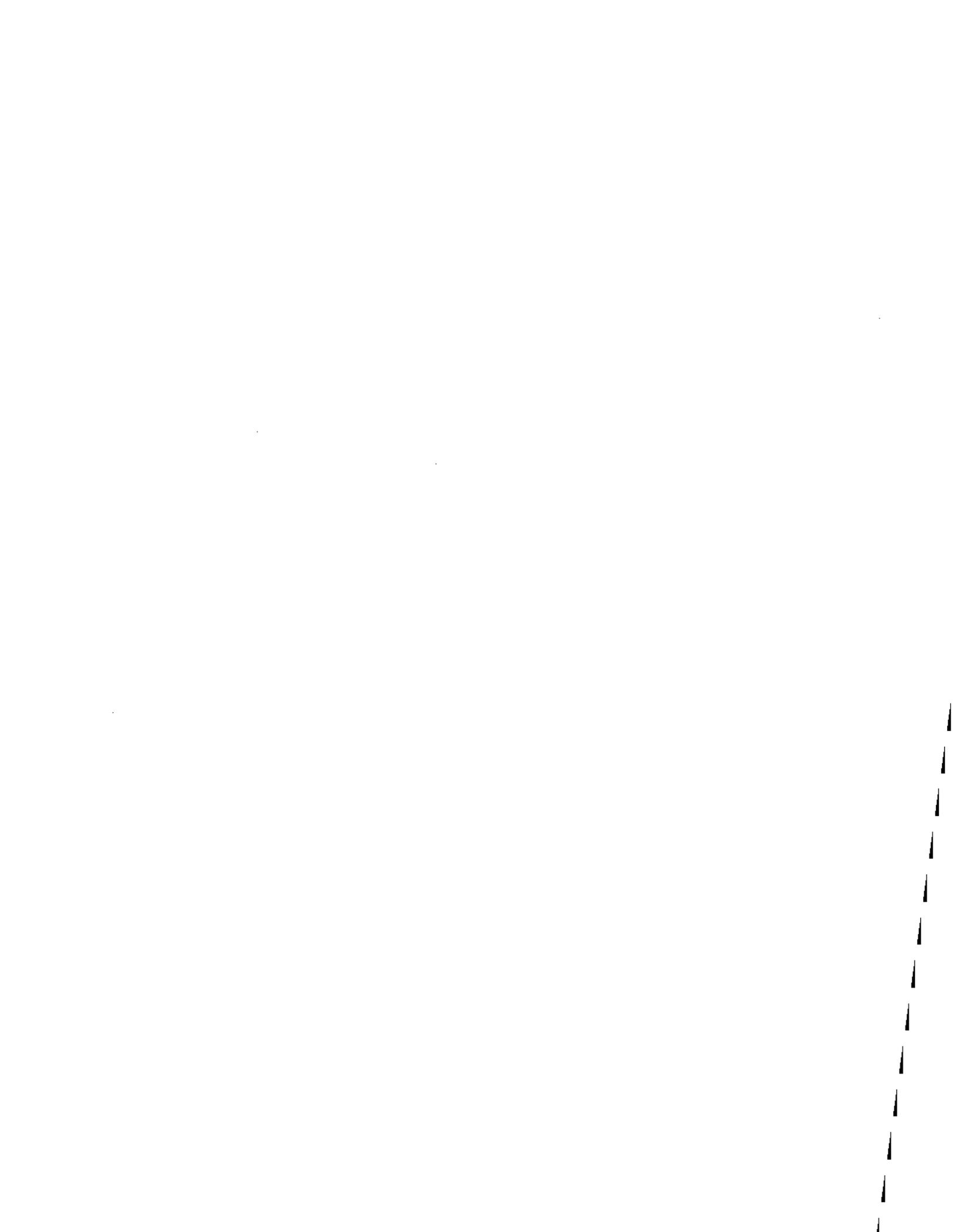
Nursing Program, hereby acknowledge that this program's status has been changed from full accreditation to provisional accreditation. I understand that in accordance with Section 2526.1 (f) of the Vocational Nursing Rules and Regulations and Section 2581.1 (f) of the Psychiatric Technician Rules and Regulations, the Board will consider any advertisement of full accreditation while on provisional accreditation as "material misrepresentation of fact". "Material misrepresentation of fact" may lead to revocation of the program's accreditation. Further, I understand the program's provisional accreditation status will be reflected on the Board's internet website.

Please complete and return this form to the Board by Friday, October 14, 2011.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Signature of Director)

(Date)



Agenda Item #12.A.3. Attachment C



STATE OF CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS
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



2011 OCT 17 PM 1:57

Acknowledgement of Change in Accreditation Status

edee
BVNPT Received
on 10/9/11 with KK

I, Denise Estrella, principal of Soledad Adult School/Mission Trails Vocational
(Director's Name) (Name of Program)

Nursing Program, hereby acknowledge that this program's status has been changed from full accreditation to provisional accreditation. I understand that in accordance with Section 2526.1 (f) of the Vocational Nursing Rules and Regulations and Section 2581.1 (f) of the Psychiatric Technician Rules and Regulations, the Board will consider any advertisement of full accreditation while on provisional accreditation as "material misrepresentation of fact". "Material misrepresentation of fact" may lead to revocation of the program's accreditation. Further, I understand the program's provisional accreditation status will be reflected on the Board's internet website.

Please complete and return this form to the Board by Friday, October 14, 2011.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Denise Estrella
(Signature of Director)

10/08/2011
(Date)

Agenda Item #12.A.3. Attachment D



STATE AND COUNTY HEALTH SERVICES AGENCY • GOVERNOR OF CALIFORNIA: BROWN, JIM
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



DATE: February 6, 2012

TO: Board Members

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

SUBJECT: Soledad Adult School/Mission Trails Vocational Nursing Program –
Reconsideration of Provisional Accreditation (Director: **VACANT**, Soledad,
Monterey County, Adult School)

The Soledad Adult School/Mission Trails Vocational Nursing Program is presented to the Board for reconsideration of Provisional Accreditation. On September 9, 2011, the Board placed the program on Provisional Accreditation for the five – month period from September 9, 2011, through February 29, 2012. That action was taken due to the program's noncompliance with regulatory requirements relative to program administration. Specifically, the program had been without a program director from September 15, 2010 through September 1, 2011. **On September 2, 2011, the assigned consultant approved a new program director.**

History of Prior Board Actions

- On April 12, 2006, the Board approved Soledad Adult School/Mission Trails' request to begin a part - time vocational nursing program with an initial class of 20 students on September 5, 2006, only; and approved the program curriculum for 1530 hours, including 576 theory and 954 clinical hours.
- On October 5 – 6, 2008, the assigned consultant surveyed the Soledad Adult School/Mission Trails Vocational Nursing Program. The program was inspected to determine compliance with Article 5 of the Vocational Nursing Rules and Regulations. Two (2) violations were noted.
- On December 8, 2008, the Executive Officer approved initial full accreditation for the Soledad Adult School/Mission Trails Vocational Nursing Program for the four-year period December 8, 2008 through December 7, 2012, and issued a certificate accordingly, **and**; approved the Soledad Adult School/Mission Trails Vocational Nursing Program's request to admit a part - time class of 20 students commencing February 10, 2009, only, to **replace** graduating students, with an anticipated graduation date of April 16, 2011.

- On December 4, 2010, the Board forwarded correspondence to the director advising that the program's pass rates had fallen more than ten (10) percentage points below the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010.
- On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director.
- On January 13, 2011, the assigned consultant forwarded correspondence to the principal regarding the lack of active program administration by a Board – approved director. The program was requested to submit information relative to the program's plans for program administration by January 21, 2011.
- On January 27, 2011, the Board received an application from the principal requesting approval of a new program director. The principal was advised that the applicant **did not** meet regulatory requirements.
- On February 10, 2011, the Board forwarded correspondence to the principal advising that the program's pass rates had fallen more than ten (10) percentage points of the state average annual pass rate for five (5) consecutive quarters. Additionally, the principal was requested to submit information relative to program administration by February 15, 2011.
- On February 15, 2011, the Board received correspondence from the principal relative to program administration.
- On February 23, 2011, the Board received an application from the principal requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the principal advising that the applicant **did not** meet regulatory requirements.
- On April 26, 2011, the Board received a telephone inquiry from the principal and district administrator relative to regulatory requirements and the program's difficulties in hiring a new program director.
- On May 2, 2011, the Board received a telephone call from the district superintendent relative to the school district's attempts to ensure program administration.
- On May 23, 2011, the Board received correspondence, dated May 20, 2011, from David Robinette, attorney for Soledad Unified School District, requesting information relative to the Board's actions regarding the program.
- On June 10, 2011, the Board forwarded correspondence to David Robinette, the school district's attorney, in response to correspondence received May 25, 2011.

- On July 13, 2011, the Board received electronic correspondence from the school with an application requesting approval of a new program director. The assigned consultant forwarded electronic correspondence to the staff person and principal advising that the applicant **did not** meet regulatory requirements.
- On August 4, 2011, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents and actions taken to correct identified problems that they desire Board members to consider.
- **On September 2, 2011, a new program director was approved.**
- On September 9, 2011, the Board placed Soledad Adult School/Mission Trails Vocational Nursing Program **on provisional accreditation for the five - month period from September 9, 2011, through February 29, 2012**, and issued 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; **and**,

Required the program to obtain a director who meets requirements set forth in California Code of Regulations Section 2529 (c)(1) by December 31, 2011; and, required the program to admit no additional students without the approval of the full Board; **and**, placed the program on the **February 2012** Board agenda for reconsideration of provisional accreditation; **and**,

Required the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526, **and**, required the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation, and, failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

- **On September 23, 2011, the Board received correspondence from the Principal indicating the new program director had resigned.**
- On October 4, 2011, a Notice of Change in Accreditation Status was sent Certified and regular mail to the program.
- On January 19, 2012, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents and subsequent actions taken to correct identified problems that they desire Board members to consider.
- On January 25, 2012, the Board received correspondence from the Principal, Denise Estrella, that Soledad Adult School/Mission Trails ROP "has closed its Vocational Nursing Program due to the inability to adequately staff the Director of Vocational Nursing position".

Enrollment

The program is approved to offer part – time classes that are 96 weeks in length. Board approval is required prior to the admission of each class. The admission pattern for current classes is seen in the enrollment table below.

The following table represents **current and projected** student enrollment based on current and projected class starts and completions. The table indicates a **maximum enrollment of 14 students** during the period **November 2006 through December 2011**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
11/06		19	6	0 + 6 = 6
	1/09 (11/06 Class)		-6	6 - 6 = 0
2/09		20	14	0 + 14 = 14

Licensing Examination Statistics

The following statistics, furnished by the Pearson Vue 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 April 2009 through December 2011, specify the pass percentage rates for graduates of the Soledad Adult School/Mission Trails 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
Apr – Jun 2009	5	5	100%	71%	100%	70%
Jul – Sep 2009	No Candidates			74%	100%	72%
Oct – Dec 2009	No Candidates			76%	100%	73%
Jan – Mar 2010	1	0	0%	76%	83%	74%
Apr – Jun 2010	No Candidates			74%	0%	75%
Jul – Sep 2010	No Candidates			76%	0%	75%
Oct – Dec 2010	No Candidates			77%	0%	76%

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
Jan – Mar 2011	No Candidates			80%	0%	77%
Apr – Jun 2011	No Candidates			71%	0%	76%
Jul – Sep 2011	No Candidates			74%	0%	76%
Oct– Dec 2011	No Candidates			74%	0%	75%

*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. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on the most current data available (October through December 2011), the program's average annual pass rate is **0%**. However, it is noted that the program has had **no graduates tested for seven (7) consecutive quarters**.

The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time is 75%. The average annual pass rate for the Soledad Adult School/Mission Trails Vocational Nursing Program is **75** percentage points **below** 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 program's number of Board-approved faculty totals seven (7). As noted previously, the program is currently without a director. Of the total approved faculty, seven (7) instructors are approved to teach clinical.

Based upon a maximum enrollment of 14 students, one (1) instructor is required for clinical instruction. Therefore, the current number of faculty is adequate for the current enrollment.

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 clinical facilities that are adequate as to type and variety of patients treated to enable current and proposed students to meet clinical objectives in accordance with Section 2534 (b) of the Vocational Nursing Rules and Regulations. This information has been verified by the consultant.

Other Considerations

Board records substantiate the program's noncompliance with existing regulatory requirements. On April 12, 2006, the program was approved to admit an initial part – time class of 20 students on September 5, 2006 only. On October 5 – 6, 2008, the assigned consultant inspected the program to determine compliance with requirements set forth in California Code of Regulations Article 5. Two (2) violations were noted and corrected.

On December 8, 2008, the Board approved the program's initial full accreditation for the four (4) year period, December 8, 2008 through December 7, 2012. Additionally, the program was approved to admit a second part – time class of 20 students commencing February 10, 2009 only, to **replace** students scheduled to graduate on January 14, 2009.

Of the **19 students admitted** in the initial class, **six (6) graduated** on January 14, 2009. The program admitted its second class of 20 students on February 10, 2009.

On December 4, 2010, the assigned consultant forwarded correspondence to the director of record, Donna Staunton, advising that the program's pass rates had fallen more than ten (10) percentage points **below** the state average annual pass rate for four (4) consecutive quarters. The director was requested to submit documentation regarding the effect of actions taken to improve student achievement and the pass rate performance of program graduates by December 17, 2010.

On December 22, 2010, the Board received correspondence from the school principal, dated December 14, 2010, regarding the hiring of two (2) new instructors and the recruitment of a new director. The principal advised, "Since the graduation of the 2009 cohort, Soledad Adult School/Mission Trails ROP has separated from the Boston Reed College program. We are currently offering a locally based program. Soledad Adult School/Mission Trails ROP is now under the leadership of a new Director who works collaboratively with the Vocational Nursing Program staff to oversee and make program improvements. We have undergone changes in personnel, including hiring two new instructors. We are in the process of replacing our Vocational Nursing Program Director".

On **January 13, 2011**, the assigned consultant forwarded a **Notice of Violation** to the principal per certified and regular mail, regarding the lack of active program administration by a Board – approved director. **Specifically, the program had been without a program director since September 2010.** The program was requested to provide the Board with their progress on hiring a new director by January 21, 2011.

On **January 27, 2011**, the principal responded via electronic communication, that the school was in the process of hiring a director and submitted an application for Board approval. On that day, **the assigned consultant forwarded correspondence informing**

the principal that the candidate did not meet the qualifications as set forth in the California Code of Regulations, section 2529(c)(1). The principal queried if she should still submit the timeline for hiring a replacement director. The NEC responded, advising that submission of the timeline and other information is requested by February 15, 2011.

On **February 15, 2011**, the Board received correspondence from the principal stating that **the former director had resigned September 12, 2010**. The principal stated the school district began active recruitment for a director on September 24, 2010. Additionally, the principal stated, "...**there are currently 16 students enrolled and in session at this time. These students have been enrolled in our program for over two years and are scheduled to graduate in October 2011.**" It is important to note, that the current class was approved to commence February 10, 2009, with an anticipated graduation date of April 16, 2011.

On February 23, 2011, the Board received a second application for program director. On that same day, the assigned consultant notified the principal via electronic communication that the applicant did not meet the requirements for director as set forth in California Code of Regulations, section 2529 (c)(1). Specifically, the principal was advised that the submitted application and supporting documents did not verify the applicant's completion of the following required courses: Administration, Teaching, and Curriculum Development. The application was returned to the program via mail on February 28, 2011.

On April 26, 2011, the principal and a district administrator telephoned the assigned consultant questioning the consultant's determination that based on submitted documents, the applicant failed to meet requirements for director as specified in California Code of Regulations.

On May 2, 2011, the assigned consultant received a telephone message from the superintendent stating the district was actively attempting to hire a new director. Further, the superintendent stated that students had hired an attorney with the intent of suing the school district if the Board did not allow the district to continue classes.

On May 23, 2011, the Board received correspondence, dated May 20, 2011, via first class mail from David Robinette, attorney for Soledad Unified School District, requesting information related to the notice of violation sent to the school on January 13, 2011.

On June 10, 2011, the Board sent correspondence to Attorney Robinette, via certified mail and regular mail, in response to his correspondence received May 23, 2011.

On July 13, 2011, the assigned consultant received electronic correspondence from the school with a third application requesting approval of a new program director. On that same day, the assigned consultant forwarded electronic correspondence to the staff person and principal advising that the applicant did not meet regulatory requirements. Specifically, submitted documents failed to verify the applicant's completion of a course in curriculum development.

On July 25, 2011, the assigned consultant telephoned the principal relative to the district's plans in hiring a new director. The principal advised that a decision was anticipated by

Friday, July 29, 2011, and that she would communicate the decision to the Board per telephone.

In the absence of program communication, the assigned consultant telephoned the principal on July 29, 2011. The principal communicated a plan to contact the proposed director related to hiring and would inform the Board thereafter.

On August 5, 2011, the assigned consultant telephoned the principal relative to the progress, or lack thereof, in hiring a new director. Again, the principal stated she had not spoken with the proposed director but would notify the Board thereafter. Additionally, the principal stated that the school district planned to close the program after graduation of the 14 enrolled students.

On **September 2, 2011**, the Board received a new application for program director; **the Board approved a new program director**. The NEC requested the school to provide the Board with the new directors contact information, in order that the new director orientation could be sent to her.

On **September 9, 2011**, the Board placed Soledad Adult School/Mission Trails Vocational Nursing Program **on provisional accreditation for the five - month period from September 9, 2011, through February 29, 2012**, and issued 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 (see Attachment A).

On September 12, 2011, the principal of record forwarded, via electronic correspondence, the directors contact information. The NEC forwarded the "new director orientation packet" to the new director and advised her it needed to be completed by September 26, 2011.

On September 23, 2011, the Board received electronic correspondence from the principal indicating the director had resigned.

On October 4, 2011, a Notice of Change in Accreditation Status was sent Certified and regular mail to the program. (Attachment B)

On November 28, 2011, the NEC sent the Principal, Denise Estrella, via electronic communication, the following attachments to be completed and resubmitted in preparation for the February 24, 2012 Board meeting: Enrollment form, Blank Faculty and Facility spreadsheet, Faculty clinical assignment form, Maternity/Pediatric clinical assignment form. The Principal responded questioning "What steps should our district take to officially close the program? Would it be a letter?" (See Attachment C)

On November 29, 2011, the NEC responded that "a letter would suffice". Additionally, the NEC requested information relative to the 14 students that had been reported as currently enrolled. Specifically, did the students graduate? Were the students given information on attending other schools or other avenues to qualify for licensure?

The program has made little progress finding and or keeping a Board approved director. As previously reported, the program has been without a Board - approved director since

September 2010. On September 2, 2011, the Board approved a new program director. On September 23, 2011, the Board received notification of the director's resignation. Therefore, since September 16, 2010, the program has only had a Board - approved director for 21 days and has been noncompliant with regulatory requirements.

Of additional concern, and originally cited in the September 2011 Board report, the program did not follow the Board approved instructional plan. As noted on February 15, 2011 above, the principal stated, "...there are currently 16 students enrolled and in session at this time. These students have been enrolled in our program for over two years and are scheduled to graduate in October 2011."

On December 5, 2011, the Board's Evaluations Unit received an application for vocational nurse licensure from a consumer specifying prior education in the Soledad Adult School Vocational Nursing Program. The submitted Record of Nursing Program stated the **graduation date as September 24, 2011**. It is important to note the graduation date is different than the date specified at the time of approval and the date conveyed by the Principal on February 15, 2011.

It is also important to note that the document contained the signature of Denise Estrella as program director. Previously submitted documents confirm that Ms. Estrella is the principal of the school. The Board has not received nor approved an application for Ms. Estrella as program director.

Based on submitted program documents and information and the program's pass rate statistics, the following violations of the California Code of Regulations are identified.

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.)."

Violation #1: Submitted information confirms the program has been without a director since September 15, 2010. As such, the program has been without a director for 11.5 months prior to a new director being hired **and** again from September 24, 2011 to date, during which students were enrolled.

Plan to Correct #1: This violation is **not corrected**. The violation will be corrected when a new director is approved by the Board.

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..."

Violation #2: On December 8, 2008, the Executive Officer approved the program's request to admit a part – time class of 20 students commencing February 10, 2009, with an anticipated graduation of **April 16, 2011.**

Based on information submitted by the principal on February 15, 2011, the program admitted 20 students in February 2009; 16 students were currently enrolled and in session; and graduation of those students was scheduled for October 2011. As such, the program extended the approved course of study without prior Board approval.

Plan to Correct #2: This violation **has not** been corrected.

Section 2527(b) 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: On November 28, 2011, the NEC forwarded forms to the principal to be completed relative to the status of the enrolled students as of the September 2011 Board meeting. To date the principal has not responded relative to the student's status, as requested.

Plan to Correct #3: This violation **has not** been corrected.

On January 19, 2012, the assigned consultant forwarded correspondence requesting submission of fifteen (15) copies of pertinent documents and actions taken to correct identified problems that they desire Board members to consider. (See Attachment D)

On January 25, 2012, the Board received correspondence from the Principal, Denise Estrella, that Soledad Adult School/Mission Trails ROP "has closed its Vocational Nursing Program due to the inability to adequately staff the Director of Vocational Nursing position". (See Attachment E)

Recommendations:

1. Revoke Accreditation for the Soledad Adult School, Vocational Nursing Program effective immediately.
2. Remove the program from the Board's *List of Approved Vocational Nursing Programs*.

Rationale: On September 9, 2011, the Board placed Soledad Adult School on Provisional Accreditation for a five (5) month period from September 9, 2011

through February 29, 2012. This action was taken due to the programs significant period of time without a Board approved director, poor program licensure pass rates, and failure to follow the Board approved instructional plan. The program was required to obtain a director that meets requirements set forth in California Code of Regulations Section 2529(c)(1) by December 31, 2011.

The program was without a director, minimally, eleven (11) months, during the time students were enrolled. **A new director was approved by the Board on September 2, 2011. On September 23, 2011, the Board received electronic correspondence from the principal indicating the director had resigned.** As such, the program had a Board approved Director for 21 days.

As cited in the September 2011 Board report, submitted information substantiated that the program extended the course of instruction for the students without prior Board approval. On November 28, 2011, the NEC sent forms to the Principal, Denise Estrella, requesting they be filled out in preparation for the upcoming February 24, 2012 Board meeting. The forms were related to student enrollment, faculty and facilities utilized, faculty facility assignments, and Maternity/Pediatric assignments. To date, the forms have not been received.

On January 25, 2012, the Board received correspondence from the Principal, Denise Estrella, that Soledad Adult School/Mission Trails ROP "has closed its Vocational Nursing Program due to the inability to adequately staff the Director of Vocational Nursing position".

The program's current licensure pass rate is 0%. However, it is noted that the program has had no candidates tested for the last seven (7) consecutive quarters.

In summary, the program has been without active administration by a Board approved director, while students were enrolled, since September 15, 2010, except for the 21 day period during September 2011. No director has been approved by the Board to replace the director that left on September 23, 2011. The program's persistent noncompliance with the previously cited regulations warrants revoking the program's accreditation.

Attachment A: Board Report Presented September 9, 2011; dated August 23, 2011.

Attachment B: Board Correspondence Change in Accreditation Status dated October 4, 2012.

Attachment C: Program Correspondence dated November 28, 2011.

Attachment D: Board Correspondence dated January 19, 2012.

Attachment E: Program Correspondence dated January 23, 2012, received January 25, 2012.

Agenda Item #12.A.3. Attachment E

Hinckley, Pam@DCA

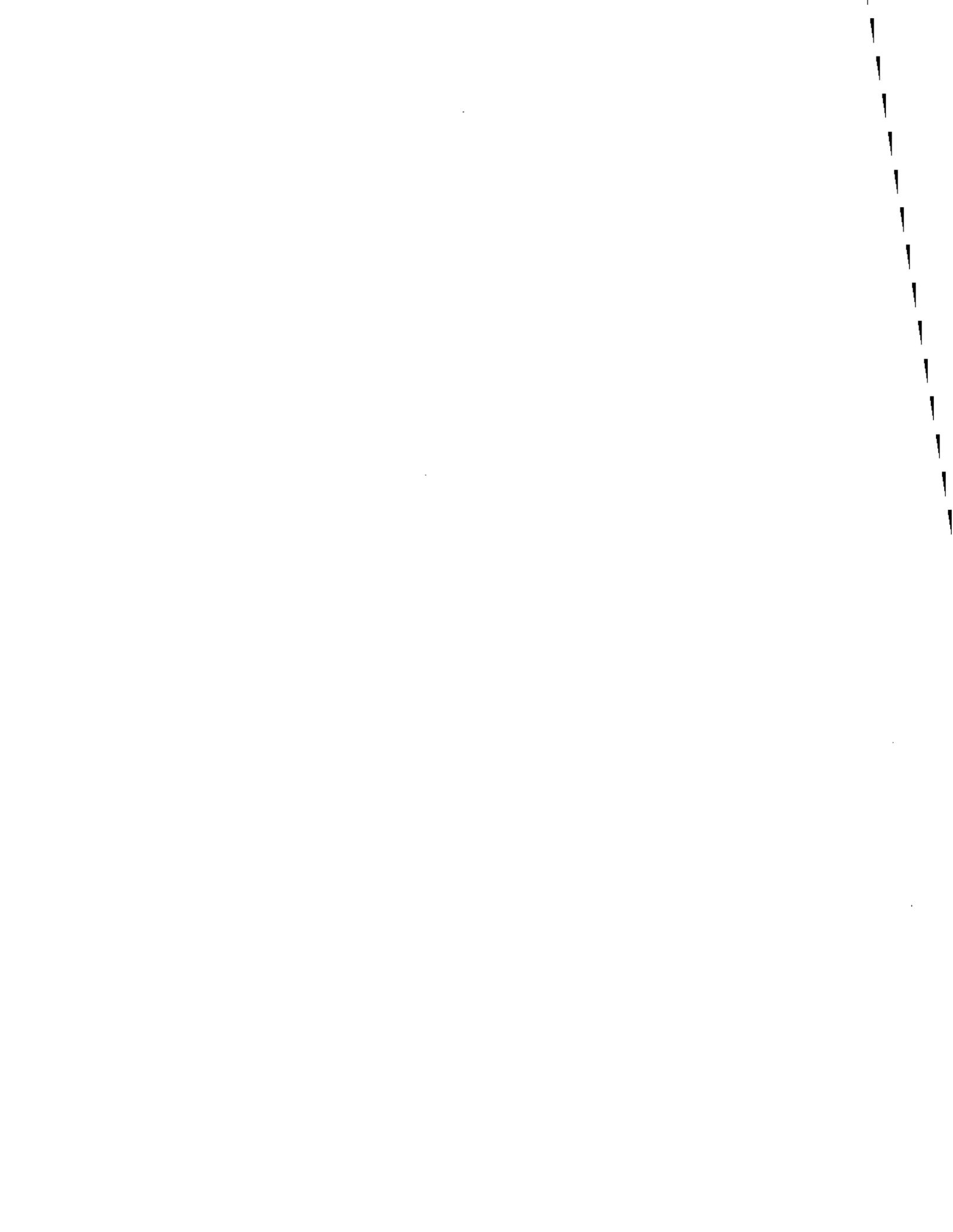
From: Hinckley, Pam@DCA
Sent: Tuesday, March 06, 2012 7:41 AM
To: 'Susan Hanna'
Cc: 'Denise Estrella'; 'Linda Coyne'
Subject: New Director

Dear Susan,

Welcome to your new position as director of the vocational nursing program for the Soledad Adult School. You will be receiving an orientation packet from Linda Elkins. Please complete the orientation and then contact me for any questions you may have. Additionally, I would like to discuss with you your plan to ensure that the last class of students at Soledad Adult School will be completing all aspects of the Board approved instructional plan. Please call me **on or before March 23, 2012**.

Pam Hinckley, R.N., M.S.N.

Board of Vocational Nursing and Psychiatric Technicians
2325 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
Phone: (916) 263- 7840
FAX: (916) 263-7866
pam.hinckley@dca.ca.gov



Agenda Item #12.A.3. Attachment F

Hinckley, Pam@DCA

From: Hinckley, Pam@DCA
Sent: Friday, March 09, 2012 2:22 PM
To: 'Susan Hanna'
Subject: Questions

Dear Sue,

I am the consultant for Soledad Adult School. I want to welcome you to your new role as director. Feel free to contact me by email, mail or telephone if you have any questions.

As you probably are aware, the Soledad Adult school is on Provisional Accreditation and is scheduled for the May Board meeting. I am in the process of writing that report, and I wondered if you were planning to admit a replacement class for the current class that, hopefully, will graduate in the near future. **Note: Please contact me before you do anything with this class.**

In case you were anticipating requesting a replacement class, I have attached the required forms. In addition to filling in and submitting the forms, you will need to put your request in writing. Indicate the number of students requested and start and end dates.

Pam Hinckley, R.N.M.S.N.

Board of Vocational Nursing and Psychiatric Technicians
2325 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
Phone: (916) 263-7840
FAX: (916) 263-7866
pam.hinckley@dca.ca.gov

Agenda Item #12.A.3. Attachment G

Hinckley, Pam@DCA

From: Hinckley, Pam@DCA
Sent: Wednesday, March 14, 2012 7:10 AM
To: 'Linda Coyne'
Subject: RE: Soledad USD VN Program

Dear Linda,

Please have Susan contact me. She has been sent the new director orientation and must work her way through that as soon as possible. Additionally, it is not just the hours of absence, it is content and correlated clinical hours that the director will need to assess for each student. I want her to talk to me before she does anything with these students. I have tried to contact her two times already with no response.

Pam

From: Linda Coyne [<mailto:lacoyne@gmail.com>]
Sent: Tuesday, March 13, 2012 9:16 PM
To: Hinckley, Pam@DCA
Cc: Denise Estrella; Sue Hanna
Subject: Soledad USD VN Program

Dear Pam:

I have good news. Susan Hanna has accepted the VN director position for our program. I have completed the analysis of all student records and know exactly what each one needs to complete to be able to finish our program. I would like to know which clinical sites are currently approved and which instructors. Can you provide that information to me?

I would like to provide this information to Susan so she can begin to organize the classes and clinical instruction to move forward ASAP.

Thank you for any help you can provide.

Linda Coyne



BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7855 Web www.bvnpt.ca.gov



CERTIFIED MAIL

March 19, 2012

Susan Hanna
Vocational Nursing Program
Soledad Unified School District Community Education Center
690 Main Street
Soledad, CA 93960

Subject: Notice of Accreditation Status and Required Corrections

Dear Ms. Hanna:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on February 24, 2012, the provisional approval status of the Soledad Adult School/Mission Trails Vocational Nursing Program has been extended for the period from March 1, 2012 through May 31, 2012. The purpose of this letter is to explain the areas of noncompliance found and the corrections required of your program to avoid losing accreditation completely.

Once you have reviewed this letter, please sign and return the enclosed "Acknowledgement of Change in Approval Status" form by **Friday, March 30, 2012**.

AREAS OF NON-COMPLIANCE VIOLATION(S)

In accordance with Section 2526.1(c) of title 16 of the California Code of Regulations,

"The Board may place any program on provisional accreditation when that program does not meet all requirements as set forth in this chapter and in Section 2526..."

Section 2527 (c) of title 16 of the California Code of Regulations provides:

"A school shall report to the Board within ten days of the termination of a faculty member.

On December 15, 2010 the program failed to notify the board that faculty members left the program. This violation formed one of the bases for the program's placement on provisional accreditation from September 9, 2011 through February 29, 2012. The program was specifically required to correct this violation. It is noted that the program did subsequently notify the Board when the most recent director resigned in September 23, 2011.

Section 2529 (b) of title 16 of the California Code of Regulations provides:

"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.)."

The program failed to have a qualified administrator for the period from September 15, 2010 to September 1, 2011, and again from September 24, 2011 through the date of the Board's February 24, 2012 meeting when it heard this matter. This violation formed one of the bases for the program's placement on provisional accreditation from September 9, 2011 through February 29, 2012. The program was specifically required to correct this violation. On October 4, 2011, the Board provided a Notice of Change in Accreditation Status setting forth the violation and explained that this correction was required to maintain accreditation/approval. While the program obtained a director for three weeks in September, 2011, that director subsequently resigned. At the February 24, 2012, Board meeting, the program asserted that it had one or two likely and qualified candidates for the position. The program explained that, despite its efforts, it was having difficulty recruiting and retaining a qualified director.

Section 2533(f) of title 16 of the California Code of Regulations provides:

"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..."

As the program acknowledged during the Board's September 9, 2011 and February 24, 2012 meetings, it had modified the course of instruction for student's accepted in February 2009 class by extending the program, so that students scheduled to graduate on April 16, 2011, were scheduled to graduate in October 2011. The program did not obtain the required approval from the Board to make this change.

After considering these violations, the Board's prior actions, the consultant's report, the program's previously high pass rate, the presentation by the program at the Board meeting regarding its efforts to recruit and that it had two reasonably viable candidates to hire in the immediate future, the Board extended the program's provisional approval to the end of May, 2012. The currently required corrections are set forth below.

REQUIRED CORRECTION(S)

1. The Soledad Adult School/Mission Trails Vocational Nursing Program must obtain a director who meets requirements set forth in title 16, California Code of Regulations, section 2526 (c)(1).

2. The program shall comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code section 2880, and Article 5 of the Board's Regulations, commencing at title 16, California Code of Regulations, section 2526.
3. The program shall demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
4. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

Failure to take these corrective actions may cause the Board to revoke the program's approval. In the event additional violations of the approval standards are identified, such violations may result in further corrective action or revocation of provisional approval.

FUTURE BOARD ACTION

Your program will be placed on the **May 2012** Board Meeting agenda, at which point the Board may revoke or extend the program's approval.

OTHER IMPORTANT INFORMATION

Please be advised that, pursuant to the Board's regulations, the program will not be authorized to admit new classes beyond the established pattern of admissions previously approved by the Board. The established pattern of admissions approved by the Board is as follows: **As noted in the Board's October 4, 2011 Notice, the full Board's permission is required for each future class admission.**

In the event your program is required to submit any report(s) as a corrective action pursuant to this notice, such reports are required in addition to any other reports required pursuant to section 2527 of the Board's regulations.

The program may no longer advertise that it has full approval, and should take steps to correct any ongoing advertisements or publications in that regard.

A copy of title 16, California Code of Regulations, section 2526.1, regarding provisional approval is attached for your reference. A complete copy of the Board's laws and regulations can be found on the Board's web site at www.bvnpt.ca.gov.

Should you have questions, please do not hesitate to contact the Board.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Bello-Jones", written over a horizontal line.

TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer

Enclosures

cc: Board Members

TBJ:ph

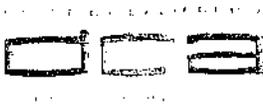


TITLE 16 CALIFORNIA CODE OF REGULATIONS

Section 2526.1

2526.1. Provisional Accreditation.

- (a) Provisional accreditation means a program has not met all requirements as set forth in this chapter and in Chapter 6.5, Division 2 of the Business and Professions Code.
- (b) Provisional accreditation shall be granted for a period determined by the Board.
- (c) The Board may place any program on provisional accreditation when that program does not meet all requirements as set forth in this chapter and in Section 2526. If the program has not met all requirements at the end of the initial provisional accreditation period, provisional accreditation may be extended if the program demonstrates to the satisfaction of the Board a good faith effort to correct all deficiencies.
- (d) Any program holding provisional accreditation may not admit "new" classes beyond the established pattern of admissions previously approved by the Board. The admission pattern is defined by the number of students per class and the frequency of admissions for the six class admissions that immediately precede the Board action to consider provisional accreditation.
- (e) A program placed on provisional accreditation shall receive written notification from the Board. The notification to the program shall include specific areas of noncompliance and requirements for correction. A program's failure to correct delineated areas of noncompliance is cause for revocation of provisional accreditation.
- (f) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for revocation of provisional accreditation.
- (g) A program whose provisional accreditation has been revoked shall be removed from the Board's list of accredited programs. The status of students as potential applicants for licensure will be determined by the Board.
- (h) A program that is removed from the Board's list of accredited programs subsequent to Board action based on the program's non-compliance with applicable regulations shall not reapply to establish a vocational nursing program for a minimum period of one calendar year.



BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7855 Web www.bvnpt.ca.gov



Acknowledgement of Change in Approval Status

I, SUSAN HANNA, director of SOLEDAD ADULT SCHOOL/MISSION TRAILS, R.O.P.
(Director's Name) (Name of Program)

hereby acknowledge that this program's status has been changed from full approval to provisional approval. I understand that in accordance with Section 2526.1 (f) of the Vocational Nursing Rules and Regulations and Section 2581.1 (f) of the Psychiatric Technician Rules and Regulations, the Board will consider any advertisement of full approval while on provisional approval as "material misrepresentation of fact". "Material misrepresentation of fact" may lead to revocation of the program's approval. Further, I understand the program's provisional approval status will be reflected on the Board's internet website.

Please complete and return this form to the Board **by March 30, 2012.**

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(Signature of Director)

(Date)



Agenda Item #12.A.3. Attachment I



STATE AND COUNTY OFFICIALS PLEASE ADVISE: • GOVERNMENT TRAINING CENTER
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7855 Web www.bvnpt.ca.gov



CERTIFIED MAIL

April 4, 2012

Sue Hanna
Soledad Adult School/Mission Trails ROP
Vocational Nursing Program
973 Vista de Soledad
Soledad, CA 93960

Re: Re-Consideration of Provisional Accreditation

Dear Ms. Hanna:

On February 24, 2012, the Board extended the **Soledad Adult School Vocational Nursing Program's** Provisional Accreditation for a three (3) month period from February 24, 2012 through May 31, 2012 and, placed the program on the May 2012 Board agenda for reconsideration of Provisional Approval. The Board is scheduled to consider that request at its meeting scheduled May 11, 2012. That meeting will be held at the Embassy Suites Milpitas – Silicon Valley, in Milpitas, California.

To ensure dissemination and review by individual Board members and relevant staff for timely consideration prior to the May Board meeting, please submit the following written information by **Wednesday, April 11, 2012**:

- Eighteen (18) copies of pertinent documents related to subsequent actions taken by the program to correct identified problems ***that you desire Board members to consider***. Please remember existing statutes require that any document considered by the Board will become a public record. Accordingly, please redact all names of students.

- In addition, please provide information on a compact disc (CD) for Board use. Again, please remember to redact any student names prior to copying information onto the CD.

Although the primary purpose of this letter is to convey the Board's need for the copies, please be assured that, if timely submitted, any correspondence and attachments will be reviewed and, if appropriate, information submitted may be included in the report of the assigned consultant.

The Board strongly recommends that you plan to attend the meeting and be prepared to respond to questions from Board members relative to your program.

Please contact the Board at (916) 263-7843 should further clarification be needed.

Sincerely,

A handwritten signature in black ink that reads "Pam Hinckley". The signature is written in a cursive, flowing style.

PAM HINCKLEY, RN, MSN
Nursing Education Consultant
Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive, Suite 205
Sacramento, CA 95833
(916) 263-7843 Phone
(916) 263-7866 Fax
Pam_hinckley@dca.ca.gov