

Agenda Item #5.

BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

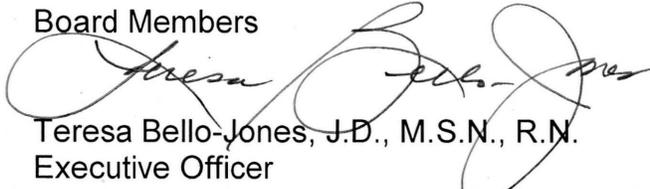


Board of Vocational Nursing and Psychiatric Technicians
2535 Capitol Oaks Drive Suite 205, Sacramento, CA 95833-2945
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DATE: October 15, 2013

TO: Board Members

FROM:  Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

SUBJECT: Ratification of Actions Taken by Less Than a Quorum of the Board on
September 13, 2013

The Board of Vocational Nursing and Psychiatric Technicians (Board) held a Board Meeting on September 13, 2013 in Los Angeles, CA. The agenda items were considered by less than a quorum of the full Board. The recommendations from the meeting must be ratified by the full Board to become official.

The draft minutes from the September 13, 2013 Board Meeting are attached for your reference (Attachment A).

Attachment A: **Draft** September 13, 2013, Board Meeting Minutes

Agenda Item #5., Attachment A.



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BOARD MEETING MINUTES

SEPTEMBER 13, 2013

LOS ANGELES, CALIFORNIA

BOARD MEMBERS PRESENT:

Todd D'Braunstein, P.T. Member, President
Jessica Leavitt, Public Member
Andrew Moreno, Public Member
John Vertido, L.V.N. Educator Member

BOARD MEMBERS ABSENT:

Eric Mah, Public Member, Vice-President
Ling-Ling Chang, Public Member

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Cheryl Anderson, M.S.N., R.N., Supervising Nursing Education
Consultant
Pam Hinckley, M.S.N., R.N., Nursing Education Consultant
Suellen Clayworth, M.N., R.N., Nursing Education Consultant
Marilyn Kimble, Enforcement Program Manager
Mark Ito, Licensing Program Analyst
Jay Prouty, Enforcement Program Analyst
Gary Duke, Legal Counsel, Department of Consumer Affairs

1. CALL TO ORDER

The meeting was called to order by the President, Todd D'Braunstein, at 9:10 a.m., September 13, 2013 at the Radisson Hotel at Los Angeles Airport, 6225 West Century Boulevard, Los Angeles, California 90045. Mr. D'Braunstein announced that there is not a quorum of the Board.

2. PLEDGE OF ALLEGIANCE

John Vertido led those assembled in the Pledge of Allegiance.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

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

Gary Duke, Legal Counsel, Department of Consumer Affairs (DCA) stated that since the Board Members present do not constitute a quorum, official action cannot be taken on any agenda item. The Board Members will act as a committee. The committee's recommendations on each agenda item must be adopted by a quorum of the Board at a special meeting to be scheduled

or at the next regularly scheduled Board meeting. In accordance with the Open Meetings Act, Government Code section 11120 et seq., the Board shall provide notice to all interested parties no less than ten (10) days before the scheduled meeting.

4. INTRODUCTION OF APPROVED SCHOOLS REPRESENTED AT MEETING BASED UPON VOLUNTARY SIGN-IN LIST

The following programs voluntarily signed in and were recognized by the Board President:

American Career College – Los Angeles	Gurnick Academy of Medical Arts – Concord
American Career College – St. Francis	Gurnick Academy of Medical Arts – Fresno
Annenberg School of Nursing	Gurnick Academy of Medical Arts – Modesto
Bethesda University of California	Gurnick Academy of Medical Arts – San Mateo
Career Care Institute – Lancaster	High Desert Medical College
Career Care Institute – Moreno Valley	Homestead Schools, Inc.
Career Care Institute – Ventura	InfoTech Career College
Career Networks Institute	LAUSD – Maxine Waters
CET – Nursing	Medical Allied Career Center
Charter College – Canyon County	Mount San Antonio College
Charter College – Long Beach	North-West College
Clovis Adult and Vocational Education	Oikos University
Concorde Career College – Garden Grove	Professional Medical Careers Institute
Concorde Career College – N. Hollywood	Santa Barbara Business College – Santa Maria
Curam College of Nursing	Solano College of Nursing
Glendale Career College	Valley School of Allied Health
Grossmont Health Occupations	

5. BOARD PRESIDENT’S MESSAGE: MEETING AND PUBLIC COMMENT PROCEDURES

Mr. D’Braunstein read a special notice addressing the Board’s legal mandate and the procedure to have an issue placed on the Board Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Board’s discussion; however, no action may be taken at this time and the Board may limit the length of time allowed for comment.

6. EXECUTIVE OFFICER’S REPORT

Ms. Bello-Jones provided an update on Board activities relative to:

- Board Member Update
- Director’s Forum
- Consumer Protection Enforcement Initiative
- Education Division
- Licensure Examinations
- Liaison Activities
- Personnel
- BreEZe Update
- National Council of State Boards of Nursing (NCSBN) Nursys e-Notify
- Customer Service Surveys

Public Comment: None received.

Committee Discussion: None received.

- Mr. D'Braunstein noted that he also participated in some of the meetings with DCA to provide the Board's perspective on matters and help support the objectives that staff is trying to achieve. He wanted to clarify that the Board, staff and DCA are all interacting together in working on solutions to these issues.

7. CONSENT CALENDAR

- A. Adoption of May 9-10, 2013 Board Meeting Minutes.
- B. EO's Report on Decisions for Vocational Nursing (VN) and Psychiatric Technician (PT) Programs.
- C. Adoption of 2014 Board Meeting Dates and Locations.

Public Comment: None received.

Committee Discussion:

- Mr. D'Braunstein recommended that the Board attempt to hold a Board Meeting at the State Capitol.

MOTION: To accept the Consent Calendar items.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

8. PRESENTATION OF THE LEGISLATIVE REPORT

Mark Ito, Licensing Program Analyst, reported on 10 bills currently being tracked.

Public Comment: None received.

Committee Discussion: None received.

MOTION: To accept the Legislative Report.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

9.A. UPDATE ON PROPOSED REGULATORY ACTION TO IMPLEMENT AB 1588, WAIVER OF RENEWAL REQUIREMENTS

Mark Ito, Licensing Program Analyst, presented a report relative to proposed regulatory action to implement AB 1588, Waiver of Renewal Requirements.

Public Comment: None received.

Committee Discussion:

- Mr. Vertido asked whether this bill would adversely affect licensees if they are not working in their license capacity while on active duty. Teresa Bello-Jones responded that the bill is in regard to licensees and does not affect their occupation while on active duty.

MOTION: No action required.

9.B. UPDATE ON PROPOSED REGULATORY ACTION TO IMPLEMENT SB 539, PERMISSIVE SITE VISITS

Mark Ito, Licensing Program Analyst, presented a report relative to the proposed regulatory action to implement permissive site visits. Mr. Ito reported that a public hearing was held on August 5, 2013. The Board received no oral or written comments from the public. Subsequently, on August 19, 2013, the Board published a 15-day notice of proposed changes as advised by the Board's Legal Counsel. The notice specified changes recommended by the DCA Division of Legislative & Policy Review.

Public Comment: None received

Committee Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve regulatory proposal as modified, to amend California Code of Regulations, Title 16, Division 25, Chapter 1 (Vocational Nursing), Article 5, Sections 2526(c) and 2526(f).
2. Approve regulatory proposal as modified, to amend California Code of Regulations, Title 16, Division 25, Chapter 2 (Psychiatric Technician), Article 5, Sections 2581(c) and 2581 (f).
3. Direct staff to submit the Final Rulemaking File to the Department of Consumer Affairs and to the Office of Administrative Law for final approval.
4. Authorize the Executive Officer to make non – substantive changes as are required by the Director of the Department of Consumer Affairs and the Office of Administrative Law.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

10. ENFORCEMENT DIVISION REPORT

Marilyn Kimble, Enforcement Program Manager, presented the Enforcement Division Report relative to the following:

- Consumer Protection Enforcement Initiative
- Enforcement Program Measures
- Regulatory Activity
- Enforcement Division Updates
- Enforcement Division Statistics

Public Comment: None received.

Committee Discussion: None received.

MOTION: To accept the report.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11. NURSING EDUCATION DIVISION REPORTS REGARDING VN & PT PROGRAMS

11.A.1. Palladium Technical Academy Vocational Nursing Program – Reconsideration of Revocation; Reconsideration of Request to Admit Students

Pam Hinckley, Nursing Education Consultant (NEC), presented a report relative to reconsideration of revocation and request to admit students for the Palladium Technical Academy Vocational Nursing Program. On November 9, 2012, the Board revoked approval of the program effective December 31, 2012. That action was taken due to the program's continued noncompliance with regulatory requirements set forth in California Code of Regulations, Section 2530 (I).

Based on data from the second quarter of 2013, the program's average annual pass rate is 25%, which is 48 percentage points below the State average annual pass rate.

Program Representative:

Amir Shafe, School Director

- Mr. Shafe thanked Cheryl Anderson for her continued support. He stated that the facts speak for themselves and asked the Board to find any of his comments untruthful. He also stated that his program did not have sufficient time to have the new curriculum take effect. He stated that Ann Catone is the director of the program.

Public Comment: None received.

Committee Discussion:

- Mr. Vertido indicated that the program's pass rates have not been above the state average annual pass rate dating back to July 2009.

MOTION: To accept the report and adopt the recommendation as follows:

1. Deny reconsideration of the revocation of provisional approval of the Palladium Technical Academy Vocational Nursing Program.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.B.1. Advanced Pro Nursing Institute Vocational Nursing Program – Reconsideration of Provisional Approval

Pam Hinckley, NEC, presented a report relative to reconsideration of provisional approval of the Advanced Pro Nursing Institute Vocational Nursing Program. The program was placed on provisional approval for the two-year period from September 9, 2011 through September 30, 2013. That action was taken due to the program's noncompliance with Section 2530 (I) of the California Code of Regulations. At that time, the program's average annual pass rate was 60%, which is 16 percentage points below the State average annual pass rate.

Based on data from the second quarter of 2013, the program's average annual pass rate is 46%, which is 28 percentage points below the State average annual pass rate.

Program Representative: There was no program representative present.

Public Comment: None received.

Committee Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Revoke provisional approval of the Advanced Pro Nursing Institute Vocational Nursing Program.
2. Remove the program from the *List of Approved Vocational Nursing Schools* effective immediately.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.B.2. CET–Nursing Vocational Nursing Program – Reconsideration of Provisional Approval

Pam Hinckley, NEC, presented a report relative to reconsideration of provisional approval of the CET-Nursing Vocational Nursing Program. On September 16, 2010, the program was initially placed on provisional approval for the one year period from September 16, 2010, through September 30, 2011. That action was taken due to the program's noncompliance with Section 2530 (l) of the California Code of Regulations. On May 20, 2011, the Board extended the program's provisional approval to November 10, 2011 (6 months). On November 10, 2011, the Board extended the program's provisional approval for an additional one year period. On September 6, 2012, the Board extended the program's provisional approval through September 30, 2013.

Based on data from the second quarter of 2013, the program's average annual pass rate is 0%, which is 73 percentage points below the State average annual pass rate.

Program Representative:

Ronoldo Varian, Program Director

- Mr. Varian thanked the Board for their patience and understanding, but disagrees with the recommendations in the report.

Public Comment: None received.

Committee Discussion:

- Mr. Vertido indicated that the program's average annual pass rate has been below the state average annual pass rate for 18 out of the last 22 quarters.
- Mr. Moreno asked Board staff how frequently the examination is administered. Mr. D'Braunstein responded that the examination is administered daily.

MOTION: To accept the report and adopt the NEC's recommendations as follows:

1. Revoke the provisional approval of the CET Nursing Vocational Nursing Program, effective November 30, 2013.
2. Remove the program from the *List of Approved Vocational Nursing Schools*, effective November 30, 2013.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.B.3. Healthcare College of California Vocational Nursing Program – Reconsideration of Provisional Approval

Pam Hinckley, NEC, presented a report relative to reconsideration of provisional approval of the Healthcare College of California Vocational Nursing Program. The program was placed on provisional approval for the two-year period from September 9, 2011 through September 30, 2013, due to noncompliance with Section 2530 (I) of the California Code of Regulations. At that time, the program's quarterly pass rate was 39% and its average annual pass rate was 56%, which is 20 percentage points below the State average annual pass rate.

Based on data from the second quarter of 2013, the program's average annual pass rate is 44%, which is 29 percentage points below the State average annual pass rate.

Program Representative: There was no program representative present.

Public Comment: None received.

Committee Discussion:

- Mr. Moreno requested clarification on whether the program has submitted the requested comprehensive analysis. Ms. Hinckley responded that the Board has not received the requested comprehensive analysis.

MOTION: To accept the report and adopt the recommendations as follows:

1. Revoke the provisional approval of the Healthcare College of California Vocational Nursing Program.
2. Remove the program from the *List of Approved Vocational Nursing Schools* effective immediately.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.B.4. Medical Allied Career Center Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to reconsideration of provisional approval of the Medical Allied Career Center Vocational Nursing Program and consideration of the program's request to admit a part-time class of 20 students commencing September 23, 2013, with a projected graduation of April 30, 2015, to replace the class that graduated May 26, 2013. The program also requested approval to admit a full-time class of 20 students commencing October 7, 2013, with a projected graduation of November 14, 2014, to replace a class that graduated July 7, 2013.

The program was placed on provisional approval for the two-year period from September 16, 2010 through September 30, 2012 due to noncompliance with Section 2530 (I) of the California Code of Regulations. At that time, the program's average annual pass rate was 44%, which is 39 percentage points below the State average annual pass rate. On September 6, 2012, the

Board extended the program's provisional approval through September 30, 2013. At that time, the program's average annual pass rate was 33%, which is 41 percentage points below the State average annual pass rate.

Based on data from the second quarter of 2013, the program's average annual pass rate is 80%, which is 7 percentage points above the state average annual pass rate.

Program Representative:

Alfie Ignacio, Program Director

- Mr. Ignacio thanked Ms. Hinckley for her support and guidance. He stated that the program's pass rates are improving and he agrees with the recommendations in the report.

Public Comment:

- Tricia Hunter, American Nurses Association, stated that with appropriate notice, the Board can hold a telephone conference to ratify the recommendations made at this meeting.

Committee Discussion:

- Mr. D'Braunstein requested clarification from Mr. Duke regarding the program's September 23, 2013 class start date. Mr. Duke responded that the program cannot have a start date until the full Board ratifies the recommendation.
- Mr. Vertido asked Mr. Duke if the Board can delegate the decision to the Board's Executive Officer. Mr. Duke responded that the Board does not have authority to delegate the decision to the Board's Executive Officer.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve Medical Allied Career Center Vocational Nursing Program's request to admit a full-time, class of 20 students commencing on September 23, 2013, graduating on April 30, 2015, only. This class would replace the class that graduated May 26, 2013.
2. Deny the program's request to admit a part-time, evening class of 20 students commencing October 7, 2013, only, graduating November 14, 2014. This class would replace a class that graduated July 7, 2013.
3. Extend provisional approval for the Medical Allied Career Center Vocational Nursing Program for a one (1) year period from September 13, 2013, through September 30, 2014 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.
4. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
5. Require the program to show documented progress satisfactory to the board to improve the effectiveness of instruction and program pass rates on the NCLEX-PN®. If no progress is shown, the Board may revoke the program's approval completely.
6. Require the program to admit no additional classes without prior approval by the full Board.
7. Require the program to submit a follow-up report in nine (9) months but no later than June 1, 2014. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.

- a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
8. 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 2525.
 9. 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 approval.
 10. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 11. Place the program on the September 2014 Board agenda for reconsideration of provisional approval

Moved/Seconded: Jessica Leavitt/ John Vertido

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.B.5. North-West College, Glendale, Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Suellen Clayworth, NEC-RA, presented a report relative to reconsideration of provisional approval of the North-West College, Glendale, Vocational Nursing Program and consideration of request to admit students. The program was placed on provisional approval for the two-year period from September 9, 2011 through September 30, 2013. At that time, the program's average annual pass rate was 45%, which is 31 percentage points below the State average annual pass rate.

Based on data from the second quarter of 2013, the program's average annual pass rate is 60%, which is 13 percentage points below the State average annual pass rate.

Program Representative:

Vickie Lapre, Program Director

- Ms. Lapre thanked Ms. Clayworth for her support. She stated that she agrees with the recommendations in the report and is requesting to change the start date of the program's requested class from February 3, 2014 to January 13, 2014.

Public Comment: None received.

Committee Discussion: None received.

MOTION: To accept the report and adopt the recommendations as amended:

1. Approve the North West College, Glendale, Vocational Nursing Program's request to admit 30 full-time students to an evening class commencing January 13, 2014, and graduating April 27, 2015, to replace the class projected to graduate on December 16, 2013.
2. Extend the North West College, Glendale, Vocational Nursing Program's Provisional Approval for the one - year period from September 13, 2013 through September 30, 2014, 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 F).
3. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
4. Require the program to show documented progress satisfactory to the Board to improve the effectiveness of instruction and program pass rates on the NCLEX-PN®. If no progress is shown, the Board may revoke the program's approval completely.
5. Require the program to admit no additional classes unless approved by the full Board.
6. Require the program to submit follow-up reports in nine (9) months, but no later than June 1, 2014. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
7. Require the program to 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 California Code of Regulations, Title 16, section 2526.
8. 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 approval.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

10. Place the program on the September 2014 Board agenda for reconsideration of provisional approval.

Moved/Seconded: Andrew Moreno/John Vertido

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.B.6. Solano College of Nursing Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students

Suellen Clayworth, NEC, presented a report relative to the reconsideration of provisional approval of the Solano College of Nursing Vocational Nursing Program and consideration of request to admit students. The program was placed on provisional approval for the two-year period from September 6, 2012 through September 30, 2014, due to noncompliance with California Code of Regulations Section 2530 (l). At that time, the program's quarter pass rate was 25%; its average annual pass rate was 53%, which is 21 percentage points below the State average annual pass rate.

Based on data from the second quarter of 2013, the program's quarter pass rate is 20% and its average annual pass rate is 35%, which is 38 percentage points below the State average annual pass rate.

Program Representative:

Lois Noyd, Program Director

- Ms. Noyd asked the Board to reconsider the revocation of the program's provisional approval and asked for additional time to turn the program around. She stated that improving the program's pass rate is a priority and that the program has contacted students who have not taken the examination.

Public Comment: None received.

Committee Discussion:

- Mr. Vertido asked the director about the ownership's role in the organization and the program's curriculum issues. Ms. Noyd responded that the ownership role in the administration of the program is not an issue and that the curriculum has been submitted to the Board.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny the Solano College of Nursing Vocational Nursing Program's request to admit 15 students into a full-time class commencing on September 30, 2013 and graduating on July 15, 2014.
2. Revoke the provisional approval of the Solano College of Nursing Vocational Nursing Program.
3. Remove the program from the *List of California Approved Vocational Nursing Programs* effective immediately.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.C.1. Franklin Career College Vocational Nursing Program – Consideration of Provisional Approval

Suellen Clayworth, NEC-RA, presented a report relative to consideration of placement of Franklin Career College Vocational Nursing Program on provisional approval. The action was proposed due to eleven (11) violations of the California Code of Regulations. On August 21, 2013, the Accrediting Council for Continuing Education and Training (ACCET) notified the program that the Commission voted to withdraw the school's accreditation, effective August 21, 2013, at its August 2013 meeting. In the absence of an appeal, revocation of the school's accreditation by ACCET and revocation of approval by the California Bureau for Private Postsecondary Education became final September 6, 2013. Pursuant to the California Education Code Section 94886, the school is prohibited from providing a course of instruction without express authority from the Bureau.

Program Representative: There was no program representative present.

Public Comment: None received.

Committee Discussion:

- Ms. Leavitt asked the Board staff if the recommendations should be amended given the program's loss of accreditation. Ms. Clayworth responded that it is up to the Board Members as to how the recommendations are to be amended.
- Mr. Vertido requested clarification on whether a teach-out is in process or are the students being transferred to other schools. Ms. Clayworth confirmed that the program is in the process of transferring students and also stated that the program no longer has a license to operate.

MOTION: To accept the report and adopt the recommendations as amended:

1. Suspend approval of the Franklin Career College Vocational Nursing Program during the period of time the program lacks the ability to instruct students pursuant to California Education Code Section 94886.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 Oppose: 0 Abstain: 0

(Quorum of the Board not present; Recommendation to the Board)

11.D.1. Bay Area College of Nursing, Daly City, Vocational Nursing Program – Consideration of Request to Admit Students

Suellen Clayworth, NEC-RA, presented a report relative to Bay Area College of Nursing, Daly City, Vocational Nursing Program. The program was placed on provisional approval on September 6, 2012, due to noncompliance with California Code of Regulation's Section 2530 (l). At that time, the program's average annual pass rate was 45%, which is 29 percentage points below the State average annual pass rate. The program requests approval to admit an evening class of 20 students beginning November 4, 2013, to replace the evening class that graduated December 2012, and approval to admit a day class of 20 students beginning January 7, 2014.

Based on data from the second quarter of 2013, the program's average annual pass rate is 74%, which is one percentage point above the State average annual pass rate.

Program Representative:

Rachelle Cagampan-Mendoza, Program Director

- Ms. Cagampan-Mendoza thanked Ms. Clayworth for her support and asked the Board to support the recommendations in the report.

Public Comment: None received.

Committee Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve Bay Area College of Nursing, Daly City, Vocational Nursing Program's request to admit an evening class of twenty (20) students plus two (2) alternates commencing November 4, 2013, only, and graduating February 26, 2014, to replace the evening class that graduated in December 2012.
2. Approve the program's request to admit a day class of twenty (20) students plus two (2) alternates commencing January 7, 2014, only, and graduating April 12, 2015. This class is an additional class and does not replace any graduating class.
3. Continue to require the program to obtain approval by the full Board prior to the admission of additional students.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.D.2. Career Care Institute, Inc., Moreno Valley, Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to Career Care Institute, Inc., Moreno Valley, Vocational Nursing Program. The program was placed on provisional approval on September 6, 2012, due to noncompliance with California Code of Regulation's Section 2530 (I). At that time, the program's average annual pass rate was 52%, which is 22 percentage points below the State average annual pass rate. The program requests approval to admit 50 students beginning October 1, 2013.

Based on data from the second quarter of 2013, the program's average annual pass rate is 67%, which is 6 percentage points below the state average annual pass rate.

Program Representative:

Corrine Stevens, Program Director

- Ms. Stevens stated that she looks forward to working with Board staff and the school to raise the pass rates to an appropriate level. She asked the Board whether the requested class will be able to start on October 1, 2013 even though the Board does not have a quorum. Mr. Duke responded recommendations from today's meeting require adoption by a quorum of the Board.

Public Comment: None received.

Committee Discussion:

- Mr. Vertido asked Board staff if the program has enough clinical sites to accommodate 50 students. Ms. Hinckley responded that the program does have the necessary clinical sites.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny Career Care Institute, Moreno Valley, Vocational Nursing Program's request to admit a day class of 50 full-time students on October 14, 2013, graduating on February 12, 2015, to **replace** a class that graduated August 31, 2012.
2. Approve the program's admission of a day class of 30 full-time students on October 14, 2013, graduating on February 12, 2015, only, to **replace** students that graduated August 31, 2012.
3. Require the program to admit no additional classes without prior approval by the full Board.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.D.3. High Desert Medical College Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to High Desert Medical College Vocational Nursing Program. The program was placed on provisional approval on September 6, 2012, due to noncompliance with California Code of Regulation's Section 2530 (I). At that time, the program's average annual pass rate was 63%, which is 13 percentage points below the State average annual pass rate. The program requests approval to admit a part-time class of 20 students on October 4, 2013.

Based on data from the second quarter of 2013, the program's average annual pass rate is 52%, which is 21 percentage points below the State average annual pass rate.

Program Representative:

Cindy Fairchild, Program Director

- Ms. Fairchild thanked the Board for their continued support. She stated that she has started an outreach program with the program's previous students and has implemented refresher courses.

Public Comment: None received.

Committee Discussion:

- Mr. Moreno asked Ms. Fairchild if the program continues grading on the curve. Ms. Fairchild responded that, effective with the admission of the current class, the program no longer grades on the curve.
- Mr. Vertido asked Ms. Fairchild what the effect would be on the school if the Board deferred action on her school until the November 2013 Board Meeting. Ms. Fairchild responded that the school is in jeopardy of closing down and they may lose their clinical sites if action is deferred.

MOTION: To accept the report and adopt the recommendations as follows:

1. Defer action on High Desert Medical College Vocational Nursing Program's request to admit 20 part-time students on October 4, 2013 to the November 2013 Board meeting.
2. Require the program to admit no additional students without prior approval by the full Board.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.D.4. Infotech Career College Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to Infotech Career College Vocational Nursing Program. The program was placed on provisional approval on November 10, 2011, due to noncompliance with California Code of Regulation's Section 2530 (l). At that time, the program's average annual pass rate was 100%. It was noted that the program's average annual pass rate reflected the score of one (1) program candidate. The program's request approval to admit a full-time day class of 30 students on November 11, 2013.

Based on data from the second quarter of 2013, the program's average annual pass rate is 63%, which is 10 percentage points below the State average annual pass rate.

Program Representative:

Elizabeth Estrada, Program Director

- Ms. Estrada thanked Ms. Hinckley for her support. She stated that she supports the recommendations in the report and anticipates that her program's pass rate will improve for the November meeting.

Public Comment: None received.

Committee Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Defer action on InfoTech Career College Vocational Nursing Program's request to admit a class of 30 full-time, students on November 11, 2013, graduating on January 7, 2015 to the November 2013 Board meeting.
2. Require the program to admit no additional students unless approved by the full Board.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.D.5. Oikos University Vocational Nursing Program – Consideration of Request to Admit Students

Suellen Clayworth, NEC-RA, presented a report relative to Oikos University Vocational Nursing Program. The program was placed on provisional approval on May 11, 2012, due to noncompliance with California Code of Regulation's Section 2530 (l). At that time, the program's average annual pass rate was 47%, which is 27 percentage points below the State average annual pass rate. The program requests approval to admit a full-time class of 30 students on September 16, 2013 and a class of 30 students on January 21, 2014.

Based on data from the second quarter of 2013, the program's average annual pass rate is 60%, which is 13 percentage points below the State average annual pass rate.

Program Representative: There was no program representative present.

Public Comment: None received.

Committee Discussion: None received.

MOTION: To accept the report and adopt the recommendations as follows:

1. Approve the Oikos University Vocational Nursing Program's request to admit 30 students into a full-time class commencing on September 16, 2013, only, and graduating on December 20, 2014, to replace the class graduating on June 30, 2012.
2. Deny the Oikos University Vocational Nursing Program's request to admit 30 students into an additional full-time class commencing on January 21, 2014, only.
3. Continue to require the program to request admission of any additional students.

Moved/Seconded: John Vertido/Jessica Leavitt

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

11.D.6. Valley School of Allied Health Vocational Nursing Program – Consideration of Request to Admit Students

Pam Hinckley, NEC, presented a report relative to Valley School of Allied Health Vocational Nursing Program. The program was placed on provisional approval on September 16, 2010, due to noncompliance with California Code of Regulation's Section 2530 (I). At that time, the program's average annual pass rate was 49%, which is 26 percentage points below the State average annual pass rate. The program requests approval to admit a full-time class of 20 students on September 16, 2013.

Based on data from the second quarter of 2013, the program's average annual pass rate is 59%, which is 14 percentage points below the State average annual pass rate.

Program Representative:

Norma Jones, Program Director

- Ms. Jones thanked the staff for their support. She indicated that her program had an 81% pass rate in the first quarter of 2013 and a 22% pass rate in the second quarter of 2013. She stated that the low pass rate in the second quarter of 2013 was due to several students testing who had graduated from previous classes. She also stated that she learned new information at the Directors Forum that will be useful moving forward.

Public Comment: None received.

Committee Discussion:

- Mr. Moreno requested clarification on the new information that she learned at the Directors Forum. Ms. Jones indicated that she learned more information on how to handle students who had graduated from previous classes and students who had English as their second language.
- Mr. Vertido stated that he wants the school to succeed, but urges the school to focus on past and currently enrolled students.

MOTION: To accept the report and adopt the recommendations as follows:

1. Deny Valley School of Allied Health Vocational Nursing Program's request to admit a full-time class of 20 students on September 16, 2013, only, graduating October 20, 2014, to replace students who graduated July 15, 2012.
2. Require the program to obtain approval by the Full Board prior to the admission of future classes.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 4 **Oppose:** 0 **Abstain:** 0

(Quorum of the Board not present; Recommendation to the Board)

12. AGENDA ITEMS FOR FUTURE MEETINGS

Public Comment: None received.

Committee Discussion:

- Ms. Leavitt requested that this agenda item be included on the agenda for the teleconference Board Meeting.

13. PUBLIC COMMENT PERIOD

- Norma Jones, Program Director, Valley School of Allied Health, asked if there is a way for the Board to change the process for calculating pass rates for schools who have students taking the licensure examination after a long period of time.
- Jay Murvine, President, Summit Career College, thanked Ms. Bello-Jones and Ms. Anderson for their support. He stated that he was granted a new class and will continue to work with the Board and his accrediting agency.
- Anne Anderson, Association of Directors of Vocational Nurse Educators, thanked Board staff and the Board Members for their hard work and dedication. She stated that she is concerned with the Board's lack of funding and its effect on the Board's workload.

15. ADJOURNMENT

The meeting was adjourned at 2:47 p.m.

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

Date: _____

Approved by: _____
Todd D'Braunstein, P.T.
President

Date: _____

(10/15/13)