

Agenda Item #5.E.2.A



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

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DATE: October 15, 2013

TO: Board Members

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

SUBJECT: Advanced Pro Nursing Institute Vocational Nursing Program -
Reconsideration of Provisional Approval (Director: Jon Murphy, Hayward,
Alameda County, Private)

The Education Division Report on the Advanced Pro Nursing Institute Vocational Nursing Program summarizes the Board's prior action placing the program on provisional approval and includes program licensing examination statistics, and other relevant information. The report with relevant items are attached to this memorandum.

On September 13, 2013, a report relative to the Advanced Pro Nursing Institute Vocational Nursing Program was considered by less than a quorum of the full Board (see **draft** September 13, 2013, Board Meeting Minutes, attached to Agenda Item #5). The recommendations from that meeting were to accept the report and adopt the recommendations without change.

Attachment A: Agenda Item #11.B.1. Advanced Pro Nursing Institute Vocational Nursing Program – Reconsideration of Provisional Approval, Dated August 28, 2013.

Agenda Item #11.B.1.



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DATE: August 28, 2013

TO: Board Members

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

SUBJECT: Advanced Pro Nursing Institute Vocational Nursing Program –
Reconsideration of Provisional Approval (Director: Jon Murphy, Hayward, Alameda
County, Private)

On September 9, 2011 the Board placed the Advanced Pro Nursing Institute Vocational Nursing Program on provisional approval¹ 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 (l) of the Vocational Nursing Rules and Regulations, which states:

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

The Board directed that the program demonstrate incremental progress in correcting identified violations. Further, the program was required to admit no additional students unless approved by the full Board. Reconsideration of the program's status was scheduled for the September 2013 Board meeting.

On October 4, 2011, the Board forwarded to the program director the Notice of Change in Accreditation Status. This document stated the decisions rendered by the Board and deadlines for submission of required reports.

On September 6, 2012, the Board approved the program's request for admission of a class of 18 students contingent upon the director's submission of a report confirming the implementation of strategies to correct identified deficits in critical program elements and the impact of those strategies on improving the program's pass rates.

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.

History of Prior Board Actions

(See Attachment A for History of Prior Board Actions)

Enrollment

The program offers full - time day and full - time evening classes that are 72 weeks in length. Prior Board approval is required for the admission of students into each class. The pattern of admissions for the proposed class is seen in the enrollment table below.

The following table represents **current and proposed** student enrollment based on class starts and completions. The table indicates a **maximum enrollment of 18 students** for the period **July 2010 through September 2013**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Completed			
7/10 AM (Unapproved - Previously Cited)	1/11	17	19	19
	1/11		-19	19 - 19 = 0
1//11 PM (Unapproved - Previously Cited)	5/12	15	14	0 + 14 = 14
	5/12		-14	14 - 14 = 0
9/12 PM (Class begun without submission of required report specified per Board)	12/13	18		0 + 18 = 18
	4/26/13 PM (Class stopped voluntarily)		-18	18 - 18 = 0

Licensing Examination Statistics

The following statistics, 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," for the period October 2007 through June 2013, specify the pass percentage rate for graduates of the Advanced Pro Nursing Institute, 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	Variance from State Average Annual Pass Rate
Oct - Dec 2007	8	5	63%	76%	63%	76%	-13
Jan - Mar 2008	8	2	25%	75%	44%	75%	-31
Apr - Jun 2008	3	1	33%	70%	42%	74%	-32
Jul - Sep 2008	2	0	0%	74%	38%	74%	-36
Oct - Dec 2008	2	0	0%	73%	20%	73%	-53
Jan - Mar 2009	4	3	75%	70%	36%	72%	-36
Apr - June 2009	9	7	78%	71%	59%	70%	-11
Jul - Sep 2009	7	4	57%	74%	64%	72%	-8
Oct - Dec 2009	22	12	55%	76%	62%	73%	-11
Jan - Mar 2010	11	7	64%	76%	61%	74%	-13
Apr - Jun 2010	No Candidates Tested			74%	58%	75%	-17
Jul - Sep 2010	1	0	0%	76%	56%	75%	-19
Oct - Dec 2010	10	6	60%	77%	59%	76%	-17
Jan - Mar 2011	2	1	50%	80%	54%	77%	-23
Apr- Jun 2011	7	5	71%	71%	60%	76%	-16
Jul - Sep 2011	3	1	33%	74%	62%	76%	-14
Oct - Dec 2011	2	1	50%	74%	57%	75%	-18
Jan - Mar 2012	5	4	80%	77%	65%	74%	-9
Apr- Jun 2012	2	1	50%	72%	58%	74%	-16
Jul - Sep 2012	5	3	60%	74%	64%	74%	-10
Oct - Dec 2012	5	2	40%	70%	59%	74%	-15
Jan - Mar 2013	3	1	33%	75%	47%	73%	-26
Apr - Jun 2013	No Candidates Tested			78%	46%	74%	-28

*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 to June 2013), the program's average annual pass rate is **46%**. The California average annual pass rate for graduates from approved vocational nursing programs who took the NCLEX-PN® for the first time is 74%. The average annual pass rate for the Advanced Pro Nursing Institute, Vocational Nursing Program is **28** 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."

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 consultant was unable to verify the following critical program elements.

1. Number of faculty currently employed by the program and approved by the Board; and
2. Number and variety of clinical facilities consistent with the Board – approved curriculum.

Other Considerations

As noted previously, the Board placed the Advanced Pro Nursing Institute Vocational Nursing Program on provisional approval on September 9, 2011 due to noncompliance with regulatory requirements relative to program pass rates. Specifically, the program's average annual pass rates had been more than ten (10) percentage points **below** the State average annual pass rates for fourteen (14) of the previous fifteen (15) quarters. At that time, the program's average annual pass rate of 60% was sixteen (16) percentage points below the State average annual pass rate. On October 4, 2011, the Board forwarded to the director the Notice of Change in Accreditation Status identifying violations and required corrections (see Attachment B).

On April 30, 2012 a new program director was approved by the Board.

On June 4, 2012, the Board received the program's follow – up report required by Corrective Action #3 in the Notice of Change in Accreditation Status, dated October 4, 2011. The following information was included in the analysis:

1. TEAS Entrance Test. Potential students who do not achieve a score of 60% or better will be referred to other resource programs to increase their ability prior to retesting.

2. Minor changes to the terminal objectives.
3. Minor changes to the curriculum objectives.
4. In the process of revising the curriculum.
5. Textbooks evaluated and changed as needed.
6. Lesson plans revised.
7. Revised remediation policy. Students who achieve below 75% are placed on a remediation contract and/or probation.
8. Program director identified faculty who were not following the instructional plan and made necessary faculty changes.

On August 6, 2012, the program director submitted documents specifying program actions taken to correct identified problems. The elements of that plan are as follows:

1. Utilizing ATI's comprehensive program of tests for entrance, throughout the program and upon completion of the program.
2. Entrance test (TEAS) requirement is 60% or better.
3. Added ATI virtual program. This is an optional program for students who achieve 90% or better on the predictor exams and mandatory for those students who do not achieve the 90%.
4. Marketing strategies have been employed to attempt to get a higher level of student.
5. Added ESL remediation program for applicants who fail the entrance exam.
6. Added a pre-requisite course that includes Medical Terminology, Anatomy and Physiology, Pharmacological dosage calculations.

On September 6, 2012, the Board approved the program's request to admit a class of 18 students contingent upon the program's submission of a report verifying implementation and the impact of strategies taken to improve program pass rates. The Board specified that the date of class commencement was contingent on the review and approval of the report. The Board denied the program's request for approval to admit a class of 18 students on January 2, 2013 and continued the program's requirement to admit no additional students without prior approval of the Board.

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

The new director requested a meeting to discuss the program's status. On December 20, 2012, the assigned NEC met with the director at the Board headquarters. Information presented by the NEC and reported by the director included:

➤ **Current Program Status**

The NEC reviewed the Board's decision placing the program on Provisional Status and required reports with deadlines for submission. The new director was provided with a copy of the September 2011 Board report related to the program's Provisional Approval and the terms of Provisional Approval.

➤ **Curriculum and Instruction**

The program director reported that instruction was being presented utilizing curriculum materials provided by the former director. The director stated that she did not know where the Board – approved curriculum was.

The NEC requested submission of the following documents by **December 28, 2012**:

- 1) A copy of the existing curriculum being utilized by the program; and
- 2) Identification of the current week of the curriculum and subject matter in which instruction was being presented to students.

➤ **Enrolled Classes**

The director reported that a class of 18 students had been admitted sometime during September 2012. The exact date of class commencement was not provided.

The NEC advised the director that the Board approved commencement of a class of 18 students on September 6, 2012, contingent on the consultant's review and approval of a program report verifying implementation of strategies to correct identified deficits in critical program elements and the impact of those strategies in improving the program's pass rates. The director was advised that the report had not been received. As such, the program's commencement of the class was noncompliant with the Board's decision. Such action constitutes a violation of the California Code of Rules and Regulations.

The director was requested to submit the required report by **December 28, 2012**.

On February 18, 2013, the Board received the follow-up report required by the Board at the September 6, 2012 Board meeting. To date, the director has failed to submit the

requested verification of the curriculum utilized and specific content in which instruction was presented.

On April 26, 2013, the Board received notification that the director had terminated her employment and the program had been placed on hiatus. The director reported that no students are currently enrolled in the program.

In summary, the Board placed the program on provisional approval on September 9, 2011 for the period September 9, 2011 through September 30, 2013, and specified required corrections, deadlines for submission, and the date on which reconsideration was scheduled. On October 4, 2011, the Board forwarded a Notice of Change in Accreditation Status.

To date, the program has failed to completely comply with requirements specified in the Notice of Change in Accreditation Status. Further, the program has failed to comply with Board decisions rendered subsequent to the Notice.

Given the foregoing, the following violations of the California Code of Regulations are identified:

Section 2527(a) of the California Code of Regulations states:

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

Violation #1: The program failed to submit a report in accordance with the Board’s September 6, 2012 decision. Specifically, the Board directed the program’s submission of a detailed report verifying implementation of strategies to correct identified deficits in critical program elements and the impact of those actions on improving the program’s pass rates. The report was to be submitted and reviewed by the NEC after which a date for class commencement would be determined.

Board files substantiate that the program failed to submit the report in accordance with the Board’s decision.

Correction #1: This violation is **corrected**. The report was received on February 18, 2013.

Section 2530(f) of the California Code of Regulations states:

“The program’s instructional plan shall be available to all faculty.”

Violation #2: The program director reported that class instruction was being presented utilizing curriculum materials provided by the former director. The director stated that she did not know where the Board – approved curriculum was.

Plan of Correction #2: This violation is **not corrected**. The violation will be corrected when the Board – approved instructional plan is available to program faculty and verification is submitted to the Board.

Section 2530 (k) of the California Code of Regulations states:

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

Violation #3: On September 6, 2012, the Board approved the program’s request to admit a class of 18 students **contingent upon the consultant’s review and approval** of a program report verifying implementation of strategies to correct identified deficits in critical program elements and the impact of those actions on improving the program’s pass rates.

On December 20, 2012, the Board received information from the director confirming the program’s admission of a class of 18 students in September 2012. The Board received the required program report on February 18, 2013.

Given the foregoing, the program admitted a class of 18 students without prior approval, as specified in the Board’s decision of September 6, 2012.

Plan of Correction #3: The violation is **not corrected**.

Section 2530(l) of the California Code of Regulations states:

“The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of approved vocational nursing schools for the same period...”

Violation #4: The program’s average annual pass rates have been more than ten (10) percentage points below State average annual pass rates for **20 out of 23 quarters**. As such, the program has been **compliant** with regulatory requirements for **13.04%** of the time and **non-compliant** for **86.96%** of the time. During

the 20 quarters of noncompliance, the pass rates dropped **11 to 53 percentage points below** State average annual pass rates. The program's **average annual pass rate is 46%**. The State average annual pass rate is 73%. As such, the program's average annual pass rate is **27 percentage points below** the State average annual pass rate.

Plan of Correction #4: This violation is **not corrected**. The violation will be corrected when the program's pass rates improve consistent with regulatory requirements.

Section 2533(f) of the California Code of 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 #5: Information provided by the director confirmed the program's implementation of a revised curriculum without prior Board approval. The revised curriculum contained major revisions in curricular content and objectives. As such, the program implemented a major revision of its curriculum without prior Board approval, as required by existing regulations.

Plan of Correction #5: This violation is **not corrected**.

On June 5, 2013, the NEC forwarded electronic correspondence to the school administrator requesting the status of the program and information required for preparation of the Board report. On June 13, 2013, the administrator responded “It does not appear that we will be able to make it to the Board by tomorrow June 14 for reconsideration of Provisional Approval. Without a VN Program Director at this moment to put all the needed documents together, and to answer to the Board, Advanced Pro Nursing cannot meet the deadline. For this year at least, or until I could engage a Program Director, I will have to put the VN program on hold for now.” (Attachment C)

Recommendations:

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.

Rationale: At the time the program was placed on provisional approval, the program's average annual pass rate was **60%**, **16 percentage points below** the State average annual pass rate.

During the 23 quarters for which licensure statistics are available, the program's average annual pass rates have been more than ten (10) percentage points **below** the state average annual pass rates for 20 of the previous 23 quarters. As such, the program has been **compliant** with regulatory requirements for **13.04%** of the time and **non-compliant** for **86.96%** of the time. During the 20 quarters of noncompliance, the pass rates dropped **11 to 53 percentage points below** state average annual pass rates. The program's current **average annual pass rate is 46%**. The State average annual pass rate is 73%. As such, the program's average annual pass rate is **27 percentage points below** the State average annual pass rate.

The program was approved to admit a class of 18 students at the September 2012 Board meeting contingent upon the director submitting proof of implementation of a plan to bring up the program's licensure pass rates. This report was not submitted prior to the class beginning. Subsequently, this director terminated employment. A new director was approved by the Board on November 5, 2012. The new director met with the assigned nursing education consultant at the Board's offices on December 20, 2012. During this meeting it was identified that the director did not know where the curriculum was and if it was the curriculum approved by the Board. The director was requested to submit a copy of the curriculum by which students were being instructed and to identify the week of instruction and topic being currently taught by December 28, 2012. The director did not submit the documents as requested.

Since that time the director has terminated her employment. Currently, the program does not have a Board - approved director. Information provided by the program specifies that the class that was admitted without approval was disbanded approximately April 26, 2013. No students are currently enrolled in classes.

The program's continued noncompliant pass rates, failure to comply with Board decisions, and violations of the California Code of Regulations support the recommendation to revoke the program's approval.

Attachment A: History of Prior Board Actions

Attachment B: Notice of Change in Accreditation Status Dated October 4, 2011.

Attachment C: Program Electronic Correspondence dated June 13, 2013, Received June 14 2013.

Agenda Item #11.B.1., Attachment A

ADVANCED PRO NURSING INSTITUTE VOCATIONAL NURSING PROGRAM

History of Prior Board Actions

- On January 11, 2006, the Executive Officer approved Advanced Pro Nursing Institute's request to begin a vocational nursing program with an initial class of 30 students on February 6, 2006 only, and approved the program curriculum for 1719 hours, including 713 theory and 1006 clinical hours.
- On April 12, 2007, the Executive Officer approved initial full accreditation for the Advanced Pro Nursing Institute Vocational Nursing Program for the period April 12, 2007, through April 11, 2011, and issued a certificate accordingly. Additionally, the Board approved the program's request to admit a full-time class of 30 students on August 6, 2007 only, to **replace** students graduating on June 30, 2007.
- On April 10, 2008, the Executive Officer approved the program's request to admit 30 students on April 22, 2008 only, with a projected graduation of July 25, 2009.
- On November 13, 2008, the director was notified that the pass rates for Advanced Pro Nursing Institute Vocational Nursing Program had fallen more than ten (10) percentage points below state average pass rates for four (4) consecutive quarters.
- On February 24, 2009, the director was notified of two (2) violations of the California Code of Regulations.

The consultant discussed the performance of program graduates on the NCLEX/PN[®] with the director. The director was requested to complete an analysis of all program elements impacting student achievement. A written report summarizing that analysis and a comprehensive plan to address the program's low performance statistics on the NCLEX/PN[®] was to be submitted by March 31, 2009. The report was to include, but not be limited to, critical information relative to the following program elements.

- a. Admission Criteria.
- b. Screening and Selection Criteria.
- c. Evaluation Methodology for Determining Student Progress.
- d. Identification of Students with Deficits in Theory and Clinical Performance.
- e. Adequacy of Instructional Methods, Materials, and Resources.
- f. Curriculum Performance.
- g. Faculty Evaluations.
- h. Clinical Facilities.

- On February 27, 2009, the Executive Officer approved the program's admission of a class of 30 students on March 2, 2009, only, with a projected graduation date of June 13, 2010, to **replace** students that graduated in November 2008.
- On March 30, 2009, the program director submitted a written report, as requested. Information submitted per element follows:
 - a. **Admission Criteria:** The program increased the required pass rate on the TEAS entrance examination from 50% to 60%.
 - b. **Screening and Selection Criteria:** As noted in #1, above.
 - c. **Evaluation Methodology for Determining Student Progress:** The program began using the ATI Comprehensive Assessment and Review Program, including use of practice tests and the Proctored Comprehensive Predictor Assessment tool that predicts a student's readiness for the NCLEX-PN® licensing examination.
 - d. **Identification of Students with Deficits in Theory and Clinical Performance:** Not addressed in director's response.
 - e. **Adequacy of Instructional Methods, Materials, and Resources:** Not addressed in director's response.
 - f. **Curriculum Performance:** Not addressed in director's response.
 - g. **Faculty Evaluations:** Not addressed in director's response.
 - h. **Clinical Facilities:** Not addressed in director's response.
- On April 21, 2009, the Board notified the director that the program's pass rates had fallen more than ten (10) percentage points below state average pass rates for six (6) consecutive quarters. The director was requested to submit an analysis of the effects of the program's improvement plan.

The director replied that the program strengthened its admissions, screening and selection criteria. The program required Human Anatomy and Physiology, General Psychology, and Pharmacology prior to admission. A 60% score is required on the ATI Admission Test, and CNA certification is preferred but not required.

The director did not address the adequacy of the instructional methods, how the program deals with student deficiencies, curriculum analysis, or faculty and facility evaluations.

- On June 30, 2009, the Board representative asked the director to completely answer the questions requested on February 24, 2009. As noted above, the director's response **did not** address how the program is actively dealing with the following issues:
 - a. Identification of Students with Deficits in Theory and Clinical Performance.
 - b. Adequacy of Instructional Methods, Materials, and Resources.

- c. Curriculum Performance.
- d. Faculty Evaluations.
- e. Clinical Facilities.

- On August 19, 2009, the Board notified the director that the pass rates for the Advanced Pro Nursing Institute Vocational Nursing Program had fallen more than ten (10) percentage points below state average pass rates for seven (7) consecutive quarters. The consultant requested submission of an analysis of the effects of the program improvement plan.
- On August 31, 2009, the director submitted the requested information. As reported, the program: (a) strengthened its admissions, and screening and selection criteria; (b) revised the criteria by which facility clinical experiences are evaluated; (c) plans to review and revise the curriculum in September 2009; (d) addressed student behavior and attitude issues; (e) established more consistent remediation processes; and, (f) strengthened the clinical skills assessment criteria. If implemented, these actions may help to improve the program's pass rates
- On September 3, 2009, the Executive Officer approved the program's request to admit a class of 30 students on September 21, 2009, only, with a projected graduation date of November 30, 2010, to **replace** students that graduated in July 2009.
- On December 4, 2010, the Board notified the director that program pass rates had fallen more than ten (10) percentage points below state average annual pass rate for four (4) quarters. The assigned consultant requested the program's plan to increase their pass rates by December 17, 2010.
- On December 16, 2010, the Board received the program's response.
- On May 3, 2011, the director was notified of the program's noncompliance with regulatory requirements related to the failure to notify the Board of termination of faculty. The director was required to submit a plan of correction by May 13, 2011.
- On May 13, 2011, the Board received the program's plan of correction relative to the noncompliance cited on May 3, 2011.
- On May 16, 2011, the Board notified the director that program pass rates had fallen more than ten (10) percentage points below state average annual pass rates for five (5) quarters. The assigned consultant requested the program's plan to increase their pass rates by June 3, 2011.
- On June 30, 2011, the director was notified of three (3) violations and required to submit a plan to prevent future reoccurrences by July 8, 2011. The following violations were cited:

- a. Admission of two (2) unapproved classes; and,
- b. Utilization of unapproved curriculum; and,
- c. Deficiency of curricular hours

- On July 20, 2011, the plan to prevent reoccurrence of the violations cited on June 30, 2011, was received.
- On August 5, 2011, the assigned consultant forwarded correspondence requesting the program to submit fifteen (15) copies of pertinent documents relative to the programs actions taken to correct identified problems that they desire Board members to consider.
- On August 17, 2011, the Board received correspondence from the director and fifteen (15) copies of the program's plan to improve licensure pass rates.
- On September 9, 2011, the Board placed Advanced Pro Nursing Institute, Vocational Nursing Program on provisional accreditation for the two-year period from September 9, 2011, through September 30, 2013, 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 submit a revised instructional plan and objectives consistent with California Code of Regulations Section 2532 (b) and Section 2533 by October 14, 2011; **and**, denied the program's request to admit 30 full-time students on November 9, 2011, graduating March 9, 2013, to **replace** a class that will graduate October 31, 2011; **and**, approved the program's admission of a class of 20 students commencing on November 9, 2011 only, graduating on March 9, 2013, to **replace** students graduating on October 31, 2011; **and**, required the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate by September 30, 2013; **and**, required the program to submit follow-up reports in 9 months, but no later than **June 1, 2012**, and 21 months, but no later than **June 1, 2013**. 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; **and**

Required the program to admit no additional students unless approved by the full Board; **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; and, placed the program on the **September 2013** Board agenda for reconsideration of provisional accreditation.

- On October 4, 2011, the Board forwarded to the director the Notice of Change in Accreditation Status.
- **On April 30, 2012 a new director was approved by the Board.**
- On June 4, 2012 the Board received the program's follow – up report specified in Corrective Action #3 of the Notice of Change in Accreditation Status, dated October 4, 2011.
- On July 24, 2012, the assigned consultant forwarded correspondence requesting submission of eighteen (18) copies of pertinent documents and subsequent actions taken to correct identified problems that they desire Board members to consider by August 3, 2012.
- On August, 6, 2012, the Board received correspondence from the program director and eighteen (18) copies of pertinent documents including subsequent actions taken to correct identified problems that they desire the Board members to consider.
- On September 6, 2012, the Board approved the program's request for admission of a class of 18 students contingent upon the following:
 - a. Proof of implementation, as demonstrated by a report indicating the impact of elements a through f above on improving the program's pass rates.

The date of class commencement shall be contingent on the consultant's review and approval of the submitted report; **and, denied** the program's request to admit a class of 18 students commencing on January 2, 2013, only, graduating on March 15, 2014; and, required the program to admit no additional students unless approved by the full Board.

- **On November 5, 2012, a new director was approved by the Board.**

- On December 20, 2012, the director met with the NEC at the Board's Offices. Discussions were held on the following:
 - a. The Program's Provisional Status - the new director was provided a copy of the September 2011 Board report and the terms of Provisional Approval.
 - b. Report Due to the Board - the director was advised to submit the report that was required by the Board as documented in the September 6, 2012 Board action **by December 28, 2012**. The director was advised this documentation was supposed to be received by the Board prior to the beginning of the current class.
 - c. Instructional Plan – The director queried about the process of changing the curriculum. The NEC advised the director of the process and provided her with the required forms. Additionally, the director was advised to submit a copy of the existing curriculum being utilized by the program, provide identification of the current week of the curriculum the students are in and subject matter being taught. A **due date of December 28, 2012** was given.

- On February 18, 2013, the Board received the follow-up report required by the Board at the September 6, 2012 Board meeting. To date, verification of the curriculum being utilized by the program has **not been submitted**.

- On April 26, 2013, the Board received notification the director had terminated her employment and the program had been placed on hiatus.

- On June 6, 2013, the assigned consultant forwarded correspondence requesting submission of two (2) copies of pertinent documents and subsequent actions taken to correct identified problems that they desire Board members to consider by June 14, 2013.

Agenda Item #11.B.1., Attachment B



STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.

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

Linda Pousson
Vocational Nursing Director
Advanced Pro Nursing Institute
2505 Technology Drive
Hayward, CA 94545

Subject: Notice of Change in Accreditation Status

Dear Ms. Poussen:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on September 9, 2011, the accreditation status of the Advanced Pro Nursing Institute Vocational Nursing Program has been changed from full accreditation to provisional accreditation for the two – year period from September 9, 2011 through September 30, 2013. 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 2530 (k) of title 16 of the California Code of Regulations states:

"The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:

- (1) Sufficient program resources as specified in Section 2530 (a).
- (2) Adequacy of clinical experience as specified in section 2534.
- (3) Licensure examination pass rates as specified in Section 2530 (l).

Section 2530(l) of title 16 of the California Code of Regulations states:

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

- (l) 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.”

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

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

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...”

The program pass rates of the Advanced Pro Nursing Institute Vocational Nursing Program for the past fifteen (15) quarters are set forth in the following table.

NCLEX-PN® Licensure Examination Pass Rates			
Quarter	State Annual Average Pass Rate	Program Annual Average Pass Rate	Variance from State Annual Average Pass Rate
Oct – Dec 2007	76%	63%	-13
Jan – Mar 2008	75%	44%	-31
Apr – Jun 2008	74%	42%	-32
Jul – Sep 2008	74%	38%	-36
Oct – Dec 2008	73%	20%	-53
Jan – Mar 2009	72%	36%	-36
Apr – Jun 2009	70%	59%	-11
Jul – Sep 2009	72%	64%	-8
Oct – Dec 2009	73%	62%	-11
Jan – Mar 2010	74%	61%	-13
Apr – Jun 2010	75%	58%	-17
Jul – Sep 2010	75%	56%	-19
Oct – Dec 2010	76%	59%	-17
Jan – Mar 2011	77%	54%	-23
Apr – Jun 2011	76%	60%	-16

Based on this data, the program failed to comply with regulatory requirements relative to the admission of students, minimum curriculum hours, and curricular changes. Further, the program failed to maintain its annual average pass rates, as required by regulation.

REQUIRED CORRECTION(S)

1. The Advanced Pro Nursing Institute Vocational Nursing Program shall submit a revised instructional plan and objectives consistent with California Code of Regulations Section 2532 (b) and Section 2533 by **October 14, 2011**.
2. The program shall bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate by **September 30, 2013**.
3. The program shall submit follow-up reports in 9 months, but no later than **June 1, 2012**, and 21 months, but no later than **June 1, 2013**. 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.
4. The program shall admit no additional students unless approved by the full Board.
5. 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.
6. 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.
7. 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 **September 2013** 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 3, you must submit this documentation by the fifteenth day of the second month prior to the Board meeting.

If you have additional information that you wish considered beyond the required corrections listed on page 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

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.



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Acknowledgement of Change in Accreditation Status

I, Linda Pousson, director of Advanced Pro Nursing Institute Vocational Nursing
Director's Name) Name of Program)

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 #11.B.1., Attachment C

From: Hooi Yeap [mailto:hooiyeapsf@yahoo.com]
Sent: Thursday, June 13, 2013 3:24 PM
To: Hinckley, Pam@DCA
Subject: Re: September Board Meeting

Dear Ms. Hinckley,

It does not appear that we will be able to make it to the Board by tomorrow June 14 for reconsideration of Provisional Approval. Without a VN Program Director at this moment to put all the needed documents together, and to answer to the Board, Advanced Pro Nursing cannot meet the deadline.

For this year at least, or until I could engage a Program Director, I will have to put the VN program on hold for now.

Thank you very much again for your guidance in the past years.

Best regards,
Hooi Yeap

From: "Hinckley, Pam@DCA" <Pam.Hinckley@dca.ca.gov>
To: 'Hooi Yeap' <hooiyeapsf@yahoo.com>
Sent: Thursday, June 6, 2013 8:49 AM
Subject: RE: September Board Meeting

Dear Hooi Yeap,
The school is on the September Board agenda for reconsideration of Provisional Approval. This cannot be put off. I have attached the last Board meeting packet which includes the terms of Provisional Approval (see Attachment A).

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

From: Hooi Yeap [mailto:hooiyeapsf@yahoo.com]
Sent: Wednesday, June 05, 2013 1:15 PM
To: Hinckley, Pam@DCA
Subject: Re: September Board Meeting

Dear Ms. Hinckley,

This is Hooi Yeap, I am the School Director , and the Administrator/Owner of Advanced Pro Nursing Institute.

Thank you so much for your emails, I apologize for the lateness in returning your mails.

Mia Kelly, my VN Program Director had written to you regarding the termination of our current VN class (due to students not passing) until after we have restructured, revamped and reorganized our VN program. At present, we are still working on the materials to be submitted to the Board, and APNI is also looking for a new Program Director to take over the position of Ms Mia Kelly; who has decided to spend more time at Merritt College.

It is possible for us to hold off the submittal of documents until next Board meeting in 2014, without having to go to the bottom of the pile?
Please kindly let us know at your convenience.

Thanks again,
Best regards,
Hooi Yeap, RN, MS
Advanced Pro Nursing Institute

From: "Hinckley, Pam@DCA" <Pam.Hinckley@dca.ca.gov>
To: "Hooi Yeaps (hooiyeapsf@yahoo.com)" <hooiyeapsf@yahoo.com>
Cc: "Garcia, Danna@DCA" <Danna.Garcia@dca.ca.gov>
Sent: Wednesday, June 5, 2013 8:48 AM
Subject: September Board Meeting

Dear Hooi Yeaps:

Attached please find a letter requesting documents in preparation for the September Board meeting. The Due Date for all material is **June 14, 2013**. **This letter replaces the letter sent on June 4, 2013.**

Please acknowledge your receipt of the email. I would also appreciate information related to your role with Advanced Pro Nursing Institute, i.e. Administrator or other.

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

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