



BOARD MEETING MINUTES

OCTOBER 21, 2013

SPECIAL BOARD MEETING VIA TELEPHONE CONFERENCE

SACRAMENTO, CALIFORNIA

Department of Consumer Affairs Hearing Room; 1625 N. Market Boulevard

SACRAMENTO, CALIFORNIA

Curam College School of Nursing; 6520 44TH Street, Suite 312

LOS ANGELES, CALIFORNIA

American Career College; 4021 Rosewood Avenue, Room 104

OAKLAND, CALIFORNIA

Elihu Harris Building; 1515 Clay Street, Room 1

SAN DIEGO, CALIFORNIA

Bureau of Automotive Repair; 16855 W. Bernardo Drive, Suite 112

WESTLAKE VILLAGE, CALIFORNIA

Professional Medical Careers Institute; 920 Hampshire Road, Suite S

BOARD MEMBERS

PRESENT:

Todd D'Braunstein, P.T. Member, President (Sacramento)
Eric Mah, Public Member, Vice-President (Oakland)
Eduardo Angeles, Public Member (Los Angeles)
Vivien Avella, Public Member (Westlake Village)
Tammy Endozo, L.V.N. Member (San Diego)
Andrew Moreno, Public Member (Westlake Village)
Samantha James-Perez, P.T. Member (Los Angeles)
John Vertido, L.V.N. Educator Member (Sacramento)

BOARD MEMBERS

ABSENT:

Jessica Leavitt, 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
Suellen Clayworth, M.S.N., R.N., Nursing Education Consultant
Marilyn Kimble, Enforcement Division Chief
Mark Ito, Licensing Program Analyst
Laura Freedman, Legal Counsel, Department of Consumer
Affairs

1. CALL TO ORDER

The meeting was called to order by the President, Todd D'Braunstein, at 11:41 a.m., October 21, 2013, from the Department of Consumer Affairs (DCA) Hearing Room, 1625 North Market Boulevard, Sacramento, California 95834.

2. PLEDGE OF ALLEGIANCE

Mr. D'Braunstein led the participants in reciting the Pledge of Allegiance.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

Mr. D'Braunstein took attendance of the Board Members by roll call. They introduced themselves by announcing their name, location, and noting if members of the public were in attendance. Teresa Bello-Jones, Executive Officer (EO), introduced the staff present. All staff members were present in Sacramento at the DCA Hearing Room location.

4. BOARD PRESIDENT'S MESSAGE: MEETING AND PUBLIC COMMENT PROCESURES

Mr. D'Braunstein read a special notice addressing the Board's legal mandate and 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.

5. RATIFICATION OF ACTIONS TAKEN BY LESS THAN A QUORUM OF THE BOARD ON SEPTEMBER 13, 2013

Laura Freedman provided information on the procedures to be followed by the Board when taking action on the agenda items. She explained that, in accordance with the Open Meeting Act, Board Members considering items during the teleconference must vote by roll call. Each Member may vote aye, nay, or abstain.

Mr. D'Braunstein noted that the special meeting was held in order for a quorum of the Board to consider ratification of the actions taken by less than a quorum of the Board on September 13, 2013. He specified that the Board will make one motion to adopt the positions recommended by the Board Members present at the September meeting. He stated that the Board will consider any item individually if there is anyone who wishes to address the Board regarding a specific agenda item.

Requests to exclude specific agenda items from a single motion to adopt the recommendations from the September 13, 2013 meeting were made. Items 5.C.1, 5.E.1.A and 5.E.2.B, were to be considered individually. The other items, for which a single motion to ratify actions taken by less than a quorum of the Board, were as follows:

A. Consent Calendar

1. Adoption of May 9-10, 2013 Board Meeting Minutes.
2. Executive Officer's Report on Decisions for Vocational Nursing and Psychiatric Technician Programs.
3. Adoption of 2014 Board Meeting Dates and Locations.

B. Legislative Report: Assembly Bills 186, 213, 393, 512, 809, 866, 1017, 1028, 1057; Senate Bill 690; and Other Bills Pertinent to the Board.

- C. Regulatory Report.
 - 1. Update on Proposed Regulatory Action to Implement AB 1588, Waiver of Renewal Requirements.
 - 2. Update on Proposed Regulatory Action to Implement SB 539, Permissive Site Visits
- D. Enforcement Division Report.
- E. Nursing Education Division Reports Regarding Vocational Nursing and Psychiatric Technician Programs.
 - 2. Reconsideration of Provisional Approval:
 - A. Advanced Pro Nursing institute Vocational Nursing Program – Reconsideration of Provisional Approval.
 - C. Healthcare College of California Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students.
 - D. Medical Allied Career Center Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students.
 - E. North West College, Glendale, Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students.
 - F. Solano College of Nursing Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students.
 - 3. Consideration of Provisional Approval:
 - A. Franklin Career College Vocational Nursing Program – Consideration of Provision Approval.
 - 4. Request to Admit Students by Programs on Provisional Approval:
 - A. Bay Area College of Nursing, Daly City, Vocational Nursing Program – Consideration of Request to Admit Students.
 - B. Career Care Institute, Moreno Valley Vocational Nursing Program – Consideration of Request to Admit Students.
 - C. High Desert Medical College Vocational Nursing Program – Consideration of Request to Admit Students.
 - D. InfoTech Career College Vocational Nursing Program – Consideration of Request to Admit Students.
 - E. Oikos University Vocational Nursing Program – Consideration of Request to Admit Students.
 - F. Valley School of Allied Health Vocational Nursing Program – Consideration of Request to Admit Students.

Public Comment: None received.

Board Discussion: None received.

MOTION: To ratify the actions taken by the members present at the September 13, 2013 Board Meeting, excluding those specifically set aside.

Moved/Seconded: John Vertido/Andrew Moreno

Support: 8 **Oppose:** 0 **Abstain:** 0

5.C.1 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.

Board Discussion:

- Todd D’Braunstein noted the draft minutes are correct.

MOTION: No action required.

5.E.1.A. PALLADIUM TECHNICAL ACADEMY VOCATIONAL NURSING PROGRAM – RECONSIDERATION OF REVOCATION; CONSIDERATION OF REQUEST TO ADMIT STUDENTS.

On September 13, 2013, Pam Hinckley, Nursing Education Consultant (NEC) presented a report relative to the school’s request for reconsideration of revocation and reconsideration of their request for approval to admit students. The report summarized the Board’s prior action revoking provisional approval and included program licensing examination statistics, and other relevant information.

The recommendation from that meeting was to accept the report and adopt the recommendation without change.

Program Representative:

Amir Shafe, Program Director

- Mr. Shafe stated the school has not had enough time for test scores to take effect, and prove the changes to the curriculum are working to improve the program’s pass rate.

Public Comment: None received.

Board Discussion:

- Ms. Samantha James-Perez asked whether the pass rate was correct. Cheryl Anderson, SNEC, noted the program’s examination statistics are accurate for the periods indicated, as published 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”.
- Mr. John Vertido noted the school has a long history of not meeting the state passing rate.
- Ms. Vivian Avella asked if there are more exam results of the classes with the curriculum changes. Mr. Shafe stated the students have been testing, and he’s sure they’ve been passing.
- Mr. Eric Mah asked when third quarter statistics would be available. Cheryl Anderson stated they would be available by the end of the week, October 25, 2013.

- Eric Mah asked the program director why only 11 out of 27 students have taken the exam. Mr. Shafe stated it was taking them a long time to get approved for testing, and that some students were confused as to whether they were allowed to test due to the school's approval being revoked.
- Eric Mah stated he would prefer to see some data from current students. There would be no harm in waiting until November.

MOTION: To accept the recommendation made by less than a quorum of the Board on September 13, 2013, to adopt the recommendation as follows:

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

Rationale: Denying reconsideration will uphold the Board's November 9, 2012 decisions to:

- a. Revoke the provisional approval of the Palladium Technical Academy Vocational Nursing Program, effective December 31, 2012.
- b. Remove the program from the *List of Approved Vocational Nursing Schools*.

The program has failed to demonstrate compliance with California Business and Professions Code, Division 2, Chapter 6.5, Article 4 and California Code of Regulations, Division 25, Chapter 1, Article 5 for the past 16 consecutive quarters.

If the Board upholds its prior decision to revoke the program's approval, no students are impacted. Based on previously submitted program enrollment data, the last class was admitted in October 2011 and graduated in December 2012.

Moved/Seconded: John Vertido/Andrew Moreno
Support: 4 **Oppose:** 3 **Abstain:** 1

5.E.2.B. CET-NURSING VOCATIONAL NURSING PROGRAM – RECONSIDERATION OF PROVISIONAL APPROVAL; CONSIDERATION OF REQUEST TO ADMIT STUDENTS.

On September 13, 2013, Pam Hinckley, NEC, presented a report relative to the reconsideration of the program's provisional approval and consideration of a request to admit students. The report summarized the Board's prior action placing the program on provisional approval and includes program licensing examination statistics, and other relevant information.

The recommendation from that meeting was to accept the report and adopt the recommendations without change.

Program Representative:

Angie Suh, Owner, thanked the Board Members and staff for the opportunity to address the full board.

Public Comment: None received.

Board Discussion:

- Vivien Avella asked the program representative if the program had any new data. Ms. Suh stated a class of eleven (11) students graduated in May of 2013. Two (2) of the students tested and passed in September. The rest will test in October, November and

December. She further stated a class of thirteen (13) will graduate in November, and hopefully they will register to test.

- Eric Mah stated the Board needs to give schools a chance to improve. He suggested it may be a subject for a future workshop or discussion.
- John Vertido stated the school was given plenty of time to improve, and that the Board extended provisional approval multiple times.

MOTION: To accept the recommendation made by less than a quorum of the Board on September 13, 2013, to adopt the recommendation 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.

Rationale: The program has enrolled 63 students, to date, and graduated 43. Of the 43 graduates, 24 have taken the licensure examination. Six (6) graduates from the second and fourth class have not tested, to date. A class of 13 graduates recently graduated May 16, 2013. A class of 13 students is currently enrolled in classes and scheduled to graduate on November 23, 2013.

The program's history of graduates and licensure pass rates per class is listed below:

Graduation Date	Number Graduated	Number Tested	Number Remaining to Test	Number Passed	Percent Passed
8/2008	8	8	0	2	25%
1/2010	9	6	3	3	50%
11/2010	5	5	0	4	80%
8/2011	8	5	3	2	40%

It is concerning, that the program's licensure pass rates are decreasing after being on provisional approval for over three (3) years. The program's current average annual pass rate is **0%** which is **73** percentage points **below** the State average annual pass rate. It is important to note, the most current four (4) quarters have no candidates testing. Of the 21 quarters of licensure data available for the program, 18 are significantly below the State average annual licensure pass rate.

The Board is concerned that the licensure pass rates are decreasing instead of increasing as new classes graduate. Based on the continued poor performance of graduates on the licensure examination, the recommendation to revoke the program's approval is advised. Revoking the program's approval on November 30, 2013 will allow the currently enrolled class of 13 students to graduate from an approved program.

Moved/Seconded: John Vertido/Andrew Moreno
Support: 5 **Oppose:** 3 **Abstain:** 0

6. Agenda Items for Future Meetings

Public Comment: None received.

Board Discussion:

- Todd D'Braunstein questioned whether this item should remain on future agendas.
- John Vertido stated agendas are usually full, and questioned whether there was time to continue including this item. He further stated Todd D'Braunstein could provide direction to staff on what Board members want included on future agendas, and that he was concerned this could take time away from essential duties.
- Laura Freedman stated this just allows the Board Members to suggest items they would like to see on the agenda in the future.
- Eric Mah mentioned the mail ballot process. He suggested seeing how other Boards handle the executive officer's evaluation, so that it is valuable and meaningful.
- Andrew Moreno noted that a member of the public at his location asked to review item 5.E.4.B. – Career Care Institute, Moreno Valley Vocational Nursing Program. Laura Freedman noted the Board took the recommended action, but could listen to the school representative and reconsider its previous action. Corinne Stevens, program director, requested confirmation that the Board affirmed recommendations presented on September 13, 2013. Todd D'Braunstein responded that the Board adopted the following recommendations:
 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.

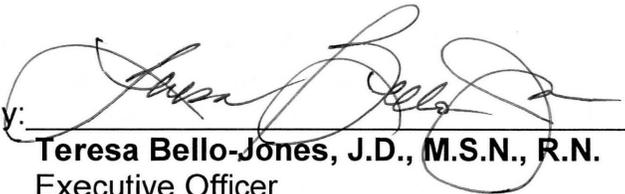
As a result of the clarification, no action was requested.

7. Public Comment Period.

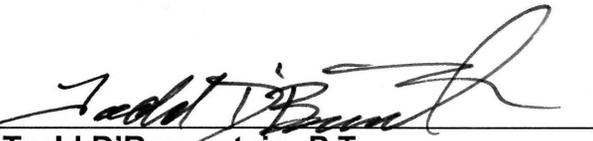
- Laura Smith McKenna, Director, American College of Nursing, Concord, Vocational Nursing Program, expressed concern that processing time for approval of applications was taking three (3) to four (4) months.
- Teresa Bello-Jones, Executive Officer, responded that the Board is working on the issue, and that school applications are now being processed within four (4) weeks.

8. ADJOURNMENT

The meeting was adjourned at 1:51 p.m.

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

Date: 11-22-2013

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

Date: 11-22-2013

(11/21/13)