

Agenda Item #14.A.9.



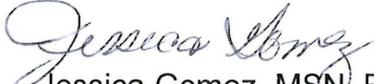
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

Board of Vocational Nursing and Psychiatric Technicians
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DATE: August 28, 2014

TO: Board Members

FROM: 
Jessica Gomez, MSN, RN
Donna G. Johnson, RNP, MS, MA
Nursing Education Consultant

SUBJECT: Shepherd University Vocational Nursing Program – Reconsideration of Provisional Approval Based on the Unannounced Program Survey Visit; Consideration of Request to Admit (Director: Agustin Dominic Pacis, Los Angeles, Los Angeles County, Private)

On May 16, 2014, the Board placed the Shepherd University Vocational Nursing Program on provisional approval¹ for a two - year period beginning May 16, 2014 through May 30, 2016. Provisional approval was imposed due to the program's non-compliance with regulatory requirements relative to program pass rates. The Board **denied** the program's request to admit 30 students and deferred to the Executive Officer a decision regarding the program's request to admit students commencing September 1, 2014, **provided** the program:

- 1) Submits written documentation verifying Board approval of clinical facilities required to provide clinical experiences of like character and quality for all students in the areas of the curriculum specified in Section 2533 of the California Code of Regulations; and
- 2) Has no more than ten (10) students per instructor during clinical experience.
- 3) Submits a written report verifying approval of adequate clinical facilities by July 30, 2014.

On June 11 – 12, 2014, Board representatives conducted an unannounced onsite survey of the program.

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.

The program is presented for reconsideration of provisional approval based on findings from the survey. Additionally, the program requests approval to admit 20 students commencing November 3, 2014, and graduating February 19, 2016, to **replace** students who graduated September 19, 2013.

History of Prior Board Actions

(See Attachment A, History of Board Action)

Enrollment

The program is approved to offer full – time classes that are 12 months (52 weeks) in length and part - time classes that are 15 months (60 weeks) in length. The program requires Board approval prior to the admission of each class.

The following table represents **current and proposed** student enrollment based on current and proposed class starts and completions. The table indicates a **maximum enrollment of 81 students** for the period from **August 2010 through November 2014**.

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
8/10		29	29	29
11/10		20	15	29 + 15 = 44
3/11		24	21	44 + 21 = 65
7/11		20	16	65 + 16 = 81
	10/11 (8/10 Class)		-29	81 – 29 = 52
	2/12 (11/10 Class)		-15	52 – 15 = 37
10/11		16	17	37 + 17 = 54
3/12		11	9	54 + 9 = 63
6/12		8	8	63 + 8 = 71
	6/12 (3/11 Class)		-21	71 – 21 = 50
	10 / 12 (7/11 Class)		-16	50 – 16 = 34
	2/13 (10/11 Class)		-17	34 – 17 = 17

ENROLLMENT DATA				
CLASS DATES		#Students Admitted	#Students Current or Completed	Total Enrolled
Start	Complete			
	3/13 (3/12 Class)		-9	17 - 9 = 8
	9/13 (6/12 Class)		-8	8 - 8 = 0
11/14 PT (Proposed)	2/16	20	20	20 + 0 = 20

Licensing Examination Statistics

The following statistics, furnished by Pearson Vue, and published by the National Council of State Boards of Nursing as "Jurisdictional Summary of All First-Time Candidates Educated in Member Board Jurisdiction," for the period January 2010 through June 2014, specify the pass percentage rates for graduates of the Shepherd University 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 Average Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate [CCR §2530(l)]	Variance From State Average Annual Pass Rate
Jan - Mar 2010	14	12	86%	76%	64%	74%	-10
Apr - Jun 2010	10	9	90%	74%	71%	75%	-4
Jul - Sep 2010	10	6	60%	74%	78%	75%	+3
Oct - Dec 2010	8	7	88%	77%	81%	76%	+5
Jan - Mar 2011	19	16	84%	80%	81%	77%	+4
Apr - Jun 2011	12	7	58%	71%	73%	76%	-3
Jul - Sep 2011	10	7	70%	74%	76%	76%	0
Oct - Dec 2011	11	6	55%	74%	69%	75%	-6
Jan - Mar 2012	19	12	63%	77%	62%	74%	-12
Apr - Jun 2012	11	4	36%	72%	57%	74%	-17
Jul - Sep 2012	15	9	60%	74%	55%	74%	-19
Oct - Dec 2012	7	4	57%	70%	56%	74%	-18
Jan - Mar 2013	10	6	60%	75%	53%	73%	-20
Apr - Jun 2013	10	6	60%	78%	60%	73%	-13
Jul - Sep 2013	8	4	50%	75%	57%	74%	-17
Oct - Dec 2013	12	8	67%	76%	60%	76%	-16
Jan - Mar 2014	8	3	38%	74%	55%	76%	-21
Apr - Jun 2014	2	0	0%	66%	50%	73%	-23

*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.

California Code of Regulations (Code) § 2530(l) 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."

Based on the most recent data available (April 2014 through June 2014) the program's average annual pass rate is **50%**. The California average annual pass rate for graduates from approved vocational nursing programs who took the NCLEX-PN® for the first time during the same period is 73%. The pass rate for the Shepherd University Vocational Nursing Program is **23** percentage points **below** the state average annual pass rate.

Published examination statistics for the period of January 2012 through June 2014 substantiate the program's **noncompliance** with regulatory requirements for **ten (10) consecutive quarters**.

Faculty and Facilities

Section 2534(d) of the Code states:

"For supervision of clinical experience, there shall be a maximum of 15 students for each instructor."

The number of Board approved faculty totals 13, including the program director. The director has 100% administrative responsibility. Of the total faculty, 12 are approved to teach in the clinical area.

For a maximum enrollment of 81 students, six (6) instructors are needed. Based on submitted enrollment data, there are no students currently enrolled in the program. As noted previously, approval is requested to admit a class of twenty (20) students. Based on a maximum enrollment of 20 students, two (2) instructors are needed. Therefore, the number of current faculty is adequate for the proposed enrollment.

Section 2534 (b) of the Code states:

"Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught."

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

Program Survey Visit:

On June 11 and 12, 2014, Board representatives conducted an unannounced onsite survey of the program to determine compliance with Board and regulatory requirements. During the visit, the consultants assessed the program's resources including faculty, clinical facilities, library, staff and support services, physical space, skills laboratory and equipment to achieve the program's objectives. In addition, the NEC's reviewed records of the last two (2) classes of students, and facilitated discussions with the Program Director and other staff members.

➤ **Campus and Classroom Space:**

Shepherd University is a modern, well-maintained, and spacious facility. Several accessible conference rooms, ample office space, and clean and bright classrooms with comfortable student desks are available to the vocational nursing program. White boards and connections for laptop and a projector for faculty are available. The classrooms are shared with other programs at the school. Nursing-specific instructional aides are not located in the classrooms themselves. There is a student lounge area and a large auditorium on the campus.

➤ **Skills Laboratory:**

Students have access to two (2) modern, equipped, and organized skills laboratories. There are multiple bedside units with full hospital wall equipment, an adequate number of mannequins, and a high fidelity simulation lab used by the school's registered nursing program. A full range of durable and disposable medical supplies is also accessible. In addition, located in the lab, there are several sinks with running water, anatomical models, and large screens for media presentations.

➤ **Computer Laboratory and Library Facilities:**

The school has provided a computer laboratory with 30 stations for student access. The school also has an up-to-date library facility with staff, adequate nursing resources, a variety of digital media, and online resources for the students.

➤ **Faculty:**

The number of faculty appears to be adequate for the proposed student enrollment.

➤ **Clinical Facilities:**

At the time of the unannounced program survey visit, the Director had recently obtained Board approval of four (4) facilities for student clinical experiences. The sites include: one (1) acute care facility for clinical experience in Pediatric and Maternity Nursing; a sub-acute facility for clinical experience in Pediatric Nursing; and two (2) long term care facilities for clinical experience in Rehabilitation Nursing.

➤ **Program and Student Records:**

Based on program records for the last cohort, the following deficiencies were identified.

- 1) For two (2) students, documentation in program files did not contain proof of 12th grade completion or the equivalent thereof in that translation of foreign documents did not specify equivalency to completion of the 12th grade in the United States.
- 2) Records for three (3) students stated their failure to meet the program's specified minimum acceptable score on admission testing.
- 3) Inconsistencies were identified in the evaluation of student achievement. Frequently, files lacked a plan of correction for identified deficiencies. For those students for whom a plan had been developed, there was no follow-through relative to progressive or lack thereof or revision of the plan.

Additionally, inconsistencies were identified in the progression of students within the program.

- 4) The program's 2012-2013 Student Handbook revealed no list of resources for counseling and tutoring.
- 5) The program was unable to produce written records confirming the evaluation of clinical facilities.

Given the foregoing, the following violations of the California Code of Regulations were identified (see Attachment C):

Section 2526(a) (12) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (12) Admission Criteria...

Violation #1: The school failed to follow its Board approved policy for the admission of students. The policy specifies the minimum score applicants must obtain on a required admissions test.

Program records verified that three (3) students were admitted who had not achieved the established minimum acceptable score on the admissions tests.

Plan of Correction #1: This violation is **corrected**. On July 7, 2014, the director forwarded a document indicating achievement of minimum scores or higher for two (2) students. It was reported to be a second attempt at the admission examination that had not been stored in the student file. Documentation relative to the third student was **not** submitted. The Director provided a policy regarding collection and verification of all required admission

documents. An admission testing policy and an admission committee was instituted that, if implemented consistently, will prevent future occurrences.

Section 2526(a) (13) of the Vocational Nursing Rules and Regulations states:

“The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (13) Screening and selection criteria...

Violation #2: Based upon review of documents during the survey visit, the program failed to follow the approved policy related to screening and selection of students for program admission.

Plan of Correction #2: This violation is **corrected**. On July 7, 2014, the director forwarded the program’s revised policy regarding screening and selection of students. If consistently implemented, the policy will correct the violation.

Section 2526(a) (15) of the Vocational Nursing Rules and Regulations states:

“The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (15) Evaluation methodology for student progress...

Violation #3: Student files contained inconsistencies in testing and grading of students. The student handbook contains a contradiction relative to student progression. Specifically, the handbook states, “Under no circumstances will a student be allowed to retake a test in which they obtained an unsatisfactory grade.” On the same page, the following statement is listed: “Students who failed a final examination will be given remediation for 2nd attempt of the final exam by the faculty assigned”

Plan of Correction #3: This violation is **corrected**. On July 7, 2014, the director submitted a revised grading policy which eliminates the identified inconsistency.

Section 2526(a) (16) of the Vocational Nursing Rules and Regulations states:

“The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (16) List of resources for provision of counseling and tutoring services for students...

Violation #4: The program failed to provide students with a list of available counseling and tutoring resources. As presented, students are directed to a spiritual advisor or the theory instructor for problems or concerns.

Plan of Correction #4: This violation **is** corrected. On July 7, 2014, the director submitted a list of counseling and tutoring resources and confirmed that the availability of those resources has been provided to students.

Section 2530(g) of the Vocational Nursing Rules and Regulations states:

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

Violation #5: The program failed to have on file proof that each enrolled student had completed high school or the equivalent thereof.

Plan of Correction #5: This violation **is** corrected. On July 7, 2014, the director submitted documentation of high school equivalency for the two (2) students and submitted a Student File Audit tool for use by the Quality Assurance Coordinator in the future. The director has reported establishment of an admission committee to review all application records prior to students’ admission into the program.

Section 2530(i) of the Vocational Nursing Rules and Regulations states:

“The school shall evaluate student performance to determine the need for remediation or removal from the program.”

Violation #6: Although the program had a remediation policy in place, the program failed to consistently evaluate students to determine the need for remediation or termination. Further, when a plan of correction had been developed, the program failed to reevaluate students to determine resolution or the need for further action.

Plan of Correction #6: This violation **is** corrected. On July 31, 2014, the director submitted a policy and forms related to a revised remediation plan. Oversight of student remediation has been assigned to the Quality Assurance Coordinator. The director will sign each form at the end of the remediation process.

Section 2534 (c) of the Vocational Nursing Rules and Regulations states:

“Schools are responsible for the continuous review of clinical facilities to determine if the student’s clinical objectives for each facility are being met.

Violation #7: The program failed to evaluate clinical facilities in which students were assigned to determine if adequate experiences were provided for students’ achievement of specified clinical objectives. The Director acknowledged that neither he nor program faculty had evaluated clinical sites in which students had been assigned.

Plan of Correction #7: This violation is **not corrected**. On July 7, 2014, the director submitted three (3) tools to be utilized for the evaluation of clinical facilities. However, to date, the program has **not** submitted documents verifying the evaluation of clinical facilities to which students had or will be assigned.

Recommendations:

1. Require the Shepherd University Vocational Nursing Program to submit written evaluations for each clinical facility to which assignment of students is proposed by September 30, 2014.
2. Approve the program's request to admit a class of 20 students commencing November 3, 2014, and graduating February 19, 2016 only, to **replace** students who graduated September 2013, **provided:**
 - a. The program submits a Board – approved clinical rotation calendar specifying proposed placements for each student; and
 - b. The program has no more than ten (10) students per instructor during clinical experience.
3. Continue the program's requirement to admit no additional classes without prior approval by the full Board.

Rationale: As noted previously, the program was placed on provisional approval for a two (2) year period on May 16, 2014. At that time, the program's quarter pass rate was 38% and its average annual pass rate was 55%, 21 percentage points **below** state average annual pass rates. Based on published examination statistics for Quarter 2, 2014, the program's quarter pass rate is 0%; its average annual pass rate declined to 50%. As such, the program has had ten (10) consecutive quarters of noncompliant pass rates.

On June 11, 2014, Board representatives conducted an unannounced onsite visit to the program. Seven (7) violations of the California Code of Regulations were identified. Of that total, six (6) violations have been corrected. The director completed an in-depth analysis of the program and developed an action plan to correct the remaining violation; however, to date the program has failed to submit documentation substantiating implementation.

Based on submitted enrollment data, the program graduated its last class in September 2013. Approval of the requested class will allow the program to implement reported corrections.

Attachment A: History of Prior Board Actions.

Attachment B: Notice of Change in Approval Status Dated May 27, 2014.

Attachment C: Board Correspondence Dated June 20, 2014.

Attachment D: Program Correspondence Dated July 7, 2014; Received July 7, 2014.

Agenda Item #14.A.9., Attachment A

SHEPHERD UNIVERSITY VOCATIONAL NURSING PROGRAM

History of Prior Board Actions

- On January 11, 2006, the Executive Officer approved Shepherd University's request to begin a vocational nursing program with an initial class of 30 students on March 13, 2006, only; and approved the program curriculum for 1560 hours, including 600 theory, and 960 clinical hours.
- On April 12, 2007, the Executive Officer approved initial full accreditation for Shepherd University Vocational Nursing Program for the period from April 12, 2007, through April 11, 2011, and issued a certificate accordingly; and approved the program to admit a full-time class of 30 students to start on May 21, 2007, only, to **replace** students graduating on June 16, 2007.
- On August 1, 2007, the Executive Officer approved the program's request to admit a full-time class of 30 students to start on September 10, 2007, only.
- On December 5, 2007, the Executive Officer approved the program's request to admit a full-time class of 30 students to start on January 6, 2008, only.
- On June 4, 2008, the Executive Officer approved the program's request to admit 1a full-time class of 30 students to start on June 16, 2008, only. The Executive Officer approved the Shepherd University Vocational Nursing Program's request to admit a full-time class of 30 students on August 18, 2008, to **replace** students graduating on August 9, 2008.
- On December 8, 2008, the Executive Officer approved the program's request to admit a full-time class of 30 students on December 8, 2008, only.
- On March 18, 2009, the Executive Officer approved the program's request to admit a class of 30 students to start April 13, 2009 to **replace** the class graduating April 4, 2009.
- On August 18, 2009, the Executive Officer approved the program's request to admit a full-time class of 30 students on August 18, 2009, only, with an anticipated graduation date of November 6, 2010.
- On November 4, 2009, the Executive Officer approved the Shepherd University Vocational Nursing Program's request to admit a full-time **replacement** class for students graduating January 22, 2010, with 30 students, to start on November 30, 2009, only, with an anticipated graduation date of March 13, 2011.
- On August 6, 2010, the Executive Officer approved Shepherd University Vocational Nursing Program's request to admit a part-time, 60 week class, class of 30 students

commencing August 9, 2010 only, with a projected graduation date of October 22, 2011, to **replace** students graduating July 17, 2010, **and** approved the program's request to admit a part-time class of 30 students commencing November 15, 2010 only, with a projected graduation date of February 25, 2012, to **replace** students graduating November 6, 2010; **and** denied the program's request for ongoing admissions of four (4) part-time classes, of 30 students each, every 16 weeks, at this time; **and** required the program to obtain Board approval prior to the admission of each class.

- On February 18, 2011, the Executive Officer **approved** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing March 21, 2011, graduating June 16, 2012. The proposed class will **replace** students graduating March 12, 2011; and, **approved** the program's request to admit a part-time class of 30 students commencing July 11, 2011 only, with a projected graduation date of October 11, 2011, to **replace** students scheduled to graduate July 2, 2011; and, **denied** Shepherd University Vocational Nursing Program's request for ongoing admissions of four (4) part-time classes, of 30 students each, every 16 weeks, at this time; and, required the program to obtain Board approval prior to the admission of each class.
- On November 21, 2011, the Executive Officer approved the Shepherd University Vocational Nursing Program's application for continued full accreditation for the period from April 12, 2011, through April 11, 2015, and issued a certificate accordingly. Additionally, the program was issued a Notice of Violation for noncompliance with California Code of Regulations Section 2534 (a) and required to submit written documentation setting forth its plan to prevent reoccurrences of the violation by December 16, 2011. The Executive Officer denied the program's request for ongoing admission of four (4) part-time classes of 30 students every 16 weeks and approved the admission of a part-time class of 30 students to start November 28, 2011 to **replace** the class graduating on October 22, 2011. The program was required to continue obtaining Board approval prior to the admission of each class.
- **On March 1, 2012, a new director was approved by the Board.**
- On March 16, 2012, the Executive Officer **approved** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing March 19, 2012, and graduating June 1, 2013. The proposed class will **replace** students who graduated February 25, 2012; **and**, required the program to continue to obtain Board approval prior to the admission of each class.
- On April 6, 2012, the director submitted a plan to increase program licensure.
- On June 22, 2012, the Executive Officer **approved** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing June 25, 2012, and graduating September 21, 2013. The proposed class will **replace** students who graduated June 16, 2012; **and**, required the program to continue to obtain Board approval prior to the admission of each class.
- On November 2, 2012, the Executive Officer **denied** Shepherd University Vocational Nursing Program's request to admit a part-time class of 30 students commencing November 5, 2012, and graduating February 8, 2014. The proposed class will **replace**

students who graduated October 6, 2012; **and**, required the program to submit a report to the Board no later than **November 30, 2012**. The report shall include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timelines for expected results, and the effectiveness of corrective actions taken to address the following elements:

- a. Current Student Enrollment.
- b. Admission Criteria.
- c. Screening and Selection Criteria.
- d. Terminal Objectives.
- e. Curriculum Objectives.
- f. Instructional Plan.
- g. Theory and Clinical Objectives for Each Course.
- h. Lesson Plans for Each Course.
- i. Textbooks.
- j. Attendance Policy.
- k. Grading Policy
- l. Remediation Policy.
- m. Evaluations of Theory and Clinical Faculty.
- n. Evaluations of Theory Presentations.
- o. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
- p. Evaluation of Student Achievement.

And, require the program to continue to obtain Board approval prior to the admission of each class.

- On July 29, 2013, the Board forwarded a letter to the director requesting documentation verifying elements of the program's plan to increase the program's licensure pass rate had been implemented
- On November 2, 2013, a letter was sent to the director notifying the program of low pass rates, requesting an update on the previously submitted action plan, and potential change in program status for noncompliant pass rates.
- On November 26, 2013, the assigned consultant forwarded electronic correspondence to the director requesting a copy of his revised plan of correction by December 4, 2013.
- On December 4, 2013, the requested report was received.
- On March 7, 2014, a letter was sent to the director notifying the program director the program had been placed on the May Board agenda for consideration of placement on provisional approval.
- On May 16, 2014 the Board rendered the following decisions:
 - 1) Placed the Shepherd University Vocational Nursing Program on provisional approval for the period from May 16, 2014 to May 31, 2016 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

- 2) Denied the program's request to admit a class of 30 student commencing July 7, 2014, and graduating September 19, 2015, to **replace** students who graduated September 2013; and
- 3) Deferred to the Executive Officer approval of the program's admission of 20 students commencing September 2, 2014, and graduating December 11, 2015, to **replace** students who graduated September 19, 2013, **provided** the following conditions are met by **July 30, 2014**.
 - a. The program submits written documentation verifying Board approval of clinical facilities required to provide clinical experiences of like character and quality for all students in the areas specified in Section 2533 of the California Code of Regulations.
 - b. The program has no more than ten (10) students per instructor during clinical experience; and
- 4) 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; and
- 5) Required the program to admit no additional classes without prior approval by the full Board; and
- 6) Required the program to submit a report to the Board no later than six (6) months after commencement of the next class. 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; and
- 7) Required 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; and

- 8) 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 approval; and
 - 9) Informed the program that failure to take any of these corrective actions may cause the full Board to revoke the program's approval; and
 - 10) Placed the program on the Board agenda scheduled **May 2016** for reconsideration of provisional approval.
- On June 11 and 12, 2014, an unannounced program survey visit was conducted.
 - On June 20, 2014 the Executive Officer issued a letter noting violations identified on the program survey visit and requiring the director to submit, no later than July 11, 2014 a plan and timeline for correction of each violation, a policy and tool for written evaluation of clinical facilities, proof of high school equivalency for the two (2) students missing documentation of same in their files, most recent version of the admission, screening and selection policies, a revised vocational nursing program handbook with revised and updated grade policy, a written list of resources related to counseling and tutoring, and a revised remediation policy.
 - On July 1, 2014, the program director submitted a comprehensive analysis of the Shepherd Vocational Nursing Program.
 - On July 7, 2014, the program director submitted a letter in response to the Vocational Nursing Program Notice of Violation and summarized the July 1, 2014 Comprehensive Report.



Agenda Item #14.A.9., Attachment B

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

May 27, 2014

Agustin Dominic Pacis, B.S., R.N.
Director, Vocational Nursing Program
Shepherd University
3200 North San Fernando Road
Los Angeles, CA 90065

Subject: Notice of Change in Approval Status

Dear Mr. Pacis:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on May 16, 2014, the status of the Shepherd University Vocational Nursing Program has been changed from full approval to provisional approval for the two – year period from May 16, 2014 through May 31, 2016.

The purpose of this letter is to explain the areas of non-compliance found and the corrections required of your program to avoid losing approval completely.

Once you have reviewed this letter, please sign and return the enclosed "Acknowledgement of Change in Approval Status" form by **Friday, June 6, 2014**.

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 approval when that program does not meet all requirements as set forth in this chapter and in Section 2526..."

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."

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...”

The program pass rates of the Shepherd University Vocational Nursing Program for the past sixteen (16) quarters are set forth in the following table.

NCLEX-PN® Licensure Examination Data			
Annual Statistics*			
Quarter	State Average Annual Pass Rate	Program Average Annual Pass Rate	Variance from State Average Annual Pass Rate
Jan – Mar 2008	76%	81%	+5
Apr – Jun 2008	78%	75%	-3
July - Sep 2008	74%	74%	0
Oct - Dec 2008	73%	85%	+12
Jan - Mar 2009	72%	87%	+15
Apr - Jun 2009	70%	79%	+9
July - Sep 2009	72%	71%	-1
Oct - Dec 2009	73%	64%	-9
Jan - Mar 2010	74%	64%	-10
Apr - Jun 2010	75%	71%	-4
Jul - Sep 2010	75%	78%	+3
Oct - Dec 2010	76%	81%	+5
Jan - Mar 2011	77%	81%	+4
Apr - Jun 2011	76%	73%	-3
Jul - Sep 2011	76%	76%	0
Oct - Dec 2011	75%	69%	-6
Jan - Mar 2012	74%	62%	-12
Apr - Jun 2012	74%	57%	-17
Jul - Sep 2012	74%	55%	-19
Oct - Dec 2012	74%	56%	-18
Jan - Mar 2013	73%	53%	-20
Apr - Jun 2013	73%	60%	-13
Jul - Sep 2013	74%	57%	-17
Oct - Dec 2013	76%	60%	-16
Jan - Mar 2014	76%	55%	-21

*The Annual Pass Rate changes every quarter. It is calculated by dividing the number of candidates who passed during the current and previous three quarters by the number of candidates who tested during the same period. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on this data, the program failed to meet the average annual pass rate requirement.

REQUIRED CORRECTION(S)

1. The Shepherd University Vocational Nursing Program shall bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
2. The program shall admit no additional classes without prior approval by the full Board.
3. The program shall submit a report to the Board no later than six (6) months after commencement of the next class. 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.
- ~~4. The program shall comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.~~
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 approval.
6. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

FUTURE BOARD ACTION

Your program will be placed on the **May 2016** Board Meeting agenda, at which point the Board may revoke or extend the program's approval. 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 approval by the full Board is required to admit classes.**

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 approval, and should take steps to correct any ongoing advertisements or publications in that regard.

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

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

Sincerely,



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

Enclosures

cc: Board Members

TBJ:jg



May 27, 2014

TO: Education Division

FROM: Shepherd University Vocational Nursing Program

SUBJECT: Acknowledgement of Receipt of Board Meeting Materials

I, hereby acknowledge receipt of the following documents with attachments memorializing Board decisions rendered at the May 16, 2014 Board Meeting.

➤ ***Shepherd University Vocational Nursing Program.***

1. *Notice of Provisional Approval.*
2. *California Code of Regulations Excerpt Section 2526.1. Provisional Approval.*
3. *Certificate of Provisional Approval.*
4. *Acknowledgement of Change in Approval Status*

Please sign and fax the *Acknowledgement of Receipt of Board Meeting Materials* to the Board at (916) 263-7866 by Friday, June 6, 2014.

(Signature, Director)

(Date)

Name of Program: _____

***Please complete this form and fax to the Board at
(916) 263-7866 by Friday, June 6, 2014.***



Acknowledgement of Change in Approval Status

I, Agustin Dominic Pacis, director of Shepherd University Vocational Nursing
(Director's Name) (Name of Program)

Program hereby acknowledge that this program approval status has been changed from full approval to provisional approval for the two – year period from May 16, 2014 through May 31, 2016. I understand that in accordance with Section 2526.1 (f) of the Vocational Nursing Rules and Regulations and Section 2581.1 (f) of the Psychiatric Technician Rules and Regulations, the Board will consider any advertisement of full approval while on provisional approval as “material misrepresentation of fact.” “Material misrepresentation of fact” may lead to revocation of the program’s approval. Further, I understand the program’s provisional approval status will be reflected on the Board’s internet website.

Please complete and return this form to the Board by **Friday, June 6, 2014.**

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)



TITLE 16 CALIFORNIA CODE OF REGULATIONS

2526.1. Provisional Approval.

- (a) Provisional approval 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 approval shall be granted for a period determined by the Board.
- (c) The Board may place any program on provisional approval 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 approval period, provisional approval 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 approval 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 approval.
- (e) A program placed on provisional approval 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 approval.
- (f) A material misrepresentation of fact by a vocational nursing program in any information submitted to the Board is cause for revocation of provisional approval.
- (g) A program whose provisional approval has been revoked shall be removed from the Board's list of approved 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 approved 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.



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
Phone 916-263-7800 Fax 916-263-7855 Web www.bvnpt.ca.gov



CERTIFICATE OF PROVISIONAL APPROVAL

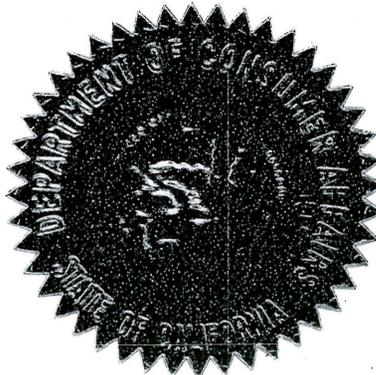
for

Shepherd University
Vocational Nursing Program

This document reflects that the Board of Vocational Nursing and Psychiatric Technicians (Board) has provisionally approved the above-named program pursuant to Article 5 of the Vocational Nursing Practice Act and the Board's Rules and Regulations. A copy of documents related to the provisional approval may be obtained by contacting the Board at the address above. A candidate's completion of an approved vocational nursing program is partial fulfillment of requirements for the vocational nurse licensure examination.

Effective: May 16, 2014


Todd D'Braunstein, P.T.
President



Expires: May 31, 2016


Teresa Bello-Jones
Executive Officer

Agenda Item #14.A.9., Attachment C



BUSINESS CONSUMER SERVICES, AND HOUSING 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

June 20, 2014

Dominic Pacis, Director
Vocational Nursing Program
Shepherd University
3200 N San Fernando Road
Los Angeles, CA 90065

Subject: Vocational Nursing Program Notice of Violation

Dear Dominic Pacis:

On June 9 and 10, 2014, the Board of Vocational Nursing and Psychiatric Technicians (Board) made an unannounced program survey visit to Shepherd University. Based on the survey visit and review of submitted documents, the following violations were identified:

Section 2526(a)(11) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

...(11) Evaluation methodology for clinical facilities...

Violation #1: Based upon review of documents the school failed to follow its Board approved policy related to an evaluation methodology for clinical facilities. No written evaluation of clinical facilities could be produced.

Section 2526(a)(12) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:

... (12) Admission Criteria...

Violation #2: Based upon review of documents the school failed to follow its Board approved policy related to admission criteria. High school equivalency was not documented for two (2) students. Evidence of equivalency, per certificate dated June 18, 2014, was submitted on June 19, 2014.

Section 2526(a)(13) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (13) Screening and selection criteria...

Violation #3: Based upon review of documents during the survey visit, the program failed to follow the approved policy related to screening and selection. In so doing, three (3) students were admitted that did not meet the established criteria to enter the program. As such, these students were at increased risk of failure. Subsequent to the survey visit, documents for two (2) students were provided indicating retakes of the screening examinations that met the established criteria.

Section 2526(a)(15) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
... (15) Evaluation methodology for student progress...

Violation #4: Based upon review of documents during the survey visit, the program failed to follow the approved policy related to evaluating student progress. Conflicting information was identified and inconsistencies were noted in the records examined.

Section 2526(a)(16) of the Vocational Nursing Rules and Regulations states:

"The institution shall apply to the Board for approval. Written documentation shall be prepared by the director and shall include:
...(16) List of resources for provision of counseling and tutoring services for students...

Violation #5: Based upon review of documents during the survey visit, the program failed to follow the approved policy relate to evaluating student progress. Conflicting information was identified and inconsistencies were noted in the records examined.

Section 2530(g) of the Vocational Nursing Rules and Regulations states:

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

Violation #6: Based upon a review of student files, two students did not have evidence of equivalency of 12th grade education. Evidence of equivalency, per certificate dated June 18, 2014, was submitted on June 19, 2014.

Section 2530(i) of the Vocational Nursing Rules and Regulations states:

"The school shall evaluate student performance to determine the need for remediation or removal from the program."

Violation #7: Although the program had a remediation policy in place, program documents substantiate inconsistencies, lack of follow up, and no plan of correction in approximately 90% of the cases.

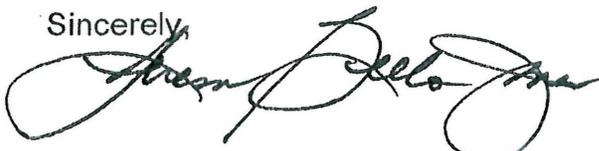
Be advised that the continuation of such violations jeopardizes your program's approval. Please submit the following by the date listed below:

1. A plan and timeline for correction of each violation listed above.
2. Policy and for tool written evaluation of clinical facilities.
3. Proof of High School equivalency for the 2 students whose files did not have it.
4. Most recent version of the Admission, Screening and Selection policy.
5. Revised Vocational Nursing Program Handbook with Grade Policy revised and updated.
6. Written list of resources related to counseling and tutoring.
7. Revised remediation policy.

The Board requests the above information no later than **Friday, July 11, 2014.**

Should further information be needed, please feel free to contact your Nursing Education Consultant at (916) 263-7839.

Sincerely,



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



Agenda Item #14.A.9., Attachment D

SHEPHERD UNIVERSITY

SCHOOL OF NURSING

3200 N. San Fernando Rd., Los Angeles, CA 90065
(Phone) 323.550.8888 (FAX) 323.550.1313 (URL) www.shepherduniversity.edu

Jessica Gomez, MSN, RN
Nursing Education Consultant
Board of Vocational Nursing & Psychiatric Technicians
2535 Capital Oaks Dr. Ste. 205
Sacramento, CA 95833

Teresa Bello-Jones BVNPT RECD EDU
Executive Officer ON 7/7/14 WITH JG

Re: Response to Vocational Nursing Program Notice of Violation

July 7, 2014

Dear Ms. Gomez,

Thank you for the certified letter last June 20, 2014 regarding the findings by the board on the unannounced program survey visit to Shepherd University last June 9 and 10, 2014.

Last June 30, 2014 we submitted a comprehensive report regarding our action plans and program analysis in which all of the needed documents required us to submit are included.

1. A plan for the correction of each violation

The development of *Shepherd University Quality Assurance Program* through the use of best practices is part of the action plan to ensure that the formulated action plans will be implemented and maintained. These will safe guard the process in maintaining and preventing some of the violation to happen in the future.

The Shepherd University Quality Assurance Program for the Vocational Nursing Program is based upon the belief that the internal monitoring of all aspects of the program will result in a higher quality of nursing education, greater satisfaction for faculty, maintenance of educational standards, and protection for our consumers - the students. Please see detailed plan in the Comprehensive Report June 2014.

2. Policy and tool written evaluation of clinical facilities Section 2526(a) (11).

Evaluation of the Clinical Rotations involves assessment of the clinical facilities and patient population available, Student evaluation and input from the Clinical Instructor(s). A rigorous effort is made to provide patient care opportunities which mesh with the theory material for that particular term.

A site visit to observe students' performance with patient population will be done from once to (3) three times within the semester by the DON or Clinical coordinator this will increase facility staff input regarding student/instructor activities

Additional opportunity for Clinical Instructor and students' evaluation of clinical experience, i.e., mid-term as well as end-of-term assessment. All result of the Survey and evaluation will be discussed in the Faculty meeting and use to evaluate facility utilization in next semester.

Please refer to attachments G1, G2 and G3 in the Comprehensive Report June 2014.

3. Proof of High School equivalency for the two students.

The two student's proof of High School equivalency is also included in the report. Please refer to attachment H1 and H2 in the Comprehensive Report June 2014.

4. Admission, Screening and Selection policy

A detailed description of Admission, Screening and selection policy is included in the Comprehensive Report June 2014. Please refer to attachment B1, B2 and B3.

5. Updated grade policy

Please refer to attachment D in the Comprehensive Report June 2014.

6. List of Counseling and Tutoring resources - Section 2526 (a) (16)

Please refer to attachment I for written list of resources related to counseling and tutoring in the Comprehensive Report June 2014.

7. Revised Remediation Policy

Please refer to attachment E1, E2, E3, E4, E5 and E6 in the Comprehensive Report June 2014.

If I can provide you with additional information or should you have any question, please don't hesitate to contact me at 323-719-0197.

Sincerely,

Agustin Dominic D. Pacis, BSN, RN-BC

Director of Vocational Nursing Program

Shepherd University

3200 N. San Fernando Road, Los Angeles, CA 90065