

Agenda Item #12.A.3.



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



COVER SHEET

SUBJECT: Bay Area College of Nursing, Daly City, Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students (Director: Rachele Cagampan, Daly City, San Mateo County, Private)

The Bay Area College of Nursing, Daly City, Vocational Nursing Program has requested approval to admit one (1) evening class of 10 students beginning May 24, 2016, graduating August 8, 2017.

On February 5, 2016, with an average annual pass rate of **50%**, the Board extended the program's provisional approval through November 30, 2016 and denied the program's request to admit students. The program has been on provisional approval since September 2012. With the program's current average annual pass rate at **45%**, the program is also presented for reconsideration of provisional approval status. Revocation of provisional approval is recommended.

Recommendations:

1. Revoke the Bay Area College of Nursing, Daly City, Vocational Nursing Program's provisional approval effective July 31, 2016.
2. Remove the program from the Board's list of *Approved Vocational Nursing Programs*, effective July 31, 2016.

Agenda Item # 12.A.3.



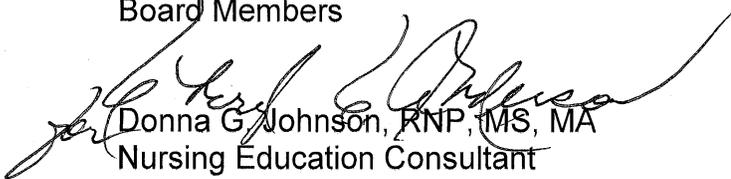
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

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



DATE: April 29, 2016

TO: Board Members

FROM: 
Donna G. Johnson, RNP, MS, MA
Nursing Education Consultant

SUBJECT: Bay Area College of Nursing, Daly City, Vocational Nursing Program – Reconsideration of Provisional Approval; Consideration of Request to Admit Students (Director: Rachele Cagampan, Daly City, San Mateo County, Private)

The Bay Area College of Nursing, Daly City, Vocational Nursing Program has requested approval to admit one (1) evening class of 10 students beginning May 24, 2016, graduating August 8, 2017.

On February 5, 2016, with an average annual pass rate of **50%**, the Board extended the program's provisional approval through November 30, 2016 and denied the program's request to admit students. The program has been on provisional approval since September 2012. With the program's current average annual pass rate at **45%**, the program is also presented for reconsideration of provisional approval status. Revocation of provisional approval is recommended.

History of Prior Board Actions

(See Attachment A for History of Prior Board Actions)

Enrollment

The program currently offers classes that are 30 hours per week and 58 weeks in length.

The following table represents **projected** student enrollment based on current and proposed class starts and completions. The table indicates a **maximum enrollment of 34 students** for the period from **October 2010 through July 2016**. Currently, **nine (9)** students are enrolled and due to graduate in July 2016.

| ENROLLMENT DATA | | | | |
|-----------------|-----------|--------------------|--------------------------------|----------------|
| CLASS DATES | | #Students Admitted | #Students Current or Completed | Total Enrolled |
| Start | Completed | | | |
| 10/10 | | 19 | 12 | 12 |

| ENROLLMENT DATA | | | | |
|--------------------|------------------------|--------------------|--------------------------------|---------------------|
| CLASS DATES | | #Students Admitted | #Students Current or Completed | Total Enrolled |
| Start | Completed | | | |
| 7/11 | | 15 | 12 | 12 + 12 = 24 |
| | 12/11 (10/10 Class) | | -12 | 24 - 12 = 12 |
| 9/11 | | 18 | 14 | 12 + 14 = 26 |
| | 9/12 (7/11 Class) | | -12 | 26 - 12 = 14 |
| 1/13 | | 14 | 20 | 14 + 20 = 34 |
| | 12/12 (9/11 Class) | | -14 | 34 - 14 = 20 |
| 11/13 | | 11 | 8 | 20 + 8 = 28 |
| | 3/14 (1/13 Class) | | -20 | 28 - 20 = 8 |
| 4/15 | 7/16 | 8 | 9 | 8 + 9 = 17 |
| | 2/15 (11/13 Class) | | -8 | 17 - 8 = 9 |
| 5/16 (Proposed) | 8/17 | 10 | | 9 + 10 = 19 |
| | 7/16 | | 9 | 19 - 9 = 10 |

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 July 2008 through March 2016, specify the pass percentage rates for graduates of the Bay Area College of Nursing, Daly City, Vocational Nursing Program on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX-PN®), and the variance from state average annual pass rates.

| 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 [CCR §2530(l)] | Variance From State Average Annual Pass Rate |
| Jul - Sep 2008 | 3 | 2 | 68% | 74% | 68% | 74% | -6 |
| Oct - Dec 2008 | 20 | 11 | 55% | 73% | 57% | 73% | -16 |
| Jan - Mar 2009 | 3 | 1 | 33% | 70% | 54% | 72% | -18 |

NCLEX-PN® Licensure Examination Data

| 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 [CCR §2530(l)] | Variance From State Average Annual Pass Rate |
| Apr – Jun 2009 | 1 | 0 | 0% | 71% | 52% | 70% | -18 |
| Jul – Sep 2009 | No Candidates Tested | | | 74% | 50% | 72% | -22 |
| Oct – Dec 2009 | No Candidates Tested | | | 76% | 25% | 73% | -48 |
| Jan - Mar 2010 | 12 | 8 | 67% | 76% | 62% | 74% | -12 |
| Apr - Jun 2010 | 9 | 7 | 78% | 74% | 71% | 74% | -3 |
| Jul - Sep 2010 | 5 | 1 | 20% | 76% | 62% | 75% | -13 |
| Oct - Dec 2010 | 5 | 3 | 60% | 77% | 61% | 76% | -15 |
| Jan - Mar 2011 | 9 | 6 | 67% | 80% | 61% | 77% | -16 |
| Apr - Jun 2011 | 4 | 3 | 75% | 71% | 57% | 76% | -19 |
| Jul - Sep 2011 | 5 | 3 | 60% | 74% | 65% | 76% | -11 |
| Oct - Dec 2011 | 8 | 2 | 25% | 74% | 54% | 75% | -21 |
| Jan - Mar 2012 | 14 | 8 | 57% | 77% | 52% | 74% | -22 |
| Apr - Jun 2012 | 13 | 5 | 38% | 72% | 45% | 74% | -29 |
| Jul - Sep 2012 | 7 | 4 | 57% | 74% | 45% | 74% | -29 |
| Oct - Dec 2012 | 5 | 3 | 60% | 70% | 51% | 74% | -23 |
| Jan - Mar 2013 | 1 | 1 | 100% | 75% | 50% | 73% | -23 |
| Apr - Jun 2013 | 6 | 6 | 100% | 78% | 74% | 73% | +1 |
| July - Sept 2013 | 6 | 4 | 67% | 75% | 78% | 74% | +4 |
| Oct –Dec 2013 | 5 | 2 | 40% | 76% | 72% | 76% | -4 |
| Jan - Mar 2014 | 4 | 1 | 25% | 74% | 62% | 76% | -14 |
| Apr - Jun 2014 | 5 | 1 | 20% | 66% | 40% | 73% | -33 |
| Jul – Sep 2014 | 7 | 6 | 86% | 72% | 48% | 73% | -25 |
| Oct – Dec 2014 | 3 | 2 | 67% | 72% | 53% | 72% | -19 |
| Jan – Mar 2015 | No Candidates Tested | | | 73% | 60% | 71% | -11 |
| Apr – Jun 2015 | 1 | 0 | 0% | 69% | 73% | 72% | +1 |
| Jul – Sep 2015 | 6 | 4 | 67% | 73% | 60% | 72% | -12 |
| Oct – Dec 2015 | 3 | 1 | 33% | 75% | 50% | 72% | -22 |
| Jan – Mar 2016 | 1 | 0 | 0% | 73% | 45% | 73% | -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.

California Code of Regulations Section 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 (January through March 2016), the program’s average annual pass rate is **45%**. 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 average annual pass rate for the Bay Area College of Nursing Daly City, Vocational Nursing Program is **28** percentage points **below** the state average annual pass rate.

The data substantiates that, since placement on provisional approval through the first quarter of 2016, the program has been **noncompliant** with regulatory requirements related to pass rates for **10 out of 15 quarters, or 67% of the time**.

Faculty and Facilities

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

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

The number of Board-approved faculty totals 15, including the director and one (1) Additional Faculty. The director has 90% administrative and 10% teaching duties. Of the total faculty, 14 instructors, including the director, are approved to teach clinical. Except for the director, the Additional Faculty, and one LVN, all instructors are part – time.

Based on the Board’s prior decision requiring the program to provide no less than one (1) instructor for every ten (10) students in all clinical experiences and the program’s maximum enrollment of **34** students, **four (4)** instructors are needed. Therefore, the number of current faculty is **adequate** for the current and proposed enrollment.

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

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

The program has **sufficient** clinical facilities to provide clinical experiences of like character and quality, and consistent with the approved curriculum, for the current and proposed student enrollment.

Other Considerations

As described in the February 2016 report to the Board, the program has a long history of poor performance on the licensing examination and improvement plans dating back to 2011.

On September 6, 2012, the Board placed the Bay Area College of Nursing, Daly City, Vocational Nursing Program on provisional approval for the two-year period from September 6, 2012, through September 30, 2014. That action was taken due to the program's noncompliance with regulations relative to licensure pass rates. The program's pass rate was **45%** at the time.

On September 12, 2014, the Board extended the program's provisional approval for the five (5) month period from October 1, 2014, through February 28, 2015. The program's pass rate was **40%** at the time.

On February 13, 2015, the Board considered findings identified during an unannounced program inspection that was conducted on December 15 and 16, 2014. During the inspection, a total of **11 violations** were identified, including, but not limited to, deficits in program resources related to clinical facilities and concerns regarding accuracy of clinical facility applications. The Board approved admission of one (1) class of students, contingent upon documentation of adequate clinical placements; and extended the program's provisional approval for the one-year period through February 29, 2016, to allow the program time to comply with corrective actions required by the Board. The program's pass rate was **53%** at the time. The program was not able to fulfill the contingency regarding the admission of a class of students until April 15, 2015.

A follow-up, unannounced program inspection was conducted in September 2015. At that time, a total of **six (6) violations** were identified. Of significant concern was the program's failure to correct all violations identified in December 2014 and/or failure to follow plans the program proposed in response to the violations identified in 2014, as noted by the violations identified in September 2015.

On November 20, 2015, following a second unannounced program inspection and the identification of further violations, the Board denied the program's request for approval to admit one (1) class of students.

With extensive consultation provided throughout 2015 and again in December 2015, on December 15, 2015, the program provided an updated response to the identified violations such that, should the program consistently implement proposed plans, all violations would be corrected.

The program's provisional approval has been extended three (3) times. After each approval, the Board forwarded to the director, per certified mail, a *Notice of Change in Approval Status*. In the *Notice*, the Board advised the program director of identified violations and required corrections. Specifically, the program director was required to bring the average annual pass rate to no more than ten (10) percentage points below the state average annual pass rate and to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act and in Article 5 of the Board's regulations. The most recent *Notice of Change in Approval Status* was forwarded to the program on February 12, 2016. (See Attachment B).

On February 5, 2016, when the Board extended the program's provisional approval through November 2016, the program's average annual pass rate was **50%**. When the Board first placed the program on provisional approval in September 2012, the program's pass rate was 45%. **After 15 quarters on provisional approval, the program's pass rate is again at 45%.**

On February 23, 2016, the Board was notified of the program's change in location, approximately three (3) miles from the previous location. The program subsequently provided documentation regarding resources for accomplishment of the program's objectives at the new site and documentation of notification to the Bureau for Private Post-secondary Education.

In summary, when placed on provisional approval in September 2012, the program's average annual pass rate was **45%**. Since that time, the program has been **noncompliant** with regulatory requirements related to pass rates for **10 out of 15 quarters, or 67% of the time**. Published examination statistics confirm the program's average annual pass rate for Quarter 1 – 2016 is **45%**.

The program currently has nine (9) students enrolled. The students are scheduled to graduate in July 2016.

Recommendations:

1. Revoke the Bay Area College of Nursing, Daly City, Vocational Nursing Program's provisional approval effective July 31, 2016.
2. Remove the program from the Board's list of *Approved Vocational Nursing Programs*, effective July 31, 2016.

Rationale: The program failed to comply with all required corrective actions.

The Board placed the program on provisional approval on September 6, 2012. Provisional approval has been extended three (3) times. After each approval, the Board forwarded to the director, per certified mail, a *Notice of Change in Approval Status*. In the Notice, the Board advised the program director of identified violations and required corrections. Specifically, the program director was required to bring the average annual pass rate to no more than ten (10) percentage points below the state average annual pass rate, to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act and in Article 5 of the Board's regulations.

The program's current average annual pass rate is **45%**, which is **28** percentage points **below** the state average annual pass rate. When initially placed on provisional approval, the program's average annual pass rate was also 45%.

Given the current program pass rate of 45%, the length of time on provisional approval, and the duty to protect the public, it is warranted to revoke the program's provisional approval status. The currently enrolled students are in the last phase of the program of study and adequate resources to support the accomplishment of objectives has been

documented. A revocation date of July 31, 2016 will allow the currently enrolled students to complete the program.

Attachment A: History of Prior Board Actions

Attachment B: Notice of Change in Approval Status dated February 12, 2016.

Agenda Item #12.A.3., Attachment A

BAY AREA COLLEGE OF NURSING, DALY CITY VOCATIONAL NURSING PROGRAM

History of Prior Board Actions

- On January 11, 2007, the Executive Officer approved the Palo Alto Center for Healthcare Education, Daly City, Vocational Nursing Program's request to begin a vocational nursing program with an initial full-time class of 30 students commencing March 27, 2007 only, with a completion date of April 27, 2008; and approved the program curriculum for 1598 hours, including 628 theory and 970 clinical hours.
- On February 8, 2007, the program notified the Board that the program's name had been changed to Bay Area College of Nursing, Inc., Daly City, Vocational Nursing Program.
- On March 11-12, 2008, the program was surveyed for initial accreditation.
- On May 15, 2008, the program submitted documentation substantiating the completion of its revised instructional plan, lesson plans for Terms I, II, and III, and a new Skills Laboratory.
- On May 15, 2008, the Executive Officer approved the program's initial full accreditation for the period from April 27, 2008, through April 26, 2012, and approved the program's revised curriculum for 1646 hours (Theory – 676 hours; Clinical – 970 hours).

Additionally, the Executive Officer approved the program's request to admit a class of 30 full-time students on May 15, 2008 only, to **replace** students graduating May 2, 2008.

- On August 13, 2008, the Executive Officer approved the program's request to admit a class of 30 full-time students and three (3) alternates each May and September to **replace** graduating students with the following stipulations:
 - a. No additional classes are added to the program's current pattern of admissions without prior approval. The program's current pattern of admissions includes admission of two full-time classes of 30 students and three (3) alternates each May and September to **replace** graduating students, only; and
 - b. The director documents that adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.
- On May 17, 2011, the assigned consultant forwarded correspondence to the director per certified mail advising that the program's average annual pass rates had been more than ten (10) percentage points below state average annual pass rates for four (4) quarters. The director was requested to submit a written plan for improving program pass rates by June 10, 2011.

- On June 15, 2011, the Board received correspondence from the director advising that the program had delayed commencement of the class scheduled for May to July 25, 2011 due to low student enrollment. The revised date of graduation is September 16, 2012.
- On October 14, 2011, the assigned consultant forwarded correspondence to the director advising that the program's average annual pass rates had been more than ten (10) percentage points below state average annual pass rates for five (5) quarters.
- On November 8, 2011, the Board received correspondence from the director setting forth the program's plan to improve program pass rates.
- On November 15, 2011, the Board received correspondence from the director requesting revisions in school policies.
- On February 28, 2012, the Board received correspondence from the director requesting a revision of its curriculum
- On June 7, 2012, the Executive Officer deferred action on the program's request to admit an evening class of 20 students plus 3 alternates commencing August 8, 2012, graduating on October 13, 2013, and a request for a major curriculum revision, to the full Board. Additionally, the Executive Officer rescinded approval of the program's ongoing class admissions. The program was placed on the September 2012 Board agenda for consideration of provisional approval.
- On June 7, 2012, the assigned consultant forwarded correspondence to the director advising of decisions rendered by the Executive Officer.
- On June 27, 2012, the assigned consultant forwarded correspondence to the director advising that the Board was scheduled to consider the programs placement on provisional approval on September 6, 2012. A copy of the program's plan of correction and other program information was requested by July 6, 2012.
- On July 6, 2012, the Board received electronic correspondence from the director providing information for presentation at the September 2012 Board meeting.
- On July 12, 2012, the Board received electronic correspondence from the director specifying the program's revised plan of correction.
- On July 18, 2012, the assigned consultant forwarded correspondence to the director requesting documents for dissemination to Board Members.
- On September 6, 2012, the Board approved the following recommendations for the program:
 - a. Place the Bay Area College of Nursing, Daly City, Vocational Nursing Program on provisional approval for the two – year period from September 6, 2012, through September 30, 2014, and issue a notice to the program to identify specific areas of

noncompliance and requirements for correction, as referenced in section 2526.1 (e) of the California Code of Regulations. (See Attachment E)

- b. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the state average annual pass rates.
- c. Approve the program's request to admit an evening class of twenty (20) students plus two (2) alternates commencing October 31, 2012, and graduating January 26, 2014.
- d. Require the program to obtain approval by the full Board prior to the admission of additional students.
- e. Require the program to submit follow – up reports in nine (9) months, but no later than **June 1, 2013**, and 21 months, but no later than **June 1, 2014**. The reports must include a comprehensive analysis of the program, specific actions to improve program pass rates, timeline for implementation, and expected outcomes. The following elements must be addressed in the analysis.
 - 1. Admission Criteria.
 - 2. Screening and Selection Criteria.
 - 3. Terminal Objectives.
 - 4. Curriculum Objectives.
 - 5. Instructional Plan.
 - 6. Theory and Clinical Objectives for Each Course.
 - 7. Lesson Plans for Each Course.
 - 8. Textbooks.
 - 9. Attendance Policy.
 - 10. Remediation Policy.
 - 11. Evaluations of Theory and Clinical Faculty.
 - 12. Evaluations of Theory Presentations.
 - 13. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - 14. Evaluation of Student Achievement.
 - 15. Current Enrollment.
- f. Require the program to comply with all accreditation standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
- g. Require the program to demonstrate incremental progress in correcting the violation. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
- h. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.

- i. Place the program on the **September 2014** Board agenda for reconsideration of provisional approval.
- On October 21, 2013, the Board approved the program's request to admit an evening class of twenty (20) students plus two (2) alternates commencing November 4, 2013, **only**, and graduating February 26, 2014, to **replace** the evening class that graduated in December 2012; **and** approved the program's request to admit a day class of twenty (20) students plus two (2) alternates commencing January 7, 2014, **only**, and graduating April 12, 2015. This class was an additional class and did not replace any graduating class. Additionally, the Board continued to require the program to obtain approval by the full Board prior to the admission of additional students.
 - On June 1, 2014, the director submitted a comprehensive analysis of the program in compliance with Board directives from the September 2012 Board Meeting.
 - On June 10, 2014, the director submitted a request to admit twenty (20) students plus two (2) alternates to an evening class commencing October 27, 2014, graduating January 24, 2016, to **replace** the class that graduated on March 2014.
 - On September 12, 2014, the Board approved the following recommendations:
 - a. Extend provisional approval for the Bay Area College of Nursing, Daly City, Vocational Nursing Program for a **five (5) month** period from October 1, 2014 through February 28, 2015 and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in section 2526.1 (e) of the California Code of Regulations (See Attachment C).
 - b. Deny the program's request to admit an evening class of twenty (20) students plus two (2) alternates commencing October 27, 2014, and graduating January 24, 2016, **only**, to **replace** the class that graduated March 2014.
 - c. Continue to require the program to obtain approval by the full Board prior to the admission of additional students.
 - d. Require the program to provide no less than one (1) instructor for every ten (10) students in all clinical experiences.
 - e. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
 - f. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, section 2526.
 - g. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.

- h. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 - i. Place the program on the **February 2015** Board agenda for reconsideration of provisional approval.
- On December 15, 2014, the Board received a request to admit students.
 - On December 15 and 16, 2014, Board representatives conducted an unannounced program survey visit. Eleven (11) violations of the California Code of Regulations were identified,
 - On December 19, 2014, the Board sent to the program, via certified mail, a Notice of Violations.
 - On January 1 and 2, 2015, the Board received the program's response to the Notice of Violations.
 - On February 13, 2015, the Board approved the following:
 1. Extend Provisional Approval for the Bay Area College of Nursing, Daly City, Vocational Nursing Program for a one (1) year period from March 1, 2015 through February 29, 2016, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 (e) of the California Code of Regulations.
 2. Require the program to correct violations identified during the onsite inspection and submit a report identifying implemented interventions to include the following no later than **February 27, 2015**.
 - a. Revised Admission Criteria.
 - b. Revised Screening and Selection Criteria.
 - c. Implementation of the approved Attendance Policy including follow – up for absences.
 - d. Revised Remediation Policy.
 3. Require the program to submit verifiable plans for clinical placements for maternity and pediatric nursing for currently enrolled students, no later than **February 27, 2015**.
 4. Contingent upon the program securing and obtaining, no later than **February 27, 2015**, Board approval for adequate clinical facilities such that maternity and pediatric nursing clinical objectives can be accomplished, approve the Bay Area College of Nursing, Daly City, Vocational Nursing Program's request to admit one (1) evening class of 20 students commencing March 9, 2015 and graduating June 5, 2016.

5. Require the program director to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation by **March 2, 2015**.
 6. Continue to require the program to provide no less than one (1) instructor for every ten (10) students in all clinical experiences.
 7. Continue to require the program to obtain approval by the full Board prior to the admission of additional students.
 8. Require the program to bring its average annual pass rate to no more than ten (10) percentage points below the State average annual pass rate.
 9. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professionals Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
 10. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
 11. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 12. Place the program on the **February 2016** Board agenda for reconsideration of provisional approval.
- On September 22 and 23, 2015 two (2) Board representatives conducted an unannounced program inspection.
 - On September 25, 2015, the Board forwarded to the program, via certified mail, a *Notice of Violations*.
 - On October 9, 2015, the Board received, from the program, a copy of BPPE approval of the Daly City location as a **branch** site.
 - On October 30, 2015, the Board received the program's response to violations identified during the September 2015 program inspection.
 - On November 20, 2015, the Board approved the following recommendations:
 1. Deny the Bay Area College of Nursing, Daly City, Vocational Nursing Program's request for approval to admit one (1) class of 10 students beginning December 3, 2015, graduating March 27, 2017.
 2. Require the program to correct violations identified during the onsite inspection and submit a report identifying implemented interventions including, but not limited to, the following no later than **December 15, 2015**.

- a. Timeline for implementation of the policies and documentation of evaluation of curriculum and clinical facilities, including program administration oversight;
 - b. Plan of correction that describes how the program will follow and/or improve the policies for admission, screening and selection of applicants;
 - c. Detailed plan and timeline for improving resources sufficient to achieve the program's objectives;
 - d. Revised policy, including timeline for implementation, for evaluation of student progress and remediation.
3. Continue to require the program to provide no less than one (1) instructor for every ten (10) students in all clinical experiences.
 4. Continue to require the program to obtain approval by the full Board prior to the admission of additional students.
 5. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
 6. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
 7. Failure to take any of these corrective actions may cause the full Board to revoke the program's approval.
 8. Continue the program's placement on the **February 2016** Board agenda for reconsideration of provisional approval.
- On February 5, 2016, the Board approved the following:
 1. Extend provisional approval of the Bay Area College of Nursing, Daly City, Vocational Nursing Program for the nine (9) month period from March 1, 2016 through November 30, 2016.
 2. Place the program on the **November 2016** Board agenda for reconsideration of provisional approval.
 3. **Deny** the program's request for approval to admit one (1) class of 15 students beginning March 8, 2016 and graduating May 21, 2017.
 4. Continue to require the program to maintain its average annual pass rate at no more than ten percentage points below the state average annual pass rates.
 5. Continue to require the program to admit no additional students unless approved by the full Board.

6. Require the program to provide no less than one (1) clinical instructor for every 10 (ten) students in all clinical experiences.
7. Continue to require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
8. Continue to require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
9. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

Agenda Item #12.A.3, Attachment B



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

CERTIFIED MAIL

February 12, 2016

Ms. Rachelle Cagampan, Director
Vocational Nursing Program
Bay Area College of Nursing, Daly City
6767 Mission Street
Daly City, CA 94014

Subject: Notice of Extension of Provisional Approval

Dear Ms. Cagampan:

Pursuant to the action of the Board of Vocational Nursing and Psychiatric Technicians (Board) on February 5, 2016, Bay Area College of Nursing, Daly City, Vocational Nursing Program's provisional approval has been extended for the nine (9) month period from March 1, 2016 through November 30, 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 **February 29, 2016**.

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 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 approved vocational nursing schools for the same period."

Bay Area College of Nursing, Daly City
Vocational Nursing Program
Notice of Change in Approval Status
 February 12, 2016
 Page 2 of 4

The program pass rates for the Bay Area College of Nursing, Daly City, Vocational Nursing Program for the past 24 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 |
| Jan - Mar 2010 | 74% | 62% | -12 |
| Apr - Jun 2010 | 74% | 71% | -3 |
| Jul - Sep 2010 | 75% | 62% | -13 |
| Oct - Dec 2010 | 76% | 61% | -15 |
| Jan - Mar 2011 | 77% | 61% | -16 |
| Apr - Jun 2011 | 76% | 57% | -19 |
| Jul - Sep 2011 | 76% | 65% | -11 |
| Oct - Dec 2011 | 75% | 54% | -21 |
| Jan - Mar 2012 | 74% | 52% | -22 |
| Apr - Jun 2012 | 74% | 45% | -29 |
| Jul - Sep 2012 | 74% | 45% | -29 |
| Oct - Dec 2012 | 74% | 51% | -23 |
| Jan - Mar 2013 | 73% | 50% | -23 |
| Apr - Jun 2013 | 73% | 74% | +1 |
| July - Sept 2013 | 74% | 78% | +4 |
| Oct - Dec 2013 | 76% | 72% | -4 |
| Jan - Mar 2014 | 76% | 62% | -14 |
| Apr - Jun 2014 | 73% | 40% | -33 |
| Jul - Sep 2014 | 73% | 48% | -25 |
| Oct - Dec 2014 | 72% | 53% | -19 |
| Jan - Mar 2015 | 71% | 60% | -11 |
| Apr - Jun 2015 | 72% | 73% | +1 |
| Jul - Sep 2015 | 72% | 60% | -12 |
| Oct - Dec 2015 | 72% | 50% | -22 |

REQUIRED CORRECTION(S)

1. Continue to require the program to maintain its average annual pass rate at no more than ten percentage points below the state average annual pass rates.
2. Continue to require the program to admit no additional students unless approved by the full Board.
3. Require the program to provide no less than one (1) clinical instructor for every 10 (ten) students in all clinical experiences.

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

FUTURE BOARD ACTION

Your program will be placed on the **November 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 2 through 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: **Approval by the full Board is required prior to the admission of additional students.**

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

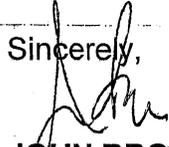
The program may not advertise that it has full approval, and should take steps to correct any ongoing advertisements or publications in that regard.

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.

Bay Area College of Nursing, Daly City
Vocational Nursing Program
Notice of Change in Approval Status
February 12, 2016
Page 4 of 4

Sincerely,



JOHN BROOKS
Acting Executive Officer

Enclosures

cc: Board Members

JB: dgj



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 admission 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.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2880, 2881 and 2883, Business and Professions Code.