

# AGENDA ITEM #24.B.



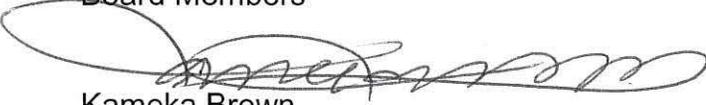
BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GOVERNOR EDMUND G. BROWN JR.

**BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS**  
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DATE: August 21, 2016

TO: Board Members

FROM:   
Kameka Brown  
Executive Officer

SUBJECT: Discussion and Possible Action to Amend California Code of Regulations, Title 16, Division 25, Chapter 1, Section 2530 (I) [VN] and Chapter 2, Section 2585 (I) [PT] Pass Rates

## **STATEMENT OF ISSUES**

Pursuant to Business & Professions Code (BPC), Sections 2841.1 and 4501.1, the Board is mandated to protect California consumers by ensuring the education, licensure, and practice of vocational nurses (VN) and psychiatric technicians (PT). Such individuals are required to demonstrate possession of the minimum level of competence required for safe and effective client care upon entry into professional practice.

Existing statutes authorize the Board to establish educational requirements for all VN and PT programs. Additionally, the Board is authorized to inspect such programs to determine compliance with prescribed standards. For those schools for which noncompliance is identified, the Board is authorized to provide written notice of the deficiency and required corrections. If the deficiency remains uncorrected, the Board is authorized to remove the school from the list of approved programs.

Existing regulations specify requirements for all VN and PT programs relative to the performance of program graduates on the licensure examination. Said regulations specify minimum pass rate requirements for program graduates on the licensure examination.

Revision of existing regulations is required to enhance the protection of the consumer.

## **BACKGROUND AND SUBJECT REVIEW**

On June 1, 2000, the Board adopted regulations establishing specific terms relative to programs on provisional approval. Provisional approval denotes a VN or PT program's noncompliance with requirements set forth in California Code of Regulations (Code),

Division 25 Chapter 1, Article 5 (VN) or Chapter 2, Article 5 (PT). The Board's goal remains consumer protection through the education of safe and competent VNs and PTs. Consumers include clients, families, and students enrolled in VN and PT programs.

Existing regulations prescribe required educational content for approved VN and PT program curricula. Additionally, current regulations specify terms for the admission of students.

The performance of program graduates on VN and PT licensure examinations is a critical variable used to evaluate program effectiveness in achieving consumer protection. Pursuant to Sections 2530 and 2585 of the Code, VN and PT programs are required to maintain a minimum average annual pass rate that is no more than ten (10) percentage points below the State average annual pass rate for first – time candidates of approved VN and PT schools for the same period.

An analysis of the performance of graduates of approved and provisionally approved VN and PT programs on licensure examinations and the program's ability to correct identified deficiencies and obtain full approval has been completed. Information obtained thereto confirms the continued need to improve the quality of instruction required to maximize student achievement and improve program pass rates.

The following table presents a statistical comparison of examination pass rates for all CA VN programs from 2014 – 2016.

	# CANDIDATES TESTED [Qtr. 1 – 4]	# CANDIDATES PASSED [Qtr. 1 – 4]	% Pass
<b>2016</b>			
QTR 1	1076	812	75.46%
QTR 2	1085	792	73.00%
QTR 3			
QTR 4			
<b>Sub Total (2016)</b>	<b>2161</b>	<b>1604</b>	<b>74.22%</b>
<b>2015</b>			
QTR 1	1621	1180	72.79%
QTR 2	1635	1134	69.36%
QTR 3	1580	1154	73.04%
QTR 4	1552	1160	74.74%
<b>Sub - Total - (2015)</b>	<b>6388</b>	<b>4628</b>	<b>72.45%</b>
<b>2014</b>			
QTR 1	2260	1676	74.16%
QTR 2	1596	1058	66.29%
QTR 3	1799	1300	72.26%
QTR 4	1654	1193	72.13%
<b>Sub - Total (2014)</b>	<b>7309</b>	<b>5227</b>	<b>71.51%</b>
<b>TOTAL</b>	<b>15858</b>	<b>11459</b>	<b>72.26%</b>

Source: NCLEX/PN Statistical Reports: DCA Applicant Tracking System (ATS) Reports

Based on a comparative analysis of examination statistics from 2012 – 2016, the **quarter** pass rate of **CA VN** Programs averages ten (10) percentage points **below NATL** [All Member Board **VN/PN** Programs] pass rates. Similar deficits are identified in **average annual pass rates**.

<b>NCLEX/PN Statistical Comparison*</b>			
	Qtr. 1 - 4	Qtr. 1 - 4	
	Total # Tested	Total # Passed	%Candidates Passed
<b>National</b>			
2016	20,928	17,346	82.88%
2015	50,975	41,740	81.88%
2014	55,480	45,588	82.17%
2013	58,574	49,574	84.63%
2012	62,155	52,448	84.38%
<b>Total</b>	<b>248,112</b>	<b>206,696</b>	<b>83.31%</b>
<b>California</b>			
2016	2,161	1,604	74.22%
2015	6,388	4,628	72.45%
2014	7,309	5,227	71.51%
2013	7,269	5,535	76.15%
2012	7,252	5,362	73.94%
<b>Total</b>	<b>30,379</b>	<b>22,356</b>	<b>73.59%</b>

\*Source: NCLEX/PN Statistical Reports; DCA Applicant Tracking System (ATS) Reports

In March 2016, the Board queried Member Boards via survey regarding the following:

- a) Does your Board have a fixed pass rate for approved programs?
- b) What is the current pass rate required by your Board for approved programs?

Nearly all state boards responded that their board has a fixed pass rate with more than half set at 75% or 80%.

Similarly, the following table presents a statistical comparison of examination pass rates for all **CA PT** programs from 2012 – 2016.

<b>CA PSYCHIATRIC TECHNICIAN LICENSURE EXAMINATION*</b>			
	Qtr. 1 - 4	Qtr. 1 - 4	
	Total # Tested	Total # Passed	%Candidates Passed
2016	202	137	67.82%
2015	550	413	75.09%
2014	631	509	80.67%
2013	484	413	85.33%
2012	529	427	80.72%
<b>Total</b>	<b>2,396</b>	<b>1,899</b>	<b>79.26%</b>

\*Source: CAPTLE Rank of Schools Statistical Reports

Most recently, the Board revised regulations to achieve clarity and strengthen the terms of provisional approval for all VN and PT programs. Revision of requirements relative to the minimum pass rates for program graduates on the licensure examination is also required.

The Board's goal remains consumer protection.

**Recommendations:**

1. Approve the regulatory proposal to amend California Code of Regulations, Title 16, Division 25, Chapter 1, Article 5, Section 2530 (I).
2. Approve the regulatory proposal to amend California Code of Regulations, Title 16, Division 25, Chapter 2, Article 5, Section 2585 (I).
3. Direct staff to submit the Rulemaking File to the Department of Consumer Affairs and to the Office of Administrative Law.
4. Authorize the Executive Officer to make non – substantive changes as are required by the Director of the Department of Consumer Affairs and the Office of Administrative Law.

Attachment A: Proposed Regulatory Language to Amend California Code of Regulations Title 16, Division 25, Chapter 1, Article 5, Section 2530 (I).

Attachment B: Proposed Regulatory Language to Amend California Code of Regulations Title 16, Division 25, Chapter 2, Article 5, Section 2585 (I).

Attachment C: Comparison Analysis, NCLEX/PN Statistics, 2012 – 2016.

Attachment D: Comparison Analysis, CAPTLE Statistics, 2012 – 2016.

# **Attachment A.**

## **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**

### **PROPOSED TEXT**

#### **VOCATIONAL NURSING REGULATIONS**

##### **Article 5. Schools of Vocational Nursing**

Amend Section 2530 of Article 5 of Division 25 of Title 16 of the California Code of Regulations to read as follows:

#### **§ 2530. General Requirements.**

(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory and equipment to achieve the program's objectives.

(b) The program shall hold regular faculty meetings and shall make minutes available to the Board's representative.

(c) Clinical faculty shall have no other responsibilities during the hours assigned to the instruction of students.

(d) Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.

(e) Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director.

(f) The program's instructional plan shall be available to all faculty.

(g) 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. Equivalency is determined by the Department of Education in any of the United States or by a nationally-recognized regional accrediting body.

(h) Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course

objectives for which make-up time is required. Acceptable methods for make-up include:

- (1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.
- (2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients.
  - (i) The school shall evaluate student performance to determine the need for remediation or removal from the program.
  - (j) Each school shall advise students, in writing, of the following:
    - (1) Right to contact the Board of program concerns.
    - (2) Credit for previous education and experience.
    - (3) School's grievance policy.
    - (4) List of Board approved clinical facilities.
  - (k) The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to:
    - (1) Sufficient program resources as specified in Section 2530(a).
    - (2) Adequacy of clinical experience as specified in Section 2534.
    - (3) Licensure examination pass rates as specified in Section 2530(l).
  - (l) 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~~ 75 per cent for first time candidates of approved vocational nursing schools for the same period. Failure to maintain the required yearly average minimum pass rate is cause to place a program on provisional approval.

Note: Authority cited: Section 2854, Business and Professions Code. Reference: Sections 2866, 2881 and 2882, Business and Professions Code.

# **Attachment B**

## **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**

### **PSYCHIATRIC TECHNICIAN REGULATIONS**

#### **Article 5. Schools for Preparation of Psychiatric Technicians**

Amend Section 2585 of Article 5 of Division 25 of Title 16 of the California Code of Regulations to read as follows:

##### **§ 2585. General Requirements.**

(a) The program shall have sufficient resources, faculty, clinical facilities, library, staff and support services, physical space, skills laboratory, and equipment to achieve the program's objectives.

(b) The program shall hold regular faculty meetings and shall make minutes available to the Board's representative.

(c) Clinical faculty shall have no other responsibilities during the hours they are assigned to the clinical instruction of students.

(d) Each teacher assistant shall work under the direction of an approved instructor. No more than one teacher assistant may be assigned to each instructor. Each teacher assistant shall assist the instructor in skills lab and clinical teaching only. The instructor to whom the teacher assistant is assigned shall be available to provide direction to the teacher assistant as needed.

(e) Each instructor shall have a daily lesson plan which correlates the theory and practice offered to the student. A copy of this plan shall be available to the director.

(f) The program's instructional plan shall be available to all faculty.

(g) 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. Equivalency is determined by the Department of Education in any of the United States or by a nationally recognized regional accrediting body.

(h) Each school shall have an attendance policy approved by the Board. The policy shall include but not be limited to, criteria for attendance and the specific course objectives for which make-up time is required. Acceptable methods for make-up include:

(1) Theory: case studies, independent study, written examination, attendance at seminars or workshops, auto-tutorial laboratory, and research reports.

(2) Clinical: performance evaluation in skills laboratory or additional time in the clinical area with clients/patients.

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

(j) Each school shall advise students, in writing, of the following:

(1) Right to contact the Board of program concerns.

(2) Credit for previous education and experience.

(3) School's grievance policy.

(4) List of Board approved clinical facilities.

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

(1) Sufficient program resources as specified in Section 2585(a);

(2) Adequacy of clinical experience as specified in Section 2588.

(3) Licensure examination pass rates as specified in Section 2585(l).

(l) 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~~ **75 per cent** for first time candidates of approved psychiatric technician schools for the same period. Failure to maintain the required yearly average minimum pass rate is cause to place a program on provisional approval.

Note: Authority cited: Section 4504, Business and Professions Code. Reference: Sections 4511 and 4515, Business and Professions Code.

**COMPARISON ANALYSIS  
NCLEX/PN STATISTICS  
Approved/Provisionally VN Programs  
2012 - 2016**

	# CANDIDATES TESTED	# CANDIDATES PASSED	% Pass
<b>2016</b>			
QTR 1	1076	812	75.46%
QTR 2	1085	792	73.00%
QTR 3			
QTR 4			
<b>Sub Total (2016)</b>	<b>2161</b>	<b>1604</b>	<b>74.22%</b>
<b>2015</b>			
QTR 1	1621	1180	72.79%
QTR 2	1635	1134	69.36%
QTR 3	1580	1154	73.04%
QTR 4	1552	1160	74.74%
<b>Sub - Total - (2015)</b>	<b>6388</b>	<b>4628</b>	<b>72.45%</b>
<b>2014</b>			
QTR 1	2260	1676	74.16%
QTR 2	1596	1058	66.29%
QTR 3	1799	1300	72.26%
QTR 4	1654	1193	72.13%
<b>Sub - Total (2014)</b>	<b>7309</b>	<b>5227</b>	<b>71.51%</b>
<b>2013</b>			
QTR 1	1721	1337	77.69%
QTR 2	1522	1143	75.10%
QTR 3	1859	1400	75.31%
QTR 4	2167	1655	76.37%
<b>Sub - Total (2013)</b>	<b>7269</b>	<b>5535</b>	<b>76.15%</b>
<b>2012</b>			
QTR 1	2131	1635	76.72%
QTR 2	1745	1260	72.21%
QTR 3	2216	1633	73.69%
QTR 4	1517	1067	70.34%
<b>Sub - Total (2012)</b>	<b>7609</b>	<b>5595</b>	<b>73.53%</b>
<b>TOTAL</b>	<b>30736</b>	<b>22589</b>	<b>73.49%</b>

Source: NCLEX/PN Statistical Reports: DCA Applicant Tracking System (ATS) Reports

**COMPARISON ANALYSIS  
CAPTLE STATISTICS  
Approved/Provisionally Approved PT Programs  
2012 - 2016**

	# CANDIDATES TESTED	# CANDIDATES PASSED	% Pass
<b>2016</b>			
QTR 1	74	47	63.51%
QTR 1	41	31	75.61%
QTR 2	87	59	67.82%
QTR 3			
QTR 4			
<b>Sub Total (2016)</b>	<b>202</b>	<b>137</b>	<b>67.82%</b>
<b>2015</b>			
QTR 1	106	95	89.62%
QTR 1	95	72	75.79%
QTR 2	63	40	63.49%
QTR 3	195	149	76.41%
QTR 4	91	57	62.64%
<b>Sub - Total - (2015)</b>	<b>550</b>	<b>413</b>	<b>75.09%</b>
<b>2014</b>			
QTR 1	250	215	86.00%
QTR 2	128	96	75.00%
QTR 3	108	84	77.78%
QTR 4	145	114	78.62%
<b>Sub - Total (2014)</b>	<b>631</b>	<b>509</b>	<b>80.67%</b>
<b>2013</b>			
QTR 1	125	106	84.80%
QTR 2	110	98	89.09%
QTR 3	156	130	83.33%
QTR 4	93	79	84.95%
<b>Sub - Total (2013)</b>	<b>484</b>	<b>413</b>	<b>85.33%</b>
<b>2012</b>			
QTR 1	147	118	80.27%
QTR 2	137	110	80.29%
QTR 3	156	130	83.33%
QTR 4	89	69	77.53%
<b>Sub - Total (2012)</b>	<b>529</b>	<b>427</b>	<b>80.72%</b>
<b>TOTAL</b>	<b>2396</b>	<b>1899</b>	<b>79.26%</b>

Source: CAPTLE Rank of School Reports; DCA Applicant Tracking System (ATS) Reports