



BOARD MEETING MINUTES

September 9, 2011

LOS ANGELES, CALIFORNIA

BOARD MEMBERS

PRESENT:

John Vertido, L.V.N. Educator Member, President
Todd D'Braunstein, P.T. Member, Vice-President
Kevin Baucom, P.T. Member
Ling-Ling Chang, Public Member
Victor King, Public Member
Jessica Leavitt, Public Member
Mark Stanfield, Public Member

BOARD MEMBERS

ABSENT:

Eric Mah, Public Member

STAFF PRESENT:

Teresa Bello-Jones, J.D., M.S.N., R.N., Executive Officer
Cheryl Anderson, Supervising Nursing Education Consultant
Angelina Martin, Enforcement Division Chief
Pam Hinckley, Nursing Education Consultant
Linda Ruyters, Administrative Analyst
Laura Freedman-Eidson, Legal Counsel, Department of Consumer Affairs

1. CALL TO ORDER

The meeting was called to order by the President, John Vertido, at 9:02 a.m., September 9, 2011, at the Radisson Hotel at Los Angeles Airport, 6225 West Century Boulevard, Los Angeles, California 90045.

2. INTRODUCTION OF BOARD MEMBERS AND STAFF

The Board Members introduced themselves. Teresa Bello-Jones, Executive Officer (EO), introduced the staff present.

3. PLEDGE OF ALLEGIANCE

Board President John Vertido led those assembled in the Pledge of Allegiance.

4. INTRODUCTION OF ACCREDITED AND APPROVED SCHOOLS REPRESENTED AT MEETING (BASED UPON VOLUNTARY SIGN-IN LIST)

- Advanced Pro Nursing Institute, Hayward
- American Career College, Los Angeles
- Angeles Institute, Artesia

- Annenburg School of Nursing, Reseda
- Career Care Institute, Lancaster
- Career Colleges of America, Los Angeles
- Career Development Institute, Los Angeles
- Carrington College California, Sacramento
- Casa Loma College, Hawthorne
- Charter College, Canyon Country
- Community Based Education & Development, Los Angeles
- Concorde Career College, Garden Grove
- Concorde Career College, San Diego
- Four-D College, Colton
- Franklin Career College, Ontario
- Grossmont Health Occupations Center, Santee
- Healthcare College of California, Stockton
- Institute of Medical Education, Oakland
- Institute of Medical Education, San Jose
- Kaplan College, North Hollywood
- LA Unified School District-Maxine Waters, Los Angeles
- Marian College, Los Angeles
- Medical Allied Career Center, Santa Fe Springs
- Mt. San Antonio College, Walnut
- North West College, Glendale
- North West College, Pasadena
- Pacific College, Costa Mesa
- Palladium Technical Academy, El Monte
- Shepherd University, Los Angeles
- Soledad Adult School/Mission Trails ROP, Soledad
- Southwestern College, San Diego
- St. Francis Career College, Lynwood
- United Education International College, Chula Vista
- Valley School of Allied Health, Reseda
- WestMed College, Merced
- YWCA LA Job Corps, Los Angeles

Proposed Programs & Other Attendees

- Carrington College California, Pomona
- Casa Loma College, Anaheim
- Envision Educations
- Pacific Clinics

5. BOARD PRESIDENT'S MESSAGE: MEETING AND PUBLIC COMMENT PROCEDURES

John Vertido read a special notice addressing the Board's legal mandate and procedure to have an issue placed on the Board Meeting agenda. He announced that public comment is welcome on any open agenda item prior to the Board's discussion; however, the Board may limit the length of time allowed for comment.

6. EXECUTIVE OFFICER'S REPORT

Teresa Bello-Jones provided an update on Board activities relative to:

- Board Member Vacancies
- Budgets
- Education Division
- Examination Statistics
- Licensing Division
- Liaison Activities
- National Council State Boards of Nursing Delegate Assembly
- Personnel
- Sunset Review
- Customer Service Surveys

Public Comment: None received.

Board Discussion: None received.

7. CONSENT CALENDAR ITEMS

- A. Adoption of May 19-20, 2011, Board Meeting Minutes
- B. Adoption of 2012 Board Meeting Dates & Locations
- C. EO's Report on Decisions for Vocational Nursing (VN) and Psychiatric Technician (PT) Programs

Public Comment: None received.

Board Discussion: None received.

MOTION: To adopt the May 19-20, 2011, Board Meeting Minutes, the 2012 Board Meeting Dates & Locations and the EO's Report on Decisions for VN & PT Programs.

Moved/Seconded: Chang/D'Braunstein

Support: 7 Oppose: 0 Abstain: 0

8. LEGISLATIVE REPORT: OTHER BILLS PERTINENT TO THE BOARD: ASSEMBLY BILLS 366 AND 1424; AND SENATE BILLS 60, 103, 538, 539, 541, 544, 747, AND 794

Linda Ruyters, Administrative Analyst, provided a status report on the various bills.

Public Comment: None received.

Board Discussion: None received.

MOTION: To accept the Legislative Report as written.

Moved/Seconded: D'Braunstein/Stamfield

Support: 7 Oppose: 0 Abstain: 0

9. ENFORCEMENT REPORT

Angelina Martin, Enforcement Division Chief, provided an update regarding:

- Consumer Protection Enforcement Initiative
- Enforcement Division Updates
- Enforcement Division General Statistics

Public Comment: None received.

Board Discussion:

Ling Ling Chang indicated that expeditious implementation of Breeze would be beneficial because new technology is desperately needed.

Todd D'Braunstein asked if other Divisions within the Board have worked overtime to assist the Enforcement Division. Ms. Martin indicated that, due to staff turnover and heavy workload in other Divisions, only Enforcement staff has worked overtime on the Enforcement workload.

Kevin Baucom wanted to know if Breeze online license renewals would provide immediate receipts to confirm that the license renewal fees were paid. Ms. Martin stated that she did not know the specific of how Breeze would operate at this time.

MOTION: To accept the Enforcement Report as presented.

Moved/Seconded: D'Braunstein/Baucom

Support: 7 Oppose: 0 Abstain: 0

10.A. REGULATORY REPORT: PROPOSED REGULATORY ACTION TO IMPLEMENT ELEMENTS OF THE CONSUMER PROTECTION ENFORCEMENT INITIATIVE (CPEI)

Angelina Martin reported that at the September 16, 2010, Board Meeting, the Board approved draft proposed regulatory language to implement elements of CPEI and directed staff to prepare a rulemaking file for notice and comment. The notice of proposed regulations was published on March 25, 2011, and a public hearing held on May 11, 2011. Board staff considered revisions to the proposed regulatory language based on written and oral comments received during the public comment period and at the hearing. A 15 day public comment period was originally published on August 12, 2011 and ending August 27, 2011. However, due to an inadvertent error on the notice requirements, the modified text had to be re-noticed beginning September 6, 2011 and the comment period will end September 21, 2011.

Public Comment:

Tony Myers, President of the California Association of Psychiatric Technicians, expressed concern about the 30-day timeframe in the proposed regulatory language that would require licensees to report an arrest or disciplinary action taken against them.

Board Discussion: None Received.

MOTION:

To accept the modified report and recommendations as presented by Ms. Martin.

1. Assuming there are no negative comments received during the 15-day public comment period, the Board approve the regulatory proposal as revised on August 11, 2011, to add or amend Division 25 of Title 16, California Code of Regulations (CCR), sections 2503, 2509, 2518.8, 2524.1 and 2524.4 (VN Regulations); and sections 2563, 2568, 2576.8, 2579.11 and 2579.20 (PT Regulations).
2. Direct staff to submit the rulemaking file to the Department of Consumer Affairs (DCA) and to the Office of Administrative Law (OAL) for final approval.

3. Authorize the Executive Officer to make non-substantive changes as are required by the DCA Director and the OAL.

Moved/Seconded: Chang/King

Support: 6

Oppose: 0

Abstain: 1 (Kevin Baucom)

10.B. REGULATORY REPORT: PROPOSED REGULATIONS TO IMPLEMENT UNIFORM STANDARDS REGARDING SUBSTANCE-ABUSING HEALING ARTS LICENSEES AND REVISE DISCIPLINARY GUIDELINES

Angelina Martin reported that Business and Professions (B&P) Code Section 315 (Senate Bill 1441, Chapter 548, Statutes of 2008) established a Substance Abuse Coordination Committee (SACC) to develop uniform standards for substance-abusing licensees. All healing arts boards are required to use those standards. On April 11, 2011, the SACC adopted revised language. A regulatory hearing was conducted on September 6, 2011 and comments were received related to the proposed action. As Board staff did not have sufficient time to consider the written testimony submitted by the California Nurses Association, this agenda item was tabled until the November 2011 Board Meeting.

Public Comment: None received.

Board Discussion:

Kevin Baucom wanted to know how many drugs screens were proposed in the revised guidelines. He felt that the 104 drug screens originally proposed were too many. Ms. Martin indicated that the minimum number of drug screens was revised to 52 in the first year and 36 in the second year but that the Board had discretion based upon the proposed language.

MOTION: To accept the staff recommendation to table this agenda item until the November 2011 Board meeting.

Moved/Seconded: Chang/Baucom

Support: 7

Oppose: 0

Abstain: 0

10.C. REGULATORY REPORT: PROPOSED REGULATORY ACTION TO IMPLEMENT AB 2699

Linda Ruyters reported that effective January 1, 2011, AB 2699 authorizes the establishment of regulations to allow a health care practitioner, licensed in one or more states, but not in California, to participate in free health care events in California for uninsured or under-insured individuals. The authorization to practice is temporary and only valid for a period not to exceed 10 days. The proposed regulations would implement, interpret, and make specific the provisions of B&P Code section 901 by specifying procedures and forms to be used by sponsoring entities and out-of-state practitioners who desire to participate in sponsored events. The proposed regulations are intended to implement B&P Code section 901 in a manner that will provide the greatest protection for the people of California.

Public Comment: None received.

Board Discussion: None received.

MOTION:

1. The Board approve the regulatory proposal to amend Division 25 of Title 16, CCR, to add sections 2557, 2557.1, 2557.2 and 2557.3 (VN Regulations); and add sections 2595, 2595.1, 2595.2 and 2595.3 (PT Regulations).
2. Direct staff to submit the rulemaking file to the DCA and to the OAL.
3. Authorize the Executive Officer to make non-substantive changes as are required by the DCA Director and the OAL.

Moved/Seconded: Chang/King

Support: 7 **Oppose:** 0 **Abstain:** 0

(Break from 10:15 a.m. to 10:32 a.m.)

11.A. ADVANCED PRO NURSING INSTITUTE VN PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION AND CONSIDERATION OF REQUEST TO ADMIT STUDENTS

Pamela Hinckley, Nursing Education Consultant (NEC), reported that the program is presented to the Board for consideration of placement on provisional accreditation due to the program's noncompliance with CCR section 2530(I). The program also violated the CCRs by admitting unapproved classes and implementing an unapproved curriculum. The program offers a course of instruction that is less than the minimum hours required by existing regulations. Further, the program's average annual pass rates have been 11 to 53 percentage points below the state average annual pass rates for 14 of 15 quarters from October 2007 through June 2011. Currently, the program's average annual pass rate is 16 percentage points below the state average annual pass rate. Moreover, the Program Director admitted that she knowingly admitted the classes in violation of the CCR. The program also requested approval to admit students for its next class.

Representative from the School: Linda Pousson, Program Director, wanted to clarify two issues in the NEC report. 1) The theory and clinical hours were in compliance with board rules. The numbers reported were misread because the 571 hours reported did not include the 162 hours of prerequisites. 2) The Program was not looking outside the country for clinical experiences. The Program meant to state that it was looking for clinical facilities in other counties (i.e., San Joaquin and Santa Cruz County). Otherwise, Ms. Pousson understood the staff report and recommendations.

Public Comment: None received.

Board Discussion:

Mark Stanfield asked the Director why she admitted two unapproved classes without Board approval. Ms. Pousson responded that she asked the assigned NEC at least two times and did not get a response. She understood that the Board had only 2 NECs on staff but that she had a business to keep going. As these were replacement classes only and she didn't get a response from the Board, she went ahead with the admissions. She apologized for her actions and stated that she would not do it again. She will ensure that all future classes are submitted to her assigned NEC as specified. She hopes that with the addition of two more NECs that the school requests will be handled more quickly.

Todd D'Braunstein asked if they had a sufficient number of students that would graduate to ensure a positive change in the school pass rates. The Director responded that they graduate a class once every 15 months or roughly twice a year. If lucky, of the 12-15 students admitted, 10-

12 will graduate. She stated that if the program does not get enough students for the November class, she will merge with the April class.

John Vertido stated that the program should use all resources available. He wished them success but stated they must comply with Board regulations, follow up with Board staff, and work together.

Teresa Bello-Jones asked the Director if she understood that she had violated the Board's rules and regulations by admitting classes twice without prior approval. The Program Director responded that she did understand.

MOTION:

To accept the report and recommendations of the NEC as follows:

1. Place Advanced Pro Nursing Institute, VN Program on provisional accreditation for the two-year period from September 9, 2011, through September 30, 2013, 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 CCRs.
2. Require the program to submit a revised instructional plan and objectives consistent with CCRs Section 2532 (b) and Section 2533 by October 14, 2011.
3. Deny the program's request to admit 30 full-time students on November 9, 2011, graduating March 9, 2013, to replace a class that will graduate October 31, 2011.
4. Approve the program's admission of a class of 20 students commencing on November 9, 2011 only, graduating on March 9, 2013, to replace students graduating on October 31, 2011.
5. 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 by September 30, 2013.
6. Require the program to submit follow-up reports in 9 months, but no later than June 1, 2012, and 21 months, but no later than June 1, 2013. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
7. Require the program to admit no additional students unless approved by the full Board.

8. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at CCRs, Title 16, Section 2526.
9. 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 accreditation.
10. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
11. Place the program on the September 2013 Board agenda for reconsideration of provisional accreditation.

Moved/Seconded: King/D'Braunstein

Support: 7 **Oppose:** 0 **Abstain:** 0

11.B. CAREER DEVELOPMENT INSTITUTE VN PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION AND CONSIDERATION OF REQUEST TO ADMIT STUDENTS

Cheryl Anderson, Supervising Nursing Education Consultant (SNEC), reported that the program was placed on provisional accreditation on October 7, 2009 through September 30, 2011 due to non-compliance with CCR Section 2530(l). The program's average annual pass rate for the 8 most recent quarters has improved from 0% to 100%. The program's average annual pass rate is now 24 percentage points above the state average annual pass rate. However, Ms. Anderson reported that although the program admitted 72 students between October 2005 through December 2010, only 36 graduated. Since placement on provisional accreditation, the program admitted 36 students, of which only 13 graduated. In addition, the program violated the CCRs by admitting an unapproved class on December 20, 2010. Further, the program requested approval to admit students for its next class.

Representative of the School: Janis Newton, Owner/Administrator, and Helen Hansen, new Director of Nursing; and Jennifer Newton, Director of Education. Ms. Janis Newton stated that they developed a plan of action to improve retention and the passing rates. She thanked Ms. Anderson for her continual support and encouragement in the program's journey to improve itself. Ms. Hansen stated she will work with the Board to ensure her understanding of rules and regulations. Currently, she is working on curriculum, new policies in handbooks, admission requirements to increase retention rates, training and monitoring instructors, implementing completion of various exams to improve NCLEX test results, and requiring students to achieve a higher score on the entrance examinations prior to admission into the program.

Public Comment: None received.

Board Discussion:

Kevin Baucom commented about the number of students and the high attrition rate. He wanted to confirm that the Program and its instructors were prepared for the large influx of students if approval was granted by the Board. He stated that the nursing instructors must be prepared for the increase in students and change their teaching techniques to meet the increased number of students. The owner stated that they have about 25 students lined up for admission. She believes the instructors are ready and if not, they will not be retained. She also stated that the

Director of Education is working with each student to assist them and she is confident they will be okay and help the students to succeed.

Todd D'Braunstein wanted to know if the school was a thriving business, of value to community and its students. The owner stated that she had run the school for 14 years and started it as a Certified Nurse Assistant (CNA) school only. She stated that they did a really good job with the CNA program but still needed to work on the LVN program. She stated that the school was personal to her and part of her life. She wouldn't have a school if she didn't do a good job. She sees big changes in the upcoming year if the program is allowed to admit 25-30 students in the next class.

John Vertido commented about the problems getting clinical sites for the proposed 30 students. He wished the program well and advised them to ask questions, to not lower standards as they do touch lives, analyze difference between admissions and graduation rates, and keep all factors in mind. He stated that the Board wanted the program to succeed. It should network and develop best practices with other existing VN programs.

Teresa Bello-Jones recommended that as the Program Director was new, she needed to learn the rules and regulations and schedule a new Director Orientation meeting with the Board's NEC right away. Ms. Bello-Jones also recommended that the NEC recommendation #4 be modified to clearly state that no additional students should be admitted unless approved by the full board.

MOTION:

To accept the SNEC's report and recommendations, with amendments to #4, as follows:

1. Extend provisional accreditation of the Career Development Institute VN Program for the one – year period from October 1, 2011 through September 30, 2012, 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 CCRs.
2. Approve the program's request to admit 30 students commencing November 15, 2011 only, graduating June 30, 2013, to replace students scheduled to graduate October 30, 2011.
3. Require the program to submit a follow-up report in 9 months, but no later than **June 15, 2012**. 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. 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. Remediation Policy.
 - l. Evaluations of Theory and Clinical Faculty.
 - m. Evaluations of Theory Presentations.
 - n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - o. Evaluation of Student Achievement.
4. Require the program to admit no additional students unless approved by the full Board.

5. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's regulations, commencing at CCRs, Title 16, Section 2526.
6. Require the program to continue to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's accreditation.
7. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
8. Place the program on the September 2012 Board Meeting agenda for reconsideration of provisional accreditation.

Moved/Seconded: Baucom/D'Braunstein

Support: 7 **Oppose:** 0 **Abstain:** 0

11.C. HEALTHCARE COLLEGE OF CALIFORNIA VN PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION AND CONSIDERATION OF REQUEST TO ADMIT STUDENTS

Pam Hinckley reported that the program is presented to the Board for consideration of placement on provisional accreditation due to the program's noncompliance with CCR, section 2530(I). The program's average annual pass rates on the NCLEX/PN[®] for the past 14 quarters have been more than 10 percentage points below the State average annual pass rate. Based upon the most current data available (April to June 2011), the program's average annual pass rate is 56%. In addition, the program requested approval to admit students for its next class.

Representative of the School: Elfren Quial, School Administrator, wanted to emphasize that: 1) the Program will be implementing a strategic plan for this next class for the very first time. The primary objective is to increase the school's passing rate. 2) We should be able to improve the pass rates by utilizing our full-time and part-time instructors. The focus will be much better. Hopefully, the Board will approve the next class and allow us the two years to improve the pass rates.

Public Comment: None received.

Board Discussion:

John Vertido asked about the absence of the current Program Director, Milva Quial. Mr. Quial apologized and responded that she was in the Phillipines visiting her ill mother. She was not able to get back in time for this meeting. Mr. Vertido also reminded Mr. Quial that the Board considers all submitted data and that if documents are requested by the Board staff, the program needs to comply and be respectful of the deadlines.

Teresa Bello-Jones noted the program's failure to provide requested documents to the Board in a timely manner. She recommended that Mr. Quial ensure that the Program Director submits the information requested by the Board and that it was essential to improve the program's pass rates.

MOTION:

To accept the NEC's report and recommendations as follows:

1. Place Healthcare Career College of California VN Program on provisional accreditation for the two-year period from September 9, 2011, through September 30, 2013, and issue a notice to the program to identify specific areas of non compliance and requirements for correction as referenced in Section 2526.1 (e) of the CCRs.
2. Deny the program's request to admit 20 full-time students on September 19, 2011, graduating July 13, 2012, to replace a class that graduated December 30, 2010.
3. Approve the program's admission of 15 full – time students on September 19, 2011, graduating July 13, 2012, to replace a class that graduated December 30, 2010.
4. Require the program to admit no additional students unless approved by the full Board.
5. 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 by September 1, 2013.
6. Require the program to submit follow-up reports in 9 months, but no later than June 1, 2012, and 21 months, but no later than June 1, 2013. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
7. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at CCRs, Title 16, Section 2526.
8. 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 accreditation.
9. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
10. Place the program on the September 2013 Board agenda for reconsideration of provisional accreditation.

Moved/Seconded: D'Braunstein/Stamfield
Support: 7 **Oppose:** 0 **Abstain:** 0

(Lunch Break: 11:30 a.m. to 12:39 p.m.)

11.D. INSTITUTE OF MEDICAL EDUCATION, SAN JOSE, VN PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION AND CONSIDERATION OF REQUEST TO ADMIT STUDENTS

Cheryl Anderson reported that the program was presented to the Board due to non-compliance with CCR, section 2530(l). Based on the most current data available (April to June 2011), the program's average annual pass rate is 58%. The California average annual pass rate for graduates from accredited vocational nursing programs who took the NCLEX-PN® for the first time is 76%. The average annual pass rate for the program is 18 percentage points **below** the state average annual pass rate. In addition, the program failed to notify the Board of the termination of 9 faculty from November 2010 through May 15, 2011. This violation occurred before and the program was issued a Notice of Violation on January 5, 2009. This violation was not corrected. On June 23, 2011, a new program director was approved. The director was requested to complete an online self-directed New Director Orientation. That orientation addresses the responsibilities of the director relative to hiring and termination of faculty. Further, Information received from the program on July 13, 2011 and August 18, 2011, in support of the current request substantiates that the program admitted a class of 17 students on August 18, 2010. Board approval was **not** obtained prior to the admission of this class. In addition, the program requested approval to admit students for another class. Ms. Anderson added a change to the report to clarify that the program was now in compliance with the number of faculty required clinical supervision. Therefore, Ms. Anderson now recommended that the program be allowed to admit a class of 20 students. She also noted that recommendation #8 should refer to the year 2012.

Representative of the School: Theresa Mostasisa, Program Director, and other representatives were introduced. Ms. Mostasisa stated that she understood the rules regarding provisional accreditation. She submitted the required documents and thanked Ms. Anderson for her assistance. She requested that the Board extend the 1 year provisional accreditation to 2 years to ensure that sufficient NCLEX-PN pass rates were available. She is working rigorously to implement changes to the curriculum and to focus on the NCLEX pass rates. They have a waiting list for students that want to start the program. She wants IME to be a model of educational excellence.

Public Comment: None received.

Board Discussion:

Kevin Baucom asked several questions related to the enrollment data, attrition rates and graduate follow up actions. Ms. Mostasisa responded that the program has career counseling that needs to be revamped. She is tracking the progress of the students that graduated, using NCLEX review exams, and remedial work. They also provided monetary incentives to the students to take the exam early.

John Vertido commented that there were quite a few letters on class starts and the need for Board approval. The school apologized for the numerous requests, it shouldn't have happened that way. In reading the Board report, Mr. Vertido stated that he had severe concerns about the program.

The program must set the example for its students to maintain the highest level of integrity, courtesy and honor as nurses.

Victor King stated that the volume and tone of the program's communication to the Board was inappropriate when it challenged the Board's authority to approve or deny student admissions. He reminded the program representatives that the Board is vested with the right to approve class admissions and the number of students per class.

Teresa Bello-Jones asked about the program director's experience and her learning the rules and regulations. Ms. Mostasisa shared her background and experience as an assistant program director for another type of nursing program. She stated that she will contact Ms. Anderson if she has questions about her New Director Orientation packet.

MOTION:

To accept the SNEC's report and recommendations, with amendments to #2 and #8, as follows:

1. Place Institute of Medical Education, San Jose, VN Program on provisional accreditation for the one - year period from September 9, 2011 through September 30, 2012, and issue a notice to the program to identify specific areas of non-compliance and requirements for correction as referenced in Section 2526.1(e) of the CCRs.
2. Approve the program's admission of 20 students on a date agreed upon by the Board's SNEC.
3. The program shall admit no additional students unless specifically approved by the full Board.
4. Require the program to show documented progress by submitting follow-up reports in three (3) months, but no later than December 1, 2011, and nine (9) months, but no later than June 1, 2012. The report must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timelines for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis:
 - a. Current 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. Remediation Policy.
 - l. Evaluations of Theory and Clinical Faculty.
 - m. Evaluations of Theory Presentations.
 - n. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - o. Evaluation of Student Achievement.

The program shall notify all enrolled students of actions taken by the Board relative to the program's accreditation status, and expected time for resolution.

5. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at Business and Professions Code Section 2880, and Article 5 of the Board's Regulations, commencing at CCRs, Title 16, Section 2526.
6. 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 accreditation.
7. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
8. Place the program on the September 2012 Board agenda for reconsideration of provisional accreditation.

Moved/Seconded: Baucom/D'Braunstein

Support: 7 Oppose: 0 Abstain: 0

11.E. NORTH WEST COLLEGE, GLENDALE, VN PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION

Pam Hinckley reported that the program is presented to the Board for consideration of placement on provisional accreditation due to the program's noncompliance with CCR, section 2530(l). Over the past 9 quarters, the program's average annual pass rate has been from 9 to 32 percentage points below the state average annual pass rate. Based upon the most current data available (April to June 2011), the program's average annual pass rate is 45%. The program is 31 percentage points below the state average annual pass rate. In addition, the program requested approval to admit students for its next class.

Representative of the School: Vicki Lapre, Program Director, and Adnan Almouazzen, Corporate Director. Ms. Lapre stated that her pass rates are from her first two classes. She stated that the 3rd class started last May 2010 and graduated in June 2011. She requested postponement of the Board's provisional accreditation decision until February 2012 to allow time for the recent graduates to test. She feels confident that, with all of the changes made to improve the passing rate, these students will do well. The Program is encouraging students to take the exam right away and take the NCLEX review tests. She stated the 4th class that just started would not graduate until August 2012 and therefore, no new pass rates would be available until next August. Mr. Almouazzen stated he has five years experience with North West College. He had a similar experience with the West Covina campus and was able to turn it around within one year. The Glendale campus only has one class at a time and the program has had three different program directors. He believes the instability of the nursing leadership contributed to the pass rate problems.

Public Comment: None received.

Board Discussion:

Kevin Baucom asked the Director to explain the \$200 NCLEX-PN refund the school offers to passing graduates, if they test within 90 days of graduation. Ms. Lapre confirmed the process and responded that they started this practice in the Spring 2010.

Mark Stanfield asked Board staff when the next quarterly test scores would be available. Cheryl Anderson responded that the third quarter results would be available in November 2011 and the 4th quarter results would be available in late January and definitely before the February 2012 Board Meeting.

Victor King commented that the provisional accreditation decision be made today because there is no assurance that the current Program Directors would even be present in February 2012 given the constant turnover in program directors. Due to this fact, Mr. King was not inclined to make a change to the NEC recommendation. Ms. Lapre stated that she has been with the college for the past 5 years and she has no plans of going anywhere. Ms. Lapre emphasized that she has been the Director for the past two classes for which the changes were made.

John Vertido indicated that the Board must make its decision based upon past record. The program always had the right to request removal from provisional accreditation in the future.

MOTION:

To accept the NEC's report and recommendations as follows:

1. Place North West College, Glendale, VN Program on provisional accreditation for the two-year period from September 9, 2011, through September 30, 2013, and issue a notice to the program to identify specific areas of non compliance and requirements for correction as referenced in Section 2526.1 (e) of the CCRs.
2. Require the program to admit no additional students unless approved by the Board.
3. Require the program to submit follow-up reports in 9 months, but no later than June 1, 2012, and 21 months, but no later than June 1, 2013. The reports must include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
 - a. Admission Criteria.
 - b. Screening and Selection Criteria.
 - c. Terminal Objectives.
 - d. Curriculum Objectives.
 - e. Instructional Plan.
 - f. Theory and Clinical Objectives for Each Course.
 - g. Lesson Plans for Each Course.
 - h. Textbooks.
 - i. Attendance Policy.
 - j. Remediation Policy.
 - k. Evaluations of Theory and Clinical Faculty.
 - l. Evaluations of Theory Presentations.
 - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations.
 - n. Evaluation of Student Achievement.
 - o. Current Enrollment.
4. 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 by September 1, 2013.
5. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at B&P Code Section 2880, and Article 5 of the Board's Regulations, commencing at CCRs, Title 16, Section 2526.
6. 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 accreditation.

7. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.
8. Place the program on the September 2013 Board agenda for reconsideration of provisional accreditation.

Moved/Seconded: Chang/King

Support: 7 **Oppose:** 0 **Abstain:** 0

11.F. PALLADIUM TECHNICAL ACADEMY VN PROGRAM – CONSIDERATION OF REQUEST TO ADMIT STUDENTS

Pam Hinckley reported that the program requested approval to admit 30 students and three (3) alternates commencing September 19, 2011, and graduating December 7, 2012. The proposed class would replace students that graduated June 3, 2011. Based on the most current data available (April to June 2011), the program's average annual pass rate is 48%. The California average annual pass rate for graduates from accredited VN programs who took the NCLEX-PN® for the first time is 76%. The average annual pass rate for the Palladium Technical Academy, VN Program is 28 percentage points below the state average annual pass rate. Ms. Hinckley explained that the program had been placed on provisional accreditation in May 2011 and the terms required approval of each class by the full Board.

Representative of the School: Ann Catone, Program Director, and Betty Hill, Assistant Director of Nursing. Ms. Catone thanked the Board's consultants for their assistance in improving their program. Ms. Catone indicated that they made changes to admission requirements and were grateful for the chance to continue operating and admitting students.

Public Comment: None received.

Board Discussion:

John Vertido expressed concern that the scores were not the greatest and the program was still in jeopardy of possibly losing its accreditation in May 2012. Mr. Vertido was concerned about the students that would be still enrolled if the program loses its accreditation in May 2012. Mr. Vertido confirmed with the Board consultant that more test results would be available prior to the May 2012 meeting.

Kevin Baucom agreed with recommendation but he was also concerned for the students that enter the program and later find out halfway through the program that it has lost its accreditation.

Todd D'Braunstein commented that the Board has been through this before and stated that we've crossed that bridge before with other schools. He indicated the Board could make a decision at that time.

John Vertido concurred that the NEC recommendation was solid but he was still concerned about students. The EO advised that the Board had the authority in May 2012 to extend the provisional accreditation until the last applicable class graduates.

MOTION:

To accept the NEC's report and recommendations as follows:

1. Deny Palladium Technical Academy VN Program's request to admit 30 students and three (3) alternates commencing September 19, 2011, and graduating December 7, 2012. The proposed class would have replaced students that graduated June 3, 2011.

2. Approve the program to admit 15 students with one (1) alternate commencing September 19, 2011, and graduating December 7, 2012, only. The proposed class would **replace** students that graduated June 3, 2011.
3. Continue to require the program to obtain approval by the full Board prior to the admission of each class.

Moved/Seconded: Stanfield/King

Support: 7 **Oppose:** 0 **Abstain:** 0

11.G. SOLEDAD ADULT SCHOOL/MISSION TRAILS VN PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION

Pamela Hinckley reported that program is presented to the Board for consideration of placement on provisional accreditation due to the program's noncompliance with CCR section 2530(l) and the fact that the program was without a program director since September 15, 2010. Based on the most current data available (April – June 2011), the program's average annual pass rate is 0%. The program has had no graduates tested for five (5) consecutive quarters. In addition, the program failed to notify the Board of the termination of faculty members within the ten days required by existing regulations. Submitted information confirms the program director resigned on September 15, 2010. On February 15, 2011, the Board received correspondence from the principal stating the director's resignation. As such, the program has been without a director for 11 months during which students were enrolled. On December 8, 2008, the Board approved the program's request to admit a part – time class of 20 students commencing February 10, 2009, with an anticipated graduation of April 16, 2011. Based on information submitted by the principal on February 15, 2011, the program admitted 20 students in February 2009; 14 students were currently enrolled and in session; and graduation of those students is scheduled for October 2011. As such, the program extended the approved course of study without prior Board approval. Ms. Hinckley announced that on September 2, 2011, after the Board report was prepared, a new program director was approved by the Board.

Representative from the School: Denise Estrella, Principal/Director (not the program director), and Deneen Newman, District Superintendent. Ms. Estrella stated that on September 14, 2010 the previous Program Director resigned. After being unable to reach the Board by phone that day, Ms. Estrella immediately sent an email to the Board staff about this resignation. She stated that this is a 3 year program that is held on weekends. No new students have been enrolled since 2009. The Program's sole focus is to provide the best support and service to the 14 students remaining in the existing program. Ms. Estrella respectfully requested that the Board allow for the continued accreditation for the current group of students while the Program moves forward to come into complete compliance with Board's rules.

Public Comment: None received.

Board Discussion:

Kevin Baucom commented about the length of the 3 year program. The NEC clarified that the program was only approved for a 26 month program and not the 32 month program mentioned by Ms. Estrella. Ms. Estrella stated that she had only been with the school for one year and could not explain how the program changed from 26 months to 32 months. Ms. Estrella stated that she had full support from the school board.

Todd D'Braunstein asked about admissions versus the number of students remaining in the 3 year program. He wanted to know if school exam data would be available by the February 2012 board meeting date. The Board's consultants indicated that they weren't sure because no information

was available about what may have happened during the eleven months without a program director.

Teresa Bello-Jones commented about the violation of extending the program from 26 months to 32 months. Ms. Jones also emphasized that it is critical that a Board-approved program director actively oversee the VN Program and comply with the Board's rules and regulations. Ms. Estrella stated that she anticipated the new Program Director would be officially approved by the school board at its meeting on September 14, 2011. Ms. Estrella was temporarily administering the program until the new Program Director starts. Ms. Newman stated that the Program Director approval would be effective very soon. Ms. Newman totally supports this program and she stated that there is a huge need in her community for this program. She stated that it is extremely important for them to offer a quality program. Ms. Newman stated that she also has only been with the school for one year and cannot explain how the program changed from 26 months to 32 months. She could not explain what happened prior to her arrival. She will make sure that they are operating in compliance with the Board's rules. Ms. Bello-Jones requested that Ms. Estrella provide the Board staff with the newly approved director's phone number and email address information.

Cheryl Anderson clarified that the September 14, 2010 email advisement that was mentioned by Ms. Estrella was sent to an incorrect email address. The Board never received the email advisement as it was sent to the wrong email address. Ms. Estrella apologized and stated that they sent it to the email address on file in their records.

John Vertido commented that he wished the program well with this new program director but was concerned that she lived four hours from Soledad. Even though the students only attended the program on weekends only, he recommended that the new Director be allowed to work full-time for a couple of weeks to ensure that she has sufficient time to review the regulations and complete the new Director Orientation. He also stated he was surprised that the attrition rate was relatively low (i.e., 20 admitted and 14 students still remain) considering the length of the program.

MOTION:

To accept the NEC's report and recommendations as follows:

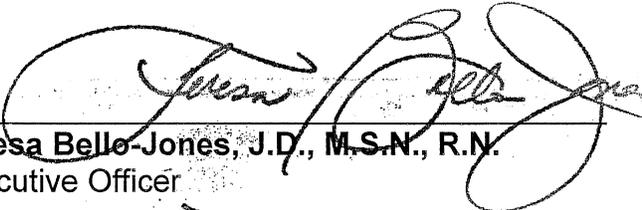
1. Place Soledad Adult School/Mission Trails VN Program on provisional accreditation for the five - month period from September 9, 2011, through February 29, 2012, and issue a notice to the program to identify specific areas of noncompliance and requirements for correction as referenced in Section 2526.1(e) of the CCRs.
2. Require the program to obtain a director who meets requirements set forth in California Code of Regulations Section 2526 (c)(1) by December 31, 2011.
3. Require the program to admit no additional students without the approval of the full Board.
4. Place the program on the February 2012 Board agenda for reconsideration of provisional accreditation.
5. Require the program to comply with all accreditation standards in Article 4 of the VN Practice Act, commencing at B&P Code section 2880, and Article 5 of the Board's Regulations, commencing at CCRs, Title 16, section 2526.
6. 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 accreditation.

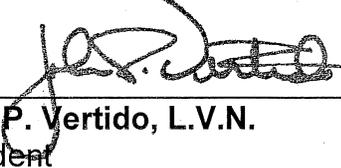
7. Failure to take any of these corrective actions may cause the full Board to revoke the program's accreditation.

Moved/Seconded: D'Braunstein/King
Support: 7 **Oppose:** 0 **Abstain:** 0

12. PUBLIC COMMENT PERIOD
None received.

13. ADJOURNMENT
The meeting adjourned at 2:07 p.m.

Prepared by:  Date: 11/10/11
Teresa Bello-Jones, J.D., M.S.N., R.N.
Executive Officer

Approved by:  Date: 11/10/11
John P. Vertido, L.V.N.
President

(10/10/2011)