



## **BOARD MEETING MINUTES**

**February 5, 2016**

**LOS ANGELES, CALIFORNIA**

### **BOARD MEMBERS**

#### **PRESENT:**

Todd D'Braunstein, P.T. Member, President  
Samantha James-Perez, P.T. Member, Vice-President  
Bernice Bass de Martinez, Public Member  
Tammy Endozo, L.V.N. Member  
Eric Mah, Public Member  
Andrew Moreno, Public Member  
Susan Rubin, Public Member  
John Vertido, L.V.N. Educator Member  
Donna Norton, L.V.N. Member

### **BOARD MEMBERS**

#### **ABSENT:**

Vivien Avella, Public Member

### **STAFF PRESENT:**

John Brooks, Acting Executive Officer  
Cheryl Anderson, Supervising Nursing Education Consultant  
Jessica Gomez, Nursing Education Consultant  
Lydia Zeigler, Nursing Education Consultant  
Donna Johnson, Nursing Education Consultant  
Gina Bayless, Enforcement Division Chief  
Rocio Llamas, Enforcement Division Manager  
Carol Northrup, Licensing & Admin. Division Manager  
Jennifer Almanza, Administrative Analyst  
Jay Prouty, Enforcement Division Analyst  
Rebecca Bon, Legal Counsel, Department of Consumer Affairs

### **10. CALL TO ORDER.**

The meeting was called to order by Todd D'Braunstein, Board President, at 9:00 a.m., February 5, 2016, at the Hilton Los Angeles Airport, 5711 West Century Boulevard, Los Angeles, California 90045.

### **11. PLEDGE OF ALLEGIANCE.**

John Vertido led those assembled in the Pledge of Allegiance.

### **12. INTRODUCTION OF BOARD MEMBERS AND STAFF.**

The Board Members introduced themselves. John Brooks, Acting Executive Officer (EO), introduced board staff present and Rebecca Bon, the Board's Legal Counsel, Department of Consumer Affairs (DCA).

**13. INTRODUCTION OF APPROVED SCHOOLS REPRESENTED AT MEETING BASED UPON VOLUNTARY SIGN-IN LIST.**

The following programs voluntarily signed in and were recognized by the Board President:

Advanced Medical School of Nursing	High Desert Medical College - Lancaster
American Career College - LA	Lynwood Community Adult School - Lynwood
American Career College – St. Francis	Marian College – Los Angeles
American College of Nursing - Concord	Medical Allied Career Center, Inc.–Santa Fe Springs
Angeles Institute - Artesia	Northwest College - Pasadena
Annenberg School of Nursing - Reseda	Pacific College – Costa Mesa
Brightwood College – San Diego	Palo Verde Community College, Nursing and Allied Health - Blythe
California Career Institute – Garden Grove	Platt College - Alhambra
Career Care Institute – Lancaster	Preferred College of Nursing – Van Nuys
Career Care Institute – Moreno Valley	Premiere Career College - Irwindale
Career Development Institute, Inc. - LA	Professional Medical Careers Institute– Westlake Village
Carrington College - Pomona	Santa Barbara Business College – Bakersfield
Casa Loma College, School of Nursing and Allied Health - Anaheim	Summit Career College – Anaheim
CES College - Burbank	Summit College – Colton
Chaffey College - Chino	Tri-County ROP –Yuba City
Charter College – Canyon Country	Trinity School of Health & Allied Sciences - Gardena
CNI College – Orange County	
College of the Desert – Palm Desert	
Concorde Career College – San Bernardino	
Concorde Career College _ North Hollywood	
Curam College of Nursing - Sacramento	
Glendale Career College - Glendale	
Grossmont Health Occupations Center - Santee	

**14. MEETING AND PUBLIC COMMENT PROCEDURES.**

Mr. D'Braunstein read a special notice addressing the Board's legal mandate and the 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; no action may be taken at this time; and the Board may limit the length of time allowed for comment.

**15. REVIEW AND CONSIDERATION TO ADOPT BOARD MEMBER ADMINISTRATIVE PROCEDURE MANUAL.**

Agenda item moved to the end of the day.

**16. ELECTION OF BOARD OFFICERS.**

John Brooks, Acting Executive Officer (EO), opened the table for the 2016 election of a new Board President and Vice President.

**Board President Nomination:** Samantha James-Perez was nominated by John Vertido and seconded by Bernice Bass de Martinez.

**Board Discussion:** None

**Public Comment:** None

**Motion to close:** John Vertido      **Seconded:** Todd D'Braunstein

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**Board Vice President Nomination:** Donna Norton was nominated by John Vertido and seconded by Bernice Bass de Martinez. Andrew Moreno was nominated by Eric Mah and seconded by Susan Rubin.

**Board Discussion:** Donna Norton withdrew her election, stating it would be better for the Board to have a Public Member nominated.

**Public Comment:** None

**Motion to close:** Bernice Bass de Martinez      **Seconded:** Tammy Endozo

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

### **30. CLOSED SESSION.**

A. The Board will meet in closed session to consider the appointment of an Executive Officer pursuant to Government Code Section 11126 (a) (1).

Eric Mah made note he doesn't support going into closed session out of order because making the programs wait is a disservice to them. Newly elected Board President, Samantha James-Perez explained there is a time schedule with interviewees and personnel from DCA. He motioned to have the Board reconsider keeping the agenda as is, but the motion died due to lack of a second motion.

### **31. RECONVENE OPEN SESSION**

#### **17. EDUCATION DIVISION PROGRAMS REGARDING VN AND PT PROGRAMS.**

##### **A.1. American College of Nursing Psychiatric Technician Program. Reconsideration of Provisional Approval; Failure to correct violations identified during Program inspection.**

Ms. Jessica Gomez, Nursing Education Consultant (NEC) presented a report relative to reconsideration of provisional approval due to the continued failure to correct violations identified during the October 2014 program inspection. The Board placed the program on provisional approval for a two (2) year period through May 31, 2017, due to noncompliance with regulatory requirements. The program was required to admit no additional students without prior approval by the Board. On September 2, 2015 the Acting Executive Officer, approved the program's request to admit 20 evening students starting November 16, 2015. On November 18 and 19,

2015, an unannounced onsite inspection of the program was conducted. At that time, four (4) of the previously identified violations remained uncorrected.

Currently the program's average annual pass rate is 56%, which is 20 percentage points **below** the state average annual pass rate. Since the initiation of the program there have been 28 graduates, sixteen (16) or 57% have taken the licensure examination and eleven (11) or 69% passed.

Due to the substantial decrease in the pass rates and the failure to correct outstanding violations, the program is required to obtain approval by the full Board prior to the admission of additional classes and may be reconsidered from provisional approval status to possible revocation.

**Program Representative: Felicidad Silva, Program Director**

**Public Comment:**

- Ms. Silva agrees with the recommendations, but would like to make some clarifications. She said the curriculum for the PT program has been revised and upon approval will submit the lesson plans
- Resources for counseling have been posted and an addendum for tutoring services have been added to the student handbook.
- The six (6) enrolled students passed so remediation was not needed

**Board Discussion:**

- Mr. Moreno confirmed the program is in agreement with the recommendations.

**MOTION: To accept the report and recommendations as follows:**

1. Place the American College of Nursing Psychiatric Technician Program on provisional through May 31, 2017.
2. Place the program on the **May 2016**, Board agenda for reconsideration of provisional approval and possible revocation.
3. Require the program to obtain approval by the full Board prior to the admission of additional classes.
4. Require the program to maintain a 1:10 instructor to student ratio in all clinical activities.
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 within 15 days of the class start.
6. Require the program to correct all violations identified during the onsite inspections, and submit a report identifying implemented interventions and timelines no later than April 1, 2016. The report must include:
  - a. Development and implementation of a plan to evaluate curriculum.
  - b. Development and implementation of a permanent plan to notify students of available counseling in the area.

- c. Development and implementation of the program lesson plans.
  - d. Evaluation of student performance to determine the need for remediation or removal from the program.
  - e. Implementation of the approved remediation policy to include identification of students who are at risk of failure from either academic or code of conduct issues, identification of deficiencies, remediation plan and follow-up.
7. Require the Director to submit a report to the Board no later than April 1, 2016. The report must include:
- a. A comprehensive analysis of the program.
  - b. Identification of program elements negatively impacting student achievement.
  - c. Specific actions taken to improve program pass rates.
  - d. Timeline for implementation, and the effect of employed interventions.
8. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

**Further Discussion:**

Mr. D'Braunstein recommended if the program has documents to be reviewed, they should submit them in advance to make it easier for the Board members to review.

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**Procedure Question:** Ms. Norton questioned at previous Board meetings, members responded "Yea" or "Nay", Ms. Bon responded, per Bagley Keene, roll call votes need to have the Board member's name announced followed by their vote.

**A.2. American College of Nursing Vocational Nursing Program. Reconsideration of Provisional Approval; Failure to correct violations identified during Program inspection.**

Ms. Jessica Gomez, NEC presented a report relative to the reconsideration of provisional approval and consideration of provisional approval due to the continued failure to correct violations identified during the October 2014 program inspection. The Board placed the program on provisional approval on May 15, 2015 for a two (2) year period through May 31, 2017, due to noncompliance with regulatory requirements. The program was required to admit no additional students without prior approval by the Board. On August 6, 2015, the Acting Executive Officer approved the program's request to admit an evening class of 20 students starting September 23, 2015 and denied the program's request to admit a day class of 30 students starting October 19, 2015. On November 18 and 19, 2015, an unannounced onsite inspection of the program was conducted. At that time, four (4) of the previously identified violations remained uncorrected and three (3) new violations were identified.

Based on examination data for the 4<sup>th</sup> Quarter of 2015, the program's average annual pass rate is 59%, which is 13 percentage points **below** the state average annual pass rate and a **decrease** of 13 percentage points since placement on provisional approval.

**Program Representative:** Felicidad Silva, Program Director

**Public Comment:**

- Ms. Silva agrees with the recommendations, but would like to make some clarifications. The violation regarding a student completing the program without documentation of completion of a general education course through the 12<sup>th</sup> grade or equivalent. The student was studying civil engineer in his own country when circumstances brought him to the United States. He went back to his country to get his diploma and mailed it to the program after he completed the program, and his application for licensure was denied.

**Board Discussion:**

- Mr. Vertido stated in the report they have, on an unannounced inspection there were four (4) uncorrected violations and on the second inspection there were three (3) more violations. One of the violations being the curriculum doesn't match the lesson plan. How long has that been in place? The other report is regarding no pediatric sites in place and that they admit students that don't meet their own school's criteria.
- Ms. Silva responded the curriculum has been revised and they are waiting for it to be approved before submitting the lesson plan. She stated she has only been with the program for eight months. They have added pediatric sites and at the time Ms. Gomez was reviewing the files, pre-requisites and test scores were missing, this has been corrected.
- Ms. Bass de Martinez asked for clarification since her appointment to Director what the conditions were and what kind of changeovers? She asked Ms. Gomez if there are any procedure or policy practice of notification of changes to a program.
- Ms. Silva stated there were a lot of turnovers and changes over the last year, which caused documentation not getting filed. Ms. Gomez responded they don't require notification of reduction in staff, the only people they are interested in are the Director, Assistant Director and faculty.
- Ms. Silva stated violation number four (4) is the same as the Psychiatric Technicians program, having a lack of counseling and tutoring. It has been corrected. She referenced to the comment there was a lack of maternity and pediatric sites for rotations. They have six (6) sites. Ms. James-Perez asked Ms. Gomez if she saw the clinical applications. Ms. Gomez responded there is no correlation between the clinical educational experiences with the clinical rotation. The students had completed the theory portion of the program in January 2015, and received maternity and pediatric clinical instruction in June and July of 2015.

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Continue provisional approval of the American College of Nursing Vocational Nursing Program through May 31, 2017.
2. Place program on the **May 2016**, Board agenda for reconsideration of provisional approval and possible revocation.

3. Require the program to obtain approval by the full Board prior to the admission of additional classes.
4. Require the program to maintain a 1:10 instructor to student ratio in all clinical activities.
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 within 15 days the class starts.
6. Require the program to correct all violations identified during the onsite inspections, and submit a report identifying implemented interventions and timelines no later than **April 1, 2016**. The report shall include the following.
  - a. Implementation of the approved methodology, including timeline for initial and ongoing evaluation of the curriculum, and provide **evidence** of ongoing evaluation.
  - b. Implementation of the approved methodology for admission and screening students.
  - c. Implementation of a methodology to correctly identify prospective student's requirement of completion of high school or equivalency.
  - d. Evaluation of student performance to determine the need for remediation or removal from the program.
  - e. Implementation of program's remediation policy to include identification of students who are at risk of failure from either academic or code of conduct issues, identification of deficiencies, remediation plan, **and** follow-up.
7. Require the Director to submit a report to the Board no later than **April 1, 2016**. The report must include:
  - a. A comprehensive analysis of the program.
  - b. Specific actions taken to improve program pass rates.
  - c. Timeline for implementation and the effect of employed interventions.
8. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Donna Norton

**Seconded:** John Vertido

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**A.3. Angeles College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Angeles College Vocational Nursing Program. The Board initially placed the program on provisional approval for a two-year period from November 9, 2012 through November 30, 2014, due to the program's noncompliance with

regulatory requirements relative to program pass rates. On June 10 and 11, 2014 the Board conducted an unannounced onsite visit. Eight (8) violations were identified, currently seven (7) of those violations have been corrected. In addition the Board approved the program's request to admit 20 students commencing April 6, 2015, graduating May 20, 2016, only to **replace** students scheduled to graduate on January 23, 2015.

**Program Representative:** Mary McHugh, Director

**Public Comment:**

- Ms. McHugh agrees with the recommendations.

**Board Discussion:**

- None

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Extend Angeles College of Nursing Vocational Nursing Program's provisional approval for one year from February 28, 2016 – February 27, 2017 and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the agenda of the Board's **February 2017**, meeting for reconsideration of provisional approval.
3. Deny the program's request to admit 20 students into a full-time day class commencing on May 9, 2016, graduating June 12, 2017, only.
4. Continue the director's requirement to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation within 15 days of the commencement of a class.
5. Continue the program's requirement to admit no additional classes without prior approval by the full Board.
6. 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.
7. 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.

**Moved:** Todd D'Braunstein

**Seconded:** Andrew Moreno

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

#### **A.4. Bay Area College of Nursing, Daly City, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Donna Johnson, NEC, presented a report relative to the reconsideration of provisional approval and consideration of request to admit students for Bay Area College of Nursing. On September 6, 2012, The Board placed the Bay Area College of Nursing, on provisional approval for the two-year period from September 6, 2012, through September 30, 2014, due to the program's noncompliance with regulations relative to licensure pass rates. Since that time the Program has struggled with pass rates before and since placement on provisional approval in 2012. The program's current pass rate of **50%**, is **22** percentage points **below** the state average annual pass rate. The program's average annual pass rate has been non-compliant with regulations **71%** of the time since placement on provisional approval. A total of 11 violations were identified in December 2014, while the program presented plans that would correct the violations, a second unannounced inspection in late 2015, identified six (6) more violations. The program has had only one (1) quarter of compliant pass rates in the past two (2) years.

**Program Representative:** Rachelle Cagampan, Director

#### **Public Comment:**

- Ms. Cagampan agrees with the recommendations.

#### **Board Discussion:**

- Mr. D'Braunstein queried when the current class would graduate and how many students were in that class. There are 10 students in the class scheduled to graduate by June 2016.
- Mr. Vertido queried the long history of substandard pass rate performance, with an average annual pass rate of 51% and the program being on probation for over 3 years with consistently low passing rates.
- Ms. Cagampan responded since they revised the curriculum in 2013 the pass rate increased 70%, but they are having a hard time sustaining the pass rate. They have a plan of action to resubmit another revised curriculum.
- Ms. Bass de Martinez asked for an explanation of the staff and changes, Ms. Cagampan responded with the consistent change in staff, documents were misfiled and/or misplaced.
- The program is scheduled to be on the August agenda, Ms. Norton has concerns with the class graduating in June stating there won't be enough data to make any decisions.
- Mr. D'Braunstein motioned to accept the report and adjust recommendations # 1 and #2 from August to November 2016.

#### **MOTION: To accept the report and adjust the recommendations as follows:**

1. Extend provisional approval of the Bay Area College of Nursing, Vocational Nursing Program for a nine (9) month period from March 1, 2016 through November.

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 ten (10) students in all clinical experiences.
7. Continue to require the program 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.

**Moved:** Todd D'Braunstein

**Seconded:** Susan Rubin

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**A.5. Bay Area College of Nursing, Palo Alto, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Donna Johnson, NEC, presented a report relative to the reconsideration of provisional approval and consideration of the program's request for approval to admit students for Bay Area College of Nursing. On November 10, 2011, the Board initially placed the program on provisional approval for a two (2) year period from November 10, 2011 through November 30, 2013, due to noncompliant licensure pass rates. The program's current pass rate is **56%**, which is **16** percentage points **below** the state average annual pass rate. The program's average annual pass rate has been non-compliant with regulations 71% of the time since being placed on provisional approval.

**Program Representative:** Rachelle Cagampan, Director

**Public Comment:**

- Ms. Cagampan agrees with the recommendations, but would like an extension.

**Board Discussion:**

- Mr. Vertido commented on the total of OB/Pediatric sites for ten (10) students would leave five (5) extra students. Ms. Cagampan stated they have a satellite class for those five extra students. Mr. Vertido recommended that all the students be rotated to have an equal amount of clinical experience to ensure all the students get the full experience. Ms. Anderson and Ms. Johnson both stated that one of the requirements when evaluating a program is to ensure they have an adequate number, type and variety of clinical experiences for all the students. Mr. Vertido motioned to have the recommendation added to the report, but because it's a requirement for a program, he withdrew his motion.

**MOTION: To accept the report and adjust the recommendations as follows:**

1. Extend provisional approval of the Bay Area College of Nursing, Vocational Nursing Program for the six month period form March 1, 2016 through November 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 February 23, 2016 and graduating April 30, 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.

**Moved:** Todd D'Braunstein

**Seconded:** Tammy Endozo

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**A.6. Career Care Institute, Moreno Valley, Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC presented a report relative to the reconsideration of placement on provisional approval and consideration of the program's request for approval to admit students for Career Care Institute, Vocational Nursing Program. On September 6, 2012 the program was placed on provisional approval for the period of September 6, 2012 through September 30, 2014 due to pass rates on the licensure examination that were noncompliant with regulatory requirements regarding program pass rates. At that time the program's average annual pass rate was **52%**, **22 percentage** points **below** the state average annual pass rate. The Board extended the program's provisional status for a one (1) year period from February 28, 2015 through February 28, 2016. At that time the program's average annual pass rate was **63%**, **9 percentage** points **below** the state average annual pass rate. Currently the program's average annual pass rate is 74%, an **increase** of **15 percentage** points since placement on provisional approval and two (2) percentage points **above** the state average annual pass rate.

**Program Representative:** Allan Ocampo, Director

**Public Comment:**

- Mr. Ocampo agrees with the recommendations

**Board Discussion:**

- Mr. Vertido congratulated the program on their pass rates
- Ms. Norton acknowledged their approval

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Approve Career Care Institute, vocational Nursing Program for the four year period from February 5, 2016 through February 4, 2020, and issue a certificate accordingly.
2. Approve the program's request to admit 30 students into a class commencing April 4, 2016 and graduating July 21, 2017; **only**, this is not a replacement class.

**Moved:** Todd D'Braunstein

**Seconded:** Bernice Bass de Martinez

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**A.7. High Desert Medical College Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval and consideration of the program's request for approval to admit students for High Desert Medical College, Vocational Nursing Program. The Board initially placed the program on provisional approval for the two (2) year period from November 10, 2011, through November 30, 2013 due to pass rates that were noncompliant with requirements regarding

program pass rates. At the time, the program's average annual pass rate was 63%. Examination statistics for the most recent reporting period (Quarter 4 2015) confirm that the program has had no candidates take the licensure examination for five (5) consecutive quarters (October 2014 – December 2015). Currently the program has a class of 14 students enrolled that is scheduled to graduate May 18, 2016. Additionally, the program enrolled a class of 13 students in October 2015, which is projected to graduate in November 2016.

**Program Representative:** Michelle Welch

**Public Comment:**

- Ms. Welch agrees with the recommendations

**Board Discussion:**

- Ms. James-Perez commented on possible typo in the last sentence of the first paragraph and recommendation number 2. She asked Ms. Gomez for clarification on what the correct date should be. Ms. Gomez said it should be February 2017.

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Extend the High Desert Medical College Vocational Nursing Program's provisional approval for a one – year period from February 28, 2016 through February 28, 2017, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the agenda of the Board's **February 2017**, meeting for reconsideration of provisional approval.
3. Deny the program's request to admit a full-time class of 19 students to begin on May 23, 2016; graduating July 26, 2017, only.
4. Continue to require the program to admit no additional classes unless approved by the full Board.
5. Continue the program director's requirement to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation, no later than 15 days after class commencement.
6. Continue to require the program to maintain a 1:10 instructor to student ratio in all clinical education.
7. Continue the program's requirement to maintain its average annual pass rate at no more than ten (10) percentage points below the state average annual pass rates.
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.

**Moved:** John Vertido

**Seconded:** Andrew Moreno

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion, Mr. Mah abstained. Ms. Avella was absent. **The motion passed.**

#### **A.8. Saint Joseph School of Nursing Vocational Nursing Program. Reconsideration of Provisional Approval; Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval and consideration of the program's request for approval to admit students for Saint Joseph School of Nursing, Vocational Nursing Program. The program was initially placed on provisional approval for the two-year period from February 28, 2014 through February 28, 2016, due to noncompliance with regulatory requirements relative to program pass rates. The Board approved the program's request to start a class of 15 students commencing March 3, 2014, and graduating February 3, 2015. The program was required to submit a follow-up report in nine (9) months to include a comprehensive analysis of the program, specific actions taken to improve program pass rates, timeline for implementation and the effect of employed interventions. On March 20, 2014, the Notice of Change in Approval Status was sent to the program via certified mail. The program has failed to submit reports required by the Board in accordance with the established timeline.

**Program Representative:** Adeniki Joseph-Coker

#### **Public Comment:**

- Ms. Joseph-Coker agrees with the provisional to be extended, but disagrees with the reduction of 20 students to 10 students. She proposed 20 students start February 8, 2016 with a graduation date of February 2017. Her rationale is the reason they were placed on provision was due to five students test results, which brought their pass rate down. Review classes have been incorporated.
- Ms. James-Perez commented according to the report the pass rate is not the reason for probation. The reason for the probation was due to reports not being submitted by required due dates. Ms. Joseph-Coker said it has been corrected, she calls weekly to improve communication. Ms. Anderson stated that has nothing to do with turning in reports as required.
- Ms. Norton asked why she is asking for 20 students versus the recommended 10. Ms. Joseph-Coker responded they have always had 20 students and with their pass rates at 100% for a year, she doesn't understand why they are being penalized. Ms. Norton also asked if she's taking accountability for turning in reports late.
- Mr. Mah asked if they have the resources to accommodate 20 students. The director responded yes, they have added more clinics. Is the main factor not allowing 20 students due to the late reports? Ms. Gomez responded that's part of it, the other part is on her onsite visit in October, she saw students that graduated in February still getting remedial training, she felt that was too long.
- Mr. D'Braunstein asked where they are now with enrolling for the February start date. The director responded they are currently waiting for the Board's approval.

**Board Discussion:**

- Mr. Mah asked if there was anyone sympathetic to the 20 students. Ms. James-Perez said she was, but the fact is the program needs to follow the rules, turning in late reports is not acceptable.
- Ms. Bass de Martinez commented the late reports being part of the problem, but are there any further comments the Board should hear. The director responded in their February 2014 proposal how to improve passing rates, they put together a NCLEX readiness plan, which included tutoring and review. What Ms. Gomez saw were the students in review, preparing to take the NCLEX. To clarify the number of students in review, the director told Mr. Vertido of the 12 students, 9 passed and 3 dropped out.

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Extend Saint Joseph's School of Nursing, Vocational Nursing Program's provisional approval for the one – year period from February 28, 2016 – February 28, 2017, and issue a notice identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the agenda of the Board's **February 2017**, meeting, for reconsideration of provisional approval.
3. Deny the program's request to admit 20 students into a class commencing February 8, 2016, and graduating February 25, 2017; only, to **replace** students that graduated on May 30, 2015.
4. Approve the program's admission of 10 students into a class commencing February 8, 2016, and graduating February 25, 2017; only, to **replace** students that graduated on May 30, 2015.
5. Continue the director's requirement to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduating within 15 days of the commencement of a class.
6. Require the program to admit no additional students unless approved by the Board.
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.

**Moved:** Todd D'Braunstein

**Seconded:** John Vertido

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion, Mr. Mah, Mr. Moreno, and Ms. James-Perez abstained. Ms. Avella was absent. **The motion passed.**

**A.9. Santa Barbara Business College, Bakersfield, Vocational Nursing Program. Reconsideration of Provisional Approval.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval and consideration of the program's request for approval to admit students for Santa Barbara Business College, Vocational Nursing Program. The program was initially placed on provisional approval for the two – year period from February 22, 2013 to February 28, 2015, due to noncompliance with regulatory requirements relative to program pass rates. At the time, the program's average annual pass rate was 58%. On February 13, 2015, the program's provisional approval was extended through February 28, 2016. Additionally, the Board approved the program's admission of a class of 36 students on May 26, 2015, only, to **replace** students scheduled to graduate on March 12, 2015, **provided** the program has no more than ten (10) students per instructor during clinical classes. At that time, the program's average annual pass rate was 68%.

**Program Representative:** Carolyn Santiago

**Public Comment:**

- Ms. Santiago agrees with the recommendations

**Board Discussion:** None

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Approve Santa Barbara Business College, Bakersfield, and Vocational Nursing Program for the four – year period from February 29, 2016 through February 28, 2020, and issue a certificate accordingly.
2. Approve the program's request to admit a class of 36 students with three (3) alternates on May 23, 2016, **only**, graduating August 3, 2017, to **replace** students scheduled to graduate March 10, 2016.
3. Continue the program's requirement to admit no additional students without prior approval by the Board.

**Moved:** Donna Norton

**Seconded:** John Vertido

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**A.10. Shepherd University Vocational Nursing Program. Reconsideration of Provisional Approval.**

Ms. Jessica Gomez, NEC, presented a report relative to the reconsideration of placement on provisional approval for Shepherd University Vocational Nursing Program. On May 16, 2014, the Board initially placed the program on provisional approval for the two – year period from May 16, 2014 through May 15, 2016, due to noncompliance with regulatory requirements relative to program pass rates. At that time, the program's annual pass rate was 55%, 21 percentage points **below** the state average annual pass rate. Based on published examination statistics for Quarter 4 – 2015 the program's average annual pass rate has declined to 0%. The program has had sixteen (16) consecutive quarters of noncompliant pass rates. Since placement on provisional approval, the Board has approved the program's admission of four (4) classes. The program has failed to admit four (4) of the last five (5) approved classes, and has had problems keeping a Board – approved director.

**Program Representative:** None

**Public Comment:** None

**Board Discussion:**

- Ms. Bass de Martinez clarified there is currently no director, Ms. Gomez responded that is correct. Ms. Anderson commented the program submitted correspondence accepting the report as is and will be reapplying in a year. Ms. Endozo inquired about the 2 students who were enrolled in the program in February 2015. Ms. Anderson responded they have 2 options; they may apply for admission to other programs, requesting transfer credit for previously completed theory and clinical instruction or if students have prior paid work experience, they may apply for licensure based on equivalent education and experience. Mr. Vertido clarified the school is aware of this.

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Revoke the provisional approval of Shepherd University Vocational Nursing Program, effective immediately.
2. Remove the program from the Board's List of Approved Programs.

**Moved:** Todd D'Braunstein

**Seconded:** Eric Mah

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

## **B.1. Homestead Schools Vocational Nursing Program. Consideration on Provisional Approval.**

Ms. Donna Johnson, NEC, presented a report relative to the consideration of placement on provisional approval for Homestead Schools Vocational College of Nursing. On December 18, 2015, the Acting Executive Officer (EO) considered a report regarding the program for ongoing approval and the program's request for approval to admit three (3) classes of students. Out of a total of six (6) violations identified, four (4) of which remained uncorrected, the Acting EO denied the request for ongoing approval and the request to admit students. The program was referred to the full Board for consideration of placement on provisional approval due to violations of the Vocational Nursing Rules and Regulations. On January 6 and 7, 2016, on an unannounced inspection, additional violations were identified and a Notice of Violations was forwarded to the program.

**Program Representative:** Adelwisa Blanco, Director and ViJay Fadia, President

### **Public Comment:**

- Ms. Blanco and Mr. Fadia disagree with the recommendations and feel they are being treated unfairly. They spoke about the programs pass rates consistently meeting the Board's requirements, having approved clinical facilities and submitting required documentation by the required due date. They asked the Board to consider allowing them more students and to defer any actions until May 2016 to allow the program to correct any violations.

### **Board Discussion:**

- Ms. James-Perez commented the program is being considered for provisional due to uncorrected violations. She asked legal if a program could be placed on provisional for reasons other than pass rate. Ms. Bonn responded yes. Mr. Mah made a motion to extend approval to the next meeting in May to give the program time to make corrections. Mr. Vertido had concerns extending approval due to the onsite visit in January 2016 identifying new violations. He commented on the program not teaching to standards in preparing the students for the workplace. Ms. Johnson commented the program isn't teaching according to the Board approved outline, the program instructional schedule doesn't meet the requirements, and the program's approval technically expired in November 2015.
- The motion was amended to place the program on provisional approval until the May 2016 Board meeting to re-evaluate what to do.

### **MOTION: To accept the report and adjust the recommendations as follows:**

1. Place the Homestead Schools Vocational Nursing Program on provisional approval for the three (3) month period from February 5, 2016 through May 31, 2016, and issue a notice to the program to identify specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 € of the California Code of Regulations.
2. Place the program on the Board's **May 13, 2016** agenda for reconsideration of provisional approval.
3. Require the program to admit no additional classes without prior approval by the full Board.

4. 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 **February 15, 2016**.
5. Require the program to submit for Board approval the following:
  - a. Curriculum objectives no later than **February 15, 2016**.
  - b. A revised policy for the evaluation of student performance to determine the need for remediation or removal from the program no later than **March 1, 2016**.
  - c. A revised attendance policy that identifies criteria for attendance, the specific course objectives for which make-up time is required, and acceptable methods for make-up that are specific for theory and clinical time missed, and timely make-up of missed hours that maintains theory to clinical correlation no later than **March 1, 2015**.
  - d. A revised policy for the admission, screening, and selectin of applicants to the program that defines the number and frequency of allowable retakes on an admission test and steps to be taken to ensure that the policy is followed, including appropriate interview of applicants no later than **March 1, 2016**.
  - e. Evidence of training of all involved personnel regarding the transfer credit policy that was submitted to the Board on December 1, 2015, including credit to be given for certified nurse assistant courses, and how this new policy is to be implemented no later than **March 1, 2016**.
6. Require the program to submit documentation of implementation of the Board approved Instructional Plans for both the full-time and the part-time programs **no later than March 1, 2016**.
7. Require the program to submit documentation of placements consistent with the Board-approved Instructional Plans and with adequate faculty for all currently enrolled students **no later than March 1, 2016**.
8. Require the program to submit follow up reports in nine (9) months, but no later than **October 1, 2016**, and 21 months, but no later than **October 1, 2017**. The reports must include a comprehensive analysis of the program, specific actions taken to improve pass rates and to correct all violations, a timeline for implementation and the effect of employed interventions. The analysis must include, but should not be limited, to the following elements:
  - a. Admission Criteria
  - b. Screening and Selectin 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

9. Require the program to maintain its average annual pass rate no more than ten (10) percentage points below the State average annual pass rate.
10. 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.
11. Failure to take these corrective actions may cause the full Board to revoke the program's approval.

**Moved:** Donna Norton

**Seconded:** Eric Mah

Ms. Bass de Martinez, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion, Mr. D'Braunstein abstained. Ms. Avella was absent. **The motion passed.**

**C.1. Preferred College of Nursing, Van Nuys, Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Donna Johnson, NEC, presented a report relative to the consideration of request for approval to admit students to the Preferred College of Nursing, Vocational Nursing Program. On May 16, 2014, the program was initially placed on provisional approval and required to obtain full Board approval, prior to admitting students. On November 20, 2015 the Board approved admission of 10 students, rather than the 20 students requested by the program.

**Program Representative:** Elizabeth Estrada, Program Director and Stan Gersh, Consultant

**Public Comment:**

- Ms. Estrada withdrew the program's request to admit more students. She wanted to clarify the report by Ms. Johnson the program not having approved facilities. She has submitted documentation showing the list of facilities they have available. She would like to see whether the directors could have access to information regarding the NCLEX takers so they could reach out to them and offer NCLEX reviews, which would help with their pass rates. She also thinks it would be helpful if the Board acknowledged their positive accomplishments.

**Board Discussion:** None

**MOTION:** To accept the report and adopt the recommendations as follows:

1. Deny the Preferred College of Nursing, Van Nuys, Vocational Nursing Program's request for approval to admit one (1) part-time class of 20 students beginning April 4, 2016 and graduating September 25, 2017.
2. Continue to require the program to admit no additional classes without prior approval by the full Board.
3. Continue the program's placement on the Board's May 2016 agenda for reconsideration of provisional approval.

**Moved:** Todd D'Braunstein

**Seconded:** Donna Norton

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Moreno, Ms. Norton, voted in favor of the motion, Mr. Mah, Ms. Rubin, and Mr. Vertido abstained. Ms. Avella was absent. **The motion passed.**

**C.2. Sierra Pacific College Vocational Nursing Program. Consideration of Request to Admit Students.**

Ms. Jessica Gomez, NEC, presented a report relative to the consideration of a request to admit students for Sierra Pacific College Vocational Nursing Program. The Board initially placed the program on provisional approval for the two-year period from May 11, 2012 through May 31, 2014 due to the program's noncompliance with regulatory requirements relative to program pass rates. At the time, the program's average annual pass rate was 29%. On May 16, 2014, the Board extended the program's provisional approval through May 30, 2015 and declined the request to admit students. On May 15, 2015, the Board extended provisional approval for a period of two (2) years from May 30, 2015 through May 29, 2017 and approved the program's request to admit a class of 15 students.

**Program Representative:** None

**Public Comment:** Ms. Gomez commented an announced site visit was made on January 27, 2016 with additional violations. Her recommendations remain the same.

**Board Discussion:** None

**MOTION: To accept the report and adopt the recommendations as follows:**

1. Require the Sierra Pacific College Vocational Nursing Program to submit a detailed report that includes an analysis of the curriculum including the instructional plan, identification of areas requiring revision, and timeline for completion to ensure inclusion of all areas of the current NCLEX/PN no later than **March 1, 2016.**
2. Place the program on the **May 2016** Board agenda.
3. Deny the program's request to admit a class of 15 students commencing April 4, 2015 and graduating on April 28, 2017, only.

4. Continue the program's requirement to maintain an instructor-to-student ratio that does not exceed ten (10) students for each instructor in during clinical experience.
5. Continue the program director's requirement to submit, under penalty of perjury, the names of all enrolled students, date of admission, placement in the curriculum, and expected date of graduation within 15 days of the commencement of a class.
6. Continue the program's requirement to obtain approval by the full Board prior to the admission of future classes.
7. Continue the program's requirement to submit follow-up reports no later than **February 1, 2016**, and **February 1, 2017**. 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 Selectin Criteria
  - c. Terminal Objectives
  - d. Curriculum Objectives
  - e. Instructional Plan
  - f. Theory and Clinical Objectives for Each Course
  - g. Lesson Plans for Each Course
  - h. Textbooks
    - i. Attendance Policy
    - j. Remediation Policy
  - k. Evaluations of Theory and Clinical Faculty
    - l. Evaluations of Theory Presentations
  - m. Evaluations of Clinical Rotations and Their Correlation to Theory Presentations
  - n. Evaluation of Student Achievement
  - o. Current Enrollment; **and,**
8. Require the program to comply with all approval standards in Article 4 of the Vocational Nursing Practice Act, commencing at Business and Professional Code Section 2880, and Article 5 of the Board's Regulations, commencing at California Code of Regulations, Title 16, Section 2526.
9. 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.

**Moved:** Eric Mah

**Seconded:** Samantha James-Perez

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

**18. Adoption of November 20, 2015 Board Meeting Minutes.**

Tabled to May 2016 Board Meeting

**Public Comment:**  
Minutes not ready

**Board Discussion:** None

**19. Adoption of Executive Officer's Report on Decisions for Vocational Nursing and Psychiatric Technician Programs.**

**Public Comment:** None

**Board Discussion:** None

**MOTION: To adopt the EO's Report on Decisions for NV & PT Programs.**

**Moved:** Susan Rubin

**Seconded:** Donna Norton

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, Ms. Norton, Ms. Rubin and Mr. Vertido voted in favor of the motion. Ms. Avella was absent. **The motion passed.**

Mr. Vertido excused himself to leave to catch a flight back home.

**20. Executive Officer's Report.** John Brooks, Acting Executive Officer

The EO Report consisted of the following items:

Board Members

BreEZe

Budget

Fund Condition

Personnel Update

Fee Audit

**Public Comment:** None

**Board Discussion:**

Ms. James-Perez wanted clarification on the 2 NEC positions posted as home-based, Mr. Brooks responded the positions are available anywhere in California.

Ms. Norton wanted to know the Board of Nursing implemented application fee and curriculum revisions, which didn't slow down the number of incoming applications, but it may be a way to show justification for additional positions. Mr. Brooks is looking into conducting a fee audit utilizing a third party vendor to do an analysis of our entire fee schedule.

Mr. Moreno inquired whether BreEZe is fully up and in operation, and if there is any feedback from the public. Mr. Brooks responded it is currently conducting data clean up and is fully operational. He has not received any negative feedback from staff.

**MOTION: No Motion Required on the Report.**

**21. Regulatory Report.** Jennifer Almanza, Administrative Analyst, Administration Unit

**A. Proposed Regulatory Action to Amend California Code of Regulations 2503 (VN) and 2563 (PT), Delegation of Certain Functions.**

**B. Proposed Regulatory Action to Amend California Code of Regulations Sections 2537 (VN) and 2590 (PT), Military Requirements.**

**C. Proposed Regulatory Action to Amend California Code of Regulations Sections 2526.1 (VN) and 258.1 (PT), Provisional Approval, and Sections 2530 (VN) and 2585 (PT) General Requirements.**

**Public Comment:** None

**Board Discussion:** None

**MOTION:** No Motion Required On the Report

**22. Legislative Report.** Carol Northrup, Licensing and Administrative Services Division Manager.

- A. AB12 (Cooley) State Government: Administrative Regulations: Review
- B. AB611 (Dahle) Controlled Substances: Prescriptions: Reporting
- C. AB750 (Low) Business and Professions: Licenses.
- D. AB840 (Ridley-Thomas S) Nurses and Certified Nurse Assistants: Overtime
- E. AB923 (Steinorth) Respiratory Care Practitioners.
- F. AB1165 (Ridley-Thomas S) Vocational Nursing: Post-Secondary Education.
- G. SB390 (Bates) Home-Health Agencies: Skilled Nursing Services.
- H. SB779 (Hall) Skilled Nursing Facilities: Staffing
- I. SB780 (Mendoza) Psychiatric Technicians and Assistants: Overtime
- J. Other Legislation Impacting the Board's Jurisdiction or Board Operations

**Public Comment:** None

**Board Discussion:**

Ms. James-Perez inquired about AB750 bill, which authorizes boards to establish a system of a retired category of license, is it the same as inactive and how would you differentiate the two? Would it affect the forms and how we code? Ms. Northrup responded your status would be at the time you apply, it would affect the forms, but not sure how it would affect BreEZe.

Ms. Bon stated this is authorizing the Board to create regulations, not mandating the Board.

**MOTION:** No Motion Required on the Report

**23. Licensing Division Report.** Carol Northrup, Licensing and Administrative Services Division Manager

**Public Comment:**

Ms. Nicole Everidge the NCLEX coordinator for the American Career College has concerns about the processing times. She understands BreEZe is new, but is wondering what the timeline will be and when improvements will be seen. Ms. Northrup responded once staff gets used to

using the system the processing time will improve. Mr. Brooks added the online process eventually will save time omitting the mailing and waiting time.

**Board Discussion:**

Ms. James-Perez inquired why the pass rate percentage for the PT program is lower than previous reports and why the average processing time increased. Ms. Northrup responded she can't address the lower passing rate without reviewing the prior reports. The longer processing time has to do with seven of her staff being redirected to BreZE and having to use other staff to cover other areas. She anticipates the processing time will eventually be reduced with a full staff.

**MOTION: No Motion Required on the Report**

**24. Enforcement Division Report.** Gina Bayless, Enforcement Division Chief

**Public Comment:** None

**Board Discussion:**

Ms. James-Perez glad to see the investigation unit is utilizing the recommendations that were made by the task force and can see a lot of progress being made. She thought the average time to complete a discipline case would be better, but it appears to be about the same, is there a reason why? Ms. Bayless responded they're still moving a backlog of older cases through, which is affecting the number of days.

**MOTION: No Motion Required on the Report**

**25. Review and Possible Action on Petition for Reinstatement of License Application Form.** Gina Bayless, Enforcement Division Chief

**Public Comment:** None

**Board Discussion:**

Ms. Rubin commented at the last Board meeting she volunteered to look over the test form, but the Board doesn't have the resources to make the form interactive. Mr. Mah wanted to change question #13 currently attending alcohol/drugs and add other and to make it unspecific. Ms. Bon recommended to have check one as an option, omitting the other choices. Ms. James-Perez commented on the requirement of a translator or interpreter was removed, but thought it was a legal requirement. Ms. Bon recommended to remove the requirement after reading the government code, which lists the agencies that require an interpreter. If the Board chooses to adopt it, it would go case by case through the ALJ. Ms. James-Perez wanted to make sure they were being fair and doing their duty for people who speak another language.

**MOTION: Motion to Accept the New Application with the Recommended Changes**

**Moved:** Eric Mah

**Seconded:** Todd D'Braunstein

Ms. Bass de Martinez, Mr. D'Braunstein, Ms. Endozo, Ms. James-Perez, Mr. Mah, Mr. Moreno, and Ms. Rubin voted in favor of the motion. Mr. Vertido, Ms. Norton and Ms. Avella were absent. **The motion passed.**

**26. Education Division Report.** Cheryl Anderson, Supervising Nursing Education Consultant

**Public Comment:** None

**Board Discussion:**

Mr. D'Braunstein asked whether Ms. Anderson had anything highlighted she wanted to point out to the Board. Ms. Anderson responded the statistics speak for themselves, they're there to show the impact of the scores of provisional programs overall. She is currently doing an analysis on the statistics and the regulations we currently have and will bring options to the May meeting. There is a comparison showing our average to the national. At the November meeting the Board extended the proposed moratorium to February 28, there are currently still originals with ten (10) new ones added. Ms. James-Perez welcomed Ms. Ziegler the new NEC based in the southern region and inquired how things were going. Ms. Ziegler responded there have been technical problems with her laptop and cell phone, but otherwise it's going well.

**MOTION: No Motion Required on the Report**

**27. Parameters of Closed Session.** Rebecca Bon, DCA Legal Counsel

**Public Comment:** None

**Board Discussion:**

Ms. Bon addressed what goes in closed session, there are very specific times the legislature outlined when the Board can go into closed session. She gave two guides online: Handy Guide to Bagley-Keene Open Meeting Act from the AG office and DCA – Guide to Open Meeting-Bagley-Keene Act. Mr. Mah asked to have the links sent to the Board members.

**MOTION: No Motion Required.**

**15. Review and Consideration to Adopt Board Member Administrative Procedure Manual.** John Brooks, Acting Executive Officer

Questions regarding the Boards role, there was never any outline available as a resource so staff put something together for the Boards review.

**Public Comment:** None

**Board Discussion:**

Mr. D'Braunstein would like to change the wording under Board member participation from fullest extent of knowledge to express enough information to make a decision. Mr. Mah likes the idea of having government codes listed, but he would like to see more specifics. He volunteered to look it over to try and make it more useful and practical. Ms. James-Perez had comments regarding the enforcement overview describing disciplinary action against incompetent or unsafe licensees, she would add negligent. She would like more clarification on reimbursement of expenses for meals, when election of officers are held, and committees (which will be discussed at the May 2016 meeting). Ms. Bass de Martinez questioned how committees function, how appointments are made and whether there are any current appointees. Since a draft is being revised, Ms. Bon made suggestions on the way it should be organized.

**MOTION: No Action taken at This Time**

**28. Public Comment on Items Not on the Agenda.** The Board may not discuss or take any action on any item raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125, 11125.7 (a)).

**Public Comment:**

Kimberly Martin, Director of CNI College and the President of the Southern California Directors Vocational Nursing Programs (SCDVNP) had concerns with the NCLEX report the directors receive. There is a negative impact on schools pass rate when students who aren't prepared to take the NCLEX fail. They would like to receive a confidential list of NCLEX test takers to help prepare them to pass and when students wait more than six (6) months after they graduate to take the NCLEX, they recommend a second approval be put in place. Ms. Marie Cordero the Director of Annenberg School of Nursing and secretary of SCDVNP wanted to generate a discussion with the Board and was very disappointed when they weren't placed on the agenda. Ms. Cordero sent three letters and received communication from staff saying they were received so she was very disappointed this was the first the Board was hearing of this.

The director from Advance School of Nursing gave the NEC staff a round of applause for all the hard work they do helping the programs.

Judy Corliss recommended at previous Board meetings they should form a NEC committee to talk specifically about colleges. She believes that would help bring down the number of programs on provisional approval.

**Board Discussion:**

Mr. Mah and Ms. James-Perez suggested Ms. Cordero submit a statement of problems and proposals in a summary.

**MOTION: No Motion Required.**

**29. Agenda Items for Future Meetings.** The Board may not discuss or take action on any matter that is not included on this agenda except to decide whether to place the matter on the agenda of a future meeting. (Government Code Section 11125 and 11125.7 (a)).

**Public Comment: None**

**Board Discussion:**

Ms. James-Perez would like to add the issue of committees to the May 2016 agenda and place the SCDVNP on the August 2016 agenda so they could present their report.

Mr. Mah acknowledged and thanked Mr. D'Braunstein for his service as Board President.

Ms. James-Perez seconded that.

**MOTION: No Motion Required**

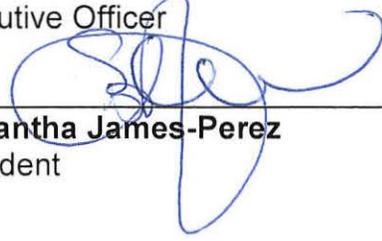
**32. ADJOURNMENT.**

The meeting was adjourned at 5:06 p.m.

Prepared by:  \_\_\_\_\_

**Dr. Kameka Brown**  
Executive Officer

Date: 5/13/2016

Approved by:  \_\_\_\_\_

**Samantha James-Perez**  
President

Date: 5/13/2016