STATE AND CONSUMER SERVICES AGENCY • GOVERNOR EDMUND G. BROWN JR.
BOARD OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
2535 Capitol Oaks Drive, Suite 205, Sacramento, CA 95833-2945
Phone (916) 263-7800 Fax (916) 263-7855 Web www.bvnpt.ca.gov

BOARD MEETING MINUTES

FEBRUARY 25, 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
Eric Mah, Public Member
Mark Stanfield, L.V.N. Member

BOARD MEMBERS ABSENT:

Jessica Leavitt, 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
Jason Reinhardt, Administrative Secretary
Laura Freedman-Eidson, Legal Counsel, Department of Consumer Affairs (DCA)

1. CALL TO ORDER

The meeting was called to order by the acting President, John Vertido, at 9:01 a.m., February 25, 2011, at the Radisson Hotel at Los Angeles Airport, 6225 W. Century Boulevard, Los Angeles, California 90045.

2. PLEDGE OF ALLEGIANCE

The Acting President asked Mark Stanfield to lead those assembled in the Pledge of Allegiance.

3. INTRODUCTION OF BOARD MEMBERS AND STAFF

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

4. ELECTION OF OFFICERS

MOTION: Elect John Vertido as Board President.
Moved/Seconded: Chang/D'Braunstein
Support: 7 Oppose: 0 Abstain: 0

MOTION: Elect Todd D'Braunstein as Board Vice President.
Moved/Seconded: Chang/Baucom
Support: 7 Oppose: 0 Abstain: 0

5. **INTRODUCTION OF ACCREDITED AND APPROVED SCHOOLS REPRESENTED AT MEETING (BASED UPON VOLUNTARY SIGN-IN LIST)**
   - Advanced Computing Institute, Los Angeles
   - American Career College, Ontario
   - Annenberg School of Nursing, Reseda
   - Career Care Institute, Lancaster
   - Career Care Institute, Moreno Valley
   - Casa Loma College, Hawthorne
   - Casa Loma College, Van Nuys
   - CES College, Burbank
   - Community Based Education and Development, Los Angeles
   - Concorde Career College, Garden Grove
   - Concorde Career College, North Hollywood
   - Downey Adult School, Downey
   - Everest College, Anaheim
   - Four-D College, Victorville
   - Franklin Career College, Ontario
   - Gurnick Academy of Medical Arts, Concord
   - Gurnick Academy of Medical Arts, Fresno
   - Gurnick Academy of Medical Arts, Modesto
   - Gurnick Academy of Medical Arts, San Mateo
   - High Desert Medical College, Lancaster
   - Homestead Schools, Inc., Torrance
   - Kaplan College, North Hollywood
   - Los Angeles Unified School District, East Los Angeles Occupational Center
   - Los Angeles Unified School District, Jordan Locke Community Adult School
   - Los Angeles Unified School District, Manual Arts/Crenshaw Community Adult School
   - Los Angeles Unified School District, Maxine Waters Employment Center
   - Los Angeles Unified School District, West Valley Occupational Center
   - Medical Allied Career Center, Santa Fe Springs
   - North Orange County ROP, Anaheim
   - North West Collge, Glendale
   - North West College, Pasadena
   - San Bernardino Adult School, San Bernardino
   - San Bernardino Valley College, San Bernardino
   - St. Francis Career College, Lynwood
   - Summit Career College, Colton
   - Tulare Adult School, Tulare
   - United Education International College, Chula Vista
   - Y.W.C.A./Los Angeles Job Corps Center

6. 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.

7. EXECUTIVE OFFICER'S REPORT

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

- Sunset Review Hearings
- Board Member Update
- Budget and Personnel Update
- Department of Consumer Affairs' (DCA) Update
- Education Division Update
- Licensing and Examination Update
- Liaison Activities
- Customer Service Surveys
- Subject Matter Expert Consultants

Public Comment: None received.
Board Discussion: None received.

8. DEPARTMENT OF CONSUMER AFFAIRS' REPORT

Brian Stiger, Acting DCA Director, provided an update on departmental activities.

General Update – Mr. Stiger congratulated Mr. Vertido and Mr. D'Braunstein on re-election as Board Officers. Mr. Stiger reported that the transition to Governor Brown's Administration is going well. The Governor has not made any decisions in regards to leadership at the DCA; however, Mr. Stiger has been asked to stay on as Acting Director. In order to cut costs, Mr. Stiger was asked to implement a departmental hiring freeze. The DCA is prohibited from hiring new employees from outside the DCA. Mr. Stiger reported on Governor Brown's Executive Order to reduce the number of cell phones issued to state employees. Gov. Brown also issued an Executive Order regarding the reduction plan for State Vehicles. Mr. Stiger reported that an Executive Order has been issued eliminating authorization to purchase free giveaway and gift items.

Subject Matter Expert Contracts – Mr. Stiger reported that the DCA is changing the way it recruits and pays Subject Matter Experts. All Experts will be required to be on Contract, which will protect all parties involved. There are certain provisions that the DCA may be exempted from, pending legislation.

SB 1441 Uniform Guidelines – Mr. Stiger thanked the Board for moving forward with regulations to implement certain provisions of failed Senate Bill 1111. Mr. Stiger stated that SB 1441 is an item that may be raised during Sunset review and is very important to both the DCA and the Board.

Breeze Automation Project – Mr. Stiger reported that BreEZe should be online and available as of December 1, 2012.

Board Discussion:
Eric Mah asked whether there is recognition that the Board is self-funded and whether we could possibly get an exemption from the hiring freeze for this reason. Mr. Stiger responded that the Governor made the decision that, regardless of funding source, all departments/agencies will comply with the hiring freeze; however, there is an exemption process. Mr. Mah asked for clarification regarding Mr. Stiger's statement that some recruiting is possible. Mr. Stiger responded that the hiring freeze does allow the movement of employees within DCA to move from one Board/Bureau/Commission to another.
John Vertido stated that he appreciates Mr. Stiger's efforts to obtain an exemption to fill the vacant NEC positions.
Ling-Ling Chang stated that she would like to stress the importance of BreEZe and its timely implementation.
Mr. Stiger stressed that, at some point, things will change; however, they will not return to the way they were. State agencies will have to find new ways to be more efficient. He does not feel that the Department will get back to full staffing at any point, due to the current movement to reduce state government.
Eric Mah stated that he would like to make sure people realize that the Board has almost overwhelming vacancies. In spite of that, the Board is able to function; however, this is affecting the public and services the Board can provide, due to lack of staff. Mr. Mah feels that it is counter-intuitive to not fill those positions when it could improve Board services and the money to fund those positions is available but inaccessible. Mr. Stiger stated that this is a reasonable perspective, which is why the DCA is moving forward with exemption requests for limited authority to fill vacancies. Mr. Stiger acknowledged that the BVNPT has had a horrendous time filling the vacant NEC positions, and the DCA is working with the BVNPT to find a creative solution to this problem. Mr. Stiger clarified that this is not just a resource problem, and we all must find new ways to solve all of the problems.

Public Comment:
Dr. Peter Brandon, Career Colleges of America, asked the Board to explain the Sunset Review process and terms. The President provided a brief overview of the process, terminology, and logic behind the Sunset Review. The EO added further detail in regards to items the Sunset Review Committee will consider during the Sunset Review Hearings.
Tricia Hunter, American Nurses Association – California (ANA-C), stated that the Sunset process is important to professional associations as well as the public, in order for associations and the public to express concerns regarding the Boards and their funding abilities or other relevant concerns.
Marion Gamundoy, Everest College, addressed the Board's inability to fill its vacancies. She stated that the proposed "Gainful Employment" law will impact the Board and hopefully increase its resources in order for the Board to be able to timely review and process new school proposals.

9. CONSENT CALENDAR ITEMS

A. Adoption of September 15-16, 2010, Board Meeting Minutes
B. Revision of 2011 Board Meeting Dates and Locations
C. EO's Report on Decisions for VN and PT Programs (August 9, 2010 through January 28, 2011).

Public Comment: None received.

Board Discussion:
Ling-Ling Chang stated that she planned to abstain from voting on the minutes as she was not present at the September 2010 Board Meeting.
Todd D'Braunstein requested minor non-substantive edits to the minutes.

MOTION: To adopt the recommended 2011 Board Meeting dates and locations and the EO's Report on Decisions for VN & PT Programs.
Moved/Seconded: Chang/Baucom
Support: 7 Oppose: 0 Abstain: 0

MOTION: To adopt the September 15-16, 2010 Board Meeting Minutes as amended.
Moved/Seconded: King/Baucom
Support: 5 Oppose: 0 Abstain: 2 (Chang and Mah)

10. PRESENTATION OF 2010 ANNUAL REPORT

Teresa Bello-Jones presented the 2010 Annual Report.

Public Comment: None received.
Board Discussion: None received.

11. PRESENTATION OF 2011 BOARD GOALS

Teresa Bello-Jones presented the Board Goals for 2011.

Public Comment:
Mr. Stiger commended the Board for its goals and observed that he has a concern in regards to how the Board came to create these goals. He would like to see us document measurement.

Board Discussion: None received.

MOTION: To adopt the 2011 Board Goals.
Moved/Seconded: Chang/Baucom
Support: 7 Oppose: 0 Abstain: 0

(Break at 10:32 a.m.)

12. ENFORCEMENT REPORT

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

- Consumer Protection Enforcement Initiative (CPEI)
- Contract with Phamatech, Inc. (Phamatech) for Drug Testing Services
- Audit of Enforcement Division
- Enforcement Division General Statistics – Ms. Martin provided general statistics relative to the Enforcement Division. In addition, Ms. Martin clarified that the information cited for the Total Average Years in Table #2: Average Complaint Processing Times were incorrect. The correct information was presented during the February 23, 2011 Board Member Workshop.

Public Comment:
Mr. Stiger stated that the purpose of the Enforcement Audit is to give the Board a better idea of its own processes and areas for improvement.

Board Discussion:
Mr. Vertido stated that the Board should not be held accountable to the CPEI processing timelines in the Enforcement Audit, if the Board does not have the staff and/or resources to meet those requirements.
Eric Mah indicated that the motion should cover the corrected statistical information mentioned by Ms. Martin earlier.

MOTION: To accept the Enforcement Report as corrected.
Moved/Seconded: Baucom/Chang
Support: 7 Oppose: 0 Abstain: 0

13.A. REGULATORY REPORT: PROPOSED REGULATIONS TO IMPLEMENT UNIFORM STANDARDS REGARDING SUBSTANCE-ABUSING HEALING ARTS LICENSEES AND REVISE DISCIPLINARY GUIDELINES
Angelina Martin, Enforcement Division Chief, reported that Business and Professions 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 February 7, 2011, the Acting DCA Director, Brian Stiger, urged the Board to consider a recommendation similar to the recommendation adopted by the Board of Registered Nursing (BRN) at its February 2, 2011, board meeting. The BRN adopted a recommendation to notice their proposed regulations seeking comment for two options. One option would be to require 104 drug tests per year for the first year and another would be to establish the frequency of testing on a case-by-case basis. Therefore, the Board's proposed regulatory package contains both options relative to the frequency of random drug testing, and the Board expects to receive testimony on both options. However, if the SACC subcommittee meets and modifications to the standards are approved, the Board will have an opportunity to amend the final regulatory language when it is brought to the Board for final adoption.

Public Comment:
Tricia Hunter, ANA-C, is concerned about the uniform standards, especially in regards to the testing requirements (standard #4). Ms. Hunter feels that the standard, as written, is punitive and prohibitive, and she will be actively providing testimony regarding this matter. She is pleased that the Board is taking action to rectify this matter and will support the changes through her testimony.
Brian Stiger, Acting DCA Director, stated that the subcommittee posted their Agenda February 25, 2011, to meet on March 9, 2011, regarding the testing requirements. Mr. Stiger urged the Board to adopt the recommendations of staff and begin the regulatory process. Mr. Stiger expressed his concerns regarding standard #4 (testing requirements) and reminded the Board that this issue will be raised at the Board's Sunset Review Hearing on March 14, 2011.

Board Discussion: None received.

MOTION:

1. The Board approve the regulatory proposal to amend Division 25 of Title 16, California Code of Regulations, to amend sections 2524 (VN Regulations) and 2579.10 (PT Regulations).
2. Direct staff to prepare a rulemaking file for notice and comment.
3. Authorize the EO to make changes consistent with the intent of the above proposal.

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

13.B. REGULATORY REPORT: STATUS OF PROPOSED REGULATORY ACTION TO IMPLEMENT ELEMENTS OF THE CPEI

Ms. Martin reported that the DCA launched the CPEI to overhaul the enforcement process of the healing arts boards. On February 17, 2010, SB 1111 (Negrete-McLeod) was introduced and sponsored by the DCA. The proposed legislation was introduced to establish the Consumer Health Protection Enforcement Act and make enforcement processes more efficient. However, on April 22, 2010, SB 1111 failed to make it out of the Senate BP&ED Committee. On April 26, 2010, the DCA reported that CPEI would continue to be the Department's highest priority and believes that many provisions of SB 1111 can be adopted as regulations. At its 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. Ms. Martin clarified that as DCA Legal Counsel must review and approve the proposed language, that the regulations would be filed with the Office of Administrative Law sometime in March 2011 rather than on March 11, 2011. The final rulemaking file should be ready for Board approval at its May 20, 2011, Board Meeting.

Public Comment: None received.
Board Discussion: None received.

MOTION: To accept the Regulatory Report as corrected.
Moved/Seconded: Stanfield/Chang
Support: 7 Oppose: 0 Abstain: 0

14.A. LEGISLATIVE REPORT: STATUTORY PROPOSAL TO AMEND BUSINESS AND PROFESSIONS CODE, SECTIONS 2878.1 (VN) AND 4521.1 (PT) RELATIVE TO MANDATORY REPORTING REQUIREMENTS

Ms. Martin reported that the Board has the authority to issue an administrative fine against employers of LVNs and PTs who fail to report a suspension or termination for cause of a LVN or PT from their employ. However, many licensees are permitted to submit resignations in lieu of suspension or termination from employment for gross negligence, incompetence, and unsafe or deceitful acts. Additionally, existing law does not currently require employment agencies and registries to report that a licensee was rejected from assignment at a health facility or home health care due to acts which would normally be cause for suspension or termination. The purpose of the legislative proposal is to require employers to report resignations submitted by LVNs and PTs in lieu of suspension or termination for cause and to require employment agencies and registries to report licensees who are "rejected" for cause as well as suspended, terminated, or resigned in lieu of suspension or termination for cause. The proposed amendments would close a loophole that exists in the current statute and assist the

Board in initiating investigations against licensees who practice in a manner that jeopardizes public safety.

Public Comment: None received.

Board Discussion:
Kevin Baucom asked if the compliancy rate was high or low regarding this matter. Ms. Martin responded that, at this time, no citations and fines have been issued for failure to comply with mandatory reporting requirements.
Todd D'Braunstein asked if the Board has the authority to collect fines issued to employers regarding fines for failure to meet mandatory reporting requirements. Legal Counsel stated that there is Board authority to collect administrative fines.
Mr. Vertido stated that he has observed the practices concerned and fully agrees with staff's recommendations as written.

MOTION:
1. The Board approve the statutory proposal to amend Business and Professions Code, Sections 2878.1 (VN) and 4521.2 (PT) relative to requiring employers to report resignations submitted by LVNs or PTs in lieu of suspension or termination for cause and requiring employment agencies and registries to report licensees who are "rejected" for cause as well as suspended, terminated, or resigned in lieu of suspension or termination for cause.
2. Direct staff to proceed with the legislative process.

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

14.B. LEGISLATIVE REPORT: OTHER BILLS PERTINENT TO THE BOARD: ASSEMBLY BILLS 583 AND 2699; AND SENATE BILLS 60 AND 1172
Linda Ruyters, Administrative Analyst, provided a status report on Assembly Bills 583 and 2699; and Senate Bills 60, 856, 1111, 1119 and 1172.

Public Comment:
Tricia Hunter, ANA-C, stated that she strongly supports SB 60. She stated that there are licensees who are strongly discouraged from reporting when they are attacked by patients and she would like to see that practice end.
Tony Myers, President of California Association of Psychiatric Technicians (CAPT), stated that he is sponsoring SB 60, along with five other organizations who work with state hospitals. This bill is to scrutinize staffing and safety requirements and CAPT strongly supports the bill.

Board Discussion:
Todd D'Braunstein stated that SB 60 has been a long-time coming and should be supported by the Board.
Kevin Baucom stated that SB 60 is proposed to keep the licensees safe, not criminalize the mentally ill. Mark Stanfield stated that he is in agreement with Todd D'Braunstein and Kevin Baucom.
Todd D'Braunstein stated he would like to direct Board staff to send a letter to the author with full Board support.

MOTION: To accept the Legislative Report as written and direct staff to send a letter to the author in support of SB 60.

Moved/Seconded: Chang/King
Support: 7 Oppose: 0 Abstain: 0

15.A. ADVANCED COLLEGE VN PROGRAM – CONSIDERATION OF PLACEMENT ON PROVISIONAL ACCREDITATION

Cheryl Anderson, Supervising Nursing Education Consultant (SNEC), reported that Advanced College VN Program is presented to the Board for consideration of placement on provisional accreditation, due to noncompliance with Section 2530 (l) of the VN Rules and Regulations. The program's average annual pass rate has been more than 10 percentage points below the state average annual pass rate for 11 consecutive quarters. Submitted data substantiates that a total of 314 students were admitted to the program from initial accreditation through December 31, 2010. Of the total admitted, 141 students have graduated. As such, the program has graduated 45% of the students admitted. Of the total program graduates, 92% have completed the NCLEX/PN. Of the total program graduates tested through the most recent reporting period, 38% have passed and 62% failed. This violation has not been corrected and can only be corrected when the program's pass rates improve consistent with regulatory requirements.

Representative of the School: Minnie Douglas, Program Director.
Ms. Douglas acknowledged that the program is having issues with students passing the NCLEX/PN. Ms. Douglas requested that the Board postpone placing the program on provisional accreditation until after the scheduled accreditation visit in June 2011. Ms. Douglas stated that students who have graduated in 2010 have not taken the exam, possibly due to financial difficulties in paying the Board's application fees. The program began paying the students' application examination fees as a solution to this problem.
Kevin Baucom stated that there seems to be a correlation to the number of students admitted to the pass rates. Mr. Baucom asked if the program has considered reducing the number of students admitted into classes. Ms. Douglas responded in the affirmative, that she has taken this into consideration.
Laura Freedman-Eidson, DCA Legal Counsel, reminded the Board that one of the recommendations is to rescind the ongoing admissions of 45 students.

Public Comment: None received.

Board Discussion:
John Vertido strongly recommended that Ms. Douglas consult with other agencies and follow the recommendations of the SNEC in order to overcome the program's challenges.

MOTION:
1. Place Advanced College, South Gate, VN Program on provisional accreditation for the two-year period from February 25, 2011, through February 28, 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 California Code of Regulations.
2. Require the program to bring its average annual pass rate to no more than 10 percentage points below the State average annual pass rate for four (4) consecutive quarters by February 28, 2013.

3. Require the program to show documented progress by submitting follow-up reports in 10 months, but no later than **December 1, 2011**, and 22 months, but no later than **December 1, 2012**. 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. Fifteen specified elements must be addressed in the analysis (as itemized in the Board report). Failure to show progress may be cause for reconsideration of provisional accreditation.
4. Schedule the program for reconsideration of provisional accreditation at the February 2013 Board Meeting.
5. Rescind the program's approval for ongoing admissions, including the admission of three (3) classes each year with a maximum admission of 45 students per class.
6. Approve the program's admission of 45 students on May 23, 2011, only, graduating May 17, 2012, to **replace** students scheduled to graduate May 22, 2011.
7. Require the program to admit no additional students unless approved by the 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 California Code of Regulations, Title 16, section 2526.

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

15.B. COAST HEALTH EDUCATION CENTER, INC. VN PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION & REQUEST TO ADMIT STUDENTS

Ms. Anderson reported that on December 8, 2008, the Board placed the Coast Health Education Center, Inc., VN Program on provisional accreditation for the two-year period from September 12, 2008, through February 28, 2010, due to noncompliance with Section 2530 (l) of the VN Rules and Regulations. On February 18, 2010, the Board extended the program's provisional accreditation for the one-year period from March 1, 2010, through February 28, 2011, and directed the program to bring its licensure examination average annual pass rate to no more than 10 percentage points below the state average annual pass rate for four (4) consecutive quarters by February 28, 2011. Published program performance statistics evidence an improvement of 20 percentage points while on provisional accreditation. However, the program's average annual pass rate remains 14 percentage points below the state average annual pass rate. The program requested approval to admit students for its next class.

Representative of the School: Oscar De Jesus, Program Director.

Todd D'Braunstein stated that in February 2010, this program was brought before the board and provisional accreditation was extended for a year. Mr. D'Braunstein inquired as to why the Board should consider extending provisional accreditation for another year, and whether another year would make a difference in improving program pass-rates.

Mr. De Jesus responded that his program's pass-rates have begun improving and the program continues to work towards improvement. He indicated that students from the previous administration who still are just beginning to test continue to bring his statistics down. Mr. D'Braunstein asked if, with the implemented changes, the program has room to continue to grow.

Public Comment: None received.

Board Discussion:
Eric Mah asked at what point the staff makes a recommendation for more severe provisional accreditation timelines. Ms. Anderson stated that the staff considers program performance prior to making a recommendation to the Board. Mr. Mah inquired as to why there is not a two-year recommendation for this program. Ms. Anderson stated that the program was previously placed on provisional accreditation for two years; the provisional accreditation was extended for one year in February 2010; and the current recommendation is to extend provisional accreditation for another one-year period.
Mr. D'Braunstein asked how many students are still enrolled currently in the program. Mr. De Jesus stated that there are approximately 15 students from January 2010 who graduated in January 2011.

MOTION:
1. Extend provisional accreditation of Coast Health Education Center, Inc., VN Program for the one-year period from March 1, 2011, through February 28, 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 California Code of Regulations.
2. Require the program to bring its average annual pass rate to no more than 10 percentage points below the state average annual pass rate for four (4) consecutive quarters by February 29, 2012.
3. Approve the program's request to admit 15 students commencing March 1, 2011, only, to **replace** students who graduated August 20, 2010.
4. Require the program to show documented progress by submitting a follow-up report in 9 months, but no later than November 1, 2011. The report must include a comprehensive analysis of the program, specific actions taken to improve the program pass rates, timeline for implementation, and the effect of employed interventions. Fifteen specified elements must be addressed in the analysis (as itemized in the Board report).
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 California Code of Regulations, Title 16, section 2526.

Moved/Seconded: Stanfield/King
Support: 7 Oppose: 0 Abstain: 0

(Break for lunch 12:00 p.m.)

15.C. COMPUTER INSTITUTE OF TECHNOLOGY VN PROGRAM – RECONSIDERATION OF DENIAL OF ACCREDITATION
Pam Hinckley, NEC, reported that on September 16, 2010, the Board denied accreditation of the Computer Institute of Technology VN Program and directed that it be removed from the Board's list of approved programs. Ms. Hinckley summarized the numerous violations that occurred with this program relative to its failure: to provide theory and clinical instruction consistent with the approved instructional plan; to notify the Board of Program Director and faculty vacancies; non-compliance with program administration requirements; insufficient resources, faculty, clinical facilities, library, staff, and support services, physical space, skills laboratory, and equipment to achieve the program's objectives; and insufficient clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for

all students. On October 6, 2010, the program requested reconsideration of the Board's decision.

Representative from the School: None present.
Public Comment: None received.
Board Discussion: None Received.

MOTION: To deny reconsideration of the accreditation of the Computer Institute of Technology VN Program.

Moved/Seconded: King/Baucom
Support: 7 Oppose: 0 Abstain: 0

15.D. MEDICAL CAREER COLLEGE VN PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION & REQUEST TO ADMIT STUDENTS

Ms. Anderson, SNEC, reported that on February 18, 2010, the Board placed Medical Career College VN Program on provisional accreditation for the two-year period from February 18, 2010, through February 17, 2012, due to the program's noncompliance with section 2530 (l) of the VN Rules and Regulations. The Board specified that the program must bring its licensure examination average annual pass rate to no more than 10 percentage points below the state average annual pass rate for four (4) consecutive quarters. Published program performance statistics substantiate that 122 program graduates completed the NCLEX/PN from October 2007 through December 2010. Of the total program graduates tested, 37% (45 graduates) passed; 63% (73 graduates) failed. The program requested approval to admit students for its next day class and evening class.

Representative of the School: Marilyn Castillo, Program Director.
Mark Stanfield asked Ms. Castillo whether they would be able to comply with the requirement to raise their pass rates. Ms. Castillo responded that they have been making improvements to raise the program graduates' scores. Mr. Stanfield expressed his concern that only 45 of the total program graduates have passed the NCLEX/PN exam and 73 students failed the first time they completed the exam.
Kevin Baucom asked about the students who completed the NCLEX/PN exam in the last quarter and whether it was their first time taking the exam. Ms. Anderson and Ms. Castillo responded that the data provided in the report is just first-time graduates.
Mr. D'Braunstein stated that he would have liked to see substantial improvement already and expressed concern that, even while showing improvement, the program's pass rates are 30% below the state average annual pass rate.
Mr. Vertido commented that the program has been on provisional accreditation for two years already and suggested that Ms. Castillo consult with Ms. Anderson and other instructors who have successfully negotiated the same challenges Medical Career College VN Program faces.

Public Comment: None received.
Board Discussion: None received.

MOTION:
1. Approve the program's request to admit 15 students into a day class commencing March 7, 2011, and graduating March 22, 2012, to **replace** students scheduled to graduate February 10, 2011.

2. Approve the program's request to admit 15 students into an evening class commencing March 7, 2011, and graduating March 22, 2012, to **replace** students that graduated October 28, 2010.
3. Require the Medical Career College VN Program to bring its average annual pass rate to no more than 10 percentage points below the state average annual pass rate by February 28, 2012.
4. Require the program to admit no further students unless approved by the full Board.
5. Issue a Notice of Noncompliance and Requirements for Correction to reflect:
   a. Prior violations relative to the program's average annual pass rate on the NCLEX/PN shall be corrected by February 28, 2012; and
   b. Compliance with all accreditation standards is required.
6. Schedule the program for reconsideration of provisional accreditation at the February 2012 Board meeting.

Moved/Seconded: Chang/Baucom
Support: 7 Oppose: 0 Abstain: 0

15.E. PROFESSIONAL MEDICAL CAREERS INSTITUTE VN PROGRAM – RECONSIDERATION OF PROVISIONAL ACCREDITATION

Ms. Anderson, SNEC, reported that on February 18, 2010, the Board placed the Professional Medical Careers Institute VN Program on provisional accreditation for the one-year period from February 18, 2010, through February 17, 2011, due to the program's noncompliance with section 2526.1 (c) of the VN Rules and Regulations. The Board directed that reconsideration of the program's provisional accreditation be scheduled for the February 2011 Board Meeting. The program also requested approval to admit students for two classes. Ms. Anderson reported that based upon current data (October-December 2010), the program's average annual pass rate was 90% and this was 14 percentage points above the state average annual pass rate.

Representative of the School: Helen Taylor, Program Director.
Ms. Taylor did not provide a presentation; however, Ms. Taylor did thank the Board for its support.
Kevin Baucom congratulated Ms. Taylor on the progress the program has made.
Victor King also congratulated Ms. Taylor, and asked for clarification regarding two students who had previously been admitted to the program and had not yet graduated from high school. Ms. Taylor replied that one of the students has since completed the 12th grade equivalent requirement; the other student withdrew from the program and refused a refund of her tuition.
Mr. Vertido offered congratulations to the program and indicated that the school is a great model of what can be achieved with tenacity.

Public Comment: None received.
Board Discussion: None received.

MOTION:
1. Approve full accreditation of Professional Medical Careers Institute VN Program for the four-year period from February 25, 2011, through February 24, 2015, and issue a certificate accordingly.
2. Approve the program's request to admit 34 students commencing July 6, 2011, graduating October 12, 2012, to **replace** students scheduled to graduate June 24, 2011.

3. Approve the program's request to admit 34 students commencing January 23, 2012, graduating April 19, 2013, to **replace** students scheduled to graduate on January 23, 2012.
4. Require the program to obtain Board approval prior to the admission of each evening class.

Moved/Seconded: Baucom/Chang
Support: 7 Oppose: 0 Abstain: 0

15.F. WALTER JAY M.D. INSTITUTE, AKA HAMILTON STATE COLLEGE VN PROGRAM – RECONSIDERATION OF REVOCATION & REQUEST TO ADMIT STUDENTS

Ms. Anderson, SNEC, reported that on September 16, 2010, the Board denied Walter Jay M.D. Institute, also known as Hamilton State College, VN Program's request to admit 30 students into a full-time class commencing December 15, 2010, with a projected graduation date of December 16, 2011. Additionally, the Board revoked the program's provisional accreditation effective September 16, 2010, and directed that the program be removed from the *List of Accredited VN Schools*. The actions were taken due to the program's noncompliance with section 2530 (l) of the VN Rules and Regulations. On October 4, 2010, the Board received correspondence from the program requesting reconsideration of the decisions rendered at the September 16, 2010, Board Meeting. The program indicated that reconsideration of the program's provisional accreditation had been negatively impacted by its placement on the Board agenda and that adequate consideration had not been given to the additional information presented by the program at the Board Meeting.

Representative of the School: None present.
Public Comment: None received.

Board Discussion:
Eric Mah asked for clarification regarding the program's average annual pass rates seemingly going up, when no students had tested. Ms. Anderson provided the clarification requested. Ms. Anderson also reminded Board Members that the program no longer has a director.
Eric Mah asked for clarification regarding whether the program had requested to be placed on the Agenda. Ms. Anderson confirmed that not only did the program request to be placed on the Agenda, but that she had confirmed with the School Owner that he would be in attendance.

MOTION:
Deny reconsideration of the revocation of provisional accreditation of the Walter Jay M.D. Institute, also known as Hamilton State College, VN Program.

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

16. PUBLIC COMMENT PERIOD

Agnieszka Sibbitt, Director of High Desert Medical College, commented that her program has gone through many changes the last several months, and would like to thank the Board and staff for making those changes possible and for listening to her concerns and needs, as well as for providing guidance. She thanked Brian Chilstrom and Jay Murvine from Summit Career College, Colton, for their help and guidance as well.
Hank Guerrera, High Desert Medical College, stated that he agreed with Ms. Sibbitt, and is very impressed with the services of the Board.

Mr. Vertido thanked them for their comments and stated no action could be taken at this time.

17. ADJOURNMENT

The meeting adjourned at 1:50 p.m.

Prepared by: _____ Date:_____

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

Approved by: _____ Date:_____

John P. Vertido, L.V.N.
President

(3/11/2011)