



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
<b>Board of Vocational Nursing and Psychiatric Technicians</b>
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**Education and Practice Committee Report  
Meeting Minutes  
Public Meeting  
\*\*Meeting held via WebEx\*\***

[https://www.youtube.com/watch?v=Fm3o\\_RLfwao&feature=youtu.be](https://www.youtube.com/watch?v=Fm3o_RLfwao&feature=youtu.be)

- DATE:** Monday, July 27, 2020
- TIME:** 2:00 P.M. to 5:00 P.M. or until Completion of Business
- \*EXECUTIVE ORDER:** Waiver of Bagley-Keene Restriction on Teleconferenced Meetings Related to Declared Emergency -- (Executive Order N-29-20, March 17, 2020, paragraph 11.)
- MEMBERS PRESENT:** Dr. Mountain, Chair and Education Member  
Ms. De Herrera, Public Member  
Ms. Norton, LVN Member  
Ms. Turner, Public Member
- MEMBERS NOT PRESENT:** None
- STAFF PRESENT:** Ms. Yamaguchi, Executive Officer  
Ms. Lyman, Assistant Executive Officer  
Ms. Cordeiro, Supervising Nursing Education Consultant  
Ms. Shuman, Nursing Education Consultant (Retired Annuitant)  
Ms. Clayworth, Nursing Education Consultant (Retired Annuitant)  
Dr. Fairchild, Nursing Education Consultant  
Ms. Silverman, Nursing Education Consultant  
Ms. Saavedra, Budget Analyst  
Ms. Maracino, Education Analyst  
Ms. Nunez, Education Program Technician  
Ms. Pires, Legislative Analyst  
Mr. Matsumoto, Education Analyst (Retired Annuitant)  
Mr. Swenson, Board General Counsel

- I. Call to Order, Roll Call and Establishment of Quorum.

The meeting was called to order at 2:07 pm on Monday, July 27, 2020, and a quorum was established.

- II. Introduction of Committee Members and Staff.
- III. Welcome Stakeholders to the Meeting.
- IV. Update on Governor’s Executive Orders and State of Emergency.

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Ms. Yamaguchi, Executive Officer.

- V. Update, Discussion and Possible Action on Ongoing Admissions.  
Ms. Yamaguchi, Executive Officer.
- VI. Update, Discussion and Possible Action on Use of Simulation for Clinical Experience: Unitek College Proposal.  
Ms. Yamaguchi, Executive Officer.
- VII. Update, Discussion and Possible Action on School Pass Rate Regulatory Language.  
Ms. Yamaguchi, Executive Officer.

Motion: To bring the Pass Rate Proposed Language to the August Board Meeting.

Moved/Seconded: Ms. De Herrera/Dr. Mountain

Roll Call Vote: Ms. De Herrera – Yes, Ms. Norton – Abstain, Ms. Turner – Yes, and Dr. Mountain – Yes

- VIII. Update, Discussion and Possible Action on Education School Fee Legislation.  
Ms. Yamaguchi, Executive Officer.
- IX. Introduction to Article 5 Rulemaking Revision Concepts.  
Ms. Yamaguchi, Executive Officer.
- X. Update, Discussion and Possible Action on Decision Making Process.  
Ms. Yamaguchi, Executive Officer.
- XI. Updates from Supervising Nursing Education Consultant.  
Ms. Cordeiro, Supervising Nursing Education Consultant.
- XII. Discussion and Possible Action to Make Recommendations to the Board.
  - A. Consideration to Increase Class Size.
    - i. **American Career College, Anaheim, Vocational Nursing Program – Dr. Fairchild, Nursing Education Consultant.**  
**NEC Recommendations:**
      1. Deny American Career College, Anaheim, Vocational Nursing program's request to increase class size from 50 students to 60 students for each part-time class, starting with the projected July 6, 2020 class.
      2. Require the program to demonstrate students are scheduled for clinical experiences in Board approved clinical facilities to meet 50% of clinical hours in a hands-on clinical setting during the COVID-19 pandemic.
      3. Place the program on the November 19, 2020 Board meeting agenda for reevaluation of resources and reconsideration of request to increase class size from 50 students to 60 students for each part-time class.
      4. Require the program director to submit the following documents by the 15<sup>th</sup> day two months prior to the November 19, 2020 Board meeting:
        - Current facility roster

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- Current faculty roster
  - Faculty/facility assignments
  - Enrollment table, including projected class
  - Course calendar for term 1 for projected class
  - Submit documentation that will be given to potential students informing the student that the class may pause due to 50% of simulation being met.
5. Require the program director to submit documentation of adequate resources demonstrating scheduled clinical sites by October 30, 2020 for the projected January 2021 part-time class.
  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 Professions Code Section 2880, and Article 5 of the California Code of Regulations, Title 16.

Motion: To accept the recommendations of the NEC and refer the report to the full Board in November.

Moved/Seconded: Ms. Norton/Ms. Turner

Roll Call Vote: Ms. De Herrera – Yes, Ms. Norton – Yes, Ms. Turner – Yes, and Dr. Mountain – Yes

B. Consideration of Provisional Approval.

**i. Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program – Ms. Silverman, Nursing Education Consultant.**

**NEC Recommendations:**

1. Place the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program on provisional approval for the two-year period beginning August 21, 2020; and issue a certificate accordingly.
2. Issue a notice of change in Approval Status to the program identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 and Section 2530(l) of the California Code of Regulations.
3. Require the program to submit an action plan to correct their NCLEX-PN® first time testers pass rate by October 1, 2020.
4. Require the program to admit no additional classes without prior approval by the Board.
5. Require the program to submit a report to the Board in six months, no later than March 15, 2021, and fifteen months, no later than June 15, 2022. The report must include a comprehensive analysis of the program, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
  - a. Terminal Objectives
  - b. Evaluation of Current CurriculumPlease submit:
  - 1- Instructional Plan
  - 2- Theory and Clinical Objectives for each Term
  - 3- Lesson Plans for each Term

- c. Student Policies to include:
    - 1- Admission Policy
    - 2- Screening and Selection Policy
    - 3- Attendance Policy
    - 4- Remediation Policy
    - 5- Evaluation of Student Achievement
    - 6- Credit Granting Policy
  - d. Evaluations of Approved Clinical Facilities which determine adequacy in number and variety to accommodate current and projected students.
  - e. Evaluations of Theory and Clinical Faculty
  - f. Methodologies for:
    - 1- Faculty Meetings
    - 2- Clinical Evaluations
  - g. Evaluations of interventions implemented to increase the programs annual average pass rates.
6. Require the program to provide no less than one instructor for every ten students in clinical experiences.
  7. 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.
  8. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
  9. Place the program on the Board's August 2022 agenda for reconsideration of provisional approval.

Motion: To accept the NEC's report with the exception of items four and six and take the report to the full Board for consideration. Also, to recommend that the other items four and six be placed on the agenda for discussion at the full Board Meeting.

Moved/Seconded: Ms. Norton/Ms. Turner

Roll Call Vote: Ms. De Herrera – Yes, Ms. Norton – Yes, Ms. Turner – Yes, and Dr. Mountain – Yes

**ii. Southeast California College, Vocational Nursing Program – Ms. Silverman, Nursing Education Consultant.**

**NEC Recommendations:**

1. Deny the Southeast California College, Vocational Nursing Program request to admit one class of 17 students on August 3, 2020, only.
2. Place the Southeast California College, Vocational Nursing Program on provisional approval for the two-year period beginning August 21, 2020; and issue a certificate accordingly.
3. Issue a notice of change in approval status to the program identifying specific areas of non-compliance and requirements for correction as referenced in Section 2526.1 and Section 2530(l) of the California Code of Regulations.
4. Require the program to submit an action plan to correct their NCLEX-PN® first time takers score of zero percent passing by October 1, 2020.

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5. Require the program to admit no additional classes without prior approval by the Board.
6. Require the program to submit a report to the Board in six months, no later than March 15, 2021, and fifteen months, no later than June 15, 2022. The report must include a comprehensive analysis of the program, timeline for implementation, and the effect of employed interventions. The following elements must be addressed in the analysis.
  - a. Terminal Objectives
  - b. Evaluation of Current Curriculum including:
    - 1- Instructional Plan
    - 2- Theory Objectives for each Term
    - 3- Clinical Objectives for each Term
    - 4- Lesson Plans for each Term
  - c. Student Policies including:
    - 1- Admission Policy
    - 2- Screening and Selection Policy
    - 3- Attendance Policy
    - 4- Remediation Policy
    - 5- Evaluation of Student Achievement
    - 6- Credit Granting Policy
  - d. Evaluations of approved clinical facilities which determine adequacy in number and variety of patients to accommodate current and projected students.
  - e. Evaluations of Faculty
  - f. Methodologies for:
    - 1- Faculty Meetings
    - 2- Clinical Evaluations
  - g. Documentation of required clinical resources for all terms for all current cohorts.
7. Require the program to provide no less than one instructor for every ten students in clinical experiences.
8. 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.
9. Require the program to demonstrate incremental progress in correcting the violations. If the program fails to satisfactorily demonstrate incremental progress, the full Board may revoke the program's approval.
10. Place the program on the Board's August 2022 agenda for reconsideration of provisional approval.

Motion: To accept the NEC's report with the exception of recommendation number seven and bring the report to the full Board for consideration.

Moved/Seconded: Ms. Turner/Ms. Norton

Roll Call Vote: Ms. De Herrera – Yes, Ms. Norton – Yes, Ms. Turner – Yes, and Dr. Mountain – Yes

XIII. Public Comment on Items Not on the Agenda.

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The Committee 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)].

XIV. Suggestion for Future Agenda Items.

- Discuss items four and six/seven from the NEC's reports at the August full Board meeting and to discuss these items further at the next Education and Practice Committee Meeting.
- For staff to record/calendar historical perspectives and provide Committee Members with the history and background of proposed regulatory language to achieve a full picture of the topic being discussed.
- Define the legal usage of Board Members versus BVNPT members in NEC and other written reports.

XV. Adjournment.

The meeting was adjourned at 5:02 pm.

Attachments:

BVNPT Nursing Programs Letter - 7.02.20  
Unitek College 06-24-2020 Proposal FINAL  
Unitek Proposal Letter response from EY.final  
Pass Rate only (VN) Proposed Language - Amended 07-23-2020  
Pass Rate only (PT) Proposed Language - Amended 07-23-2020  
Decision Flow Chart 072020  
American Career College OC request to increase class size CF  
Attachment B- Request for Expansion January 31, 2020 email  
Attachment C-class increase(April 22, 2020 email)  
Attachment D-increase in class size (June 8, 2020 email)  
Attachment E RE\_ increase in class size (June 9, 2020 email)  
Attachment F-FW\_ VNEW (June 12, 2020 email)  
Attachment G-Request to Increase Resubmission (June 22, 2020)  
Gurnick Academy of Medical Arts, San Mateo, Consideration of Provisional Approval Revised FS  
KLS Rev.final.mc  
Southeast California College Consideration of Provisional Approval & RTA 8 3 2020 fs

Minutes

Prepared by: \_\_\_\_\_ Date \_\_\_\_\_  
Ms. Yamaguchi, Executive Officer

Minutes

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
Dr. Mountain, Committee Chair

**Important Notices to the Public:**

*If you wish to participate or observe, you can access the meeting via BVNPT WebEx Link:*

*<https://dca-ca.webex.com/dca-ca/onstage/g.php?MTID=eda2b0dfe062dfadaa33bf0e91d73a7ab>.*

*Action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Board are open to the public. The Board plans to webcast this meeting on its website at <https://thedcapage.wordpress.com/webcasts/>.*

*Webcast availability cannot, however, be guaranteed due to limited resources. The meeting will not be cancelled if webcast is not available. Adjournment, if it is the only item that occurs after a closed session, may not be webcast. The meeting may be paused or postponed if there are technical difficulties with the WebEx.*

*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Board prior to the Board taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Board, but the Board President may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the Board to discuss items not on the agenda; however, the Board can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125, 11125.7(a)].*

***\*Waiver of Bagley-Keene Restriction on Teleconferenced Meetings Related to Declared Emergency – (Executive Order N-29-20, March 17, 2020, paragraph 11.):*** Executive Order N-29-20 waives some requirements regarding the notification and access for teleconferenced public meetings. Specifically, it would allow a Board to conduct Board business via a telephonic meeting and allow the members to call in from private lines without making those numbers public or requiring the sites from which they call to be accessible to the public. One site must be posted as publicly accessible, and this public site need not include an appointed Board member.

***The mission of the California Board of Vocational Nursing and Psychiatric Technicians (Board) is to protect the public. Public protection is paramount to the Board and its highest priority in exercising its licensing, regulatory, and disciplinary functions. Towards this end, the Board ensures that only qualified persons are licensed vocational nurses and psychiatric technicians by enforcing education requirements, standards of practice, and by educating consumers of their rights.***