

Agenda Item #5.D.II



BUSINESS, CONSUMER SERVICES, AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
Board of Vocational Nursing and Psychiatric Technicians
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DATE	November 8, 2020
TO	<input checked="" type="checkbox"/> Board Members <input type="checkbox"/> Education and Practice Committee <input type="checkbox"/> Executive Officer Review
FROM	<input type="checkbox"/> Education and Practice Committee <input type="checkbox"/> Executive Officer <input checked="" type="checkbox"/> LNEC
REVIEWED BY	Beth DeYoung, MPH, RN Lead Nursing Education Consultant (LNEC)
PREPARED BY	Faye Silverman, MSN/Ed., RN, WOCN, PHN Nursing Education Consultant (NEC)
SUBJECT	Request to Admit Students
PROGRAM	Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program (Program) (Director: Dr. Larisa Revzina, San Mateo, San Mateo County - Private)

Please note: The NECs make recommendations. The recommendations are forwarded to one or more: the Executive Officer Review, the Education and Practice Committee or the full Board for action.

PROGRAM REQUEST:

The Program requests approval to admit a full-time day class of 25 students to commence on January 4, 2021 with an expected graduation date of January 28, 2022.

The Program requests approval to admit a full-time evening class of 25 students to commence on January 4, 2021 with an expected graduation date of January 28, 2022.

BACKGROUND:

On August 21, 2020, the Board placed the program on provisional approval for two years beginning August 21, 2020.

Additionally, the Board approved the following:

- Require the program to submit an action plan to correct their NCLEX-PN® first time testers pass rate by October 1, 2020.

- Require the program to admit no additional classes without prior approval by the Board.
- Require the program to provide no less than one instructor for every ten students in clinical experiences.
- 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.

STAFF ANALYSIS:

The documents submitted by the program director on September 15, 2020 identified three facilities which all students would attend for their clinical rotations as follows:

- Elder Care Alliance Mercy Retirement and Care Center SNF – 10 student slots
- Elder Care Alliance Mercy Retirement and Care Center AL/MC – 6 student slots
- Initially, Atherton Park Post-Acute was not an approved clinical site. Subsequently, Atherton Park Post-Acute was approved.

The approved facilities identified in these documents only accommodated 16 student placements per day. The program's request to admit two classes includes 25 students in the morning and 25 students in the evening.

On September 25, 2020 the program director sent the NEC an email stating both approved clinical sites, Elder Care Alliance Mercy Retirement and Care Center SNF and Elder Care Alliance Mercy Retirement and Care Center AL/MC, would not allow students to attend their site for clinical experience.

The program director stated that she was going to submit a revised plan which will allow the students to attend two additional clinical sites which can accommodate up to nine students. The program director thereafter submitted several plans none of which reflected enough clinical sites for the current and proposed student enrollment.

At that time, the program could not accommodate their currently enrolled students. Adding two additional cohorts, 25 students in the morning and 25 students in the evening, would not have allowed current students adequate resources to achieve their clinical objectives with live patients.

Multiple submissions of documents submitted by the program director between September 14, 2020 and October 13, 2020 were reviewed. Each submission contained names of facilities which were not allowing this program to send students for direct clinical experience due to the COVID-19 pandemic, and names of some clinical facilities which were not approved. During this time, students were not attending clinical as per the Board approved instructional plan. On October 13, 2020 the program director finally submitted documentation of approved clinical sites to accommodate the existing population of enrolled students. By the time of this last submission Atherton Park Post-Acute facility was considered an approved clinical site.

The program director originally requested 36 students to begin in the morning and 36 students to begin in the evening. After discussion and submission of documentation of resources, the program director changed the request to 25 students to begin in the morning and 25 students in the evening.

On September 14, 2020, the program director submitted an action plan to correct their NCLEX-PN® first time testers pass rate as requested by the Board. The NEC had a virtual meeting with the program director on October 9, 2020 about the action plan, requested class dates and interventions implemented with each cohort. Analysis of the action plan revealed that many items mentioned in the plan were implemented in 2017. These students who received these interventions graduated in 2018. The NCLEX-PN® pass rate for first time test takers do not necessarily reflect that the early interventions were effective. There were a few items implemented with later cohorts which seem to be more effective. Currently, the cohorts that graduated in July 2020 both day and evening class have had three testers, and all three have passed the NCLEX-PN® exam. Although this only represents 10 percent of the total graduates, it is the program director's hope that this is reflective of next quarter NCLEX-PN® pass rate results.

The program's average annual NCLEX-PN® pass rate is 66 percent. The state's average annual pass rate is 78 percent. The Program is 12 percentage points below the state average. The program has had ten consecutive quarters where their NCLEX-PN® pass rate is more than 10 percent below the state average (April 2018 through September 2020).

STAFF RECOMMENDATIONS:

Please note: These are not NEC decisions, rather the recommendations presented at the Executive Officer Review, the Education and Practice Committee and/or the full Board.

1. Allow Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program's request to begin a full-time day class of 25 students to commence on January 4, 2021 with an expected graduation date of January 28, 2022.
2. Allow Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program's request to begin a full-time evening class of 25 students to commence on January 4, 2021 with an expected graduation date of January 28, 2022.
3. Comply with all program requirements listed below.

PROGRAM REQUIREMENTS

1. Continue the requirement for 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
Please 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 and Remediation Policy
 - 4- Evaluation of Student Achievement
 - 5- 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.
2. Admit no additional classes without prior approval by the Board.
 3. Continue to provide no less than one instructor for every ten students in clinical experiences. Regulation 2534(d) states, "For supervision of clinical experience, there shall be a maximum of 15 students for each instructor."
 4. Notify the NEC in the event a current class is displaced from clinical sites.
 5. 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.
 6. 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.
 7. When requesting approval to admit students, to:
 - a. Submit all documentation in final form, by the fifteenth day of the second month preceding the month of the Board meeting at which the request will be considered.
 - b. Provide documentation demonstrating adequate resources, i.e. faculty and facilities, are available to support each admitted class of students.
 - c. Ensure that the Program maintains an average annual pass rate that is compliant with Section 2530(l) of the Vocational Nursing Rules and Regulations.

RELEVANT PROGRAM ELEMENTS

Enrollment

Section 2530(k) of the Vocational Nursing Rules and Regulations states:

“(k) The program shall have prior Board approval to increase the number of students per class and/or increase the frequency of admission of classes. Criteria to evaluate a school's request to increase the number of students per class and/or increase the frequency of class admissions include but are not limited to: (1) Sufficient program resources as specified in Section 2530(a). (2) Adequacy of clinical experience as specified in Section 2534. (3) Licensure examination pass rates as specified in Section 2530(l)”.

The program is approved to offer a 52-week full-time class. Board approval is required prior to the admission of each class. The following table represents current and projected student enrollment based on current and proposed class starts and completion dates. The table indicates a maximum enrollment of 114 students for the period January 2020 through January 2021.

ENROLLMENT DATA TABLE

Class Start Dates	Class Completion Dates	Number of Students Admitted	Number of Students Current	Number of Graduated	Total Enrolled
1/6/20 (VN Cohort 59 AM) (*1/29/21)		35	25		25
1/6/20 (VN Cohort 60 PM) (*1/29/21)		17	10		25+ 10 = 35
7/13/20 (VN Cohort 61 AM) (*7/30/2021)		36	10		35 + 10 = 45
7/13/20 (VN Cohort 62 AM) (*7/30/2021)		36	19		45 + 19 = 64
1/4/21 (VN Cohort 63 AM) (*1/28/2022) (Proposed)		25			64 + 25 = 89
1/4/21 (VN Cohort 63 PM) (*1/28/2022) (Proposed)		25			89 + 25 = 114

*Indicates projected graduation date

Licensing Examination Statistics

California Code of Regulations Section 2530(l) states:

“The program shall maintain a yearly average minimum pass rate on the licensure examination that does not fall below 10 percentage points of the state average pass rate for first time candidates of approved vocational nursing schools for the same period.”

The following statistics, furnished by Pearson Vue and published by the National Council of State Boards of Nursing as “Jurisdictional Summary of All First-Time Candidates Educated in Member Board Jurisdiction,” for the period April 2018 through September 2020, specify the pass percentage rate for graduates of the Program on the National Council Licensure Examination for Practical/Vocational Nurses (NCLEX-PN®) and the variance from state average annual pass rates.

NCLEX-PN® Licensure Examination Data

Quarter	Quarterly Statistics				Annual Statistics*		
	# Candidates	# Passed	Percent Passed	State Quarterly Pass Rate	Program Average Annual Pass Rate	State Average Annual Pass Rate	Variance from the State Average Annual Pass Rate
Apr – Jun 2018	38	20	53%	79%	63%	76%	-13
Jul – Sept 2018	15	10	67%	77%	60%	76%	-16
Oct – Dec 2018	27	19	70%	79%	60%	79%	-19
Jan – Mar 2019	26	17	65%	80%	62%	81%	-19
Apr – Jun 2019	30	17	57%	83%	64%	81%	-17
Jul – Sep 2019	16	11	69%	79%	65%	79%	-14
Oct – Dec 2019	24	15	63%	79%	63%	79%	-16
Jan – Mar 2020	3	3	100%	78%	63%	79%	-16
Apr – Jun 2020	21	14	67%	81%	67%	79%	-12
Jul – Sept 2020	13	8	62%	75%	66%	78%	-12

*The Annual Pass Rate changes every quarter. It is calculated by dividing the number of candidates who passed during the current and previous three quarters by the number of candidates who tested during the same period. If no data is available for the relevant period, the statistic is carried over from the last quarter for which data is available.

Based on the most current data available (July – September 2020), the program’s average annual pass rate is 66 percent. The California average annual pass rate for graduates from approved vocational nursing programs who took the NCLEX-PN® for the first time during the same period is 78 percent. The average annual pass rate for the Program is twelve percentage points below the state average annual pass rate.

Faculty and Facilities

Section 2534(d) of the Vocational Nursing Rules and Regulations states:

“For supervision of clinical experience, there shall be a maximum of 15 students for each instructor.”

Based on the Board’s August 2020 decision, the program is required to provide no less than one instructor for every ten students in clinical classes.

The total number of Board approved faculty is 20, including the director and one assistant director. The director and the assistant director have 100% administrative duties. Of the total faculty, 17 instructors are designated to teach in the clinical area. Based on a maximum enrollment of 114 students, 12 instructors are required for clinical supervision. The utilization of faculty at clinical facilities is such that clinical instruction is covered adequately.

Section 2534(b) of the Vocational Nursing Rules and Regulations states:

“Schools shall have clinical facilities adequate as to number, type, and variety of patients treated, to provide clinical experience for all students in the areas specified by Section 2533. There must be available for student assignment, an adequate daily census of patients to afford a variety of clinical experiences consistent with competency-based objectives and theory being taught.”

The program’s clinical facilities are not adequate as to type and variety of patients treated to enable current and proposed students to meet clinical objectives in accordance with Section 2534(b) of the Vocational Nursing Rules and Regulations as of the first writing of this report. The director has submitted multiple documentation that confirms the program does not have adequate resources to support the currently enrolled students as well as the proposed students as of the first writing of this report.

ATTACHMENTS:

Attachment A: History of Prior Board Actions

Agenda Item 5.D.II., Attachment A

GURNICK ACADEMY OF MEDICAL ARTS, SAN MATEO VOCATIONAL NURSING PROGRAM

History of Prior Board Actions

- On February 4, 2005, the Executive Officer approved the Gurnick Academy of Medical Arts, San Mateo, request to begin a vocational nursing program with the admission of 45 students into a full-time class starting on February 7, 2005, with a projected graduation date of March 10, 2006.

The Executive Officer also approved the program's curriculum with a total of 1530 hours, including 576 theory and 954 clinical hours.

- On November 7 – 8, 2005, the assigned consultant completed an onsite inspection of the program to determine compliance with regulatory requirements.
- On February 3, 2006, the Executive Officer approved initial full accreditation¹ for the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program for the period February 3, 2006, through February 2, 2010, and issued a certificate accordingly.

The Executive Officer approved the program's request to admit 45 students into the full-time class starting February 20, 2006, to **replace** the class graduating on March 10, 2006.

The Board also approved the program's request to admit 45 students into a second full-time class starting August 14, 2006, with a projected completion date of September 30, 2007, thereby increasing the frequency of admissions.

- On May 31, 2007, the Board notified the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program, that their average annual pass rates had fallen 10 percentage points below the state annual average for the past four (4) quarters.
 - On June 30, 2007, the director submitted a plan to improve pass rates.
 - On July 11, 2007, correspondence was sent to the director verifying that the February 2007 class start had begun without prior Board approval.
 - On July 30, 2007, the director submitted an explanation regarding the February 2007 class starting without prior Board approval. The director stated she now understands the process and plans to request ongoing admissions in October.
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- On August 9, 2007, the Board notified the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program, that their annual average pass rate had fallen 10 percentage points below the state annual average for the past five quarters.
- On October 10, 2007, the Executive Officer approved the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program request to admit 45 students into a full-time class beginning on October 15, 2007, to **replace** students graduating September 30, 2007.

The Executive Officer approved the program's request for ongoing admissions, to **replace** graduating classes, only, for the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program with the following stipulations:

- a. No additional classes are added to the program's current pattern of admissions without prior Board approval. The program's current pattern of admissions includes two full-time classes of 45 students each calendar year.
 - b. The director documents that adequate resources, i.e. faculty and facilities are available to support each admitted class of students.
- On February 2, 2009, the Executive Officer approved continued full accreditation for the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program for the period February 3, 2010 through February 2, 2014, and issued a certificate accordingly; **and**, approved the program's request to increase the frequency of admissions to four (4) full-time classes of 30 students per year, beginning with morning and evening classes commencing January 6, 2010; **and**,

Approved ongoing admissions, to **replace** graduating classes, only, for the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program with the following stipulations:

- a. No additional classes are added to the program's current pattern of admissions without prior Board approval. The program's current pattern of admissions includes four full-time classes of 30 students each calendar year.
 - b. The director documents that adequate resources, i.e. faculty and facilities are available to support each admitted class of students.
- On June 22, 2012, the Executive Officer Approve the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program's request to increase the number of students per class from 30 students to 36 students, beginning with morning and evening classes commencing July 9, 2012; **and**, approved the program's request to increase the maximum number of students admitted per class to **replace** graduating classes **only**, with the following stipulations:
 - a. No additional classes are added to the program's current pattern of admissions without prior Board approval. The program's current pattern

- of admissions includes two (2) full-time classes, one (1) am and one (1) pm, of 36 students each in January and two (2) full-time classes, one (1) am and one (1) pm, of 36 students each in July of each year; **and**,
 - b. The director documents that adequate resources, i.e. faculty and facilities are available to support each admitted class of students; **and**
 - c. The program's average annual pass rates remain no more than ten (10) percentage points below state average annual pass rates.
- On February 5, 2014, the Executive Officer approved continued full accreditation for the Gurnick Academy of Medical Arts, San Medical Arts, San Mateo, Vocational Nursing Program for the period February 3, 2014, through February 2, 2018 and issued a certificate accordingly. Continue approval of the program's ongoing admission pattern to **replace** graduating classes **only**, with the following stipulations:
 - a. No additional classes are added to the program's current pattern of admissions without prior Board approval. The program's current pattern of admissions includes two (2) full-time classes, one (1) am and one (1) pm, of 36 students each in January and two (2) full-time classes, one (1) am and one (1) pm, of 36 students each in July of each year; **and**,
 - b. The director documents that adequate resources, i.e. faculty and facilities are available to support each admitted class of students; **and**
 - c. The program's average annual pass rates remain no more than ten (10) percentage points below state average annual pass rates.
- On July 31, 2018, the Board of Vocational Nursing and Psychiatric Technicians (Board), considered the consultant's report relative to Gurnick City Academy of Medical Arts, San Mateo, Vocational Nursing Program; Consideration of Continued Approval. **The following Decisions were rendered:** Continue approval of the Gurnick Academy of Medical Arts, San Mateo, Vocational Nursing Program for a four-year period beginning February 2, 2018, and issue a certificate accordingly. Continue approval of the program's ongoing admission pattern with the following stipulations:

No additional classes are added to the program's current pattern of admissions without prior Board approval. The program's current pattern of admissions include two full-time classes, one morning and one evening, of 36 students each in January and two full-time classes, one morning and one evening of 36 students each in July of each year; and, b. the director documents that adequate resources, i.e. faculty and facilities are available to support each admitted class of students; and the program's average annual pass rates remain no more than ten percentage points below state average annual pass rates. Continue to monitor the program's licensure examination pass rates.

The Board's decisions on July 31, 2018, were communicated in writing to the program by letter dated August 6, 2018.

By letter dated June 11, 2020, the program was notified that the approval of its ongoing admissions was rescinded and that it would be required to obtain Board approval prior to admitting students.

By letter dated July 7, 2020, the Executive Officer withdrew the letter dated June 11, 2020; recalled and annulled the order in the letter dated June 1, 2020, rescinding approval of the program's ongoing admissions and requiring the program to obtain Board approval prior to admitting students; and reinstated the letter dated August 6, 2018, approving the ongoing admissions of students, pending further action by the Board.

- On August 21, 2020 the Board of Vocational Nursing and Psychiatric Technicians (Board), considered the consultant's report relative to Gurnick City Academy of Medical Arts, San Mateo, Vocational Nursing Program; Consideration of Continued Approval. The following Decisions were rendered:
 - Place 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.
 - 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.
 - Require the program to submit an action plan to correct their NCLEX-PN® first time testers pass rate by October 1, 2020.
 - Require the program to admit no additional classes without prior approval by the Board.
 - 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
Please 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 and Remediation Policy
 - 4- Evaluation of Student Achievement
 - 5- 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.
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- Require the program to provide no less than one instructor for every ten students in clinical experiences.
 - 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.
 - 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.
 - Place the program on the Board's August 2022 agenda for reconsideration of provisional approval.