

**STATE OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF REGISTERED NURSING
BOARD MEETING
MINUTES**

Date: February 15-16, 2023

Start Time: 9:00 a.m.

Location: **NOTE:** Pursuant to the provisions of Government Code section 11133 a physical meeting location was not provided.

The Board of Registered Nursing held a public meeting via a teleconference platform.

Day 1 - February 15, 2023 - Board Meeting

9:00

1.0 Call to Order/Roll Call/Establishment of a Quorum

Mary Fagan, Vice President called the meeting to order at: 9:00 am. All members present, with the exception of Dolores Trujillo.

Mary Fagan informed the Board Members that Public Member Susan Naranjo has resigned from the board, effective February 14, 2023.

Quorum was established at 9:01 am.

Board Members: Dolores Trujillo, RN – President (absent)
Mary Fagan, PhD, RN, NEA-BC – Vice President
Jovita Dominguez, BSN, RN
Vicki Granowitz
Roi “David” Lollar
Elizabeth “Betty” Woods, RN, FNP, MSN
Patricia “Tricia” Wynne, Esq.

BRN Staff: Loretta (Lori) Melby, RN, MSN – Executive Officer
Reza Pejuhesh – DCA Legal Affairs Division, Attorney

9:02

2.0 General instructions for the format of a teleconference call

9:04

3.0 Public Comment for Items Not on the Agenda; Items for Future Agendas

Public Comment for

Agenda Item 3.0: No request for public comment.

9:06 **4.0 Review And Vote on Whether to Approve Previous Meeting Minutes**

4.1 ➤ November 14-15, 2022

Motion: **Mary Fagan:** Motion to accept board meeting minutes from November 14-15, 2022, and allow BRN Staff to make non-substantive changes to correct name misspellings and/or typos that may be discovered in the document.

Second: **Patricia Wynne**

Public Comment for

Agenda Item 4.0: No request for public comment.

Vote:

Vote:	DT	MF	EW	JD	PW	VG	DL
	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

9:09 **5.0 Report of the Administrative Committee**
Presented by: Loretta Melby, MSN, RN, Executive Officer of the California Board of Registered Nursing

5.1 Executive Officer Report
Loretta Melby, MSN, RN, Executive Officer of the Board of Registered Nursing provided an update to the Board. Part of the report included information regarding outreach that is being conducted by the BRN to its stakeholders.

Board Discussion: David Lollar and Patricia Wynne thanked Loretta Melby for the outreach information she provided in her report.

Vicki Granowitz thinks it is important for the public to understand how much outreach is done.

Elizabeth Woods agreed and stated she thought that the information is very useful.

Mary Fagan asked if Loretta Melby could expand on the HCAI information provided in the report.

Loretta Melby explained the process for RNs to provide workforce data to HCAI during the license renewal process and that the information is publicly accessible on HCAI's website.

Reza Pejuhesh asked that the website with the HCAI information be added to the Board Supplemental Board Materials, as it has now been shared with the Board. *(BRN staff added it below Agenda Item 5.1 – Executive Officer Report)*

Mary Fagan asked if the survey is mandatory or optional. Loretta Melby stated that the responses are optional, but most licensees complete it.

Public Comment for

Agenda Item 5.1: No request for public comment.

9:30

5.2 Information only: 2022-2025 Strategic Plan and goal progression.

Loretta Melby provided an update to BRN's Strategic Plan.

Board Discussion: Patricia Wynne thanked the EO and Board Staff for the hard work and making sure the information is very well organized and easy to read.

Public Comment for

Agenda Item 5.2: No request for public comment.

9:33

5.3 Information only: Registered Nursing Fund Condition (presentation by DCA Budget Office)

Suzanne Balkis, Budget Analyst for the Department of Consumer Affairs provided an update to the RN Fund condition.

Board Discussion: Patricia Wynne asked about the two different reserve balances. She asked what a prudent reserve is for each.

Suzanne Balkis replied that the board has between a 10.6- and 12.5-month reserve and that the department (Consumer Affairs) likes to see between 12-24 months but even a 6-month reserve is good, but a healthier reserve is between 12-24 months.

Public Comment for

Agenda Item 5.3: No request for public comment.

9:38

5.4 Information Only: Presentation by the Department of Health Care Access and Information (HCAI) on scholarship and loan repayment programs for nursing students

Caryn Rizell, Deputy Director, Healthcare Workforce Development presented.

Board Discussion: Elizabeth Woods asked if any of the information presented today is done at high schools or junior colleges?

Caryn Rizell said her department attends conferences and gives virtual presentations. They connect with different high schools and health academies to provide information and they are always looking to do more outreach.

Patricia Wynne asked what types of programs take advantage of financial assistance to the underserved if they are private or public funds.

Caryn Rizell stated that they do both, all types of programs are eligible for the grants.

Patricia Wynne asked if the process is highly competitive and if many applicants apply.

Caryn Rizell said some are very competitive and provided an example.

David Lollar said the data gathering is very impressive, dynamic, and well managed.

Caryn Rizell thanked Member Lollar and stated that they are open to any suggestions for gathering additional data.

Mary Fagan asked if this data could better inform the Board regarding clinical placements.

Caryn Rizell explained that they are looking at different ways to overlay data where the training programs are and are not already.

Mary Fagan asked if there is a specific definition of underserved.

Caryn Rizell said there is a statutory definition that has to do with geographic shortage areas, or it could be an underserved population or underserved type of facility, or shortages in some public schools.

Board Members thanked Caryn Rizell for the information and presentation.

**Public Comment for
Agenda Item 5.4:**

Carmen Comsti, California Nurses Association (CNA):

Emphasized the importance of the scholarships and loan repayment programs to ensure low-income students and underserved areas are able to access healthcare throughout the state.

Lauren Clark, UCLA School of Nursing: The definition of underserved is being academically discussed to potentially include more people with disabilities.

Kathy Hughes, SEIU: Appreciated the presentation and asked for the slide that included QR codes. *(The presentation was made available in the Supplemental Board Meeting Materials under Agenda Item 5.4)*

10:15

6.0

BRN future priorities and proposals for review and possible action

10:15

6.1

Discussion and possible adoption of proposed regulatory text to modify California Code of Regulations (CCR), Title 16, Section 1426 regarding Required Curriculum

Heather Hoganson, DCA Regulatory Counsel presented.

Board Discussion:

Mary Fagan asked about the language deletion and the part that said, “with the exception of the initial basic skills lab” and if it needs to remain.

Loretta Melby said it does not need to remain. There is greater flexibility for the program directors to build the curriculum in ways they see fit based on their specific demographic.

David Lollar stated that he appreciated Heather Hoganson’s explanation.

Motion:

Mary Fagan: Motion to approve the proposed regulatory text for Title 16, CCR section 1426 as shown in the materials, direct staff to submit the text to the Director of the DCA and the BCSH Agency for review, authorize the EO to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing if requested. If no relevant adverse comments are received during the 45-day comment period and no hearing is requested, authorize the EO to take all steps

necessary to complete the rulemaking and adopt the proposed regulations as noticed.

Second: Jovita Dominguez

Public Comment for

Agenda Item 6.1: Alice Martenegara, Golden West College, Associate Dean:
Explained that the removal of the 75% requirement allows the programs to have more flexibility.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

10:26

6.2 Discussion and possible adoption of proposed regulatory text to modify California Code of Regulations (CCR), Title 16, Section 1452 regarding Continuing Education Requirement Exemptions

Heather Hoganson, DCA Regulatory Counsel presented.

Board Discussion: Elizabeth Woods asked for additional explanation on the exemptions.

Heather Hoganson explained that currently if a licensee is inactive or overseas for more than one year, employed by the military or have had some hardships in terms of physical disabilities for themselves or a family member, they can request an exemption(s) for the continuing education renewal requirement. A person should be able to complete the one hour of implicit bias training requirement in their first two years of licensure; therefore, the Board would not allow an exemption.

Elizabeth Woods asked if this will be handled during initial nursing education.

Heather Hoganson said there is a separate requirement for curriculum to address implicit bias.

Loretta Melby provided additional information about the legislative bills that deal with this requirement. She also said this requirement became effective about a year ago and audits are to start this year to ensure this is being done.

Elizabeth Woods said she is confused about existing licensees completing this requirement.

Loretta Melby explained one of the bills that passed required continuing education providers to include implicit bias information in their trainings to nurses. There is no separate validation needed by nurses at the time of license renewal.

Elizabeth Woods asked if there is an implicit bias course that nurses are supposed to take as part of continuing education.

Loretta Melby further explained that implicit bias training is to be included in almost all continuing education courses provided to nurses.

Reza Pejuhesh said it might be helpful to refer to the statutory language for further clarification of the implicit bias requirements.

Business and Professions Code sections:

2736.5(a)(1) The board shall adopt regulations to require that, on and after January 1, 2022, all continuing education courses for licensees under this chapter contain curriculum that includes the understanding of implicit bias.

(2) Beginning January 1, 2023, continuing education providers shall ensure compliance with paragraph (1). Beginning January 1, 2023, the board shall audit continuing education providers, pursuant to Section 2811.5.

(b) Notwithstanding the provisions of subdivision (a), a continuing education course dedicated solely to research or other issues that does not include a direct patient care component is not required to contain curriculum that includes implicit bias in the practice of nursing.

(c) In order to satisfy the requirements of subdivision (a), continuing education courses shall address at least one or a combination of the following:

(1) Examples of how implicit bias affects perceptions and treatment decisions of licensees, leading to disparities in health outcomes.

(2) Strategies to address how unintended biases in decision making may contribute to health care disparities by shaping behavior and producing differences in medical treatment along lines of race, ethnicity, gender identity, sexual orientation, age, socioeconomic status, or other characteristics.

2786(f)(1) Graduation requirements for an approved school of nursing, or an approved nursing program, shall include one hour of direct participation in an implicit bias training which shall include all of the following:

- (A) Identification of previous or current unconscious biases and misinformation.
- (B) Identification of personal, interpersonal, institutional, structural, and cultural barriers to inclusion.
- (C) Corrective measures to decrease implicit bias at the interpersonal and institutional levels, including ongoing policies and practices for that purpose.
- (D) Information on the effects, including, but not limited to, ongoing personal effects, of historical and contemporary exclusion and oppression of minority communities.
- (E) Information about cultural identity across racial or ethnic groups.
- (F) Information about communicating more effectively across identities, including racial, ethnic, religious, and gender identities.
- (G) Discussion on power dynamics and organizational decision making.
- (H) Discussion on health inequities within the perinatal care field, including information on how implicit bias impacts maternal and infant health outcomes.
- (I) Perspectives of diverse, local constituency groups and experts on particular racial, identity, cultural, and provider-community relations issues in the community.
- (J) Information on reproductive justice.
- (2) This subdivision shall not be construed to do any of the following:
 - (A) Affect the requirements for licensure under this chapter.
 - (B) Require a curriculum revision.

2811.5(g) This section shall not apply to licensees during the first two years immediately following their initial licensure in California or any other governmental jurisdiction, except that, beginning January 1, 2023, those licensees shall complete one hour of direct participation in an implicit bias course offered by a continuing education provider approved by the board that meets all the same requirements outlined in paragraph (1) of subdivision (e) of Section 2786, including, but not limited to, the identification of the licensees previous or current unconscious biases and misinformation and corrective measures to decrease implicit bias at the interpersonal and institutional levels, including ongoing policies and practices for that purpose.

Mary Fagan asked about continuing education provided by out of state providers including implicit bias.

Loretta Melby said providers are to be an approved provider in California or a national organization. Outreach has been done with

those various organizations to ensure they comply with the requirements.

Motion: Mary Fagan: Motion to approve the proposed regulatory text for Title 16, CCR section 1452 as shown in the materials, direct staff to submit the text to the Director of the Department of Consumer Affairs and the Business, Consumer Services, and Housing Agency for review, authorize the Executive Officer to take all steps necessary to initiate the rulemaking process, make any non-substantive changes to the package, and set the matter for hearing if requested. If no relevant adverse comments are received during the 45-day comment period and no hearing is requested, authorize the Executive Officer to take all steps necessary to complete the rulemaking and adopt the proposed regulations as noticed.

Second: Elizabeth Woods

Public Comment for Agenda Item 6.2:

Carmen Comsti, CNA: Stated that CNA is the sponsor of implicit bias training and happy to see implementation move forward. This is an important first step to address the structural racial inequity in healthcare.

Susan Engle: Asked if a list of the CE providers will be added to the website for initial license renewal. She also asked about out of state providers.

Loretta Melby said it has not been the practice to post any lists of providers on the website. She said she will look at the Department of Real Estate’s website to see if theirs can be used as an example to provide this.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

5-minute break at 10:46 am

Returned at 10:51 am and reestablished quorum of members present.

10:52

6.2 Discussion and possible action regarding establishing a process to address any regional areas of nursing shortages identified by the Board’s nursing workforce forecast pursuant to Business and Professions Code (BPC) section 2717

Board Discussion: David Lollar asked about the decrease in enrollments and graduations in the last two years even though the number of applications increased.

Loretta Melby said the decreases are most likely the result of COVID-19. Clinical placements were not allowed in facilities for the first six months and when allowed, were severely decreased. Several schools paused enrollment or decreased voluntarily. Faculty were in the highest risk population for COVID-19 and they were not willing to undertake student clinical assignments because of the risk. There were also issues with the vaccinations and boosters required by healthcare partners. She also explained the centralized application website that allows one person to apply to multiple programs at once can significantly inflate the numbers.

David Lollar stated a concern with reducing educational standards to address workforce.

Loretta Melby explained that NEWAC is an advisory committee to the Board. She explained the sunset process where this change was made legislatively.

David Lollar said he understands emergency standards similarly to what happened with relaxing of high school standards being reduced from 220 credits to 160 credits to graduate. He is concerned with a general watering down of standards.

Loretta Melby said for the past few years this has also been the Board's concern with the reductions in clinical training and increases in other areas of training. She explained the emergency provisions will end in June 2023 and the new statutory changes to 500 hours with 30 hours in direct patient care go into effect.

Mary Fagan asked a follow-up question about the increase in applications being related to the electronic application methods versus an increase in people who want to become nurses.

Loretta Melby listed the schools who are participating in Nursing CAS (centralized application for nursing programs) and said there are additional schools that also participate. She also said social media presence is increasing awareness of this process.

Elizabeth Woods asked about attrition rates for nursing programs.

Loretta Melby said this information is on the Board's website and gathered during the University of California, San Francisco (UCSF) survey annually. She provided information about issues that can come up for students while they attend a nursing program.

Vicki Granowitz asked if the decrease in clinical training could influence enforcement and discipline in the future.

Loretta Melby said she has been told by Shannon Johnson (BRN Enforcement Division Chief) that several discipline cases involve new grads, because new graduates are not as experienced with the nurse's scope of practice. The education and training received by students isn't specifically related back to scope of practice.

Vicki Granowitz said she thinks there should be more scholarships for retraining or payment of fees for licensees involved in the disciplinary process. Stated that the Board may need to do some extra things to support these nurses.

Mary Fagan said employers are aware of the decreased clinicals during COVID-19 and has provided two extra weeks of basic training skills, so new grad residencies are 18-22 weeks, in order to help. She also said this is starting to resolve itself now. Facilities don't want to put nurses out to practice if the facilities don't feel they're competent and invest in them before they take care of patients on their own.

David Lollar asked about the pipeline from school to job for the community college students.

Loretta Melby explained that ADN grads can get jobs, but facilities who are seeking higher accreditation opportunities require a majority of their nursing workforce be bachelor's prepared. Hiring decisions are not under the Board's purview. The Board does the academic preparation and licensing and cannot force anything. She also discussed the issues with "placement rates" and what qualifies as placement.

Lunch Break started at 11:43 am with a return at 12:45 pm. Board returned at 12:45 pm and re-established a quorum.

Continuing with the discussion on Agenda Item 6.2, Loretta Melby said she would recommend a sub-committee to work between Board meetings and report out and receive further conversation direction at each Board meeting.

Patricia Wynne stated that she supports the sub-committee but hopes the process would be in front of the full committee or Board because this process would be enriched by more voices at the table. She said she's concerned with the map that was presented by HCAI and the options available to low income and diverse populations.

Loretta Melby said these are legitimate concerns and provided some examples experienced between public and private schools involving clinical placements. College of the Siskiyous recently closed due to lack of clinical placements. She said she was approached by some nursing programs and asked to send the meeting information to a nursing program ListServe and the attendee list shows an increase.

Mary Fagan asked Loretta Melby how she envisions this subcommittee interacting with the current Education Licensing Committee (ELC) and NEWAC, and if there would be an overlap.

Loretta Melby said NEWAC provides advice to the Board and specifically the ELC. The subcommittee would be made up of Board members who would report out to the Board, which would then have interactions with the public and inclusive conversations.

Mary Fagan asked if it would make sense to have NEWAC make a formal recommendation to the Board about how to establish this process as part of what the members factor into decision making.

Loretta Melby said they could, but the Board might not want to rely completely on advice from the committee. She stated that legislative staff had already reached out to ask what the Board is going to do to address this issue. She thinks it would be difficult for the Board to address this issue in only four meetings per year.

Vicki Granowitz asked what the capacity of the Board is for a subcommittee to do the work, and if the Board has the right people with time to do the work.

Loretta Melby explained she believes this should be volunteer based but could be a significant time commitment.

Elizabeth Woods asked for clarification on the time commitment.

Loretta Melby said it depends on the input from the Board because she cannot say exactly how much time is needed but the beginning

stages are going to need more time. The subcommittee can meet to establish a process for this review.

Mary Fagan thinks it's premature to establish this subcommittee since the HCAI data came out yesterday and Joanne Spetz (UCSF Workforce Study) will present the survey data at the May 2023 meeting. She thinks the Board should wait until after the presentation in May to decide what type of subcommittees need to be created.

Loretta Melby appreciated the suggestion and confirmed UCSF will be on the May agenda.

Patricia Wynne agrees with Mary Fagan but wants to know if the chairs of ELC and/or NEWAC have been consulted and if that could be done before the next meeting.

Loretta Melby said NEWAC has not established their subcommittees yet. She said Jovita Dominguez is the chair of ELC for the past two years and can consult with her without issue.

Additional Board Discussion after the conclusion of public comments:

Mary Fagan asked whether a motion must be made for this agenda item.

Loretta Melby said it is not necessary.

**Public Comment for
Agenda Item 6.2:**

Carmen Comsti, CNA, member of NEWAC: In light of the Operation Nightingale investigation in Florida she wants to underscore the importance of the Board to ensure nursing applicants meet California's educational standards and protecting the public. She said nurses report they do not feel supported by their employers, and reinforces retention as an important part of the ongoing measures to retain nurses.

Tammy Vant Hul, Dean of Riverside City College: Thanked Loretta Melby for the presentation about the realities of what ADN programs are experiencing. She looks forward to the open dialogue in upcoming meetings.

7.0

Report of the Nursing Practice Committee

1:16

7.1 Information only – Advisory committee updates:

Board Discussion: Loretta Melby explained that the only update was that a joint NMAC/NPAC meeting has held in January 2023 regarding disciplinary guidelines.

Elizabeth Woods asked, since all Board members were not able to attend the January meeting, if the Chairs of the Committees could report. *(Unfortunately, there were no Chairs or Vice-Chairs present at the Board Meeting)*

Mary Fagan asked for an update on the newly created committees for CRNA and CNS.

Loretta Melby said there is agenda item 7.5 to accept the charters for the new committees.

Mary Fagan asked if the future reports for those committees would be in this area.

Loretta Melby stated in the affirmative.

Public Comment for Agenda Item 7.1: **R. Gould, CACNS:** Supports the establishment of the CNS advisory committee.

1:26 **7.2 Information only:** Update to the United States Pharmacopeia (USP) chapters 795 and 797 regarding compounding standards

Board Discussion: Elizabeth Woods asked about CRNAs who give multiple medications when administering anesthesia.

Loretta Melby said this will not change that, it makes it clear they are allowed to do that. Currently, an admixture of up to three sterile medications can be administered within the hour for a single patient. As of November 2023, an admixture of up to three sterile medications can be administered within four hours for a single patient.

Public Comment for Agenda Item 7.2: **Roger Ortiz:** Stated that he owns a company that does student onboarding for over 70 hospitals. He said facilities are telling him about the quality of students based on the waivers. He said the Board should look at the placements to see if the programs are actually using them.

1:35 **7.3 Information only:** Update on the implementation of Assembly Bill 890 (Reg. Sess. 2019-2020)

Board Discussion: Mary Fagan asked if Loretta Melby knows how many 103 NPs there are.

Loretta Melby said there were approximately 1,000 applications received with a couple hundred certified and the remaining in process. She said the national certifications need to be received as primary source verification and then uploaded to BreZE.

Mary Fagan asked if the FAQs will be updated to provide guidance to NPs who are not 103 NPs.

Loretta Melby said that can be done.

1:45

7.4 Discussion and possible action: Regarding the appointment of committee member to the NMAC

Board Discussion: No comments or questions.

Motion: Mary Fagan: Motion to accept the recommendation from the NMAC to approve the appointment of Kenneth James to serve on NMAC.

Second: David Lollar

Public Comment for Agenda Item 7.4:

No request for public comment.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

1:50

7.5 Discussion and possible action: Regarding review and approval of the charters and the appointment process for the Clinical Nurse Specialist Advisory Committee and the Certified Registered Nurse Anesthetist Advisory Committee

Board Discussion: Patricia Wynne stated that she does not feel qualified to make these appointments and thinks Loretta Melby and executive staff are more qualified.

David Lollar agreed with Patricia Wynne and suggested it would expedite the process to move it through executive appointment instead of all Board members looking at each individual case.

Vicki Granowitz agreed with other public members.

Mary Fagan added that the other committees' members are appointed by the Board and then these two committees will be appointed by the Executive Officer.

Patricia Wynne said EO could make the appointments and the Board would approve them at the next Board meeting so there is a stamp of approval versus all the sorting and vetting.

Loretta Melby suggested the Administrative Committee made up of the Board President and Vice President could do the approval process instead of the entire Board and then report to the full Board. She said this works for NEWAC and worked for the APRNAC. There hasn't been an issue with the committees feeling they are different or less than the others. All charters are the same for the four advanced practice advisory committees except for the committee member makeup. Two committees' memberships are statutorily stated while the other two are not.

Mary Fagan said she didn't see an anesthesiologist application and wondered if it is required for the CRNAAC.

Loretta Melby said it is not part of the initial charter because the new advisory committees are not in statute specifying committee membership. This can be changed by the Board in the future. She said over the last several years the Board has at times not favored physician and surgeon membership on the various committees. She spoke about development of CNS practice requirements, which, as outlined in statute, would require consultation with the Medical Board of California

David Lollar asked if the Board could have the EO as their proxy representative since the Board hires the EO.

Mary Fagan asked if the Board members have any preference on who reviews and approves the committee member applications.

Jovita Dominguez stated that she likes the Administrative Committee and EO handling the applications.

Patricia Wynne also likes this option so as not to delay the committee member appointment process.

Mary Fagan agrees with the discussion.

Motion: Mary Fagan: Motion to accept the charters for both CNSAC and CRNAAC, and to have the EO make recommendations to the Administrative Committee for acceptance.

Second: Jovita Dominguez

Public Comment for

Agenda Item 7.5: R. Gould, CACNS and ANAC: Stated strong support for the CNSC.

Elissa Brown, CNSMH: Appreciates the discussion and looks forward to this being moved forward. Asked how CNSs and CRNAs will be notified to apply for these positions.

Loretta Melby said an email will be sent and it will be posted to the website.

Sandra, former APRNAC member: She would like to encourage diverse employment appointments to the new CRNAC.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

2:08

8.0 Report of the Education/Licensing Committee (ELC)

Mary Ann McCarthy, Supervising Nursing Education Consultant and Education and Licensing Committee Staff Liaison presented.

8.1 Discussion and possible action regarding consent agenda items

2:09

8.1.1 Discussion and possible action regarding ratification of minor curriculum revisions and acknowledgement of receipt of program progress reports (16 CCR § 1426), and whether to recommend ratification of clinical facility approval or other action (16 CCR § 1427) (consent) (schools under consideration are identified in the meeting materials)

Motion: Jovita Dominguez: Motion to approve ratification of minor curriculum revisions, clinical agency, or facility approvals, and acknowledge receipt of program progress reports.

Second: Patricia Wynne

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

2:12

8.1.2 Discussion and possible action regarding approval, acceptance, or other action for approved nursing programs (consent)

Continuing approval of prelicensure nursing programs (BPC § 2788; 16 CCR §§ 1421 & 1423)

California State University East Bay Baccalaureate Degree Nursing Program

California State University Los Angeles Baccalaureate Degree Nursing Program

American River College Associate Degree Nursing Program

Citrus College Associate Degree Nursing Program

College of the Sequoias Associate Degree Nursing Program

Santa Monica College Associate Degree Nursing Program

West Hills College Lemoore Associate Degree Nursing Program

Continuing approval of an advanced practice (nurse practitioner) nursing program (BPC § 2788; 16 CCR § 1483.1)

California State University Los Angeles Advanced Nursing Degree Program (AGACNP, AGPCNP, FNP, FPMHNP)

University of Southern California Advanced Nursing Degree Program (FNP)

Initial approval of a current advanced practice (nurse practitioner) nursing program (BPC § 2788; 16 CCR § 1483.1)

California State University Channel Islands Advanced Practice Nursing Degree Program (FNP)

Pacific College Advanced Practice Nursing Degree Program (FNP)

Prelicensure nursing program unit adjustment or other changes (16 CCR §§ 1426 & 1432) (substantive change) (no enrollment increase)

Concordia University Irvine Baccalaureate Degree Nursing Program (site change)

Motion: Jovita Dominguez: Motion to approve continuing approval of prelicensure nursing programs, continuing approval of a nurse practitioner nursing programs, initial approval of a current nurse practitioner nursing programs, and prelicensure nursing program

unit adjustment or other substantive changes, no enrollment increase.

Second: Patricia Wynne

Public Comment: Roger Ortiz: Cautions the Board from doing blanket enrollment increases for schools. The Board should do its due diligence to ensure schools who are approved are using their clinical placements. Loretta Melby said this agenda item does not include any enrollment increases which will be addressed in other agenda items.

2:17 **8.2 Discussion and possible action regarding acceptance of substantive changes to an approved program (present)**

2:18 **8.2.1 University of California Los Angeles Baccalaureate Degree Nursing Program (enrollment increase) (16 CCR §§ 1426 & 1432)**

Board Discussion: Elizabeth Woods asked how this increase would affect other programs in the area.

Jovita Dominguez stated that she shares this concern with Member Woods and suggested that the Board consider approving schools in less impacted areas while tabling schools requesting enrollment increases in impacted areas until the next Board meeting.

Loretta Melby understands the concerns with the increase, but the school has included rationale for the increase of 13 students. The Los Angeles (LA) region is impacted as the Board has approved increases for 1,007 new students. LA can influence Orange County which can have an effect on San Diego. The elephant in the room is the large college in the area that has 2,000 students they enroll and is Board approved for a far fewer number of students. Loretta Melby suggested not tabling the current agenda items and discussing each school on the agenda and raising concerns on each school's request during their agenda item. She added making a single motion and bringing a large group of requests from one meeting to another can be very confusing.

Patricia Wynne asked if 13 more students can be absorbed into a heavily impacted area.

Loretta Melby said it depends on the school and how it's made up. She said a program like UCLA can have established clinical sites and they're not using their capacity of simulation. She said there are a variety of issues that should be considered when making this type

of decision. She said UCLA is a long-standing program that has not requested enrollment increases and 13 is a small number. However, there are other schools in the area that are also requesting enrollment increases.

Motion: Jovita Dominguez: Motion to approve substantive changes to an approved program – University of California Los Angeles Baccalaureate Degree Nursing Program enrollment increase.

Second: Patricia Wynne

Public Comment: No request for public comment.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

2:34

8.2.2 Stanbridge University Baccalaureate Degree Nursing Program (enrollment increase) (16 CCR §§ 1426 & 1432)

Board Discussion: Mary Fagan asked about the enrollment at the Riverside campus and whether the Irvine/Orange County enrollment increase was considered at that location.

Patricia Wynne asked about the tuition and whether it is a two-year or four-year program. The tuition is \$134,000 and is probably a four-year program. Patricia Wynne said they have not yet graduated anyone so this might be premature.

Minerva Valdenor, school representative stated they have started at the Riverside location which is doing the fundamentals rotation currently. LA and Riverside have enrollment patterns of 40 students per quarter so the Orange County request is to bring parity. She said there are enough clinical sites. Their students are doing 75% of their clinicals in direct patient care. She said they have been requesting students in Orange County for a few years.

Loretta Melby said Orange County was approved for 30, 3 times a year and was increased to 30, 4 times a year in November 2021. She also discussed the other campus location enrollment increases.

Elizabeth Woods asked about the enrollment at each location. Minerva said the two locations are 160 and Orange County is 120.

Vicki Granowitz is concerned with this increase in an impacted area and the cost of tuition.

Jovita Dominguez said she understands the concerns.

Additional Board Discussion after the conclusion of public comments:

Patricia Wynne said this is an awkward conversation but appreciates the information to help make a decision.

David said he works with Cerritos College, Cal Baptist and would like to be able to work with all capable programs. Loretta Melby thanked David for his comments.

Mary Ann McCarthy said the difficulty was highlighted today by Loretta Melby that when an enrollment increase is made annually it is compounded over the years.

Vicki Granowitz said she appreciates the comments from Anaheim Regional, but she wants it to be across the Board and it's a problem that it isn't. The issue is, can Irvine, LA and San Diego handle an increase, and this is the same discussion going down the Board's meeting agenda. She is mindful of the costs of these private programs and the capacity of what's left over.

David Lollar said this is a conversation that's been had over and over again. Mr. Batista is a business developer who has a good pipeline to staff his hospitals but at what cost to the nurses, to the students, and to the quality of the healthcare.

Loretta Melby read a comment from David Batista who said he isn't a business developer but a CEO who is concerned with quality. The numbers are not addressing the shortage at the bedside of the patient risk and all hospitals need to make profit including not for profit public facilities.

Motion: Jovita Dominguez: Motion to Not Approve substantive changes to an approved program – Stanbridge University Baccalaureate Degree Nursing Program enrollment increase.

Second: Vicki Granowitz

Public Comment: David Batista, Exec VP for Agency Healthcare: Stated he oversees Anaheim Regional Medical Center in Orange County – he has a solid program with Stanbridge to improve the current LVNs

who had a challenge going back to having the encouragement and organizational support to move to the RN program. (audio fell off)

Mary Steckler, Associate Dean of Health Sciences, Dean of Nursing Santa Ana College: She feels like she's going back in time with all the enrollment increases when the community colleges cannot get any placements. She appreciates Vicki Granowitz's comments as well as Loretta Melby's.

David Batista: *(After technical issues corrected)* Appreciates the patience. Public and private programs provide excellent products. He said staff are hired as CNAs and PNAs so they can earn money. They are paying staff crisis bonuses; they are working RNs an inordinate number of shifts to stay within approved ratios which can be dangerous.

Loretta Melby asked David if he's been in contact with Mary Steckler and Saddleback College about their placements as well. David was unable to speak. Loretta Melby said Stanbridge should be graduating a BSN cohort this spring which should help his facility. She said that if he's working with Mary and Saddleback then they may be able to assist with their hiring needs and can grow their programs.

Additional public comments after more Board discussion:

Yasith Weerasuriya from Stanbridge: Asks the Board to consider equity with its decision with public and private schools not being distinguished and private schools being discriminated against while Orange County has 3.3 million residents. Stanbridge has a good pass rate in the high 90's since the inception of the program. They have been recognized by their NEC who has commented on the fact that they've had high pass rates.

Carmen Comsti, CNA: Supports the Board's discussion, particularly member Vicki Granowitz's. She's looking at the cost of attendance and access to educational programs and clinical placements by low-income nursing students with regard to equity in terms of ensuring economically, racially, and ethnically diverse nursing school programs.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

3:19

8.2.3 Stanbridge University Associate Degree Nursing Program (pause ADN teach out to accommodate LVN to RN need in San Gabriel Valley)

Board Discussion: Mary Fagan stated that she does not understand the request.

Mary Ann McCarthy said the ADN was doing a teach out that was approved in 2020 to end January 2023.

Loretta Melby gave some additional information about the teach out and this request of a new cohort. They started a BSN program in the ADN's place with 160 students annually.

Mary Fagan asked about a LVN 30-unit option. The AIS says this is LVN to RN degree.

Loretta Melby explained the LVN30-unit and military options.

Minerva Valdenor, school representative, said this is a request by a specific healthcare system to enroll their LVNs to become RNs. Anaheim Regional Medical Center (Advanced Hospital Management Corporation, for profit corporation) which consists of 11 healthcare campuses is the sponsor for these 20 students.

Mary Fagan asked if anyone from the healthcare system is available to speak. Loretta Melby said public comment could be opened so that any member of the healthcare system could speak.

(See public comment after motion and second below.)

Additional Board discussion after the conclusion of public comments:

Patricia Wynne asked about the cost of \$80,000 for this program. Mary Ann said the hospital would be helping to pay for the program since this is for their employees.

Jovita Dominguez asked if the LVNs would be guaranteed employment as RNs when they complete.

Minerva Valdenor said there is a contract signed that includes supporting the schedule, support the work schedules, support students financially, and employment when the RN license is obtained. Additionally, the LVN to BSN is closer to 30 months and students will get credit for general education.

Loretta Melby advised that a motion still needs to be made.

Vicki Granowitz said this sounds like a lovely opportunity but feels like it could be a way for programs with money to take advantage of the system or push out programs that cost less and are having more trouble finding clinical placements. She is torn about what to do with this request. She stated that it doesn't pass the smell test.

Jovita Dominguez asked if a life event happens to a LVN going through this program, would the LVN have to pay the tuition.

Loretta Melby asked if David Batista could be elevated to a panelist.

Patricia Wynne said she agrees with what Vicki Granowitz said and would not support a motion to approve this request. She's worried the lower income kids are being pushed out of the way.

David Lollar said this is a pipeline between Stanbridge and AHMC, not meant negatively or positively. This is a business opportunity that makes it work for them.

David Batista said he's been doing this for 30 years and this is not a singular relationship with Stanbridge. He has a daughter in Cal Baptist, and he said they work with many nursing programs. He explained the methodology used in this relationship is similar if not the same with for profit and non-profit healthcare systems. He spoke of signing bonuses versus the expense paid to educate their existing staff to retain them. He said they're trying to support their long-term staff and help reward them.

Vicki Granowitz is concerned more with this being a business relationship and not being able to provide the costs. David Batista said he's not trying to hide information but without full approval he is hesitant to provide the information.

Motion: Patricia Wynne: Motion to not approve substantive changes to an approved program – Stanbridge University Associate Degree Nursing Program to pause ADN teach out to accommodate LVN to RN need in San Gabriel Valley.

Second: Vicki Granowitz

Vote:

Vote:	DT	MF	EW	JD	PW	VG	DL
	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

Public Comment for Agenda Item 8.2.3:

David Batista, Executive VP AHMC: Alhambra Hospital Medical Center in San Gabriel Valley is actively trying to grow CNAs and LVNs into RNs to better their careers and families. This is excellent for the community and nursing.

Yasith Weerasuriya, President of Stanbridge University:

Explained that the ADN has completed the teach out. They are not enrolling any new students. This is a special request from a clinical partner to move their LVNs into RNs. This is not a request to extend the ADN program. Loretta Melby asked if the increase could accommodate a LVN to BSN step up. He said the facility is looking for the quickest way to get the LVN to RN. He said 15 months for LVN to ADN and 30 months to BSN. The facility is looking for the quickest timeframe to convert LVNs to RN to retain employment. There was discussion between Loretta Melby and Minerva about the length of time for each track with 15-16 months for LVN to ADN and 20-22 months for LVN to BSN. Elizabeth Woods asked who would pay the tuition. The president said the hospital will help with payments.

Mary Steckler, Santa Ana Community College: She said their cohorts were 10 and have been reduced 6 students resulting in 8 students displaced by their LVNs at Anaheim Regional Medical Center. She said the CEO has not reached out to Santa Ana.

Vote:

Vote:	DT	MF	EW	JD	PW	VG	DL
	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

10-minute break starting at 3:48 pm

Quorum re-established at 4:00 pm

4:01

8.2.4 Golden West College Associate Degree Nursing Program (enrollment increase) (16 CCR §§ 1426 & 1432)

Board Discussion: Mary Fagan asked if this is current LVN students who are going to continue to an ADN program.

Mary Ann McCarthy said the students can register concurrently in a BSN course.

Mary Fagan asked if this is all being done for \$7,800.

Mary Ann McCarthy confirmed that that is the cost for the generic program.

Alice Martanegara, school representative, said Golden West is a community college program and following suit with what Riverside City College did. Their students stay within the community. She said they are repurposing their clinical placements to update their curriculum. They are updating their simulation center to rebuild and add new equipment. She said they've learned a lot through COVID-19 and have never asked for an enrollment increase since 2006. She said they share faculty and clinical placements when they're in trouble.

Meridith Randall, VP of Golden West: She appreciates the conversations that have been happening this afternoon. She's worked with Alice for the last three years and she has every confidence with her and her staff.

Jovita Dominguez asked about the non-compliance issues. Alice said when she came to Golden West there had not been a curriculum update in 10 years. She said the simulation lab needed to be updated as it had not been attended to. Grants were written to get additional funding for this. She also said a number of faculty retired.

Loretta Melby wanted to address a public comment about discrimination against private programs by going over a document on the website laying out various enrollment approvals made by the Board. Specifically, she provided the following data on approved enrollment increase requests: 2018 – 77% private, 23% public, 2019 – 93% private, 7% public, 2020 – 94% private, 6% public, 2021 – 93% private, 4% public, 2022 – 83% private, 17% public. She also explained this collaboration with bachelors' schools so there can be concurrent enrollment that students can complete their BSN six months after completing the ADN.

Elizabeth Woods asked which school the BSN will come from.

Loretta Melby said it's CSU San Bernardino.

Alice Martanegara asked for a representative from California State University, Santa Barbara (CSUSB) to be elevated.

Angie Gagalang, CSUSB, said they are planning a collaboration with Golden West similar to Riverside City College, Chafee College, and San Bernardino Valley College. She said they are on their fourth admission with RCC. She said the \$7,800 does not include the courses at the CSU.

David Lollar said he was reading that they want to start this program in the fall but are building the simulation over the summer.

Alice Martanegara stated they already have a sim center but are awaiting the State Architect to approve their buildout.

David Lollar asked about the hiring freeze limiting their ability to hire faculty.

Alice Martanegara said they have not had a faculty shortage.

Meridith Randall said faculty are not subject to the hiring freeze in the nursing program.

Jovita Dominguez asked if this could be deferred to the May Board meeting.

Alice Martanegara said they've been working on this request for the last two years.

Vicki Granowitz said she is good with the request.

David Lollar said he is good too.

Patricia Wynne asked about clinical placements and if there is an issue. Alice said they are repurposing their existing clinical placements due to their major curriculum change.

Loretta Melby discussed that the program has been brought into full compliance.

Motion: **Patricia Wynne:** Motion to approve substantive changes to an approved program – Golden West College Associate Degree Nursing Program enrollment increase of 80 students twice a year for a total of 200 students.

Second: Elizabeth Woods

**Public Comment for
Agenda Item 8.2.4:**

Mary Steckler, Santa Ana College: Supports the increase due to her conversations with Alice and their repurposing their clinical placements and sending any extra their way.

Kathy Hughes, SEIU: Supports this request.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

4:35

8.2.5 Riverside City College Associate Degree Nursing Program (enrollment Increase) (16 CCR §§ 1426 & 1432)

Board Discussion: Mary Fagan asked if there could be additional explanation for the advance placement program.

Tammy Vant Hul, School Representative: Said this is a LVN to RN program and had several successful apprenticeship opportunities with local healthcare agencies. It's a one-year program with an opportunity to be in a BSN pathway as well.

Mary Fagan asked about the partnership with Cal Baptist.

Tammy Vant Hul said there are two partnerships with CSU Fullerton to take 40 students who want to enter at the beginning of the program, once a year, every other semester, in a traditional track. She said this is a very affordable pathway that would allow them to complete a BSN in a relatively short amount of time.

Patricia Wynne asked about impact in Riverside County.

Tammy Vant Hul said Riverside is also impacted.

Patricia Wynne asked if they would be able to absorb these 80 new students.

Tammy Vant Hul explained their changes over the years.

Motion: Jovita Dominguez: Motion to approve substantive changes to an approved program – Riverside City College Associate Degree

Nursing Program enrollment increase for generic program of 80 students twice a year, and for advanced placement of 100 per year.

Second: Patricia Wynne

Public Comment for Agenda Item 8.2.5: **Alice Martenagara, Golden West College:** Thanked the Board for supporting all community colleges.

David Batista: Explained the long-standing support for RCC and Cal Baptist collaborative between the two of them. They will continue to make preceptors available to work with them.

Kathy Hughes, SEIU: Stated that she had seen many graduates from RCC including her daughter.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	AB	Y	Y	Y	Y	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

4:47

8.2.6 American Career College Associate Degree Nursing Program (enrollment increase) (16 CCR §§ 1426 & 1432)

Board Discussion: David Lollar asked if there was a correlation between nursing program impaction and full nursing employment in health care facilities.

Loretta Melby explained what comprises clinical placement impaction.

Patricia Wynne asked if the program could explain why they are requesting so many new students.

Mary Fagan said hospitals in California and throughout the nation are experiencing the highest vacancy rates ever post COVID-19. She said there is definitely not a correlation between students attending nursing school and what the hospitals need and it's a real challenge.

Loretta Melby said the Board has approved 1,000 new enrollments in the last year.

Tim Lee, COO, American Career College, stated that he's shocked at the outright bias towards private colleges during today's proceedings. He reminds the Board, public, and California Assembly

members that students come from the same communities, put scrubs on one leg at a time just like every other program and school out there. He understands the Board's notion of protecting the community colleges and low-income students. He is a product of the community college system and understand the values. He said today's community college, especially in regard to nursing education is not what it used to be. It's not yesterday's community college. There is a very highly competitive nature to get into nursing programs. While community colleges were once a haven for low-income students, it's now the place where 4.0 students, the best students are going to apply to get into nursing school. The low-income students are unable to attend because they must work to support their families. There's a severe nursing workforce shortage. He is happy there are 1,000 new nursing starts approved but many schools have done teach outs as well. Many nurses have left the workforce due to burnout. He went on to provide data in support of their program's request. He reminded the Board about the appellate court case and what the Board could consider when making enrollment decisions. He said their program has met every statutory requirement for approval. If the request is denied he requests the Board provide justification for the denial.

Julie France, School Representative said several assemblymembers are in support of their program's request. She laid out how their program meets all the regulatory requirements for their request to be approved.

Tim Lee explained their graduation and placement rates as their success process.

Loretta Melby provided some clarification about recent school closures and data calculations related to clinical placements. She said some of the school closures were related to the inability to obtain clinical placements.

Loretta Melby brought up the time (5:03 pm) and that this would be the last agenda item for the meeting.

David Lollar said he has a full stop and requests that the meeting be ended now and continue the conversation tomorrow morning.

Mr. Lee said he and many people are waiting for public comment and have been waiting all day and if there is a quorum that the meeting should continue. Mr. Lee asked if the members from the public could submit written comments to the Board for their consideration.

Loretta Melby stated the Board would allow written comments for their consideration.

Meeting recessed at 5:11 pm

Day 2 – February 16, 2023 – Board Meeting

9:00 1.0 Call to Order/Roll Call/Establishment of a Quorum

Dolores Trujillo, President called the meeting to order at: 9:00 am. All members present: Dolores Trujillo, Mary Fagan, Jovita Dominguez, Vicki Granowitz, Roi “David” Lollar, Elizabeth Woods, and Patricia “Tricia” Wynne. Quorum was established at 9:02 am.

9:03 2.0 General instructions for the format of a teleconference call

President Trujillo continued with Agenda Item 8.2.6 from the previous day.

9:07 Continued Board Discussion 8.2.6:

Mary Ann McCarthy and Reza Pejuhesh provided background from yesterday’s discussion regarding American Career College’s enrollment increase.

Tim Lee, COO of ACC, said there were some interesting events that happened last night. He received an email last night at 8:45 pm from a community college to other nursing programs asking them to attend the meeting today to speak against American Career College. He is disappointed that this would happen when there are students who have applied to community colleges and not been accepted. He asked for the definition of displacement and said private programs do not discuss displacement; he said there are many reasons for displacement, and they are very purposeful in not displacing community colleges. He wanted to address comments from EO Melby about night time shifts being less than perfect, spoke about their experienced and highly trained faculty doing clinical training, not floor nurses. He also addressed the geography comments and the approvals made at yesterday’s meeting. Assembly members are watching this meeting. The other nursing programs that were approved yesterday are in the same area as they are and cause displacement if it is argued American Career College does too. He spoke about the Board’s mission. He said ACC is in compliance with all regulatory requirements and there are no reasons that the request should be denied.

Dolores Trujillo started to make some comments about displacement and was interrupted by Tim Lee.

Loretta Melby stepped in and provided ground rules for speaking so that school representatives do not speak over Board members or others who want to speak so all comments can be heard.

Dolores Trujillo asks why the program is seeking an increase of 100 students in the LA area when there are other areas within the state that could accept more students. Mr. Lee pointed to attachment 10 in the Board Supplemental Materials that discuss the justification for their request. 80% of students are minorities, on time completion rate is 96%, placement rates are 95%, average starting salary is \$87,000 for first year out of school. Clinical placement from M-Th from 8-2 is difficult but they seek other shift days and times.

Dolores Trujillo asked if the program tracks job placement.

Mr. Lee said they do which is why they have the data he previously spoke of. He said only 4.0 students can get into the community colleges while the students that seek to enroll in their program need to work and may not have the best GPA.

Loretta Melby provided clarification regarding some of the information presented by Mr. Lee regarding Business and Professions Code sections 2786.2, 2786(b)(1)-(2), and 2786(f), and California Code of Regulations, title 16, section 1427, which include the requirements schools must meet and the Board can consider when making decisions regarding nursing programs. She also discussed State Auditor findings and recommendations regarding the Board making enrollment decisions for nursing programs. She spoke about the National Council of State Boards of Nursing and California in comparison with other states. She spoke about data in annual school surveys. She asked if Reza Pejuhesh had any additional information.

Mr. Lee disputed the comment that the Board can consider public comments without validating them.

Reza Pejuhesh said that was an interesting interpretation and spoke about Mr. Lee's initial statement about the email soliciting schools to attend the meeting to make public comment as inappropriate. He said Mr. Lee was a bit dismissive, in his opinion, of clinical displacement in that their program has clinical placements. Reza Pejuhesh explained the court of appeals decision involving West Coast College, the sister school to American Career College. He

said West Coast unilaterally made enrollment increases without seeking Board approval and challenged the Board's ability to regulate enrollment increases in every way they could. They lost in their initial judgement and the court of appeals also weighed in favor of the BRN. He read from the decision, "requiring nursing programs to obtain Board approval before significantly increasing class enrollment helps the Board limit this displacement and ensure sufficient clinical opportunities for students." [*W. Coast Univ., Inc. v. Bd. of Registered Nursing* (2022) 82 Cal. App. 5th 624, 637.] He said the Board has a strong interest in hearing from others who may be impacted and the Board should consider information from all interested stakeholders.

David Lollar asked Loretta Melby to remind the Board of the enrollment increases from private and public schools based on the comment regarding Board bias.

Loretta Melby said she gathered data so the Board could make decisions using data as the basis, since it was imperative to respond to the state audit; and provided the following data on approved enrollment increase requests: 2018 – 77% private, 23% public, 2019 – 93% private, 7% public, 2020 – 94% private, 6% public, 2021 93% of the 1,400 went to private 56 slots went to public, 2022 – 83% private, 17% public.

Mary Fagan asked to hear public comments.

(See public comment after motion and second below.)

Additional Board discussion after the conclusion of public comments:

Patricia Wynne would like to hear from the school first before the Board discusses, in order to limit interruptions.

Mr. Lee spoke to Alice Martenagara's (Golden West College) comments. As a private institution they do not receive any public funds. He said it's very expensive to run a nursing program because nursing wages are very high and simulation labs are very expensive. He explained they are the cheapest private school out there. They're relatively priced to any other tuition and private colleges last year. They partnered with HRSA and got a grant for 20 students who attended entirely free. There are no tax subsidies that are used. He spoke about attachment 10 showing no clinical displacement. He asked if this request is too high then tell him what is acceptable, monitor the increase and they may come back to

seek more students. He spoke about several assemblymembers submitting letters of support for their program's request.

Patricia Wynne said she was appointed to the Board 14 months ago and has been dealing with this since she started. She is more concerned than ever based on the comments she' heard about pipelines from the private schools to the clinical facilities.

Mary Fagan said the pipeline between ACC and the facilities is real. She said the extent to which it is displacing community colleges is a systemic problem. Community colleges cannot hire faculty because they're not paid enough at the community college. She's nervous that if the Board stops approving private schools' enrollment increases, it does not help alleviate the desperate need for more nurses since there are such high needs right now. She said her facility is paying a million dollars a month for travel nurses and overtime. There will be a worse nursing shortage in California than we have right now, and we won't be serving the public well.

Elizabeth Woods is concerned with the increase of 100. She's looking at it in several ways but does not understand the increase.

Mr. Lee said that's how many students have applied to their program. He said they can reduce their request to 10 per cohort or 20 per cohort if that will work.

Elizabeth Woods asked about the high tuition with students from communities that are not well off.

Mr. Lee said many students qualify for Pell grants or Cal grants, student loans and other grants American Career College got for a lot of their students. He compared a community college student taking five years to complete the nursing program while their students complete in 20 months.

David Lollar mentioned the issue of diploma mills, based on the comments made by the school. He is concerned with patient care outcomes. He is concerned with simulation and direct patient care. He said the impact of 100 students to an assembly line is very different with healthcare.

Mr. Lee addressed the concerns by saying they have excellent bedside patient care.

David Lollar is concerned with 50, 5 times a year with adjunct part time faculty and quality of nurses.

Mr. Lee said there are many full-time faculty members, but most clinical faculty are part-time because of the way rotations work.

Loretta Melby reminded the Board and public about enrollment increases happening in spring, summer, and fall. She pointed out the 1,400 enrollment increases approved two years ago will be hitting the workforce now or soon. Help is coming. The pipeline of nursing has been addressed. It has been secured and it has been done collaboratively with private and public universities and colleges who have worked diligently to address this issue. She said that funding is being looked at for public programs including increasing salaries for faculty. Workforce issues do not change or affect enrollment decisions. Data is what is considered in making these decisions. If changes in law are needed, then she encourages this. She is happy the legislators are attending the meetings and they approved the Board being extended to continue to do their job. She said data does not support the claims that private institutions are being pushed out in favor of public institutions.

Mr. Lee thanked the Board for the enrollment increases yesterday but explained that California will not reach parity until 2037.

Vicki Granowitz wants to discuss at a future meeting how public comment is handled since the Board has only dealt with one item and it's 11:00 am. In her experience, this has been handled differently at different boards. She is much more familiar with the Brown Act and not Bagley-Keene.

Motion: **Dolores Trujillo:** Motion to not approve substantive changes to an approved program – American Career College Associate Degree Nursing Program enrollment increase.

Second: **Jovita Dominguez**

9:48 **Public Comment for Agenda Item 8.2.6:** **Ricardo Flores, LVN student at ACC:** Urges the Board to approve the enrollment increase, so he and his peers will be able to achieve their career goals. It has been his dream to become a nurse since he was small. His mom was a CNA, sisters are LVNs. He has a small daughter and came back to California. His baby sister graduated from ACC and encouraged him to attend. The school works with his schedule to allow him to work and support his daughter. He is scheduled to graduate in September and become a wound care nurse.

Armando Bolanos, student at ACC: He is the youngest of five to graduate from college. He graduated as a LVN in 2018. He returned to the ADN in 2021. He took some of the pre-requisites at a community college but could not get in via lottery at the community college. He came back to ACC and they were flexible with his schedule. He is confident in his training and education at ACC. He is grateful for the opportunity he has had at ACC. This has helped his family tremendously.

Mary Steckler, Santa Ana College: She spoke about a bias comment made yesterday towards private programs. She spoke about the data provided for the past years showing private programs are approved for enrollment increases. The bias is not from the BRN, bias is clearly displayed in increased partnerships between private institutions and clinical facilities. Whenever community colleges ask for placements, the answer is no, and placements are reduced. She does not understand why clinical facilities do not work with community colleges to increase the pipeline of nurses. Many community college students are dually enrolled in a bachelor's program and will achieve the BSN. She asks to compare patient care hours and see which is more competent.

Joel Mathis, CNO at Doc Surgical Hospital and Surgical Center in Los Angeles: He supports the ACC enrollment increase. They are a small system that cannot compete with the larger systems.

Colleen Bauer, CNO at Community Hospital: Supports the ACC enrollment request, long term relationship with ACC for home grown Spanish speaking nurses to serve underserved communities. 95% of their patient population speaks Spanish. ACC brings the opportunity to onboard new grads.

Bernadette, HR at DOC Spine: Supports the approval of ACC's application to increase students. She said there are many open nursing positions that their students can fill.

Roger Ortiz: I made a couple of public comments yesterday. He asks the Board to review Sweet v. Cardona, No. 3:19-cv-3674 (N.D. Cal.). Asks the Board to listen to the community college students.

Andrew Jahn: Asks EO Melby to provide the number of slots the Board has denied.

Loretta Melby said in 2018 the Board denied Western Governors University's increase of 30, while Cal Baptist and ACC were deferred in the same year. When Cal Baptist and ACC came back,

they were both approved, and ACC had a second increase on top of the original. There were two, Concordia asked for 64 and they were approved for 24 and asked to come back in a year, Stanbridge asked for 40, 4 times a year and the Board approved them for 30, 4 times a year. No denials for community colleges.

Andrew Jahn: Stated that the Board has not denied any public program requests and there is an opinion that those requests have not come through because of clinical rotation capacity.

Loretta Melby said that is not an opinion, it has come through annual school surveys.

Reza Pejuhesh made a comment about BPC 2786.2 and said commenters may be suggesting consideration of workforce issues which are not to be considered when making enrollment decisions under the statute.

Mr. Lee asked to speak again.

Reza Pejuhesh said it would be up to the Board.

Alice Martanegara, Golden West College: Understands workforce needs those clinical facilities are addressing and shortage of nurses. They are experiencing the same things. She heard the other commenter who could not get into the community college. She asked how the program can charge such a high tuition while the starting salary is much lower and can still live in LA. She asks the college to consider how the student will repay the student loans.

Connie (public commenter) unable to mute and was advised if unable to unmute to type comment in Q&A box and it will be read.

Monique (public commenter) unable to mute and was advised if unable to unmute to type comment in Q&A box and it will be read.

Mr. Lee asked if public comment sent to NEC would be able to be read.

Reza Pejuhesh said Loretta Melby had other email public comments that will be read to the Board.

Angela Vogel, San Bernardino Valley College: Stated that clinical placement is very difficult. They are longstanding in their community, but students are traveling 40-50 miles to get to clinicals. Students do not get weekday shifts but night shifts at alternative

locations. They are in the same community as West Coast and ACC so there is direct competition for clinical sites. They have lost critical care placements at their local facilities and have had to look for other facilities to expand upon as well. Peds and Mental Health are very difficult to obtain as well. A 4.0 GPA is not necessary to become a community college student. Mr. Lee spoke up and asked Angie to reach out to him and he will help them get some of their clinical placements back since he graduated from SBVC and grew up there. He believes in their program and what they do and will find a way to get in touch.

Brenda Chan, East Los Angeles College: Has concerns with ACC's enrollment increase because they have used the same DHS facility.

Monique Linebeck, clinical placement coordinator: There is a growing disparity between available clinical placements for the number of RN students. This causes a domino effect in patient safety outcomes. She's concerned for the quality of leadership and training and asked that the Board consider the position of our nurses. There's a level of fatigue based on the human level and there's a scarcity of resources. We all want more nurses and nurses who are trained in safe and effective care that are equipped to provide the best care and address the challenges in short.

Connie, San Diego Imperial Community College: Clinical displacements are hurting their students – this past semester a health facility that they have had a 15-year relationship pulled clinical placements two weeks prior to starting their placements, due to giving those rotations to a private college. Their students are at risk of not completing the program.

E-mail comments:

Community College Program Director – Please do not approve another enrollment increase! I'm appealing to you as more community college students will be affected, and we already know that Marsha Fuerst has displaced 20% of their students.

Greater El Monte Community Hospital, CNO – They offer wide range of services, 24/7 emergency, six-mile radius, and share the support of the application. Schools such as ACC can take evening and weekend shifts and summers and create more opportunities for other schools with more traditional schedules.

Student from ACC – LVN student in LA urges the approval of the request for increased number of ADN nursing programs. Student spoke earlier today.

Stanbridge Rep – Rules were not followed yesterday during public comment, bias was shown yesterday towards them. People were promoted illegally and did not follow instructions previously given.

Reza Pejuhesh said he did recall the incident, but did not step in since it seemed to be unintentional and merely a minor irregularity, and there were no objections at the time. He wished that, if there were concerns about fairness in being able to address the Board, they would have been brought to the Board’s attention at the time so that they could have been considered and remedied if necessary.

Loretta Melby said they had two requests yesterday that were denied.

Reza Pejuhesh spoke affirmatively that the Board does not have bias towards private schools, but it has concern when specific schools attempt to play on an uneven playing field with respect to other nursing schools and disregard the legitimate regulatory authority of the Board. He said the facts and statistics regarding enrollment requests even disprove such a claim.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	N	N	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

11:02

8.2.7 CNI Baccalaureate Degree Nursing Program (enrollment increase) (16 CCR §§ 1426 & 1432)

Board Discussion: Robin Nelson, school representative, clarified there is only one campus in Santa Ana. She said this is a replacement proposal and not a displacement proposal because they taught out the ADN program. The ADN was approved for 200 and BSN was approved for 200. The ADN is gone, and this increase will add 24x5 (120). They were able to support both the ADN and BSN students previously. They have the placements for clinical rotations which will be evenings. All clinicals are supervised by many masters prepared faculty. Their career services verifies that they have 85% placement rate. They have 810 direct patient care hours. They have evening theory and weekend clinicals. Students can work and they monitor the fatigue factor.

David Lollar said it makes sense that this is a replacement request. He clarified the number in the ADN and BSN programs.

Patricia Wynne was also unclear and appreciated the clarification.

Vicki Granowitz said this is an increase request and asked if this is incorrect.

Robin Nelson said BRN terminology says this is an increase.

Vicki Granowitz asked if the motion language can address the ADN ending.

Mary Ann McCarthy explained what had previously happened with the ADN program.

Loretta Melby added context to say that CNI was approved to teach out the ADN in 2021 and approved for the BSN for the same number of students. She continued by saying they are asking for an additional 120 students.

Robin Nelson said they were supporting both ADN and BSN students at the same time.

Dolores Trujillo asked if they were going back to the same facilities where the ADN students were doing clinicals.

Robin Nelson confirmed.

Dolores Trujillo discussed the weekend and evening shifts and inquired if they were additional clinical placements.

David Lollar asked about tuition being \$147,000.

Robin Nelson said this is for a person who graduates from high school and goes into a BSN program with no transfer credit.

Loretta Melby read an email from the Orange County consortium to CNI about their clinical placements. This email went to other nursing programs who were concerned. The program did due diligence to use the consortium as it is intended.

Robin Nelson said she only heard from two schools and wishes she had heard from any others with concerns.

Vicki Granowitz asked how this program is different from Stanbridge if they are in the same vicinity.

Mary Ann McCarthy confirmed they are in the same area.

Elizabeth Woods asked about the theory being in the evening and Robin explained that it is one night a week but can be split into two to shorten the time spent at school.

Loretta Melby asked if any BSN cohorts had graduated.

Robin Nelson said the first is scheduled for November 2023.

Dolores Trujillo is concerned that this is a new program making this request without any NCLEX data. She appreciates the program using the consortium and wishes others would also.

Robin Nelson said she contacted the clinical facilities to affirm they would not be displacing others. She thinks the schools would be hard pressed to show otherwise.

Dolores Trujillo said this is still an increase without any NCLEX data.

Robin Nelson asked if the request could be reduced to 16 instead of 24.

Dolores Trujillo said she would prefer to defer until there is NCLEX data.

Reza Pejuhesh asked about confirmation from the clinical facilities.

Robin Nelson said that is required on the BRN form, EDP-P-18.

Loretta Melby said some facilities are not willing to sign the form. She also said that because the Board does not have any jurisdiction over facilities the Board cannot hold a facility to account for refusing to complete the form. She continued to say the program must show how the school works with the other programs in the area, yet the State Auditor said BRN could not reach out to other programs for letters of support or denial from other local programs because there was some confusion with that.

(See public comment after motion and second below.)

Additional Board discussion after the conclusion of public comments:

Robin Nelson said she was having trouble hearing Sigrid Sexton's comment about payment for placements.

Reza Pejuhesh said different people at facilities make decisions regarding placement.

Robin Nelson said she thought it was a pay for play comment which is not happening at CNI and she will reach out to Sigrid.

Elizabeth Woods asked if the issue is evening shift or in general the number of increases that people are concerned with.

Dolores Trujillo said both. Dolores Trujillo said other programs may be able to use the slots until the Board has data.

Loretta Melby asked for clarification on when the school comes back after a quarter or a year of data.

Dolores Trujillo is amenable to having a quarter's worth of data.

Mary Fagan is also good with one quarter.

Motion: Dolores Trujillo: Motion to defer the enrollment increase until the program has NCLEX scores for one quarter.

Second: Vicki Granowitz

11:36

Public Comment: Elizabeth Henderson, WisePlace with a local Santa Ana shelter for women experiencing homelessness: CNI has been coming to the shelter to lead health workshops that have been very impactful for the women served in the shelter. She commended the professionalism of the students. Discussion regarding menstrual health and heart health have been incredible.

Sigrid Sexton, Long Beach City College: She's a Board member for the consortium and said the email went to all programs. Facilities have different personnel dealing with clinical placements. There are different responses from these people. She said coordinators are being pressured by hospital executives to place private programs because they're getting money and donations. She said it can be challenging when students work and attend school full time.

Judy Corliss: She totally understands what the Board is going through to make these decisions. She said many schools are using more hours than required by the Board. She said if the students

were doing closer to the 500 hours, then it would be more consistent and a more even playing field. Loretta Melby spoke about yesterday's program changes to accommodate the clinicals.

Mary Wickman, faculty emerita from Vanguard University: She has had a longstanding relationship with CNI and worked with them on their original proposal. She's had a working relationship with Robin Nelson through CCN. She has worked collegially with faculty and clinical placements. She supports the request.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

***Lunch Break started at 11:53 am with return at 12:45 pm
Quorum re-established at 12:46 pm***

12:46

8.2.8 Marsha Fuerst School of Nursing Associate Degree Nursing Program (addition of a new campus or location) (16 CCR § 1432)

Board Discussion: Patricia Wynne would like the school to address the attrition rate which is higher than she's seen.

Gloria Blatti, school representative, said more students had to drop out due to COVID-19 or a family member becoming ill. Many of those students returned and completed the program. She explained the diversity of the students. They have a large LVN program in Riverside, but it is too far away. She said 25% of LVNs live in the area of the new campus. She said the Riverside hospitals are impacted so they went outside of those.

Patricia Wynne asked how long the program is.

Gloria Blatti said about 21-22 months depending on prior college credits for basic sciences.

Patricia Wynne said the cost is almost \$80,000 and asked how many semesters.

Gloria Blatti said it's six semesters. She said they have the RN to BSN that costs \$7,500. If the student takes the ADN and continues into the BSN, then it would cost \$87,500 which is reasonable for a BSN. They're trying to get students to stay in the area after they complete the program.

Dolores Trujillo asked Loretta Melby if this is an impacted area.

Loretta Melby said it is in the vicinity of impacted areas. She expanded on data for the surrounding areas.

Dolores Trujillo asked if this increase would be 675 students per year.

Mary Ann McCarthy said this is a new campus but with all five that would be correct.

Mitchell Fuerst, president of program, said the information provided by Loretta Melby is a bit cloudy because Riverside is one of the largest counties in the entire United States both by population and by area. They've been in the Riverside area for 20 years, which speaks for itself; their LVN alumni and the Riverside area are clamoring for the opportunity to enroll in this new program. The student population is primarily minority, and the school has the resources to add this campus location. He said Dolores Trujillo mentioned earlier today, "why not Riverside?" and they agree with her. Their college was founded by his mother in 1966.

Dolores Trujillo brought up an issue made in comment that Marsha Fuerst in San Diego had squeezed out part of a community college's cohort for clinicals.

Mr. Fuerst said that is not true. They have done research and everything they were supposed to with the consortium to obtain clinicals.

Gloria Blatti said she is serious about not displacing any students when they obtain their clinicals.

Loretta Melby asked Gloria Blatti to reach out to Samantha Gerard, Dean of Nursing at Southwestern College in Chula Vista so there aren't schools accusing one another of lying.

Gloria Blatti agreed to do this.

Mary Fagan found the information about LVNs becoming RNs and that the applicants are already proven, and have clinical experience, and would be good to have programs that focus on LVNs. Gloria Blatti mentioned obtaining the BSN for \$7,500 and Mary Fagan said that is amazing.

Loretta Melby said all approved ADN programs must have LVN advanced placement and 30-unit options to be approved.

Mary Fagan asked if data could be provided to show what percentage of students are LVNs in each program.

David Lollar asked about the drop in NCLEX pass rates this year. Gloria said they accepted a few students from programs that were closing and took on the other programs' pass rates too.

Mary Ann McCarthy said there is two years of data as well as one quarter for 2022/2023.

Vicki Granowitz is most interested in capacity and what regions can bear. She said that would be most helpful for her to decide.

Loretta Melby said there could be other programs online to comment about this.

Mary Fagan said the HCAI data shows the region is not impacted.

Vicki Granowitz asked if these students would be taking from other programs.

Mitchell Fuerst said there are 17 acute care facilities in the region.

Gloria Blatti added that there is a lot of untapped capacity in the area which is why they went there. It isn't the most convenient area, but the capacity is there.

Motion: Elizabeth Woods: Motion to approve substantive changes to an approved program – Marsha Fuerst School of Nursing, Associate Degree Nursing Program addition of a new campus or location.

Second: Mary Fagan

1:20 **Public Comment: David Cooke:** He worked diligently with the school at the local facilities to accommodate the requests for students. He works with many schools who have been very creative and willing to take clinical hours that are less traditional. They have 500 nursing positions that could be filled.

Loretta Melby discussed data she found on the Board's website regarding displacement but could not get the specific region in question.

Mary Fagan asked where the data is located.

Loretta Melby said it can be found at the right-hand side – BRN School Survey Interactive Dashboard to locate information that can be further filtered.

Andrew John, Exec VP for Adventist Health: They serve the western US operating safety net hospitals and clinics across California in 70 communities. He met with Secretary Mark Ghaly and provided him with data showing hiring and vacancy rates at their facilities. They have 900 vacant nursing positions. They have 837 contract nurses not filled from out-of-state agencies. He is also contacting other countries to fill their vacancies. They spent \$17 million on agency nursing labor, and it is not a sustainable model because of the workforce. He's been listening to the tone and tenor and thinks the Board is getting it wrong. Trying to meet the need for registered nurse demand by 2037 is not acceptable.

Michelle Jackson, Adventist Health Glendale: Stated they've been working with Marsha Fuerst on their Pipeline program for the past two years to fill the needs of staffing shortages. This is a wonderful program because the students start their clinical rotations with them and continue on until the end. They are easily absorbed in the system because they know documentation and their policies and procedures. It is a wonderful partnership between them and Gloria and Mitchell who follow up regularly. She said this is a private school but unlike any others she's worked with. She said it is not a mill. She said many are CNAs, surgical techs and LVNs. She thanks the Board for their consideration of the school.

Sarah Fry, Dean of Nursing, College of the Desert: Said she works with several schools to create a calendar to utilize clinical placements for all the schools in the valley. She is very concerned with Desert Regional approving another nursing program when their schedule shows the clinicals are full. She's texting with Desert Regional to see what's going on. She said the EDP-P-18 could be signed by anyone at the facility who may not be familiar with all placements. She said that some students drive over 100 miles which could be impacting other schools.

Gloria Blatti said the EDP-P-18 has very high numbers and she reconfirmed that the spots are available three times.

Baylor Meza: Stated the last two days has been quite enlightening with the balancing act of addressing workforce needs and not displacing other members of this community. He is the COO and

wants to reassure the audience this program has an excellent track record, and their facility will not be displacing any other schools. He said he will reach out to San Diego, so no one is displaced. He said he would collaborate with all the programs to meet the goals as well. This is one of the most affordable programs out there. He said they have an 18-year track record as one of the largest LVN programs in the city. They can provide data to support this.

Malik King, LVN, RN: Stated he attended a private step-up program. He welcomes the idea of having a private program with a way for LVNs to step up to RNs. He said it's a blessing for them to come to Riverside. He came from an underprivileged upbringing, and this opens up doors. He became an LVN when he was 19 and working with other LVNs and RNs inspired him to become an RN. He said he was sucked into the preschool to prison pipeline but was able to get his convictions expunged and dismissed and can go back into nursing. This will be a blessing for others with the pros outweighing the cons.

Dolores Trujillo read a comment from Sarah Fry, who spoke earlier, that said there is a nursing program on every floor at Desert Regional.

Mitchell Fuerst said they met with the CNO and Director of Education at the facility to ensure there was no displacement.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	N	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

1:49

8.2.9 Pacific Union College Associate Degree Nursing Program (enrollment increase) (16 CCR §§ 1426 & 1432)

Board Discussion: Dolores Trujillo and Elizabeth Woods discussed other programs located nearby.

Kimberly Dunker, school representative, said these students will not be serving Santa Rosa or Napa. They will be in the Sonora location. Modesto Junior College is the closest school and is 45 minutes to 1 hour away. She said this is a rural underserved area where they've agreed to bring the school to the area in need. She said they've tried to go where the need is great and gone away when the need has waned. They have a partnership with Adventist Health. It is

hoped that the students would be from the area and stay in the area.

Elizabeth Woods asked if any students would be from Napa. Kimberly said they would not be in Napa. She said they've been working with the Stockton campus who has a full education training facility. They will bring their staff in and recruit faculty in the area to mentor and train.

Mary Ann said this is a focused enrollment in Sonora of 18 students annually. Kimberly said that is correct. The main campus is in Angwin.

Elizabeth Woods asked what hospital they would be using. They'll be at Sonora Adventist Hospital. Pacific Union is an Adventist institution and has worked with other Adventist hospitals previously. They are in rural areas to try and work with students who live in the rural areas to stay and work there.

Motion: Dolores Trujillo: Motion to approve substantive changes to an approved program – Pacific Union College, Associate Degree Nursing Program enrollment increase of 18 students.

Second: Jovita Dominguez

2:03 **Public Comment for Agenda Item 8.2.9:** **Jennifer Diehl, HR Executive for Adventist Health:** There's only three ways to fill a position in Sonora and Tuolumne: hire away from a competitor, which isn't viable; relocate RNs to Tuolumne, which has been their primary strategy, but which does not last if they're from a large area; and the third option is to provide education and training to people who already live in the community they serve. They need at least 65 new nurses in the next 12 months. They work with their partner Columbia College to get 12 students annually. Many of those students are not from the area and return to their home area. Columbia College has provided a letter of support for this request. She listed others who support this request.

Gerry Hinayon, Acting Director at San Joaquin Delta College: There is a community college in Stockton with 240 students.

Andrew Jahn, Adventist Health: In full support of this unique private partnership between non-profits. There is a community need and long-standing relationship with Modesto Junior College and their clinical rotation program on their Columbia Campus at Sonora. This will be in addition to that relationship and not create any displacement. It will take unique partnerships to step in and fill the

void where the public sector is unable to meet the demand of the workforce.

Kara – Unable to unmute

Doris Tetz Carpenter (partner with Kara who cannot unmute her line) works at Adventist Health HR: Partnered with non-profit partner Pacific Union College to look at the needs they have and what’s very important to address the nursing capacity for clinical rotations, so folks do not have to leave the community in order to get rotations needed to become a RN. They will be able to provide the clinicals necessary to all existing partners. They are building clinical space. This will allow community members and staff to grow and stay in the local community.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

Break from 2:08 – 2:20

Quorum re-established at 2:20

2:21 **8.3 Discussion and possible action regarding a feasibility study for a new prelicensure nursing programs (16 CCR § 1421) (present)**
Loretta Melby provided background and explanation of the feasibility study process.

2:24 **8.3.1 Westcliff University Baccalaureate and Entry Level Master’s Degree Nursing Programs**

Board Discussion: Patricia Wynne asked about clinical hours for the ELM.

Mary Ann McCarthy said students go through pre-licensure then on to the masters and need clinicals.

Loretta Melby added more information to the explanation.

David Lollar clarified that the feasibility is not a self-study.

Loretta Melby explained that it’s a two-step process – the first step is the feasibility report that shows the organization can support a new nursing program and shows community impact. A self-study is the second step where they show they’re in compliance with all the rules and regulations. In the second phase they hire a nursing

director, faculty, create curriculum, and find a location. She gave a few different options of the outcomes.

Elizabeth Woods asked to hear from the program.

Diane Breckenridge, school representative, said they've been working very closely with the NEC and SNEC. She started a year and a half ago with Westcliff University to develop a pre-licensure program. It has been done in alignment with a plan articulated by the Executive Officer who was previously her NEC at another school. It has 18 credit units for clinical hours. She's been working with Orange County and Long Beach consortiums to ensure everyone has clinical placements.

Dolores Trujillo asked why this program is in Irvine.

Diane Breckenridge said Westcliff is in Irvine.

Dolores Trujillo said there are many other areas in California that are far less impacted.

Diane Breckenridge said they have a 30-year history with four other colleges with incredible outcomes.

Dr. Anthony Lee responded to the request about Irvine as the location. He explained that there is a lot of opportunity to serve students and they're trying their best to try to solve it.

Matt Hobbs, Strategic Initiatives, spoke about a law school and other program that were losing accreditation and he helped Westcliff save these programs.

Dr. Lee said they serve diverse students in the area. Dolores Trujillo is concerned with the clinical space limitations.

Diane Breckenridge said she has never displaced a student in any program in any state in her entire career. She said she has all the EDP forms completed. She said they will work with the consortiums to ensure no displacement. She explained they have strategies to teach students to become advance practice nurses and faculty.

Mary Fagan thinks the Board has heard enough information. She does not see how the Board can approve a new program when there were denials of enrollment increases for Stanbridge.

Motion: Mary Fagan: Motion to defer action on the feasibility study for a new prelicensure nursing program – Westcliff University baccalaureate and entry level master’s degree program; and they’re encouraged to come back to the Board once they have established another site.

Second: Dolores Trujillo

2:51 **Public Comment for Agenda Item 8.3.1: Mary Steckler, Santa Ana College:** Asks the Board to not approve the feasibility study. She said this will have an impact on Santa Ana and Saddleback. She is a member of the consortium and has only seen Diane Breckenridge there only today. Diane said she re-joined because Westcliff asked her to do so.

Miyo Minato: She was involved the process for new program approvals when she was a NEC. She said looking at sufficiency of resources should be done in the second phase at self-study. She said the institution has complied with all document requirements.

Judy Corliss: She worked with this program from the beginning and brought in Diane Breckenridge. She said she has been working with the Board for more than a year on this program. She said legal approved their BSN and ELM tracks. She does not understand how the Board can flatly deny a feasibility study and has not seen this before. She’s worked with Miyo since 2009 and agrees with her.

Loretta Melby provided information about a regulation change in CCR, title 16, section 1432 that became effective on January 1, 2023. Concern was raised about the proposed program hiring a director, faculty, and location without knowing if they would be approved to open. In consultation with the regulatory attorney, it was determined that this would be the time to make decisions about a proposed program so they would not make a substantial investment in a program that might not be approved by the Board.

Mary Fagan asked when a program could come back for reconsideration if it is denied. Loretta Melby said the Board can say they are not denying the feasibility of the program but possibly come back in a different location or community. They appear to have sufficient resources but maybe not in Irvine.

Diane Breckinridge appreciates the comments because they did not consider any other location due to Westcliff being in Irvine.

Loretta Melby said a written comment was made that the feasibility was submitted prior to the regulation change. Loretta Melby said the Board must follow the current regulation in effect.

Vote:

Vote:	DT	MF	EW	JD	PW	VG	DL
	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

3:09 **8.3.2** Lassen Community College Associate Degree Nursing Program

Board Discussion: Patricia Wynne asked if this program has clinical placements within 50 miles of the campus.

Christi Myers, school representative, said they have the polar opposite issue that every other program considered at today’s meeting. They have long-standing clinical agreements with every facility within their service area. They also work with the prison system at High Desert which has difficulty getting RNs to work there.

Elizabeth Woods asked the cost of the program. Christi said approximately \$8,000 for in-state students.

Motion: Mary Fagan: to approve feasibility study for a new prelicensure nursing program – Lassen Community College Associate Degree Nursing Program

Second: Vicki Granowitz

Public Comment for Agenda Item 8.3.2:

Kathy Hughes, SEIU – Said their community is very excited to have a new program north of Butte County where she lives.

Vote:

Vote:	DT	MF	EW	JD	PW	VG	DL
	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

3:18 **8.4 Information only:** NCLEX update

Board Discussion: No comments or questions.

**Public Comment for
Agenda Item 8.4:** No request for public comment.

3:18 **8.5 Information only:** Licensing Program update

Board Discussion: No comments or questions.

**Public Comment for
Agenda Item 8.5:** No request for public comment.

3:21 **9.0 Report of the Enforcement/Intervention Committee**

3:21 **9.1 Information only:** Enforcement and Investigations Unit Update

Board Discussion: No comments or questions.

Public Comment: No request for public comment.

3:24 **9.2 Discussion and possible action regarding appointment and
reappointment of Intervention Evaluation Committee (IEC)
members**

Name	Member Type	IEC	Type	Term Expiration
Humphrey Ogg	Nurse	2	New Appointment	6/30/2026
William Gould	Nurse	2	New Appointment	9/30/2025
Laura Thomas	Nurse	3	New Appointment	6/30/2026
Tanika Johnson	Nurse	4	New Appointment	6/30/2024
Scott Guenther	Nurse	7	New Appointment	6/30/2024
Kevin Vejar	Nurse	7	New Appointment	6/30/2024
Donna Palmer	Nurse	10	New Appointment	6/30/2025
Elizabeth Riley	Nurse	10	New Appointment	6/30/2024
Jane Newhard- Parks	Nurse	12	New Appointment	6/30/2025
Luann LaMay	Nurse	12	New Appointment	6/30/2025

Board Discussion: No comments or questions.

Motion: Patricia Wynne: Motion to accept the appointments of IEC members presented.

Second: Dolores Trujillo

**Public Comment for
Agenda Item 9.2: Malik King, RN:** Asked if these positions are paid. Shannon said they are per diem.

Reza Pejuhesh said they earn similar to the Board members which is negligible.

Vote:

	DT	MF	EW	JD	PW	VG	DL
Vote:	Y	Y	Y	Y	Y	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB						

Motion Passed

3:29

10.0

Report of the Legislative Committee

Legislative update and discussion of bills relevant to the Board from the 2023-2024 legislative session

DIRECT IMPACT BILLS

No direct impact bills were introduced by the agenda posting deadline.

INDIRECT IMPACT BILLS

1. Assembly Bill 365 (Aguiar-Curry): Medi-Cal: Diabetes Management
(No discussion)
2. Assembly Bill 269 (Berman): Public health: COVID-19-19 testing and dispensing sites

Board Discussion: No comments or questions

Motion: **Dolores Trujillo:** Motion to Watch

Second: **Patricia Wynne**

3. Senate Bill 2 (Portantino): Firearms
(No discussion)
4. Senate Bill 65 (Ochoa Bogh): Behavioral Health Continuum Infrastructure Program

Board Discussion: Elizabeth Woods asked if this is for both inpatient or outpatient services.

Marissa stated that it was both.

Motion: Dolores Trujillo: Motion to Support

Second: Patricia Wynne

5. Senate Bill 234 (Portantino and Umberg): Opioid antagonists: schools, college campuses, stadiums, concert venues, and amusement parks

Board Discussion: No comments or questions.

Motion: Dolores Trujillo: Motion to Support

Second: Mary Fagan

Vote for AB 269, SB 65, and SB 234:

Vote:	DT	MF	EW	JD	PW	VG	DL
	Y	Y	Y	Y	Y	Y	Y
<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

3:45 **Public Comment for Agenda Item 10.0:** **Trevor Smith:** Sated he is in southern California near the border with Mexico and where the opioid crisis is. Antagonists seem to be the best therapies and appreciates the Board watching these bills.

11.0 Closed Session

11.1 Disciplinary Matters

The Board convened in closed session pursuant to Government Code section 11126, subdivision (c)(3) to deliberate on disciplinary matters, including stipulations and proposed decisions.

3:51 **12.0 Adjourn**

Dolores Trujillo, President, adjourned the meeting at 3:51 p.m.

Submitted by:



Loretta Melby, MSN, RN
Executive Officer
California Board of Registered Nursing

Accepted by:



Dolores Trujillo, RN
President
California Board of Registered Nursing