

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

Date: November 15-16, 2023

Start Time: 9:00 a.m.

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

November 15, 2023 - 9:00 a.m. BRN Board Meeting

9:00 a.m.

1.0

Call to order/roll call/establishment of a quorum

Dolores Trujillo, RN, President, called the meeting to order at: 9:00 a.m. All members present. Quorum was established at 9:02 a.m.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC-Vice President
Alison Cormack, Public Member
Jovita Dominguez, BSN, RN
Vicki Granowitz, Public Member
Roi David Lollar, Public Member
Patricia “Tricia” Wynne, Esq., Public Member
Nilu Patel, DNAP, CRNA, APRN, FAANA

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

9:03 a.m.

2.0

General instructions for the format of a teleconference call

9:04 a.m.

3.0

Public comment for items not on the agenda; items for future agendas

**Public Comment for
Agenda Item 3.0:** No public comments.

9:06 a.m.

4.0

Review and vote on whether to approve previous meeting minutes

4.1 ➤ August 24-25, 2023

Board Discussion: No discussion on Agenda Item 4.1.

Motion: **Dolores Trujillo:** Motion to accept meeting minutes from August 24-25, 2023, and allow BRN staff to make non-substantive changes to correct name misspellings and/or typos that may be discovered in the document.

Second: **Alison Cormack**

Public Comment for Agenda Item 4.1: No public comments.

Vote:

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

Motion Passed

** Member Nilu Patel was appointed to the Board after the August 2023 meeting.*

9:13 a.m.

5.0

Report of the Administrative Committee

5.1 Executive Officer report

Board Discussion: Patricia Wynne asked Loretta Melby about the role BRN plays in faculty salaries for community colleges. Loretta Melby said that we need to stay separate because we are the licensing board. However, the Community College Chancellor’s Office is looking to adopt the BRN faculty approvals for RN nursing programs and not have a different approval process and I’ve been able to assist with that.

Dolores Trujillo asked what the role of HCAI is in looking at BRN licensing. Loretta Melby said DCA will be reporting out on this during the meeting because the BRN was granted money through DCA to work on access and workforce issues, but these newly hired individuals have not been processing applications in Licensing long enough to have concrete numbers to report out. DCA will provide a report at the conclusion of the project.

Public Comment for Agenda Item 5.1: Jenny Missies: Thanked Loretta Melby for speaking with the Chancellor’s Office on behalf of the faculty.

9:22 a.m.

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

5.3 Information only: 2018-2021 Strategic Plan and goal progression

Board Discussion: Dolores Trujillo said Agenda Items 5.2 and 5.3 will be presented concurrently, and public comments will be taken on both at the same time.

Alison Cormack appreciated the dates and highlights as they made reviewing the information much easier. She said anyone unfamiliar with nursing would not know much about all the acronyms used in the report and suggested that future reports spell out the acronyms. Additionally, Cormack asked what the top three projects were for the BRN.

Loretta Melby responded that the HCAI review could provide a lot of change within the licensing process. The IT updates will help automate some processes, which will also be helpful as the BRN is one of the largest boards in the state and largest nursing board in the country. EO Melby also shared various licensing statistics regarding the BRN. Lastly, she added that updating the website to share information and improving communication with stakeholders as to where information can be found will be a priority.

Alison Cormack appreciated Loretta Melby providing so many details regarding the BRN's future plans.

Mary Fagan thanked Loretta Melby and her team for all the progress made with the strategic plan. Mary Fagan asked about the LiveScan requirement for those endorsing to California and if applicants could do this out of state.

Loretta Melby stated that the BRN does not have any influence on this requirement. The California Department of Justice collects and processes applicants' fingerprints for the BRN.

Mary Fagan asked if this affects all boards.

Loretta Melby confirmed that all Boards within DCA have to deal with these same issues. Melby also provided that DCA identified this during the Enlighten Licensing Project (ELP) and is looking into the possibility of centralizing the hard-card fingerprint process for all boards and bureaus. Loretta Melby also explained the \$49 fee and the process involved.

Nilu Patel echoes the comments already made and asked about staffing levels to improve the licensing process for endorsement to

California. Patel further shared that she has heard it is difficult to contact anyone at the BRN.

Loretta Melby said it is difficult to contact the BRN by phone. She stated that BRN staff have run reports that show a person may clog the main line by calling the BRN using multiple devices, hoping to get a “call back.” This just further clogs that line making it more difficult for people to get through. EO Melby stressed the need for better communication with stakeholders. She also stated that most of the calls received are related to licensing and callers asking to have their application expedited. EO Melby believes that improving the licensing process to speed it up will decrease the number of calls to the BRN. Loretta Melby then said the BRN did not increase staff this year – in fact, it lost seven positions. A large proposal was done a few years ago where many positions were approved but the BRN was unable to recreate the data to provide this continued support and will look for additional ways to continue to improve its services. EO Melby went on to explain the Budget Change Proposal (BCP) process, and how the Nursing Education Consultants (NECs), by having noncompetitive wages, are hard to recruit, which provides the Board with a high vacancy rate, causing a major barrier to asking for additional positions.

Alison Cormack followed up on the issue regarding members of the public using multiple devices to contact the BRN – she asked if a chat feature is being used.

Loretta Melby said the BRN has explored using a Google bot, but its capability was limited at this point.

**Public Comment for
Agenda Item 5.2:**

Ron Ordon, CANP – Thanked Loretta Melby for the updates. He asked about the renewals for furnishing Schedule II controlled substances.

Loretta Melby said that if the Nurse Practitioner seeking furnishing authority completes the application that is referenced in regulations and provides the completed Advanced Pharmacology Course Verification form at time of license issuance, then an additional submission requesting Schedule II furnishing authority is not needed. Continuing education is now needed for all Schedule II renewals. She said language was updated on the website after working with the board’s Chief of Licensing and DCA Legal to reflect this update. Staff are working to clear out applicants who may be caught in a limbo and are utilizing the prior process to obtain the Schedule II furnishing authority.

Leslie Langley – She stated that she submitted a 103NP application and received information from the BRN that there is an issue but there is no way for her to fix the problem because she doesn't know where to go. She stated this has been going on since February and she's been sending emails and not received a reply. She wants to add her psychiatry specialty as well. The school sent her materials again and her application is now frozen.

Loretta Melby said she could reach out to Matthew Yeates via email and provided his email address.

Bobby Dalton G Roy – Stated that he is the Unit 21 Chairperson with SEIU 1000. He asked about Loretta Melby's comments regarding pay. He stated that he has grave concerns with lack of staff. He said they were able to get the NECs a 5% pay increase. He said the BRN could submit a compensation increase package to CalHR. Look at policy 1715.

10:10 a.m.

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

Board Discussion: Alison Cormack asked about the expense increase of \$5 million from the prior year to the current year.

Suzanne Balkis said a lot of it has to do with salary increases and that there are only three months of actuals so there are several projections included. The board is projecting filling vacant positions too.

Alison Cormack additionally asked when the \$65 million loan will be repaid.

Suzanne Balkis replied there is no projection of repayment.

Alison Cormack would like to see more details in the budget to have a better understanding of current and future expenses. She would like to see an agenda item to address this.

Loretta Melby said this would be the agenda item to do that.

Alison Cormack said she would like to see the major portions of expenses, how much is salary, how much is contracts, and whatever else there is. She asked about the source of funds and where revenue comes from. She would like some general information about changing fees.

Loretta Melby said revenue is completely from fees. She said fee changes come through regulatory or legislative changes. The BRN asked in sunset to remove the fee floors which was done last year. The BRN would be unable to lower fees without this change that was made January 1, 2023. She said desk audits and fee studies will be done related to adjusting fees. One fee being looked at is the PHN that was missed during the sunset update. There are other fees being looked at and the NPF and NMWF were removed by combining the applications which will cause a drop in revenue. The BRN is also looking at endorsement applications as that was brought up by DCA budgets due to the increase from 10,000 to 20,000 and now 40,000. This may be a COVID-19 effect so that is also being looked at.

Alison Cormack said this level of information is helpful.

Vicki Granowitz said this is a pretty basic financial statement for a high-level board meeting. She thinks that any fee changes should involve a board discussion and asked Alison Cormack what her thoughts are on this.

Suzanne Balkis said she would provide any information for Loretta Melby or the board. She only needs to know what is requested. Loretta Melby said this is an information only item so if there are any ideas, they can be sent to her via email to make the request to Suzanne Balkis.

Reza Pejuhesh said this is a forecast and is not sure if Alison Cormack's request would be to provide different information versus the high-level information presented today.

Mary Fagan asked if there is a target for the reserve.

Suzanne Balkis said between 6 and 24 months. She said there is no concern for the board right now.

10:26 a.m. Public Comment for Agenda Item 5.4: No public comments.

10:27 a.m. 5.5 Information only: Presentation by the National Council of State Boards of Nursing (NCSBN) on E-notify

Board Discussion: Mary Fagan asked how this information gets out to facilities.

Jason Schwartz, NCSBN presenter, said there is a lot of information on the NCSBN website, and he makes presentations regularly like this. He appreciates any type of promotion.

Mary Fagan thinks this is a tremendous opportunity.

Loretta Melby said she could share this information with the California Hospital Association.

Alison Cormack asked about the communication between BRN and NCSBN to ensure discipline information is shared timely.

Jason Schwartz said there are agreements with each board to get data anywhere in real time or one business day later.

Alison Cormack asked if this was bi-directional, and information is shared both ways.

Jason Schwartz said it is unidirectional in that a board shares the information with NCSBN and it is pushed out to subscribers.

Alison Cormack asked if there is anyone at BRN who works on this to pull information as needed.

Loretta Melby said this is a separate process that enforcement does when an accusation is filed, or disciplinary action is taken. It is updated in BreEZe and BreEZe communicates with NCSBN every night. The information the BRN gets is different from e-Notify because the BRN has a contract with NCSBN.

**Public Comment for
Agenda Item 5.5:**

No public comments.

10:54 a.m.

5.6 Information only: Presentation by the National Council of State Boards of Nursing (NCSBN) on the Impact of COVID-19 Pandemic on Nursing Education: A National Study of Prelicensure RN Programs

Board Discussion: Patricia Wynne said the information was very helpful, not only the issues but the solutions. She did not hear a role for the BRN in the solutions and asked if there was a role for the BRN.

Brenden Martin, NCSBN presenter, said the onus falls on employers to catch the new grads up on skills. He said some graduates had never inserted an IV or only have seen a video of someone doing it. The new grads need real resources brought to bear in terms of funding, training, and mentoring in the health care space. There is unprecedented information of these new grads leaving the profession. Brenden Martin went on to say when boards of nursing were early, clear, and proactive in disseminating guidance on what was permissible, they saw follow

through by the programs. When programs got guidance from a board, they took action accordingly.

Dolores Trujillo said the findings should help assist schools making plans should there ever be another pandemic.

Brenden Martin said this is the main reason he is making this presentation to many audiences.

David Lollar appreciates the deep dive into these studies, and asked if a study has been done on the financial impact of the universities when they crisscrossed and went almost directly to virtual simulations. Lollar went on to say that he wonders how much more profitable it is for the institutions compared to what it takes to do face-to-face clinical work and that he's also curious who is still doing it now when it is not necessary.

Brenden Martin replied they try to stay within their lane so he thinks AACN and those types of groups would be better at answering the question. The results highlighted that faculties were being asked to do more with less. Significant improvement was seen where additional training was given to faculty in the shortened timelines, but they did not look into how they saved money using the different modality. To get buy-in to this study, they told programs to do what they planned to do and rigorously document it. Very few restrictions were placed on programs. There were 51 programs across 27 states that participated. They would have liked to have more but these programs were volunteers who did more to provide this information to NCSBN.

Loretta Melby added more context and explained the importance of BRN working with the nursing programs to ensure education is delivered appropriately. She stated that she will reach out to Nancy Spector at NCSBN to make a presentation on the importance of BRN approval visits. She also spoke about the studies conducted by UCSF for the BRN. She spoke about the effect on NCLEX test pass rates lowering by about 6% during the pandemic.

Brenden Martin said that was outside the scope of this study but they did see a dip from about 85% to 80% and have seen a bit of a recovery, and are tracking this information diligently with the release of NextGen. Brenden Martin also said regulators can focus on retaining and supporting current nurses. He said there was no dip in numbers of nurses graduating during the pandemic. He said older nurses are leaving the workforce in droves. This makes it a difficult issue with new nurses coming in with a confidence deficit, with older, more knowledgeable nurses leaving.

Patricia Wynne asked about NCLEX scores related to this.

Loretta Melby said there is an upcoming agenda item about NCLEX.

Vicki Granowitz asked if there is an increase in disciplinary actions based on virtual training.

Brenden Martin said they are diligently looking at this as part of their analysis. They have not seen any kind of sharp inflection or spike associated with discipline yet. It's been a year since they stopped tracking some of these individuals. They continued to look at whether or not there are any discipline trends associated with this and haven't seen any correlation between the use of virtual simulation and increased discipline; but they would caution using that information because, since the review, it has been a very short timeline and the disciplinary process takes time, resources and requires the facility to report, and we know that is systemically underreported.

Alison Cormack would like to think about the life cycle of a nurse because we are now seeing the support that new nurses are likely to need from employers and that's probably not going to change given the level of anxiety in the general population going forward. She asked Loretta Melby how the NECs engage with the quality of online simulation with the education programs and best practices.

Loretta Melby said there is an agenda item coming up 7.2 to review established standards in simulation and aligning with that. There are plenty of established standards on nursing simulation. NCSBN has recommended them as well. The BRN regulations focus on direct patient care. NEWAC was tasked with making recommendations on simulation standards. Legislative staffers said they would write language for simulation but could not get people to agree on what standards to use. The NECs cannot review simulation standards as the BRN does not have regulations to do so..

Alison Cormack mentioned that nurses graduating without placing an IV is a little scare and asked specifically about California nursing education and if there are issues members of the public should be worried about

Loretta Melby said programs are not able to provide every experience to all students and are asked to provide comparable clinical experience from student to student. We license based on setting minimum standards and utilizing the NCLEX to ensure minimally competent safe practitioners and then the healthcare facilities define and monitor competence.

11:57 am **Public Comment for Agenda Item 5.6:** No public comments.

Lunch break from 11:59 – 12:45
Meeting reconvened – Quorum re-established at 12:47 pm

(Jovita Dominguez was not present upon reestablishing quorum, but rejoined the meeting during the discussion of agenda item 6.1)

12:47 p.m. **6.0 BRN future priorities and proposals for review and possible action**

6.1 Discussion and possible action regarding appointment by Board President of committee members and/or chairs, and approval by the Board

Board Discussion: Dolores Trujillo appointed Alison Cormack to Enforcement Intervention Committee and Nilu Patel to Legislative committee.

Public Comment for Agenda Item 6.1: No public comments.

Motion: Dolores Trujillo: To accept the appointment of Alison Cormack to the Enforcement Intervention Committee and Nilu Patel to the Legislative Committee

Second: Mary Fagan

Vote:

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

Motion Passed

12:50 pm **6.2 Discussion and possible action:** Election of Board President and Vice President

Board Discussion: Patricia Wynne would like to nominate Dolores Trujillo as the president. David Lollar seconded.

Patricia Wynne would like to nominate Mary Fagan as the Vice-President. Dolores Trujillo seconded.

Jovita Dominguez supports both of the nominees.

Motion for President: Patricia Wynne to nominate Dolores Trujillo as President.

Second: David Lollar

Motion for Vice President: Patricia Wynne to nominate Mary Fagan as Vice President.

Second: Dolores Trujillo

Public Comment for Agenda Item 6.2: No public comments.

Vote (for both motions):

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

Motions Passed

- 12:55 p.m. 7.0 **Report of the Nursing Practice Committee**
- 12:55 p.m. 7.1 **Information only – Advisory Committee updates:**
 - 1:03 p.m. 7.1.1 **Nurse Practitioner Advisory Committee (NPAC)**
 - Board Discussion:** Loretta Melby presented an update on this committee’s recent meeting.
 - 7.1.2 **Nurse-Midwifery Advisory Committee (NMAC)**
 - Board Discussion:** Did not meet since last board meeting due to quorum issue, therefore no update was provided.
 - 1:04 p.m. 7.1.3 **Clinical Nurse Specialist Advisory Committee (CNSAC)**
 - Board Discussion:** Loretta Melby discussed member appointments to this committee.
 - 1:05 p.m. 7.1.4 **Certified Registered Nurse Anesthetist Advisory Committee (CRNAAC)**
 - Board Discussion:** Loretta Melby asked for public member applications for this committee. Anyone interested can send an email to McCaulie Feusahrens, Chief of Licensing.

12:56 p.m.

7.1.5 Nursing Education and Workforce Advisory Committee (NEWAC)

Board Discussion: Loretta Melby presented an update on this committee's recent meeting.

Public Comment for Agenda Items 7.1.1

- 7.1.5: No public comments.

1:08 p.m.

7.2

Discussion and Possible Action: Recommendations from the Nursing Education and Workforce Advisory Committee on Simulation Standards.

Board Discussion: Mary Fagan asked what the processes are for endorsement of the simulation standards set by the Society for Simulation and Health Care.

Loretta Melby said there are individual processes by these private companies with guidelines that are published on their websites. There's training, certification and they contract with schools. They offer evidence-based scenarios. There is a lot of work involved with the debrief. It is individualized per the company you contract with.

Mary Fagan asked what the role is for BRN if the schools do not have the endorsement or accreditation to ensure they comply with evidence based best practices.

Loretta Melby said we look at the curriculum, syllabus, and course books. We look at the objectives and clinical evaluation tools. We look at sim labs, speak with instructors delivering sim, and ensure people are delivering content. Faculty must also be approved by BRN. We meet with students to get their feedback. We also speak with the clinical sites to see if students are getting faculty oversight and are competent.

Mary Fagan asked if the accreditation or endorsement is at the same level of rigor.

Loretta Melby said NECs go along with the accreditors to ensure the programs meet the California requirements.

Motion: Dolores Trujillo: Accept the recommendations on simulation standards from the Nursing Education and Workforce Advisory Committee.

Second: Jovita Dominguez

After motion/second, additional board discussion :

Reza Pejuhesh asked to clarify if the recommendation is to move this forward for staff to develop regulations.

Loretta Melby said not at this point.

Reza Pejuhesh asked if the motion is to give thumbs up to NEWAC to flush out implementation of this.

Loretta Melby and Dolores Trujillo agreed.

Jovita Dominguez asked if the simulation standards are based on COVID-19 but have changed since then.

Loretta Melby went into the requirements for each area of nursing care. She then explained the changes made due to COVID-19, including the various waivers made to accommodate educational requirements.

**Public Comment for
Agenda Item 7.2:**

No public comments.

Vote:

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

Motion Passed

1:36 p.m.

8.0

Report of the Education/Licensing Committee (ELC)

8.1 Discussion and possible action regarding ELC recommendations on consent agenda items

8.1.1 Discussion and possible action regarding board approval of ELC recommendation to approve minor curriculum revisions (16 CCR § 1426), acknowledge program progress reports (16 CCR § 1423), and accept clinical facility approvals (16 CCR § 1427) (consent) (schools under consideration are identified in meeting materials)

8.1.2 Discussion and possible action regarding board approval of ELC recommendations to grant (consent):

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

Shasta College Associate Degree Nursing Program
Yuba College Associate Degree Nursing Program

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

Cerritos College Associate Degree Nursing Program
Rio Hondo College Associate Degree Nursing Program
San Bernardino Valley College Associate Degree Nursing Program
Xavier College Associate Degree Nursing Program

Approve of clinical practice experience required for nurse practitioner students enrolled in non-California based nurse practitioner education programs (16 CCR § 1486)

Gonzaga University, Spokane, WA
University of Charleston, Charleston, WV
Wilmington University, New Castle, DE

8.2 Discussion and possible action regarding ELC recommendations related to continued approval status (BPC § 2788; 16 CCR §§ 1421, 1423 & 1431)

Continuing approval or other action for an approved nursing program on deferred action status

8.2.1 City College of San Francisco Associate Degree Nursing Program

8.2.2 Gurnick Academy of Medical Arts Fresno Associate Degree Nursing Program

8.2.3 Rio Hondo College Associate Degree Nursing Program

8.2.4 Cabrillo College Associate Degree Nursing Program

8.2.5 Career Care Institute Associate Degree of Nursing Program

8.2.6 San Francisco State University Baccalaureate and Entry Level Master's Degree Nursing Program

8.2.7 Mission College Associate Degree Nursing Program

8.3 Discussion and possible action regarding ELC recommendations related to substantive change requests (16 CCR §§ 1426 & 1432)

8.3.1 Cuesta College Associate Degree Nursing Program

8.3.2 San Joaquin Delta College Associate Degree Nursing Program

8.3.3 Pacific Union Associate Degree Nursing Program

8.3.4 Western University of Health Sciences

8.3.5 Sri Sai Krish Institute

8.4 Discussion and possible action regarding ELC recommendations related to initial self-study for new prelicensure program (BPC § 2788; 16 CCR §§ 1421 & 1423)

8.4.1 Lassen Community College

8.4.2 High Desert Medical College

8.4.3 United Nursing College Associate Degree Nursing Program

8.5 Discussion and possible action regarding ELC recommendations related to a feasibility study for new prelicensure nursing programs (16 CCR § 1421)

California Northstate University Baccalaureate Degree Nursing Program

**Board Discussion
for Agenda Items**

8.1-8.5: Mary Ann McCarthy said the ELC unanimously voted to recommend approval of agenda items 8.1-8.5, with 8.6-8.7 deferred to the full board meeting for consideration.

Alison Cormack asked about the agenda item numbers and what they encompass. Alison Cormack asked what items are included in consent.

Mary Ann McCarthy explained that the agenda items were discussed at length during ELC, and the AIS shows what the recommendations are from ELC to the board.

Alison Cormack said some of the included agenda items say consent, but others do not say consent. She said there are about 20 items.

Vicki Granowitz said none of the items were controversial.

Alison Cormack said she understands that but does not understand the numbering process.

Mary Ann McCarthy explained how agenda item 8.1 is for consent and read some of the information. She went on to explain some of the other agenda items below 8.1.

Reza Pejuhesh confirmed that agenda items from 8.1 to 8.5 include approximately 20 items. He said that it is proposed to consider these items this way for efficiency, but any board member can pull out any item for further discussion.

Alison Cormack said it is confusing to have consent and non-consent items from committee and different consent items at the board level.

Mary Ann McCarthy thanked Alison Cormack for her feedback and will look into it.

Vicki Granowitz explained that this is a standard consent agenda you see on board meetings. The committee hears everything and make recommendations to the board.

Loretta Melby gave additional information and context regarding the items on the agenda.

Motion for 8.1-8.5: Vicki Granowitz: Motion to accept recommendations of the Education/Licensing Committee for agenda items 8.1-8.5.

Second: Jovita Dominguez

Public Comment for Agenda Items 8.1-

8.5: No public comments.

Vote for Agenda Items 8.1-8.5:

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

Motion Passed

1:59 p.m.

8.6

Discussion and possible action regarding a feasibility study for new prelicensure nursing program

Homestead Schools Associate Degree Nursing Program

Board Discussion: Dolores Trujillo asked about region 8 being impacted.

Mary Ann McCarthy said it is Los Angeles.

Loretta Melby said there are additional details about region 8 in the meeting materials on page 152 about what programs exist and enrollment information for them.

Jovita Dominguez asked how this works.

Loretta Melby said starting a new program costs a lot of money and is why the BRN puts them through a two-step process of approval with the feasibility and self-study. If they get their feasibility approved then they can invest the money. She spoke about the difficulty of the LA region in obtaining clinical placements. She explained the financial commitment of finding a school location, hiring a program director, and developing a curriculum.

Jovita Dominguez asked if her understanding was correct that, if the board defers, the school doesn't have to give more money to start over in another region.

Loretta Melby explained what deferment means. She then gave an example of Westcliff University who came to the board this year in an impacted area, Irvine. The board said it does not accept nor deny the program, but suggested it look in another area that is less impacted. Westcliff came back to propose Corona instead of Irvine. Then the board approved the feasibility, and the school is moving into self-study. As soon as they meet all rules and regulations then they will start enrolling students.

Mary Ann McCarthy added that the NECs give a lot of education to the programs that come through this process because the schools assume paying the fee to the board guarantees they will be able to open a program.

Reza Pejuhesh spoke up about the suggestion from the board that a program locate in another area. The board is not in the position of steering where schools locate. The board is to consider the location of a program as part of the approval process in addition to all other program components necessary to operate.

Mary Ann McCarthy said the program has to go back and do research for a possible better location.

Reza Pejuhesh added that if the proposed location is suitable, then the board should be satisfied, and if not, then the board can recommend that the school go back and look at other suitable locations; but, it is not the board's authority to determine where the best location would be.

Loretta Melby said the board could deny a request based on the geographic location, but all other areas are acceptable. The program could go back and consider looking at this to see if they want to address the issue to gain approval from the board in the future.

Patricia Wynne saw the program is working with a consortium, so she is confused at the program finding 23 clinical placements but asking for 90 slots.

David Lollar had the same question as Patricia Wynne regarding placements. He spoke about the various areas in LA county as options for slots.

Alison Cormack is curious why the ELC deferred this to the board to help decide.

Dolores Trujillo said the location is in an impacted area.

Alison Cormack asked if it is the 23 versus the 90.

Patricia Wynne explained that the ELC was one member short when considering this item, and they did not want to make a decision with so much impact, thus decided to bring this program to the full board for consideration.

Alison Cormack asked to clarify that the concern is related to clinical placements or is there another concern.

Loretta Melby said there is concern about the impact on currently approved nursing programs. Students attending other approved programs could have difficulty completing their nursing education if there aren't enough clinical placements to support them.

Alison Cormack asked if the board should be looking at the dashboard and school survey list on clinical placements and adjust to the LA region.

Dolores Trujillo pointed to page 152 of the materials is a chart with Board enrollment decisions for that region.

Alison Cormack said there is a wealth of information on the dashboard. She wants to consider all the data.

Loretta Melby said Alison Cormack's point is accurate regarding the dashboard information. She said this is something that might be added for consideration going forward.

Vicki Granowitz, referring to page 154 of the materials, said there is mention regarding the need for nurses and projecting the need for 20,000 new nurses in the next six years. Even though that many nurses are needed the board still needs to consider the available resources for the students because we have a finite number of clinicals. The question we should ask is are we on track to meet the needs for nurses.

Loretta Melby spoke about the UCSF information that shows the BRN will meet the workforce needs by 2030. She spoke about the various regions and whether they will meet the need, and some will have an excess number of nurses that an article that Joanne Spetz was referenced in stated we can meet that need with 11,000 nurses graduating each year. She said the pipeline is good, but work will need to be done to retain the nurses.

Vicki Granowitz wanted to point out that she thinks the information is not being reported accurately by the schools.

Loretta Melby said the information in contained within the executive summaries are provided by the schools and the AIS is where the assigned NECs may share additional information or information that may conflict with the information that the schools submitted.

David Lollar spoke about the information discussed by Loretta Melby and whether or not there is a nursing shortage or a staffing crisis. He sees this area as already impacted and not helping the situation at all. He sees a nursing shortage illusion and the BRN cannot help with the staffing crisis.

Mary Fagan said there is a lot work needed for retention of nurses but hospital work is very hard and draining with the pandemic making it worse. She does not believe this is a quick fix. The national turnover rate is 20%. It is very hard to find people with experience to work in hospitals. She does not think there will be a surplus of nurses because

of how hard nurse work is. She said the issues are multi-faceted. She thinks more people will leave the workforce.

Loretta Melby believes the UCSF data keeps this in mind. It looks at age, retirement, workplace satisfaction, and still sees the numbers meeting the need. The enrollment growth approved in the last few years by the board will help meet the workforce needs. She gave some statistics showing the number of student slots approved by the board over the last four years. She said there should be about 1,499 students graduating this year and next year to join the workforce from 2021 approvals. Post COVID-19 the board has increased new student enrollments by almost 4,000 slots. Every enrollment increase was approved in 2021, 2022, and 2023. There was a reduced enrollment increase in Irvine due to available slots. Any deferred enrolments were for Santa Ana, Irvine, and Los Angeles due to clinical placements impacting existing nursing programs. She said the number of graduates will absolutely meet the need even with retirements.

Dolores Trujillo said for years, new grads had to go out of state because hospitals did away with new grad training. They hired travelers and cherry-picked nurses. Hospitals need to open up and start giving new grad training, so students don't have to move away for one year to gain experience. She said Kaiser in Northern California is not short on nurses and offers benefits for them. Hospitals need to look at new grads; she doesn't think they will leave if they are given the opportunity.

David Lollar thanked Dolores for her comments. He asked Mary Fagan why hospitals can't grow their capacities knowing this is a problem. He doesn't know how this works given he's not a nurse.

Mary Fagan said hospitals have opened up and are taking more new grads now. She said they have had to implement a two-week boot camp before orientation begins. Orientation is 16-18 weeks long but it's a lot of work training them for this length of time. An experienced nurse can orient in 6-8 weeks which is why they are recruited. She said once a new nurse gains two years' experience they can travel and are inclined to do so. She hopes hospitals can retain the nurses as she is getting ready to retire.

Mary Fagan said she missed the recent ELC meeting, but she doesn't see how we can approve this program when there were a few other programs that were also good and were denied.

Patricia Wynne thanked Dolores Trujillo and Mary Fagan for sharing their experiences with this in the real world.

Nilu Patel said in her experience at the UCs they've been very reluctant to hire new grads in recent years based on budget. She said UCSF had a hiring freeze due to budgetary constraints that they're just coming off of. She is seeing more and more hospitals opening up and hopes they can retain some of the people they trained, especially new grads. She said the preceptors are leaving so there aren't enough trainers and it's pretty messy right now. She said in her 30 years working they've always been in a shortage and thinks it will continue for quite some time. She said workplace violence is driving people out. The data says the shortage is shrinking but with a lot of nurses leaving she sees a lot of things the board may be able to address over time.

Loretta Melby spoke about the work the board has been doing to increase the workforce but those are just starting to come to fruition. She said the board approved four enrollment increases at today's meeting for an additional 106 students, three new nursing programs with 190 students on an annual basis, and another feasibility study with 90 students if they can come into compliance with the board's rules and regulations. 1,584 new nursing students have been added this year which is the highest over the past four years. It will take two to three years before these slots produce graduates that will be able to join the workforce.

Vicki Granowitz asked if public comment needs to be taken before making a motion.

Mary Ann McCarthy said the school representatives are available to take any questions.

Adel Blanco, school representative, came online to speak to the board.

Dolores Trujillo asked if the program would be willing to consider a different location that is not as impacted as region eight.

Adel Blanco said they would.

Dolores Trujillo suggested San Joaquin Valley, or Northern California.

Adel Blanco said they would consider Northern California and asked if they have to create another feasibility study and have to pay another \$40,000.

Mary Ann McCarthy said no other money would be required. She said they would continue working with their assigned NEC to adjust their feasibility study in a new region.

Adel Blanco appreciated the information.

Dolores Trujillo said the board looks forward to seeing the program with a new location.

Adel Blanco asked if there is a deadline to complete this.

Mary Ann McCarthy said there is no hard and fast deadline because the program will have to do research and look at other areas.

Adel Blanco thanked the board and ELC for their support. She said the request is for only 30 students and does not think this would impact other programs but if they move to another location, it will be better. She thanked her NEC, Donna Shipp for her help.

Patricia Wynne asked if the motion for this would be to deny and send them back to the drawing board and Dolores Trujillo agreed that would be it.

Mary Ann McCarthy said it would be to defer action like was done with Westcliff.

Motion: **Jovita Dominguez:** To defer action to allow the program, Homestead Schools Associate Degree Nursing Program, to come back at a later time when they have found a new location.

Second: **Dolores Trujillo**

After motion, before Public Comment, additional board discussion:
Alison Cormack is concerned with the motion including the “location.” She doesn’t want it to look like the board is telling a program where they can go. She is asking for the maker of the motion and seconder to modify the motion. She asks for assistance in the language.

Additional discussion took place between Loretta Melby, Reza Pejuhesh, Alison Cormack, and Dolores Trujillo.

Public Comment for Agenda Item 8.6: Dr. Linda Reed – she said she hasn’t heard anything about national accreditation or regional accreditation standards for employment post-graduation. The nursing shortage needs to be accurately identified and measured.

Vote:									
Vote:	DT	MF	JD	PW	VG	DL	AC	NP	

	Y	Y	Y	Y	Y	Y	Y	Y
	<u>Key:</u> Yes: Y No: N Abstain: A Absent for Vote: AB							

Motion Passed

3:15 p.m.

The Board took a break from 3:15 to 3:30 p.m.; meeting reconvened, quorum re-established at 3:31 p.m.

3:31 p.m.

8.7 Discussion and possible action regarding acceptance of substantive changes to an approved program, West Coast University Baccalaureate Degree Nursing Program (enrollment increase) (16 CCR § 1432), or action on continuing approval status (16 CCR §§ 1423 & 1423.2)

Board Discussion: Loretta Melby was asked by West Coast University (WCU) to read a statement that clarified a statement that she made in ELC.

Loretta Melby made comments that the Board’s ultimate decision on this enrollment increase, even if the decision is to deny their request in full or in part, will not have an adverse impact on currently enrolled WCU students and they will not be disenrolled. WCU must continue to follow the BRN’s laws and regulations.

At the conclusion of Mary Ann McCarthy’s agenda item presentation, Loretta Melby read Business and Professions Code section 2786.2(b)1. EO Melby said additional supplemental supporting information was posted to the website.

Patricia Wynne said this is a very difficult case and could be the most difficult one she’s seen in her Board career. She said WCU has shown a very troubling pattern of behavior over the course of a decade where they have not come in and asked for permission as they more than doubled their students. She believes this has definitely disadvantaged other programs because we see the areas they operate in are highly impacted. She questioned the Program Director at the ELC meeting and was told she had not heard any concerns about displacement. She does not think WCU has been communicating with the other programs. She was troubled by that and does not want to reward bad behavior. She feels the Board has to level the playing field and treat all of the colleges and universities and nursing programs equally. She was thinking of what is done with other programs where we would give them a period of time to come back into compliance and she doesn’t know what the right amount of time for that would be in this case. She is not inclined to give the school a break. She asked what other Board members thought.

Chiarina Piazza, school representative, began to address the comments of Patricia Wynne saying they have never been granted enrollment numbers and that there was no process in place prior to January 2023 to request enrollment numbers.

Patricia Wynne said every other program has come to the BRN to ask for enrollment increases and she is unsure why WCU does not understand this obligation.

Chiarina Piazza said she is not every other program director.

Nilu Patel spoke up to say that even though she is a new member she believes this is the time for the Board members to have a discussion before hearing from the program. The Board welcomes the school's comments but thinks the Board members should begin the discussion.

Loretta Melby said this is accurate and can answer any questions from the Board members.

Dolores Trujillo asked Patricia Wynne if she had any other comments and Patricia Wynne said she has said her piece for now.

Dolores Trujillo said she has a lot of concerns with this program and their locations. She is concerned with their locations being in impacted areas, attrition rates are very high, and while two campuses are meeting minimum NCLEX pass rates, there is one campus in non-compliance (North Hollywood). The board cannot approve an enrollment increase on this campus. She brought up the two court cases filed by WCU against the board regarding its enrollment numbers and asked for Board legal counsel to provide an explanation of those cases and the outcome for the board.

Reza Pejuhesh said there has been a long history with WCU and American Career College (ACC) challenging the board's ability to regulate enrollment. He stated that he cannot believe they did not understand they had an assigned enrollment number. He explained 16 CCR section 1432. He said most every other school understood the enrollment increase process with the board. He said section 1432 previously was not explicit regarding enrollment increases, though regulation of them was still within the board's authority. He said the Court of Appeal addressed the board's ability to regulate enrollment numbers. WCU contended that the board did not have the authority to control enrollment – the trial court disagreed with them. The Court of Appeal affirmed the decision of the trial court in a published decision that is binding law. The board has changed 16 CCR section 1432 to explicitly identify increases in enrollment as a substantive change that

requires prior board approval. The change in regulation took place January 1, 2023. WCU alleged that this change in regulation represented an admission by the board that it did not have the authority to regulate enrollment – the Court of Appeal rejected this argument from WCU.

Loretta Melby spoke about the updated statute referenced by Ms. Piazza that became effective in January 2023 that identifies what the board could consider regarding enrollment increases (BPC 2786.2(b)(1)(F)).

David Lollar asked about factors to consider including availability of clinical placements. He wonders about complaints that have been verified by the board from other people. He would like to know the process of verification. He asked about reviews of WCU on an official site like Grad Reports and whether that is considered by the board.

Loretta Melby said it could be but it's dependent on what the complaint is. Loretta Melby explained the process to review complaints. She said board staff have been in discussions with WCU for them to come into compliance, so they have submitted the enrollment increase request. WCU is starting out at 500 students at each campus which is what was approved by the board in 2013. She explained that previously board action letters were not specific but would have to go back to meeting minutes to verify what the board had approved. She explained the history of enrollment increases by WCU. Loretta Melby said WCU wants an increase of 1,800 students for a total of 3,300 students. WCU said they were submitting their enrollment information to UCSF in the annual school survey, so they thought they were in compliance with the enrollment increase requests. They were not following board process to get approval for enrollment. In 2018 and 2019 they came before the ELC, and those board members made clear that its expectation was for WCU to seek enrollment approval going through the substantive change process. It was outlined that they had six months to do so. The school's prior program director and current program director (who was serving as the assistant director during that time) included a statement on behalf of WCU to the board members at the meeting that there would be no further enrollment increase unless WCU received board approval; that held true for a few years up to 2020. Their enrollment was 175, five times a year until enrollment grew to 192, five times a year in 2021. Then they increased to 203 students, five times per year, and 205, five times a year, and now they are at 220, five times per year for 2023.

David Lollar thanked Loretta Melby for the information regarding the enrollment data.

Loretta Melby spoke about the enrollment numbers now, the impact to other programs, and to the students who are currently enrolled in WCU. She said there are 180 people watching the meeting and suggested going to public comment. Additional comments were made about the enrollment information.

David Lollar said none of this is the student's fault and hopes it is understood that no students would be thrown out of the program if they are already enrolled.

Loretta Melby said that was part of the opening statement. The board's decision does not affect current students.

Dolores Trujillo said that WCU, with this unauthorized enrollment increase, is utilizing clinical space that California Community Colleges (CCC) could use to expand their community college ADN programs. 28 community college ADN programs in the geographic area of WCU recently received CCC funding to either expand or retain program cohorts. In May 2023 CCC funded the expansion of ADN community college programs in BRN regions 7, 8, and 9 where WCU operates a minimum of 296 students. If this enrollment increase request is granted, southern California ADN programs will potentially not be able to place additional students in clinical slots and unable to expand their programs, wasting millions in public CCC funds meant to expand ADN programs. The WCU enrollment increases may also have a significant negative impact on pediatric clinical placements particularly in region 9 due to limited placements. She wanted to point this out because the board is looking at inequitable barriers to expansion of community colleges based on competition for clinical spaces.

Loretta Melby provided clarification that the Chancellor's Office put a call out for all areas of the state to grow or work on attrition if it is an issue. The schools would still have to follow the enrollment increase process. It would be difficult for the board to increase placements when the board has denied other requests due to clinical availability. The board would have to remain neutral and not consider whether a program is private or public. She sees many people in the public waiting to make a comment. She reiterated that the board cannot consider workforce data in this decision.

Nilu Patel thanks everyone for this information. She said it is the board's process to review the enrollment increases. She would like to hear from WCU about their enrollment increases of over 50% since 2013.

Scott Casanover, speaking on behalf of WCU said there were a number of data points that need clarification. He said there was no assigned enrollment number in the letters sent to the program in 2013. He said the school's assigned NEC said the school did not have an assigned enrollment number. But in 2018, ELC began approving enrollments then. The board did not take any action then nor in 2019 or 2020. He said the program reached out to the board to have a sit-down to discuss WCU enrollment. He wants to correct Reza Pejuhesh that WCU filed a writ petition to address their continued approval. He said they had been held in regulatory limbo for three years. He encourages everyone to read the decisions as they are publicly available. He said the judge said that if the school has the resources to support the increased enrollment and clinical opportunities throughout the region will not be adversely impacted, any decision to roll back enrollment would be arbitrary and capricious. He said WCU has never had an assigned enrollment number.

Reza Pejuhesh asked if the Board or assigned NEC know how many students WCU was proposing to enroll at that time.

Scott Casanover said the board recorded how many students were in the program, but if you look at the approval letter it says WCU is granted continuing approval without an assigned number. He said that the board minutes did not show what the enrollment numbers were during that period. He said they've identified 18 schools that have had a subset of change in enrollment over the last five years that the board has not taken action on. He said the board has that data, but it is not fair or accurate to say the board has consistently managed enrollment across nursing programs for the last ten years. The guidelines at issue weren't published until 2017.

Loretta Melby asked when the first lawsuit was final.

Scott Casanover said it was 2022.

Loretta Melby said that if the board was to approve the enrollment numbers in 2022, then it would not be the entirety of the 2023 numbers that are being considered today. She asked when the trial court litigation was finalized and Scott said it was 2021.

Scott Casanover discussed comments made by the AG representing the board in the 2021 lawsuit talking about the board approving the numbers at that time.

Loretta Melby said then the board would be considering the numbers from 2021. There was a conversation about what the correct numbers

are for 2021. 170 students, five times a year from June 26, 2018, until 2020. She discussed the language in the board action letters have been updated to be specific with the enrollment information. She said the defined enrollment numbers were included in the meeting materials and she was able to locate the data from 2013. A summary of the data she was able to locate by doing a document search is in the current agenda item summary. She pointed to page 161 with historical information for WCU with the board. Loretta Melby said LA and OC were approved first and Ontario was approved last. There were issues at the Ontario campus that needed to be brought into compliance before they were able to be brought in. Shelley Ward was the assigned NEC and she made note about this that was accepted by the board.

Dolores Trujillo spoke to Scott Casanover about the statement in the court case that if a nursing program seeks board approval for a significant change in enrollment when the program has the physical clinical and fiscal resources to support the increased enrollment is the statement that was brought up.

Scott Casanover said there are two statements. Dolores Trujillo said Scott left off the last part of the statement.

Dolores Trujillo was speaking about the court of appeals language and Scott Casanover was referencing the lower court decision.

Discussion between Scott Casanover, Loretta Melby, and Dolores Trujillo regarding enrollment approvals.

Scott Casanover said WCU is being treated differently from all other programs which is arbitrary and capricious.

Loretta Melby spoke about the guidelines that have been incorporated by reference into the BRN regulations. She also said she and the Chief of Licensing have been going through all the materials and matching them with the regulations to ensure any requirement of the board is not considered an underground regulation and can be associated with a regulatory requirement.

Loretta Melby and Scott Casanover spoke about the board not approving some school enrollment increases.

Loretta Melby spoke about the enrollment approval process over the years. She also spoke about the audit findings and recommendations.

Reza Pejuhezh spoke about hearing of other programs that did not go through the substantive change process. He does not know if WCU presented that as an argument during the court case. But it's pretty clear that at some point many years ago it became clear that there was a process for enrollment increases and if other schools did not go through this process is immaterial to WCU's request.

Scott Cassanover disagreed with this.

Dolores Trujillo said she would like to hear from the Board members.

Vicki Granowitz said the primary question is, is it possible for us to grant these requested numbers in an impacted area, with the NCLEX numbers they are showing, and with the other factors that have been brought up. She thinks we should do a motion because this is just going to end up back in court because whatever we do WCU will not be happy with us.

Reza Pejuhesh finished speaking about the enrollment increase process but said we need to complete the discussion with the board, hear public comment and whatever additional information WCU wishes to present.

Alison Cormack said she would like to focus on the data. She said she has not heard anything about adequacy of resources, faculty and equipment that concerns her. She wanted to know more about the adequacy of clinical placements. She referred to the dashboard and the LA area for 2019-2022. She read out a variety of data and said she had to put it in a spreadsheet to keep it clear. She said the numbers did not add up and asked Loretta Melby for clarification.

Loretta Melby explained successful completion and Title 4 funding's definition. She explained the formula to figure this out.

Alison Cormack said attrition rates are people who leave before the end of the program. She laid out the enrollment numbers for the last four years.

Mary Fagan asked about the summit that was brought together for the enrollment increase process.

Loretta Melby said it's on the BRN's website and is publicly available. Loretta Melby said the meetings were held between 2018 and 2019. She said the court of appeals decision focuses between 2016 and forward.

Mary Fagan asked about complaints.

Loretta Melby said some are still being looked into and some had no value, so they were not brought to the board. Some have been referred to appropriate agencies. Loretta Melby referenced the court of appeals document that says there were complaints that 20% of schools contacted said they were experiencing some displacement because of WCU. There are other complaints the board worked with faculty such as in 2018 that was brought to the board due to areas of non-compliance on a continuing approval visit. It was a faculty complaint that the faculty was not approved in the content areas they were teaching. There was a complaint in 2021 regarding telehealth when WCU provided multiple EDP-P-18s signed by the clinical provider with clinical information that were considered clinical slots and we later learned they were not legitimate clinical placements and were more like a standardized patient by providing nursing education to students and family members. A meeting was held with the program director, clinical placement coordinator and an audit was initiated into all telehealth approvals.

Chiarinna Piazza, school representative, asked to address the questions as they have been waiting patiently. She spoke about NCLEX and that they have enjoyed some of the best passing rates. They poured a great deal of resources into this. She thanked Alison Cormack for the detailed analysis. She said their faculty had to pivot and did an excellent job. All programs took a dip during COVID-19. Their most recent pass rate is 91.5% and current quarter is 93.6%. There has been a lot of reference to being out of compliance and LA may be but they are one institution with all locations and the lower rate is not published anywhere. She said there were stricter pandemic guidelines in North Hollywood that affected their clinical training. She said they are SSH certified. They were delayed bringing their students back on campus and they are at 86% now. They are back to face-to-face learning. She said their students demonstrated a lot of resilience. She spoke about retention and that they were consistently at 79%. She said this is because all other programs have far fewer students than they do. It is a misrepresentation to compare them to other schools because of this. They have over 90% retention rates. Within 90 days their graduates find jobs at \$100,000. Their loan default rate is at 0.0001%. Federal default rate is 0.0002%. She said its disconcerting that we are talking about this. She said they are aligned with all other programs. The access they provide is unparalleled. She introduced herself and said she's the program director. She's been a nurse for 28 years and has impacted a lot of lives in patient care. She said this is the most important moment in her life. She said many are watching and hope that this is resolved. There are thousands of staff

and students who are the heart of the organization. There are 70% who claim diversity, which she is one. Students come to WCU to avoid being placed on a wait list and could achieve the same stellar outcomes as their other graduates. She said they placed graduates at over 500 distinct employers. They are WASC and CCNE accredited. They are seeking CNEA accreditation. They have simulation accreditation as well. Their sim facility allows students to be continuously exposed to sim training. She's here on behalf of students and faculty. She asks the board to consider the thousands of possible students and wonders why WCU is treated differently than other programs. She asks that they not be penalized. She's concerned about access for other students. She thanked Loretta Melby for working with them. She also spoke about the collaboration for the data entry project in BreEZe because of their size. She asks to be increased from 205 to 220.

Loretta Melby said the board will be recessing the meeting soon and going into public comment tomorrow at 9 a.m. She knows there are many people that have been waiting all day for public comment. She referred the members to page 186 in the materials. She asked Reza what could be done given the board moderator has an appointment at 6 p.m. and was scheduled to be off at 5 p.m. Reza said he would like to know if the moderator could hand this off to another staff member.

The Board took a break from 5:24 p.m. – 5:39 p.m.

Meeting reconvened at 5:39 p.m. – Quorum re-established at 5:43 p.m. with David Lollar absent

**Public Comment for
Agenda Item 8.7:**

Brian Tran, clinical faculty member at WCU Anaheim – In support of this application. It is important to have a health care provider who comes from similar cultural backgrounds and can speak the native language. He's proud that they can have such a diverse background of students.

Girard Brogan, director of nursing practice of CNA – Asking the board not to approve WCU's increase request to protect the ability of CCUs to provide necessary clinical nursing programs presents a real danger to the ability of small community college programs and other public programs to provide high quality clinical education to their students. The growth of WCU without legally required authorization has had a negative impact on clinical education of other schools that provide an affordable pipeline. The school speaks of students from minority backgrounds but if they could go to a community college would not have thousands of dollars in student debt.

Rebekah Child – She fully appreciates the difficulty in going to the BRN to get an enrollment increase but WCU has consistently or frequently shown they don't want to play by the same rules that the other schools do. The reason applicants cannot get into other programs is because the programs cannot get clinical placements for additional students to attend their programs. She applauds the great sim lab but don't say you're doing a great service because you aren't playing by the same rules as all the other programs.

David Benavidez, non-profit helping under resourced neighborhoods – He said WCU has been a partner with them to bring some of their students to do health education in their community that was disproportionately impacted by covid. The volunteers have provided a lot of information that their community desperately needed. He looks for the board's support in this request.

Ema – represents the private ADN programs in southern California. She asks the BRN to consider the fact that WCU represents the increase in their number is going to cost clinical displacement for their students in the Antelope Valley. It's difficult to get clinical facility and WCU with a thousand placements especially in pediatrics will be a challenge for the other small programs. She is begging the board to consider them.

Paula Gomez – She is a graduate of WCU North Hollywood campus. She is asking the board to support this application so future students have an opportunity to become a nurse. She was inspired to nursing by the need for health care workers at their tribal community. She didn't want to wait on a wait list. It was a great experience even with the challenges of the pandemic she was offered jobs before she graduated at a level three trauma center.

Jessica Seanburg – She attended WCU North Hollywood campus and is asking for support for future students can achieve their dreams of becoming a nurse. She was born with pulmonary stenosis and a nurse saved her life by insisting the doctor that she needed critical immediate care and has lived with the scar and story of this nurse who advocated for her.

Shawna Jackson – She's a DNP FNP at Kaiser Permanente. She started her journey at ACC a sister school to WCU as a medical assistant. She attended the LVN program to ADN program. She is originally from Nicaragua. She moved to the US at age 8 and the inspiration to become a nurse was because of her father's untimely death when she was young.

End of public comment at 6:03 p.m.

6:03 p.m. 12.0 **Recess to November 16, 2023**

➤ Dolores Trujillo, President, recessed the meeting at 6:03 p.m.

Thursday, November 16, 2023 – 9:00 a.m. Board Meeting

9:00 a.m. 1.0 **Call to order, roll call, and establishment of a quorum**
Dolores Trujillo, RN, President, called the meeting to order at: 9:00 a.m. All members present. Quorum was established at 9:02 a.m.

Board Members: Dolores Trujillo, RN – President
Mary Fagan, PhD, RN, NEA-BC-Vice President
Alison Cormack, Public Member
Jovita Dominguez, BSN, RN
Vicki Granowitz, Public Member
Roi David Lollar, Public Member
Patricia “Tricia” Wynne, Esq., Public Member
Nilu Patel, Advance Practice Member

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

2.0 **General instructions for the format of a teleconference call**

3.0 **Continue with unfinished agenda items from August 24, 2023**
Loretta Melby read a statement to begin the meeting for agenda item 8.7.

9:07 a.m. **Continued Public Comment for Agenda Item 8.7:** Eileen Ricker – Senator, Scott Wilk’s chief of staff, Senate B&P – This roll has allowed him to have a deeper understanding of the challenges of nursing education and the nursing workforce in his district. He constantly hears from constituents, who are frustrated because they can’t get into nursing schools or find educational opportunities or slots to go into nursing to pursue those careers and on the flip of that he hears from hospitals in his district who are unable to fill empty slots they have because of lack of workforce.

Brendan Repicky, Assembly Member Cody Petri Norris, Legislative Director – Very familiar with WCU and nurses. (Could not hear him speak on webcast)

Jamie Ray – He and his twin brother went to WCU LA after being on waitlist. They graduated 10 years ago with BSN. He worked bedside in

Med Surg Orthopedics and is now the sim lab manager in North Hollywood and has been fully accredited by the Society of Sim in Healthcare.

Assemblyman Heath Flora – Stated he is in strong support of WCU's application.

WCU Ontario – Vivian, LVN case manager and student at WCU asking board to approve the application for WCU. She is an immigrant who came to US to make better decisions for self and family and reason why she chose WCU is she's a mom of 2 and WCU gave her opportunity to attend school and have better opportunities for herself and kids. She was waitlisted at Riverside and would like the board to approve the application for WCU.

Mona Clayton – RN with over 20 years' experience. She's CEO and founder of non-profit of the Nurse's Pub established in 2018. The goal is recruiting 100,000 future nurses into nursing community. Focus is on underserved community thirsty for learning. She seconds the comments of Charina and what they are attempting to do in terms of enrollment.

Griffin Bovee, Office of Asm. Kate Sanchez – Assemblywoman believes WCU has outstanding outcomes for students and its goal should not be limited. She supports the application for WCU.

Brendan Repicky, office of Asm. Cottie Petrie-Norris – Had microphone issues. She's familiar with WCU and supports their enrollment requests and respectfully asks the board to increase their enrollment.

Trisha Casab, RN executive for over 25 years – She transitioned to academia earlier this year to help mentor next generation of health care professionals. California has a nursing shortage and needs an additional 50,000 nurses today and will go up to 193,000 by 2030. She asks the board to approve this application.

George Butros, OC Business Council – They request support of this application. He spoke about the vacancy rate at hospitals reaching above 30%. The BRN should not reduce enrollment. The central plea is to maintain or increase enrollment levels in BSN programs.

Nam Tien, WCU OC – Student at WCU Anaheim. He's asking for support of WCU's application. He's a few months from graduation.

Julius Bernardo, WCU LA – Current student set to graduate in spring 2024. He asks support for this application to allow future students opportunities he had. He wants to follow in mother's footsteps. He speaks fluent conversational Spanish to assist his patients. Please approve this application.

Tammy Bathke, College of the Canyons – Their program has lost clinical sites to private nursing schools. She is speaking up against growth for WCU because of the vast cost of this private school and would like the BRN to continue to advocate for programs that provide quality education for – unable to hear her. Reza asked her to confirm comments.

Jenna, President of WCU LA – She was an engineering student when COVID-19 hit and was hospitalized. It was terrifying and with comfort and compassion received from nurses inspired her to take this path. She speaks tagalog and has cultural competency to help patients. Please approve the application so future students have the opportunity.

Daniel Conjurus, WCU Ontario – He was in the military, 8.5 years in Navy. He respectfully asks support for this application so more non-traditional students like him can have access to a nursing program.

Dr. Levi Harrison – Supporting WCUs application to expand. He's a practicing surgeon in LA. The pandemic showed the nursing shortage and increase in travel nurses. California spent \$2 billion for travel nurses.

Al Bonds, project director for California Association of African American Superintendents and Administrators – Speaking in support of WCUs application. Their students volunteer in their community health events to help underserved and low economic communities in LA.

Tammy Bathke – Nursing program director for College of the Canyons. They've lost clinical sites because of the private schools. She asks the BRN to continue to advocate for community college programs that provide quality education at an affordable price for diverse and lower social economic segment of society that might not have the opportunity.

Dr. Melanie Horn Mallers – She's a professor at local CSU. Her research is related to health. There is a regular pattern for non-profit CSUs are impacted by students who do not have the qualifications to get into the nursing program. The information heard yesterday was

anecdotal about WCU sabotaging possibilities for students to come out of community colleges.

Indiana McClellan – Making a comment about being displaced by WCU in several facilities in the area. WCU gets prioritized placement and take all the units and the other programs have no spots. She wants equity for all students to address the nursing shortage.

Michael Ashans, Mt. St. Mary's University – He agrees enrollments need to be increased however, he feels there is a bigger issue that's being missed about rules and processes, and he believes as institutions we need to set the example to individuals who attend their programs. This would set a precedent for other schools to engage in the same type of behavior.

Martha Dispota – Chief Nursing Executive at Kaiser Anaheim – She is very appreciative of the WCU students hired within their organization. She taught at WCU years ago and appreciates all they bring to their community.

Judy Corless, former BRN Board Member – She has been instrumental getting clinical sites for many schools during her tenure. They created the form that you cannot go to a clinical site and sign up a new school without a list of who all is there from each school. This was unknown before. The schools she's worked with do not displace anyone now.

Renee Switzer, RN in CA for 30 years – Spent last 15 working with WCU to help build clinical partner infrastructure. She thanks Alison Cormack for her desire to seek data to drive the board's decision. She says displacement and impaction are unsubstantiated by the board. There are no documented examples of WCU displacing other nursing programs. Clinical sites sign the form so there is no displacement.

Ryan Brem, WCU alumni – Speaks in support of WCU. As a RN he sees the plight of those making the case against WCU. He sees the issue lies more with incentive to hospital as a nurse working telemetry for 2.5 years. It's overwhelming to train student nurses. WCU is a phenomenal school with great outcomes. He supports WCUs application.

10:03 a.m.

Continued Board

Discussion:

Nilu Patel had questions regarding clinical sites. How many students are there per preceptor.

Chiarina Piazza (WCU Representative) said there is preceptorship that is different from clinical rotation which is done in the final term. She said it's a one to one. The clinical partners who host them dictate how many, where, etc. There is no ratio.

Katie Kay, VP of nursing academics at WCU working with staffing operations over 10 years. They aren't asking for more students than what are approved in the EDPs.

Mary Fagan appreciates Patricia Wynne's comments yesterday about how difficult this situation is. She finds it very difficult to believe that a program so well-funded with obviously competent team members and counsel was not aware of the requirement of the BRN to approve enrollment increases when hundreds of other programs have consistently complied with this regulation. WCU shared they thought they were complying and not being deceptive by reporting annual enrollment numbers to the board and heard there was confusion about the process addressed with guidelines issues by BRN in 2018. It leads her to think that there's a path to understanding how you got here for 2018 but despite an approved enrollment of 1,500 students WCU expanded to 2,550 in 2018 and 2019. After the guidelines clarified the process was WCU continued to increase and is now requesting enrollment for 3,300 which is 120% increase from the approved number. That's astronomical to the next closes program in California. The board has been denying or deferring requests for increases in the range of 30-120 due to clinical impaction in many more affordable programs is something she cannot support.

Dolores Trujillo spoke about the NCLEX scores for LA and that enrollment should remain at 100 students per enrollment cycle until an increase in the NCLEX scores comes out next year and is verified by the board.

Loretta Melby asked for clarification regarding the NCLEX scores and explained that the annual rate is not released until the end of June and that if the Board asks the school to come into compliance within 6 months they would not have the annual NCLEX pass rates by that time.

Reza Pejuhesh asked for confirmation of the second on the motion which was Alison Cormack.

Dolores Trujillo thanked the school for their comments.

Vicki Granowitz thanks Mary Fagan and Alison Cormack. She thinks there's a belief that the Board can increase enrollments without

consideration of the facts of supply of clinical placements and she doesn't know if the speakers from the Legislature know about the process the Board goes through and wonders if the staff could send letters explaining the process and justification for whatever motion is made. There are a limited number of placements, so the decision is not made "willy nilly" and based on something that's a hard stop for them.

Dolores Trujillo asked Loretta Melby if this could be done.

Loretta Melby said she believes so and it is consistent. There is talk about the enrollment numbers, per enrollment cycle, per campus and then cumulatively between all 3 campuses. This motion would be over a 50% increase from what WCU was previously approved for. However, it is important to understand that the Board will see this as an increase in enrollment, WCU will see it as an enrollment cut as it will be 50 students less per enrollment cycle, per campus, from what they currently have.

Mary Ann McCarthy asked if a letter could be sent based on Vicki Granowitz's request.

Reza Pejuhesh wants to clarify the request of Vicki Granowitz. She said legislators wrote letters and spoke who didn't seem to understand there are a finite number of placements so when decisions are made that is taken into consideration to help them understand the process. Reza Pejuhesh said communication from the board to legislators to help explain and help them understand how the board got there. He came back to the motion asking about the numbers based on 2018.

Mary Fagan explained there could have been confusion with the guidelines and what the process was that WCU reported their annual numbers but as of 2018 it should have been very, very clear what the process was and they needed to request enrollment increases which was also the inflection point when the program was growing and the performance on NCLEX pass rates was declining more so than what was happening in the state as a result of the pandemic. It felt that was a point to say you were performing well with 2,550 and did not understand the process but after that they should have known the process. Reza thanked Mary Fagan.

Reza Pejuhesh then asked about LA campus enrollment as part of the motion. He said Mary Fagan explained her rationale well, the board could consider putting the proposal today as a proposed action the board intends to take allowing the school up to 4 weeks to respond to it with an opportunity to communicate with the legislators between now

and the next board meeting it could be brought back for final ratification or revision depending on how the board wants to go as an option for moving forward with this.

Mary Fagan asked for information about programs requesting to expand or new programs continuing with feasibility studies. Would WCU be able to come back to request an enrollment increase. Loretta Melby said there is no limiting number or time period to request another enrollment increase. A program came in February 2023 and may have requested an increase the meeting prior. An enrollment increase is school led. There is an issue with when WCU considers a student a core nursing student. She said there are a plethora of students in year 1 waiting to get into year 2. The enrollment increase can be based on non-core nursing students working on pre-requisites. There are 50 students in year 1 caught in the transition from any reduction in the number of enrollments. She asks the board to allow 1 year to transition to a lower number to ensure they meet the core nursing student's needs.

Mary Fagan amended motion for program to come into compliance as 1 year instead of 6 months. Alison Cormack agreed to the motion modification.

Reza Pejuhesh clarified the motion: Approving the increase up to the amount that Mary Fagan stated with one year to come into compliance.

Jovita Dominguez asked about LA. Dolores Trujillo said it is considered and provisional. Loretta Melby said the one-year extension will also allow LA to have their annual NCLEX scores and it is expected they will be above 75% per Chiarina.

The Board took a break from 10:36 a.m. - 10:50 a.m.

Meeting reconvened at 10:51 a.m. – quorum re-established at 10:51 a.m.

Dolores Trujillo asked comments to be kept to the facts on the table and effects of the enrollment increase. We want to be mindful of public commenters.

Scott Casanover spoke about what was said during yesterday's meeting regarding enrollment at WCU and when what happened. He said a board member said we should look forward and not backward. He agrees with this sentiment. He said this enrollment request is different from any other request. The typical enrollment increase

requires a look at resources and other issues to ensure success. The board does not have to do that with this request because WCU has already demonstrated they do. No guessing is needed because they have shown they have all board requirements and meet standards of accreditors as well. He spoke about the four factors the board can look at when making this decision. The various letters of support from students and employers show their success. Any cuts in enrollment will effect the employers. He said the question is whether WCU has the ability and resources to educate and train 3,300 students. He said that if the board rolls back enrollment by 30% without basis will most likely result in another lawsuit. He said the statute requires the board identify what WCU does not meet to make the decision. He encourages the board to identify what regulatory requirement WCU does not meet to make the decision. He is happy the board is willing to reset the relationship with them. He spoke to Mary Fagan specifying the enrollment numbers in 2018 being clear he disagreed with this comment. He said a decision was not made at that time and the number that is identified is the 203 in 2021. He spoke again about the AG comment at the hearing in the lawsuit. He asks the board to consider that possibility.

Dolores Trujillo asks the dean to consider the public commenter's time as they wait to speak.

Chiarina Piazza appreciates the public commenters and believes the vote has already been cast for this item. She was surprised at how quickly the Board was able to consider the consent items yesterday and yet have devoted several hours to WCU. She believes the Board will not consider anything other than the four items in the statute to make a decision about WCU. She thinks there may be an issue that WCU has too many resources. She said the discussion about clinical impaction is innuendo. She spoke about a public commenter and Reza Pejuhesh trying to tie WCU as being the reason the speaker has students displaced and she said that was not the case, it was private institutions like WCU and not tied to fact. She knows business is done by building relationships. They have done this to build their clinical partners. They work all the time and when the partners ask for more nurses then they provide them. She said 2786 does not identify clinical displacement as a valid consideration. She said it's nuanced. She said they have more than enough for the 3,300 students. She said there is a clinical crosswalk placing every student. They work hard to not displace others. They want to be partners to providing others access to care. She said they take all the non-traditional shifts so other schools can come in. She spoke about the EDP form to validate clinical placements is useless but they continue to use them as required. They use an electronic placement system and consortiums so it shows they

don't displace others. They are not isolated working on their own and have a clinical placement team. They use a diverse clinical environment. If there is a school who is being displaced she invites them to contact her. She said Golden West reached out to her and made arrangements to each meet their needs. She invites any programs that are having issues with placement to contact her to discuss. She said the regional data is speculation and the board cannot utilize that data as a basis to make a decision. She said she does not know of any verified complaints with any accreditors or other agencies pending against them. She spoke about Yelp and Google and those reviews as a basis and the board could be concerned about their 1.5 star level because she has to answer questions about the slowness of the board. She spoke about the telehealth complaint discussed by Loretta Melby. She said Wayne Boyer, former WCU NEC, approved all of the telehealth and clinical placements. She said WCU does not utilize telehealth in that same manner because they are back in classrooms and clinical training. This is fully resolved and not a basis to deny the request. She said WCU is so big that they raised the average for NCLEX scores for California. She discussed all that goes into calculating NCLEX pass rates. She said LA is a subset of their whole and it dropped one time and can be explained. She said they lag behind because they came back face to face later than the other campus locations. She said fourth quarter is 93.6%. They are one institution and they have never dipped below 75%. She said the lowest was 81%. They use all the data to inform their curriculum and teaching methods. She takes pride in developing faculty for a variety of nursing programs. They want to be a great partner to the board. Despite comments made by Vicki Granowitz they don't want another lawsuit. At the end of the first lawsuit in 2021 it was clearest with 203 students per term. They have all the resources needed to meet that number. She said that would open up almost 300 clinical placements if that is the decision. She thanks the board for listening.

Dolores Trujillo provided clarification regarding the NCLEX scores that they have been declining over a period of time and the board is not looking only at if the scores are below 75%.

Katie Kay said she is an objective person. The sites are approved by the board, pass rates over 90% and aligned with the national average, attrition rates that meet and exceed accreditors, and no verified complaints. They are meeting the needs of the students at the 203 population discussed.

Chiarina Piazza asked if she could discuss the NCLEX issue. She discussed programs who have low NCLEX scores over periods of time where enrollments have not been reduced. She wants to ensure WCU

is not being treated differently than other nursing programs. Dolores Trujillo disagreed that WCU is being singled out and defers to Loretta Melby. Loretta Melby discussed enrollment increases as a substantive change request versus the NCLEX pass rate requirement. Test scores can be considered in the decision regarding substantive change requests. NCLEX pass rates are part of the continuing approval visit process and dealt with during that time. She invited Chiarina to discuss this for clarification. Chiarina said she may do this as she believes there is a program that was approved for an enrollment increase with low NCLEX scores.

Dolores Trujillo said a motion is on the floor and more public comment.

Motion Made, Additional Public Comment Taken: (11:41 a.m.)

Loretta Melby interjected saying the motion needs to be restated. Reza asked for the motion to be restated and asked if they would include the piece about the specific campus with the NCLEX issue be officially incorporated. If Mary Fagan and Alison Cormack wishes to incorporate that then the motion should be amended and whether the proposed action with the opportunity for WCU to respond within four weeks for board staff to issue a further response and ratification at next board meeting can be considered as well.

Mary Fagan asked what the impact would be of postponing this until the next meeting because she isn't clear on it.

Reza Pejuhesh said this could be a proposed decision soliciting responses from the parties. This does not have to be mandatory for WCU to respond but they would have the opportunity if they wish to and then give the board a similar possibility.

Loretta Melby said there is another option where there is a motion that negatively impacts the school. She said after public comment the motion and second and if the school has an issue with it then the school can request it be brought back before the board again. Schools have the opportunity to have a decision reconsidered by the board at any time.

Alison Cormack asked if this is a different process than the process where an applicant can return after an enrollment approval and request a subsequent one? It happened twice yesterday.

Loretta Melby said it is a different process outside of enrollment increase. She said at any point the board issues a motion a school can request the decision be reopened and believes it happened in June two years ago. The board reconsidered and reaffirmed their decision.

Alison Cormack wants to make sure there is a process that is fair.

Reza Pejuhesh said it sounds like the school is requesting another enrollment increase process.

Scott Casanover said there is no appeal process in the statute for this and the decision effects over 700 students.

Jovita Dominguez thinks this should be brought back to February because this would give more time for the board to think about it. She remembers it was a very hard decision to bring ELAC and stop enrollment. People don't understand unless they are in the area of service and community.

David Lollar disagrees with Jovita Dominguez to put this off until February. He also disagrees with this being a proposed motion to bring this back to another meeting because we've spent five hours combined over the last two days. The positions are clear and WCU has done a very good job in stating their position and he doesn't see how that's going to change between now and then and would like to go with Mary Fagan and take the vote.

Vicki Granowitz agrees with everything David Lollar said. She said it's clear WCU will consider a lawsuit and we've spent plenty of time on this. This is not the same situation as what Jovita Dominguez was talking about. She considers WCU lucky that Mary Fagan came up with this compromise because she was willing to vote to bring them back to the original numbers and it is a gift to have this compromise.

Nilu Patel wants to reiterate there is a process in place for the board to consider the over 100 schools. She read out some of the statutory requirements that have been addressed today and yesterday. She thinks the board needs to do its due diligence regarding clinical placement sites before making any decisions.

Dolores Trujillo asked if Reza had anything to add.

Reza Pejuhesh asked for Mary Fagan (motion) and Alison Cormack (second) to confirm their motion.

Loretta Melby said the comment made by Scott Casanover does not require the program to kick out 700 students immediately. It is not the intention of the board that this happens. The motion on the table is for future enrollments not current students at WCU.

Scott Casanover requested to clarify, and Dolores Trujillo requested Loretta Melby be able to finish speaking.

Loretta Melby spoke to the language referenced by WCU counsel regarding the AG language that they don't see any reason why the board would not grant full approval had a tentative ruling in March of 2021 as that point, per the timeline provided by WCU, they were enrolling less than 200 students, 107 was the language. If the board wishes to consider that they can.

Scott Casanover asked to clarify what was said and Dolores Trujillo interrupted but Loretta Melby asked that the legal counsel be able to speak.

Scott Casanover said there are 750 students enrolled in the program and getting ready to start in January whose lives will be impacted who will be told they cannot go to nursing school. Loretta Melby said the motion allows WCU one year to come into compliance. She believes legal counsel is missing the point. WCU can maintain current operating procedures until November 2024 and if enrollment cycle is starting in November 2024 then at that point you enroll 107 students.

Reza Pejuhesh said the school can speak up if there is still confusion with what Loretta Melby said because it is important and should be straightened out. It is true there is no appeal process. But the school can work with the NEC and request it be presented to the board as a pathway to potentially get in front of the board if the issue cannot be resolved. There is no explicit appeal remedy, but he hopes that clears it up.

Dolores Trujillo asked for any other board comments.

Mary Fagan appreciates comments about trying to get objective information about clinical placement availability. The board is really trying to understand the facts about what is available, and they believe the area is clinically impacted in region 7, 8, and 9. Decisions have been made denying enrollment growth and deferring people asking them to go to another area because of this belief. Maybe the new legislation where hospitals are going to have to report clinical placement availability might help. She asked when this goes into effect.

Loretta Melby said that was turned into a two-year bill and has not been passed yet. She said there's a possibility going forward but we have not heard any more. School pre-licensure data is collected and

updated on an annual basis that reports school clinical impact in various regions.

Discussion between Reza Pejuhesh, Loretta Melby, Mary Fagan, and Dolores Trujillo.

Alison Cormack was pleased to hear the applicant describe an interest in resetting the relationship. There were a lot of emotions yesterday that are understandable. It is understandable people feel strongly about this profession and all have been touched by it personally. We are not done with the effects of COVID-19 and wants to acknowledge and be sure she understands correctly that in event this motion is approved today the applicant could submit an application tomorrow with the number they're using in 2023 as a cohort. Loretta Melby said they could go the NEC to make the request and it would be reviewed. WCU would go to the next ELC after review is complete and follow up. Scott Casanover attempted to speak, and Alison Cormack asked to complete her comment. Alison Cormack wanted to address the allegation by the applicant that the vote had somehow been decided and was not sure who that was directed to, but she has never met the maker of the motion before she saw her yesterday and does not have contact information for her. She has never spoken with her except in the public forum starting yesterday.

***The Board took a break from 12:15 p.m. to 12:30 p.m.
Meeting reconvened at 12:30 p.m. – quorum re-established at 12:30 p.m.***

Alison Cormack said the board's job is to protect and maintain the public interest and it's in the public interest to end this long-standing dispute, if it is within our power. The board heard from the applicant of numbers closer to 200. Other board members are also uncomfortable with deciding today. She thinks it might be in the public's best interest if Vice President Fagan agrees to adjust the 170 number to a number that will unfortunately have to be fought over because she heard 192 and 197 and 203 which are cohort numbers for academic years 2020 and 2021.

Loretta Melby said she misspoke, and the number is 192. Loretta Melby said based on the timeline that starts at page 175 that says in August 2019, 170, August 2020 says 192, and 203 in August 2021.

Alison Cormack said we are all in agreement that it was 192. Loretta Melby and Alison Cormack discussed the calculations to be 192 per location, five times per year for a total of 2,880 students.

Mary Fagan thanked Alison Cormack for her work on this and amended the motion to read:

To approve the substantive change(s) requested by an approved program for an enrollment increase for WCU Baccalaureate Degree Nursing Program.

OC campus to enroll 192 students five times a year for an annual enrollment of 960 students.

Ontario campus to enroll 192 students five times a year for an annual enrollment of 960 students.

LA campus to enroll 192 students five times a year for an annual enrollment of 960 students.

Total program enrollment is 576 students five times a year for an annual program enrollment of 2,880 students. WCU will have one year to come into compliance (November 2024).

The LA campus will delay the implementation of this approved enrollment increase until its annual NCLEX pass rate is above 75%.

Patricia Wynne stated that she is upset with this program and how this has come about but appreciates Alison Cormack's comments and will support this motion.

11:29 a.m.

**Continued Public
Comment after
Motion:**

Loretta Melby read written comments for a public member unable to attend the meeting:

Deborah Giusto, Assistant Director of City College of San Francisco – For the past 2.5 years she was PD. WCU has an unauthorized enrollment increase and will have a negative impact on community colleges seeking clinical placements. This will have an impact on the communities they serve. I urge you not to approve an enrollment increase.

Webcast Public Comment:

Allen Perez – Assistant Director WCU, LA – When he first started, he was disheartened that there were very few people on campus after the pandemic. The faculty were online for three years and dejected and disconnected. They looked at the curriculum to make sure everything was being done. There is a content gap analysis that happens at the end of every term. They are taking steps to ensure students receive proper education and are well qualified to bridge the gap between theory and practice.

Mary Steckler, Santa Ana College – did not make the meeting yesterday. She said Dr. Piazza mentioned clinical placement is not an issue and she took that very hard because clinical placement is an issue. There is a difference between clinical placement and displacement. They have been having difficulty for the past three to four years with peds and OB placements. She has been on these calls many times and does not feel she's being heard. They have 600 people waiting to get into their program and they only have one application period to accept 60 in the spring.

Carmen Comsti, CNA – The motion before the board to bring WCU to its 2018 levels is reasonable, measured, and data supported with the exception appropriately identified by Dolores Trujillo that the LA campus must bring their NCLEX scores back up to board requirements. She urges the board to make clear that increases in the LA campus should be deferred until it can demonstrate minimum NCLEX requirements. Schools must not disregard the authority of the board to review enrollment increases and consider ongoing ability of California to educate appropriately.

Ima – She wants to thank Mary Fagan for analysis to clearly demonstrate where she stands on this issue. To say there's no displacement is not true. She is in Antelope Valley and students are displaced especially in pediatric clinicals. She said WCU

Samantha Girard, Southwest College – She's vehemently opposed to increasing WCU enrollment increase. She continues to receive rejections for student placements in San Diego County for peds, OB, psych, and now med surge across ally allied health programs. The system is busting at the seams. If they can't get placements in LA, they spread to San Diego.

12:38 p.m.
Web 4

Motion: Mary Fagan: Approve the substantive change(s) requested by an approved program for an enrollment increase for West Coast University Baccalaureate Degree Nursing Program at all three campuses with an enrollment pattern of:

- Orange County campus to enroll 192 students five times a year for an annual enrollment of 960 students.
- Ontario campus to enroll 192 students five times a year for an annual enrollment of 960 students.
- Los Angeles campus to enroll 192 students five times a year for an annual enrollment of 960 students.

Total program enrollment is 576 students five times a year for an annual program enrollment of 2,880 students. The Los Angeles campus will delay the implementation of this approved enrollment increase until its annual NCLEX pass rate is above 75%.

WCU will have one year to come into compliance (November 2024).

Second: Alison Cormack

12:47 p.m. Public Comment after amended Motion: No public comment.

Vote:

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

Motion Passed

**Break for Lunch at 12:49 p.m. to return at 1:30 p.m.
Meeting reconvened at 1:30 p.m. – quorum re-established at 1:31 p.m.**

- 1:31 p.m. 8.8 Information only:** NCLEX Update
- 8.9 Information Only:** Licensing Update

Board Discussion: No comments or questions.

Public Comment for Agenda Items 8.8 and 8.9: No public comments.

1:35 p.m. 9.0 Report of the Enforcement/Intervention Committee (EIC)

9.1 Information only: Enforcement and Investigation update

Board Discussion: Tim Buntjer said there was a data error on page 9 of the packet. The total case processing time average days to complete the current value that shows 287 days, the correct number is 657 days.

Patricia Wynne asked if there is anything in the report that stands out.

Tim Buntjer said there are no surprises. The discipline manager position that was vacant was recently filled. The Enforcement

management group is fully staffed. Nilu Patel asked why the error may have occurred because it is off by 400 days. Tim Buntjer said 287 is the volume of cases and the 657 is the aging value so it was a transposition of numbers.

Patricia Wynne asked if the 587, Tim Buntjer corrected to 657, is historically the high or on the low end for awhile.

Tim Buntjer said it's the average across all DCA. The goal is 540 but they are happy if it stays between 600 and 650.

Mary Fagan thought there was some charting previously provided to track the data and wondered where it is or what happened.

Tim Buntjer said this may have been done on annual basis and they have slimmed down the data provided. He said if the board would like more information, he will look into getting it. Mary Fagan would like the additional data.

**Public Comment for
Agenda Item 9.1**

No public comment done for this agenda item.

1:40 p.m.

9.2 Discussion and possible action regarding appointment of Intervention Evaluation Committee (IEC) members

Name	Member Type	IEC	Type	Term Expiration
Glenda Lando, RN	Nurse	1	New appointment	6/30/2025
David Granovetter, MD	Physician	1	New appointment	6/30/2025
Natalie Reinfeld, PsyD	Public	4	New appointment	6/30/2025
Richard Avila	Nurse	4	New appointment	6/30/2024
Jason Barrett, MD	Physician	5	New appointment	6/30/2025
Salma Khan, MD	Physician	11	New appointment	6/30/2024
Michelle Corcoran, RN	Nurse	11	New appointment	9/30/2027
Johathan Terry, DO	Physician	12	New appointment	6/30/2024

Board Discussion: Patricia Wynne congratulated Tim Buntjer on recruitment, and she understands all IECs are full.

Motion: **Patricia Wynne:** Motion to Accept appointment of Intervention Evaluation Committee members

Second: **Dolores Trujillo**

**Public Comment for
Agenda Items for**

9.1 and 9.2: No public comment.

Vote:

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

Motion Passed

1:45 p.m.

10.0

Report on Legislation

2023 Legislative Session Overview

Board Discussion: Alison Cormack asked about the two bills in a two-year status. AB 1028 and AB 1292.

Marissa Clark gave a summary of the language and proposed changes in AB 1292 and AB 1028.

Alison Cormack thanked Marissa for the clarification.

1:51 p.m.

**Public Comment for
10.0:**

Christine Christoph – She is unable to unmute. Moderator advised her to type her comment in the Q & A box. She asked about the previous motion in 9.2.

Reza Pejuhesh said the motion was to approve the nomination of individuals to the Intervention Evaluation Committees.

Another person wrote a comment about applying to be a content specialist. She said she never received a response. Loretta Melby said her email is on the website for comment requests.

A written comment asked about how to become a board member. Reza said board members are appointed by the Governor of California, Speaker of the California Assembly and President pro Tempore of the California State Senate and members can serve up to two terms consecutively.

1:59 p.m.

Webex will remain open, but meeting will adjourn to closed session.

Members will reconvene to adjourn meeting after closed session ends.

1:59 p.m.

11.0

Closed Session

11.1 Disciplinary Matters

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

11.2 Pending Litigation

The Board will convene in closed session pursuant to Government Code section 11126, subdivision (e), to discuss pending litigation:

Florentine Alexandrine Mbah Bikie v California Board of Registered Nursing, Superior Court of California, County of San Diego, Case Number: 37-2023-00030265-CU-PTCTL

3:51 p.m.

Reconvene to open session to adjourn meeting.

3:51 p.m.

12.0

Adjourn open session

➤ 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