



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

March 4, 2019

Advanced Medical School of Nursing, Owner
 Advanced Medical School of Nursing
 1760 Chester Drive
 Pittsburg, CA 94565

Date of Issuance	Citation Number	Institution Code
March 4, 2019	1819066	87487663

On January 24, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819066 (Citation) against Advanced Medical School of Nursing, Owner of Advanced Medical School of Nursing. In attendance were Beth Scott, Enforcement Chief; and Ike Muonekwu.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819066.

It is the decision of the Enforcement Chief that on February 12, 2019, Citation No. 1819066 is modified and makes the following change(s):

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	<p><u>AFFIRMED</u> <u>Violation</u> CEC Section 94910(f)(1)(2)(3). Minimum Requirements for School Performance Fact Sheet. <i>(f) All of the following:</i> <i>(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where he or she may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.</i> <i>(2) A statement informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by subdivision (b).</i> <i>(3) A statement informing the reader of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).</i></p>

	<p>On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution’s 2014/2015 School Performance Fact Sheet for each educational program to ensure conformity with minimum requirements of the Education Code and Regulations.</p> <p>The Institution failed to include the following statements: 1) informing the reader where he or she may obtain a description of the manner in which the completion rates, placement rates, license examination passage rates, and salary and wage information are calculated, 2) informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education, and 3) informing the reader of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosures</p> <p><u>Order of Abatement:</u> The Bureau orders the institution submit a written policy to the Bureau that ensures future compliance with CEC Section 94910(f)(1); (f)(2); (f)(3).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$50.00</u></p>
2.	<p><u>AFFIRMED</u> <u>Violation:</u> 5, CCR Section 74112(a). Uniform Data – Annual Report, Performance Fact Sheet. <i>(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared for each program.</i></p> <p>On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution’s 2014/2015 School Performance Fact Sheet for each educational program to ensure conformity with minimum requirements of the Education Code and Regulations. The Institution failed to prepare a 2014/2015 SPFS for its approved Home Health Aide program.</p> <p><u>Order of Abatement:</u> The Bureau orders that the institution submit a written policy to the Bureau that ensures future compliance with 5, CCR section 74112(a).</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$50.00</u></p>
3.	<p><u>AFFIEMED</u> <u>Violation:</u> 5, CCR Section 74112(d)(3). Uniform Data – Annual Report, Performance Fact Sheet. <i>d) In addition to the definitions contained in section 94928 of the Code:</i></p>

(3) "Gainfully Employed" means:

(A)(i) The graduate is employed in a job classification under the United States Department of Labor's Standard Occupational Classification codes, using the Detailed Occupation (six-digit) level, for which the institution has identified in its catalog and in its employment positions list required by section 94910(f)(2) of the Code that the program prepares its graduates; and

(ii) The graduate is employed in a single position or concurrent aggregated positions totaling at least 30 hours per week for 5 weeks (35 calendar days), or totaling at least 20 hours per week for 5 weeks (35 calendar days) with a statement signed by the graduate stating that he or she chose to seek part-time employment rather than fulltime employment after graduation; or

(B) The graduate is employed by the same employer that employed the graduate before enrollment, and any of the following conditions are met:

(i) the graduate is employed in an occupation with a different Detailed Occupation (six-digit) level Standard Occupational Classification code than applies to the position in which the graduate was employed before enrollment; or

(ii) the employer or the graduate provides a statement to the effect that the employment after graduation was the result of a promotion with increased pay, due at least in part to graduation from the program; or
(iii) the employer or the graduate provides a statement to the effect that the degree or the completed program was required as a condition of continued employment; or

(C) The graduate is self-employed or working freelance as reasonably evidenced by, but not limited to, a business license, fictitious business name statement, advertising (other than business cards), website, or business receipts or other evidence of income from business; or an attestation signed by the graduate of self-employment or freelance work and dated after graduation.

On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution's 2014/2015 School Performance Fact Sheet. The Institution 2014/2015 SPFS failed to include the "Gainfully Employed" definition.

Order of Abatement:

The Bureau orders that the institution submit a written policy to the Bureau that ensures that the SPFS will include the definitions and how the Institution will remain in compliance with 5, CCR section 74112(d)(3).

Assessment of Fine

The fine for this violation is \$50.00

4

AFFIRMED

Violation:

5, CCR Section 74112(h). Uniform Data – Annual Report, Performance Fact Sheet.

(h) Completion Rates. Reporting of completion rates for an institution's Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being

separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which are reporting 150% Completion Rate will provide four calendar years of data.

On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution's 2014/2015 School Performance Fact Sheet. The 2014/2015 SPFS failed to correctly report "On-Time Completion Rates" that reflect "Number of On-Time Graduates" divided by the "Number of Students Available for Graduation".

Order of Abatement:

The Bureau orders that the Institution submit a written policy to the Bureau that ensures future compliance with 5, CCR section 74112(h).

Assessment of Fine

The fine for this violation is \$50.00

5

AFFIRMED

Violation:

5, CCR Section 74112(i)(2)(4). Uniform Data – Annual Report, Performance Fact Sheet.

(i) Job Placement Rates.

(2) Placement is measured six months from the graduation date of each student. For programs that require passage of a licensing examination, placement shall be measured six months after the announcement of the examination results for the first examination available after a student completes an applicable educational program. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in subdivision (b) section 94842 of the Code, the graduates available for employment, graduates employed in the field and job placement rate(s).

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution's 2014/2015 School Performance Fact Sheet.

The Institution's 2014/2015 SPFS failed to report "Job Placement Rates" with "Graduates Employed in the Field" correctly reflecting the number of graduates employed in the field.

The Institution's 2014/2015 SPFS failed to report "Job Placement Rates" with the "Placement Rates" reflecting the number of "Graduates Employed in the Field" divided by the "Graduates Available for Employment".

Order of Abatement:

The Bureau orders that the institution submit a written policy to the Bureau that ensures future compliance with 5, CCR section 74112(i)(2)(4).

Assessment of Fine

The fine for this violation is \$50.00

6. **AFFIRMED**
Violation:
5, CCR Section 74112(k). Uniform Data – Annual Report, Performance Fact Sheet.
(k)Salary and Wage Information.
All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only.

On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution’s 2014/2015 School Performance Fact Sheet. The 2014/2015 SPFS for the Institution’s Certified Nursing Assistant Program did not correctly report Salary and Wage Information.

The Institution’s 2014/2015 SPFS failed to correctly report “Salary and Wage Information” with the “Graduates Employed in the Field”.

Order of Abatement:
The Bureau orders that the Institution submit a written policy to the Bureau that ensures future compliance with 5, CCR section 74112(k).

Assessment of Fine
The fine for this violation is **\$50.00**

7. **AFFIRMED**
Violation:
5, CCR Section 74112(l). Uniform Data – Annual Report, Performance Fact Sheet.
(l) Definitions. Definitions for all terms contained on the Performance Fact Sheet shall be included as part of the Performance Fact Sheet, in the same format as required in subdivision (a).
“Graduates Employed in the Field” means graduates who beginning within six months after a student completes the applicable educational program are gainfully employed, whose employment has been reported, and for whom the institution has documented verification of employment. For occupations for which the state requires passing an examination, the six months period begins after the announcement of the examination results for the first examination available after a student completes an applicable educational program.
“Salary” is as reported by graduate or graduate’s employee.

On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution’s 2014/2015 School Performance Fact Sheet. The Institution provided a 2014/2015 SPFS that did not include the complete “Graduates Employed in the Field” and “Salary” definition.

Order of Abatement:
The Bureau orders that the institution submit a written policy to the Bureau that ensures future compliance with 5, CCR section 74112(l).

Assessment of Fine
The fine for this violation is **\$50.00**

<p>8.</p>	<p><u>MODIFIED</u> <u>Violation:</u> 5, CCR Section 74112(m). Uniform Data – Annual Report, Performance Fact Sheet. <i>(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:</i> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i> <i>(3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;</i> <i>(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;</i> <i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i> <i>(6) a description of all attempts to contact each student. or employer;</i> <i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i> <i>(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and</i> <i>(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.</i></p> <p>On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution's 2014/2015 School Performance Fact Sheet. The Institution failed to provide the required data to substantiate the information reported on the School Performance Fact Sheet for the year 2014-2015.</p> <p><u>Order of Abatement:</u> The Bureau orders that the Institution submit a written policy to the Bureau that ensures future compliance with 5, CCR section 74112(m)(1-9).</p> <p><u>Reason for modification:</u> New substantive facts were presented at the conference.</p> <p>The administrative fine for this violation has been modified from \$5,000 to <u>\$600.00</u>.</p>
<p>9.</p>	<p><u>AFFIRMED</u> <u>Violation:</u> 5, CCR Section 74112(n). Uniform Data – Annual Report, Performance Fact Sheet. <i>(n) The institution shall provide on a separate document along with the Performance Fact Sheet the same cancellation disclosure as that which is required to be included with the enrollment agreement by Section 94911(e)(1) of the Code. The separate document shall be substantially the same size as the Performance</i></p>

Fact Sheet and shall be captioned "STUDENT'S RIGHT TO CANCEL" using bold 14 pt. type.

On November 28, 2017, an announced compliance inspection was conducted at the Institution. Bureau staff conducted a review of the Institution's 2014/2015 School Performance Fact Sheet. The Institution's 2014/2015 SPFS failed to include a separate attachment captioned "STUDENT'S RIGHT TO CANCEL" to provide the same cancellation disclosure that is required in the enrollment agreement, in violation of 5, CCR section 74112(n).

Order of Abatement:

The Bureau orders that the Institution submit a written policy to the Bureau that ensures future compliance with 5, CCR section 74112(n).

Assessment of Fine

The fine for this violation is \$50.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$1,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. You *do*, however, have the right to appeal this modified Citation through an Administrative Hearing, *only if* you initially requested one within 30 days from the issuance date of the original citation. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

If you do not wish to appeal this modified Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This modified Citation is effective on **March 4, 2019**. The order of abatement and payment are due by **April 3, 2019**.

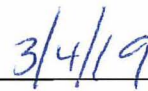
Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact Gurinder Sandhu, Citation Analyst, at (916) 431-6940 or at Gurinder.Sandhu@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Copy of Citation Order Number
- Withdrawal- Request for Administrative Hearing