



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

August 19, 2019

Careway Health Initiatives, Inc., Owner
 Careway Health Institute
 2081 Arena Blvd., Suite 260
 Sacramento, CA 95834

Date of Issuance	Citation Number	Institution Code
August 19, 2019	1819193	Unapproved

On June 19, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819193 (Citation) against Careway Health Initiatives, Inc., Owner of Careway Health Institute (Institution). In attendance were Yvette Johnson, Administration Chief and Romerico Foz, Owner.

Pursuant to Business and Professions Code, section 148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819193.

It is the decision of the Administration Chief that on August 9, 2019, Citation No. 1819193 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>Violation:</u></p> <p>CEC Section 94886. Approval to Operate Required "Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."</p> <p>CEC Section 94817.5. Approved to Operate or Approved "Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs."</p>

CEC Section 94868. To Offer to the Public

"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC Section 94869. To Operate

"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On February 23, 2015, the Bureau verified the Institution as exempt under CEC Section 94874(f). On January 1, 2019, that verification expired.

On March 6, 2019, Bureau staff contacted the Institution to inquire about the tuition cost of their Certified Hemodialysis Technician course. An Institution representative stated that the course is \$3,150.00 if paid in full or \$3,500.00 if paid in installments.

On March 14, 2019, Bureau staff reviewed the Institution's website www.carewayhealth.com and found that the following programs advertised to the public:

- Certified Hemodialysis Technician - tuition price not listed
- Certified Nursing Assistant (CNA) - \$1,250.00
- Acute Care Nursing Assistant (ACNA) - \$950.00
- Home Health Aide - \$500.00

The Institution is registered with the California Secretary of State as a "Post-Secondary Vocational School".

The Institution is offering an educational program to the public that costs between \$3,150.00 to \$3,500.00, which does not meet the exemption of CEC section 94874(f).

Order of Abatement:

The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC Section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including www.carewayhealth.com, and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau. The Institution must disconnect all telephone service numbers including, but not limited to, (916) 913-1827, that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926. The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine

The fine for this violation is \$5,000.00

The administrative fine for this violation is modified from \$5,000.00 to \$0.00

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$00.00

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.

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. 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.

EFFECTIVE DATE OF CITATION

This modified Citation is effective on **August 19, 2019**. The Order of Abatement is due by **September 18, 2019**.


Failure to abate the violation 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 Ray Delaney, Citation Analyst, at (916) 431-6946 or at Ray.Delaney@dca.ca.gov.



Christina Villanueva
Discipline Manager



Date

Enclosures

- Declaration of Service by Certified and First-Class Mail