



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Pacific College of Healthcare, Inc., Owner
California Healing Arts College
500 Carson Plaza Drive, Suite 103
Carson, CA 90746

INSTITUTION CODE: 1918181

CITATION NUMBER: 2021097

CITATION ISSUANCE/SERVICE DATE: September 24, 2020

DUE DATE: October 24, 2020

FINE AMOUNT: \$ 5,050.00

ORDER OF ABATEMENT INCLUDED: YES

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Pacific College of Healthcare, Inc., Owner of California Healing Arts College (Institution) located at, 500 Carson Plaza Drive, Suite 103, Carson, CA 90746, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) section 94936; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On May 20, 2019, the Bureau received a complaint alleging that the Institution did not inform students that the Surgical Technology Program was not accredited until after students began the program. The Institution's 2014 Catalog stated that the Surgical Technology Program was accredited, however, the program was not awarded the Certificate of Accreditation from the Accrediting Bureau of Health Education Schools (ABHES) until February 6, 2017.

Furthermore, the complaint alleges that Institution staff verbally assured students that upon completion of the Surgical Technology Program that they would be eligible to sit for the National Board of Surgical Technology and Surgical Assisting's (NBSTSA) Certified Surgical Technician (CST) Examination under the "grandfather clause" once the program became accredited. However, after applying to take NBSTSA's CST exam the student's application was denied as the program offered at the Institution did not meet the "grandfather clause" criteria as Institution staff had previously stated.

Through the course of the investigation and evidence obtained, the complaint was substantiated that the Institution provided misleading or untrue information regarding the Surgical Technology Program being accredited and the students' ability to sit for the NBSTSA's National CST Examination.

In addition, all institutions are required to submit a Student Tuition Recovery Fund (STRF) Assessment Reporting Form to the Bureau no later than the last day of the month following the close of the quarter.

Pursuant to CEC section 94923(a) The Student Tuition Recovery Fund relieves or mitigates economic loss suffered by a student while enrolled in an institution not exempt from this article pursuant to Article 4 (commencing with section 94874), who, at the time of his or her enrollment, was a California resident or was enrolled in a California residency program, prepaid tuition, and suffered economic loss.

The Bureau sends notifications/reminders to all approved institutions 30 days prior to close of each quarter.

As of September 24, 2020, the Institution has not submitted the STRF Assessment Reporting Forms for the 4th quarter of 2017, and 3rd quarter of 2019.

VIOLATION(S)

#	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>Violation: CEC Section 94987(j)(3) – Prohibited Business Practices <i>“(j) In any manner make an untrue or misleading change in, or untrue or misleading statement related to, a test score, grade or record of grades, attendance record, record indicating student completion, placement, employment, salaries, or financial information, including any of the following: (3) Any other record or document required by this chapter or by the bureau.”</i></p> <p style="color: red;">Bureau staff reviewed the Institution’s catalog and found that it contained incorrect information regarding the Surgical Technology Program. The Institution’s catalog, dated July 1, 2014 to December 31, 2014, stated that the Surgical Technology Program was accredited, however, the Institution’s Certificate of Accreditation from the Accrediting Bureau of Health Education Schools (ABHES) was dated as February 6, 2017.</p> <p style="color: red;">Furthermore, the Institution’s catalog, dated July 1, 2014 to December 31, 2014, includes a paragraph that states that upon completion of the Institution’s Surgical Technology Program students are eligible to sit for NBSTSA’s National CST Examination. However, students were unable to sit for the NBSTSA’s National CST examination due to the Institution not having accreditation until 2017.</p> <p>Assessment of Fine The fine for this violation is <u>\$5,000.00</u></p>
2.	<p>Violation: 5, CCR Section 76130 (a-e)– Collection and Submission of Assessments <i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments. (b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:</i></p>

(1) April 30 for the first quarter,
(2) July 31 for the second quarter,
(3) October 31 for the third quarter, and
(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.
If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.
(c) The STRF Assessment Reporting Form shall contain the following information:
(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and
(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and
(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and
(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and
(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and
(6) Current contact telephone number of the person preparing the form; and
(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.
(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.
(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

The Institution has failed to submit STRF Assessment Reporting Forms for the following quarters:

- Fourth Quarter of 2017; and
- Third Quarter of 2019

On January 2, 2018, the Institution was notified via mail at 500 Carson Plaza Drive, Suite 103, Carson, CA 90746, that the STRF Assessment Reporting Form for the 4th quarter of 2017 was due. As of September 24, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

On September 18, 2019, the Institution was notified via mail at 500 Carson Plaza Drive, Suite 103, Carson, CA 90746, that the STRF Assessment Reporting Form for the 3rd quarter of 2019 was due. As of September 24, 2020, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Forms with the STRF Assessments collected from students for the quarters listed above. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

Assessment of Fine

The fine for this violation is \$50.00

TOTAL ADMINISTRATIVE FINE DUE: \$5,050.00
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ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$5,050.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **Evidence of compliance with the order of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference **and/or** Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference **and/or** an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference **and/or** an administrative hearing is signed by you and delivered to the Bureau by **October 24, 2020**, you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **September 24, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **October 24, 2020**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this 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 Citation, or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“9/24/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail