



Transmitted by electronic mail only: [REDACTED]

May 26, 2022

ID#: I-368

[REDACTED]
President
Premiere Career College
12901 Ramona Boulevard
Irwindale, CA 91706

Dear [REDACTED]:

This letter is to inform you that the Commission has reviewed the institution's response to the show cause letter dated April 11, 2022. Based upon its review and notification from the California Board of Vocational Nursing and Psychiatric Technicians (BVNPT) that the Board revoked the provisional approval of the Premiere Career College Vocational Nursing-Diploma program and removed the program from its list of approved programs on February 18, 2022, the institution no longer complies with eligibility criterion, II.A.1.a.5, of the *Accreditation Manual*. Therefore, the Commission acted to **withdraw** the Vocational Nursing – Diploma program approval from the institution's grant of accreditation, subject to appeal in accordance with Chapter III, Section C, Subsection 6 of the *Accreditation Manual*.

The Commission further noted that the institution's response to the April 11, 2022, show cause letter, received on April 26, 2022, did not evidence compliance with the identified accreditation standards,¹ including IV.C. and IV.D. of the *Accreditation Manual* requiring that the on-site administrator exhibits effective management capability and integrity in the execution of their duties, and complies with regulatory requirements. Accordingly, the Commission has found reason **to expand the pending institutional show cause directive to include the specific compliance concerns set forth below and to direct the institution to demonstrate why its institutional accreditation should not be withdrawn.**

Procedural History

On February 25, 2022, ABHES was notified by the BVNPT that it had removed the provisional approval of the Vocational Nursing – Diploma program on February 18, 2022. In the letter to the institution,² the BVNPT stated it had considered the February 8, 2022, Nurse Education Consultant Report (NEC Report) and 1) Denied the institution's request to admit a full-time evening class of 30 students; 2) Revoked the provisional approval of Premier Career College's Vocational Nursing program, effective immediately; and 3) Removed the program from the Board's list of Approved Vocational Nursing Schools, effective immediately. The institution was directed not to continue conducting classes for the vocational nursing students and was provided a list of seven other institutions within an 11-mile radius that offered a vocational nursing program. A copy of the NEC Report was provided to ABHES by the BVNPT³, which indicated that the program had been placed on provisional approval for a two-year period beginning on February 21, 2020 due to non-

¹ See April 11, 2022 show cause letter.

² See February 18, 2022 BVNPT Letter to the institution.

³ See February 8, 2022 Nursing Education Consultant Report (NEC Report).

compliance with regulatory requirements relating to the violations identified during the investigation of a student complaint. ABHES has no evidence that the institution informed the Commission of the BVNPT's action to place the program on provisional status as it was required to do per Chapter III, Section B, Subsection C (i) of the ABHES *Accreditation Manual*. On February 25, 2022, ABHES sent an inquiry to the institution via email about the February 2022 BVNPT notification. On March 4, 2022, the institution responded to ABHES but failed to provide or detail any plan for assisting students to continue their education at either Premiere Career College or at another institution. On April 11, 2022, ABHES directed the institution to **show cause why its institutional accreditation should not be withdrawn**, which notice required the submission of teach out plans for all programs including evidence that current and potential students had been notified of the show cause action and the need for the institution to submit and maintain teach out plans. On May 5, 2022, ABHES was provided a copy of an *Accusation Report* from the Bureau of Private Postsecondary Education (BPPE), dated May 4, 2022, alleging three causes for disciplinary action. The *Accusation Report* forms the basis for BPPE's request to the California Department of Consumer Affairs to issue a decision to revoke the institution's approval to operate.⁴

The Commission is concerned that the findings of the NEC Report, and now of the BPPE, may reflect systemic non-compliance at the institution impacting other ABHES-approved programs. Accordingly, the institution is being provided another opportunity to respond to the specific areas of non-compliance described in this letter which are based on the standards set forth in the *Accreditation Manual*. This letter expands and refines the show-cause action first issued on April 11, 2022 and constitutes notice to the institution that absent corrective action and information by and from the institution that demonstrates compliance with the standards, its accreditation may be withdrawn as the Commission's next action.

Reasons for the Continued and Expanded Show Cause and Standards Related Directives

1. An institution must evidence that it is properly licensed, chartered or approved to provide education beyond the secondary level under the laws and regulations of the state(s) or territories in which it operates, including any regulatory oversight body approval required to operate specific programs (Chapter II, Section A, Subsection 1, (a), (5)); notification to ABHES is required for an adverse or probationary equivalent action placed upon an institution or program by a recognized accrediting agency, state approval agency, or federal regulatory agency (Chapter III, Section B, Subsection 4, Notifications); the on-site administrator demonstrates effective management capability (IV.C.1); and the on-site administrator and management demonstrate integrity in the execution of their duties (IV.C.3).

The institution did not provide, in its response to the April 11, 2022 show cause directive, an explanation or evidence of its administrative capacity, nor did it explain why it did not notify ABHES of the BVNPT decisions to place the vocational nursing program on provisional approval on February 21, 2020, or the revocation of its vocational nursing program approval on February 18, 2022.

Additionally, the BPPE *Accusation Report* dated May 4, 2022, indicated that the BPPE's investigator found that Premier Career College still had active student enrollments in its vocational nursing program of as of March 8, 2022, even though the institution was directed by the BVNPT to discontinue conducting vocational nursing courses on February 18, 2022.

The institution, therefore, is directed to submit sufficient information and documentation to demonstrate compliance with the standards, including, but not limited to, the following:

⁴ See May 4, 2022, Accusation Report filed by BPPE against Premier Career College.

- Response to the BPPE's *Accusation Report*, specifically the three causes for disciplinary action relative to the revocation of the vocational nursing program by BVNPT, failing to inform the BPPE of the BVNPT's actions, and enrolling students in the vocational nursing program who failed the TEAS entrance examination.
 - Status and outcome of the BPPE's Accusation Hearing upon its conclusion.
 - Explanation for why the institution did not follow the directive of the BVNPT to discontinue offering courses in the vocational nursing program.
 - Evidence the institution is properly licensed, chartered or approved to provide education beyond the secondary level under the laws and regulations of the state(s) or territories in which it operates, including any regulatory oversight body approval required to operate specific programs.
 - An administrative plan documenting how the on-site administrator is: (i) responsible for the daily operation of the institution; (ii) qualified to perform the duties of the position; (iii) engaged in professional development activities annually that complement the operations of the institution; and, (iv) implementing policies and procedures in keeping with the mission and scope of the institution, accreditation standards, and other regulatory requirements.
 - A current organizational chart as well as resumes and signed job descriptions for both the on-site administrator and each member of the institution's management team, appropriate to each position and as related to the responsibilities noted above.
 - Evidence that the institution demonstrates through the use of regularly administered surveys that students of each program are satisfied with the administrative and student services offered by the institution. Documentation must include copies of completed students surveys received between May 1, 2021, and April 30, 2022, along with a summary of the survey results by program.
2. An institution must submit a teach-out plan for review and approval upon the occurrence that the Commission issues a show cause action (Chapter III, Section A, Subsection 7, (i)); and, an institution complies with current applicable local, state, and federal laws (IV.D.1.).

In its response to the April 11, 2022, show cause, the institution indicated that it was unsuccessful in its attempts to establish a teach out agreement with another institution for its currently enrolled vocational nursing program students. The institution's response included a list of 55 vocational nursing students. Twenty-one (21) of those students were noted to be undecided on whether they would independently transfer to another vocational nursing program, and 6 students were noted to have pending enrollments at another institution.

In a letter from the BPPE to the institution,⁵ dated April 22, 2022, the BPPE confirmed receipt of communications from the institution that all classes of the vocational nursing program at Premier Career College had ceased and that no teach-out option was available to impacted students. The letter also referenced California Education Code (CEC) section 94927, Institutions in Default of Enrollment Agreement, which detailed institutional responsibilities and students' rights to financial relief in cases of program discontinuance prior to a student's completion of the educational program.

The institution, therefore, is directed to submit sufficient information and documentation to demonstrate compliance with the standards, including, but not limited to, the following:

- The transfer status as of June 17, 2022 of the 55 vocational nursing students listed in the table submitted to ABHES in its response on April 26, 2022.
- Copy of the institution's response to the BPPE letter dated April 22, 2022.

⁵ See April 22, 2022, letter from the BPPE to Premier Career College regarding CEC section 94927.

3. An institution has and uniformly applies a published cancellation and refund policy that complies with all applicable state, federal, and accrediting agency requirements (IV.F.3.a.); and an enrollment agreement and other enrollment documents fully and accurately provide required enrollment information that meets the requirements of Appendix D, Enrollment Agreements (IV.E.4.).

In its response to the April 11, 2022, show cause letter, the institution stated that it ceased offering vocational nursing courses and disbursement of Financial Student Aid (FSA) for current students on February 18, 2022. However, the BPPE *Accusation Report* dated May 4, 2022, indicated the BPPE investigator found that the school still had active vocational nursing program students as of March 8, 2022.

The institution further claimed in its response that it had communicated to students the loss of program approval and that it was unsuccessful in arranging a teach-out agreement with another institution. The notice stated that the school discontinued drawing Title IV funding and charging students on February 18, 2022, but there was no indication in the institution's response that it provided any refunds to students, nor did the response outline the process it had in place for students to seek a refund in an instance of a program termination as required by criterion (iii) of guideline of standard, IV.E.4.

The exhibits submitted with the institution's response listed unearned tuition and refunds due to the vocational nursing students. However, there was no corresponding information to explain the identified amounts, when the monies were refunded or were due to be refunded, and whether the refunds were being provided to the students directly or through a regulatory oversight agency.

The institution, therefore, is directed to submit sufficient information and documentation to demonstrate compliance with the standards, including, but not limited to, the following:

- Listing of current student enrollments by program, including the 55 vocational nursing program students.
 - Copies of executed enrollment agreements or other enrollment documents for each student listed above that evidence that the institution furnished enrollment agreements and other enrollment documents that included the institution's policies and procedures regarding notification and procedures for program termination.
 - An update regarding the financial responsibilities of the 55 vocational nursing students and evidence of any refunds the institution issued to the students impacted by the discontinuation of the vocational nursing program.
4. The institution adheres to its admission policies and enrolls only students who can reasonably be expected to benefit from the instruction (V.D.1.).

In its response to the April 11, 2022, show cause letter, the institution stated that it ceased offering vocational nursing courses on February 18, 2022. However, the BPPE *Accusation Report* dated May 4, 2022, indicated the BPPE investigator found that the school still had active vocational nursing program students as of March 8, 2022, and found that 22 students had not passed admissions requirements relative to passing scores on the TEAS exam.

The institution, therefore, is directed to submit sufficient information and documentation to demonstrate compliance with the standard, including, but not limited to, the following:

- Explanation for why the institution enrolled students in the vocational nursing program who failed the TEAS entrance examination.
 - Admission requirements by program and evidence that the institution follows its published admission criteria for each student that enrolled between May 1, 2021 and April 30, 2022.
5. An institution or program receiving a show cause directive from the Commission must disclose this decision to all current and prospective students within seven business days of receipt (Chapter III, Section C, Subsection 5), and representations are accurate and ethical (IV.E.1).

In its response to the April 11, 2022, show cause letter, the institution stated it had communicated on March 30, 2022, to current vocational nursing students the loss of program approval by the BVNPT. The institution's response included a copy of the student disclosure notice from its website, but the disclosure was undated and no evidence was provided regarding when the disclosure occurred.

The institution, therefore, is directed to submit sufficient information and documentation to demonstrate compliance with the standards, including, but not limited to, the following:

- Evidence to show that the institution provided the March 30, 2022 disclosure to the current vocational nursing students regarding the loss of program approval and the date the disclosure was provided.
 - Evidence to show that the institution provided current and prospective students at the institution notice of the ABHES April 11, 2022 show cause action and the date of that notice.
6. External clinical experiences are available to serve the diverse needs of a program (V.B.4.a.); and a program has clinical experiences to meet its goals and objectives (V.B.4.b.). (All programs)

The NEC Report, indicates that in December 2019 students did not complete their clinical rotations and some students completed hours at an unapproved site, delaying scheduled graduation for seven weeks.

The institution, therefore, is directed to submit sufficient information and documentation to demonstrate compliance with the standards, including, but not limited to, the following:

- For all programs with external clinical experiences, a signed copy of the clinical site viability form for all sites currently in use. Documentation must include evidence that each viability form has been signed by an individual who meets the minimum qualifications of a program faculty member.
 - For all programs with external clinical experiences, a list of graduates from May 1, 2021 through April 30, 2022, along with evidence, such as approved timesheets, that the graduates completed all required hours in their clinical experiences.
7. Each student demonstrates the attainment of the required program competencies in order to successfully complete the program (V.D.2.a.) and students are apprised of their academic status throughout a course through continuous evaluation and review (V.D.2.b.) (All programs)

The NEC Report indicated that the program was subject to a NCLEX-PN Improvement Plan to increase pass rates. However, the report claims the institution's October 23, 2019 ATI policy was not fully implemented until the June 2, 2021 class start. The report further notes that the program's passage rates did not improve, instructors were not consistent in using ATI assessments, and instructors were not consistently reviewing missed concepts with students.

The institution, therefore, is directed to submit sufficient information and documentation to demonstrate compliance with the standards, including, but not limited to, the following:

- Lists of required program competencies for students to successfully complete each program.
- Evidence that students are being evaluated on competencies, such as samples of completed checklists, faculty assessments, exams, or other exercises.
- A narrative response describing the advising process for students who do not achieve competencies, along with evidence that the advising process has been implemented.

Appeal of Action, Notice of Intent to Appeal and Required Fees

If the institution wishes to appeal the action of the Commission to withdraw the approval of the vocational nursing program, it may do so by filing its intent to appeal the Commission action online via [DropBox Commission Responses](#) with file name, “*ABHES ID#_Intent_to_Appeal*,” for receipt by ABHES by **June 6, 2022**. A non-refundable \$5,000 appeal fee plus an Appeal Hearing expense deposit of \$10,000 are to be remitted to ABHES to accompany the statement of intent to appeal.

All fees are to be remitted electronically. Please contact the Accounting Department at accounting@abhes.org or (703) 917-9503 to obtain an invoice. The institution will be provided a summary of expenses following the appeal hearing and will be refunded or charged the difference from the \$10,000 deposit.

Written Statement of Grounds for Appeal

The *Written Statement of Grounds for Appeal*, including a cover letter, narrative, and exhibits, must be submitted to ABHES online via [DropBox Commission Responses](#) within 45 calendar days of the Commission action, July 11, 2022, in accordance with the instructions in *Preparing Your Response*. It is imperative that the file name include ABHES ID#, RSP to Feb 2022 Program Approval Withdrawal Letter - APPEAL, and date of submission (ex: I-100_RSP to Feb 2022 Withdrawal APPEAL Letter_42022). The institution should review carefully all procedures governing its appeal, in accordance with Chapter III, Section E, Subsection 3 of the *Accreditation Manual*. Note that the appeal is based upon the information available to the Commission at the time of its action. Unless specifically provided for in Chapter III, Section E, Subsection 3, (f), the Appeals Panel has no authority to consider evidence outside of the record reviewed by the Commission at its January 2022 meeting. The institution has the burden of demonstrating that the action of the Commission was not supported by the record or was otherwise erroneous.

In accordance with Chapter III, Section E, Subsection 3 of the *Accreditation Manual*, the institution retains its program approval status during any pending appeal.

Should the institution elect not to appeal, the decision to withdraw the program approval will be effective as of **June 6, 2022**. The institution may not reapply to ABHES for the same or a substantively similar program within one year from the effective date of withdrawal.

Required Submissions:

The institution is directed to submit the following:

1. Updated Teach-Out Plan and student disclosure

By **June 6, 2022**, the institution must submit, online via [DropBox Forms/Applications](#) its updated Teach-Out Plan for all currently approved programs, the corresponding *Teach-out Plan Form* (available for download from the ABHES website at <https://abhес.org/resources/#Forms>).

The institution must include in its submission evidence it has published a new student disclosure notice **within seven business days of the date of this letter** and that the notice is readily available to enrolled and prospective program students informing them of the Show Cause action as the reason the updated Teach-Out Plan is being required.⁶

2. Additional information regarding the standard-related directives

By **June 17, 2022**, the institution must submit, online via [DropBox Commission Responses](#), its response to the standard-related directives identified within this letter. The file name must include the ABHES ID#, RSP to Feb 2022 Show Cause Letter, and date of submission (ex: I-100_RSP to May 2022 SC Letter_72022).

Your submission must include a cover letter, narrative, exhibits and the completed “Notice for Commissioner Recusal” form (enclosed). Please refer to the ABHES [Preparing Your Response](#) Guide for instructions on organizing and finalizing your response.

The institution is advised that failure to respond per the requirements outlined within this letter by the due dates will result in a late-fee assessment in accordance with Appendix G of the *Accreditation Manual*.

Appearance

If, as part of its response to this directive, the institution wishes to appear before a panel of the Commission via teleconference, its request to appear must be submitted to ABHES online via [DropBox Commission Responses](#) by June 6 2022, and named "ABHES ID#_Request to Appear." A teleconference fee of \$2,000 will be assessed in accordance with Appendix G, Fees, of the *Accreditation Manual*. Payment of any fees are to be remitted electronically. Please contact the Accounting Department at accounting@abhес.org or (703) 917-9503 to obtain an invoice.

Disclosures

ABHES will not review, consider, or process substantive changes (as defined in III.B.2. of the *Accreditation Manual*) while the institution is under a show cause directive, unless the institution demonstrates that the substantive change is likely to resolve the show cause directive. An institution’s request for acceptance of the application must include justification for the change and its effect on the institution’s or program’s operation.

⁶ This disclosure is also required under 34 Code of Federal Regulations § 668.43(a) (19) which states: “If the institution is required to maintain a teach-out plan by its accrediting agency, notice that the institution is required to maintain such teach-out plan and the reason that the accrediting agency required such plan under § 602.24(c)(1). . .”

The U.S. Department of Education, the appropriate State licensing or authorizing agency, the appropriate accrediting agency, and the public have been notified of this action as required under 34 Code of Federal Regulations § 602.26 *et seq* and set forth in Chapter III of the *Accreditation Manual*.

If you have any questions concerning this correspondence, please contact staff liaison, Crystal Calarusse, at ccalarusse@abhes.org or at (571) 282-0061.

Sincerely,



India Y. Tips
Executive Director

Attachments: Notice for Commissioner Recusal
February 8, 2022, Nursing Education Consultant (NEC) Report
February 18, 2022, BVNPT Denial Letter
April 11, 2022, ABHES Show Cause Letter
April 22, 2022, BPPE letter to Premier Career College
May 4, 2022, Accusation Report filed by BPPE against Premier Career College

C: Herman Bounds, U.S. Department of Education
Debbie Cochrane, Bureau Chief, California Bureau for Private Postsecondary Education
Marie Cordeiro, Supervising Education Consultant, Board of Nursing and Psychiatric Technicians