



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
 P.O. Box 980818, West Sacramento, CA 95798-0818
 P (916) 431-6959 | Toll-Free (888) 370-7589 | www.bppe.ca.gov



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

April 25, 2019

Medical Career College of Northern California, Owner
 Medical Career College of Northern California
 7475 Kanai Avenue
 Citrus Heights, CA 95621

Date of Issuance	Citation Number	Institution Code
April 25, 2019	1819137	41462639

On April 3, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819137 (Citation) against Medical Career College of Northern California, Owner of Medical Career College of Northern California. In attendance were Beth Scott, Enforcement Chief; and Diane Morgan, Owner.

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. 1819137.

It is the decision of the Enforcement Chief that on April 12, 2019, Citation No. 1819137 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> 5, CCR Section 74112(a) Uniform Data Annual Report, Performance Fact Sheet (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.</p>

The Institution added information to the template, and disclosures were revised and incorrectly used. The Self-Employed Freelance Table was omitted, and the Licensing exam table was incorrect and not uniform per 5, CCR section 74112 (a).

Order of Abatement:

The Bureau orders the Institution to submit an updated School Performance Fact Sheet using the correct formatting per 5, CCR section 74112(a). In addition, the Self-Employed Freelance table, as well as Licensing table, will need to be added to the SPFS using the proper format.

Reason for modification: Compliance obtained; Abatement satisfied.

The administrative fine for this violation has been modified from \$2501.00 to \$50.00.

2. **Violation:**

CEC Section 94910(e) Minimum Requirements for School Performance Fact Sheet

Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:

(e) If a program is too new to provide data for any of the categories listed in this subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the number of students who graduate, the number of students who are placed, or the starting salary you can earn after finishing the educational program are unknown at this time. Information regarding general salary and placement statistics may be available from government sources or from the institution but is not equivalent to actual performance data."

The Institution failed to use the disclosure appropriately and revised the statement by adding "The school and this program are under new ownership since 2015". The Institution's programs were approved by the Bureau in 2004 and in 2010, therefore the programs are not considered to be new.

Order of Abatement:

The Bureau orders the Institution to remove any additional verbiage to the SPFS that is not compliant with CEC section 94910(e).

Reason for modification: Compliance obtained; Abatement satisfied.

The administrative fine for this violation has been modified from \$2501.00 to \$50.00.

3. **Violation:**

5, CCR Section 74112(l) Definitions

"150% Graduates" is the number of students who completed the program within 150% of the program length (includes on-time graduates).

"150% Completion Rate" is the number of students who completed the program in the reported calendar year within 150% of the published program length, including on-time graduates, divided by the number of students available for graduation.

"Number of Graduates Taking Exam" is the number of graduates who took the first available exam in the reported calendar year.

"First Available Exam Date" is the date for the first available exam after a student completed a program.

"Passage Rate" is calculated by dividing the number of graduates who passed the exam by the number of graduates who took the reported licensing exam.

"Number Who Passed First Available Exam" is the number of graduates who took and passed the first available licensing exam after completing the program.

The Institution failed to provide all the correct and required definitions on the SPFS as required by 5, CCR section 74112 (I). Specifically, Bureau staff identified the following:

Missing definitions:

- "150% Graduates" is the number of students who completed the program within 150% of the program length (includes on-time graduates).
- "150% Completion Rate" is the number of students who completed the program in the reported calendar year within 150% of the published program length, including on-time graduates, divided by the number of students available for graduation.

Incorrectly worded definitions:

- "Number of Graduates Taking Exam" is the number of graduates who took the first available exam in the reported calendar year.
- "First Available Exam Date" is the date for the first available exam after a student completed a program.
- "Passage Rate" is calculated by dividing the number of graduates who passed the exam by the number of graduates who took the reported licensing exam.
- "Number Who Passed First Available Exam" is the number of graduates who took and passed the first available licensing exam after completing the program.

Order of Abatement:

The Bureau orders the Institution to add the correct required definitions to the SPFS as required by 5, CCR section 74112 (I). The Institution shall submit proof of compliance to the Bureau.

Reason for modification: Compliance obtained; Abatement satisfied.

The administrative fine for this violation has been modified from \$50.00 to \$25.00.

4.

Violation:

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

(e)(2) A Performance Fact Sheet shall be current and available not later than December 1st and shall report data for the previous two calendar years based upon the "number of students who began the program," as defined in subdivision (d)(1) of this section and were scheduled to graduate in the reported year(s).

	<p>The Institution failed to report the data on the SPFS as required by 5, CCR section 74112 (e)(2) for the 2015/2016 calendar years.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to report the required data for the 2015/2016 calendar years on the SPFS. The Institution shall submit proof of compliance to the Bureau.</p> <p><u>Reason for modification:</u> Compliance obtained; Abatement satisfied.</p> <p>The administrative fine for this violation has been modified from \$5000.00 to <u>\$125.00</u>.</p>
5.	<p><u>Violation:</u> 5, CCR Section 71930 (e) -Maintenance of Records <i>(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.</i></p> <p>The Institution was not able to provide the supporting documentation for the 2015/2016 SPFS to Bureau staff upon request.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit an established policy and procedure on how all the required supporting documentation for the SPFS will be tracked and electronically maintained and be made readily available to the Bureau upon request.</p> <p><u>Reason for modification:</u> Compliance obtained; Abatement satisfied.</p> <p>The administrative fine for this violation has been modified from \$5000.00 to <u>\$125.00</u>.</p>
6.	<p><u>Violation:</u> 5, CCR Section 74112(m) (1-9) Uniform Data – Annual Report, Performance Fact Sheet (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:</p> <ul style="list-style-type: none"> (1) the list of job classifications determined to be considered gainful employment for the educational program; (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates; (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; (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; (5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

- (6) a description of all attempts to contact each student, or employer;
- (7) any and all documentation used to provide data regarding license examinations and examination results;
- (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
- (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

On April 30, 2018, during the unannounced compliance inspection, Bureau staff determined that the Institution was not able to provide the supporting documentation for the SPFS. The Institution had not been maintaining a document that contained all the required supporting documentation.

Order of Abatement:

The Bureau orders the Institution to provide a policy or procedure to the Bureau of how the Institution will maintain the supporting documentation.

Reason for modification: Compliance obtained; Abatement satisfied.

The administrative fine for this violation has been modified from \$5000.00 to \$125.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$500.00

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:

Ray Delaney, 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. 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 do not wish to appeal this Modified Citation you must withdraw your initial request for an Administrative Hearing. 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 April 25, 2019. The payment is due by **May 25, 2019**.

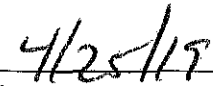
Failure to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Modified Citation and recover the civil penalties prescribed therein or found to be due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

CONTACT INFORMATION

Should 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

- Payment of Fine - Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail