



CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

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

INSTITUTION CODE: 41462639
CITATION NUMBER: 1819137
CITATION ISSUANCE/SERVICE DATE: MARCH 5, 2019
DUE DATE: APRIL 4, 2019
FINE AMOUNT: \$ 20,052.00
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: Medical Career College of Northern California, Owner of Medical Career College of Northern California (Institution) located at 7475 Kanai Avenue, Citrus Heights, CA 95621 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 April 30, 2018, an unannounced compliance inspection was conducted, and Bureau staff determined the School Performance Fact Sheets (SPFS) were incorrect, missing information, and students were provided a SPFS that did not contain the specific data as required by CEC section 94910 (e) and 5, CCCR section 74112.

VIOLATION

#	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.	Violation: 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.

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.

Assessment of Fine

The fine for this violation is \$2501.00

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).

Assessment of Fine

The fine for this violation is \$2501.00.

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.

Assessment of Fine

The fine for this violation is \$50.00.

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).

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.

Order of Abatement:

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.

Assessment of Fine

The fine for this violation is \$5000.00

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>Assessment of Fine</u> The fine for this violation is \$5000.00</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 <p>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.</p>

	<p><u>Order of Abatement:</u> The Bureau orders the Institution to provide a policy or procedure to the Bureau of how the Institution will maintain the supporting documentation.</p> <p><u>Assessment of Fine</u> The fine for this violation is \$5000.00</p>
	<p>TOTAL ADMINISTRATIVE FINE DUE: \$20,052.00</p>

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 **\$20,052** 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(s) 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 **April 4, 2019**, 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 **March 5, 2019**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 4, 2019**. 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:

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

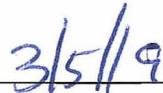
Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate 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 Cheryl Lardizabal, Citation Analyst, at 916-621-2591 or Cheryl.Lardizabal@dca.ca.gov.



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