



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

May 28, 2020

Nizhoni Institute of Midwifery, Owner
Nizhoni Institute of Midwifery
3944 Murphy Canyon Road, Suite C-200
San Diego, CA 92123

Date of Issuance	Citation Number	Institution Code
May 28, 2020	1920256	44971472

On May 14, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920256 (Citation) against Nizhoni Institute of Midwifery, Owner of Nizhoni Institute of Midwifery (Institution). In attendance were Leeza Rifredi, Deputy Bureau Chief, Claudia Breglia, Owner, and Sherry Evans, Executive Assistant.

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. 1920256.

It is the decision of the Deputy Bureau Chief that on May 14, 2020, Citation No. 1920256 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 94902(a) – General Enrollment Requirements <i>“(a) A student shall enroll solely by means of executing an enrollment agreement. The enrollment agreement shall be signed by the student and by an authorized employee of the institution. “</i></p> <p>CEC 94912 – Signature, Initials Required <i>“Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.”</i></p> <p>Bureau staff reviewed student files which contained enrollment agreements that were not signed by an authorized employee of the Institution. Furthermore, Bureau staff reviewed additional student files which contained SPFS that were not signed by the Institution.</p>

	<p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a written policy on how the Institution will maintain future compliance with CEC Sections 94902 and 94912.</p> <p><u>Reason for modification:</u> New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$1,000.00</u></p> <p>The administrative fine for this violation has been modified from \$1,000.00 to \$100.00.</p>
2.	<p><u>Violation:</u> 5, CCR Section 74112(m)(1-9) – Uniform Data – Annual Report, Performance Fact Sheet <i>“(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:</i></p> <ul style="list-style-type: none"> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i> <i>(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;</i> <i>(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;</i> <i>(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;</i> <i>(6) a description of all attempts to contact each student. or employer;</i> <i>(7) any and all documentation used to provide data regarding license examinations and examination results;</i> <i>(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</i> <i>(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.”</i> <p>Bureau staff reviewed the supporting documentation to substantiate the data reported on the 2016-2017 SPFS. Bureau staff determined that the information provided was incomplete as it failed to include all of the requirements as outlined in 5, CCR section 74112(m)(1-9).</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit the supporting documentation to substantiate the data reported for the 2016-2017 SPFS. In addition, the Bureau orders the Institution to submit an established policy, or procedure, of how the Institution will maintain future compliance per 5, CCR section 74112(m)(1-9).</p>

	<p><u>Reason for modification:</u> New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$5,000.00</u></p> <p><u>The administrative fine for this violation has been modified from \$5,000.00 to \$500.00.</u></p>
	TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$600.00</u>

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:

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

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 AND FINE ASSESSMENT

This modified Citation is effective on May 28, 2020. Payment of the administrative fine is due by June 27, 2020.

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

If you have any questions regarding this decision or desire further information, please contact Gabriella Perez, Citation Analyst, at (916) 574-8969 or at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“5/27/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail