

**Consideration of Change in Approval Status
From Initial Approval to Conditional Approval Based upon
Program Performance and Findings from a Virtual Survey Visit
CyberTex Institute of Technology in Austin, Texas
Vocational Nursing Education Program**

Summary of Request:

Consider the historical review of the CyberTex Institute of Technology (CIT) Vocational Nursing (VN) Educational Program in Austin, Texas, from its beginning through the subsequent changes in its approval status, and findings from a virtual survey visit conducted on September 11, 2020, as the basis for the recommendation to change the approval status from Initial Approval to Conditional Approval.

Historical Perspective:

- The CIT VN Program was approved at the October 2014 Board meeting to begin operation.
- CIT is licensed as a career school and approved to offer educational programs by the Texas Workforce Commission (TWC) and holds accreditation from the Council on Occupational Education.
- At the time of initial approval, the CIT Program Director (PD) was Robbin Wilson, MSN, RN.
- Karen Knott-Anderson, MSN, RN, was approved on December 7, 2018, as the PD following the resignation of the previous director. Ms. Knott-Anderson had served as a faculty member at CIT since August 2017.
- The NCLEX-PN® examination pass rates for the past five years are provided in the following table:

Examination Year	BON Approval Status	NCLEX-PN® Examination Pass Rate	Number of First Time Candidates (Passed/Total)
2020	Initial	52.94% <i>Preliminary Data</i>	9/17
2019	Conditional	82.86%	29/35
2018	Conditional	79.55%	35/44
2017	Initial	45.95%	17/37
2016	Initial	40.00%	4/10

- Due to the 2016 NCLEX-PN® examination pass rate of 40.00%, CIT was required to submit a Self-Study Report (SSR) by July 7, 2017. After several extensions to the due date were granted, the SSR was finally received in the Board office on March 5, 2018. This delay in response was an unprecedented exception granted by the Board.
- Although corrective measures were presumably implemented during 2017, the 2017 NCLEX-PN® pass rate was 45.95%.
- The approval status for the program was changed from Initial Approval to Conditional Approval at the April 2018 Board meeting due to concerns about failure of the program to meet Board deadlines, two consecutive years of NCLEX-PN® pass rates below 80%, and failures to comply with Board requests. Under the Conditional Approval status, the program was restricted from enrolling new students.
- Board Staff and representatives from TWC conducted a joint survey visit to CIT on May 14, 2018. Board Staff identified the following areas of concern for immediate attention by the program:
 - Lack of hands-on clinical learning experiences for Nursing Care of Children and Maternity Nursing;
 - Ineffective utilization of the skills/simulation lab; and
 - Lack of student involvement in student governance to provide an avenue to resolve student issues identified during the survey visit.
- At the July 2018 Board meeting, the Board considered the survey visit report and issued two requirements:
 - The program shall establish clinical agreements to ensure clinical learning experiences in a variety of clinical settings including opportunities for nursing care of children and maternity clients. In addition, students shall be provided opportunities to practice nursing skills in the skills lab and simulation setting.
 - The program shall ensure that student input into the program governance is encouraged and permitted without fear of retaliation.
- Ms. Wilson responded on October 31, 2018, that attempts to secure new clinical affiliation agreements were not accepted by the clinical agencies. However, schedules to offer additional nursing skills lab and simulation activities for students were provided.
- On March 13, 2019, Board Staff met with Iqbal Sheikh, CIT President/CEO; Muddasir Sheikh, Campus Director; Ali Azam, Chief Administrative Officer; and the VN PD to discuss the status of the VN Program and Board Staff's proposed recommendation to Withdraw Approval. CIT representatives requested that the program be allowed to continue on Conditional Approval status until December 31, 2019, in order to appreciate the effects of program improvements. This would not disadvantage any current students since they would be engaged in the teach-out, and no new students would be admitted. The administration acknowledged the areas of deficiencies and accepted full responsibility for the situation, explaining that they had relied too heavily on the former PD and had not monitored her compliance with Board rules. This request to continue the program on Conditional Approval was honored by the Board.

- During the time period from March 13, 2019, through April 24, 2019, the new PD (Ms. Knott-Anderson), who assumed the role in December 2018, timely responded to Board Staff requests for information. In addition, the PD submitted an initial and ongoing revision of the student success plan and the assessment tools used for formulating a baseline on which to improve staff and student satisfaction.
- Under the PD's guidance, an effort to increase student participation in the governance of the school was initiated.
- In March 2019, the PD submitted to Board Staff signed clinical affiliation agreements with the following entities: Panda Pediatrics in Leander; Birthwise Birth and Family Center in Austin; and Windsor Nursing and Rehabilitation Center in Austin. Other measures were taken, such as faculty's successful completion of continuing education courses to enhance their teaching abilities.
- As of December 10, 2019, 18 students were enrolled in the program with an anticipated graduation date of December 30, 2019. Two of these students began the program in 2016 (one in February and one in October); five of the students began in 2017 (one in February and four in June); and 11 students began in 2018 (two in February and nine in July). The CIT VN Program is designed for students to complete the program in 16 months. There developed a new concern that many students had been enrolled for several years and were still working toward completion of graduation requirements.
- In 2018 and 2019, Board Staff received multiple emails and phone calls from CIT students and family members related to failures of students in *VNSG 1205 NCLEX-PN Review Course*, a final review course designed to prepare students for the NCLEX® examination. Students complained that faculty were not available during the class and that the course was self-directed involving watching videos, practicing test items, and taking standardized examinations. Board Staff notified CIT of the nature of the complaints and requested copies of the program policies that might justify or explain these practices. Five students submitted formal complaints to the Board, dated June 24 – 28, 2019, about the *VNSG 1205 NCLEX-PN Review Course*. Board Staff called the school and as the PD was out of the country, spoke with instructor Laurie Hall who stated she would update Ms. Knott-Anderson upon her return to the country. The PD called Board Staff on July 3, 2019, to discuss the complaints and stated the complaints were without basis. The PD advised Board Staff she would discuss these issues with students on the next class day, July 8, 2019. A similar complaint was received from one other student on July 10, 2019, and the PD was notified. No further communications from students were received until February 2020.
- At the January 2020 Board meeting, the Board, with the support of a majority of the quorum voting for, changed the approval status for the CIT VN Education Program in Austin, Texas, from Conditional Approval back to Initial Approval based upon the NCLEX-PN® examination pass rate of 82.86% for 2019, history of the program's compliance issues, and the number of at-risk students enrolled in the program, and imposed two conditions/requirements:
 - The program was to submit student information to Board Staff at the end of each course including: (1) a list of de-identified enrolled students, (2) a progress report for each enrolled student, (3) a comprehensive Remediation Plan to timely assist

unsuccessful students, and (4) any attrition of students. (All lists of student names were to be de-identified.)

- The program was limited to no more than two cohorts of up to 30 students each during each calendar year.

Activities Subsequent to the January 2020 Board Meeting

- During February 2020, three of the students who had previously submitted complaints to the Board provided written narrative statements alleging that the PD had changed the passing standards for completion of the *VNSG 1205 NCLEX-PN Review Course*. This course is the final course in the program of study and successful completion with a specific grade attained on a standardized examination is required for students to graduate. The students were re-admitted and allowed to re-take the course multiple times; it was evident that the passing standard and grading policies were inconsistent, thus resulting in student confusion and frustration. Staff sought CIT's response to these narrative statements, and again requested CIT provide the written policies that would address the readmission criteria and reasoning necessary to address this type of student complaint. The PD could not adequately explain the justification for these unusual practices, and did not provide any school policies to address these practices. This request for policies as well as a response providing clarification of the Board Order requirements was sent to the PD on February 27, 2020.
- On February 28, 2020, in response to requirements issued in the January 2020 Board Order that changed the program approval to Initial Approval, the PD provided a list of de-identified enrolled students and a comprehensive Remediation Plan to timely assist unsuccessful students. The other documents mandated by Board Order, a progress report for each enrolled student and the reported attrition of students, were not provided at this time.
- In mid-March 2020, the CIT campus was closed due to the coronavirus. On March 24, 2020, the PD submitted to Board Staff a report describing how the VN Program would be utilizing distance education to deliver didactic content via the Canvas Online Learning Platform. No face-to-face skills/simulation lab or clinical learning experiences would be offered.
- A new cohort of 25 students began the CIT VN Program on April 13, 2020. As one student withdrew immediately, the Spring 2020 Cohort was comprised of 24 students.
- On April 23, 2020, the PD submitted an update to Board Staff about the students who repeated the *VNSG 1205 NCLEX-PN Review Course*; the course concluded on March 30, 2020. Two students were unsuccessful in the course and were dropped from the program; one other student withdrew from the program before completing the course.
- On August 20, 2020, three TWC representatives and Board Staff engaged in a conference call to discuss concerns about the long-standing student complaints to TWC specific to CIT's repeated re-admission to the final course and multiple failures of the final exam and course. TWC Staff and the Board Staff decided that a joint virtual survey visit was in order.

- In an effort to evaluate the overall health of the program, the Education Consultants examined the preliminary 2020 NCLEX-PN® pass rate for the CIT VN Program to discover it was only 52.94%, significantly below the Texas benchmark of 80%. Based on known first-time test-takers still eligible to test, the CIT VN Program will not be able to meet the benchmark of 80% during the 2020 examination year (January 1 – December 31, 2020). A telephone conference was held on August 24, 2020, between Board Staff and the PD, to discuss the implications of the preliminary pass rate on the future of the VN Program. Due to technical issues, it was difficult to hear all participants, therefore, a list of 22 questions was provided to the PD via e-mail on August 24, 2020; a response to the list of questions was received by Board Staff on September 1, 2020. A request to “provide a copy of the most current program readmission policy with the date of implementation” was included among the list of 22 questions.
- On September 1, 2020, the PD submitted her response to the 22 questions. A current readmission policy was not provided, with the representation that it “would be sent at a later date.”
- Board Staff continued to have significant concerns about the admission and re-admission policies. Again on September 8, 2020, a request for admission and readmission policies was requested primarily due to the lingering unanswered questions surrounding the purpose and use of the *VNSG 1205 NCLEX-PN Review Course* that continues to be a part of CIT curriculum. This item was part of a comprehensive list, compiled by both Board Staff and TWC Staff, to be timely provided prior to an upcoming virtual meeting; the responses would facilitate the group discussion during the meeting.
- A virtual survey visit was planned with Board Staff, TWC Staff, and CIT representatives for September 11, 2020, and an e-mail invitation was submitted to CIT on September 8, 2020. Board Staff also attempted to reach the PD by phone on September 9, 2020. The CIT administrative assistant who answered the call advised that the PD was unavailable and took a message for the PD to return Board Staff’s call. No call was received. Only Mr. Sheikh responded of his intent to attend; however, on September 10, 2020, at 4:31 pm, the PD sent an e-mail to Board Staff requesting a “deferral of the meeting or an excuse to be absent from it” as the PD would need to oversee “the clinical group for eight hours tomorrow” due to faculty staffing concerns. Board Staff reiterated the need for the PD’s presence to which the PD replied she would do her best to attend. As the meeting was scheduled and eight representatives from two state regulatory agencies as well as two CIT administrators were committed to attending, the meeting was conducted as scheduled. (In a pre-COVID world, this would have been an unannounced face-to-face visit to the CIT campus. Board Staff would have waited in the campus lobby until the PD became available.)
- On September 11, 2020, a virtual survey visit was conducted by Staff of the Texas Workforce Commission (TWC):
 - Shamona Richard, Manager, Career Schools & Colleges;
 - Bill Ard, ISAM Region III Manager; and
 - Vangie Sandoval, Program Specialist II;

and Texas Board of Nursing (Board) Staff:

- Kristin K. Benton, DNP, RN, Director of Nursing;
- Virginia D Ayars, EdD, MS, RN, CNE, Nursing Consultant for Education;
- Janice I. Hooper, PhD, RN, FRE, CNE, FAAN, ANEF, Lead Nursing Consultant for Education;
- Gayle P. Varnell, PhD, APRN, CPNP-PC, Nursing Consultant for Education; and
- Beverly E. Skloss, MSN, RN, Nursing Consultant for Education.

The visit was conducted by a WEBEX meeting to which the following CIT representatives were invited:

- Karen Knott-Anderson, MSN, RN, RM, VN Program Director;
- Muddasir Sheikh, Campus Director; and
- Ali Azam, Chief Administrative Officer (CAO).

Only Mr. Sheikh and Mr. Azam attended.

- The September 11, 2020, virtual survey visit was conducted from 10 am to 11:30 am via WEBEX. TWC representatives Shamona Richard, Bill Ard, and Vangie Sandoval, attended. The CIT administration representatives were Muddasir Sheikh, Campus Director; and Ali Azam, CAO. The purpose for the meeting was to discuss the 2020 NCLEX-PN® pass rate and future implications for the program of the below 80% pass rate and TWC's concerns about policy issues and unresolved student complaints.
- Since the PD did not attend the virtual meeting, the CIT administration stated they were unable to offer responses as all VN Program issues were addressed by the PD. At one point, Mr. Sheikh left to see if the PD could join the meeting. He returned stating that the PD would try to join the meeting, but she did not appear. The outcome of the meeting was inconclusive since the CIT representatives could not respond to the questions from Board staff and the PD did not join the meeting.
- Lists of requested information and policies were again requested by Board Staff following the virtual survey visit on September 11, 2020, with a submission deadline of the end of the business day on September 14, 2020
- Although the requested list of documents was not received in the Board office by the end of the business day on September 14, 2020, documents were received in the Board office on September 15, 2020.

Staff Rationale for Recommendation:

- Four out of five years of NCLEX-PN® pass rates for CIT students will have been below the required 80%, including the preliminary 2020 pass rate. In reviewing the pass rates since the program began, the average pass rate for first-time candidates was 65.73%. The pass rate for all repeater candidates was 29.79%.
- The preliminary 2020 pass rate for the CIT VN Program is only 52.94%, significantly below the Texas benchmark of 80%. Based on known first-time test-takers still eligible to test, CIT will not be able to meet the benchmark of 80% this year.

- There have been multiple student complaints to both TWC and the Board related to grading irregularities and inconsistencies in determining whether a student has passed or failed the final review course. Although these complaints seem to have originated before the January Board meeting, it is evident that there continued to be ongoing delays in CIT's decisions affecting students' eligibility for graduation.
- The most common area of student complaints has been the final review course that blocks students from completing the program, even though they have passed the other courses to this point. Students allege that the course is not faculty-directed and students are expected to watch review videos, and practice taking numerous exam questions. The grade is determined by student performance on standardized exams, the final exam weighing 30% of the course grade. (Allotting more than 10% of a course grade for standardized exams is not recommended by Board Staff or by the vendors for the exams.) A single high-stakes exit exam has unjustifiably harmed too many CIT students and has left some in perpetual limbo.
- There appear to be inconsistencies in enforcing the re-admission policies that have allowed at least three students to repeat the final course up to three times with outcomes of failing each time. The PD stated that there were changes in admission and re-admission policies in March 2020.
- In response to Board Staff's requests, on September 15, 2020, the PD provided a Student Handbook, dated February 28, 2018; Faculty Handbook, dated August 1, 2017; and School Catalog, dated June 1, 2015.
- The Readmission Policies state "A prior nursing student who withdraws from the CIT VN Program and who later wishes to be re-admitted must re-apply for admission within six months of withdrawal under the admission procedure as all other applicants to the VN Program that is in alignment with the last level the student was successful at". Further, the policies set forth "the re-admission will begin at the next sequence/term of courses following the last sequence/term of nursing courses the student successfully completed. Re-admitted students cannot begin the VN Program in mid-term".
- Recently received faculty and student handbooks dated 2017 and 2018 include written policies stating that when a student has completed all requirements for graduation, they will be awarded a Certificate of Completion and will be invited to participate in the graduation ceremony. Students have reported that they participated in the graduation ceremony, but were not authorized to take the NCLEX-PN® examination until they could pass the review course (that they had failed).
- CIT has a history of noncompliance in providing program documents and information to Board Staff in a timely manner.
- Nursing Education Program Information Survey (NEPIS) reports for the timespan between 2015 and 2019 indicate that 216 students were admitted during this period, but only 133 graduated, indicating a high attrition rate.
- Of the conditions and requirements imposed at the January Board 2020 meeting for the program, the program has not yet provided a progress report for each enrolled student, and the report as to any attrition of students.

Rule 214.4(b) lists a number of factors that jeopardize program approval status. CIT has violated the following:

- The program has failed to maintain an 80% passing rate by first-time candidates.
- The program has demonstrated non-compliance with Board requirements as evidenced by failure to submit information specifically outlined in the January 2020 Board Order.
- Noncompliance with school's stated policies as evidenced by inconsistent or confusing application of the admission and readmission policies

Staff Recommendation:

Move to change the approval status for the CyberTex Institute of Technology (CIT) Vocational Nursing Education Program in Austin, Texas, from Initial Approval to Conditional Approval as indicated in the attached letter and Board Order (See Attachment #1).

DRAFT LETTER

October 22, 2020

Karen Knott-Anderson, MSN, RN, RM, Director
Vocational Nursing Education Program
Cybertex Institute of Technology
6300 La Calma Drive, Suite 350
Austin, TX 78752

Dear Ms. Knott-Anderson:

At the October 22, 2020, meeting, members of the Texas Board of Nursing (Board) considered the approval status for the Cybertex Institute of Technology Vocational Nursing Education Program in Austin, Texas. Members of the Board wish to thank you, ----- for being present to answer questions.

Based upon the NCLEX-PN® examination pass rate for the five previous years, findings from the 2020 Virtual Survey visit, and failure to comply with Rule 214, it was the decision of the Board to change the approval status of the Cybertex Institute of Technology Vocational Nursing Education Program in Austin, Texas, from INITIAL APPROVAL TO CONDITIONAL APPROVAL, and to issue the conditions and requirements in the attached Board Order.

If you have any questions or if we may offer assistance, please contact Board Staff at Virginia.ayars@bon.texas.gov or 512-305-7660.

Sincerely,

Katherine A. Thomas, MN, RN, FAAN
Executive Director

Copy: Iqbal Sheikh, President and CEO
Texas Workforce Commission
Council on Occupational Education

BEFORE THE TEXAS BOARD OF NURSING

ORDER OF THE BOARD

In the Matter of
CyberTex Institute of Technology
Vocational Nursing Education Program
In Austin, Texas

A virtual meeting of the Texas Board of Nursing, hereinafter referred to as the Board, was held on October 22, 2020, to consider the approval status of the CyberTex Institute of Technology Vocational Nursing Education Program in Austin, Texas, pursuant to Section 301.157, Texas Occupations Code and 22 Tex. Admin. Code Chapter 214, based upon the five previous years NCLEX-PN® examination pass rates, findings during the 2020 Virtual Survey Visit, and areas of noncompliance with Rule 214.

After review and due consideration of the filed materials, as well as the presentation by representatives from CyberTex Institute of Technology in Austin, Texas, and other interested parties, if any, the Board hereby CHANGES the approval status of the CyberTex Institute of Technology Vocational Nursing Education Program in Austin, Texas, from INITIAL APPROVAL to CONDITIONAL APPROVAL, and imposes the following conditions/requirements:

1. The program shall not enroll students while on conditional status.
2. The program will remain on conditional approval status until the Board changes the program approval status, based on the program achieving at least an 80% pass rate for first-time candidates for the 2021 NCLEX-PN® examination year. The NCLEX-PN® examination year is January 1, 2021 through December 31, 2021.
3. The program must demonstrate full compliance with Rule 214 prior to consideration of a change in approval status.
4. Failure to comply with Requirements 1, 2, and 3 may result in withdrawal of program approval.

Entered this 22nd day of October, 2020

Katherine A. Thomas, MN, RN, FAAN
Executive Director
On Behalf of the Texas Board of Nursing