

**Proposal to Establish a New Nursing Education Program
American Medical Institute in Houston, Texas
Vocational Nursing Education Program**

Summary of Request:

Consider the American Medical Institute (AMI) proposal to establish a new Vocational Nursing (VN) Education Program in Houston, Texas. Two revisions of the proposal have been reviewed by Board Staff, the first received in December 2015 and the second and final proposal in December 2016. The December 2016 proposal that was reviewed by Board Staff was provided electronically to members of the Board. No flash drive of the proposal was provided by the program, however, Board Staff contracted to have the hard copy of the last submission scanned.

Historical Perspective:

- AMI is a private non-profit school located in Houston, Texas, established in 1996. AMI previously operated a VN program that was approved in 2007 but voluntarily closed in April 2014. At the time of closure, the program was on Conditional Approval.
- AMI holds a Certificate of Approval from the Texas Workforce Commission effective until May 2017 to operate a career school. AMI also provides workshops for healthcare workers and Cardiopulmonary Resuscitation training.
- Ify Emenaha, RN, Pharm.D., is the owner and proposed director of the program. Dr. Emenaha authored the proposal in collaboration with Joanna Navarro, RN, co-author.
- The first submission of the proposal from AMI was received on December 16, 2015. An initial review indicated that the essential areas were not included:
 - a comprehensive description of the total curriculum;
 - complete syllabi for all courses;
 - clinical evaluation tools that show progression in student behaviors across the levels;
 - clarity about clinical instruction;
 - the Total Program Evaluation Plan;
 - currently signed clinical contracts;
 - letters of support from potential employers of graduates; and
 - faculty policies for faculty organization and faculty development.
- Based on these deficiencies the program was offered the option of withdrawing the proposal on December 23, 2015. The program elected to revise the proposal. In January 2016, the program was provided an attachment to an email that provided specific areas of deficiencies related to Education Guideline 3.1.1.a. to assist in the revision and was reminded that the due date for completion of the final proposal was one year from receipt of the first submission.

- A second submission of the proposal, dated October 19, 2016, was received in the Board's offices on December 19, 2016. On December 22, 2016, the receipt of the proposal was acknowledged by email. The program was advised that the proposal received in the Board's offices on December 19, 2016 would be the proposal submitted to the Board for consideration at the April 20-21, 2017 quarterly Board meeting.
- The proposal received on December 19, 2016 was thoroughly reviewed by two education consultants. On January 9, 2017, a letter was sent to AMI stating that the proposal was not acceptable and outlining major areas for concern.
- A conference call between AMI representatives and Board Staff was held on February 6, 2017. The program contended that sufficient evidence was provided in the proposal to meet Board requirements and requested an opportunity to present the proposal to the Board members.
- Board Staff requested that the program submit a flash drive of the proposal by Monday, February 13, 2017, but this was never received.
- Further communications between the AMI representative and Board Counsel may be found in Attachment #1.

Summary of Proposal Based on Board Rule 214.4 and Education Guideline 3.1.1.a.

Overview of the Proposal:

- AMI proposes to establish a new VN program at 6902 Cook Road in Houston, Texas, beginning in July 2017 with 10 students enrolled annually for the first two years.
- The program is described as a full-time, one-year VN certificate program with daytime classes.

Rationale and Need for Program

- The need for the program is based upon national census data rather than local data. Responses from healthcare agencies based in Houston do not support the need for a new VN Education Program. One of the facilities surveyed, Epic Healthcare Services, indicate they hire LVNs only after six months' experience as LVNs. Another facility, Spanish Meadows, indicated only a weak interest in hiring the graduates. No surveys from the other facilities were included in the proposal.
- Letters of support include:
 - Bilingual Education Institute - dated November 20, 2015;
 - Samantha Rodgers, RN, BSN, School Nurse – undated, unsigned;
 - IBN SINA Medical Clinic – undated;
 - West Janisch Health Center – dated October 7, 2016; and
 - Dr. Alma A. Allen, State Representative, District 131 – dated October 27, 2015.
- Three of the 12 VN schools in the greater Houston area were contacted by AMI regarding the planned proposal, but only one returned a response stating, "The present number of programs has created difficulties in obtaining clinical experience facilities. More programs will be detrimental to clinical experiences."
- Preliminary 2016 Nursing Education Program Information Survey (NEPIS) data for VN programs across the state indicate that the enrollment of new VN students fell below

enrollment capacity by a total of about 800 students. (This indicates that there were 800 seats in VN programs that were not filled.)

- Six completed student survey forms seeking input from potential VN students were included in the proposal. Five of the six indicated they are “not likely” to attend a VN program in the area.
- Six completed, unsigned/undated community survey questionnaires were included.
- Student surveys were not signed nor dated.

Administration and Organization:

- The Curriculum Vitae for Dr. Emenaha is included, but the Qualification Form for the Director is not complete.
- A limited organization chart for AMI indicates the teaching staff for the nursing program will be for one principal instructor and two clinical instructors.
- An annual budget for over \$206,000 is outlined. AMI plans to use institution funds and projected tuition to fund the VN program.
- The proposal states the resources are adequate for 20 VN students.
- Audited financial statements dated December 31, 2015 are provided and signed by David A. Levy, CPA, PC, from Needham, Massachusetts, placing total assets at \$388,098.

Faculty:

- It is unclear which faculty are considered to teach in the VN program since the list of faculty includes nurses who teach in the other programs at AMI.
- Projected growth in faculty numbers is provided in a table.
- The Faculty Handbook is the practical guide for faculty in the various programs at AMI and is not a dedicated nursing faculty handbook. (See Rule 214.7).
- The Faculty Handbook states, “The provisions of this handbook are subject... to the Faculty Administrative Governance Committee and the Campus Director/COO and the CEO.” These offices are not listed on the Organization Chart. Nursing faculty policies are traditionally governed by nursing faculty. (See Rule 214.7).
- There is only one job description in the Faculty Handbook for “Instructor,” with no specific job descriptions for nursing faculty nor for the nursing director. (See Rule 214.7.a.5.) The job description does not describe qualifications and responsibilities of each faculty.
- A Faculty Development Plan and faculty evaluation plan are included in the Handbook.
- Policies for the faculty organization, committee structure, or faculty orientation are not included in the Handbook. (See Rule 214.7.a.6.)
- Not all required faculty policies are included in the faculty handbook. (See Rule 214.7).

Students:

- The Student Handbook provided is the general handbook for all AMI students, and not specifically for VN students.
- Student selection will be based upon a point system. A pre-admission test is required.

- The requirement for criminal background checks is acknowledged, but there is no form for students to sign after receiving eligibility information.
- Important pages listed in the table of contents for this section are missing. They include student policies regarding progression, attendance, conduct, graduation, placement assistance, grievance, and general school rules.
- Student services (such as counseling and advising) are not addressed in the handbook.

Program of Study:

- The curriculum is divided into four levels of study, each one being 12 weeks in length. Clinical experiences are planned with each didactic content area. The curriculum is arranged logically.
- There are several different copies of the level objectives in the proposal (Faculty Handbook, Student Handbook, and Program of Study sections) with wording that appears to be identical but with different numbering. There is no written description of how these objectives will be taught nor how they will be evaluated, nor is it clear how the level objectives relate to the course objectives.
- The syllabi follow the same format. Grading is not clear about how each exam is weighted toward the final grade. Homework and assignments are not described and specific grading criteria for each homework and different assignments are not included. There is a general grading schematic for written work.
- Most of the test questions included in the proposal are at the knowledge level rather than the suggested application level and above.

Clinical Learning Experiences:

- Clinical Affiliation Agreements included in the proposal:
 - Kindred Hospital, Sugar Land, dated **June 29, 2012 for one-year term**;
 - Oak Bend Medical Center, Houston, dated **October 12, 2010 for one-year term**;
 - Spanish Meadows Nursing and Rehab (for **Patient Care Technician** and **Nurse Aide** students), September 29, 2015 for indefinite term;
 - Vosswood Nursing Center (for **Patient Care Technician** students), dated **October 15, 2015 for open term**;
 - West Oaks Geriatric Center, Houston, dated **June 30, 2014 for one-year term**; (An additional contract with West Oaks Geriatric Center from 2013 is included);
 - Kids Town Academy Memo of Understanding **undated**; and
 - West Janisch Health Center (for **Patient Care Technician** and **VN** students), Houston, dated **July 11, 2016 for one year**.
- Memo of Understanding included in the proposal:
 - IBN Sina Community Center, **Memo of Understanding**, dated **October 11, 2016**;
- Note: It is not clear in all contracts whether VN students are included in the agreement. Three of the contracts have expired according to the one-year terms stated in the contracts.
- Level objectives are based upon the Differentiated Essential Competencies for Graduates of Texas Nursing Programs (2010). Clinical evaluation tools are provided for

the levels but progression in students' psychomotor, cognitive, and affective performance across the curriculum is seen only in differences in objectives for specialty areas (such as mental health).

Facilities, Resources, and Services:

- Photographs are included, but it is difficult to determine adequacy of the equipment and resources for VN education.
- The proposal indicates that a computer lab with six computers, an on-line library, and a set of reading materials (textbooks) are available for student use.
- Tutoring will be offered to students.

Records and Reports:

- Records will be saved in iCloud.

Total Evaluation Plan:

- A Total Evaluation Plan is included.

Rationale for Staff Recommendation:

Board Staff determined the second revision during the one-year proposal development period as inadequate and provided the program a list of areas where sufficient evidence was not found to support a recommendation for approval. Areas of concern included the following:

- no information about whether the program may have a negative impact on other nursing programs;
- minimal evidence of community support from local healthcare facilities to provide adequate clinical learning experiences;
- insufficient faculty policies (job descriptions, faculty qualifications and responsibilities, faculty organization, faculty orientation)
- a lack of required student policies in the handbook;
- the uncertainty of whether a potential pool of qualified students is available to maintain ongoing enrollment;
- Incomplete syllabi (unclear grading policies, no criteria for assignments, inconsistency in course objectives across the program);
- Clinical Affiliation Agreements that are expired, outdated, or do not include VN student clinical learning experiences (1 of 7 Clinical Affiliation Agreements is within the time frame and includes VN students, 1 is a "Memo of Understanding", which is dated but does not include the type of students); and
- a deficit of resources and student services available to support the students, such as counseling services, admissions, advisement, and library resources.

Staff Recommendation:

Deny approval of the proposal from American Medical Institute for a new Vocational Nursing Education Program in Houston, Texas, and issue the requirement/condition in the attached letter and Board Order (Attachment #2).

BENNETH O. AMADI, ESQUIRE.

*Attorney and Counselor at Law
204 Blossom Street Extension*

**Suite A
Lynn, Massachusetts 01901**

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bamadilaw@verizon.net

March 22, 2017

Janice I. Hooper
Nursing Consultant for Education
Texas Board of Nursing

Dear Sir/Madam:

I was privileged to be present during your teleconference with the American Medical Institute (AMI) on or about February 6, 2017, concerning the alleged doubts raised by the board staff (“you”) on the completeness, correctness and compliance of the Proposal AMI earlier submitted to you in December 2016. The said Proposal was colorfully, thoroughly, carefully and painstakingly prepared and duly submitted to you with an accompanying flash drive.

Prior to holding the aforesaid teleconference, you sent a notice of some alleged “deficiencies” to AMI detailing what you alleged were either “lacking” in the submitted AMI Proposal or what should be “corrected” in the said Proposal. However, throughout the teleconference, it became painfully obvious that you did not at any time since the submission of the Proposal in December of 2016 and the holding of the teleconference, or at any other time whatsoever, study or review, and you did not even take a cursory look at the Proposal that AMI submitted to you in December 2016. It was also elaborately clear that all the pieces of information that you termed and alleged to be “deficiencies,” in the Proposal were actually present and contained in the said Proposal as required. It then reasonably appeared that your intention was to create any excuse to rubbish the good work done by AMI and to stop or prevent it by all possible means from being approved.

It was surprising that after the teleconference, you again requested AMI to send another package of the Proposal and another flash drive to you. One therefore wonders as to what exactly happened to, and what you exactly did with, the earlier Proposal and the package that was sent to you in December 2016. That further goes to give credence to the fact that you reviewed nothing before coining out your suggested and alleged “deficiencies” in the

Proposal; while in fact those your alleged “deficiencies” related to things wonderfully taken care of, and things visibly present and contained in the Proposal submitted to you in December 2016 by AMI.

I have no doubt that AMI has fully complied with the requirements necessary for the approval of its Proposal by the board staff. Please extend the needed approval to AMI without any unnecessary or further delay. I also request that a courtesy copy of the notice of the approval be sent to my office.

At this time, I respectfully do not see any good faith necessity of submitting the AMI’s Proposal to the board members in April 2017 or at any other time whatsoever, for further consideration, without the board staff’s mandatory recommendation for its approval. However, if there is any ulterior and bad faith motive of sending the Proposal to the board members with the intention of killing it and rubbishing the good work and the vision of AMI, such would be robustly resisted in accordance with the existing laws of this land. Please be advised accordingly.

I will respectfully ask that the impression of discrimination and disparate treatment already created by your voluntary creation of the imaginary “deficiencies” without even reading or reviewing the Proposal not be allowed to linger any further. AMI should not be treated differently for no justifiable reason whatsoever. AMI respectfully demands the same and equal treatment in relation to other similarly situated applicants who have submitted their Proposals for consideration, currently or in the past. But how would someone find out deficiencies within a Proposal without reading or studying the Proposal and without even taking a cursory look at the Proposal? This is amazing.

Please do the right thing and allow the sleeping dog to lie. AMI will dutifully continue to comply with the rules and the laws; however, AMI will assuredly resist any discriminatory conduct and/or any move by anyone to treat it differently or with discrimination.

I look forward to hearing from you as soon as possible. However, if you are insisting on tabling the Proposal before the board members at any time or without the board staff’s approval, please timely inform my office and the AMI because we intend to exhibit our appearances. AMI’s sincere stand is that the laws of this land must be obeyed, respected and complied with, and that it should not be treated differently or with disparity.

Very truly yours,

/s/ Benneth O. Amadi
Benneth O. Amadi, Esquire



Texas Board of Nursing

333 Guadalupe Street, Ste. 3-460, Austin, Texas 78701
Phone: (512) 305-7400 Fax: (512) 305-7401 www.bon.texas.gov

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

March 28, 2017

Via Fax (781) 581-5145
and First Class Mail

Benneth O. Amadi, Esq.
204 Blossom Street Extension, Suite A
Lynn, Massachusetts 01901

Re: American Medical Institute Proposal

Dear Mr. Amadi:

Thank you for your correspondence dated March 22, 2017. Enclosed please find the Staff's report to the Board concerning American Medical Institute's (AMI) proposal for nurse education program. The report is associated with AMI's proposal, which was submitted to our agency in December 2016. It is Staff's recommendation that AMI's proposal be denied.

Please be advised that any further correspondence concerning this matter be sent exclusively to my attention. Additionally, I would refer you to 22 Tex. Admin. Code §213.4(a) of the Board's rules regarding attorney representation before the Board.

Sincerely,

A handwritten signature in red ink, appearing to read "Dusty Johnston", is written over the typed name.

James W. (Dusty) Johnston
General Counsel
Board Certified Administrative Law
Texas Board of Legal Specialization
(512) 305-6821

JWJ/kh

Members of the Board

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Agenda Item: 3.2.10.c.
Attachment #2
Board Meeting: April 2017

DRAFT LETTER

April 24, 2017

Ify Emenaha, RN, Pharm.D., Director
American Medical Institute
6902 Cook Road
Houston, Texas 77072

Dear Dr. Emenaha:

At the April 20, 2017, meeting, members of the Texas Board of Nursing (BON or Board) discussed the American Medical Institute Proposal to Establish a New Vocational Nursing Education Program in Houston, Texas. The members of the Board wish to thank you for being present to answer questions.

Based upon the discussion and review of documents, it was the decision of the Board to deny approval to American Medical Institute to establish a new Vocational Nursing Education Program in Houston, Texas, and impose the conditions/requirements in the attached Board Order.

If you have questions, or if we may be of assistance, please contact Board Staff at (512) 463-4631 or susan.lee@bon.texas.gov.

Sincerely,

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

Copy: Texas Workforce Commission

BEFORE THE TEXAS BOARD OF NURSING

ORDER OF THE BOARD

In the Matter of
American Medical Institute
Proposed Vocational Nursing Education Program
In Houston, Texas

A public meeting of the Texas Board of Nursing, hereinafter referred to as the Board, was held on April 20, 2017, 333 Guadalupe, Tower II, Room 225, Austin, Texas, to consider the American Medical Institute proposal to establish a new Vocational Nursing Education Program in Houston, Texas, based upon the review of the proposal, pursuant to Section 301.157, Texas Occupations Code and 22 Tex. Admin. Code Chapter 214 and Board Education Guideline 3.1.1.a.

After review and due consideration of the filed materials, as well as the presentation by the representatives from American Medical Institute in Houston, Texas, and other interested parties, if any, the Board hereby DENIES APPROVAL of the establishment of the American Medical Institute Vocational Nursing Education Program in Houston, Texas, based on the following reasons, which are representative and not all inclusive:

- no information about whether the program may have a negative impact on other nursing programs;
- minimal evidence of community support from local healthcare facilities to provide adequate clinical learning experiences;
- insufficient faculty policies (job descriptions, faculty qualifications and responsibilities, faculty organization, faculty orientation)
- a lack of required student policies in the handbook;
- the uncertainty of whether a potential pool of qualified students is available to maintain ongoing enrollment;
- Incomplete syllabi (unclear grading policies, no criteria for assignments, inconsistency in course objectives across the program);
- Clinical Affiliation Agreements that are expired, outdated, or do not include VN student clinical learning experiences (1 of 7 Clinical Affiliation Agreements is within the time frame and includes VN students, 1 is a "Memo of Understanding", which is dated but does not include the type of students); and
- a deficit of resources and student services available to support the students, such as counseling services, admissions, advisement, and library resources.

Additionally, the Board imposes the following conditions/requirements:

1. The program shall not submit a new proposal to establish a vocational nursing education program until a minimum of twelve (12) calendar months from the date of this denial has elapsed.

Entered this 20th day of April 2017

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