

MINUTES OF THE COMMISSION ON POSTSECONDARY EDUCATION

February 7, 2018 Meeting

Call to Order

The meeting was held at the Department Employment Training and Rehabilitation conference meeting rooms, in Las Vegas, Nevada and SAO Auditorium, Carson City (via video conferencing). The meeting was called to order by Commissioner Clark at approximately 9:00 am.

Public Comments

Commissioner Fredrick introduced Sandy Anderson, Executive Director of Nevada State Board of Massage Therapy for public comment regarding Elbe Institute.

The National Certification Board of Massage Therapy revoked John Chung's School previously when he had Royal Irvin College. The Nevada State Board of Massage Therapy has definite concerns, she presented a letter from NCBTMB addressed to Mr. Chung when he was revoked. Donna Sarvello with the NCBTMB in the audience in case you have any question from her. Elbe school has three students who have taken the National Certification Exam. Two passed and one recorded the lowest score ever seen in at the Nevada State Board of Massage Therapy. Executive Director Anderson states she has serious concerns over the curriculum, about what the students are learning from this program, and definitely about the specific educator that is the head of this program who has had his program revoked by the NCBTMB. His school in California, Royal Irvin, was also denied by the California Massage Therapy Certification Association. So CMTCA has revoked Royal Irvin, NCBTMB has revoked Royal Irvin and now the head of that school is before you today as Elbe for approval. Respectfully, I hope that you do not approve them today. Thank you.

Cheng Ying (Irvin) Chung from Elbe Institute addressed the audience. Mr. Chung stated at the time Royal Irvin was revoked Mr. Chung was on a medical leave. Chung furthered, he left the school and when he came back he realized the person he left in charge of the school did a lot of things he didn't tell my father.

Open Meeting Compliance

Confirmed by Administrator Ms. Wuest and that a quorum is present.

Roll Call

- Rene Cantu-Present
- Vice Chair Nathan Clark-Present
- Sharon Fredrick-Present
- Jill Hersha-Present
- Grant Nielson-Present
- BJ North- Excused
- Jon Ponder-Present

Staff in Attendance

Ms. Kelly Wuest, Administrator

Robert Whitney, Deputy Attorney General

Ms. Maricris Wu, Postsecondary Education Specialist

Ms. Susan Beckett, Administrative Assistant III

Others in Attendance

Mikki Reed – Management Analyst III DETR
Rizalia (Rechie) Albano – Nevada Dialysis & Technical School
Tess Mabini – Nevada Dialysis & Technical School
MaryAnn Loyola – Nevada Dialysis & Technical School
Faye Patton - Academy of Healthcare Prep
Candace Balcom-Panlino – Ace Insurance School
John Tucker – Southern States University
Ted Milano – Guardian Elite Medical
Donna Sarvello – NCBTMB
Sandy Anderson – Board of Massage
Daniel Kipnis – Kipnis Education Group
Cheng Ying (Irvin) Chung – Elbe Institute
Jinjun Wang – Elbe Institute
Rebecca Carmody – Community Ambulance
William Doyle – SSU Las Vegas
Samuel Scheller – Guardian Elite Medical Services

Adoption of Agenda:

Motion: Commissioner Cantu- Motion to adopt the agenda the February 7, 2018 meeting.
Second: Commissioner Frederick
Results: Unanimous, the Agenda is adopted.

Approval of Minutes

Motion: Commissioner Frederick - Motion to approve the minutes of the December 21, 2017 meeting.
Second: Commissioner Hersha
Results: Unanimous, the Minutes have been approved.

Administrators Report

Administrator Kelly Wuest gave the Administrators report:

1. Department of Employment, Training and Rehabilitation (DETR) Transition

During the second quarter of transition with DETR, financial management (FM) and human resources have been transferred to the appropriate divisions within DETR. Staff have begun tracking work time in the state timesheets that will enable DETR FM to determine the amount of time spend in each function for future staffing projections and the amount of time spent towards the VA contract. CPE received two new laptops as part of the state replacement plan. These laptops have updated software and allow staff to utilize overhead projectors at DETR facilities.

2. Closure Updates

Alterius Career College – AKA Everest College announced plans to close the Henderson Nevada campus. The company is closing 23 of the 27 locations nationally. Teach out is slated for September 2019.

Other Closures

Axis Career Institute – Closed and left no forwarding information. As a Title IV school, I have reached out to the Department of Education and the Accrediting body concern communication with the school.

3. Accrediting Council of Independent Colleges and Schools (ACICS) Update

The U.S. Department of Education has extending some of the critical dates of compliance for new accreditation after several accrediting bodies communicated to DOE that they were unable to meet the deadlines imposed.

The final deadline to complete is June 10, 2018. As the June date is not adequate for most accrediting bodies to properly vet new applicants, there have been attempts to add an extension to the federal spending bill. If this extension is granted, then schools will have ample time to complete the accreditation process.

The following schools are still impacted by the ACICS decision:

- Art Institute
- Brightwood College
- Southern States

Additional ACICS has submitted a new application for DOE recommendation to be heard for approval at the Spring National Advisory Committee on Institutional Quality and Integrity (NACIQI) meeting.

4. Required Changes in Massage Therapy and Reflexology Curriculum

In the last legislative session, AB 179 expanded the oversight of the Nevada Board of Massage Therapy to begin licensing reflexology and structural integration at the state level. This bill also requires the board to set curriculum standards for educational programs in massage therapy, reflexology and structural integration. This fall, a series of workshops occurred to develop the new standards. CPE staff has been working closely with the NBMT to ensure all existing schools met the minimum standards for a graduate to apply for a license. Attached is the Nevada School Performance Report from the Federation of State Massage Therapy Boards that will be referred to in later agenda items. As this report indicates, several of the private postsecondary schools have pass rates below the national average.

This afternoon, I will met with the NBMT concerning curriculum changes.

I am hoping that reports like this one from the FSMTB will open up Commission dialog to consider developing a benchmark system for all non-accredited private postsecondary institutions. Schools are already required to track student outcomes but have no standard or verification requirements written in statute or code.

5. Quarterly Report – With 17 schools unreported, the total enrollment for the October 1, 2017 – December 31, 2017 quarter stands at 5,911 students.

Oct - Dec 2017	Oct - Dec 2016	Oct - Dec 2015	Oct - Dec 2014	Oct - Dec 2013
4,940	4,404	5,375	5,673	5,871

6. CPE Quarterly Activities – October 1, 2017 – December 31, 2017

CPE Activity	Number of Applications Processed	CPE Activity	Number of Applications Processed
License Renewals	22	Agent Permits	51
Experiential License	2	VA Compliance Visits/Other Visits	3
Agent Schools	0	VA Program Approvals	343
Distance Education Exemptions	2	SARA Notifications	4
License Evaluations	27	School Audits	7

7. CPE Student Complaints: October 1, 2017 – December 31, 2017

There were no valid student complaints filed during the fourth quarter of 2017. CPE received an inquiry from a Nevada resident concerning a distance education program with a school outside of Nevada. As the complaint dealt with federal Title IV funds, the student was provided with information for the U.S. DOE to resolve the issue.

CPE did receive two complaint for NSHE institution students. After determining that neither student was a veteran that we could assist in the agencies role as the SAA, the students were referred to the appropriate parties at each institution.

Applications for Full Term License

Elbe Institute (Extended Provisional)

Testified: Jin Ju Wang – Irvin Chung, Chung testified that the school started in June 2017. My father, John Chung, began the school to give back to the community. Irvin Chung furthered his father wanted to give people a career path.

Discussion: Commissioner Clark – Based on the materials that were submitted to us, I noticed that Ms. Wang is not a licensed practitioner in the State of Nevada, but was licensed in the State of California. Commissioner Clark asked if she qualified to teach, has she been teaching and if so who is regulating this? Does CPE just require the three years practical work experience? Administrator Wuest responded, in the State of Nevada a person should have a massage license or be excluded by statute for example a doctors, physical therapist, and so on, there is a list. Commissioner Clark asked Administrator Wuest if this person meet that requirement. Administrator Wuest responded, no she does not. Ms. Wang does not meet the requirement.

Jin Ju Wang testified, she met the requirement prior and now she does not. I am no longer an instructor, I stopped in January. We now have another instructor and I am awaiting my transcripts. Commissioner Clark stated, the other question I have is related to the previous school that was owned by Mr. Chung, called Royal Irvin College. Can you provide a little background on that College, how did it became unapproved and why was it not disclosed on the previous application in the section where we ask about previous school ownerships?

Mr. Chung responded, my father developed a heart condition so he stepped away from the College. My father had heart surgery and in 06 after five years he stepped away. He entrusted the school's operation to an assistant named Gary. During that time, my dad was not focused on the school. He just focused on his health and after his heart surgery when he went back to the school he discovered that the California board and National board both had actually blacklisted the school. That is when he became disheartened and closed the school. As for the application process, we had thought the school had been closed for so long we didn't feel it was important. Commissioner Clark asked, would it have more prudent of you to ask the Administrator if it had been long enough to ask that question? Chung, yes we realize that now.

Commissioner Clark questioned, how long did your father step away and allow the school to go downhill? Mr. Chung responded, I was still in high school at the time sir, I believe it was two years. I was away at boarding school. Commissioner Clark asked, how has the school addressed the audit findings? Mr. Chung responded, I believe we had two findings we were dinged on. I believe it was career tracking and a substitute teacher. As for the career tracking, although we did not have the tracking posted at the time the first batch had just graduated and as they passed, we have found something for them. With the Substitute teacher, we have just found a suitable one and they will be at internship site, as well.

Commissioner Cantu asked, how do you assist students find employment, what is the salary range in the beginning and what partnerships do you have? Mr. Chung replied, because it is a six month program, students are still studying for the exam and my father will be assisting in the placement process. Commissioner Ponder stated, you mentioned graduated how many have graduated in December and what is the process with that? Mr. Chung responded, we had three students, two students have currently passed the

boards. The rest of the students who have graduated are still studying for the exam because they feel they are not ready. Even though they have graduated they are still studying. We have a school library and they are still studying. Commissioner Ponder inquired, do you have any specific details? Mr. Chung then explained the process of application for licensure after the test it is with the Massage Board.

Commissioner Nielson, based on the information presented this morning both written and in public comment by the individuals in the school does the staff's recommendation still stand? Administrator Wuest responded, the only other option is to move for closure. I would not recommend a full term license at this time. I would like to have more time to work with them and the massage board to see if there is curriculum deficits to address those. I am hoping that my meeting this afternoon will give me an update on that.

Commissioner Cantu asked, you had stated there were three students who graduated, how many students were in the class? Ms. Wang responded, it is open enrollment, four students. Mr. Chung added, most students are still in studying. The student who took the exam should not have taken the exam. He wanted to take the exam to see how hard it was and take it again. That is why.

Commissioner Clark inquired if there are any more questions from Commissioners? No further questions, I would like to call for a motion. Are there any motions? At this point I am going to ask for legal assistance on the procedures if we do not have a motion.

Deputy Attorney General Robert Whitney responded, we could table the matter to later in the meeting to give the Commissioners an opportunity to consider further the information that has been presented, it is listed as an action item. It sounds like there pretty much needs to be a vote on the matter. I would recommend we recall this to later in the day. It will give the Commissioners an opportunity to follow staff recommendation or maybe present another motion to deny licensure.

Commissioner Clark stated, we will table Elbe Institute provisional Licensure for later in the meeting. Commissioner Cantu asked, at some point I would like to hear what are the options for this in regards to the motion, from Counsel please? I'm not sure what the options are approve, deny or close. Commissioner Clark responded, so my understanding is the motion made doesn't have to be what the Administrator is recommending, any motion can be made is that correct Mr. Whitney?

Deputy Attorney General Whitney confirmed, Commissioners do not have to follow staff recommendations. Though staff did recommend extension of the provisional licensure. Any commissioner can based on the documents and what was presented today by Ms. Anderson, Mr. Chung and their Executive Director has said they move to either follow staff recommendation or to deny extending provisional licensing from what Ms. Wuest said based on the time period it would basically result in the denial of licensure. You do not have to follow the recommendation of the staff. Commissioner Clark, based on the information I would like to table this. Do I need to have a motion to table this? Mr. Whitney, since it is the same meeting use your discretion to table this for later in today's meeting. I don't see why you would need to. Now for something else, like take it off today's calendar then we would need a full consensus. Later in the meeting, we should be okay under your authority's chair. Again, a motion was requested by Commissioner Clark and having heard none, we move to table this until later in the meeting. Elbe Institute will be heard at a later time today.

Kipnis Education Group

Testified: Daniel Kipnis, CEO Kipnis Education Group thanked the Commission for the opportunity for provisional licensure. The school did well this past year and exceeded our expectations. We had estimated about 20 students a month for our original projections. We exceeded that number and enrolled about 300 students with a 99% job placement rate. The majority of the students were hired before they entered our program with the remaining students obtaining employment immediately upon completing the program. We work with Wynn Resorts, Caesars Entertainment, and Golden Nugget. It is an incredible opportunity for teens to receive one of their first jobs. We have partnered with a scuba diving center as a training location so we are able to provide a state of the art facility to train our students. One thing I would like to mention as far as tuition assistance is concerned, Job Connect will not actually pay or allow tuition assistance for the lifeguarding as it is not considered a full time employment opportunity. So the schools is wondering if there are any recommendations on how to move forward with Job Connect to assist the students with fees for the training.

Discussion: No discussion

Motion: Commissioner Ponder – Motion to approve

Second: Commissioner Hersha

Results: Unanimous

Clark suggested we revise the motion to include the name of the school.

Motion: Commissioner Ponder - Motion for full term licensure be granted for Kipnis Education Group.

Second: Commissioner Hersha

Comment: Commissioner Ponder stated, you are building a good program with a great success rate so kudos to you. Commissioner Hersha addressed the question regarding Job Connect. I am on the workforce board and Title I and there is a youth program and can speak with you later.

Results: Unanimous

Southern States University

Testified: John Tucker, Chancellor of Southern States University presented that the school has been around since 1983 in California, accredited through ACICS. We began the accreditation process for a new accrediting body and are in the second benchmark for the new accreditation through Western Association of Schools and Colleges. Everything is going very well and is on track.

Discussion: Commissioner Clark, requested clarification and update on accreditation. ACICS has a deadline of June 10, 2018 after that deadline what happens then? Mr. Tucker stated, we would operate for a period of time unaccredited and then would go back and be accredited. Commissioner Clark, there are certain requirements by statute as I am sure you know. Administrator Wuest please clarify. Administrator Wuest stated, as long as their program doesn't change, the University would be operating as an unaccredited school. Commissioner Hersha, Regarding WASC what is the time limit? Mr. Tucker responded, five years there are three benchmarks and a five year time minimum for full approval. We met the first one in 1.5 years. Commissioner Cantu stated, with regard to WASC what are the recommendations by WASC? Mr. Tucker indicated, we receive a

letter for the initial evaluation, the high is 3 and we scored a 2.6. WASC wanted more full time faculty, they are coming back for a site visit on March 19. They will be doing workshops for the self-study and will be sending a team of 5 to ensure the self-study is happening. Commissioner Clark asked, the Department of Education participation agreement expires June 2018, have you reapplied for the eligibility certification? Mr. Tucker replied, yes, we have reapplied and submitted everything. DOE is coming for a site visit April 2 and 3, 2018 and we also use a third party servicer who have been very helpful.

Motion: Commissioner Frederick - Motion for full term licensure be granted for Southern States University.

Second: Commissioner Cantu

Results: Unanimous

Applications for Initial Provisional Licensure

Ace Insurance School of Nevada

Testified: Candace Balcom-Paulino, Owner of Ace Insurance School of Nevada. Owner Balcom-Paulino, was an Instructor for Nevada School of Insurance, Gary Rutherford for almost three years. After Mr. Rutherford closed the Las Vegas school location, she felt a need to start her own school because of a need in Las Vegas for people to learn insurance the proper way so they can pass the exam.

Discussion: None

Motion: Commissioner Cantu – That a twelve-month provisional license be granted to Ace Insurance School of Nevada.

Second: Commissioner Hersha

Clark the motion that was made does not include the contingencies with regards to the bond, facility and Nevada Division of Insurance.

Deputy Attorney General Robert Whitney advised to set aside the previous motion and revise to the motion as per staff recommendation.

Modified Motion: Commissioner Cantu – That a twelve-month provisional license be granted to Ace Insurance School of Nevada , to offer the Nevada Insurance Pre-licensing programs, contingent upon receipt of a \$10,000 bond, receipt of facility information and curriculum and instructor approvals from the Nevada Division of Insurance.

Second: Commissioner Hersha

Results: Unanimous

Blue Makeup School, LLC

Testified: Mariana Arroyo Rendo, Owner Blue Makeup School – we want to be licensed for two programs for certificates. I moved from Illinois to Nevada and opened a Makeup School. We work with Spanish speaking people and high school people. We have moms and people like that.

Discussion: Commissioner Nielson, I am curious about the labor market for people who graduate from this program, what types of jobs available particularly outside the entertainment industry? Ms. Rendo responded, graduated can work outside entertainment doing makeup for brides and social events. Some become artists in Mexico and work with actors and actresses. Commissioner Neilson, do you plan on assisting students with employment once they graduate from the school? Ms. Rendo, not sure if I understand, they will actually work after school they can go find a job or work by themselves. Commissioner Hersha, I had a question regarding your curriculum where is it from, how is the developed? Is it covered or did you create it? Has it been approved? Specifically the Blue Makeup Guide, did you create it or was it created by someone else and used by other cosmetologists? It is important to me because as an educator you use curriculum that meets standards. There needs to be a goals and objectives there is measurements. The students are coming there are going to get a certified program of content that you are teaching. Rendo, we work with famous artists.

Commissioner Clark asked a question for Administrator Wuest. Can you explain why we want to license when they have had continues violations? Administrator Wuest, the first violation was due to licensing issues. In my opinion, when the school applied they had been approved by the Secretary of State and Business Licensing. The applications were moved forward due to translators and who allowed the Secretary of State and Licensing as a school without the normal checks and balances. So the first violation was due to the licensing, the makeup school was allowed to be licensed at the State and county level without any of the normal triggers for CPE. The second violation was due to timing of turning in materials and being delayed. She had hired individuals to help her with the application and truthfully they were not as helpful as she would have been. Now that Ms. Rendo is directly involved with the content it has been better. It is still a concern and we have reiterated she needs to be in compliance.

Commissioner Clark stated that I have a question regarding the financial issues. In the financial statements, can you explain the increase in revenues while the expenses have stayed flat? So I am looking at the budget and the revenue while you were not actually enrolling and now your expenses have not changed they stay the same. Ms. Rendo, we have more students that is why. Commissioner Clark stated that it makes sense, so the expenses are for the facilities and operations that don't change. Ms. Rendo responded, no they don't change and we are getting more students but the expenses don't change.

Motion: Commissioner Frederick - A twelve-month provisional license be granted to Blue Makeup School to offer the Basic makeup artist and professional makeup artist programs, contingent upon receipt of surety in the amount of \$48,000, staffing information and facility approval.

Second: Commissioner Ponder

Results: Unanimous

Comment: Commissioner Clark noted a discrepancy in the paperwork, listing \$27,000 in one area and \$48,000 in all other references. The correct amount is \$48,000.

Guardian Elite Medical Services

Testified: Samuel Scheller, Owner gave a background on Guardian Elite Medical Services. The emergency services started out in 2011 as a Special Event Medical Service providing onsite medical coverage. We began providing CPR training as a training center. We then began training our own staff as EMT's and are a trauma training center and CEU's

in our advanced classes. We also recently have been approved as an ambulance service for the City of Las Vegas in November 2017. EMT training is our next natural step in our business. It is my goal to provide high quality EMS Training.

Discussion: Commissioner Clark asked about the outcomes of the program. Will the non-employees you train be assisted with finding employment with potentially a competitor of your own? Mr. Scheller answered, yes of course. I have a great relationship with American Medical Response and there are also employment opportunities through casinos. So we are here to help them find employment either through us or through another entity. Commissioner Hersha inquired if the students have to sit for a national exam? Mr. Scheller responded, absolutely, these classes will prepare students for the National Registry EMT Exam and the Southern Nevada Health District revised their regulations to where the National Registry is no longer required in the local jurisdiction. Therefore, they have their own certification exam. So these classes will prepare students to sit for either and/or National Registry or Southern Nevada Health District exams. Out of the 20 students we have had from our staff training, only one did not sit for the exam. He wanted his life to move in an entirely different direction and left the occupation. Commissioner Cantu, can you talk about the employment outlook and starting salaries? Mr. Scheller responded that the employment outlook for EMS service has grown and local in Nevada we are experiencing growth. The starting salary for someone right out of school is about \$30,000.00.

Motion: Commissioner Hersha - A twelve-month provisional license be granted to Guardian Elite Medical Services, to offer the Emergency Medical Services training, contingent upon receipt of surety in the amount of \$27, 000, and staffing information.

Second: Commissioner Frederick

Results: Unanimous

Nevada Dialysis Technical School, Inc.

Testified: Rizalina Albano, Owner gave a background via presentation handout. Sister school was founded in San Diego in 2012. The mission is to provide highly trained and competent Patient Care Technicians and Nurses to meet the needs of dialysis facilities in Las Vegas, Nevada. The school in San Diego has the pass rate for the State and National Certification Exam of 91% in 2015 and 98% in 2016. The program consists of two parts 96 hours of Didactic class and 200 hours of Clinical Internship. The school will meet the requirements of the Nephrology Nursing Certification Commission and our graduates will be able to sit for this exam after graduation.

Discussion: Commissioner Hersha asked, what is your plan for getting students or marketing for students? Ms. Albano, as soon as we are approved we have a web designer who will create promotional material, we also have flyers that we will be handing out to services related to dialysis. We plan to use social media since we are a small business and we will also get through word of mouth. Commissioner Hersha inquired about how you will place your students/graduates. In San Diego we have 86% placement rate, we have students who are placed prior. Here in Las Vegas there are four clinics that are in need of educated students. Commissioner Ponder asked, what type of salary ranges are we looking at? Ms. Albano stated, \$15-\$19 per hour. Commissioner Cantu inquired about what does a person need to have prior to entering this program? Ms. Albano responded, a high school diploma or GED. Commissioner Frederick inquired about the

site for internships or will you be having your own facility? Ms. Albano stated that they already work with DaVita. Commissioner Frederick asked, how many facilities do they have? Ms. Albano responded all the clinics 28 in Southern Nevada. Commissioner Cantu asked, after someone becomes a dialysis tech what are their prospects, how do they move on, what are their job options do they do nursing school or? Ms. Albano responded, some do nursing school, clerical or managerial.

Motion: Commissioner Cantu - A twelve-month provisional license be granted to Nevada Dialysis Technical School, Inc. to offer the Hemodialysis program, contingent upon receipt of surety in the amount of \$52,000, facility information, and staffing information.

Second: Commissioner Frederick, plus we received copies of the surety. So that requirement has been fulfilled.

Commissioner Clark asked if it okay to leave the contingency in the motion or should we modify the motion?

DAG Whitney responded, I think we should modify the motion minus the \$52,000 bond.

Modified Motion: Commissioner Cantu - A twelve-month provisional license be granted to Nevada Dialysis Technical School, Inc. to offer the Hemodialysis program, contingent upon facility information, and staffing information.

Second: Commissioner Frederick

Results: Unanimous

Elbe Institute (Extended Provisional)

10:30 recalled Elbe Institute with Jin Ju Wang and Irvin Chung

Commissioner Clark, at this time we can go into a motion or a discussion. Mr. Whitney, is there any guidance there as how we should proceed? DAG Whitney, I have thought a bit more about it and to be honest I have not faced this situation where the board is not wanting to make a motion. I think the situation is a little bit different from the initial application when you consider the applicant. I think we need to make some type of motion. Although, we cannot force the commission to make a motion. Although, I would encourage the commission to do so. Again, in this situation, where we are coming up for provisional licensure no one can force the commission to move forward with it. Reviewing NAC 394.445 Section 4 it appears there needs to be some type of motion. Commissioner Clark read NAC 394.445 (4) as follows:

4. At a regularly scheduled meeting of the Commission at which the termination of a provisional license is considered, the Commission will:
 - (a) Extend the provisional license, if the institution has substantially met the required standards and the Commission considers any deficiencies to be minor;
 - (b) Terminate the provisional license, if the Commission determines that the institution is unable to meet required standards; or
 - (c) Grant a license.

Commissioner Clark stated these are our options. Clark asked Mr. Chung if he would like to respond at this time. Mr. Chung, explained Royal Irvin was actually named after him. He explained his father and the troubles he has had. I began working in the school and our students are Chinese where they are not affluent rather the poor whom have the generators turned off for hours a day. His father knew about the poor and wanted the

people to be able to have a better life. Commissioner Clark, thank you, I appreciate the concern you have and your family background. The concern the commission has is the training students and the outcomes. We are an entity that either approves or disapproves the curriculum in the programs you are teaching. Clark, is there an entity that is going to approve or disapprove the curriculum in this program?

Maricris Wu, Education Specialist Commission on Postsecondary Education, the program was evaluated by a professional evaluator in the initial application process.

Commissioner Clark asked, what was their recommendation? Ms. Wu responded, their recommendation was some minor corrections to change. Once those changes happened the program was approved. They had made those required changes during that time of the initial application before being on the agenda. Commissioner Clark, what was the date of the recommendation? Ms. Wu replied, they were initially heard back in February 2017.

Administrator Wuest, as I stated in my Administrators Report staff will be working with the massage board for curriculum and Ms. Anderson will be evaluating the curriculum if approved by the Nevada Board of Massage Therapy. The only additional item is open enrollment which I believe impacted their program to be successful. We have since notified the school that they cannot do open enrollment and we have informed all programs they cannot do open enrollment.

Commissioner Nielson, should the commission move to extend the provisional licensure what will happen during those nine months? Administrator Wuest responded, we will be working with them regarding their curriculum and hopefully, it will be the massage board who determines if it meets standards. Staff can go in and do another audit in about two months and we will be going in on a regular basis to evaluate. Commissioner Nielson, would there be staffing checks and qualifications? Administrator Wuest responded, yes we will be verifying staff and so will the massage board. Commissioner Nielson asked if the massage board disapproves the curriculum or the instructors, does that stop the school or will they depend on us to do that? Administrator Wuest responded, the massage board will be working with us. Both the Commission and massage board has responsibility since the legislative changes last year.

Commissioner Clark, the massage board mentioned the rejections, at this time they are allowed to take the exam is that correct? Administrator Wuest answered, yes.

Commissioner Clark asked if we have a pass rate on that exam? Mr. Chung responded, three students sat for the exam and one didn't pass, a 66% pass rate. Administrator Wuest asked how a student passed your curriculum and graduate when he was not prepared.

Mr. Chung responded, he studied but he wasn't ready. Commissioner Clark commented the student caused the failure, not the teaching processes and information. Mr. Chung answered, we give them three to four weeks and they should be studying, we have software to help. Even though they graduate they still have three weeks to study and pass the exam. Commissioner Clark asked if there a possibility to do a three month extension to the license? Administrator Wuest responded, we have to prepare for the review. It would be better to have a six month review where the audit occurs at month four. Commissioner Clark stated we are having difficulty giving them time to continue with the issues. Commissioner Cantu stated, my concerns is with the school having omitted the existence of the other school on the application of this information. Mr. Chung responded that his father stepped away due to health issues and when he came

back two years later the school was having trouble and he just closed the school. Commissioner Frederick asked how the school knew the student didn't take the test prep, do you take attendance or how is it documented? Mr. Chung stated, no he actually came to us and stated he wanted to test the waters. He wanted to see what the actual test was like. He is now taking the option to study.

Motion: Commissioner Frederick - Motion to extend the provisional license issued to Elbe Institute for an extension period of three months.

Second: None

Commissioner Ponder asked if that was going to give enough time to give a report of findings. Administrator Wuest responded, we would have an audit 60 days prior to the meeting. We would be doing it in 30 days. We would actually recommend six or nine months so the audit can be done. Commissioner Clark asked if there is a way to address the issues in the next meeting. Procedurally we are a bit off track, we actually need the motion to die and then have a discussion. Commissioner Clark ask again for a second to the motion. Commissioner Frederick inquired if she could revise her motion from three months to six months? DAG Whitney recommended have the motion die and then make another motion.

Motion Died

Motion: Commissioner Frederick - Motion to extend the provisional license issued to Elbe Institute be extension period of six months.

Second: Motion died

Motion: Commissioner Frederick - Motion to extend the provisional license issued to Elbe Institute be extension period of three months.

Second: None

Motion Died

Commissioner Hersha stated, maybe a motion with stipulations regarding deficiencies because there has been no transparency regarding businesses previously owned. Something to make sure we are making progress. Commissioner Clark stated, going back to NAC 394.445 we have three options,
(a) Extend the provisional license, if the institution has substantially met the required standards and the Commission considers any deficiencies to be minor;
(b) Terminate the provisional license, if the Commission determines that the institution is unable to meet required standards; or
(c) Grant a license.

Mr. Whitney, would it acceptable to attach a list of deficiencies in regards to the motion? Mr. Whitney answered, yes under 4a it appears as the Commission could if the deficiencies are minor. Those deficiencies could be addressed. Commissioner Clark suggested to have staff add assessments of students, curriculum, no open enrollment and staffing. Maybe we could word it into a motion. Commissioner Cantu, I was

wondering if we could word it into a motion the items mentioned by Commissioner Clark as well as the integrity issue. Commissioner Frederick questioned where the open enrollment was already addressed and corrected? Administrator Wuest stated, staff has already instructed the school not to do it but the audit would demonstrate whether or not they stopped the practice. Commissioner Nielson, so without giving them an option. The options again are approve the school with contingencies, for a specified period of time, or extend the provisional, or to grant them a full license which is not on the table at this time.

Ms. Wang spoke and requested the opportunity to train the current students there are 8 students right now preparing for the exam. Commissioner Clark responded, I appreciate your passion. I think that helps us form an opinion. We also have to be concerned with the NAC and the students. I think it is important to look at our issues with the NAC. I assume you are aware of the background checks and maybe you can address that issue in reference to the clinical instructor submitted. Mr. Chung stated, we are in the process of obtaining new instructors and getting them back grounded. Administrator Wuest stated, do you know he must be a licensed massage therapist in the State of Nevada. Mr. Chung responded, yes he is a licensed massage therapist. Administrator Wuest stated the massage therapist must physically have the license to perform a massage. As of last week, the license was not current. Mr. Chung stated he has received the renewed license. Ms. Wu confirmed that the renewal of the massage license was now current.

11:05 am Commissioner Ponder excused himself due to another commitment. Mr. Whitney announced Commissioner Ponder leaving. The Commission still maintained quorum.

Commissioner Clark reviewed the options to take a vote and the issues staff has identified. Discussed issues regarding backgrounds, curriculum and, no open enrollment. Commissioner Nielson stated, as a nonvoting member I cannot form a motion. However, I would motion for either six months or terminate their license. Commissioner Clark questioned DAG Mr. Whitney as acting chair am I even able to submit a motion? DAG Whitney responded, it would be in the bylaws. Commissioner Cantu stated, the only motion I am comfortable with is to terminate.

Motion: Commissioner Cantu – move to terminate the provisional license.
Second: None

Motion Dies

Motion: Commissioner Frederick – Motion to extend the provisional license for six months issued to Elbe Institute in order to address audit issues of staffing, curriculum and open enrollment.
Second: Commissioner Hersha
Results: Motion Carries, Commissioner Cantu Opposes.

Star Learning Academy

Administrator Wuest states that the Star Learning Academy withdrew their application on February 6, 2018.

Commission Comments

None

Public Comment

None

Meeting Adjourned

The meeting was adjourned by Commissioner Clark. Time: 11:17am.