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OF ORIGINAL FILED**  
Los Angeles Superior Court

JUL 30 2010

John A. Clarke, Executive Officer/Clerk  
By SHAUNYA WESLEY, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

**BC442732**

16 **BOARD OF REGISTERED NURSING,**  
 17 Plaintiff,  
 18 v.  
 19 **RN LEARNING CENTER, INC., a California**  
 20 **corporation; JUNELOU CHALICO ENTERINA,**  
 21 **an individual; HARESH JAMBUSARIA an**  
 22 **individual; LYDIA SEBASTIAN AKA LYDIA**  
 23 **SEBASTION, an individual; MARIA LURLINE**  
 24 **KHATIB AKA MA. LURLINE KHATIB AKA**  
 25 **LURLINE KHATIB, an individual; CORA**  
 26 **ENTERINA, an individual; GIRAND ENTERINA**  
 27 **AKA JERANN ENTERINA, an individual; ELSIE**  
 28 **MALLILIN, an individual; MARIA AROLYN**  
**BERNARDO, an individual; BEBIELYN**  
**ENTERINA, an individual; LEONIDA TANOPO,**  
**an individual; and DOES 1 THROUGH 100,**  
**inclusive,**  
Defendants.

Case No.:  
**COMPLAINT FOR INJUNCTIVE  
 RELIEF AND RESTITUTION**  
**DATE ACTION FILED: July 29, 2010**  
**TRIAL DATE: None set**  
**"Assign to Master Calendar"**  
 Date:  
 Time:  
 Dept:  
 Judge:  
 Trial Date:  
 Action Filed:

1 THE BOARD OF REGISTERED NURSING, by and through their counsel, Edmund G.  
2 Brown, Attorney General of the State of California, by Alfredo Terrazas, Senior Assistant  
3 Attorney General, Karen B. Chappelle, Supervising Deputy Attorney General, Gloria A. Barrios,  
4 Supervising Deputy Attorney General, Marc D. Greenbaum, Supervising Deputy Attorney  
5 General, Kimberlee D. King, Deputy Attorney General and Kimberley Baker-Guillemet, Deputy  
6 Attorney General, are informed and believe and thereupon allege as follows:

7 **AUTHORITY/PURPOSE**

8 1. Plaintiff, the Board of Registered Nursing (Nursing Board), is a state agency of  
9 legislative origin, within the Department of Consumer Affairs, and is charged with administering  
10 and enforcing the laws and regulations relating to the practice of nursing in this state as set forth  
11 in, known and cited as the Nursing Practice Act as codified at Business and Professions Code  
12 section 2700 et seq. Regulations which specify the implementation of the law can be found at  
13 Division 14 of Title 16 of the California Code of Regulations.

14 **JURISDICTION AND VENUE**

15 2. Defendants at all times mentioned herein have transacted business within and  
16 throughout the State of California, with the majority of the business taking place in Los Angeles  
17 County. The violations hereinafter described have been carried out in whole or in part within the  
18 State of California. The actions of defendants, individually, jointly and severally, as set out  
19 below, are in violation of the laws and public policy of the State of California.

20 3. Plaintiff is authorized by Business and Professions Code section 125.5 to obtain,  
21 without the requirement of an undertaking, an injunction or other appropriate order against, and to  
22 recover investigation expenses from, any person who has engaged in or who is about to engage in  
23 any act which constitutes a violation of the Nursing Practice Act as codified at Business and  
24 Professions Code section 2700 et seq. and Division 14 of Title 16 of the California Code of  
25 Regulations.

26 4. Plaintiff is authorized by Business and Professions Code section 125.5 to seek a  
27 judgment for an injunction or other appropriate order restraining the conduct at issue and  
28

1 restitution against any person who has engaged or is about to engage in any act which constitutes  
2 a violation of a chapter of the Nursing Practice Act.<sup>1</sup>

3 **DEFENDANTS**

4 5. In or about March 2003, defendant RN Learning Center, Inc. (RN LEARNING  
5 CENTER), was incorporated under the laws of the state of California, with its principal place of  
6 business located at 3440 Wilshire Blvd., Suite 808, in Los Angeles, California. On or about April  
7 21, 2006, RN LEARNING CENTER was suspended by the Secretary of State. At all times  
8 mentioned in this Complaint, defendant RN LEARNING CENTER represented to unsuspecting  
9 consumers that it was an accredited 18-month to 2-year Bachelor of Science in Nursing (BSN)  
10 program and/or held itself out to be a program affiliated with an accredited distance learning  
11 program based in the Philippines, when in fact defendant RN LEARNING CENTER is an  
12 unaccredited 18-month to 2-year Bachelor of Science in Nursing (BSN) program. Defendants  
13 advertise and represent that this program is an affiliate of an accredited college in the Philippines  
14 and that, upon completion of the course of study at defendant RN LEARNING CENTER, the  
15 Filipino institution will issue to students BSNs which will satisfy the Nursing Board's degree  
16 requirement. Defendants make explicit and implicit misrepresentations to students and applicants  
17 that upon completion of the RN LEARNING CENTER program, they will be eligible to sit for  
18 the National Council Licensure Examination for Registered Nurses (NCLEX-RN)<sup>2</sup> and become a  
19 licensed registered nurse (RN) in the state of California, as discussed in further detail below.

20 6. On or about June 6, 2006, a California corporation by the name of "RN Learning  
21 Center, West Covina, Inc." (RN LEARNING CENTER-WC) was incorporated under the laws of  
22 the state of California, with its principal place of business located at 2550 E. Amar Road Unit A-  
23 IA, West Covina, California. In or about 2008, RN LEARNING CENTER-WC was dissolved.

24  
25  
26 <sup>1</sup> Plaintiff also requests, as part of its Prayer for Relief, that Defendants be enjoined from  
27 dissipating any assets received by and through their business affiliation with defendant RN  
28 LEARNING CENTER.

<sup>2</sup> All nursing students must take and pass this exam in order to become licensed registered  
nurses in California.

1           7.     On or about August 4, 2008, defendant RN LEARNING CENTER was incorporated  
2 a second time under the laws of the state of California, with its principal place of business located  
3 at 3440 Wilshire Blvd., Suite 808, in Los Angeles, California. The California Secretary of State  
4 currently lists defendant RN LEARNING CENTER's status as active.

5           8.     Defendant RN LEARNING CENTER has never been accredited as a school of  
6 nursing in the State of California pursuant to the Nursing Practice Act as codified at Business and  
7 Professions Code section 2700 et seq. and Division 14 of Title 16 of the California Code of  
8 Regulations.

9           9.     RN LEARNING CENTER is accredited as a Continuing Education Provider (CEP)  
10 with the Nursing Board. Its CEP Number is 14565. This permit does not authorize defendant RN  
11 LEARNING CENTER to offer prelicensure nursing classes to individuals pursuing a BSN  
12 degree.

13          10.    Defendant RN LEARNING CENTER also holds temporary approval number  
14 20747035 from the entity formerly known as the Bureau For Private Postsecondary and  
15 Vocational Education.<sup>3</sup> Defendant RN LEARNING CENTER's possession of this temporary  
16 approval with neither accreditation as a school of nursing from the Nursing Board nor approval  
17 from the Nursing Board and a Memorandum of Understanding with the Nursing Board  
18 authorizing it to provide prelicensure nursing classes, does not authorize it to offer prelicensure  
19 nursing classes to individuals pursuing a BSN degree.

20          11.    Junelou Chalico Enterina (ENTERINA) is an individual. Defendant ENTERINA was  
21 listed as the president of RN LEARNING CENTER with the Secretary of State when it was first  
22 incorporated in 2003 through on or about April 21, 2006, when it was suspended by the Secretary  
23 of State. When defendant RN LEARNING CENTER was incorporated a second time in 2008,  
24 defendant ENTERINA was listed as the agent for service and president with the Secretary of  
25 State. Defendant ENTERINA is currently the owner, president and RN Director for defendant  
26 RN LEARNING CENTER. ENTERINA also held an office with the now defunct RN

27 \_\_\_\_\_  
28           <sup>3</sup> The agency has been renamed the Bureau of Private Postsecondary Education.

1 LEARNING CENTER –WC. Defendant ENTERINA is not now, nor has he ever been, a  
2 licensed registered nurse in the State of California. Defendant ENTERINA has never applied for  
3 or obtained accreditation for defendant RN LEARNING CENTER as a school of nursing from  
4 the Nursing Board.

5 12. Haresh Jambusaria (JAMBUSARIA) is an individual. Defendant JAMBUSARIA  
6 was registered as the agent for service for RN LEARNING CENTER with Secretary of State  
7 when it was first incorporated in 2003 through on or about April 21, 2006, when it was suspended  
8 by the Secretary of State. Defendant JAMBUSARIA is not now, nor has he ever been, a licensed  
9 registered nurse in the State of California. JAMBUSARIA has never obtained or applied with the  
10 Nursing Board for accreditation for RN LEARNING CENTER.

11 13. Lydia Sebastian, also known as (a.k.a.) Lydia Sebastian, (SEBASTIAN) is an  
12 individual. Defendant SEBASTIAN was the agent for service, president and RN Director for RN  
13 LEARNING CENTER-WC. Defendant SEBASTIAN is or was, at one time, one of the RN  
14 Directors of defendant RN LEARNING CENTER. Defendant SEBASTIAN is currently licensed  
15 as a registered nurse in the state of California.

16 On May 22, 2008, the Nursing Board filed an Accusation against defendant SEBASTIAN,  
17 a registered nurse, alleging violations of the Nursing Practice Act in connection with her  
18 affiliation with defendant RN LEARNING CENTER and RN LEARNING CENTER-WC.  
19 Specifically, SEBASTIAN was found to have violated the Nursing Practice Act as follows: (a)  
20 advertising, promoting, and offering an unaccredited pre-licensure registered nursing program,  
21 RN LEARNING CENTER-WC, to prospective students; (b) operating and enrolling students in  
22 the unaccredited nursing program, RN LEARNING CENTER-WC; (c) approaching several  
23 hospitals requesting clinical placement for students who were enrolled in her unaccredited  
24 nursing program, RN LEARNING CENTER-WC; (d) aiding, abetting and arranging the  
25 unlicensed practice of registered nursing by placing her students in clinical assignments at health-  
26 care facilities; (e) failing to give proper notice to applicants for admission to her unaccredited  
27 nursing program, RN LEARNING CENTER-WC, that the courses offered were not accredited  
28 by the Nursing Board and that completion thereof would not qualify the applicants to take any

1 examination given by the Nursing Board; and (f) improperly acting in the capacity of a registered  
2 nurse director and an instructor for RN LEARNING CENTER-WC. In addition, defendant  
3 SEBASTIAN was found to have engaged in nursing-related advertisement in violation of  
4 Business and Professions Code section 17500 as follows: (a) making false and misleading  
5 statements to prospective students and/or hospitals regarding the unaccredited status of RN  
6 LEARNING CENTER-WC; (b) making false and misleading statements to prospective students  
7 regarding the cost of the RN LEARNING CENTER-WC program; (c) making false and  
8 misleading statements to prospective students regarding the provision of clinical experience by  
9 the RN LEARNING CENTER-WC program; (d) making false and misleading statements to  
10 prospective students regarding the ability of the students to qualify to take any examination given  
11 by the Nursing Board upon completion of the RN LEARNING CENTER-WC program; (e)  
12 making false and misleading statements to prospective students, instructors, and hospitals  
13 regarding the lack of Nursing Board approval to operate the RN LEARNING CENTER-WC  
14 program; (f) making false and misleading statements to prospective students regarding the  
15 transcripts that the students would receive upon completion of the RN LEARNING CENTER-  
16 WC program. Further, defendant SEBASTIAN was found to have engaged in unprofessional  
17 conduct. As a result of the Accusation, defendant SEBASTIAN's license was placed on  
18 probation effective May 1, 2009, and continues to be on probation.

19 14. Maria Lurline Khatib, a.k.a. "Ma. Lurline Khatib," a.k.a. "Lurline Khatib,"  
20 (KHATIB) is an individual. Defendant KHATIB is the agent for service for and president of  
21 Mindscope Medical Support, Mindscope Career Development and Mindscope International  
22 (Mindscope), a joint venture with defendant ENTERINA and an affiliate of defendant RN  
23 LEARNING CENTER. Defendant KHATIB was at one time a licensed nurse in the State of  
24 California.

25 On January 26, 2009, the Nursing Board filed an Accusation against defendant KHATIB,  
26 who was a registered nurse at that time. The Accusation alleged that defendant KHATIB  
27 engaged in the following violations of the Nursing Practice Act: (a) conducted an unaccredited  
28 school of nursing (Mindscope); (b) failed to utilize a course of nursing instruction/curriculum

1 approved by the Nursing Board; (c) failed to notify applicants prior to the signing of any contract  
2 by the applicant for admissions, or prior to making a deposit or other payment, that any  
3 completion of Mindscope's courses would not contribute to qualification for the Nursing Board's  
4 registered nursing licensure examination; (d) failed to provide applicants who made any deposit  
5 or other payment, prior to enrollment, with a proper written notice that the course of instruction  
6 offered by Mindscope was not accredited by the Nursing Board and that completion of  
7 Mindscope's program would not qualify the students to take any examination given by the  
8 Nursing Board directly above the applicant's signature; (e) offered a less than two-year  
9 Registered Nursing prelicensure course of instruction; (f) failed to affiliate Mindscope with an  
10 institution of higher education in the same general location of Artesia, California; (g) failed to  
11 provide a course of instruction/curriculum that is concurrent in theory and clinical practice, and  
12 complete theory; (h) failed to report to the Nursing Board all changes in faculty, prior to  
13 employment, or within 30 days after termination of employment; (i) failed to report to the  
14 Nursing Board changes in teaching areas; (j) failed to seek accreditation for any of Mindscope's  
15 nursing programs in writing to the Nursing Board prior to its enrollment of students; (k)  
16 transferred and/or attempted to transfer KHATIB's continuing education provider approval; (l)  
17 failed to provide registered nursing applicants training for licensure as registered nurses, courses  
18 of instruction that are prescribed and approved by the Nursing Board in program(s) accredited by  
19 the Nursing Board for licensure. In addition, defendant KHATIB was found to have disseminated  
20 or to have caused to be disseminated public communications which were false, fraudulent,  
21 misleading or deceptive. Further, defendant KHATIB was found to have engaged in  
22 unprofessional conduct. Defendant KHATIB surrendered her license effective December 29,  
23 2009.

24 15. Cora Enterina (C. ENTERINA) is an individual. Defendant ENTERINA is one of the  
25 administrators of RN LEARNING CENTER and is defendant ENTERINA's mother.

26 16. Girand Enterina, a.k.a. Jerann Enterina (G. ENTERINA), is an individual. Defendant  
27 ENTERINA is one of the administrators of RN LEARNING CENTER and is defendant  
28 ENTERINA's brother.

1 17. Elsie Mallilin (MALLILIN) is an individual. Defendant MALLILIN is an instructor  
2 and “academic” at RN LEARNING CENTER. Defendant MALLILIN is not now, nor has she  
3 ever been, a licensed registered nurse in the State of California.

4 18. Maria Arolyn Bernardo (BERNARDO) is an individual. Defendant BERNARDO is  
5 an instructor at RN LEARNING CENTER. Defendant BERNARDO is not now, nor has she ever  
6 been, a licensed registered nurse in the State of California.

7 19. Bebielyn Enterina (B. ENTERINA) is an individual. Defendant B. ENTERINA is an  
8 employee at RN LEARNING CENTER, and plaintiff is informed and believes that she is a  
9 relative of defendant ENTERINA.

10 20. Leonida Tanopo (TANOPO) is an individual. Defendant TANOPO is an employee at  
11 RN LEARNING CENTER.

12 21. The true names and capacities, whether individual, corporate, or otherwise, of  
13 defendants DOES 1 through 100 are not known to plaintiff at this time. Plaintiff therefore brings  
14 suit against said defendants by such fictitious names. Plaintiffs will ask leave of this Court to  
15 amend this Complaint to reflect the true names and capacities of said defendants when they have  
16 been ascertained.

17 22. Plaintiff is informed and believes, and, on the basis of that information and belief,  
18 alleges, that all times mentioned in this complaint, DOES 1 through 100 were the agents and  
19 employees of the other named defendants, and in doing the things alleged in this Complaint were  
20 acting within the course and scope of that agency and employment and with the knowledge and  
21 consent of their principal and employer.

22 **NATURE OF BUSINESS PRACTICES**

23 23. At all times mentioned in this Complaint, defendant RN LEARNING CENTER has  
24 been engaged in the business of providing an unauthorized, unaccredited 18-month to 2-year BSN  
25 program. This program is advertised and represented as an accredited BSN program. Defendants  
26 have made explicit and implicit misrepresentations to students and applicants that individuals  
27 who enroll in the program will earn a BSN degree, will be eligible to sit for the NCLEX-RN and  
28 apply for licensure as a licensed RN with the Nursing Board. Defendants’ misrepresentations



1 include, but are not limited to: verbal statements and e-mail correspondence from defendants  
2 assuring students that the Nursing Board will permit them to sit for the NCLEX-RN; verbal  
3 statements and e-mail correspondence from defendants assuring students that their transcripts are  
4 authentic and will be accepted by the Nursing Board; distribution of brochures and other  
5 paraphernalia describing RN LEARNING CENTER as a "RN Program"; the provision of  
6 prelicensure nursing courses; the issuance of BSN degrees to students; and the issuance of  
7 "official" transcripts.

8 24. In or about 2003, defendant ENTERINA knowingly and willingly entered into a  
9 conspiracy, common enterprise, and common course of conduct with other individuals, including  
10 but not limited to defendant JAMBUSARIA, for the purpose of evading the requirements of the  
11 Nursing Practice Act and Title 16, California Code of Regulations, section 1420 et seq. The first  
12 overt act of this conspiracy was the incorporation of defendant RN LEARNING CENTER in  
13 2003.

14 25. Beginning at dates unknown to the plaintiff but continuing to the present, defendants  
15 and each of them violated or assisted others to violate the Nursing Practice Act, as described  
16 above in paragraph 23. As a result, defendants have caused their students, who are consumers of  
17 the state of California, to suffer damage in, but not limited to, the following manner: they have  
18 been denied the opportunity to sit for the NCLEX-RN; they have been threatened with  
19 prosecution by transcript verification entities because defendants have submitted fraudulent  
20 transcripts in the students' names; they have paid in excess of twenty thousand dollars (\$20,000)  
21 to defendants for tuition and other costs; have become unemployed or underemployed; and have  
22 suffered emotional harm.

23 26. At various times since that act, other individuals residing in the United States and the  
24 Philippines knowingly and willingly entered into and became integral participants in this  
25 conspiracy.

26 27. Plaintiff is informed and believes and thereon alleges that this conspiracy, common  
27 enterprise, and common course of conduct continue to the present date.

28 ///

1 REFERENCES

2 28. Whenever in this Complaint reference is made to any acts of defendants, or any one  
3 of them, such allegations shall be deemed to mean the act of each and every defendant acting  
4 pursuant to and in furtherance of the conspiracy and above-alleged agreement.

5 29. Whenever in this Complaint reference is made to any act of any corporate defendant,  
6 such allegations shall be deemed to mean that defendant corporation did or authorized such acts  
7 as the alter ego of defendants JAMBUSARIA, ENTERINA, SEBASTIAN or KHATIB and  
8 furthermore that defendant corporation and its officers, directors, agents, employees, or  
9 representatives, did or authorized such acts while actively engaged in the management, direction,  
10 or control of the affairs of said corporate defendant, and while acting within the course and scope  
11 of their duties.

12 30. Whenever in this Complaint reference is made to defendants "representing that they  
13 ran an accredited program," this encompasses any and all acts by defendants whereby they led the  
14 public in general, and their students in particular, to believe that completion of the course of study  
15 at RN LEARNING CENTER would lead to them earning a BSN degree, becoming eligible to sit  
16 for the NCLEX and apply for licensure with the Nursing Board.

17 STATUTORY LAW GOVERNING SCHOOLS OF NURSING

18 31. Business and Professions Code section 675 requires every person, firm, association,  
19 partnership, or corporation offering an unaccredited course of instruction in any type of nursing,  
20 the completion of which will not qualify a person to take any examination given by the Board of  
21 Registered Nursing or by the Board of Vocational Nursing and Psychiatric Technicians to notify  
22 an applicant for admission thereto that the course of instruction is not accredited and that  
23 completion thereof will not qualify the person to take any examination given by either board.

24 32. Business and Professions Code section 2715 provides, in pertinent part, that the  
25 Nursing Board shall prosecute all persons guilty of violating the provisions of that chapter.

26 33. Business and Professions Code section 2729 provides that nursing services may be  
27 rendered by a student when such services are incidental to the course of study of the student's  
28 enrollment in a Nursing Board-approved prelicensure program or school of nursing or by a nurse

1 licensed in another state or country taking a Nursing Board-approved continuing education course  
2 or a post-licensure course.

3 34. Business and Professions Code section 2785 states that "[t]he [Nursing] board shall  
4 prepare and maintain a list of approved schools of nursing in this state whose graduates, if they  
5 have the other necessary qualifications provided in this chapter, shall be eligible to apply for a  
6 license to practice nursing in this state."

7 35. Business and Professions Code section 2786, subdivision (a) states:

8  
9 An approved school of nursing is one which has been approved by the board,  
10 gives the course of instruction approved by the board, covering not less than  
11 two academic years, is affiliated or conducted in connection with one or more  
12 hospitals, and is an institution of higher education or is affiliated with an  
13 institution of higher education. For purposes of this section, "institution of  
14 higher education" includes community colleges offering an associate degree.  
15 An approved school of nursing which is not an institution of higher education  
16 shall make an agreement with an institution of higher education in the same  
17 general location to grant an associate of arts degree to individuals who  
18 graduate from the school of nursing or to grant a baccalaureate degree in  
19 nursing with successful completion of an additional course of study as  
20 approved by the board and the institution involved.

21 36. Business and Professions Code section 2798 states that it is unlawful for anyone to  
22 conduct a school of nursing unless the school has been approved as an accredited school by the  
23 Board.<sup>4</sup>

### 24 REGULATORY LAW GOVERNING SCHOOLS OF NURSING

25 37. Title 16, section 1420 of the California Code of Regulations provides as follows:

26 For purposes of this article, the term:

27 (a) "Accredited nursing program" means a school, program, department  
28 or division of nursing accredited under the provisions of Sections 2785  
through 2789 of the code;

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<sup>4</sup> In addition, Business and Professions Code section 2799 provides that any person who  
violates section 2798 is guilty of a misdemeanor and upon a conviction thereof shall be punished  
by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine  
of not less than twenty dollars (\$20) nor more than one thousand dollars (\$1,000), or by both such  
fine and imprisonment.

1 (b) "Administration" means coordinating, directing and participating in  
2 all activities involving in developing, implementing and managing a nursing  
3 program;

4 (c) "Clinically competent" means that a nursing program faculty  
5 member possesses and exercises the degree of learning, skill, care and  
6 experience ordinarily possessed and exercised by staff level registered nurses  
7 of the clinical unit to which the instructor is assigned;

8 (d) "Clinical practice" means the application of nursing knowledge and  
9 skills in clinical facilities and participation in planned learning experiences in  
10 skills labs, by students, both of which are designed to meet course objectives;

11 (e) "Learning experiences" means those activities planned for students  
12 by the faculty, which are designed to meet the objectives of the required  
13 course of instruction including the basic standards of competent performance;

14 (f) "Course of instruction" means the minimum education program  
15 prescribed by the board for eligibility to take the licensing examination;

16 (g) "Education program" means an organized plan of instruction;

17 (h) "Nursing process" means the problem solving techniques of  
18 assessment, planning, implementing and evaluating a plan of care, which  
19 requires technical and scientific knowledge and judgmental and decision-  
20 making skills;

21 (i) "Director" means the registered nurse faculty member who  
22 administers the program and who has the authority and responsibility for  
23 yearly fiscal planning of its resources;

24 (j) "Faculty" means all nurses who teach in a nursing program  
25 accredited by the board;

26 (k) "Non-faculty/preceptor" means all persons other than faculty  
27 members who meet the minimum qualifications of clinical teaching assistant  
28 and are selected by the nursing program to teach and/or supervise nursing  
students designated clinical areas;

(l) "Sponsoring hospital" means a hospital which has implemented and  
is supporting a nursing program;

(m) "Year" means an academic year.

38. Title 16, section 1421 of the California Code of Regulations provides that:

(a) An educational institution or sponsoring hospital seeking  
accreditation of a new program shall:

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(1) Notify the board in writing of its intent to offer a new program. Upon notification of such intent, a nursing consultant will be assigned to assist the proposed program with understanding the board's guidelines for the development of a new program.

(2) Submit a report in accordance with the board's guidelines for proposed programs.

(3) Appoint a director who meets the requirements of Section 1425(b). Such appointments shall be made upon acceptance of the plan for the proposed program.

(4) No later than six months prior to the enrollment of students, submit a formal proposal to the board demonstrating how the program will meet the requirements of Sections 1424 through 1430.

(b) A representative of the board shall conduct a survey of the proposed program and shall submit a written report to the board.

(c) The board shall consider the report at a public meeting at which representatives of the program may appear. The board may thereafter grant or deny accreditation and shall notify the program of its decision.

(d) A material misrepresentation of fact by a nursing program in any information required to be submitted to the board is grounds for denial or revocation of the program's accreditation.

39. Title 16, section 1422 of the California Code of Regulations provides as follows:

(a) A certificate of accreditation shall be issued to each nursing program when it is initially accredited by the board.

(b) A certificate of accreditation shall be returned to the board when the program's accreditation has been revoked.

40. Title 16, section 1423 of the California Code of Regulations provides as follows:

In order for a program to be accredited by the board or to retain its accreditation, it shall comply with all requirements set forth in this article and in Sections 2786 through 2788 of the code.

41. Title 16, section 1424 of the California Code of Regulations provides as follows:

(a) There shall be a written statement of philosophy and objectives which serves as a basis for curriculum structure. Such statement shall take

1 into consideration the individual difference of students, including their  
2 cultural and ethnic background, learning styles, goals, and support systems. It  
3 shall also take into consideration the concepts of nursing and man in terms of  
4 nursing activities, the environment, the health-illness continuum, and relevant  
5 knowledge from related disciplines.

6 (b) The policies and procedures by which the program is administered  
7 shall be in writing, shall reflect the philosophy and objectives of the program,  
8 and shall be available to all students.

9 (1) The nursing program shall have a written plan for evaluation of the  
10 total program, including admission and selection procedures, attrition and  
11 retention of students, and performance of graduates in meeting community  
12 needs.

13 (c) There shall be an organizational chart which identifies the  
14 relationships, lines of authority and channels of communication within the  
15 program, between the program and other administrative segments of the  
16 institution with which it is affiliated, and between the program, the institution  
17 and clinical agencies.

18 (d) The program shall have sufficient resources, including faculty,  
19 library, staff and support services, physical space and equipment to achieve  
20 the program's objectives.

21 (e) A sufficient period of time shall be set aside, by the institution,  
22 exclusively for the use of the director or his or her designee in the  
23 administration of the program.

24 (f) The program shall have a registered nurse faculty member who is  
25 knowledgeable and current regarding the program and the policies and  
26 procedures by which it is administered and who can perform the director's  
27 duties in that person's absence.

28 (g) The faculty shall have the primary responsibility for developing  
policies and procedures, planning, organizing, implementing and evaluating  
all aspects of the program.

(h) The faculty shall be adequate in type and number to develop and  
implement the program approved by the board, and shall include at least one  
qualified instructor in each of the areas of nursing listed in Section 1426 who  
shall be responsible for the educational program in that area. Nursing faculty  
members whose teaching responsibilities include subject matter directly  
related to the practice of nursing shall be clinically competent in the areas to  
which they are assigned.

1 (i) When non-faculty individuals participate in the instruction and  
2 supervision of students obtaining clinical experience, their responsibilities  
3 shall be described in writing and kept on file by the nursing program.

4 (j) The assistant director shall function under the supervision of the  
5 director. Assistant instructors and clinical teaching assistants shall function  
6 under the supervision of an instructor.

7 (k) The student/teacher ratio in the clinical setting shall be based on the  
8 following criteria:

- 9 (1) acuity of patient needs;
- 10 (2) objectives of the learning experience;
- 11 (3) class level of the students;
- 12 (4) geographic placement of students;
- 13 (5) teaching methods; and
- 14 (6) requirements established by the clinical agency.

15 42. Title 16, section 1425 of the California Code of Regulations provides as follows:

16 A program shall report to the board all changes in faculty including  
17 changes in teaching areas, prior to employment of or within 30 days after  
18 termination of employment of a faculty member. Such changes shall be  
19 reported on forms provided by the board. Faculty members shall possess the  
20 following qualifications:

21 (a) A nurse faculty member appointed on or after the effective date of  
22 these regulations shall hold a valid, active license issued by the board.

23 (b) The registered nurse director of the program shall have:

24 (1) A Master's or higher degree from an accredited college or university  
25 which includes course work in nursing, education or administration;

26 (2) A minimum of one year's experience in an administrative position;

27 (3) A minimum of two years' experience teaching in pre- or post-  
28 licensure nursing programs;

(4) At least one year's experience as a registered nurse providing direct  
patient care; or

1 (5) Equivalent experience and/or education, as determined by the  
2 board.

3 (c) The registered nurse assistant director shall meet the education  
4 requirements set forth in subsection (b)(1) above and the experience  
5 requirements set forth in subsections (b)(3) and (b)(4) above or such  
6 experience as the board determines to be equivalent.

7 (d) An instructor shall meet the following requirements:

8 (1) Those set forth in subsections (b)(1) and (b)(4) above; and

9 (2) Completion of at least one year's experience teaching courses  
10 related to nursing or a course which includes practice in teaching nursing.

11 (e) An assistant instructor shall have:

12 (1) A baccalaureate degree from an accredited college which shall  
13 include courses in nursing, or in natural, behavioral or social sciences  
14 relevant to nursing practice;

15 (2) At least one year's continuous, full-time experience in direct patient  
16 care practice as a registered nurse.

17 (f) A clinical teaching assistant shall have had at least one year's  
18 experience, within the previous five years, as a registered nurse providing  
19 direct patient care.

20 43. Title 16, section 1426 of the California Code of Regulations provides as follows:

21 (a) The curriculum of a nursing program shall be that set forth in this  
22 section. A program's curriculum shall not be implemented or revised until it  
23 has been approved by the board.

24 (b) The curriculum shall reflect a unifying theme, which includes the  
25 nursing process as defined by the faculty, and shall be designed so that a  
26 nurse who completes the program will have the knowledge and skills  
27 necessary to function in accordance with the minimum standards for  
28 competency set forth in Section 1443.5.

(c) The curriculum shall consist of not less than fifty-eight (58)  
semester units, or eighty-seven (87) quarter units, which shall include at least  
the following number of units in the specified course areas:

(1) Art and science of nursing, thirty-six (36) semester units or fifty-  
four (54) quarter units, of which eighteen (18) semester or twenty-seven (27)  
quarter units will be in theory and eighteen (18) semester or twenty-seven  
(27) quarter units will be in clinical practice.



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(2) Communication skills, six (6) semester or nine (9) quarter units. Communication skills shall include principles of verbal, written and group communication.

(3) Related natural, behavioral, and social sciences, sixteen (16) semester or twenty-four (24) quarter units.

(d) Theory and clinical practice shall be concurrent in the following nursing areas: medical-surgical, maternal/child, mental health, psychiatric nursing and geriatrics. Instruction will be given in, but not limited to, the following: personal hygiene, human sexuality, client abuse, cultural diversity, nutrition (including therapeutic aspects), pharmacology, legal, social and ethical aspects of nursing, nursing leadership and management.

(e) The following shall be integrated throughout the entire nursing curriculum:

(1) Nursing process;

(2) Basic intervention skills in preventive, remedial, supportive and rehabilitative nursing;

(3) Physical, behavioral and social aspects of human development from birth through all age levels;

(4) The knowledge and skills required to develop collegial relationships with health care providers from other disciplines;

(5) Communication skills including principles of verbal, written and group communications;

(6) Natural sciences including human anatomy, physiology and microbiology; and

(7) Related behavioral and social sciences with emphasis on societal and cultural patterns, human development, and behavior relevant to health-illness.

(f) The course of instruction shall be presented in semester or quarter units under the following formula:

(1) One (1) hour of instruction in theory each week throughout a semester or quarter equals one (1) unit.

(2) Three (3) hours of clinical practice each week throughout a semester or quarter equals one (1) unit.

1 44. Title 16, section 1427 of the California Code of Regulations provides as follows:

2 (a) A nursing program shall not utilize agencies and/or community  
3 facilities for clinical experience without prior approval by the board. Each  
4 program must submit evidence that it has complied with the requirements of  
5 subdivisions (b) and (c) of this section and the policies outlined by the board.

6 (b) A program which utilizes agencies and/or community facilities for  
7 clinical experience shall maintain written objectives for student learning in  
8 such facilities, stated in measurable performance terms, and shall assign  
9 students only to facilities which can provide the experience necessary to meet  
10 those objectives.

11 (c) Each such program shall maintain written agreements with such  
12 facilities and such agreements shall include the following:

13 (1) Assurance of the availability and appropriateness of the learning  
14 environment in relation to the program's written objectives;

15 (2) Provision for orientation of faculty and students;

16 (3) A specification of the responsibilities and authority of the facility's  
17 staff as related to the program and to the educational experience of the  
18 students;

19 (4) Assurance that staff is adequate in number and quality to insure safe  
20 and continuous health care services to patients;

21 (5) Provisions for continuing communication between the facility and  
22 the program; and

23 (6) A description of the responsibilities of faculty assigned to the  
24 facility utilized by the program.

25 45. Title 16, section 1428.6 of the California Code of Regulations provides as follows:

26 (a) At least two weeks prior to its established graduation date, the  
27 nursing program shall submit to the board a roster of names of those students  
28 and their expected date to successfully complete required course work.  
Except as provided below such a student shall be deemed eligible to take the  
examination after the date on which the student successfully completed the  
required course work.

(b) The nursing program shall notify the board immediately by  
telephone or facsimile of any student who fails to maintain eligibility and  
such individuals shall be deemed ineligible to take the examination.

1 FIRST CAUSE OF ACTION

2 (Violation of Bus. & Prof. Code, § 2798;

3 Cal. Code Regs., tit. 16 §§ 1421, 1423, 1424, 1425, 1426 and 1428.6)

4 (Operating an Unaccredited School of Nursing)

5 46. Defendants, both the individuals and the corporations, have conspired to operate,  
6 have operated, and unless restrained and permanently enjoined from doing so by order of this  
7 Court, will continue to operate an unaccredited school of nursing in violation of Business and  
8 Professions Code section 2798 and title 16, sections 1421, 1423, 1424, 1425, 1426 and 1428.6 of  
9 the California Code of Regulations by reason of the following:

10 (a) Defendant RN LEARNING CENTER is not, and never has been, licensed in this  
11 State to operate a school of nursing.

12 (b) Defendants, through their ownership and operation of a school that offers  
13 prelicensure courses in nursing, have conspired to hold themselves out to and have held  
14 themselves out to the public of California to be duly licensed as an accredited school of nursing  
15 capable of bestowing upon its students a BSN degree once the students have completed defendant  
16 RN LEARNING CENTER's two year nursing program in the United States and completed a  
17 month of "clinical placement" in the Philippines.

18 (c) Defendants, by and through the publishing of brochures, pamphlets and other  
19 paraphernalia holding defendant RN LEARNING CENTER out to be a school of nursing, have  
20 conspired to hold themselves out to and have held themselves out to the public of California to be  
21 duly licensed as an accredited school of nursing.

22 (d) Defendants, by and through the issuance of documents entitled "Official  
23 Transcript of Record" to their students purporting to list all of the classes which the students have  
24 taken toward their nursing degree, have conspired to hold themselves out to and have held  
25 themselves out to the public of California to be duly licensed as an accredited school of nursing.  
26 Defendant RN LEARNING CENTER's name does not appear on any of the transcripts issued to  
27 its students. Instead, the name of a Filipino institution appears on the transcripts.

28

1 (e) Defendants have complied with some of the Nursing Board's accreditation  
2 requirements in order to create the illusion of a legitimate nursing program. However, the course  
3 of study offered at defendant RN LEARNING CENTER fails to meet the vast majority of the  
4 Nursing Board's accreditation requirements, including: (1) Nursing program general requirements  
5 pursuant to Title 16, sections 1421 and 1424 of the California Code of Regulations; (2) Nursing  
6 program faculty requirements pursuant to Title 16, section 1425 of the California Code of  
7 Regulations; (3) Nursing program curriculum requirements pursuant to Title 16, section 1426 of  
8 the California Code of Regulations; (4) Nursing program student graduation and NCLEX-RN  
9 eligibility requirements pursuant to Title 16, section 1428.6 of the California Code of  
10 Regulations.

11 (f) Defendants have forged transcripts and have issued them without the permission  
12 of the Filipino institution whose name is listed as the issuing institution on the transcript.  
13 Defendants also have listed on the transcripts classes that students neither completed nor were  
14 enrolled in.

15 (g) Defendants have conspired to charge and have charged their students "tuition" in  
16 the amount of \$20,000 per student for enrollment in prelicensure nursing classes, clinical  
17 placement and advanced nursing courses provided by defendant RN LEARNING CENTER, and  
18 its affiliates, and they have profited therefrom as owners and operators. Defendants have also  
19 required students to pay costs in excess of the tuition fee including, but not limited to, payment  
20 for expenses while in clinical placement in the Philippines, transcript verification fees, etc.

21 (h) Defendants, by and through the issuance of documents purporting to be "Bachelor  
22 of Science in Nursing" degrees, have conspired to hold themselves out to and have held  
23 themselves out to the public of California to be duly licensed as an accredited school of nursing.

24 47. Defendants have conspired to mislead and have mislead the public of California by  
25 describing their nursing program as a distance learning program and have erroneously represented  
26 that they are affiliated with a legitimate school of nursing in the Philippines. Defendants have  
27 conspired to represent and have represented to the public of California that the students  
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1 completing all course requirements of the Filipino Nursing school will earn a legitimate BSN  
2 degree from that institution.

3 48. Defendants have conspired to engage in and have engaged in the operation of an  
4 unaccredited school of nursing, in violation of Business and Professions Code section 2798 and  
5 Title 16, sections 1421, 1423, 1424, 1425, 1426 and 1428.6 of the California Code of Regulations  
6 in that they have operated and continue to operate a school of nursing that has not been approved  
7 as an accredited school by the Nursing Board.

8 49. Unless restrained and permanently enjoined, defendants and each of them will  
9 continue to engage in or will resume said aforementioned practices and acts in violation of the  
10 law as hereinabove set forth.

11 50. Plaintiff and the consumers of the state of California will be irreparably injured in that  
12 said defendants will continue to engage in or will resume acts and practices in violation of law as  
13 hereinabove set forth.

14 51. Plaintiff has no adequate remedy at law to prevent defendants from engaging in the  
15 aforementioned alleged acts and practices.

16 52. In addition, by and through their violation of Business and Professions Code section  
17 2798, defendants have subjected themselves to prosecution pursuant to Business and Professions  
18 Code sections 2715 and 2799.

19 **SECOND CAUSE OF ACTION**

20 **(Violation of Bus. & Prof. Code, § 675)**

21 **(Failure to Notify Applicants that Completion of Defendant RN LEARNING**  
22 **CENTER's Course of Study Will Not Qualify Them to Take the NCLEX-RN)**

23 53. Plaintiff realleges and incorporates by reference paragraphs 1 through 52, inclusive,  
24 of the Complaint as though fully set forth herein.

25 54. In violation of Business and Professions Code section 675, defendants, both the  
26 individuals and the corporation, have falsely represented to their enrolled students and potential  
27 students that completion of courses at RN LEARNING CENTER, will qualify the students to take  
28

1 the NCLEX-RN, the examination that all nursing students must pass in order to become licensed  
2 registered nurses.

3 55. In violation of Business and Professions Code section 675, defendants have failed to  
4 notify their applicants for admission and their students that defendant RN LEARNING  
5 CENTER's course of instruction is not accredited and that completion thereof will not qualify the  
6 applicants and students to take any examination given by the Nursing Board.

7 56. Unless restrained and permanently enjoined, defendants and each of them will  
8 continue to engage in or will resume said aforementioned practices and acts in violation of law as  
9 hereinabove set forth.

10 57. Plaintiff will be irreparably injured in that said defendants will continue to engage in  
11 or will resume acts and practices in violation of law as hereinabove set forth.

12 58. Plaintiff has no adequate remedy at law to prevent defendants from engaging in the  
13 aforementioned alleged acts and practices.

14 **THIRD CAUSE OF ACTION**

15 **(Violation of Bus. & Prof. Code, § 2729; Cal. Code Regs., tit. 16, § 1427)**

16 **(Sanctioning Students' Provision of Nursing Services Where Services Were Not  
17 Incidental to Enrollment in a Board-Approved Program)**

18 59. Plaintiff realleges and incorporates by reference paragraphs 1 through 58, inclusive,  
19 of the Complaint as though fully set forth herein.

20 60. Defendant RN LEARNING CENTER is neither a Nursing Board-approved  
21 prelicensure program nor a school of nursing. Accordingly, it is not authorized to enroll or  
22 sponsor students' enrollment in the provision of nursing services, i.e., clinical work. In addition,  
23 since the students who are enrolled in defendant's program are not licensed nurses in other states  
24 or countries, defendant RN LEARNING CENTER cannot legitimately claim that it is able to  
25 enroll those students in clinical programs pursuant to its provision of Nursing Board-approved  
26 continuing education courses to those students.

27 61. Defendants, both the individuals and the corporation, have conspired to enroll and  
28 have enrolled their students in clinical programs at California hospitals and long term care

1 facilities. During the clinical work, the students shadowed registered nurses, took vital  
2 assessments and administered medication to patients.

3 62. By and through their conspiracy to enroll, and by and through their enrollment of  
4 students in clinical programs, defendants violated and, have caused their students to violate,  
5 Business and Professions Code section 2729 and title 16, section 1427 of the California Code of  
6 Regulations.

7 63. Unless restrained and permanently enjoined, defendants and each of them will  
8 continue to engage in or will resume said aforementioned practices and acts in violation of the  
9 law as hereinabove set forth.

10 64. Plaintiff will be irreparably injured in that said defendants will continue to engage in  
11 or will resume acts and practices in violation of law as hereinabove set forth.

12 65. Plaintiff has no adequate remedy at law to prevent defendants from engaging in the  
13 aforementioned alleged acts and practices.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, plaintiff prays for relief as follows:

16 1. That defendants, and each of them, their officers, directors, employees, agents,  
17 representatives, successors, and assigns, and all other persons, corporations, or other entities  
18 acting under, through, or on behalf of defendants, be permanently restrained and enjoined from  
19 engaging in or performing, directly or indirectly, any and all of the following acts or aiding or  
20 abetting others to:

21 (a) Operate as an accredited school of nursing in California or hold themselves out to  
22 the public of California or any state as being capable and competent to operate an accredited  
23 school of nursing authorized to bestow a BSN on their students. This shall include ceasing the  
24 issuance of transcripts, diplomas and certificates and shall also include ceasing publication of any  
25 materials in print, electronic form or through any form of media advertising defendant RN  
26 LEARNING CENTER as an RN Program, Licensed Vocational Nurse (LVN) Program or LVN  
27 to RN Program.

28

1 (b) Engage in, either directly or indirectly, operating a school of nursing in California  
2 in violation of Business and Professions Code section 2798 and Title 16, sections 1421, 1423,  
3 1424, 1425, 1426 and 1428.6 of the California Code of Regulations as alleged in the First Cause  
4 of Action.

5 (c) Represent to their enrolled students and potential students that completion of the  
6 course of study at defendant RN LEARNING CENTER will qualify the students to take the  
7 NCLEX-RN, the examination that all nursing students must pass in order to become licensed  
8 registered nurses, in violation of Business and Professions Code section 675, as alleged in the  
9 Second Cause of Action.

10 (d) Hold themselves out to the public of California or any other state as operating a  
11 Nursing Board-approved nursing program at defendant RN LEARNING CENTER that is capable  
12 of enrolling students in clinical programs incidental to those students' enrollment at RN  
13 LEARNING CENTER, in violation of Business and Professions Code section 2729 and title 16,  
14 section 1427 of the California Code of Regulations as alleged in the Third Cause of Action.

15 (e) Destroying any evidence in any form, including, but not limited to, evidence in  
16 written, electronic and recorded formats.

17 2. That defendants, pursuant to the Court's ability to order defendants to pay restitution  
18 to its victims as authorized in Business and Professions Code section 125.5, and each of them,  
19 their officers, directors, employees, agents, representatives, successors, and assigns, and all other  
20 persons, corporations, or other entities acting under, through, or on behalf of defendants, be  
21 jointly and severally permanently restrained and enjoined from engaging in or performing,  
22 directly or indirectly, any and all of the following acts or aiding or abetting others to:

23 (a) Spend, withdraw, encumber, transfer, or in any other way dispose of any and all  
24 monies now held or hereafter obtained, in any account established or maintained by or on behalf  
25 of defendants, and each of them, until further order of this Court.

26 (b) Spend, withdraw, encumber, transfer, or in any other way dispose of any and all  
27 monies and other assets which they have obtained as a direct or indirect result of their operation  
28 of defendant RN LEARNING CENTER.



1           3.     That this Court, during the pendency of this action, issue a preliminary injunction  
2 against defendants, both the individuals and the corporation, from engaging in any action that  
3 violates the Nursing Act as codified at Business and Professions Code section 2700 et seq. and  
4 Division 14 of title 16 of the California Code of Regulations pursuant to Business and Professions  
5 Code section 125.5.

6           4.     That this Court, as authorized by Business and Professions Code section 125.5, order  
7 defendants, and each of them, to pay investigation expenses to plaintiff Nursing Board for  
8 violating the Nursing Act as codified at Business and Professions Code section 2700 et seq. and  
9 Division 14 of title 16 of the California Code of Regulations, all in the amount according to proof  
10 at trial.

11          5.     That this Court, as authorized by Business and Professions Code section 125.5, order  
12 defendants, and each of them, to pay restitution to each of its victims for monies obtained from  
13 them by and through defendants' operation of an unaccredited nursing school, in violation of the  
14 Nursing Act as codified at Business and Professions Code section 2700 et seq. and Division 14 of  
15 title 16 of the California Code of Regulations, all in the amount according to proof at trial.

16          6.     That costs of suit herein incurred be awarded to plaintiffs.

17          7.     That the reasonable expenses incurred by the plaintiff, the Nursing Board, be awarded  
18 to plaintiff.

19          8.     That such other and further relief be ordered as this Court may deem necessary to  
20 protect the public health, safety, and welfare.

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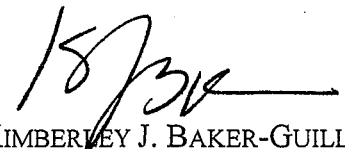
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Dated: July 29, 2010

Respectfully Submitted,  
  
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