

**Report on Minutes of the Licensure, Eligibility & Disciplinary
Rules & Policies Task Force Meetings**

A. Summary of Request: Consider the Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meeting Minutes. The Task Force was charged by the Board on January 20, 2006, with the following: review and make recommendations for revision to rules regarding licensure, eligibility, discipline, and any applicable policies.

This Task Force has addressed the need for consistency in the Board's processes for eligibility and discipline and is made up of interested parties who have participated in the development of recommendations to the Board. These recommendations from experts in areas relevant to licensure have provided evidence-based recommendations that improve the Board's disciplinary process.

The advisory task force consists of vocational nursing representatives from the Texas Association of Vocational Nurse Educators (TAVNE), Licensed Vocational Nurses Association of Texas (LVNAT), and Texas League of Vocational Nurses (TLVN). Professional nursing is represented at the Task Force Meetings by Texas Organization of Associate Degree Nursing (TOADN), Texas Organization of Baccalaureate and Graduate Nurse Educators (TOBGNE), and Texas Nurses Association (TNA). Texas Organization of Nurse Executives (TONE) and Coalition for Nurses in Advanced Practice are also represented.

The attached are the minutes of the meetings for the Texas Board of Nursing Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meetings.

B. Summary Request: Approval of Change in Designation from "Task Force" to "Advisory Committee."

When the Board approved creation of the Task Force, its purpose was to develop recommendations for the Board concerning matters of licensure, eligibility, and discipline. The designation of "Task Force" has served to describe the committee as potentially limited in duration. However, Staff believes this committee has proved a very valuable asset in obtaining stakeholder input regarding matters of eligibility and discipline and has served to educate stakeholders as to the unique value of the Board in the protection of public health and welfare through its decisions regarding eligibility and discipline. It is requested that the Board approve a re-designation of the Task Force to be a standing "Advisory Committee," which is to be utilized to give analysis and advise the Board regarding regulatory matters.

STAFF RECOMMENDATION:

Move to adopt change in designation of "Task Force" to "Advisory Committee" with continuing duration.

**Licensure, Eligibility and Disciplinary Task Force
Board of Nurse Examiners
Wednesday, July 19, 2006
1:15 p.m. - 4:00 p.m.
333 Guadalupe, Tower II, Suite 400A
Austin, Texas 78701**

Board Members Present:

**Phyllis Caves-Rawley, CPC
Richard Gibbs, LVN**

Board Staff Present:

**Anthony L. Diggs, Director of Enforcement
James W. "Dusty" Johnston, General Counsel
Carol Marshall, MSN, RN, Lead Consultant
Angela Bradford, Legal Assistant**

Task Force Members Attending

**Thelma Davis, Licensed Vocational Nurses Association of Texas (LVNAT)
Karen Malloy, Texas Association of Vocational Nurse Educators (TAVNE)
Kathy Hansen for Jere Hammer, Texas Organization of Associate Degree Nursing (TOADN)
Pamela Watson, Texas Organization of Baccalaureate and Graduate Nurse Educators (TOBGNE)
Deanna McKinney, Texas Organization of Nurse Executives (TONE)
Jim Willman, Texas Nurses Association (TNA)
Michael Van Doren, Texas Peer Assistance Program for Nurses (TPAPN)
Lynda Woolbert, Coalition for Nurses in Advance Practice
John Lehman, Ph.D., Expert in Forensic Psychological Testing
Eugene Clayborn, Office of Attorney General
Glen Kercher, Ph.D., Expert in Sex Offender Crimes/Treatment**

AGENDA ITEM	DISCUSSION	ACTION
Call to Order	Richard Gibbs called the meeting to order at 1:15 p.m., Wednesday, July 19, 2006	
Introductions	The Task Force members introduced themselves and designated which organization, agency, or entity they were representing.	

AGENDA ITEM	DISCUSSION	ACTION
Board Charge to Task Force	January 2006 request to the Board for appointment of task force.	Board made charge to convene Licensure, Eligibility & Disciplinary Rules Task Force (Jan 2006)
Background Information	<p>Dusty Johnston, General Counsel for the BNE, provided background information on the NPA and Board rules relevant to licensure, eligibility, and disciplinary determinations. History on beginning criminal background checks, increases in board actions related to changes in statute (NPA) and board rules, combining of the boards (LVN and RN) in Feb. 2004, and trends.</p> <ul style="list-style-type: none"> ● 2 years ago = 50 cases went to SOAH; this year (so far) = >150 SOAH cases ● Documents circulated and reviewed included: <p>1) NATIONAL COUNCIL STATE BOARDS OF NURSING--Article from NCSBN website regarding criminal back ground checks to inform licensure decision making.</p> <p>2) BNE CURRENT RULES: 213.27 Good Professional Character 213.28 Licensure of Persons With Criminal Convictions 213.29 Criteria & Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters 213.30 Declaratory Order of Eligibility for Licensure 213.33 Factors considered for Imposition of Penalties/Sanctions and/or Fitness</p> <p>3) TX OCCUPATIONS CODE, CH. 53 Factors in Determining Whether Conviction Relates to occupation</p>	Information only/ No action

AGENDA ITEM	DISCUSSION	ACTION
	<p>5) BNE Disciplinary Sanction Policies: Sexual Misconduct; Fraud, Theft, and Deception; Chemical Dependency; Lying and Falsification</p> <p>6) BNE Disciplinary Guidelines Grid: Pilot document to provide guidance on nurse licensure and applicants for licensure on the effect of criminal background</p>	
Enforcement Statistics	<p>Anthony Diggs, Director of Enforcement, provided statistical information related to Criminal background checks for licensure discipline and eligibility cases:</p> <ul style="list-style-type: none"> ● Positive Criminal Background Checks (CBC)--RN--10.73%; LVN--17.4% [includes declaratory orders (D.O.) ● Processing combined 15,000 applications for initial licensure/year, and 27,000 renewals/year; project 6,000 positive CBC's annually ● Of positive CBC, 25% end up with agreed order ● Board has good track record, and need to keep appropriate balance between remediation versus revocation 	Information Only No Action
Dr. Kercher	<p>Offenders try to plea down to lesser offenses to avoid having to register as sex offender</p> <ul style="list-style-type: none"> ● False sense of security with CBC; % of people caught/convicted minimal to actual occurrence ● 200 sex offenders: 40,000 victims and all had only been convicted once. ● Need mechanism in place when complaint received; self-reporting very unreliable ● Need empirical data--won't have expertise on staff; must have expert witness @ SOAH 	Information Only No Action

AGENDA ITEM	DISCUSSION	ACTION
Dr. Lehman	<ul style="list-style-type: none"> ● People often lie in letters to the Board; Can't just go by CBC and what applicant or nurse tells you. ● Concern for cost of evaluation(applicant or nurse pays) ● Less concerned if CBC only shows bad checks and crimes are very old (misdemeanor theft) ● Theft by check—crime of moral turpitude ● DUI—Poor judgment; impact on what types of judgment a nurse could make—this argument “in theory” isn't good enough (see Phillips PFD) ● Attorneys argue that DUI does not equal Chemical Dependency and that BNE has no jurisdiction to require evaluations with CD component when person has DUI's (goes further in argument that DUI is not related to nursing). ● It's important to “frame” polygraph questions: “Have you consumed alcohol within X-hours of going to work?” “Have you gone to work hung over?” “Have you called in ill secondary to drinking too much alcohol?” 	Information Only No Action
Mike VanDoren (TPAPN)	<ul style="list-style-type: none"> ● Significant increase in New Graduate Nurses being Board ordered to TPAPN secondary to CBC/DO's with drug-related criminal history ● Education of SOAH judges needed ● Screening with mental health issues provides guidance on deciding when/how to monitor 	Information Only No Action

AGENDA ITEM	DISCUSSION	ACTION
Task Force Member Comments	<ul style="list-style-type: none"> ● Difficult to have hard lines; investigating and going to SOAH takes a lot of resources and time on both sides ● Need for consistency but also for case-by-case distinction ● Nursing is still (80%) one of the most trusted professions. ● Ch. 53 offers rational basis to connect offense to the practice of nursing, but "proving" is more difficult—have to be able to articulate the rationale in rules. ● Need to educate ALJs ● Provide a "bench book" to judges; reference and resources ● set of questions from evaluators they feel would help—standard set for part of every criminal evaluation ● High and low scrutiny—what/which crimes are cause for high scrutiny? ● Require CBC at beginning of nursing school before candidate puts in time/money 	Information Only No Action
PFD: Shellie Jordan	SOAH proposal for decision on registered sex offender	Information Only No Action
PFD: Charles Phillips	SOAH proposal for decision on nurse convicted of intoxication assault, received 10 years felony probation; no restitution to victim	Information Only No Action
Adjourned	Next meeting scheduled for October 18, 2006 Meeting adjourned at 4:30 PM	

BOARD OF NURSE EXAMINERS**Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meeting****Wednesday, October 18, 2006****11:13 a.m. - 3:10 p.m.****333 Guadalupe, Tower I, Room 1264****Austin, Texas 78701****Task Force Members Present:****Phyllis Caves-Rawley, CPC, BNE Board Member****Richard Gibbs, LVN, BNE Board Member****Anthony L. Diggs, Director of Enforcement****James W. "Dusty" Johnston, General Counsel****Thelma Davis, LVN, Licensed Vocational Nurses Association of Texas (LVNAT)****Karen Malloy, MSN, RN, Texas Association of Vocational Nurse Educators (TAVNE)****Jere Hammer, MSN, RN, Texas Organization of Associate Degree Nursing (TOADN)****Elizabeth Sjoberg for Deanna McKinney, Texas Organization of Nurse Executives (TONE)****James Willmann, JD, General Counsel, Texas Nurses Association (TNA)****Lynda Woolbert, RN, PNP, Coalition for Nurses in Advance Practice (CNAP)****Poldi Tschirch, Ph.D, RN, BC, Texas Nurses Association (TNA)****Pamela G. Watson, RN, Sc.D, Texas Organization of Baccalaureate & Graduate Nurse Educators (TOBGNE)****Task Force Advisory:****John Lehman, Ph.D, Expert in Forensic Psychological Testing****Eugene Clayborn, JD, Office of Attorney General****Michael Van Doren, MSN, RN, CARN, Texas Peer Assistance Program for Nurses (TPAPN)****Others in Attendance:****Carol Marshall, MSN, RN, BNE Nurse Practice Consultant****Cynthia LoCastro, BNE Legal Assistant**

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Richard Gibbs called the meeting to order at 11:13 am, Wednesday, October 18, 2006.	
ACCEPTANCE OF MINUTES	The Committee reviewed the minutes from the meeting of July 19, 2006.	The Committee approved the minutes from the July 19, 2006 meeting.
ROLL CALL	Richard Gibbs called the roll call to determine who was present.	Names of members attending were recorded.
SUNSET ADVISORY COMMISSION REPORT	<p>Issue #2 of the Report entitled, "<i>Board Guidelines Do Not Ensure Consistent and Fair Consideration of Criminal History Information in Licensing and Disciplinary Decisions.</i>" Dusty Johnson, General Counsel for the Board, explained that Issue #2 is the Sunset Advisory Staff's discussion of the need for our agency to adopt guidelines that ensure fair consideration of criminal history information.</p> <p>Items on this Agenda are items which have been sent to the Board for the Board's consideration. This action was prompted by the Sunset Commission Staff's recommendations. This Agency is attempting to be proactive in its attempt to address some of the concerns that were identified by the Staff of the Sunset Commission. These Agenda items are before the members of this task Force for discussion (Agenda Items 7.8 and 7.9).</p> <p>This Task Force will attempt to determine whether the Board Staff have accomplished the following:</p> <ol style="list-style-type: none"> 1. Whether these proposed rules have identified crimes that relate to nursing. 2.. Whether this task force has identified issues in these proposed rules and identified where we want to go from here. Do the members of this task force recommend adoption of these proposed rules? <p>Dusty Johnston asked the Task force Members to express their suggestions, thoughts, or opinions regarding these proposed rules, and/or any other areas that the task force members might want to explore. The members are encouraged to express those thoughts at this meeting so that any ideas/suggestions may be brought before the Board Meeting the following day (October 19, 2006), during the Board members deliberations.</p> <p>Members were referred to the disciplinary guidelines and sanction policies of the Board (members received copies at July 19, 2006 task force meeting and is also listed on BNE website).</p> <p>Members were referred to Chapter 53 of the Texas Occupations Code, which is precisely what Issue #2 deals with.</p> <p>In the Board Staff's response to Issue #2, it was agreed that if the Board can do a better job of associating crimes to the practice of nursing, the Board Staff will do so. The Board Staff cited the attempts that have been made to do that very thing. It was pointed out to that the Board has disciplinary guidelines that have been posted on the BNE website which discuss how these crimes relate to nursing. The</p>	

Board Staff has also created a grid which the Board has adopted, which may not be a rule, but has been acted upon by the Board. This grid explains how crimes may result in disciplinary action.

Dusty Johnston stated that the proposed rules talk about the vulnerability of patients and the need for nurses to respect person and property. Also, the proposed rules discusses the crimes that relate to those kind of offenses which relate to the practice of nursing.

The Sunset Commission suggests the Board Staff create clear guidelines on how they use arrest information.

**TX. OCC. CODE,
CH. 53**

Consequences of a criminal conviction: Ch. 53 discusses, in general, how a criminal conviction may prevent you from obtaining/holding a license. If you are going to analyze a conviction, you must show how that conviction/crime relates to the occupation for which you are seeking licensure. This Board has historically viewed Chapter 53 as not exclusive when it comes to denial of nursing licensure.

**TX. OCC. CODE,
CH. 301.452**

Historically, the Board has not viewed Chapter 53 in isolation when it comes to considering licensure of nurses. Specifically, the Nurse Practice Act (NPA) §301.452 lists thirteen (13) instances where a nurse can be denied licensure. The Board can deny licensure based on deferred adjudication. Chapter 53 of the Texas Occupations Code does not mention deferred adjudication. Many crimes with guilty pleas are granted deferred adjudication.

The questions was posed: Do we want conduct that does not result in criminal ramifications to be used in licensure eligibility? Can non-criminal conduct be defined as unprofessional conduct, and we are evaluating that conduct because we believe that is the Board's wishes?

Discussion by Task Force Members: what should be considered unprofessional conduct?

**Anthony Diggs,
Board Director of
Enforcement**

Mr. Diggs added the following: The BNE's burden of proof is different than the criminal system's burden of proof. The criminal system must prove the allegations beyond a reasonable doubt. The Board's standard is "a preponderance of the evidence."

PRESENTATIONS

Brief presentation by Michael Van Doren, TPAPN Program Director regarding chemical dependency in nursing and the importance of drug testing.

- Chemical dependency is a disease w/in the brain with a neuro-psychological basis that has been substantiated by science;
- does impact one's ability for good judgment;
- a genetic predisposition to alcohol dependance has been proven;
- the brain changes under the influence of drugs and can change with abstinence; and
- People w/trauma in their past are more highly susceptible to dependency and abuse.

Dependency characteristics include three (3) or more of the following over a period of one (1) year: increasing tolerance, withdrawal,

<p>TASK FORCE DISCUSSION ON PROPOSED RULES AMENDMENTS</p>	<p>persistent desire, inability to control use, increasing social isolation, continued use despite adverse consequences.</p> <p>Discussions held: In relation to nursing, what should be considered an unprofessional conduct violation?</p> <p>What behavior should trigger the right to request an forensic psychological evaluation?</p> <p>Brief presentation by John Lehman, Ph.D., Forensic Expert, regarding risk assessment, use of objective psychological tests, polygraph and forensic use.</p> <p>Dr. Lehman discussed a hand out which outlined forensic evaluations and importance of objective tests used in evaluations.</p> <p>Questions to be answered by forensic expert by use of evaluation: Is this person fit to practice nursing? Will they practice safely? Are they impaired in some way which will risk the safety of their patients?</p> <p>Upon motion, duly seconded, the Task Force members voted on whether to recommend to the Board the adoption of the Proposed Amendments to the Disciplinary Guidelines for Criminal Conduct to Include Rationale for How the Crimes Relate to the Practice of Nursing. (Amendment to 22 Tex. Admin. Code §213.28)</p> <p>Upon motion, duly seconded, the Task Force members voted on whether to recommend to the Board the adoption of the Proposed New Rules Regarding the Nature of Certain Crimes and How they Relate to the Practice of Nursing in Discipline and Eligibility Matters and the appropriate sanctions should violations be shown. (Amendment to 22 Tex. Admin. Code §213.33)</p>	<p>Approved.</p> <p>Approved.</p>
<p>BNE CURRENT RULES</p>	<p>Continued discussion of BNE current rules: 213.27, 213.28, 213.29, 213.30, 213.33.</p>	<p>None taken.</p>
<p>ADJOURNED</p>	<p>Having completed all business the meeting adjourned at 3:10 p.m.</p> <p>_____</p> <p>James W. "Dusty" Johnston, General Counsel</p> <p>_____</p> <p>Richard Gibbs, LVN, Committee Chair</p>	

TEXAS BOARD OF NURSING**Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meeting**

Friday, July 13, 2007
10:15 a.m. - 2:50 p.m.
William P. Hobby Building
333 Guadalupe St., Room 100
Austin, Texas 78701

Task Force Members Present:

Richard Gibbs, LVN, BNE Board Member
Anthony L. Diggs, Director of Enforcement
James W. "Dusty" Johnston, General Counsel
Thelma Davis, LVN, Licensed Vocational Nurses Association of Texas (LVNAT)
Karen Malloy, MSN, RN, Texas Association of Vocational Nurse Educators (TAVNE)
Bonnie Higgins, RN, Texas Organization of Associate Degree Nursing (TOADN)
Donna Boatwright for Deanna McKinney, MS, BSN, RN, TX Organization of Nurse Executives (TONE)
Lynda Woolbert, RN, PNP, Coalition for Nurses in Advance Practice (CNAP)
Poldi Tschirch, Ph.D, RN, BC, Texas Nurses Association (TNA)
Pamela Brashears, LVN, Texas League of Vocational Nurses (TLVN)

Task Force Advisory:

Eugene Clayborn, JD, Assistant Attorney General, Office of Attorney General
Leanne Malone, RN, LCDC, Texas Peer Assistance Program for Nurses (TPAPN)

Others in Attendance:

James Willmann, JD, General Counsel, Texas Nurses Association (TNA)
Cynthia LoCastro, BNE Legal Assistant
Michael Bacon, BNE Law Clerk

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Richard Gibbs called the meeting to order at 10:15 am, Friday, July 13, 2007.	
ACCEPTANCE OF AGENDA	The Committee reviewed the Agenda.	The Committee approved the Agenda.
ACCEPTANCE OF MINUTES	The Committee reviewed the Minutes from the meeting of October 18, 2006.	The Committee approved the Minutes from the October 18, 2006 meeting, with Bonnie Higgins abstaining.
ROLL CALL	Richard Gibbs called the roll call to determine who was present.	The names of members attending were recorded.
ELECTION OF A NEW COMMITTEE CHAIRPERSON	<p>Richard Gibbs opened the floor to nominations for a new committee chairperson.</p> <p>A motion was made to nominate Bonnie Higgins as chairperson for this Committee.</p> <p>Bonnie Higgins withdrew her name from nomination for chairperson of the Task Force Committee.</p> <p>A motion was made by Thelma Davis nominating Poldi Tschirch as chairperson for this Committee.</p> <p>The motion to nominate Poldi Tschirch was seconded by Donna Boatwright.</p>	The motion was seconded and approved unanimously by a voice vote.
CONSIDERATION OF NEW COMMITTEE RULES	<p>Review and discussion of draft of <i>Policy on Advisory Committees and Task Forces</i>. The Task Force Members were asked to give their ideas regarding modifications to the draft.</p> <p>Introductory paragraph: Deleted in last sentence, "for some of the following information and may be helpful to use," was deleted. Also, "although the Nursing Practice Act does not require it." was added to the end of the last sentence.</p> <p>Item IB. The word "chair" was deleted and substituted with the word "liaison".</p> <p>Item IIC. Delete the word "member" and replace with the word "liaison". Add "minutes of the previous meeting" to sentence.</p> <p>Item III. Item IIIB should become Item C and the following will become Item IIIB: "The Chair of the committee/task force shall relay the charges of the Board</p>	

	<p>to the committee/task force, preside over meetings, and report on the progress of the committee/task force to the full Board.”</p> <p>Item ID. Add Item ID, “All deliberations of the Committee/Task Force are subject to Texas Open Meetings Act, Chapter 551, Texas Government Code.</p> <p>Item IV. Committee/Task Force Membership - Item A was moved to F. Item B became Item A.</p> <p>Upon motion, duly seconded, the Task Force Members voted to approve the amended <i>Texas Board of Nursing Policy on Advisory Committees and Task Forces</i>.</p>	
<p>REVIEW AND DISCUSSION OF NEW RULES RE: CRIMINAL HISTORY</p>	<p>The Task Force Members were asked to express their suggestions, thoughts, or opinions regarding these proposed rules. The Members were encouraged to express those thoughts at this meeting so that any ideas/suggestions may be presented to the Board Meeting the following week (July 19-20, 2007), during the Board Members’ deliberations. The rules must be adopted by the Board before January 1, 2008.</p>	<p>The motion was approved unanimously by a voice vote.</p>
<p>Proposed Amendments to Rule §213.29</p>	<p><i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility - Rule §213.29.</i></p> <p>Task Force Committee reviewed Staff’s draft of amendments to Rule §213.29.</p> <p>Discussion by Task Force Members to include the phrase “diminished mental capacity” in rule.</p> <p>The question was posed: what is the definition of “diminished mental capacity”?</p>	
	<p>Motion is made to recommend deleting paragraph (b)(3) from Rule §213.29 and to leave the references to diminished mental capacity in the other subsections of rule.</p> <p>Task force member, Bonnie Higgins, asked that a Note be made to the record. She would like Rule §213.29 to be revisited at a future task force meeting regarding the use of the words “verifiable and reliable evidence” in the rule. Ms. Higgins recommends clarification of the meaning of “verifiable and reliable” for eligibility candidates, as used in Rule §213.28.</p>	<p>The motion was seconded and approved unanimously by a voice vote.</p>
<p>Proposed Amendments to Rule §213.28</p>	<p><i>Licensure of Persons with Criminal Offenses - Rule §213.28.</i></p> <p>Task Force Committee reviewed Staff’s proposed draft of amendments to §213.28.</p> <p>Discussion and review of §301.1545(a)(b) of the Nursing Practice Act which was amended by House Bill 2426.</p>	

“(b) In its rules under this section, the board shall list the offenses for which a conviction would constitute grounds for the board to take action under Section 53.021 or for which placement on deferred adjudication community supervision would constitute grounds for the board to take action under this chapter.”

Discussion of §301.452 of the Nursing Practice Act, which House Bill 2426 amends to include a reference to arrests. (d) “The Board by rule shall establish guidelines to ensure that arrest information, in particular arrest information on arrests in which criminal action was not proven or charges were not filed or adjudicated, that is received by the Board and under this section which is used consistently, fairly, and only to the extent the underlying conduct relates to the practice of nursing.”

Discussion of the addition of Section (g) to Rule §213.28, which includes a reference to arrests. “

The Task Force Members made recommendations to be presented to the Board regarding the wording of section (g) of Rule §213.28. The wording of section (g) was amended to better convey the meaning intended, by using the following wording:

“(h) The fact that a person has been arrested will not be used as grounds for disciplinary action. If, however, evidence ascertained through the Board’s own investigation from information contained in the arrest record regarding the underlying conduct suggests actions violating the Nursing Practice Act or rules of the Board, the board may consider such evidence a violation or as a factor in its deliberations regarding any decision to grant a license, restrict a license, or impose licensure discipline.”

Task members recommended and agreed to the deletion of “as a registered nurse or licensed vocational nurse” from proposed amendment.

Discussion and review of the list of categories of criminal conduct that relate to and affect the practice of nursing, as listed in Rule §213.28.

A motion was made to recommend to the Board for consideration the following changes to Rule §213.28:

- modifications to section (g) regarding arrest information;
- propensity language should be incorporated into each section of Rule §213.28; and
- the deletion of “as a registered nurse or licensed

The motion was seconded and approved unanimously by a voice vote.

vocational nurse” from the end of the 5th line of the first paragraph of §Rule 213.28.

Discussion of addition of DWI rationale to Rule §213.28 which attempts to explain how DWI offenses are related to the practice of nursing:

“DWI offenses involve the use and/or abuse of mood altering drugs while performing a state licensed activity affecting public safety, repeated violations suggest a willingness to continue in reckless and dangerous conduct or an unwillingness to take appropriate corrective measures despite previous disciplinary action by the state.”

A motion was made to approve Rule §213.28 as amended by the Task Force Committee with recommendation that the Board adopt the Task Force’s amended version.

The motion was seconded and approved unanimously by a voice vote.

Comment was made by Dusty Johnston, Board General Counsel, that this task force should look at determining a period of time under which crimes should no longer be relevant, i.e, felonies older than ten (10) years, fifteen (15) years, or misdemeanors older than five (5) years, seven (7) years, etc.

Poldi Tschirch, Committee Chair, left the meeting before its conclusion. Dr. Tschirch acceded the chair to Lynda Woolbert and the Committee continued to deliberate on the Agenda.

Review and Discussion of mandatory bars language in Rule §213.28 and §301.4535 of the Nursing Practice Act.

REVIEW AND DISCUSSION OF DISCIPLINARY SCHEDULE OF SANCTIONS

Factors Considered for Imposition of Penalties/Sanctions and/or Fines - Rule §213.33.

Proposed Amendments to Rule §213.33

Task Force Committee reviewed Staff’s draft of proposed amendments to Rule §213.33.

Explanation and discussion of the Board’s long history of dealing with disciplinary orders. The statute §301.453 of the Nursing Practice Act mentions “written warning” and “written reprimand”? What is a written warning and what is a written reprimand?

Discussion of Section 301.4535 of House Bill 2426 makes it necessary for the Board, by rule, to adopt a schedule of the disciplinary sanctions that the Board may impose. Staff proposes amending Rule §213.33 to include some of these considerations.

No action taken.

Discussion regarding the fact that this advisory Task Force must comply with the Open Meetings Act.

Task Force Committee expects a minimum of two (2) meetings of this task force to take place before January 1, 2008.

Task Force Committee discussed the next meeting of the Licensure, Eligibility & Disciplinary Rules & Policies Task Force Committee, which is scheduled for Friday, September 14, 2007 at 10 am.

ADJOURNED

Having completed all business the meeting adjourned at 2:50 p.m.

James W. "Dusty" Johnston, General Counsel

Poldi Tschirch, Ph.D, RN, BC, Committee Chair

TEXAS BOARD OF NURSING**Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meeting**

Tuesday, October 2, 2007
10:18 a.m. - 3:03 p.m.
William P. Hobby Building
333 Guadalupe St., Room 102
Austin, Texas 78701

Task Force Members Present:

Richard Gibbs, LVN, BON Board Member
James W. "Dusty" Johnston, General Counsel
Thelma Davis, LVN, Licensed Vocational Nurses Association of Texas (LVNAT)
Karen Malloy, MSN, RN, Texas Association of Vocational Nurse Educators (TAVNE)
Jere Hammer, MSN, RN, Texas Organization of Associate Degree Nursing (TOADN)
Deanna McKinney, MS, BSN, RN, Texas Organization of Nurse Executives (TONE)
Lynda Woolbert, RN, PNP, Coalition for Nurses in Advance Practice (CNAP)
Poldi Tschirch, Ph.D, RN, BC, Texas Nurses Association (TNA)
Pamela Brashears, LVN, Texas League of Vocational Nurses (TLVN)

Task Force Advisory:

John S. Langley, JD, Assistant Attorney General, Office of Attorney General
Michael Van Doren, MSN, RN, CARN, Texas Peer Assistance Program for Nurses (TPAPN)

Others in Attendance:

Cynthia LoCastro, BON Legal Assistant

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Poldi Tschirch, Ph.D, RN, BC, called the meeting to order at 10:18 am, Tuesday, October 2, 2007.	
ACCEPTANCE OF AGENDA	The Committee reviewed the Agenda.	The Committee approved the Agenda.
ACCEPTANCE OF MINUTES	The Committee reviewed the Minutes from the meeting of July 13, 2007. Thelma Davis made a motion to approve the Minutes of the July 13, 2007 meeting. Lynda Woolbert seconded the motion.	The motion was approved unanimously by a voice vote.
ROLL CALL	Poldi Tschirch, called the roll call to determine who was present.	The names of members attending were recorded.
REVIEW OF ACTIONS OF THE BOARD MEETING OF JULY 19-20, 2007	<p>Discussion of modifications to Rule §213.28, §213.29, and §213.33. Review of Board use of DWI information and arrest information.</p> <p>Discussion of the use of the word "impairment".</p> <p>Revocation or suspension of licenses - nurses with revoked or suspended licenses cannot work at any medicare facility in any capacity (medicare exclusion).</p> <p>Discussion of use of pain medication by nurses. Use of pain medication does not legally fit the definition of "impairment". These nurses are not eligible for TPAPN.</p> <p>What authority does the Board possess?</p>	No action taken.
REVIEW AND DISCUSSION OF COMMENTS RECEIVED REGARDING PROPOSED AMENDMENTS	<p>Review and discussion of adopted amendments.</p> <p>No comments received.</p>	No action taken.
Proposed Amendments to Rule 213.28 - Licensure of Persons with Criminal Convictions	No comments received.	No action taken.
Proposed Amendments to Rule 213.29 - Criteria and Procedure	No comments received.	No action taken.

<p><i>Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i></p> <p>Proposed Amendments to Rule 213.33 - Factors Considered for Imposition of Penalties/Sanctions and/or Fines</p>	<p>No comments received.</p>	<p>No action taken.</p>
<p>REVIEW AND DISCUSSION OF DISCIPLINARY POLICIES</p>	<p>Disciplinary Policies were modified two (2) years ago. Policies existed before amendments were made to §213.28, etc.</p>	<p>No Action taken.</p>
<p>Disciplinary Sanctions for Fraud, Theft, and Deception</p>	<p>Discussion of Disciplinary Sanctions for Fraud, Theft, and Deception.</p>	
<p>Disciplinary Sanctions for Nurses with Chemical Dependency</p>	<p>Discussion of Disciplinary Sanctions for Nurses with Chemical Dependency.</p>	
<p>Disciplinary Sanctions for Lying and Falsification</p>	<p>Discussion of Disciplinary Sanctions for Lying and Falsification.</p>	
<p>CONSIDERATION OF RECOMMENDATIONS FOR MODIFICATIONS TO DISCIPLINARY POLICIES</p>	<p>General Recommendation for all Policies: Create uniform language and format across the policies; create “uniformity of language” (make first paragraph of each disciplinary sanction uniform).</p> <p>Disciplinary Sanctions for <u>Sexual Misconduct</u>:</p> <ol style="list-style-type: none"> 1. Create uniform language and format across the policies. 2. Change BNE references to BON. 3. Paragraph related to revocation following felony probation revocation; that the correct codes & rules be cited and the language is consistent in each policy. 4. “Recommendations to Guide Nurses” section be removed and be placed in a position statement. 5. Revisit modern usage rules for “which” and “that”. 	

Disciplinary Sanctions for Fraud, Theft, and Deception:

- 6. Supervision requirements are identified; this language should be used consistently throughout policies where appropriate.
- 7. The two (2) policies be integrated into one document (Lying & Falsification be merged with Fraud, Theft, and Deception) and returned to Task Force for review.

Disciplinary Sanctions for Chemical Dependency Policy.

- 8. Change title to include “substance abuse or substance dependency”.
- 9. Replace “chemical dependence” to “substance dependence or abuse”.
- 10. Page 1, paragraph 1, include “or pattern of substance misuse or abuse” - omit “chemical dependency”.
- 11. Page 2, paragraph 2, restate “impaired” with “demonstrate impaired behavior”.
- 12. Update page 2 - paragraph 2 to include language incorporating new 301.401(b) reporting requirements.
- 13. Page 2, paragraph 2, amend TPAPN reference to read “state approved peer assistance program.”
- 14. Page 3, paragraph 2. Amend “identical drug discrepancies” to clarify or restate meaning that evidence can show suspicion of substance use or abuse without diagnosis.
- 15. Page 3, paragraph 4, “DWI” should be added to examples of crimes.
- 16. Page 3, paragraph 4, revisit term “will be required” in light of examples of one time MIP (minor in possession) or DWI.
- 17. Replace “opium” with “illegal drugs”.

*Footnotes to references of outdated agencies need to be amended.

Lynda Woolbert moved that the above recommendations be presented to the Board.

The Motion was duly seconded by Thelma Davis and approved unanimously by a voice vote.

REVIEW AND DISCUSSION OF DISCIPLINARY MATRIX

Discussion of basic template of disciplinary matrix.

Discussion of Board Members assignments regarding the disciplinary matrix and their recommendations.

DISCUSSION OF RECENT ISSUES - Policy Statements regarding Nursing

<p>Regulation and Disciplinary Actions</p> <p>SET FUTURE MEETING DATE</p>	<p>Task Force Committee discussed the next meeting of the Licensure, Eligibility & Disciplinary Rules & Policies Task Force Committee, which is scheduled for Friday, November 30, 2007 at 10 am.</p>	<p>No action taken.</p>
<p>ADJOURNED</p>	<p>Having completed all business the meeting adjourned at 3:03 p.m.</p> <p>_____</p> <p>James W. "Dusty" Johnston, General Counsel</p> <p>_____</p> <p>Poldi Tschirch, Ph.D, RN, BC, Committee Chair</p>	

TEXAS BOARD OF NURSING

Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meeting

Friday, November 30, 2007
10:13 a.m. - 3:20 p.m.
William P. Hobby Building
333 Guadalupe St., Room 102
Austin, Texas 78701

Task Force Members Present:

Thelma Davis, LVN, Licensed Vocational Nurses Association of Texas (LVNAT)
Karen Malloy, MSN, RN, Texas Association of Vocational Nurse Educators (TAVNE)
Deanna McKinney, MS, BSN, RN, Texas Organization of Nurse Executives (TONE)
Lynda Woolbert, RN, PNP, Coalition for Nurses in Advance Practice (CNAP)
Poldi Tschirch, Ph.D, RN, BC, Texas Nurses Association (TNA)
Pamela Brashears, LVN, Texas League of Vocational Nurses (TLVN)
Jean Flick, MS, RN, Texas Organization of Associate Degree Nursing (TOADN)
James W. "Dusty" Johnston, General Counsel
Anthony L. Diggs, Director of Enforcement

Task Force Advisory:

Leanne Malone, RN, LVN, LCDC, Texas Peer Assistance Program for Nurses (TPAPN)

Others in Attendance:

James Willmann, JD, General Counsel, Texas Nurses Association (TNA)
Carol Marshall, MSN, RN, BON Nurse Practice Consultant
Cynthia LoCastro, BON Legal Assistant

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Poldi Tschirch, Ph.D, RN, BC, called the meeting to order at 10:13 am, Friday, November 30, 2007.	
ACCEPTANCE OF AGENDA	The Committee reviewed the Agenda.	The Committee approved the Agenda.
ACCEPTANCE OF MINUTES	The Committee reviewed the Minutes from the meeting of October 2, 2002. Thelma Davis made a motion to approve the Minutes of the July 13, 2007, meeting. Jean Flick seconded the motion.	The motion was approved unanimously by a voice vote.
ROLL CALL	Poldi Tschirch, called the roll call to determine who was present.	The names of members attending were recorded.
REVIEW OF ACTIONS OF THE REGULAR BOARD MEETING OF OCTOBER, 2007	Discussion of the Board's Adoption of the amendments recommended by this Task Force to §213.28 (Licensure of Persons with Criminal Offenses), §213.29 (Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters), and §213.33 (Factors considered for Imposition of Penalties/Sanctions and/or Fines).	No action taken.
REVIEW & DISCUSSION OF DISCIPLINARY POLICIES	Discussion: What is "unprofessional conduct" with regard to nursing? Review and Discussion of §217.11 and §217.12 of the Rules and Regulations Relating to <i>Standards of Nursing Practice</i> and <i>Unprofessional Conduct</i> , 22 Texas Administrative Code.	No action taken.
Disciplinary Sanctions for Sexual Misconduct	Review and discussion of the Disciplinary Sanctions for Sexual Misconduct. Task Force Members made suggestions for recommendations to be made to the Board at the next Regular Board Meeting of January 17-18, 2008.	
Disciplinary Sanctions for Fraud, Theft, and Deception	Review and discussion of the Disciplinary Sanctions for Fraud, Theft, and Deception. Task Force Members made suggestions for recommendations to be made to the Board at the next Regular Board Meeting of January 17-18, 2008.	
Disciplinary Sanctions for Nurses with Chemical Dependency	Review and discussion of the Disciplinary Sanctions for Nurses with Chemical Dependency. Discussion of "substance abuse disorder", what does it mean? Task Force Members made suggestions for recommendations to be made to the Board at the next Regular Board Meeting of January 17-18, 2008	

Disciplinary Sanctions for Lying and Falsification

Review and discussion of the Disciplinary Sanctions for Lying and Falsification. Task Force Members made suggestions for recommendations to be made to the Board at the next Regular Board Meeting of January 17-18, 2008.

CONSIDERATION OF RECOMMENDATIONS FOR MODIFICATION TO DISCIPLINARY POLICIES

A motion was made by Deanna McKinney to approve all Task Force recommendations and amendments as discussed and that those amendments, as approved, will be forwarded to the Regular Board Meeting of January 17-18, 2008, for Board consideration. Jean Flick seconded the motion.

The motion was approved unanimously by a voice vote.

REVIEW & DISCUSSION OF DISCIPLINARY MATRIX, BOARD MEMBER COMMENTS & SUGGESTIONS, & DEVELOPMENT OF DISCIPLINARY MATRIX

This item has been tabled until the next meeting of the Licensure, Eligibility & Disciplinary Rules & Policies Task Force Committee.

This item was tabled.

CONSIDERATION OF SUGGESTIONS FOR APPROPRIATE SANCTIONS FOR VARIOUS VIOLATIONS OF THE NURSING PRACTICE ACT & RECOMMENDATIONS TO BOARD FOR ADOPTION OF DISCIPLINARY MATRIX

This item has been tabled until the next meeting of the Licensure, Eligibility & Disciplinary Rules & Policies Task Force Committee.

This item was tabled.

DISCUSSION OF RECENT ISSUES - Policy Statements Re: Nursing Regulation and Disciplinary Actions

No action taken.

DISCUSSION OF PROPOSAL FOR DECISIONS (PFDS) from the State Office of Administrative Hearings (SOAH).

No action taken.

SET FUTURE MEETING DATE

The following dates were set for future meetings of the Licensure, Eligibility & Disciplinary Rules & Policies Task Force Committee: Thursday, January 31, 2008 and Friday, February 29, 2008, both at 10 am.

A motion to adjourn was made by Karen Malloy and seconded by Jean Flick.

The motion to adjourn was approved unanimously by a voice vote.

ADJOURNED

Having completed all business the meeting adjourned at 3:20 p.m.

James W. "Dusty" Johnston, General Counsel

Poldi Tschirch, Ph.D, RN, BC, Committee Chair

TEXAS BOARD OF NURSING

Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meeting

Thursday, January 31, 2008
10:13 a.m. - 2:51 p.m.
William P. Hobby Building
333 Guadalupe St., Room 100
Austin, Texas 78701

Task Force Members Present:

Deanna McKinney, MS, BSN, RN, Texas Organization of Nurse Executives (TONE)
Lynda Woolbert, RN, PNP, Coalition for Nurses in Advance Practice (CNAP)
Jean Flick, MS, RN, Texas Organization of Associate Degree Nursing (TOADN)
James W. "Dusty" Johnston, General Counsel
Anthony L. Diggs, Director of Enforcement
Kenneth Friesenhahn, Texas Legislative Service

Task Force Advisory:

Michael Van Doren, MSN, RN. CARN, Texas Peer Assistance Program for Nurses (TPAPN)

Others in Attendance:

Katherine Thomas, MN, RN, BON Executive Director
James Willmann, JD, General Counsel, Texas Nurses Association (TNA)
Carol Marshall, MSN, RN, BON Nurse Practice Consultant
Cynthia LoCastro, BON Legal Assistant

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Deanna McKinney, MS, BSN, RN, called the meeting to order at 10:13 am on Thursday, January 31, 2008.	
ACCEPTANCE OF AGENDA	A quorum was not present. Therefore, no action was taken and the task force members reviewed the agenda items.	No action taken.
ACCEPTANCE OF MINUTES	A quorum was not present. Therefore, no action was taken and the task force members reviewed the minutes.	No action taken.
ROLL CALL	<p>Deanna McKinney, MS, BSN, RN, called the roll call to determine who was present. A quorum of task force members was not met.</p> <p>Deanna McKinney, MS, BSN, RN, sat in for Poldi Tschirch, Ph.D, RN, BC, current committee chair, who was not present.</p>	The names of members attending were recorded. It was noted that a quorum was not present.
REVIEW OF ACTIONS OF THE REGULAR BOARD MEETING OF JANUARY 17-18, 2008, INCLUDING BOARD'S APPROVAL OF THE FOLLOWING:	<p>Dusty Johnston provided a report to the members regarding the January 18, 2008, meeting of the Board and reported that the Board voted to approve the recommendations made by the task force to the following disciplinary policies:</p> <p>Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder*</p> <p>Disciplinary Sanctions for Sexual Misconduct</p> <p>Disciplinary Sanctions for Lying and Falsification</p> <p>Disciplinary Sanctions for Fraud, Theft, and Deception</p> <p>*Mr. Johnston noted that a modification was made by the Board on January 18, 2008, to the Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder.</p>	No Action was taken.
Disciplinary Sanctions for Sexual Misconduct		No action taken.
Disciplinary Sanctions for Fraud, Theft, and Deception		No action taken.
Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder		No action taken.

<p>Disciplinary Sanctions for Lying and Falsification</p>		<p>No action taken.</p>
<p>REVIEW & DISCUSSION OF DISCIPLINARY MATRIX AND DEVELOPMENT OF DISCIPLINARY MATRIX</p>	<p>The task force members discussed the sanctions suggested for various violations of the Nursing Practice Act (NPA). Concern was raised that the Matrix could be too rigid, and it was noted that this concern could be handled by the introductory statement of the Matrix. Further discussion took place regarding the method for establishing the sanctions and the task force members desire that the sanctions be fair and flexible.</p>	<p>No action taken.</p>
<p>CONSIDERATION OF SUGGESTIONS FOR APPROPRIATE SANCTIONS FOR VARIOUS VIOLATIONS OF THE NURSING PRACTICE ACT (NPA) AND RECOMMENDATIONS TO BOARD FOR ADOPTION OF DISCIPLINARY MATRIX</p>	<p>Discussion of the use of guidelines over rules, the limitations caused by the rules, and how the rules and guidelines can be flexible.</p> <p>Discussion of the need for guidelines to address the most common violation; the lack of documentation.</p> <p>Discussion of minor incidents according to the Board, Rule 217.16 of 22 Texas Administrative Code, and what can and cannot be considered a minor incident.</p> <p>Discussion of the Board's procedure when determining appropriate sanctions for violations (aggravating and mitigating circumstances).</p> <p>Discussion of Rule 213.16 of 22 Texas Administrative Code, <i>Respondent's Answer in a Disciplinary Matter</i>, and Rule 217.12(6)(B), <i>Failing to cooperate with a lawful investigation conducted by the Board</i>.</p>	<p>No action taken.</p>
<p>DISCUSSION OF RECENT ISSUES - Policy Statements Re: Nursing Regulation and Disciplinary Actions</p>		<p>No action taken.</p>
<p>DISCUSSION OF PROPOSAL FOR DECISIONS (PFDS) from the State Office of Administrative Hearings (SOAH).</p>		<p>No action taken.</p>

SET FUTURE MEETING DATE		No action taken.
ADJOURNED	Having completed all business, the meeting adjourned at 2:51 p.m. <hr/> <p>James W. "Dusty" Johnston, General Counsel</p> <hr/> <p>Deanna McKinney, MS, BSN, RN, for Poldi Tschirch, Ph.D, RN, BC, Committee Chair</p>	

TEXAS BOARD OF NURSING

Licensure, Eligibility & Disciplinary Rules & Policies Task Force Meeting

Friday, April 4, 2008
10:06 a.m. - 1:39 p.m.
William P. Hobby Building
333 Guadalupe St., Room 100
Austin, Texas 78701

Task Force Members Present:

Richard Gibbs, Richard Gibbs, LVN, BON Board Member
Thelma Davis, LVN, Licensed Vocational Nurses Association of Texas (LVNAT)
Poldi Tschirch, Ph.D, RN, BC, Texas Nurses Association (TNA)
Pamela Brashears, LVN, Texas League of Vocational Nurses (TLVN)
Deanna McKinney, MS, BSN, RN, Texas Organization of Nurse Executives (TONE)
Lynda Woolbert, RN, PNP, Coalition for Nurses in Advance Practice (CNAP)
Jean Flick, MS, RN, Texas Organization of Associate Degree Nursing (TOADN)
Beverly Skloss for Karen Malloy, MSN, RN, Texas Association of Vocational
Nurse Educators (TAVNE)

Task Force Advisory:

Michael Van Doren, MSN, RN, CARN, Texas Peer Assistance Program for Nurses (TPAPN)
John S. Langley, JD, Assistant Attorney General, Office of Attorney General

Others in Attendance:

Katherine Thomas, MN, RN, BON Executive Director
James W. "Dusty" Johnston, BON General Counsel
Anthony L. Diggs, BON Director of Enforcement
James Willmann, JD, General Counsel, Texas Nurses Association (TNA)
Carol Marshall, MSN, RN, BON Nurse Practice Consultant
Cynthia LoCastro, BON Legal Assistant

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Poldi Tschirch, called the meeting to order at 10:06 am on Friday, April 4, 2008.	
ACCEPTANCE OF AGENDA	The Committee reviewed the Agenda.	The Committee approved the Agenda.
ACCEPTANCE OF MINUTES	<p>The Committee reviewed the minutes of the meeting of November 30, 2007. Deanna McKinney made a motion to approve the minutes of the November 30, 2007, task force meeting. Jean Flick seconded the motion.</p> <p>The Committee reviewed the minutes of the meeting of January 31, 2008. Jean Flick made a motion to approve the minutes of the January 31, 2008, task force meeting. Lynda Woolbert seconded the motion.</p>	<p>The motion to approve the meeting minutes of November 30, 2007, was approved unanimously by a voice vote.</p> <p>The motion to approve the meeting minutes of January 31, 2008, was approved by a voice vote. Pamela Brashears, Beverly Skloss, and Poldi Tschirch abstained.</p>
ROLL CALL	Poldi Tschirch, Committee Chair, called the roll call to determine who was present.	The names of members attending were recorded.
REVIEW OF ACTIONS OF THE REGULAR BOARD MEETING OF JANUARY 17-18, 2008, INCLUDING BOARD'S APPROVAL OF THE FOLLOWING:	<p>Dusty Johnston provided a report to the members regarding the January 18, 2008, meeting of the Board and reported that the Board voted to approve the recommendations made by the task force to the following disciplinary policies:</p> <p>Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder*</p> <p>Disciplinary Sanctions for Sexual Misconduct</p> <p>Disciplinary Sanctions for Lying and Falsification</p> <p>Disciplinary Sanctions for Fraud, Theft, and Deception</p> <p>*Mr. Johnston noted that a modification was made by the Board on January 18, 2008, to the Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder by adding a new footnote No. 4 that sought to incorporate a previously approved Board criteria for evaluations.</p>	No Action was taken.
REVIEW & DISCUSSION OF DISCIPLINARY MATRIX	Review and discussion of the Disciplinary Matrix. Discussion of Section 301.452(b)(9), (10) and 13, Texas Occupations Code. Task Force Members made suggestions for recommendations to be made to the Board at the next Regular Board Meeting of April 17-18, 2008.	

CONSIDERATION OF SUGGESTIONS FOR APPROPRIATE SANCTIONS FOR VARIOUS VIOLATIONS OF THE NURSING PRACTICE ACT (NPA) AND RECOMMENDATIONS TO BOARD FOR ADOPTION OF DISCIPLINARY MATRIX

A motion was made by Pam Brashears to approve all Task Force recommendations as discussed and that those recommendations, as approved, will be forwarded to the Regular Board Meeting of April 17-18, 2008, for Board consideration. Beverly Skloss seconded the motion.

The motion was approved unanimously by a voice vote.

A motion was made by Jean Flick to recommend the Disciplinary Matrix as a pilot at the next regular Board Meeting of April 17-18, 2008, for Board consideration. Motion was seconded by Pam Brashears.

The motion was approved unanimously by a voice vote.

DISCUSSION OF RECENT ISSUES - Policy Statements Re: Nursing Regulation and Disciplinary Actions

No action taken.

SET FUTURE MEETING DATE

No action taken.

ITEMS FOR FUTURE AGENDA

No action taken.

No action taken.

ADJOURNED

Having completed all business, the meeting adjourned at 1:39 p.m.

James W. "Dusty" Johnston, General Counsel

Poldi Tschirch, Ph.D, RN, BC, Committee Chair