
TEXAS BOARD OF NURSING

Regular Meeting

Thursday, April 23, 2009

8:35 a.m. - 3:23 p.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

Present:

Linda Rounds

Deborah Bell

Kristin K. Benton

George Buchenau, Jr.

Sheri Crosby

Richard Robert Gibbs

Rachel Gomez

Brenda Jackson

Beverley Nutall

Blanca Rosa Garcia

Patti Clapp

Marilyn Davis

Mary Jane Salgado

Staff present:

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

Mark Majek, Director of Operations

James "Dusty" Johnston, General Counsel

Jena Abel, Assistant General Counsel

Kyle Hensley, Assistant General Counsel

John Legris, Assistant General Counsel

Mary Beth Thomas, Director of Nursing

Allison Hassinger, Administrative Assistant

Jolene Zych, Nursing Consultant

Virginia Ayars, Nursing Consultant

Janice Hooper, Nursing Consultant

Robbin Wilson, Nursing Consultant

Denise Benbow, Nursing Consultant

Melinda Hester, Nursing Consultant

Paul Waller, Nursing Consultant

Bruce Holter, Information Specialist

Tawnya Smith, Information Technology Specialist

Bill Ray, Information Technology Specialist

| AGENDA ITEM | DISCUSSION | ACTION |
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| CALL TO ORDER | Linda Rounds called the meeting to order at 8:35 a.m, Thursday, April 23, 2009. | |
| ROLL CALL | All members were present. A quorum was established. | |
| INTRODUCTIONS | Board members and staff introduced themselves to the audience. | |
| ACCEPTANCE OF AGENDA | The Board reviewed the agenda. | The Agenda was approved. |
| ACCEPTANCE OF MINUTES | The Board reviewed the minutes from the January 22-23, 2009, Board Meeting. | The Board approved the minutes from the January 22-23, 2009, Board Meeting. |
| CONSENT AGENDA ITEMS | | <p>The Consent agenda was reviewed and approved with the following changes:</p> <p>Agenda Item 3.2.1. Status Report on Inquiries, Proposals and Approvals: New Nursing Educational Programs was removed from the Consent Agenda.</p> <p>Agenda Item 8.2., Agreed Order of Arnold Samuel Ruta, RN #673695 was removed from the Consent Agenda.</p> <p>Deborah Bell recused herself from the consideration and vote on Item 8.2. Agreed Orders of: Brooke Marie Allen, RN #590693; Eric Esquivel Deleon, LVN #207757 Gerardo Salais Escareno, LVN #160137; Rita Gayle Kent, RN #556877; Carlos Enrique Perez, RN #568358; James Aubrey Smith, LVN #160528/RN #693659</p> <p>Blanca Rosa Garcia recused herself from the consideration and vote on Item 8.2. Agreed Orders of: Delia Flores Besinaiz, LVN #39468; Armandina Perez, RN #734910</p> <p>George Buchenau, Jr., recused himself from the consideration and vote on Item 8.2. Agreed Orders of: Terri Bigham, LVN #74772; Lisa Jo Langford, LVN #98429/RN</p> |

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| <p>2.1. Financial Statement - 2ND Quarter, Fiscal Year 2009</p> | | <p>#562499</p> <p>Brenda Jackson recused herself from the consideration and vote on Item 8.2. Agreed Order of: Eric Esquivel Deleon, LVN #207757</p> <p>Deborah Bell recused herself from the consideration and vote on Item 8.3. Reinstatement Agreed Orders of: Kimberly Skinner Crowder, LVN #198386; Victor Ortiz Lara, RN #530345</p> <p><i>Approved on Consent.</i></p> |
| <p>2.2. Continuing Education Pre-Renewal Audit Report/ 2ND Quarter, Fiscal Year 2009</p> | | <p><i>Approved on Consent.</i></p> |
| <p>3.1.1. Workshop Report</p> | | <p><i>Approved on Consent.</i></p> |
| <p>3.2.2. Report of Routine Survey Visit-University of Houston in Victoria, Texas and Sugarland, Texas</p> | <p><i>The Board considered the Report of Routine Survey Visit-University of Houston in Victoria, Texas and Sugarland, Texas.</i></p> | <p><i>The Board accepted the report of the collaborative survey visit conducted with program evaluators from the Commission on Collegiate Nursing Education at the University of Houston-Victoria, in Victoria and Sugarland, Texas and issued commendations and recommendation.</i></p> |
| <p>5.1.1. Eligibility and Disciplinary Committee</p> | | <p><i>Approved on Consent.</i></p> |
| <p>5.1.2. Strategic Planning/2ND Quarter Report</p> | | <p><i>Approved on Consent.</i></p> |
| <p>6.2. Adoption of Amendments to</p> | <p><i>The Board reviewed the adoption of Amendments to 22 Tex. Admin. Code</i></p> | <p><i>The board accepted the adoption of Amendments to 22 Tex. Admin. Code</i></p> |

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| | <p>Brooke Marie Allen, RN #590693</p> | <p><i>Odessa, Texas, Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; and Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Board Member Deborah Bell recused herself prior to the consideration and vote on this order.</p> <p>Suspend Probate. <i>Respondent’s license is hereby suspended with said suspension stayed and probated. Respondent will be placed on Probation for two years with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in nursing documentation; a board approved course in “pre-survey conference computer-based training” for home and community support services agencies. It is further agreed that should Respondent practice as a RN in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period;</i></p> |

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| | <p>Rebecca Lyn Barber, RN #686705</p> | <p><i>Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall cause her probation officer to submit quarterly written reports regarding Respondent's compliance with her court ordered probation until Respondent completes her probation. It is further agreed that should Respondent be convicted of the offense as outlined in finding of fact number eight, said judicial action will result in further disciplinary action including revocation of Respondent's license to practice professional nursing in the State of Texas.</i></p> <p>Enforced Suspension. Respondent's license is hereby suspended with said suspension enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment and sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of the suspension being stayed Respondent shall pay a monetary fine in the amount of \$500. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical</p> |

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| | <p>Amanda Lynn Bell, RN #706508</p> | <p><i>practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p>Suspend Probate. Respondent's license is hereby suspended with said suspension stayed and probated. Respondent shall be placed on Probation for a period of three years with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in nursing documentation. It is further agreed that should Respondent practice as a RN in the State of Texas, Respondent will provide direct patient care and practice in a</p> |

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| | <p>Delia Flores Besinaiz, LVN #39468</p> | <p><i>hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to random periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall cause her probation officer to submit quarterly written reports regarding Respondent's compliance with her court ordered probation until Respondent completes her probation. It is further agreed that should Respondent be convicted of the offense as outlined in finding of fact number twelve, said judicial action will result in further disciplinary action including revocation of Respondent's license to practice professional nursing in the State of Texas.</i></p> <p>Board Member Blanca Rosa Garcia recused herself prior to the consideration and vote on this order.</p> <p>Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully</i></p> |

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| | <p><i>Terri Bigham, LVN #74772</i></p> | <p><i>complete a board approved course in nursing jurisprudence and ethics. It is further agreed that should Respondent practice as a nurse in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p>Board Member George Buchenau, Jr., recused himself prior to the consideration and vote on this order.</p> <p>Warning with Stipulations. <i>Within forty five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall submit notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> |

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| | <p>Criscelda Marie Carrera, LVN #169727</p> | <p><i>nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall submit notification of employment; shall provide employer reports; and Respondent shall have indirect supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Suspend Probate. Respondent's license is hereby suspended with said suspension stayed and probated. Respondent shall be placed on Probation for a period of two years with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$750. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed that should Respondent practice as a nurse in the State of Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to random periodic screens for controlled substances and alcohol;</p> |

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| | <p>Juan Castillo, Jr., LVN #149496/RN #695912</p> <p>Rocio Castillo, LVN #180148</p> <p>Brandy M. Clayton, LVN #202210</p> | <p><i>Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Limited License with Stipulations. <i>Respondent shall not provide direct patient care. Should Respondent desire to return to a clinical practice setting, which would require him to provide direct patient care, Respondent shall petition the Board for such approval.</i></p> <p>Warning with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in physical assessment; and a board approved course in nursing documentation. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall submit notification of employment; shall provide employer reports; and Respondent shall have indirect supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall submit notification of</i></p> |

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| | <p><i>Claudia Derington, LVN #142687 and New Mexico MSR Privilege #L14616</i></p> | <p><i>employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p><i>Warning with Stipulations.</i> <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in detecting and preventing abuse and neglect; and a board approved course in resident rights and quality of life. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall submit notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> |

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| | <p>Jennifer Lynn Faulkner, RN #594551</p> | <p><i>Respondent shall pay a monetary fine in the amount of \$250. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to random periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall cause his probation officer to submit quarterly written reports regarding Respondent's compliance with his court ordered probation until released from probation.</i></p> <p>Reprimand with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in physical assessment; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; Respondent shall provide</i></p> |

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| | <p>Beth Alison Kirby, LVN #185186</p> | <p><i>employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall cause each employer to immediately submit any and all incident/discipline/internal investigations regarding Respondent; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; and Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Enforced Suspension. Respondent’s license is hereby suspended with said suspension enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment and sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of the stay Respondent shall pay a monetary fine in the amount of \$600. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify</p> |

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| | <p>Lisa Jo Langford, LVN #98429/RN #562499</p> | <p><i>present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit written reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p>Board member George Buchenau, Jr., recused himself prior to the consideration and vote on this board order.</p> <p>Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of</i></p> |

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| | <p>Jeffrey James Light, LVN #215746</p> | <p><i>employment; shall provide employer reports; and Respondent shall have indirect supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Suspend Probate. Respondent’s license is hereby suspended with said suspension STAYED and probated for a period of two years with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$600. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for two years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly</p> |

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| | <p>Robert J. Mustachia, LVN #134781/RN #616962</p> | <p><i>\$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in nursing documentation. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; shall have in-direct supervision with employment restrictions for the duration of the stipulation period; and Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p>Reprimand with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall submit notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Respondent shall submit to periodic screens for controlled substances and</i></p> |

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| | <p>Scottie Alan Myers, LVN #201024/RN #736780</p> <p>Gloria Chiamulu Nwachukwu, RN #697058</p> <p>Carolyn Faye Oliver, LVN #65167</p> | <p><i>alcohol.</i></p> <p>Warning with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in medication administration; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Warning with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in medication administration; a board approved course in physical assessment; a board approved course in nursing documentation; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Suspend Probate. <i>Respondent’s license is hereby suspended with said suspension STAYED and probated for a period of three years with the following agreed terms of</i></p> |

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| | <p><i>Michelle Denise Olszak, LVN #132005</i></p> | <p><i>probation: Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall cause her probation officer to submit quarterly written reports regarding Respondent's compliance with her court ordered probation until Respondent completes her probation. It is further agreed that should Respondent be convicted of the offense as outlined in finding of fact number nine, said judicial action will result in further disciplinary action including revocation of Respondent's license to practice professional nursing in the State of Texas.</i></p> <p>Reprimand with Stipulations. Within one year of entry of this order Respondent shall</p> |

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| | <p>Carlos Enrique Perez, RN #568358</p> | <p><i>nursing jurisprudence and ethics. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have indirect supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Board Member Deborah Bell recused herself prior to the consideration and vote on this order.</p> <p>Suspend Probate. <i>Respondent's license is hereby suspended with said suspension STAYED and probated for a period of three years with the following agreed terms of probation: Within forty-five days of the stay Respondent shall pay a monetary fine in the amount of \$500. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>Michelle Denise Price, LVN #151737</p> | <p><i>and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period with the exception of Respondent's current contract for services as a RN Phlebotomist with the El Paso Police Department, El Paso, Texas. Additionally while Respondent remains contracted for services as a RN Phlebotomist with the El Paso Police Department, Respondent shall cause to be submitted to the Board copies of any incident/counseling/variance/unusual occurrence/documented practice errors/public complaint reports or memos.</i></p> <p>Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in nursing documentation; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; and Respondent shall have in-direct supervision with employment</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>Rhonda Lynn Robinson, RN #534560</p> | <p><i>for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol.</i></p> <p>Suspend Probate. Respondent’s license is hereby suspended with said suspension STAYED and probated for a period of two years with the following agreed terms of probation: Within forty-five days of the stay Respondent shall pay a monetary fine in the amount of \$500. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for two years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order with the exception of Respondent’s current position as a critical care registered nurse at Texoma Medical Center, Denison, Texas; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order with the exception of Respondent’s current position as a critical care registered nurse at Texoma Medical Center, Denison, Texas; Respondent shall abstain from the</p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>Roger Lee Winnett, LVN #72693</p> | <p><i>two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Respondent shall submit to random periodic screens for controlled substances and alcohol; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; and Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</i></p> <p>Enforced Suspension. Respondent’s license is hereby suspended with said suspension enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment and sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of the suspension being stayed Respondent shall pay a monetary fine in the amount of \$600. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of</p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>Nancy Jo Wright, RN #650106</p> | <p><i>Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of the suspension being stayed Respondent shall pay a monetary fine in the amount of \$600. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | | <p><i>Occupations Code, Section 301.001, et.seq., the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 Tex. Admin. Code Section 21.1, et. seq. Within forty-five days of entry of this order Petitioner shall pay a monetary fine in the amount of \$1,200. Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Petitioner choose to practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; Within ninety days of entry of this order Petitioner shall undergo a forensic psychological evaluation by a board approved certified psychiatrist or clinical psychologist and shall cause the evaluator to send a report if the evaluation to the board. Petitioner shall comply with any recommendations for therapy or other follow up. Petitioner shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Petitioner's progress in therapy until released from therapy; Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>Kevin Earl Koller, Petitioner for Initial Licensure (RN)</p> | <p><i>sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have direct supervision with employment restrictions for the first six months of employment under this order; Petitioner shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Petitioner shall submit to periodic screens for controlled substances and alcohol.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a nurse in Texas, Petitioner will</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>Silvester Obaga Manduku, Petitioner for Initial Licensure (RN)</p> | <p><i>provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have indirect supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Petitioner shall submit to periodic screens for controlled substances and alcohol.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have indirect supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p><i>Celso Rosales Paso, Applicant for Licensure by Endorsement (RN)</i></p> | <p><i>course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have indirect supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Petitioner shall submit to periodic screens for controlled substances and alcohol.</i></p> <p><i>Applicant for Licensure by Endorsement. Upon meeting the requirements for licensure and payment of any required fees, Applicant is hereby Conditionally Eligible for licensure in Texas with conditions. Within one year of initial licensure Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in respecting professional boundaries. Should Applicant choose to practice as a nurse in Texas, Applicant will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Applicant shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Applicant shall have direct supervision with employment restrictions for the first year of employment under this order; Applicant shall have indirect supervision with employment restrictions for the remainder of the stipulation period; and Applicant shall have employment restrictions for the first year of employment under this order.</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p><i>Yamika Robinson, Petitioner for Initial Licensure (LVN)</i></p> <p><i>Nilda Taveras, Applicant for Initial Licensure (LVN)</i></p> | <p><i>board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; and Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period; and Petitioner shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Petitioner's progress in therapy until released from therapy.</i></p> <p><i>Applicant for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Applicant is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Applicant shall not be eligible</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>Shameka Deann Turner, Applicant for Initial Licensure (LVN)</p> | <p><i>for temporary authorization to practice as a graduate nurse in the State of Texas. Applicant upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Applicant practice as a nurse in Texas, Applicant will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Applicant shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Applicant shall cause employer(s) to submit periodic reports; and Applicant shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p><i>Applicant for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Applicant is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Applicant shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Applicant upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Applicant practice as a nurse in Texas, Applicant will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Applicant shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Applicant shall cause employer(s) to submit periodic reports; and Applicant shall have in-direct supervision with employment restrictions for the duration of the</i></p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | | <i>stipulation period.</i> |
| 1. ADMINISTRATION | | |
| 1.1. Executive Director's Report | Katherine Thomas reviewed her written report to the board. | No action. |
| 1.2. Legal | Dusty Johnston reported that the lawsuit Texas Board of Nursing v. Greg Abbott, Cause no. D-1-GN-07-002685, in the 345th District Court, Travis County, Texas went to summary judgment and the decision was that fax numbers are confidential and not subject to disclosure. Subsequent to that ruling, the BON was notified that the Attorney General would be appealing that decision. | No action. |
| 1.3. Legislative Update | Katherine Thomas reviewed pending legislation. | No action. |
| 3. NURSING | | |
| 3.2. EDUCATION | | |
| 3.2.3. Report of Focused Survey Visit - St. Philip's College in San Antonio, Texas, LVN to ADN Educational Program | The Board reviewed the report of the focused survey visit - St. Philip's College in San Antonio, Texas, LVN to ADN Educational Program. Leonard Leos, MSN, RN, Program Director and Christopher L. Pate, MPA, PhD, Dean, Division of Health Sciences were present to answer questions. | Board Member Sheri Crosby abstained from the vote on this agenda item. The Board voted to accept the report of the March 17, 2009 survey visit of St. Philip's College Associate Degree Nursing Educational Program and issue the commendations, recommendations and requirements based on the outcome of the survey visit. |
| 3.2.4. Proposed Change of Program Approval Status | | |
| 3.2.4.a. Clarendon College in Clarendon, Texas, Vocational Nursing Educational Program | The Board reviewed the staff recommendation concerning the proposed change of the program approval status of the Clarendon College in Clarendon, Texas, Vocational Nursing (VN) Educational Program based on review of the program's 2008 NCLEX-PN® examination pass rate, the first-quarter 2009 NCLEX-PN® examination pass rate, | The Board voted to change the approval status for the Clarendon College Vocational Nursing Educational Program from Full with Warning to Full. |

| AGENDA ITEM | DISCUSSION | ACTION |
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| | <p>the 2008 Nursing Education Program Information Survey (NEPIS), and the documentation verifying the program's appropriate address of the recommendations and requirements previously issued by the Texas Board of Nursing (BON).</p> <p>Phyllis Norton, Program Director Vocational Nursing and Debra Kuhl, Ed.D., Dean of Instruction were present to answer questions.</p> | |
| <p>3.2.4.b. Kilgore College in Kilgore, Texas, Associate Degree Nursing Educational Program</p> | <p>The Board considered the staff recommendation concerning the proposed change of the program approval status of the Kilgore College in Kilgore, Texas, Associate Degree Nursing (ADN) Educational Program based on review of the program's 2008 NCLEX-RN® examination pass rate, the preliminary 2009 NCLEX-RN® examination pass rate, the 2008 Nursing Education Program Information Survey (NEPIS), and the documentation verifying the program's appropriate address of the recommendations and requirements previously issued by the Texas Board of Nursing (BON).</p> <p>Dayna Davidson was present to answer questions.</p> | <p>The Board voted to change the approval status for the Kilgore College Associate Degree Nursing Educational Program from Full with Warning to Full.</p> |
| <p>3.2.5. Public Hearing for Proposal to Establish a New Nursing Educational Program</p> | | |
| <p>3.2.5.a. Dallas Nursing Institute in Dallas, Texas, Associate Degree Educational Program</p> | <p>The Board held a Public Hearing to consider the Dallas Nursing Institute (DNI) proposal to establish a generic associate degree nursing (ADN) educational program with a Licensed Vocational Nurse (LVN) to ADN transition track in Dallas, Texas.</p> <p>Nancy Park, MS, RN, Proposed Program Director, Greg Davault and Sue McLelland, MS, RRT, RN, Consultant were present to answer questions.</p> | <p>The Board voted to approve a generic ADN educational program with a LVN to ADN transition track to be established by Dallas Nursing Institute in Dallas, Texas, grant the program Initial Approval status with approval to implement the program with an initial cohort of thirty (30) generic ADN students and twenty (20) LVN to ADN transition students in the first semester, adding a cohort of fifty (50) generic ADN students and LVN to ADN transition students the next semester, and issue the commendation.</p> |

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| 3.2.5.b. Texas State Technical College in Harlingen, Texas, Vocational Nursing Educational Program | Consider Texas State Technical College Harlingen (TSTC Harlingen) proposal to establish a new Vocational Nursing (VN) Educational Program and the report of a survey visit. Dr. Cesar Maldonado, P.E. President; Pat Hobbs, Provost and Vice President of Academic Affairs; Barbara Bennett, CDA, RDH, MS Co-Division Director, Health Programs; and Susann Garza, RN Director, Vocational Nursing Educational Program were present to answer questions. | The Board voted to grant initial approval for Texas State Technical College Harlingen in Harlingen, Texas to establish a new vocational nursing educational program based upon the proposal and findings from the survey visit and issue the commendation and recommendation. |
| 4. ENFORCEMENT 4.1. Criminal Background Check Update | The board reviewed the statistical report provided regarding criminal background checks. Board Member Brenda Jackson requested that the percentage of individuals that receive board action be reported in the criminal background check report. | No action. |
| 4.2. Texas Peer Assistance Program for Nurses Third Party Referral Report | The board reviewed the third party referral report. | No action. |
| 5. COMMITTEE REPORTS | | |
| 5.1. Board Committees | | |
| 5.1.3. Development and Evaluation | The Board discussed receiving training on the "Just Culture" for the July meeting. | No action. |
| 5.2. Advisory Committees/Task Forces | | |
| 5.2.1. Advanced Practice Nurses Advisory Committee | No report. | No action. |
| 5.2.2. Nursing Practice Advisory Committee | No report. | No action. |

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| 5.2.3. Advisory Committee on Education | No report. | No action. |
| 5.2.3.a. Advisory Committee on Education - Differentiated Entry Level Competencies (DELIC) Work Group | Virginia Ayars reported that the Differentiated Entry Level Competencies met on March 30-31, 2009 and at that time a plan of action and a time line for completion was developed with a goal to produce a new document for presentation to the October 2009 board meeting. The next DELIC work group meeting is scheduled for May 27-29, 2009 at the Board offices. | No action. |
| 5.2.4. Advisory Committee on Licensure, Eligibility and Discipline | No report. | No action. |
| 5.3. Collaboration with Outside Agencies / Stakeholders | | |
| 5.3.1. Texas Peer Assistance Program for Nurse Advisory Committee | Robbin Wilson reported that The Texas Peer Assistance Program for Nurses (TPAPN) Advisory Committee Meeting was held on March 6, 2009. Robbin Wilson attended as the Texas Board of Nursing representative. The committee met to review and discuss strategic planning. The next meeting is scheduled for June 12, 2009. | No action. |
| 5.3.2. Nursing Competency Initiatives | No report. | No action. |
| 5.3.3. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Cmte. | Katherine Thomas reported the committee met to finalize the reports containing the 2008 survey and data. The reports will be provided to the board once they are finalized. | No action. |

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| 5.3.4. Texas Higher Education Coordinating Board Nursing Education Updates | Mary Beth Thomas discussed the information provided in the written report. | No action. |
| 5.3.5. Taxonomy of Error Root Cause Analysis of Practice Responsibilities (TERCAP) | No report. | No action. |
| 5.3.6. Health Alliance Safety Partnership Updates | Mary Beth Thomas informed the board that as previously reported to the Board, the HASP Pilot is not operational. Mary Beth Thomas had a final conference call with the Chief Nursing Officers of the participating hospitals to review the pilot. All agreed that the HASP model is a good one but that at this time the resources are not there to continue the pilot. Future plans to develop publications were discussed. | No action. |
| 5.3.7. Report of Meeting with the Texas Department of Public Safety Advisory Committee for the Improvement of the Texas Prescription Program | No report. | No action. |
| 5.3.8. Texas Team Report, Robert Wood Johnson Nursing Education Capacity Expansion | No report. | No action. |
| OPEN FORUM: | Linda Rounds announced the format and invited participation from the audience. There were no speakers and the open forum was closed at 1:34 p.m. | No action. |

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| <p>6. OLD BUSINESS</p> <p>6.1. Nurse Licensure Compact Update</p> <p>6.3. Proposed Adoption of Amendments to §223.1, Relating to Fees; §217.2(a)(4)(B), Relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions; and §217.4(a)(1)(B) and §217.4(e), Relating to Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdictions, Comments Received and Board Responses to Comments</p> | <p>Katherine Thomas reviewed her written report with the Board.</p> <p>The Board considered final adoption of proposed amendment to Rule §217.2(a)(4)(B), concerning Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions. Currently, §217.2(a)(4)(B) permits an applicant for vocational nurse licensure who has attended a (Texas-based) professional nursing education program to substitute the completion of an acceptable level of a Board-approved professional nursing education program, as determined by the Board. The rule proposal eliminates this option.</p> | <p>No action. This report was for informational purposes only.</p> <p>Board Member Sheri Crosby voted opposed. Board Member Mary Jane Salgado abstained from the vote on this item. The Board voted to adopt Rule 217.2(a)(4)(B), as published in the <i>Texas Register</i> on January 20, 2009, and further, authorized Staff to publish the summary and response to comments. The Board adopted Amendments to §223.1, Relating to Fees; and §217.4(a)(1)(B) and §217.4(e), Relating to Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdictions as published in the <i>Texas Register</i> on January 20, 2009.</p> |
| <p>7. NEW BUSINESS</p> <p>7.1. Texas Peer Assistance Program for Nurses (TPAPN)</p> <p>7.1.2. Bi-Annual Review and Consideration of the Texas Peer Assistance Program for Nurses Contract</p> | <p>The Board reviewed the contract for the Texas Peer Assistance Program for Nurses.</p> | <p>No action.</p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| <p>7.4. Consideration of Proposed Repeal of 22 Tex. Admin. Code Chapter 216, Pertaining to Continuing Education and Proposed New 22 Tex. Admin. Code Chapter 216, Pertaining to Continuing Competency</p> | <p>The Board considered the proposed repeal of 22 Tex. Admin. Code Chapter 216, Pertaining to Continuing Education and Proposed New 22 Tex. Admin. Code, Chapter 216, Pertaining to Continuing Competency.</p> | <p>Board Member Blanca Rosa Garcia voted to oppose this agenda item. Board Member Mary Jane Salgado abstained from the vote on this agenda item. The Board voted to approve the proposed repeal of 22 Tex. Admin. Code Chapter 216, Pertaining to <i>Continuing Education</i> and proposed new 22 Tex. Admin. Code Chapter 216, Pertaining to <i>Continuing Competency</i> and authorize staff to publish the proposals in the <i>Texas Register</i> for a 30-day comment period, with authority for General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>. If no negative comments are received, move to adopt the repeal of 22 Tex. Admin. Code Chapter 216, Pertaining to <i>Continuing Education</i>, and new 22 Tex. Admin. Code Chapter 216, Pertaining to <i>Continuing Competency</i> as proposed.</p> |
| <p>7.7. Notice of Board Recognition of the American Association of Critical Care Nurses Acute Care Nurse Practitioner Examination According to Board Policy</p> <p>8. PROPOSED BOARD ORDERS</p> <p>8.2. Agreed Orders</p> | <p>The Board considered the American Association of Critical Care Nurses (AACN) requests that its Acute Care Nurse Practitioner national certification examination be recognized by the Texas Board of Nursing as meeting the certification requirements for Acute Care Nurse Practitioners based on Board Policy.</p> <p>Arnold Samuel Ruta, RN #673695</p> | <p>No action.</p> <p>Suspend Probate. Respondent's license is hereby suspended with said suspension STAYED and probated. Within forty-five days of the stay Respondent shall pay a monetary fine in the amount of \$250. The order of the board issued to Respondent on December 11, 2006, is still in effect in its entirety and Respondent shall be responsible for completing the terms of</p> |

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| <p>9. MISCELLANEOUS 9.2. Board Development 9.2.1. NCLEX Exam Item Review at Learning Center</p> <p>ADJOURNMENT</p> | <p>The Board visited the NCLEX Exam Testing Site and did Exam Item Reviews on the NCLEX test items.</p> <p>Having completed this day's business the meeting adjourned at 3:23 p.m.</p> | <p>that order. It is further agreed and ordered that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.</p> <p>No action.</p> |

TEXAS BOARD OF NURSING

Regular Meeting

Friday, April 24, 2009

8:35 a.m. - 11:35 a.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

Present:

Linda Rounds

Deborah Bell

Kristin K. Benton

George Buchenau, Jr.

Sheri Crosby

Richard Robert Gibbs

Rachel Gomez

Beverley Nutall

Patti Clapp

Brenda Jackson

Blanca Rosa Garcia

Marilyn Davis

Mary Jane Salgado

Staff present:

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

Mark Majek, Director of Operations

James "Dusty" Johnston, General Counsel

Jena Abel, Assistant General Counsel

Kyle Hensley, Assistant General Counsel

John Legris, Assistant General Counsel

Mary Beth Thomas, Director of Nursing

Allison Hassinger, Administrative Assistant

Jolene Zych, Nursing Consultant

Virginia Ayars, Nursing Consultant

Janice Hooper, Nursing Consultant

Robbin Wilson, Nursing Consultant

Denise Benbow, Nursing Consultant

Melinda Hester, Nursing Consultant

Paul Waller, Nursing Consultant

Bruce Holter, Information Specialist

Tawnya Smith, Information Technology Specialist

Bill Ray, Information Technology Specialist

| AGENDA ITEM | DISCUSSION | ACTION |
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| CALL TO ORDER | Linda Rounds called the meeting to order at 8:35 a.m, Friday, April 24, 2009. | |
| ROLL CALL | All members were present. A quorum was established. | |
| 7. NEW BUSINESS | | |
| 7.2. Consideration of the Recommendations of the Board Task Force Regarding the Annual Board and Executive Director Evaluations | The Board reviewed the proposed recommendations of the Board Task Force regarding the annual Board and Executive Director Evaluations | The Board voted to adopt the recommendations proposed by the Task Force on the Annual Board and Executive Director Evaluations and direct staff to incorporate into the board policy manual. |
| 7.3. Consideration of the Recommendations of the Board Task Force Regarding the Role of the Board Vice-President | The board reviewed the proposed recommendations of the Board Task Force regarding the Role of the Board Vice-President. | The Board voted to adopt the recommendations proposed by the Task Force with authorization granted to staff to edit the wording of the policy. |
| 7.5. Consideration of Staff Request for the Board to Issue a Charge to the Eligibility and Disciplinary Advisory Committee to Review and Make Recommendations Regarding: The Board's Disciplinary Matrix; Board Policy on Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, | The board considered staff's request to issue a charge to the Eligibility and Disciplinary Advisory Committee to review and make recommendations regarding the Board's Disciplinary Matrix; Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or Other Substance Use Disorder; Disciplinary Guidelines for Criminal Conduct, Rules 213.27-213.30 and 213.33, and Probationary Stipulations. | The Board voted to issue a charge to the Eligibility and Disciplinary Advisory Committee to review and make recommendations regarding the Board's current eligibility and disciplinary policies and rules, including, but not limited to: Review of the Board's Disciplinary Matrix, Eligibility and Disciplinary Sanctions for Nurses with Substance Abuse, Misuse, Substance Dependency, or Other Substance Use Disorder, Disciplinary Guidelines for Criminal Conduct; Rules 213.27, 213.28, 213.29, 213.30, and 213.33, and Probationary Stipulations, and related matters; and Recommendations related to amending existing Board eligibility and disciplinary policies and rules or adopting new eligibility and disciplinary policies and rules. |

| AGENDA ITEM | DISCUSSION | ACTION |
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| <p>Misuse, Substance Dependency, or Other Substance Use Disorder; Disciplinary Guidelines for Criminal Conduct; Rules 213.27, 213.28, 213.29, 213.30 and 213.33; and Probationary Stipulations</p> | | |
| <p>7.6. Consideration of Petitioner Melisa Salazar's Request for Exception to Board Rule 217.2(d), Pertaining to Licensure by Examination for Graduates of Nursing Education Programs within the United States, it's Territories, or Possessions</p> | <p>The board considered the request of Petitioner Melisa Salazar for an exception to Board Rule 217.2(d), Pertaining to Licensure by Examination for Graduates of Nursing Education Programs within the United States, it's Territories, or Possessions.</p> | <p>Board Member Sheri Crosby abstained from the vote on this item. The Board voted to Deny the request from Melisa Salazar for authorization to take a refresher course in order to re-take the NCLEX-RN examination.</p> |
| <p>7.8. Consideration of Proposal to Restrict Respondent's Submission to Written Form Only When Deliberating on Proposals For Decision</p> | <p>The Board considered changing the Board's current practice of providing Respondents an opportunity to present oral argument to the Board regarding final proposals for decision.</p> | <p>Board Member Linda Rounds voted to oppose this item. The Board voted to change the practice to allow Respondent's to appear before the board concerning deliberation of Proposals for Decision only if the Respondent has provided, in advance of meeting, as determined by staff, written argument exceptions and briefs for Board consideration.</p> |
| <p>7.9. Commitment to Ongoing Regulatory Excellence (CORE) 2008 Report</p> | <p>The Board considered the information regarding the Commitment to Ongoing Regulatory Excellence prepared by the National Council's Commitment to Excellence work groups and staff.</p> | <p>No action.</p> |

| AGENDA ITEM | DISCUSSION | ACTION |
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| 9. MISCELLANEOUS 9.1. Board Items of Interest for Future Board Meetings | The Board discussed items of interest for future board meetings. The board discussed having a presentation by the Just Culture for the July board meeting and training regarding the State Office of Administrative Hearings for the October board meeting. | No action. |
| 9.2. Board Development 9.2..2 Presentation on Board Education Rules 214 and 215 | Paul Waller presented a power point presentation on Board Education Rules 214 and 215. | No action. |
| 9.3. Review of the Board Quarterly Meeting Evaluation | The Board members discussed the results of the January board quarterly meeting evaluation. The Board also discussed obtaining security badges for entry into the Hobby building. | No action. |
| 9.4. Executive Director and Board Evaluation Process | The Board discussed the Executive Director and Board Evaluation Process. | No action. |
| 9.5. Report of the Mid-Year Meeting of the National Council State Boards of Nursing | The Board discussed the Report of the Mid-Year Meeting of the National Council State Boards of Nursing. | No action. |
| 9.6 Appointment of Board Member to Attend National Council Annual Meeting, August 12-14, 2009 to be held in Philadelphia, Pennsylvania | The Board discussed the Appointment of Board Members to Attend the National Council Annual Meeting, August 12-14, 2009, to be held in Philadelphia, Pennsylvania. | The following staff and board members were appointed to attend the National Council Annual Meeting, August 12-14, 2009, to be held in Philadelphia, Pennsylvania: Board Members and Staff Attending at NCSBN expense: Linda Rounds Katherine A. Thomas Board Members Attending on NCSBN Travel Waivers: Beverley Nutall and Deborah Bell |

| AGENDA ITEM | DISCUSSION | ACTION |
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| <p>ADJOURNMENT:</p> | <p>Having completed all business as listed on the agenda, the meeting adjourned at 11:35 a.m.</p> <hr/> <p>Linda Rounds, PhD, RN, FNP, Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN, Executive Director</p> | <p>Board Members Attending with the Board paying the registration fees: Richard Gibbs Blanca Rosa Garcia</p> |