

REPORT OF THE EXECUTIVE DIRECTOR

NATIONAL ISSUES

Workforce Shortages: This report states that the demand for registered nurses has increased 53 percent in the past year, with 121,000 job ads placed in May. The states to feel the biggest effect of a shortage of nurses are California and Nevada where for every nursing job posted in the Las Vegas and Los Angeles areas, only eight candidates are available. Employers and staffing agencies posted nearly 15,600 online jobs ads for LPNs/LVNs during the past 60 days, a 3.9% gain over the same period 2010.

For demand for RNs data, see:

<http://www.wantedanalytics.com/insight/2011/06/10/nursing-shortage-continues-with-demand-for-rns-up-53-in-2011/>

For demand for LPN/LVNs data see:

<http://www.wantedanalytics.com/insight/2011/06/23/more-on-the-nursing-shortage-lpns-lvns-and-nurse-practitioners/>

Training Health Care Providers: Students from the schools of nursing, medicine, pharmacy and dentistry at the University of Washington are learning collaboratively through organized breakout groups. Students are divided into groups of about 10 and given a mock scenario and actor patients. The students are required to work as a team to achieve the best outcomes for the patients. <http://news.nurse.com/article/20110613/NW02/106130002>

DOE Rules for Gainful Employment: The U.S. Department of Education published final rules in June for "Gainful Employment". Under the final rules, "career programs offered by schools, such as the University of Phoenix, the nation's largest for-profit-school, will no longer be eligible for federal student aid if they do not hit certain benchmarks indicating they are not leveraging students into unsustainable debt. The career programs must prove that at least 35 percent of their former students are repaying their student loans; that the annual loan payment of the average graduate is less than 30 percent his or her discretionary income; or that the graduate's annual loan payment is not more than 12 percent of his or her total salary." The Department estimates that five percent of proprietary schools will not be able to reach those benchmarks and will be closed as a result. Read the full rules at:

<http://www.gpo.gov/fdsys/pkg/FR-2011-06-13/html/2011-13905.htm>

Additional Reportable Events: The National Quality Forum added four items to their list of reportable events: death or serious injury of a neonate for a low-risk pregnancy, death or serious injury due to irretrievable biological specimen, death or serious injury due to lack of lab

result follow-up and death, or serious injury from metal object in MRI. These additions are targeted at both hospitals and outpatient settings.

<http://www.ama-assn.org/amednews/2011/06/27/prsa0627.htm>

Medication Errors: An article from the American Medical Association stresses the importance of taking time to discuss medications with patients. The article cites April data from the Agency for Healthcare Research and Quality that showed 1.9 million hospitalizations each year are a result of medication errors or side effects. "Ensuring that patients understand their prescribed drugs and how to take them, and monitoring their medication lists for potential drug-drug or drug-disease interactions, are just two ways to prevent adverse drug events." Part of the problem is attributed to poor health literacy of patients, but providers are encouraged to discuss all aspects of a medication and its regimen with patients, keep a list of patient's medications, assess for side-effects and report adverse events.

<http://www.ama-assn.org/amednews/2011/06/13/prl20613.htm>

Wrong-site, Wrong-patient Update: Seven years since the Joint Commission's wrong-site, wrong-patient rules were developed, research has shown little improvement in preventing these errors. "Based on state data, Joint Commission officials estimate that wrong-site surgery occurs 40 times a week in US hospitals and clinics. Last year 93 cases were reported to the accrediting organization, compared with 49 in 2004." The President of the Joint Commission believes that the increase in these events may be due to time pressures and difficulty in changing cultures.

<http://www.kaiserhealthnews.org/Stories/2011/June/21/wrong-site-surgery-errors.aspx>

In-School Clinics: Provisions of the federal health care law allow for the establishment of in-school health clinics. In early July, it was announced that \$95 million in grants will be awarded to 278 in-school clinics. Another award is expected to be distributed next summer. These clinics have been established to provide primary, dental and mental health care for medically underserved urban areas.

<http://www.kaiserhealthnews.org/Features/Insuring-Your-Health/Michelle-Andrews-on-In-School-Clinics.aspx>

APRN Study in Virginia: The Virginia Department of Health Professions has released an initial draft of its research project: *Review of Potential Nurse Practitioner Scope of Practice Barriers to the Development of Effective Team Approaches to Healthcare Delivery in Virginia*. The study will focus on five criteria: risk of harm to the consumer, specialized skills and training, autonomous practice, scope of practice and economic costs. Results of these criteria will be based upon a review of current policy and literature, relevant data, state and federal laws and regulations, and the experiences of other states. Upon the conclusion of the review, a report and recommendations will be published. The Board of Health Professions will consider the Committee Report and Recommendations on October 11, 2011 and the final report will be sent to the Secretary of Health and Human Resources on November 1, 2011.

<http://www.dhp.virginia.gov/bhp/studies/NPScopeReport7-19-2011.pdf>

HRSA Announces National Survey of Nurse Practitioners: The Health Resources and Services Administration (HRSA) has conducted the National Sample Survey of Registered Nurses every 4 years since 1977. Data from the survey has helped inform public policy regarding nursing workforce supply. The Texas Board of Nursing has assisted HRSA by providing licensure data for drawing a sample for each survey. HRSA is planning a new sample

survey of Nurse Practitioners in 2012 and they have been in touch with the Texas BON to seek data for the survey sample. Staff are preparing the data as requested. (**See Attachment A**).

STATE ISSUES

Fraudulent Schools of Nursing: Board staff have not received any new complaints of fraudulent nursing education programs operating in Texas. Staff continue to serve as a resource to other state agencies and boards of nursing. Dr. Nancy Spector (NCSBN) contacts staff periodically to obtain detailed information about programs we identified on the NCSBN Falsified Identity Tracking System, or FITS. Staff has had regular contact with the Texas Workforce Commission (TWC) regarding complaints about programs or new programs applying to the TWC.

As noted in the update for the July 2011 Board meeting, Board staff anticipates appearing and testifying as an expert witness at the Office of the Attorney General (OAG) trial against Esther Medical Tutorial in Dallas, Texas. Proceedings against Esther's have been rescheduled several times; however, we remain in communication with the OAG attorney assigned to the case.

Health Professions Council: The Health Professions Council (HPC) met on October 4, 2011 for its regular quarterly meeting. The Regulatory Data Base Project, which provides new licensure, discipline, and other data functions for four of the agencies is progressing in implementation. The annual Memorandum of Understanding for transfer of funds to support the operations of the Council was signed by the members.

BOARD ISSUES

BON Bulletin Articles : The October issue of the *Board of Nursing Bulletin* contains announcements of special honors received by staff including Katherine Thomas, MN, RN designated as Fellow to American Academy of Nursing, Mary Beth Thomas Recognized with 2011 Exceptional Achievement Award from NCSBN, and Mark Majek Elected to NCSBN Leadership Succession Committee; a Legislative Update from the 82nds Legislative Session; and a Board Member Profile on new Board Member Kathy Shipp.

Board Development: At each board meeting, a board development session is held. Pursuant to discussions with the Board in July and with Richard Gibbs, Board Development Liaison, this meeting the Board Retreat on Wednesday will include Board development on team work and maximizing individual strengths. On Friday, Melinda Hester, DNP, RN, will present her capstone project, *Data Analysis of Texas RNs with Multiple Disciplinary Actions*.

AGENCY ISSUES

Congratulations to Virginia Ayars: Please join the Executive Director and staff in congratulating Dr. Virginia Ayars upon receipt of her doctorate in education from Northcentral University. She studied online nursing education for her dissertation and will be presenting her research to the Board at a future meeting.

House Bill 3961 (81st Legislature): This bill passed in 2009 to create a broad study related to clinical hours in nursing education programs and outcomes of certain nursing education

programs that did not provide supervised clinical learning experiences. The Center for Nursing Workforce Studies issued an RFP but was not able to select a nurse researcher. NCSBN has also been interested in studying this issue. The HB 3961 Selection Committee met jointly with NCSBN staff August 25th to discuss potential research methodologies. A future meeting will be held to finalize the research design and approve a researcher. When the minutes of the August meeting are final, I will share with the Board.

Nursing Jurisprudence Examination: The Jurisprudence examination required for initial licensure by Texas Occupations Code Section 301.252, License Application, was implemented in September 2008. Access to the Board's examination is available through the website, <http://www.bon.state.tx.us/olv/je.html>. Those applying for initial licensure by exam or endorsement **after** September 1, 2008 must pass the Jurisprudence Exam in order to be eligible for licensure. Attached are statistics for Jurisprudence exam takers for past fiscal years and through Fiscal Year 2011. (***See Attachment B***).

Staff continue to study the issue of an online posting of questions from our jurisprudence examination which occurred in mid June. Staff will report to the Board when recommendations are final.

Website: The following changes/updates have been made to the Board's website since the July Board meeting:

- Posted Adopted Rule Changes: New section §217.21, relating to Remedial Education Course Providers and Courses, amendments to §223.1, relating to the Board's fees, amendments to §217.5 (relating to Temporary License and Endorsement) and amendments to §221.6 (relating to Interim Approval)
- Posted New Rules and Regulations (09/2011) booklet.
- Posted Updated Continuing Competency Requirements, including Continuing Education, for Nurses in Texas (CE Brochure)
- Posted new Physical and Psychological Evaluator Approval Request Form.
- Posted new position statements, 15.27 - The Licensed Vocational Nurse Scope of Practice and 15.28 - The Registered Nurse Scope of Practice
- Posted new education Proposal Resource Packet and Helps – 2011
- Posted updates to the Compact with Texans information page.
- Posted updates to the Education, Faculty, Program & Student Information page.
- Posted Disciplinary Action Files and Board Order Links for action reported in the July 2011 newsletter.
- Updated the Web Expenditure Report for FY 2011-3rd quarter.
- Expanded Nursing Jurisprudence Exam in compliance with §217.6 (Failure to Renew License) for delinquent renewals, four or more years.

Key Meetings and Presentations: attended/presented by the Executive Director and Staff since the last Board meeting. (Does not include internal meetings with staff) .

Executive Director meetings, conference calls, and presentations

Conference Call: with Illinois stakeholders and legislators regarding the Nurse Licensure Compact, July 26, 2011.

Meeting: Nurse Licensure Compact Administrators face to face meeting, August 2, 2011, Indianapolis, IN.

Meeting: Annual Meeting and Delegate Assembly, National Council of State Boards of Nursing, August 3-5, 2011, Indianapolis, IN.

Meeting: with members of the HB 3961 Selection Committee and NCSBN staff to discuss study of graduates of programs with supervised clinical experiences versus those with competency based assessments at the end of the program, August 25, 2011, Austin.

Conference Call: with Health Resources and Services Administration (HRSA) staff to discuss Texas Board of Nursing participation in the upcoming National Sample Survey of Nurse Practitioners, September 6, 2011.

Presentation: *Consensus Model for APRN Regulation*, Texas Nurse Practitioner Conference, September 9, 2011, Dallas.

Conference Call: *Board Update* to Texas Organization of Nurse Executives Board of Directors, September 15, 2011.

Meeting: *Welcome and Greetings* to New Deans and Directors Orientation, September 16, 2011, Austin.

Presentation and Attendance: Texas Nurses Association Leadership Conference, September 22-23, Austin.

Meeting: NCSBN Board of Directors, September 28-30, Chicago.

Meeting: with Texas Nurse Practitioners Board of Directors, October 1, 2011, Austin.

Meeting: NLCA-EXEC Planning meeting, October 9-10, Boulder, CO.

Induction and Meeting: American Academy of Nursing, October 13-15, 2011, Washington, D. C.

Presentation: *Deferred Disciplinary Action and Non-Disciplinary Action*, Citizens Advocacy Center, October 20-21, 2011, Washington, D. C.

Director of Operations Meetings and Presentations:

Meeting: *Legislative Updates of the 82nd Legislative Session*, Texas State Business Administrator's Association Annual Meeting, July 28-29, 2011, Austin.

Conference Call: NCSBN, English Equivalency Tests, August 19, 2011.

Presentation: *BON Legislative Updates, NCSBN Research Initiatives and Criminal Background Checks*, Case Management Society of America - Houston Chapter, September 15, 2011, Houston.

Presentation: *Operations Update* to Deans and Directors Orientation Meeting, September 16, 2011, Austin.

Meeting: NCSBN Succession Planning Meeting, seeking candidates for NCSBN leadership positions, September 27-28, 2011, Chicago.

Presentation: *Operations Update*, Registered Nurse Deans and Directors Meeting, September 30, 2011, Austin.

Meeting: *Historical Leadership Review, Legislative Development and Legislative Relationships*, NCSBN Leadership and Public Policy Conference, October 4-5, 2011, Alexandria, VA.

Presentation: *BON Legislative Updates*, Galveston County Vocational Nurses Association, October 14, 2011, Galveston.

Director of Nursing Meetings and Presentations:

Webinar: *Peer Review*, Texas Hospital Association, August 10, 2011.

Meeting: Hosted and Oriented staff from the Louisiana Board of Nursing, August 15-16, 2011, Austin.

Meeting: with members of the HB 3961 Selection Committee and NCSBN staff to discuss study of graduates of programs with supervised clinical experiences versus those with competency based assessments at the end of the program, August 25, 2011, Austin.

Educational Consultants

Presentation: Deans & Directors Meeting, September 16, 2011, Austin.

Practice Consultants

Presentation: *Professional Boundaries*, International Association of Forensic Nurses, August 13, 2011, Austin.

Presentation: *Disciplinary Process*, TPAPN, September 14, 2011, Austin.

Presentation: *Professional Boundaries*, Texas Association of Peri-Anesthesia Nurses, September 16, 2011, Round Rock.

Quarterly Statistics Where Executive Director Closed Cases in Compliance with Board Policy:

Case Resolution Report
June 1, 2011 through August 31, 2011

Type of Action	Total
No Jurisdiction	0
No Violation	2
No Action	1335
Insufficient Evidence	105
Admonish	25
Without Prejudice	801
TPAPN Referrals	88
EEP Referrals	8
Corrective Actions	6
Totals	2370

LVN DISCIPLINARY ORDERS

Time frame: June 1, 2011, through August 31, 2011

DISCIPLINARY	
32	<p>FINE WITH REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 23 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history 3 Exceeded scope of practice when she wrote a physician's order for Maalox 1 Failed to administer six units of Insulin and inaccurately entering the administration of insulin 1 Withdrew Toradol but failed to document the administration 1 Charged with Aggravated Assault Serious Bodily Injury and three counts of Violated Unemployment Act 1 Took photographs on cell phone of a patient and posted to facebook account 1 Failed to administer appropriate emergency interventions to relieve foreign body airway obstruction 1 Practice vocational nursing without a valid license
5	<p>REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 1 Withdrew Ativan and Demerol in excess, failed to document administration or follow wastage procedures 1 Documented assessments, in conjunction with other nurses revealing different handwriting then signature 1 Failed to document the administration of intramuscular injection of Ativan in patient medical record 1 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history 1 Wrote an order to discontinue medication without a physician's order
7	<p>TPAPN BOARD ORDER</p> <ul style="list-style-type: none"> 1 Intemperate use of Methadone and Alprazolam, found sleeping on duty 1 Misappropriated Demerol, Noroc and Dilaudid 1 Lacked fitness to practice showing signs of non-acute behavioral changes; Positive drug screen for Methamphetamine and Alcohol; intemperate use of Alcohol 1 Engaged in the intemperate use of Morphine and Codeine w/ positive drug screen 1 Lacked fitness to practice in that they were confused and smelled of alcohol; Arrested twice for DWI 1 Misappropriated Hydrocodone, Nalbuphine, Oxycodone and Tylenol #3 1 Failed to make scheduled nursing visits; lacked fitness to practice, clouded judgement

28	<p>VOLUNTARY SURRENDER</p> <ul style="list-style-type: none"> 3 Non compliance with previous Board Order 1 Lacked fitness to practice in that she appeared very pale and emaciated; asked to be excused from a shift due to effects of an injection of migraine medicine 2 Convicted of felony Possession of a Controlled Substance 1 Convicted of State Jail felony Fraud Use/Possess Identifying Information and two misdemeanor Theft's 1 Convicted of Possession of a Controlled Substance, 2 counts of DWI; and third degree felony DWI 1 Convicted of second degree felony Sexual Performances by a Child and two counts of Aggravated Assault 1 Working hospice gained control of patient's wife's checking account and misappropriated over\$71,000 1 Submitted false documentation and falsified hours worked for fourteen hours 1 Convicted of third degree felony Misapplication of Fiduciary Funds and misdemeanor Theft 1 Convicted of three counts of Driving While Intoxicated 1 Convicted of third degree felony Injury to a Child 1 Convicted of felony Driving While Intoxicated 1 Convicted of Possession with Intent to Manufacture and Distribute Methamphetamine 1 Convicted of Conspiracy to Commit Health Care Fraud, Defraud the US and receive Healthcare Kickback 1 Deferred judgement for two counts of state jail felony Credit Card Abuse 1 Convicted of Conspiracy to Commit Health Care Fraud, Conspiracy to Defraud the US, two counts of False Statements and three counts of Payment and Receipt of Heath Care Kickbacks 1 Convicted of Conspiracy to Commit Health Care Fraud and two counts of False Statements 8 Submitted a statement of Voluntary Surrender
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LVN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2011, through August 31, 2011

19	<p>ENDORSEMENTS</p> <ul style="list-style-type: none"> 3 Disciplinary action taken by another licensing authority 1 Denial of Licensure 1 Convicted of felony offense of Receiving Stolen Property 1 Diagnosed with Major Bipolar Disorder, Depressed 1 Convicted of two counts of misdemeanor Driving Under the Influence of Liquor 2 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement 10 No Grounds for Denial
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APPLICANTS/ PETITIONERS

- 9 Non-disclosure of Criminal History
- 1 Convicted of misdemeanor Unlawfully Carrying a Weapon and Attempted Theft
- 1 Disciplinary action taken by another licensing authority
- 1 Convicted of misdemeanor Fail to Identify Fugitive from Justice, Criminal Trespass, and 3 counts of Theft of Property
- 1 Deferred judgment for third degree felony Forgery by Passing
- 1 Convicted of felony Burglary of Vehicle and misdemeanor Possession of Marijuana
- 1 Convicted of felony Forgery and misdemeanor Attempt to Possess Marijuana and Obstructing of Highway
- 4 Convicted of felony Possession of a Controlled Substance and misdemeanor Driving While Intoxicated
- 2 Deferred judgment for state jail felony Possession of a Controlled Substance
- 1 Deferred judgment for second degree felony Possession of Cocaine
- 1 Convicted of Driving While License Suspended, 2 counts of Public Intoxication and 3 counts of DWI
- 1 Deferred judgment for misdemeanor False Report to Police Officer
- 1 Convicted of state jail felony Possession of a Controlled Substance
- 1 Deferred judgment for misdemeanor Terroristic Threat and convicted of two counts Theft of Property; Entered treatment for Drug Abuse
- 1 Convicted of misdemeanor Parks/Signs/Alcoholic Beverage Possession and Public Intoxication
- 1 Convicted of two counts misdemeanor of both Minor in Consumption and Driving While Intoxicated
- 1 Deferred judgment for first degree felony Engaging in Organized Criminal Activity and misdemeanor Theft
- 1 Convicted of first degree felony Possession of Cocaine with Intent to Deliver Four to Two hundred Grams
- 1 Deferred judgment of state jail felony Theft of Property
- 1 Convicted of state jail felony Theft by Check and misdemeanor Theft of Property, Terroristic Threat and Criminal Mischief
- 1 Convicted of first degree felony Possession of a Controlled Substance - Cocaine
- 1 Convicted of misdemeanor Minor in Possession, Possession of Drug Paraphernalia and deferred judgment for misdemeanor Resisting Arrest and Possession of Marijuana
- 1 Deferred judgment for state jail felony Forgery and misdemeanor Theft by Check
- 1 Deferred judgment for felony Theft and misdemeanor Assault
- 1 Convicted of three counts of misdemeanor Theft by Check
- 1 Deferred judgment for state jail felony Criminal Mischief
- 1 Deferred judgment for misdemeanor Theft
- 1 Convicted of two counts of misdemeanor Assault
- 1 Deferred judgment for felony Securing Execution of Document by Deception
- 2 Deferred judgment for felony Tampering with Government Record
- 2 Convicted of two counts of misdemeanor Driving While Intoxicated
- 1 Deferred judgment for third degree felony Possession of Marijuana over Five Pounds
- 2 Convicted of felony Theft
- 1 Charged with the third degree felony Injury to a Child w/ Intent Bodily Injury
- 1 Convicted of felony Forgery - Writing or Objects and misdemeanor Operating While Suspended
- 6 Denial of Licensure
- 270 No Grounds for Denial/Youthful Indiscretion

LVN CORRECTIVE ACTION

Time frame: June 1, 2011, through August 31, 2011

9	<p>CORRECTIVE ACTION</p> <ul style="list-style-type: none"> 3 Non disclosure of misdemeanor conviction of Theft of Property by Check 1 Non disclosure of misdemeanor deferred of Theft of Property by Check 1 Non disclosure of misdemeanor conviction of Driving While License Invalid 1 Non disclosure of misdemeanor deferred judgment for Theft 1 Non disclosure of misdemeanor conviction Criminal Mischief 1 Non disclosure of misdemeanor arrest for Driving While Intoxicated 1 Practiced Vocational Nursing without a valid license
4	<p>ENDORSEMENTS</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor conviction of No Driver's License 1 Non disclosure of misdemeanor deferred judgment of Theft 1 Non disclosure of misdemeanor deferred judgment of Driving While License Suspended/Revoked 1 Non disclosure of misdemeanor conviction of Criminal Issuance of a Bad Check
11	<p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor conviction of Simple Assault 1 Non disclosure of misdemeanor Driving Under the Influence of Liquor 1 Non disclosure of misdemeanor Wrongfully use Marijuana 1 Non disclosure of misdemeanor conviction of Theft 2 Non disclosure of misdemeanor deferred judgment of Theft 1 Non disclosure of misdemeanor conviction of Criminal Trespass 2 Non disclosure of deferred judgment of Disorderly Conduct 2 Non disclosure of misdemeanor conviction of Issuance of a Bad Check

LVN DEFERRED DISCIPLINE

Time frame: June 1, 2011, through August 31, 2011

9	<p>REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none"> 1 Failed to administer nicotine patch as ordered 1 Failed to transfuse two units of red blood cells; failed to administer and/or document the administration of Lortab; failed to perform and/or ensure that an Electrocardiogram was performed; incorrectly transcribed a Potassium lab value 1 Failed to document and submit skilled nurse visits performed for 12 patients 1 Failed to provide appropriate oversight of nursing organization and nursing service by assigning an LVN to perform RN duties 1 Failed to promote patient safety by failing to count surgical instruments prior to surgical procedure 1 Exceeded scope of practice by adding her own notes to assessments performed by Dr. 1 Signed out Ativan without a physicians order; misappropriation of Ativan 1 Administered Novolin R Insulin in excess of physician's order 1 Failed to document and submit documentation of nursing care
1	<p>FINE WITH REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none"> 1 Observed with eyes closed during a Hepatobiliary Iminodiacetic Acid Scan

RN DISCIPLINARY ORDERS

Time frame: June 1, 2011, through August 31, 2011

DISCIPLINARY	
24	<p>FINE WITH REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 14 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history 1 Exceeded scope of practice when she wrote a physician's order for Maalox 1 Took picture of a patient and posted to Facebook account 1 Failed to administer six units of Insulin and inaccurately entering the administration of insulin 4 Practice professional nursing without a valid license 1 Violated facility policy by accessing medical without consent or professional need 1 Charged with Fail to Stop and Give Information and two counts of Driving While Intoxicated 1 Violated patient confidentiality by using her cell phone to take pictures of a patient procedures
15	<p>REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 1 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history 1 Documented assessments, in conjunction with other nurses revealing different handwriting than signature 1 Failed to properly obtain a lab specimen as ordered 1 Failed to intervene when a student presented to nurses office on 2 occasions complaining of hydrochloric acid burn to her face that she sustained during a science lab presentation 1 Administered insulin to student in excess frequency of physician's order 1 Practice professional nursing without a valid license 1 Lacked fitness to practice nursing; Respondent fell asleep during shift 1 Took a photograph with cell phone of patient intoxicated and asleep in Emergency Department 1 Failed to remove a tourniquet applied to an arm after collecting blood 1 Deferred judgments for two misdemeanor Assault charges 1 Failed to initiate appropriate emergency interventions to relieve foreign body from airway obstruction 1 Failed to call 911 when student presented to clinic complaining of dizziness and appeared lethargic 1 Deferred judgment for third degree felony Assault and conviction for misdemeanor Assault 1 Grabbed the arm of a patient and pushed it into the stretcher causing the IV to become dislodged 1 Failed to document the administration of intramuscular injection of Ativan in patient medical record

44	<p>VOLUNTARY SURRENDER</p> <ul style="list-style-type: none"> 6 Disciplinary action taken by another licensing authority 8 Non compliance with previous Board Order 1 Convicted of Conspiracy to Commit Health Care Fraud and two counts of False Statements 1 Convicted of felony Driving While Intoxicated 1 Convicted of Criminal Trespass, felony Tampering/False Report, 2 counts of Aggravated Perjury, Tampering with Witness, False Report to Child Protective Services, and 2 counts of Retaliation 1 Convicted of Possession with Intent to Manufacture and Distribute Methamphetamine 1 Physically and emotionally abusive to a patient 1 Convicted of two counts of second degree felony offense of Manslaughter 1 Attempted to pass a fraudulent prescription for Lortab and Anaprox 1 Convicted of two counts of felony Driving While Intoxicated with a Child Under 15 Years 1 Misappropriation and Intemperate use of Morphine, Hydrocodone, Dilaudid and Demerol 1 Failed to timely and appropriately assess and intervene when patient found on floor 1 Convicted of state jail felony offense of Fraud use Possession of Identifying Information 1 Convicted of Conspiracy to Commit Health Care Fraud, Conspiracy to Pay Kickbacks and 16 counts of Payment of Health Care Kickbacks to Medicare Beneficiary Recruiters 1 Convicted of third degree felony Possession of a Controlled Substance 17 Submitted a statement of Voluntary Surrender
22	<p>TPAPN BOARD ORDER</p> <ul style="list-style-type: none"> 1 Lacked fitness to practice in that they were confused and smelled of alcohol; Arrested twice for DWI 1 Misappropriated Hydrocodone, Nalbuphine, Oxycodone and Tylenol #3 1 Lacked fitness to practice showing signs of non-acute behavioral changes; Positive drug screen for Methamphetamine and Alcohol; intemperate use of Alcohol 1 Non compliance with previous TPAPN Board Order 1 Withdrew Hydrocodone, Hydromorphone, Lorazepam and Morphine in excess of physicians order; Misappropriated Hydrocodone, Hydromorphone, Morphine and Diazepam 1 Admitted to withdrawing narcotics in excess or without valid physician's order for personal use 2 Admitted to having a drug and/or alcohol problem to the Board on a renewal document 1 Misappropriated Codeine 1 Admitted to being addicted to Heroin and had been admitted to a alcohol and drug rehabilitation center 2 Intemperate use of Alcohol resulting in positive drug screen 1 Fraudulently obtained Norco from a pharmacy 1 Observed by security video removing Percocet from medication dispensing machine under another nurses access code 1 Withdrew Norco in excess of physicians order; misappropriated Norco 1 Misappropriated Demerol 1 Misappropriated Fentanyl or failed to take precautions to prevent such misappropriation 1 Non compliance with previous Board Order; showed signs of impaired behavior 1 Misappropriated Dilaudid, Zofran, Promethazine and 2 used hypodermic needles 1 Intemperate use of Alcohol, Hydrocodone and Hydromorphone; misappropriated Lortab, Hydromorphone, Demerol, Phenergan, and Zofran 1 Failed to document a pain assessment; failed to administer Sliding Scale Novolag Insulin; failed to notify physician of vita sign changes 1 Disciplinary action taken by another licensing authority resulting in entry to a peer assistance program

RN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2011, through August 31, 2011

47	ENDORSEMENTS 6 Denial of Licensure 9 Disciplinary action taken by another licensing authority 1 Treated for Alcohol Abuse 2 Diagnosed with Bipolar Disorder 1 Convicted of misdemeanor Possession of Cannabis and third degree felony False Insurance Claim 3 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement 25 No Grounds for Denial
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APPLICANTS/ PETITIONERS

- 6 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Examination
- 11 Denial of Licensure
- 1 Convicted of misdemeanor Unlawfully Carrying a Weapon and Attempted Theft
- 3 Convicted of state jail felony Forgery - Government Document
- 1 Deferred judgment for state jail felony Possession of a Controlled Substance
- 1 Convicted of felony Aggravated Assault w/ Deadly Weapon and misdemeanor Driving While Intoxicated
- 1 Deferred judgment on misdemeanor Theft and convicted of four counts of Theft of Property by Check
- 1 Deferred judgment on second degree felony Robbery and convicted of misdemeanor DWI
- 1 Convicted of felony Credit Card Abuse, Escape and misdemeanor Possession of Marijuana, DWI
- 2 Convicted of two counts misdemeanor Driving While Intoxicated
- 1 Diagnosed with schizoaffective disorder
- 2 Deferred judgment for second degree felony Robbery
- 1 Convicted of three counts of misdemeanor Possession of Marijuana
- 1 Deferred judgment for third degree felony Welfare Fraud
- 1 Convicted of misdemeanor Driving Under the Influence and Public Intoxication
- 1 Convicted of misdemeanor Carrying a Weapon and two counts of Driving While License Suspended
- 1 Deferred judgment for first degree felony Deliver by Actual Transfer of Methamphetamine
- 1 Deferred judgment for felony Possession of Marijuana and 2 counts of Possession of Methamphetamine w/ Intent to Deliver
- 1 Deferred judgment for two counts of state jail felony Aggregated Theft
- 1 Deferred judgment for state jail felony Possession of Methylenedioxy Methamphetamine
- 1 Convicted of felony Harboring a Fugitive
- 1 Convicted of felony Theft, Disorderly Conduct, Permitting Unauthorized Minor to Drive, 2 counts of Contempt Failure to Pay Fines and 6 counts of Issuing a Bad Check
- 1 Convicted of misdemeanor Possession of Drug Paraphernalia, and 3 counts of Driving While Intoxicated
- 1 Convicted of felony Knowingly and Intentionally Use, Attempt to Use and Possess a Visa for Entry into US
- 1 Convicted of state jail felony Criminal Negligent Homicide
- 2 Convicted of second degree felony Burglary of Habitation
- 1 Convicted of misdemeanor Driving While Intoxicated
- 4 Entered treatment for Alcohol Abuse
- 1 Diagnosed with Bipolar Disorder
- 1 Convicted of two counts misdemeanor of both Minor in Consumption and Driving While Intoxicated
- 1 Deferred judgment for third degree felony Delivery of a Controlled Substance - Amphetamine
- 1 Convicted of misdemeanor Possession of Stolen Property
- 1 Charged with the third degree felony Injury to a Child w/ Intent Bodily Injury
- 1 Deferred judgment for misdemeanor False Report to Police Officer
- 2 Deferred judgment for felony Possession of Marijuana
- 1 Convicted of felony Mail Embezzlement
- 321 No Grounds for Denial/Youthful Indiscretion

RN CORRECTIVE ACTION

Time frame: June 1, 2011, through August 31, 2011

11	<p>CORRECTIVE ACTION</p> <ul style="list-style-type: none"> 3 Non disclosure of misdemeanor Driving While Intoxicated 1 Attended nursing peer review committee meeting while employed as the facility's chief nursing officer 1 Non disclosure of deferred judgment on misdemeanor Disorderly Conduct 1 Non disclosure of misdemeanor conviction of Issuance of a Bad Check 2 Practiced Professional Nursing without a valid license 1 Non disclosure of conviction of misdemeanor Assault 1 Non disclosure of deferred judgment on misdemeanor Theft of Property by Check 1 Non disclosure of a Pre-Trial Diversion Judgment on misdemeanor Criminal Mischief
9	<p>ENDORSEMENT</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor deferred judgment of Fraud Insufficient Funds Check 1 Non disclosure of misdemeanor conviction of Criminal Damage 2 Non disclosure of misdemeanor conviction of Theft 3 Non disclosure of misdemeanor conviction of Driving While Intoxicated 1 Non disclosure of misdemeanor conviction of Disorderly Conduct 1 Non disclosure of misdemeanor conviction of Possession of Marijuana
5	<p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 2 Non disclosure of misdemeanor conviction of Driving While Intoxicated 1 Non disclosure of misdemeanor deferred judgment of Possession of Marijuana 1 Non disclosure of misdemeanor conviction of Operating Motor Vehicle Under Influence of Alcohol/Drugs and Driving While License Suspended 1 Non disclosure of misdemeanor conviction of Issuance of a Bad Check

RN DEFERRED DISCIPLINE

Time frame: June 1, 2011, through August 31, 2011

4	<p>FINE WITH REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none"> 1 Practiced outside scope of practice 1 Performed unauthorized Incision and Drainage on a fellow employee without physicians order 1 Used the Title RN and practiced professional nursing without a valid license 1 Failed to document waste of unused portion of narcotics
2	<p>FINE WITH REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none"> 1 Observed with eyes closed during a Hepatobiliary Iminodiacetic Acid Scan 1 Exceeded scope of practice by accepting the duties of Medical Director

11

REMEDIAL EDUCATION - DEFERRED DISCIPLINE

- 1 Failed to provide appropriate oversight of nursing organization by assigning an LVN to perform RN duties
- 1 Inappropriately administered Ambien and Haldol
- 1 Obtained a urine sample from a student without a physician's order
- 1 Failed to accurately and clearly reflect her 0830 assessment of a patient
- 1 Falsely documented another person's code for the medication dispensation system
- 1 Exceeded scope of practice as a registered nurse by failing to clarify a prescription order that she believed to be inaccurate and instead getting a prescription from another physician unfamiliar with patient
- 2 Failed to destroy medications and narcotics that had been returned
- 1 Failed to initiate Cardiopulmonary Resuscitation on a resident who had stopped breathing
- 1 Inappropriately accessed a patient medical record who was admitted with a gunshot wound
- 1 Failed to promote patient safety by failing to count surgical instruments prior to surgical procedure

September 2, 2011

Katherine A Thomas, Executive Director
Texas Board of Nursing
333 Guadalupe
Suite 3-460
Austin, TX 78701

Dear Ms. Thomas,

As a follow-up to our telephone call, we are writing to remind you that the Health Resources and Services Administration's (HRSA) National Center for Health Workforce Analysis is conducting its first National Sample Survey of Nurse Practitioners (NSSNP) in 2012. The 2012 NSSNP will provide much-needed information about current use of NPs as well as facilitate more accurate forecasting of NP retirements and career transitions. We are requesting that you assist in this effort by providing the list of licensed NPs in your state. Together with the lists from all other states, a sampling frame will be assembled from which HRSA can draw a representative sample of licensed NPs in the United States. Since 1977, HRSA has conducted a quadrennial survey of RNs, thanks to the contribution of licensure lists from each State Board of Nursing. We look forward to your state's continued contribution for our latest nursing study.

The primary purpose of the National Sample Survey of Nurse Practitioners data collection is to: (1) improve estimates of NPs providing services; (2) describe the settings where NPs are working; (3) identify the positions/roles in which NPs are working; (4) describe the activities and services NPs are providing in the healthcare workforce; (5) determine the specialties in which NPs are working; (6) explore NPs' satisfaction with and perception of the extent to which they are working to their full scope of practice; and (7) assess variations in practice settings, positions, and practice patterns by demographic and educational characteristics.

In compliance with the requirement for a public comment opportunity on proposed data collection projects (section 3506(c)(2)(A)) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Public Law 104-13), the HRSA publishes periodic summaries of proposed projects being developed for submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The NP survey was posted in the Federal Register on Monday, August 8, 2011 as a part of the "Notices" within Vol. 76, No. 152, page **48172**. The URL for the notice of our proposed project is: <http://www.gpo.gov/fdsys/pkg/FR-2011-08-08/pdf/2011-20000.pdf>. The Notice for the Proposed Data Collection is listed as **OMB NO. 0915-xxxx NEW** and requests comments from the public. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call the HRSA Reports Clearance Officer at (301) 443-1129.

The licensure lists, which are being requested from all State Boards of Nursing, will be used to assemble the sampling frame from which a nationally representative sample of NPs will be drawn. HRSA staff, and our contractor for this project, will use the address and other contact information from the set of records selected for our sample (approximately 15,000 NPs nationwide) to mail copies of our questionnaire and communicate about the survey as necessary. The federal government will not use these data for any other purpose, and we will not share these data beyond providing the sampling frame to the contractor for cleaning, de-duplication, drawing of the sample, and contact with the sample members related to the survey. At the conclusion of the project, the data will be disposed of in accordance with relevant federal records requirements.

HHS will protect the privacy and confidentiality of any individually identifiable information contained in the data consistent with the Privacy Act of 1974, to the extent applicable, standards promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and other applicable laws, regulations, and policies. HHS may provide data access to appropriate employees, contractors, and other authorized users.

We are asking the State Boards to submit the identified 25 data elements, similar to those submitted for the NSSRN, as soon as possible or at least by October 1, 2011. Transmission of the data to HRSA shall be done in accordance with acceptable practices for ensuring the protection, confidentiality and integrity of the contents. There are two ways that the State Board can submit the data to HRSA. For your protection, we recommend that you send the data through a Secure E-mail File Transfer (SEFT) that HRSA has set up to receive datasets for this project. The other way that the data can be sent to HRSA is through the creation of a DVD that should be sent to the contact listed below.

To use the SEFT that HRSA has set up for this purpose, **simply wait to receive an email from us**. If you have not already provided us with the email address at which you wish to receive this communication, please contact LaCrystal McNair at 301-443-3578 or LMcNair@hrsa.gov. Once you receive our email, you will be linked to the NIH secure email website and asked to create a SEFT profile, which takes only a minute to do. Afterwards, you will be able to view and reply to the email on this secure website, uploading the file as an attachment.

If you have any further questions about the NSSNPs, please don't hesitate to contact Kathleen M. White, PhD, RN, NEA-BC, FAAN, Senior Advisor, National Center for Health Workforce Analysis directly at 301-443-5424 or through e-mail at kwhite@hrsa.gov.

Sincerely,

Kathleen M. White, PhD, RN, NEA-BC, FAAN
Senior Advisor, National Center for Health Workforce Analysis
Health Resources and Services Administration
Parklawn Building Room 9-49
5600 Fishers Lane
Rockville, MD 20857

Technical Requirements

The file of nurse practitioners that you provide will be used to randomly select a nationally representative sample of all NPs in the country. To ensure a scientifically accurate sample, it is extremely important that you follow the instructions below in preparing your state's list. Should you have any questions about the preparation of your list, we urge you to contact **Kathleen White** at HRSA at **301-443-5424** or **kwhite@hrsa.gov**

WHOM TO INCLUDE

Include a record for **all nurse practitioners who have an active license, certification or recognition to practice as nurse practitioners in your state.** We understand that state requirements for and recognition of NP licensure vary substantially. We are requesting a record for every individual for whom your state recognizes the right to practice with the advanced scope of Nurse Practitioner. It is important that the licensure information be as current as possible because we would like the any changes between the time the list is prepared and the time we implement the survey in **February 2012** to be minimal.

INCLUDE the following nurses who have an active license to practice as a Nurse Practitioner (NP) and live either within or outside your State:

- ✓ All nurses who have NP license, certification or recognition (or RN licenses with recognition of NP privileges) from your State and are currently eligible to practice as NPs;
- ✓ NPs who have been recently licensed in your State either through endorsement or examination; and
- ✓ NPs who have recently had their licenses reinstated.

DO NOT INCLUDE:

- × Other advanced practice nurses such as Certified Nurse Midwives, Certified RN Anesthetists, or Clinical Nurse Specialists unless there is no way to identify the NPs from the other APRNs in your licensure list (see optional data elements requested below)
- × NPs with inactive or revoked licenses and who are not eligible to practice as NPs in your State; or
- × Registered Nurses (RNs) without NP privileges;
- × Any others not currently eligible to practice as NPs in your State
- × Licensed Practical Nurses (LPN)/Licensed Vocational Nurses(LVN)

The following 25 data elements are needed to develop the sampling frame and if possible, should be sent in the order listed below. Rationale is provided for why each data element is necessary.

1	RN license number	To reconcile licensure status reported by the State
2	Last name**	Contact information
3	First name	Contact information
4	Middle initial	Contact information
5	Title	Contact information
6	Home Address line 1*	Contact information
7	Home Address line 2	Contact information
8	Home Address line 3	Contact information
9	City	Contact information
10	State	Contact information
11	Zip (+4 if available)	Contact information
12	Home telephone number	Contact information if follow-up is necessary
13	E-mail address	Contact information if follow-up is necessary
14	Date of birth	To aid in sampling and file cleaning
15	Gender	To aid in sampling
16	Race	To aid in sampling.
17	Ethnicity	To aid in sampling
18	Date of last license renewal	Analysis
19	Work Address line 1	Analysis
20	Work Address line 2	Analysis
21	Work Address line 3	Analysis
22	Work City	Analysis
23	Work State	Analysis
24	Work Zip (+4 if available)	Analysis
25	Position of Employment	Analysis

Optional Data Elements, if they are available, and especially if they help to identify your NP from other APRNs

26	NP/APRN Certification type
27	Date of last certification

* If a home address is not available, please provide an office address or other mailing address

** Last names and first names should be in separate fields so the list may be sorted alphabetically by last name

LIST FORMATS

Preferred: ASCII text file with a fixed layout; or ASCII delimited file with headers

Acceptable: Excel file with headers

WHAT TO INCLUDE IN THE ACCOMPANYING DOCUMENTATION

Please send a Word or RTF file with (or appended to) your data file with the following information:

1. Name of State
 2. Detailed layout of the data file if the file does not contain headers
 3. Any additional information (e.g., abbreviations, codes, etc.) that would assist us in reading the lists.
- Please explain and include any necessary documentation with the lists.

PLEASE SUBMIT:

On or before October 1, 2011

Board of Nursing Statistical Report FY 2011

Measure	Totals FY'08	Totals FY'09	Totals FY'10	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Running FY 2011 Total
Nursing Jurisprudence Exam	n/a	18,886	27,177	6,149	5,982	8,686	7,004	27,821
Exam Not Completed		825	1,845	307	256	301	352	1,216
Percentage Not Completed		4.37%	6.79%	4.99%	4.28%	3.47%	5.03%	4.37%
Did Not Passed		485	1,602	566	562	657	683	2,468
Percentage Did Not Pass		2.57%	5.89%	9.20%	9.39%	7.56%	9.75%	8.87%
Exam Passed		17,576	23,730	5,276	5,164	7,728	5,969	24,137
Percentage Exam Passed		93.06%	87.32%	85.80%	86.33%	88.97%	85.22%	86.76%
NJE - Breakdown by Applicant Group								
LVN-Candidate		4,627	7,266	1,646	1,597	1,595	2,634	7,472
Exam Not Completed		282	835	105	93	73	128	399
Did Not Passed		177	723	209	226	224	332	991
Exam Passed		4,168	5,708	1,332	1,278	1,298	2,174	6,082
LVN-Endorsement		938	1,384	433	355	469	459	1,716
Exam Not Completed		57	94	25	17	26	37	105
Did Not Passed		90	193	96	92	111	88	387
Exam Passed		791	1,097	312	246	332	334	1,224
RN-Candidate		8,104	10,929	2,137	2,360	4,645	1,915	11,057
Exam Not Completed		265	569	80	68	117	96	361
Did Not Passed		35	250	85	74	138	90	387
Exam Passed		7,804	10,110	1,972	2,218	4,390	1,729	10,309
RN-Endorsement		5,217	7,598	1,933	1,670	1,977	1,996	7,576
Exam Not Completed		221	347	97	78	85	91	351
Did Not Passed		183	436	176	170	184	173	703
Exam Passed		4,813	6,815	1,660	1,422	1,708	1,732	6,522