

TEXAS BOARD OF NURSING
Regular Meeting
April 20-21, 2017
AGENDA

Section 46.035 of the Texas Penal Code prohibits handgun licensees from carrying their handguns at government meetings such as this one. This prohibition applies to both concealed carry and open carry by handgun licensees. Handgun licensees are required by law to refrain from carrying their handguns at this meeting.

CALL TO ORDER - 8:30 am

REVIEW OF AGENDA

REVIEW OF THE MINUTES: January 19-20, 2017 Board Meeting Minutes

CONSENT AGENDA:

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- 1.2.1.** Update of Pending Litigation in the Matters of:
Ex Parte Brian Zalesky, Cause No. D-1-EX-09-000516, 427th Judicial District Court, Travis County, Texas;
Valerie Green vs. Texas Board of Nursing; Katherine Thomas, Executive Director; James W. Johnson, General Counsel; Anthony L. Diggs, Director of Enforcement Division and Theft; Jenna Able, Assistant General Counsel; Kara Holsinger; Cause No. D-1-GN-15-005628, in the 53rd Judicial District Court, Travis County, Texas;
Stanley Payne, Plaintiff, vs. Texas Board of Nurse Examiners a/k/a Texas Board of Nursing, Defendant, Cause No. D-1-GN-12-003072, in the 126th Judicial District Court, Travis County, Texas;
Davina Danielle Moore vs. Texas Board of Nursing, D-1-GN-14-002109, In the 126th District Court, Travis County, Texas;
Rosemary Hall, BSN, RN v. Texas Board of Nursing and State Office of Administrative Hearings, Cause No. D-1-GN-15-002832, 126th District Court of Travis County; and
Amy Jeanette Banda vs. Texas Board of Nursing, Cause No. D-1-GN-15-005691; In the 98th Judicial District, Travis County, Texas.
The Board Reserves the Right to Convene in Executive Session, if Necessary, Pursuant to §551.071(1), Texas Government Code, to Discuss Pending or Contemplated Litigation in these Matters.
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- 2.1.** Financial Statement – 2ND Quarter, Fiscal Year 2017 - **MMajek/LPerez**
- 3.2.1.** Status Report on New Nursing Education Programs and Currently Active and Potential Proposals - **JHooper**
- 3.2.2.** Status Report on Programs with Sanctions - **JHooper**
- 3.2.3.** Report on Communication Activities with Nursing Education Programs - **SLee**
- 3.2.4.** Consideration of Reports of Survey Visits
- 3.2.4.a.** Galen College of Nursing in San Antonio, Texas – Baccalaureate Degree Nursing Education Program– **VAYars**
- 3.2.4.b.** Lamar State College in Port Arthur, Texas – Associate Degree Nursing Education Program – **SLee**
- 3.2.4.c.** Lamar State College in Port Arthur, Texas–Vocational Nursing Education Program-**SLee**
- 3.2.4.d.** Ranger College in Early, Texas – Associate Degree Nursing Education Program – **SLee**
- 3.2.4.e.** Ranger College in Early, Texas – Vocational Nursing Education Program – **SLee**
- 3.2.5.** Consideration of Change in Approval Status from Initial with Warning To Full Approval and Consideration of Report of Survey Visit – Vocational Nursing Institute in Houston, Texas - **VAYars**
- 3.2.6.** Consideration of Change in Approval Status from Full Approval to Full Approval with Warning
- 3.2.6.a.** Fortis Institute in Grand Prairie, Texas – Vocational Nursing Education Program - **GVarnell**
- 3.2.6.b.** Joe G. Davis in Huntsville, Texas – Vocational Nursing Education Program - **SLee**
- 3.2.6.c.** Schreiner University in Kerrville, Texas – Vocational Nursing Education Program - **VAYars**
- 3.2.6.d.** Valley Grande Institute for Academic Studies in Weslaco, Texas – Vocational Nursing Education Program - **JHooper**
- 3.2.6.e.** Vernon College in Wichita Falls, Texas – Vocational Nursing Education Program – **SLee**
- 4.1.** Criminal Background Check Update – **TDiggs**
- 4.2.** Complaint Status Report - **TDiggs**
- 5.1.1.** Eligibility and Disciplinary Committee - **JWJohnston**
- 5.1.2.** Quarterly Statistical Report – 2ND Quarter, Fiscal Year 2017 - **MMajek/KThomas**
- 6.1.** Nurse Licensure Compact Update - **KThomas**
- 7.1.** Texas Peer Assistance Program for Nurses (TPAPN)
- 7.1.1.** TPAPN Quarterly Report
- 7.1.2.** Texas Peer Assistance Program for Nurses Third Party Referral Report – **TDiggs**
- 7.2.** Review of the Health Professions Council Annual Report for Fiscal Year 2016 - **KThomas**

7.3. Adoption of Rule Review of 22 Tex. Admin. Code Chapters 214, 215, and 222 - JVanderford

8.1. Agreed Orders

8.2. Agreed Orders - KSTAR Program

8.3. Deferred Agreed Orders

8.4. Reinstatement Agreed Orders

8.5. Eligibility Agreed Orders

8.7. Default ALJ Proposals for Decision

8.7.1. Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate RN# 701528, Issued to DEAN RUBIALES LAQUI, SOAH Docket No. 507-17-0281 – JAbel

8.7.2. Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate LVN#323087, Issued to TIFFANY SUMMER PHELPS, SOAH Docket No. 507-15-5350 – JAbel (DBell/NAImasy/KLHorn)

1. ADMINISTRATION

***1.1. Executive Director's Report - KThomas**

1.2. Legal - JWJohnston

C *1.2.1. Update of Pending Litigation in the Matters of:

Ex Parte Brian Zalesky, Cause No. D-1-EX-09-000516, 427th Judicial District Court, Travis County, Texas;

Valerie Green vs. Texas Board of Nursing; Katherine Thomas, Executive Director; James W. Johnson, General Counsel; Anthony L. Diggs, Director of Enforcement Division and Theft; Jenna Able, Assistant General Counsel; Kara Holsinger; Cause No. D-1-GN-15-005628, in the 53rd Judicial District Court, Travis County, Texas;

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The Board Reserves the Right to Convene in Executive Session, if Necessary, Pursuant to §551.071(1), Texas Government Code, to Discuss Pending or Contemplated Litigation in these Matters.

***1.3. Legislative Update - KThomas/BHolter**

2. OPERATIONS

C *2.1. Financial Statement – 1ST Quarter, Fiscal Year 2017 - MMajek/LPerez

3. NURSING

3.1. Practice

***3.1.1. Promoting Competency Report – LLaws**

***3.1.2. Report on Implementation of the Knowledge Skills Training Assessment and Research (KSTAR) Pilot - KBenton/SCaddell**

3.2. Education

C *3.2.1. Status Report on New Nursing Education Programs and Currently Active and Potential Proposals - JHooper

- C *3.2.2. Status Report on Programs with Sanctions - **JHooper**
- C *3.2.3. Report on Communication Activities with Nursing Education Programs - **SLee**
- 3.2.4. Consideration of Reports of Survey Visits
 - C *3.2.4.a. Galen College of Nursing in San Antonio, Texas – Baccalaureate Degree Nursing Education Program – **VAyars**
 - C *3.2.4.b. Lamar State College in Port Arthur, Texas – Associate Degree Nursing Education Program – **SLee**
 - C *3.2.4.c. Lamar State College in Port Arthur, Texas–Vocational Nursing Education Program-**SLee**
 - C *3.2.4.d. Ranger College in Early, Texas – Associate Degree Nursing Education Program – **SLee**
 - C *3.2.4.e. Ranger College in Early, Texas – Vocational Nursing Education Program – **SLee**
- C *3.2.5. Consideration of Change in Approval Status from Initial with Warning To Full Approval and Consideration of Report of Survey Visit – Vocational Nursing Institute in Houston, Texas - **VAyars**
- 3.2.6. Consideration of Change in Approval Status from Full Approval to Full Approval with Warning
 - C *3.2.6.a. Fortis Institute in Grand Prairie, Texas – Vocational Nursing Education Program - **GVarnell**
 - C *3.2.6.b. Joe G. Davis in Huntsville, Texas – Vocational Nursing Education Program - **SLee**
 - C *3.2.6.c. Schreiner University in Kerrville, Texas – Vocational Nursing Education Program - **VAyars**
 - C *3.2.6.d. Valley Grande Institute for Academic Studies in Weslaco, Texas – Vocational Nursing Education Program - **JHooper**
 - C *3.2.6.e. Vernon College in Wichita Falls, Texas – Vocational Nursing Education Program - **SLee**
- 3.2.7. Consideration of Change in Approval Status from Initial/Full Approval with Warning to Conditional Approval
 - *3.2.7.a. Cephas Center for Health Sciences in Dallas, Texas – Vocational Nursing Education Program – **GVarnell**
 - *3.2.7.b. Concorde Career Institute in Grand Prairie, Texas – Vocational Nursing Education Program – **GVarnell**
 - *3.2.7.c. Houston Community College in Houston, Texas – Vocational Nursing Education Program – **JHooper**
- *3.2.8. Consideration of Summary of Self-Study Reports for Vocational Nursing Education Programs for 2016 – **VAyars**
- *3.2.9. Report of 2016 NCLEX-PN® Examination Pass Rates for Vocational Nursing Education Programs - **JHooper**
- 3.2.10. Consideration of Proposal to Establish a New Nursing Education Program
 - *3.2.10.a. Stephen F. Austin State University in Nacogdoches, Texas – Family Nursing Practitioner Program – **GVarnell**
 - *3.2.10.b. Tarrant County College in Fort Worth, Texas – Vocational Nursing Education Program – **GVarnell**
 - *3.2.10.c. American Medical Institute in Houston, Texas – Vocational Nursing Education Program – **JHooper/SLee**

4. ENFORCEMENT

- C *4.1. Criminal Background Check Update – **TDiggs**
- C *4.2. Complaint Status Report – **TDiggs**

5. COMMITTEE REPORTS

5.1. Board Committees

- C *5.1.1. Eligibility and Disciplinary Committee - **JWJohnston**

C *5.1.2. Quarterly Statistical Report – 2ND Quarter, Fiscal Year 2017 - **MMajek/KThomas**

5.1.3. Development and Evaluation - **PCIapp/DJackson**

5.2. Advisory Committees/Task Forces

5.2.1. Advanced Practice Nursing Advisory Committee - **KShipp/JZych/NBuckingham**

5.2.2. Nursing Practice Advisory Committee - **KLHorn/DFlores/DBenbow**

*5.2.2.a. Consideration of Appointment of New Members to the Nursing Practice Advisory Committee - **KLHorn/DFlores/DBenbow**

5.2.3. Advisory Committee on Education - **NAImasy/APEdwards/DJackson/KBenton/VAyars**

*5.2.3.a. Consideration of Appointment of New Members to the Advisory Committee on Education – **KBenton/VAyars**

*5.2.3.b. Consideration of Request for Charges to the Advisory Committee on Education – **KBenton/VAyars**

5.2.4. Advisory Committee on Licensure, Eligibility and Discipline - **PCIapp/JWJohnston/JAabel**

*5.2.4.a. Consideration of Appointment of New and Replacement Members to the Advisory Committee on Licensure, Eligibility, and Discipline - **PCIapp/JWJohnston/JAabel**

5.2.5. Task Force to Study Implications of Growth of Texas Nursing Education Programs - **APEdwards/LDisque/KBenton**

5.3. Collaboration with Outside Agencies/Stakeholders

5.3.1. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee - **KThomas**

5.3.2. Updates Related to the Texas Higher Education Coordinating Board, the Texas Workforce Commission, and the Texas Education Agency – **KBenton/JHooper**

5.3.3. National Council of State Boards of Nursing - Taxonomy of Error Root Cause Analysis of Practice Responsibility (TERCAP) - **SCaddell**

*5.3.3.a. Texas-Taxonomy of Error Root Cause Analysis of Practice Responsibility (TERCAP) Update- **DBenbow/MTietze/MBThomas/KBenton**

5.3.4. Texas Team Report - Robert Wood Johnson Initiative - **SLee**

5.3.5. National Council of State Boards of Nursing

5.3.5.a. Report on the National Council of State Boards of Nursing Mid-Year Meeting held March 13-15, 2017, in Salt Lake City, UT – **KShipp/DRodriguez**

5.3.5.b. Appointment of Members to Attend the NCSBN Annual Meeting, to be held August 16-18, 2017, Chicago, IL - **KShipp**

5.3.6. Texas Health and Human Services Commission Individuals with Intellectual and Developmental Disabilities Stakeholder Workgroup on Nursing Scope of Practice- **NAImasy/KBenton/SCropley**

5.3.7. Texas Health and Human Services Commission e-Health Advisory Committee - **SCropley**

OPEN FORUM: Thursday, 1:30 p.m. - 2:00 p.m.

6. OLD BUSINESS

C *6.1. Nurse Licensure Compact Update - **KThomas**

7. NEW BUSINESS

7.1. Texas Peer Assistance Program for Nurses (TPAPN)

C **7.1.1. Texas Peer Assistance Program for Nurses Quarterly Report–**CZolnierek**

C *7.1.2. Texas Peer Assistance Program for Nurses Third Party Referral Report - **TDiggs**

7.1.3. Texas Peer Assistance Program for Nurses Advisory Committee - **DBenbow**

C *7.2. Review of the Health Professions Council Annual Report for Fiscal Year 2016 - **KThomas**

C *7.3. Adoption of Rule Review of 22 Tex. Admin. Code Chapters 214, 215, and 222 - **JVanderford**

***7.4.** Consideration of Proposed Amendments to 22 Tex. Admin. Code §223.1, Relating to Fees – **MMajek/JAabel**

***7.5.** Consideration of Proposed Amendments to 22 Tex. Admin. Code §213.34, relating to Deferred Discipline – **JAabel**

***7.6.** Acknowledgement of Acceptance of Gift from the Estate of Anita Palmer Hackley – **JWJohnston / JVanderford**

***7.7.** Consideration of Report #2017-1–Human Resource Management Audit–**JStepp/MMajek/DBell/ KThomas**

***7.8.** Consideration of the National Council of State Boards of Nursing 2016 Commitment to Ongoing Regulatory Excellence (CORE) Report - **KThomas/MBThomas**

8. PROPOSED BOARD ORDERS

C *8.1. Agreed Orders

Aguayo, Agustin Sierra	RN# 561602 (DBell)
Akintola, Rachael	RN# 889820
Allen, Amy Michelle	RN# 754654/ LVN# 212415
Armstrong, Shannon Leann	LVN# 304959
Arroyo, Cindy	LVN# 315978
Barron, Elisia Nicole	LVN# 318322
Barton, Amanda	RN# 818748
Bell, John Rayburn	RN# 671190/ LVN# 172733
Bodine, Cynthia Ann	RN# 812565
Brent, Mia	RN# 748559
Cave, Warren Hampton	APRN# AP121054/ RN# 736488/ LVN# 204474
Chong, April Kaprika	LVN# 315998
Clark, Gary Steven	LVN# 196048
Collins, Georgia L.	LVN# 103679
Copeland, Robin Lynn	LVN# 318103
Crockett, Patrice Marie	RN# 885644
Gonzalez, Jennifer Suzanne	RN# 826617
Good, Alyson Renee	LVN# 217259
Grimes, Kristyn Brooke	LVN# 320931
Hall, Kathleen Boyle	RN# 525534
Hanes, Jenny Lynn	APRN# AP128696 RN# 884425
Hawner, Dana B.	RN# 646224
Hickman, Dallas Jircik	RN# 694514/ LVN# 171716
Hill, Evette Eva	LVN# 180381
Hinkley, Taylor Rene	RN# 819605
Hizak, Jessica Joan	RN# 725101 (DBell)
Holden, Casey Denea	LVN# 175321
Horan, Ursula Shermane	RN# 862621
Jokodola, Bamidele Christianah	RN# 647424/ LVN# 146419
Lara Jr., Domingo	RN# 731149
Lopez, Cathy Gene	LVN# 174296

C *8.1. Agreed Orders (con't.)

Mapp, Bridget Nicole	LVN# 200181
Menzel, Brooke Nicole	RN# 863979
Miller, Raelina Kay	LVN# 327960
Ndimba, Melvynne Meilo	LVN# 222757 (DBell)
Novak, Karina M.	RN# 729986
OBrien, Patricia Eldeen	APRN# AP108687/ RN# 542781
Paradysz, John Timothy	LVN# 198366
Partee, Malinda Anne	RN # 854134
Ricaplaza, Rosalina Almacha	RN# 627328
Richard, Shala Kay	LVN# 189137
Rineer (McClaine), Joyce Ann	APRN# AP120123/ RN# 510876
Roe, Audrey Walker	LVN# 121756
Scrogum, Cynthia Ann	LVN# 154620
Torres, Alvina	RN# 829005/ LVN# 208535
Torres, Jeffery Marcus	RN# 691026
Vandegiessen, Kathleen Helen	APRN# AP106293/ RN# 438110
Vega, Laura Olivia	RN# 791259
Vinton, Cheryl Ann	LVN# 210062
Walls, Shawn Terrell	APRN# AP123541 RN# 833968/
Whitfield, Gail	RN# 745032/ LVN# 123143
Williams, Kimberly Roshell	LVN #227024
Wilson, Johnnie S.	APRN# AP107575/Pres Auth # 3025/RN# 535111
Yanez, Brianna Christine	RN# 858244 (DBell)

C *8.2. Agreed Orders-KSTAR Program

Scarber, Kimberly	RN# 824504/ LVN# 207953
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C *8.3. Deferred Agreed Orders

Palmer, Jeanette Yvonne	LVN# 140453
Williams, Jeshanah	LVN# 329827

C *8.4. Reinstatement Agreed Orders

Armendariz, Jennifer Nicole	LVN# 198989
Farthing, Robbie Leann	LVN# 157197
Harvey, Lana Gayle	LVN# 164463
Joseph-Agnant, Duhamelle	LVN# 222609
Porter, Deidre Williams	RN# 815506
Walters, Christopher Michael	LVN# 231368

C *8.5. Eligibility Agreed Orders

Ayers, Jacqueline Rosha	LVN Exam Petitioner
Grant, Porsche Rena	RN Exam Petitioner
Johnson, Rosie Lee	RN Exam Petitioner
Willard (Torres), Crystal Jane	LVN Exam Petitioner
Williams, Elbony Lashay	RN Exam Petitioner

8.6. ALJ Proposals for Decision

***8.6.1.** Consideration of Proposal For Decision, Recommendations, Proposed Settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate RN# 811103 and LVN#206275, Issued to OLAJUWON AKINOLA, SOAH Docket No. 507-15-4403 - **JAbel**

8.6.1.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN# 811103 and LVN#206275, Issued to OLAJUWON AKINOLA, SOAH Docket No. 507-15-4403

- ***8.6.2.** Consideration of Proposal For Decision, Recommendations, Proposed Settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate RN#828174 and LVN#220704, Issued to DEBORAH OYOMA AKUNU, SOAH Docket No.507-16-3710 - **JAbel**
 - 8.6.2.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#828174 and LVN#220704, Issued to DEBORAH OYOMA AKUNU, SOAH Docket No.507-16-3710
- ***8.6.3.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate RN#743190, Issued to LISA LARUE BURCH, SOAH Docket 507-16-5703 - **JAbel**
 - 8.6.3.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#743190, Issued to LISA LARUE BURCH, SOAH Docket 507-16-5703
- ***8.6.4.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate RN#798949, Issued to THAI L. RAMSEY, SOAH Docket 507-16-1941 - **JAbel**
 - 8.6.4.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#798949, Issued to THAI L. RAMSEY, SOAH Docket 507-16-1941
- ***8.6.5.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate RN#719413, Issued to CYNTHIA V. WILLIAMS, SOAH Docket 507-17-0104 - **JAbel**
 - 8.6.5.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#719413, Issued to CYNTHIA V. WILLIAMS, SOAH Docket 507-17-0104

8.7. Default ALJ Proposals for Decision

- C** ***8.7.1.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate RN# 701528, Issued to DEAN RUBIALES LAQUI, SOAH Docket No. 507-17-0281 - **JAbel**
 - 8.7.1.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN# 701528, Issued to DEAN RUBIALES LAQUI, SOAH Docket No. 507-17-0281
- C** ***8.7.2.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate LVN#323087, Issued to TIFFANY SUMMER PHELPS, SOAH Docket No. 507-15-5350 – **JAbel (DBell/NAImasy/KLHorn)**
 - 8.7.2.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#323087, Issued to TIFFANY SUMMER PHELPS, SOAH Docket No. 507-15-5350

9. MISCELLANEOUS

- 9.1.** Board Items of Interest for Future Board Meetings
- 9.2.** Board Development: Approval Process for New Nursing Education Programs - **JHooper**
- ***9.3.** Review of the Board Quarterly Meeting Evaluation – **KShipp**
- ***9.4.** Appointment of Board Members to the Eligibility and Disciplinary Committee for 2017 - **KShipp/KThomas**
- 9.5.** Executive Director and Board Evaluations - **KShipp/KThomas**

April 6, 2017 (5:54PM)

* - Written materials Sent from Office

** - Written materials Sent from third party

C - Item is placed on consent (no discussion of the material(s) required)