

## TEXAS BOARD OF NURSING

Regular Meeting

January 19-20, 2017

8:45 am - 5:15 pm

333 Guadalupe, Tower II, Room 225

Austin, Texas

### **Present:**

Kathy Shipp, MSN, RN, FNP, Board President, Representing APN Practice

Deborah Hughes Bell, CLU, ChFC, Board Vice-President, Representing Consumers

Patti Clapp, BA, Representing Consumers

Laura A. Disque, MN, RN, Representing RN

Allison Porter-Edwards, DrPH, MS, RN, Representing BSN Education

Diana Rodriguez Flores, MN, RN, Representing RN Practice

Kathy Leader-Horn, LVN, Representing LVN Practice

Beverley Jean Nutall, LVN, Representing LVN Practice

David Saucedo II, Representing Consumers

Francis D. Stokes, Representing Consumers

### **Absent:**

Nina Almasy, BSN, RN, MSN, Representing LVN Education

Monica Hamby, LVN, Representing LVN Practice

Doris Jean Jackson, DHA, MSN, RN, Representing ADN Education

### **Staff Present:**

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

Mark Majek, Director of Operations

Kristin Benton, Director of Nursing

James "Dusty" Johnston, General Counsel

Jena Abel, Assistant General Counsel

Kathy Hoffman, Legal Assistant Supervisor

Stacey Croyley, Nursing Consultant

Virginia Ayars, Nursing Consultant

Denise Benbow, Nursing Consultant

Linda Laws, Nursing Consultant

Susan Lee, Nursing Consultant

Kristen Sinay, Nursing Consultant

Gayle Varnell, Nursing Consultant

Jolene Zych, Nursing Consultant

Elise McDermott, Nursing Consultant

Bruce Holter, Information Specialist

Bill Ray, Information Technology

John Phinisey, Information Technology

AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Kathy Shipp called the meeting to order at 8:45 a.m. on January 19, 2017	
<b>ROLL CALL</b>	Katherine Thomas did the roll call. Board Members Monica Hamby, LVN, Nina Almasy, BSN, RN, MSN and Doris Jackson, DHA, MSN, RN, were absent. A quorum was established with ten members in attendance.	
<b>INTRODUCTIONS</b>	Board Members and Staff introduced themselves to the audience and attendees.	
<b>ACCEPTANCE OF AGENDA</b>	The Board reviewed the agenda.	
	<p>Agenda Item 8.6.3. Consideration of Proposal For Decision, Recommendations, and Board action: In the Matter of Permanent Certificate RN#798949, Issued to THAI L. RAMSEY, SOAH Docket No. 507-16-1941 was removed from the Agenda.</p>	<p>Motion by Patti Clapp; Second by Kathy Leader-Horn</p> <p>Move to approve the Agenda with the removal of Agenda Item 8.6.3. Consideration of Proposal For Decision, Recommendations, and Board action: In the Matter of Permanent Certificate RN#798949, Issued to THAI L. RAMSEY, SOAH Docket No. 507-16-1941.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<b>ACCEPTANCE OF MINUTES</b>	The Board reviewed the minutes of the October 26, 2016 Board Retreat.	<p>Motion by Francis Stokes; Second by Diana Flores</p>
		<p>Move to approve the minutes from the October 26, 2016 Board Retreat.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
	The Board reviewed the minutes of the October 27-28, 2016 Board Meeting.	<p>Motion by Patti Clapp; Second by Diana Flores</p> <p>Move to approve the minutes from the October 27-28, 2016 Board Meeting.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>



AGENDA ITEM	DISCUSSION	ACTION
<p><b>CONSENT AGENDA ITEMS</b></p> <p>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; Rodney Wayne Hicks vs. Texas Board of Nursing, and in their official capacities only, Katherine Thomas, Executive Director, and Kristin K. Benton, President of the Board, Cause No. Cause No. D-1-GN-12-003118, in the 353rd 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</p>		<p>Approved on Consent.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>the 126th District Court, Travis County, Texas;</i>  <i>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.</i>  <i>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</i></p> <p><i>2.1. Financial Statement – 1st Quarter, Fiscal Year 2017</i></p> <p><i>3.2.1. Status Report on New Nursing Education Programs and Active and Potential Proposals</i></p> <p><i>3.2.2. Status Report on Programs with Sanctions</i></p> <p><i>3.2.3. Report on Communication Activities with Nursing Education Programs</i></p> <p><i>3.2.4. Consideration of Change in Approval Status to Full Approval</i></p> <p><i>3.2.4.a. Abilene Christian University in Abilene, Texas – Baccalaureate</i></p>		<p><i>Approved on Consent.</i></p> <p><i>Approved on Consent.</i></p> <p><i>Approved on Consent.</i></p> <p><i>Approved on Consent.</i></p> <p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
Degree Nursing Education Program		
3.2.4.b. LeTourneau University in Longview, Texas – Baccalaureate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.4.c. Texarkana College in Texarkana, Texas– Associate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.4.d. Texas Lutheran University in Seguin, Texas– Baccalaureate Nursing Education Program		<i>Approved on Consent.</i>
3.2.4.e. University of St. Thomas in Houston, Texas – Baccalaureate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.4.f. University of Texas Health Science Center in San Antonio, Texas – Baccalaureate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.4.g. Bell Tech Career Institute in Houston Texas– Vocational Nursing Education Program		<i>Approved on Consent.</i>
3.2.5. Consideration of Change in Approval Status from Full/Initial Approval to Full/Initial Approval with Warning		
3.2.5.a. Brazosport College in Lake Jackson, Texas – Associate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.5.b. Concorde Career College in Dallas, Texas – Associate Degree		<i>Approved on Consent.</i>

AGENDA ITEM	DISCUSSION	ACTION
Nursing Education Program		
3.2.5.c. Dallas Nursing Institute in Dallas, Texas – Associate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.5.d. El Centro College in Dallas, Texas – Associate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.5.e. University of Mary Hardin Baylor in Belton, Texas – Baccalaureate Degree Nursing Education Program		<i>Approved on Consent.</i>
3.2.6. Consideration of Reports of Survey Visits		
3.2.6.a. South Texas College in McAllen, Texas – Vocational Nursing Education Program		<i>Approved on Consent.</i>
4.1. Criminal Background Check Update		<i>Approved on Consent.</i>
4.2. Report on Enforcement's Initiative to Address Complaint Backlog		<i>Approved on Consent.</i>
5.1.1. Eligibility and Disciplinary Committee		<i>Approved on Consent.</i>
5.1.2. Quarterly Statistical Report – 1ST Quarter, Fiscal Year 2017		<i>Approved on Consent.</i>
6.1. Nurse Licensure Compact Update		<i>Approved on Consent.</i>
7.1.1. Texas Peer Assistance Program for Nurses Quarterly Report		<i>Approved on Consent.</i>
7.1.2. Texas Peer Assistance Program for Nurses Third Party Referral Report		<i>Approved on Consent.</i>

AGENDA ITEM	DISCUSSION	ACTION
<b>8. PROPOSED BOARD ORDERS</b> <b>8.1. Agreed Orders</b>		<p><i>The Board voted to ratify the Agreed Orders on Consent with the following actions:</i></p> <p><i>Suspend/Probate</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Warning with Stipulations</i></p> <p><i>Warning with Stipulations</i></p> <p><i>Suspend/Probate</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Suspend/Probate</i></p> <p><i>Warning with Stipulations</i></p> <p><i>Suspend/Probate</i></p> <p><i>Suspend/Probate</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Warning with Stipulations</i></p> <p><i>Warning with Stipulations</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Reprimand with Stipulations</i></p> <p><i>Warning with Stipulations</i></p> <p><i>Enforced Suspension</i></p> <p><i>Warning with Stipulations</i></p> <p><b>Board Member Deborah Bell recused herself from the consideration and vote on this Agreed Order.</b>  <i>Reprimand with Stipulations</i></p>
	<i>Alruwaili, Carol Lynnette, RN# 692635/ LVN# 99652</i>	
	<i>Balliu, Racheal Renee, RN# 753532</i>	
	<i>Brooks, Carol Lynn, LVN# 129935</i>	
	<i>Brown, Daniel Lee, RN# 817578</i>	
	<i>Clarke, Marshon, LVN# 312646</i>	
	<i>Cunyus, Luellen Desiree, APRN# AP129548/ RN# 743850</i>	
	<i>Duncan, Barbara Jean, LVN# 112702</i>	
	<i>Dupuy, Laura Suzanne, RN# 787031</i>	
	<i>Enriquez, Mark Lastimoso, RN# 822041</i>	
	<i>Galewaler, Carolyn Jeanene, RN# 554064</i>	
	<i>Garcia, Laura Ann, LVN# 129824</i>	
	<i>Gilbert, Evelyn G., LVN# 82958</i>	
	<i>Hale, Vanessa, RN# 813953</i>	
	<i>Henderson, Felisha Shawnte, RN# 714234</i>	
	<i>Housenga, Steven E., RN# 878402</i>	
	<i>James, Ann, RN# 540614</i>	
	<i>Jenkins, Jill Rea, LVN# 143826</i>	
	<i>Jordan, Patricia Diane, LVN# 122370</i>	
	<i>Kietzer, Alan C., RN# 818341</i>	
	<i>Luna, Haley Elizabeth, RN# 744560</i>	
	<i>Lyles, Priscilla E., RN# 232847</i>	
	<i>McKenzie, Dale Ross, LVN# 167278</i>	



AGENDA ITEM	DISCUSSION	ACTION
	McKibben, Melisa Mae, RN# 605670	Warning with Stipulations
	Martinez, Shane Lee, LVN# 161426	Reprimand with Stipulations
	Moore, Kattie Suzanne, RN# 882003	Limited License with Stipulations
	Muela, Polinar Maria, LVN# 220181	Warning with Stipulations
	Muffoletto, Rhea Competente, RN# 672210	Suspend/Probate
	Nawra, Takwih Ndohmbi, LVN# 312348	Reprimand with Stipulations
	Nenninger, Tonika Dawn, RN# 778869	Warning with Stipulations
	Ngundu, Solange Vekooh, LVN# 306307	Warning with Stipulations
	Noble, Cassandra Maye, LVN# 145358	<b>Board Member Deborah Bell recused herself from the consideration and vote on this Agreed Order.</b> Warning with Stipulations
	Nwobi, Onyinye, RN# 896197	Warning with Stipulations
	Olivier, Ben States, LVN# 228600	Suspend/Probate
	Osallo, Paul Juma, RN# 829954/ LVN# 223952	<b>Board Member Deborah Bell recused herself from the consideration and vote on this Agreed Order.</b> Suspend/Probate
	Paretas, Zulin, RN# 557595	Reprimand with Stipulations
	Price, Rachel Leigh, LVN# 316361	Warning with Stipulations
	Que, Gaudencio Lopena, RN# 873842	Reprimand with Stipulations
	Ramadhar, Rawle Ramash, LVN# 169891	Reprimand with Stipulations
	Rodriquez, Alex S., LVN# 319514	Suspend/Probate
	Rosas, Virginia Marie, LVN# 230525	Warning with Stipulations
	Schwab, Nancy Jean, RN# 507032/ APRN# AP104894 / Presc Auth# 901	<b>Board Member Deborah Bell recused herself from the consideration and vote on this Agreed Order.</b> Suspend Probate / Limited
	Self, Lacey Anne, RN# 860663/ LVN# 197809	<b>Board Member Deborah Bell recused herself from the consideration and vote on this Agreed Order.</b> Warning with Stipulations

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	Shaw, Susan Michelle, RN# 877771	Warning with Stipulations
	Silva, Sandra Lisette, RN# 798853	Reprimand with Stipulations
	Somers III, Rudy, LVN# 314729	Reprimand with Stipulations
	Souter, Delilah Jeannine, WI PTP RN# 147939 / RN Endorsement Petitioner	<b>Board Member Deborah Bell recused herself from the consideration and vote on this Agreed Order.</b> Warning with Stipulations
	Tiangco, Christopher Allen, RN# 826255	Warning with Stipulations
	Tools, Kolbie Rashawn, LVN# 322340	Warning with Stipulations
	Trevino, Veronica Nicole, LVN# 322170	Warning with Stipulations
	Vasquez, Anita Nicole, RN# 826259 / LVN# 302321	Warning with Stipulations
	Vidrine, Ambrosia Jeanarie, LVN# 196099	Warning with Stipulations
	Weidman, Jason Douglas, RN# 805896	Warning with Stipulations
	Weresch, Janet, LVN# 314146	Suspend/Probate
	Wiggins, Barbara S., RN# 245873	Enforced Suspension
	Wilkerson, Tiffany Ann, LVN# 202720	Suspend/Probate
	Williams, Shikira, LVN# 326613	Reprimand with Stipulations
	Wollard, Rhonda Michelle, LVN# 158567	Suspend/Probate
	Worthey, Shannon D., RN# 188244	Warning with Stipulations
<b>8.2. Agreed Orders – KSTAR Program</b>	Garza, Sherri Renee, RN# 771590	<b>Board Member Deborah Bell recused herself from the consideration and vote on this Agreed Order.</b> Warning with Stipulations
	Joost, Sheryl J., RN# 512877	Warning with Stipulations
	Michuki, Carol, RN# 785388/ LVN# 206935	Warning with Stipulations – Deferred
<b>8.3. Deferred Agreed Orders</b>	Alameda, Nellie Hernandez, LVN# 321759	Warning with Stipulations - Deferred

AGENDA ITEM	DISCUSSION	ACTION
<b>8.4. Reinstatement Agreed Orders</b>	<p><i>Walker, Bryant, LVN# 322173</i></p> <p><i>McDaniel-Kirk, Wendi Mae, RN# 716859</i></p> <p><i>Smith, Harlan Eugene, RN# 632764</i></p> <p><i>Stevens, Donald W., RN# 623008</i></p>	<p><i>Warning with Stipulations - Deferred</i></p> <p><i>Reinstated with Stipulations</i></p> <p><i>Reinstated with Stipulations</i></p> <p><i>Reinstated with Stipulations</i></p>
<b>8.5. Eligibility Agreed Orders</b>	<p><i>Clayton, Shanica Rochell, LVN Exam Petitioner</i></p> <p><i>Jackson, Vanetta Renay, RN Exam Petitioner</i></p> <p><i>Kennedy, Morgan Jane, RN Exam Petitioner</i></p> <p><i>Kuhn, Anna Sage, LVN Exam Petitioner</i></p> <p><i>Larsen, Seth Michael, RN Exam Petitioner</i></p> <p><i>Lowe (Belyeu), Lucretia Leann, RN Exam Petitioner</i></p> <p><i>Silva, Alejandra, RN Exam Petitioner</i></p>	<p><i>Petition for Eligibility for Licensure</i></p> <p><i>Petition for Eligibility for Licensure</i></p> <p><i>Petition for Eligibility for Licensure</i></p> <p><i>Petition for Eligibility for Licensure</i></p> <p><i>Petition for Eligibility for Licensure</i></p> <p><i>Petition for Eligibility for Licensure</i></p> <p><i>Petition for Eligibility for Licensure</i></p>
<b>1. ADMINISTRATION</b> 1.1. Executive Director's Report	<p>Katherine Thomas reviewed her written report with the board.</p>	<p>No action.</p>
<b>3. NURSING</b> <b>3.1. Practice</b> 3.1.1. Promoting Competency Report	<p>Linda Laws and Kristen Sinay reviewed the Promoting Competency Report with the board.</p>	<p>No action.</p>
3.1.2. Report on Implementation of the Knowledge Skills Training Assessment and Research (KSTAR) Pilot	<p>Kristen Benton reviewed the report on Implementation of the Knowledge Skills Training Assessment and Research with the board.</p>	<p>No action.</p>
<b>3.2. Education</b> 3.2.6. Consideration of Reports of Survey Visits 3.2.6.b. South Texas College in	<p>The Board considered the report of the survey visit to the South Texas College in</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>McAllen, Texas – Associate Degree Nursing Education Program</p> <p>3.2.7. Consideration of Change in Approval Status from Full Approval with Warning to Conditional Approval and Consideration of Report of Survey Visit – Patty Hanks Shelton School of Nursing in Abilene, Texas – Baccalaureate Degree Nursing Education Program</p>	<p>McAllen, Texas – Associate Degree Nursing Education Program.</p> <p>The Board considered the proposed change in approval status from Full Approval with Warning to Conditional Approval and Consideration of Report of Survey Visit – Patty Hanks Shelton School of Nursing in Abilene, Texas – Baccalaureate Degree Nursing Education Program. Representatives Jim Hunt, PhD, Vice-President for Academic Affairs/Dean of Faculty, McMurry University; Eric Bruntmyer, JD, MBA, President, Hardin-Simmons University; and Sheila Garland, EdD, MS, RN, Interim Dean were present and available to answer questions.</p>	<p>Motion by Allison Edwards; Second by David Saucedo</p> <p>Move to change the approval status for the Patty Hanks Shelton School of Nursing Baccalaureate Degree Nursing Education Program in Abilene, Texas from Full Approval with Warning to Conditional Approval based upon the NCLEX-RN® examination pass rate for 2016, findings in the 2015 Self-Study Report, findings from the November 14-15, 2016 survey visit, and areas for improvement to align with Rule 215; to accept the survey visit report; and to issue the following conditions/requirements:</p> <ol style="list-style-type: none"> <li>1. The program shall not enroll students while on conditional approval status.</li> <li>2. The program will remain on conditional approval status until the program demonstrates a pass rate for first-time candidates of at least 80% on the 2017 NCLEX-RN® examination. The NCLEX-RN® examination year is October 1, 2016 through September 30, 2017.</li> <li>3. The program must demonstrate full compliance with Rule 215 prior to consideration of a change in approval status.</li> </ol> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<p>3.2.8. Consideration of Change in Approval Status from Full Approval with Warning to Conditional Approval</p> <p>3.2.8.a. Chamberlain College of Nursing in Houston, Texas – Baccalaureate Degree Nursing Education Program</p>	<p>The Board considered the proposed change in approval status from full approval with warning to conditional approval of Chamberlain College of Nursing in Houston, Texas – Baccalaureate Degree Nursing Education Program. Representatives Leslie Pafford, PhD, RN, FNP-BC, President, Houston Campus; Tamara Williams, MSN, RN, Dean of Academic Affairs, Houston Campus; and</p>	<p>Motion by Francis Stokes; Second by Patti Clapp</p> <p>Move to change the approval status for the Chamberlain College of Nursing Baccalaureate Degree Nursing Education Program in Houston, Texas from Full Approval with Warning to Conditional Approval based upon the NCLEX-RN® examination pass rate for 2016, findings in</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.8.b. Northeast Texas Community College in Mt. Pleasant, Texas – Associate Degree Nursing Education Program</p>	<p>Carla D. Sanderson, PhD, RN, Vice-President, Institutional Effectiveness and Professional Regulation, Chamberlain College were present and available to answer questions.</p> <p>The Board considered the proposed change in approval status from full approval with warning to conditional approval of Northeast Texas Community College in Mt. Pleasant, Texas – Associate Degree Nursing Education Program. Representatives Tonya Taylor, RN, MSN/MBA/HC, COS-C, Director of Nursing and Shannon Cox-Kelley, EdD, MS, MCHES, Dean of Rural Health Sciences were present and available to answer questions.</p>	<p>the 2014 Self-Study Report, and areas for correction for alignment with Rule 215, and impose the following conditions and requirements:</p> <ol style="list-style-type: none"> <li>1. The program shall not enroll students while on conditional approval status.</li> <li>2. The program will remain on conditional approval status until the program demonstrates a pass rate for first-time candidates of at least 80% on the 2017 NCLEX-RN® examination. The NCLEX-RN® examination year is October 1, 2016 through September 30, 2017.</li> <li>3. The program must demonstrate full compliance with Rule 215 prior to consideration of a change in approval status.</li> </ol> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p> <p>Motion by Patti Clapp; Second by Kathy Leader-Horn</p> <p>Move to change the approval status for the Northeast Texas Community College (NTCC) Associate Degree Nursing (ADN) Education Program in Mt. Pleasant, Texas, from Full Approval with Warning to Conditional Approval based upon the NCLEX-RN® examination pass rate for 2016, findings in the 2015 Self-Study Report, and areas for improvement to align with Rule 215, and impose the following conditions and requirements:</p> <ol style="list-style-type: none"> <li>1. The program shall not enroll students while on conditional approval status.</li> <li>2. The program will remain on conditional approval status until the program demonstrates a pass rate for first-time candidates of at least 80% on the 2017 NCLEX-RN® examination. The NCLEX-RN® examination year is October 1, 2016 through September 30, 2017.</li> <li>3. The program must demonstrate full compliance with Rule 215 prior to consideration of a change in approval status.</li> </ol> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.9. Consideration of Withdrawal of Approval – Texas Southmost College in Brownsville, Texas – Associate Degree Nursing Education Program</p>	<p>The Board considered the withdrawal of approval of Texas Southmost College in Brownsville, Texas – Associate Degree Nursing Education Program.</p>	<p>Motion by Diana Flores; Second by Patti Clapp</p> <p>Move to withdraw approval of the Texas Southmost College Associate Degree Nursing Education Program in Brownsville, Texas, based upon the 2016 NCLEX-RN® examination pass rate, findings in the Self-Study Report of 2014, and the report of the March 4, 2015 survey visit, and to remove the name of the program from the list of Board approved professional nursing education programs following the teach-out. Further, move to impose the following requirements:</p> <ol style="list-style-type: none"> <li>1. The program shall submit to the Board no later than June 1, 2017, a plan for teach-out arrangements for all enrolled students, or evidence that all students either have completed the program or other academic provisions have been made;</li> <li>2. The program shall make provisions for access to and safe storage of vital school records, including transcripts of all graduates. Plans for the provisions shall be submitted to the Board no later than June 1, 2017;</li> <li>3. The program shall develop a plan to ensure methods are used to maintain Board requirements and standards until the program closes, and submit the plan to the Board no later than June 1, 2017; and</li> <li>4. The program may not reapply for approval of a new proposal for a nursing education program until at least twelve (12) calendar months from the date of this order have elapsed.</li> </ol> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<p>3.2.10. Consideration of Proposal to Establish a New Nursing Education Program</p> <p>3.2.10.a. Southwest University in El Paso, Texas – Associate Degree Nursing Education Program</p>	<p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Education Program submitted by Southwest University in El Paso, Texas.</p> <p>The Board considered the Southwest University proposal to establish a new Associate Degree Nursing Education Program in El Paso, Texas, and the report of</p>	<p><b>Board Member David Saucedo recused himself prior to the discussion and consideration of this agenda item.</b></p> <p>Motion by Beverley Nutall; Second by Deborah Bell</p> <p>Move to grant initial approval to Southwest University El Paso to establish a new</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.10.b. CTK Healthcare &amp; Career Institute in Irving, Texas – Vocational Nursing Education Program</p>	<p>the survey visit. The final proposal was provided electronically to the Board Members and a notice of public hearing was posted. Representatives Ben Arriola, Vice-President; Jeremy Burciaga, MPA, Academic Dean; and Amanda Anaya, DNP, RN, Program Director were present and available to answer questions.</p> <p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Education Program submitted by CTK Healthcare &amp; Career Institute, Irving, Texas. The Board considered the CTK Healthcare &amp; Career Institute proposal to establish a new Vocational Nursing Education Program in Irving, Texas, and the report of the survey visit. The final proposal was provided electronically to the Board Members and a notice of public hearing was posted. Representatives Paulette Potter, BSN, RN, Vocational Nursing Program Director and Prem Adhikari, PhD, President/Director were present and available to answer questions.</p>	<p>Associate Degree Nursing Education Program in El Paso, Texas, and impose the following conditions and requirements: 1. The program shall not admit more than one (1) cohort of thirty (30) students each year while on initial approval.</p> <p>Recused: David Saucedo</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p> <p>Motion by Kathy Leader-Horn; Second by Beverley Nutall</p> <p>Move to Deny program approval based on failure to demonstrate that program will be based on sound educational principles as required by 22 Tex. Admin. Code Section 214.9(a)(6) as evidenced by: Failure to demonstrate that there is a highly qualified applicant pool; Failure to demonstrate adequate classroom and lab facilities; and failure to show textbook or text curriculum will be robust and vigorous enough to satisfy a comprehensive educational experience.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<p>3.2.11. Consideration of Change in Approval Status from Full Approval to Full Approval with Warning - University of Texas Rio Grande Valley in Edinburg, Texas – Baccalaureate Degree Nursing Education Program</p>	<p>The Board considered the change in approval status from Full Approval to Full Approval with Warning - University of Texas Rio Grande Valley in Edinburg, Texas – Baccalaureate Degree Nursing Education Program. Representatives Carolina G. Huerta, EdD, RN, FAAN, Director of School of Nursing and Sandy Sanchez, PhD, RN, Director BSN Program were present and available to answer questions.</p>	<p>Motion by Kathy Leader-Horn; Second by Patti Clapp</p> <p>Move to change the approval status for the University of Texas Rio Grande Valley Baccalaureate Degree Nursing Education Program in Edinburg, Texas, from Full Approval to Full Approval with Warning based upon the 2016 NCLEX-RN® examination pass rate, findings in the 2016 Self-Study Report, areas for improvement for alignment with Rule 215, and the recommendation from the Education Liaison Committee, and impose the following conditions and requirements: 1. In accordance with Rule 215.4(a)(3)(A), a program survey visit will be conducted by Board Staff during 2017.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.12. Consideration of Follow-Up Report of Closure of Programs – Career Point College in Austin and San Antonio, Texas</p>	<p>The Board considered the follow-up report of closure of programs – Career Point College in Austin and San Antonio, Texas.</p>	<p>2. An evaluation of the effectiveness of the corrective measures outlined in the 2016 Self-Study Report is to be submitted by the program to Board Staff no later than June 1, 2017, per Education Guideline 3.2.1.a.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p> <p>Motion by Patti Clapp; Second by Kathy Leader-Horn</p> <p>Move to Accept the follow-up report of the details and update of the October 16, 2016 closure of all Career Point College (CPC) campuses that included the Vocational Nursing (VN) and Associate Degree Nursing (ADN) Education Programs in Austin and San Antonio, Texas and impose the following conditions and requirements:</p> <p>1. The programs may not reapply for approval of a new proposal for nursing education programs until at least twelve (12) months from the date of this order have elapsed.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<p>3.2.13. Consideration for Affirmation of Approval of Teach- Out Agreement Between Career Point College and National American University</p>	<p>The Board considered the proposed affirmation of approval of teach-out agreement between Career Point College and National American University.</p>	<p>Motion by Frances Stokes; Second by Deborah Bell</p> <p>Move to affirm approval of the NAU Teach Out Agreement between Career Point College and National American University with the terms and conditions in the Addendum based upon the recommendation from the Education Liaison Committee, and impose the following requirements and conditions:</p> <p>1. Comprehensive student rosters, noting progression in the program, will be submitted to Board Staff at the beginning of each enrollment period and continuing through the last cohort of students to be entered into the teach out program, or 12/31/18, at which time the teach out agreement ends.</p> <p>2. Quarterly progress reports, which include</p>



AGENDA ITEM	DISCUSSION	ACTION
		<p>at a minimum progression rates, withdrawals, and attrition rates will be submitted to Board Staff beginning March 31, 2017, and continuing for the duration of the teach out. Reports are to be submitted to Board Staff no later than the following dates: 3/31/17, 6/30/17, 9/30/17, 12/31/17, 3/31/18, 6/30/18, 9/30/18, 12/31/18, at which time the teach out agreement ends.</p> <p>3. The Program Directors shall submit to Board Staff a comprehensive list of faculty members, to include: name, license number, credentials, and area/s of teaching responsibility, on a quarterly basis beginning March 31, 2017 and ending December 31, 2018.</p> <p>4. A complete list of clinical sites used for clinical learning experiences will be submitted to Board Staff at the beginning of each enrollment period and continuing through the last cohort of students to be entered into the teach out program, or 12/31/18, at which time the teach out agreement ends</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<p>3.2.14. Report of 2016 NCLEX-RN® Examination Pass Rates for Professional Nursing Education Programs</p>	<p>The Board reviewed the Report of 2016 NCLEX-RN® Examination Pass Rates for Professional Nursing Education Programs.</p>	<p>No action.</p>
<p><b>5. COMMITTEE REPORTS</b>  <b>5.1. Board Committees</b>  5.1.3. Development and Evaluation</p> <p><b>5.2. Advisory Committees/Task Forces</b>  5.2.1. Advanced Practice Nursing Advisory Committee</p>	<p>Board Member Patti Clapp reviewed the Board Development that has been done over the last year of board meetings and requested that any suggestions or ideas board members had for board development be sent to her or Doris Jackson via email.</p> <p>No report.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
5.2.2. Nursing Practice Advisory Committee	No report.	No action.
5.2.2.a. Consideration of Appointment of New Member to the Nursing Practice Advisory Committee	The Board considered the appointment of new member to the Nursing Practice Advisory Committee.	<p>Motion by Deborah Bell; Second by Francis Stokes</p> <p>Move to accept and approve the nomination for NPAC membership for Cyndy B. Dunlap, DNP, RN, NEA-BC, FACHE representing the Texas Hospital Association.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
5.2.3. Advisory Committee on Education	No report.	No action.
5.2.4. Advisory Committee on Licensure, Eligibility and Discipline	No report.	No action.
5.2.4.a. Consideration of Charge to Committee to Review and Recommend Changes to 22 Tex. Admin. Code § 217.12 and § 213.28, Including the Board's Guidelines for Criminal Conduct	The Board considered the request for charge to the Committee to review and recommend changes to 22 Tex. Admin. Code § 217.12 and § 213.28, including the Board's Guidelines for Criminal Conduct.	<p>Motion by Francis Stokes; Second by Diana Flores</p> <p>Move to issue a charge to the Advisory Committee on Licensure, Eligibility and Discipline to review and make recommendations regarding the Board's rules regarding unprofessional conduct and criminal conduct, including its Guidelines.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
5.2.5. Task Force to Study Implications of the Growth of Texas Nursing Education Programs	No report.	No action.

AGENDA ITEM	DISCUSSION	ACTION
<p><b>5.3. Collaboration with Outside Agencies / Stakeholders</b></p> <p>5.3.1. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee</p>	<p>Katherine Thomas reported that at the November 14, 2016 meeting, the report on Workplace Violence Against Nurses was approved.</p>	<p>No action.</p>
<p>5.3.2. Updates Related to the Texas Higher Education Coordinating Board, the Texas Workforce Commission and the Texas Education Agency</p>	<p>Kristen Benton reported that The Education Consultants met with representatives from the Texas Workforce Commission, the Texas Higher Education Coordinating Board, and the Texas Education Agency on November 3, 2016 in the Board Office. Items discussed included:</p> <ul style="list-style-type: none"> <li>• the recent, unexpected closures of two career school programs;</li> <li>• a preliminary report on the 2016 NCLEX-RN Pass Rates;</li> <li>• education related updates related to the Sunset Advisory Commission review;</li> <li>• updates on proposed rules changes related to enrollment expansion in non-nursing accredited programs and voluntary program closures;</li> <li>• a report of the recent survey visit to South Texas College's ADN and VN education programs; and</li> <li>• general updates on nursing programs including newly approved programs, active proposals, and intended future proposals.</li> </ul> <p>The next meeting is scheduled for May 8, 2017.</p>	<p>No action.</p>
<p>5.3.3. National Council of State Boards of Nursing - Taxonomy of Error Root Cause Analysis of Practice Responsibility (TERCAP)</p>	<p>No report.</p>	<p>No action.</p>
<p>5.3.3.a. Texas-Taxonomy of Error Root Cause Analysis of Practice Responsibility (TERCAP) Update</p>	<p>Denise Benbow reported regarding the current status of the TX TERCAP Pilot Project. Data collection ended August 31, 2016 and the data is being analyzed. A written report is being prepared for the April 2017 Board meeting.</p>	<p>No action.</p>
<p>5.3.4. Texas Team Report – Robert</p>	<p>Susan Lee reported that in 2016, the Texas Team Education Committee completed the</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
Wood Johnson Initiative	APIN Grant on 11/20/16. Two (2) universities and seventeen (17) community colleges have adopted the Texas concept-based curriculum. The CABNET has 135 total agreements. A Summit was held in Sugarland addressing issues in RN-to-BSN programs. Three regional meetings focused on diversity and mentoring. The Practice Committee partnered with TNP to propose career pathways. The strategic plan supports efforts for a "culture of health", which is part of the Institute of Medicine Future of Nursing. The Promise of Nursing Gala was held October 26, 2016 in Austin, raising \$265,000 with \$171,000 available for business proposals or grants.	
<p>5.3.5. National Council of State Board of Nursing</p> <p>5.3.5.a. Appointment of Board Members to Attend the National Council State Boards of Nursing Mid-Year Meeting: March 13-15, 2017 in Salt Lake City, UT</p>	The Board discussed board members attending the National Council State Boards of Nursing Mid-Year Meeting: March 13-15, 2017 in Salt Lake City, UT.	<p>Kathy Shipp, Board President appointed the following Board Members to attend the National Council State Boards of Nursing Mid-Year Meeting: March 13-15, 2017 in Salt Lake City, UT:</p> <p>Kathy Shipp, attending on NCSBN waiver; Diana Flores, attending on NCSBN waiver</p>
<p>5.3.6. Texas Health and Human Services Commission Individuals with Intellectual and Developmental Disabilities Stakeholder Workgroup on Nursing Scope of Practice</p>	Stacey Cropley reported that the workgroup serves as a means to maintain open communication among agencies for the purposes of clarifying scope of practice issues. On January 25, 2017 there is a scheduled Workgroup Meeting. No agenda has been circulated at this time.	No action.
<p>5.3.7. Texas Health and Human Services Commission e-Health Advisory Committee</p>	Stacey Cropley reported that the purpose of the Committee is to advise the Executive Commissioner and Health and Human Services system agencies (HHS agencies) on strategic planning, policy, rules, and services related to the use of health information technology, health information exchange systems, telemedicine, telehealth, and home telemonitoring services. The Advisory Committee met on November 17, 2016. This initial meeting served to orient Committee Members to the Committee role, bylaws, member terms, and guiding factors for future meetings.	No action.

AGENDA ITEM	DISCUSSION	ACTION
<p><b>OPEN FORUM</b></p>	<p>Board President Kathy Shipp announced the format and invited participation from the audience.</p> <p>Lee Bukstein, Attorney, spoke to the Board in support of streaming the BON meetings and allowing credit for nursing students that observe the meetings online as opposed to programs requiring students to physically attend a board meeting for credit.</p> <p>No additional speakers came forward and the open forum was closed.</p>	<p>No action.</p>
<p><b>6. OLD BUSINESS</b></p> <p>6.2. Consideration of Adoption of Amendments to 22 Tex. Admin. Code §214.3, Relating to Program Development, Expansion and Closure, Including Written Comments Received, if any, and Board Responses to Comments</p>	<p>The Board considered the Adoption of Amendments to 22 Tex. Admin. Code §214.3, Relating to Program Development, Expansion and Closure, Including Written Comments Received, if any, and Board Responses to Comments.</p>	<p>No action.</p>
<p>6.3. Consideration of Adoption of Amendments to 22 Tex. Admin. Code §215.3, Relating to Program Development, Expansion and Closure, Including Written Comments Received, if any, and Board Responses to Comments</p>	<p>The Board considered the Adoption of Amendments to 22 Tex. Admin. Code §215.3, Relating to Program Development, Expansion and Closure, Including Written Comments Received, if any, and Board Responses to Comments.</p>	<p>No action.</p>
<p>6.4. Consideration of Adoption of Amendments to 22 Tex. Admin. Code §211.7, Relating to Executive Director, Including Written Comments Received, if any, and Board Responses to Comments</p>	<p>The Board considered the Adoption of Amendments to 22 Tex. Admin. Code §211.7, Relating to Executive Director, Including Written Comments Received, if any, and Board Responses to Comments.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><b>7. NEW BUSINESS</b>  <b>7.1. Texas Peer Assistance Program for Nurses (TPAPN)</b>  7.1.3. Texas Peer Assistance Program for Nurses Advisory Committee</p>	<p>Denise Benbow reported that the Texas Peer Assistance Program for Nurses (TPAPN) Advisory Committee met on December 2, 2016. The TPAPN program had 748 active cases as of December 2, 2016 and 184 advocates. TPAPN currently has five tracks and will be looking at increasing the flexibility of the program in alignment with recommendations from the Sunset Commission. The next Advisory Committee meeting will be March 3, 2017.</p>	<p>No action.</p>
<p>7.2. Review and Consideration of Proposed Changes to the Board's Agreed Order Guidelines</p>	<p>The Board considered the Proposed Changes to the Board's Agreed Order Guidelines.</p>	<p>Motion by Laura Disque; Second by Kathy Leader-Horn</p> <p>Move to approve the proposed amendments to the Board's Agreed Order Guidelines.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<p>7.3. Review, Consideration, and Decision Regarding Request for Proposal to Procure Licensee Drug Testing Services and Responses Received</p>	<p>The Board considered the Request for Proposal to Procure Licensee Drug Testing Services and Responses Received.</p>	<p>Motion by Deborah Bell; Second by Francis Stokes</p> <p>Motion to approve Recovery Trek, LLC, as the successful bidder of RFP No. 507-17-027 and authorize the Executive Director of the Board to prepare and execute a new one (1) year contract, with the option to renew for three, one-year renewals, with Recovery Trek, LLC, for the drug screening services set forth in the RFP.</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp</p> <p>Final Resolution: Motion Carries</p>
<p>7.4. Review and Consideration of Position Statements  7.4.1. Current Position Statements without Changes  15.2. The Role of the</p>	<p>The Board considered the Current Position Statements without Changes.</p>	<p>Motion by Patti Clapp; Second by David Saucedo</p> <p>Move to adopt the position statements</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Licensed Vocational Nurse in the Pronouncement of Death</p> <p>15.3. LVNs Engaging in Intravenous Therapy, Venipuncture, or PICC Lines</p> <p>15.4. Educational Mobility</p> <p>15.5. Nurses with Responsibility for Initiating Physician Standing Orders</p> <p>15.7. The Role of LVNs &amp; RNs in Management and/or Administration of Medications via Epidural or Intrathecal Catheter Routes</p> <p>15.13. Role of LVNs and RNs in School Health</p> <p>15.14. Duty of a Nurse in any Practice Setting</p> <p>15.15. Board's Jurisdiction over a Nurse's Practice in Any Role and Use of the Nursing Title</p> <p>15.18. Nurses Carrying out Orders from Advanced Practice Registered Nurses</p> <p>15.20. Registered Nurses in the Management of an Unwitnessed Arrest in a Resident in a Long Term Care Facility</p> <p>15.21. [Deleted 01/2005]</p> <p>15.22. APRNs Providing Medical Aspects of Care for Individuals with whom there is a Close Personal Relationship</p> <p>15.23. The Use of Complementary</p>		<p>without changes with allowance for non-substantive word editing for purposes of clarity as may be deemed necessary by Board staff.</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverly Nutall, Kathy Shipp</p> <p>Final Resolution: Motion Carries</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Modalities by the LVN or RN  15.24. Nurses Engaging In Reinsertion of Permanently Placed Feeding Tubes  15.25. Administration of Medication &amp; Treatments by LVNs  15.26. [Deleted 1/2015]  15.27. The Licensed Vocational Nurse Scope of Practice  15.28. The Registered Nurse Scope of Practice</p>		
<p>7.4.2. Current Position Statements with Changes  15.1 Nurses Carrying out Orders from Physician Assistants  15.6 Board Rules Associated With Alleged Patient "Abandonment"  15.8 Role of the Nurse in Moderate Sedation  15.9 Performance of Laser Therapy by RNs or LVNs  15.10 Continuing Education: Limitations for Expanding Scope of Practice  15.11 Delegated Medical Acts  15.12 Use of American Psychiatric Association Diagnoses by LVNS, RNs, or APRNs  15.19 Nurses Carrying out Orders from Pharmacists for Drug Therapy Management  15.29 Professional Boundaries including Use of Social Media by Nurses</p>	<p>The Board considered the position statements with changes.</p>	<p>Motion by David Saucedo; Second by Deborah Bell</p> <p>Move to adopt the position statements with changes with allowance for non-substantive word editing for purposes of clarity as may be deemed necessary by Board staff.</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverly Nutall, Kathy Shipp</p> <p>Final Resolution: Motion Carries</p>



AGENDA ITEM	DISCUSSION	ACTION
<p><b>8. Proposed Board Orders</b>  <b>8.6. ALJ Proposals for Decision</b>  8.6.1. Consideration of Proposal For Decision, Recommendations, and Board action: In the Matter of Permanent Certificate AP #119765 with Prescription Authorization #10898 and RN#679005 Issued to LATRONICA TARSUNET FISHER, SOAH Docket No. 507-15-2501  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 AP #119765 with Prescription Authorization #10898 and RN#679005, Issued to LATRONICA TARSUNET FISHER, SOAH Docket No. 507-15-2501</p> <p>8.6.2. Consideration of Proposal For Decision, Recommendations, and Board action: In the Matter of Permanent Certificate RN#702770, Issued to TANYA DARLENE GIBSON, SOAH Docket No. 507-16-0941  8.6.2.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or</p>	<p>The Board considered the Proposal For Decision, Recommendations, and Board action: In the Matter of Permanent Certificate AP #119765 with Prescription Authorization #10898 and RN#679005 Issued to LATRONICA TARSUNET FISHER, SOAH Docket No. 507-15-2501.</p> <p>The Board considered the Proposal For Decision, Recommendations, and Board action: In the Matter of Permanent Certificate RN#702770, Issued to TANYA DARLENE GIBSON, SOAH Docket No. 507-16-0941.</p>	<p>Motion by Francis Stokes; Second by Deborah Bell</p> <p>Move to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD without modification; revoke the Respondent's advanced practice registered nurse license and prescriptive authority; impose an enforced suspension of Respondent's registered nurse license until remedial education courses are completed, then impose a three year probated suspension against Respondent's registered nursing license, subject to the terms set out in the proposed order.</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverly Nutall, Kathy Shipp</p> <p>Final Resolution: Motion Carries</p> <p>Motion by Patti Clapp; Second by Francis Stokes</p> <p>Move to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD without modification, except for proposed Finding of Fact Number 52, which is modified and adopted as set out in the attached proposed order, and impose a Warning with Stipulations against the Respondent's nursing license, as is set out in the proposed order.</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverly Nutall, Kathy Shipp</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>contemplated litigation: In the Matter of Permanent Certificate RN#702770, Issued to TANYA DARLENE GIBSON, SOAH Docket No. 507-16-0941</p>		<p>Final Resolution: Motion Carries</p>
<p><b>8.7. Default ALJ Proposals for Decision</b></p> <p>8.7.1. Consideration of Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate LVN #144457, Issued to BRENDA LYNN HEBERT, SOAH Docket No. 507-17-0213</p> <p>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 LVN #144457, Issued to BRENDA LYNN HEBERT, SOAH Docket No. 507-17-0213</p> <p>8.7.3. Consideration of Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate LVN#187370, Issued to ANGELA DARLENE REMILY, SOAH Docket No. 507-16-5176</p> <p>8.7.3.a. Executive Session pursuant to</p>	<p>The Board considered the Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate LVN #144457, Issued to BRENDA LYNN HEBERT, SOAH Docket No. 507-17-0213.</p> <p>The Board considered the Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate LVN#187370, Issued to ANGELA DARLENE REMILY, SOAH Docket No. 507-16-5176.</p>	<p><b>Board Members Deborah Bell, Kathy Shipp and Kathy Leader-Horn recused themselves from the consideration and vote on this agenda item.</b></p> <p>Motion by David Saucedo; Second by Diana Flores</p> <p>Move to adopt the proposed order and revoke the Respondent's nursing license by default.</p> <p>Recused: Kathy Leader-Horn, Deborah Bell, and Kathy Shipp</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Beverly Nutall</p> <p>Final Resolution: Motion Carries</p> <p>Motion by Francis Stokes; Second by David Saucedo</p> <p>Move to adopt the proposed order and revoke the Respondent's nursing license by default.</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverly Nutall, Kathy Shipp</p> <p>Final Resolution: Motion Carries</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#187370, Issued to ANGELA DARLENE REMILY, SOAH Docket No. 507-16-5176</p>		
<p>8.7.4. Consideration of Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate RN#821480, Issued to JOHN ANTHONY ROMERO, SOAH Docket No. 507-16-5470</p> <p>8.7.4.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#821480, Issued to JOHN ANTHONY ROMERO, SOAH Docket No. 507-16-5470</p>	<p>The Board considered the Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate RN#821480, Issued to JOHN ANTHONY ROMERO, SOAH Docket No. 507-16-5470.</p>	<p><b>Board Members Deborah Bell, Kathy Shipp and Kathy Leader Horn recused themselves from the consideration and vote on this agenda item.</b></p> <p>Move to adopt the proposed order and revoke the Respondent's nursing license by default.</p> <p>Recused: Kathy Leader-Horn, Deborah Bell, and Kathy Shipp</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Beverly Nutall</p> <p>Final Resolution: Motion Carries</p>
<p>8.7.5. Consideration of Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate LVN#322051, Issued to CHRISTINA MICHELL SHAEFFER, SOAH Docket No. 507-16-5709</p> <p>8.7.5.a. Executive Session pursuant to</p>	<p>The Board considered the Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Permanent Certificate LVN#322051, Issued to CHRISTINA MICHELL SHAEFFER, SOAH Docket No. 507-16-5709.</p>	<p>Motion by Deborah Bell; Second by Kathy Leader-Horn</p> <p>Move to adopt the proposed order and revoke the Respondent's nursing license by default.</p> <p>For: Allison Edwards, Laura A Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverly Nutall, Kathy Shipp</p> <p>Final Resolution: Motion Carries</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#322051, Issued to CHRISTINA MICHELL SHAEFFER, SOAH Docket No. 507-16-5709</p>		
<p><b>9. MISCELLANEOUS</b></p>		
<p>9.1. Board Items of Interest for Future Board Meetings</p>	<p>The final TERCAP report and the 2016 CORE report will be presented at the April, 2017 board meeting. Future Board Development on Education Proposal Reviews and Substance Use Disorders were requested.</p>	<p>No action.</p>
<p>9.3. Review of the Board Quarterly Meeting Evaluation</p>	<p>The Board reviewed the Board Quarterly Meeting Evaluation comments from the October, 2016 Board Meeting.</p>	<p>No action.</p>
<p>9.4. Recognition of Board Member's for their Service on the Board, Whose Terms Expire January, 2017</p>	<p>Katherine Thomas presented plaques commemorating Beverley Nutall, Doris Jackson, Kathy Shipp and Deborah Bell for their service on the Board as their terms expire January, 2017.</p>	<p>No action.</p>
<p><b>ADJOURNMENT</b></p>	<p>Having completed this day's business the meeting adjourned at 5:15 p.m.</p>	

**TEXAS BOARD OF NURSING**

Regular Meeting

January 20, 2017

8:45 am – 9:56 am

333 Guadalupe, Tower II, Room 225

Austin, Texas

**Present:**

Kathy Shipp, MSN, RN, FNP, Board President, Representing APN Practice

Deborah Hughes Bell, CLU, ChFC, Board Vice-President, Representing Consumers

Patti Clapp, BA, Representing Consumers

Laura A. Disque, MN, RN, Representing RN

Allison Porter-Edwards, DrPH, MS, RN, Representing BSN Education

Diana Rodriguez Flores, MN, RN, Representing RN Practice

Kathy Leader-Horn, LVN, Representing LVN Practice

Beverly Jean Nutall, LVN, Representing LVN Practice

David Saucedo II, Representing Consumers

Francis D. Stokes, Representing Consumers

**Absent:**

Nina Almasy, BSN, RN, MSN, Representing LVN Education

Monica Hamby, LVN, Representing LVN Practice

Doris Jean Jackson, DHA, MSN, RN, Representing ADN Education

**Staff Present:**

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

Mark Majek, Director of Operations

Kristin Benton, Director of Nursing

James "Dusty" Johnston, General Counsel

Jena Abel, Assistant General Counsel

Kathy Hoffman, Legal Assistant Supervisor

Stacey Crompton, Nursing Consultant

Virginia Ayars, Nursing Consultant

Denise Benbow, Nursing Consultant

Linda Laws, Nursing Consultant

Susan Lee, Nursing Consultant

Kristen Sinay, Nursing Consultant

Gayle Varnell, Nursing Consultant

Jolene Zych, Nursing Consultant

Elise McDermott, Nursing Consultant

Bruce Holter, Information Specialist

John Phinisey, Information Technology

AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Kathy Shipp called the meeting to order at 8:45 a.m. on January 20, 2017	
<b>ROLL CALL</b>	Katherine Thomas did the roll call. Board Members Monica Hamby, LVN and Doris Jackson, DHA, MSN, RN, were absent. A quorum was established with eleven members in attendance.	
<b>INTRODUCTIONS</b>	Board Members and Staff introduced themselves to the audience and attendees.	
<b>1. ADMINISTRATION</b>		
<b>1.2. Legal</b>		
<p>1.2.2. Consideration of Proposed Settlement Agreement In the matter of Rodney Wayne Hicks vs. Texas Board of Nursing, and in their official capacities only, Katherine Thomas, Executive Director, and Kristin K. Benton, President of the Board, Cause No. Cause No. D-1-GN-12-003118, in the 353rd Judicial District Court, Travis County, Texas</p> <p>Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the matter of Rodney Wayne Hicks vs. Texas Board of Nursing, and in their official capacities only, Katherine Thomas, Executive Director, and Kristin K. Benton, President of the Board, Cause No. Cause No. D-1-GN-12-003118, in the 353rd Judicial District Court, Travis County, Texas, including</p>	<p>The Board went into Executive Session Pursuant to Tex. Gov't Code Ann. §551.071(1), Texas Government Code Regarding Pending or Contemplated Litigation: In the matter of Rodney Wayne Hicks vs. Texas Board of Nursing, and in their official capacities only, Katherine Thomas, Executive Director, and Kristin K. Benton, President of the Board, Cause No. Cause No. D-1-GN-12-003118, in the 353rd Judicial District Court, Travis County, Texas</p> <p>Kara Holsinger, Assistant Attorney General, Office of the Attorney General was present to advise the Board on the Pending Litigation.</p> <p>The Board convened in Open Session to consider recommendations and take action on the pending or contemplated litigation: In the matter of Rodney Wayne Hicks vs. Texas Board of Nursing, and in their official capacities only, Katherine Thomas, Executive Director, and Kristin K. Benton, President of the Board, Cause No. Cause No. D-1-GN-12-003118, in the 353rd Judicial District Court, Travis County, Texas, including consideration of proposed settlement agreement.</p>	<p><b>Board Member Deborah Bell recused herself from the consideration and vote on this agenda item.</b></p> <p>Motion by Diana Flores; Second by Frances Stokes</p> <p>Move to approve the settlement agreement as proposed.</p> <p>Recused: Deborah Bell</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>consideration of proposed settlement agreement.</p> <p><b>8. PROPOSED BOARD ORDERS</b>  <b>8.7. Default ALJ Proposals for Decision</b>  8.7.2. Consideration of Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Privilege to Practice from Utah RN 8073997-3102 and LVN 8073997-3101, Issued to NELSON NDUTI KINYANJUI, SOAH Docket No. 507-16-4579</p> <p>8.7.2.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Privilege to Practice from Utah RN 8073997-3102 and LVN 8073997-3101, Issued to NELSON NDUTI KINYANJUI, SOAH Docket No. 507-16-4579</p>	<p>The Board considered the Order of Dismissal and Remand, Recommendations, and Board action: In the Matter of Privilege to Practice from Utah RN 8073997-3102 and LVN 8073997-3101, Issued to NELSON NDUTI KINYANJUI, SOAH Docket No. 507-16-4579.</p>	<p>Motion by Patti Clapp; Second by Laura Disque</p> <p>Move to adopt the proposed order and revoke the Respondent's privileges to practice professional and vocational nursing in Texas by default.</p> <p>For: Allison Edwards, Laura Disque, Francis Stokes, Diana Flores, David Saucedo, Patti Clapp, Kathy Leader-Horn, Deborah Bell, Beverley Nutall, Kathy Shipp.</p> <p>Final Resolution: Motion Carries</p>
<p><b>9. MISCELLANEOUS</b>  9.2. Board Development: Requirements and Compliance with the Texas Open Meetings Act when the Board Seeks to Hold a Closed Meeting</p>	<p>Dusty Johnston and Jena Abel presented to the Board on the Requirements and Compliance with the Texas Open Meetings Act when the Board Seeks to Hold a Closed Meeting.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<b>ADJOURNMENT</b>	<p data-bbox="391 275 954 338">Having completed all business as listed on the agenda, the meeting adjourned at 9:56 a.m.</p> <hr data-bbox="391 451 868 455"/> <p data-bbox="391 457 735 520">Kathy Shipp, MSN, RN, FNP Board President</p> <hr data-bbox="391 634 883 638"/> <p data-bbox="391 640 842 703">Katherine A. Thomas, MN, RN, FAAN Executive Director</p>	