



RN UPDATE

A Quarterly Publication of the Board of Nurse Examiners for the State of Texas



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RN Identification is Essential in Today's Health Care Environment

The challenges associated with proper identification of the RN in clinical settings seem to be increasing as systems of health care delivery change. Prior articles in the *RN Update* have addressed the issue of proper identification, but an increase in calls to Board staff and incidents voiced to Board members emphasize that this matter is a growing concern.

Article 4522 of the Nursing Practice Act states, "When a licensed registered nurse is on duty providing direct care to patients, the nurse shall wear an insignia identifying the nurse as a registered nurse." However, identifying oneself as a licensed professional nurse goes beyond the badge worn at work. For example, clients with poor eyesight often are not able to read the identification information that a badge provides. How do you assure your patients that you are the RN assigned to their care? Does your patient know that a portion of the care rendered and the data collected may be done by a Licensed Vocational Nurse or an unlicensed assistive person but that you, as the RN, are able to discuss plans of care, to provide care and counsel, and provide health teaching? Do you, as a nursing administrator, address through your agency, policies and procedures that explain expected professional image and proper communication by RNs under your supervision? As a nursing educator, are your students taught how to identify themselves to clients and what their role is in the client's care?

A recent call to the Board staff described one scenario. The caller was a newly appointed Director of Nursing who was experiencing difficulty identifying which of her staff were RNs, as everyone wore scrubs of different colors and patterns. This DON decided that she would make rounds on several units in her facility to observe her staff. She fully expected to be able to identify the RNs without looking at their name badge only. The DON continued to say what she discovered from her observational exercise and reported that she was unsuccessful in differentiating the RNs from other staff. The issue of professional image and how patients are advised of their caregivers in her facility became a subject of a peer review discussion which resulted in suggestions for improved RN identification to patients and staff.

How nurses conduct themselves as professionals is as important or perhaps more important than the insignia they wear. Nurses must wear "RN" on their identification badges but, as professional nurses, it is extremely important that communication to clients and to others assures that the status as RN is known. The public has a right to know who is providing their care. The title of "RN" is restricted by law to assure the public that RNs are competent and accountable to the Nursing Practice Act and Board rules (Position Statement 15.15). Can you identify the professional nurses in your clinical setting? Take a look at your own individual RN identification methods. Does the insignia or name tag clearly designate "RN" so it is readable? Are your actions and communications adequate to ensure that you have properly identified yourself to your clients and to other staff? Does your client know his/her care is provided or supervised by an RN?

Use of the peer review mechanism to discuss RN identification may be warranted. Remember, the use of peer review to discuss issues of this nature is not punitive but rather presents an opportunity for professional nurse collaborative discussion of system problems. In today's health care environment clients are provided services by many types of providers. They need to know each provider and their role (Position Statement 15.14). Communication and actions can be an excellent means to assure this knowledge. When you next meet your patient/client will he/she know you as an RN?

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INS Rule Change Impact,
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A Word from the Executive Director



Kathy Thomas, MN, RN

Multistate Regulation Moves Forward

Discussions between Boards of Nursing and State Nursing Associations (SNAs) in eight states have resulted in an agreement to proceed with a multistate licensure model in 1999 and 2000. The model will be implemented through the Nurse Licensure Compact, which must be enacted through legislation in the participating states.

Through a series of meetings, the mutual recognition model, proposed by the National Council of State Boards of Nursing (NCSBN), was modified to reflect concerns of the SNAs. Modifications included compact language addressing confidentiality of information and due process rights of the nurse. Subsequently these changes were approved by NCSBN. Not all issues were resolved and therefore the states agreed to conduct a Compact Evaluation Initiative, a research study of the effectiveness of the model during the first five years of implementation and report to the Legislature at that time.

Texas Nurses Association has indicated that it will initiate legislation in the 1999 legislative session. If passed, the Compact will be implemented after January 1, 2000, when the national data bank of nurse licensure information, NURSUS, which is being developed through NCSBN, will be operational. NURSUS will be pilot tested in early 1999 and the BNE is participating in the pilot study.

The Texas Board of Nurse Examiners, at the November 19-20, 1998 meeting, passed a motion to support the legislative initiative to introduce the Mutual Recognition Nurse Licensure Compact in 1999, to be implemented no sooner than January 1, 2000. The Board further appointed the Executive Director to serve as the compact administrator to work with other participating states in developing rules to implement the compact. Kenneth Lowrance, President of the Board, stated, "The Board has acknowledged that the current regulatory model has served the public well for the past 100 years but the progress of telenursing and other changes in the health care environment call for a new model of nursing regulation which will carry us into the 21st century".

Look for updates on multistate regulation in future issues of *RN Update*.



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Immigration Ruling Change Affects Foreign Nurse Visa Applications

The Department of Justice has published an interim rule to implement, on a temporary basis, certain portions of the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) of 1996. This interim rule became effective December 14, 1998, and was implemented to provide a temporary means to allow only nurse and occupational therapy applicants to satisfy the requirements of Section 343 of the above act on a provisional basis.

Section 343 of IIRIRA provides that any alien entering the United States to perform labor in health care occupations (other than physicians) must present a certificate relating to his/her education, qualifications, and proficiency in the English language. Because of the complex nature of Section 343 involving extensive coordination among many Federal agencies, health professionals' applications to practice in the U.S. are being held in abeyance until a final decision is made to implement the rule. The ruling change has been implemented to institute procedures which allow nurses and occupational therapists a temporary means to enter the U.S. to practice in order "...to prevent the disruption of critical health care services..." in the interim.

In light of this announcement, the Commission on Graduates of Foreign Nursing Schools (CGFNS) will be issuing Visa Screen Certificates to nurse applicants through their division, the International Commission on Healthcare Professions (ICHP). The CGFNS/ICHP Visa Screen Certificate will only be accepted for processing from nurses who are applying for permanent resident alien status. In addition, applicants are advised they must pass an approved English language test if applying from a country whose primary language is not English.

The effect of this interim rule is intended to allow certain aliens "who possess proficiency in the skills that affect the provision of [US] health care services" a mechanism for entry into the United States. Additional information and an application packet can be obtained by contacting the International Commission on Healthcare Professions, 3600 Market St., Ste. 400, Philadelphia, PA 19104-2665, USA; PH: (215) 349-6735; FAX: (215) 349-0026; E-MAIL: admini@ichp.org.

Kenneth Lowrance Appointed Presiding Officer of the Board of Nurse Examiners by Governor Bush

Governor George W. Bush has appointed Kenneth Lowrance, MS, RN, CS, FNP-C, Presiding Officer over the Board of Nurse Examiners. Mr. Lowrance was appointed to the nine member board on April 18, 1995. Mr. Lowrance will remain President during the Governor's term. He was appointed pursuant to Article 4514, Section 1 of the Nursing Practice Act as amended in 1993.



Proposed and Adopted Rules

by Cheryl Rosipal

- No comments were received on the proposed amendments to §222.1 and §222.4 relating to Prescriptive Authority for APNs. The adopted rules were published in the November 27, 1998 issue of the *Texas Register*.
- The proposed repeal and new Chapter 215, Education were adopted. The adopted rules were published in the December 25, 1998 issue of the *Texas Register*. A comment was received regarding §215.6(f)(4) concerning director requirements. Board staff reviewed the rule and determined the language had been inadvertently omitted. The new §215 will be effective September 1, 1999.



Licensing Update

In the last issue of the *RN Update*, readers were told that more information would be provided to avoid having to phone the office and endure long waits and expense. The last issue addressed verification requests; this issue we bring you two additional items, renewals and confirmations.

Renewing License? IMPORTANT NOTICE

The staff at the BNE have been trying to follow up on the source of additional calls and messages about late or absent renewal notices, as well as renewal notices not being received by the RN. Our search has revealed one **common error - a wrong post office box number**.

When sending items directly to the Board office, please use the correct post office box: **P.O. Box 430, Austin, Texas 78767-0430**. The change in post office box numbers occurred in 1997, and while we maintained a forwarding address this past year, the old box number has now been closed and the Post Office has been returning mail addressed to the old box number. We are sorry for any inconvenience this has caused, and have worked with the Post Office to correct the problem. The other information regarding items to be sent to the Comptroller's Office has not changed, and their post office box office remains the same as on the renewal instructions. You can facilitate timely renewal by assuring that those items needing to be sent to the Board office only be sent to the above box number.

Confirmation for Name, Address, or Status Change

A confirmation card is mailed to the RN, which confirms that the request has been received and the change has been entered in our files, whenever a RN sends a written request for licensure change, such as Inactive Status, and/or Name or Address Change. Therefore, you can assume that your request has been received and honored by the Board when you receive the card. However, if you **do not** receive a confirmation card within two weeks following your request for the change, please contact the Board's office for follow-up, or resubmit your request. This time period should allow for our processing as well as mail delays. Calling before that time could result in you resubmitting information that is unnecessary.

1999 BNE BOARD MEETING SCHEDULE

January 21-22
April 22-23
July 22-23
October 28-29

All meetings to be held in Austin

Annual Reports Available for Competency Advisory Committee and Laws and Regulations Advisory Committee

The 1998 Annual Reports for the Board of Nurse Examiners (BNE) Competency Advisory Committee (CAC) and Laws and Regulations Advisory Committee (LRAC) have been printed and are available for purchase. The Reports cost \$10.00, plus tax (Texas residents - \$10.83, each). To order copies of either of these reports, send a check or money order to the Publications Department, Board of Nurse Examiners, P.O. Box 430, Austin, Texas 78767-0430. Please specify the report you want, your name, return mailing address and phone number. If claiming tax exempt status, you must include a copy of your tax exempt certificate. Your report should arrive 10-14 days from the date your order is received at the Board office.

Board Staff Member Receives Award

Kim Flores, Nursing Consultant in the Licensing and Practice Department, was presented with the 1998 Annual President's Outstanding Achievement Award by the Texas Association of School Nurses, Inc. This Award honors recipients who have "demonstrated interest in and support of school nursing."

Ms. Flores was cited for her professional leadership in providing school nurses with the security and knowledge to "care for children in the right way." The award was presented at the TASN Annual Conference in Lubbock, Texas, on November 6, 1998.

Workshop Update

Three BNE "Update on Nursing Practice" workshops are scheduled for January-March, 1999. They are:

January 27 - Beaumont

February 25 - Austin

March 25 - Dallas

Other workshop sites in the planning stages for 1999 include: Abilene, Houston, and Corpus Christi. In addition, the BNE will be presenting another workshop for school nurses as well as nursing administrators. The workshop fee has increased for those participants who pre-register to \$60.00 and for those who walk-in or do not pre-register, the fee will be \$75.00.

Reader Survey Results Tallied

The January 1997 issue of *RN Update* included a survey card inviting readers to comment about their interactions with the Board of Nurse Examiners, the licensing process and issues on which the Board is working. 734 response cards were sent in. Not all respondents answered all questions. The results are provided below:

1. When you receive the *RN Update*:
 - a. Is the information useful? (n=722)

Yes	714 (98.9%)	No	8 (1.1%)	No Response	12 (1.6% of total)
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 - b. Are the articles on laws and rules helpful? (n=719)

Yes	710 (98.7%)	No	9 (1.3%)	No Response	15 (2.0% of total)
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 - c. Is the format "reader friendly"? (n=712)

Yes	658 (92.4%)	No	54 (7.6%)	No Response	22 (2.9% of total)
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2. Did you contact the BNE for information or services during the past two years? (n=709)

Yes	460 (64.8%)	No	249 (35.2%)	No Response	25 (3.4% of total)
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If yes, in which areas did you respond?

Licensure	142 (20.0%)				
Renewal	162 (22.8%)				
CE	77 (10.9%)				
Nursing Practice	141 (19.9%)				
Advanced Practice	78 (11.0%)				
Complaints against RNs	47 (6.6%)				
Other	91 (12.8%)				
3. Was the information provided useful? (n=468)

Yes	440 (94.0%)	No	28 (6.0%)	No Response	266 (36.2% of total)
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4. Were the instructions clear? (n=464)

Yes	425 (91.6%)	No	39 (8.4%)	No Response	270 (36.7% of total)
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5. Was the staff professional? (n=459)

Yes	443 (96.5%)	No	16 (3.5%)	No Response	275 (37.4% of total)
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Courteous? (n=385)

Yes	367 (95.3%)	No	18 (4.7%)	No Response	349 (47.5% of total)
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To continue to seek feedback from you and others about our services, response cards are randomly mailed following contacts with the Board's office. We appreciate your feedback and interest in responding to our questions.

Graduate Nurse Temporary Permits To Look Different After March 1, 1999

The Board issues Graduate Nurse Temporary Permits in the form of business-envelope size cards printed on blue card stock to new graduates of professional nursing programs. The process of issuing temporary permits using this format is labor intensive for both Board staff and schools of nursing. One outcome of the on-going discussion about whether the Board should continue to issue temporary permits to graduate nurses (see *RN Updates* for July 1998 and October 1998) was a recommendation that the Board substitute the initial Authorization to Test (ATT) letter sent by NCLEX/The Chauncey Group directly to the candidate for the "blue cards." At the November 1998 meeting Board members authorized staff to change the procedures for issuing Graduate Nurse Temporary Permits so that the ATT letter will serve as the temporary permit form. This change will go into effect for graduates who complete their programs on or after March 1, 1999.

Employers must continue to request to see the permit and to verify the actual testing date with the GN. The documentation that the GN will present to the employer, on or after March 1, 1999, will be an ATT letter, printed on white letter-sized paper. The ATT letter will have the word "**PERMIT**" printed next to the applicant's name if the new graduate is eligible to practice as a GN in Texas (see sample, following page). If the new graduate is not eligible for a GN permit, the word "**PERMIT**" will not be printed on the letter.

Schools of nursing will no longer serve as intermediaries in the process of distributing temporary GN permits. The permit will be mailed directly to the new graduate by the Chauncey Group after the new graduate is deemed eligible for a permit by the Board staff. This means that there may be a short delay of up to two weeks between the time that the new graduate is deemed eligible and the receipt of the permit through the mail. New graduates should plan their start date of employment with this delay in mind. Employers may continue to call the Board at 512/305-6818 to confirm that a new graduate has been issued a permit if the new graduate claims to be eligible but has not received the paper copy of the permit prior to the first day of employment.

All other temporary permit rules will remain in effect. The permit is a privilege, not a right, and will be issued only to those graduate nurses who have completed the application for licensure and examination registration processes, including payment of all fees, and who do not have pending eligibility issues. The permit is valid for 90 days **or** until the new graduate receives results from the first NCLEX-RN® examination, **whichever date is the earliest**. New graduates may not continue to practice on the GN permit after failing the NCLEX-RN® examination, even if the date of the ATT letter validity has not expired. Employers must follow-up on the results of the new graduates testing, either by asking to see the new graduate's test results or monitoring the issuance of a license using the VIPS line (512/305-7400). If the new graduate is allowed to continue to practice after receiving failing results on the NCLEX-RN® examination, then both the employer and the new graduate may be subject to disciplinary action from the Board.

The graduate nurse permit holder is required to work under the direct supervision of a registered professional nurse who is working on the same unit and the graduate nurse is prohibited from being placed in charge positions or working in independent practice settings [Rule 217.3 (a)(3)], thus assuring the public that an RN will be continuously monitoring the safety of the graduate nurse's practice. New graduates will be provided with handouts from the Board describing their obligations and practice limitations which they should show to employers.

NCLEX/The Chauncey Group
664 Rosedale Road
Princeton, NJ 08540

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.....
.  ADMISSION TICKET  .
. Must present this whole .
. page at the test center .
. for admission to NCLEX test .
.....

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JANE DOE GRADUATE PERMIT
123 ANYSTREET
ANYCITY, ANYSTATE 12345-6789

**Only Eligible Candidates will
have the word "PERMIT" printed here**

NATIONAL COUNCIL LICENSURE EXAMINATION
AUTHORIZATION TO TEST (ATT)
THIS IS YOUR ADMISSION TICKET, BRING THIS WITH YOU TO TEST

Authorization Number	Identification Number	Test
01234567-01234	01234567	RN

Valid From - To	State Board of Nursing
12/15/98 - 03/15/99	TEXAS-RN

If the name on this authorization to test does not exactly match your name on the signed photographic identification that you will be using at the test center, please call the NCLEX Data Center at 1-800-551-1912.

You must take the examination during the valid time period listed above. To make an appointment:

Call any testing center on the list that accompanies this ATT;
Provide your authorization number printed on this form;
Write your appointment confirmation number, the date and time of your appointment, and the address and directions to the test center on the bottom of this form.

On the day of your examination you must arrive at the test center thirty minutes before your scheduled appointment to complete the admission procedures required before testing begins. You must bring the following with you to be admitted to the examination:

This Authorization To Test
Two pieces of identification (one must have a recent photograph and your signature, the second must have your signature).

IF YOU DO NOT SHOW UP OR FAIL TO RESCHEDULE YOUR NCLEX EXAMINATION APPOINTMENT WITHOUT GIVING AT LEAST THREE BUSINESS DAYS' NOTICE, YOU WILL BE REQUIRED TO REGISTER AGAIN AND PAY AN ADDITIONAL \$88 EXAMINATION FEE.

Confirmation Number 01234567 Directions to test center:
Appointment date 02/15/99
Appointment time 10:30 a.m.

COMMITTEE REPORT

APNAC Looks at Graduate APNs and Continuing Education

The Advanced Practice Nursing Advisory Committee (APNAC) met on November 12, 1998. The charges to the committee from the Board were: 1) Consider accepting Continuing Medical Education (CME) as Type I Continuing Nursing Education (CNE) for Advanced Practice Nurses (APNs); and 2) Consider drafting a rule regarding the feasibility of limiting the practice of APNs who do not pass the national certification examination on the first attempt. The committee made a recommendation that CME Category 1 be accepted as CNE Type I for APNs. See APN Issues article on p. 12 for additional information.

Discussion also focused on whether Graduate Advanced Practice Nurses (GAPNs) should be allowed to continue to practice after they have failed a national certification examination. Currently, new graduates of advanced practice nursing programs are permitted three attempts within two years of graduation to pass the exam. A "cease APN practice" notice is issued after the candidate informs the Board of three failures or after the two years have elapsed since graduation without receipt of notice from the candidate of passing the examination. Consequently, some RNs practice as Graduate Advanced Practice Nurses (GAPNs) after failing the certification examination as many as two times. The Board is unable to monitor the GAPNs who continue to practice on their temporary authorizations after examination failures because the Board depends on the applicant to provide truthful information about certification as it does not have access to the results of all of the various certifying examinations. However, Board members are concerned that GAPNs are permitted to continue practicing in the advanced practice role although they have not passed this criterion for competence. The policy of allowing GAPNs to maintain temporary authorization to practice after examination failure contrasts with the policy applied to new graduates (GNs) who fail the NCLEX-RN® examination. GNs must cease professional nursing (RN) practice immediately upon receiving notification that they have failed the licensing examination even though they, also, may retake the examination two additional times before obtaining additional education.

The committee agreed that some restrictions on the GAPN's practice were appropriate after failing the certification exam the first time. Formal recommendations to the Board will be made when the APN rules (Rules 221 and 222) are revised in 1999.

TEXAS RN PARTICIPATES ON NATIONAL COUNCIL COMMITTEE

The following Registered Nurse was selected to serve on a committee for the National Council of State Boards of Nursing:

NCLEX-RN® Item Writer:

Janis Jones, BSN, RN,C, Education/
Staff Development Coordinator at
Presbyterian Hospital in Greenville,
Texas.



NCLEX® Item Reviewers Needed by National Council

The National Council of State Boards of Nursing, Inc. seeks NCLEX® item reviewers. To be considered, you must be an RN (for NCLEX®-RN) or an RN or LPN/LVN (for NCLEX®-PN); and be employed in clinical nursing practice AND work DIRECTLY with nurses who have entered practice in the past 12 months (e.g., staff nurses who work collaboratively with entry-level nurses, assistant head nurses, head nurses, clinical nurse specialists and certain staff educators).

As a panel member you receive many benefits including: continuing education units, a chance to meet and dialogue with nurses from around the country, and the opportunity to acquire new skills useful in the work setting. As participants in this process, you will have the opportunity to attend a 3-5 day workshop with all related expenses paid by the test service.

If you meet the qualifications and are interested in participating, contact the National Council. You can obtain an application by visiting National Council's WEB site at <http://www.ncsbn.org>. If you have any questions, please send an e-mail to nclexinfo@ncsbn.org or call the National Council at (312) 787-6555 ext. 496.

1999 Legislative Session Begins: Sources of Information are Available

In Rules 217.11 and 217.13, the Board sets out its expectations that RNs have a responsibility to know and conform to not only the Nursing Practice Act and Board's Rules, but all rules and regulations that originate as Federal, State or local laws. Currently, Federal legislators are in session. On January 12, the 76th Texas Legislative Session opened and Texas legislators began filing bills. Bill filing will continue until mid-March although the full session will continue through May 31. Laws passed by the Legislature can impact nursing practice in a variety of ways. Laws passed during the Texas Legislative Session can affect the manner in which you obtain your education, your license, or what you may do in the course of your professional nursing practice. The Board is not a source for information pertaining to the status or progress of bills or political issues associated with legislation. Many such sources exist. You can obtain information about proposed and enacted laws and rules that pertain to nursing practice by visiting one of several web sites. Here are some sites available to you.

State Legislation

The State of Texas has a number of informative WEB sites for looking at pending or passed legislation. A good place to start your search is the site: **Texas Legislature Online** located at <http://www.capitol.state.tx.us/>. This site branches to the Texas Senate's and Texas House of Representatives' WEB sites. You can enter a word or phrase in the search menu and pull up bills containing those words. You can go through matches and check the status, history or language of the bill. Previous legislative sessions may also be accessed through this site.

Texas Register

The *RN Update* often mentions *The Texas Register* as the publication where nurses can read proposed rule changes or new rules that have been enacted by state agencies. *The Texas Register* can also be found via the Internet. The WEB site for *The Texas Register* is <http://www.sos.state.tx.us/texreg/index.html>. *The Texas Register* is published on a weekly basis by the Secretary of State for the State of Texas. The site is indexed by agency.

Federal Legislation

One of the best resources for checking on legislation in the U.S. House of Representatives or U.S. Senate is **Thomas Legislative Service on the Internet** which is located at <http://thomas.loc.gov/home/thomas2.html>. You can enter a word or phrase in the search window for a list of bills containing those words or go straight to a specific House or Senate bill. You can read the full text of the bill to see its relevance to your practice or check the bill's status within the legislative process.

Other WEB Resources

Professional organizations and associations are very active during the legislative session monitoring, responding, and proposing legislation. They frequently have WEB sites that offer updates on legislation affecting professional nursing. An example of such a site is the **Texas Nurses Association** located at www.texasnurses.org. Contact your association to determine if they offer this service.



Practice Questions and Answers



Q. I have been approached to accept a position with a company that sells herbal medicines. If I accept this job and sell herbal medicine to the public, how does this affect my RN license?

A. Many individuals sell herbal medicines and other services or supplies to the public, and so as an individual, this is not an activity that would have any effect on your license. However, if in your position you use your title to attract clients or provide information on the basis of your knowledge and experience as an RN, then you are held to the standards and requirements of the Nursing Practice Act (NPA) and the Board's Rules and Regulations. The revised Position Statement 15.15, "Board's Jurisdiction Over Title and Practice", discussed in the October 1998 *RN Update*, refers to activities or services such as these.

The public or consumers have expectations of RNs based on their education and experience that they would not have of others and therefore, the implication of using your professional expertise conveys a different expectation which requires compliance with the NPA and the Board's Rules.

Q. My hospital is contemplating a policy on RN Delegation. I am the Quality Improvement Coordinator responsible to assure the policy is congruent with the rules of the Board of Nurse Examiners. I would like to send this policy to the BNE for review and comment. Does the Board provide such assistance?

A. As a matter of course the BNE does not review policies/procedures of particular agencies. Review of facility documents by BNE staff normally occur within the context of determining if there is deviation from the Nursing Practice Act (NPA) or Board rules associated with a particular RN complaint filed with this agency.

During the Board's continuing education program presentations on delegation we emphasize that it is the individual decision of the RN, not agency policy and employer instruction, which guide the RN's decision to delegate nursing tasks according to the NPA and Rules. In accordance with Rule 218, Delegation of Selected Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel, the RN has ultimate responsibility and accountability for the management and provision of nursing care and thus, retains responsibility for those tasks that are delegated by the RN. The RN must be actively involved in and be accountable for his/her decisions, policy making and practices related to delegation for each individual client in each situation. Each RN in your setting should have an understanding of the delegation rules and feel comfortable in the application of the rules to satisfy the RN's professional responsibility in this regard.

Q. I have just received my permit to practice as a Graduate Nurse. I also have an LVN license and have been employed as a charge nurse in a long-term care facility. If I continue to practice as a Graduate Nurse in the same facility, do I have to work under the direct supervision of a registered nurse or is it sufficient to have another RN working on another unit in the facility while I am at work?

A. According to Rule 217.3(a), "A candidate holding a temporary permit to practice professional nursing as a graduate nurse (GN) must work under the direct supervision of a registered professional nurse who is working on the same unit and is readily available to the GN for consultation and assistance." Working as a GN with a RN in the facility is not the same as having a RN on the same unit who is readily available to the GN. The GN shall not be placed in a charge position or work in independent practice settings. The general purpose of the RN supervisor's assistance is to keep with decision-making and planning of care and other activities as it applies to the professional nurse's new role.



EDUCATION REPORT

By Donna Carlin, M.S.N., R.N.



November 1998 Board Action:

Continued full accreditation based on annual report:

Angelo State University, San Angelo, RN-BSN

Southwestern Adventist University, Keene, RN-BSN

Texas A & M International University, Laredo, RN-BSN

The University of Texas at Brownsville/Texas Southmost College, RN-BSN

Abilene Intercollegiate School of Nursing, Family Nurse Practitioner Program

The University of Texas at Pan American, Adult Health Clinical Nurse Specialist Program, Edinburg

Approved **San Antonio College** Associate Degree Nursing Program's proposal for a distance education initiative to deliver the LVN-to-ADN mobility program to Uvalde, Del Rio, and Eagle Pass.

Authorized staff to approve advanced practice nursing program curriculum changes in lieu of the changes being approved by the board at a regularly scheduled board meeting.

TEXAS PASS RATE ABOVE NATIONAL AVERAGE ON LICENSURE EXAM

Texas first-time test takers on the NCLEX-RN® examination scored above the national average for examination year 1998. The national pass rate for 1998 was 85.4%. The pass rate for candidates educated in Texas was 88.8%. The following table shows the percentage pass rate for first-time test takers by type of program leading to initial licensure:

Type of Program	Pass Rate Percentage	Total # of Candidates Tested	Total # of Candidates Passed
Texas Diploma Programs	93.2%	161	153
Texas ADN Programs	87.8%	3078	2704
Texas BSN Programs	89.9%	1855	1667
Texas MSN Program	95.8%	24	23
Total Texas Programs	88.8%	5118	4544

Compared to other states with large testing cohorts, Texas had a greater pass rate percentage, leading New York with 81.4% and California with 83.4%. Only seven jurisdictions of the National Council of State Boards of Nursing, Inc. had higher pass rates than Texas. The largest of those jurisdictions was Louisiana with a 91.7% pass rate.

Although the national pass rate dropped from 87.7% in 1997 to 85.3% in 1998, a decline of 2.4%, the Texas pass rate only declined 0.8%. This decline both nationally and in Texas could be attributed to the revision to the passing standard of the NCLEX-RN® examination. The new passing standard was established by the National Council's Board of Directors and went into effect on April 1, 1998. The new passing standard is -0.35 on the NCLEX-RN® logistic scale, 0.07 logits higher than the previous standard of -0.42. This increase is similar to the two previous increases made in 1995 (.06 logit increase) and 1992 (.04 logit increase). The passing standard for the licensure examination is evaluated every three years and is coordinated with the test plan evaluation, and job analysis study of entry-level RNs.



APN Issues

by Nicki Potts, PhD, RN



Recently, board staff have received questions from advanced practice nurses about the following issues so we are providing you with this information as an update.

Waiver of Certification Examination Requirement

At the January 1998 meeting the Board voted to amend the policy for new graduates requesting a waiver of the certification examination requirements due to not having a national certification exam available in their role and specialty and not having an appropriate substitute exam available. The amended policy states that these applicants must complete 1000 hours of supervised practice with an appropriate preceptor within a 12 month period and within two years of graduation. The preceptor must be readily available for consultation. In most cases an appropriate preceptor is another advanced practice nurse (APN) in the same specialty and role. **Applicants must obtain approval of their preceptor from the Board prior to beginning the 1000 hours. This requirement in lieu of the certification exam must be met within two years of graduation.**

Re-education Requirements

At the July 1998 meeting the Board approved an amendment to Rule 221.7 (3) which states that a candidate who fails to pass the [certification] examination after three attempts or fails to pass the exam within two years following graduation may reapply for authorization to practice as an advanced practice nurse after successfully completing an accredited advanced practice program of study that meets the requirements as outlined in guidelines approved by the board (effective October 1, 1998). The program of study must be at least one academic year in length, may include a preceptorship, and, for clinical nurse specialist and nurse practitioner preparation, must include the curricular requirements published by the Texas Higher Education Coordinating Board in collaboration with the Board of Nurse Examiners that became effective January 1, 1997.

Continuing Medical Education

The Board, at the November 1998 meeting, received the recommendation from the Advanced Practice Advisory Committee to accept Continuing Medical Education Category I as Type I Continuing Nursing Education for all Advanced Practice Nurses (APNs). The Board instructed staff to amend the Board's Rules and Regulations Relating to Professional Nurse Education, Licensure & Practice to include this recommendation. The rule will be published for public comment in 1999. If adopted, the effective date of the new rule will be announced in the *RN Update*. This change is **not** effective at the present time.

Limited Prescriptive Authority Requirements

One of the requirements for limited prescriptive authority is that the APN must have successfully completed courses in pharmacotherapeutics, advanced assessment, pathophysiology, and **diagnosis and management of problems within the clinical specialty**. Some confusion exists about the appropriate content for the diagnosis and management course. This course should offer content in differential diagnosis and management of the **medical** aspects of care for individuals with acute and chronic disorders. Nursing diagnoses and nursing management of care should not be the basic content for this course. The APN should learn how to make a differential diagnosis, based on the history, physical exam, appropriate lab tests and radiologic procedures, and to order drug therapy for the treatment of the disorder. Clinical Nurse Specialists must submit documentation of successfully completing the **separate courses** listed above.

IMPOSTOR WARNING

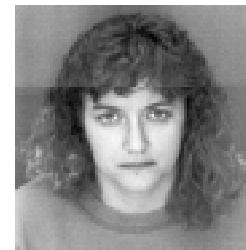
If you have any knowledge or information regarding the employment practices of the following individuals, please contact the Board's Investigation Department immediately, at (512) 305-6838.

LYN WILLIAM CASTANIE

Lyn William Castanie secured employment as a registered nurse with a long-term care facility in Texas City, Texas. Mr. Castanie was hired on April 24, 1998, during which time he presented an altered license belonging to a currently licensed registered nurse. The name of the registered nurse had been deleted from the face of the license. In October 1998 the employer was notified by a staff member that Mr. Castanie was not a registered nurse. The employer contacted the Board office and verified that the license number submitted to them by Mr. Castanie belonged to someone else. Mr. Castanie was terminated from employment and his case was referred to the Texas City Police Department. The Texas City Police Department is currently investigating and they have found that the license number used by Mr. Castanie belongs to his ex-wife. They found that he has worked at other home health care agencies in the south Texas area. They could not verify that Mr. Castanie has any formal training. They allege that he is a con man with an addiction to pain medications and that he possibly has taken medications which were intended for the patients. The Texas City Police Department is pursuing legal action against Mr. Castanie through the Galveston County District Attorney's Office. The Texas City Police Department request that if you have any information regarding Mr. Castanie please contact Detective Douglas A. Warren at (409) 643-5833 or fax number (409) 643-5793.



KATRINA L. MARTIN
a.k.a. Katrina L. Braussell
a.k.a. Judy Braussell Martin
a.k.a. Judy B. Martin
a.k.a. Katrina Brausell Martin



Katrina Martin secured employment as a registered nurse with a home health agency in Commerce, Texas, on October 8, 1998, using the name and license number belonging to a currently licensed registered nurse. On November 5, 1998, the employer met with Ms. Martin to counsel her regarding the falsification of visits which were documented but had not been made and the forging a patient's signature on Skilled Nurses Notes. Ms. Martin was terminated from employment and informed that she would be reported to the Board. Upon review of the personnel file and further investigation the agency found that Ms. Martin was not a registered nurse and had used another nurse's name and license number. The agency reported the information to the Board and the Commerce Police Department. The Commerce Police Department arrested Ms. Martin on several charges and they are pursuing legal action against her through the Hunt County District Attorney's Office. If you have any information regarding this impostor you may contact Kerry Drews, Investigator, Commerce Police Department at (903) 886-1139.

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IMPOSTOR

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LINDA SUE NOLASCO, a.k.a. Linda Sue Nolasco Chapman

Linda Sue Nolasco secured employment as a registered nurse (Administrator) with a home health agency in Houston, Texas on January 8, 1998. Ms. Nolasco held herself out as a registered nurse and signed RN after her name on medical records. The agency was notified that Ms. Nolasco was not an RN but an LVN. They contacted the Board and verified that Ms. Nolasco is not licensed to practice professional nursing in Texas. Ms. Nolasco was terminated from employment in May 1998 and her case was referred to the Board. The Board is pursuing legal action against Ms. Nolasco through the Houston Police Department and the Harris County District Attorney's Office.



NOTICE OF DISCIPLINARY ACTION

The following registered nurses had disciplinary action taken against their licenses. If you would like to receive additional information regarding the disciplinary action which has been imposed, please send your request to the Board of Nurse Examiners, Department of Investigations, P.O. Box 430, Austin, Texas, 78767-0430.

<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Abbott, Judy K. Allison H.	216370	Warning	November 19, 1998
Abraham, Mariyamamma K.	462853	Warning with Stipulations	November 19, 1998
Alewine, Michael Joseph	593344	Warning with Stipulations	November 19, 1998
Barnes, Jennifer Patricia	577020	Warning with Stipulations	November 19, 1998
Bilderback, Betty	618902	Warning with Stipulations	November 19, 1998
Carr, Patricia Ann	551103	Warning with Stipulations	December 8, 1998
Carvajal, Patricia Margaret	579025	Warning with Stipulations	November 19, 1998
Clinton, Deborah	634616	Reprimand with Stipulations	November 19, 1998
Creech, Molly Amanda	629135	Warning with Stipulations	December 8, 1998
Dail, Philomena Marie	597792	Warning with Stipulations	November 19, 1998
Dancel, Julma Mumpar	567535	Reprimand	November 19, 1998
Davis, Vonda Kay	558547	Warning with Stipulations	October 13, 1998
Galbreath, Charmayne Yvonne	257651	Reprimand with Stipulations	November 19, 1998
Gass, Anna-Marie	592466	Warning with Stipulations	October 7, 1998
Green, Dianne Marie	623192	Warning with Stipulations	December 8, 1998
Hanson, Ray Lynn	589055	Remedial Education	November 9, 1998
Hebert, Danielle Marie	572169	Reprimand with Stipulations	October 13, 1998
Hinkle, Sr., Jeff D.	612400	Warning with Stipulations	November 19, 1998
Hobbs, Linda Gail	552036	Reprimand with Stipulations	December 8, 1998
Hurbs, Lorraine Yvonne	589166	Reprimand with Stipulations	November 19, 1998
Jalufka, Don J.	533673	Warning with Stipulations	November 19, 1998
Landry, Cynthia L.	527219	Reprimand with Stipulations	November 19, 1998
Lara, Brenda Ann	562829	Suspend/Probate	December 8, 1998
Layfield, Kerry Ann	595595	Warning with Stipulations	December 8, 1998

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DISCIPLINARY ACTION

- cont. from previous page

<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Leake, Heather Lynn Freeman	594650	Warning with Stipulations	October 13, 1998
Lopez, Chandra Parrish	630788	Suspended	December 8, 1998
Maxson, M'Lou Denise	454497	Reprimand with Stipulations	December 8, 1998
Micker, Louise Ruth	435025	Warning with Stipulations	October 13, 1998
Morrow, Cheryl	636780	Reprimand with Stipulations	November 19, 1998
Nicholson, Patricia A.	505420	Warning with Stipulations	November 19, 1998
Nitsch, Robert Michael	601703	Reprimand with Stipulations	November 19, 1998
Obijiaku, Angela Amara	634550	Reprimand with Stipulations	December 8, 1998
Partlow, Shara S.	227114	Warning with Stipulations	November 19, 1998
Perez-Tincher, Melanie Allison	601802	Reprimand with Stipulations	October 13, 1998
Rhodes, Jamie D.	541099	Warning with Stipulations	October 13, 1998
Rushfeldt, Ron (Ronald Ervan)	646579	Warning with Stipulations	October 13, 1998
Smith, Karen Jane	573674	Reprimand with Stipulations	December 8, 1998
Soh, Judy Rami	610108	Warning with Stipulations	October 13, 1998
Tee, Maria Encarlita Cubillas	576174	Reprimand with Stipulations	November 19, 1998
Thornton, Anna Marie	574555	Fine w/ Remedial Education	October 22, 1998
Thurston, Sue Ann	255759	Reprimand with Stipulations	December 8, 1998
Tidwell, Sandra Evans	584789	Fine	September 22, 1998
Todd, Cynthia Diane LaFleur	576760	Reprimand with Stipulations	October 13, 1998
Traweek, Gina Denise	632995	Remedial Education	October 26, 1998
Usanga-Etukudo, Afiong A.	527106	Warning with Stipulations	November 19, 1998
Warren, Robyn L.	617788	Revoked	November 19, 1998
Webster, Cheryl Joycelyn	592647	Warning with Stipulations	December 8, 1998
Wertz, Marsha Lee H.	235618	Warning	December 8, 1998
West, Frances Beverly Doak	509616	Reprimand with Stipulations	December 8, 1998
West, Joyce Patricia	556025	Reprimand with Stipulations	October 13, 1998
White, Clinton Ray	527220	Reprimand with Stipulations	November 19, 1998
White, Connie Lou	233949	Reprimand with Stipulations	December 8, 1998
Willcott, Leslie	629806	Warning with Stipulations	November 19, 1998
Wood, Erica W.	614376	Warning with Stipulations	December 8, 1998
Wright, Jo Lynn	597610	Reprimand with Stipulations	November 19, 1998

The following individuals have voluntarily surrendered their license to practice professional nursing in the State of Texas.

<u>NAME</u>	<u>LICENSE #</u>	<u>DATE OF SURRENDER</u>
Cauble, Lisa L.	537336	October 26, 1998
Dare, Ginger Irene	547179	November 20, 1998
Edwards, Sharon Brant	574331	September 30, 1998
Eich, Sandra Ann	538943	September 25, 1998
Elegonye, Celestine Ndubuisi	607488	December 8, 1998
James, Krista Jean	543091	September 25, 1998
Johnson, Vicki L. Hodges	225160	October 23, 1998
Kegerreis, Sandra Kay S.	231654	October 14, 1998
Kennedy, Julie Ellen	609674	September 25, 1998
Martin, Christine Norton	555292	November 9, 1998

DISCIPLINARY ACTION

- cont. from previous page

<u>NAME</u>	<u>LICENSE #</u>	<u>DATE OF SURRENDER</u>
Martin, Jena Stewart	573777	October 30, 1998
Murray, Donna Renee	558123	December 4, 1998
Oborn, Julie Alice	633853	September 28, 1998
Partridge, Elizabeth Ann	517619	September 29, 1998
Pirtle, Jerralee	596399	October 15, 1998
Sanders, Roberta A.	505186	October 22, 1998
Sisson, Theresa Gayle	565695	November 3, 1998

Board Contracts with Drug Intervention Services of America (DISA) To Conduct Random Drug Screening Process for Nurses

The Board has chosen to have a vendor supervise the collection of specimens from RNs under drug monitoring stipulations. Through a bidding process, Drug Intervention Services of America, Inc. (DISA) was awarded the contract. DISA is currently being used by the Texas Peer Assistance Program for Nurses (TPAPN) and some readers may already be familiar with this company.

DISA is a nationally recognized vendor who typically uses LabCorp collection sites in their drug screening process. Although not all collection sites are members of the LabCorp network, most RN employers can be approved as a collection site once that site has gone through an approval process with DISA. One of the main factors in determining collection site approval is whether or not that site can follow U.S. Department of Transportation guidelines for specimen collection.

The Board began the DISA screening program on October 1, 1998. Now that the Board has entered into a contract with DISA, nurses under chemical dependency stipulations are instructed to register with DISA to begin random drug screening as a requirement of disciplinary stipulations.

DISA may require the nurse to submit to a random drug screen on days when the RN is not actually scheduled to work. In addition, Board staff or the nurse's employer may request a "for cause" screen to be conducted at any time. It is the responsibility of the nurse to submit the specimen at the pre-determined lab site during that lab's hours of operation. Failure to report for a drug screen may be considered a positive result and may result in further disciplinary action being taken against the RN's license.

Should the nurse plan to travel out of state, the RN is required to contact the DISA office in advance to make arrangements for drug screening; the nurse may be required to submit to a random drug screen even during time out of town or on vacation.

Nurses involved in this process are required to purchase four (4) chain of custody forms from DISA at the beginning of their drug screening program. The nurse will then be required to keep four (4) chain of custody forms on-hand at all times for the purpose of submitting to random drug screens. The forms may be purchased through DISA's on-line voice response system, accessing that system by telephone, or by mail. Chain of custody forms are available through DISA for approximately \$43 each.

Should the specimen test positive, the nurse may have the results reviewed by a designated Medical Review Officer (MRO) for an additional fee; however, the nurse must request a review from the MRO within seventy-two hours from the time the nurse is notified of a positive result. During this time, the result will be treated as

continued on next page

Insufficient Funds

As of December 14, 1998, the following nurses appear on the records of the Board of Nurse Examiners as debits for failure to respond to notices of returned checks. Should any of these nurses be in your employ or seek employment with your agency/institution, please contact the Board's office. If any of these nurses are practicing in Texas as a registered nurse, they may be in violation of the Nursing Practice Act and may be subject to disciplinary action by the Board.

<u>NAME</u>	<u>LICENSE #</u>	<u>NAME</u>	<u>LICENSE #</u>
Allen, Julie Ann	623827	James, Karen Louise	577702
Asble, Alex Walter	564983	Jenkins, Victor I	517158
Bargas, Virginia	257121	Kirk, Sandra Andrews	521416
Barr, Lori Anne	537652	Kishbaugh, Shari Elizabeth	575583
Buol, Kolleen Kay	516233	Kuntz, Eileen Marie	514331
Conti, Angela Rose	552231	Kurylo, Kim Diane	580995
Cotterell, Jennifer Sandra	516426	Masters, Mary Jane	550218
De John, Ida C Caperna	424176	Milam, Vicki Jeannette	639563
Dennis, Patricia Ann	503975	Mitchell, Sandra	565160
Dever, Lorraine Marie	579468	Neal, Brenda Gail	460087
Dillon, Patricia	560309	Nims, Teresa Masadie	565233
Falkner, Barbara Marie	587013	Olivier, Marie Claudia	514361
Farra, Diane Rae	560781	Pangilinan, Julie	445792
Felkins, Bettye Lisa	557452	Payne, Traci Lee	569734
Filler, Marcia Ann	553220	Puente, Nancy	625326
Fryer, Renee Marie	578735	Rae, Lisbeth Sue	538984
Glisson, James M	239549	Rosko, Lisa Marie	538707
Gonzales, Cynthia E	541332	Sanderson, Brenda Mary	538111
Gunnels, Lorrie Ann V	623930	Severtson, Marianne Maples	416386
Guthrie, Kelly R	547982	Sloane, Gail Theresa	550406
Hatter, Deanne Marie	568968	Vasquez, Emerald J D	207588
Hess, Cathy Christine	628267	Wilson, Vicki L	220897
Howard, Dorothy	613705	Yoho, Amy Joyce	599381
Howell, Sharon	459387		

Random Drug Screening - cont. from p.16

a positive result until determined otherwise.

Through this program, nurses being tested for drug use will be treated equally during the monitoring period. All screens are performed by the same lab, thereby assuring consistency in the testing and handling of specimens. This system also removes many employers from involvement in the drug screening process, as well as excluding the nurse from determining when, where, and how the screen will be conducted.

This new program will help to assure the public that the Board of Nurse Examiners can better meet its mission of protecting of the citizens of the State of Texas.

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Nursing Practice Act (NPA)
Excerpts from Vernon Civil Statutes governing examination registration and disciplinary proceeding of RN's (Revised, 10/97)
1 to 49 copies
50 or more copies

	\$ 2.00 ea.	\$ 2.17 ea.	
	\$ 1.50 ea.	\$ 1.62 ea.	

Rules & Regulations
Related to professional nurse education licensure and practice.

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NPA/Rules & Regulations Pack
One copy each of the NPA Rules & Regulations.

	\$11.00 pkg	\$11.91 pkg	
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Nursing Education Advisory Committee (NEAC) Report - Volume I
"Essential Competencies of Texas Graduates of Educational Programs of Nursing"

	\$10.00 ea.	\$ 10.83 ea.	
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Disciplined Professional Nurses in Texas - 1994 ISSUE -
This collaborative research project conducted by Lamar University Beaumont and the Board of Nurse Examiners presents a scholarly profile and comparison of RN's in Texas who have been disciplined for violations of the NPA to RN's who have not been disciplined.

	\$10.00 ea.	\$10.83 ea.	
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webmaster@mail.bne.state.tx.us |

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--

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Office Hours and Location

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