



Texas Board of Nursing Bulletin

The mission of the Board of Nurse Examiners for the State of Texas is to protect and promote the welfare of the people of Texas by ensuring that each person holding a license as a nurse in the State of Texas is competent to practice safely. The Board fulfills its mission through the regulation of the practice of nursing and the approval of nursing education programs. This mission, derived from the Nursing Practice Act, supersedes the interest of any individual, the nursing profession, or any special interest group.



BNE Under Sunset Review

The Board of Nurse Examiners will undergo Sunset Review during the 2006-2007 biennium. The State's Sunset Review process is a periodic evaluation by the Legislature of the continuing need for a state agency to exist. Unlike the routine legislative oversight of state agencies, Sunset asks the fundamental question of whether an agency's functions are needed and, therefore, whether the agency should be continued. The Sunset process generally requires review of an agency every twelve years by setting a date on which an agency will be abolished unless legislation is passed to continue its functions. The review includes examination of the agency mission, operations and recommendations for changes, if necessary.

The Sunset Commission is responsible for the Sunset process. The Commission consists of twelve-members including legislators and public members appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The staff of the Commission gathers information about the agency's programs and provides reports to the Commission. The Commission's schedule, found at <http://www.sunset.state.tx.us/reviewsch2006.pdf>, states that the BNE will be reviewed during March through August of 2006.

If the Commission determines that a state agency should be continued, legislation will be drafted to continue the agency for 12 years and changes can be made which address problems identified by the Commission. If no legislation is introduced, the agency is abolished and a one year wind down period is allowed to conclude operations.

The first step of review requires that the agency submit a self evaluation report (SER). In the SER, the agency identifies problems, opportunities, and issues that it believes should be considered in the Sunset review. The BNE's report can be found at: <http://www.sunset.state.tx.us/80threports/bne/ser.pdf>.

Did you know....

A nurse in a party state shall hold a license that is issued by the home state in only one party state at a time. (TOC Sec. 304.001, Article 4)

A nurse can have only one compact state license and it must be from the state in which the nurse resides. The "home" state is the state a nurse has declared as his/her primary state of residence. The Board of Nursing in the nurse's primary state is responsible for investigating complaints made against the nurse. See 22 TAC ch. 220 Nurse Licensure Compact for more information.

The public also has a chance to participate in the review of an agency by commenting on issues and suggesting changes. This occurs in several ways.

- **The Sunset staff seeks input during the review from interested individuals and organizations. Input should be provided on the Commission's feedback form which can be found at:**
<http://www.sunset.state.tx.us/question.htm>.
The Sunset Commission's request for feedback can be found on page 14.
- **The public can review and comment on the reports prepared by the Commission. These reports are public during the review process.**
- **The Commission holds public hearings on each agency under review. The public may testify on the agency and the recommendations. The BNE anticipates its hearing will take place in November 2006.**
- **A Sunset bill must be passed by the Legislature for an agency to be continued. The public can participate in the same way as with any other legislation.**

The Board of Nurse Examiners was created by the Legislature in 1909. It has enjoyed a long and successful history of regulation and looks forward to participation in the Sunset review process.

Inside this Issue

Pg. 1	BNE Under Sunset Review
Pg. 2	Readers Invited to Comment on Bulletin Through Online Survey, South Carolina Implements Compact; Kentucky to Join in 2007, Board Meeting Schedule
Pg. 3	Summary of January 2006 Board Meeting, Waiver Forms for Nurse Educator/Preceptor Tuition Exemptions Distributed to Nursing Programs/Schools
Pg. 4	Education Actions - January 19-20, 2006 BNE Board Meeting
Pg. 5	Task Force Appointed to Review and Make Recommendations Regarding Licensure, Eligibility and Disciplinary Rules and Policies
Pgs. 6-7	Nurses on Guard - Error Prevention and Management: Safe Systems, Safe Patients: Common Connectors Pose a Threat to Safe Practice
Pgs. 8-9	Practice Questions and Answers - Nurses Rounding on Inpatients, Performing as First Assistants
Pg. 10	Imposter Warning
Pgs. 10-16	Notice of Disciplinary Action
Pg. 17	The Sunset Review of the Board of Nurse Examiners for the State of Texas, DSHS is Recruiting Providers for the CPW Program
Pg. 18	Practice Question and Answer - Paramedics/EMTs, Insufficient Funds
Pg. 19	Workshop Update, Agency Contact Information

Readers Invited to Comment on *Bulletin* Through Online Survey

You are invited to submit your opinion of the *Texas Board of Nursing Bulletin*, your interactions with the Board of Nurse Examiners (BNE) Customer Service Group, and your experiences with the BNE web site. By completing the online survey form located on the BNE web site, www.bne.state.tx.us, you can let your opinions be known. The information obtained from the survey will help the BNE determine how the agency is doing in its efforts to provide services to nurses in the State of Texas and fulfilling the agency mission. The online survey only takes a few minutes to complete and the information provided is important to the strategic planning efforts of this agency. The results of this survey will be published in an upcoming *Bulletin*. The starting date for completing the survey is April 1, 2006. The cutoff date for completing the survey is June 30, 2006. If you have any questions about the survey, contact Bruce Holter at (512) 305-6842.

South Carolina Implements Compact; Kentucky to Join in 2007

The State of South Carolina has implemented the Nurse Licensure Compact (NLC), effective February 1, 2006. South Carolina became the 19th state to join the Compact. On March 28, 2006, Kentucky's Governor signed the bill implementing the NLC effective June 1, 2007. The Governor of New Jersey signed the bill enacting the Nurse Licensure Compact, but the implementation date for New Jersey has yet to be determined. The other states that have implemented the Nurse Licensure Compact are: *Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin*. Further information on the Nurse Licensure Compact can be obtained by visiting the web site for the National Council of State Boards of Nursing (NCSBN) located at: <http://www.ncsbn.org/nlc/rnlpvcompact.asp>. The NCSBN is a non-profit organization whose membership is comprised of the boards of nursing in the 50 states, the District of Columbia, and five United States territories—American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

BNE Meeting Dates: 2006

April 20-21
July 20-21
October 19-20

All meetings to be held in Austin

Can a nurse administer anesthetic agents such as Propofol (Diprivan) to non-intubated patients for the purpose of moderate sedation?

Find the answer in the Board's revised Position Statement 15.8: **The Role of the Nurse in Moderate Sedation**. Position Statements are located on the BNE web page under the "Nursing Practice Information" section.

VOLUNTEER FOR A PEER

You can make a difference. "TPAPN saved my life." Become a part of nurses helping nurses by calling the Texas Peer Assistance Program for Nurses at 1-800-288-5528.

RNs Sought for NCLEX Panel of Judges

The National Council of State Boards of Nursing (NCSBN) needs your help recruiting RNs for the Panel of Judges, which will be held this year September 27-29, 2006. NCSBN conducts a standard setting workshop for the NCLEX-RN® examination every three years. The Panel of Judges' responsibility is to recommend an NCLEX examination passing standard to the Board of Directors for the NCSBN. The Panel of Judges will be composed of a minimum of nine members, representing all four geographic regions and clinical practice areas. Members of the RN Panel of Judges must meet the following criteria:

- Must be currently employed in clinical nursing practice giving direct patient care and working directly with RNs who have entered nursing practice during the last twelve months (e.g., staff nurses who work collaboratively with entry-level nurses, nurses who precept or orient entry-level nurses, assistant head nurses, head nurses, or clinical specialists).
- Applicants (noted above) must have been in clinical practice for at least two years.
- One educator who currently supervises basic/undergraduate students in the clinical area.
- One entry level practitioner with less than 1 year in practice.

We hope we can count on your help in recruiting a successful panel. Please send the names and contact information of qualified RNs from your area to lkenny@ncsbn.org.



The Board of Nurse Examiners
for the State of Texas

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Summary of Actions

A Regular meeting of the Board of Nurse Examiners was held January 19-20, 2006 in Austin. The following is a summary of Board actions taken during this meeting.



The following amendments were published in the February 10, 2006 issue of the *Texas Register*. Proposed amendments were published in the November 11, 2005, issue of the *Texas Register* (30 TexReg 7349-7351, 7354):

The Board of Nurse Examiners (BNE) adopted without changes an amendment to 22 TAC §213.30, concerning Declaratory Order of Eligibility for Licensure. This section addresses requirements for initial licensure, the eligibility process and decisions that are made to deny eligibility for licensure in Texas. The amendment was adopted effective February 19, 2006, pursuant to Texas Occupations Code §301.151 which authorizes the board to adopt rules necessary for the performance of its duties.

The Board of Nurse Examiners adopted without changes amendments to 22 TAC §216.3, concerning Continuing Education. Senate Bill 39 (79th Regular Texas Legislative Session, 2005) amended the Nursing Practice Act (NPA) adding §301.306, Forensic Evidence Collection Component in Continuing Education. This new targeted continuing education (CE) applies to a licensed nurse “employed to work in an emergency room (ER) setting.” Auditing for this new CE requirement will commence September 1, 2008; thus, a nurse employed in a ER setting on or after September 1, 2006, would have two years to comply, based on the nurse's employment in the ER. In addition, House Bill 2680 (79th Regular Texas Legislative Session, 2005) amended Texas Occupations Code §112.051 requiring regulatory agencies of healthcare practitioners (including the BNE) to “adopt rules providing for reduced fees and continuing education requirements for retired health care practitioners whose only practice is voluntary charity care.” The adopted amendments implement these statutes. Effective date for amendments to 22 TAC §216.3 was February 19, 2006.

The Board of Nurse Examiners adopted with changes amendments to 22 TAC §217.18 (RNFAs), concerning Licensure, Peer Assistance and Practice. House Bill 1718 (79th Regular Texas Legislative Session, 2005) amended the Nursing Practice Act by repealing §§301.1525 through 301.1527 and adding §301.353. Amendments to §217.18 implement HB 1718 and address the

statutory requirements for a nurse whose functions include acting as a first assistant in surgery. The non-substantive changes were made to §217.18(a)(1)(C)(i), §217.18(a)(2), and §217.18(b)(2) in response to comments and staff recommendations. The amendment was adopted effective February 19, 2006.

The Board of Nurse Examiners withdrew proposed amendments to 22 TAC §221.12, concerning Advanced Practice Nurses. The Board has elected to withdraw the proposed amendment at this time to allow for further analysis.

The following amendments were published in the February 17, 2006 issue of the *Texas Register* and the comment period ended on March 20, 2006.

Amendments were proposed to 22 TAC §§217.2(a)(5), 217.4(a)(5), and 217.5(a)(4) and (7) pertaining to Licensure, Peer Assistance and Practice. Sections 217.2(a)(5), 217.4(a)(5) and 217.5(a)(7) address criminal background checks for Licensed Vocational Nurses. These rule amendments were proposed to implement the statute granting the Board the authority to require criminal background checks and to update the licensure requirements for LVN applicants and licensees. Proposed 217.5(a)(4) addresses credential evaluation services (CES) of foreign-educated nurses. Board staff requested that the acceptable verification organizations and availability of organizations that can provide credential evaluation services (CES) of foreign-educated nurses be broadened to provide consistency with the existing rule pertaining to graduates of nursing programs outside of the United States' jurisdiction.

The BNE proposed amendments to 22 TAC §217.16 pertaining to Licensure, Peer Assistance and Practice. Proposed Section 217.16 addresses the Minor Incident Rule contained in Texas Occupations Code §301.419 and addressed in §301.401. The Nursing Practice Advisory Committee (NPAC) was charged with the revision of the Minor Incident Rule in October 2005. NPAC completed their work on the Rule, submitted it at the January Board meeting and received approval to submit the rules to the *Texas Register* for comments.

Waiver Forms for Nurse Educator/Preceptor Tuition Exemptions Distributed to Nursing Programs/Schools

Waiver forms, for usage by nurse educators and preceptors to obtain tuition exemptions for their dependents attending schools where the nurse educators are employed, have been distributed to Registrars, Admission Offices, and Directors of Professional Nursing Programs at Texas nursing schools. The exemptions came about due to passage of Senate Bill 132, enacted during the 79th Regular Texas Legislative Session. Tuition exemptions cannot exceed \$500.00 per semester and can be used for no more than 10 semesters. The exemptions can be utilized starting with the Fall semester for 2006. The Higher Education Board (THECB) is preparing rules implementing tuition exemptions. Once the rules are finalized, a link will be provided from the BNE web site.

Education Actions - January 19-20, 2006 BNE Board Meeting

The following is a summary of Board Education actions taken during the meeting.

Continued Approval Status Based on 2005 NCLEX-RN® Examination Pass Rates and Review of 2005 Annual Reports

• Full Approval with Commendations

Baptist Health System, Diploma
 Alvin Community College, ADN
 Amarillo College, ADN
 Austin Community College, ADN
 Blinn College, ADN
 Cisco Junior College, ADN
 College of the Mainland, ADN
 El Centro College, ADN
 Grayson County College, ADN
 Houston Baptist University, ADN
 Houston Community College, ADN
 Howard College, ADN
 Kilgore College, ADN
 Lamar State College at Port Arthur, ADN
 Lamar University at Beaumont, ADN
 Laredo Community College, ADN
 Lee College, ADN
 Navarro College, ADN
 Northeast Texas Community College, ADN
 Odessa College, ADN
 Panola College, ADN
 Paris Junior College, ADN
 San Jacinto College - Central, ADN
 Southwestern Adventist University, ADN
 Temple College, ADN
 Texarkana College, ADN
 Trinity Valley Community College, ADN
 University of Texas at Brownsville
 and Texas Southmost College, ADN
 Wharton County Junior College, ADN
 Baylor University, BSN
 Houston Baptist University, BSN
 Prairie View A&M University, BSN
 Texas A&M International University, BSN
 Texas A&M University at Corpus Christi,
 BSN
 Texas Woman's University, BSN
 University of Mary Hardin-Baylor, BSN
 University of Texas at Arlington, BSN
 University of Texas at Austin, BSN
 University of Texas at Tyler, BSN
 University of Texas Medical Branch at
 Galveston, BSN
 University of the Incarnate Word, BSN
 University of Texas at Austin, Alternate
 Entry MSN Program

• Full Approval with No Recommendations and No Requirements

Covenant School of Nursing, Diploma
 Angelina College, ADN
 Angelo State University, ADN
 Central Texas College, ADN
 Collin County Community College, ADN
 Del Mar College, ADN

El Paso Community College, ADN
 Galveston College, ADN
 Lamar State College at Orange, ADN
 McLennan Community College, ADN
 Midland College, ADN
 North Central Texas College, ADN
 San Antonio College, ADN
 San Jacinto College South, ADN
 South Plains College, ADN
 South Texas College, ADN
 Tarrant County College, ADN
 Vernon College, ADN
 East Texas Baptist University, BSN
 Lamar University at Beaumont, BSN
 Midwestern State University, BSN
 Stephen F. Austin University, BSN
 Texas Christian University, BSN
 Texas Tech University Health Science
 Center, BSN
 University of Texas at El Paso College of
 Health Sciences, BSN
 University of Texas Health Science Center
 at Houston, BSN
 University of Texas Health Science Center
 at San Antonio, BSN
 University of Texas Pan American, BSN
 West Texas A&M University, BSN

• Full Approval with Requirements

Victoria College, ADN

Confirmation of Approval Status Based on Review of 2005 Annual Reports

• Initial Approval with No Recommendations or Requirements

Brookhaven College, ADN
 Cy Fair College, ADN
 Texas A&M International University, FNP

• Full Approval with No Recommendations and No Requirements

Angelo State University, RN to BSN
 Southwestern Adventist University, RN to BSN
 Texas A&M University at Texarkana RN to
 BSN
 University of Texas at Brownsville and Texas
 Southmost College, RN to BSN
 Patty Hanks Shelton School of Nursing
 (formerly Abilene Intercollegiate), FNP
 Prairie View A&M University, FNP
 Texas Christian University, Medical/
 Surgical Clinical Nurse Specialist
 Program
 University of Texas Southwestern Medical
 Center at Dallas, Women's Health NP

OTHER EDUCATION ACTIONS

• Accepted Report of Survey Visit and Changed Approval Status from Full with

Warning to Full Based on 2005 NCLEX-RN® Examination Pass Rates, Review of 2005 Annual Report and Report of Survey Visit

Weatherford College, ADN

• Approved Extension of Interim Director Appointment and Changed Approval Status from Full to Full with Warning and issued Commendations and Requirements Based on 2005 NCLEX-RN® Examination Pass Rates and Review of 2005 Annual Report

Austin Community College, ADN

• Changed Approval Status from Full to Full with Warning Based on 2005 NCLEX-RN® Examination Pass Rates and Review of 2005 Annual Report

St. Philip's College, ADN

• Accepted Report of Survey Visit and issued Commendations, Recommendations, and Requirements:

Amarillo College, VN
 Grayson County College, VN
 Concorde Career Institute, VN
 Weatherford College, VN

• Accepted Report of Survey Visit and Continued Full Approval Status Based on Review of 2005 Annual Reports and Report of Survey Visit and issued Commendations, Recommendations, and Requirements

Angelo State University, Medical/Surgical
 CNS

• Accepted Status Report on Innovative Professional Education Pilot Program and issued Requirement

Midwestern State University, BSN

• Granted Initial Approval to a New Nursing Education Program and issued Requirements

Anamarc Educational Institute, VN

• Granted Initial Approval to a New Nursing Education Program and issued Commendations, Recommendations and Requirements

Southwestern Adventist University, Generic
 BSN

TASK FORCE APPOINTED TO REVIEW AND MAKE RECOMMENDATIONS REGARDING LICENSURE, ELIGIBILITY AND DISCIPLINARY RULES AND POLICIES

The Nursing Practice Act (NPA) makes it clear that all nurses must demonstrate “good professional character” in order to obtain or retain a nursing license. Since the consolidation of the LVN and RN Boards in February 1, 2004, the importance of having well-defined criteria for minimum professional character and eligibility for licensure has risen significantly. House Bills 2208 and 660 added requirements that applicants for licensure submit to FBI criminal background checks prior to issuance of licenses. In 2005, the Legislature provided funding for the Board to conduct FBI criminal background checks on all nurses over a ten year period. New licensure provisions of the NPA include denial or revocation of licensure for certain felony crimes and criminal sex offenses.

Additionally, increasing pressure is on nursing schools to conduct criminal background checks on its nursing students prior to admission, as a student’s criminal background may be an impediment to clinical experiences. The individuals currently enrolled in a nursing educational program are also required to receive both verbal and written information “regarding conditions that may disqualify graduates from licensure.”

Eligibility rules are not unique to nursing and similar cases are routinely heard before the State Office of Administrative Hearings for other professions. Similarly, the Board’s licensure process is subject to the provisions of Chapter 53 of the Texas Occupations

Code (Consequences of Criminal Convictions) as well as the provisions of the NPA.

The need for consistency in the Board’s processes for eligibility and discipline is apparent. The Board believes that an advisory committee specifically for this purpose would improve the Board’s rules by allowing interested parties to participate in development of recommendations to the Board. The Board believes that experts in areas relevant to licensure can provide evidence-based recommendations that would improve the Board’s disciplinary process.

At the January board meeting, the Board approved the creation of the Advisory Committee on Licensure, Eligibility and Discipline. The Board charged the Advisory Committee on Licensure, Eligibility and Discipline to review and make recommendations for possible revisions to the following rules and any applicable policies:

1. Section 213.27: Good Professional Conduct;
2. Section 213.28: Licensure of Persons with Criminal Convictions;
3. Section 213.29: Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters;
4. Section 213.30: Declaratory Order of Eligibility for Licensure; and
5. Section 213.33: Factors Considered for Imposition of Penalties/Sanction and/or Fines.

The committee will be composed of twelve (12) members including Board members, staff, and representatives from the nursing community. The proposed advisory committee members will be as follows: two Board Members, co-chairs; Board’s General Counsel; Board’s Director of Enforcement; and representatives from the following: Texas Association of Vocational Nurse Educators (TAVNE); Licensed Vocational Nurses Association of Texas (LVNAT); Texas League of Vocational Nurses (TLVN); Texas Organization of Associate Degree Nursing (TOADN); Texas Organization of Baccalaureate and Graduate Nurse Educators (TOBGNE); Texas Nurses Association (TNA); Texas Organization of Nurse Executives (TONE); and the Coalition for Nurses in Advanced Practice. The following proposed representatives will be invited to serve in an advisory capacity only: Representative from the Texas Office of the Attorney General; Representative from the Texas Peer Assistance Program for Nurses (TPAPN); Representative from the State Office of Administrative Hearings; Expert in Forensic Psychological Testing and Polygraph; Expert in Sex Offender Crimes and Treatment; and any additional experts as needed and requested by the Committee. Once the committee has fulfilled its purpose, it will return to the full Board with any recommendations, and the Board will consider those and vote to either accept, modify, or reject the Committee’s proposed recommendations.

NCSBN Offers New CE Course: *Acclimation of International Nurses into U.S. Nursing Practice* benefitting International Nurses

The National Council of State Boards of Nursing (NCSBN) announced the launch of a new online continuing education (CE) offering benefitting international nurses and students preparing to practice in the U.S. The self-paced online course helps facilitate a successful professional and personal acclimation by providing key information and by directing learners to additional resources for a more in-depth understanding of the various aspects of transitioning into the U.S. Participants receive 6.6 contact hours credit. The cost of the course is \$40.00. For more information, visit the NCSBN’s continuing education web site at: <http://www.learningext.com/>

APN Advisory Committee Discusses Defining and Licensing of APNs

The Advanced Practice Nursing Advisory Committee met in Austin on January 6, 2006. The committee discussed the board’s self-evaluation report that was provided to the Sunset Commission and provided input regarding the issue of defining and licensing advanced practice nurses. The committee also met with representatives of nursing education in Texas to discuss issues related to the doctor of nursing practice degree proposed by the American Association of Colleges of Nursing. Discussion focused on how this new practice doctorate could impact advanced practice nursing in the State of Texas. The committee’s discussion was for the purpose of gathering information only and no recommendation will be made to the Board at this time.

Nurses on Guard - Error Prevention and Management

Safe Systems, Safe Patients: Common Connectors Pose a Threat to Safe Practice

by Debora Simmons, MSN, RN, CCRN, CCNS



Debora Simmons, MSN, RN

In 1972 an article in the *Lancet* described an accidental infusion of a “Milk Drip” meant to be infused intragastrically but was “inadvertently” infused intravenously (Wallace, Payne et al. 1972). The patient had immediate severe consequences of this intravenous infusion of a feeding. Over the following 30 plus years there have been numerous case reports of accidental connections of feeding lines to intravenous lines, intravenous lines and feeding lines to tracheostomy cuffs, blood pressure monitors to intravenous lines and other life threatening connections of compatible tubing to the wrong line (Lanigan 2002; FDA 2003; Eakle, Gallauresi et al. 2005). To date there has been no progress in eradicating this avoidable error.

The common element in each of these tragic errors is the presence of a “luer lock” connector that makes connecting therapeutic products easy but also allows fatal errors when they are mistakenly connected. Blood pressure cuffs to intravenous lines can cause air embolisms, feeding tubes to intravenous lines cause sepsis and fat embolisms and intrathecal infusions of vincristine are fatal. The commonality is that each one of these errors involves a luer lock connector (FDA 2003).

Initial reactions to these case reports may be to question the vigilance of the nurse. How could a careful nurse accidentally connect the wrong lines? The answer is complex and includes many different factors that contribute to making this type of error. First and foremost, nurses are human and humans are not “perfect” at all times despite their intent. One other large problem is that as we become more familiar with a task, we may perform that task incorrectly. This is much like locking your keys in your car accidentally, although you usually perform perfectly, occasionally you do not act perfectly and lock your keys inside the car. This is called “*automaticity*” and is a function of thinking that allows us to perform common tasks without effort but also make mistakes in common tasks without knowing a mistake has been made.

The answer to this dilemma is not far from our reach – changing the design of the connectors will help prevent these errors. In the past, misconnected medical gases caused deaths every year in the operating room when anesthesiologists would inadvertently connect the patient to nitrous oxide and not oxygen. The connections to these two similar gases are now incompatible, which prevents an accidental connection. Redesigning the product so it will not connect is called a *forcing function* because it forces the user to use correct lines and prevents them from connecting incompatible lines. This change is a result of using safe design principles and recognizing the potential, however small, of human error in a critical process (Berwick 2001).

To date, there is no mandated standard in healthcare to change compatibility of these connectors to prevent these errors. Healthcare facilities are encouraged to use connectors that are not universally compatible with other infusion systems and purchase items that are not compatible to all lines – such as blood pressure cuffs without luer lock connectors or feeding tubes that will not connect to intravenous lines (Association of the Advancement of Medical Instrumentation 2001; ISMP 2003; Paparella 2005). Unfortunately nurses and facilities may not be aware of the potential for this error.

Nurses in healthcare settings where there are multiple common connectors must be aware of the possible hazard of inadvertently connecting the wrong line and take steps to protect their patients from this tragic and avoidable error. Changing the design of these connectors so they are not able to be connected is the right solution for this problem – until then here are some suggestions from experts of how to try and avoid this error:

1. All staff should be educated regarding the hazards of these connectors and strategize ways to decrease the risk (Eakle, Gallauresi et al. 2005);
2. It may be helpful to mark all lines with luer connectors at the proximal and distal end or double check lines independently (ISMP 2004);
3. Do not use IV tubing for enteral feedings or IV pumps for Enteral feedings (ISMP 2004);
4. Avoid buying equipment with common luer lock connectors when at all possible – especially for blood pressure cuffs, intrathecal or epidural lines and enteral feedings (Stone 2002; Paparella 2005).

Safe Systems - continued from previous page

Nurses can influence the design and safety of the work environment by being active in decisions about patient products and supporting their institutions in purchasing incompatible connectors. In addition, soliciting professional organizations to support standards that change connectors to be incompatible is also a strategy. Safe design of healthcare products will support the ability of nurses to practice safely and keep patients safe.

Where you can get more information:

Association for the Advancement of Medical Instrumentation, www.AAMI.org

FDA Patient Safety News, www.FDA.gov

Institute for Safe Medication Practice, www.ISMP.org

United States Pharmacopeia, www.USP.org

Joint Commission on Accreditation of Healthcare Organizations, http://www.jointcommission.org/SentinelEvents/SentinelEventAlert/sea_36.htm

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Debora Simmons, MSN, RN, CCRN, CCNS is a Clinical Nurse Specialist in critical and acute care with a background in patient safety, technology and complex patient care systems. As Senior Clinical Quality Improvement Analyst for the Institute of Healthcare Excellence at The University of Texas MD Anderson Cancer Center and a member of the technical core for the Center of Excellence for Patient Safety Research and Practice, she contributes to the clinical design and analysis of complex psychosocial and clinical protocols in the UT System and allied institutions relating to patient safety and quality outcomes. She maintains her clinical skills as an instructor of undergraduate nursing. She is a member of the Safe Medications Use Committee for the United States Pharmacopeia and is a member of the board of directors of Consumers Advancing Patient Safety.

In accordance with 301.158, Texas Occupations Code, the Board disseminates information "that is of significant interest to nurses and employers of nurses in Texas." As part of its Strategic Plan for the agency, the Board has identified the need for regular input on nursing practice, licensure, and education. The *Nurses on Guard - Error Prevention and Management* series of articles in the *Bulletin* is one way of meeting that need. Comments regarding this column should be addressed to the Editor at the Board's address. The opinions expressed in the guest column are those of the author and not an opinion or position statement of the Board.

Did you know....

BNE staff frequently receives phone calls and e-mails asking which states are members of the Nurse Licensure Compact (NLC). The best resource for information on states that are members of the Compact (or who are considering joining the Compact) is the web site for the National Council of State Boards of Nursing (NCSBN)(<http://www.ncsbn.org/nlc/index.asp>). Resources on the National Council's web site include: a color map indicating states which have joined the compact or are in the process of implementing the compact and a frequently asked questions handout which explains how the compact works.



Practice Questions and Answers



Nurses Rounding on Inpatients, and Dictating History & Physical/Discharge Summaries

Question: A physician had a Family Nurse Practitioner (FNP) who worked with him caring for patients both in the office and at the hospital. The nurse practitioner has now left this practice, and the physician has replaced the FNP with a registered nurse. This RN is now responsible for rounding on patients in the hospital. The nurse is responsible for dictating histories and physicals (H&Ps) after the physician has seen the patient and written an initial progress note. The statement is added "the patient was interviewed and examined by the physician." The physician then will sign the form later after it is dictated by the RN. The RN also dictates the physician's discharge summary in a fashion similar to the admitting H&P described above. The RN has been instructed on the required elements necessary for billing purposes by the physician's office. The hospital has also credentialed the nurse to assist the physician. The RN completes a standardized form on each patient daily. The RN summarizes lab or other test results, and any changes in the patient's condition or new complaints. The physician later reviews the information on the standardized form and writes new orders based on this information. The physician signs at the bottom of the summary form to indicate he has reviewed the information (though he may not have gone into the patient's room to examine or speak directly to the patient). Can the RN write orders for medications or treatments as a verbal order "Per Dr. ____" even though the RN never actually speaks to the physician? The physician says the nurse is working under the auspices of his license and that the RN can make changes in the physician's orders by proxy because the physician is willing to sign off on any orders the RN writes. My question is---does this fall within the scope of practice for a registered nurse? I am aware that the RN cannot bill as a nurse practitioner does; however, I am trying to determine what is appropriate if a RN assists a physician in this way. The physician is either physically present in the hospital or in his office, which is across the parking lot from the hospital. I'm not sure this makes any difference.

Answer: Your question is not a new one at the BNE. With the growing nursing shortage as well as economic factors impacting health care, scenarios such as the one you describe are becoming more prevalent. Staff first want to emphasize that a licensed nurse (though your question involves a RN, this would apply to RNs or LVNs) can never use the excuse "I was doing it under the physician's license, so I'm not responsible." If a nurse accepts an assignment or carries out a task, it does not matter if the act was a typical nursing function or a delegated medical act---the nurse is equally responsible under his/her nursing license for adhering to the Nursing Practice Act (NPA) and rules [Rule 217.11(1)(T)]. In addition, NPA Section 301.002 [Subsections (2) and (5)] specifies that nursing does NOT include "aspects of medical diagnosis or prescription of therapeutic or corrective measures." Such acts are prohibited (both as a nursing action and/or by physician delegation) because they would require the nurse to exercise "independent medical judgment"--which would be the practice of medicine rather than the practice of nursing. Thus, both LVNs and RNs are precluded from engaging in acts that require independent medical judgment.

With regard to your questions about a nurse rounding on hospital patients and dictating the "physician's admission history and physical" as well as "physician's discharge summary," collecting data (lab results, intake/output, vital sign trends), performing a nursing assessment, and even recording it in a central location (such as a daily progress note) would not require the nurse to engage in "medical diagnosis or prescription of therapeutic or corrective measures." Nothing in the NPA or Rules prevents a nurse from consolidating information to help a physician use his/her time more efficiently when the physician comes to medically evaluate a patient admitted to the hospital provided the nurse remembers to adhere to the NPA and Rules.

The concern with H&P's and discharge summaries is that the summary of the H&P typically includes an opinion regarding the patient's initial medical diagnosis(es) based on the data reviewed, the patient's history, and the physician's review of body systems. The Discharge Summary is a report of the patient's *medical* course and treatment (not nursing). This report (as with the H&P) is summarized by the physician's discharge *medical* diagnosis(es).

It isn't entirely clear in your question what information the nurse is obtaining from a progress note and/or other documents to complete the dictation for either the H&P or Discharge Summary. Board staff is not certain how other regulatory or facility accreditation agencies would view a nurse dictating the physician's H&P and/or discharge summary in the manner described in your question. Staff recommends contacting the Texas Medical Board [www.tmb.state.tx.us or (512)305-7010], the Department of State Health Services [www.dshs.state.tx.us or (512)458-7111] and, if applicable, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)[www.jcaho.org or your facility-specific contact information] to clarify requirements and interpretations of the facility regulations. Professional associations at the state-specific level, such as the Texas Hospital Association (THA) [www.tha.org (512)465-1000], may also be of assistance in providing guidance for the facility.

With regard to the nurse independently writing orders on patient charts, unless the nurse is a RN with authorization in an appropriate advanced practice role and specialty, the NPA and rules preclude such actions [See paragraph one above re: NPA Section 301.002]. Rule 217.11, *Standards of Nursing Practice*, is the main rule applied to nursing practice situations. Standard 217.11(1)(D) speaks to "accurately and completely reporting and documenting...(iii) physician, dentist, or podiatrist orders..." Rule 217.12, *Unprofessional Conduct*, is also applicable in situations where a nurse repeatedly or knowingly engages in conduct that violates the Board's rules on: good professional character [Rule 213.27] and the Standards listed in Rule 217.11. You are correct that the physician's physical presence or close proximity has no bearing on allowing a nurse to engage in an activity that requires the independent medical judgment of the physician.

Practice Q & A - continued from previous page

In addition, if the nurse is falsely documenting a physician's orders for medications and treatments as if the orders were communicated to him/her from the physician, this would be in violation of both the NPA as well as the Board rules as listed above, and could result in a sanction against the nurse's license by the Board (BNE). Review of the Board's Disciplinary Sanction Policy of "Lying and Falsification" (<ftp://www.bne.state.tx.us/fraud.pdf>) explains how falsifying documents is viewed and possible Board actions if a nurse engages in this unprofessional conduct.

Staff recommends a nurse review the NPA and above rules, the Six-Step Decision-Making Model for Determining Nursing Scope of Practice, and other applicable documents on the web page under "Scope of Practice" (in the Nursing Practice Information Section) to assist the nurse in making an individual determination regarding whether or not he/she possesses the knowledge, skills and abilities to engage in a specific task. The nurse should also investigate whether other laws outside the BNE's jurisdiction apply.

While it may be viewed as a sign of respect and trust that this physician is delegating rounding on his patients and permitting the nurse to decide what orders to write, neither the physician or the nurse are adhering to the laws applicable to their respective licenses nor are they acting in the best interests of patients in this scenario. Should there ever be an untoward event related to an independent action (ie: "verbal physician order" written by the nurse without contacting the physician), the physician might readily declare that he/she "was not aware" of the nurse's actions and did not approve of them.

You may also find it useful to review the following position statements on the BNE's web page under "Nursing Practice Information:"

- ***Position Statement 15.5: Nurses with Responsibility for Initiating Physician Standing Orders, and***
- ***Position Statement 15.10: Limitations for Expanding Scope of Practice: Foundation for Initial Licensure and/or APN Authorization.***
- ***Position Statement 15.11: Delegated Medical Acts, and***
- ***Position Statement 15.14: Duty of a Nurse In Any Practice Setting, explaining why nurses are responsible for adhering especially to Standard 217.11(1)(B), which requires a nurse to take appropriate actions to maintain client safety.***

Though neither facility policies nor physician practices are within the jurisdiction of the BNE, questions as to how the physician is billing for his time/services, the basis of the facility's invoice for services supposedly "authorized" by the physician, and the overall accuracy of the medical record may all be of concern. The regulatory agencies noted above may be able to offer clarification on these concerns. Furthermore, just because a facility has credentialed the nurse to "assist" the physician does not automatically make the process "legal." BNE staff cannot speak as experts on laws outside the jurisdiction of the BNE, nor can staff provide legal advice; thus, you may wish to consult with your own legal counsel and/or that of the facility where you work.

Nurses Performing as First Assistants in the Operating Room

Question: I am a nurse in a physician's office working with a group of orthopedic surgeons. They want to train me to assist them in the operating room (OR), but they need for me to do more than just work in the "scrub role." They want me to perform some functions associated with first assisting. I am not a registered nurse first assistant (RNFA) and am wondering if I can accept this assignment. I thought only RNFAs could perform these functions in the OR.

Answer: During the 79th Regular Legislative Session (2005), the Nursing Practice Act was amended to include Section 301.353 (HB-1718). The amendment created a provision for nurses **at any level of licensure** who are not RNFAs to assist a physician, podiatrist, or dentist in the performance of surgery as long as certain criteria are met. These criteria require the nurse to assist under the direct personal supervision and in the physical presence of the physician, podiatrist, or dentist. The nurse must also be qualified by education, training, or experience to perform the tasks assigned to them. Nurses who perform first assistant functions under this provision cannot use any titles that imply that they are nurse first assistants.

From the information you provided, it sounds like the physicians will train you to perform those functions associated with first assisting. As long as the physician is physically present in the same sterile field and directly supervising you, you will meet the requirements to accept this assignment. Staff recommends you keep records regarding your training and request that the physicians document your competency for each new task you learn. Remember that the Standards of Nursing Practice (Rule 217.11) include a requirement that nurses "accept only those nursing assignments that take into consideration client safety and that are commensurate with the nurse's educational preparation, experience, knowledge, and physical and emotional ability [Rule 217.11(1)(T)]."

It is also important to remember that if you elect to perform first assisting functions under a physician's delegation, you are still required to comply with the Nursing Practice Act and Board Rules. You are not authorized to use any first assistant titles nor may you bill for the services that you provide unless you are qualified as a nurse first assistant under Section 301.353(a) of the Nursing Practice Act.

For information on surgical assistants, see the Texas Medical Board's web site:
<http://www.tmb.state.tx.us/professionals/other/surgasst/surgasst.php>

IMPOSTER WARNING

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

Rebecca Ann Brandt

Rebecca Ann Brandt's license to practice professional nursing in the State of Texas was revoked on July 25, 2002. On May 25, 2004, Ms. Brandt secured employment as a registered nurse with two staffing agencies in Houston, Texas. Ms. Brandt had taken the identity of a currently licensed RN and used all the information to secure employment and borrow money from the agencies. The information concerning this case has been reported to all the appropriate legal authorities including the Brownsville Police Department, Houston Police Department, and the Cameron County Sheriff's Department.



Nancy Stivers Cross a.k.a. Nancy Stivers Parham

On August 22, 2005, Nancy S. Cross interviewed for a position as an LVN with an agency in Selma, Texas. Ms. Cross presented her driver's license, social security card, and a copy of a fraudulent LVN license, with an expiration date of October 31, 2002. The staff attempted to verify the license by phone and on-line, but they were unable to match the number with Ms. Cross's name. The impostor was not hired and the information was reported to the Board. The case was referred to the Guadalupe County District Attorney's Office in Seguin, Texas.



Teresa Sanchez Olvera

In December 2003, Teresa Sanchez Olvera secured employment as a registered nurse with a doctor's office in Round Rock, Texas. In July 2004, a new office manager began a review of the personnel files and found that Ms. Olvera's file did not include a copy of the license, and she requested a copy. Ms. Olvera presented a copy of a fraudulent license which is issued to another individual. In November 2004, Ms. Olvera presented the same license number with the name of Teresa (Terri) Olvera, expiring in November, 2006. The office manager attempted to check the status of the license on the Board website and could not find a license for Teresa Olvera. Ms. Olvera resigned from her position on December 16, 2005. The case was referred to the Williamson County District Attorney's Office in Georgetown, Texas.



NOTICE OF DISCIPLINARY ACTION

The following nurses had disciplinary action taken against their licenses. If you would like to receive additional information regarding the disciplinary action that has been imposed, please send your written request to the Board of Nurse Examiners, Enforcement Division, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701-3944. Citations Violated information may be viewed on line under "Publications" at www.bne.state.tx.us

NAME	LICENSE #	CITATION(S) VIOLATED	DISCIPLINE	DATE OF ACTION
Anderson, Deita Laneice	RN# 553678	TOC 301.452(b)(10) 22 TAC §217.12(14)&(20)	Remedial Education & Fine	February 9, 2006
Archuleta, William	RN# 692638 LVN# 115171	TOC 301.452(b)(9)&(10) 22 TAC §217.12(10)(A)&(D)	Warning with Stipulations	January 19, 2006
Arnold, Arthur Wayne	LVN# 159146	TOC 302.402(a)(10) 22 TAC §239.11(28)	License Revoked	February 14, 2006

continued on next page

DISCIPLINARY ACTION

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<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Bailey (Dickson), Amanda Kay	RN# 590262	TOC 301.452(b)(10) 22 TAC § 217.12(14)	Remedial Education & Fine	January 6, 2006
Baker, Franklin Timothy	RN# 576999	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)	Voluntary Surrender	December 28, 2005
Balboa, Chloe Denisia	RN# 665014	301.452(b)(9)(10)&(12) 22 TAC 217.12(1)(2)(3)(4)(7)(12)&(19)	Enforced Suspension	February 14, 2006
Batson, Vicki Burgess	LVN# 71689	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	February 14, 2006
Beaudoin, Patricia Ann	LVN# 51467	TOC 302.402(a)(10) 22 TAC §239.11(1)(3)(27)(G)&(28)	License Revoked	February 14, 2006
Black (Gonzalez), Janet G.	RN# 241029	TOC 301.452(b)(10) 22 TAC §217.12(16)	Reprimand with Stipulations	February 14, 2006
Borden, Anthony Pickens	RN# 648176 LVN# 147586	TOC 301.452(b)(1)&(10) TOC 302.402(a)(10) 22 TAC §217.12(21) 22 TAC §239.11(5)	License Revoked	January 19, 2006
Bosley, Lucinda Diane	RN # 577223	TOC 301.452(b)(10)&(12) 22 TAC §217.12(3)(12)&(19)	License Revoked	February 14, 2006
Boullioun, Elbert Oran	LVN# 191224	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	Voluntary Surrender	January 23, 2006
Bracy, Daniel W	RN# 604544	TOC 301.452(b)(1)&(10) 22 §217.12(1)(2)(3)&(4)	License Revoked	February 14, 2006
Brandeberry, Carol Robin Briggs, Gloria	RN# 233942 LVN# 170426	TOC 301.452(b)(12) TOC 301.452(b)(9)(10)&(13) 22 TAC §217.12(5)&(8) 22 TAC §217.11(1)(A)(C)(D)(iv)(8) &(10)(A)(D)(iii)	Voluntary Surrender License Revoked	December 19, 2005 February 14, 2006
Brigham, Shirley Jo	RN# 538935	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(C)&(D) 22 TAC §217.12(4)	Warning with Stipulations	January 19, 2006
Brower, Sheri Ann	LVN# 164148	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §239.11(8)	Enforced Suspension	February 14, 2006
Brown, Lillian Marie	RN# 557867	TOC 301.452(b)(10) 22 TAC §217.12(1)&(19)	Remedial Education	January 30, 2006
Butler, Walter Edwin Byrnes, Lorri Denise	RN# 602685 RN# 600511	TOC 301.452(b)(1) TOC 301.452(b)(9)(10)&(12) 22 TAC §217.12(12)	Voluntary Surrender Reprimand with Stipulations	January 17, 2006 January 19, 2006
Cantu, Michael Lawrence	RN# 547023	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(C)(D)(T)&(3)(A) 22 TAC §217.12(1)(A)(B)&(5)	Enforced Suspension	January 19, 2006
Castillo, Ismael	RN# 593986	Art. 4525(b)(8)(9)&(11) TOC 301.452(b)(3)(9)&(10) 22 TAC §217.12(22)&(23) 22 TAC §217.13(1)	Suspend/Probate	January 19, 2006
Champion, Angel Delores	RN# 234576	TOC 301.452(b)(9)&(10) 22 TAC §217.12(10)(A)(D)(18)&(20)	Warning with Stipulations	January 19, 2006
Chewning, Charles Joseph	LVN# 131718	TOC 302.402(a)(9)&(10) 22 TAC §239.11(10)	License Revoked	February 14, 2006
Church, Jennifer Smith	LVN# 126163	TOC 301.452(b)(2)(10)&(12) TOC 302.402(a)(3)(A)&(10) 22 TAC §217.12(5)&(6)(H) 22 TAC §239.11(28)	Voluntary Surrender	February 9, 2006
Coleman, Erin Rae	RN# 698817	TOC 301.452(b)(10) 22 TAC §217.12(6)(C)&(13)	Enforced Suspension	January 19, 2006
Collier, Francine Ray	LVN# 179081	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	Voluntary Surrender	February 24, 2006
Collums, Christina Michelle	LVN# 194602	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(A)&(T) 22 TAC §217.12(1)(B)(E)(3)(4) &(11)(B)	Reprimand with Stipulations	January 19, 2006
Cox, Erin Ely	RN# 643468	TOC 301.452(b)(10) 22 TAC §217.12(21)	Warning with Stipulations	January 19, 2006
Crawford, Deborah Rane	LVN# 138353	TOC 301.452(b)(10) 22 TAC §239.11(2)&(3)	Remedial Education	January 11, 2006
Cross, Corliss Ann	RN# 504033	TOC 301.452(b)(10) 22 TAC §217.12(13)	Voluntary Surrender	January 18, 2006
Crowell, Ronald Clay DeLeon, Norma	RN# 518779 RN# 649193	TOC 301.452(b)(1) TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(B)&(C) 22 TAC §217.12(1)(B)	Voluntary Surrender Warning with Stipulations	January 11, 2006 January 19, 2006

DISCIPLINARY ACTION

- continued from previous page

<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Deluna, Celinda M.	RN# 242246	TOC 301.452(b)(1)(9)&(10) 22 TAC §217.12(6)(H)(10)(A) &(11)(B)	Voluntary Surrender	February 21, 2006
Diaz, Juan Manuel	RN# 646187	TOC 301.452(b)(10) 22 TAC §217.12(3)&(16)	Limited License with Stipulations	January 19, 2006
Digby-Lawhon, VanishaShavon	LVN# 187284	TOC 301.452(b)(3)&(10) TOC 302.402(a)(3)(B)&(10) 22 TAC §217.12(13) 22 TAC §239.11(29)(A)(iii)	Voluntary Surrender	January 25, 2006
Dodds, Linda Marie	LVN# 162941	TOC 302.402(a)(10) 22 TAC 239.11(4)(27)(G)&(28)	Remedial Education	February 13, 2006
Dominic, Saly Mattappallil	RN# 621741	TOC 301.452(b)(10) 22 TAC §217.12(2)&(4)	Reprimand with Stipulations	February 14, 2006
Dominguez, Laura	RN# 689308 LVN# 163695	TOC 301.452(b)(13) 22 TAC §217.11(1)(A) 22 TAC §217.18(A)&(C)	Remedial Education & Fine	December 28, 2005
Dossey, Melanie S.	RN# 525201	TOC 301.452(b)(13) 22 TAC §217.11(21)	Remedial Education & Fine	February 9, 2006
Douglas, Pauline Gail	LVN# 139308	TOC 302.402(a)(10) 22 TAC §239.11(4)&(27)(K)	Suspend/Probate	January 19, 2006
Duff, Diedre Gaddy	RN# 654185 LVN# 133520	TOC 301.452(b)(3)(9)&(10) 22 TAC §217.12(5)(10)(A)(E) &(13)	Voluntary Surrender	February 22, 2006
Duncan, Damara Nicole	LVN# 183144	TOC 301.452(b)(3)&(10) TOC 302.402(a)(10) 22 TAC §217.12(13) 22 TAC §239.11(28)&(29)(iv)	Voluntary Surrender	January 12, 2006
Dunson, Kayzochary	LVN# 121262	TOC 302.402(a)(10) 22 TAC §239.11(3)	Remedial Education	December 13, 2005
Dupuy, Burton	RN# 635266	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)&(19)	License Revoked	February 14, 2006
Dwyer, Karla G.	RN# 616718	TOC 301.452(b)(9)(10)&(12) 22 TAC §217.12(10)(A)(D)&(E)	Suspend/Probate	February 14, 2006
Eakin, Debra	RN# 652892 LVN# 157947	TOC 301.452(b)(10) 22 TAC §217.12(3) 22 TAC §239.11(2)	Remedial Education	January 25, 2006
Eckols, Linda Ruth	RN# 253996 LVN# 56182	TOC 301.452(b)(9)	License Revoked	January 19, 2006
Ekong, Affiong Ikpeme	RN# 533652	TOC 301.452(b)(3)&(10) 22 TAC §217.12(1)&(19)	Voluntary Surrender	January 9, 2006
Elder (Veal), Myra Ann	RN# 667336	TOC 301.452(b)(10)&(12) 22 TAC §217.12(6)(G)&(12)	Voluntary Surrender	January 24, 2006
Ellis, Tynisa Alice	RN# 705889	TOC 301.452(b)(13) 22 TAC §217.11(1)(C)&(D)(iii)	Reprimand with Stipulations	January 19, 2006
Emerson, Lance Elgin	RN# 687523	TOC 301.452(b)(1)(9)&(10) 22 TAC §217.12(10)(A)&(11)(B)	Voluntary Surrender	January 26, 2006
Engle, David Palmer	RN# 240278	TOC 301.452(b)(8)	License Revoked	February 14, 2006
Esprey (Tindal), Aundrea	RN# 580901	TOC 301.452(b)(10)&(13) 22 TAC §217.11(5) 22 TAC §217.12(14)&(16)	Reprimand with Stipulations	January 19, 2006
Field, David Palmer	RN# 547321	TOC 301.452(b)(9)&(10) 22 TAC §217.12(5)&(10)(A)&(D)	License Revoked	February 14, 2006
Garcia, Felix Michael	LVN# 129461	TOC 301.452(b)(9)&(10) 22 TAC §217.12(5)&(10)(A)	Reprimand with Stipulations	January 19, 2006
Garcia, Jesse G.	LVN# 53002	TOC 301.452(a)(10) 22 TAC §239.11(1)&(8)	License Revoked	February 14, 2006
Gaston, Shaundra Lanell	LVN# 145717	TOC 302.402(a)(10)	License Revoked	January 19, 2006
Gilliam, Robin Rhenee	RN# 655197	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	February 14, 2006
Gonzales, Dawn Darlene	LVN# 138490	TOC 301.452(b)(9)&(10) 22 TAC §239.11(1)&(4)	Voluntary Surrender	February 15, 2006
Gonzales, Genaro	LVN# 144480	TOC 302.402(a)(10) 22 TAC §239.11(8)	Reprimand with Stipulations	February 14, 2006
Grace, James Lee	LVN# 84497	TOC 301.452(b)(10) 22 TAC §217.12(11)	Remedial Education & Fine	February 15, 2006
Graves, Reginald Carl	RN# 711952 LVN# 167106	TOC 301.452(b)(1)(2)(9)(10)&(12) 22 TAC §217.11(3)(4)&(28) 22 TAC §217.12(4)(6)(G)(10)(B)(C) (E)&(23) 22 TAC §239.11(a)(1)(2)(4)(6)(10) (27)(B)(G)(K)&(28)	Voluntary Surrender	February 15, 2006

DISCIPLINARY ACTION

- continued from previous page

<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Grossman, Mark Wade	LVN# 149592	TOC 301.452(b)(10)&(13) TOC 302.402(a)(10) 22 TAC §217.11(1)(A)&(D)(iv) 22 TAC §217.12(1)(A)&(4) 22 TAC §239.11(3)&(4)	Warning with Stipulations	January 19, 2006
Guevara, Abraham	LVN# 190429	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(I) 22 TAC §217.12(6)(C)(F)(12)&(13)	License Revoked	February 14, 2006
Hamilton, Darrel Wayne	RN# 606409	TOC 301.452(b)(1)&(10) 22 TAC §217.12(9)	License Revoked	February 14, 2006
Hanes, Randy Steven	RN# 698741	TOC 301.452(b)(10) 22 TAC §217.12(6)(D)	Warning with Stipulations	December 13, 2005
Harris, Ronald Dovaughn	RN# 700631	TOC 301.452(b)(2)(8)&(10) 22 TAC §217.12(10)(A)(B)(E)(22) &(23)	Voluntary Surrender	December 19, 2005
Hassell, Amy Denise	LVN# 160154	TOC 301.452(b)(3)(9)&(10) 22 TAC §217.12(13)&(19)	Voluntary Surrender	January 17, 2006
Higgins, Connie Jeannane	LVN# 132689	TOC 301.452(b)(9)&(10) 22 TAC §217.12(10)(A)&(D)	Limited License with Stipulations	January 19, 2006
High, Linda D.	RN# 619084	TOC 301.452(b)(10) 22 TAC §217.12(2)(4)(A)&(12)	Warning with Stipulations	January 19, 2006
Hoffmann, Barbara Jean Hoffpauir, Tina Bendy	RN# 580920 LVN# 141585	TOC 301.452(b)(8) TOC 301.452(b)(3)&(10) TOC 302.402(a)(10) 22 TAC §217.12(1)(b)(e)(4)&(5) 22 TAC §239.11(1)(2)(3)(4)(5)(6)(7) (8)(27)(G)(K)(28)&(29)(A)(iv)	License Revoked License Revoked	February 14, 2006 February 14, 2006
Hogan III, Robert Keith	LVN# 150049	TOC 302.402(a)(2)&(10) 22 TAC §239.11(8)	License Revoked	January 19, 2006
Holmes, Howard Joseph Holstein, Valarie Marie	LVN# 117434 LVN# 194072	TOC 301.452(b)(10) TOC 301.452(b)(10) 22 TAC §217.12(19)	Voluntary Surrender Remedial Education	January 3, 2006 December 28, 2005
Hornback, Janie Yvonne	RN# 595190 LVN# 75079	TOC 301.452(b)(1)&(13) 22 TAC §217.11(1)(A)	Remedial Education w/Fine	January 12, 2006
Horsch, Margaret Elaine	RN# 582912 LVN# 133880	TOC 301.452(b)(10) 22 TAC §217.12(1)(3)&(18)	Warning with Stipulations	January 19, 2006
Hutcherson, Nona Darlene	RN# 224471	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	Reprimand with Stipulations	January 19, 2006
Johnson, Stephen Ray	LVN# 136076	TOC 301.452(b)(10) 22 TAC §239.11(27)(F)(I)(L)	Warning with Stipulations	December 13, 2005
Jones, Sheree May	RN# 702509 LVN# 139922	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	February 14, 2006
Keller, James Shirley	RN# 503453	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	February 14, 2006
Kincaid, Kim	RN# 517628	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	February 14, 2006
King, Julie Ann	RN# 679386	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)(3)(18)&(19)	License Revoked	February 14, 2006
Kocour, Andrew Ross	RN# 674583	TOC 301.452(b)(3)&(10) 22 TAC §217.12(13)	Voluntary Surrender	February 27, 2006
Lasalle, Audrea Diane	RN# 676483	TOC 301.452(b)(10) 22 TAC §217.12(12)	License Revoked	February 14, 2006
Lavender, Jeffery Lynn	LVN# 146431	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(A) 22 TAC §217.12(1)(A)(6)(C)	Voluntary Surrender	January 19, 2006
Lindly, Laurie D. Lloyd, Mary J.	RN# 602401 RN# 505508	TOC 301.452(b)(12) TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)(3)&(12)	Reprimand with Stipulations Enforced Suspension	December 13, 2005 February 14, 2006
Lopez, Richard	RN# 547862 LVN# 80992	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §217.12(16) 22 TAC §239.11(22)	Voluntary Surrender	December 4, 2006
MacDonald, Jennifer Lynn	RN# 691516 LVN# 139206	TOC 301.452(b)(1)(9)&(10) 22 TAC §217.12(10)(A)&(11)(B)	Suspend/Probate	January 19, 2006
Marroquin, Belissa Zamora	RN# 563414	TOC 301.452(b)(13) 22 TAC §217.11(1)(A) 22 TAC §221.4(b) 22 TAC §221.8(a)(1)	Remedial Education	January 2, 2006
Mastrianni, Tammy Dee	LVN# 136310	TOC 301.452(b)(3)(9)&(10) 22 TAC §217.12(10)(A)(D)&(13)	License Revoked	February 14, 2006

DISCIPLINARY ACTION

- continued from previous page

<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Mayson, Mercy Alberta	RN# 675372	TOC 301.452(b)(13) 22 TAC §217.11(3)&(4)(A)(C)(D)	Remedial Education	February 9, 2006
McCarty, Jean Matlock	RN# 628833 LVN# 78809	TOC 301.452(b)(13) 22 TAC §217.11(1)(C)	Remedial Education	January 17, 2006
McCay, Mary M.	RN# 239179	Art. 4525(a)(9) & Art. 4525(b)(9) TOC 301.452(b)(3)&(10) 22 TAC §217.12(1)	Voluntary Surrender	January 31, 2006
McClanahan, Deborah Lou	RN# 583533	TOC 301.452(b)(13) 22 TAC §217.11(3)	Remedial Education	February 17, 2006
McDuffie, Tara Dionne	LVN# 153609	TOC 302.402(a)(10) 22 TAC §239.11(2)&(3)	Remedial Education	December 28, 2005
McNamee, Michael James	RN# 676522	TOC 301.452(b)(9)&(10) 22 TAC §217.12(10)(A)(D)&(11)(B)	Warning with Stipulations	February 14, 2006
Medina, Angela Tennille	LVN# 171212	TOC 302.402(a)(10) 22 TAC §239.11(4)(7)&(28)	License Revoked	February 14, 2006
Miller, Janis Lavonne	RN# 551635 LVN# 59978	TOC 301.452(b)(10) 22 TAC §217.12(2)(3)&(4)	Warning with Stipulations	February 14, 2006
Miller, Patsy Gay	LVN# 84342	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	February 14, 2006
Miranda, James Patrick	RN# 608801	TOC 301.452(b)(13) 22 TAC §217.11(5)	Remedial Education	December 23, 2005
Mjoseth, Sherry Lynn	RN# 465210	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)	Enforced Suspension	December 13, 2005
Montgomery, Barbara L.	LVN# 85165	TOC 301.452(b)(10) 22 TAC §239.11(2)&(3)	Remedial Education	January 6, 2006
Moore, Cicely Marie	LVN# 181359	TOC 301.452(b)(10) 22 TAC §217.12(6)(C)	Remedial Education	December 19, 2005
Moore, Johnny J.	RN# 621689 LVN# 126052	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §217.12(15) 22 TAC §239.11(27)(L)	Remedial Education	December 19, 2005
Morales, Susan Maria	LVN# 143987	TOC 301.452(b)(10) 22 TAC §217.12(6)(G)	Voluntary Surrender	January 17, 2006
Mulkey, Christina Lynn	LVN# 161435	TOC 301.452(b)(10) 22 TAC §217.12(10)(D)&(13)	Enforced Suspension	February 14, 2006
Munoz, Vanessa La Blanche	LVN# 184708	TOC 301.452(b)(2)&(10) 22 TAC §217.12(6)(I)	Remedial Education	February 14, 2006
Nance, Jason Lidell	LVN# 176336	TOC 301.452(b)(8)	License Revoked	February 14, 2006
Navarro-Becker, Juana Maria	RN# 636275	TOC 301.452(b)(1)&(13) 22 TAC §217.11(1)(A)	Remedial Education & Fine	January 25, 2006
Ohart, Linda Sue	RN# 241925 LVN# 59897	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §217.12(4)&(5) 22 TAC §239.11(4)	Remedial Education	February 13, 2006
Okeke, Chinwe Ifeoma	LVN# 170822	TOC 301.251 TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §217.12(11) 22 TAC §239.11(9)	Warning with Stipulations	January 19, 2006
Oldham, Martha Lynn Massey	RN# 595163 LVN# 134648	TOC 301.452(b)(10)&(13) 22 TAC §217.11(2)(11)&(18) 22 TAC §239.11(27)(A)&(E)	Warning with Stipulations	January 19, 2006
Osegueda, Vicki Ann	LVN# 164005	Art. 4528c, Sec. 10(a)(9) TOC 301.452(b)(3)&(10) 22 TAC §217.12(13) 22 TAC §239.11(29)(iv)	Voluntary Surrender	February 16, 2006
O'toole, Gina Lea	RN# 568286	TOC 301.452(b)(9)(10)&(13) 22 TAC §217.11(1)(D) 22 TAC §217.12(3)(4)(6)(G)(10) (C)(18)&(19)	Voluntary Surrender	December 28, 2005
Padilla, Esteban	RN# 722221 LVN# 168806	Art. 4528c, Sec.10(a)(9) 22 TAC §239.11(28)	Reprimand with Stipulations	February 14, 2006
Parchmont, Jessie F.	RN# 641413 LVN# 139834	TOC 301.452(b)(9)&(10) 22 TAC §217.12(10)(D)	Suspend/Probate	February 14, 2006
Paredes Jr., Rene	LVN# 194566	Art. 4528c, Sec.10(a)(3)&(9) TOC 301.452(b)(3)&(10) 22 TAC §217.12(13) 22 TAC §239.11(28)&(29)(A) (iii)(iv)	Voluntary Surrender	February 23, 2006
Parker, Schmika Shynette	LVN# 182538	TOC 301.452(b)(1)(9)&(10) 22 TAC §217.12(10)(A)(D) &(11)(B)	Voluntary Surrender	January 23, 2006

DISCIPLINARY ACTION

- continued from previous page

<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Patterson, Jenny Lynn	LVN# 159856	TOC 302.402(a)(10)	License Revoked	February 14, 2006
Paul, Lucy Vadakumpadan	RN# 604498	22 TAC §239.11(28)&(29)(A)(iv)	Remedial Education	January 30, 2006
Phillips, Robin Lou	LVN# 137448	TOC 301.452(b)(13)		
	RN# 539541	22 TAC §217.11(2)&(18)	License Revoked	February 14, 2006
Pierce, Deanna Rae	LVN# 165121	TOC 301.452(b)(10)		
		22 TAC §217.12(1)(3)(4)(D)&(18)	License Revoked	February 14, 2006
Pinion, Amy B.	LVN# 165121	Art 4528c, Sec.10(a)(9)		
	RN# 615208	22 TAC §239.11(27)(F)	Remedial Education	December 23, 2005
Pressley, Susan Estelle	RN# 559232	TOC 301.452(b)(10)&(12)		
	LVN# 103793	22 TAC §217.12(12)&(14)	Voluntary Surrender	January 18, 2006
Radlet, Daniel Joseph	RN# 596463	TOC 301.452(b)(1)&(10)		
		22 TAC §217.12(11)(B)	Remedial Education	February 1, 2006
Raspberry, Vickie L.	RN# 247831	Art 4525(a)(9)		
	LVN# 65903	22 TAC §217.13(17)	Remedial Education	February 9, 2006
		TOC 301.452(b)(10)		
		TOC 302.402.(a)(10)		
		22 TAC §217.12(2)(3)&(4)		
		22 TAC §239.11(2)(3)&(27)(A)		
Reeder, Lori Ann	RN# 574599	TOC 301.452(b)(1)&(13)	Remedial Education & Fine	February 22, 2006
		22 TAC 217.11(1)(A)		
Reuther, Pamela Sue	LVN# 103355	TOC 302.402(a)(3)(A)&(B)	Voluntary Surrender	January 20, 2006
Riekstins, Carol Patricia	RN# 568437	TOC 301.452(b)(1)&(10)	Reprimand with Stipulations	January 19, 2006
		22 TAC §217.12(11)(B)		
Robertson, Bird Cleveland	LVN# 135756	TOC 301.452(b)(9)(10)&(12)	License Revoked	February 14, 2006
		22 TAC §217.12(7)		
		22 TAC §239.11(10)&(27)(B)		
Robinson, Debra Stone	RN# 231691	TOC 301.452(b)(1)(10)&(13)	Enforced Suspension	January 19, 2006
		22 TAC §217.11(1)(P)		
		22 TAC §217.12(11)(B)		
Robinson, Terrilyn Andria	LVN# 134834	TOC 302.402(a)(10)	Remedial Education & Fine	January 20, 2006
		22 TAC §239.11(5)		
Rodriguez, Javier	RN# 601952	TOC 301.452(b)(10)	Remedial Education	February 1, 2006
		22 TAC §217.12(1)		
		22 TAC §222.1(6)		
		22 TAC §222.2(a)		
Roe, Jon Wyatt	LVN# 167658	TOC 301.452(b)(10)	Remedial Education	February 13, 2006
		22 TAC §217.12(6)(C)		
Ronquillo, Randy Eric	LVN# 178895	TOC 302.402(b)(3)&(10)	Suspend/Probate	January 19, 2006
		22 TAC §239.11(25)&(29)(A)(iv)		
Russell, Jesse	LVN# 188734	TOC 302.402(a)(9)	Voluntary Surrender	January 23, 2006
		22 TAC §239.11(28)		
Ryder, Troy Raymond	RN# 702954	TOC 301.452(b)(1)&(10)	License Revoked	February 14, 2006
		22 TAC §217.12(11)(B)		
Sabol, Shalin	LVN# MSR	TOC 301.452(b)(9)&(10)	MSR Privilege Revoked	February 14, 2006
		22 TAC §217.12(10)(A)&(D)		
Sanchez, Elizabeth Marie	RN# 695964	TOC 301.452(b)(10)	Warning with Stipulations	February 14, 2006
		22 TAC §217.12(2)		
Savely, Virginia Riley	RN# 549755	TOC 301.452(b)(1)	Remedial Education & Fine	January 2, 2006
		22 TAC §221.13(d)		
Silva, Carlito Creag	RN# 460889	TOC 301.452(b)(10)	Remedial Education & Fine	December 28, 2005
	LVN# 84961	TOC 302.402(a)(10)		
		22 TAC §217.12(19)		
		22 TAC §239.11(1)		
Skidmore, Gregory Alan	RN# 671541	TOC 301.452(b)(10)	Warning with Stipulations	January 19, 2006
		22 TAC §217.12(2)(4)(A)&(12)		
Smith, Alvin Rodney	LVN# 147251	TOC 302.402(a)(2)(9)&(10)	License Revoked	February 14, 2006
		22 TAC §239.11(1)(8)&(29)		
Smith, Michelle Louise	RN# 569988	TOC 301.452(b)(1)&(9)	License Revoked	January 19, 2006
Smith, Nancy Ann	RN# 543889	TOC 301.452(b)(2)(3)(9)&(10)	License Revoked	February 14, 2006
		22 TAC §217.12(1)(10)(A)(D)		
		(22)&(23)		
Smith, Sherri Lynne	RN# 526880	TOC 301.452(b)(13)	Remedial Education	December 28, 2005
		22 TAC §217.11(3)&(18)		
Stanley, Teresa M.	RN# 669446	TOC 301.452(b)(9)&(10)	Voluntary Surrender	January 25, 2006
	LVN# 174522	22 TAC §217.12(10)(A)&(19)		
Starns, Terri Marie	RN# 585944	TOC 301.452(b)(10)&(12)	Reprimand with Stipulations	February 14, 2006
		22 TAC §217.12(1)(2)(3)(4)&(12)		
Steiger, Helen M.	RN# 537042	TOC 301.452(b)(10)&(13)	Reprimand with Stipulations	February 14, 2006
		22 TAC §217.11(2)		
		22 TAC §217.12(2)(3)(4)(20)&(22)		

DISCIPLINARY ACTION

- continued from previous page

<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Studer, Lisa Darlene	LVN# 130770	TOC 301.452(b)(2) TOC 302.402(a)(10)	Voluntary Surrender	January 23, 2006
Sughrue, Connie R.	RN# 541661	22 TAC §239.11(28) TOC 301.452(b)(10)	Warning with Stipulations	January 19, 2006
Tapia, Michael A.	RN# 632989	22 TAC §217.12(22) TOC 301.452(b)(10)	Warning with Stipulations	February 14, 2006
Taylor, Donna G.	RN# 231577	22 TAC §217.12(2)(3)&(4)(A) TOC 301.452(b)(10)	Limited License & Fine	December 13, 2005
Trudgen, Anita Roxsan	LVN# 140702	22 TAC §217.12(6)(H)&(I) TOC 302.402(a)(9)&(10)	License Revoked	February 14, 2006
Tuggle, Toni Leigh	RN# 714102	22 TAC §239.11(1) TOC 301.452(b)(1)&(10)	License Revoked	February 14, 2006
Upchurch, Yalinda Reshea	RN# 602252	22 TAC §217.12(11)(B) TOC 301.452(b)(10)&(12)	License Revoked	February 14, 2006
Valdez, Ozelle D.	RN# 667436	22 TAC §217.12(1)(B)(C)(3)(4)(5) (6)(A)(10)(A)(E)&(18)	Remedial Education & Fine	January 20, 2006
Valma, Carol Elizabeth	LVN# 160235 RN# 604567	TOC 301.452(b)(2)&(10) 22 TAC §217.12(1)&(22)	Warning with Stipulations	January 19, 2006
Van Zandt, Deborah Kay	LVN# 162510	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(C)&(D)(iv) 22 TAC §217.12(4)	Voluntary Surrender	January 10, 2006
Villarreal, Hope Janel	LVN# 168719	TOC 301.452(b)(3)(4)&(10) TOC 302.402(a)(3)&(10) 22 TAC §217.12(13) 22 TAC §239.11(28)&(29)(A) (iii)(iv)	Remedial Education & Fine	February 13, 2006
Villarreal, Maricela	RN# 641383 LVN# 143961	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(D)(ii)(iv)&(v) 22 TAC §217.12(1)(A)&(6)(G)	Suspend/Probate	January 19, 2006
Walker, Dianne Carol	LVN# 192491	TOC 301.452(b)(10)	Reprimand with Stipulations	February 14, 2006
Warren, Debra Kay	RN# 604769	22 TAC §239.11(3)&(27)(A) TOC 301.452(b)(10)	Warning with Stipulations	January 19, 2006
Wheeler, Sandra Kay	RN# 552033	22 TAC §217.12(1)(3)(20)&(22) TOC 301.452(b)(1)&(10)	Remedial Education & Fine	February 22, 2006
Whetsel, Sharon Kay	LVN# 115695 LVN# 98105	22 TAC 217.12(11)(B) TOC 301.452(b)(9)&(10)	License Revoked	February 14, 2006
Williams, Jerry Lynn	LVN# 75341	22 TAC §217.12(1)(E)(5)&(10) (A)(D)	Warning with Stipulations	February 14, 2006
Williamson, Randolph Beck	RN# 236361	TOC 302.402(a)(10) 22 TAC §239.11(3)(4)&(27)(A) (C)&(D)	Voluntary Surrender	December 21, 2005
Wood, Trudy Jeanne	RN# 707795	TOC 301.452(b)(8)(10)&(12) 22 TAC §217.12(1)(3)&(19) TOC 301.452(b)(1)(9)&(10)	Voluntary Surrender	January 23, 2006
Wright, Melissa	RN# 641016	22 TAC §217.12(1)(10)(A) &(11)(B)	License Revoked	February 14, 2006
York, Christine	RN# 644302	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B) TOC 301.452(b)(8)&(10) 22 TAC §217.12(5)(10)(D) &(11)(B)	License Revoked	February 14, 2006

FYI - Licensure Verification Information Available 24/7 for Nurse Administrators/Employers

All vocational nurses, registered nurses and registered nurses with advanced practice authorization shall ensure the verification of current Texas licensure or other compact state licensure privileges and credentials of personnel for whom the nurse is administratively responsible, when acting in the role of nurse administrator [22 TAC §217.11(1)(V)]. Nurse administrators/employers hiring registered nurses, licensed vocational nurses, or advanced practice nurses can check the licensure status of nurse applicants through the Board of Nurse Examiners' web site at: <https://www.bne.state.tx.us/olv/olverif.htm>. This service is available 24 hours a day, seven days a week. BNE customer support representatives can be reached for phone verification during regular business hours, Monday through Friday, 8:00 am to 5:00 pm. The phone number is: 512 305-6809.

Announcement

The Sunset Review of the Board of Nurse Examiners for the State of Texas

The mission and performance of the Board of Nurse Examiners is currently being reviewed by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed, and what improvements are needed to ensure that state funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future.

The Sunset review involves three steps. First, Sunset Commission staff will evaluate the Board of Nurse Examiners and, in September 2006, will issue a report recommending solutions to problems found. The Sunset Commission will then meet to hear public testimony on the agency and the recommendations of the Sunset staff. This meeting is scheduled for November 14-15, 2006. Based on public input and the Sunset staff report, the Sunset Commission will adopt recommendations for the full Legislature to consider when it convenes in January 2007.

Through the Sunset review, every Texan has the opportunity to suggest ways in which the mission and operations of the Board of Nurse Examiners can be strengthened. If you would like to share your ideas about the agency, please contact Meredith Whitten of the Sunset staff. Suggestions are preferred by June 1, 2006, so they can be fully considered by the Commission staff.

Sunset Advisory Commission
P.O. Box 13066
Austin, Texas 78711
512/463-1300
Fax: 512/463-0705

Email: sunset@sunset.state.tx.us

Information about the Sunset process, including information on Sunset Commission meetings, can be found at www.sunset.state.tx.us.

In the following article, the Department of State Health Services (DSHS) describes Texas's Medicaid case management program serving children with health conditions/risks and women with high-risk pregnancies.

What's New? DSHS is recruiting providers for the CPW program

Case Management for Children and Pregnant Women (CPW) provides services to children birth through 20 years of age with a health condition/health risk, and to high-risk pregnant women of all ages, in order to encourage the use of cost effective health and health-related care. Together, the case manager and family assess the medical, social, educational, and other related service needs of the eligible recipient.

Case Managers assist eligible recipients in gaining access to necessary medical, social, educational, and other services. With the client's family, the case manager completes an assessment to determine unmet needs. A service plan is developed to determine the course of action to access needed services. Followup visits are conducted to verify services are received and to help problem-solve solutions if barriers are encountered.

Services are reimbursed, fee for service, by Texas Medicaid and Healthcare Partnership (TMHP). The reimbursement rates are \$54.58 for a face-to-face comprehensive visit and face-to-face followup visits, and \$18.00 for telephone follow-up visits.

RNs or agencies they work for may apply to become providers of CPW services. RNs must be licensed and in good standing in the State of Texas with at least two years of experience working with children and/or pregnant women. Experience must include assessing psychosocial and health needs and making community referrals to services for this population. To become a provider, you must submit an application and be approved by DSHS before enrolling with TMHP.

To obtain an application to become a provider of CPW Services, contact the Director of Social Work at the DSHS Regional Office nearest you for a pre-application appointment. Address and phone information for DSHS regional offices can be obtained at: <http://www.dshs.state.tx.us/caseman/HSRSWDirectors.shtm>.

If you know a child or a pregnant woman that would benefit from CPW services, referrals can be made to existing CPW providers by calling (877) 847-8377.

For questions or comments regarding this program, call Bob Johnson, RN, at (512) 458-7111, Ext. 6630 or e-mail: Bob.Johnson@dshs.state.tx.us.

Did you know....

The Board of Nurse Examiners has added a new "Reference Resources" section to the BNE web site which includes outdated agency rules and regulations which are frequently requested by nurses. Prior rules included are:

Former §217.11. **Standards of Professional Nursing Practice** [Registered Nurses (RNs)]; Former §217.12. **Unprofessional Conduct** (RNs); Former §239.11. **Unprofessional Conduct** [Licensed Vocational Nurses (LVNs)]; and Former Sec. 302.402. **Grounds for Disciplinary Action** (LVNs).

Former BNE rule reference resources can be found at <http://www.bne.state.tx.us/nparr.htm>.



Practice Question and Answer



Paramedics/EMTs in the Emergency Department (ED)

Q: Can a RN delegate starting a peripheral IV saline lock to an EMT/Paramedic in the Emergency Department (ED)? Some of the “techs” in our ED are “licensed paramedics” who also work for EMS. What other kinds of tasks can be delegated to Emergency Medical Technicians(EMTs)/Paramedics in the ED setting?

A: The rules governing EMTs and Paramedics are located in Chapter 25, Texas Administrative Code, Section 157.2. This rule limits the scope of practice of EMTs/Paramedics to performing duties in the “pre-hospital and inter-facility transport” settings. Therefore, whether certified or licensed, the BNE delegation rules view EMTs, Paramedics, or other similarly trained staff as “unlicensed assistive personnel”(UAPs) when working in acute care settings, such as the ED.

Each RN decides on a case-by-case basis what nursing tasks may be delegated to unlicensed personnel in accordance with Rule 224 (relating to RN delegation in acute care settings or for patients with acute conditions). It should be noted that position descriptions developed by employing institutions cannot mandate RN delegation, nor can RN delegation be forced by facility policy or physician order.

The BNE’s delegation Rule 224 is not prescriptive to specific procedures or tasks that may or may not be delegated. It is permitted under Rule 224 for a RN to delegate starting a peripheral IV saline lock to an unlicensed person providing all of the applicable delegation criteria are met. The applicable section of Rule 224 in delegating this task is §224.8(b) *Discretionary Delegation Tasks*, under (2)(A) *sterile procedures*. Section 224.8(c)(5) does prohibit delegation of administration of IV fluids, so an unlicensed tech in the ED could not connect and administer a bag of IV fluid.

Other laws outside of the BNE’s jurisdiction may further prohibit performance of certain tasks by unlicensed personnel, even if a physician is willing to delegate a task. Under physician delegation, the physician must willingly make the decision and delegate the task(s) and such delegation must be permitted by hospital/facility policy. BNE staff cannot speak as experts on the Texas Medical Board’s (TMB) rules, however Rule 193 of the TMB Rules addresses “physician delegation.” You may wish to contact the TMB at (512) 305-7010, or check their web site at www.tmb.state.tx.us for more information on this law.

The delegation rules also address the RN who may be supervising an unlicensed person to whom the physician has delegated tasks. The RN always has a responsibility to protect client safety [§217.11(1)(B)], so the RN has a duty to intervene if he/she sees something being done incorrectly by the unlicensed person, and to notify the delegating practitioner of the incident. For additional information on EMTs and Paramedics in the pre-hospital and interfacility transport setting, check the Texas Department of State Health Services web site at <http://www.tdh.state.tx.us/hcqs/ems/default.htm> or, to access applicable laws, see Texas Legislature Online at www.capitol.state.tx.us.

Insufficient Funds

As of March 10, 2006, the following nurses appear on the record of the Board of Nurse Examiners as debits for failure to respond to notice of returned check. Should any of these nurses be employed at your facility or seeking employment with your agency/institution, please contact the Board’s office. If any of these nurses are practicing in Texas as a nurse, they may be in violation of the Nursing Practice Act and may be subject to disciplinary action by the Board of Nurse Examiners.

Name:	License#
Takoma Jean Baldwin	158171 LVN
Sheilagh Barry	83614 TL
Stephany Barkofsky	95699 TL
Regina Burnett	5053 TL
Peggy Turner Cansler	124493 LVN
Jean Mahoney Clagg	236073 RN
Linda Johnson Cohill	5637 TL
Kimberly Alison Dunlap	665696 RN
Deborah Kay French	434889 RN
Martha Hiett	88174 TL
Donald Hite	536116 RN
Ramona D. Jeffrey	102082 LVN
Vickie JoAnn Johnson	87956 TL
Stephanie Meyers	655919 RN
Zandra Monroe	100939 TL

Name:	License#
Karen Jueliene Morris	157899 LVN
Mildred F. Moss	121332 LVN
Daniela Oanta	83765 TL
Shellea Dawn Odom	167127 LVN
Melanie A. Pryon	573729 RN
Lydia Medrano Roberts	84205 TL
Sondra Yvette Scott	160721 LVN
Gay Lynn Sellars	128243 LVN
Ulisa Deshun Smith	165162 LVN
Miranda Michelle Stroupe	194251 LVN
Donna Taylor	447711 RN
Susan Allison Vosburg	709457 RN
Lillian Maeve Walls	565105 RN
Cynthia Wilson	689573 RN
Sheryll Denise Paige Williams	99916 TL

Workshop Update

Nursing in Texas: A Regulatory Foundation for Safe Practice

Four workshops addressing nursing jurisprudence and ethics issues are currently scheduled:

The Fredonia Hotel & Convention Center
 200 North Fredonia Street
 Nacogdoches, TX 75961
 April 26, 2006

Wyndham Arlington Hotel
 1500 Convention Center Drive
 Arlington, TX
 May 17, 2006

Wyndham Arlington Hotel
 1500 Convention Center Drive
 Arlington, TX
 May 18, 2006

Amarillo Civic Center
 401 S. Buchanan
 Amarillo, TX 79105
 June 8, 2006

These workshops have been approved for seven Type I contact hours. Attendance at this workshop is not mandatory for licensure renewal. This workshop is presented for educational purposes and for obtaining continuing education credit only. The registration fee for this workshop is \$90 pre-registered and \$105 at the door. Workshop brochures with registration forms may be accessed via the BNE website: www.bne.state.tx.us under "BNE Events." Registration for the Amarillo workshop will be provided by the Amarillo *Coalition of Health Services* with information/registration forms provided at: <http://www.healthlinktexas.com/> or by phone at (806) 337-1700. A link to the Coalition's web site can be located on the BNE's web site in the Events Section: <http://www.bne.state.tx.us/events.htm>.

Future dates for 2006 will be announced as facilities are secured. Information on these workshops will be posted on the BNE website as soon as facility arrangements are finalized. Brochures will be available within 60 days of confirmed workshop dates. Recorded workshop information can be obtained by dialing BNE Workshop Information at (512) 305-6844.

E-Mail Notification Service Available for Newsletter Readers, Businesses, and Organizations

The Board of Nurse Examiners (BNE) would like to send you an e-mail notifying you when the latest BNE newsletter is available for reading and providing a link directly to the newsletter's location on the internet. This service will be available at no cost and will be sent out on a quarterly basis as soon as the newsletter is available for reading. The e-mail address that you provide will be used in the strictest confidence and will only be used for the purpose of informing you when the newsletter can be downloaded and providing a direct link to the newsletter's location. If you would like to add your personal e-mail address or the e-mail address for your business or organization to the BNE's e-mail mailing list, simply send an e-mail indicating that you wish to receive the newsletter notification service to: webmaster@bne.state.tx.us.

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 FAX.....(512) 305-7401
 -- 24 Hour Access
 -- License Verification
 -- General Information

OPERATIONS

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 -- License Renewals
 -- Endorsement/Examination
 -- Continuing Education for LVNs & RNs

SALES OF LISTS.....(512) 305-6848
 -- Computerized RN & LVN mailing lists or labels
 -- Publications

NEWSLETTER INFO.....(512) 305-6842

WEB Address.....www.bne.state.tx.us
 -- Refer e-mail inquiries to:
webmaster@bne.state.tx.us

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- Complaint and disciplinary action inquiries
- Violations of NPA and rules and regulations
- Monitoring of disciplined RNs and LVNs

PROFESSIONAL AND VOCATIONAL NURSING

ADVANCED PRACTICE.....(512) 305-6843
 -- APN application and
 Prescriptive Authority procedures
 -- Application Requests.....(512) 305-6867
 (Voice Mail Only)

NURSING PRACTICE.....(512) 305-6802
 -- Nursing practice issues
 -- Legislation

Workshop Information.....(512) 305-6844
 -- Workshop e-mail inquiries: workshops@bne.state.tx.us

NURSING EDUCATION.....(512) 305-6816



The purpose of the *Texas Board of Nursing Bulletin* is to disseminate information to nurses licensed by the State of Texas, their employers, health care providers, and the public concerning laws and regulations established by the Board of Nurse Examiners related to the safe and legal practice of nursing. The *Texas Board of Nursing Bulletin* provides information on current issues and trends in nursing regulation, status of nursing education programs, information regarding licensure and nursing practice, and disciplinary action taken against licensees who violate the Nursing Practice Act.

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Office Hours and Location

The Office of the Board of Nurse Examiners is located in The William P. Hobby Building, located at the corner of 4th and Guadalupe in downtown Austin. The mailing address is: 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for designated holidays.

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Notification of change of address as required by Rule 217.7 can be by three different routes: 1. Mail to: Board of Nurse Examiners, 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944; 2. E-Mail to: webmaster@bne.state.tx.us; or 3. Fax to: Board of Nurse Examiners (512) 305-7401.

Notifications must include:

1. RN or LVN License Number, 2. Social Security Number, 3. Old and New Address, and
4. Your Name.

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