



Texas Board of Nursing Bulletin

The mission of the Texas Board of Nursing 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.



National Council of State Boards of Nursing Recognizes Texas Board Of Nursing Employee

Mark Majek, MA, PHR, board staff, Texas Board of Nursing, received the Meritorious Achievement Award from the National Council of State Boards of Nursing (NCSBN) at the 2007 Annual Delegate Assembly Meeting which took place in Chicago, Illinois, from August 7 to August 10, 2007. The award is granted to a board or staff member of a member board for positive impact and significant contributions to the purposes of NCSBN.



Mark Majek receives the Meritorious Achievement Award from Faith Fields, President of the National Council of State Boards of Nursing.

Mr. Majek served two terms as Director of NCSBN Area III from August 2001 until August 2005. NCSBN Area III includes the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas and Virginia. Mr. Majek represented the states of Area III at NCSBN director meetings held on a quarterly basis. He was elected to the position by vote of the NCSBN Delegate Assembly. Mr. Majek has also served on the NCSBN NURSISYS Advisory Panel, Information Systems Users Group, Licensure Verification Task Force, and Special Services Division Forms Group. He is a current member of the Society for Human Resource Management.

Mr. Majek is the Director of Operations for the Texas Board of Nursing (BON). He has been an employee of the BON since 1987. In his current position, he oversees agency finances, information systems and human resources, and supervises staff in accounting services, customer services, data processing, mail operations, and purchasing.

The NCSBN is a not-for-profit organization whose membership comprises the boards of nursing in the 50 states, the District of Columbia and four U.S. territories. The NCSBN, composed of Member Boards, provides leadership to advance regulatory excellence for public protection.

Your Assistance Needed to Chronicle the History of Nursing in Texas

The Texas Board of Nursing (BON) is preparing to celebrate the 100-year anniversary of nursing regulation in Texas, which will take place in March, 2009. The Board needs your assistance in preparing an exhibit highlighting the history of nursing in Texas.

The BON is particularly interested in historic items dating from 1909 through the 1920s. Items of interest to the Board are photographs, posters, uniforms, and actual items used in the practice of nursing. Items loaned for use in the exhibit will be returned at the conclusion of the exhibit.

The display will be located in the lobby of the William Hobby Building located at 333 Guadalupe, Austin, Texas.

For further information, contact Bruce Holter at (512) 305-6842 or by e-mail at:

bruce.holter@bon.state.tx.us

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Linda Rounds, PhD, RN, FNP

Linda R. Rounds, PhD, Recognized as Inaugural Member of Academy of Master Teachers by University of Texas Medical Branch

Linda Rounds, Ph.D.,RN, FNP, FAANP, President of the Texas Board of Nursing, was recognized as one of eighteen inaugural members to join the Academy of Master Teachers for the University of Texas Medical Branch (UTMB) in Galveston. The Academy of Master Teachers recognizes and honors the University's best teachers, promotes educational scholarship, and serves the needs of the community of educators. Dr. Rounds was also promoted to the rank of Professor in the School of Nursing at UTMB on September 1, 2007, after serving as an assistant professor since 1983. Currently, she coordinates the Gerontological Nurse Practitioner Program at UTMB.

Linda Rounds has represented nursing on behalf of the State of Texas since 1999. She was appointed to the Board on July 28, 1999, by former governor George W. Bush and was selected to preside over the Board a year later. Dr. Rounds was reappointed to the Board in February 2005 by Governor Rick Perry to preside over the new 13-member board selected to oversee both LVNs and RNs after the combining of the Board of Nurse Examiners with the Board of Vocational Nurse Examiners. The Board's name changed on September 1, 2007, becoming the Texas Board of Nursing due to passage of the Sunset Bill for the agency, House Bill 2426 (See p. 4). Dr. Rounds's term on the Board expires on January 31, 2011.

Rhode Island to become 23rd State to Implement Compact; Colorado Now a Compact State

Rhode Island recently passed legislation to join the Nurse Licensure Compact (NLC). The state will begin the rule writing process to work toward implementation of the NLC in July, 2008. Currently, 22 other states have enacted the legislation allowing for participation in the NLC. Other states in the Compact include: Arizona, Arkansas, Colorado (implemented Compact on October 1, 2007), Delaware, Idaho, Iowa, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin.

DADS to Add Hundreds of Nursing Positions This Fiscal Year

During the last session, the Texas Legislature approved \$48.8 million to increase staffing in several health and human services programs, including those that serve people with developmental disabilities. The Texas Department of Aging and Disability Services (DADS) will use some of that funding to add additional nurses at its 11 state schools and one state center. The new positions will help improve staff-to-resident ratios and reduce the wage gap between DADS nurses and those in the private sector.

Nurses at these facilities have an opportunity to work with people with mild to severe developmental disabilities, many of whom also have physical disabilities. The state schools and center provide 24-hour residential services, comprehensive behavioral treatment, and health care services. The DADS state schools are located in Abilene, Austin, Brenham, Corpus Christi, Denton, Lubbock, Lufkin, Mexia, Richmond, San Angelo and San Antonio; the state center is in El Paso. For more information about working for a DADS' state school or center, visit www.careersatdads.com.



The Texas Board of Nursing

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Summary of Actions



A Regular meeting of the Board of Nursing was held July 19-20, 2007, in Austin. The following is a summary of Board actions taken during this meeting.

The Board of Nursing (BON), in response to passage of House Bill 2426, Senate Bill 993 and House Bill 1, adopted amendments to: §211.6, pertaining to Committees of the Board; §211.7 relating to the Executive Director; §217.2 relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions; §217.4 relating to Requirements for Initial Licensure by Examination for Nurses

Who Graduate from Nursing Education Programs Outside of United States' Jurisdiction; §217.5 relating to Temporary License and Endorsement; §217.11 relating to Standards of Nursing Practice; §217.13 relating to Peer Assistance Programs; and §223.1 relating to Fees. The adopted amendments were proposed and published in the August 3, 2007 issue of the *Texas Register*. Comments were received to §217.11 and §217.13. Changes to §211.6, §211.7, §217.2, §217.4, §217.5, and §223.1 became

effective September 26, 2007.

The Board of Nursing (BON), in response to passage of House Bill 2426, adopted amendments to: §213.20 relating to Informal Proceedings and Alternate Dispute Resolution; §213.27 relating to Good Professional Character; §213.28 relating to Licensure of Persons with Criminal Offenses; §213.29 relating to

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July 2007 Education Actions

The following is a summary of Board actions on education programs taken during the meeting.

Confirmed Approval Status of Vocational Nurse Programs Based on 2006 NCLEX-PN® Examination Pass Rates and Review of 2006 Annual Reports

Full Approval with Commendation -
 Alvin Community College;
 Angelina College at Lufkin - MEEP ;
 Angelina College at Lufkin, Crockett & Jasper;
 Army Practical Nurse Course;
 Austin Community College at Fredericksburg;
 Blinn College at Brenham;
 Blinn College at Bryan;
 Brazosport Community College;
 Central Texas College at Brady;
 Central Texas College at Killeen;
 Cisco Junior College;
 Coastal Bend College at Alice;
 Coastal Bend College at Beeville;
 Coastal Bend College at Kingsville ;
 Coastal Bend College at Pleasanton;
 College of the Mainland;
 Computer Career Center;
 Dallas Nursing Institute (formerly North Texas Professional Career Institute);
 Del Mar College (Generic VN);
 El Centro College;
 El Paso Community College at Mission Del Paso;
 Grayson County College;
 Hill College at Clifton, A.M. Program;
 Hill College at Clifton, P.M. Program;
 Hill College at Glen Rose;
 Hill College at Hillsboro;
 Hill College at Johnson County Campus at Cleburne;
 Houston Community College System;
 Howard College at Big Spring;
 Howard College at San Angelo;
 Joe G. Davis;
 Kilgore College at Longview;
 Kingwood College (NHMCCD);
 Laredo Community College;
 Lee College;
 Montgomery College;
 Navarro College at Corsicana;
 Navarro College at Ellis County;
 Navarro College at Mexia;
 North Central Texas College;
 North Harris College (NHMCCD) - MEEP;
 Northeast Texas Community College at Mt. Pleasant;

Odessa College at Andrews;
 Odessa College at Monahans;
 Panola College at Shelby College Center;
 Paris Junior College- Traditional;
 San Jacinto College North;
 San Jacinto College South;
 Schreiner University;
 South Plains College at Levelland;
 South Plains College at Plainview;
 South Plains College at Reese Center;
 South Texas College at Rio Grande City;
 St. Philip's College at Seguin;
 Temple College at Taylor;
 Temple College at Temple;
 Texarkana College;
 Tomball College;
 Trinity Valley Community College at Kaufman;
 Trinity Valley Community College at Palestine;
 Tyler County Hospital;
 University of Texas at Brownsville & Texas Southmost College;
 Vernon College at Wichita Falls, P.M. Program;
 Victoria College at Hallettsville;
 Victoria College at Victoria, A.M. Program;
 Weatherford College;
 Wharton County Junior College at Richmond;
 Wharton County Junior College at Wharton;

Full Approval with No Recommendations and No Requirements -

Amarillo College;
 Childress Regional Medical Center;
 Concorde Career Institute;
 El Paso Community College - MEEP;
 Frank Phillips College;
 Galen Health Institute;
 Galveston College;
 Lamar State College at Orange, P.M. Program;
 Lamar State College at Port Arthur;
 McLennan Community College - MEEP;
 McLennan Community College - Traditional;
 Midland College at Ft. Stockton;
 Midland College at Midland, A.M. Program;
 Panola College at Carthage;
 Ranger Junior College at College at Comanche;
 Ranger Junior College at College at Early;
 South Texas College at McAllen, A.M. Program;
 South Texas College at McAllen, P.M. Evening;
 South Texas College at Weslaco;
 Southwest Texas Junior College at Del Rio;

Southwest Texas Junior College at Eagle Pass;
 St. Philip's College at San Antonio;
 Texas State Technical College at Breckenridge;
 Texas State Technical College at Sweetwater, A.M. and P.M. Programs;
 Tyler Junior College at Jacksonville, A.M. & P.M. Programs;
 Tyler Junior College at Tyler, A.M. & P.M. Programs;
 Valley Baptist Medical Center;
 Valley Grande Institute for Academic Studies;
 Vernon College at Wichita Falls, A.M. Program;
 Victoria College at Cuero;
 Victoria College at Gonzales;

Continued Initial Approval Status Based on 2006 NCLEX-PN® Examination Pass Rates, Review of 2006 Annual Report and Accepted Report of Survey Visit - Anamarc Educational Institute

Continued Approval Status Based on 2006 NCLEX-PN® Examination Pass Rates, Review of 2006 Annual Report and Accepted Report of Survey Visit - Baptist Health System

Continued Approval Status for Professional Nursing Programs Based on 2006 NCLEX-RN® Examination Pass Rates, Review of 2006 Annual Report and Accepted Report of Self Study -
 Cisco Junior College;
 Kilgore College;
 Navarro College; and
 Vernon College

Accepted Report of Routine Six-Year Survey Visit -
 Army PN, Phase II Site, Washington, District of Columbia;
 Army PN, Phase II Site, Ft. Gordon, Georgia;
 Tyler Junior College - ADN

Accepted Report of Focused Survey Visit and Issued Commendations and Recommendations -
 Patty Hanks Shelton School of Nursing, BSN

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Advisory Committee Update

The following advisory committees met in response to charges and directives issued by the Texas Board of Nursing.



Advanced Practice Nursing Advisory Committee

The Advanced Practice Nursing Advisory Committee (APNAC) met on August 15, 2007 to discuss proposed amendments to Rule 219, related to Advanced Practice Nursing Education. The committee's recommendations for amendments to Rule 219 were considered by the Board at the October 2007 meeting. Committee members were also updated on state and national issues affecting advanced practice nurses. The committee will meet again on November 5, 2007 in Austin.



James Walker, Chair - APNAC

In compliance with Board Rule 211.6, relating to Committees of the Board, APNAC members elected a new chairperson. James Walker, MS, CRNA, was unanimously elected to fulfill the role of committee chair. Mr. Walker is the director of the Graduate Program in Nurse Anesthesia at Baylor College of Medicine and represents nurse anesthesia education on the committee. Linda Rounds, PhD, RN, FNP, will serve as the Board's liaison to the committee.

Nursing Practice Advisory Committee

As a result of the 80th Legislative Session and the passage of SB 993, the Board charged the Nursing Practice Advisory Committee (NPAC) at the July 2007 meeting with the revision of rules 217.19

and 217.20 related to incident-based and safe harbor peer review.

NPAC met three times in September and drafted proposed revisions to these rules. During the September 12th meeting, the committee unanimously elected John Crossley, PhD, RN, CNAA, as the new chairperson of NPAC. Dr. Crossley is the Chief Nursing Officer at Parkland Memorial Hospital in Dallas, Texas, and represents the Texas Nurses Association. The Board's liaisons to NPAC are Virginia Campbell, RN, BSN, CNOR, and Beverley Nutall, LVN. (See related article on page 14.)



John Crossley, Chair - NPAC

Eligibility and Disciplinary Task Force

The Eligibility and Disciplinary (E & D) Task Force met on October 9, 2007. The E & D Task Force was approved and created by the Board of Nursing in January 2006 to review and advise the Board on rules and policies related to licensure eligibility and discipline. The Task Force includes members from 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 (CNAP). Richard Gibbs, LVN, serves as the Board member liaison to the Task Force. Since its creation, the Task Force has proposed recommendations to amend several of the Board's rules including: Rule 213.28 - Licensure of Persons with Criminal Convictions; Rule 213.29 - Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters; and Rule 213.33 - Factors Considered for Imposition of Penalties/Sanctions and/or Fines.

Many of these suggestions, influenced through the Sunset Commission's review of the Board's functions, have been implemented by the Board and adopted into current rules.

On July 13, 2007, the Committee elected Poldi Tschirch, PhD, RN, BC, (TNA representative) as chair. Currently, the task force is reviewing the Board's policies and guidelines on disciplinary sanctions and will be developing an enforcement matrix that would provide nurses with ready access to the Board's enforcement guidelines, thereby allowing them to better understand the potential consequences of violations.



Poldi Tschirch, Chair - Task Force on Licensure, Eligibility and Disciplinary Task Group



Study Conducted on Effectiveness of Nurse Criminal Background Checks

by Cynthia A. Smith, Supervising Investigator,
Enforcement Division, Texas Board of Nursing



Crime and nurses – an oxymoron? As nurses are considered to belong to one of the most trusted professions, “nursing” is typically not synonymous with crime. Unfortunately, a small percentage of Texas nurses and candidates for nurse licensure have a criminal history that must be considered by the Board to determine eligibility for initial or renewal of licensure as a nurse. Due to the nature of nursing and the exposure to vulnerable patients, the Board must ensure that all nurses possess professional character as stated in Section 213.27, relating to Good Professional Character in the Texas Board of Nursing’s Rules and Regulations. Although the Board of Nursing has requested self-disclosure of criminal history for many years, there was a well-founded belief that many crimes were not being reported.

In 2003, House Bill (HB) 2208 mandated criminal background checks (CBCs) on all applicants for initial licensure. In 2005, HB 1366 added permission for board action on deferred adjudication or probated criminal sentences (due to the concern for the underlying conduct, not just what action was taken by a criminal court). It also added new §301.4535 to the Nursing Practice Act requiring that the Board revoke, suspend, or refuse to license persons with criminal history related to certain serious crimes that the Legislature deemed relevant to the practice of nursing. House Bill 2208 also added, in 2003, §301.3011 regarding CBC authorization for licensure renewal. Since starting to conduct CBCs for initial licensure in 2004, the Board has completed a combined 107,058 CBCs.

In order to implement the above statutes, the Board has mandated CBCs be completed through submission of fingerprints to the agency, which are then processed by the Texas Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI). How much more effective are these criminal history background checks over the historic self-disclosure policy of the Board? To answer this question, an in-depth research project was conducted by the author at the direction of Katherine A. Thomas, Executive Director, to evaluate the Board’s experiences with CBCs.

The research project included the time period beginning September 1, 2002 through August 31, 2006, and encompassed a period both before and after the implementation of mandated CBCs on September 1, 2004. The four main objectives to the research project were to determine: 1) The number of nurses with criminal histories who were disciplined by the Board prior to and after the implementation of the mandated criminal histories; 2) the date of the offense, the nature of the crime (theft, assault, DWIs, hot checks, sexual assaults, etc.), the level of the crime (1st, 2nd, 3rd degree felonies and Class A, B, or C misdemeanors); 3) whether or not the nurse self-disclosed his/her criminal history; and 4) how the Board sanctioned the nurse.

The study showed that a total of 1,508 nurses were disciplined by the Board for criminal histories. Three hundred and thirty nurses were sanctioned due to a criminal history *prior to* the mandated CBCs; and 1,182 nurses were sanctioned due to a criminal history *after* the mandated CBCs. The results showed that 852 more nurses, a 258% increase, were sanctioned after the mandated CBCs. Of the 1,508 case files reviewed, with 3,310 crimes identified, it was calculated that 938 or 28% were felonies and 2,372 or 62% were misdemeanors.

In the two-year time period since implementation of CBCs, two hundred and twenty-seven nurses were sanctioned who *failed* to disclose their criminal histories as required on the licensure renewal form, a 638% increase. These statistics substantiate that the CBCs have been effective in identifying nurses with criminal histories.

Results of this research project may be reviewed on the Board’s website at www.bon.state.tx.us under the *Disciplinary Action* link. Research project results include: the number of nurses categorized by RNs, LVNs, applicants and endorsees sanctioned by the Board due to criminal histories; identification of the nature and level of crimes, disclosure and non disclosure of criminal histories; as well as the sanctions the Board issued for these crimes.

The Board has also published a grid of Disciplinary Guidelines for Criminal Conduct www.bon.state.tx.us/disciplinaryaction/discp-guide.html that lists a number of criminal acts and the typical board action if a nurse is convicted, including deferred or probated sentences, for a listed crime. The Board’s Disciplinary Sanction Policies www.bon.state.tx.us/disciplinaryaction/dsp.html offer additional insight into how certain crimes relate to the practice of nursing.

Ms. Smith has been employed by the Board for 19 years.

Summary of Actions - continued from page 3

Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters; §213.30 relating to Declaratory Order of Eligibility for Licensure; §213.33 relating to Factors Considered for Imposition of Penalties/Sanctions and/or Fines; and new §217.17 relating to the Texas Nursing Jurisprudence Exam. Comments were received to new rule §217.17. Changes to §213.20, §213.27, §213.28, §213.29, §213.30, and §213.33 became effective October 10, 2007.

Legislative Update - 80th Regular Texas Legislative Session

The 80th Regular Session of the Texas Legislature concluded May 28, 2007, with passage of a number of bills relating to the practice of nursing in Texas. The following is a brief summary of some of the bills impacting the practice of nursing in Texas.

Bills Amending Nursing Practice Act (NPA)

Sunset Bill - Texas Board of Nurse Examiners
House Bill 2426/Truitt
Effective September 1, 2007



House Bill (HB) 2426, the Sunset Bill for the Board of Nurse Examiners, made many changes to the Nursing Practice Act (NPA). Effective September 1, 2007, the name of the agency was changed to the Texas Board of Nursing (BON). Passage of HB 2426 required: establishment of guidelines concerning the consequences of criminal conviction or deferred adjudication; accreditation of nursing and education programs through one or more national nursing accrediting agencies recognized by the United States Department of Education; clarification of the purpose, role, responsibility, and goal of agency advisory committees; establishment of rules which encourage the use of negotiated rule making procedures and alternative dispute resolution; evaluation of nurse examination requirements, administration, and procedures; clarification of requirements of a person who must report a nurse who is impaired or suspected of being impaired; and rules addressing the role of the nursing peer assistance program.

HB 2426 requires that the Texas Board of Nursing accept the requirements for accrediting the governing institution of a school of nursing of the Texas Higher Education Coordinating Board (THECB). It requires the collaboration of the Texas Board of Nursing, the Workforce Commission, and the Texas Higher Education Coordinating Board in implementing a plan for the creation of innovative nursing education models that promote increased enrollment in the state's nursing programs. Employees of the Board are allowed to dismiss a complaint under certain criteria. The bill establishes a jurisprudence examination to be implemented in 2008. The bill enacts the Advanced Practice Registered Nurse Multi-state Compact to be implemented no later than December 31, 2011.

Nursing Peer Review/ Continuing Education
Senate Bill 993/Nelson
Effective September 1, 2007



Senate Bill 993 addressed nursing peer review. Changes included: adding the definition of Chief Nursing Officer (CNO) and Patient Safety Committee to the NPA; amending the NPA as it relates to continuing education (CE), deleting requirements relating to Type II CE; amending and clarifying rules relating to reporting of violations and patient care concerns; changing requirements to allow a nurse or other agency to report to a peer review committee (PRC) instead of the BON; clarifying reporting duty of employers as related to a nurse's actions that constitute reportable conduct where, if a PRC determines that system factors impacted a nursing error, that information be provided to patient safety committees or the CNO; clarified language that administrative decisions are not subject to peer review; adding requirements that the BON report systems issues to patient safety committee at a facility or to the CNO if they believe a nurse's deficiency in care was the result of a factor beyond the nurse's control; and requiring that a facility that utilizes 10 or more "nurses" must have policies and be able to convene a peer review committee.

Crimes Requiring Mandatory Suspension or Revocation
House Bill 8/Riddle
Effective September 1, 2007

House Bill 8 added "*continuous sexual abuse of a child or children under Section 210.02 Penal Code*" to the list of 17 crimes located in Section 301.4535 of the NPA. Crimes listed in this section of the NPA mandate that the Board must suspend, revoke, or refuse to license a person who is convicted, or pleads guilty to any of the listed crimes.

Correction of Errors: NPA
House Bill 3167/Swinford
Effective September 1, 2007

House Bill 3167 addressed minor numbering errors in the NPA which occurred in the 79th Texas Legislative Session.

Other Bills Involving Nursing Practice

Automated External Defibrillators

House Bill 92 Author: Branch
Effective: 5/8/07

Nurses and entities that purchase automated external defibrillators (AEDs) should be aware that AEDs require a prescription by a licensed practitioner in the course of their practice.

Senate Bill 7 Author: Hinojosa
Effective: 9/1/07

School nurses and other key school personnel must participate in a CPR/AED certification program with the American Heart Association or the American Red Cross. School nurses will be an integral part of the purchasing, training, maintenance, and monitoring of a Public Access to Defibrillation (PAD) program.

APNs

Senate Bill 24 Author: Nelson
Effective: 9/1/07

Provides for Medicaid reimbursement of physicians providing telemedicine services

(assessment and evaluation) from a distance site if another provider is on site and the patient's condition is not likely to deteriorate significantly within 30 days of the date the service is provided.

Birthing

House Bill 709 Author: Puente
Effective: 5/17/07

Texas Health and Human Services Commission (HHSC) to develop brochure on uses/risks/benefits/future use/storage of stem cells found in umbilical cord blood. Brochure must be available on Department of State Health Services (DSHS) web site. Health professionals who attend patients during gestation or delivery are required to provide the brochure to patients and permit patients to arrange for storage or donation of cord blood unless there is a threat to the health of mother/infant or it is against provider's religious beliefs. Pamphlet development and distribution to begin 1/1/2008.

Diabetes

House Bill 3618 Author: Raymond
Effective: 6/15/07

Relates to the development of a pilot program in border region school districts designed to prevent and detect Type 2 Diabetes.

House Bill 3735 Author: McReynolds
Effective: 6/15/07

Provides local diabetes care and education in the Memorial Health System of East Texas.

Drug Labeling

House Bill 948 Author: Davis
Effective: 9/1/07

Requires prescription labels to be: in plain, easy-to-understand language; relevant to the prescription; and in a font size large enough for a patient to easily read.

continued on next page

Legislative Update - continued from previous page

Education

House Bill 3443 Author: Howard
Effective: 6/15/07

Establishes a Hospital-Based Nursing Education Partnership Grant Program to increase the number of nurses in Texas by fostering innovation through partnership models.

Senate Bill 138 Author: Nelson
Effective: 9/1/07

Requires the Texas Higher Education Coordinating Board (THECB) to develop methods to promote retention and graduation of students enrolled in a professional nursing program and adopt rules to implement those methods the board considers feasible, including recommendations on financial aid.

Senate Bill 139 Author: Nelson
Effective: 6/15/07

The THECB, in consultation with the Board of Nursing, shall conduct a study to identify methods to improve the curricula of professional and vocational nursing programs. The study must focus on methods to improve instruction on providing safe and high-quality nursing care to patients.

Senate Bill 140 Author: Nelson
Effective: 9/1/07

Requires THECB and DSHS to conduct a joint study regarding the feasibility of providing free or discounted immunizations to economically disadvantaged students enrolled in health professional degree programs at institutions of higher education in Texas.

Senate Bill 141 Author: Nelson
Effective: 6/15/07

The Board of Nursing, in consultation with each state agency that is a member of or otherwise represented on the Health Professions Council (HPC), shall conduct a study to evaluate the feasibility of institutions of higher education providing courses in which students enrolled in different health science or health profession education programs may enroll to study basic health science curricula together.

Senate Bill 201 Author: Nelson
Effective: 9/1/07

Requires the THECB to study the tuition exemptions at public institutions of higher education for certain professional nursing program preceptors and their children.

Senate Bill 289 Author: Nelson
Effective: 6/15/07

Encourages nursing schools to utilize more part-time or adjunct faculty by allowing professional nursing shortage reduction grants to be used for part-time faculty.

Senate Bill 992 Author: Nelson
Effective: 6/15/07

Continues the current dedication of a portion of the tobacco lawsuit settlement funds to support nursing schools.

Senate Bill 1185 Author: Nelson
Effective: 9/1/07

Creates eligible home loans for professional educators and nursing faculty.

Licensing Information

Senate Bill 29 Author: Nelson
Effective: 3/1/08

Statewide Health Coordinating Council (SHCC) data collection expanded for health occupations including nurses. Major additions include place of birth, practice setting(s) mailing address (including zip code and county), and weekly hours worked at each practice setting.

Public Health

House Bill 246 Author: Alonzo
Effective: 9/1/07

Nurses may be involved in the data collection/reporting of AIDS/HIV in their practice setting, i.e., doctors offices, public health clinics, infection control, and disease surveillance.

House Bill 1082 Author: Straus
Effective: 6/15/07

Require all labs to report all cases of MRSA to HHSC to track prevalence; develop methodology for electronic information exchange; collect and analyze data regarding the sources and possible prevention of MRSA and report data to HHSC no later than September 1, 2009.

House Bill 1370 Author: Coleman
Effective: 9/1/07

Creates the Interagency Coordinating Council for HIV and Hepatitis. The Council will coordinate communications on provision of services and develop a plan that facilitates coordination of agency programs concerning prevention and the delivery of services to individuals with HIV/AIDS/Hepatitis

House Bill 1373 Author: Guillen
Effective: 6/15/07

Creates a Chronic Kidney Disease Task Force for early diagnosis and treatment to prolong lives and decrease costs by delaying dialysis and transplantation.

House Bill 1379 Author: Deshotel
Effective: 9/1/07

Requires DSHS to produce and distribute educational materials on the HPV vaccine.

House Bill 2117 Author: Parker
Effective: 6/15/07

Clarifies that a person who, in good faith, administers emergency care is not liable in civil damages for an act performed during an emergency unless the act is wilfully or wantonly negligent. This includes persons who administer emergency care using an AED and persons who administer emergency care as a volunteer first responder.

House Bill 3473 Author: Delisi
Effective: 9/1/07

Amends the laws relating to persons who can consent for treatment of a patient who is incompetent to consent for themselves; adds

Home and Community Support Service Agencies (HCSSA) to the list of settings where a third party providing healthcare to the patient would document notification of the family or MPOA by the MD of the condition and treatment for the patient in the medical record.

Senate Bill 156 Author: Shapiro
Effective: 9/1/07

Establishes competitive grant program to fund nurse-family partnership programs or the expansion of existing programs in certain Texas communities. Specifically includes the YWCA of Metropolitan Dallas as a recipient of a grant.

Senate Bill 288 Author: Nelson
Effective: 6/15/07

Establishes a permanent Advisory Panel on healthcare-associated infections within the regulatory licensing unit of the health care quality section of DSHS as an advisory panel to guide the implementation, development, and evaluation of state healthcare-associated infection rate reporting system.

Senate Bill 811 Author: Janek
Effective: 6/15/07

DSHS will allow health care providers to select influenza vaccine from the entire list of available influenza vaccine approved by the US FDA, as recommended by the Federal Advisory Committee on Immunization Practices.

School Nurses

House Bill 1059 Author: Parker
Effective: 5/15/07

Requires school districts that maintain an internet web site to post: a list of immunizations required for admission to public school as set forth by the Department of State Health Services and the Public School Board of Trustees; health clinics in the school district that offer influenza vaccine; and a list of recommended vaccines.

House Bill 1098 Author: Bonnen
Effective: 5/8/07

Prohibits, as a condition for admission to public school, the immunization against Human Papilloma Virus (HPV). Preempts all contrary executive orders of the governor.

For the full text of the bills included in this report, visit www.capitol.state.tx.us.

Did you know...

There are 8 rights of medication administration.

Traditional 5 rights:
Right drug, Right dose, Right route,
Right patient, and Right time.

Additional Rights:

Right reason, Right documentation, and
Right assessment both for administration
and response to medication.

See Rule 217.11 (1)(C) and (D) for more information.

Reference: Ridge, R., "Go Beyond the 5 Rights," *Men in Nursing*, 2(5) p. 32-36 (2007).



Practice Question and Answer



Obtaining Specimens for Alcohol or Other Substances Against a Patient's Wishes

Q: I work in the Emergency Department (ED) and we are frequently asked by law enforcement officers to draw blood from persons who are intoxicated or who may be under the influence of drugs or other substances. Sometimes the person is under arrest, but at other times, the person may not be under arrest. When a person refuses to have his/her blood drawn, must the nurse comply with the request from the law enforcement officer? Does it make a difference if the person is in custody at the time of the request? What is the nurse's liability if drawing blood is against a patient's will?

A: The Board of Nursing does not regulate practice settings; however, the laws that regulate when blood or other samples may or may not be obtained against a person's wishes are located in chapter 724 of the Texas Transportation Code. The Texas Transportation Code and other State statutes are accessible in their entirety at <http://tlo2.tlc.state.tx.us/statutes/statutes.html>. This web site is maintained by the Texas Legislative Council.

Board staff cannot speak as experts on laws outside of the BON's jurisdiction, but the following summary is offered as staff's understanding of the above laws:

- (1) Transportation Code §724.012(b) states that a peace officer "shall require" the taking of specimens of a person's breath or blood when all of the following conditions exist:
- (A) *The person is under arrest;*
 - (B) *an accident has occurred in which the person was operating a motor vehicle or water craft (offenses under Ch. 49 Penal Code);*
 - (C) *the officer has reason to believe that the accident has caused the death or serious bodily injury (as defined in §1.07 Penal Code) of another person; and*
 - (D) *if the person refuses the officer's request to submit to the taking of a specimen voluntarily.*

A nurse is required to obtain a specimen, even against a person's wishes, if the above conditions exist. According to the statute, the peace officer is to designate the type of specimen to be obtained.

- (2) Section 724.013 of the Transportation Code states that *except* for the conditions listed under §724.012(b), a specimen may not be collected if a person refuses to submit to the taking of a specimen designated by a peace officer. So if there has been no accident and no person (other than the person who was operating a motor vehicle or water craft) has been killed or sustained serious bodily injury, then the person may refuse the taking of a specimen. Additional sections of chapter 724 discuss requirements for a peace officer to notify a person of the consequences of their refusal to submit to the taking of a specimen.
- (3) If a person is alive but is incapable of refusal, a specimen may be collected by "a... registered professional nurse, or licensed vocational nurse." [§ 724.017] (other practitioners are also listed in this statute)
- (4) Section 724.017 of the Transportation Code further provides immunity to the person who takes a blood specimen as well as the facility where the specimen is obtained at the request or order of a peace officer. This immunity does not apply to a person's liability for any negligence in obtaining a blood specimen.

Staff suggest that you also assure that the ED physician is involved with any person to whom ED services are rendered, either with or without the person's consent, as other laws may affect a person's right to refuse medical treatment. Facility policy and procedure should address appropriate nursing actions to assure the nurse's ability to comply with laws that impact the nurse's practice in a given setting.

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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.

DAVID D. LEAVITT

David D. Leavitt secured employment as a Manager for Prestige Imaging, LLC, Sherman, Texas, in September, 2005. During his employment with the facility, Mr. Leavitt represented himself as an RN to patients, staff and physicians. He performed contrast injections for CT & MRI procedures and he signed correspondence with an RN, BSN, typed in after his name. On January 10, 2006, the management staff could not verify his licensure. They contacted the Board office and confirmed that Mr. Leavitt was not licensed, at which time he was not allowed to perform duties that required licensed staff. On January 18, 2006, Mr. Leavitt was suspended pending verification of his license. The case was referred to the Dallas County District Attorney's Office.



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 Texas Board of Nursing, Enforcement Division, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701-3944. "Citations Violated" information may be viewed online under "Publications" at www.bon.state.tx.us.

<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Adams, Karla Michelle	RN#681072	Voluntary Surrender	July 23, 2007
Adams, Rexanne	RN#690384	Voluntary Surrender	July 5, 2007
Alston, Alan Broderick	LVN#162351	License Revoked	June 12, 2007
Amador, Eduardo	LVN#170280	Warning with Stipulations	June 12, 2007
Andrade, Lydia	LVN#129487	Enforced Suspension	August 14, 2007
Awolaru, Mojisola Tawa	LVN#171044	Reprimand with Stipulations	June 12, 2007
Bailey, Horreese Bernard	RN#738910	Voluntary Surrender	July 12, 2007
Bajek, Sandra	RN#661791	Warning with Stipulations	August 14, 2007
Baker, Terrie Delana	LVN#194380	Warning with Stipulations	July 19, 2007
Barnard, Lana Kay	LVN#182214	Remedial Education & Fine	June 13, 2007
Barnes, Shannon Louise	LVN#120747	Suspend/Probate	August 14, 2007
Barr, Melissa Kay	RN#593522 & LVN#139789	Warning with Stipulations	August 14, 2007
Batiste, Twayna Lynn	LVN#151279	Suspend/Probate	July 19, 2007
Beck, Glenda Faye	LVN#192816	Warning with Stipulations	June 12, 2007
Beltran, Thelma Ann	LVN#127716	License Revoked	June 12, 2007
Benavides, Twila Faye	LVN#132582	License Revoked	August 14, 2007
Benitez (Chisolm), Tiffany Dawn	RN#697179 & LVN#179240	Warning with Stipulations	June 12, 2007
Bennett, Marcia Dianne	LVN#194211	Reprimand with Stipulations	June 12, 2007
Blackburn, Jamie Teresa	RN#524769	License Revoked	August 14, 2007
Blackwelder, Lisa Victoria	RN#593651 & LVN#104830	Remedial Education & Fine	July 6, 2007
Bouley, Edmund Albert	RN#723743	Reprimand with Stipulations	June 12, 2007
Bray, Gina Suzanne	LVN#157060	Voluntary Surrender	September 5, 2007
Bray, Phillip Thurston	RN#604881 & LVN#123712	Remedial Education & Fine	July 6, 2007
Brock, Joseph Charles	LVN#182306	Voluntary Surrender	July 11, 2007
Brooks, Linda Anne	LVN#81780	Warning with Stipulations	July 19, 2007
Brown, Darla	RN#629349	Suspend/Probate	July 19, 2007
Brown, Elizabeth Helen	LVN#130645	Remedial Education	August 13, 2007
Brown, Jaclyn Arrufat	RN#732551	Warning with Stipulations	June 12, 2007
Brown, Martha Sue	RN#660580 & LVN#163837	Remedial Education & Fine	August 24, 2007
Burchette, Dociaette Dyanne	LVN#109774	Warning with Stipulations	July 19, 2007
Burgess, John Alexander	LVN#185733	Warning with Stipulations	August 14, 2007
Burke, Melissa	LVN#174721	Enforced Suspension	August 14, 2007
Campbell, Trena Renee	RN#574805	Warning with Stipulations	June 12, 2007
Carver, Alishia Lynn	LVN#191233	Suspend/Probate	June 12, 2007
Castalano, Tracey Lyn	LVN#199317	License Revoked	June 12, 2007
Castonguay, Cathy Maxine	LVN#152649	Suspend/Probate	June 12, 2007
Cecil, Tonya Rena	RN#729138 & LVN#189054	Suspend/Probate	June 12, 2007
Champagne, Adler Joseph	LVN#175848	Voluntary Surrender	July 11, 2007
Chappell, Kimberly Anne	LVN#168938	Remedial Education & Fine	June 12, 2007
Chavez, Jose A.	RN#539914	License Revoked	August 14, 2007
Clary, Lynda Lyrleen	LVN#179242	License Revoked	June 12, 2007

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<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Clements, Elaine Christina	RN#691787	Warning with Stipulations	July 19, 2007
Clerihew, Teresa Burba	RN#442327	Warning with Stipulations	August 14, 2007
Cobb, Nancy Jane	RN#657297 & LVN#164167	License Revoked	June 12, 2007
Coldiron, Joan	RN#630569	Remedial Education	June 22, 2007
Collinsworth, Brenda Kay	LVN#177402	Remedial Education & Fine	August 13, 2007
Conaway, Brenda S. Gray	RN#449461	Remedial Education & Fine	June 25, 2007
Conley, Alice Faye S.	RN#432563	Reprimand with Stipulations	August 14, 2007
Connally, Guadalupe Ann	LVN#153039	Warning with Stipulations	June 12, 2007
Cook, Barbara Klosterman	RN#517276	Enforced Suspension	August 14, 2007
Cooley, Rhonda Kay	RN#665057	Voluntary Surrender	July 3, 2007
Cox, Tammy Rene	RN#651532 & LVN#139945	Warning with Stipulations	August 14, 2007
Craigen, Tracie Lynne	RN#609839 & LVN#141435	Warning with Stipulations	June 12, 2007
Crawford, James Mark	RN#598093	Warning with Stipulations	June 12, 2007
Crochet, Cheryl Percle-Ann	RN#662764	License Revoked	August 14, 2007
Cruz, Aida M.	RN#454353	Suspend/Probate	June 12, 2007
Cuevas, Barbara Lee	LVN#128384	Remedial Education	August 30, 2007
Curtis, Marla Renee	RN#684795	License Revoked	August 14, 2007
Davis, David Lee	RN#562279	Voluntary Surrender	June 18, 2007
Davis, Lisa Michelle	RN#665455	Reprimand with Stipulations	July 19, 2007
Davis, Lora Lynn	LVN#163872	License Revoked	June 12, 2007
Davis, Verdie Renaye	LVN#83524	License Revoked	June 12, 2007
Deibert, Joyce May	RN#539398	Voluntary Surrender	June 29, 2007
Derrick, Michael Stephen	RN#562333 & LVN#125106	Warning with Stipulations	June 12, 2007
Dillander, Anthony Glenn	RN#678106	Reprimand with Stipulations	June 12, 2007
Donald, Kimberly K.	LVN#179423	Warning with Stipulations	June 12, 2007
Douglas, Charlotte	RN#632020	Remedial Education	August 1, 2007
Dover, Verne Morgan	RN#662834	Warning with Stipulations	June 12, 2007
Ebert, Sheri Lynn	RN#571702	License Revoked	June 12, 2007
Eddin, Faye D.	RN#516606	Reprimand with Stipulations	July 19, 2007
Eddins, Christie	LVN#188430	Remedial Education & Fine	July 19, 2007
English, Kathleen Denise	LVN#65894	License Revoked	June 12, 2007
Ennis, Melissa Dawn	LVN#194745	Warning with Stipulations	August 14, 2007
Fialho, Katharina T.	LVN#96227	Warning with Stipulations	August 14, 2007
Fischer, Deborah S.	RN#231264	Warning with Stipulations	August 14, 2007
Fleming, Summer Ginnette	LVN#184539	License Revoked	June 12, 2007
Fletcher, Joy Ify	LVN#183955	Remedial Education	June 29, 2007
Flores, Virginia	LVN#40983	Warning with Stipulations	August 14, 2007
Floyd, Sherry Lynn	LVN#136271	Warning with Stipulations	June 12, 2007
Frederick, Kimberly Ann	RN#678125 & LVN#172895	Voluntary Surrender	August 3, 2007
Fundaro, Janet L.	RN#669069	Remedial Education	July 17, 2007
Gaige, Dorinda	RN#643781	License Revoked	June 12, 2007
Gardiner, Steven Gene	LVN#155844	License Revoked	June 12, 2007
Gary, Sandra Lee	RN#565504	License Revoked	June 12, 2007
Garza, Maggie Bianca	RN#674272	Remedial Education	September 7, 2007
Gavin, Nancy Lee	RN#618811	License Revoked	August 14, 2007
Godwin, Judy Lee Colombo	RN#581927	License Revoked	August 14, 2007
Gonzalez, Jaime Alberto	RN#658910	License Revoked	June 12, 2007
Gottus, Kathleen Marie	RN#547450 & LVN#106085	Reprimand with Stipulations	June 12, 2007
Grammer, Teresa Gayle	LVN#104092	Enforced Suspension	July 19, 2007
Grantham, Tanya Gail	LVN#169834	Remedial Education & Fine	July 24, 2007
Green, Lori Jan	RN#718037 & LVN#194068	Warning with Stipulations	July 19, 2007
Greenfield, Delana A.	RN#540388	Enforced Suspension	July 19, 2007
Greer, Ruth Elaine	RN#245458	Remedial Education & Fine	June 15, 2007
Gregg, Michael Berdell	LVN#136740	Remedial Education & Fine	July 18, 2007
Guzman, Liza Kaufman	LVN#183682	Voluntary Surrender	July 31, 2007
Hall, Cathy Bryson	RN#559964 & LVN#87572	License Revoked	August 14, 2007
Hamala (Cepak), Michele Renee	RN#631047	Reprimand with Stipulations	August 14, 2007
Hammack, Vicki Denise	LVN#125915	License Revoked	August 14, 2007
Hargrove, Juanita T.	LVN#33462	Voluntary Surrender	June 18, 2007
Harris, Margaret Jo	LVN#163300	Remedial Education & Fine	June 13, 2007
Harrison, Ellen Hester	LVN#148262	License Revoked	June 12, 2007
Harter, Shana Inez	LVN#166518	Warning with Stipulations	August 14, 2007
Havens, Jennifer Terese	LVN#192014	Remedial Education	June 22, 2007
Haynes, Donna Carol	LVN#158045	Voluntary Surrender	August 21, 2007
Haynes, Penni Andersen	RN#235708 & LVN#36253	Warning with Stipulations	June 12, 2007
Heard, Jennifer Layne	RN#685106	Voluntary Surrender	July 16, 2007
Hernandez, Brenda Edith	LVN#139410	Voluntary Surrender	June 20, 2007
Hernandez, Martha Ann	LVN#170522	Warning with Stipulations	July 19, 2007
Herzer, Elena	LVN#168508	Remedial Education & Fine	June 12, 2007
Hickey, Stasia Elizabeth	LVN#187801	Voluntary Surrender	July 12, 2007
Hinojos, Jaime	RN#551408	License Revoked	June 12, 2007

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<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Hitchcock, Sue Ellen	LVN#79408	Voluntary Surrender	September 6, 2007
Hogg, Meridith Lucille	LVN#164232	Warning with Stipulations	August 14, 2007
Hollar, Barbara Ann	RN#533598 & LVN#85077	Enforced Suspension	June 12, 2007
Hollier Johnson, Heather Nicole	LVN#188576	License Revoked	August 14, 2007
Hosman, Kara Lea	LVN#160802	License Revoked	August 14, 2007
Howard, Robbie Douglas	LVN#162019	License Revoked	June 12, 2007
Hoxworth, Cathy Verret	RN#527133	Reprimand with Stipulations	August 14, 2007
Hrinevich, Deborah Ann	RN#537422	Voluntary Surrender	June 29, 2007
Irby, Clara J.	RN#252490 & LVN#60202	Warning with Stipulations	August 14, 2007
Jensen, Heather Denise	LVN#185873	License Revoked	August 14, 2007
Johnson, Barbara Jean	LVN#100191	Voluntary Surrender	July 10, 2007
Johnson, Dawn Elaine	LVN#130572	License Revoked	June 12, 2007
Johnson, Stephanie Lois	LVN#179409	Warning with Stipulations	June 12, 2007
Jordan, Leigh Anne	LVN#174916	Warning with Stipulations	June 12, 2007
Kelley, Kimberly Michelle	RN#572442	Voluntary Surrender	July 23, 2007
Kierce, Wayne Louis	RN#595458	Suspend/Probate	June 12, 2007
Kisanya, Ebby Musimbi	RN#703532	Warning with Stipulations	August 14, 2007
Koehnen-Varner, Deborah Kay	RN#519767	License Revoked	June 12, 2007
Krueger, Denise Lynn	LVN#88295	Voluntary Surrender	July 20, 2007
Kubena, Jacqueline Louise	RN#583207	License Revoked	July 19, 2007
Lambert, Jon David	RN#643683	Suspend/Probate	July 19, 2007
Lampkin, Era V.	RN#502540	Voluntary Surrender	August 15, 2007
Landsberg, Shirlaine	LVN#185456	Voluntary Surrender	September 7, 2007
Lango, Laurel Lynn	LVN#115444	Enforced Suspension	July 19, 2007
Lara, Mistie Boyer	LVN#181397	Remedial Education	August 13, 2007
Layton-Bell, Becky Louise	LVN#163460	Voluntary Surrender	June 28, 2007
Leal, Noemi	LVN#197823	Remedial Education	August 17, 2007
Lee, Gloria June	LVN#74394	License Revoked	August 14, 2007
Lee, Sharon L.	LVN#61760	License Revoked	June 12, 2007
Lee, Toni C.	RN#607399	Voluntary Surrender	August 20, 2007
Lemmer, Debora Ann	RN#692323	Remedial Education & Fine	July 9, 2007
Lewis, Peggy Jo	LVN#101091	Remedial Education & Fine	September 7, 2007
Lopez, Armando	LVN#148547	Warning with Stipulations	June 12, 2007
Lowery, Stephanie Ann	RN#698798	Suspend/Probate	June 12, 2007
Macias, Erica Michelle	LVN#174128	Enforced Suspension	July 19, 2007
Manning, Sandra	RN#551821	Remedial Education & Fine	July 23, 2007
Marshall, Pdraig Joseph	LVN#205862	Suspend/Probate	June 12, 2007
Martinez, Norma G.	LVN#52792	License Revoked	June 12, 2007
Martinez, Vicente Garcia	RN#682366	Suspend/Probate	August 14, 2007
Mason, Michael Richard	RN#436623	Voluntary Surrender	August 27, 2007
McDonald, Douglas Timothy	RN#661218 & LVN#168783	Warning with Stipulations	August 14, 2007
McKeown, Wendy Dogali	RN#698056	Suspend/Probate	June 12, 2007
McKinnon, William Dale	RN#244147	Voluntary Surrender	July 10, 2007
McQueen, Kimberly Ann	LVN#172940	Enforced Suspension	June 12, 2007
Medrano, Luz Ann	LVN#188770	Reprimand with Stipulations	August 14, 2007
Meenan, Jane M.	RN#542519	Remedial Education & Fine	July 25, 2007
Menchaca, Cynthia Anne	LVN#156868	Warning with Stipulations	June 12, 2007
Mercer, Doris Lynne	LVN#189093	Reprimand with Stipulations	August 14, 2007
Merkel, Pamala Dianne	RN#662216 & LVN#142290	Reprimand with Stipulations	June 12, 2007
Merrywell, Becky Sue	RN#567021	Voluntary Surrender	July 13, 2007
Mesora, Tara Christine	RN#726281	Enforced Suspension	August 14, 2007
Mockler, Peder L.	LVN#180991	Remedial Education & Fine	July 9, 2007
Moffett, Kathleen Mary	RN#436826	License Revoked	June 12, 2007
Moore, Cheryl	RN#658101	Voluntary Surrender	June 19, 2007
Moore, Roberta Lynn	LVN#194116	Voluntary Surrender	June 25, 2007
Morgan, Frances Ann	LVN#108675	Voluntary Surrender	July 20, 2007
Morrow, Tami Michelle	RN#644029	Reprimand with Stipulations	July 19, 2007
Morse, Marla Marie	LVN#187136	Suspend/Probate	July 19, 2007
Mowrey, Patrick James	RN#683724	Remedial Education & Fine	July 18, 2007
Munns, Debra Lee	LVN#90020	License Revoked	June 12, 2007
Nancarrow, Anita South	RN#716988	Warning with Stipulations	August 14, 2007
Nash, Wanda Jean	LVN#144008	Reprimand with Stipulations	June 12, 2007
Newman, Rebecca Strain	RN#611293	Voluntary Surrender	June 27, 2007
Nusbaum, Eddiann Christine	LVN#113028	License Revoked	August 14, 2007
O'Dell, Donna Jean	LVN#198019	License Revoked	June 12, 2007
Odigie, Anthony Ugiagbe	LVN#152334	Reprimand with Stipulations	June 12, 2007
Ojuma, Mercy Obi	LVN#201758	Reprimand with Stipulations	July 19, 2007
Onwukwe, Felix O.	RN#583850	Reprimand with Stipulations	June 12, 2007
Onyejiaka, Maureen Chinyere	LVN#162362	Reprimand with Stipulations	August 14, 2007
Paik, Yong Ja	RN#454378	Voluntary Surrender	July 24, 2007
Parker, Dorothy Joyce	RN#567482 & LVN#69201	Suspend/Probate	August 14, 2007

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<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Parsons, Linda Mae	RN#605087	Warning with Stipulations	August 14, 2007
Pastore, Jane Maria	RN#628449	Warning with Stipulations	June 12, 2007
Perez, Armando James	LVN#197598	Warning with Stipulations	August 14, 2007
Perkins, Cathaleen	LVN#134120	Remedial Education & Fine	August 13, 2007
Petty, Robin Denise	LVN#122983	License Revoked	August 14, 2007
Phillips, Debra Denise	LVN#154003	License Revoked	June 12, 2007
Pittman, Karen Opal	LVN#169028	Reprimand with Stipulations	June 12, 2007
Polk, Urenena Horton	RN#521996	Remedial Education	June 15, 2007
Poteet, Pamela P.	RN#508509	Enforced Suspension	August 14, 2007
Qualls, Kenneth Eugene	LVN#173478	Remedial Education & Fine	June 29, 2007
Rabun, Emma A. Risberg	RN#408350	License Revoked	June 12, 2007
Rager, Shelly Jeanette	LVN#98895	Voluntary Surrender	August 15, 2007
Ramirez, Autumn Brooks	RN#693600	Warning with Stipulations	June 12, 2007
Ramirez, Deborah B.	LVN#199163	License Revoked	June 12, 2007
Ramirez, Jess	RN#580259	Warning with Stipulations	July 19, 2007
Ramirez, Yolanda Vasquez	RN#604715 & LVN#111894	Reprimand with Stipulations	July 19, 2007
Redden, Christopher Lee	RN#701162	Remedial Education & Fine	June 12, 2007
Reed, Jr., Albert Lee	LVN#172779	Voluntary Surrender	August 3, 2007
Reese, Kendall Marie	RN#601897 & LVN#144099	Enforced Suspension	August 14, 2007
Regis, Melissa Wilfong	RN#596530	License Revoked	June 12, 2007
Register, Linda K.	LVN#110586	Voluntary Surrender	July 2, 2007
Rice, Doe Stephanie	RN#577604 & LVN#112825	Reprimand with Stipulations	July 19, 2007
Rice, Melissa Ann	RN#578036 & LVN#107814	Remedial Education & Fine	August 13, 2007
Richardson, Edna Elizabeth	LVN#187590	Remedial Education & Fine	July 24, 2007
Roberts, Kimberly Lynette	LVN#166122	Enforced Suspension	June 12, 2007
Rocha, Zacarias Martinez	LVN#63941	Warning with Stipulations	June 12, 2007
Rodgers, Tamela Dean	LVN#152867	Enforced Suspension	June 12, 2007
Rodriguez, Grace Ann	LVN#132419	Remedial Education & Fine	July 24, 2007
Rodriguez, Graciela	LVN#120653	Suspend/Probate	September 11, 2007
Rogers, Christopher Scott	RN#689494 & LVN#159030	Reprimand with Stipulations	June 12, 2007
Romero, Annette Rosemarie	NM License #R44288	Remedial Education & Fine	August 27, 2007
Roney, Chandra Lorraine	LVN#177544	Voluntary Surrender	August 3, 2007
Rosinbaum, Benjamin Wayne	LVN#177545	License Revoked	June 12, 2007
Ross, Stacey Danette	RN#714729	Warning with Stipulations	August 14, 2007
Ruiz, Marilyn Wynette	LVN#173278	Voluntary Surrender	August 13, 2007
Rush, Lesa Gail	RN#589869	Reprimand with Stipulations	August 14, 2007
Russo, Theodore Paul	LVN#180576	Remedial Education	July 13, 2007
Salinas, Jose Aron	RN#564174 & LVN#105307	Remedial Education & Fine	July 6, 2007
Sanchez, Lafonda	LVN#102901	Warning with Stipulations	June 12, 2007
Schulze, Randolph Melvin	RN#608200 & LVN#146950	Voluntary Surrender	August 17, 2007
Sciba, Cheryl	RN#628920	Remedial Education	August 3, 2007
Shaikh, Jean Bowden	LVN#93620	License Revoked	June 12, 2007
Short, Vicki Ree	RN#534710	Warning with Stipulations	June 12, 2007
Shortle, Cynthia Lou	RN#573609	Suspend/Probate	July 19, 2007
Simpson, Laura Leann	RN#651814 & LVN#167068	Warning with Stipulations	June 12, 2007
Singleton, Danny	RN#620143	Warning with Stipulations	June 12, 2007
Skaggs, Debra Lynne	RN#680507	Voluntary Surrender	July 10, 2007
Skaggs, Lena Cristine	LVN#121876	License Revoked	July 19, 2007
Smith, Amy Michelle	LVN#200464	Warning with Stipulations	July 20, 2007
Smith, Tina Marie	RN#608208 & LVN#145593	Remedial Education	August 1, 2007
Southerland, Angela Kaye	LVN#164051	License Revoked	June 12, 2007
Steiger, Helen M.	RN#537042	Enforced Suspension	June 12, 2007
Stephens, Brent A.	RN#615071	Voluntary Surrender	August 3, 2007
Stevens, Donald W.	RN#623008	License Revoked	August 14, 2007
Stewart, Gloria Ann	LVN#110728	Warning with Stipulations	June 12, 2007
Stoner, Brett Lee	RN#716628	License Revoked	August 14, 2007
Stringer, Marian Renee	LVN#124300	Reprimand with Stipulations	July 19, 2007
Stroup, June Grace	LVN#180448	License Revoked	August 14, 2007
Stuart, Mary Diane	RN#619817 & LVN#148258	License Revoked	August 14, 2007
Suarez, David	RN#568617	Suspend/Probate	July 19, 2007
Sukhwatna, Elizabeth Sixta	RN#698915	License Revoked	June 12, 2007
Sweatt, Karen Elizabeth	RN#587650	Voluntary Surrender	July 23, 2007
Thomas, Dee Ann	LVN#164060	Suspend/Probate	June 12, 2007
Thomas, Jennifer Mary	RN#568652 & LVN#98216	Enforced Suspension	June 12, 2007
Thornton, Marcia Lynn	RN#620736	Voluntary Surrender	August 2, 2007
Thornton, Mary Lue	LVN#134915	Voluntary Surrender	July 11, 2007
Townes, Jeremy Glenn	RN#660689	Warning with Stipulations	June 12, 2007
Traylor, Kristi Keline	RN#593439	Warning with Stipulations	June 12, 2007
Trevino, Carmela Diann	RN#719900 & LVN#180674	Warning with Stipulations	July 19, 2007
Trout, Martha Kay Srader	RN#255484	Warning with Stipulations	August 14, 2007

continued on next page

DISCIPLINARY ACTION

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<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Tsuchigane, Dagmar	RN#588342	Warning with Stipulations	June 12, 2007
Turner, Frances Marie	LVN#95840	Warning with Stipulations	June 12, 2007
Unger-Trevino, Judith Lynn	RN#706239 & LVN#190617	Reprimand with Stipulations	August 14, 2007
Urban, Karen Rachel	RN#679702	Warning with Stipulations	June 12, 2007
Vana, Sandy Susan	RN#627191	Enforced Suspension	June 12, 2007
Vanleeuwen, Justin Adrian	LVN#168577	Reprimand with Stipulations	June 12, 2007
Vanmeter, Anita J.	RN#541778	License Revoked	August 14, 2007
Vaughn, Lisa	RN#652378 & LVN#154781	Remedial Education	September 5, 2007
Verrett, Germaine Lynn	LVN#133218	License Revoked	August 14, 2007
Waliky, Bertha Hartace	LVN#135943	Warning with Stipulations	July 19, 2007
Walker, Patricia Lynne	LVN#104037	License Revoked	June 12, 2007
Wall, Royce Leon	LVN#146994	Reprimand with Stipulations	June 12, 2007
Wamser, Mary Kathryn	RN#549446	License Revoked	June 12, 2007
Warren, Linda Kaye	LVN#155861	License Revoked	August 14, 2007
Waycaster, Nadine Griffith	RN#687156	Remedial Education & Fine	August 3, 2007
Weldon, Angela	RN#645911	Warning with Stipulations	June 12, 2007
Wesson, Mary Carolyn	RN#598268	Remedial Education	August 13, 2007
White, Arthur L.	LVN#107485	License Revoked	August 14, 2007
White, Clifford William	RN#574141 & LVN#129945	License Revoked	June 12, 2007
Williams, Lisa Kay	LVN#194489	Remedial Education & Fine	June 13, 2007
Williams, Veronica Sue	LVN#185699	Remedial Education	July 31, 2007
Williams, Wileen Larue	LVN#146092	Suspend/Probate	July 19, 2007
Williamson, Brenda A.	RN#509870	Voluntary Surrender	June 12, 2007
Wilson, Alvin	LVN#174270	Warning with Stipulations	August 14, 2007
Wineski, Stacie Celeste	LVN#190182	License Revoked	August 14, 2007
Wise, Jill Roxane	LVN#156626	Remedial Education	June 11, 2007
Woodall, Dale Bradley	RN#667808	Suspend/Probate	June 12, 2007
Woolley, Roxanne Elaine	RN#699383	Warning with Stipulations	July 19, 2007
Worrell, Anna Marie	LVN#149407	Warning with Stipulations	August 14, 2007
Yaworsky, Patricia Elaine	RN#568815 & LVN#90966	Enforced Suspension	June 12, 2007

RN Surveyors Needed in Long-Term Care

To fulfill its mission of ensuring the health and safety of Texans who live in long-term care facilities or who are cared for by home health or hospice agencies, the Texas Department of Aging and Disability Services (DADS) Regulatory Services Division relies heavily on the skills and expertise of nursing professionals. Nurses in DADS' Regulatory Services Division fulfill a variety of roles, including serving as surveyors, compliance reviewers, liaisons between the department and the provider community, program managers, regional directors, and more. As of August 2007, the DADS' Regulatory Services Division had over 40 nurse vacancies across the state.

Nurse surveyors are among the greatest need at DADS' Regulatory Services. Through survey and licensure inspections and complaint and incident investigations, nurse surveyors ensure that regulated facilities and agencies comply with the federal and state rules appropriate to the services they provide. Survey staff determine if providers are meeting the minimum standards and requirements for service, detect conditions that may jeopardize client health and/or safety, and identify deficient practice areas. When such deficiencies are identified and cited, survey staff monitor the provider's plan of correction to ensure that areas of inadequate care are corrected and comply with state and federal requirements.

Careers with DADS' Regulatory Services Division allow registered nurses to use their professional skills in a unique way by playing a vital role in protecting the well-being of our most vulnerable citizens. Nurse surveyor, Jerry Jackson, describes the gratification of working for the DADS' Regulatory Services Division this way, "We get to follow the care of many different residents, so there's a lot of satisfaction there. And when people say they're happy with the care they're receiving, DADS has a role in that, and I take a lot of satisfaction in that."

To find out more about working for DADS' Regulatory Services, e-mail nurses@dads.state.tx.us or visit <http://www.dads.state.tx.us/employment/index.cfm>.

New Peer Review Rules Drafted to Implement Legislative Changes

Senate Bill 993 (SB 993) and House Bill 2426 (HB 2426) passed during this year's 80th Texas Legislative session and amended parts of the Nursing Practice Act [Texas Occupations Code (TOC) chapter 301] and the Nursing Peer Review statutes (TOC chapter 303). In September, the Board's Nursing Practice Advisory Committee (NPAC) carried out the Board's charge to review the current peer review rules. The NPAC *recommended* changes to implement the requirements of the statutes that went into effect September 1, 2007 and were proposed as draft rules during the October 18-19, 2007, quarterly Board Meeting. The Board subsequently moved to publish these draft new rules in the *Texas Register* for comment.

Staff anticipate the proposed new peer review rules 217.19 and 217.20 (and repeal of the current rules) will be published in the *Texas Register* on November 2, 2007 with the 30-day period for submission of comments to the board running through December 3, 2007. The *Texas Register* may be accessed online at <http://www.sos.state.tx.us/texreg/index.shtml>. The draft rules may also be accessed from the board's web site at <http://www.bon.state.tx.us>. Click on the "Nursing Laws and Rules" link, and then on the "Proposed Rules" link.

Key points in the proposed new rules include:

- (1) A peer review plan is required for any person or entity who regularly employs, hires, or contracts for the services of ten (10) or more nurses. For safe harbor peer review of a RN, at least five (5) of the nurses must be RNs.
- (2) A nurse whose practice is suspected or known to be impaired by chemical dependency or diminished mental capacity must be reported to the Board (BON) if a person (including the peer review committee) determines or believes that the nurse has also committed a practice violation(s). [TOC §301.410(b); proposed §217.19(g)(2)]
- (3) If an employer is already required to report a nurse to the Board under NPA §301.405(b) because of practice errors that resulted in termination or other substantive disciplinary action, an incident-based nursing peer review committee must still meet to determine if external factors (factors beyond the nurse's control) contributed to the nursing error. The committee is required to report positive findings to the entity's patient safety committee or to the Chief Nursing Officer (CNO) if there is no patient safety committee. [TOC §301.405(c); proposed §217.19(i)(5)]
 - *Communications between the two committees are confidential and privileged.* [TOC §303.0075; proposed §217.19(h)(2)]
 - *Minimum due process for the nurse does not apply when the nurse has already been reported to the Board, and the incident-based peer review committee is only reviewing the situation to determine the influence of external factors.* [proposed rule 217.19(f)(1)]
- (4) The option to utilize an informal work group of the peer review committee to investigate and try to resolve either incident-based or safe harbor peer review issues is proposed in §217.19(e) and §217.20(j). This ties in with rule 217.16(g)(2) regarding Minor Incidents.
- (5) "Whistleblower" protections are added at the end of both rule 217.19 and 217.20 prohibiting retaliatory action against a nurse who reports a licensed health care practitioner, agency, or facility that the nurse has reasonable cause to believe has exposed a patient to substantial risk of harm. [TOC §301.4025; proposed §217.19(m) and §217.20(k)]
- (6) A nurse who invokes safe harbor can document a brief "initial" request for safe harbor at the time asked to engage in the conduct, with provision to complete the more detailed request later in the same work period but prior to leaving the work area [proposed §217.20(d)(3)]. This is based on the premise that safe harbor allows the nurse to accept the assignment in the vast majority of cases, since patients are likely to be safer with the nurse than without him/her.
- (7) Any person with administrative responsibility for a nurse who is the subject for either incident-based or safe harbor peer review is prohibited from attending (except as a fact witness) and being a member of the peer review committee. [proposed §217.19(d)(3)(B) and §217.20(h)(4)]
- (8) Proposed rule §217.20(g) adds language to further explain TOC §301.352 that permits a nurse to refuse an assignment. Unprofessional Conduct rule 217.12(1)(E) makes it a violation for a nurse to accept an assignment that "could reasonably be expected to result in unsafe or ineffective client care." Since appropriately invoking safe harbor protects a nurse who accepts an assignment that the nurse believes is unsafe (such as short-staffing on the nurse's home unit), the situation for refusing to accept the initially offered assignment would only be in good faith when the nurse knows he/she lacks the minimum basic competencies to provide safe care.

An example could be a nurse who has only worked with adult medical-surgical patients being floated to the neonatal ICU and assigned full responsibility to care for a critically ill infant. Because the nurse would lack knowledge of normal versus abnormal conditions, equipment, medications/dosages, and routines, in this case the nurse would be justified in seeking a different assignment versus accepting the offered assignment knowing greater harm could come to the infant if he/she accepts responsibility for the infant's care.

This is not to justify the nurse simply leaving and going home. In compliance with rule 217.11(1)(B) and the nurse's duty to maintain client safety as discussed in Position Statement *15.14 Duty of a Nurse in Any Setting*, the expectation of the Board is that both the supervisor and staff nurse will work collaboratively to best meet the needs of all of the patients involved at the time of any given staffing crisis.

We encourage you to review the proposed rules in their entirety, and to submit comments on these proposed rules to joy.sparks@bon.state.tx.us; by fax at (512) 305-8101; or by mail to the Board's address on the last page of the newsletter.

Practice Question and Answer - continued from page 8

The Board of Nursing does not have jurisdiction in civil liability matters, so board staff cannot speak to civil liability concerns. A facility's legal counsel and/or risk management staff may be able to assist with development of nursing policies that comply with all applicable laws in the nurse's practice setting.

Education Actions - continued from page 3

Accepted Report of Focused Survey Visit and Issued Commendations, Recommendations and Requirements - St. Philip's College, ADN

Accepted Report of Focused Survey Visit and Issued Commendations, Recommendations, Requirements, and authorized a survey visit - Computer Career Center, VN

Approved Proposal to Establish a New Nursing Program and Issued Requirements to be met - American Medical Institute, VN

Approved Proposal to Establish a New Nursing Education Program and Issued Commendations, Recommendations and Requirements to be met - St. Michael's School of Nursing and Technology, VN

Approved Proposal to Establish a New Nursing Education Program and Issued a Commendation - Wayland Baptist University, BSN

Denied Approval to Establish a New Nursing Education Program - Career Academy of Texas, VN

Other Education Actions:

Reviewed Notification of Consolidation of Vocational Nursing Education Programs -

Hill College at Cleburne, Hill College at Clifton A.M. and P.M. Programs, Hill College at Hillsboro, and Hill College at Glen Rose; Southwest Texas Junior College at Uvalde; Southwest Texas Junior College at Del Rio; Southwest Texas Junior College at Eagle Pass; Tyler Junior College at Jacksonville (A.M. & P.M. Programs) and Tyler Junior College at Tyler (A.M. & P.M. Programs); Wharton County Junior College at Wharton & Wharton County Junior College at Richmond

Approved Waiver for Interim Director Appointment - Texas A&M International University, BSN

Approved Extension of Waiver for Interim Director - Brookhaven Community College, ADN

Texas BON Meeting Dates: 2008

**January 17-18
April 17-18
July 17-18
October 23-24**

Eligibility and Disciplinary Committee Meetings - 2007

**November 13
December 11**

All meetings to be held in Austin

Workshop Update

The workshop schedule for 2008 is still under consideration. Please visit the BON web site at www.bon.state.tx.us for further information concerning the 2008 workshop schedule.

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-- General Information

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-- Computerized RN & LVN mailing lists or labels
-- Publications

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WEB Address.....www.bon.state.tx.us
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webmaster@bon.state.tx.us

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-- Violations of NPA and rules and regulations
-- Monitoring of disciplined RNs and LVNs

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-- Application Requests.....(512) 305-6867
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NURSING PRACTICE.....(512) 305-6802
-- Nursing practice issues
-- Legislation

Workshop Information.....(512) 305-6844
-- Workshop e-mail inquiries: workshops@bon.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 Texas Board of Nursing 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 Texas Board of Nursing 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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Change of Address

Notification of change of address as required by Rule 217.7 can be by three different methods:

1. Mail to: Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944;
2. E-Mail to: webmaster@bon.state.tx.us; or
3. Fax to: Texas Board of Nursing (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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