

REPORT OF THE EXECUTIVE DIRECTOR

NATIONAL ISSUES

Veterans Seeking Licensure: The President supports initiatives designed to ease the struggles of military trained medics and corpsman seeking civilian jobs, particularly nursing careers. The military does not fully document these veterans' skills, making it difficult for state regulatory bodies to account for armed forces medical experience. With especially high unemployment rates, returning veterans become frustrated with devoting time and money on programs designed to teach skills they feel they already learned in the military. In July, Congress approved a law declaring military training sufficient for many federal job licenses and certifications. However, the measure will not affect veterans specializing in health care because the credentialing for these roles falls under the jurisdiction of the state. Another legislative item, the 2011 Vow to Hire Heroes Act, ordered the Department of Labor to work with states to standardize varying cross border requirements. In May, the Obama administration created a taskforce to work towards closing the gap between military training and civilian work requirements, which will specifically address healthcare professions in coming months. To help veteran medics, the Administration amended a grant program for nursing schools to favor programs allowing academic credit for military training. Some policymakers indicate support for allowing veteran medics or corpsmen to test out of certain nursing courses.

Read more at: <http://www.bloomberg.com/news/2012-09-11/medics-being-all-they-can-be-find-civilian-job-barriers.html>

Council on State Governments Approves Resolution on Criminal Background Checks: At its annual meeting in December in Austin, Texas, the Council on State Governments approved a resolution to support criminal background checks for nurses seeking state licensure (**see Attachment A**)

NCSBN Creates Maps on Licensure and Disciplinary Statistics: NCSBN has created maps on their website which show the number of nurses and disciplinary actions by state. <https://www.ncsbn.org/3873.htm>

NCSBN Launches e-Notify: NCSBN has created a "national nurse licensure notification system that automatically delivers licensure and publicly available discipline data directly to employers as the data is entered into the Nursys database by U.S. boards of nursing (BONs)". This service will be highlighted in the January *Board of Nursing Bulletin*. <https://www.ncsbn.org/3978.htm>

NCSBN Conducts National RN Survey: NCSBN has partnered with the Forum of State Nursing Workforce Centers to conduct a national survey of RNs to collect current nursing workforce data. <https://www.ncsbn.org/3981.htm>

STATE ISSUES

Military Education and Training Related to Nursing Education: Several questions related to the comparison between military medical education and training and vocational nursing education have been received by Board staff. Staff prepared a response which was provided to the Board in October. Staff also surveyed Texas nursing education programs to identify

opportunities for veterans. Current initiatives include several Paramedic to RN nursing education program tracks, the Texas Board approved LVN program at Fort Sam Houston in San Antonio, Texas A&M University Corpus Christi eMilitary BSN Program; and the College Credit for Heroes Military to RN Career Mobility Track at San Antonio College. Staff will create a page on the website for veterans and military to direct them to rules, education programs and other resources.

Health Professions Council: The Health Professions Council (HPC) met on December 10, 2012 for its regular quarterly meeting. The Council discussed implementation of HB 300 which creates patient health information protections and requires state agencies to train staff and develop policies.

BOARD ISSUES

New Board Members: Governor Perry has appointed two new board members: Shelby Ellzey, as a consumer member, and Nina Almasy, MSN, RN, representing LVN Education. Ms. Ellzey resides in Midlothian, Texas. Ms. Almasy is on faculty of the LVN Program at Austin Community College. The Governor also appointed Kathy Shipp as President of the Board for a term at the pleasure of the Governor. New members will attend orientation in the Board offices on Wednesday, January 16, 2013. Ms. Shipp will participate in the orientation.

BON Bulletin Articles : The January issue of the *Board of Nursing Bulletin* contains: 1.) articles announcing new board members and President, NCSBN e-Notify subscription and an online survey of reader satisfaction with the newsletter; 2.) articles on IV Therapy in the LVN scope of practice and the importance of keeping the Board informed of correct address by each licensee; and 3.) a pull out insert on the Board's continuing competency offerings.

Board Development: At the January meeting, the Board will have a presentation by Sherry Greenburg on *Legislative Process and Protocol* and by Jim Willmann on *Update of Nursing Legislative Agenda*. Both presentations will be on Friday morning.

AGENCY ISSUES

Staff: Mark Majek marked 25 years with the Board of Nursing on September 29, 2012. The agency's new Information Resources Manager, Jeremy Bruker began employment with the BON on October 22nd. Kristin Benton resigned her Board position and accepted a position as Director of Nursing for the BON.

BON UB Authority Request: Due to delay of the Comptroller's Office in certifying the agency's FY 13 budget, the Board was unable to hire its new staff until the third quarter of FY 2013. Therefore, under new authority granted by the 82nd Legislature, the Board of Nursing submitted a request under Article IX, Section 14.05 for Unexpended Balance Authority to move unexpended funds from FY 2013 to FY 2014. The LBB and Comptroller Office approved the request. The approximately \$500,000 will be used across the agency for temporary staff; outside nursing, legal and investigator consultant contracts; and overtime pay, to help us catch up on the staff time lost during the first six months of the 2012 fiscal year. The Board will see names of external consultants on various Board reports. Mark Majek will report on status of the expenditures of this money under Board Report Item # 2.1.

National Council of State Boards of Nursing Projects: Phase Two of the Data Integrity Project began in April. This phase includes uploading disciplinary orders to Nursys, making these orders readily available to other Boards of Nursing. Thus far, over 19,000 orders have been entered into Nursys. We are approximately 35-40% complete. Staff are uploading 1000-1500 board orders per week and are currently working with 2005 and 2006 data. In addition, NCSBN has created fields in their data base for Advanced Practice Registered Nurse (APRN) data and the Board will provide Texas APRN data elements to the data base when full functionality is available. The third project involved moving significant investigative information to a flag called *Nurse Alert* on the front page of the Nursys licensure file, making it more visible to other Boards of Nursing. This project was completed in September. NCSBN is also developing a licensure data base which will be a complete data base and include all licensure, complaint, discipline and monitoring data for BONs. The system will be available to all boards of nursing and NCSBN does not intend to charge a fee to the boards, including no hardware or application integration costs. It will be a service to the membership. The system will likely be beta tested in 2014. Staff believe that our data base is aging and will explore the feasibility of participating in this data base system in the next 5 years.

Nursing Jurisprudence Examination: The Jurisprudence examination required for initial licensure by Texas Occupations Code Section 301.252, License Application, was implemented in September 2008. Access to the Board's examination is available through the website, <http://www.bon.state.tx.us/olv/je.html>. Those applying for initial licensure by exam or endorsement **after** September 1, 2008 must pass the Jurisprudence Exam in order to be eligible for licensure. Also, pursuant to recent rule amendments, nurses who have not been current in Texas for four or more years, must complete the Jurisprudence Examination prior to reinstatement. Attached are statistics for Jurisprudence exam takers for past 3 fiscal years including through the first quarter of Fiscal Year 2013. **(See Attachment B).**

Staff continue to study the issue of increasing security of the examination. Staff is exploring adding security validation questions to the exam and are evaluating associated costs with vendors.

Information Technology Updates: Staff are currently working with the University of Texas in San Antonio to create a failover site in case of a disaster at our main office. Failover is a backup operational mode in which the functions of a system component (such as a processor, server, network, or database, for example) are assumed by secondary system components when the primary component becomes unavailable through either failure or scheduled down time. In addition to backing up information contained on our servers, staff are currently attempting to arrange a physical site at UT San Antonio where staff could re-locate in a disaster to continue board business. Staff are also currently considering a new design for the BON website that will be more informative and have a greater ease of use.

Website: The following are changes that have been made to the website since the last Board Report.

- Addition of new NLC Legal Memorandum to Employers to website
- Placed updated quarterly BON Bulletin on website.
- Posting of newly revised/updated 2012 Nursing Statistics
- Posted and updated new and existing Board Members on website
- Posted updated layout to Education Guidelines/Competency Requirements Nursing webpage
- Updated Practice FAQ's on website
- Updated Education FAQ's on website
- Updated CNE Offerings page on website
- Updated APRN definitions page on website
- Updated Approved Programs/Nursing Education page on website
- Posted brochures for the Medication Safety and Professional Boundaries Webinars on the Webinar Registration section of the website.

Key Meetings and Presentations: by the Executive Director and Staff since the last Board meeting. (Does not include internal meetings with staff) .

Executive Director

Meeting: Executive Committee of the Nurse Licensure Compact Administrators, October 20, 2012, Washington, D.C.

Conference Call: Stakeholders Meeting concerning Texas Center for Nursing Workforce Studies, October 22, 2012.

Presentation and Conference: Presented on *Mandatory Reporting Panel* and attendance at Conference of the Citizens Advocacy Center, October 25-26, 2012, Seminole, FL.

Presentation: *BON Update*, Licensed Vocational Nursing Association of Texas, October 27, 2012, Austin.

Conference Call: Texas Center for Nursing Workforce Studies Meeting, November 7, 2012.

Meeting: Texas Nurses Association Education Committee, November 8, 2012, Austin.

Meeting: NCSBN Bylaws Committee, November 12-13, 2012, Chicago.

Webinar: Executive Officer Wiki Training, November 14, 2012.

Meeting: Health Professions Council Legal Committee, November 15, 2012, Austin.

Meeting: Texas Center for Nursing Workforce Subcommittee to approve Report on RN Demographics and Trends, November 15, 2012, Austin.

Meeting: State Office of Administrative Hearings and Health Professions Council, November 16, 2012, Austin.

Conference Call: Texas Team Education Subcommittee, November 19, 2012.

Meeting: NCSBN Executive Officer Planning Meeting, November 28, 2012, Chicago.

Meeting: NCSBN APRN Advisory Committee Meeting to discuss APRN Compact, November 29, 2012, Chicago.

Conference: Council on State Governments, December 1-3, 2012, Austin.

Conference Call: NCSBN Executive Officer Policy Subcommittee, December 5, 2012.

Meeting: NCSBN 35th Anniversary Planning Committee, December 10-11, 2012, Chicago.

Meeting: Texas Center for Nursing Workforce Subcommittee to Approve RN Demographics and Trends Report, December 13, 2012, Austin.

Conference Call: Texas Team Education Subcommittee, December 17, 2012.

Meeting: with Legislative Budget Board Staff, January 4, 2013, Austin.

Meeting: with Department of Aging and Disability (DADS) to discuss LVN On Call Pilot, January 10, 2013, Austin.

Meeting: Nursing Legislative Agenda Coalition, January 12, 2013, Austin.

Conference Call: Texas Team Education Subcommittee, January 14, 2013.

Director of Operations:

Presentation: *Criminal Background Checks*, The American Association of Nurse Attorneys, October 27, 2012, New Orleans.

Presentation: *Texas BON Update*, the Texas League for Vocational Nurses. November 2, 2012, Georgetown.

Presentation: *Paperless Systems and Nursys*, NCSBN Operations and Licensing Staff, November 8 and 9, 2012, Chicago.

Meeting: Leadership Succession Committee, November 27-28, 2012, Chicago.

Conference Call: Nurse Licensure Compact Operations Conference Call, December 2, 2012.

Conference Call: NCSBN Education Conference Call, December 12, 2012.

Conference Call: NCSBN Board of Directors Call-in, December 18, 2012.

Nursing Consultant Meetings and Presentations

Meeting: Just Culture Certification Course, October 22-26, 2012, Frisco, Texas.

Meeting: DSHS Hospital Stakeholder Meeting, October 25, 2012, Austin.

Meeting: Task Force to Study Implications of Growth in Nursing Education Programs in Texas, November 1, 2012, Austin.

Meeting: Texas A&M Health Science Center Rural and Community Health Institute - KSTAR for Nursing, NCSBN Grant Development, November 1, 2012, Austin.

Meeting: TPAPN Advocate Training, November 2, 2012, Austin.

Meeting: Education Consultants met with representatives from THECB and TWC, November 13, 2012, Austin.

Meeting: Veterans to Nursing Workgroup Meeting, November 16, 2012, San Antonio.

Meeting: Teleconference with Delegation Task Force, November 29, 2012, Austin.

Meeting: TPAPN Advisory Committee Meeting, December 7, 2012, Austin.

Meeting: Texas Higher Education Coordinating Board Committee on Academic and Workforce Success, Resource on APRN Education Requirements for Licensure, December 12, 2012, Austin.

Meeting: NCLEX Committee Meeting, January 14-16, 2012, Chicago.

Meeting: 2013 NCSBN Annual Institute of Regulatory Excellence (IRE) Conference, January 14 – 17, 2013, New Orleans.

Presentation: Department of Aging and Disability Services, Assisted Living Facilities Region 3, Demystifying the Delegation Process, November 2, 2012, Arlington.

Presentation: The LVN Scope of Practice: What Every LVN, RN and Employer Should Know Workshop, November 2, 2012, Austin.

Presentation: NCSBN-led NCLEX Regional Workshop, November 8-9, 2012, Austin.

Webinar Presentation: Safe Harbor: Ensuring Patient Safety Webinar, December 5, 2012.

Presentation: Invited Testimony regarding APRN Education Requirements for Licensure and the DNP degree. Texas Higher Education Coordinating Board Task Force on Graduate Health Professions, December 11, 2012, Austin.

Presentation: Medication Safety Webinar, January 9, 2013.

Quarterly Statistics Where Executive Director Closed Cases in Compliance with Board Policy:

Case Resolution Report
September 1, 2012 through November 30, 2012

Type of Action	Total
No Jurisdiction	0
No Violation	6
No Action	958
Insufficient Evidence	93
Admonish	63
Without Prejudice	754
TPAPN Referrals	90
EEP Referrals	21
Corrective Actions	47
Totals	2,032

LVN DISCIPLINARY ORDERS

Time frame: September 1, 2012, through November 30, 2012

DISCIPLINARY	
41	<p>FINE WITH REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 34 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history 1 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose being under investigation by another State Board of Nursing 1 Falsely documented assessment as completed when they were not done 2 Practiced on a delinquent license 1 Failed to protect confidential patient information in that she assessed medical records to a patient without written authorization or being assigned to the patient 1 Submitted a Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history, failed to disclose receiving a Board Order from another State Board of Nursing 1 Submitted an Application/Renewal Document and failed to disclose mental health issues
21	<p>REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 1 Failed to keep the door to the department's medication room locked 1 Violated professional boundaries of nurse/client relationship 1 Convicted of misdemeanor Deadly Conduct 1 Inappropriately entered the medication room of the Emergency Department without authorization 1 Inaccurately documented the administration of "Hydrocodone" 1 Allowed an unlicensed male companion to accompany her on a Skilled Nursing Visit to see patient. 1 Removed Benadryl from the pyxis medication dispensing system, belonging to patient 1 Administered Benadryl 12.5mg without a valid physician's order 2 Disciplinary action taken by another licensing authority 2 Convicted of misdemeanor Theft Property by Check 1 Convicted of misdemeanor Theft 1 Arrested for Theft, dismissed 1 Violated professional boundaries of the nurse/client relationship, borrowed medication from patient 1 Left nursing assignment without notifying the appropriate supervisor 1 Left Patients without nurse coverage for at least forty-three(43) minutes 1 Failed to adequately reconcile the prescribed medication for patient 1 Pled guilty and was convicted of Theft of Property of the Value of more than \$200 but Less than \$10,000 1 Administered Benadryl 25mg to patient without physician's order. 1 Pled guilty to the Lesser included Offense of Resist Arrest search or Transport.
16	<p>TPAPN BOARD ORDER</p> <ul style="list-style-type: none"> 1 Misappropriation of hydrocodone, telephonically fraudulent prescriptions 1 Diagnosed with Opioid dependence, arrested for fraud possession of a controlled substance, felony 1 Impaired behavior at work, Engaged in intemperate drugs at work, engaged in drugs at work 1 Battery, misdemeanor, deferred; assault causes bodily inj, class a, deferred; DWI/convicted; obstructing highway passage/ convicted 1 Falsely documented, misappropriated hydrocodone, engaged in drugs at work 1 Diagnosed with Bipolar Disorder 1 Impaired behavior at work, engaged in drugs at work 1 Convicted of misdemeanor Driving While Intoxicated 1 Deferred judgment for Driving While Intoxicated and Reckless Driving; convicted of two counts of Driving While Intoxicated 1 Failed to accurately document, failure to access/ reassess patients pain score accurately 1 Impaired behavior at work, sleeping on duty, heroin use while working 1 Misappropriated hydrocodone, impaired behavior at work, arrested at work for using hydrocodone, deferred judgment for possession of a controlled substance 1 Deferred judgment for two counts of Driving While Intoxicated 1 Impairment and/or lack of fitness, misplaced medication, overactive, flight of thoughts at work, engaged into drugs at work 1 Engaged in drugs at work, falling asleep at work 1 Misplaced medications, failed to report loss medications, engaged in drugs at work

VOLUNTARY SURRENDER

- 1 Conviction for Possession of Visual Depictions of Minors and Engaging in Sexually Explicit Conduct
- 1 Deferred Adjudication for Possession of Controlled Substance, a State Jail felony offense, and Burglary of a Building, a 2nd degree felony
- 4 Non-compliance with Board Order
- 13 Submitted a statement voluntarily surrendering their license to practice nursing.
- 1 Conviction for Possession of a Controlled Substance, a State Jail felony offense
- 1 Failing to disclose criminal history on Renewal Document, and pending charges for Engaging in Organized Criminal Activity, a 1st degree felony, and Possession of Certain Chemicals with Intent to Manufacture a Controlled Substance, a 2nd degree felony
- 1 Telephonically passed unauthorized prescriptions for Vicodin, Vicoprofen, and Tuxionex for herself
- 1 Deferred Adjudication for three counts of Theft >\$1500-<\$20K, a State Jail felony offense
- 1 Failed to notify physician and case manager of blood sugars and blood pressure outside parameters, failed to administer Clonidine, as ordered, and notify physician and case manger of new wound and provided wound care without a physician's order
- 1 Made false entries of vital signs and the administration of medications of seventeen assigned patients when she did not obtain vital signs or administer medications
- 2 Deferred adjudication for Possession of Controlled Substance, a State Jail felony offense
- 1 Failed to correctly transcribe medication changes on the medication administration record, and did not document that unlicensed staff was competent to administer the medication
- 1 Failure to disclose criminal history on Application, Withdrew Hydromorphone, Hydrocodone, and Morphine and failed to document the administration of medication, misappropriated medications for personal use.
- 1 Failing to disclose criminal history on renewal document, and Deferred Adjudication of Possession of Controlled Substance, a 3rd degree felony offense
- 1 Obtained Hydrocodone through the use of a fraudulent oral or telephonically communicated prescription , using name and DEA number assigned to another nurse.
- 1 Left patient unattended, while knowing patient was not connected to the ventilator and/or pulse ox monitors. Change in patient's status occurred when patient accidentally decannulated her tracheostomy tube and became cyanotic and non-responsive
- 1 Failure to disclose criminal history and renewal documents, Deferred adjudication for Forgery Commercial Instrument, a State Jail felony, Conviction of Theft of Property, a Class B misdemeanor, 2 counts of Theft \$50-\$500, Class B misdemeanor offenses, Conviction of Possession of Cocaine Less than 1 Gram, a State Jail felony offense, Conviction of Theft under \$1500-3rd Offender
- 1 1993 deferred adjudication for Reckless Conduct, and 1996 conviction of Murder
- 1 Deferred adjudication for Theft in the Aggregate of \$1500 Medicaid
- 1 Disciplinary action taken by another licensing authority
- 1 While under a board order, engaged in the intemperate use of amphetamines and produced a positive drug screen
- 1 1980 guilty plea to Forgery by Passing, 1987 Deferred Adjudication for Theft over \$20 and under \$200, 2008 Deferred Adjudication for Theft, misdemeanor, misappropriated \$100 from resident or failed to make precautions to prevent misappropriation, 2011 pled Guilty to 2 counts of Theft, misdemeanor
- 1 Admitted for psychiatric treatment and received diagnosis including Borderline Personality Disorder, Antisocial Personality Disorder, and of being mentally or physically unable to practice nursing safely, while in treatment admitted to sexually inappropriate behavior involving minor children 15 years ago, received disciplinary action from another State Board of Nursing
- 1 Withdrew Norco, Temazepam, and Ambien, but failed to document administration of medications or follow facility's policy and procedure for wastage or unused portions of medications
- 1 Misappropriated 4 Hydrocodone tablets while making an unscheduled visit
- 1 Failed to disclose criminal history on application/renewal document, lacked fitness to practice nursing in that her speech was slow and slurred and she was failing asleep, non-compliance with board order

LVN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: September 1, 2012, through November 30, 2012

392	<p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 6 Non-disclosure of Criminal History 1 Convicted of misdemeanor Driving While Intoxicated and three counts of Public Intoxication 1 Convicted of second degree felony Tamper W/ Government Record 1 Deferred judgment for misdemeanor Possession of Marijuana and Unlawfully Carrying a Weapon; Convicted of Assault 1 Convicted of misdemeanor Driving While Intoxicated and Resist Arrest, Search, Transport 1 Deferred judgment for misdemeanor Criminal Trespass Habitation 4 Disciplinary action taken by another licensing authority 1 Deferred judgment for Possession of Marijuana; Driving While Intoxicated and Driving While License Suspended 1 Convicted of misdemeanor Theft of Stolen Property >=\$50 <\$500 1 Convicted of seven counts of Theft by Check 1 Deferred judgment for misdemeanor Assault Causes Bodily Injury and Driving While Impaired 1 Deferred judgment for misdemeanor Battery 1 Deferred judgment for second degree felony Possession of a Controlled Substance 1 Pre-Trial Diversion for Injury to a Child SBI/Mental 1 Deferred judgment state jail felony Theft of Property 1 Deferred judgment for third degree felony Assault on a Public Servant 1 Convicted of misdemeanor Bad Check and deferred judgment for Credit Card Abuse 1 Deferred judgment for state jail felony Theft of Property >=\$1500 <\$20k 1 Convicted of misdemeanor Driving While License Suspended; Theft of Property, Assault, Driving While License Invalid and Possession of Marijuana 1 Addicted to alcohol and methamphetamine 1 Diagnosed with Chronic Schizophrenia, paranoid type, Psychosis NOS and Bipolar Disorder 1 Diagnosed with Borderline Personalitiy Disorder 1 Convicted of three counts of Public Intoxication and one count Reckless Driving 2 Diagnosed with Bipolar Affective Disorder NOS 1 Convicted of third degree felony offense Theft of Property >=\$1500 <\$20k 1 Convicted of misdemeanor Striking a Fixture and Assault 1 Deferred judgment for misdemeanor Theft of Property >=\$50 <\$500 and Fail to Identify Fugitive 1 Deferred judgment for third degree felony Hindering Apprehension/Prosecution of Known Felon 1 Convicted of three counts of misdemeanor Possession/Consumption Under 21 1 Deferred judgment for Resist/Obstruct Peace Officer, Battery, Operating OUIL/UBAL/OUID, and six counts of Operating While License Suspended 1 Deferred judgment for Driving While License Invalid and Unlawful Carrying Weapon 1 Denial of Licensure 1 Convicted of misdemeanor Terroristic Threat and deferred judgment for Assault 1 Convicted of Sell Alcohol to Minor and two counts of Driving While Intoxicated 1 Deferred judgment for state jail felony Possessionof Methamphetamine and convicted of Driving While License Invalid 1 Convicted of Prostitution and two counts of Theft 1 Deferred judgment for state jail felony Evading Arrest 1 Convicted of third degree felony Possession of a Controlled Substance; two counts of Distribution of Crack and Forgery of a Financial Instrument 4 Deferred judgment for state jail felony Tampering with Government Record 1 Convicted of state jail felony theft from Person and misdemeanor Assault 3 Convicted of two counts misdemeanor Driving While Intoxicated 1 Deferred judgment for Assault Causes Bodily Injury 1 Deferred judgment for state jail felony Misapp Fiduc/Fin Instit \$1500 1 Convicted of third degree felony Driving While Intoxicated and two misdemeanor Driving While Intoxicated 1 Deferred judgment for third degree felony Possession of a Controlled Substance 1 Deferred judgment for two counts state jail felony Possession of a Controlled Substance 1 Deferred judgment for misdemeanor Burglary of Coin Operated Machine and Assault
331	<p>No Grounds for Denial/Youthful Indiscretion</p>

57	<p>ENDORSEMENTS</p> <ul style="list-style-type: none"> 4 Disciplinary action taken by another licensing authority 1 Denial of Licensure 1 Convicted of felony Welfare Fraud 1 Convicted of two counts of misdemeanor Driving Under the Influence 1 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement 49 No Grounds for Denial
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LVN CORRECTIVE ACTION

Time frame: September 1, 2012, through November 30, 2012

23	<p>CORRECTIVE ACTION</p> <ul style="list-style-type: none"> 2 Non disclosure of misdemeanor Theft of Stolen Property 1 Non disclosure of misdemeanor Public Lewdness 1 Non disclosure of misdemeanor Theft 1 Non disclosure of misdemeanor Welfare Fraud 4 Non disclosure of misdemeanor Driving While Intoxicated 1 Non disclosure of misdemeanor Criminal Trespass 2 Non disclosure of misdemeanor Driving While License Invalid 1 Non disclosure of misdemeanor Assault 2 Non disclosure of misdemeanor Reckless Driving 1 Non disclosure of misdemeanor Obstructing Highway Passageway 1 Non disclosure of misdemeanor Possession of Marijuana 3 Non disclosure of misdemeanor Theft by Check 3 Practiced Nursing without a valid license
12	<p>ENDORSEMENTS</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Fraud Insufficient Funds Check 1 Non disclosure of misdemeanor Fraud Obtain DL/ID Name Etc. 1 Non disclosure of misdemeanor Larceny from Retailer 2 Non disclosure of misdemeanor Disturbing the Peace 1 Non disclosure of misdemeanor Obstruction 1 Non disclosure of misdemeanor Failure to Identify a Fugitive from Justice 1 Non disclosure of misdemeanor Driving While License Suspended 1 Non disclosure of misdemeanor Issuance of Worthless Check 1 Non disclosure of misdemeanor Theft of Property 1 Non disclosure of misdemeanor Bad Check 1 Non disclosure of misdemeanor Criminal Damage to Property
12	<p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Disorderly Conduct 5 Non disclosure of misdemeanor Driving While Intoxicated 1 Non disclosure of misdemeanor Criminal Mischief 1 Non disclosure of misdemeanor Possession of Marijuana 2 Non disclosure of misdemeanor Driving While License Suspended 1 Non disclosure of misdemeanor Bail Jumping 1 Non disclosure of misdemeanor Theft of Property

LVN DEFERRED DISCIPLINE

Time frame: September 1, 2012, through November 30, 2012

4	<p>REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none"> 1 Administered Phenergan 25mg intravenously instead of Phenergan 1 Administered 8mg Acin intramuscularly to a patient volunteer working at the school 1 Absent from the room when the final sharp count needed to be performed 1 Failed to timely assess a patient to determine appropriate level of monitoring
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RN DISCIPLINARY ORDERS

Time frame: September 1, 2012, through November 30, 2012

DISCIPLINARY	
38	<p>FINE WITH REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 26 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history 8 Practiced on a delinquent license 1 Worked as an APN without Supervision 1 Obtained 3 bags of IV fluids without approval from hospital administration or establishing payment 1 Breached patient confidentiality by emailing confidential patient information to a third person 1 Failed to maintain national certification in her advanced practice role and speciality from a nationally accredited certifying body
33	<p>REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 1 Verbally abused patient 1 Left unit without notifying supervisor 1 Failed to keep the door to the department's medication room locked 1 Inappropriately had patients; families/care givers pre-sign medicaid authorization forms 1 Was aggressive instructed the charge nurse, to shred a physicians order 1 Educational requirements for representing himself as a RN without a RN license in Oklahoma 1 Violated professional boundaries of nurse/client relationship 1 Failed to provide an adequate handoff communication to the oncoming house supervisor and staff 1 Failed to correctly set up a blood transfusion for patient medical record 1 Incorrectly administered Seroquel instead of ordered Sensipar to patient 1 Failed to administer a treatment as ordered by the physician 2 Convicted of misdemeanor Deadly Conduct 4 Disciplinary action taken by another Licensing Authority 1 Inappropriately entered the medication room of the Emergency Department without authorization 1 Failed to document decreased urine output or need for placement of Foley catheter for patient 1 Failed to appropriately titrate down the Levophed being administered to patient 1 Failed to document the temperature of patient 1 Failed to document the tolerance of patient 1 Failed to administer a Colace enema, as ordered by the physician 1 Inaccurately documented the administration of "Hydrocodne" 1 Failed to properly waste any unused portions of medications 1 Failed to accurately document the administration, including signs, symptoms and responses to medication of patient 1 Misappropriated Dilaudid or failed to take precautions to prevent misappropriations 1 Pled guilty to the offense of "Riot Participation" 1 Provided false, deceptive, and misleading information 1 Arrested for the offense of "Assault Causes Bodily Injury Family Member 1 Observed taking an unauthorized cellular phone picture of patient. 1 Pled guilty and was convicted of Unlawful Possession of Controlled Substance Marijuana 1 Violated professional boundaries and patient confidentiality

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VOLUNTARY SURRENDER

- 1 Lacked fitness to practice professional nursing, engaged in the intemperate use of a controlled substance in that she admitted to taking her husband's medication
- 15 Submitted a statement voluntarily surrendering their license to practice nursing.
- 1 Submitted an Application in which false, deceptive, and/or misleading information was given by stating she had passed an appropriate licensure examination when she had not, Revocation of licensure by another State Board of Nursing, submitted a statement voluntarily surrendering her license to practice.
- 1 Deferred Adjudication for Possession of Methamphetamine Weighing 1-4 Grams, a 2nd degree felony
- 1 Lacked fitness to practice professional nursing in that while on duty exhibited strange behavior, engaged in the intemperate use of Alcohol in that she produced a positive drug screen
- 1 Withdrew Morphine and Dilaudid from the medication dispensing system for patients, but failed to document the administration in the patient's Medication Administration Records, failed to follow the policy and procedure for the wastage of unused portions of medication, misappropriated Morphine and Dilaudid from the facility and the patients, or failed to take precautions to prevent such misappropriation, intemperate use of Morphine and Hydromorphone in that he submitted a specimen for drug screening which resulted positive, exceeded scope of practice that he wrote orders for morphine and dilaudid for patients without a physicians's orders.
- 5 Disciplinary action taken by another licensing authority
- 1 Lacked fitness to practice in that he was observed exhibiting impaired behavior, failed to accurately document status of a patient, engaged in the intemperate use of opiates in that he produced a positive drug screen
- 1 Failed to assess, intervene appropriately, and document changes in the condition of a patient
- 2 Failure to comply with board order
- 1 Deferred adjudication for Sexual Assault of a Child, a 2nd degree felony.
- 1 Deferred adjudication for Criminal Mischief, a State Jail felony offense
- 1 Deferred adjudication for Attempted Possession of a Controlled Substance and for Obtaining Controlled Substance by Fraud, engaged in intemperate use of methadone
- 1 Deferred adjudication for Possession of Marijuana, conviction for Resist, Failure to Disclose Criminal history on application/renewal, Deferred adjudication for Attempted Possession of a Controlled Substance, conviction for Possession of Controlled Substance, a 2nd degree felony, and a pending charge for Unlawful Restraint-domestic violence
- 1 Withdrew hydromophone, dilaudid, and diazepam for patients without valid physician's order, failed to follow facility's procedures for wastage, and empty vials were found in her personal belongings
- 1 Failed to comply with board order, Mental Health Warrant for emergency detention was issued for Respondent's apprehension and transportation to a mental health facility for assessment.
- 1 Failed to verify, document and ensure that unlicensed staff members were competent and adequately trained to administer medications and g-tube feedings
- 1 Utilized the DEA number of a physician to obtain a prescription for 7,000 phentermine tablets. Deferred adjudication for Possession of a Controlled Substance by Fraud, a 3rd degree felony
- 1 Failed to provide nursing services without discrimination, in that Respondent questioned patient about sexual orientation, exceeded scope of practice by managing a patient with severe depression without consulting a Psychiatric/Mental Nurse Practitioner
- 1 Withdrew Norco, Temazepam, and Ambien, but failed to document administration of medications or follow facility's policy and procedure for wastage or unused portions of medications
- 1 Misappropriated 4 Hydrocodone tablets while making an unscheduled visit
- 1 Failed to disclose criminal history on application/renewal document, lacked fitness to practice nursing in that her speech was slow and slurred and she was failing asleep, non-compliance with board order

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TPAPN BOARD ORDER

- 1 Misappropriation of hydrocodone, telephonically fraudulent prescriptions
- 1 Diagnosed with Opioiod dependence, arrested for fraud possession of a controlled substance, felony
- 1 Impaired behavior at work, Engaged in drugs at work
- 1 Sleeping at work, arrest 2 DWI
- 1 Used drugs at work, pending DWI
- 5 Under the influence of drugs while on duty
- 1 Under the influence of alcohol while on duty
- 1 Convicted Possession of cocaine, DWI conviction, evading arrest/felony/conviction
- 1 Obtain controlled substance by fraud-schedule iii/iv, felony/pending
- 1 Falsely documented drugs and misappropriated them
- 1 Removed drugs from patients and did not document
- 1 DWI conviction x 2; evading arrest/felony/deferred; possession of a controlled substance/pending; admitted for medical detox program
- 1 Sleeping on the job, pending/poss dangerous drugs
- 1 Failure to comply with TPAPN
- 1 DWI/conviction x 2, fell asleep at work, confused, difficulty completing sentences, had to reminded several times to administer medications, drug use at work
- 1 Escape/class A/Deferred; Issuance of Bad Check/conviction x 2; DWI/conviction x 2
- 1 Deceive hospital pharmacy, failed to document missing drugs, used drugs at work
- 1 Did not properly document drugs, used drugs at work
- 1 Impaired behavior at work, hospitalized fo increased depression and suicidal ideation
- 1 Convicted Theft; Poss of controlled substance/felony/pending
- 1 Diagnosed with Bipolar, public intoxication/guilty
- 1 Convicted/poss of marijuana of more than four ounces/felony; resisting arrest/conditional discharge; treatment for alcohol
- 1 Had to leave work due to not feeling mentally competent, and left patients to not receive care needed

RN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: September 1, 2012, through November 30, 2012

165	<p>ENDORSEMENTS</p> <ul style="list-style-type: none"> 10 Disciplinary action taken by another licensing authority 1 Convicted of Disorderly Conduct, Fraud Insufficient Funds Check, Obtaining Property With Worthless Check, and deferred judgment for felony Welfare Fraud 1 Convicted of misdemeanor Assault and Battery and Resisting Arrest 1 Convicted of misdemeanor Driving While Intoxicated, Unlawfully Carrying Weapon, Evading Arrest and Negligent Driving 1 Convicted of Class E felony Arson 1 Entered treatment for substance abuse 1 Convicted of misdemeanor Minor Consume, Illegal Act and Operating Vehicle While Impaired 4 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement 145 No Grounds for Denial
518	<p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 5 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Examination 5 Denial of Licensure 2 Deferred judgment for state jail felony Credit Card Abuse 1 Deferred judgment for third degree felony Credit Card Abuse and misdemeanor Sell Alcohol to Minor 1 Convicted of two counts misdemeanor Theft of Property 1 Deferred judgment for state jail felony Burglary of a Building 1 Pre-Trial Diversion for felony Forgery 1 Convicted of Criminal Possession of a Forgery Device 2 Convicted of felony Burglary of a Building 1 Entered treatment for Alcohol Abuse 1 Convicted of three counts of misdemeanor Theft by Check 1 Deferred judgment for first degree felony Man/Del a Controlled Substance PG 1>=4G<200G 1 Convicted of Possession of Methamphetamine and Drug Paraphernalia 1 Convicted of two counts of Assault and two counts of Theft of Goods 2 Deferred judgment of misdemeanor Possession of Marijuana 1 Convicted of state jail felony Evading Arrest/Detention with Vehicle and misdemeanor Driving While Intoxicated 1 Convicted of Driving While Intoxicated, Issuance of a Bad Check and Bail Jumping 1 Practiced as a Vocational Nurse without a valid license 1 Practicing as a vocational nurse Removed and administered Benadryl to a patient that belong to a different patient 1 Convicted of third degree felony Forgery and two counts of Driving While Intoxicated 1 Deferred judgment of state jail felony Possession of Methamphetamine 1 Deferred judgment for state jail felony Abandon a Child with Intent to Return 1 Convicted of Criminal Mischief, Driving While Intoxicated and Aggravated Assault 1 Deferred judgment for state jail felony Theft 1 Convicted of state jail felony Driving While Intoxicated with Child Under 15 years of Age 1 Deferred judgment for Driving While Intoxicated; convicted of Assault, Theft of Property and Possession of Marijuana 1 Convicted of misdemeanor Assault, Theft, Evading Arrest/Detention and Driving While Intoxicated 1 Convicted of Possession of Marijuana and two counts of Driving While Intoxicated 1 Convicted of two counts of misdemeanor Driving While Intoxicated 1 Convicted of second degree felony Possession of a Controlled Substance 2 Convicted of third degree felony Theft \$15,000 or more 1 Convicted of two counts of misdemeanor Purchase/Furnish Alcohol to a Minor 1 Deferred judgment for misdemeanor Attempt to Secure Execution of Document by Deception 1 Deferred judgment for two counts of misdemeanor Consumption of Alcohol by a Minor 6 Disciplinary action taken by another licensing authority 430 No Grounds for Denial/Youthful Indiscretion

APPLICANTS/ PETITIONERS cont.

- 1 Deferred judgment for state jail felony Evading Arrest with Vehicle
- 1 Deferred judgment for third degree felony Theft, state jail felony Possession of a Controlled Substance and misdemeanor Theft of Property
- 1 Deferred judgment for state jail felony Unauthorized Use of a Vehicle
- 1 Convicted of three counts of Driving While Intoxicated
- 1 Pre-Trial Diversion for state jail felony Possession of a Controlled Substance
- 1 Deferred judgment for Resisting Arrest and two counts of Driving While License Invalid
- 2 Convicted of state jail felony Theft of Property >=\$1500 <\$20K
- 1 Deferred judgment for felony Possession of a Controlled Substance - Methamphetamine
- 1 Deferred judgment for Criminal Mischief, Assault Causes Bodily Injury, Driving While Intoxicated, and Theft of Property
- 5 Entered treatment for substance abuse
- 1 Diagnosed with marijuana dependency
- 1 Convicted of Wrongful Use and Distribution of Controlled Substance, Possession of Marijuana and Contributing to a Minor
- 1 Pre-Trial Diversion for felony Theft of Property
- 1 Deferred judgment for state jail felony Forgery by Passing
- 1 Deferred judgment for Possession of Marijuana and Theft
- 1 Convicted of Contempt of Court and Prostitution
- 1 Convicted of four counts of Driving While Intoxicated
- 1 Diagnosed with Bipolar II, Mixed Hypomanic and Depression
- 1 Convicted of misdemeanor Assault, Theft of Property, Public Intoxication and Criminal Trespass
- 1 Convicted of six counts of Theft by Check and state jail felony Forgery of Check and Forgery by Possession of a Check with Intent to Pass
- 1 Deferred judgment for state jail felony Attempt to Secure Execution of Document by Deception
- 1 Deferred judgment of state jail felony Theft of Property and convicted of Driving While License Invalid
- 1 Convicted of misdemeanor disorderly Conduct and Driving While License Invalid
- 1 Deferred judgment of felony Forgery by Passing and convicted of misdemeanor Hindering Apprehension
- 1 Deferred judgment for misdemeanor Violation of Civil Rights of Person in Custody
- 1 Convicted of third degree felony Intoxication Assault
- 1 Convicted of misdemeanor Telephone Harassment and two counts of Reckless Driving,
- 1 Deferred judgment of state jail felony Fraud Use/Possession of Identifying Information
- 2 Deferred judgment for third degree felony Assault on a Public Servant
- 1 Deferred judgment for state jail felony Delivery and Possession of Marijuana

RN CORRECTIVE ACTION

Time frame: September 1, 2012, through November 30, 2012

29	<p>CORRECTIVE ACTION</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Theft of Stolen Property 1 Non disclosure of misdemeanor Public Lewdness 1 Non disclosure of misdemeanor Theft 1 Non disclosure of misdemeanor Welfare Fraud 10 Non disclosure of misdemeanor Driving While Intoxicated 3 Non disclosure of misdemeanor Reckless Driving 3 Non disclosure of misdemeanor Theft by Check 1 Non disclosure of misdemeanor Vandalism 2 Non disclosure of misdemeanor Driving While License Invalid 1 Non disclosure of misdemeanor Obstructing Highway Passageway 5 Practiced Nursing without a valid license
8	<p>ENDORSEMENT</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Theft by Deception 1 Non disclosure of misdemeanor Resisting Arrest 4 Non disclosure of misdemeanor Driving While Intoxicated 1 Non disclosure of misdemeanor Petit Larceny 1 Non disclosure of misdemeanor Driving While License Revoked
10	<p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Possession of a Controlled Substance 1 Non disclosure of misdemeanor Issuance of a Minor in Possession 2 Non disclosure of misdemeanor Issuance of a Bad Check 1 Non disclosure of misdemeanor Battery 3 Non disclosure of misdemeanor Theft 1 Non disclosure of misdemeanor Hinder Apprehension 1 Non disclosure of Bipolar Disorder

RN DEFERRED DISCIPLINE

Time frame: September 1, 2012, through November 30, 2012

12	<p>REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none"> 1 Administered Phenergan 25mg intravenously instead of Phenergan 1 Administered 8mg Acin intramuscularly to a patient volunteer working at the school 1 Absent from the room when the final sharp count needed to be performed 1 Failed to timely assess a patient to determine appropriate level of monitoring 1 Failed to notify the physician that a patient had bleeding from her dialysis catheter during treatment 1 Failed to adequately assess and intervene when a patient was found lying on a mat beside his bed 1 Administered Alprazolam 0.25mg to a patient from own person prescription 1 Repeatedly threw used syringes in regular trash containers; administered oral medications to a patient who was slumped in bed and not sitting up straight 1 Failed to administer blood transfusion to a patient 1 Continued to evaluate a patient from a urinary tract infection by tapping the patient on the back after the patient informed her that she had back problems not to touch her back 1 Failed to change the central line dressing and hub for a patient, but document the change had been made 1 Exceeded scope of practice when she continued to implant pedicle screws into the lower back of a patient
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RESOLUTION

THE COUNCIL OF STATE GOVERNMENTS

RESOLUTION SUPPORTING CRIMINAL BACKGROUND CHECKS FOR NURSES APPLYING FOR STATE LICENSURE

WHEREAS, nurses work with the sick, disabled, elderly and other vulnerable populations, and it is in the interest of public safety to review nurse licensure applicants' past criminal behavior in determining whether they should be granted a license to practice nursing in a state or territory;

WHEREAS, applicants for nurse licensure with criminal histories may not reveal a positive criminal history on applications, and fingerprint based background checks are an effective tool to identify past criminal behavior and ensure ongoing patient safety;

WHEREAS, of the nation's 55 boards of nursing (excluding U.S. territories), 40 boards conduct state and federal CBCs. Fifteen boards do not. This progress has been significant, but we need every state to conduct criminal background checks;

WHEREAS, boards of nursing assure the security and confidentiality of the background information and must comply with any state or federal requirements to obtain access to state criminal background checks, making this process fair to licensure applicants;

WHEREAS, Public Law 92-544 provides funding to the Federal Bureau of Investigations (FBI) for acquiring, collecting, classifying, preserving and exchanging identification records with duly authorized officials of the federal government, the states, boards of nursing, cities, and other institutions;

BE IT NOW THEREFORE RESOLVED, that the Council of State Governments urges states to conduct fingerprint based criminal background checks on all nurse licensure applicants by enacting a relevant provision in the jurisdiction's Nurse Practice Act or relevant regulations;

BE IT FURTHER RESOLVED, that The Council of State Governments recommends that states work with their boards of nursing in developing plans to conduct nurse licensure comprehensive federal and state criminal background checks.

Adopted this 3rd Day of December, 2012, at CSG's 2012 National Conference in Austin, Texas.

Measure	Totals FY'10	Totals FY'11	Totals FY'12	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Running FY 2012 Total
Nursing Jurisprudence Exam	27,177	27,821	21,894	7,115				21,894
Exam Not Completed	1,845	1,216	1,248	317				317
Percentage Not Completed	6.79%	4.37%	4.27%	4.46%				4.27%
Did Not Passed	1,602	2,468	2,509	612				612
Percentage Did Not Pass	5.89%	8.87%	8.62%	8.60%				8.62%
Exam Passed	23,730	24,137	25,657	6,186				6,186
Percentage Exam Passed	87.32%	86.76%	87.11%	86.94%				87.11%
NJE - Breakdown by Applicant Group								
LVN-Candidate	7,266	7,472	7,653	1,808				1,808
Exam Not Completed	835	399	411	84				84
Did Not Passed	723	991	1,051	220				220
Exam Passed	5,708	6,082	6,191	1,504				1,504
LVN-Endorsement	1,384	1,716	1,657	400				400
Exam Not Completed	94	105	73	27				27
Did Not Passed	193	387	370	93				93
Exam Passed	1,097	1,224	1,214	280				280
RN-Candidate	10,929	11,057	11,982	2,715				2,715
Exam Not Completed	569	361	447	108				108
Did Not Passed	250	387	430	119				119
Exam Passed	10,110	10,309	11,105	2,488				2,488
RN-Endorsement	7,598	7,576	7,599	2,021				2,021
Exam Not Completed	347	351	298	93				93
Did Not Passed	436	703	633	174				174
Exam Passed	6,815	6,522	6,668	1,754				1,754
Refresher Course/Renewal Requirements	n/a	n/a	523	171				171
Exam Not Completed	n/a	n/a	19	5				5
Did Not Passed	n/a	n/a	25	6				6
Exam Passed	n/a	n/a	479	160				160