

TEXAS BOARD OF NURSING

Regular Meeting

Thursday, April 18, 2013
8:34 a.m. - 5:37 p.m.
333 Guadalupe, Room 100
Austin, Texas

Present:

Kathy Shipp, MSN, RN, FNP, Board President, Representing APRN Practice
Nina Almasy, BSN, RN, MSN, Representing LVN Education
Deborah Hughes Bell, CLU, ChFC, Representing Consumers
Tamara Cowen, MSN, RN, Representing RN Practice
Sheri Denise Crosby, JD, SPHR, Representing Consumers
Richard Robert Gibbs, LVN, Representing LVN Practice
Kathy Leader-Horn, LVN, Representing LVN Practice
Mary LeBeck, MSN, RN, Representing ADN Education
Josefina Lujan, PhD, RN, Representing BSN Education
Beverley Jean Nutall, LVN, Representing LVN Practice

Absent:

Patti Clapp, BA, Representing Consumers
Marilyn J. Davis, BSN, RN, MPA, Representing RN Practice
Shelby Ellzey, Representing Consumers

Staff present:

Katherine A. Thomas, Executive Director
Patricia Vianes-Cabrera, Executive Assistant
Anthony Diggs, Director of Enforcement
James "Dusty" Johnston, General Counsel
Jena Abel, Assistant General Counsel
Mark Majek, Director of Operations
Kristin Benton, Director of Nursing
Jan Hooper, Lead, Nursing Education Consultant
Melinda Hester, Lead, Nursing Practice Consultant
Virginia Ayars, Nursing Consultant
Sandi Emerson, Nursing Consultant
Denise Benbow, Nursing Consultant
Bonnie Cone, Nursing Consultant
Ramona Gaston-McNutt, Nursing Consultant
Jolene Zych, Advanced Practice Nurse Consultant
Nicole Binkley, Advanced Practice Nurse Consultant
Bruce Holter, Information Specialist
Laura Lewis, Administrative Assistant
Jeremy Bruker, Information Technology
Bill Ray, Information Technology
Amanda Crider, Information Technology

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Kathy Shipp called the meeting to order at 8:34 am, Thursday, April 18, 2013.	
ROLL CALL	Katherine Thomas did the roll call. A quorum was established with ten members in attendance, Board Members Patti Clapp, Marilyn Davis and Shelby Ellzey were absent.	
INTRODUCTIONS	Board members and Staff introduced themselves to the audience.	
ACCEPTANCE OF AGENDA	The Board reviewed the agenda.	<p>The following agenda item was corrected to be placed on the consent agenda:</p> <p>Agenda Item 3.1.1. Promoting Competency Report.</p> <p>The Agenda was approved.</p>
ACCEPTANCE OF MINUTES	The Board reviewed the minutes from the January 17-18, 2013 Board Meeting.	The Board approved the minutes from the January 17-18, 2013 board meeting.
CONSENT AGENDA ITEMS		<p>The Consent Agenda was reviewed, the following correction was made:</p> <p>Agenda Item 3.1.1. Promoting Competency Report was added to the Consent Agenda;</p> <p>The following recusals were made:</p> <p>Agenda Item 8.1. Agreed Orders Deborah Bell recused herself from the consideration and vote on Agreed Orders of: Gene Gilbert Gallegos, LVN #188548 Shauna Leigh Maddox, RN #795341 / LVN #190458 Gina Lurea May, RN #683187 Lia Denise McCarty, RN #568153 Michelle Rosas, LVN #139387</p> <p>Agenda Item 8.3. Reinstatement Agreed Orders Deborah Bell recused herself from the consideration and vote on Agreed Order of: Anthony Martinez, RN #652063</p> <p>The Consent Agenda was approved.</p>
<i>1.2.1. Update of Pending Litigation: Executive Session pursuant to</i>		<i>Approved on Consent.</i>

AGENDA ITEM	DISCUSSION	ACTION
<p>§551.071(1), Texas Government Code, to discuss pending or contemplated litigation in the Matters of: David Condado vs. Texas Board of Nursing and Executive Director Katherine A. Thomas, Cause No. D-1-GN-12-003537, In the 98th Judicial District, Travis County, Texas;</p> <p>Rodney Wayne Hicks vs. Texas Board of Nursing, and in their official capacities only, Katherine Thomas, Executive Director, and Kristin K. Benton, President of the Board, Cause No. Cause No. D-1-GN-12-003118, in the 353rd Judicial District Court, Travis County, Texas;</p> <p>Amy Bagley Krenek RN, vs. Texas Board of Nursing, Cause No. D-1-GN-09-001195, In the 419th Judicial District, Travis County, Texas;</p> <p>Donald Patrick Majewski v. Texas Board of Nursing, Cause No. D-1-GN-12-003844, in the 261st Judicial District Court, Travis County, Texas;</p> <p>Stanley Payne, Plaintiff, vs. Texas Board of Nurse Examiners a/k/a Texas Board of Nursing, Defendant,</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Cause No. D-1-GN-12-003072, in the 126th Judicial District Court, Travis County, Texas; Bernardino Pedraza, Jr. vs. Texas State Board of Nursing, Cause No. C-2541-10-B; In the 93rd Judicial District, Hidalgo County; Texas; and Ex Parte Brian Zalesky, Cause No. D-1-EX-09-000516, 427th Judicial District Court, Travis County, Texas.</i></p>		
<p><i>2.1 Financial Statement - 2ND Quarter, Fiscal Year 2013</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>2.2. Continuing Education Pre-Renewal Audit Report - 2ND Quarter, Fiscal Year 2013</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>3.1.1. Promoting Competency Report</i></p>		<p><i>Approved on Consent</i></p>
<p><i>3.2.1. Status Report on Inquiries, Proposals, and Approval Status of New Nursing Education Programs</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>3.2.2. Status Report on Programs with Sanctions</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>3.2.3. Report on Communication Activities with Nursing Education Programs</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>3.2.4. Report of 2012 NCLEX-PN®</i></p>		<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Examination Pass Rates</i></p> <p><i>3.2.5. Report of Regular Survey Visits to Nursing Education Programs</i></p> <p><i>3.2.5.a. Angelina College in Lufkin, Texas - Associate Degree Nursing Education Program</i></p> <p><i>3.2.5.b. Angelina College in Lufkin, Texas - Vocational Nursing Education Program</i></p> <p><i>3.2.5.c. Laredo Community College in Laredo, Texas - Vocational Nursing Education Program</i></p> <p><i>3.2.5.d. Texarkana College in Texarkana, Texas - Vocational Nursing Education Program</i></p>		<p><i>Approved on Consent. Accept the report of findings of the routine six-year survey visit to the Angelina College in Lufkin, Texas Associate Degree Nursing Education Program and issue a recommendation that the program review all curriculum documents to ensure that the DEC-related competencies are stated in behavioral terms, and submit a written response to the recommendation no later than September 1, 2013, to Board Staff.</i></p> <p><i>Approved on Consent. Accept the report of findings of the routine six-year survey visit to Angelina College in Lufkin, Texas Vocational Nursing Education Program and issue a recommendation that the program review all curriculum documents to ensure that the DEC-related competencies are stated in behavioral terms and submit a written response to the recommendation no later than September 1, 2013, to Board Staff.</i></p> <p><i>Approved on Consent. Accept the report of findings of the routine six (6) year visit to Laredo Community College in Laredo, Texas and issue the following recommendation: The administration is commended for the release time for faculty development and is encouraged to seek ways to provide more release time to faculty time for program planning, evaluation, and revision and shall submit a response to this recommendation by September 1, 2013, to board staff.</i></p> <p><i>Approved on Consent. Accept the report of findings of the routine six-year survey visit to the Texarkana College in Texarkana, Texas Vocational Nursing Education Program, and issue the following recommendation: The administration is encouraged to recruit a full-time faculty member to fill the full-time vacancy created by the retirement; and to submit a written response to the recommendation to Board Staff no later than September 1, 2013.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.6. <i>Consideration of Addendum to Request for Approval of a Joint Pilot Project Among a Group of Associate Degree Nursing Education Programs for An Innovative Professional Nursing Education Program Approach Using Concept-Based Instruction</i></p>		<p><i>Approved on Consent. Approve the inclusion of Collin County Community College ADN Program among the group of ADN programs participating in the innovative pilot project to utilize concept-based instruction.</i></p>
<p>3.2.7. <i>Consideration for Change in Approval Status from Initial to Full Approval</i> 3.2.7.a. <i>Fortis Institute in Grand Prairie, Texas - Vocational Nursing Education Program</i></p>		<p><i>Approved on Consent. Approve the change in program approval status of the Fortis Institute Vocational Nursing Education Program in Grand Prairie, Texas, from initial to full approval. Further, impose the following requirement: Fortis College shall limit the enrollment of students to twenty (20) per quarter until an assessment of the program is made by Board Staff during a survey visit in Fall 2013 and the Board approves lifting this admission restriction.</i></p>
<p>3.2.7.b. <i>Teamwork Services in Grand Prairie, Texas - Vocational Nursing Education Program</i></p>		<p><i>Approved on Consent. Approve the change in approval status of Teamwork Services VN Education Program in Grand Prairie, Texas, from initial to full and authorize a comprehensive survey visit to the program during fall 2013.</i></p>
<p>3.2.7.c. <i>The College of Health Care Professions in Houston, Texas - Vocational Nursing Education Program</i></p>		<p><i>Approved on Consent. Approve the change in approval status of The College of Health Care Professions Vocational Nursing Education Program in Houston, Texas, from initial to full, authorize Board Staff to conduct a survey visit during the Fall of 2013, and impose the following requirement:</i></p>
<p>3.2.8. <i>Consideration for Change in Approval</i></p>		<p><i>The College of Health Care Professions Vocational Nursing Program shall not enroll more than thirty (30) students per each admission and shall limit admissions to two (2) per year.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Status from Full with Warning to Full Approval</i></p> <p><i>3.2.8.a. Clarendon College in Pampa, Texas - Vocational Nursing Education Program</i></p>		<p><i>Approved on Consent. Approve the change in approval status of Clarendon College Vocational Nursing Education program in Pampa, Texas from Full with Warning to Full Approval status. Further, issue the following recommendation: Administration is encouraged to provide the vocational nursing program with additional clerical support.</i></p>
<p><i>3.2.8.b. Valley Grande Institute in Weslaco, Texas - Vocational Nursing Education Program</i></p>		<p><i>Approved on Consent. Accept the reports of the joint survey visit with ABHES to Valley Grande Institute Vocational Nursing Education Program in Weslaco, Texas, in April 2012 and of the program's responses to recommendations made following the survey visit, and change the approval status of the program from full with warning to full approval; and allows enrollment of fifty students per admission.</i></p>
<p><i>4.1. Criminal Background Check Update</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>4.2. Report on Enforcement's Initiative to Address Complaint Backlog</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>5.1.1. Eligibility and Disciplinary Committee</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>5.1.2. Quarterly Statistical Report - 2ND Quarter, Fiscal Year 2013</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.1. Nurse Licensure Compact Update</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.2. Adoption of Proposed Amendments to 22 Tex. Admin. Code §211.7, Pertaining to Executive Director</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.3. Adoption of Proposed Amendments to 22 Tex. Admin. Code</i></p>		<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
Chapter 220, Pertaining to Nurse Licensure Compact		
6.4. Adoption of Rule Reviews for 22 Tex. Admin. Code Chapter 214, 215, and 222		Approved on Consent.
7.1.1. TPAPN Quarterly Report		Approved on Consent.
7.1.2. Texas Peer Assistance Program for Nurses Third Party Referral Report		Approved on Consent.
7.2. Health Professional Council 2012 Annual Report		Approved on Consent.
8.1 Agreed Orders	The Board considered the Agreed Orders listed on Consent:	The Board voted to ratify the Agreed Orders on Consent.
	Adams, Kendra Dee LVN #113296	Warning with Stipulations.
	Armendariz, Jennifer Nicole LVN #198989	Warning with Stipulations.
	Barnett, Kimberly Kay LVN #108368	Warning with Stipulations.
	Blevins, Robert Carroll RN #787885 / LVN #211273	Suspend Probate.
	Bowman, Cheryl A. RN #627133	Warning with Stipulations.
	Chatmon, Tia L. RN #786743	Suspend Probate.
	Coon, Jennifer Nichole RN #759162	Reprimand with Stipulations.
	Cooper, Deborah Gayle LVN #161457	Suspend Probate.
	Darwin, Dawn Deann RN #629785	Suspend Probate.
	Dean, Nancy Ann RN #571573	Warning with Stipulations.
	Diaz, Michael LVN #202680	Warning with Stipulations.
	Ehiobu, Ifaneyi Christie RN #694692	Warning with Stipulations.
	Gallegos, Gene Gilbert LVN #188548	Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order. Warning with Stipulations.
	Gonzalez, Estella LVN #197240	Warning with Stipulations.
	Ham, Elaine RN #652614	Warning with Stipulations.

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	<i>Horinek, Misty Lynn RN #706034</i>	<i>Suspend Probate.</i>
	<i>Jackson, Deanna RN #641899</i>	<i>Reprimand with Stipulations.</i>
	<i>Johnson, Andrea Lynn RN #584152</i>	<i>Enforced Suspension.</i>
	<i>Keller, Lori Kay LVN #145379</i>	<i>Warning with Stipulations.</i>
	<i>Laddie, Nakia Mondre RN #660453</i>	<i>Warning with Stipulations.</i>
	<i>Lewis, Pamela Renee RN #705825</i>	<i>Suspend Probate.</i>
	<i>Maddox, Shauna Leigh RN #795341 / LVN #190458</i>	Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order. <i>Warning with Stipulations.</i>
	<i>Manderscheid, Susan Elizabeth RN #752879</i>	<i>Enforced Suspension.</i>
	<i>Markowski, Jill RN #619915</i>	<i>Warning with Stipulations.</i>
	<i>Masters, Debra Suzanne RN #590334</i>	<i>Warning with Stipulations.</i>
	<i>Matthews, Amy Christine RN #738703 / LVN #169237</i>	<i>Enforced Suspension.</i>
	<i>May, Gina Lurea RN #683187</i>	Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order. <i>Suspend Probate.</i>
	<i>McCarty, Lia Denise RN #568153</i>	Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order. <i>Warning with Stipulations.</i>
	<i>Meyers, Samantha Jo LVN #207375</i>	<i>Warning with Stipulations.</i>
	<i>Mize, Cara Darlene LVN #230967</i>	<i>Warning with Stipulations.</i>
	<i>Monroe, Minnie Margaret LVN #28344</i>	<i>Reprimand with Stipulations.</i>
	<i>Mueller, Christopher Neal RN #695232</i>	<i>Warning with Stipulations.</i>
	<i>Munoz, Maria Elena RN #759218</i>	<i>Reprimand with Stipulations.</i>
	<i>Neovivo, Deborah Anne RN #777510</i>	<i>Warning with Stipulations.</i>
	<i>Nicholson, Berta Patricia RN #583802 / LVN #118630</i>	<i>Reprimand with Stipulations.</i>
	<i>Peavler, Carolyn Jane RN #569648</i>	<i>Warning with Stipulations.</i>
	<i>Piwonka, Vickie RN #659146</i>	<i>Reprimand with Stipulations.</i>
	<i>Prentice, Jennifer Sue LVN #224945</i>	<i>Warning with Stipulations.</i>
	<i>Ramirez, Hector Serrata LVN #301509</i>	<i>Warning with Stipulations.</i>
	<i>Rosas, Michelle LVN #139387</i>	Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order.

AGENDA ITEM	DISCUSSION	ACTION
		<i>Enforced Suspension.</i>
	<i>Ruiz, Richard RN #716113</i>	<i>Suspend Probate.</i>
	<i>Russell, Tanya T. LVN #163117</i>	<i>Warning with Stipulations.</i>
	<i>Simpson, Cajuan Michele LVN #182713</i>	<i>Reprimand with Stipulations.</i>
	<i>Stringfellow, Ronald Anthony LVN #184618</i>	<i>Warning with Stipulations.</i>
	<i>Tabada, Arlo Weesit RN #760327</i>	<i>Warning with Stipulations.</i>
	<i>Thomas, Faye T. LVN #46204</i>	<i>Warning with Stipulations.</i>
	<i>Vasquez, Antonio Arturo RN #742727</i>	<i>Reprimand with Stipulations.</i>
	<i>Wade, Cynthia A. RN #559533</i>	<i>Warning with Stipulations.</i>
	<i>Wahl, Paula Roman LVN #47015</i>	<i>Warning with Stipulations.</i>
	<i>Wheatley, Susan Marie RN #785844</i>	<i>Suspend Probate.</i>
	<i>Williams, Laura E. RN #619862</i>	<i>Warning with Stipulations.</i>
8.2. Deferred Agreed Orders	<i>The Board considered the Deferred Agreed Orders listed on Consent:</i>	<i>The Board voted to ratify the Deferred Agreed Orders on Consent.</i>
	<i>Crane, Pege Rhnea RN #748406 / APN Authorization</i>	<i>Warning with Stipulations, Deferred.</i>
	<i>Thomas, Sterling Bryan RN #794324</i>	<i>Warning with Stipulations, Deferred.</i>
8.3. Reinstatement Agreed Orders	<i>The Board considered the Reinstatement Agreed Orders listed on Consent:</i>	<i>The Board voted to ratify the Reinstatement Agreed Orders on Consent.</i>
	<i>Martinez, Anthony RN #652063</i>	<i>Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order.</i> <i>Reinstated with Stipulations.</i>
	<i>Washington, Mae Ella RN #589069</i>	<i>Reinstated with Stipulations.</i>
8.4. Eligibility Agreed Orders	<i>The Board considered the Eligibility Agreed Orders listed on Consent:</i>	<i>The Board voted to ratify the Eligibility Agreed Orders on Consent.</i>
	<i>Coleman, George William (RN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Gallimore, Jennifer Elaine LVN #183445 / RN</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Hahn, Wendi Tiana (RN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Humphrey, Dawanda Roshell (LVN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Lewis, Latoria Dionne (LVN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Louison, Angela Yvette (LVN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Marcos, Jillian Rose (LVN)</i>	<i>Eligibility Order with Stipulations.</i>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Moncada, Jr., Ricardo (LVN)</i></p> <p><i>Odom, Kara Jo LVN #205821 / RN</i></p> <p><i>Price, Jeanine Rae (RN)</i></p> <p><i>Smiley, Angela Michelle (LVN)</i></p> <p><i>Stech, Lindsay Adele (LVN)</i></p> <p><i>Valles, Richard (LVN)</i></p> <p><i>Ward, Ashley Nicole (RN)</i></p> <p><i>Williamson, Summer Delaine (LVN)</i></p> <p><i>Wilson, Jennifer Lee (RN)</i></p>	<p><i>Eligibility Order with Stipulations.</i></p>
<p>1. ADMINISTRATION 1.1. Executive Director's Report</p>	<p>Katherine Thomas reviewed her written report with the Board.</p>	<p>No action.</p>
<p>1.3. Legislative Update</p>	<p>Katherine Thomas reported staff tracked 360 of the 6,124 bills filed in the 83RD Regular Legislative Session and provided an update on bills that affect nursing and the regulation of nursing education and practice.</p>	<p>No action.</p>
<p>3. NURSING 3.1. Practice 3.1.2. Report on Implementation of SB 1857, 82nd Texas Legislature and the LVN On-Call Pilot Program</p>	<p>Melinda Hester reported Staff from DADS and the BON plan to meet monthly to review critical incident and mortality review data to learn if any harm resulted from a nurse's action while performing on-call telephone services. Information learned will be shared with the advisory committee in order to determine if a corrective action plan for a provider should be developed.</p> <p>In addition, a random sample of individuals' files whose providers are participating in the LVN On-Call Pilot will be evaluated. The samples will represent a three month time period and the total number of files reviewed will be 1000-1200 over the remainder of the pilot program. BON staff have developed a checklist that will be used during the evaluation of the files. BON staff will train DADS staff on the use of the checklist and how to evaluate an individual's file.</p> <p>An adverse event has occurred and is currently in the enforcement department as</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2. Education 3.2.9. Consideration for Change in Approval Status from Full Approval to Full with Warning 3.2.9.a. Dallas Nursing Institute in Dallas, Texas - Vocational Nursing Education Program</p> <p>3.2.9.b. Fortis College in Houston, Texas - Vocational Nursing Education Program</p>	<p>an open investigation. While open investigations cannot be discussed, allegedly the communication protocol was not used and allegedly an administrator was intercepting all the calls between the nurse and the unlicensed staff caring for the client. The provider reports they have implemented new policies in which the unlicensed staff calls the nurse directly and that the communication protocol will be used. This spring, DADS and BON staff are planning a joint webinar to update pilot participants with any updates and changes to the pilot over the past year. BON staff have developed a survey tool for RNs and LVNs participating in the pilot program to provide information to the BON and DADS. Information gathered will be used to improve the LVN On-Call Pilot Program.</p> <p>The Board considered a proposed change in the program approval status of the Dallas Nursing Institute Vocational Nursing Education Program in Dallas, Texas, based upon review of the 2012 NCLEX-PN® examination pass rate, the 2012 Nursing Education Program Information Survey (NEPIS), and program compliance with Board Rule 214.</p> <p>Patricia Perryman, MSN, RN, VN Program Director; Gwen Gaston, MSN, RN, ADN Program Director; and Patricia G. Wilson, MSN, RNC, Vice President of Accreditation were present to answer questions.</p> <p>The Board considered a change in approval status for Fortis College Vocational Nursing (VN) Education Program in Houston, Texas, from full approval to full with warning based upon the 2012 NCLEX-PN® examination pass rate, review of the 2012 Nursing Education Program Information Survey (NEPIS), and areas of noncompliance with Rule 214 identified in the Self-Study Report. Vivian Bradley, MN, RN, Director; Jan Kramer, MSN, RN, Regional Dean of Nursing; and Sidney Carey, MBA, Campus President</p>	<p>The Board voted to change the approval status of Dallas Nursing Institute Vocational Nursing Education Program in Dallas, Texas from Full to Full with Warning, to continue fifty students per quarter enrollment restriction and authorize Board Staff to conduct a survey visit in the Fall, 2013.</p> <p>Board Member Beverley Nutall abstained from the vote on this agenda item.</p> <p>The Board voted to change the approval status for Fortis College Vocational Nursing Education Program in Houston, Texas, from full approval to full with warning based upon the 2012 NCLEX-PN® examination pass rate of 76.47%, review of the 2012 NEPIS, and identified areas in the Self-Study Report for correction in the program with a condition that enrollment of thirty students per quarter be maintained and to authorize a survey visit</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.10. Consideration for Change in Approval Status from Full with Warning to Conditional</p> <p>3.2.10.a. American Medical Institute in Houston, Texas - Vocational Nursing Education Program</p> <p>3.2.10.b. Platt College in Dallas, Texas - Vocational Nursing Education Program</p>	<p>were present to answer questions.</p> <p>The Board considered a proposed change in the program approval status of American Medical Institute Vocational Nursing Education Program in Houston, Texas, based upon the review of the 2012 NCLEX-PN® examination pass rate, the 2012 Nursing Education Program Information Survey, and the program's compliance with Texas Board of Nursing Rule 214.</p> <p>Ify Emenaha, Pharm D, RN, VN Program Director; William Currey, PhD, Campus President; and Jonathan Wu, Attorney were present to answer questions.</p> <p>The Board considered the recommendation to change the approval status from full with warning to conditional for Platt College in Dallas, Texas, Vocational Nursing Education Program based upon the 2012 NCLEX-PN® examination pass rate, issues of noncompliance with Rule 214, review of the 2012 Nursing Education Information Survey (NEPIS), and findings from the Survey Visit on October 15, 2012.</p> <p>Charlotte Stephenson, MSN, RN, Director and Ella Abela, RN, MSN/Ed., MHA, RN Administrator were present to answer questions.</p>	<p>during 2013.</p> <p>The Board voted to table the consideration of the proposed change in the program approval status of American Medical Institute Vocational Nursing Education Program in Houston, Texas until the July, 2013 board meeting and directed Staff to complete a survey visit and to compile and present the data for the 2013 NCLEX-PN® examination pass rate for American Medical Institute Vocational Nursing Education Program in Houston, Texas at the July, 2013 Board Meeting.</p> <p>The Board voted to change the approval status of Platt College in Dallas, Texas Vocational Nursing Education Program from full with warning to conditional approval status. Further, to impose the following requirements to be met:</p> <ol style="list-style-type: none"> (1) The program shall provide signed contracts and clinical schedules indicating that a full range of clinical settings are available to the students to Board Staff no later than July 1, 2013; (2) The program shall provide evidence to Board Staff that faculty have received appropriate training in using simulation as a clinical learning experience no later than July 1, 2013; (3) The program director and faculty shall review the faculty policies for adequacy and plan for implementation and shall provide copies of faculty policies related to workload, faculty development, orientation, and evaluation. In addition, the program shall provide copies of the faculty minutes indicating policies are being followed. Evidence of compliance with these requirements should be provided to Board Staff no later than July 1, 2013; (4) The program may not enroll students while on conditional status; (5) The program will remain on conditional approval status until the program

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.10.c. Universal Health Services School of Vocational Education in Fort Worth, Texas - Vocational Nursing Education Program</p>	<p>The Board considered a proposed change in the program approval status of Universal Health Services School of Vocational Education Vocational Nursing Education Program in Fort Worth, Texas, based upon review of the 2012 NCLEX-PN® examination pass rate, the 2012 Nursing Education Program Information Survey, and the program's compliance with Board Rule 214. Ana Naccarato, BSN, RN, VN Program Director; Kathy Walls, EdD, MBA, RN, CHPN - President CEO UHS VN Program; and Robbin Wilson, MSN, RN, UHS VN Program Consultant were present to answer questions.</p>	<p>demonstrates a pass rate for first time candidates of at least 80% on the 2013 NCLEX-PN® examination. The NCLEX-PN® examination year is January 1, 2013 through December 31, 2013;</p> <p>(6) The program must demonstrate full compliance with Rule 214 prior to consideration for a change in approval.</p> <p>Further the Board issued the following recommendation:</p> <p>(1) The administration, director, and faculty are encouraged to adjust the program length to be reasonable for students and to promote integrity of the program. A response to this recommendation should be submitted to Board Staff by July 1, 2013.</p> <p>The Board voted to change the approval status of Universal Health Services School of Vocational Education Vocational Nursing Education Program in Fort Worth, Texas from Full with Warning to Conditional Approval status. Further, to impose the following requirements:</p> <p>(1) The program may not enroll students while on conditional approval status;</p> <p>(2) The program will remain on conditional approval status until the program demonstrates a pass rate for first-time candidates of at least 80% on the 2013 NCLEX-PN® examination. The NCLEX-PN® examination year is January 1, 2013 through December 31, 2013; and</p> <p>(3) The program must demonstrate full compliance with Board Rule 214 prior to consideration of a change in approval status.</p>
<p>3.2.11. Public Hearings on Proposals to Establish A New Nursing Education Program</p> <p>3.2.11.a. University of Texas of the Permian Basin in Odessa, Texas - Baccalaureate Degree Nursing Education Program</p>	<p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Education Program - University of Texas of the Permian Basin in Odessa, Texas - Baccalaureate Nursing Education Program. The Board considered the University of Texas of the Permian Basin proposal to establish a new Baccalaureate Degree Nursing (BSN) Education Program in Odessa, Texas</p>	<p>The Board voted to approve the proposed new baccalaureate degree nursing program at The University of Texas of the Permian Basin in Odessa, Texas, to enroll forty (40) students each fall and forty (40) students each spring beginning Fall 2013 until the program's approval status has been changed from initial to full approval.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.11.b. Cisco College in Abilene, Texas - Associate Degree Nursing Education Program</p>	<p>Dorothy Jackson, PhD, RN, Director of Nursing Program Development; W. David Watts, PhD, President; and William Fannin, PhD, Vice President of Academic Affairs and Provost were present to answer questions.</p> <p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Education Program - Cisco College in Abilene, Texas - Associate Degree Nursing Education Program.</p> <p>The Board considered the Cisco College proposal to establish a new Associate Degree Nursing (ADN) Education Program in Abilene, Texas, and the report of the survey visit.</p> <p>Bobby Smith, CPA, President; Pearl Merritt, RN, MSN, MS, FAAN, Dean of Nursing; Donella Tucker, RN, MSN, Coordinator/Division Chair for Nursing; and N. Annette Smith, MS, Executive Director, Program Development were present to answer questions.</p>	<p>Board Member Deborah Bell recused herself prior to the consideration, discussion and vote on this agenda item.</p> <p>The Board voted to grant initial approval to Cisco College Associate Degree Nursing Education Program in Abilene, Texas, based upon the proposal, with a Fall 2013 enrollment of thirty-five (35) students, and an ongoing annual enrollment of thirty-five (35) students until the program has received full approval.</p>
<p>3.2.11.c. Concorde Career College in Dallas, Texas - Associate Degree Nursing Education Program</p>	<p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Education Program - Concorde Career College in Dallas, Texas - Associate Degree Nursing Education Program.</p> <p>The Board considered the Concorde Career College proposal to establish a new Associate in Applied Science Degree in Nursing (ADN) Education Program that includes a generic ADN track and a Licensed Vocational Nurse (LVN) transition track and the report of the survey visit.</p> <p>Debbie Venvertloh, MSN, RN, Director of Nursing Education - Dallas; Kary Weybrew, MSN, RN, Regional Nursing Education Specialist; and Gerald Brazell, Dallas Campus President were present to answer questions.</p>	<p>Board Member Richard Gibbs recused himself prior to the consideration, discussion and vote on this agenda item.</p> <p>The Board voted to grant initial approval to Concorde Career College to establish a new Associate Degree Nursing Education Program in Dallas, Texas, with an initial enrollment of two (2) cohorts annually (spring and fall) with each cohort admitting twenty-four (24) students. Following graduation of the first cohort, an additional six (6) students, or thirty (30) students per cohort.</p>
<p>3.2.11.d. Texas State University in Round Rock, Texas - Family Nurse Practitioner Program</p>	<p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Education Program - Texas State University in Round Rock, Texas - Family Nurse Practitioner Program.</p> <p>The Board considered the Texas State University (TSU) San Marcos proposal to establish a new Master of Science in Nursing (MSN) Family Nurse Practitioner (FNP) program in Round Rock, Texas.</p> <p>Marla Erbin-Roesemann, PhD, RN, Director, St. David's School of Nursing; Shirley</p>	<p>The Board voted to approve the establishment of the new Master's Degree in Nursing Family Nurse Practitioner Program at Texas State University St. David's School of Nursing in Round Rock, Texas, beginning in Fall; 2013, and impose the following requirements:</p> <p>(1) The next two (2) faculty employed by the program shall be Family Nurse Practitioners (FNPs);</p> <p>(2) The program shall admit no more than forty (40) students annually beginning Fall</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.12. Consideration for Withdrawal of Approval - Midland College in Midland, Texas - Vocational Nursing Education Program</p>	<p>Levenson, PhD, APRN, FNP-BC, FNP Program Director; Barbara Covington, PhD, RN, Associate Professor; and Sean Taylor, Grant Secretary were present to answer questions.</p> <p>The Board considered a change of status for Midland College Vocational Nursing (VN) Education Program in Midland, Texas, which has been on conditional approval status since April 2012, and Board Staff recommendation based upon the 2012 NCLEX-PN® examination pass rate, review of the 2012 Nursing Education Program Information Survey (NEPIS), and the survey visit of March 21, 2012.</p> <p>Darla Poole, BSN, RN, VN Program Director and Carla Hooker, RN, Coordinator, Fort Stockton were present to answer questions.</p>	<p>2013 until the program's approval status has been changed to full approval.</p> <p>The Board voted to withdraw the approval of Midland College Vocational Nursing Education Program in Midland, Texas, and to remove the name of the program from the list of Board-approved vocational nursing education programs following the teach-out. Further, move to impose the following requirements:</p> <p>(1) Midland College shall make academic provisions for the currently enrolled students to complete the nursing education program and teach-out arrangements that have been approved by the appropriate agencies (i.e., Texas Workforce Commission, The Texas Higher Education Coordinating Board, Texas Board of Nursing), and submit the teach-out plan to Board Staff no later than June 1, 2013;</p> <p>(2) Midland College shall make provisions for access to and safe storage of vital school records, including transcripts of all graduates. Plans for the provisions shall be submitted to Board Staff by June 1, 2013;</p> <p>(3) Midland College shall develop a plan to ensure methods are used to maintain Board requirements and standards until the program closes, and submit the plan to Board Staff no later than June 1, 2013; and</p> <p>(4) Midland College shall develop a plan for transfer of any students who do not complete the program by the last established graduation date, and shall provide this plan to Board Staff no later than August 1, 2013.</p>
<p>3.2.13. Consideration of Request to Establish an Extension Site/Campus - Midland College in Fort Stockton, Texas - Vocational Nursing Education Program</p>	<p>The Board considered the request to establish an Extension Site/Campus - Midland College in Fort Stockton, Texas - Vocational Nursing Education Program.</p> <p>Darla Poole, BSN, RN, VN Program Director and Carla Hooker, RN, Coordinator, Fort Stockton were present to answer questions.</p>	<p>The Board voted to allow Midland College Vocational Nursing Education Program in Fort Stockton to file an application for an extension site in Midland that will not be established until the date of final closure of the VN Program at that site/campus. Further, to impose the following requirements:</p> <p>(1) The program in Fort Stockton may submit an application to establish an extension site/campus at Midland College in Midland, Texas, but the extension site may not begin until after all students have</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.14. Report of Follow-Up Survey Visit - Wayland Baptist University in San Antonio, Texas - Baccalaureate Degree Nursing Program</p>	<p>The Board considered the report of the follow-up survey visit to Wayland Baptist University (WBU) Baccalaureate Degree Nursing (BSN) Education Program in San Antonio, Texas, based upon Texas Board of Nursing (Board) actions at the January 17-18 , 2013 meeting. Dr. Bobby Hall, Vice President and Provost and Diane C. Frazor, RN, EdD, CNE, Dean, School of Nursing were present to answer questions.</p>	<p>graduated from the VN program in Midland, and the program has been deemed fully closed; (2) The application to establish an extension site/campus in Midland shall follow Board Education Guideline 3.1.2.a. Initiating or Reactivating an Extension Nursing Education Program; and (3) All information in the application shall be complete and comply with Rule 214 in order to be approved.</p> <p>The Board voted to accept the report of the focused survey visit to Wayland Baptist University in San Antonio, Texas and authorize Board staff to continue to monitor the success of students on the NCLEX-RN® examination.</p>
<p>5. COMMITTEE REPORTS</p>		
<p>5.1. Board Committees</p>		
<p>5.1.3. Development and Evaluation</p>	<p>The Board discussed previously suggested items for Board Development. Board Members were asked to send any requests for board development topics to Patti Clapp and/or Kathy Leader-Horn.</p>	<p>No action.</p>
<p>5.2. Advisory Committees/Task Forces</p>		
<p>5.2.1. Advanced Practice Nursing Advisory Committee</p>	<p>Jolene Zych reported that APNAC met on March 20, 2012. Committee members continued discussing recommendations for amendments to Board Rules 221 and 222 that will be presented for the Board's consideration at a future meeting. Discussion at the March 2012 meeting focused on recommendations for change to Rule 221 that are consistent with the National Council of State Boards of Nursing's Model Rules and with Texas law. The committee will continue its discussion when it meets again on May 31, 2013.</p>	<p>No action.</p>
<p>5.2.1.a. Consideration of Request for Charge</p>	<p>The Board considered a request to charge the Advanced Practice Nursing Advisory Committee (APNAC) with development of</p>	<p>The Board voted to charge the Advanced Practice Nursing Advisory Committee with developing recommendations for rules</p>

AGENDA ITEM	DISCUSSION	ACTION
to APNAC to Develop and Recommend Rules to Guide APRNs Working in Pain Management Settings	rules to guide advanced practice registered nurses (APRNs) working in pain management settings to be submitted as a recommendation to the Board.	relating to advanced practice registered nurses who practice in pain management settings and the committee's recommendations shall be presented for the Board's consideration at a future Board meeting.
5.2.2. Nursing Practice Advisory Committee	No report.	No action.
5.2.3. Advisory Committee on Education	No report.	No action.
5.2.5. Advisory Committee on Deferred Disciplinary Action Pilot Program	No report.	No action.
5.2.6. Task Force on Delegation	No report.	No action.
5.2.7. Task Force to Study Implications of the Growth of Texas Nursing Education Programs	No report.	No action.
5.3. Collaboration with Outside Agencies / Stakeholders		
5.3.1. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee	<p>Richard Beard, Chair, Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee, reported TCNWS held a meeting in February to approve the Nursing Education Program Information Surveys for 2012. All surveys were reviewed and accepted with minor revisions.</p> <p>The number of qualified applicants for Professional nursing programs increased slightly by 206 applicants 0.8% increase from 2011-2012, 23 programs admitted all qualified student applications in 2012, but 41.6 % of qualified applications were not accepted to Pre-licensure RN programs.</p> <p>Reasons for not accepting qualified</p>	No action.

AGENDA ITEM	DISCUSSION	ACTION
	<p>applications: Lack of clinical space; Lack of budgeted faculty positions</p> <p>Total enrollment in pre-licensure RN programs: BSN enrollment Increased by 8.9 % from 2011 to 2012 In 2012 ADN enrollment decreased by 1.5% from 2011 A total of 10,584 students graduated from pre-licensure RN programs during the reporting period. This number represents a 3.5 % increase from 2011 and a 129.7 % increase over the past decade. The number of graduates produced in 2012 will need to increase by 68 % by 2015 in order to meet the targeted goal of 17,777 new graduates. In order for supply of graduates to meet the demand for RNs by 2020 which includes 24,870 new graduates, the number of graduates in 2012 will need to increase by 135 %, which means more than doubling the number of 2012 graduates. As of September 30, 2012 there were a total of 194 FTE vacancies for Faculty. Faculty age ranged from 23-81 years. 27.4 % were under the age of 45 and 72.6 % were 45 and older. 63.4 % were 50 years and older. Vocational Nursing Programs: There were 13,839 qualified applications in 2012, a decrease of 11.6 % from 2011. Only 8,929 (64.5 %) qualified applications were offered admission. Reasons for denial of admission was due to lack of clinical space and lack of budgeted faculty positions. Faculty age ranged from 25-95 years. 32.4 % were under the age of 45, 67.6 % were 45 and older. Advanced Practice Nursing Programs: 4 of 23 schools (17.4 %) offered admission to all qualified applicants In 2012, 50.2 % of total qualified applications were not offered admission to APRN programs From 2011 to 2012, there was a 21.5 % increase in the number of qualified applications, but only 1.3 % increase in the number of offered admission. Lack of budgeted faculty positions and lack of clinical placement were most frequently ranked as the most important reasons for not accepting all qualified applications, followed by lack of qualified applicants. Next TCNWS meeting is May 8th from 1000</p>	

AGENDA ITEM	DISCUSSION	ACTION
5.3.2. Texas Higher Education Coordinating Board Updates	<p>am to 1200pm via teleconference. All the reports can be found on the DSHS web site.</p> <p>No report.</p>	No action.
5.3.4. Texas Team Report - Robert Wood Johnson Initiative	<p>Katherine Thomas reported that Staff continue to participate on the Practice and Education Subcommittees. The Practice Subcommittee recently offered a Health Information Technology Webinar and is working on a survey of nurse faculty regarding the IOM Future of Nursing recommendations.</p> <p>The Education Subcommittee is focused on collecting reliable data of nurses with doctoral education and the number and type of clinical hours in nursing education programs.</p>	No action.
5.3.5. National Council of State Boards of Nursing 5.3.5.a. Report on the National Council of State Boards of Nursing Mid-year Meeting, San Jose, California	<p>Kathy Shipp and Kathy Thomas reported on the National Council of State Boards of Nursing Mid-Year Meeting, San Jose, California.</p>	No action.
5.3.5.b. Appointment of Members to Attend the NCSBN Annual Meeting, to be held August 14-16, 2013, in Providence, Rhode Island	<p>The Board discussed the appointments to attend the National Council State Boards of Nursing's Annual Meeting, to be held August 14-16, 2013, in Providence, Rhode Island.</p>	<p>The Board voted that Deborah Bell and Kathy Leader Horn would attend; that Kathy Shipp would contact Patti Clapp, Shelby Ellzey and Marilyn Davis to determine if they would be interested in attending; and that Nina Almasy, Tami Cowen and Mary LeBeck would be offered the opportunity to attend should the other members not wish to attend the National Council State Boards of Nursing Annual Meeting, August 14-16, 2013, in Providence, Rhode Island.</p>
OPEN FORUM:	<p>Kathy Shipp announced the format and invited participation from the audience.</p> <p>Yvette Cheeks, with Professional Healthcare Education Service, Inc., had the following comments: Request to add Temporary Permits which are</p>	

AGENDA ITEM	DISCUSSION	ACTION
<p>6. Old Business 6.5. Texas A&M Health Sciences Center Rural and Community Health Institute Alternative to Discipline Pilot Project</p>	<p>given to Nurses for purpose of completing a Refresher course to the website verification system to allow ability to verify for clinical sites and schools.</p> <p>Request to reconsider the rule that requires MSN instructors for remedial education. She stated that Remedial education is extremely important and should be taught by ethical and experienced nurses and that we are overlooking the nurses that are experienced BSN prepared nurses that obtained other Masters like the MHA, MBA, MEd degrees and even BSNs with 5 years of experience and 12 hrs towards a Masters degree would cover the curriculum that is of concern. Ms. Cheeks asked that the Board kindly review and comment on these exceptions.</p> <p>In the alternative she suggested requiring an MSN Program Director that oversees the instruction and curriculum as an option.</p> <p>Requested to update language on nurses with stipulations to reflect option for use of affiliation agreements.</p> <p>Lastly, suggested a pilot program for mentoring and coaching remediators.</p> <p>Ms. Cheeks closed by Thanking all of the BON staff and board members for the opportunity to speak and for the work they do individually and collectively for the citizens of this great state.</p> <p>Richard Gibbs thanked staff and board members for the opportunity to serve on the board with such dedicated and committed individuals.</p> <p>Ann Utterback with KSTAR commented on her appreciation of the opportunity to collaborate with the Board staff on a pilot project proposal to evaluate nurses' competency and remediate them when necessary.</p> <p>No other speakers came forward and the Open Forum was closed at 1:55 p.m.</p> <p>Melinda Hester reported that during the January Board meetings, staff reported on the discussions between BON staff and the Rural and Community Health Institute and the College of Nursing at Texas A & M University Health Science Center about implementing a KSTAR (Knowledge, Skills, Training,</p>	

AGENDA ITEM	DISCUSSION	ACTION
<p>Presentation</p> <p>8.5. ALJ Proposals for Decision</p> <p>8.5.1. Docket No. 507-12-8133, In the Matter of Permanent Certificate LVN # 230099, Issued to HUGHES BORIS BANZOUZI</p> <p>8.5.1.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-8133</p> <p>8.5.1.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-8133, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law</p>	<p>Assessment and Research) program for nurses after their tremendous success with KSTAR for physicians. These discussions resulted in RCHI submitting a grant proposal to NCSBN Center for Regulatory Excellence in the category of Discipline and Alternative to Discipline to explore the effectiveness of an educational intervention by measuring learning outcomes of nurses referred for unsafe practice related to medication errors following implementation of an intensive, individualized re-education plan.</p> <p>The grant was not awarded to RCHI. RCHI and Board staff are committed to establishing a KSTAR program for nurses as an alternative to discipline that ensures nurses with practice-related errors have corrected any knowledge deficiencies or regained skills essential to safe practice. Staff have encouraged them to re-submit their grant proposal in October 2013 when NCSBN's Center for Regulatory Excellence again extends the invitation to apply for research funding.</p> <p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-8133, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p>	<p>The Board voted to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD and final letter ruling of March 7, 2013 without modification, except for Conclusion of Law Number 23, which should be re-designated as a recommendation, and revoke the Respondent's nursing license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>With Modifications 8.5.1.c. Consideration of Recommendation by HUGHES BORIS BANZOUZI, Docket No. 507-12-8133</p> <p>8.5.1.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN # 230099, Issued to HUGHES BORIS BANZOUZI</p> <p>8.5.1.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN # 230099, Issued to HUGHES BORIS BANZOUZI</p> <p>8.5.2. Docket No. 507-12-7470, In the Matter of Petition for Declaratory Order made by: RUTHIE ANN COLLINS, a/k/a RUTHIE ANN COUCH</p> <p>8.5.2.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-7470</p> <p>8.5.2.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-7470,</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-7470, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and adopt the ALJ's recommendation to deny the Petitioner licensure.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications 8.5.2.c. Consideration of Recommendation by RUTHIE ANN COLLINS, a/k/a RUTHIE ANN COUCH, Docket No. 507-12-7470 8.5.2.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: n the Matter of Petition for Declaratory Order made by: RUTHIE ANN COLLINS, a/k/a RUTHIE ANN COUCH 8.5.2.e. Convene in Open Session to consider recommendations and take action: In the Matter of Petition for Declaratory Order made by: RUTHIE ANN COLLINS, a/k/a RUTHIE ANN COUCH</p>		
<p>8.5.4. Docket No. 507-12-8134, In the Matter of Permanent Certificate RN # 243459, Issued to CAROL A. GREEN 8.5.4.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-8134</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-8134, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p>	<p>The Board voted to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD without modification and issued an Enforced Suspension of the Respondent's license, until such time as the Respondent is able to show reliable and verifiable evidence of having functioned in a manner consistent with the behaviors required of nurses under the Nursing Practice Act and Board rules for a period at least of 12 consecutive months.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.5.4.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-8134, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.4.c. Consideration of Recommendation by CAROL A. GREEN, Docket No. 507-12-8134</p> <p>8.5.4.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN # 243459, Issued to CAROL A. GREEN</p> <p>8.5.4.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN # 243459, Issued to CAROL A. GREEN</p>		
<p>8.5.5. Docket No. 507-13-1497, In the Matter of Permanent Certificate RN # 592601, Issued to VALERIE ANN GREEN</p> <p>8.5.5.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-13-1497, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p>	<p>The Board voted to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD without modification and impose a Warning with Stipulations against the Respondent's license for one year, which should include a nursing jurisprudence and ethics course, a critical thinking course, a documentation course, employer notification requirements, indirect supervision, quarterly employer reports, and standard practice restrictions.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>No. 507-13-1497 8.5.5.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-13-1497, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.5.c. Consideration of Recommendation by VALERIE ANN GREEN, Docket No. 507-13-1497</p> <p>8.5.5.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN # 592601, Issued to VALERIE ANN GREEN</p> <p>8.5.5.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN # 592601, Issued to VALERIE ANN GREEN</p>		
<p>8.5.6. Docket No. 507-12-7974, In the Matter of Permanent Certificate RN # 672288, Issued to LESCESTER NORCEL HARDIN</p> <p>8.5.6.a. Consideration of the Administrative</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-7974, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p>	<p>The Board voted to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD without modification and impose a Warning with Stipulations against the Respondent's license for one year, which should include a nursing jurisprudence and ethics course, a critical thinking course, a professional boundaries course, a \$500 fine, employer notification requirements, indirect supervision, quarterly employer reports, and standard practice restrictions.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Law Judge's Proposal for Decision in Docket No. 507-12-7974</p> <p>8.5.6.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-7974, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.6.c. Consideration of Recommendation by LESCESTER NORCEL HARDIN, Docket No. 507-12-7974</p> <p>8.5.6.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN # 672288, Issued to LESCESTER NORCEL HARDIN</p> <p>8.5.6.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN # 672288, Issued to LESCESTER NORCEL HARDIN</p>		
<p>8.5.7. Docket No. 507-13-0656, In the Matter of Permanent Certificate LVN # 132251, Issued to JOHN LEE</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-13-0656, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>Board Member Sheri Crosby abstained from the vote on this agenda item.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.5.7.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-13-0656</p> <p>8.5.7.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-13-0656, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.7.c. Consideration of Recommendation by JOHN LEE, Docket No. 507-13-0656</p> <p>8.5.7.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN # 132251, Issued to JOHN LEE</p> <p>8.5.7.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN # 132251, Issued to JOHN LEE</p>		
<p>8.6. Default Proposals for Decision - Remands</p>		
<p>8.6.1. Docket No. 507-13-0734, In the</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From</p>	<p>Board Members Tami Cowen and Beverley Nutall recused themselves prior</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Matter of Permanent Certificate RN # 571256, Issued to KAREN LOUISE EDWARDS</p> <p>8.6.1.a. Consideration of the Administrative Law Judge's Order No. 2, Order Dismissing Case from SOAH Docket</p> <p>8.6.1.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate RN # 571256 by Default, in Conjunction with Order No. 2, Docket No. 507-13-0734</p> <p>8.6.1.c. Consideration of Recommendation by KAREN LOUISE EDWARDS, Docket No. 507-13-0734</p> <p>8.6.1.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN # 571256, Issued to KAREN LOUISE EDWARDS</p> <p>8.6.1.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN # 571256, Issued to KAREN LOUISE EDWARDS</p>	<p>Docket and Staff's Recommendation to Revoke Permanent Certificate RN #571256 by Default, in Conjunction with the Administrative Law Judge's Order No. 2, Docket No. 507-13-0734.</p>	<p>to the consideration, discussion and vote on this agenda item.</p> <p>The Board voted to adopt the proposed order and revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.6.2. Docket No. 507-13-1413, In the Matter of Permanent Certificate LVN # 232492, Issued to KAREN ELIZABETH LABORDUS</p> <p>8.6.2.a. Consideration of the Administrative Law Judge's Order No.2, Order Dismissing Case</p> <p>8.6.2.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate LVN # 232492 by Default, in Conjunction with Order No. 2, Docket No. 507-13-1413</p> <p>8.6.2.c. Consideration of Recommendation by KAREN ELIZABETH LABORDUS, Docket No. 507-13-1413</p> <p>8.6.2.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN # 232492 , Issued to KAREN ELIZABETH LABORDUS</p> <p>8.6.2.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From Docket and Staff's Recommendation to Revoke Permanent Certificate LVN #232492 by Default, in Conjunction with the Administrative Law Judge's Order No. 2, Docket No. 507-13-1413.</p>	<p>Board Members Deborah Bell, Tami Cowen and Beverley Nutall recused themselves prior to the consideration, discussion and vote on this agenda item. The Board voted to adopt the proposed order and revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>232492, Issued to KAREN ELIZABETH LABORDUS</p> <p>8.6.3. Docket No. 507-13-0306, In the Matter of Permanent Certificate RN # 691654, Issued to ALICE LEE ROBBINS</p> <p>8.6.3.a. Consideration of the Administrative Law Judge's Amended Order Number 1, Withdrawing Order Granting Continuance; Granting Motion for Default</p> <p>8.6.3.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate RN # 691654 by Default, in Conjunction with Amended Order No. 1, Docket No. 507-13-0306</p> <p>8.6.3.c. Consideration of Recommendation by ALICE LEE ROBBINS, Docket No. 507-13-0306</p> <p>8.6.3.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN # 691654, Issued to ALICE LEE ROBBINS</p> <p>8.6.3.e. Convene in Open Session to</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From Docket and Staff's Recommendation to Revoke Permanent Certificate RN #691654 by Default, in Conjunction with the Administrative Law Judge's Amended Order No. 1, Docket No. 507-13-0306.</p>	<p>The Board voted to adopt the proposed order and revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>consider recommendations and take action: In the Matter of Permanent Certificate RN # 691654, Issued to ALICE LEE ROBBINS</p> <p>8.6.4. Docket No. 507-13-1133, In the Matter of Permanent Certificate RN # 682774, Issued to KELLY RUTH RUSSELL</p> <p>8.6.4.a. Consideration of the Administrative Law Judge's Order Number 1, Dismissing Case</p> <p>8.6.4.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate RN # 682774 by Default, in Conjunction with Order No. 1, Docket No. 507-13-1133</p> <p>8.6.4.c. Consideration of Recommendation by KELLY RUTH RUSSELL, Docket No. 507-13-1133</p> <p>8.6.4.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN # 682774, Issued to KELLY RUTH RUSSELL</p> <p>8.6.4.e. Convene</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From Docket and Staff's Recommendation to Revoke Permanent Certificate RN #682774 by Default, in Conjunction with the Administrative Law Judge's Order No. 1, Docket No. 507-13-1133.</p>	<p>The Board voted to adopt the proposed order and revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN # 682774, Issued to KELLY RUTH RUSSELL</p> <p>8.6.5. Docket No. 507-13-0675, In the Matter of Permanent Certificate RN # 674023, Issued to JAMES PATRICK TUCKER</p> <p>8.6.5.a. Consideration of the Administrative Law Judge's Order Number 1, Dismissing Case</p> <p>8.6.5.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate RN # 674023 by Default, in Conjunction with Order No. 1, Docket No. 507-13-0675</p> <p>8.6.5.c. Consideration of Recommendation by JAMES PATRICK TUCKER, Docket No. 507-13-0675</p> <p>8.6.5.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN # 674023, Issued to JAMES PATRICK</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From Docket and Staff's Recommendation to Revoke Permanent Certificate RN #674023 by Default, in Conjunction with the Administrative Law Judge's Order No. 1, Docket No. 507-13-0675.</p>	<p>The Board voted to adopt the proposed order and revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>TUCKER 8.6.5.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN # 674023, Issued to JAMES PATRICK TUCKER</p>		
<p>ADJOURNMENT</p>	<p>Having completed this day's business the meeting adjourned at 5:37 p.m.</p>	

TEXAS BOARD OF NURSING

Regular Meeting

Friday, April 19, 2013
8:30 a.m. - 12:22 p.m.
333 Guadalupe, Room 100
Austin, Texas

Present:

Kathy Shipp, MSN, RN, FNP, Board President, Representing APRN Practice
Nina Almasy, BSN, RN, MSN, Representing LVN Education
Deborah Hughes Bell, CLU, ChFC, Representing Consumers
Tamara Cowen, MSN, RN, Representing RN Practice
Sheri Denise Crosby, JD, SPHR, Representing Consumers
Richard Robert Gibbs, LVN, Representing LVN Practice
Kathy Leader-Horn, LVN, Representing LVN Practice
Mary LeBeck, MSN, RN, Representing ADN Education
Josefina Lujan, PhD, RN, Representing BSN Education
Beverley Jean Nutall, LVN, Representing LVN Practice

Absent:

Patti Clapp, BA, Representing Consumers
Marilyn J. Davis, BSN, RN, MPA, Representing RN Practice
Shelby Ellzey, Representing Consumers

Staff present:

Katherine A. Thomas, Executive Director
Patricia Vianes-Cabrera, Executive Assistant
Anthony Diggs, Director of Enforcement
James "Dusty" Johnston, General Counsel
Jena Abel, Assistant General Counsel
Mark Majek, Director of Operations
Kristin Benton, Director of Nursing
Jan Hooper, Lead, Nursing Education Consultant
Melinda Hester, Lead, Nursing Practice Consultant
Virginia Ayars, Nursing Consultant
Sandi Emerson, Nursing Consultant
Denise Benbow, Nursing Consultant
Bonnie Cone, Nursing Consultant
Ramona Gaston-McNutt, Nursing Consultant
Jolene Zych, Advanced Practice Nurse Consultant
Nicole Binkley, Advanced Practice Nurse Consultant
Bruce Holter, Information Specialist
Laura Lewis, Administrative Assistant
Jeremy Bruker, Information Technology
Bill Ray, Information Technology
Amanda Crider, Information Technology

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Kathy Shipp called the meeting to order at 8:34 am, Friday, April 19, 2013.	
ROLL CALL	Katherine Thomas did the roll call. A quorum was established with ten members in attendance, Board Members Patti Clapp, Marilyn Davis and Shelby Ellzey were absent.	
3. NURSING 3.2. Education 3.2.15. Consideration of Proposed Time Line for New Nursing Education Programs to Begin Operation Following Board Approval	The Board considered the recommendation for policies limiting the time allowed between the time of Board approval of a new nursing education program and the actual starting date of the program of study.	The Board voted to approve a policy that newly approved programs that do not begin after one year from date of Board approval but that wish to maintain the initial approval shall submit to the Board office an addendum to the proposal outlining all changes to the proposal or changes to the program. The addendum will be referred to Board Staff for approval or may require Board approval based upon the established criteria. The addendum should be accompanied by the \$2,500 fee required for new proposals.
5. COMMITTEE REPORTS 5.2. Advisory Committees/Task Forces 5.2.4. Advisory Committee on Licensure, Eligibility and Discipline 5.2.4.a. Consideration of Appointment of Replacement Member to the Advisory Committee on Licensure, Eligibility and Discipline 5.2.4.b. Consideration of Committee's Recommendations for Amendments to the Board's Disciplinary Guidelines for Criminal Conduct	The Board considered the appointment of Lena Rippstein, Ph.D., APRN-BC, to the Eligibility & Disciplinary Advisory Committee (Committee). Ms. Rippstein will replace committee member Pamela G. Watson, RN, Sc.D., who currently represents the Texas Organization of Baccalaureate and Graduate Nurse Educators (TOBGNE) at the Committee's meetings. The Board considered the Committee's recommended changes to the Disciplinary Guidelines for Criminal Conduct.	The Board voted to approve the appointment of Lena Rippstein, Ph.D., APRN-BC, representing TOBGNE, as a replacement member of the Eligibility & Disciplinary Advisory Committee, effective immediately. The Board voted to approve the Committee's recommended changes to the Disciplinary Guidelines for Criminal Conduct and adopt the revised Disciplinary Guidelines for Criminal Conduct.

AGENDA ITEM	DISCUSSION	ACTION
<p>5.3. Collaboration with Outside Agencies / Stakeholders</p> <p>5.3.3. Taxonomy of Error Root Cause Analysis of Practice Responsibilities (TERCAP)</p>	<p>Kristin Benton reported since the launch of the Texas TERCAP Pilot Project in September of 2012, forty-one cases have been entered into the on-line database. Trends emerging from this first seven months of data include:</p> <ul style="list-style-type: none"> Majority of nursing practice breakdowns (NPBs) are committed by females Majority of nurses had no prior history of NPBs Majority of nurses were retained by the employer Majority of nurses were working a 12 hour shift Only 9 of 41 were working in a temporary capacity Majority of nurses had worked in the area of the NPB for 5 or more years Majority of nurses spoke English as their primary language Majority of nurses received remedial education, such as in-house classes or re-orientation Many of the NPBs involved communication issues Majority of NPBs were in the Clinical Reasoning practice breakdown category <p>It is important to remember that these are preliminary findings and will change as more data is gathered. Staff is planning strategies to reach Texas TERCAP participants to provide assistance, answer questions, communicate updates and provide additional training as needed.</p>	<p>No action.</p>
<p>7. New Business</p> <p>7.1. Texas Peer Assistance Program for Nurses (TPAPN)</p> <p>7.1.3. Texas Peer Assistance Program for Nurses Advisory Committee</p>	<p>Denise Benbow reported the Texas Peer Assistance Program for Nurses (TPAPN) Advisory Committee met on March 1, 2013. The main focus of the committee meeting was to review the TPAPN strategic plan including the goals: provide greater means for nurses to access support and education; TPAPN is prepared to implement NCSBN guidelines; and ensure the program has a positive net income for the FY 2013. An</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>7.3. Review of Current Position Statement 15.9 Performance of Laser Therapy by RNs or LVNs</p>	<p>additional goal is being developed related to TPAPN Administrative Policies and committee structure alignment. The TPAPN Spring Workshop & Advocate Training was held April 5 and 6 .The next TPAPN Advisory Committee Meeting will be June 7, 2013.</p> <p>The Board reviewed Position Statement 15.9 Performance of Laser Therapy by RNs or LVNs.</p>	<p>The Board voted to adopt Position Statement 15.9, Performance of Laser Therapy by RNs or LVNs, with allowance for non-substantive word editing for purposes of clarity as may be deemed necessary by Board staff.</p>
<p>7.4. Consideration of Petitioner Darlene Acker's Request for Exception to Rule 217.5(a)(1), Pertaining to Graduation from an Approved Nursing Education Program</p>	<p>The Board considered Petitioner Darlene Acker's Request for Exception to Rule 217.5(a)(1), Pertaining to Graduation from an Approved Nursing Education Program. Further, the Board discussed creating a policy giving the Executive Director authority to grant exceptions to rule 217.5(a)(1).</p>	<p>The Board voted to allow Ms. Acker to endorse into Texas as an LVN based on her longevity of practice as an practical nurse in the State of New York and having met all other requirements to practice as an LVN in the State of Texas.</p> <p>The Board voted to allow the Executive Director to approve future LVN endorsement applicants who:</p> <ul style="list-style-type: none"> Have graduated from an approved RN nursing program; Passed the appropriate VN/PN exam approved by the Texas Board of Nursing; Have not incurred any discipline from another nursing jurisdiction; and Have worked actively as a vocational/practical nurse a minimum of ten years prior to application to the State of Texas.
<p>7.5. Consideration of Proposed Amendments to 22 Tex. Admin. Code §211.4(a), Pertaining to <i>Officers</i></p>	<p>The Board considered the Proposed Amendments to 22 Tex. Admin. Code §211.4(a), Pertaining to <i>Officers</i>.</p>	<p>The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §211.4(a), Pertaining to <i>Officers</i>, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §211.4(a), Pertaining to <i>Officers</i>, as proposed.</p>
<p>7.6. Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.14, Pertaining to <i>Registered</i></p>	<p>The Board considered the Proposed Amendments to 22 Tex. Admin. Code §217.14, Pertaining to <i>Registered Nurses Performing Radiologic Procedures</i>.</p>	<p>The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §217.14, Pertaining to <i>Registered Nurses Performing Radiologic Procedures</i>, with authority for the General Counsel to make editorial changes as necessary to clarify rule</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Nurses Performing Radiologic Procedures</i></p>		<p>and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §217.14, Pertaining to <i>Registered Nurses Performing Radiologic Procedures</i>, as proposed.</p>
<p>7.7. Consideration of Proposed Amendments to 22 Tex. Admin. Code §§217.27, Pertaining to <i>Good Professional Character</i>, 213.28, Pertaining to <i>Licensure of Persons with Criminal Offenses</i>, 213.29, Pertaining to <i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i>, 213.30, Pertaining to <i>Declaratory Order of Eligibility for Licensure</i>, and 213.33, Pertaining to <i>Factors Considered for Imposition of Penalties / Sanctions</i></p>	<p>The Board consider the Proposed Amendments to 22 Tex. Admin. Code §§217.27, Pertaining to <i>Good Professional Character</i>, 213.28, Pertaining to <i>Licensure of Persons with Criminal Offenses</i>, 213.29, Pertaining to <i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i>, 213.30, Pertaining to <i>Declaratory Order of Eligibility for Licensure</i>, and 213.33, Pertaining to <i>Factors Considered for Imposition of Penalties/Sanctions</i>.</p>	<p>The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §§213.27, Pertaining to <i>Good Professional Character</i>, 213.28, Pertaining to <i>Licensure of Persons with Criminal Offenses</i>, 213.29, Pertaining to <i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i>, 213.30, Pertaining to <i>Declaratory Order of Eligibility for Licensure</i>, and 213.33, Pertaining to <i>Factors Considered for Imposition of Penalties/Sanctions</i>, with authority for the General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §§213.27, Pertaining to <i>Good Professional Character</i>, 213.28, Pertaining to <i>Licensure of Persons with Criminal Offenses</i>, 213.29, Pertaining to <i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i>, 213.30, Pertaining to <i>Declaratory Order of Eligibility for Licensure</i>, and 213.33, Pertaining to <i>Factors Considered for Imposition of Penalties/Sanctions</i>, as proposed.</p>
<p>7.8. Internal Audit Report - Enforcement Procedures Audit</p>	<p>The Board reviewed the Internal Audit Report - Enforcement Procedures Audit. Jaye Stepp with Rupert & Associates was present to answer questions.</p>	<p>The Board voted to adopt the Internal Audit Report - Enforcement Procedures Audit.</p>
<p>7.9. Internal Audit Charter</p>	<p>The Board reviewed the Internal Audit Charter. Jaye Stepp with Rupert & Associates was present to answer questions.</p>	<p>No action.</p>
<p>7.10. Internal Audit Activity Report on</p>	<p>The Board reviewed the Internal Audit Activity Report on Quality Assurance and</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
Quality Assurance and Improvement Program	Improvement Program Jaye Stepp with Rupert & Associates was present to answer questions.	
<p>8.5. ALJ Proposals for Decision</p> <p>8.5.3. Docket No. 507-12-0921, In the Matter of Permanent Certificate LVN # 141490, Issued to TREBLA KATHLEEN FAIRBANKS</p> <p>8.5.3.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-0921</p> <p>8.5.3.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-0921, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.3.c. Consideration of Recommendation by TREBLA KATHLEEN FAIRBANKS, Docket No. 507-12-0921</p> <p>8.5.3.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN # 141490, Issued to</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-0921, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p> <p>Trebla Kathleen Fairbanks, Respondent and Brittany Fairbanks were present and were given full opportunity to address the board.</p>	<p>Board Member Nina Almasy abstained from the vote on this agenda item.</p> <p>The Board voted to adopt all of the proposed Findings of Fact and Conclusions of Law in the Amended PFD without modification; adopt additional Conclusion of Law Number 9, and impose a Warning with Stipulation against the Respondent's license which shall be a nursing jurisprudence and ethics course.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>TREBLA KATHLEEN FAIRBANKS</p> <p>8.5.3.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN # 141490, Issued to TREBLA KATHLEEN FAIRBANKS</p> <p>8.5.8. Docket No. 507-12-6028, In the Matter of Permanent Certificate LVN # 193096, Issued to JANE ATIENO OTIENO</p> <p>8.5.8.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-6028</p> <p>8.5.8.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-6028, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.8.c. Consideration of Recommendation by JANE ATIENO OTIENO, Docket No. 507-12-6028</p> <p>8.5.8.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-6028, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p> <p>Elizabeth Higginbotham, Attorney for Respondent was present and was given full opportunity to address the board.</p>	<p>Board Member Deborah Bell recused herself prior to the consideration, discussion and vote on this agenda item.</p> <p>The Board voted to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD without modification and impose a Reprimand with Stipulations against the Respondent's license for two years, which should include a nursing jurisprudence and ethics course, a critical thinking course, a medication administration course, a documentation course, employer notification requirements, direct/indirect supervision, quarterly employer reports, and standard practice restrictions.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>litigation: In the Matter of Permanent Certificate LVN # 193096, Issued to JANE ATIENO OTIENO</p> <p>8.5.8.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN # 193096, Issued to JANE ATIENO OTIENO</p>		
<p>8.5.9. Docket No. 507-12-7621, In the Matter of Permanent Certificate LVN # 170096, Issued to SARTARIA DELANETTE TYSON</p> <p>8.5.9.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-7621</p> <p>8.5.9.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-7621, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.9.c. Consideration of Recommendation by SARTARIA DELANETTE TYSON, Docket No. 507-12-7621</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-7621, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modification.</p> <p>Sartaria Delanette Tyson, Respondent was present and was given full opportunity to address the board.</p>	<p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.5.9.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of In the Matter of Permanent Certificate LVN # 170096, Issued to SARTARIA DELANETTE TYSON</p>		
<p>8.5.9.e. Convene in Open Session to consider recommendations and take action: In the Matter of In the Matter of Permanent Certificate LVN # 170096, Issued to SARTARIA DELANETTE TYSON</p>		
<p>9. MISCELLANEOUS</p>		
<p>9.1. Board Items of Interest for Future Board Meetings</p>	<p>The Board discussed items of interest for future board meetings. Tami Cowen requested staff study and report on limiting the number of cohorts and number of students programs are allowed when placed on Warning; Tami Cowen requested staff provide a comparison of what Texas Workforce Commission reviews with regard to nursing education program curriculum compared to what the board reviews for a nursing education programs curriculum.</p>	<p>No action.</p>
<p>9.2. Board Development</p>	<p>None.</p>	<p>No action.</p>
<p>9.3. Review of the Board Quarterly Meeting Evaluation</p>	<p>The Board members discussed the comments from the January board meeting quarterly evaluation.</p>	<p>No action.</p>
<p>9.4. Appoint Task Force to Create</p>	<p>The Board discussed appointing a task force to create and define procedures for election</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
and Define Procedures for Election of the Vice-President	of the board vice-president.	
9.5. Executive Director and Board Evaluations	Kathy Shipp notified the Board that the annual Executive Director and Board Self Evaluations will be done for review at the July board meeting. The evaluations will be completed using survey monkey and the link for the evaluations will be emailed to each board member in June.	No action.
ADJOURNMENT	Having completed all business as listed on the agenda, the meeting adjourned at 12:22 p.m.	
	<hr/> Kathy Shipp, MSN, RN, FNP Board President	
	<hr/> Katherine A. Thomas, MN, RN, FAAN Executive Director	