

## TEXAS BOARD OF NURSING

Regular Meeting

Thursday, July 18, 2013

8:34 a.m. - 12:26 p.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

### Present:

Kathy Shipp, MSN, RN, FNP, Board President, Representing APN Practice

Nina Almasy, BSN, RN, MSN, Representing LVN Education

Deborah Hughes Bell, CLU, ChFC, Representing Consumers

Patti Clapp, BA, Representing Consumers

Tamara Cowen, MSN, RN, Representing RN Practice

Marilyn J. Davis, BSN, RN, MPA, Representing RN Practice

Shelby Ellzey, Representing Consumers

Richard Robert Gibbs, LVN, Representing LVN Practice

Kathy Leader-Horn, LVN, Representing LVN Practice

Mary LeBeck, MSN, RN, Representing ADN Education

Beverley Jean Nutall, LVN, Representing LVN Practice

### Absent:

Sheri Denise Crosby, JD, SPHR, Representing Consumers

Josefina Lujan, PhD, RN, Representing BSN Education

### 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, Nursing Consultant

Melinda Hester, Nursing Consultant

Virginia Ayars, Nursing Consultant

Sandi Emerson, Nursing Consultant

Denise Benbow, Nursing Consultant

Bonnie Cone, Nursing Consultant

Ramona Gaston-McNutt, Nursing Consultant

Jolene Zych, Nursing Consultant

Nicole Binkley, Nursing Consultant

Bruce Holter, Information Specialist

Laura Lewis, Administrative Assistant

Jeremy Bruker, Information Technology

Bill Ray, Information Technology

Amanda Crider, Information Technology

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AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Kathy Shipp called the meeting to order at 8:34 am, Thursday, July 18, 2013.	
<b>ROLL CALL</b>	Katherine Thomas did the roll call. A quorum was established with eleven members in attendance, Board Members Sheri Crosby and Josefina Lujan were absent.	
<b>INTRODUCTIONS</b>	Board members and Staff introduced themselves to the audience.	
<b>ACCEPTANCE OF AGENDA</b>	The Board reviewed the agenda.	<p>The following item was removed from the agenda:</p> <p>8.6.3. Docket No. 507-13-3017, In the Matter of Permanent Certificate RN #695774, Issued to Anastasia Katharen Henley.</p> <p>The Agenda was approved.</p>
<b>ACCEPTANCE OF MINUTES</b>	The Board reviewed the minutes from the April 18-19, 2013 Board Meeting.	The Board approved the minutes from the April 18-19, 2013 board meeting.
<b>CONSENT AGENDA ITEMS</b>	<p>1.2.1. Update of Pending Litigation: Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending or contemplated litigation in the Matters of: David Condado vs.</p>	<p>The Consent Agenda was reviewed, 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: Christopher Linn Bertran, RN #675803 / LVN #155508 Stephen Burton Riddlebarger, RN #584212</p> <p>Nina Almasy recused herself from the consideration and vote on the Agreed Order of: Martins Osuji, LVN #226490</p> <p>The Consent Agenda was approved.</p> <p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>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; and Lowana Lorraine Gentry vs. Texas Board of Nursing, Cause No. D-1-GN-13-001113, In the 419th Judicial District, Travis County, Texas. 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; Amy Bagley Krenek RN, vs. Texas Board of Nursing, Cause No. D-1-GN-09-001195, In the 419th Judicial District, Travis County, Texas; Donald Patrick Majewski v. Texas Board of Nursing, Cause No. D-1-GN-12-003844, in the 261st Judicial District Court, Travis County, Texas; Stanley Payne, Plaintiff, vs. Texas Board of Nurse Examiners a/k/a Texas Board of</i></p>		

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Nursing, Defendant, 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; 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 - 3<sup>RD</sup> Quarter, Fiscal Year 2013</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>2.2. Continuing Education Pre-Renewal Audit Report - 3<sup>RD</sup> 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>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.4. Report of Survey Visits to Nursing Education Programs</p> <p>3.2.4.a. Alvin Community College in Alvin, Texas - Vocational Nursing Education Program</p> <p>3.2.4.b. Amarillo College in Amarillo, Texas - Vocational Nursing Education Program</p> <p>3.2.4.c. Brazosport College in Lake Jackson, Texas - Vocational Nursing Education Program</p> <p>3.2.4.d. Frank Philips College in Borger, Texas - Vocational Nursing Education Program</p> <p>3.2.4.e. Howard College in Big Spring, Texas - Vocational Nursing Education Program</p> <p>3.2.4.f. Lone Star College - CyFair in Cypress, Texas - Vocational Nursing Education Program</p> <p>3.2.4.g. Northeast Texas Community College in Mt. Pleasant, Texas - Vocational Nursing Education Program</p> <p>3.2.4.h. Northeast Texas Community College in Mt. Pleasant, Texas - Associate Degree Nursing Education Program</p> <p>3.2.4.i. Odessa College at Monahans and at Andrews, Texas - Vocational Nursing Education Programs</p> <p>3.2.4.j. Paris Junior College in Paris,</p>		<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Texas - Vocational Nursing Education Program</i></p> <p><i>3.2.4.k. Sam Houston State University in Huntsville, Texas - Baccalaureate Degree Nursing Education Program</i></p> <p><i>3.2.4.l. St. Philip's College in San Antonio and in New Braunfels, Texas - Vocational Nursing Education Programs</i></p> <p><i>3.2.4.m. Southwest Texas Junior College in Uvalde, Texas - Vocational Nursing Education Nursing Program</i></p> <p><i>3.2.4.n. Sul Ross University in Alpine, Texas - Vocational Nursing Education Program</i></p>		
<p><i>3.2.5. Notification of Nursing Program Closure - Angelo State University in San Angelo, Texas - Associate Degree Nursing Education Program</i></p>		<p><i>Approved on Consent.</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 - 3<sup>RD</sup> Quarter, Fiscal Year 2013</i></p>		<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>6.1. Nurse Licensure Compact Update</p>		<p><i>Approved on Consent.</i></p>
<p>6.2. Adoption of Amendments to 22 Tex. Admin. Code §211.4(a), Pertaining to Officers</p>		<p><i>Approved on Consent.</i></p>
<p>6.3. Adoption of Amendments to 22 Tex. Admin. Code §217.14, Pertaining to Registered Nurses Performing Radiologic Procedures</p>		<p><i>Approved on Consent.</i></p>
<p>6.4. Adoption of Amendments to 22 Tex. Admin. Code §§217.27, Pertaining to Good Professional Character, 213.28, Pertaining to Licensure of Persons with Criminal Offenses, 213.29, Pertaining to Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters, 213.30, Pertaining to Declaratory Order of Eligibility for Licensure, and 213.33, Pertaining to Factors Considered for Imposition of Penalties/Sanctions</p>		<p><i>Approved on Consent.</i></p>
<p>6.5. Consideration of Policy on Requests for Exception to Rule 217.5(a)(1), Pertaining to Graduation from an</p>		<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<i>Approved Nursing Education Program</i>		
7.1.1. TPAPN Quarterly Report		<i>Approved on Consent.</i>
7.1.2. Texas Peer Assistance Program for Nurses Third Party Referral Report		<i>Approved on Consent.</i>
<b>8.1. Agreed Orders</b>		<i>The board voted to ratify the Agreed Orders on Consent with the following results:</i>
	<i>Acuna, Jesse LVN# 175670</i>	<i>Suspend/Probate</i>
	<i>Adewale, Grace Titilayo RN# 666807 / LVN# 156949</i>	<i>Warning with Stipulations</i>
	<i>Banda, Amy Jeannette RN# 772621</i>	<i>Reprimand with Stipulations</i>
	<i>Barber, Sandra Irene LVN# 47821</i>	<i>Reprimand with Stipulations</i>
	<i>Bergman, Angela Diane RN# 680525 / LVN# 169073</i>	<i>Warning with Stipulations</i>
	<i>Bertran, Christopher Linn RN# 675803 / LVN# 155508</i>	<i>Warning with Stipulations</i>
	<i>Blocker, Mark Dwight RN# 593661</i>	<i>Reprimand with Stipulations</i>
	<i>Bradshaw, Michelle Denise LVN# 139217</i>	<i>Warning with Stipulations</i>
	<i>Chapman, Mari Sherin RN# 721671/ LVN# 96328</i>	<i>Warning with Stipulations</i>
	<i>Chilaka, Frances Ego RN# 728821/ APN</i>	<i>Reprimand with Stipulations</i>
	<i>Cooper, Lori Anne RN# 755731 / APN Petitioner</i>	<i>Warning with Stipulations</i>
	<i>Cooper, Verna Lou Grace RN# 243153</i>	<i>Limited License</i>
	<i>Crosby, Melinda Marie RN# 736647</i>	<i>Warning with Stipulations</i>
	<i>Crump III, James Alvin LVN# 162835</i>	<i>Warning with Stipulations</i>
	<i>Curb, Torie A. RN# 685179</i>	<i>Warning with Stipulations</i>
	<i>Dennis, Colandra Lynn RN# 769683</i>	<i>Warning with Stipulations</i>
	<i>Desart, Lauren Iozzo LVN# 227306</i>	<i>Warning with Stipulations</i>
	<i>Dreiling, Betty J. RN# 636219</i>	<i>Warning with Stipulations</i>
	<i>Dressler, Tracy A. RN# 615390</i>	<i>Reprimand with Stipulations</i>
	<i>Fisher, Scott David LVN# 199649</i>	<i>Warning with Stipulations</i>
	<i>Griego, Miguel Angel RN# 732624 / LVN# 203701</i>	<i>Enforced Suspension</i>

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	<i>Gunlock, Paula Jane</i> LVN# 92766	<i>Reprimand with Stipulations</i>
	<i>Haag, Yzette Yvonne</i> RN# 787194 / LVN# 189350	<i>Warning with Stipulations</i>
	<i>Handley-Riley, Joan Corley</i> RN# 418329	<i>Suspend/Probate</i>
	<i>Harris, Kizzie Takeka</i> RN# 787079 / AR PTP	<i>Suspend/Probate</i>
	<i>Hatter, Karissa Lizette</i> RN# 803402	<i>Warning with Stipulations</i>
	<i>Hogan, Lacey Kristen</i> LVN# 310759	<i>Enforced Suspension</i>
	<i>Johnson, Chatelly Chevaughn</i> LVN# 184120	<i>Warning with Stipulations</i>
	<i>Johnson, Kent R.</i> RN# 618256	<i>Reprimand</i>
	<i>Johnston, Kristin Marie</i> RN# 731132	<i>Warning with Stipulations</i>
	<i>Judd, Jackie Gayn</i> LVN AZ PTP	<i>Warning with Stipulations</i>
	<i>King, Sheryl Lynn</i> RN# 701043	<i>Warning with Stipulations</i>
	<i>Knelson, Anna Neufeld</i> RN# 821373	<i>Enforced Suspension</i>
	<i>Koller, Kevin Earl</i> RN# 812941	<i>Suspend/Probate</i>
	<i>Lawrence, Kim</i> RN# 653294	<i>Warning with Stipulations</i>
	<i>Longbine, Donna Gaylene</i> RN# 718947 / LVN# 108557	<i>Warning with Stipulations</i>
	<i>Lunderman, Sarah Lynn</i> RN# 773731	<i>Warning with Stipulations</i>
	<i>Mananquil, Joann Allegonda</i> RN# 760161	<i>Reprimand with Stipulations</i>
	<i>McDonald, Suzanne Renee</i> LVN# 162970	<i>Warning with Stipulations</i>
	<i>Meadows, Marsha Lynne</i> RN# 626320 / LVN# 140356	<i>Suspend/Probate</i>
	<i>Medina, Tania L.</i> RN# 762651	<i>Warning with Stipulations</i>
	<i>Medrano, Luz Ann</i> LVN# 188770	<i>Enforced Suspension</i>
	<i>Mhlanga, Lazarus</i> RN# 673341	<i>Warning with Stipulations</i>
	<i>Mhlanga, Margaret</i> RN# 810567 / LVN# 177050	<i>Warning with Stipulations</i>
	<i>Miller, Tanya Michelle</i> RN# 696892	<i>Warning with Stipulations</i>
	<i>Moore, Shyoki Takamara</i> RN# 777680	<i>Warning with Stipulations</i>
	<i>Moser, Sharla Rae</i> RN# 584692	<i>Suspend/Probate</i>
	<i>Ndimfor, Mary Assumpta</i> LVN# 210590	<i>Warning with Stipulations</i>
	<i>Neal, Mercy David</i> RN# 662728	<i>Warning with Stipulations</i>
	<i>Nipp, Willa M.</i> RN# 575504	<i>Warning with Stipulations</i>

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	<i>Offor, Nkemjika Obi RN# 699503</i>	<i>Suspend/Probate</i>
	<i>Osuji, Martins LVN# 226490</i>	<i>Warning with Stipulations</i>
	<i>Page, Debra Louise LVN# 140451</i>	<i>Reprimand with Stipulations</i>
	<i>Parker, Joshua Max RN# 796001</i>	<i>Warning with Stipulations</i>
	<i>Paul, Jeri Lee LVN# 167962</i>	<i>Warning with Stipulations</i>
	<i>Pena, Graciella Davina RN# 708661/LVN# 175569</i>	<i>Warning with Stipulations</i>
	<i>Perez, Sharita Sincere LVN# 225118</i>	<i>Reprimand with Stipulations</i>
	<i>Perez, Victor Hugo RN# 685670</i>	<i>Enforced Suspension</i>
	<i>Powell, Rochelle Delores RN# 620577</i>	<i>Warning with Stipulations</i>
	<i>Price, Brea Anne RN# 728345</i>	<i>Reprimand with Stipulations</i>
	<i>Pritchard, Gina Lou RN# 548278/ APN</i>	<i>Warning with Stipulations</i>
	<i>Quinterro, Hilda Marie LVN# 141816</i>	<i>Enforced Suspension</i>
	<i>Riddlebarger, Stephen Burton RN# 584212</i>	<i>Warning with Stipulations</i>
	<i>Saenz (Burer), Michelle Lynn LVN# 170283/ NM PTP</i>	<i>Warning with Stipulations</i>
	<i>Salazar, Myra Denise RN# 696484/ LVN# 169289</i>	<i>Warning with Stipulations</i>
	<i>Salicco, Robert E. RN# 522503</i>	<i>Suspend/Probate</i>
	<i>Scott, Karen Frances RN# 696193/ LVN# 184973</i>	<i>Enforced Suspension</i>
	<i>Scott, Lakyia Keona LVN# 193321</i>	<i>Warning with Stipulations</i>
	<i>Sheppard, Mary Inez LVN# 192333</i>	<i>Reprimand</i>
	<i>Showalter, Shari Lynn RN# 694216/ LVN# 168420</i>	<i>Suspend/Probate</i>
	<i>Simmons, Lula Marie RN# 640122</i>	<i>Suspend/Probate</i>
	<i>Sneed, Shana Michelle LVN# 187866</i>	<i>Warning with Stipulations</i>
	<i>Strickland, Rachel Sara LVN# 211342</i>	<i>Warning with Stipulations</i>
	<i>Sweet, Jessie Marie Smith LVN# 61002</i>	<i>Suspend/Probate</i>
	<i>Taft, Amber Lynn RN# 740289</i>	<i>Warning with Stipulations</i>
	<i>Taveras, Nilda RN# 784669 /LVN# 222086</i>	<i>Warning with Stipulations</i>
	<i>Tittle, Janice Lynn LVN# 126971</i>	<i>Suspend/Probate</i>
	<i>Uradzionaek, Deborah L. RN# 544958</i>	<i>Warning with Stipulations</i>
	<i>Vanfleet, Peggy RN# 645663</i>	<i>Warning with Stipulations</i>

AGENDA ITEM	DISCUSSION	ACTION
	<i>Villarreal, Maria Ruiz LVN# 198961</i>	<i>Warning with Stipulations</i>
	<i>Washington, Karen Denise LVN# 213413</i>	<i>Warning with Stipulations</i>
	<i>Westbrooks, Taiwa E. RN# 719038/ LVN# 193636</i>	<i>Warning with Stipulations</i>
	<i>White, Tisha Diane LVN# 201709 / RN Petitioner</i>	<i>Stipulations</i>
	<i>Williams, Latisa Ann Elise LVN# 189158</i>	<i>Suspend/Probate</i>
	<i>Wilmot, Robert Arnold RN# 564754 / LVN# 117752</i>	<i>Warning with Stipulations</i>
	<i>Wojciechowskimahnke, Stephen Charles LVN# 307899</i>	<i>Warning with Stipulations</i>
	<i>Woodruff, Barry Danial LVN# 232393</i>	<i>Warning with Stipulations</i>
	<i>Wooldridge, Thomas Wright RN# 237023</i>	<i>Warning with Stipulations</i>
	<i>Zuniga, Soluna Sofia RN# 778999</i>	<i>Warning with Stipulations</i>
<b>8.2. Deferred Agreed Order</b>	<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>Tuntland, Brenda J. RN #513507</i>	<i>Warning with Stipulations, Deferred.</i>
<b>8.3. Reinstatement Agreed Orders</b>	<i>The Board considered the Reinstatement Agreed Orders listed on Consent:</i>	<i>The Board voted to ratify the Reinstatement Agreed Orders.</i>
	<i>Lane, Jodie Lynne RN #547810</i>	<i>Reinstated with Stipulations.</i>
	<i>Wilson, Brandi D. LVN #169007</i>	<i>Reinstated with Stipulations.</i>
<b>8.4. Eligibility Agreed Orders</b>	<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>Anyanwu, Ugomma Peterina (RN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Arredondo, Crystal Alexandra (RN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Brown, Chelsea Mae (LVN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Castillo, Yolanda (LVN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Gardner, Dorothy Marie (RN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Mbah, Helen I. (RN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Moore, Jr., Charles Austin (LVN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Najera, Belinda (LVN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Patterson, Andrew Joseph (RN)</i>	<i>Eligibility Order with Stipulations.</i>
	<i>Puga, Consuelo (RN)</i>	<i>Eligibility Order with Stipulations.</i>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Ramos (Gonzalez), Crystal Rose (RN)</i></p> <p><i>Shive, Michael Anthony (RN)</i></p> <p><i>Smith, Kimberly Dawn (RN)</i></p> <p><i>Sockwel, Stefanie Gale (RN)</i></p> <p><i>Vasquez, Megan Renee (RN)</i></p> <p><i>White, Kristi Rose (LVN)</i></p>	<p><i>Eligibility Order with Stipulations.</i></p>
<p><b>1.</b></p> <p><b>ADMINISTRATION</b></p>		
<p>1.1. Executive Director's Report</p>	<p>Katherine Thomas reviewed her written report to the board.</p>	<p>No action.</p>
<p>1.3. Legislative Update</p>	<p>Katherine Thomas provided an update on bills that affect nursing and the regulation of nursing education and practice.</p>	<p>No action.</p>
<p><b>3. NURSING</b></p>		
<p><b>3.1. PRACTICE</b></p>		
<p>3.1.2. Report on Implementation of SB 1857, 82<sup>ND</sup> Texas Legislature and the LVN on-Call Pilot Program</p>	<p>Ramona Gaston-McNutt reported that DADS and BON staff developed a plan to collect and review monthly a random sample of individuals' files from providers that are participating in the LVN On-Call Pilot Program. The plan was approved by the Advisory Committee on May 24, 2013. An update to the Operational Protocol has been made to reflect the changes in how the collection and analysis of data will be accomplished.</p> <p>DADS and BON staff will meet on a monthly basis to review the files of individuals that have died, and whose providers are participating in the pilot. A checklist developed by Board staff will be used during the evaluation of the files.</p> <p>This fall, DADS and BON staff are planning a joint webinar to share information with nurses and their employers regarding the status of the LVN On-Call Pilot and changes that have occurred since the initial pilot training in the fall of 2011.</p> <p>DADS and BON staff are in the process of sending out a survey to RNs and LVNs participating in the pilot, as well as non-participating nurses and employers to gather information in order to improve the LVN On-Call Pilot Program.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><b>3.2. EDUCATION</b> 3.2.6. Report of Follow-Up Survey Visit to Lamar State College in Port Arthur, Texas - Associate Degree Nursing Education Program</p>	<p>The Board considered the report of the April 22-23, 2013, follow-up survey visit to Lamar State College, Port Arthur LVN to RN Upward Mobility Professional Nursing Education Program (LVN-RN) in Port Arthur, Texas. The survey visit was conducted by Sandi Emerson, MSN, RN and Virginia Ayars, EdD, MS, RN, Board Consultants for Nursing Education. A previous survey visit was conducted on November 7, 2012. Anneliese Gongre, EdD, MSN, RN, ADN Program Coordinator was present to answer questions.</p>	<p>The Board voted to accept the report of findings; authorized a follow-up survey visit to the LSC-PA LVN - RN Program in Port Arthur, Texas, and issued four requirements to be met:</p> <p><u>Requirement # 1:</u> § 215.6(i) <i>related to Administration and Organization:</i> The administration shall assure that the program director is given the authority to direct the professional nursing education program in all its phases, including approval of teaching staff, selection of appropriate clinical sites, admission, progression, probation, dismissal of students, and enforcement of student policies. The program shall be required to submit to the Board staff examples of minutes that reflect the director has full authority for the program of study by September 15, 2013.</p> <p><u>Requirement #2:</u> §215.7(i)(1-4) <i>related to Faculty:</i> The program shall provide a report of faculty student ratio and description of student, faculty, preceptor relationships and supervision by September 15, 2013.</p> <p><u>Requirement #3:</u> § 215.7 (n)(1)(2)(A-B) <i>related to Faculty:</i> The program director shall assure policies are developed and implemented related to faculty organization, including committee membership and documentation of meetings. Policies related to faculty bylaws and committee membership shall be provided to Board staff by September 15, 2013.</p> <p><u>Requirement #4:</u> § Rule 215.9 (e)(2) <i>related to Program of Study:</i> The faculty shall provide didactic instruction and clinical learning experiences for all students that include, but are not limited to, the following areas: medical-surgical, maternal/child health, pediatrics, and mental health nursing that teach students to use a systematic approach to clinical decision-making and prepare students to safely practice professional nursing through the promotion, prevention, rehabilitation, maintenance, restoration of health, and palliative end-of-life care for individuals of all ages across the life span. The program director shall provide evidence to Board staff of proposed curriculum changes which include the four (4) content areas by September 15, 2013.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.7. Consideration for Change in Approval Status from Full with Warning to Conditional - American Medical Institute in Houston, Texas - Vocational Nursing Education Program</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 findings from the May 22, 2013 survey visit. Ify Emenaha, PharmD, RN, Program Director and William Currey, PhD, Campus President were present to answer questions.</p>	<p>The Board voted to change the approval status of American Medical Institute in Houston, Texas Vocational Nursing Education Program from Full with Warning to Conditional Approval status. Further, imposed the following requirements:  <u>Requirement #1:</u>  The program may not enroll students while on conditional approval status.  <u>Requirement #2:</u>  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.  <u>Requirement #3:</u>  The program must demonstrate full compliance with Board Rule 214 prior to consideration of a change in approval status.</p>
<p>3.2.8. Report of Survey Visit to ITT Technical Institute Breckinridge School of Nursing in Richardson, Texas - Associate Degree Nursing Education Program</p>	<p>The Board considered the report of the June 3, 2013 focused survey visit to ITT Technical Institute Associate Degree Nursing (ADN) Education Program in Richardson, Texas. The survey visit was conducted by Robin Caldwell, PhD, RN, CLNC, contract Program Evaluator employed by the Board of Nursing (BON). Bruce Bundeali, Dean, Academic Affairs; and Rose Galloway, Director, ITT Richardson were present to answer questions.</p>	<p>The Board voted to to accept the findings of the survey visit to ITT Technical Institute in Richardson, Texas and to impose the requirements:  <u>Requirement #1:</u>  The administration shall empower the program director with full authority to administer the program in all its aspects. The administration shall provide written evidence to Board Staff that the program director has the authority to make all decisions and to administer the program in compliance with Rule 215 no later than September 1, 2013.  <u>Requirement #2:</u>  The administration shall review the current nursing faculty organization structure and employ sufficient full-time faculty members with graduate preparation and expertise necessary to enable the students to meet the program goals. In addition, the administration shall review the adjunct faculty salaries and adjust them to promote faculty retention. A report of changes made to the faculty organization and salaries shall be provided to Board Staff no later than October 1, 2013.  <u>Requirement #3:</u>  The administration shall provide resources to provide faculty development workshops for all needed areas identified by faculty, including, but not limited to, test construction and analysis, high-fidelity simulation activities, and instructional strategies. The director shall provide a schedule of developmental activities to Board Staff no</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.9. Report of Survey Visit to Houston Community College in Houston, Texas - Associate Degree Nursing Education Program</p>	<p>The Board considered the report of the April 25, 2013 routine survey visit to Houston Community College (HCC) Associate Degree Nursing (ADN) Education Program in Houston, Texas. The survey visit was conducted by LeAnn Wagner, MSN, RN, contract Program Evaluator employed by the Board of Nursing (BON). The previous survey was conducted in March 2002. Vivian Dawkins, PhD, RN, NEA-BC, ADN Program Director and Betty Young, PhD, J.D., LL.M., President were present to answer questions.</p>	<p>later than September 1, 2013.  <u>Requirement #4:</u>                      The administration shall assure Board Staff that nursing faculty at the local campus have the authority to engage in curriculum development, revision, and evaluation, and to incorporate all requirements of Rule 215 into the program of study. Evidence of this assurance shall be provided to Board Staff no later than September 1, 2013.  <u>Requirement #5:</u>                      The administration shall ensure that qualified instructors with expertise in human and biological sciences are employed to teach Anatomy &amp; Physiology. The administration shall provide a curriculum vitae of the employed instructor(s) that will teach Anatomy &amp; Physiology to Board Staff no later than September 1, 2013.  <u>Requirement #6:</u>                      The faculty shall develop a plan to include student representation in the governance of the ADN program. The program shall submit the plan for student representation in the ADN program to Board Staff no later than January 1, 2014.  <u>Requirement #7:</u>                      The program shall maintain evidence of student receipt of the Board's license eligibility information in all student files. The program shall develop a policy and submit it to Board Staff by September 1, 2013, that will ensure that the signed receipts are obtained and placed in all student files.</p> <p>The Board voted to accept the report of findings from the routine survey visit to the Houston Community College Associate Degree Nursing Education Program in Houston, Texas, and issued the following requirements:  <u>Requirement #1:</u>                      The administration shall empower the program director with full authority to administer the program in all its aspects. The administration shall provide written evidence that the program director has the authority to make all decisions and to administer the program in compliance with Rule 215 no later than September 1, 2013.  <u>Requirement #2:</u>                      The faculty shall develop a Faculty Handbook for the ADN faculty that includes all required faculty policies in Rule 215.7 and a full description of the ADN faculty organization as described in Rule 215.7(n).</p>

AGENDA ITEM	DISCUSSION	ACTION
		<p>The program shall submit a Faculty Handbook that includes required faculty policies and a description of the faculty organizational structure and plans for committee functioning to Board Staff no later than January 1, 2014.</p> <p><u>Requirement #3:</u> The faculty shall develop a plan to include student representation in the governance of the ADN program. The program shall submit the plan for student representation in the ADN program to Board Staff no later than January 1, 2014.</p> <p><u>Requirement #4:</u> The faculty shall develop a process to provide students with verbal and written information regarding conditions that may disqualify graduates from licensure and of their rights to petition the Board for a Declaratory Order of Eligibility as described in Rule 215.8(b). The program shall develop a process to maintain evidence of student receipt of the Board's license eligibility information. The program shall submit the written process and sample of receipt for student signature to Board Staff no later than September 1, 2013.</p> <p><u>Requirement #5:</u> The administration shall review and revise the nursing faculty workload to allow faculty time to be involved in departmental committee work and in curriculum evaluation and revision. In addition, the administration shall review salaries for nursing faculty in the Houston area and make adjustments to be more competitive in attracting qualified faculty to teach full-time and part-time in the program. Also, the program director shall study the use of part-time clinical faculty in an effort to retain part-time faculty for clinical instruction and decrease turnover. The program director shall submit the revised faculty workload policy, salary adjustments, and strategies to retain part-time faculty in the program to Board Staff no later than September 1, 2013.</p> <p><u>Requirement #6:</u> The faculty and administration shall review the admission process and shall devise a formula to determine the optimum number of students chosen for admission based upon the availability of qualified faculty and clinical practice settings. The program director shall provide a report of decisions made about the admission process and its relationship to the adequacy of faculty and clinical facilities to Board Staff no later than October 1, 2013.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.10. Report of A Comparison of Program Approval Processes Between the Texas Workforce Commission, The Texas Higher Education Coordinating Board, and the Board of Nursing</p>	<p>Jan Hooper reported on the comparison of program approval processes between the Texas Workforce Commission (TWC), the Texas Higher Education Coordinating Board (THECB), and the Board of Nursing (BON) as an outcome of meetings between the three (3) agencies.</p>	<p><u>Requirement #7:</u> The administration shall provide funding for adequate secretarial assistance by September 1, 2013, and submit the resolution of this deficiency to Board Staff no later than September 1, 2013.</p> <p><u>Requirement #8:</u> The faculty shall review and revise the Total Program Evaluation Plan to comply with Rule 215.13, and shall submit the revised Total Program Evaluation Plan to Board Staff no later than January 1, 2014. The Plan shall include methods to evaluate all aspects of the program, including the clinical affiliating agencies.</p> <p>This report was for informational purposes only, no action was taken.</p>
<p>3.2.11. Report of the Effect on Student Enrollment by a Change in Program Approval Status to Warning</p>	<p>Jan Hooper reported that Staff were requested by the Board to consider whether a policy is needed regarding restrictions on enrollments for programs when their approval status is changed from full to full with warning. Board Staff are working on a report for the October Board Meeting that will present data and information about programs that have had sanctions since January 2012. We are hoping this report will help us identify factors that may affect a program's approval status and help us determine the most effective interventions for those programs.</p>	<p>This report was for informational purposes only, no action was taken.</p>
<p><b>5. COMMITTEE REPORTS</b> <b>5.1. Board Committees</b> 5.1.3. Development and Evaluation</p>	<p>Board Members Patti Clapp and Kathy Leader Horn reported that Legislative training will be held in October.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<b>5.2. Advisory Committees/Task Forces</b>		
5.2.1. Advanced Practice Nursing Advisory Committee	<p>Dr. Jolene Zych reported the Advanced Practice Nursing Advisory Committee (APNAC) met on May 31, 2013 in Austin. The committee members discussed recommendations for amendments to Rule 222 necessitated by the passage of Senate Bill 406 authored by Senator Nelson. These proposed revisions address changes related to advanced practice registered nurses with prescriptive authority. The committee's recommendations regarding Rule 222 have been submitted for the Board's consideration as agenda item 7. 6. APNAC members also continued discussions on rule 221 revisions. The advisory committee met again on July 1. They continued discussing recommendations for changes to Rule 221 and also discussed recommendations for rules that will provide guidance for APRNs who practice in pain management settings. We anticipate Rule 221 and rules related to pain management will be submitted for the Board's consideration in October 2013.</p>	No action.
5.2.2. Nursing Practice Advisory Committee		No report.
5.2.3. Advisory Committee on Education		No report.
5.2.4. Advisory Committee on Licensure, Eligibility and Discipline		No report.
5.2.5. Advisory Committee on Deferred Disciplinary Action Pilot Program		No report.
5.2.6. Task Force on Delegation	<p>Bonnie Cone reported that since the 83rd Legislative Session has concluded, the Delegation Task Force will reconvene later this summer or early fall.</p>	No action.

AGENDA ITEM	DISCUSSION	ACTION
<p>5.2.7. Task Force to Study Implications of the Growth of Texas Nursing Education Programs</p>	<p>Jan Hooper reported that Board members requested Board Staff to consider whether a policy regarding restrictions on enrollments for programs when their approval status is changed from full to full with warning is needed. Board Staff are working on a report for the October Board Meeting that will present data and information about programs that have had sanctions since January 2012. Staff are hoping this report will help identify factors that may affect a program's approval status and help determine the most effective interventions for those programs.</p>	<p>No action.</p>
<p><b>5.3. Collaboration with Outside Agencies / Stakeholders</b></p>	<p>Texas faces a continuing nursing shortage. Nurse vacancy rates and turnover rates can lead to negative outcomes that can affect quality care such as:</p> <ul style="list-style-type: none"> <li>• Losing experienced staff</li> <li>• Increasing workload and stress at the workplace</li> <li>• Increase cost to hospitals in overtime and supplemental staffing</li> </ul> <p>During 2012 TCNWS administered the HNSS to 603 Texas hospitals. They included profit, not for profit public and Texas Department of State Health Services linked to the academic institutions. These did not include military hospitals.</p> <p>Highlights of Vacancy Rates:</p> <ul style="list-style-type: none"> <li>• 25.6% of hospitals reported zero RN vacancies, which 69.3% of hospitals reported zero LVN vacancies.</li> <li>• NP's were the most common advanced practice nurse type and were employed in the most # of Texas hospitals. Over 2/3 of the hospitals reported zero vacancy rates for NP's.</li> <li>• The CRNA vacancy rate was 3.5%, the lowest vacancy rate of all nurse types. 88.7% reported zero vacancy rate for CRNA's.</li> </ul> <p>Recruitment and retention of nurses continue to be a problem. The TCNWS offers the following evidence-based recommendations:</p> <ul style="list-style-type: none"> <li>• Employers should invite practicing nurses input in developing strategies to encourage nurses to extend their careers.</li> <li>• Employers should invite practicing nurses to promote recruitment and retention of nurses in the workplace.</li> <li>• Thru Texas Hospital Association and TNA,</li> </ul>	<p>No action.</p>
<p>5.3.1. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee</p>		

AGENDA ITEM	DISCUSSION	ACTION
	<p>establish a forum in which hospitals can share retention and recruitment practices.</p> <p>HOSPITAL NURSE STAFFING SURVEY Between 2006 and 2012 81 hospitals responded to all surveys in Texas.</p> <ul style="list-style-type: none"> <li>• Vacancy rates increased from 2006-2008 then decreased from 2008-2010.</li> <li>• From 2010-2012 vac. Rates for RN's remained constant, while decreasing for all other nurse types.</li> <li>• Vacancy rates for LVN and NP's slowed from 2010-2012. <ul style="list-style-type: none"> <li>• RN vacancy rate peaked in 2008 with 2000 vacancies then dropped 1.2 % below 2006 vacancies.(1300)</li> <li>• LVN vacancy rate has fallen 67.6% since its 2008 high of 400.</li> <li>• NP vacancy rate peaked in 2008 (70). In 2012 vacancy rate was 30.</li> <li>• CRNA vacancy rate 2012 81.8% below 2008 (28) 2012 (3-4).</li> <li>• CNS vacancy rates decreased from 2006 (19) to 2010 (11-12)</li> </ul> </li> </ul> <p>UPDATE ON HOME HEALTH AND HOSPICE NURSE STAFFING STUDY Study will start on or around June 3rd and finish on or around August 30th. There are over 3000 agencies for the survey to be sent to. Also a task force has been formed to start a pilot study on Local and County Health Department nursing staff study. The study is to begin June 13th.</p> <p>FUTURE MEETINGS; September 11, 2013 10am to 200 pm Web site for surveys: <a href="http://www.dshs.state.tx.us/chs/cnws/publications">www.dshs.state.tx.us/chs/cnws/publications</a></p>	
5.3.2. Texas Higher Education Coordinating Board Updates		No report.
5.3.3. Taxonomy of Error Root Cause Analysis of Practice Responsibilities (TERCAP)	<p>Skylar Caddell reported on the Review of information from the 2011 data report by NCSBN revealed the following: Change in employment or assignment significantly increases the likelihood of having a practice errors No matter how long a nurse has been licensed. Nurses are twice as likely to have an error during the first year than during the second</p>	No action.

AGENDA ITEM	DISCUSSION	ACTION
<p>5.3.3.a. Texas TERCAP Pilot Project Update</p>	<p>year. No significant relationship between systems factors and practice errors was noted. Male nurses have more errors for their population size than do female nurses. About 2,500 cases entered to date (As of today, 2485.) An expert panel was brought to NCSBN to examine data and provide suggestions for dissemination of the findings. Felt that TERCAP is an important project Agreed with NCSBN staff's findings Suggested caution re disseminating data due to limited ability to identify system errors Next analysis will occur after completion of 3,000 cases [At the current national rate of new submission (approx. 50/mo), the next trend review should be in about 10 months] NCSBN has added new questions about patient characteristics in the new instrument and will be looking at these data in our next report.</p> <p>Kristin Benton reported since the launch of the Texas TERCAP Pilot Project in September of 2012, 76 cases have been entered into the on-line database. Trends emerging from this first ten months of data include: 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 Minority of nurses were working in a temporary capacity 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 It is important to remember that these are preliminary findings and will change as more data is gathered. Staff surveyed Texas TERCAP participants in May to assess ongoing training needs and conducted a Webinar in June to address the identified needs. Approximately 50 participants attended the webinar. Board</p>	

AGENDA ITEM	DISCUSSION	ACTION
<p>5.3.4. Texas Team Report - Robert Wood Johnson Initiative</p>	<p>staff will be hosting a face-to-face training for new peer review committee chairs for participating organizations to provide an introduction to the Texas TERCAP Pilot Project. Staff are consulting with a nurse informaticist to assist with data analysis.</p> <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>	<p>No action.</p>
<p>5.3.5. National Council of State Boards of Nursing 5.3.5.a. Report on Annual NCSBN Delegate Assembly, August 14-16, 2013, in Providence, Rhode Island</p>	<p>Katherine Thomas reviewed the Annual NCSBN Delegate Assembly items with the board.</p>	<p>The Board voted to direct the Delegates to vote on these issues after hearing and considering the discussion on the issues.</p>
<p><b>OPEN FORUM:</b></p>	<p>Kathy Shipp announced the format and invited participation from the audience, no Speakers came forward and the Open Forum was closed at 1:34 pm.</p>	
<p><b>6. OLD BUSINESS</b></p>		
<p>6.6. Texas A&amp;M Health Sciences Center Rural and Community Health Institute Alternative to Discipline Pilot Project</p>	<p>Melinda Hester reported that BON staff continue to work with staff at the Texas A &amp; M University Health Science Center's Rural and Community Health Institute (RCHI) to revise the grant proposal that RCHI plans to re-submit later this year to NCSBN's Center for Regulatory Excellence. While not awarded, the grant proposal was requesting funding to implement a pilot project KSTAR (Knowledge, Skills, Training, Assessment and Research) program for nurses after RCHI's tremendous success with KSTAR for physicians. The pilot project would be an alternative to discipline to explore the effectiveness of an educational intervention by measuring learning outcomes of nurses referred for unsafe practice related to</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>medication errors following implementation of an intensive, individualized re-education plan. RCHI and BON staff met with Dr. Mary Ann Alexander with NCSBN and obtained specific feedback that will inform the resubmission of the grant proposal. For example, NCSBN suggested including specific information in a revised grant proposal, about the process for recruitment of pilot project participants, the consent process and an addendum to the budget which would include a cost comparison of the approved medication administration course providers. BON staff will continue to meet with RCHI on any necessary revisions to the grant proposal and plan to continue to keep the Board informed of our progress.</p>	
<p><b>7. NEW BUSINESS</b>  <b>7.1. Texas Peer Assistance Program for Nurses (TPAPN)</b>            7.1.3. Texas Peer Assistance Program for Nurses Advisory Committee</p>	<p>Denise Benbow reported that The Texas Peer Assistance Program for Nurses (TPAPN) Advisory Committee Meeting met on June 7, 2013. Topics of discussion included the presentations done by TPAPN staff; the TPAPN Strategic Plan including information on alignment with NCSBN goals for alternative to discipline programs such as length of participation, and facilitated support groups. The case management software allows participants to upload group participation and monthly self-reports electronically. The next TPAPN Advisory Committee meeting will be September 13,2013.</p>	<p>No action.</p>
<p>7.2. Consideration of Position Statement 15.13 Role of LVNs and RNs as School Nurses</p>	<p>The Board considered the proposed revisions to Position Statement 15.13 Role of LVNs and RNs as School Nurses.</p>	<p>The Board voted to adopt Position Statement 15.13, Role of LVNs and RNs in School Health, 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 Proposed Procedures for Election of the Vice President</p>	<p>The Board considered the Proposed Procedures for Election of the Vice President.</p>	<p>The Board voted to adopt the procedures for the nomination and election of the vice president with a modification that a board member serving as the Vice President shall be for no more than two consecutive terms.</p>

AGENDA ITEM	DISCUSSION	ACTION
7.5. Consideration of Proposed Amendments to 22 Tex. Admin. Code Chapter 222, Pertaining to Advanced Practice Registered Nurses with Prescriptive Authority	The Board considered the Proposed Amendments to 22 Tex. Admin. Code Chapter 222, Pertaining to Advanced Practice Registered Nurses with Prescriptive Authority.	The Board voted to approve the proposed amendments to 22 Tex. Admin. Code Chapter 222, Pertaining to Advanced Practice Registered Nurses with Prescriptive Authority, 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 Texas Register. If no negative comments and no request for a public hearing are received, adopt the proposed amendments to 22 Tex. Admin. Code Chapter 222, Pertaining to Advanced Practice Registered Nurses with Prescriptive Authority, as proposed.
7.6. Consideration of Proposed Amendments to 22 Tex. Admin. Code § 214.3(e), Pertaining to Program Development, Expansion, and Closure	The Board considered the Proposed Amendments to 22 Tex. Admin. Code § 214.3(e), Pertaining to Program Development, Expansion, and Closure.	The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §214.3(e), Pertaining to Program Development, Expansion, and Closure, 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 Texas Register. If no negative comments and no request for a public hearing are received, adopt the proposed amendments to 22 Tex. Admin. Code §214.3(e), Pertaining to Program Development, Expansion, and Closure, as proposed.
7.7. Consideration of Proposed Amendments to 22 Tex. Admin. Code §215.3(e), Pertaining to Program Development, Expansion, and Closure	The Board considered the Proposed Amendments to 22 Tex. Admin. Code §215.3(e), Pertaining to Program Development, Expansion, and Closure.	The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §215.3(e), Pertaining to Program Development, Expansion, and Closure, 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 Texas Register. If no negative comments and no request for a public hearing are received, adopt the proposed amendments to 22 Tex. Admin. Code §215.3(e), Pertaining to Program Development, Expansion, and Closure, as proposed.
7.8. Consideration of Proposed Amendments to 22 Tex. Admin. Code §223.1, Pertaining to Fees	The Board considered the Proposed Amendments to 22 Tex. Admin. Code §223.1, Pertaining to Fees.	The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §223.1, Pertaining to Fees, 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 Texas Register. If no negative comments and no

AGENDA ITEM	DISCUSSION	ACTION
<p>7.9. Consideration of Proposed Amendments to 22 Tex. Admin. Code §213.3, Pertaining to Pleading</p>	<p>The Board considered the Proposed Amendments to 22 Tex. Admin. Code §213.3, Pertaining to Pleading.</p>	<p>request for a public hearing are received, adopt the proposed amendments to 22 Tex. Admin. Code §223.1, Pertaining to Fees, as proposed.</p> <p>The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §213.3, Pertaining to Pleading, 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 Texas Register. If no negative comments and no request for a public hearing are received, adopt the proposed amendments to 22 Tex. Admin. Code §213.3, Pertaining to Pleading, as proposed.</p>
<p>7.10. Consideration of Proposed Amendments to 22 Tex. Admin. Code §211.7, Pertaining to Executive Director</p>	<p>The Board considered the Proposed Amendments to 22 Tex. Admin. Code §211.7, Pertaining to Executive Director.</p>	<p>The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §211.7, Pertaining to Executive Director, 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 Texas Register. If no negative comments and no request for a public hearing are received, adopt the proposed amendments to 22 Tex. Admin. Code §211.7, Pertaining to Executive Director, as proposed.</p>
<p>7.11. Consideration of Proposed Amendments to 22 Tex. Admin. Code §216.3, Pertaining to Requirements</p>	<p>The Board considered the Proposed Amendments to 22 Tex. Admin. Code §216.3, Pertaining to Requirements.</p>	<p>The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §216.3, Pertaining to Requirements, 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 Texas Register. If no negative comments and no request for a public hearing are received, adopt the proposed amendments to 22 Tex. Admin. Code §216.3, Pertaining to Requirements, as proposed.</p>
<p>7.12. Consideration of Proposed Amendments to Board's Minor Criminal History Policy</p>	<p>The Board considered the Proposed Amendments to Board's Minor Criminal History Policy.</p>	<p>The Board voted to adopt the proposed changes to the Board's Minor Criminal History Policy.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><b>8. Proposed Board Orders</b></p> <p>8.5. ALJ Proposals for Decision</p> <p>8.5.1. Docket No. 507-12-6342, In the Matter of Permanent Certificate LVN #126733, Issued to JANA E. DESHAZER</p> <p>8.5.1.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-6342</p> <p>8.5.1.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-6342, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.1.c. Consideration of Recommendation by JANA E. DESHAZER, Docket No. 507-12-6342</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 #126733, Issued to JANA E. DESHAZER</p> <p>8.5.1.e. Convene in Open Session to consider recommendations and take action: In</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-6342, 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 Probated Suspension against the Respondent's license for two years, which should include a nursing jurisprudence and ethics course, a monitoring fee, employer notification requirements, direct/indirect supervision, quarterly employer reports, and standard practice restrictions.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>the Matter of Permanent Certificate LVN #126733, Issued to JANA E. DESHAZER</p> <p>8.5.2. Docket No. 507-13-0937, In the Matter of Permanent Certificate RN #643395, Issued to KELLY DREADIN</p> <p>8.5.2.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-13-0937</p> <p>8.5.2.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-13-0937, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.2.c. Consideration of Recommendation by KELLY DREADIN, Docket No. 507-13-0937</p> <p>8.5.2.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN #643395, Issued to KELLY DREADIN</p> <p>8.5.2.e. Convene in Open Session to consider recommendations</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-13-0937, 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, with the exception of proposed Finding of Fact Number 10, which is not adopted, but including proposed Findings of Fact Numbers 19A, 19B, and 19C, as outlined in the ALJ's final letter ruling of May 9, 2013 and Revoke the Respondent's nursing license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>and take action: In the Matter of Permanent Certificate RN #643395, Issued to KELLY DREADIN</p> <p>8.5.3. Docket No. 507-12-7465, In the Matter of Permanent Certificate LVN #154358, Issued to MARIA LUISA ELIZONDO</p> <p>8.5.3.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-7465</p> <p>8.5.3.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-7465, 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 MARIA LUISA ELIZONDO, Docket No.507-12-7465</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 #154358, Issued to MARIA LUISA ELIZONDO</p> <p>8.5.3.e. Convene in Open Session to</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-7465, 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, except for Finding of Fact Number 15, and to Revoke the Respondent's nursing license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>consider recommendations and take action: In the Matter of Permanent Certificate LVN #154358, Issued to MARIA LUISA ELIZONDO</p>		
<p>8.5.4. Docket No. 507-13-0723, In the Matter of Permanent Certificate LVN #226328, Issued to BILLIE JEAN STONE</p> <p>8.5.4.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-13-0723</p> <p>8.5.4.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-13-0723, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.4.c. Consideration of Recommendation by BILLIE JEAN STONE, Docket No. 507-13-0723</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 LVN #226328, Issued to</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-13-0723, including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p> <p>Marc Meyer, Attorney for Respondent was present and was given full opportunity to address the Board.</p>	<p>The Board voted to adopt all of the proposed Findings of Fact and Conclusions of Law in the PFD without modification and enforce the suspension of the Respondent's license for at least one year and until such time as she is able to verify her sobriety, to be followed by two years of probationary conditions.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>BILLIE JEAN STONE</p> <p>8.5.4.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #226328, Issued to BILLIE JEAN STONE</p> <p>8.5.5. Docket No. 507-13-2634, In the Matter of Petition for Declaratory Order made by: OSCAR J. TORRES</p> <p>8.5.5.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-13-2634</p> <p>8.5.5.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-13-2634, 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 OSCAR J. TORRES, Docket No. 507-13-2634</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 Petition for Declaratory</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-13-2634, 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 Findings of Fact and Conclusions of Law in the PFD without modification, except for Conclusion of Law Number 7, which should be re-designated as a recommendation, and to adopt the ALJ's recommendation to Deny the Petitioner licensure.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Order made by: OSCAR J. TORRES</p> <p>8.5.5.e. Convene in Open Session to consider recommendations and take action: In the Matter of Petition for Declaratory Order made by: OSCAR J. TORRES</p> <p>8.5.6. Docket No. 507-13-1502, In the Matter of Permanent Certificate LVN #150489, Issued to CRAIG WALLACE WILLIAMS</p> <p>8.5.6.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-13-1502</p> <p>8.5.6.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-13-1502, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.6.c. Consideration of Recommendation by CRAIG WALLACE WILLIAMS, Docket No. 507-13-1502</p> <p>8.5.6.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. 507-13-1502, 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 proposed Findings of Fact and Conclusions of Law in the PFD without modification and Revoke Respondent's nursing license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>litigation: In the Matter of Permanent Certificate LVN #150489, Issued to CRAIG WALLACE WILLIAMS</p> <p>8.5.6.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #150489, Issued to CRAIG WALLACE WILLIAMS</p>		
<p><b>8.6. Default ALJ Proposals for Decision</b></p> <p>8.6.1. Docket No. 507-13-1964, In the Matter of Permanent Certificate LVN #171656, Issued to CHRISTIE DENISE CRAVEN</p> <p>8.6.1.a. Consideration of the Administrative Law Judge's Order No. 1, Order Dismissing Case</p> <p>8.6.1.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate LVN #171656 by Default, in Conjunction with Order No. 1, Docket No. 507-13-1964</p> <p>8.6.1.c. Consideration of Recommendation by CHRISTIE DENISE CRAVEN, Docket No.</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate LVN #171656 by Default, in Conjunction with the Administrative Law Judge's Order No. 1, Docket No. 507-13-1964.</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>507-13-1964</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 LVN #171656, Issued to CHRISTIE DENISE CRAVEN</p> <p>8.6.1.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #171656, Issued to CHRISTIE DENISE CRAVEN</p>		
<p>8.6.2. Docket No. 507-13-1737, In the Matter of Permanent Certificate RN #713049, Issued to BROOKE ASHLEY FARAH</p> <p>8.6.2.a. Consideration of the Administrative Law Judge's Order No. 2, Dismissing Case</p> <p>8.6.2.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate RN #713049 by Default, in Conjunction with Order No. 2, Docket No. 507-13-1737</p> <p>8.6.2.c. Consideration of Recommendation</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate RN #713049 by Default, in Conjunction with the Administrative Law Judge's Order No. 2, Docket No. 507-13-1737.</p>	<p><b>Board Members Beverley Nutall, Deborah Bell and Marilyn Davis recused themselves prior to the consideration and vote on this proposal for decision.</b></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>by BROOKE ASHLEY FARAH, Docket No. 507-13-1737</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 RN #713049, Issued to BROOKE ASHLEY FARAH</p> <p>8.6.2.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #713049, Issued to BROOKE ASHLEY FARAH</p>		
<p>8.6.4. Docket No. 507-13-3197, In the Matter of Permanent Certificate RN #696849, Issued to LISA MARGARET JOHNSON</p> <p>8.6.4.a. Consideration of the Administrative Law Judge's Order No. 2, Dismissing Case</p> <p>8.6.4.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate RN #696849 by Default, in Conjunction with Order No. 2, Docket No. 507-13-3197</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate RN #696849 by Default, in Conjunction with the Administrative Law Judge's Order No. 2, Docket No. 507-13-3197.</p>	<p><b>Board Members Deborah Bell, Kathy Leader-Horn and Tamara Cowen recused themselves prior to the consideration and vote on this proposal for decision.</b></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>8.6.4.c.            Consideration of Recommendation by LISA MARGARET JOHNSON, Docket No. 507-13-3197</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 #696849, Issued to LISA MARGARET JOHNSON</p> <p>8.6.4.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #696849, Issued to LISA MARGARET JOHNSON</p>		
<p>8.6.5. Docket No. 507-13-2633, In the Matter of Permanent Certificate RN #511190 and LVN #41900, Issued to RUBY JEAN JOHNSON</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificates RN #511190 and LVN #41900 by Default, in Conjunction with the Administrative Law Judge's Order No. 1, Docket No. 507-13-2633.</p>	<p>The Board voted to adopt the proposed order and Revoke the Respondent's nursing licenses by default.</p>
<p>8.6.5.a.            Consideration of the Administrative Law Judge's Order No. 1, Order Dismissing Case</p> <p>8.6.5.b.            Consideration of Staff's Recommendation to Revoke Permanent Certificate RN #511190 and LVN #41900 by Default,</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p>in Conjunction with Order No. 1, Docket No. 507-13-2633</p> <p>8.6.5.c. Consideration of Recommendation by RUBY JEAN JOHNSON, Docket No. 507-13-2633</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 #511190 and LVN #41900, Issued to RUBY JEAN JOHNSON</p> <p>8.6.5.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #511190 and LVN #41900, Issued to RUBY JEAN JOHNSON</p>		
<p>8.6.6. Docket No. 507-13-3196, In the Matter of Permanent Certificate RN #537568, Issued to CHERYL L. MAUGHMER</p> <p>8.6.6.a. Consideration of the Administrative Law Judge's Order No. 2, Order Dismissing Case</p> <p>8.6.6.b. Consideration of Staff's Recommendation to Revoke</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate RN #537568 by Default, in Conjunction with the Administrative Law Judge's Order No. 2, Docket No. 507-13-3196.</p>	<p><b>Board Members Deborah Bell, Kathy Leader-Horn and Tamara Cowen recused themselves prior to the consideration and vote on this proposal for decision. Board Member Patti Clapp was not present for the vote. Board President Kathy Shipp voted in the absence of Ms. Clapp.</b></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>Permanent Certificate RN #537568 by Default, in Conjunction with Order No. 2, Docket No. 507-13-3196</p> <p>8.6.6.c. Consideration of Recommendation by CHERYL L. MAUGHMER, Docket No. 507-13-3196</p> <p>8.6.6.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN #537568, Issued to CHERYL L. MAUGHMER</p> <p>8.6.6.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #537568, Issued to CHERYL L. MAUGHMER</p>		
<p>8.6.7. Docket No. 507-13-0670, In the Matter of Permanent Certificate LVN #182509, Issued to ELENA PATRICIA MOLINA</p> <p>8.6.7.a. Consideration of the Administrative Law Judge's Order No. 5, Dismissing Case</p> <p>8.6.7.b. Consideration of</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate LVN #182509 by Default, in Conjunction with the Administrative Law Judge's Order No. 5, Docket No. 507-13-0670.</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>Staff's Recommendation to Revoke Permanent Certificate LVN #182509 by Default, in Conjunction with Order No. 5, Docket No. 507-13-0670</p> <p>8.6.7.c. Consideration of Recommendation by ELENA PATRICIA MOLINA, Docket No. 507-13-0670</p> <p>8.6.7.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN #182509, Issued to ELENA PATRICIA MOLINA</p> <p>8.6.7.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #182509, Issued to ELENA PATRICIA MOLINA</p>		
<p>8.6.8. Docket No. 507-13-1739, In the Matter of Permanent Certificate RN #712586 Issued to MATTHEW JAMES POWERS</p> <p>8.6.8.a. Consideration of the Administrative Law Judge's Order No. 2, Dismissing</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate RN #712586 by Default, in Conjunction with the Administrative Law Judge's Order No. 2, Docket No. 507-13-1739.</p>	<p><b>Board Members Beverley Nutall, Deborah Bell and Marilyn Davis recused themselves prior to the consideration and vote on this proposal for decision.</b></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>Case            8.6.8.b.            Consideration of Staff's Recommendation to Revoke Permanent Certificate RN #712586 by Default, in Conjunction with Order No. 2, Docket No. 507-13-1739</p> <p>8.6.8.c.            Consideration of Recommendation by MATTHEW JAMES POWERS, Docket No. 507-13-1739</p> <p>8.6.8.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN #712586 , Issued to MATTHEW JAMES POWERS</p> <p>8.6.8.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #712586 , Issued to MATTHEW JAMES POWERS</p>		
<p>8.6.9. Docket No. 507-13-2501, In the Matter of Permanent Certificate LVN #126800, Issued to TONI WYNELLE SENN</p> <p>8.6.9.a.            Consideration of</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate LVN #126800 by Default, in Conjunction with the Administrative Law Judge's Order No. 1, Docket No. 507-13-2501.</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>the Administrative Law Judge's Order No. 1, Order Dismissing Case 8.6.9.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate LVN #126800 by Default, in Conjunction with Order No. 1, Docket No. 507-13-2501 8.6.9.c. Consideration of Recommendation by TONI WYNELLE SENN, Docket No. 507-13-2501 8.6.9.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN #126800, Issued to TONI WYNELLE SENN 8.6.9.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #126800, Issued to TONI WYNELLE SENN</p>		
<p>8.6.10. Docket No. 507-13-3292, In the Matter of Permanent Certificate LVN #190498, Issued to JESSICA L. SEWARD</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From SOAH's Docket and Staff's Recommendation to Revoke Permanent Certificate LVN #190498 by Default, in Conjunction with the Administrative Law Judge's Order No. 2, Docket No. 507-13-3292.</p>	<p><b>Board Members Patti Clapp, Tamara Cowen and Kathy Leader-Horn recused themselves prior to the consideration and vote on this proposal for decision.</b> The Board voted to adopt the proposed order and Revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.6.10.a. Consideration of the Administrative Law Judge's Order No. 2, Dismissing Case</p> <p>8.6.10.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate LVN #190498 by Default, in Conjunction with Order No. 2, Docket No. 507-13-3292</p> <p>8.6.10.c. Consideration of Recommendation by JESSICA L. SEWARD, Docket No. 507-13-3292</p> <p>8.6.10.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN #190498, Issued to JESSICA L. SEWARD</p> <p>8.6.10.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #190498, Issued to JESSICA L. SEWARD</p>		
<p><b>ADJOURNMENT</b></p>	<p>Having completed this day's business the meeting adjourned at 4:45 p.m.</p>	

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**TEXAS BOARD OF NURSING**

Regular Meeting

Friday, July 19, 2013

8:34 a.m. - 12:26 p.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

Present:

Kathy Shipp, MSN, RN, FNP, Board President, Representing APN Practice

Nina Almasy, BSN, RN, MSN, Representing LVN Education

Deborah Hughes Bell, CLU, ChFC, Representing Consumers

Patti Clapp, BA, Representing Consumers

Tamara Cowen, MSN, RN, Representing RN Practice

Marilyn J. Davis, BSN, RN, MPA, Representing RN Practice

Shelby Ellzey, Representing Consumers

Richard Robert Gibbs, LVN, Representing LVN Practice

Kathy Leader-Horn, LVN, Representing LVN Practice

Mary LeBeck, MSN, RN, Representing ADN Education

Beverley Jean Nutall, LVN, Representing LVN Practice

Absent:

Sheri Denise Crosby, JD, SPHR, Representing Consumers

Josefina Lujan, PhD, RN, Representing BSN Education

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, Nursing Consultant

Melinda Hester, Nursing Consultant

Virginia Ayars, Nursing Consultant

Sandi Emerson, Nursing Consultant

Denise Benbow, Nursing Consultant

Bonnie Cone, Nursing Consultant

Ramona Gaston-McNutt, Nursing Consultant

Jolene Zych, Nursing Consultant

Nicole Binkley, Nursing Consultant

Bruce Holter, Information Specialist

Laura Lewis, Administrative Assistant

Bill Ray, Information Technology

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AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Kathy Shipp called the meeting to order at 8:34 am, Friday, July 19, 2013.	
<b>ROLL CALL</b>	Katherine Thomas did the roll call. A quorum was established with eleven members in attendance, Board Members Sheri Crosby and Josefina Lujan were absent.	
<b>7. New Business</b> 7.3. Consideration of Petitioner Martha Land's Request for Exception to Rule 216.4, Pertaining to Criteria for Acceptable Continuing Education Activity	The Board considered Petitioner Martha Land's Request for Exception to Rule 216.4, Pertaining to Criteria for Acceptable Continuing Education Activity. Martha Land, Petitioner was present and addressed the board.	<b>Board Member Deborah Bell voted to oppose the motion.</b> The Board voted to deny the request from Martha Land, RN, to use CME courses to meet licensure renewal requirements.
<b>9. Miscellaneous</b> 9.1. Board Items of Interest for Future Board Meetings	The Board discussed items of interest for future board meetings, the following items were presented for consideration at future board meetings: <ul style="list-style-type: none"> <li>• Review and consider reducing the amount of time for sitting and passing the NCLEX exam(s) from four years to two years;</li> <li>• Identify and consider possible board action on Nursing Programs who are out of compliance and/or are operating in violation of Board Rules and Regulations - such as issuance of monetary fines for non-compliance;</li> <li>• Discuss and Provide potential for allowing CME's for Nurses - possibly to be discussed by the Nursing Practice Advisory Committee at its upcoming meeting in September, 2013.</li> </ul>	No action.
9.2. Board Development: Robert Wood Johnson Foundation (RWJF) Academic Progression in Nursing Initiative	Jan Hooper and Sandi Emerson provided a power point presentation on the Robert Wood Johnson Foundation (RWJF) Academic Progression in Nursing Initiative.	No action.
9.3. Review of the Board Quarterly Meeting Evaluation	The Board members discussed the comments from the April board meeting quarterly evaluation.	No action.

AGENDA ITEM	DISCUSSION	ACTION
9.4. Consideration of Proposed Date and Topics for October, 2013 Board Retreat	The Board discussed setting the October Board Retreat and topics.	The Board agreed to schedule the board retreat on Wednesday, October 17, 2013. Topics to be covered at the retreat will include the Legislative Process and Professionalism.
9.5. Executive Session Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters: Annual Performance Evaluation of Katherine A. Thomas, MN, RN, FAAN, Executive Director - Convene in Open Session to consider recommendations and take action	The Board went into Executive Session at 8:34 a.m. Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters: Annual Performance Evaluation of Katherine A. Thomas, MN, RN, FAAN, Executive Director.	Executive Session.
	The Board Convened in Open Session at 9:01 a.m. to consider recommendations and take action on the Performance Evaluation of Katherine A. Thomas, MN, RN, FAAN, Executive Director.	The Board voted to increase the annual salary of Katherine A. Thomas, MN, RN, FAAN, Executive Director, from \$92,600 to \$120,000 effective September 1, 2013. Additionally, the Board voted to award Katherine A. Thomas, MN, RN, FAAN, Executive Director, five days of paid administrative leave.
9.6. Executive Session Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters: Annual Board Self-Evaluation	The Board went into Executive Session at 9:12 a.m. Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters: Annual Board Self-Evaluation.	Executive Session.
	The Board reconvened in Open Session at 10:14 a.m.	No action.
<b>ADJOURNMENT</b>	Having completed all business as listed on the agenda, the meeting adjourned at 12:26 p.m.	
	_____ Kathy Shipp, MSN, RN, FNP Board President	
	_____ Katherine A. Thomas, MN, RN, FAAN Executive Director	

## TEXAS BOARD OF NURSING

### Public Hearing

Friday, September 13, 2013  
9:00 a.m. - 9:30 a.m.  
333 Guadalupe, Room 100  
Austin, Texas

### Present:

Verna "Kathy" Shipp, President

### Absent:

Deborah Bell  
Tamara Cowen  
Sheri Crosby  
Marilyn Davis  
Shelby Ellzey  
Richard Robert Gibbs  
Kathy Leader-Horn  
Josefina Lujan  
Beverley Nutall  
Patti Clapp  
Mary LeBeck  
Nina Almasy

### Staff present:

Katherine Thomas, Executive Director  
Dusty Johnston, General Counsel  
Jena Abel, Assistant General Counsel  
Kristin Benton, Director of Nursing  
John Vanderford, Law Clerk  
Rene McDonald, Legal Assistant  
Jolene Zych, Nursing- Advanced Practice  
Nicole Binkley, Nursing- Advanced Practice  
Janice Hooper, Lead Education Consultant

### Others in Attendance:

James Willmann, Texas Nurses Association (TNA)  
Carla Cox, Texas Association of Nurse Anesthetists (TANA)  
Kristin Crockett, Texas Pain Society  
Andrea Schwab, Texas Medical Association (TMA)  
Kathy Hutto, Coalition for Nurses in Advanced Practice (CNAP)  
Lora Borchens

AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Kathy Shipp called the hearing to order at 9:00 a.m., Friday, September 13, 2013.	
<b>ROLL CALL</b>	Kathy Shipp was the only board member in attendance. A quorum was not established.	
<b>INTRODUCTIONS</b>	<p>Board member Kathy Shipp introduced herself to the audience and stated the purpose of the meeting, which was to receive comments from interested persons concerning proposed new Chapter 222, relating to <i>Advanced Practice Registered Nurses with Prescriptive Authority</i>, as was published in the Texas Register on August 9, 2013, (38 TexReg 4990-5006). Ms. Shipp also reviewed the rules that would govern the hearing.</p> <p>Ms. Shipp asked all those wishing to provide comment to rise and take an oath. The following individuals stood up and took an oath to provide true testimony and then presented the following oral comments:</p> <p><i>James Willmann, Texas Nurses Association (TNA)</i>. Mr. Willmann provided verbal comments in addition to written comments. Mr. Willmann testified that TNA suggests moving the content of Rules 221.14, 221.15, and 221.16 into Chapter 222 and re-wording the title Chapter 222 to read: "Prescribing, Ordering, or Providing Drugs or Devices by Advanced Practice Registered Nurse". Mr. Willmann stated that SB 406 expanded the drugs an APRN may prescribe or order under a prescriptive authority agreement to include controlled substances in certain settings, including certified nurse midwives and certified registered nurse anesthetists. TNA believes it would promote a better understanding of the different delegation mechanisms if all the rules relating to physician delegation of prescribing, ordering, or providing drugs or devices to APRNs were set out in Chapter 222.</p> <p>Pertaining to Section 222.5, TNA notes that the proposed definition of "good standing" would preclude an APRN from executing a prescriptive authority agreement if there was any current adverse action against the APRN's license or authorization, or even if there is a pending investigation. TNA does not believe this interpretation is the correct</p>	No action.

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	<p>interpretation of Medical Practice Act section 157.0512(b)(2)(A), which requires an APRN to be in good standing to execute a prescriptive authority agreement. Further, TNA does not believe it is good public policy to place restrictions on a nurse's practice based on the opening of an investigation or on the filing of formal charges. TNA suggests that the Board define "good standing" as determined only on the basis of a final disciplinary action against an APRN and not on the basis of opening of an investigation or filing of formal charges and so that not every adverse action, regardless of severity, against an APRN's license or authorization categorically preclude an APRN from executing an agreement. TNA's suggested language also includes a mechanism for APRNs with adverse actions pending on 11/1/2013 to be able to execute a prescriptive authority agreement. TNA also recognizes that there may be other mechanisms that would accomplish the desired result. TNA submitted recommended language.</p> <p>Further, Mr. Willmann stated that, pertaining to Section 222.6, TNA suggests amending the section's title by removing "site" since SB 406 eliminated the site based model and site terminology throughout the amended statutes. TNA further states that SB 406 does not explicitly address the issue of prescriptive authority agreements in facility based practices. However, section 157.0512 does not limit the practices where an agreement can be used. Section 157.054 neither explicitly permits nor precludes the use of a prescriptive authority agreement at a facility based practice. However, 157.054 authorizes delegation of prescribing and ordering at a facility based practice only if certain requirements are met. TNA believes that the most plausible interpretation of SB 406 is that an agreement may be used as a delegation mechanism at a facility based practice and if used, they must comply with the requirements of both 157.0512 and 157.054. If the Board agrees with this interpretation, TNA suggests that the rules explicitly state that if an agreement is used at a facility based practice, it must meet the requirements of both rule 222.5 and 222.6. TNA provided suggested language in its written comment to accomplish this.</p>	

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	<p>Finally, TNA believes that the definitions in 222 should track as closely as possible the definitions in SB 406 and when possible, the definitions used by the Medical Board. TNA states that the definition of "advanced practice registered nurse" should track the definition in SB 406 and the Nursing Practice Act section 301.152. TNA submitted recommended language.</p> <p>With respect to the term "protocol or other written authorization", TNA believes it would be desirable for the Board to review the Medical Board's proposed definition to be sure the definitions are completely consistent. The definition of "protocol" in the Medical Board's proposed rule states that a prescriptive authority agreement may reference a protocol. If the Board incorporates this language into its definitions, TNA recommends that it describe the protocol as a "clinical protocol or guideline".</p> <p><i>Carla Cox, Texas Association of Nurse Anesthetists (TANA).</i> Ms. Cox provided verbal comments in addition to written comments previously submitted by TANA. Ms. Cox indicated that, pertaining to Section 222.5(a), TANA recommends that the word "the" be changed to the word "a" to indicate that a prescriptive authority agreement is a mechanism by which a CRNA may be delegated the authority to order or prescribe drugs or devices by a physician. However, a prescriptive authority agreement is not the only mechanism by which a CRNA may be delegated such authority. TANA states that SB 406 did not alter the provisions of Tex. Occ. Code §157.058 and a CRNA may continue to obtain delegated authority for the ordering of the drugs and devices necessary for the administration of anesthetic or an anesthesia-related service ordered by a physician pursuant to that section (157.058).</p> <p>In addition, TANA recommends adding a new subsection to clarify that SB 406 does not require a CRNA to practice pursuant to a prescriptive authority agreement, but that CRNAs may continue to order drugs and devices necessary to administer anesthesia and anesthesia-related services pursuant to Tex. Occ. Code §157.058. TANA submitted its recommended language in its written comments.</p>	<p>No action.</p>

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	<p><i>Kathy Hutto, Coalition for Nurses in Advanced Practice (CNAP).</i> Ms. Hutto provided verbal comments in addition to written comments previously submitted by CNAP. Ms. Hutto stated that, pertaining to Section 222.3(b), CNAP supports requiring 3 additional hours of continuing education relating to prescribing controlled substances. CNAP believes the additional CE is consistent with discussions among legislators during the 83rd Texas Legislature and SB 406. CNAP believes the additional hours help APRNs continue to treat patients with the utmost care and safety. However, CNAP requests that the implementation of the new requirements become effective no earlier than January 1, 2015, to give APRNs time to identify and complete the course work necessary to comply with the new requirements. Further, CNAP suggests that the Board clarify that the additional three hours of CE relating to prescribing controlled substances is in addition to the CE required only under §216.3(c)(1) and (2). CNAP submitted recommended language in its written comment.</p> <p>Ms. Hutto also stated that, pertaining to Section 222.4, CNAP states that the rule should be amended to reflect that APRNs must comply with the chart review requirements in the prescriptive authority agreement or the requirements in the facility-based written protocols or other written authorization, but not both. CNAP submitted recommended language.</p> <p>Ms. Hutto testified that, pertaining to Section 222.5(a), CNAP also recommends that the word "the" be changed to the word "a" to indicate that a prescriptive authority agreement is a mechanism by which a CRNA may be delegated the authority to order or prescribe drugs or devices by a physician. However, a prescriptive authority agreement is not the only mechanism by which a CRNA may be delegated such authority. CNAP states that the lack of changes in §157.058 and the minimal change to §157.054 in SB 406 were intended to ensure a mechanism for CRNAs and other hospital-based APRN practices to continue as they currently practice. CNAP submitted recommended language.</p>	No action.

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	<p>With regard to Section 225(b)(1), CNAP recommends striking the definition of "good standing" as proposed and using their recommended definition. CNAP states that the definition as proposed would prohibit an APRN from being a party to a prescriptive authority agreement if the Board opened an investigation involving any APRN. This, CNAP states, would in effect prohibit the APRN from prescribing or ordering drugs except in facility based practices. CNAP states that, since most complaints do not result in a finding that the APRN violated the Nursing Practice Act, and the majority of complaints do not relate to the APRN's competence in prescribing, it would be inappropriate to prohibit an APRN from prescribing before the Board actually took any disciplinary action against the APRN and determined that the APRN was not competent to prescribe or order drugs and medical devices. CNAP submitted recommended language.</p> <p>Finally, Ms. Hutto testified that, pertaining to Section 222.10, CNAP states that the rule contemplates the Board notifying TMB and the Texas Physician Assistant Board when an APRN becomes the subject of an investigation regarding the delegation of prescriptive authority. CNAP suggests that a new subsection (d) be added to require notification of the Texas Physician Assistant Board only when a physician assistant is a party to a prescriptive authority agreement involving an APRN subject to investigation. If there is not a physician assistant included in the agreement, CNAP states that notification by the Board appears to be unnecessary and of no public benefit. CNAP submitted recommended language.</p> <p><i>Andrea Schwab, Texas Medical Association (TMA).</i> Ms. Schwab provided verbal comments in addition to written comments previously submitted by TMA. Ms. Schwab provided a general comment indicating that TMA is of the opinion that SB 406 reaffirms that the prescribing of drugs and devices is the practice of medicine, which is limited to those individuals who have been licensed to practice medicine by the Medical Board. TMA further states that physicians may delegate the prescribing and ordering of drugs or devices, but any such delegation must be appropriately supervised by a</p>	<p>No action.</p>

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<p><b>ADJOURNMENT:</b></p>	<p>physician in accordance with the standard of care. SB 406 replaced an arbitrary system based on location and percentages with a system that is custom made for the individual physician and APRN based on reasonableness and appropriateness. Further, TMA states that, although SB 406 includes elements of a prescriptive authority agreement that must be addressed, the agreement may include more elements, more requirements, and more frequent meetings as determined by the delegating and supervising physician.</p> <p>Having completed all public testimony, the hearing adjourned at 9:30 a.m.</p> <hr/> <p>Kathy Shipp, MSN, RN, FNP, Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN, FAAN, Executive Director</p>	