

**Agenda Item 5.1.5**  
**Prepared by: Board Governance Committee**  
**and Mark Majek**  
**Meeting Date: July, 2007**

**Summary of Request:**

The governance committee officially met once and then conducted all further business via email. Attached are the recommendations by the governance committee for revisions to the Board's governance policies.

**Historical Perspective:**

The Board of Nurse Examiners first adopted a governance philosophy in March, 1997. The Board periodically reviews this document for clarity and revisions. The Board appointed a governance committee to make recommendations regarding revisions to the Board's governance policies.

**Pros:** The revised policies are more relevant in current board operations.

**Cons:** None

**Staff Recommendation:** I move that we approve the board governance policies as revised.

# BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

## BOARD - EXECUTIVE DIRECTOR RELATIONSHIP

The Executive Director (ED) is the Board's only employee and serves as a bridge between the Board and the other staff of the agency. Although the relationship between the ED and individual Board members is collegial, the relationship between the Board and the ED is hierarchical. This individual is accountable only to the Board as a whole. The following policies seek to distinguish the roles and relationships of Board members and ED.

### *The Board:*

- \* Accepts accountability for decisions and actions.
- \* Establishes an effective relationship with the ED.
- \* Expresses opinions and questions freely with each other. ~~Directs the ED with one voice.~~
- \* **Directs the ED with one voice.**
- \* Maintains objectivity in reviewing facts in the process of making decisions; responds clearly in the best interest of the public; ~~does not respond merely to pressure.~~
- \* Is open to ~~taking risks~~ **change**; continually learning.

### ~~Board-Specific Functions:~~ **The Board Specifically:**

- \* Establishes **visionary** major guiding policies and principles.
- \* Establishes **the ends** and certain means (process) outlined in policy page 1.8-1.10, which define the outcomes and reflect the Board's desired results.
- \* Serves **as a link** between the constituents and the agency.
- \* Establishes **an effective relationship** with the ED.
- \* Supports the ED's implementation of operational policies to fulfill the Board's ends. ~~recognizing that low trust results in more control.~~
- \* Takes responsibility for the agenda, proactively identifying key issues.

### *The Executive Director:*

- \* Is accountable to the full Board for achievement of ends policies and non violation of the Executive Limitations policies.
- \* Maintains ~~an~~ openness to all points of view and to learning.
- \* Presents information honestly, straight forwardly, ethically and objectively.
- \* Provides all information relevant to Board decision-making.

**The ED Specifically Functions:**

- \* Adheres to Executive Limitations policies.
- \* Provides leadership to the agency and the staff.
- \* Implements the policies of the Board through more specific policies/means/processes.
- \* ~~Marshals~~ **Makes available** as many staff and external points of view, issues and opinions, as needed to facilitate fully informed Board decisions.

K:\Directors\Patricia\Policy Book\CHAPTER.1\BD-CEO.wpd  
March 5, 1997  
Adopted March 20, 1997  
Revised August 7, 1997  
Revised August 27, 1999  
**Revised July 20, 2007**

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BOARD PROCESS POLICIES:  
THE BOARD'S RESPONSIBILITY FOR ITSELF

The Board's job description consists of the responsibilities to govern which, if accomplished, demonstrate the Board's accountability. The products of the Board's job include:

- The linkage to ownership;
- Its governing policies; and
- The assurance of Executive performance.
- **Fiduciary oversight**

*Linkage to Ownership*

This policy defines the manner in which the Board represents the "ownership" and provides strategic leadership to the organization. The ownership is the Board's constituents. The "Moral Ownership" is the special class of stakeholders on whose behalf the Board is accountable to others (Carver). The origin of the Board's accountability is based on this concept of ownership.

Constituents of the Board includes, but is not limited to, the Governor, the Legislature, the citizens of Texas, the Board's licensees, **nurse employers**, and schools of nursing. The moral ownership **belongs to** the people of Texas. ~~In representing the moral ownership, all people living in Texas,~~ **The Board commits to educating itself regarding the values of the moral ownership; acting on those values; and periodically reporting the activities and decisions of the Board to the moral ownership.**

Board accomplishes this by:

- Educating itself by seeking input from communities, colleagues, advisory committees, professional organizations.
- Acting through development of responsible, reasonable regulations and disciplining licensees.
- Disseminating information through Annual Reports, *RN-Update* **Texas Board of Nursing Bulletin**, the Board's WEB page and other publications.

The Board will seek input/feedback from constituents by a variety of means, including:

- Surveys of complainants, readers of publications, and constituent groups after point of service.
- Public forums to solicit comment on Board role/performance, strategic plan and Legislative Appropriations Request (LAR) from consumers.

### *Governing Policies*

The Board's governing policies encompass all other policies contained in this document and are consistent with the Board's Governance Philosophy. The Board defines the process by which it conducts its business and the enforcement of discipline needed to achieve its purposes.

### How the Board Conducts Its Business:

- ~~Proactively b~~By examining issues **proactively** that may have consequences for the future; ~~responding rather than reacting; anticipating; and by initiating public policy.~~
- With objectivity, balance and receptiveness to input.
- By assuming accountability of performance.
- By soliciting/seeking input.
- In collaboration or true partnership, ~~reaching~~ **with** consensual agreement. ~~Collaboration is working together, not compromising the Board's mission and goals.~~
- By directing the organization through careful deliberation and establishment of policies. ~~In addressing the operation of the agency, the Board focuses on leadership not administrative detail, recognizing that less trust results in more control and basing trust on competent performance. The Board gives space and support to the ED and acts proactively by creating a shared, compelling vision between the Board and Agency.~~
- By assurance of executive performance.

### How the Board Enforces on Itself the Discipline Needed to Achieve Its Purposes

- Open communication
  - \*Questioning, answering honestly; ~~avoiding closeouts/putdowns~~
  - \*Drawing in others
  - \*Feeling comfortable with conflict
  - \*Dealing with goals, ideas and issues, **not personalities**
  - \*Playing above the line (~~aim for win-win solutions~~)
  - \*Using constructive confrontation

- Commitment expressed by being there, being present (arrive on time, stay, be mentally engaged)
- Adherence to the Board's Governance Philosophy (~~speaking with one voice, playing above the line, stick to the vision~~).
- Dealing with renegade **disruptive or non-compliant** Board members by directly engaging the member, using mediation and effective communication techniques.

### *Assurance of Executive Performance*

The Board will evaluate the performance of the Executive Director periodically **annually** and on a continuous basis. The performance evaluation will be based on the achievement of Ends defined by the Board and non-violation of the Executive Limitations policies. ~~Periodic evaluations are summaries of an ongoing evaluation.~~ The Board will monitor the performance of the ED on a continual basis through the review of information it receives on which to base decisions, periodic reports from the ED between Board meetings, updates to the Action Plan of the Board's Strategic Plan, and demonstration of effective leadership of the organization.

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March 5, 1997  
Revised August 7, 1997  
Revised August 27, 1999  
**Revised July 20, 2007**

# BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS

## EXECUTIVE LIMITATIONS

The Board is responsible for setting the vision and the policies for the agency. The Executive Director (ED) is responsible for carrying out the means to achieve the ends/results and conducting the daily operations of the agency. The intent of these policies is to prohibit executive practices that the Board believes are imprudent or unethical.

### Budget & Fiscal

With respect to the financial operations of the Board, the ED may not jeopardize the financial stability of the agency. Accordingly, he/she may not:

1. Spend in excess of appropriated funds.
2. Settle debts in anything other than a timely manner.
3. Allow expenditures to materially deviate from Board priorities goals.
4. Violate state laws and oversight agency rules and regulations.

### Staff/Employee Protections

The ED=s authority, with respect to the treatment of staff, is limited so as to assure that the rights of employees to fair, equitable and humane treatment are not impeded. Accordingly, the ED must:

1. Adhere to all federal/state laws and rules and regulations related to personnel human resource matters.
2. Assure the dignity, safety, and right of agency staff to file a grievance of employees in a dignified and safe environment.
3. Assure that employees are evaluated only on job or job-related performance.
4. Operate with personnel human resource policies / and procedures known and available to employees.

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March 5, 1997  
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Ends statements are the results, impacts, goals, or outcomes that the Board desires to achieve. Carver<sup>1</sup> calls them a ~~set~~ of values about the intended impact on the world that is at the root of an organization=s reason for existence. These are the goals for which the ED is responsible for achieving. The Board is also involved in some of the Means of the agency. The Means which currently have some degree of Board involvement are listed below.

**END**

**MEANS in which the Board participates**

**END (1):** To ensure that professional nursing education programs ~~at the entry and advanced practice level~~ meet established standards.

**MEANS (1.a):** Conduct periodic Board workshops and speak to constituent groups, ~~invited speaking engagements~~ pertaining to accreditation **program approval**, education issues, and trends and examination processes.

**END (2):** To ensure that all applicants for licensure and/or certification meet eligibility requirements and are issued licenses in a timely and cost effective manner.

**MEANS (1.b):** Approve or deny, according to Board policy, requests from Deans ~~and~~ Directors for waiver of faculty qualifications under Rule 215; refer appropriate requests to the Board's Education Liaison members for recommendation to the full Board.

**MEANS (2.a):** ~~Prepare APN Petitions for Board Liaison Members to review and make a recommendation to the full Board.~~ **All applicants for licensure and/or APN recognition meet board rules and are processed in an appropriate timeframe.**

**END (3):** To protect the public by requiring licensed individuals and those seeking licensure to adhere to the Board=s standards of competency, ethics and safety.

**MEANS (3.a):** Resolve complaints and eligibility matters through fair and timely investigation, referral (TPAPN), informal settlement, formal administrative hearing, and ratification of Board Orders.

**END (4):** To ensure that rules and regulations pertaining to professional nursing reflect current educational standards, practices, and trends in the delivery of health care services.

**MEANS (4.a):** Serve as a resource concerning nursing education, practice, and regulatory issues to state and national organizations.

**MEANS (4.b):** Participate on outside agency/organization committees where regulatory, nursing education and practice issues are discussed in order to develop pertinent health care, nursing education, and practice policies.

**END (5):** To promote the professional competence of LVNs and RNs within their appropriate scope of practice.

**MEANS (5.a):** Conduct Board workshops to inform LVNs and RNs of law and rule changes and address issues and trends in nursing practice.

**MEANS (5.b):** Participate in invited speaking engagements to address specific topics of regulatory concern.

**MEANS (5.c):** Organize open forums and encourage LVNs and RNs with particular specific issues to direct their comments to the members of the Board.

**MEANS (5.d):** Inform Encourage LVNs and RNs to be familiar with the Nursing Practice Act and the Rules and Regulations of the Board so that they are knowledgeable of their legal and professional responsibilities by guiding the nurse to this information under the Nursing Practice Act and rules and regulations of the Board.

**END (6):** To ensure that the members of the BNE are appropriately informed to make decisions regarding BNE budget and policy.

**MEANS (6a):** Identify and develop the appropriate agenda items that reflect issues are timely and pertinent to the Board's responsibilities and its mission.

**MEANS (6.b):** Develop and present testimony regarding proposed legislation with input from the Board, assure the Board is informed of and has input into proposed legislation; and monitor the progress of legislation; and develop special public hearings to present testimony from stakeholders regarding proposed legislation.

**END (7):** To promote effective working relationships among the Board members.

**MEANS (7a):** Create Board development topics as indicated and organize Board retreats every two years to promote collaborative working relationships among Board members.

**END (8):** To ensure that the agency strategic plan is developed, implemented in a timely manner, and periodically evaluated and updated.

**MEANS (8.a):** Periodically review and develop the agency's Strategic Plan.

**END (9):** To develop and maintain effective working relationships with relevant governmental entities, state agencies, related health care organizations, and other pertinent groups.

**END (10):** To ensure agency compliance with all applicable state and federal laws, policies, and procedures.

**END (11):** To conduct all BNE operations in an ethical, effective and efficient manner.

**END (12):** To ensure that the agency fosters cooperative, open decision making processes that result in quality outcomes.

**END (13):** To ensure appropriate acquisition, effective utilization, protection of the agency's resources and assets in support of the agency's mission and philosophy.

**MEANS (9.a):** Arrange Board to Board meetings with organizations, as appropriate.

**MEANS (9.b):** Participate in on-going dialogue with nursing leaders in Texas Government, nursing associations, advisory Committees of and other agencies/organizations.

**MEANS (10.a):** Provide staff and Board members with pertinent training to ensure continued understanding and compliance with laws, policies, and procedures.

<sup>1</sup> *Boards That make A Difference*,  
John Carver