
TEXAS BOARD OF NURSING

Regular Meeting

Thursday, January 22-23, 2009
8:33 a.m. - 4:05 p.m.
333 Guadalupe, Tower II, Room 225
Austin, Texas

Present:

Linda Rounds
Deborah Bell
Kristin K. Benton
George Buchenau, Jr.
Sheri Crosby
Richard Robert Gibbs
Rachel Gomez
Brenda Jackson
Beverley Nutall
Blanca Rosa Garcia
Patti Clapp

Absent:

Marilyn Davis
Mary Jane Salgado

Staff present:

Katherine A. Thomas, Executive Director
Patricia Vianes-Cabrera, Executive Assistant
Anthony Diggs, Director of Enforcement
Mark Majek, Director of Operations
James "Dusty" Johnston, General Counsel
Jena Abel, Assistant General Counsel
Kyle Hensley, Assistant General Counsel
John Legris, Assistant General Counsel
Mary Beth Thomas, Director of Nursing
Allison Hassinger, Administrative Assistant
Jolene Zych, Nursing Consultant
Virginia Ayars, Nursing Consultant
Janice Hooper, Nursing Consultant
Robbin Wilson, Nursing Consultant
Denise Benbow, Nursing Consultant
Melinda Hester, Nursing Consultant
Paul Waller, Nursing Consultant
Bruce Holter, Information Specialist
Tawnya Smith, Information Technology Specialist
Bill Ray, Information Technology Specialist

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Linda Rounds called the meeting to order at 8:33 a.m, Thursday, January 22, 2009.	
ROLL CALL	All members were present with the exception of Marilyn Davis and Mary Jane Salgado. A quorum was established.	
INTRODUCTIONS	Board members and staff introduced themselves to the audience.	
ACCEPTANCE OF AGENDA	The Board reviewed the agenda.	Agenda Item 8.2. Agreed Order of Thompson, Darcy, MSR Privilege Virginia RN #1124088 was removed from the agenda. The Agenda was approved as amended.
ACCEPTANCE OF MINUTES	The Board reviewed the minutes from the October 22, 2008 Board Retreat and from the October 23-24, 2008 Board Meeting.	The Board approved the minutes from the October 22, 2008 Board Retreat and from the October 23-24, 2008 Board Meeting.
CONSENT AGENDA ITEMS		<p>The Consent agenda was reviewed and approved with the following changes:</p> <p>Agenda Item 3.2.2. Continuation of Initial Approval Status and Report of Survey Visit - St. Michael's School of Nursing and Technology in Weslaco, Texas, Vocational Nursing Educational Program and Agenda Item 5.1.1. Eligibility and Disciplinary Committee report were removed from the Consent Agenda.</p> <p>George Buchenau, Jr. recused himself from the consideration and vote on Item 8.2. Agreed Order of: Jason Michael Hathaway, RN #746816</p> <p>Blanca Rosa Garcia recused herself from the consideration and vote on Item 8.2. Agreed Orders of: Carolyn J. Huston, RN #526546 Trinidad S. Jimenez, LVN #49316</p> <p>Brenda Jackson recused herself from the consideration and vote on Item 8.2. Agreed Order of: Judith Carol Longworth, RN #633826</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>2.1. Financial Statement - 1ST Quarter, Fiscal Year 2009</p>		<p>Linda Rounds recused herself from the consideration and vote on Item 8.2. Agreed Order of: Judith Carol Longworth, RN #633826</p> <p>Beverley Nutall recused herself from the consideration and vote on Item 8.2. Agreed Order of: Lee Ann Riley, Lvn #129996</p> <p>Linda Rounds recused herself from consideration and vote on Item 8.2. Agreed Order of: Beverly Jean Tomsic, RN #742068</p> <p><i>Approved on Consent.</i></p>
<p>2.2. Continuing Education Pre-Renewal Audit Report/ 1ST Quarter, Fiscal Year 2009</p>		<p><i>Approved on Consent.</i></p>
<p>3.2.1. Petition to Request Extension of Faculty Waiver - Weatherford College in Weatherford, Texas, Associate Degree Nursing Educational Program</p>	<p><i>The Board considered the Petition to Request Extension of Faculty Waiver - Weatherford College in Weatherford, Texas, Associate Degree Nursing Educational Program</i></p>	<p><i>The Board voted to approve the extension of the faculty waiver for Carla Crider, BSN, RN, to extend the time of the waiver until May 31, 2009.</i></p>
<p>3.2.3. Report of Survey Visit 3.2.3.a. Clarendon College in Clarendon, Texas, Vocational Nursing Educational Program</p>	<p><i>The Board considered the results of the survey visit of Clarendon College in Clarendon, Texas, Vocational Nursing Educational Program.</i></p>	<p><i>The board accepted the survey report and issued requirements to be met.</i></p>

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AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.3.b. Texas Career, Incorporated in San Antonio, Texas, Vocational Nursing Educational Program</p>	<p><i>The board considered the results of the survey visit of Texas Career, Incorporated in San Antonio, Texas, Vocational Nursing Educational Program.</i></p>	<p><i>The board accepted the survey report.</i></p>
<p>3.2.4. Status Report on the Innovative Professional Education Pilot Program from Victoria College in Victoria, Texas, Associate Degree Nursing Educational Program</p>	<p><i>The board considered the first annual status report for Innovative Professional Nursing Education Pilot Program "Preparing Certified Clinical Instructors (CCIs)" from Victoria College Associate Degree Nursing Education Program.</i></p>	<p><i>The board voted to accept the 2008 Status Report on the Innovative Professional Nursing Education Pilot Program "Preparing Certified Clinical Instructors (CCIs)" from Victoria College Associate Degree Nursing Program and issue requirements to be met.</i></p>
<p>5.1.2. Strategic Planning/1ST Quarter Report</p>		<p><i>Approved on Consent.</i></p>
<p>6.2. Adoption of Amendments to 22 Tex. Admin. Code, Section 211.6, Pertaining to Committees of the Board</p>	<p><i>The Board reviewed the adoption of Amendments to 22 Tex. Admin. Code Section 211.6, Pertaining to Committees of the Board.</i></p>	<p><i>The board accepted the adoption of Amendments to 22 Tex. Admin. Code Section 211.6, Pertaining to Committees of the Board.</i></p>
<p>6.3. Adoption of Amendments to 22 Tex. Admin. Code Section 217.16, Pertaining to Reporting of Minor Incidents</p>	<p><i>The Board reviewed the adoption of amendments to 22 Tex. Admin. Code Section 217.16, Pertaining to Reporting of Minor Incidents.</i></p>	<p><i>The board accepted the adoption of amendments to 22 Tex. Admin. Code Section 217.16, Pertaining to Reporting of Minor Incidents.</i></p>
<p>7.1. Texas Peer Assistance Program for Nurses 7.1.1. Quarterly Report</p>		<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Natalie Gail Ellington, RN #666873</p>	<p><i>one year and Respondent meets stipulations four through seven. Should Respondent's employment with National Nursing and Rehab or Heartland Children's Home cease then the prohibition against employment by an agency is reestablished, for the duration of the stipulation period.</i></p> <p>Enforced Suspension. Respondent's license is hereby suspended with said suspension enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment and sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two</p>

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	<p><i>Deborah Kayleen Frigo, RN #607519</i></p> <p><i>Dona Cain Fullen, RN #642959</i></p>	<p><i>support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p>Warning with Stipulations. <i>Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p>Enforced Suspension. <i>Respondent's license is hereby suspended with said suspension enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment and sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of the Stay Respondent shall pay a monetary fine in the amount of \$500. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent</i></p>

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	<p><i>shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Jose Alfredo Gallegos, RN #666540</p> <p>Joe Gallo, RN #636470</p>	<p><i>shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Warning with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics.</i></p> <p>Limited License with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. Respondent shall not provide direct patient care or practice in any way as an Advanced Practice Nurse (Women's Health Care Nurse Practitioner), including use of any Prescriptive Authorization. Should Respondent desire to return to a clinical practice setting, which would require him to provide direct patient care or Advanced Practice Nursing, with or without Prescriptive Authorization, Respondent shall petition the Board for such approval. For the purposes of this order, Respondent may remain employed in his current position as an Executive Consultant with Comprehensive Healthcare Consultants, Grandbury, Texas, as long as his position continues to involve no patient care.</i></p>

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	<p>Vanessa Dawn Hollis, LVN #163302</p>	<p><i>the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Suspend Probate. Respondent’s license is hereby suspended with said suspension stayed and probated. Respondent will be placed on Probation for two years with the following agreed terms of probation: Within forty-five days of entry of the stay Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics.</p>

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	<p><i>Carolyn J. Huston, RN #526546</i></p> <p><i>Thankam K. Jacob, RN #681345</i></p>	<p><i>The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for two years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; and Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p><i>Board member Blanca Rosa Garcia recused herself prior to the consideration and vote on this board order.</i></p> <p><i>Suspend Probate.</i> Respondent’s license is hereby suspended with said suspension stayed and probated. Within two hundred seventy days of entry of this order, Respondent shall pay a monetary fine in the amount of \$3750. The Order of the Board issued to Respondent on June 14, 2005, is still in effect in its entirety and Respondent shall be responsible for completing the terms of that order.</p> <p><i>Warning with Stipulations.</i> Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in medication administration; a board approved course in nursing documentation; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice</p>

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	<p>Jorge Alberto Martínez, RN #686783</p>	<p><i>forty-five days of entry of the stay Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for two years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Suspend Probate. Respondent’s license is hereby suspended with said suspension STAYED and probated with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$750. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain,</p>

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	<p><i>Le Ann Riley, LVN #129996</i></p>	<p>Board member Beverley Nutall recused herself prior to the consideration and vote on this board order.</p> <p>Suspend Probate. Respondent’s license is hereby suspended with said suspension STAYED and probated with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$350. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall cause her probation officer to submit quarterly written reports regarding Respondent’s compliance with her court ordered probation until released from probation.</p>

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	<p><i>Ayoub Mirghani Saleh, RN #575195</i></p>	<p><i>Enforced Suspension.</i> Respondent's license is hereby suspended with said suspension enforced until Respondent undergoes a forensic psychological evaluation with a chemical dependency component and the evaluator deems the Respondents safe to return to the practice of professional nursing and is able to comply with the board's Rules and Regulations. Upon verification of said outcome of the evaluation the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall participate in therapy with a board approved therapist and shall cause the</p>

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<p>8.3. REINSTATEMENT AGREED ORDERS</p>	<p><i>Kathleen Michelle Banks, RN #561722</i></p>	<p><i>order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; and shall provide employer reports.</i></p> <p>Reinstatement Denied. Denial Stayed with Stipulations. <i>Petitioner's Application for Reinstatement shall be denied with the denial stayed with the following conditions: Petitioner shall apply for a six month clinical permit for the limited purpose of completing a refresher course and shall successfully complete a board approved refresher course; Within forty-five days of relicensure Petitioner shall pay a monetary fine in the amount of \$500. Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Petitioner choose to practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall have employment restrictions for the first year of employment under this order; Petitioner shall not practice in any critical care area for the first</i></p>

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	<p>Michael Patrick Murphy, LVN #159367/RN #645644</p>	<p><i>year of employment under this order; Petitioner shall not administer or have any contact with controlled substances or synthetic opiates for the first year of employment under this order; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; and Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Reinstatement Denied. Denial Stayed with Stipulations. <i>Petitioner’s Application for Reinstatement shall be denied with the denial stayed with the following conditions: Within forty-five days of entry of this order Petitioner shall pay a monetary fine in the amount of \$500. Petitioner shall apply for a six month clinical permit for the limited purpose of completing a refresher course and shall successfully complete a board approved refresher course; Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Petitioner choose to practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall have employment restrictions for the first year of employment under this order; Petitioner shall not practice in any critical care area for the first year of employment under this order; Petitioner shall not administer or have any contact with controlled substances or</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.4 ELIGIBILITY AGREED ORDERS</p>	<p><i>Slade Braswell, Petitioner for Initial Licensure (RN)</i></p>	<p><i>synthetic opiates for the first year of employment under this order; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; and Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Petitioner shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Petitioner’s progress in therapy until released from therapy.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have indirect supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates,</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>1. ADMINISTRATION</p> <p>1.1. Executive Director's Report</p> <p>1.2. Legal</p> <p>2. OPERATIONS</p> <p>2.3. Post Payment Audit for June 1, 2007 through May 31, 2008 - Texas Comptroller of Public Accounts</p> <p>3. NURSING</p> <p>3.1. PRACTICE</p> <p>3.1.1. Workshop Report</p>	<p>Katherine Thomas reviewed her written report to the board.</p> <p>James Johnston, General Counsel introduced new staff in the Legal department.</p> <p>Mark Majek reported on the Post Payment Audit for June 1, 2007 through May 31, 2008 - Texas Comptroller of Public Accounts.</p> <p>No report.</p>	<p><i>a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have indirect supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Petitioner shall submit to periodic screens for controlled substances and alcohol.</i></p> <p>No action.</p> <p>No action.</p> <p>No action.</p> <p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2. EDUCATION 3.2.2. Continuation of Initial Approval Status and Report of Survey Visit - St. Michael's School of Nursing and Technology in Weslaco, Texas, Vocational Nursing Educational Program</p>	<p>The Board considered the continuation of the initial approval status of St. Michael's School of Nursing and Technology Vocational Nursing Educational Program in Weslaco, Texas based on the 2008 NCLEX-PN® Examination Pass Rates, review of the 2008 Nursing Educational Program Information Survey (NEPIS), and report of the survey visit conducted by Texas Board of Nursing (BON) staff on November 19-20, 2008.</p>	<p>The Board voted to continue the initial approval status of St. Michael's School of Nursing and Technology Vocational Nursing Educational Program based on the 2008 NCLEX-PN® Examination Pass Rates, review of the 2008 Nursing Educational Program Information Survey (NEPIS), and report of the survey visit conducted by BON staff, accept the report of the survey visit, and issue the commendations, recommendations, and requirements to be met.</p>
<p>3.2.5. Public Hearing for Proposal to Establish a New Nursing Educational Program - Baptist Health System in San Antonio, Texas - Associate Degree Nursing Educational Program</p>	<p>The Board held a Public Hearing to consider the proposal to establish a new Associate Degree Nursing Educational Program nursing educational program at Baptist Health System in San Antonio, Texas. Marion Jewell, Assistant Dean; Karen A. Stiefel, Dean; Aimee Joanna Seamans, RN, Instructor; and Melanie M. Brady, RN, Director were present to answer questions.</p>	<p>The Board voted to grant initial approval for Baptist Health System School of Health Professions to establish a new associate degree nursing educational program based upon information provided in the proposal, recommendation from Education Liaison Committee, and findings from the survey visit, and issue the commendation based on the ELC recommendation.</p>
<p>4. ENFORCEMENT</p>		
<p>4.1. Criminal Background Check Update</p>	<p>The board reviewed the statistical report provided regarding criminal background checks.</p>	<p>No action.</p>
<p>4.2. Texas Peer Assistance Program for Nurses Third Party Referral Report</p>	<p>The board reviewed the third party referral report.</p>	<p>No action.</p>
<p>5. COMMITTEE REPORTS</p>		
<p>5.1. Board Committees</p>		
<p>5.1.1. Eligibility and Disciplinary Committee</p>	<p>The board reviewed the report on the Eligibility and Disciplinary Committee meetings for November and December, 2008.</p>	<p>No action, this report was for informational purposes only.</p>

AGENDA ITEM	DISCUSSION	ACTION
5.1.3. Development and Evaluation	The Board discussed receiving training regarding the Education Rules at the April board meeting.	No action.
5.2. Advisory Committees/Task Forces		
5.2.1. Advanced Practice Nurses Advisory Committee	Linda Rounds and Jolene Zych reported that the committee met on January 9, 2009. The committee discussed the development of a licensure process for advanced practice registered nurses. Committee members discussed the importance of communicating the process to external stakeholders once the process is in place and the board begins issuing license numbers. The committee will meet again in the spring.	No action.
5.2.2. Nursing Practice Advisory Committee	No report.	No action.
5.2.3. Advisory Committee on Education	Robbin Wilson and Virginia Ayars reviewed the written report with the Board regarding the actions of the Advisory Committee on Education.	No action.
5.2.3.a. Advisory Committee on Education - Differentiated Entry Level Competencies (DELIC) Work Group	Virginia Ayars reported that the Differentiated Entry Level Competencies met on November 18, 2008 and at that time a plan of action and a time line for completion was developed with a goal to produce a new document for presentation to the October 2009 board meeting. The next DELIC work group meeting is scheduled for February 10, 2009 at the Board offices.	No action.
5.2.4. Advisory Committee on Licensure, Eligibility and Discipline	No report.	No action.

AGENDA ITEM	DISCUSSION	ACTION
<p>5.3. Collaboration with Outside Agencies / Stakeholders</p>		
<p>5.3.1. Texas Peer Assistance Program for Nurse Advisory Committee</p>	<p>Robbin Wilson reported that The Texas Peer Assistance Program for Nurses (TPAPN) Advisory Committee Meeting was held on December 19, 2009. Robbin Wilson attended as the Texas Board of Nursing representative. Since the committee was unable to establish a quorum the meeting developed into an information meeting. Information was presented on several items including the 2009 Strategic Plan Update and Discussion of implementing a program participation with a minimum of three years.</p>	<p>No action.</p>
<p>5.3.2. Nursing Competency Initiatives</p>	<p>Denise Benbow reported that staff is currently re-writing Rule 216 to incorporate methods to demonstrate continuing competency within the nurse's area of practice. The internal review is continuing to ensure appropriate consideration is given to allowing opportunities for compliance through either continuing education or national nursing certification at all levels of nursing. A final report will be presented to the board at the April, 2009 meeting.</p>	<p>No action.</p>
<p>5.3.3. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Cmte.</p>	<p>Katherine Thomas reported on the recent meeting of the Center for Nursing Workforce Studies, including reports released on nursing workforce manpower.</p>	<p>No action.</p>
<p>5.3.4. Texas Higher Education Coordinating Board Nursing Education Updates</p>	<p>No report.</p>	<p>No action.</p>
<p>5.3.5. Taxonomy of Error Root Cause Analysis of</p>	<p>Mary Beth Thomas provided a summary of the preliminary analysis of TERCAP demographic data from the Board's</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
Practice Responsibilities (TERCAP)	Enforcement Division.	
5.3.6. Health Alliance Safety Partnership Updates	Mary Beth Thomas provided updates regarding the Health Alliance Safety Partnership.	No action.
5.3.7. Report of Meeting with the Texas Department of Public Safety Advisory Committee for the Improvement of the Texas Prescription Program	No report.	No action.
5.3.8. Texas Team Report, Robert Wood Johnson Nursing Education Capacity Expansion	Katherine Thomas reviewed the Robert Wood Johnson Nursing Education Capacity Expansion report with the Board.	The Board voted to endorse the plan: "Texas Nursing: Our Future Depends On It".
OPEN FORUM:	<p>Linda Rounds announced the format and invited participation from the audience.</p> <p>James Johnston commented on behalf of Jim Willman, General Counsel for Texas Nurses Association regarding proposed legislation contemplated for the current legislative session including various amendments to the nurse practice act. Discussion of various amendments related to enforcement of practice violations including legislation that may permit deferred orders of discipline and fines and remedial education remedies that may not be disciplinary.</p> <p>There were no other speakers and the open forum was closed at 1:48 p.m.</p>	No action.

AGENDA ITEM	DISCUSSION	ACTION
<p>6. OLD BUSINESS 6.1. Nurse Licensure Compact Update</p>	<p>Katherine Thomas provided an update on the Nurse Licensure Compact including that the National Governor’s Association E-Health Task Force has recommended that Governor’s encourage adoption of the Nurse Licensure Compact.</p>	<p>No action. This report was for informational purposes only.</p>
<p>7. NEW BUSINESS 7.2. Review of Position Statements 7.2.1. Current Position Statements with Editorial Changes 15.1 Nurses Carrying Out Orders From Physician's Assistants 15.2 Role of the Licensed Vocational Nurse in the Pronouncement of Death 15.3 LVNs Engaging in Intravenous Therapy, Venipuncture, or PICC Lines 15.4 Educational Mobility 15.5 Nurses with the Responsibility for Initiating Physician Standing Orders 15.6 Board Rules Associated With Alleged Patient "Abandonment" 15.7 The Role of LVNs & RNs in Management and/or Administration of Medications via Epidural or</p>	<p>The Board considered the Current Position Statements with Editorial Changes.</p>	<p>The Board voted to adopt the editorial changes to position statements with allowance for non-substantive word editing for purposes of clarity as may be deemed necessary by Board staff.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Intrathecal Catheter Routes</p> <p>15.8 The Role of the Nurse in Moderate Sedation</p> <p>15.9 Performance of Laser Therapy by RNs or LVNs</p> <p>15.10 Continuing Education: Limitations for Expanding Scope of Practice</p> <p>15.11 Delegated Medical Acts</p> <p>15.12 Use of American Psychiatric Association Diagnoses by LVNs, RNs, or APNs</p> <p>15.13 Role of the LVNs & RNs As School Nurses</p> <p>15.14 Duty of a Nurse in Any Practice Setting</p> <p>15.15 Board's Jurisdiction Over Nursing Titles and Practice</p> <p>15.16 Development of Nursing Educational Programs</p> <p>15.17 Texas Board of Nursing/Board of Pharmacy, Joint Position Statement, Medication Error</p> <p>15.18 Nurses Carrying out orders from Advance Practice Nurses</p> <p>15.19 Nurses Carrying Out</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p>Orders from Pharmacists for Drug Therapy Management</p> <p>15.20 Registered Nurses in the Management of an Unwitnessed Arrest in a Resident in a Long Term Care Facility</p> <p>15.21 Deleted 01/2005</p> <p>15.22 APNs Providing Medical Aspects of Care for Themselves or Others With Whom There is a Close Personal Relationship</p> <p>15.23 The RNs Use of Complementary Modalities</p> <p>15.24 Nurses Engaging In Reinsertion of Permanently Placed Feeding Tubes</p> <p>15.25 Administration of Medication & Treatments by LVNs</p> <p>7.3. Consideration of Proposed Amendments to 22 Tex. Admin. Code, Section 217.2 (a)(4)(B), Pertaining to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or</p>	<p>The Board considered the proposed amendments to §217.2(a)(4)(B) pertaining to <i>Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions</i> and §217.4(a)(1)(B) pertaining to <i>Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdictions</i> based on the recommendation from the Advisory Committee on Education (ACE).</p>	<p>The Board voted to approve the proposed amendments to §217.2(a)(4)(B) pertaining to <i>Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions</i> and §217.4(a)(1)(B) pertaining to <i>Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdictions</i>, and authorize staff to publish the rules with the proposed amendments in the <i>Texas Register</i> for a 30-day comment period. If negative comments are not received, adopt Rule 217.2 and Rule 217.4 with the proposed</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Possessions and to 22 Tex. Admin. Code, Section 217.4(a)(1)(B) Pertaining to Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Program Outside of the United States' Jurisdictions</p>		<p>amendments.</p>
<p>7.4. Consideration of Proposed Amendments to 22 Tex. Admin. Code, Section 217.4, Pertaining to Accustomation Permits for Internationally Educated Nurses to Participate in Supervised Clinical Experiences</p>	<p>The Board considered staff's request to amend rule 217.4 to allow internationally educated nurses living in Texas to participate in a program that provides education in the United States healthcare system and current nursing and clinical practice.</p>	<p>The Board voted to approve the proposed amendment to §217.4 <i>Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdictions</i>, and authorize staff to publish the rules with the proposed amendments in the <i>Texas Register</i> for a 30-day comment period, with authority for General Counsel to make editorial changes as necessary to clarify rule and Board intent. If negative comments are not received, adopt Rule 217.4 with the proposed amendments.</p>
<p>7.5. Report on Survey of Other States Pertaining to Failure to Renew License After a Significant Passage of Time</p>	<p>The Board considered the Survey of Other States Pertaining to Failure to Renew License After a Significant Passage of Time and discussed the need to develop a policy and/or rule that addresses this issue.</p>	<p>The Board voted to charge the Advisory Committee on Education and the Nursing Practice Advisory Committee with development of a rule related to the failure to renew a license after a significant passage of time.</p>
<p>7.6. Consideration of Proposed Amendments to 22 Tex. Admin. Code, Section 220, Pertaining to the Nurse Licensure Compact</p>	<p>The Board considered the proposed amendments to 22 Tex. Admin. Code, Section 220, Pertaining to the Nurse Licensure Compact.</p>	<p>The Board voted to propose an amendment to Rule 220, pertaining to the Nurse Licensure Compact and authorize staff to publish the amendment in the <i>Texas Register</i> with a comment period of 30 days. If no negative comments are received, adopt the proposed amendments.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>7.7. Consideration of Proposed Amendments to 22 Tex. Admin. Code, Section 223.1, Pertaining to Fees</p>	<p>The Board considered a fee change based on changes to Rule 217.4 described in item 7.6. Staff recommends charging a fee for the six-month accustomation permit. Additionally, staff recommends an amendment to clarify that the issuance of a temporary permit for completing a refresher course is also \$25.00.</p>	<p>The Board voted to approve the proposed amendments to §223 <i>Fees</i> and authorize staff to publish the rule with the proposed amendments in the <i>Texas Register</i> for a 30-day comment period, with authority for General Counsel to make editorial changes as necessary to clarify rule and board intent. If negative comments are not received, adopt Rule 223 (a) with the proposed amendments.</p>
<p>7.8. Consideration of Rule Reviews for Chapters 214, 215, 222 and 223</p>	<p>The Board considered the Rule Reviews for Chapters 214, 215, 222 and 223.</p>	<p>The Board voted to approve the proposed rule reviews for Chapters 214, 215, 222 and 223.</p>
<p>ADJOURNMENT</p>	<p>Having completed this day's business the meeting adjourned at 4:05 p.m.</p>	

TEXAS BOARD OF NURSING

Regular Meeting

Friday, January 23, 2009

8:33 a.m. - 11:10 a.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

Present:

Linda Rounds

Deborah Bell

Kristin K. Benton

George Buchenau, Jr.

Sheri Crosby (arrived at 8:40 a.m.)

Richard Robert Gibbs

Rachel Gomez

Beverley Nutall

Patti Clapp

Brenda Jackson

Absent:

Blanca Rosa Garcia

Marilyn Davis

Mary Jane Salgado

Staff present:

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

Mark Majek, Director of Operations

James "Dusty" Johnston, General Counsel

Jena Abel, Assistant General Counsel

Kyle Hensley, Assistant General Counsel

John Legris, Assistant General Counsel

Mary Beth Thomas, Director of Nursing

Allison Hassinger, Administrative Assistant

Jolene Zych, Nursing Consultant

Virginia Ayars, Nursing Consultant

Janice Hooper, Nursing Consultant

Robbin Wilson, Nursing Consultant

Denise Benbow, Nursing Consultant

Melinda Hester, Nursing Consultant

Paul Waller, Nursing Consultant

Bruce Holter, Information Specialist

Tawnya Smith, Information Technology Specialist

Bill Ray, Information Technology Specialist

AGENDA ITEM	DISCUSSION	ACTION
<p>CALL TO ORDER</p>	<p>Linda Rounds called the meeting to order at 8:33 a.m, Friday, January 23, 2009.</p>	
<p>ROLL CALL</p>	<p>Board Members Blanca Rosa Garcia, Marilyn Davis and Mary Jane Salgado were absent; all other members were present. A quorum was established.</p>	
<p>8. PROPOSED BOARD ORDERS</p> <p>8.5.Docket No. 507-08-1862, In the Matter of Permanent Certificates LVN #143403/RN #605302, Issued to AMY E. BAGLEY</p> <p>8.5.1. Consideration of the Administrative Law Judges Proposal for Decision in Docket No. 507-08-1862</p> <p>8.5.2. Consideration of Staffs Recommendations for Disposition of Docket No. 507-08-1862, Including Adoption of the Proposal for Decisions Findings of Fact and Conclusions of Law with Modifications Consistent with the Boards Opinion</p> <p>8.5.3. Consideration of Recommendation by AMY E. BAGLEY, Docket No. 507-08-1862</p>	<p>The Board considered the Proposal for Decision of the Administrative Law Judge. Respondent Bagley was given full opportunity to address the board. Elizabeth Higginbotham, Attorney for Respondent and Amy E. Bagley, Respondent, were present and presented to the board.</p>	<p>Board Member Deborah Bell recused herself prior to the discussion, consideration and vote on this item.</p> <p>Board Member Beverley Nutall recused herself from the consideration and vote on this item.</p> <p>Board Members Patti Clapp and Sheri Crosby were opposed to the adoption of the PFD and proposed order of the Board; and Board Member Richard Gibbs abstained from the vote.</p> <p>Board Members Brenda Jackson, Kristen Benton, George Buchenau, Jr., Rachel Gomez and Linda Rounds voted to adopt all the Finding of Fact and Conclusions of Law, except Conclusion of Law Number 11 and enter an Order modifying the PFD to include a written warning with stipulations that includes: completion of a course in jurisprudence and ethics; supervision for a year, standard conditions for type and length of employment during period of supervision, abstinence from drugs and alcohol for one year, to be verified by random screens, which shall be conducted by urinalysis and not hair follicle screening.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.5.4. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificates LVN #143403/RN#605 302 Issued to AMY E. BAGLEY</p> <p>8.5.5. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificates LVN #143403/RN#605 302 Issued to AMY E. BAGLEY</p> <p>8.6. Docket No. 507-09-0618, In the Matter of Permanent Certificate LVN #125410, Issued to JUAN A. MORALES</p> <p>8.6.1. Consideration of the Administrative Law Judges Proposal for Decision in Docket No. 507-09-0618</p> <p>8.6.2. Consideration of Staffs Recommendations for Disposition of Docket No. 507-09-0618, Including Adoption of the Proposal for Decisions Findings of Fact and</p>	<p>The Board considered the Proposal for Decision of the Administrative Law Judge.</p>	<p>The Board voted to adopt the Proposal for Decision and the findings of fact and conclusions of law and the recommended sanction of Revocation of Respondent’s vocational nursing license for one year.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Conclusions of Law with Modifications Consistent with the Boards Opinion</p> <p>8.6.3. Consideration of Recommendation by JUAN A. MORALES, Docket No. 507-09-0618</p> <p>8.6.4. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate LVN #125410 Issued to JUAN A. MORALES</p> <p>8.6.5. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #125410 Issued to JUAN A. MORALES</p> <p>8.7. Docket No. 507-08-1738, In the Matter of Permanent Certificate RN #696649, Issued to TRACI LYNN RHODE</p> <p>8.7.1. Consideration of the Administrative Law Judges Proposal for Decision in Docket No. 507-08-1738</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision. Respondent Rhode was given full opportunity to address the board. Louis Leichter, Attorney for Respondent and Traci Lynn Rhode, Respondent, were present and presented to the board.</p>	<p>Board Member Deborah Bell recused herself prior to the discussion, consideration and vote on this item.</p> <p>The Board vote to adopt all the Findings of Fact and Conclusions of Law and adopt the recommended sanction of suspension of Respondent’s registered nursing license and enforce said suspension until the Respondent’s conviction is overturned, the Board permanently revokes her license, or the 5TH anniversary of Respondent’s successful completion of her probation.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.7.2. Consideration of Staffs Recommendations for Disposition of Docket No. 507-08-1738, Including Adoption of the Proposal for Decisions Findings of Fact and Conclusions of Law with Modifications Consistent with the Boards Opinion</p> <p>8.7.3. Consideration of Recommendation by TRACI LYNN RHODE, Docket No. 507-08-1738</p> <p>8.7.4. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate RN#696649 Issued to TRACI LYNN RHODE</p> <p>8.7.5. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#696649 Issued to TRACI LYNN RHODE</p>		

AGENDA ITEM	DISCUSSION	ACTION
9. MISCELLANEOUS		
9.1. Board Items of Interest for Future Board Meetings	The Board discussed items of interest for future board meetings. The board requested that Anthony Diggs present on the Criminal Justice system on how investigations are completed/performed by investigators.	No action.
9.2. Board Development Mock Eligibility and Disciplinary Committee Presentation	James Johnston presented a power point presentation on the Eligibility and Disciplinary Committee.	No action.
9.3. Review of the Board Quarterly Meeting Evaluation	The Board members discussed the results of the October board quarterly meeting evaluation.	No action.
9.4. Appointment of Task Force to Review and Make Recommendations Regarding the Annual Board and Executive Director Evaluations	The Board discussed the Appointment of a Task Force to Review and Make Recommendations Regarding the Annual Board and Executive Director Evaluations.	Board members Patti Clapp and Kristin Benton were appointed to the Task Force to Review and Make Recommendations Regarding the Annual Board and Executive Director Evaluations.
9.5. Appointment of Task Force to Review and Make Recommendations Regarding the Role of the Board Vice-President	The Board discussed the Appointment of a Task Force to Review and Make Recommendations Regarding the Role of the Board Vice-President.	Board Members George Buchenau, Jr., Richard Gibbs, Beverley Nutall and Deborah Bell were appointed to the Task Force to Review and Make Recommendations Regarding the Role of the Board Vice-President.
9.6 Appointment of Board Member to Attend National Council Mid-Year Meeting, March 2-4, 2009 to be held in Chicago, Illinois	The Board discussed the Appointment of Board Members to Attend the National Council Mid-Year Meeting, March 2-4, 2009 to be held in Chicago, Illinois .	The following staff and board members were appointed to attend the National Council Mid-Year Meeting, March 2-4, 2009 to be held in Chicago, Illinois: Linda Rounds Richard Gibbs Katherine Thomas

AGENDA ITEM	DISCUSSION	ACTION
ADJOURNMENT:	<p>Having completed all business as listed on the agenda, the meeting adjourned at 11:10 a.m.</p> <hr/> <p>Linda Rounds, PhD, RN, FNP, Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN, Executive Director</p>	