

## REPORT OF THE EXECUTIVE DIRECTOR

### NATIONAL ISSUES

**IOM, RWJF launch 'Future of Nursing' initiative:** The Institute of Medicine (IOM) and the Robert Wood Johnson Foundation (RWJF) in July launched a two-year initiative to identify nursing care and education models that improve health care quality and access while reducing costs. Donna Shalala, president of the University of Miami and former Health and Human Services secretary, will chair the IOM committee, and Linda Burnes Bolton, vice president for nursing, chief nursing officer and director of nursing research at Cedars-Sinai Medical Center in Los Angeles, will serve as vice-chair. The committee will hold three town hall meetings to gather information from witnesses. The IOM committee will define a clear agenda and blueprint for action including changes in public and institutional policies at the national, state, and local levels. The committee's recommendations will address a range of system changes, including innovative ways to improve health care quality and address the nursing shortage in the United States. For more information, see: <http://www.iom.edu/?ID=64233>.

**HHS Announces Funding for Nurse Loan Repayment Programs:** U.S. Department of Health and Human Services (HHS) Deputy Secretary Bill Corr has announced the release of \$13.4 million in funding to provide loan repayments to nurses who agree to practice in facilities with critical shortages or who will serve as nurse faculty. Made available under the American Recovery and Reinvestment Act, the funding will be administered under two HHS Health Resources and Services Administration programs. The Nurse Education Loan Repayment Program will award \$8.1 million to provide up to 60 percent of the loan balance of 100 R.N.s in exchange for a two-year work commitment at a facility identified as having a critical nursing shortage. Participants also can apply to work for a third year for additional repayment assistance. Meanwhile, the Nurse Faculty Loan Program will distribute \$5.3 million in funding to support schools of nursing with providing training to 500 master's- and doctoral-level nursing students who plan to pursue careers as nurse faculty. Under the program, participants can apply to cancel up to 85 percent of their loan principal and interest in exchange for four years of service as a full-time nurse faculty member at a qualified school of nursing. For more information, see: [http://www.rwjf.org/pr/digest.jsp?id=21200&cid=xrs\\_rss-nd&topicid=1318](http://www.rwjf.org/pr/digest.jsp?id=21200&cid=xrs_rss-nd&topicid=1318).

**Lawmakers Consider Relaxing Immigration Policies to Curb Nurse Shortage:** In the face of a shortage of domestic nurses, lawmakers are considering several measures that would make it easier for foreign-trained nurses to practice in the United States. Although the current economic recession has encouraged some former nurses to return to the profession, the United States remains short 100,000 nurses, a figure that is projected to quadruple by 2025 unless efforts are made to bolster the nursing workforce pipeline. In an effort to temporarily address the shortage, Rep. Robert Wexler (D-Fla.) has introduced a measure that would allow 20,000 foreign-trained nurses to enter the United States to practice each year for the next three years. However, labor unions have opposed the measure, contending that it could undermine efforts to develop a more sustainable domestic pipeline of nurses. Rather, labor unions suggest that future legislative efforts would be better focused on improving working conditions, such as improving staffing ratios in hospitals. For more information, see: <http://www.rwjf.org/humancapital/digest.jsp?id=11216>.

**Governors Encourage States to Prepare for EHR Adoption** : A National Governors Association alliance issued a guide to help states implement the federal HITECH Act, which expands the role of states in fostering health information exchange and adoption of electronic health records over the next five years. Among other actions, *Preparing to Implement HITECH* recommends that states prepare or update their plan for adopting health information exchange and establish an office to manage its implementation; engage health care providers and other stakeholders in planning efforts; implement privacy and security strategies and reforms; determine an HIE business model; and establish opportunities for health information technology training and education. For more information, see: <http://www.nga.org/Files/pdf/0908EHEALTHHITECH.PDF>.

## STATE ISSUES

**Fraudulent Nursing Educational Program Update**: Informational reports have been provided to Board members since the April 2008 Board meeting regarding the presence of fraudulent nursing educational programs in Texas. The Texas Workforce Commission (TWC) has ordered these schools to cease and desist operation and referred the cases to the Office of the Attorney General (OAG) with the request that the OAG file lawsuits to stop operations of the fraudulent nursing programs.

The Attorney General continues to pursue actions against alleged fraudulent programs including Career Advanced (CATS Group); Esther Medical (EMII); Merit Excellence Institute, and Vocational Training Educational Center (VTEC). The nursing education consultants continue to provide information to the public regarding the fraudulent programs through our telephone and email responses, and the Board's website. <http://www.bon.state.tx.us/about/news071408.html>.

## BOARD ISSUES

**Just Culture**: Following the *Just Culture* presentation by Scott Griffith, Chief Operating Officer, Outcome Engineering at the July Board meeting, the Executive Director followed up with the Minnesota and North Carolina Boards of Nursing regarding their experiences with *Just Culture*. The three boards have committed to a longer conference call to discuss how each Board has operationalized the concept in their respective states. In addition, Deborah Simmons was added to the Eligibility and Disciplinary Advisory Committee and attended their September meeting. Recently Ms. Simmons worked with the Board on the patient safety pilot project at M.D. Anderson Cancer Center. Prior to the E&D Advisory Committee meeting she met with Dusty Johnston, General Counsel, to discuss another just culture model developed by Dr. James Reason and shared a tool developed by Dr. Reason called the *Decision Tree for Culpability*. Further reports on *Just Culture* will be provided at future Board meetings.

**BON Bulletin Articles** : The October issue of the *Board of Nursing Bulletin* contains a legislative update, notice of a pending audit of advanced practice nurses to determine compliance with certification requirements, guidance for nurses on seasonal and H1N1 influenza, and a second article on the application of TERCAP (Taxonomy of Error and Root Cause Analysis) to nursing education.

**Board Retreat**: The Board Retreat will be held on Wednesday, October 21, 2009 at the State Capitol. The focus of the Retreat will be communication, team building and strategic planning.

**Board Meeting**: The October meeting will be held at the Hobby Building in the Room 225 in Tower 2. Once again, the agenda looks like a very busy meeting with a public hearing on a new nursing education program, appearances related to contested cases, and the presentation on

the Investigative Process. Our new Board members will continue their orientation on Tuesday afternoon.

**Board Development:** At each board meeting, a board development session is held. At this Board meeting, Anthony Diggs will present the Investigative Process.

## **AGENCY ISSUES**

**Student Criminal Background Checks Grant:** The Board received a \$50,000 grant through the National Council of State Boards of Nursing from a federal grant for licensure portability. The purpose of the grant was to aid in a smooth implementation of Criminal Background Checks (CBCs) for student nurses. The grant was monitored by NCSBN and was completed August 1, 2009. In September 2008, the student criminal background check process began on a voluntary basis. Schools of nursing interested in having their students screened before enrollment or clinical experiences were offered an opportunity to participate in the project. It was anticipated that should this program continue, it would require additional funding in the next biennium. The agency received approval from the Legislative Budget Board on December 18, 2008 and the Governor's Office on December 19, 2008 to use the grant money to hire two additional staff for this program. The 81<sup>st</sup> Legislature approved hiring staff to continue this program.

**Nursing Jurisprudence Examination:** The Jurisprudence examination required for initial licensure by Texas Occupations Code Section 301.252, License Application, was implemented in September 2008. Access to the Board's examination is available through the website, <http://www.bon.state.tx.us/olv/je.html> . Those applying for initial licensure by exam or endorsement **after** September 1, 2008 must pass the Jurisprudence Exam in order to be eligible for licensure. Statistics for all Jurisprudence exam takers for fiscal year 09 is attached. (See *Attachment*).

**Online Jurisprudence Prep Course:** Nursing educational programs expressed interest in having longer access to the prep course for their students. The agency began to offer extended access to the course for programs making such a request. Regular course access, purchased by individuals on the BON website provides three weeks access, while the program for schools of nursing extends the access period to eight weeks. The cost is dependent on the number of students participating. Faculty of students enrolled in the program may access the course without additional cost. Participating educational programs will have the option to renew enrollment in the program on an annual basis. The BON is pleased to offer this program to schools of nursing, as it meets our shared goal of preparing students to pass the Jurisprudence Exam and gaining experience navigating the board's website to find answers to licensing and practice related questions that will assist students throughout their nursing career. There are currently 18 nursing education programs signed up for this program. The course has had a total of 95 students enrolled with total revenue of \$3,550. A total of \$2,375 revenue has been collected from students and nurses who have completed the online course since it was implemented.

**Website:** The website has been updated to include 1.) the new policy approved by the Board in July modifying the exemption from certain rules for nursing programs holding national accreditation and 2.) a new frequently asked question on the H1N1 flu vaccine (<http://www.bon.state.tx.us/practice/faq-h1n1-influenza.html>).

**Wellness Activities:** The attached newsletter was prepared for staff by the agency's Wellness Committee. It has also been shared with the other Health Professions Agencies in the Hobby Building. A flu clinic will be held for staff on October 30<sup>th</sup> where vaccines will be provided for

employees and their families. Tamiflu has been purchased for employees for the flu season through the Department of State Health Services.

**Office Space:** To accommodate new employees authorized by the 81<sup>st</sup> Legislature, the Executive Director worked with the Texas Board of Medicine, the Texas State Board of Pharmacy and the Texas Facilities Commission to secure additional office space in the Hobby Building. The new space is located on the second floor of Tower 3 and will accommodate the Finance staff of the three agencies. We are having the space cleaned and painted and anticipate moving into it by October 31, 2009. A small space in Tower 1 was also secured to serve as shared conference room space and storage.

**Visit to the Arizona Board of Nursing:** The Executive Director attended the Arizona Board of Nursing Board meeting on September 23-24, 2009 in Phoenix, Arizona. The Arizona Board staff provided access to their Board meeting materials prior to the meeting. It was a very positive experience and the Arizona Executive Director and President indicated a desire to visit the Texas Board in the near future. These exchanges are valuable learning experiences. We share many of the same environmental issues and challenges and have committed to share a variety of documents and resources.

**Key Meetings and Presentations: I have attended/presented at the following meetings since the last Board meeting:**

- *Webinar:* Texas Team East Texas Region, to discuss grant money available for regionalization, July 27, 2009.
- *Meeting:* Texas Nurses Association to discuss Peer Assistance Program, July 28, 2009, Austin.
- *Guest in Board Office:* Jim Puente, new staff for Nurse Licensure Compact Administrators for orientation to Nurse Licensure Compact, August 3-4, 2009.
- *Conference Call:* Nurse Licensure Compact Administrators Executive Committee and NCSBN Board of Directors to discuss Emergency Management Assistance Compact and Motor Vehicle Compact Administration Structures, August 3, 2009.
- *Meeting:* Texas Nursing Education Capacity Team, planning meeting, August 4, 2009, Austin.
- *Conference Call:* NCSBN Chemical Dependency Program Committee, August 6, 2009.
- *Guest Speaker:* University of Houston-Victoria School of Nursing Pinning Ceremony, August 7, 2009, Houston.
- *Meeting:* Nurse Licensure Compact Administrators, August 10, 2009, Philadelphia, PA.
- *Meeting:* NCSBN Annual Meeting and Board of Directors Meeting, August 11-14, 2009, Philadelphia, PA.
- *Webinar:* Texas Team Gulf Coast Region, to discuss grant money available for regionalization, August 26, 2009.

- *Meeting:* Texas Hospital Association staff to staff meeting to discuss needs of employers, August 28, 2009, Austin.
- *Meeting:* NCSBN Chemical Dependency Program Committee, September 1-2, 2009, Chicago.
- *Meeting:* Center for Nursing Workforce Studies, September 9, 2009, Austin.
- *Meeting:* NCSBN Board of Directors, September 14-16, 2009, Chicago.
- *Meeting:* Attend the Arizona Board of Nursing Meeting, September 23-24, 2009, Phoenix, AZ.
- *Conference Call:* Conference Call with Chemical Dependency Program Committee to Discuss Forum on Best Practices, October 5, 2009.
- *Meeting:* Texas Nursing Education Capacity Team to discuss progress towards regionalization, October 7, 2009, Austin.
- *Presentation:* 2009 State Agency Wellness Conference sponsored by the Department of State Health Services, October 13, 2009, Austin.
- *Conference Call:* Executive Officer Network, October 19, 2009.
- *Conference Call:* Nurse Licensure Compact Administrators, Executive Committee October 20, 2009.

Mark Majek presented the following:

- North Texas Nursing Consortium, Texas Education Service Partnerships Summer Institute, August 10, 2009, Arlington.
- Examination Update to Army LPN Program, August 21, 2009, San Antonio.
- Central Texas Healthcare Recruiters Association August 25, 2009, Austin.
- Examination Seminar, September 4, 2009, Corpus Christi.
- Examination Seminar, September 14, 2009, El Paso.
- Nursing Update with Texas Medical Board, September 24-25, 2009, El Paso.
- NCSBN Webinars on Customer Service and Criminal Background Check Administration, September 28, 2009.
- Examination Seminar, September 29, 2009, Houston.
- Examination Seminar, October 8, 2009, San Antonio.
- Examination Seminar, October 16, 2009, Abilene.

Mary Beth presented the following:

- Nursing Update with Texas Medical Board, September 24-25, 2009, El Paso.
- Deans and Directors meeting, *Report from the Board of Nursing*, October 2, 2009, Austin.
- Gulf Coast Health Services Steering Committee, October 9, 2009, Houston.

Jan Hooper and Mark Majek presented the following:

- North Texas Consortium, Texas Education-Service Partnerships Summer Institute, August 10, 2009, Arlington.

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

**Case Resolution Report**  
**June 1, 2009 through August 31, 2009**

<b>Type of Action</b>	<b>Total</b>
No Jurisdiction	0
No Violation	11
No Action	626
Insufficient Evidence	54
Admonish	8
Without Prejudice	109
TPAPN Referrals	148
EEP Referrals	11
<b>Totals</b>	<b>967</b>

## LVN DISCIPLINARY ORDERS

Time frame: June 1, 2009, through August 30, 2009

<b>DISCIPLINARY</b>	
49	<p><b>FINE WITH REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>1 Failed to notify physician that multiple blood glucose readings were greater than 300 mg/dl as ordered; failed to document the amount of Insulin administered in response to an elevated blood glucose reading</li> <li>1 Failed to turn in the patient assessments and documentation of skilled nursing visits</li> <li>1 Withdrew Morphine Sulfate in excess of dosage of physician's orders, failed to document, or accurately document the administration, failed to follow policy and procedures of wastage of unused portion</li> <li>2 Disciplinary action taken by another licensing authority</li> <li>1 Instructed another Hospice RN to falsely document that missing Hydrocodone was destroyed</li> <li>3 Left nursing assignment without notifying the appropriate personnel</li> <li>1 Falsely documented performed monthly reviews of the Nursing Restorative Care Program for residents for the months of January and February that were not performed</li> <li>1 Failed on two occasions to assist a patient to the restroom when assistance was required</li> <li>1 Presented falsified copies of retroactive nursing records</li> <li>1 Signed the name of another nurse to a patients medical record nurse's notes</li> <li>2 Failed to maintain professional boundaries</li> <li>1 Respondent held herself out as a registered nurse while only licensed as a vocational nurse</li> <li>1 Administered CellCept, prescribed to his spouse, to an inmate</li> <li>1 Failed to submit skilled nurse notes</li> <li>1 Practiced as Nurse without a valid license</li> <li>1 Practiced as an advanced practice nurse without current authorization</li> <li>29 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history</li> </ul>
21	<p><b>REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>1 Deferred sentence for the misdemeanor offenses of Assault and Violation of Protective Order</li> <li>1 Assisted the primary care nurse by administering morning medications. 30 minutes later the resident vomited 40 to 50 ccs of "frothy material" via his mouth, nose and tracheostomy tube. Respondent suctioned the resident but failed to assess the resident's vital signs or lung sounds</li> <li>2 Failed to accurately and completely document comprehensive nursing assessments</li> <li>1 Failed to thoroughly assess and intervene when a resident reported she was experiencing pain in her right thigh from an accident that occurred a week prior</li> <li>1 Failed to verify a physicians order to administer Methylprednisolone 60mg 1.5/ml IV push</li> <li>1 Failed to protect a resident's right to privacy</li> <li>1 Failed to completely and accurately assess, obtain vital signs, and intervene when patient had pain</li> <li>1 Diagnosed with Alcohol Dependence and underwent treatment</li> <li>1 Administered Dilaudid 3mg intravenously instead of Dilaudid 0.3mg intravenously slow push</li> <li>1 Administered Methadone in liquid rather than in diskette form as ordered; approved pharmacy refills for both Ambien and Librium even though the client was only authorized to receive a refill of Ambien</li> <li>1 Withdrew narcotics but failed to document the administration</li> <li>1 Failed to document multiple nursing services, administration of medications, and patient teaching</li> <li>1 Failed to initiate interventions when a resident exhibited abusive behavior toward other residents</li> <li>1 Failed to adequately assess an Inmate after being notified of a possible earlier seizure</li> <li>1 Provided emergency rescue breathing and resuscitation of an inmate that may not have been effective</li> <li>1 Administered 12.5 mg of Phenergan intravenously push diluted in 7.5cc of normal saline in the right index finger of a patient which had been inflamed as documented</li> <li>1 Failed to document that the pharmacy was notified when she had no Heparin to administer</li> <li>1 Inappropriately placed a sleeping pill in the medicine container for daytime medications</li> <li>1 Failed to document that a wound dressing change was performed</li> <li>1 Failed to document the infiltration, discontinuance, and restart of the intravenous infusion site</li> </ul>

21	<p><b>VOLUNTARY SURRENDER</b></p> <ul style="list-style-type: none"> <li>1 Physically abusive to a patient</li> <li>1 Removed narcotics without a physicians order; Intemperate use of Morphine, Hydromorphone, Meperidine, and Fentanyl</li> <li>1 Withdrew Acetaminophen, Lorazepam, Xanax, Metoprolol and Diltiazem but failed to document the administration; Withdrew Morphine, Hydromorphone, Demerol and Sublimaze without a physician's order; Misappropriated Allopurinol, Diazepam, Metoclopramide, Hyoscyamine, Guaifenesin, Ferrous Sulfate, Carisoprodol, Methylprednisolone, Morphine, Lorazepam, Xanax, Hydromorphone, Demerol, Sublimaze, Metoprolol, Diltiazem, Oxycodone, Clonazepam, Haloperidol, Vitamin C Xanaderm, and Acetaminophen; Withdrew Morphine and Oxycodone in excess of physician's orders; Intemperate use of Propoxyphene</li> <li>1 Convicted of two misdemeanor and one felony offense of Driving While Intoxicated</li> <li>1 Convicted of the state jail felony offense of possession of a Controlled Substance; current pending state jail felony charge of Possession of a Controlled Substance</li> <li>1 Attempted to obtain Oxycodone through the use of a fraudulent oral telephonic prescription</li> <li>1 Withdrew Ativan, Demerol, Fentanyl, Morphine, Phenergan, Propofol, and Zofran without a physician's order; Intemperate use of Morphine</li> <li>1 Arrested and/or charged with nine counts of Driving While Intoxicated</li> <li>1 Misappropriated Lortab; Intemperate use of Opiates</li> <li>1 Convicted of two counts of the felony offense of Fraudulent Possession of a Controlled Substance/ Prescription I/II</li> <li>1 Non compliance with previous Board Order</li> <li>1 Convicted of Conspiracy to Distribute/Possess with Intent to Distribute/Dispense a Controlled Substance</li> <li>9 Submitted a statement of Voluntary Surrender</li> </ul>
14	<p><b>TPAPN BOARD ORDER</b></p> <ul style="list-style-type: none"> <li>1 Deferred sentence for the second degree felony offense of Possession of a Controlled Substance; Misappropriated Demerol</li> <li>1 Discontinued a patient's Vicodin without a physician's authorization; Misappropriated Vicodin; Intemperate use of Vicodin</li> <li>1 Misappropriated 30 vials of Meperidine; Intemperate use of Meperidine</li> <li>1 Misappropriated or failed to prevent the misappropriation of Hydromorphone, Morphine and Fentanyl; Convicted of Driving While Intoxicated</li> <li>1 Verbally and emotionally abusive to 8 residents</li> <li>1 Diagnosed with Depression and Bipolar Disorder</li> <li>1 Intemperate use of Alcohol</li> <li>3 Convicted of the misdemeanor offense of Driving While Intoxicated</li> <li>1 Intemperate use of Hydrocodone</li> <li>1 Intemperate use of Marijuana</li> <li>1 Misappropriation of Morphine; Intemperate use of Percocet, Tramadol and Vicodin</li> <li>1 Lacked fitness to practice in that she admitted to an addiction to Xanax and Vicodin</li> </ul>

## LVN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2009, through August 30, 2009

14	<p><b>ENDORSEMENTS</b></p> <ul style="list-style-type: none"> <li>3 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement</li> <li>1 Charged with three counts of the felony offense of Forgery; Disciplinary action taken by another licensing authority</li> <li>1 Diagnosed and treated for Attention Deficit Hyp0eractivity Disorder, Predominantly Inattentive, Bipolar Disorder not otherwise specified, Generalized Anxiety Disorder, and Panic Disorder</li> <li>1 Convicted of the misdemeanor offenses of Assault and Petit Larceny and the felony offense of Attempted Grand Larceny</li> <li>1 Convicted of the state jail felony offense of Possession of Marijuana</li> <li>7 Disciplinary action taken by another licensing authority</li> </ul>
484	<p><b>APPLICANTS/ PETITIONERS</b></p> <ul style="list-style-type: none"> <li>8 Non-disclosure of Criminal History</li> <li>1 Convicted of the misdemeanor offenses of Driving Under the Influence; Public Lewdness; two counts of Resisting Arrest; four counts of Prostitution; second degree felony offense of Possession of Cocaine</li> <li>3 Denial of Licensure</li> <li>1 Convicted of the misdemeanor offenses of Retail Theft and Driving Under the Influence</li> <li>1 Deferred sentence for the third degree felony offense of Aggravated Assault with a Deadly Weapon; Convicted of the misdemeanor offense of Driving While Intoxicated</li> <li>1 Convicted of the Class D felony offenses of Theft and Escape and the misdemeanor offenses of Check Deception and Prostitution</li> <li>1 Convicted of the first degree felony offense of Burglary of a Habitation; two counts of the state jail felony offense of Possession of a Controlled Substance; misdemeanor offense of Failure to ID</li> <li>1 Convicted of one third degree felony and two misdemeanor offenses of Driving While Intoxicated</li> <li>1 Deferred sentence for the misdemeanor offense of Evading Arrest/Detention</li> <li>1 Deferred sentence for the misdemeanor offense of Driving While Intoxicated; Pre-Trial Diversion for the misdemeanor offense of Driving While Intoxicated</li> <li>1 Deferred sentence for the misdemeanor offense of Assault Causing Bodily Injury; convicted of the misdemeanor offense of Violation of Protection Order</li> <li>1 Deferred sentence for the misdemeanor offense of Theft of Property</li> <li>1 Charged with the misdemeanor offense of Public Intoxication</li> <li>1 Convicted of the misdemeanor offenses of Theft, Driving While Intoxicate, and Resist Arrest/Search</li> <li>1 Entered treatment for substance abuse</li> <li>1 Received a deferred sentence for the second degree felony offense of Robbery</li> <li>1 Convicted of the misdemeanor offenses of Shoplifting, Driving While Intoxicated and Failure to Appear</li> <li>1 Convicted of the state jail felony offense of Credit Card Abuse</li> <li>1 Convicted of the state jail felony offense of Criminal Mischief</li> <li>1 Deferred sentence for the state jail felony offense of Injury to a Child and the misdemeanor offense of Theft of Property by Check</li> <li>1 Convicted of the misdemeanor offense of Evading Arrest</li> <li>1 Convicted of the felony offense of Forgery of a Financial Instrument</li> <li>1 Convicted of the misdemeanor offense of Driving While Intoxicated and Possession of Marijuana</li> <li>1 Deferred sentence for the second degree felony offense of Aggravated Assault with a Deadly Weapon and the misdemeanor offense of Theft by Check</li> <li>1 Convicted of the misdemeanor offenses of Theft - Shoplifting and three counts of Theft</li> <li>1 Deferred sentence for the misdemeanor offense of Public Intoxication; Pre-Trial Diversion for the second degree felony offense of Aggravated Assault Causing Bodily Injury with a Deadly Weapon</li> </ul> <p>449 No Grounds for Denial/Youthful Indiscretion</p>

## RN DISCIPLINARY ORDERS

Time frame: June 1, 2009, through August 30, 2009

<b>DISCIPLINARY</b>	
50	<p><b>FINE WITH REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"><li>1 Administered Haldol 5mg instead of Haldol 1mg; Administered Demerol without a physician's order</li><li>1 Failed to notify physician that multiple blood glucose readings were greater than 300 mg/dl as ordered; failed to document the amount of Insulin administered in response to an elevated blood glucose reading</li><li>1 Authorized a prescription for Vicodin by telling a medical assistant she could provide a physicians DPS number to a pharmacy</li><li>1 Used the Drug Enforcement Agency (DEA) # assigned to another doctor instead of her own DEA #</li><li>1 Failed to turn in the patient assessments and documentation of skilled nursing visits</li><li>1 Failed to include the renewal of his FNP authorization</li><li>1 Practiced beyond her scope of practice by completing the ventriculoperitoneal shunt externalization and attachment to a distal drainage system without the surgeon being present, as required</li><li>1 Failed to administer the scheduled antibiotic medication Daptomycin as ordered; Administered Clonidine without a physician's order</li><li>1 Changed primary state of resident to Texas, but continued to work utilizing a multistate licensure compact privilege associated with her Arkansas license</li><li>1 Endangered the welfare of patients in that Respondent failed to complete assigned patient care visits</li><li>1 Withdrew Morphine Sulfate in excess of dosage of physician's orders, failed to document, or accurately document the administration, failed to follow policy and procedures of wastage of unused portion</li><li>1 Failed to document and/or ensure patient care was documented for clients in her foster home</li><li>1 Instructed another Hospice RN to falsely document that missing Hydrocodone was destroyed</li><li>1 Provided another nurse one of her personal prescriptions, Klonopin, during work hours</li><li>1 Failed to ensure skilled nursing visits and services were provided; document physician contacts; obtain discharge orders prior to ending skilled nursing visits; and failed to notify patients of discharge plans</li><li>1 Disciplinary action taken by another licensing authority</li><li>1 Placed a handwritten label on a bottle of Morphine Sulfate for a resident that belonged to another resident</li><li>1 Falsely documented in a patient medical record by signing for the patient's mother on the medication reconciliation list at discharge</li><li>22 Submitted an Application for Licensure/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history<ul style="list-style-type: none"><li>1 Falsely documented that the surgeon was present for time out on the intra-operative record</li></ul></li><li>6 Practiced as an advanced practice nurse without current authorization</li><li>3 Practiced as Nurse without a valid license</li></ul>

<p>23</p>	<p><b>REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>1 Failed to notify physician that a 26 day old infant had a preliminarily positive blood culture</li> <li>1 Failed to supervise the actions of a student nurse who took a baby to the wrong mother</li> <li>1 Deferred sentence for the misdemeanor offenses of Assault and Violation of Protective Order</li> <li>1 Incorrectly administered a diuretic medication orally instead of intravenously as ordered</li> <li>1 Assisted the primary care nurse by administering morning medications. 30 minutes later the resident vomited 40 to 50 ccs of "frothy material" via his mouth, nose and tracheostomy tube. Respondent suctioned the resident but failed to assess the resident's vital signs or lung sounds</li> <li>1 Documented false information in a patient's medical record</li> <li>1 Failed to obtain refill authorization and/or document communication with physician regarding the refill of Phentermine</li> <li>1 Failed to notify the physician that the patient had decreased urine output, oxygen saturation of 81-82%'s or that the patient refused the CPAP</li> <li>1 Failed to accurately and completely document comprehensive nursing assessments</li> <li>1 Failed to document the infiltration, discontinuance, and restart of the intravenous infusion site</li> <li>1 Failed to adequately count sponges after a surgical procedure which resulted in a sponge remaining in a patient</li> <li>1 Inaccurately transcribed a physician's order for Dilaudid</li> <li>1 Failed to provide adequate staff coverage and supervision of a LVN during a "Code Green" emergency situation</li> <li>1 Failed to throughly assess and intervene when a resident reported she was experiencing pain in her right thigh from an accident that occurred a week prior</li> <li>1 Failed to initiate effective, appropriate interventions when a resident exhibited verbally and physically abusive behavior toward other residents</li> <li>1 Withdrew Diazepam 10mg and Meperidine 75mg for a patient without a physician's order; Withdrew Fentanyl 100mcg and Versed 2mg in excess of physician's orders; Failed to document the administration of Fentanyl, Midazolam and Meperidine</li> <li>1 Provided emergency rescue breathing and resuscitation of an inmate that may not have been effective</li> <li>1 Administered 12.5 mg of Phenergan intravenously push diluted in 7.5cc of normal saline in the right index finger of a patient which had been inflamed as documented</li> <li>1 Emotionally and/or verbally abused a female patient</li> <li>1 Failed to adequately assess an Inmate after being notified of a possible earlier seizure</li> <li>1 Failed to ensure that residents were adequately assessed and had care plans for pressure ulcers</li> <li>1 Verbally abused a patient in that she yelled at the patient because he had bloody bowel movements and she was tired of cleaning him up</li> <li>1 Failed to ensure the physician was notified and that appropriate interventions were implemented when patients experienced acutely low blood sugar readings</li> </ul>
<p>22</p>	<p><b>VOLUNTARY SURRENDER</b></p> <ul style="list-style-type: none"> <li>6 Non compliance with previous Board Order</li> <li>1 Withdrew Acetaminophen, Lorazepam, Xanax, Metoprolol and Diltiazem but failed to document the administration; Withdrew Morphine, Hydromorphone, Demerol and Sublimaze without a physician's order; Misappropriated Allopurinol, Diazepam, Metoclopramide, Hyoscyamine, Guaifenesin, Ferrous Sulfate, Carisoprodol, Methylprednisolone, Morphine, Lorazepam, Xanax, Hydromorphone, Demerol, Sublimaze, Metoprolol, Diltiazem, Oxycodone, Clonazepam, Haloperidol, Vitamin C Xanaderm, and Acetaminophen; Withdrew Morphine and Oxycodone in excess of physician's orders; Intemperate use of Propoxyphene</li> <li>1 Inability to maintain appropriate boundaries with minor female patients; Convicted of Injury to a Child</li> <li>1 Intemperate use of Marijuana, Butalbital and Cocaine</li> <li>1 Intemperate use of Marijuana; Misappropriated frozen dinners belonging to patients</li> <li>1 Convicted and sentenced by a General Court Martial for dereliction in the performance of his duties</li> <li>1 Experienced a stroke and expressed desire to voluntarily surrender his license</li> <li>1 Withdrew Ativan, Demerol, Fentanyl, Morphine, Phenergan, Propofol, and Zofran without a physician's order; Intemperate use of Morphine</li> <li>9 Submitted a statement of Voluntary Surrender</li> </ul>

**TPAPN BOARD ORDER**

- 1 Lacked fitness to practice in that she admitted to an addiction to Xanax and Vicodin
- 1 Deferred sentence for the second degree felony offense of Possession of a Controlled Substance; Misappropriated Demerol
- 1 Tampered with vials of Demerol; withdrew medications in excess; Intemperate use of Benzodiazepines, Demerol and Marijuana
- 1 Intemperate use of Alcohol
- 1 Withdrew Norco and Vicodin without a physician's order; Misappropriated Norco and Vicodin; Intemperate use of Alcohol, Cocaine and Opiates
- 1 Intemperate use of Marijuana
- 1 Intemperate use of Alcohol, Cocaine and Ethyl Glucuronide
- 1 Withdrew Demerol without a physician's order; Misappropriated or failed to prevent the misappropriation of Demerol; Exhibited behavior inconsistent with good recovery
- 1 Deferred sentence for the misdemeanor offense of Possession of a Controlled Substance
- 1 Falsely documented the administration of Lortab; Misappropriation of Lortab
- 1 Withdrew Morphine without a physician's order; Misappropriated Morphine, Lorazepam, Clonazepam, Demerol, Hydrocodone and Diazepam; Intemperate use of Alprazolam, Hydrocodone, Lorazepam and Morphine
- 1 Removed medications for patients not assigned to her care; Intemperate use of Dilaudid
- 1 Removed Lorazepam without a physician's order; intemperate use of Butalbital, Codeine, Morphine, and Hydrocodone
- 1 Performed an override function on a Pyxis machine and withdrew Pitocin; Convicted of Driving while Intoxicated and Obstructing Highway/Passage
- 1 Wrote a prescription for Norco for a patient without a physician's order; Misappropriation and Intemperate use of Hydrocodone and Norco
- 1 Intemperate use of Morphine; withdrew narcotics for a patient not under her care; Misappropriated Hydromorphone and Meperidine
- 1 Intemperate use of Cocaine and Tramadol
- 1 Charged with three counts of Driving While Intoxicated; Unable to maintain sobriety
- 1 Intemperate use of Hydrocodone
- 1 Failed to disclose the conviction for two misdemeanor offenses of Driving While Intoxicated
- 1 Withdrew Demerol but failed to document the administration or follow wastage procedure; Misappropriated of Demerol; Intemperate use of Cocaine and Demerol
- 1 Intemperate use of Methamphetamine

## RN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2009, through August 30, 2009

17	<p><b>ENDORSEMENTS</b></p> <ul style="list-style-type: none"> <li>7 Disciplinary action taken by another licensing authority</li> <li>1 Convicted of the third degree felony offense of Possession of a Controlled Substance - Methamphetamine; Disciplinary action taken by another licensing authority</li> <li>1 Charged with three counts of Larceny; seven counts of prostitution; Assault; Resisting Arrest; and the felony offense of Possession of a Forged Instrument</li> <li>1 Changed primary state of residency to Texas but continued to utilize a multistate licensure privilege</li> <li>1 Voluntarily entered the Florida Intervention Project for Nurses</li> <li>1 Convicted of the misdemeanor offenses of Hindering Prosecution and Disorderly Conduct; Disciplinary Action taken by another licensing authority</li> <li>1 Convicted of two counts of the misdemeanor offense of Possession of Marijuana</li> <li>1 Convicted of the felony offense of Conduct Unbecoming of an Officer and a Gentlemen by the United States, Department of the Army</li> <li>3 No Grounds for Denial</li> </ul>
520	<p><b>APPLICANTS/ PETITIONERS</b></p> <ul style="list-style-type: none"> <li>15 Non disclosure of Criminal History</li> <li>1 Charged with three counts of the felony offense of Forgery; Disciplinary action taken by another licensing authority</li> <li>1 Denial of Licensure</li> <li>2 Deferred sentence for the state jail felony offense of Possession of a Controlled Substance</li> <li>1 Deferred sentence for the state jail felony offenses of Burglary of a Habitation and Possession of a Controlled Substance - LSD and Cocaine</li> <li>1 Disciplinary action taken by another licensing authority</li> <li>1 Deferred sentence for the state jail felony offense of Possession of a Controlled Substance - Amphetamine</li> <li>1 Deferred sentence for the state jail felony offense of Possession of Cocaine and two counts of the misdemeanor offense of Driving While Intoxicated</li> <li>1 Deferred sentence for the third degree felony offense of Possession of Marijuana</li> <li>1 Deferred sentence for the misdemeanor offense of Possession of Marijuana; convicted of the misdemeanor offense of Driving While Intoxicated and Possession of Marijuana</li> <li>1 Convicted of the misdemeanor offense of Driving While Intoxicated; deferred sentence for the state jail felony offense of Possession of Marijuana</li> <li>1 Deferred sentence for the state jail felony offense of Credit Card Abuse</li> <li>1 Convicted of two counts of the misdemeanor offense of Driving While Intoxicated</li> <li>1 Convicted of the first degree felony offense of Possession of a Controlled Substance with Intent to Deliver Cocaine; received a deferred sentence for the third degree felony offense of Possession of a Controlled Substance</li> <li>1 Deferred sentence for the misdemeanor offense of Public Intoxication; Pre-Trial Diversion for the second degree felony offense of Aggravated Assault Causing Bodily Injury with a Deadly Weapon; Disciplinary action taken by another licensing authority</li> <li>1 Deferred sentence for the state jail felony offense of Burglary of a Building</li> <li>1 Convicted of the third degree felony offense of Possession of Marijuana</li> <li>1 Deferred sentence for the state jail felony offense of Forgery of a Financial Instrument and the misdemeanor offense of Theft of Property</li> <li>2 Entered treatment for substance abuse</li> <li>2 Deferred sentence for the state jail felony offense of Theft of Property</li> <li>1 Charged with the state jail felony offense of Possession of a Controlled Substance; misdemeanor DWI</li> <li>482 No Grounds for Denial/Youthful Indiscretion</li> </ul>

Board of Nursing Statistical Report FY 2009

Measure	Totals FY'06	Totals FY'07	Totals FY'08	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Running FY 2009 Total
<b>Nursing Jurisprudence Exam</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>1,128</b>	<b>4,091</b>	<b>6,581</b>	<b>7,086</b>	<b>18,886</b>
Exam Not Completed				118	165	240	302	825
Percentage Not Completed				10.46%	4.03%	3.65%	4.26%	4.37%
Did Not Passed				56	198	94	137	485
Percentage Did Not Pass				4.96%	4.84%	1.43%	1.93%	2.57%
Exam Passed				954	3,728	6,247	6,647	17,576
Percentage Exam Passed				84.57%	91.13%	94.92%	93.80%	93.06%
<b>NJE - Breakdown by Applicant Group</b>								
<b>LVN-Candidate</b>				<b>122</b>	<b>827</b>	<b>1,137</b>	<b>2,541</b>	<b>4,627</b>
Exam Not Completed				15	29	88	150	282
Did Not Passed				10	47	32	88	177
Exam Passed				97	751	1,017	2,303	4,168
<b>LVN-Endorsement</b>				<b>60</b>	<b>263</b>	<b>313</b>	<b>302</b>	<b>938</b>
Exam Not Completed				8	18	13	18	57
Did Not Passed				7	49	22	12	90
Exam Passed				45	196	278	272	791
<b>RN-Candidate</b>				<b>477</b>	<b>1,600</b>	<b>3,562</b>	<b>2,465</b>	<b>8,104</b>
Exam Not Completed				47	48	93	77	265
Did Not Passed				5	9	11	10	35
Exam Passed				425	1,543	3,458	2,378	7,804
<b>RN-Endorsement</b>				<b>469</b>	<b>1,401</b>	<b>1,569</b>	<b>1,778</b>	<b>5,217</b>
Exam Not Completed				48	70	46	57	221
Did Not Passed				34	93	29	27	183
Exam Passed				387	1,238	1,494	1,694	4,813