

TEXAS BOARD OF NURSING

Public Hearing

Tuesday, July 9, 2009

9:01 a.m. - 9:16 a.m.

333 Guadalupe, Room 100

Austin, Texas

Present:

Kristin Benton

Absent:

Linda Rounds

Deborah Bell

Tamara Cowen

Sheri Crosby

Richard Robert Gibbs

Kathy Leader-Horn

Josefina Lujan

Beverley Nutall

Blanca Rosa Garcia

Patti Clapp

Marilyn Davis

Mary Jane Salgado

Staff present:

Katherine A. Thomas, Executive Director

Dusty Johnston, General Counsel

Jena Abel, Assistant General Counsel

Mary Beth Thomas, Director of Nursing

Jolene Zych, Nursing Consultant

Virginia Ayars, Nursing Consultant

Allison Hassinger, Administrative Assistant

Bruce Holter, Information Specialist

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Kristin Benton called the hearing to order at 9:01 a.m, Tuesday, July 9, 2009.	
ROLL CALL	Kristin Benton was the only board member in attendance. A quorum was not established.	
INTRODUCTIONS	Board members and staff introduced themselves to the audience.	
<p>The Board of Nursing is holding a public hearing to receive public comments on the proposed repeal of 22 TAC Chapter 216, concerning Continuing Education, and proposed new Chapter 216, concerning Continuing Competency, as were published in the Texas Register on May 15, 2009 (34 TexReg 2864-2877). This hearing is designed to provide an opportunity for nurses and others to comment on the proposed repeal and proposed new sections.</p>	<p>The Board heard from the following individuals:</p> <p><i>Penny Hobbs, Texas Chapter of American Association of Nurse Attorneys (TAANA)</i></p> <p>Ms. Hobbs made comment in addition to written comments previously submitted. Ms. Hobbs testified that TAANA supports and applauds the Board’s efforts to ensure competency in nursing practice and does</p>	No action.

AGENDA ITEM	DISCUSSION	ACTION
	<p>not want anything to demean the nursing practice. However, Ms. Hobbs was concerned that those nurses who do not have a clinical practice or an area of practice may lose their license as a result of the proposed rules. Ms. Hobbs stated that Texas law does not impose a practice requirement on non-advanced practice nurses who renew a license. Further, Ms. Hobbs stated that the proposed rules would indirectly require licensed nurses to engage in the practice of nursing by requiring all nurses who renew their licenses to have a practice area. Ms. Hobbs stated that there are many nurses in Texas who renew their licenses every two years and do not practice nursing. Ms. Hobbs gave examples of nurses who do not practice nursing, such as nurse attorneys who do not represent nurses or have health care-related legal practices, the Board’s own nurse investigators, and the Board’s Executive Director. Ms. Hobbs stated that the Nursing Practice Act does not require a registered or licensed vocational nurse to maintain a nursing practice in order to maintain professional nursing licensure. Further, Ms. Hobbs stated that a nurse may submit a written request to the Board to request to be placed on inactive status. Ms. Hobbs also argued that the Board cannot place a nurse on inactive status absent such a request, pursuant to the Occupations Code §301.261. Ms. Hobbs stated that although the Nursing Practice Act does not require continuing education as a condition of licensure or for renewal of a license, the Board has the discretion to require continuing education as a condition of licensure and as a condition for renewal of a license. However, Ms. Hobbs stated that the Board may not exercise this discretion in a way that deprives a nurse of the right to maintain an active license by indirectly requiring a nurse to be engaged in the practice of nursing. Further, Ms. Hobbs stated that the Board does not have the authority to condition a nurse’s licensure on ambiguous continuing education requirements that could be interpreted to</p>	

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	<p>require the nurse to practice nursing.</p> <p>Ms. Hobbs also stated that the Board should be concerned about the indirect impact of the proposed rule on the shortage of nurses. In the Board's strategic plan published for 2009-2013, the Board largely focused on the shortage of nurses. Ms. Hobbs pointed out that an entire section of that plan focused on how to retain nurses in practice. Ms. Hobbs further stated that, if a nurse were to have to lose his or her license to take time off to have a family, to take time out for a hiatus, or if the nurse didn't have an area of practice to do continuing education in, that would be a barrier to nurses coming back to nursing practice and exacerbate the nursing shortage we have. Ms. Hobbs further stated that she has reviewed the documents supporting the rules, including the Texas Nurses Association (TNA) Task Force Report, and has come to the conclusion that the Board didn't really intend for nurses to lose their licenses. Ms. Hobbs based this conclusion on the fact that the reports primarily focused on patient safety issues and clinical settings and that there was nothing in the reports regarding nurses who did not have practice areas. Ms. Hobbs stated that although the Board contends that the new requirements will not impose such a practice requirement on all nurses, that contention is not evident from the proposed rule as written.</p> <p>Ms. Hobbs stated that her organization's proposed solution would further the goal of patient safety and would be consistent with the rule's preamble and the TNA report. Ms. Hobbs stated that the Board can further its goals of competency in the practice of nursing without indirectly requiring a nurse to be actively engaged in the practice of nursing. Ms. Hobbs suggested that the Board require a nurse to complete continuing education in his or her area of clinical practice if they have one and require nurses who do not have one to complete 20 approved contact hours every two years. Ms. Hobbs believed that the</p>	

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	<p>proposed alternative allowing certification by a national organization will be helpful to many nurses. Ms. Hobbs also stated that the members of her organization do not object to a nurse having to do continuing education for the renewal of a license, and that if a nurse who did not have a practice area decided to reenter nursing practice, they would not object to having to do a major refresher course because it would be required in order for that nurse to be competent. Further, Ms. Hobbs stated that her organization would be very supportive of stronger rules with regard to refresher courses for nurses re-entering practice in clinical settings.</p> <p><i>Clair Jordan, Texas Nurses Association (TNA)</i></p> <p>Ms. Jordan commented in addition to TNA's written comments previously submitted to the BON. Ms. Jordan stated that TNA supports the Board's decision to permit nurses to demonstrate competency through means other than continuing education. Ms. Jordan stated that the proposed rules permit a nurse to demonstrate continued competency through continuing education in the nurse's area of practice; national certification in the nurse's area of practice; or completion of an academic course in the nurse's area of practice. TNA supported this model because implementing it should be the Board's and nursing's goal. TNA believes nursing has taken, like other health professions, a very long time in addressing competency. For that reason, TNA encourages the Board to move forward with the rule it proposed, but Ms. Jordan states that TNA is quick to say it does not have all the answers with regard to area of practice and would recommend that the Board put into place all aspects of the proposed rules, but delete that section to see if, after a short period of time of study (3-6 months), TNA and others can come up with answers to questions that nurses are just beginning to ask. Ms. Jordan stated that this is a very complex issue</p>	

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	<p>and she believes an agreement can be reached, but at this point in time, there are more questions arising than can be answered. Ms. Jordan stated that, while the concept of “area of practice” is one that nurses intuitively understand, it is a concept that is difficult to define with the precision needed for this rule. Ms. Jordan stated that if area of practice is defined too broadly, it becomes diluted as being a measure of true competency and fails to achieve the desired objective that continuing education enhance a nurse’s competency in the specific knowledge and skills needed by the nurse in the nurse’s area of practice. However, Ms. Jordan stated that if it is defined too narrowly, there will be many outliers in the nursing profession that don’t fit into the mainstream and it precludes the use of general continuing education, such as jurisprudence from being used to fulfill the continuing education requirement. Ms. Jordan stated that, before area of practice can be satisfactorily defined, nursing needs to try to reach consensus on some questions. TNA does not believe the continuing education component of the new model can be satisfactorily addressed until more thought is devoted to these questions and some consensus is achieved. Ms. Jordan noted that TNA’s Competency Task Force did not work through all of the implications of these questions. Ms. Jordan also suggested coming up with a broad base. Ms. Jordan suggested utilizing the four modalities outlined in TNA’s original paper on the subject. As an example, Ms. Jordan stated that a nurse in clinical practice could select from the first and second domain, while other areas could utilize domains three and four. TNA recommends that the continuing education component in the proposed rules be modified to delete the requirement that the continuing education be in the nurse’s area of practice. However, Ms. Jordan also recommended that the Board announce that its intent is to add such a requirement in the near future and immediately appoint a work group to begin working out the</p>	

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<p>ADJOURNMENT:</p>	<p>details of how some of the previously identified questions should be answered and how area of practice should be defined. TNA believes that any questions that may arise about area of practice as applied to national certification problems do not present the same level of difficulty and supports retaining the requirement that national certification be in the nurse’s area of practice. Finally, Ms. Jordan stated that if the Board decides to proceed with immediately requiring that continuing education be in the nurse’ area of practice, TNA believes that the rules need to incorporate some type of transition to the new requirement. One possibility would be to provide that nurses gets credit for any continuing education taken prior to the rules’ effective date or some other time certain.</p> <p>Having completed all public testimony, the hearing adjourned at 9:16 a.m.</p> <p>_____ Kristin Benton, MSN, RN, Board Member</p> <p>_____ Katherine A. Thomas, MN, RN, Executive Director</p>	

TEXAS BOARD OF NURSING

Regular Meeting

Thursday, July 23, 2009

8:37 a.m. - 4:50 p.m.

Driskill Hotel

604 Brazos St.

Austin, Texas

Present:

Linda Rounds

Deborah Bell

Kristin K. Benton

Richard Robert Gibbs

Beverley Nutall

Blanca Rosa Garcia

Patti Clapp

Marilyn Davis

Mary Jane Salgado

Tamara Cowen

Kathy Leader-Horn

Josefina Lujan

Absent:

Sheri Crosby

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

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 8:37 a.m, Thursday, July 23, 2009.	
ROLL CALL	All members were present with the exception of Sheri Crosby. A quorum was established.	
INTRODUCTIONS	Board members and staff introduced themselves to the audience.	
ACCEPTANCE OF AGENDA	The Board reviewed the agenda.	The Agenda was approved.
ACCEPTANCE OF MINUTES	The Board reviewed the minutes from the April 23-24, 2009, Board Meeting.	The Board approved the minutes from the April 23-24, 2009, Board Meeting.
CONSENT AGENDA ITEMS		<p>The Consent agenda was reviewed and approved with the following changes:</p> <p>Agenda Item 8.1., Agreed Order of Janice Faye Collier, LVN #137100/RN #639634 was removed from the Consent Agenda.</p> <p>Agenda Item 8.1. Agreed Order of Bridgett Phana Hodge, LVN #219180 was removed from the Consent Agenda.</p> <p>Blanca Rosa Garcia recused herself from the consideration and vote on Agenda Item 3.2.3. Notification of Continued Program Approval Status Based on 2008 NCLEX-RN® Examination Pass Rates.</p> <p>Kristin Benton recused herself from the consideration and vote on Agenda Item 3.2.3. Notification of Continued Program Approval Status Based on 2008 NCLEX-RN® Examination Pass Rates.</p> <p>Deborah Bell recused herself from the consideration and vote on Item 8.1. Agreed Orders of: Anthony Martinez, RN #652063 Kris Alan White, LVN #196449</p> <p>Blanca Rosa Garcia recused herself from the consideration and vote on Item 8.1. Agreed Orders of: Christina D. Becerra, LVN #84264</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>2.1. Financial Statement - 3RD Quarter, Fiscal Year 2009</p> <p>2.2. Continuing Education Pre-Renewal Audit Report/ 3RD Quarter, Fiscal Year 2009</p> <p>3.1.1. Workshop Report</p> <p>3.2.1. Status Report on Inquiries, Proposals, and Approvals: New Nursing Education Programs</p> <p>3.2.2. Status Report on 2008 NCLEX Pass Rates for Texas Approved Nursing Educational Programs</p> <p>3.2.3. Notification of Continued Program Approval Status Based on</p>	<p>The Board reviewed the status report on 2008 NCLEX pass rates for Texas approved nursing educational programs.</p>	<p>Penny Candy Johnson, RN #671386</p> <p>Deborah Bell recused herself from the consideration and vote on Item 8.3. Eligibility Agreed Order of: Therese Marie Dolivera (RN)</p> <p>Blanca Rosa Garcia recused herself from the consideration and vote on Item 8.3. Eligibility Agreed Order of: Harry Robert Kroen, (RN), LVN #144558</p> <p>Approved on Consent.</p> <p>Board Members Blanca Rosa Garcia and Kristin Benton recused themselves prior to the consideration and vote on this agenda item.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>2008 NCLEX-RN® Examination Pass Rates</p> <p>3.2.3.a. Full Approval with Commendation Associate Degree Nursing Educational Programs</p> <p>Alvin Community College in Alvin, Texas</p> <p>Angelina College in Lufkin, Texas</p> <p>Angelo State University in San Angelo, Texas</p> <p>Austin Community College in Austin, Texas</p> <p>Blinn College in Bryan, Texas</p> <p>Brookhaven College in Farmers Branch, Texas</p> <p>Central Texas College in Killeen, Texas</p> <p>College of the Mainland in Texas City, Texas</p> <p>Collin County Community College in McKinney, Texas</p> <p>El Centro College in Dallas, Texas</p> <p>Grayson County College in Denison, Texas</p> <p>Hill College in Hillsboro, Texas</p> <p>Houston Baptist University in Houston, Texas</p> <p>Houston Community College in Houston, Texas</p> <p>Howard College in Big Springs, Texas</p>	<p>The Board reviewed the Notification of Continued Program Approval Status Based on 2008 NCLEX-RN® Examination Pass Rates.</p>	<p>Approved on Consent.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Lamar University in Beaumont, Texas</i> <i>Laredo Community College in Laredo, Texas</i> <i>Lee College in Alvin, Texas</i> <i>Lone Star College Cy-Fair in Cypress, Texas</i> <i>Lone Star College Kingwood in Kingwood, Texas</i> <i>Lone Star College Montgomery in Conroe, Texas</i> <i>Lone Star College North Harris in Houston, Texas</i> <i>Lone Star College Tomball in Tomball, Texas</i> <i>Navarro College in Corsicana, Texas</i> <i>North Central Texas College in Gainesville, Texas</i> <i>Odessa College in Odessa, Texas</i> <i>Panola College in Carthage, Texas</i> <i>Paris Junior College in Paris, Texas</i> <i>San Jacinto College South in Houston, Texas</i> <i>Tarrant County College in Fort Worth, Texas</i> <i>Temple College in Temple, Texas</i> <i>Texarkana College in Texarkana, Texas</i> <i>Trinity Valley Community College in Kaufman, Texas</i> <i>Tyler Junior College in Tyler,</i></p>		

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<p><i>Texas University of Texas at Brownsville & Texas Southmost College in Brownsville, Texas Vernon College in Vernon, Texas Weatherford College in Weatherford, Texas Wharton County Junior College in Wharton, Texas</i></p> <p>Baccalaureate Degree Nursing Educational Programs</p> <p><i>Baylor University in Dallas, Texas East Texas Baptist University in Marshall, Texas Houston Baptist University in Houston, Texas Lamar University in Beaumont, Texas Patty Hanks Shelton School of Nursing in Abilene, Texas Prairie View A&M University in Houston, Texas Stephen F. Austin State University in Nacogdoches, Texas Texas Woman's University in Denton, Texas University of Mary Hardin - Baylor in Belton, Texas University of Texas at Arlington in Arlington, Texas University of</i></p>		

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<p><i>Texas at Austin in Austin, Texas</i> <i>University of Texas at Tyler in Tyler, Texas</i> <i>University of Texas Health Science Center at Houston in Houston, Texas</i> <i>University of Texas Pan American in Edinburg, Texas</i> Master's Degree Nursing Educational Program <i>University of Texas - Austin, Texas Partial MSN (Alternate Entry MSN Program)</i></p> <p><i>3.2.3.b. Full Approval</i> Diploma Nursing Educational Program <i>Baptist Health System in San Antonio, Texas</i> <i>Covenant School of Nursing in Lubbock, Texas</i> Associate Degree Nursing Educational Programs <i>Amarillo College in Amarillo, Texas</i> <i>Cisco Junior College - Generic ADN in Abilene, Texas</i> <i>Cisco Junior College - LVN to ADN in Abilene, Texas</i> <i>Del Mar College in Corpus Christi, Texas</i></p>	<p><i>The Board reviewed the Notification of Continued Program Approval Status Based on 2008 NCLEX-RN® Examination Pass Rates.</i></p>	<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>El Paso Community College in El Paso, Texas</i> <i>Galveston College in Galveston, Texas</i> <i>Kilgore College in Kilgore, Texas</i> <i>Lamar State College - Orange in Orange, Texas</i> <i>Lamar State College - Port Arthur in Port Arthur, Texas</i> <i>McLennan Community College in Waco, Texas</i> <i>Midland College in Midland, Texas</i> <i>Northeast Texas Community College in Mt. Pleasant, Texas</i> <i>San Antonio College in San Antonio, Texas</i> <i>San Jacinto College Central in Pasadena, Texas</i> <i>South Plains College in Levelland, Texas</i> <i>South Texas College in McAllen, Texas</i> <i>Southwestern Adventist University in Keene, Texas</i> <i>Victoria College in Victoria, Texas</i> Baccalaureate Degree Nursing Educational Programs <i>Midwestern State University in Wichita Falls, Texas</i></p>		

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Tarleton State University in Stephenville, Texas</i> <i>Texas A&M International University in Laredo, Texas</i> <i>Texas A&M University at Corpus Christi in Corpus Christi, Texas</i> <i>Texas Christian University in Fort Worth, Texas</i> <i>Texas Tech University Health Science Center in Lubbock, Texas</i> <i>University of Texas Health Science Center at San Antonio in San Antonio, Texas</i> <i>University of Texas at El Paso in El Paso, Texas</i> <i>University of Texas Medical Branch at Galveston in Galveston, Texas</i> <i>University of the Incarnate Word in San Antonio, Texas</i> <i>West Texas A&M University in Canyon, Texas</i></p> <p><i>3.2.3.c. Conditional Approval Associate Degree Nursing Educational Program St. Philip's College in San Antonio, Texas</i></p>	<p><i>The Board reviewed the Notification of Continued Program Approval Status Based on 2008 NCLEX-RN® Examination Pass Rates.</i></p>	<p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.4. Notification of Continued Initial Program Approval Status</p> <p>Associate Degree Nursing Educational Programs</p> <p>Baptist Health System in San Antonio, Texas</p> <p>Brazosport College in Lake Jackson, Texas</p> <p>Coastal Bend College in Beeville, Texas</p> <p>Dallas Nursing Institute in Dallas, Texas</p> <p>Galen College of Nursing in San Antonio, Texas</p> <p>Southwest Texas Junior College in Uvalde, Texas</p> <p>Texas State Technical College West Texas in Sweetwater, Texas</p> <p>Baccalaureate Degree Nursing Educational Programs</p> <p>Texas A&M University System Health Science Center in College Station, Texas</p> <p>University of Houston Victoria in Victoria and Sugarland, Texas</p> <p>Wayland Baptist University in San Antonio, Texas</p>	<p>The Board reviewed the Notification of Continued Initial Program Approval Status.</p>	<p>Approved on Consent.</p>
<p>3.2.5. Summary and Analysis of 2008 NEPIS Data Submitted by</p>	<p>The Board reviewed the Summary and Analysis of 2008 NEPIS Data Submitted by Texas BON Approved Vocational and Professional Nursing Educational</p>	<p>Approved on Consent.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Texas BON Approved Vocational and Professional Nursing Educational Programs</i></p>	<p><i>Programs.</i></p>	
<p><i>3.2.6. Report on Texas Board of Nursing New Dean, Director, and Coordinator Orientation Workshop</i></p>	<p><i>The Board reviewed the Report on Texas Board of Nursing New Dean, Director, and Coordinator Orientation Workshop.</i></p>	<p><i>Approved on Consent.</i></p>
<p><i>5.1.1. Eligibility and Disciplinary Committee</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>5.1.2. Strategic Planning/3RD Quarter Report</i></p>		<p><i>Approved on Consent.</i></p>
<p><i>6.2. Adoption of Amendments to §223.1, Relating to Fees; §217.2(a)(4)(B), Relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, it Territories, or Possessions; and §217.4(a)(1)(B) and §217.4(e), Relating to Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States'</i></p>	<p><i>The Board reviewed the adoption of Amendments to §223.1, Relating to Fees; §217.2(a)(4)(B), Relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, it Territories, or Possessions; and §217.4(a)(1)(B) and §217.4(e), Relating to Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdictions.</i></p>	<p><i>The board accepted the adoption of Adoption of Amendments to §223.1, Relating to Fees; §217.2(a)(4)(B), Relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, it Territories, or Possessions; and §217.4(a)(1)(B) and §217.4(e), Relating to Requirements for Initial Licensure by Examination for Nurses Who Graduate from Nursing Education Programs Outside of United States' Jurisdictions.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Robert Christian, RN #676651</p> <p>Carol Ann Clement, RN #598192</p> <p>Susan Denise Dormier, LVN #139988</p>	<p><i>other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall submit 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>Warning with Stipulations. <i>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 nursing documentation; and a board approved course in sharpening critical thinking skills. Respondent shall notify present/future employers of the board order; shall submit notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions.</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 \$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 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 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 submit 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>Limited License with Stipulations. <i>Respondent shall not provide direct patient care. Should Respondent desire to return to</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Miguel Angel Griego, LVN #203701/ RN #732624</p> <p>Sarah Melissa Hargrave, RN #683576</p> <p>Anastasia Katharen Henley, RN #695774</p>	<p><i>be subject to stipulation number eight for the remainder of the stipulation period.</i></p> <p>Warning with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. 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 submit 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; and Respondent shall submit to random periodic screens for controlled substances and alcohol.</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 \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in nursing documentation. 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; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Warning with Stipulations. <i>Within one year of entry of this order Respondent shall</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Kelly J. Hughes, RN #687569</p> <p>Mary Fohey Hunking, RN #689375</p>	<p><i>thinking skills; and a board approved course in respecting professional boundaries. 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; Respondent shall provide employer reports; Respondent shall have indirect 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; and Respondent shall submit to random periodic screens for controlled substances and alcohol.</i></p> <p>Suspend Probate. Respondent's license is hereby suspended with said suspension stayed and probated. Within forty-five days of entry of the stay Respondent shall pay a monetary fine in the amount of \$500. The Order of the board issued to Respondent on September 11, 2007, is still in effect in its entirety and Respondent shall be responsible for completing the terms of that Order.</p> <p>Warning with Stipulations. 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 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 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.</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Lisa Ann Mesch, RN #254432</i></p>	<p><i>entirety and Respondent shall be responsible for completing the terms of that Order. It is further agreed and ordered that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.</i></p> <p>Suspend Probate. <i>Respondent's license is hereby suspended with said suspension STAYED and probated for a period of two 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; a board approved course in medication administration; and a board approved course in sharpening critical thinking skills. 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 employment: 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 will be considered in compliance with this stipulation while employed for Promise Hospital of Southeast Texas of Nederland, Texas. Should Respondent leave her employment with Promise Hospital of Southeast Texas during the first year of the probation period, the Board will require Respondent to be directly supervised by a RN who is with Respondent at all times while she is providing direct patient care; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; For the first year of employment during the probation period Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates,</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Christina Nacole Reed, LVN #206513</p>	<p><i>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>Reprimand with Stipulations. <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$350. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. 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 two years of employment: 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 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, 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>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Kemberly Celeste Trigg, LVN #161284</p>	<p><i>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 therapist to submit quarterly written reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p>Suspend Probate. Respondent's license is hereby suspended with said suspension STAYED and probated for a period of one year 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; a board approved course in medication administration; a board approved course in nursing documentation; and a board approved course in sharpening critical thinking skills. 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 one year of probation: Respondent shall notify present/future</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Tonye Teressa Usher, RN #529163</p>	<p><i>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.</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. 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; 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; Respondent shall cause her probation officer to submit quarterly written reports regarding Respondent’s compliance with her court ordered probation until Respondent completes her probation. It is further agreed that should Respondent be convicted of or receive a deferred order for the offense as outlined in finding of fact number six said judicial action will result in further disciplinary action including revocation of Respondent’s license to practice nursing.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Kris Alan White, LVN #196449</i></p>	<p><i>Board Member Deborah Bell recused herself prior to the consideration and vote on this item.</i></p> <p><i>Suspend Probate.</i> Respondent’s license is hereby suspended with said suspension STAYED and probated for a period of two 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 \$350. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in medication administration; and a board approved course in nursing documentation. 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 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 therapist to submit quarterly written</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.2. REINSTATEMENT AGREED ORDERS</p>	<p><i>Kelly Johnson Williams, RN #731923</i></p> <p><i>Jason M. Willis, RN #619375</i></p> <p><i>Sally Lyn Ballentine, RN #603237</i></p>	<p><i>reports regarding Respondent’s progress in therapy until released from therapy.</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 \$500. The order of the Board issued to Respondent on July 24, 2006, is still in effect in its entirety and Respondent shall be responsible for completing the terms of that order within six months from the entry of this order.</i></p> <p>Warning with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. 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; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p>Reinstated with Stipulations. <i>Petitioner’s Application for Reinstatement shall be granted with the following conditions: Petitioner shall successfully complete an alternative peer assistance program approved by the board and acceptable under the criteria established by Chapter 467, Texas Health And Safety Code: Florida Alternative to Texas Peer Assistance Program for Nurses. It is further agreed and ordered that this order constitutes written permission for Petitioner to participate in the Florida Intervention Project for Nurses Program in lieu of participation in the Texas Peer Assistance</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Tracie Elaine Bushing, LVN #129943</p>	<p><i>program for Nurses provided Petitioner remains enrolled in the program. Petitioner shall not practice in any other state during the term of the alternative program without prior written authorization from the Texas Board of Nursing.</i></p> <p>Reinstated with Stipulations. <i>Petitioner’s Application for Reinstatement shall be granted and subject to 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 \$350. 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 two 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 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</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.3 ELIGIBILITY AGREED ORDERS</p>	<p><i>Laurinda Rashelle Abbie, Applicant for Initial Licensure (RN)/LVN #201942</i></p>	<p><i>Petitioner shall pay a monetary fine in the amount of \$500. Within one year of entry of this order 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 two 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 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>Reprimand with Stipulations. Applicant for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Applicant is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Applicant shall not be eligible for temporary authorization to practice as a graduate</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Anne Marie Decas, Petitioner for Initial Licensure (LVN)</p>	<p><i>nurse in the State of Texas. Applicant 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 Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in physical assessment; a board approved course in nursing documentation; and a board approved course in sharpening critical thinking skills. It is further agreed should Applicant practice as a nurse in Texas, Applicant 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: Applicant shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Applicant shall cause employer(s) to submit periodic reports; Applicant shall have direct supervision with employment restrictions for the first six months of employment under this order; and Applicant shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</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-PN 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-PN 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 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 one year of employment: Petitioner shall notify present/future employers of the</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Therese Marie Dolivera, Applicant for Eligibility for Licensure by Endorsement (RN)</i></p>	<p><i>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; 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><i>Board Member Deborah Bell recused herself prior to the consideration and vote on this board order.</i></p> <p><i>Applicant for Licensure by Endorsement. Upon meeting the requirements for licensure and payment of any required fees, Applicant is hereby Conditionally Eligible for licensure in Texas with conditions. Within forty five days of initial licensure Applicant shall pay a monetary fine in the amount of \$750. Within one year of initial licensure Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Applicant choose to practice as a nurse in Texas, Applicant 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: Applicant shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Applicant shall have direct supervision with employment restrictions for the first year of employment under this order; Applicant shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Applicant shall have employment restrictions for the first year of employment under this order; Applicant shall not practice in any critical care area for the first year of employment under this order; Applicant shall not administer or</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Kimberly Matocha Getman, Petitioner for Initial Licensure (RN)</p>	<p><i>have any contact with controlled substances or synthetic opiates for the first year of employment under this order; Applicant shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Applicant shall submit to periodic screens for controlled substances and alcohol; and Applicant 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>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 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 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>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Judy Chaney Michaels, Applicant for Licensure by Endorsement (LVN)</i></p> <p><i>Michelle Kay Shepard, Applicant for Licensure by Endorsement (LVN)</i></p> <p><i>Sara Louise Peters, Applicant for Initial Licensure (LVN)</i></p>	<p><i>board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p><i>Applicant for Licensure by Endorsement. Upon meeting the requirements for licensure and payment of any required fees, Applicant is hereby Conditionally Eligible for licensure in Texas with conditions. Applicant shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Applicant’s progress in therapy until released from therapy.</i></p> <p><i>Applicant for Licensure by Endorsement. Upon meeting the requirements for licensure and payment of any required fees, Applicant is hereby Conditionally Eligible for licensure in Texas with conditions. Within one year of initial licensure Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Applicant choose to practice as a nurse in Texas, Applicant will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Applicant shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Applicant shall have direct supervision with employment restrictions for the first year of employment under this order; Applicant shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</i></p> <p><i>Applicant for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Applicant is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Applicant shall not be eligible for temporary authorization to practice as a</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Aimee Rebecca Wheelen, Petitioner for Initial Licensure (RN)</i></p>	<p><i>graduate nurse in the State of Texas. Applicant upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Applicant practice as a nurse in Texas, Applicant 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: Applicant shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Applicant shall cause employer(s) to submit periodic reports; and Applicant shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</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 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 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 in-direct supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Tonya Evette Wright, Petitioner for Initial Licensure (LVN)</i></p>	<p><i>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; 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 written 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-PN 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-PN 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 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 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; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
1. ADMINISTRATION		
1.1. Executive Director's Report	Katherine Thomas reviewed her written report to the board.	No action.
1.2. Legal	No report.	No action.
1.3. Legislative Summary	Katherine Thomas reviewed the Legislative Summary.	No action.
3. NURSING		
3.2. EDUCATION		
3.2.7. Proposed Change of Program Approval Status Based on 2008 NCLEX-PN Examination Pass Rate and Review of the 2008 NEPIS and CANEP		
3.2.7.a. Texas State Technical College in Sweetwater, Texas, Vocational Nursing Educational Program	The Board reviewed the proposed change in the approval status of Texas State Technical College Vocational Nursing Educational Program at Sweetwater, Texas, based upon the review of the 2008 NCLEX-PN® examination pass rate, the 2008 NEPIS and the 2008 CANEP. Kathy Smith, MSN, RN, ACNP-BC, VN Director was present to answer questions.	The Board voted to change the program's approval status of Texas State Technical College Vocational Nursing Educational Program at Sweetwater, Texas from full approval to full approval with warning and Authorized staff to conduct a survey visit to identify areas of concern and suggest strategies to the program to improve the success of students on the NCLEX-PN® examination.
3.2.7.b. Ranger College in Comanche, Texas, Vocational Nursing Educational Program	The Board considered staff recommendation concerning the approval status for the Ranger College (RC) in Comanche, Texas, Vocational Nursing Educational Program based on review of the 2008 NCLEX-PN® examination pass rate and review of the 2008 NEPIS and 2008 CANEP. Patty Davis, ADN, RN, Director of VN Program and Connie Burcham, Director were present to answer questions.	The Board voted to change the Ranger College Vocational Nursing Educational Program approval status from full to full with warning in accordance with rule requirements and authorized Board staff to conduct a survey visit of the program in Fall 2009.
3.2.7.c. Valley Grande Institute	The Board considered a proposed change in the program approval status of Valley	The Board voted to change the program approval status of Valley Grande Institute

AGENDA ITEM	DISCUSSION	ACTION
<p>for Academic Studies in Weslaco, Texas, Vocational Nursing Educational Program</p>	<p>Grande Institute for Academic Studies Vocational Nursing Educational Program at Weslaco, Texas, based upon the review of the 2008 NCLEX-PN® examination pass rate, the 2008 NEPIS and the 2008 CANEP. Ruben Pena, Vocational Nursing Director; Leonardo Galvan, Assistant Director; and Mari Aviles, Vice-President were present to answer questions.</p>	<p>for Academic Studies Vocational Nursing Educational Program from full approval to full approval with warning and authorized staff to conduct a survey visit to identify areas of concern and suggest strategies to the program to improve the success of students on the NCLEX-PN® examination.</p>
<p>3.2.8. Proposed Change of Approval Status Based on 2008 NCLEX-PN Examination Pass Rate, Review of the 2008 NEPIS and CANEP, and Report of Survey Visit - American Medical Institute in Houston, Texas, Vocational Nursing Educational Program</p>	<p>The Board considered the proposed change of the approval status from Initial to Full for the American Medical Institute in Houston, Texas, Vocational Nursing (VN) Educational Program based on the 2008 NCLEX-PN® examination pass rates for the first graduating class, review of the 2008 NEPIS and 2008 CANEP, and the report of the June 16, 2009 survey visit.</p>	<p>The Board voted to change the program approval status of the American Medical Institute Vocational Nursing Educational Program from Initial to Full based on review of the NCLEX-PN® examination pass rates for the first graduating class, review of the 2008 NEPIS and 2008 CANEP, and the report of the June 16, 2009 survey visit, and issued the commendation, recommendation and requirements to be met.</p>
<p>3.2.9. Petition for Waiver of Director Qualifications, Houston Community College in Houston, Texas, Associate Degree Nursing Educational Program</p>	<p>The Board considered the petition from Houston Community College (HCC) in Houston, Texas for a waiver of director qualifications on behalf of Marion V. Cole, MEd, RN and the recommendation from the Education Liaison Committee (ELC) regarding the petition. Marion V. Cole, MEd, RN and Dr. Charles Cook, Vice-Chancellor for Instruction were present to answer questions.</p>	<p>Blanca Rosa Garcia voted to oppose the approval of the Waiver and requested that the record reflect that the Board deferred from the rules. The Board voted to approve the appointment of Marion V. Cole, MEd, RN as Interim Director of the Associate Degree Nursing Educational Program at Houston Community College in Houston, Texas and issued requirements.</p>
<p>3.2.10 Petition for Waiver of Faculty Qualifications 3.2.10.a. Brazosport College in Lake Jackson, Texas, Associate Degree Nursing</p>	<p>The Board considered the petition from Brazosport College (BC) in Lake Jackson, Texas for a waiver of faculty qualifications on behalf of Karen Rowland, RN, BSN, and the recommendation from the</p>	<p>The Board voted to approve the petition with two restrictions as follow: 1) the candidate has an identified faculty mentor and the school submits to Board staff the name of the mentor along with a plan for</p>

AGENDA ITEM	DISCUSSION	ACTION
Educational Program	Education Liaison Committee (ELC) regarding the petition. Susan McCormick MSN, D. Phil, RN, Division Chair was present to answer questions.	mentoring; and 2) the candidate continues in her master's program as outlined in the petition and the waiver is withdrawn if she withdraws from that program.
3.2.10.b. Cisco College in Abilene, Texas, Associate Degree Nursing Educational Program	The Board considered the petition from Cisco College (CC) in Abilene, Texas for a waiver of faculty qualifications on behalf of Minnie Scott, BSN, RN, and the recommendation from the Education Liaison Committee (ELC) regarding the petition. Jackolyn Morgan, MSN, RN, Division Chair - Health Sciences was present to answer questions.	Blanca Rosa Garcia voted to oppose the waiver. Kathy Leader-Horn abstained from the vote on this item. The Board voted to approve the petition from Cisco College for waiver of faculty qualifications for Minnie Scott, BSN, RN.
3.2.11 Public Hearings on Proposals to Establish New Nursing Educational Programs		
3.2.11.a. Rio Grande Valley Careers School of Vocational Nursing in Pharr, Texas, Vocational Nursing Educational Program	The Board held a public hearing to consider the proposal to establish a new nursing educational program by Rio Grande Valley Careers School of Vocational Nursing in Pharr, Texas. Beverly Skloss, RN, MSN, Director VN Program; Olga Jimenez, Director of Nursing; Diane C. Frazor, Consultant; and Annabelle Rodriguez, Owner were present to answer questions.	The Board voted to grant initial approval for RGV Careers an Institute for Higher Learning in Pharr, Texas to establish a new vocational nursing educational program based upon the proposal and findings from the survey visits and issue the commendations and recommendation.
3.2.11.b. Texas State University - San Marcos, Baccalaureate Degree Nursing Educational Program in Round Rock, Texas	The Board held a public hearing to consider the Texas State University - San Marcos (TSU) proposal to establish a Baccalaureate Nursing (BSN) Educational Program at the Texas State Round Rock Higher Education Center (RRHEC) in Round Rock, Texas and the results of the survey visit conducted by board staff. John A. Martin, Division President, Flintco Constructive Solutions; Lolly Lockhart, Ph.D., RN, Texas State Associate Professor; Marla Erbin-Roeseman, RN, Associate Dean, College of Health Professions;; Barbara Covington, Faculty; and Bonnie Clipper, Chief Nursing Officer,	The Board voted to approve a Baccalaureate Degree Nursing Educational Program to be established by Texas State University - San Marcos at the Texas State University Round Rock Higher Education Center in Round Rock, Texas, contingent on a survey visit by Board staff confirming that the construction of the nursing building is completed and provision of adequate resources is in place in accordance with requirements in Rule 215, Professional Nursing Education, grant the program Initial approval status, authorize board staff to conduct survey visits as necessary until the program is moved to

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.11.c. Western Governors University in Salt Lake City, Utah, Online Baccalaureate Degree Nursing Educational Program</p>	<p>St. David's Hospital were present to answer questions.</p> <p>The Board held a public hearing on Western Governors University (WGU) proposal to establish a new Baccalaureate Nursing (BSN) Educational Program and the report of a virtual visit through an online demonstration of the curriculum and services.</p> <p>Mary Anne Ramirez, Chair, Department of Nursing; Jan Jones-Schenk, Project Director; Robert W. Menderhall, President; Veronica Abdur-Rahman, Nursing Director, were present to answer questions. Kathryn Tart EdD, RN, CNE, Dean of University of Houston-Victoria was present to provide testimony.</p>	<p>Full approval status, and issue commendation and requirements to be met.</p> <p>Richard Gibbs and Beverley Nutall abstained from the vote on this agenda item.</p> <p>The Board voted to grant initial approval for Western Governors University in Salt Lake City, Utah, to implement the Baccalaureate Nursing Educational Program in the State of Texas providing didactic courses online and supervised clinical learning experiences in partner hospitals with a beginning cohort of twenty students in Texas based upon the proposal and findings from the online demonstration.</p>
<p>4. ENFORCEMENT 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 5.1. Board Committees 5.1.3. Development and Evaluation</p>	<p>The Board discussed receiving training on the Board Discipline and Investigatory Process for the October meeting.</p>	<p>No action.</p>
<p>5.2. Advisory Committees/Task Forces 5.2.1. Advanced Practice Nurses Advisory Committee</p>	<p>The Board considered the nomination of Paula Rupert to serve as the Texas Nurse Practitioners' representative to the Advanced Practice Nursing Advisory</p>	<p>The Board voted to accept and approve the nomination of Paula Rupert to represent Texas Nurse Practitioners on the Advanced Practice Nursing Advisory Committee.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>5.2.2. Nursing Practice Advisory Committee</p>	<p>Committee.</p> <p>Melinda Hester reported that on June 4, 2009 ACE and NPAC held a joint teleconference to discuss the Board's charge issued in January, concerning policy and/or rule development related to individuals who fail to renew a license after a significant passage of time. The committees agreed that the area of competency is very important to the Board's mission of public protection. The committees were interested in learning more about other state's rationale surrounding their requirements for re-taking the NCLEX or re-education. The committees are interested in seeing the refresher course and extensive orientation requirements strengthened and offered numerous suggestions. The committees agreed to meet again to continue discussions.</p>	<p>No action.</p>
<p>5.2.3. Advisory Committee on Education</p> <p>5.2.3.a. Advisory Committee on Education - Differentiated Entry Level Competencies (DELIC) Work Group</p>	<p>Virginia Ayars reported that the Differentiated Entry Level Competencies (DELIC) Work Group has worked diligently during the past few months to revise the DELICs. A fourth category, Patient Safety Advocate, was added to the following competencies: (1) Provider of Patient-Centered Care; (2) Member of the Health Care Team; and (3) Member of the Profession. There are currently 25 Core Competency statements with corresponding Knowledge and Clinical Behaviors/Judgments statements designed to more fully describe and amplify appropriate nursing actions. The overarching goal is to create a living document that is not only operationalized in nursing educational programs, but also integrated into nursing practice through the incorporation of DELIC competencies into job descriptions, orientation activities, and professional development plans.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>5.2.4. .Advisory Committee on Licensure, Eligibility and Discipline</p> <p>5.2.4.a. Consideration of Appointment of New Committee Members</p>	<p>The Board considered the appointment of two new committee members, Ms. Deborah Simmons and Ms. Christine Rios-Irizarry, to the Eligibility & Disciplinary Advisory Committee.</p>	<p>The Board voted to approve the appointment of Ms. Deborah Simmons and Ms. Christine Rios-Irizarry as new members of the Eligibility & Disciplinary Advisory Committee, effective immediately.</p>
<p>5.3. Collaboration with Outside Agencies / Stakeholders</p>		
<p>5.3.1. Texas Peer Assistance Program for Nurse Advisory Committee</p>	<p>No Report.</p>	<p>No action.</p>
<p>5.3.2. Nursing Competency Initiatives</p>	<p>Mary Beth Thomas referred the Board to agenda item 6.3 related to continued competency. Mary Beth Thomas has consulted with David Swankin with the Citizens Advocacy Center regarding this issue. Board staff continue to work on this issue.</p>	<p>No action.</p>
<p>5.3.3. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee</p>	<p>Katherine Thomas reported that the committee has not met but has a meeting scheduled for September, 2009.</p>	<p>No action.</p>
<p>5.3.4. Texas Higher Education Coordinating Board Nursing Education Updates</p>	<p>Mary Beth Thomas gave a verbal report on recent activities of the ACORN - Advisory Committee on RN education of the THECB. There are four sub committees in ACORN that are working on various nursing educational activities. Between this group, the Texas Board of Nursing and the Texas Team many strategies to address the shortage of RN students are occurring. Duplication and overlap should be monitored so there is a</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
5.3.5. Taxonomy of Error Root Cause Analysis of Practice Responsibilities (TERCAP)	<p>coordinated effort to address the shortage.</p> <p>Mary Beth Thomas reported that Texas continues to lead the nation in the numbers of cases submitted to the national data base. In May, Skylar Caddell presented the board's experience at the NCSBN Attorney Investigator Summit.</p>	No action.
5.3.6. Texas Team Report, Robert Wood Johnson Nursing Education Capacity Expansion	Katherine Thomas reported that the Texas Team received a grant from the Texas Workforce Commission to assist schools of nursing in regional planning efforts to share resources and increase nursing education capacity.	No action.
OPEN FORUM:	<p>Linda Rounds announced the format and invited participation from the audience.</p> <p>Dr. Katherine Tart spoke regarding the need for the Board to be cautious about accepting information that may not be accurate from proposed new programs.</p> <p>There were no other speakers and the open forum was closed at 1:53 p.m.</p>	No action.
6. OLD BUSINESS 6.1. Nurse Licensure Compact Update	Katherine Thomas reviewed her written report with the Board.	No action.
6.3. Proposed Adoption of Repeal of 22 Tex. Admin. Code, Chapter 216, Pertaining to Continuing Education and New 22 Tex. Admin. Code, Chapter 216, Pertaining to Continuing	The Board considered final adoption of proposed repeal of 22 Tex. Admin. Code Chapter 216, Pertaining to <i>Continuing Education</i> , and proposed new 22 Tex. Admin. Code Chapter 216, Pertaining to <i>Continuing Competency</i> . The proposed repeal of Chapter 216 and proposed new Chapter 216 were approved by the Board at its April 23-24, 2009, meeting for submission to the <i>Texas Register</i> for public comment. The proposed amendments were published in the <i>Texas</i>	The Board voted to adopt the repeal of Chapter 216, Pertaining to <i>Continuing Education</i> , as proposed and published in the <i>Texas Register</i> on May 15, 2009. The Board voted to adopt proposed new Chapter 216, Pertaining to <i>Continuing Competency</i> , with changes. Further, moved to adopt the revised rule text and authorize Staff to publish the revised rule and the summary of comments and response to comments. Further, the Board voted to charge the

AGENDA ITEM	DISCUSSION	ACTION
<p>Competency and Consideration of Written Comments Received, Oral Comments Received during Public Hearing Held on July 9, 2009, and Board Responses to Comments</p>	<p><i>Register</i> on May 15, 2009, and the comment period ended on June 14, 2009. The Board received several written comments and a request for a public rule hearing. A public rule hearing was held on July 9, 2009, and oral and written comments were received.</p>	<p>Nursing Practice Advisory Committee (NPAC) and the Advisory Committee on Education (ACE) to study, develop, and recommend a rule regarding demonstrating continuing competency through continuing education in a nurse’s area of practice, including the effect upon non-traditional nursing occupations. Further, the topic of demonstrating continuing competency through continuing education in a nurse’s area of practice should be considered and studied in conjunction with the NPAC and ACE’s study and development of a rule related to failing to renew a license after a significant passage of time, which was charged by the Board at the January, 2009, Board meeting.</p>
<p>6.4. Commitment to Ongoing Regulatory Excellence (CORE) 2008 Report</p>	<p>Katherine Thomas gave a summary of the CORE report.</p>	<p>No action.</p>
<p>7. NEW BUSINESS 7.2. Consideration of Peer Assistance Program for Nurses Contract</p>	<p>The Board was informed by staff that the peer assistance proposal submitted by TPAPN was approved. Mike Van Doren was present to answer questions.</p>	<p>The Board voted to approve TPAPN as the successful bidder to the Board’s request for proposal no. 507-09-171 and authorize the Executive Director prepare and execute a new minimum 2 year contract that duplicates the terms of the RFP and its conditions.</p>
<p>ADJOURNMENT</p>	<p>Having completed this day’s business the meeting adjourned at 4:50 p.m.</p>	

TEXAS BOARD OF NURSING

Regular Meeting

Friday, July 24, 2009
8:42 a.m. - 2:44 p.m.
Driskill Hotel
604 Brazos St.
Austin, Texas

Present:

Linda Rounds
Deborah Bell
Kristin K. Benton
Richard Robert Gibbs
Beverley Nutall
Blanca Rosa Garcia
Patti Clapp (departed from the meeting at 1:57 pm)
Marilyn Davis (departed from the meeting at 1:57 pm)
Mary Jane Salgado
Tamara Cowen
Kathy Leader-Horn
Josefina Lujan

Absent:

Sheri Crosby

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 8:42 a.m, Friday, July 24, 2009.	
ROLL CALL	All members were present with the exception of Sheri Crosby. A quorum was established.	
3. NURSING 3.2. EDUCATION		
3.2.9. Petition for Waiver of Director Qualifications, Houston Community College in Houston, Texas, Associate Degree Nursing Educational Program	Blanca Rosa Garcia raised a question concerning her statement on Thursday, that the Board failed to follow its rules regarding this agenda item. After seeking clarification, regarding Rule 214 Blanca Rosa Garcia asked that the record reflect that she was mistaken regarding her objection and that she no longer believed that the Board had deferred from its rules.	No action.
7. NEW BUSINESS		
7.3. Consideration of Modification of the Guideline of Specific Exemptions Pertaining to Administration and Organization from Education Rule Requirements for Nursing Educational Programs Holding Voluntary National Nursing Accreditation	The Board considered the staff recommendation concerning a modification of specific exemptions from education rule requirements for nursing educational programs holding voluntary national nursing accreditation as outlined in Education Guideline 3.2.4.a. and related to the Texas Nursing Practice Act Section 301.157(b)(5) requiring that the Board select one or more national nursing accrediting agencies to accredit nursing programs.	The Board voted to modify the exemptions from education rule requirements for nursing educational programs holding voluntary national nursing accreditation to include Texas BON oversight for requirements in Rule 214.6 and Rule 215.6 <i>Administration and Organization</i> .
7.4. Consideration of Proposed Amendments to 22 Tex. Admin. Code §213.23,	The board considered approval of proposed amendments to 22 Tex. Admin. Code §213.23, concerning <i>Decision of the Board</i> . The proposed amendments to §213.23 implement the Board’s policy that a Respondent be required to submit	The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §213.23, Concerning <i>Decision of the Board</i> and authorize staff to publish the proposal in the <i>Texas Register</i> for a 30-day comment period, with authority for General

AGENDA ITEM	DISCUSSION	ACTION
<p>Related to Decision of the Board</p>	<p>written exceptions and briefs to the Board in order to be permitted to make an oral presentation to the Board regarding a proposal for decision.</p>	<p>Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §213.23, Concerning <i>Decision of the Board</i>, as proposed.</p>
<p>7.5. Consideration of Rule Review for Chapter 227, Pertaining to Pilot Programs</p>	<p>The board considered the Rule Review for Chapter 227, Pertaining to Pilot Programs.</p>	<p>No action. This report was informational purposes only.</p>
<p>7.6. Consideration of Proposed Amendments to 22 Tex. Admin. Code §213.20, Pertaining to Informal Proceedings and Alternate Dispute Resolution (ADR); §213.29, Pertaining to Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters; §213.30, Pertaining to Declaratory Order of Eligibility for Licensure; and §213.33, Pertaining to Factors Considered for Imposition of Penalties / Sanctions and/or Fines</p>	<p>The Board considered the proposal of amendments to §213.20, Concerning <i>Informal Proceedings and Alternate Dispute Resolution (ADR)</i>; §213.29, Concerning <i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i>; §213.30, Concerning <i>Declaratory Order of Eligibility for Licensure</i>; and §213.33, Concerning <i>Factors Considered for Imposition of Penalties/Sanctions and/or Fines</i> as part of the implementation of House Bill (HB) 3961, which was passed during the 81st Regular Legislative Session.</p>	<p>The Board voted to approve §213.20, Concerning <i>Informal Proceedings and Alternate Dispute Resolution (ADR)</i>; §213.29, Concerning <i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i>; §213.30, Concerning <i>Declaratory Order of Eligibility for Licensure</i>; and §213.33, Concerning <i>Factors Considered for Imposition of Penalties/Sanctions and/or Fines</i> and authorize staff to publish the proposals 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 and to comply with the formatting requirements of the <i>Texas Register</i>. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §213.20, Concerning <i>Informal Proceedings and Alternate Dispute Resolution (ADR)</i>; §213.29, Concerning <i>Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters</i>; §213.30, Concerning <i>Declaratory Order of Eligibility for Licensure</i>; and §213.33, Concerning <i>Factors Considered for Imposition of Penalties/Sanctions and/or Fines</i> as proposed.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>7.7. Consideration of Proposed Amendments to 22 Tex. Admin. Code §213.32, Pertaining to Schedule of Administrative Fine(s) and §211.7, Pertaining to Executive Director; and Consideration For Authorizing Emergency Adoption of Amendments to 22 Tex. Admin. Code §213.32, Pertaining to Schedule of Administrative Fine(s) and §211.7, Pertaining to Executive Director, if Proposed Amendments Cannot Be Adopted by September 1, 2009</p>	<p>The Board considered the proposed amendments to 22 TAC §213.32, Concerning <i>Schedule of Administrative Fine(s)</i> and §211.7, Concerning <i>Executive Director</i> as part of the implementation of Senate Bill (SB) 1415, which was passed during the 81st Regular Legislative Session. And alternatively, considered emergency adoption of amendments to 22 TAC §213.32, Concerning <i>Schedule of Administrative Fine(s)</i> and §211.7, Concerning <i>Executive Director</i> if proposed amendments cannot be adopted to be effective on September 1, 2009 through normal proposal and adoption process.</p>	<p>The Board voted to approve the proposed amendments to 22 Tex. Admin. Code §213.32, Concerning <i>Schedule of Administrative Fine(s)</i> and §211.7, Concerning <i>Executive Director</i> and authorize staff to publish the proposals 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 and to comply with the formatting requirements of the <i>Texas Register</i>. If no negative comments and no request for a public hearing are received, move to adopt the proposed amendments to 22 Tex. Admin. Code §213.32, Concerning <i>Schedule of Administrative Fine(s)</i> and §211.7, Concerning <i>Executive Director</i> as proposed. Further, in the event that negative comments are received or a request for a rule hearing is received within the 30-day comment period, authorize staff to publish an emergency rule adoption in the <i>Texas Register</i>, to be effective from September 1, 2009, until such a time as the Board has the opportunity to deliberate and adopt permanent amendments to 22 Tex. Admin. Code §213.32, Concerning <i>Schedule of Administrative Fine(s)</i> and §211.7, Concerning <i>Executive Director</i>.</p>
<p>7.8. Consideration of Proposed Amendments to 22 Tex. Admin. Code §223.1, Related to Fees</p>	<p>Mark Majek gave a brief report on Senate Bill 1, 81st Legislature and it was determined that the Texas BON would not be required to raise fees thus no action was needed on this item.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Granting Summary Disposition in Docket No. 507-09-3505</p> <p>8.4.1.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-09-3505, Including Adoption of the Findings of Fact and Conclusions of Law contained in the Administrative Law Judge's Order Granting Summary Disposition without Modifications</p> <p>8.4.1.c. Consideration of Recommendation by ARACELI GARCES, Docket No. 507-09-3505</p> <p>8.4.1.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate LVN #115319 Issued to ARACELI GARCES</p> <p>8.4.1.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #115319 Issued</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p>to ARACELI GARCES</p> <p>8.4.2. Docket No. 507-09-2053, In the Matter of Permanent Certificate LVN #146637, Issued to PAMELA R. JOHNSON</p> <p>8.4.2.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-09-2053</p> <p>8.4.2.b. Consideration of Staff’s Recommendations for Disposition of Docket No. 507-09-2053, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications</p> <p>8.4.2.c. Consideration of Recommendation by PAMELA R. JOHNSON, Docket No. 507-09-2053</p> <p>8.4.2.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate LVN #146637 Issued to PAMELA R. JOHNSON</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Disposition of Docket No. 507-09-2053, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.</p>	<p>The Board voted to adopt all the Findings of Fact and Conclusions of Law in the PFD without modification and adopt the recommended sanction of revocation of Respondent’s license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.4.2.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #146637 Issued to PAMELA R. JOHNSON</p> <p>8.4.3. Docket No. 507-09-3315, In the Matter of Permanent Certificate RN #611907, Issued to KAREN L. DAVIS</p> <p>8.4.3.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-09-3315</p> <p>8.4.3.b. Consideration of Staff’s Recommendations for Disposition of Docket No. 507-09-3315, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications</p> <p>8.4.3.c. Consideration of Recommendation by KAREN L. DAVIS, Docket No. 507-09-3315</p> <p>8.4.3.d. Executive Session pursuant to 551.071(1), Texas</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Recommendations for Disposition of Docket No. 507-09-3315, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.</p>	<p>Mary Jane Salgado abstained from the vote on this agenda item.</p> <p>The Board voted to adopt the PFD’s Findings of Fact and Conclusions of Law without modification and adopt the recommended sanction of suspension of Respondent’s professional nursing license pending a psychological evaluation finding that Respondent is safe to return to the practice of nursing. Further, the Board adopt the recommended sanction, that upon receipt of an evaluation finding that Respondent is safe to return to nursing, that Respondent be subject to the following probationary stipulations: taking a jurisprudence course; paying a \$250 fee; being subject to direct supervision for 1 year; being subject to indirect supervision for 1 year; submitting to the care of a mental health provider for as long as necessary; and disclosing the Board’s order to all potential employers.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate RN #611907 Issued to KAREN L. DAVIS</p> <p>8.4.3.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #611907 Issued to KAREN L. DAVIS</p> <p>8.4.4. Docket No. 507-08-2496, In the Matter of Permanent Certificate RN #243478, Issued to CATHY ANN ANDERSON</p> <p>8.4.4.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-08-2496</p> <p>8.4.4.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-08-2496, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Clarifications</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-08-2496, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Clarifications. Respondent Cathy Ann Anderson was given the full opportunity to address the board. Louis Leichter and Dan Lype, attorney's for Respondent were present and addressed the board on behalf of the Respondent.</p>	<p>Deborah Bell recused herself prior to the consideration and vote on this agenda item. Mary Jane Salgado and Kathy Leader-Horn abstained from the vote on this agenda item.</p> <p>The Board voted to adopt all the Findings of Fact and Conclusions of Law in the PFD without modification and adopt the recommended sanction of enforced suspension of Respondent's license until Respondent has completed approved inpatient treatment and attained 12 consecutive months of sobriety <i>to be established from the date of the Order</i>, to be followed by a 3 year period of probated suspension during which Respondent shall be subject to the Board's required stipulations, including payment of re-registration fees, jurisprudence and ethics education, standard employment restrictions, employer notifications, supervised practice, employer reports, abstinence from alcohol and drugs, random drug screening, appropriate support group meetings and therapy, costs of the administrative hearing (2 litigation packets) in the amount of \$500, and an administrative penalty of \$750.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.4.4.c. Consideration of Recommendation by CATHY ANN ANDERSON, Docket No. 507-08-2496</p> <p>8.4.4.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate RN #243478 Issued to CATHY ANN ANDERSON</p> <p>8.4.4.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #243478 Issued to CATHY ANN ANDERSON</p>		
<p>9. MISCELLANEOUS 9.1. Board Items of Interest for Future Board Meetings</p>	<p>The Board discussed items of interest for future board meetings. The Board discussed having Rule 214 and 215 reviewed for the October agenda and/or issuing a charge to the Advisory Committee on Education. Also discussed was the proposed Board Development for the October meeting to be on Investigations. Staff informed the Board of the Seton Simulation Lab and requested that the Board consider doing a site visit of the lab at the October or January meeting.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>9.2. Board Development: Just Culture Presentation by Scott Griffith, Chief Operating Officer, Outcome Engineering</p>	<p>Scott Griffith, Chief Operating Officer, Outcome Engineering did a presentation on the Just Culture.</p>	<p>No action.</p>
<p>9.3. Review of the Board Quarterly Meeting Evaluation</p>	<p>The Board members discussed the results of the April board quarterly meeting evaluation.</p>	<p>No action.</p>
<p>9.4. Consideration of Delegates Appointed and Discussion of Action Items for the NCSBN Annual Meeting, August 12-14, 2009, Philadelphia, PA</p>	<p>The Board discussed the Delegates Appointed and the Action Items for the NCSBN Annual Meeting, August 12-14, 2009, Philadelphia, PA.</p>	<p>The Board voted to approve the following delegates: Beverley Nutall, LVN Mary Beth Thomas, PhD, RN Alternate delegates: Richard Gibbs, LVN Blanca Rosa Garcia, Phd, RN The Board also voted to direct the delegates to vote on the issues after hearing and considering the discussion on the issues.</p>
<p>9.5. Executive Session Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters: Annual Performance Evaluation of Katherine Thomas, Executive Director</p>	<p>The Board convened in Executive Session to discuss the annual performance evaluation of the Executive Director, Katherine Thomas. The Board reconvened in Open Session to discuss and consider a merit increase for the Executive Director, Katherine Thomas.</p>	<p>The Board voted to issue an annual salary increase for the Executive Director to \$92,600 effective September 1, 2009 and one week of annual leave.</p>
<p>9.6 Executive Session Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings</p>	<p>The Board convened in Executive Session to discuss the annual performance evaluation of the Board.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Act) Regarding Personnel Matters: Annual Board Self-Evaluation</p> <p>9.7. Appointment of Board Members to BON Advisory Committees for 2009-2010</p> <p>9.8. Consideration of Proposed Dates and Topics for Board Retreat</p>	<p>Linda Rounds discussed the appointment of board members to BON Advisory Committees for 2009-2010.</p> <p>The Board discussed the proposed date for the Board Retreat.</p>	<p>The following board members were appointed to the following committees:</p> <p>Strategic Planning Mary Jane Salgado</p> <p>Advanced Practice Nursing Linda Rounds</p> <p>Advisory Committee on Education Blanca Rosa Garcia Kristin Benton Josefina Lujan</p> <p>Advance Practice Nursing Liaison Committee Blanca Rosa Garcia Linda Rounds</p> <p>Education Liaison Committee Blanca Rosa Garcia Kristin Benton Josefina Lujan</p> <p>Nursing Practice Advisory Committee Kathy Leader-Horn Marilyn Davis</p> <p>Internal Auditor Liaison Committee Deborah Bell</p> <p>Advisory Committee on Licensure, Eligibility and Discipline Tamara Cowen Deborah Bell</p> <p>The Board scheduled the Board Retreat for Wednesday, October 21, 2009, to be held in Austin.</p>

AGENDA ITEM	DISCUSSION	ACTION
ADJOURNMENT:	<p>Having completed all business as listed on the agenda, the meeting adjourned at 2:44 p.m.</p> <hr/> <p>Linda Rounds, PhD, RN, FNP, Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN, Executive Director</p>	