

TEXAS BOARD OF NURSING

Regular Meeting

Thursday, July 19, 2012

8:32 a.m. - 5:09 p.m.

William Hobby Building

333 Guadalupe, Tower II, Room 225

Austin, Texas 78704

Present:

Kristin K. Benton, President

Richard R. Gibbs, Vice-President

Deborah Bell

Patti Clapp

Tamara Cowen

Marilyn Davis

Kathy Leader-Horn

Mary LeBeck

Sheri Crosby

Beverley Nutall

Verna Kathleen Shipp

Absent:

Josefina Lujan

Mary Jane Salgado

Staff Present:

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

Mark Majek, Director of Operations

James "Dusty" Johnston, General Counsel

Jena Abel, Assistant General Counsel

Nikki Hopkins, Assistant General Counsel

John Vanderford, Law Clerk

Laura Lewis, Administrative Assistant

Mary Beth Thomas, Director of Nursing

Jan Hooper, Nursing Consultant

Jolene Zych, Nursing Consultant

Denise Benbow, Nursing Consultant

Melinda Hester, Nursing Consultant

Linda Laws, Nursing Consultant

Bonnie Cone, Nursing Consultant

Robin Caldwell, Nursing Consultant

Virginia Ayars, Nursing Consultant

Ramona Gaston-McNutt, Nursing Consultant

Bruce Holter, Information Specialist

Tawnya Smith, Information Technology Specialist

Bill Ray, Information Technology Specialist

Amanda Crider, Information Technology Specialist

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Kristin Benton called the meeting to order at 8:32 a.m, Thursday, July 19, 2012.	
ROLL CALL	A quorum was established with eleven members in attendance, Board Members Josefina Lujan and Mary Jane Salgado were absent.	
INTRODUCTIONS	Board members and staff introduced themselves to the audience.	
ACCEPTANCE OF AGENDA	The Board reviewed the agenda.	<p>The following changes were made to the agenda:</p> <p>Agenda Item 7.3. Consideration of Proposed Amendments to 22 Tex. Admin. Code §213.2, pertaining to Construction, §213.22, Pertaining to Formal Proceedings, §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 was Removed from the Agenda;</p> <p>Agenda Item 8.1. Agreed Order: Dressler, Tracy A., Rn# 615390 was removed from the agenda;</p> <p>Agenda Item 8.6.1.:</p> <p>8.6.1. Docket No. 507-12-3283, In the Matter of Permanent Certificate LVN#196679, Issued to JENNY LYNN FRANKS</p> <p>8.6.1.a. Consideration of the Administrative Law Judge's Order No. 1, Announcing Default, and Order No. 2, Dismissing Case From Docket</p> <p>8.6.1.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate LVN#196679 by Default, in Conjunction with Order No. 1 and 2, Docket No. 507-12-3283</p> <p>8.6.1.c. Consideration of Recommendation by JENNY LYNN FRANKS, Docket No. 507-12-3283</p> <p>8.6.1.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#196679, Issued to JENNY LYNN FRANKS</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>ACCEPTANCE OF MINUTES</p> <p>CONSENT AGENDA ITEMS</p> <p><i>1.2.1. Update of Pending Litigation: Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending or contemplated litigation in the Matters of:</i> Amy Bagley Krenek RN, vs. Texas Board of Nursing, Cause No. D-1-GN-09-001195, In the 419th Judicial District, Travis County, Texas; Texas Board of Nursing vs. Greg Abbott, Attorney General of Texas, Cause No. D-1-GN-09-003960, In the</p>	<p>The Board reviewed the minutes from the April 19-20, 2012 Board Meeting.</p>	<p>8.6.1.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#196679, Issued to JENNY LYNN FRANKS was removed from the agenda.</p> <p>The Agenda was then approved.</p> <p>Sheri Crosby recused herself from the consideration and vote on the minutes. The Board approved the minutes from the April 19-20, 2012 Board Meeting.</p> <p>The Consent agenda was reviewed, with the following removals and recusals:</p> <p>Agenda Item 2.3. Report on the 2012 Tour of Texas was pulled from the Consent Agenda.</p> <p>Agenda Item 8.1. Agreed Orders Deborah Bell recused herself from the consideration and vote on Agreed Orders of: Ronald Belmonte Cabrerros, RN# 755433 Gary L. Messick, RN #252897 Mickie Michelle Patrick, LVN #179788</p> <p>The Consent Agenda was approved.</p> <p><i>Approved on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>353rd Judicial District, Travis County, Texas; Ex Parte Brian Zalesky, Cause No. D-1-EX-09-000516, 427th Judicial District Court, Travis County, Texas; Bonafacio Espinoza vs. Texas Board of Nursing, Cause No. 219-05095-2009, In the 219th Judicial District, Collin County, Texas; Bernardino Pedraza, Jr. vs. Texas State Board of Nursing, Cause No. C-2541-10-B; In the 93rd Judicial District, Hidalgo County; Texas; Rodolfo Paez, Jr. vs. Texas Board of Nursing, Cause No. D-1-GN-12-000493, In the 126th Judicial District, Travis County; Texas; Desiree A. Shaw (Richardson) vs. Texas Board of Nursing, Cause No. D-1-GN-12-000959, In the 200th Judicial District, Travis County, Texas; Paula Jo Davis vs. Texas Board of Nursing, Cause No. 12-05-05516-CV, In the 9th Judicial District, Montgomery County, Texas; and Sylvia Peterson vs. the Board of Nurses, Cause No. D-1-GN-12-001541,</p>		

AGENDA ITEM	DISCUSSION	ACTION
<i>In the 345th Judicial District, Travis County, Texas.</i>		
<i>1.3. Report on Final Strategic Plan for Fiscal Years 2013-2017</i>		<i>Approved on Consent.</i>
<i>2.1. Financial Statement - 3RD Quarter, Fiscal Year 2012</i>		<i>Approved on Consent.</i>
<i>2.2. Continuing Education Pre-Renewal Audit Report - 3RD Quarter, Fiscal Year 2012</i>		<i>Approved on Consent.</i>
<i>3.2.1. Status Report on Inquiries, Proposals, and Approval Status of New Nursing Educational Programs</i>		<i>Approved on Consent.</i>
<i>3.2.2. Status Report on Programs with Sanctions</i>		<i>Approved on Consent.</i>
<i>3.2.3. Report of Survey Visit - Grayson County College in Van Alstyne, Texas</i>		<i>Approved on Consent.</i>
<i>4.1. Criminal Background Check Update</i>		<i>Approved on Consent.</i>
<i>4.2. Report on Enforcement's Initiative to Address Complaint Backlog</i>		<i>Approved on Consent.</i>

AGENDA ITEM	DISCUSSION	ACTION
5.1.1. Eligibility and Disciplinary Committee		<i>Approved on Consent.</i>
5.1.2. Quarterly Statistical Report - 3 RD Quarter, Fiscal Year 2012		<i>Approved on Consent.</i>
6.1. Nurse Licensure Compact Update		<i>Approved on Consent.</i>
6.2. Adoption of Rule Reviews for 22 Tex. Admin. Code Chapters 213, 216, and 221		<i>Approved on Consent.</i>
6.3. Adoption of Amendments to 22 Tex. Admin. Code §216.3, Pertaining to Requirements, and §213.33(c), Pertaining to Factors Considered for Imposition of Penalties/Sanctions		<i>Approved on Consent.</i>
6.4. Informational Report Regarding Staff Time and Proposals for Decision		<i>Approved on Consent.</i>
7.1.1. TPAPN Quarterly Report		<i>Approved on Consent.</i>
7.1.4. TPAPN Quarterly Report		<i>Approved on Consent.</i>
8.1. Agreed Orders	<p><i>The board considered the Agreed Orders listed on Consent:</i></p> <p><i>Barber, Natalie L., LVN# 210523</i></p> <p><i>Boggs, Deborah Dommert, RN# 762899</i></p>	<i>The board voted to ratify the Agreed Orders on Consent.</i>

AGENDA ITEM	DISCUSSION	ACTION
	<i>Bolen, Briana, LVN# 154745</i>	
	<i>Bourgeois, Melissa, RN# 663031</i>	
	<i>Butler, Elanda, RN# 776946</i>	
	<i>Butuyan, Brian Navarro, RN# 637842</i>	
	<i>Cabrerros, Ronald Belmonte, RN# 755433</i>	Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order.
	<i>Cao, Xiaohong, RN# 767585</i>	
	<i>Cashaw, Rhonda Darnell, LVN# 109832</i>	
	<i>Cates, Ashley Adrienne, RN# 738266</i>	
	<i>Childers, Rachael Diane, RN# 588681</i>	
	<i>Chueca, April Amanda Maria, RN# 776515</i>	
	<i>Cole, David Delee, RN# 450852</i>	
	<i>Connally, Guadalupe Ann, LVN# 153039</i>	
	<i>Cratty, Teresa Lynn, RN# 752462</i>	
	<i>Crow, Julie, LVN# 191749</i>	
	<i>Cuellar, Rebecca, RN# 715384 / LVN# 177092</i>	
	<i>Dokter, Deborah Elizabeth, RN# 684140 / LVN# 143937</i>	
	<i>Edwards, Icilda Grace, LVN# 213230</i>	
	<i>Eneji, Basil Idowu, LVN# 221993</i>	
	<i>Ezzell, Tammy Jean, RN# 654571</i>	

AGENDA ITEM	DISCUSSION	ACTION
	<i>Farrer, Angela Jenice, RN# 712048</i>	
	<i>Fenimore, Nancy L., RN# 241056</i>	
	<i>Gallon, Sonya Yvette, RN# 696445 / LVN# 186231</i>	
	<i>George, Belinda Renee, LVN# 158891</i>	
	<i>Getman, Kimberly Matocha, RN# 775057</i>	
	<i>Gibson, Antoinette Lynne, RN# 684633 / LVN# 166271</i>	
	<i>Hardy, Judy Ann, RN# 606421</i>	
	<i>Harp, Charlotte Ann, RN# 754921 / LVN# 211766</i>	
	<i>Harris, Susan A. (Vest), RN# 534982 / LVN# 103636</i>	
	<i>Haywood, Rolanda Lanisha, RN# 799805 / LVN# 171554</i>	
	<i>Hutto, Tonya Renee, LVN# 194855</i>	
	<i>Jaresh, Ashley Summers, LVN# 217957</i>	
	<i>Jarrett, Damoh M., LVN# 205844</i>	
	<i>Johnson, Sherry L., LVN# 223022</i>	
	<i>Jokel, Oneta Kay, RN# 606550</i>	
	<i>Land, Sally Elizabeth, RN# 608436</i>	
	<i>Landau, Wayne Harris, RN# 673303</i>	
	<i>Landin, Ysabel, RN# 616990 / LVN# 131163</i>	
	<i>Martinez, Mark Anthony, LVN# 134002</i>	

AGENDA ITEM	DISCUSSION	ACTION
	<p>McKelvey, Martha Louise, RN# 228953</p> <p>Messick, Gary L., RN# 252897</p> <p>Moore, Christie Brook, RN# 702828</p> <p>Olmeda, Maria Guadalupe, RN# 601739</p> <p>Patrick, Mickie Michelle ,LVN# 179788</p> <p>Pereira, James Bernard, RN# 749200 / LVN# 202043</p> <p>Pittman, Brittani Micole, LVN# 218631</p> <p>Polston, Hilary Paige, RN# 760962</p> <p>Ravichandran, Grace N., RN# 591295</p> <p>Robinson, Marsha E. Ramsay, RN# 433498</p> <p>Smith, Thomas Dunleavy, RN# 742341</p> <p>Thomas, Jennifer Mary, RN# 568652 / LVN# 98216</p> <p>Tijerina, Roxan D., LVN# 177118</p> <p>Turner, Shauna Joy, LVN# 159940</p> <p>Vella, Janet Schaefer, RN# 568501</p> <p>Villarreal, Deanna, LVN# 205758</p> <p>Vincent, David B., RN# 628957</p> <p>Wilkerson, Tangalon Shugail, RN# 713716</p> <p>Willerton, Sharon, RN# 518598</p>	<p>Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order.</p> <p>Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order.</p>

AGENDA ITEM	DISCUSSION	ACTION
8.2 DEFERRED AGREED ORDERS	<p><i>Williamson, Amanda Leigh, RN# 183751</i></p> <p><i>The board considered the Deferred Agreed Orders listed on Consent:</i></p> <p><i>Fawaz, Khadija Mohammad, RN# 728838</i></p> <p><i>Ikonne, Gloria Oluchi, LVN# 207571</i></p> <p><i>Nusz, Herman Henry, RN# 603070</i></p> <p><i>Smith, Grace, LVN# 217020</i></p>	<p><i>The board voted to ratify the Deferred Agreed Orders on Consent.</i></p>
8.3. REINSTATEMENT AGREED ORDERS	<p><i>The board considered the Reinstatement Agreed Orders listed on Consent:</i></p> <p><i>Baptiste, Keeonna Williams, RN# 733729</i></p> <p><i>Gann, Terry C, RN# 529022</i></p>	<p><i>The board voted to ratify the Reinstatement Agreed Orders on Consent.</i></p>
8.4 ELIGIBILITY AGREED ORDERS	<p><i>The board considered the Eligibility Agreed Orders listed on Consent:</i></p> <p><i>Burleson-Parnell, Lacey Natasha, LVN Petitioner</i></p> <p><i>Busieney, Ezra Kipchirchir, RN Petitioner</i></p> <p><i>Ivery, Jason Jerrell, LVN Petitioner</i></p> <p><i>Macias Paez, Veronica, RN Petitioner</i></p> <p><i>Pina, Maria D., LVN Petitioner</i></p> <p><i>Thomas, Angela, LVN Petitioner</i></p> <p><i>Villa, Rogelio Abdias, RN Petitioner</i></p> <p><i>Villarreal, Connie Nicole, LVN Petitioner</i></p>	<p><i>The board voted to ratify the Eligibility Agreed Orders on Consent.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
<p>1. ADMINISTRATION</p> <p>1.1. Executive Director's Report</p> <p>1.2. Legal</p> <p>1.2.2. Staff Report on Delegation of Emergency Suspension Approvals by the Executive Director</p> <p>1.4. Review of Legislative Appropriation Request Exceptional Items Fiscal Year 2014-2015</p> <p>2. OPERATIONS</p> <p>2.3. Report on the 2012 Tour of Texas</p> <p>3. NURSING</p> <p>3.1. Practice</p> <p>3.1.1. Promoting Competency Report</p>	<p><i>Wysinger, Jessica Marie, RN Petitioner</i></p> <p>Katherine Thomas reviewed her written report to the board.</p> <p>Dusty Johnston reported that authority for the Executive Director to approve emergency suspension(s) as opposed to the eligibility and disciplinary committee is prohibited by Tex. Occ. Code Sec. 301.455.</p> <p>Mark Majek provided a review of the Legislative Appropriation Request Exceptional Items for Fiscal Years 2014-2015. The Board discussed the exceptional items and an update on the Strategic Plan and Legislative Appropriations Request.</p> <p>Mark Majek reviewed his report on the 2012 Tour of Texas with the board. Board member Tami Cowen requested that a list of board frequently used acronyms be created as a reference for individuals not familiar with acronyms utilized by BON staff and board members.</p> <p>Bonnie Cone reviewed her written report on promoting competency with the board.</p>	<p>No action.</p> <p>No action.</p> <p>The Board voted to seek Legislative Appropriation Request Exceptional Items for Fiscal Years 2014/2015 in the following order: (I) Executive Director Salary Increase - Cost \$34,900. per fiscal year; (II) Nursing Consultant (1) - Education - Cost \$71,499. per fiscal year; (III) Nursing Consultant (1) - Practice - Cost \$71,499. per fiscal year; (IV) TPAPN - Cost \$208,558. per fiscal year; and (V) Texas Center for Nursing Workforce - Cost \$46,550. per fiscal year.</p> <p>No action.</p> <p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.1.2. Report on Implementation of the Department of Aging and Disability and Texas Board of Nursing Memorandum of Understanding Pertaining to SB 1857, 82nd Texas Legislature</p>	<p>Melinda Hester reported that the Advisory Committee met on June 13th and July 11th. DADS has begun drafting rules regarding the nursing service changes and SB 1857. As a result of this process and stakeholder input, DADS has decided not to require that every individual receive a comprehensive nursing assessment. Only those individuals that receive nursing services will receive a comprehensive nursing assessment. BON staff met with the Commissioner and Assistant Commissioner of DADS to express the importance of requiring comprehensive nursing assessments by registered nurses for all individuals in order to ensure safety. DADS and BON staff have begun to develop the Legislative Report concerning SB 1857 which is due on December 1, 2012 to the Senate Committee on Health and Human Services and the House Committee on Public Health. The report will discuss the planning, training and early implementation phases of the pilot.</p>	<p>No action.</p>
<p>3.2. Education 3.2.4. Report on Communication Activities with Nursing Education Programs</p>	<p>No report.</p>	<p>No action.</p>
<p>3.2.5. Report of Survey Visit - Fortis Institute in Grand Prairie, Texas - Vocational Nursing Education Program</p>	<p>The Board considered the report of the focused survey visit to Fortis Institute subsequent to the prior March 16, 2012 survey visit and the previously issued Texas Board of Nursing requirements at the April 19-20, 2012 meeting. William Bowker, Campus President; Mishaun Jackson, Director of Nursing; and Stephanie Wingate, Assistant Director of Nursing, were present to answer questions.</p>	<p>Board Member Mary LeBeck recused herself from the consideration and vote on this agenda item. Board Member Sheri Crosby voted to oppose the motion. The Board voted to accept the survey visit report and continue to restrict the enrollment of new students in the Fortis Institute in Grand Prairie, Texas Vocational Nursing Education Program until the program has fully met Requirement #1 issued at the April 19-20, 2012 Board meeting: Requirement # 1: Rule 214.9(f)(3) related to Clinical Learning Experiences states that "Clinical Learning experiences shall be sufficient in quantity and quality to provide opportunities for students to achieve stated outcomes." Clinical experiences occur only in long term care facilities and do not include a variety of experiences to meet program and clinical objectives. Therefore, the program director shall obtain clinical affiliation agreements to</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.6. Follow-up Report of Findings Related to Survey Visit to American Medical Institute in Houston, Texas - Vocational Nursing Education Program</p>	<p>The Board considered the follow-up Report of Findings Related to Survey Visit to American Medical Institute in Houston, Texas - Vocational Nursing Education Program.</p> <p>Ify Emenaha, Pharm D, RN, Director; and Jonathan Wu, Attorney, were present to answer questions pertaining to American Medical Institute.</p> <p>Virginia Bosman, Program Specialist, Texas Workforce Commission - Career Schools was also present to answer questions on behalf of Texas Workforce Commission - Career Schools.</p>	<p>provide a range of clinical experiences to meet program and clinical objectives and comply with Rule 214. The program director shall provide copies of signed clinical agreements and clinical schedules for all students to comply with Rule 214 to Board Staff by June 1, 2012.</p> <p>In addition, the program shall provide a response to issues of inaccurate documentation in student evaluations and grade reports identified during the July 2, 2012 survey visit, with a plan to ensure that policies provide accurate and complete documentation in student records. This response shall be received in Board Office by August 15, 2012, and may warrant further evaluation.</p> <p>Board Member Sheri Crosby abstained from the vote on this agenda item. Board Members Kathy Leader-Horn and Deborah Bell voted to oppose the motion and board action.</p> <p>The Board voted to continue to restrict the enrollment of new students in the American Medical Institute in Houston, Texas Vocational Nursing Education Program until a decision is reached by TWC; Board Staff have an opportunity to reevaluate the program's compliance with Board rules; and that the program will be reviewed and an update provided to the board at the October, 2012 board meeting.</p>
<p>3.2.7.Public Hearings on Proposals to Establish A New Nursing Education Programs</p> <p>3.2.7.a. The University of Texas at Brownsville in Brownsville, Texas - Baccalaureate Degree Nursing Education Program</p>	<p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Educational Program - The University of Texas at Brownsville.</p> <p>The Board considered The University of Texas at Brownsville's proposal to establish a new baccalaureate degree nursing education program in Brownsville, Texas and the report of the survey visit.</p> <p>Edna Iris Garza-Escobedo, PhD, RN, Interim Dean, College of Nursing; Sally Roach RN, MSN, CNE, AHN-BC, Coordinator, Generic BSN Program and Alan F.J. Artibise, PhD, Provost and Vice-President for Academic</p>	<p>The Board voted to grant initial approval to The University of Texas at Brownsville to establish a new Baccalaureate Degree Nursing Education Program in Brownsville, Texas, with an initial cohort of fifty students per year to begin in Fall 2013, based upon the proposal and survey visit.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>3.2.7.b. Texas State Technical College in Harlingen, Texas - Associate Degree Nursing Education Program</p>	<p>Affairs, were present to answer questions.</p> <p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Educational Program - Texas State Technical College. The Board considered the Texas State Technical College Harlingen (TSTC Harlingen) proposal to establish a new Associate Degree Nursing (ADN) Education Program and the report of a survey visit. Rachel Wilson, MSN, RN, Program Director; Barbara Bennett, Associate Vice President, Student Learning; and Adam Hutchison, Provost were present to answer questions.</p>	<p>The Board voted to grant initial approval for Texas State Technical College Harlingen in Harlingen, Texas to establish a new Associate Degree Nursing Education Program with an annual enrollment of thirty (30) students while on initial approval based upon the proposal and findings from the survey visit.</p>
<p>3.2.7.c. CC Health Training Center in Arlington, Texas - Vocational Nursing Education Program</p>	<p>The Board held a Public Hearing on the Proposal to Establish a New Nursing Educational Program - CC Health Training Center. The Board considered the CC Health Training Center (CCHTC) proposal to establish a new vocational nursing (VN) education program in Arlington, Texas, and the report of the survey visit. Graciela Salinas, MSN, RN, Proposed Director and Carmen Santiago, Dr.P.H., RN, Medica Health Management, Inc. were present to answer questions.</p>	<p>Board Members Kristin Benton, Richard Gibbs, Kathy Leader-Horn, Sheri Crosby and Patti Clapp voted to oppose the motion and final board action.</p> <p>The Board voted to deny CC Health Training Center's proposal to establish a new vocational nursing (VN) education program in Arlington, Texas.</p>
<p>3.2.8. Update on Staff Review of Rule 217.3 Pertaining to Passing the NCLEX® Within Four Years of Graduation</p>	<p>Jan Hooper reported that Staff reviewed the following concerns related to Rule 217.2(c) allowing nursing graduates four (4) years in which to take the NCLEX examination:</p> <ul style="list-style-type: none"> • effect on programs' NCLEX pass rates • poorer performance on exam when students delay taking the exam • graduates repeated attempts over a four-year period without practice experience • lack of consistency with public protection <p>The Board requested Staff to bring a recommendation related to reducing the time allowed to take the NCLEX to the October Board meeting.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
5. COMMITTEE REPORTS 5.2. Advisory Committees/Task Forces		
5.2.1. Advanced Practice Nurses Advisory Committee	No report.	No action.
5.2.2. Nursing Practice Advisory Committee	No report.	No action.
5.2.3. Advisory Committee on Education	Virginia Ayars reported that the Advisory Committee on Education (ACE) met face-to-face on March 7, 2012 to discuss revisions to Chapter 214. Vocational Nursing Education and Chapter 215. Professional Nursing Education. The outcomes of the discussions and decisions of the ACE will be provided in Agenda Item 7.4. Consideration of Proposed Amendments to 22 Texas Administration Code Chapter 214, Pertaining to Vocational Nursing Education and Agenda Item 7.5. Consideration of Proposed Amendments to 22 Texas Administration Code Chapter 214, Pertaining to Vocational Nursing Education. The aforementioned agenda items will be presented by Texas Board of Nursing Counsel Jena Abel.	No action.
5.2.4. Advisory Committee on Licensure, Eligibility and Discipline	Jena Abel reported the Board issued a charge to the E&D Advisory Committee at its April Board meeting to review the Board's Disciplinary Matrix for Criminal Conduct and the Board's Disciplinary Sanction Policies. The Committee will be meeting on September 4, 2012, to consider the Board's charge.	No action.
5.2.5. Advisory Committee on Deferred Disciplinary Action Pilot Program	Jena Abel reported the Committee will be meeting on July 26th to review the data gathered by Staff from the 1st year of the deferred pilot program and the results of the surveys from the nurses in the pilot program and their employers. The committee will be also be discussing recommendations regarding the continuation of the pilot program and any changes that may be necessary to the NPA or Board rules. The committee hopes to be able to bring those	No action.

AGENDA ITEM	DISCUSSION	ACTION
5.2.6. Task Force on Delegation	<p>recommendations to the Board at the October board meeting.</p> <p>Bonnie Cone reported that the Task Force on Delegation held the first subcommittee meeting on April 27, 2012. For their review prior to the meeting, the Subcommittee received copies of the <i>Joint Statement on Delegation</i> from the American Nurses Association (ANA) and the National Council of State Boards of Nursing (NCSBN) and <i>Working with Others: A Position Paper</i> from National Council of State Boards of Nursing (2005). In addition to these two documents, the first draft of the delegation rules were distributed. This first draft of the delegation rules was discussed. Subcommittee members provided their comments and considerations for revisions.</p> <p>The second draft of Chapter 225 has been drafted and provided to the Subcommittee. Discussions on the second draft will take place during a future meeting.</p> <p>For information purposes only, the organization or agency representative listed below requested a replacement to serve in their place. They are:</p> <p>Request for Jessica Ramos to serve as replacement Roger Webb, Texas Council for Developmental Disabilities;</p> <p>Request for Cynthia Morgan, RN to serve as a replacement for Michelle Jeffers RN, Hospice of Austin; and</p> <p>Request for Dr. Ellarene Sanders to serve as a replacement for Therese Clinch RN, Texas Nurses Association.</p>	No action.
5.2.7. Task Force to Study Implications of the Growth of Texas Nursing Education Programs	<p>Mary Beth Thomas reported that the task force met on July 10th. They selected four priority issues including clinical learning experiences, faculty, education models and workforce issues. The committee is breaking into sub-committees to address these issues. A report will be forthcoming to the January 2013 Board meeting.</p>	No action.
<p>5.3. Collaboration with Outside Agencies / Stakeholders</p> <p>5.3.1. Statewide Health Coordinating</p>	<p>Richard Beard, Chair, Statewide Health Coordinating Council Texas Center for</p>	No action.

AGENDA ITEM	DISCUSSION	ACTION
Council Texas Center for Nursing Workforce Studies Advisory Committee	Nursing Workforce Studies Advisory Committee, reported that the committee met on May 9, 2012 to review the hospice home health survey, a packet of those results are being provided to the board members.	
5.3.2. Texas Higher Education Coordinating Board Updates	No report.	No action.
5.3.3. Taxonomy of Error Root Cause Analysis of Practice Responsibilities (TERCAP)	Mary Beth Thomas reported on updates in the Texas TERCAP Pilot.	No action.
5.3.4. Texas Team Report - Robert Wood Johnson Initiative	No report.	No action.
OPEN FORUM:	Kristin Benton announced the format and invited participation from the audience. No speakers came forward and the Open Forum was closed at 1:36 p.m.	No action.
6. OLD BUSINESS		
6.5. Proposed Adoption of 22 Tex. Admin. Code §213.23, Pertaining to Decision of the Board, Written Comments Received, Oral Comments Received at Public Hearing Held on July 3, 2012, if any, and Board Responses to Comments	The Board reviewed the proposed amendments to §213.23 that were approved by the Board at its April 2012 meeting for submission to the <i>Texas Register</i> for public comment. The proposed amendments were published in the <i>Texas Register</i> on May 18, 2012 and the comment period ended on June 18, 2012. The Board received several written comments and a request for a public hearing. A public hearing was held on July 3, 2012. A summary of the written comments and comments received at the public hearing, along with Staff's proposed response to those comments were provided to the board for review. Staff's proposed revisions to §213.23 would adopt the rule as proposed, but for omission of proposed subsection (c), which would require an ALJ to omit from his/her proposal for decision a recommendation for sanction.	The Board voted to adopt the proposed amendments to §213.23, related to <i>Decision of the Board</i> , with changes, and further authorize Staff to publish the summary of comments and response to comments.

AGENDA ITEM	DISCUSSION	ACTION
7. NEW BUSINESS		
7.1. Texas Peer Assistance Program for Nurses (TPAPN)		
7.1.2. Texas Peer Assistance Program for Nurses Advisory Committee	Melinda Hester reported the Texas Peer Assistance Program for Nurses (TPAPN) Advisory Committee met on June 1, 2012. Items discussed included vacancies on the committee and representation, the TPAPN strategic plan, update on new drug testing and software system, and upcoming advocate workshops. Next meeting will be September 7, 2012.	No action.
7.1.3. Texas Peer Assistance Program for Nurses Third Party Referral Report	Anthony Diggs reviewed the written report with the board.	No action.
7.2. Consideration of Response to a Request Concerning Off Label Use of Ketamine for Pain Management	The Board considered The American Federation of Government Employees, Local 1033 located in San Antonio, Texas request for guidance in relation to registered nurse (RN) scope of practice in off label administration of the anesthetic ketamine for pain management.	The Board voted to approve staff's proposed response to The American Federation of Government Employees, Local 1033 located in San Antonio, Texas request for guidance in relation to registered nurse (RN) scope of practice in off label administration of the anesthetic ketamine for pain management.
7.4. Consideration of Proposed Amendments to 22 Tex. Admin. Code Chapter 214, Pertaining to Vocational Nursing Education	The Board considered Proposed Amendments to 22 Tex. Admin. Code Chapter 214, Pertaining to Vocational Nursing Education, based on the Advisory Committee on Education's recommended rule revisions and Staff recommendations for additional revisions to the chapter that will allow for more stringent monitoring of programs in an effort to increase programs' opportunity for success.	The Board voted to to approve the proposed amendments to 22 Tex. Admin. Code Chapter 214, Pertaining to <i>Vocational Nursing Education</i> , 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 Chapter 214, Pertaining to <i>Vocational Nursing Education</i> , as proposed.
7.5. Consideration of Proposed Amendments to 22 Tex. Admin. Code Chapter 215, Pertaining to Professional Nursing Education	The Board considered the Proposed Amendments to 22 Tex. Admin. Code Chapter 215, Pertaining to Professional Nursing Education, based on the Advisory Committee on Education's recommended rule revisions and Staff recommendations for additional revisions to the chapter that will allow for more stringent monitoring of programs in an effort to increase programs'	The Board voted to approve the proposed amendments to 22 Tex. Admin. Code Chapter 215, Pertaining to <i>Professional Nursing Education</i> , 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

AGENDA ITEM	DISCUSSION	ACTION
<p>8. PROPOSED BOARD ORDERS 8.5. ALJ Proposals for Decision</p> <p>8.5.1. Docket No. 507-12-1899, In the Matter of Permanent Certificate RN#777013, Issued to JADESOLA O. ATOMRE</p> <p>8.5.1.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-12-1899</p> <p>8.5.1.b. Consideration of Staff’s Recommendations for Disposition of Docket No. 507-12-1899, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.1.c. Consideration of Recommendation by JADESOLA O. ATOMRE, Docket No. 507-12-1899</p> <p>8.5.1.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the</p>	<p>opportunity for success.</p> <p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Recommendations for Disposition of Docket No. 507-12-1899, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.</p>	<p>received, move to adopt the proposed amendments to 22 Tex. Admin. Code Chapter 215, Pertaining to <i>Professional Nursing Education</i>, as proposed.</p> <p>The board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent’s license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Matter of Permanent Certificate RN#777013, Issued to JADESOLA O. ATOMRE</p> <p>8.5.1.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#777013, Issued to JADESOLA O. ATOMRE</p> <p>8.5.2. Docket No. 507-11-9422, In the Matter of Permanent Certificate RN#764883, Issued to RAYLON TROY BROWN</p> <p>8.5.2.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No.507-11-9422</p> <p>8.5.2.b. Consideration of Staff’s Recommendations for Disposition of Docket No. 507-11-9422, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.2.c. Consideration of Recommendation by RAYLON TROY BROWN, Docket No. 507-11-9422</p> <p>8.5.2.d. Executive</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Recommendations for Disposition of Docket No. 507-11-9422, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.</p>	<p>The board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification, including Conclusion of Law Number 7, as amended by the ALJ in her letter ruling of April 18, 2012; suspend the Respondent’s license for a period of 2 years; fully probate the suspension; and place the Respondent on probationary stipulations for 2 years.</p> <p>Suspend Probate. Respondent’s license is hereby suspended with said suspension STAYED and Respondent is placed on Probation with the following agreed terms of probation: Within forty five days of entry of this order Respondent shall pay a monetary fine in the amount of \$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 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 indirect supervision with employment restrictions for the duration of the stipulation period; Respondent shall not practice in any critical care area 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</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#764883, Issued to RAYLON TROY BROWN</p> <p>8.5.2.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#764883, Issued to RAYLON TROY BROWN</p> <p>8.5.3. Docket No. 507-12-3405, In the Matter of Permanent Certificate LVN#112596 / RN#636717, Issued to LORI CALDWELL</p> <p>8.5.3.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No.507-12-3405</p> <p>8.5.3.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-3405, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-3405, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p>	<p>substances; Respondent shall submit to periodic screens for controlled substances and alcohol; and Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</p> <p>Board Members Richard Gibbs, Marilyn Davis and Patti Clapp recused themselves prior to the consideration, discussion and vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification, except for Conclusion of Law Number 8, which should be re-designated as a recommendation, and revoke the Respondent's licenses.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.5.3.c. Consideration of Recommendation by LORI CALDWELL, Docket No. 507-12-3405</p> <p>8.5.3.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#112596 / RN#636717, Issued to LORI CALDWELL</p> <p>8.5.3.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#112596 / RN#636717, Issued to LORI CALDWELL</p> <p>8.5.4. Docket No. 507-12-3384, In the Matter of Permanent Certificate LVN#191396, Issued to SERGIO CHAPARRO</p> <p>8.5.4.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-3384</p> <p>8.5.4.b. Consideration of Staff's Recommendations for Disposition of</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-3384, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Docket No. 507-12-3384, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.4.c. Consideration of Recommendation by SERGIO CHAPARRO, Docket No. 507-12-3384</p> <p>8.5.4.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#191396, Issued to SERGIO CHAPARRO</p> <p>8.5.4.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#191396, Issued to SERGIO CHAPARRO</p> <p>8.5.5. Docket No. 507-12-5230, In the Matter of Permanent Certificate LVN#165456 Issued to CYNTHIA ANN DOSS</p> <p>8.5.5.a. Consideration of the Administrative Law Judge's Proposal for</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-5230, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p>	<p>Board Members Deborah Bell, Kathy Leader-Horn and Kristin Benton recused themselves prior to the discussion, consideration and vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification, except for Conclusion of Law Number 8, which should be re-designated as a recommendation, and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Decision in Docket No. 507-12-5230</p> <p>8.5.5.b. Consideration of Staff's Recommendations for Disposition of docket No. 507-12-5230, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.5.c. Consideration of Recommendation by CYNTHIA ANN DOSS, Docket No. 507-12-5230</p> <p>8.5.5.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#165456, Issued to CYNTHIA ANN DOSS</p> <p>8.5.5.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#165456, Issued to CYNTHIA ANN DOSS</p> <p>8.5.7. Docket No. 507-12-3145, In the Matter of Permanent Certificate LVN#216659 Issued to HOWARD R.</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-3145, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>Board Member Sheri Crosby abstained from the vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>HUDSON 8.5.7.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-3145 8.5.7.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-3145, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications 8.5.7.c. Consideration of Recommendation by HOWARD R. HUDSON, Docket No. 507-12-3145 8.5.7.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#216659 , Issued to HOWARD R. HUDSON 8.5.7.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#216659 , Issued to HOWARD R. HUDSON</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p>8.5.8. Docket No. 507-12-4323, In the Matter of Permanent Certificate RN#688859 Issued to LISHA DIANNE LEPINE</p> <p>8.5.8.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-4323</p> <p>8.5.8.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-4323, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.8.c. Consideration of Recommendation by LISHA DIANNE LEPINE, Docket No. 507-12-4323</p> <p>8.5.8.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#688859, Issued to LISHA DIANNE LEPINE</p> <p>8.5.8.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-4323, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>Board Members Deborah Bell, Richard Gibbs and Kristin Benton recused themselves prior to the discussion, consideration and vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Certificate RN#688859, Issued to LISHA DIANNE LEPINE</p> <p>8.5.9. Docket No. 507-12-4600, In the Matter of Permanent Certificate RN#725605 Issued to KYLE JACOB MIKLES</p> <p>8.5.9.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-12-4600</p> <p>8.5.9.b. Consideration of Staff’s Recommendations for Disposition of Docket No. 507-12-4600, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.9.c. Consideration of Recommendation by KYLE JACOB MIKLES, Docket No. 507-12-4600</p> <p>8.5.9.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#725605, Issued to KYLE JACOB MIKLES</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Recommendations for Disposition of Docket No. 507-12-4600, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.</p>	<p>Board Members Deborah Bell, Richard Gibbs and Kristin Benton recused themselves prior to the discussion, consideration and vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent’s license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>8.5.9.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#725605, Issued to KYLE JACOB MIKLES</p> <p>8.5.10. Docket No. 507-11-9387, In the Matter of Permanent Certificate LVN #216971 Issued to BROOKE LEA MORRIS</p> <p>8.5.10.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-11-9387</p> <p>8.5.10.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-11-9387, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.10.c. Consideration of Recommendation by BROOKE LEA MORRIS, Docket No. 507-11-9387</p> <p>8.5.10.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-11-9387, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification; suspend the Respondent's license; and probate the suspension, under probationary stipulations, until Respondent completes her criminal probation.</p> <p>Suspend Probate. Respondent is hereby placed on PROBATION until such time as RESPONDENT provides the Board with verifiable evidence of successful completion of her court ordered probation in Cause No. 09CR2431 in the 10th Judicial District Court of Galveston County, Texas, but, which in no event shall be sooner than one year from the date of this Order, under the following terms of probation: Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for 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 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; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall cause her probation officer to submit quarterly written reports regarding her compliance with her court ordered</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>litigation: In the Matter of Permanent Certificate LVN#216971 , Issued to BROOKE LEA MORRIS</p> <p>8.5.10.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#216971 , Issued to BROOKE LEA MORRIS</p> <p>8.5.11. Docket No. 507-12-5231, In the Matter of Permanent Certificate LVN#215004 Issued to AIMEE MICHELE MUNDAY</p> <p>8.5.11.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-12-5231</p> <p>8.5.11.b. Consideration of Staff’s Recommendations for Disposition of Docket No. 507-12-5231, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.11.c. Consideration of Recommendation by AIMEE MICHELE MUNDAY, Docket</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Recommendations for Disposition of Docket No. 507-12-5231, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law with Modifications.</p>	<p>probation until released from probation.</p> <p>Board Members Deborah Bell, Kathy Leader-Horn and Kristin Benton recused themselves prior to the discussion, consideration and vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification, except for Conclusion of Law Number 8, which should be re-designated as a recommendation, and revoke the Respondent’s license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>No. 507-12-5231 8.5.11.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#215004 , Issued to AIMEE MICHELE MUNDAY</p> <p>8.5.11.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#215004, Issued to AIMEE MICHELE MUNDAY</p> <p>8.5.12. Docket No. 507-12-4324, In the Matter of Permanent Certificate RN#605633 Issued to RHONDA JEAN SCHEXNIDER</p> <p>8.5.12.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-4324</p> <p>8.5.12.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-4324, Including Adoption of the Proposal for Decision's Findings</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-4324, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>Board Members Deborah Bell, Richard Gibbs and Kristin Benton recused themselves prior to the discussion, consideration and vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>of Fact and Conclusions of Law Without Modifications</p> <p>8.5.12.c. Consideration of Recommendation by RHONDA JEAN SCHEXNIDER, Docket No. 507-12-4324</p> <p>8.5.12.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#605633, Issued to RHONDA JEAN SCHEXNIDER</p> <p>8.5.12.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#605633, Issued to RHONDA JEAN SCHEXNIDER</p> <p>8.5.13. Docket No. 507-12-3279, In the Matter of Permanent Certificate LVN#62879 Issued to OLLIE ALLEN TRAYLOR</p> <p>8.5.13.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-3279</p> <p>8.5.13.b. Consideration of</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-3279, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications.</p>	<p>Board Member Sheri Crosby abstained from the vote on this proposal for decision.</p> <p>The Board voted to adopt Findings of Fact Numbers 1 through 4 and 13 through 18 and Conclusions of Law Numbers 1 through 5 in the PFD without modification; modify and adopt Conclusions of Law Numbers 6 through 14 and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Staff's Recommendations for Disposition of Docket No. 507-12-3279, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications</p> <p>8.5.13.c. Consideration of Recommendation by OLLIE ALLEN TRAYLOR, Docket No. 507-12-3279</p> <p>8.5.13.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#62879, Issued to OLLIE ALLEN TRAYLOR</p> <p>8.5.13.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#62879, Issued to OLLIE ALLEN TRAYLOR</p> <p>8.5.14. Docket No. 507-12-0528, In the Matter of Permanent Certificate RN#534973 Issued to LEO VASQUEZ</p> <p>8.5.14.a. Consideration of the Administrative Law Judge's</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-0528, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p>Board Member Tami Cowen recused herself prior to the discussion, consideration and vote on this proposal for decision.</p> <p>The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification and revoke the Respondent's license.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Proposal for Decision in Docket No. 507-12-0528</p> <p>8.5.14.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-0528, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications</p> <p>8.5.14.c. Consideration of Recommendation by LEO VASQUEZ, Docket No. 507-12-0528</p> <p>8.5.14.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#534973, Issued to LEO VASQUEZ</p> <p>8.5.14.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#534973, Issued to LEO VASQUEZ</p>		
<p>8.6. Default ALJ Proposals for Decision</p> <p>8.6.2. Docket No. 507-12-4150, In the</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From Docket and Staff's Recommendation to</p>	<p>The Board voted to adopt the proposed order and revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Matter of Permanent Certificate LVN#98474, Issued to JUDY ANN MOMAN</p> <p>8.6.2.a. Consideration of the Administrative Law Judge's Order No. 1, Announcing Default, and Order No. 2, Dismissal Order</p> <p>8.6.2.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate LVN#98474 by Default, in Conjunction with Order No. 1 and 2, Docket No. 507-12-4150</p> <p>8.6.2.c. Consideration of Recommendation by JUDY ANN MOMAN, Docket No. 507-12-4150</p> <p>8.6.2.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate LVN#98474, Issued to JUDY ANN MOMAN</p> <p>8.6.2.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN#98474, Issued</p>	<p>Revoke Permanent Certificate LVN#98474 by Default, in Conjunction with Order No. 1 and 2, Docket No. 507-12-4150.</p>	

AGENDA ITEM	DISCUSSION	ACTION
<p>to JUDY ANN MOMAN</p> <p>8.6.3. Docket No. 507-12-4731, In the Matter of Permanent Certificate RN#533245, Issued to PATRICIA ANNE SALAZAR</p> <p>8.6.3.a. Consideration of the Administrative Law Judge's Order No. 1, Dismissing Case from SOAH Docket</p> <p>8.6.3.b. Consideration of Staff's Recommendation to Revoke Permanent Certificate RN#533245 by Default, in Conjunction with Order No. 1, Docket No. 507-12-4731</p> <p>8.6.3.c. Consideration of Recommendation by PATRICIA ANNE SALAZAR, Docket No. 507-12-4731</p> <p>8.6.3.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#533245, Issued to PATRICIA ANNE SALAZAR</p> <p>8.6.3.e. Convene in Open Session to consider recommendations</p>	<p>The Board considered the Administrative Law Judge's Order, Dismissing Case From Docket and Staff's Recommendation to Revoke Permanent Certificate RN#533245 by Default, in Conjunction with Order No. 1, Docket No. 507-12-4731.</p>	<p>The Board voted to adopt the proposed order and revoke the Respondent's nursing license by default.</p>

AGENDA ITEM	DISCUSSION	ACTION
and take action: In the Matter of Permanent Certificate RN#533245 , Issued to PATRICIA ANNE SALAZAR		
ADJOURNMENT	Having completed this day's business the meeting adjourned at 5:09 p.m.	

TEXAS BOARD OF NURSING

Regular Meeting

Friday, July 20, 2012
8:32 a.m. - 1:56 p.m.
William Hobby Building
333 Guadalupe, Tower II, Room 225
Austin, Texas 78704

Present:

Kristin K. Benton, President
Richard R. Gibbs, Vice-President
Deborah Bell
Patti Clapp
Tamara Cowen
Marilyn Davis
Kathy Leader-Horn
Mary LeBeck
Beverley Nutall
Verna Kathleen Shipp
Sheri Crosby

Absent:

Josefina Lujan
Mary Jane Salgado

Staff Present:

Katherine A. Thomas, Executive Director
Patricia Vianes-Cabrera, Executive Assistant
Anthony Diggs, Director of Enforcement
Mark Majek, Director of Operations
James "Dusty" Johnston, General Counsel
Jena Abel, Assistant General Counsel
Lance Brenton, Assistant General Counsel
Nikki Hopkins, Assistant General Counsel
John Griffith, Assistant General Counsel
Laura Lewis, Administrative Assistant
Mary Beth Thomas, Director of Nursing
Jan Hooper, Nursing Consultant
Jolene Zych, Nursing Consultant
Denise Benbow, Nursing Consultant
Melinda Hester, Nursing Consultant
Linda Laws, Nursing Consultant
Bonnie Cone, Nursing Consultant
Robin Caldwell, Nursing Consultant
Virginia Ayars, Nursing Consultant
Ramona Gaston-McNutt, Nursing Consultant
Bruce Holter, Information Specialist
Tawnya Smith, Information Technology Specialist
Bill Ray, Information Technology Specialist
Amanda Crider, Information Technology Specialist

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Kristin Benton called the meeting to order at 8:32 a.m, Friday, April 20, 2012.	
ROLL CALL	A quorum was established with eleven members in attendance, Board Members Josefina Lujan and Mary Jane Salgado were absent.	
5. COMMITTEE REPORTS 5.1. Board Committees 5.1.3. Development and Evaluation	Board Member Richard Gibbs discussed that he has not received any new development topics for the January meeting, and encouraged board members to send him any requests for board development; Mr. Gibbs reviewed the board development topics that have been completed in 2012; and Mr. Gibbs informed the board that there will be a board retreat on October 17, 2012, that all members should plan on attending.	No action.
5.3. Collaboration with Outside Agencies / Stakeholders 5.3.5. National Council of State Boards of Nursing 5.3.5.a. Report on Annual NCSBN Delegate Assembly, August 8-10, 2012, Dallas, Texas	Board President Kristin Benton designated the following Delegates to represent the Board: Mary LeBeck, Board Member, Delegate Mary Beth Thomas, Staff, Delegate Deborah Bell, Board Member, First Alternate Delegate Melinda Hester, Staff, Second Alternate Delegate The Board reviewed the Summary of Recommendations to the 2012 Delegate Assembly and the 2012 Slate of Candidates.	The Board voted to direct the Delegates to vote on these issues after hearing and considering the discussion on the issues.
7. NEW BUSINESS 7.6. Consideration of the Internal Audit Report on TPAPN Performance	The Board considered the Internal Audit Report on TPAPN Performance Measures and Third-Party Financial Statement Audit - Fiscal Year 2012.	The Board voted to accept the Internal Audit Report on TPAPN Performance Measures and Third-Party Financial Statement Audit - Fiscal Year 2012.

AGENDA ITEM	DISCUSSION	ACTION
<p>Measures and Third-Party Financial Statement Audit - Fiscal Year 2012</p>	<p>Jaye Stepp, Rupert and Associates, was present to answer questions.</p>	
<p>7.7. Consideration of the Internal Audit Plan for Fiscal Year 2013</p>	<p>Deborah Bell queried the board on what items the board wants to review for fiscal year 2013. Ms. Bell reported that currently both she and staff are brain storming to show highest areas of risk, however there is need for input from other board members that needs to be included in the review. Ms. Bell will request input from the Board and work with Staff to prepare the internal audit plan for fiscal year 2013 to be placed on the October board meeting agenda for review by the board.</p>	<p>No action.</p>
<p>8. PROPOSED BOARD ORDERS 8.5. ALJ Proposals for Decision 8.5.6. Docket No. 507-11-2458, In the Matter of Permanent Certificate RN#514318 Issued to RODNEY WAYNE HICKS 8.5.6.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-11-2458 8.5.6.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-11-2458, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications 8.5.6.c. Consideration of Recommendation by RODNEY WAYNE HICKS, Docket No.</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Disposition of Docket No. 507-11-2458, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modification. Louis Leichter, Attorney for Respondent was present and was given full opportunity to address the board.</p>	<p>Board Member Deborah Bell recused herself from the consideration, discussion and vote on this Proposal for Decision. The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification, except for Conclusion of Law Number 9, which should be re-designated as a recommendation, and Finding of Fact Number 50, which the Board declines to adopt, and impose a Warning with Stipulations against the Respondent's license. 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 sharpening critical 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 submit notification of employment; shall provide employer reports; and Respondent shall have indirect supervision with employment restrictions for the duration of the stipulation</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>507-11-2458 8.5.6.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#514318, Issued to RODNEY WAYNE HICKS 8.5.6.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#514318, Issued to RODNEY WAYNE HICKS</p>		<p>period. Should RESPONDENT choose to work as a Family Nurse Practitioner, RESPONDENT'S practice of professional nursing must be monitored for one (1) year by a physician or Family Nurse Practitioner who has been approved by the Board. RESPONDENT must provide a list of three (3) physicians and/or three (3) Family Nurse Practitioners from which the Board shall select. For the physician and/or Family Nurse Practitioner, the list must include the following for each: name, license number or social security number, educational background and professional employment history. Monitoring shall commence no later than thirty (30) days following the date of RESPONDENT'S receipt of the name of the monitor selected by the Board. The monitor will offer guidance, advice and assistance to the RESPONDENT as necessary to ensure that deficiencies such as those set forth in this Order do not reoccur. RESPONDENT SHALL meet with the monitor at least twice a month, at least one (1) hour duration each. RESPONDENT SHALL ensure that the monitor submits reports, addressing RESPONDENT'S progress in overcoming these deficiencies to the office of the Board at the end of each three (3) months for the one (1) year stipulation period. Meetings may be longer and more frequent if the monitor determines necessary. Multiple employers are prohibited.</p>
<p>8.5.15. Docket No. 507-12-1517, In the Matter of Permanent Certificate RN#646767 Issued to HARRY CECIL WISEMAN 8.5.15.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-1517 8.5.15.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-12-1517, Including Adoption of the Proposal for</p>	<p>The Board considered the Staff's Recommendations for Disposition of Docket No. 507-12-1517, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law Without Modifications. Marc Meyer, Attorney for Respondent was present and was given full opportunity to address the board.</p>	<p>Board Member Sheri Crosby voted to oppose the approval of this proposal for decision. The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD, including Findings of Fact Numbers 6 and 16, as modified by the ALJ in his final letter ruling of May 4, 2012, without modification and impose a Warning with Stipulations on the Respondent's license. Warning with Stipulations. Within forty-five days of entry of this order Respondent shall pay an administrative reimbursement in the amount of \$159.60. 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; a board approved course in physical assessment; a board approved course in nursing documentation; and a board approved course in sharpening critical thinking skills.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Decision's Findings of Fact and Conclusions of Law Without Modifications 8.5.15.c. Consideration of Recommendation by HARRY CECIL WISEMAN, Docket No. 507-12-1517 8.5.15.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#646767, Issued to HARRY CECIL WISEMAN 8.5.15.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#646767, Issued to HARRY CECIL WISEMAN</p> <p>8.5.16. Docket No. 507-12-0846, In the Matter of Permanent Certificate RN#732546 Issued to MAYRA L. ZELAYA 8.5.16.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-12-0846 8.5.16.b. Consideration of Staff's Recommendations for Disposition of</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Recommendations for Disposition of Docket No. 507-12-0846, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications. Dan Lype, Attorney for Respondent was present and was given full opportunity to address the board.</p>	<p>RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.</p> <p>Board Member Deborah Bell recused herself prior to the consideration, discussion and vote on this proposal for decision. Board Member Patti Clapp voted to oppose the acceptance and approval of this order. The Board voted to adopt all of the Findings of Fact and Conclusions of Law in the PFD without modification, except for Conclusion of Law Number 8, which should be re-designated as a recommendation; suspend the Respondent's license for 5 years; probate the suspension and impose probationary stipulations, with the additional exception that Respondent be allowed to work for Parallon Workforce Management Solutions in Houston, Texas, and that the standard</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Docket No. 507-12-0846, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law With Modifications 8.5.16.c. Consideration of Recommendation by MAYRA L. ZELAYA, Docket No. 507-12-0846 8.5.16.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN#732546, Issued to MAYRA L. ZELAYA 8.5.16.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN#732546, Issued to MAYRA L. ZELAYA</p>		<p>stipulations in the order will have full force and effect should Respondent leave employment there for any reason and accept only contracts with a minimum of three month assignments. Suspend Probate. Respondent's license is hereby suspended with said suspension STAYED and Respondent is placed on Probation with the following agreed terms of probation: Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for five 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; and Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</p>
<p>9. MISCELLANEOUS 9.1. Board Items of Interest for Future Board Meetings</p>	<p>Board Members discussed items for future board meetings:</p>	<p>No action.</p>
<p>9.2. Board Development: Information on Nursing Education Program Approval Processes of Other State Agencies - The Texas Higher Education Coordinating Board</p>	<p>Chris Fowler, F. White, V. Bosman, C. Bingle and M. DeLong with the Texas Higher Education Coordinating Board and the Texas Workforce Commission presented information on the respective agencies nursing education program approval processes.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
and the Texas Workforce Commission		
9.3. Review of the Board Quarterly Meeting Evaluation	The Board members discussed the results of the April board meeting quarterly evaluation.	No action.
9.4. 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>The Board met in Executive Session Regarding Personnel Matters: Annual Performance Evaluation of Katherine Thomas, Executive Director.</p> <p>The Board reconvened in Open Session to take action on the Annual Performance Evaluation of Katherine A. Thomas, MN, RN, FAAN, Executive Director.</p>	<p>No action.</p> <p>The Board voted to award Katherine A. Thomas, MN, RN, FAAN, Executive Director, eighty hours of administrative leave as a reward for her exceptional job performance over the past twelve months.</p>
9.5. Executive Session Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters: Annual Board Self-Evaluation	The Board met in Executive Session Regarding Personnel Matters: Annual Board Self-Evaluation.	No action.
9.6. Presentation of Results from the Texas Board of Nursing Employee Engagement Survey: Dr. Noel Landuyt, The University of Texas School of Social Work	Dr. Noel Landuyt, with The University of Texas School of Social Work, presented the results from the Texas Board of Nursing Employee Engagement Survey.	No action.
9.7. Consideration of Proposed Dates and Topics for October, 2012 Board Retreat	Kristin Benton notified the Board that the board retreat is scheduled for Wednesday, October 17, 2012. Katherine A. Thomas, informed the board that a workshop on "Spokesperson Training" would be provided by Russ Rhea, Vice-President, and associates of Hahn, Texas.	No action.

AGENDA ITEM	DISCUSSION	ACTION
ADJOURNMENT:	<p>Having completed all business as listed on the agenda, the meeting adjourned at 1:56 p.m.</p> <hr/> <p>Kristin Benton, MSN, RN Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN, FAAN Executive Director</p>	