



# RN UPDATE

The mission of the Board of Nurse Examiners for the State of Texas is to protect and promote the welfare of the people of Texas by ensuring that each person holding a license as a registered professional nurse in the State of Texas is competent to practice safely. The Board fulfills its mission through the regulation of the practice of professional nursing and the accreditation of schools of nursing. This mission, derived from the Nursing Practice Act, supersedes the interest of any individual, the nursing profession, or any special interest group.



## BOARD ADOPTS DIFFERENTIATED ENTRY LEVEL COMPETENCIES OF GRADUATES OF TEXAS NURSING PROGRAMS

By Robbin Wilson, MSN, RN

In January of 2000, the Board of Nurse Examiners (BNE) charged the Board's Advisory Committee on Education (ACE) with the task of reviewing and revising the *Essential Competencies of Texas Graduates of Education Programs in Nursing, March 1993* and collaborating with the Board's Nursing Practice Advisory Committee (NPAC) to assure adequate practice input. In an effort to fulfill this charge, ACE instituted a subcommittee that included six nurses who represented Diploma Nursing (DIP), Associate Degree Nursing (ADN), and Baccalaureate of Science in Nursing (BSN) Education in addition to Texas League for Nursing (TLN) and Texas Organization of Nurse Executives (TONE) members who represented nursing practice. This subcommittee met in August of 2000 to begin the process of review and revision of the Essential Competencies. The Board of Vocational Nurse Examiners (BVNE) conducted a parallel process to survey its programs for review and revision of the Vocational Nursing (VN) competencies and then joined the ACE to finalize the process.

The goal of the subcommittee was to receive information from schools of nursing and employers of nurses for content revision in the areas of *knowledge and clinical behaviors/judgment*. A survey was sent to Texas VN, DIP, ADN, and BSN Program Deans and Directors. The survey facilitated inclusion of current and relevant knowledge, skills, judgment, and professional values to update the competencies. In order to assure broad-based input from the health care community, the subcommittee requested that nursing programs involve selected health care agencies in their areas in the discussion of the revisions and the completion of the survey. Such collaboration provided input from a diversity of settings across Texas in order to strengthen the final revision. Two subsequent draft revisions of the document were sent out for input and comments in October 2001 and February 2002. The input and comments were carefully considered before finalization of the current document.

In April of 2002, the Board adopted the *Differentiated Entry Level Competencies of Graduates of Texas Nursing Programs* to replace the *Essential Competencies of Texas Graduates of Education Programs in Nursing*. In July of 2002, the Board adopted a time line for Texas nursing programs to begin integrating the *Differentiated Entry Level Competencies of Graduates of Texas Nursing Programs, September 2002* into their curricula. The document is available on the BNE web site, [www.bne.state.tx.us](http://www.bne.state.tx.us), under the [Files and Download Area](#). It is also available in spiral bound format for purchase at a cost of \$15.00 per copy, plus tax.

The new competencies are written for nursing programs to meet the approval criteria established by the BNE and BVNE and are consistent with the BNE "Standards of Professional Nursing Practice" and the BVNE "Minimum Standards of Vocational Nursing Education." The competencies describe the expected outcomes for students at the time of graduation and do not include the expected competencies of VN, DIP/ADN, or BSN prepared nurses who have been in practice and have progressed beyond the novice level. These fourteen (14) competencies identified as headings have had minimal changes from 1993 as they continue to reflect the updated *Essentials of Baccalaureate Education* (AACN, 1998) and the *Educational Competencies of Associate Degree Nursing Programs* (NLN, 2000). Additionally, the *Pew Health Professional Commission 21 Competencies for the 21<sup>st</sup> Century* (SC Colleagues in Caring, 2001) were incorporated into the new competencies.

The *Differentiated Entry Level Competencies of Graduates of Texas Nursing Programs, September 2002* has the potential to add clarity and consistency to educational outcomes. The document can be used by nursing programs to review curricula through content mapping for evidence that knowledge, clinical behaviors and judgments, and skills of new graduates are relevant and consistent with the educational program. It provides a foundation for the state's nursing education programs to design seamless articulation plans for educational mobility. Additionally, employers in health care settings can use the new competencies to create differentiated job descriptions for entry-level nursing practice.

## National Council of State Boards of Nursing Recognizes Katherine Thomas with 2002 R. Louise McManus Award

By Linda Rounds, Phd., RN,  
President, Board of Nurse  
Examiners

Katherine Thomas, MN, RN, Executive Director of the Texas Board of Nurse Examiners, was honored by the National Council of State Boards of Nursing (NCSBN) with the 2002 R. Louise McManus Award presented at the National Council of State Boards of Nursing's (NCSBN) Delegate Assembly held in Long Beach, California, August 12-16, 2002. The R. Louise McManus Award is the most prestigious of NCSBN's awards. Individuals nominated for this award have made sustained and significant contributions to the advancement of professional nursing through the highest commitment and dedication to the purposes of NCSBN.

R. Louise McManus was a pioneer in the field of Nursing. She pushed for a standardized national approach to nursing licensure working in conjunction with state boards of nursing, state legislators and national nursing organizations. As a patient advocate, she developed a "Patient Bill of Rights" which was adopted by the Joint Commission in Accreditation of Hospitals. ([www.nursezone.com/stories/SpotlightOnNurses](http://www.nursezone.com/stories/SpotlightOnNurses))

Ms. Thomas' work to advance the regulation of nursing includes her active participation and leadership in the following NCSBN advisory committees and groups organized to promote and advance the safe and effective practice of professional nursing: Advanced Practice Registered Nurse Coordinating Task Force (1995 to present), Practice and Education Committee (1999-2001) and the NCSBN task force studying the Feasibility of Developing a Core Competency Examination for Nurse Practitioners (1993-1995). She has also met with states considering adoption of the Mutual Recognition Compact offering insights on how the Texas Board has adapted its operations in response to passage of Compact legislation.

The National Council of State Boards of Nursing is an organization comprised of state regulatory agencies whose mission is to promote safe and effective nursing practice in the interest of protecting public health and welfare. The boards of nursing in the 50 states, the District of Columbia, and five United States territories--Guam, Virgin Islands, Puerto Rico, American Samoa, and the Northern Mariana Islands--comprise the membership of the National Council of State Boards of Nursing.

Katherine Thomas has served as Executive Director of the Texas Board of Nurse Examiners (BNE) since 1995.



National Council President Joey Ridenour, MN, RN (left) presents Katherine Thomas, MN, RN with the 2002 R. Louise McManus Award.



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For the State of Texas

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## Online Renewal Offers Convenient and Timely Option



More than 8,000 Texas RNs have renewed their licenses online since online renewal was first offered in March, 2002. Online renewal offers several benefits to RNs renewing their licenses. If one chooses to renew their license online, renewal can be done anytime of the day or night from the home or office. If one has moved and the paper renewal application did not forward to the new address, or the renewal application was misplaced or lost, online renewal can remedy the problem. RNs are not required to have their renewal applications in order to renew their licenses online. They can go to the BNE's web site and click on the link for online renewal located at the bottom of the BNE home page that is located at [www.bne.state.tx.us](http://www.bne.state.tx.us). Licenses processed by online renewal are usually mailed within three working days of successful renewal and the cost of renewing a RN license online is the same as the cost for renewing by mail or in person.

Online renewal is not an option for everyone. The following conditions must be met: Registered Nurses and Registered Nurses with Advanced Practice Recognition who hold a current Texas license are only eligible for online renewal if their license expires in 60 days or less.

One is not eligible for online renewal if:

- \* The RN has defaulted on a Texas Guaranteed Student Loan.
- \* The license number and/or last four digits of the Social Security Number entered do not match the information on the Board's files.
- \* The current license is valid for more than 60 days or the license has expired.
- \* The RN has not met the mandatory CE requirements.
- \* The RN has been convicted of or received a deferred order or adjudication for a felony or misdemeanor other than a minor traffic violation since the last renewal.
- \* The RN has been diagnosed with or treated/hospitalized for schizophrenia, psychotic disorder, bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder and has not completed or is not in compliance with TPAPN for mental illness.
- \* The RN has been addicted to or treated for the use of alcohol or any other drug in the last five years and has not completed or is not in compliance with TPAPN.

If your license has expired or you are not eligible for online renewal, you may contact the Board for a paper copy renewal form Monday - Friday, 8 am - 5:00 pm at (512) 305-6809 or email your request to [webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us).



### Proposed and Adopted Rules



At the July 25-26 2002 meeting of the Board of Nurse Examiners, the Board took the following actions:

- \* voted to repeal existing rules 22 TAC §§213.1 - 213.26 and 213.30 - 213.33 relating to Practice and Procedure. Adopted new rules 22 TAC §§213.1 - 213.26 and 213.30 - 213.33 without changes. Adopted rules were published in the *Texas Register* with response to comments. New sections of Rule 213 effective August 15, 2002.
- \* voted to propose amendments to existing rules 213.27 - 213.29. Proposed amendments were published in *Texas Register* on August 9, 2002.

For more information on rules mentioned above, refer to the *Texas Register* via the Office of the Secretary of State for the State of Texas located at <http://lamb.sos.state.tx.us/texreg/index.html>.



## Legal Issues

Joy Sparks, JD, Assistant General Counsel for the Board of Nurse Examiners, and Dusty Johnston, JD, General Counsel for the Board of Nurse Examiners, comment on the Nursing Practice Act, Rules and Regulations, & other legal issues relating to nursing.



### Board Adopts New Disciplinary Policies

On July 26, 2002, the Board approved proposed amendments to the rules regarding professional character, criminal convictions, and fitness to practice issues. These rules are specifically sections 213.27 (Good Professional Character), 213.28 (Licensure of Persons with Criminal Convictions), and 213.29 (Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters) of the Board's rules and regulations. These rules are currently being evaluated in light of comments received after their publication in the *Texas Register*. In correlation with these rules, the Board specifically adopted four statements of policy to address issues that arise in eligibility and disciplinary matters under Texas Occupations Code § 301.452(b) and rules 213.27, 213.28, and 213.29. These new policies can be read or downloaded on the Board's website at [www.bne.state.tx.us](http://www.bne.state.tx.us).

The adoption of the policies and rules is designed to clarify and define the Board's position on common and recurrent issues in licensure eligibility and discipline. The policies explore common areas of concern in nursing practice and how the Board has historically dealt with these concerns in disciplinary and eligibility matters. Consistent with the proposed rules, the Board states its position on 1) sexual misconduct, 2) lying and falsification, 3) fraud, theft, and deception, and 4) chemical dependency. Each policy begins by laying the groundwork for the Board's positions regarding these specific areas. The assumptions are unique to each situation depending on the type of patients, their vulnerability, the care setting, the nurse/patient relationship, the nature of the practice, the alleged violation, and the minimum standards of nursing.

The sexual misconduct policy addresses sexual crimes, sex with a present or former patient, and sexual misconduct in the workplace. Sexual misconduct commonly comes under Board scrutiny because it is unprofessional conduct that may involve a violation of professional boundaries [rule 217.12(15)] and/or potential harm to a patient or the public [rule 217.12(16)]. The policy discusses and differentiates between those situations involving misconduct arising in an employment situation between co-workers and those where a patient or the public may have been impacted or harmed. In addition, the policy lays out recommendations that may be beneficial if a nurse ever finds him/herself in a position of being sexually attracted to a patient. (<ftp://www.bne.state.tx.us/sexmis.pdf>)

Another issue of unprofessional conduct often seen in eligibility and disciplinary cases before the Board involves nurses who lie and falsify information. The policy discusses criminal conduct and/or a conviction, lying to the Board on government documents, falsifying documents, and lying within the practice of nursing. Lying within the practice of nursing includes circumstances where a nurse lies or falsifies documents pertaining to his or her nursing education or medical records. The Board also has seen many instances where nurses falsify information on their employment application in order to affect a decision to hire. As outlined in the new policy, deceptive acts are considered by the Board to be a serious breach of the professionalism expected of a registered nurse. (<ftp://www.bne.state.tx.us/lying.pdf>)

In an associated policy statement, the Board has addressed fraud, theft, and deception and its relation to professional character. Particular situations addressed are a nurse who has: stolen or misappropriated property, money, or other possessions from patients; engaged in fraudulent behavior towards patients; been convicted or received a judicial order involving a crime or committed criminal behavior involving theft or deception to an extent that such conduct may affect his/her ability to safely care for patients. Needless to say, the Board finds such conduct unacceptable and will impose sanctions to prevent such conduct from causing harm or potential harm to the public. The Board will consider the factors of premeditation, remorse, and restitution. (<ftp://www.bne.state.tx.us/fraud.pdf>)

Finally, the Board reiterates its position on chemical dependency and/or chemical or alcohol abuse. The policy repeats the often stated requirement that a nurse must have at least one year sobriety to keep or obtain a license and that sobriety must be maintained for five years to have an unencumbered license. Specifically, the policy considers the issues of workplace impairment and of criminal convictions and/or conduct involving impairment. The policy also discusses the Texas Peer Assistance Program for Nurses (TPAPN) and the Board's position concerning a nurse's participation in the program. (<ftp://www.bne.state.tx.us/chemical.pdf>)

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## RNFA Interpretive Statement Adopted

HB 803, passed in the 77<sup>th</sup> Legislative Session, amends the Nursing Practice Act by adding Section 301.1525. The new section defines criteria for nurse first assistants and grants the Board authority to develop rules relating to RNFAs. At the January 2002 meeting, Board members adopted Rule 217.18 that became effective on March 13, 2002. Since that time, staff have received numerous phone calls from interested parties regarding the content of the rule. There have also been several requests for clarification of the requirements for those individuals who function in the first assistant role.

Board members further discussed the issue at their meeting on July 25, 2002. Board members agreed that Section 301.1525 and Rule 217.18 apply to all RNs who elect to function as first assistants. Nothing in the language implies the restriction of its application to the use of the RNFA title or to reimbursement. The Board maintains that the current statute and rule are consistent with the educational and certification requirements in the Board's previous position on the issue of first assisting (adopted 1/1995). Board members voted to adopt the following interpretive statement that clarifies their position.

### Registered Nurse First Assistants (RNFAs) Interpretive Statement

During the 77th Legislative Session, the Nursing Practice Act was amended to include section 301.1525, Texas Occupations Code, that became effective September 1, 2001. Section 301.1525 provides a definition of a registered nurse first assistant and granted the Board of Nurse Examiners the authority to adopt rules governing the practice of such. Pursuant to this legislative mandate, the Board adopted new Rule 217.18. The definition of a first assistant in Rule 217.18 is virtually identical to the legislative definition adopted in Section 301.1525 of the Nursing Practice Act. The language in the Nursing Practice Act and the rule have been reviewed by legal counsel. The provisions define the criteria for those persons who wish to *function* as a nurse first assistant, rather than merely use the title or seek reimbursement for first assisting. The criteria should not be limited to applying only to those who wish to use the title or seek reimbursement. Therefore, all registered nurses functioning as first assistants must meet the criteria as specified in the Nursing Practice Act and reiterated in Rule 217.18.

The Board does not view the amendment to the Nursing Practice Act and Rule 217.18 as the creation of an unprecedented regulation of the practice of nurse first assistants. To the contrary, the new rule is consistent with the Board's previous position regarding first assisting. In January 1995, the Board determined that it was within the scope of practice of the registered nurse to first assist. In addition, the Board stated in its position statement that RNs who elected to do so should meet the requirements outlined in the Association of Perioperative Registered Nurses (AORN) position paper on first assisting. The AORN position statement included requirements for appropriate education and certification in perioperative nursing similar to that outlined in the Rule 217.18. The statement can be found on the AORN website at <http://www.aorn.org>.

### **Legal Issues** - continued from previous page

Generally, policies lay out the Board's position when certain issues arise under the Nursing Practice Act and the Board's rules. Policies attempt to clarify the Board's reasoning, application, and logic underlying the existing rules. They educate nurses and the public regarding the standards of nursing and the responsibility that coincides with a licensure privilege. These policies will benefit nurses, in general, by providing a greater awareness of the Board's position on various concerns that arise in professional nursing and, specifically, nurses under investigation by the Board.

*Editors Note: The following article was contributed by the Texas Peer Assistance Program for Nurses (TPAPN). Jackie's story is a compilation of many true stories that nurses have lived to tell TPAPN about.*

## **A Nurse's New Year's Miracle**

My name is Jackie. I'm a 36 year old RN and mother of three, ages 3, 6 and 10. Like most people I've had my share of problems. Unfortunately, in the past I have had a tendency to worsen matters by trying to escape my problems. I have sometimes believed the solution lay in running away from my overwhelming problems or lay in someone else's arms. I thought a man would be my saving grace. And even though I eventually found a good man I still hadn't found myself or allowed my own better half of myself to shine through. So when my physician prescribed a narcotic for what he said were migraine headaches I found that I was running to the pills along with alcohol more and more of the time.

Relief seemed so simple at first until I realized I needed more and more for the same amount of relief as before. That's when I began taking medications from my workplace, where I had worked for six years, with a consistently above average performance and attendance record. None of that mattered when I was confronted for the theft. I even gave a urine specimen; magically thinking it would be negative. After all, if I had convinced myself that I didn't have a problem wasn't it logical that my denial would work on others? I was told that I would be fired and initially reported to the licensing board until my nursing director said that wouldn't be necessary if I was to voluntarily participate with the Texas Peer Assistance Program for Nurses (TPAPN). Unlike the action taken against nurses' licenses by the licensing boards that is public information, my participation in TPAPN would be confidential and if I successfully completed I would not have action noted on my nursing license. Plus, referral to TPAPN fulfills nurses' mandatory report requirement.

When it came to choosing to participate in TPAPN, I did so with much regret and anxiety. I was not a willing participant at first! I still hid my disease from everyone and everyone close to me began suffering because of it. And then, seven months into my TPAPN participation, my anxiety turned into self-pity and rationalization *and* using again, until the morning my nurse manager found me in the bathroom more dead than alive from injecting Demerol. I hadn't meant for that to happen; I had never used Demerol before but my brain found it to its liking! With my relapse, I got the chance to start TPAPN over again and reinvest in what I came to realize was *my* recovery. Not surprisingly perhaps, this time I did see TPAPN as a real chance. I knew the opportunity to maintain my nursing career was dwindling. I gave myself over to my higher power and others knowledgeable about recovery because my way had not worked.

Now, here I am nearly two years later, ready to complete TPAPN and just beginning to see that many better adventures await me. With the holidays near and for the first time in my life I have reclaimed my soul and I realize how blessed I am. Through treatment and participation with TPAPN I have kept my license, my family, even my job, but most importantly my life, for without that nothing else would have mattered. I know my body still craves Vicodin and any other substances of abuse. Though my using is over, the potential for abuse still lingers within me, biochemically speaking, like a loaded gun waiting for the trigger to be pulled once more.

Through participation in TPAPN I have found the following ten essential elements to my recovery:

1. Treatment as required by TPAPN. I was fortunate enough to receive more intensive treatment the second time around and got help for my underlying depression as well as my addiction. I now work as hard on my self-care as I do for the care I render patients.
2. Working daily on my recovery through regular and PRN attendance at Narcotics Anonymous and Alcoholics Anonymous (12 Step) meetings.
3. Having my family involved in my treatment and having them attend Al-Anon meetings so they too know about my illness and how to cope.
4. Nurturing support for myself through regular contact with my NA sponsor and continuing counseling as part of my treatment center's aftercare program.
5. Getting honest with those that matter, including my co-workers, I returned to work under my TPAPN return to work agreement.
6. Abiding by TPAPN's restrictions on my nursing practice designed to help accommodate me back to safe practice and sane boundaries.



## EDUCATION REPORT

By Sandra Owen, MN, RN



### July 2002 Board Action

**Based on a review of the 2001 Annual Report and NCLEX-RN® pass rates, continued Full Accreditation with no Recommendations and no Requirements for:**

#### Associate Degree Nursing Programs:

Angelina College  
McLennan Community College  
Tarrant County College  
Texarkana College

#### Baccalaureate Degree Programs:

Baylor University  
Prairie View A&M University  
University of Incarnate Word

**Based on a review of the 2001 Annual Report continued Full Accreditation with no Recommendations and no Requirements for:**

#### Post-Licensure Baccalaureate Degree Nursing Programs:

Angelo State University - RN to BSN  
Southwestern Adventist University - RN to BSN  
Texas A&M International University - RN to BSN  
University of Texas at Brownsville/Texas  
Southmost College - RN to BSN

#### Advanced Practice Nursing Programs:

Abilene Intercollegiate School of Nursing  
- Family Nurse Practitioner  
Angelo State University - Medical/Surgical Clinical  
Nurse Specialist  
Houston Baptist University - Family Nurse Practitioner  
University of Texas - Pan American - Adult Health  
Clinical Nurse Specialist  
University of Texas Southwestern Medical Center at  
Dallas - Women's Health Care Nurse Practitioner

**Based on a review of the 2001 Annual Report continued Full Accreditation with Requirements to be met for:**

#### Advanced Practice Nursing Programs:

Prairie View A&M University - Family Nurse  
Practitioner

**Based on a review of the 2001 Annual Report and NCLEX-RN® pass rates, continued Full Accreditation with Requirements to be met for:**

#### Associate Degree Nursing Programs:

Galveston College  
Grayson County College  
Kilgore College  
Lamar State College at Port Arthur  
Lamar University at Beaumont  
Lee College  
San Jacinto College - Central

#### Baccalaureate Degree Nursing Programs:

Abilene Intercollegiate School of Nursing  
University of Texas - Pan American

**Based on a review of the 2001 Annual Report Continued Initial Accreditation with no Recommendations and no Requirements for:**

#### Advanced Practice Nursing Program:

University of Texas at El Paso - Post Master's Adult  
Nurse Practitioner Program

**Based on a review of the 2001 Annual Report, NCLEX-RN® pass rate, review of a self-study report and survey visit continued Full Accreditation with Commendations, Recommendations and Requirements to be met for:**

#### Associate Degree Nursing Programs:

Panola College

#### Baccalaureate Degree Nursing Programs:

University of Texas at Tyler

**Based on a review of the 2001 Annual Report, NCLEX-RN® pass rate and review of a self-study report continued Full Accreditation with requirements to be met for:**

#### Associate Degree Nursing Programs:

North Central Texas

**Based on a review of the 2001 Annual Report, NCLEX-RN® pass rate, and survey visit continued Initial Accreditation with commendations and recommendations to be met for:**

#### Associate Degree Nursing Programs:

South Texas Community College

continued on next page

**EDUCATION REPORT**

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**Based on a review of the 2001 Annual Report, NCLEX-RN® pass rate, and survey visit continued Initial Accreditation with Commendations, Recommendations, and Requirements to be met for:**

**Baccalaureate Degree Nursing Programs:**

Texas A&amp;M International University

**Based on a review of the 2001 Annual Report, and survey visit Continued Initial Accreditation with Commendation, Recommendations, and Requirements to be met for:**

**Advanced Practice Nursing Programs:**

Texas Christian University, Harris School of Nursing - Clinical Nurse Specialist/Adult Health

**Based on a Site Visit and review of a Proposal approved a Distance Education Initiative with for Commendation, Recommendation, and requirements to be met for:**

Austin Community College at Fredericksburg

**Based on a Site Visit and review of a Proposal approved a Distance Education Initiative with commendation and requirement to be met for:**

Prairie View A&amp;M University College of Nursing at Huntsville Memorial Hospital

**Based on a Site Visit and review of a Proposal approved a Distance Education Initiative with commendation for:**

The University of Texas Health Science Center at Houston in cooperation with the George Memorial Branch of the Fort Bend Libraries in Richmond

The University of Texas Health Science Center at Houston in cooperation with the University of Houston Central Campus

**Approved a Petition for an Acting Dean at:**

Baylor University

**Approved a Petition for a Dean with Requirement to be met for:**

East Texas Baptist University

**Approved a Petition for a Director at:**

Texas A&amp;M University - Corpus Christi

**Texas Nurses Participate in NCLEX-RN® Development**

The Board of Nurse Examiners is pleased to announce the selection of the following registered nurses as participants in the NCLEX-RN® test development process: Anita Kyle of Sugarland, Patricia Cryer of Tyler, Rebecca Griffin of Waco, and Donna Womble of Plainview, Exam Item Writers; Diane LaGrange of Edinburg, Exam Item Writer Alternate; Maria Baltao of League City, Lynn Hays of Woodville (NCLEX-PN®) and Benesia Scott, Exam Item Reviewers; and Chris Porter of Fort Worth, Examination Item Reviewer Alternate. By contributing their expertise, these RNs assisted the National Council of State Boards of Nursing to insure the inclusion of NCLEX-RN® content that is current, accurate, practice related and appropriate for an entry level practitioner.

**ACE Reviews Rule 215. Nurse Education**

The Advisory Committee on Education (ACE) met on June 5-6, 2002 in Austin to review Rule 215. Nurse Education. The rule review was in response to a charge made at the January 2002 Board meeting. The recommendations as proposed by the committee will be presented at a regularly scheduled Board meeting. After the Board votes on the proposed repeal to the rule and adoption of the new Rule 215, the proposed changes in the rule will be published in the *Texas Register* for a thirty day comment period. The Board will act on the final adoption of the new Rule 215 after consideration of comments.

At the April 2002 Board meeting, the Differentiated Entry Level Competencies of Graduates of Texas Nursing Programs were adopted and will replace the Essential Competencies of Graduates of Texas Education Programs in Nursing as referenced in Rule 215.2(19). (See page 1.)





## PRACTICE Q & A

By Cara Mueller, MSN, RN and Carol Marshall, MSN, RN



**Question:** With the growing nursing shortage, my facility is looking for ways to use nurse externs (i.e., individuals who are employed at our facility and are currently students in an accredited school of nursing) to do expanded tasks. I have questions regarding tasks that may be performed by nurse externs. Is it acceptable practice for nurse externs, who provide documented didactic education and demonstration of competence from their nursing program, to perform such duties as urinary catheter placement, sterile dressing changes, and venipuncture? May they perform patient assessments and independently document these assessments? Is a RN required to co-sign the extern's documentation?

**Answer:** The Board of Nurse Examiners (BNE) is aware that employers hire nursing students to work as unlicensed assistive personnel (UAPs) in such positions as aides, nurse externs, or nursing assistants. This is a different situation than nursing students who are completing their clinical course work requirements in a facility and are monitored by nursing school faculty. In that scenario, students are authorized to perform nursing tasks as a part of their academic program; therefore, RN delegation is not required. However, nursing students who are employed by a facility as UAPs must function under the delegated authority of a RN (or physician) to perform nursing tasks. If a UAP is performing tasks delegated by a physician, the Board of Medical Examiners' regulations apply. It is important to understand that although these UAPs may have gained competency in many nursing skills through their academic preparation, they are still considered UAPs and the BNE's delegation Rule §218 applies. The delegating RN will want to consider these acquired skills as this may impact the RN's decision to delegate. Further the BNE has specifically addressed delegation to nursing students working as UAPs in Rule §218.11. These rules may be accessed via the BNE's website: [www.bne.state.tx.us](http://www.bne.state.tx.us).

Rule §218.7 addresses delegation of specific tasks. The duties you have mentioned (urinary catheter placement, sterile dressing changes, venipuncture) fall under the category of *discretionary tasks*. Thus a RN must meet additional criteria (in addition to general criteria in Rule §218.5) in order to delegate these more complicated, invasive procedures. Rule §218.7 goes on to address tasks that may not be delegated which includes but is not limited to nursing assessments, formulation of the nursing care plan, evaluation of the client's response to the care rendered, and specific tasks involved in the implementation of the care plan which require professional nursing judgment or intervention. Responsibilities regarding documentation and co-signature are not specified in the delegation rule and are typically addressed by facility policy and procedure. The RN's responsibility for complete and accurate documentation is delineated in the Standards of Professional Nursing Practice [BNE Rule §217.11(4)]. As determined by the employing agency, UAPs might play a role in the documentation of care they provide, but keep in mind that co-signature indicates that the RN was present or observed all the activities that the UAP is reporting in the record. Without this presence or observation, the BNE does not advise a RN to co-sign others' documentation.

In conclusion, delegation is a management tool that RNs use to help clients derive the most benefits from nursing care. Since the RN is responsible for safe and appropriate delegation (see Rule §218.3 RN Accountability for Delegated Tasks), delegation is utilized at the RN's discretion. That is, the decision to delegate belongs to each RN after careful analysis of all relevant factors (e.g., client condition, UAP competency, complexity of the task). Delegation cannot be forced by job descriptions or facility policy and procedure. However, there are instances where specific performance criteria contained in job descriptions does not constitute delegation (e.g., UAPs functioning on IV teams or as phlebotomists). In these situations, employers have a responsibility to ensure that such practices specified in job descriptions comply with applicable state and federal laws, regulations and credentialing requirements (e.g., Texas Department of Health, JCAHO, Medicare). For additional resources regarding delegation visit the National Council of State Boards of Nursing website: [www.ncsbn.org](http://www.ncsbn.org)

## AFD Task Force to Propose New Delegation Rule Language to Board

As a requirement of HB 456, which was passed during the 77<sup>th</sup> Legislative Session, the BNE convened a Task Force to make recommendations regarding the provision of health maintenance tasks to persons with functional disabilities in independent living environments. Named after the bill, the Assistance with Functional Disabilities (AFD) Task Force membership consisted of representatives from various disability groups, health-professional organizations, and state agencies involved with provision of care to the disabled and/or chronically ill. Representative organizations/agencies were specified in the bill. As a result of nine (9) months of focused work, the Task Force has drafted language for a proposed new rule related to RN delegation in independent living environments.

The focus of HB456 was to exempt certain routine daily health maintenance tasks from nursing delegation within the bounds of a state voucher payment program for a person with a functional disability or disabilities (ie: Vendor Fiscal Intermediary Option). The task force broadened this concept beyond application to any specific payment program in proposing a separate delegation rule for nurses practicing in independent living environments. The Task Force recognized that greater independence in decisions regarding personal daily health needs is seen as one means of improving the quality of life for person's with functional disabilities. This was a focal point for the proposed rule language, which includes the concept of the RN assessing that certain basic tasks do not need to fall under RN delegation.

The proposal for new rule language will be presented to the full Board at it's October meeting. Pending Board approval, this new rule language will be published in the Texas Register sometime in November, with the standard 30-day comment period. If passed, there will then be two delegation rules: one rule related to acute care settings and/or conditions, and the new rule relating to stable and predictable conditions in the independent living environment. Further notice of rule adoptions/changes will be published in future RN Updates, on the BNE web page, and presented at BNE workshops (see "Workshops Update" article).

### **A Nurse's Miracle** - continued from page 4

7. Random drug testing through TPAPN.
8. Regular check-ins with my nurse manager and TPAPN advocate.
9. Checking-in with myself daily in order to assess my needs for sleep, nutrition, exercise, spirituality, work, and play so that I maintain and improve my positive habits for living.
10. Not waiting until Christmas to express my gratitude for the little things that brighten my inner-self.

Thanks to TPAPN I have today to look forward to and much more of my yesterday to feel good about. Considering where I was two years ago that is nothing short of a miracle.

If you or a nurse you know may have impaired practice due to substance dependency or abuse, and/or mental illness call TPAPN's toll-free help-line at 1-800-288-5528. TPAPN maintains 24-hour on-call for information and referral. TPAPN is a voluntary and confidential alternative (to possible licensing board investigation/action) for LVNs and RNs of Texas whose practice may be impaired by chemical dependency and/or mental illness. TPAPN is administered by the Texas Nurses Foundation, a nonprofit organization of the Texas Nurses Association. For information about volunteering with TPAPN or if you and your facility are interested in receiving Nursing Type I CE on peer assistance, contact TPAPN at 1-512-467-7027. You may also visit TPAPN on the web via a link on Texas Nurses Association's home page: [www.texasnurses.org](http://www.texasnurses.org)

# IMPOSTOR WARNING

*If you have any knowledge or information regarding the employment practices of the following individual(s), please contact the Board's Enforcement Division immediately, at (512) 305-6838.*

## **Nova Lynn Wilson**

**a.k.a.: Nova Jamerson Wilson**

On March 18, 2002, Nova Lynn Wilson applied for a position as a Case Manager for an insurance company in the Dallas, Texas area. She was offered a position and was to start working on April 8, 2002. Ms. Wilson presented a copy of a license that was issued to someone else and had Louise Waddill listed as the Executive Director. The company contacted the Board to verify the license and they were told that it did not belong to Ms. Wilson and that she did not hold a license to practice professional nursing in the State of Texas. On March 27, 2002, the offer of employment was rescinded and the information was reported to the Board. On May 20, 2002, Nova Lynn Wilson secured employment as a Case Manager (registered nurse) with a staffing agency in the Dallas, Texas area. Ms. Wilson presented an RN license with a number that was issued to someone else. She was in the orientation process when they discovered she was not licensed to practice professional nursing in the State of Texas. The facility terminated her employment on June 5, 2002. The agency also verified her education which included Dallas County Community College and the University of North Texas. They found that Ms. Wilson attended these educational institutions from June 1983 through December 1989, however she did not receive a degree. The case was referred to the Dallas County Attorney's Office.



## **David P. Drush**

On March 25, 2002, David P. Drush applied for a position as an Independent Contract Nurse with a staffing agency in the Palestine, Texas area. Mr. Drush presented a license from California and told the agency that he was in the process of obtaining a Texas license which he would present within forty-eight (48) hours. The agency attempted to verify the license from California and they were told that the license was issued to someone else and it was revoked in August 2000. The agency also contacted the Board office and they confirmed that Mr. Drush had not applied for licensure. On April 1, 2002, the agency was contacted by an area hospital and informed that Mr. Drush was at the hospital to work a shift, as an employee of the agency. The agency staff notified the hospital that Mr. Drush was not their employee and that he was not licensed to practice in Texas. Security was called to escort Mr. Drush off the premises and the information was reported to the Anderson County District Attorney's Office and the Palestine Police Department.



## **Christy Lee Nugent-Abercrombie**

Christy Lee Nugent-Abercrombie attempted to secure employment as a registered nurse at a nursing home. On her application she indicated that she graduated from nursing school and that she was a registered nurse in the State of Texas. In addition, she indicated an employment history for the past seven (7) years as a Special Care NICU nurse in a hospital in the Temple, Texas area. When the nursing home attempted to verify her credentials with the Board and her employment history, they learned that she had never been licensed to practice as a Registered Nurse in the State of Texas and had not been employed with the hospital in Temple, Texas. The case was referred to the Chambers County District Attorney's Office.

### **HPC Offers Toll-Free Number for Complaint Forms**

The Health Professions Council has a toll-free phone number for obtaining complaint forms to report inappropriate actions by Texas-licensed health professionals including Doctors, Physician Assistants, Therapists, RNs, and LVNs. The number is: **1-800-821-3205**.

## NOTICE OF DISCIPLINARY ACTION

*The following registered nurses had disciplinary action taken against their licenses. If you would like to receive additional information regarding the disciplinary action which has been imposed, please send your request to the Board of Nurse Examiners, Enforcement Division, P.O. Box 430, Austin, Texas, 78767-0430.*

<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Alle, David	634783	License Revoked	July 25, 2002
Ayers, Anneliese	643019	Warning with Stipulations	July 25, 2002
Beltran, David	650243	Reprimand with Stipulations	September 10, 2002
Berglund, Christi	631302	Remedial Education	July 23, 2002
Bilski, Christopher Lee	623445	License Revoked	July 25, 2002
Brandt, Rebecca Anne	581600	License Revoked	July 25, 2002
Brott-Franks, Kathryn	657078	Warning with Stipulations	July 25, 2002
Bruning, Deborah Kay	581663	Warning with Stipulations	September 10, 2002
Burroughs, Terry Lee	527412	License Revoked	July 25, 2002
Bush, Curtis Morgan	560952	Warning with Stipulations	July 25, 2002
Carroll, Tommy Lee	624202	Remedial Education	July 2, 2002
Castulo, Adelaida C.	452724	Remedial Education	June 20, 2002
Cedillo-Rodriguez, Laura	562085	Warning with Stipulations	September 10, 2002
Chambers, Monte William	594009	Remedial Education	July 2, 2002
Colby, Frances Ann	515728	Remedial Education	July 19, 2002
Collins, Julie M.	642341	Warning with Stipulations	July 25, 2002
Conner, Denita Deanne	666363	License Revoked	July 25, 2002
Davis, Judy K.	249525	License Revoked	July 25, 2002
Dunsworth, Mittie Jean	229860	Warning with Stipulations	September 10, 2002
Edades, Monica Idio	430062	Warning with Stipulations	September 10, 2002
Elliott, Karen A.	502066	Reprimand with Stipulations	September 10, 2002
Enos, Denny Woodrow	594499	License Revoked	July 25, 2002
Felipe, Ma Elizabeth L.	569620	Suspend/Probate	September 10, 2002
Florendo, Ferdinand B.	608349	Enforced Suspension	July 25, 2002
Fronick, Karen Marie	638675	License Revoked	July 25, 2002
Frost, Ronald George	614396	License Revoked	July 25, 2002
Gardner, Janet Lynne	628563	License Revoked	July 25, 2002
Grimm, Patricia	535146	Remedial Education	August 9, 2002
Harris, Gregory Hays	243531	Warning with Stipulations	July 25, 2002
Haworth, Charles Richard	595054	Reprimand with Stipulations	September 10, 2002
Irvin, Chandra Ellyn	557553	Remedial Education	July 1, 2002
Johnson, Anita	658718	Warning with Stipulations	September 10, 2002
Jones, Ginnifer	651581	Remedial Education	June 24, 2002
Kilborn, Lucretia	655011	Remedial Education	July 3, 2002
Kinser, Jimmy Noel	234539	License Revoked	July 25, 2002
Koltun, Diana Sue	613559	Warning with Stipulations	July 25, 2002
Leonard, Rebecca Lee	560725	Warning with Stipulations	July 25, 2002
Mabry, Marion Doreatha	462311	Remedial Education	September 13, 2002
Marcus, Corinne E.	443311	Warning with Stipulations	July 25, 2002
McCollum, Pamela Diane	513842	License Revoked	July 25, 2002
Mchenry, Kathleen Jo	555107	Warning with Stipulations	September 10, 2002
Miller, Stacey Renee	676410	Remedial Education	September 5, 2002
Mireles, Melissa Louise	563599	Reprimand with Stipulations	September 10, 2002
Mize, Sheriece Wileen	570654	Warning with Stipulations	July 25, 2002
Molina, Maria Esperanza	228748	Remedial Education	August 9, 2002

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**DISCIPLINARY ACTION**

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<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Moore, Gary C.	500517	License Revoked	July 25, 2002
Moore, William S.	614154	License Revoked	July 25, 2002
Mossman-Bonnette, Amanda Jain	682403	Remedial Education	July 31, 2002
Nedwich, Patricia L.	249220	License Revoked	July 25, 2002
Oberlender, Sandra L.	619252	Reprimand with Stipulations	July 25, 2002
Page, Corinthia D.	442130	Warning with Stipulations	July 25, 2002
Perez, Angela Marie	671475	Remedial Education	August 9, 2002
Pitts, Kimberly	653391	Remedial Education	July 23, 2002
Prestwood, Elizabeth Anne	667207	Warning with Stipulations	July 25, 2002
Rasco, Linda M.C.	424564	License Revoked	July 25, 2002
Rose, Brenda Kay	594431	License Revoked	July 25, 2002
Rowell, Sandra Louise	659431	Warning with Stipulations	September 10, 2002
Saunders, Susan P.	596431	Reprimand with Stipulations	July 25, 2002
Scribner, Jane Ellen	531180	Remedial Education	August 1, 2002
Shelton, Kevin Todd	665910	Suspend/Probate	September 10, 2002
Sins, Eric Glynn	639689	License Revoked	July 25, 2002
Skinner, Deborah	625358	License Revoked	July 25, 2002
Smarsh, Thomas Peter	561308	License Revoked	July 25, 2002
Smith, Melody Jean	547745	Warning with Stipulations	July 25, 2002
Spence, Deborah Diane	437816	Warning with Stipulations	July 25, 2002
Spencer, Mary V.	502319	License Revoked	July 25, 2002
Steeves, Thomas Henry	528187	License Revoked	July 25, 2002
Stir, Dwaine Edward	536280	License Revoked	July 25, 2002
Sutton, Kathy Louise	559439	License Suspended	September 10, 2002
Taft, Alice Frances	631008	Reprimand with Stipulations	September 10, 2002
Taylor, Sharalynn Denise	573857	License Revoked	July 25, 2002
Templet, Vicky Lynn	437695	License Revoked	July 25, 2002
Wagener, Brenda A. Oliver	232754	Reprimand with Stipulations	September 10, 2002
Wallace, Freda A.	534872	License Revoked	July 25, 2002
Wantland, Thomas Ken	649069	Reprimand with Stipulations	July 25, 2002
Weiser, Robert Gerald	585016	License Revoked	July 25, 2002
Wilson, Beth Ann	546465	License Revoked	July 25, 2002
Yates, Andrea P.	533778	License Revoked	July 25, 2002
Zarsuela-Henderson, Norma	455158	Remedial Education	June 19, 2002

**VOLUNTARY SURRENDERS**

*The following individuals have voluntarily surrendered their license to practice professional nursing in the State of Texas.*

<u>NAME</u>	<u>LICENSE #</u>	<u>DATE OF SURRENDER</u>
Brown, Marilyn	632422	June 24, 2002
Carrillo, Sergio Antonio	567415	June 25, 2002
Christopherson, Annette L.	507966	June 24, 2002
Creecy, Teresa Jo	571480	August 6, 2002
Gray, Kristen Dee	568294	July 11, 2002
Hackett, Milisa	641855	July 10, 2002
Hess, John H.	422034	July 1, 2002
Johnson, Mary	644300	July 24, 2002
Kennedy, Dana	530299	September 10, 2002

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**VOLUNTARY SURRENDERS**

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<u>NAME</u>	<u>LICENSE #</u>	<u>DATE OF SURRENDER</u>
Kidder, Marilyn M.	429104	August 8, 2002
Lair, Matthew Byron	589306	July 15, 2002
Lewis, Amanda Gale	583312	June 25, 2002
McMurray, Gwendolyn Gay	444055	August 9, 2002
Orum, Tracy Denise	563792	August 9, 2002
Power, Andrea Haselwood	668169	September 9, 2002
Ross, Debra Lynn	555576	August 27, 2002
Sandridge, Mark Edward	233285	August 16, 2002
Sazima, Rita Eileen	546389	August 29, 2002
Sirmons, Shirley Eddleman	516607	July 2, 2002
Smith, Terri Dianne	601815	May 9, 2002
Stahl, Jill Ann	552801	September 10, 2002
Stein, Hazel R. Child	411672	June 13, 2002
Stewart, Paula M.	634760	July 17, 2002
Westbrook, Lisa Steward	253141	September 5, 2002

**Insufficient Funds**

As of September 22, 2002, the following nurses appear on the records of the Board of Nurse Examiners as debits for failure to respond to notices of returned checks. Should any of these nurses be employed or seeking employment with your agency/institution, please contact the Board's office. If any of these nurses are practicing in Texas as a registered nurse, they may be in violation of the Nursing Practice Act and may be subject to disciplinary action by the Board.

<u>NAME</u>	<u>LICENSE #</u>
Mahan, Debra Mears	RN 527930
O'Dell, JenniferAnn	TL 86521
Wilcox, Bobbie R.	LVN 168325

**Change of Address**

**Last Name:** \_\_\_\_\_  
**First Name:** \_\_\_\_\_  
**Middle Name:** \_\_\_\_\_  
**SSN:** \_\_\_\_\_ / \_\_\_\_ / \_\_\_\_  
**RN#** \_\_\_\_\_  
**Today's Date:** \_\_\_\_\_

**Old Address:**

Address \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_

**New Address:**

Address \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_  
 State \_\_\_\_\_ Zip \_\_\_\_\_

Mail to: Board of Nurse Examiners  
 P.O. Box 430  
 Austin, TX 78767-0430

or  
 e-mail information to:  
[webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us)

**Workshop Update**

**Overview of Current Regulations: A Foundation for Safe RN Practice**

**McAllen - November 14, 2002**

The workshop has been approved for 6.4 Type 1 contact hours. The workshop fee is \$80 for pre-registration and \$95 at the door. Fees for special topic workshops are yet to be determined.

**Registration Information**

Brochures/registration forms will be available with pre-registration accepted **six weeks** prior to the workshop, and is always encouraged since space is limited. Payment *must* accompany the registration form, so registration cannot be taken over the phone, e-mail, or fax. If you do not receive a brochure and registration form by five weeks prior to the workshop, you may download one from our website or request one by contacting us. Our phone number for workshop information is (512) 305-6844 and e-mail address is <[Tiffany.Sloane@bne.state.tx.us](mailto:Tiffany.Sloane@bne.state.tx.us)>

**2003 Workshop Schedule**

Mark your calendars! The tentative\* 2003 workshop schedule is presented below. All workshops are nursing jurisprudence/ "Overview of Current Regulations: A Foundation for Safe RN Practice" programs unless otherwise specified. For registration information, please see the preceding paragraph.

<b>City .....</b>	<b>Date</b>
<b>San Antonio .....</b>	<b>February</b>
<b>Houston (special topic) .....</b>	<b>March</b>
<b>Waco (special topic) .....</b>	<b>April</b>
<b>El Paso .....</b>	<b>May</b>
<b>Dallas .....</b>	<b>July</b>
<b>Ft. Worth .....</b>	<b>July</b>
<b>Austin .....</b>	<b>August</b>

\* Schedule is subject to change and specific dates will be released as facilities are secured.

**BNE HELPFUL NUMBERS**

**MAIN NUMBER.....(512) 305-7400**  
 -- 24 Hour Access  
 -- License Verification  
 -- General Information

**OPERATIONS**

**CUSTOMER SERVICE.....(512) 305-6809**  
 -- License Renewals  
 -- Endorsement/Reciprocity  
 -- Continuing Education for RNs

**ACCOUNTING SERVICES.....(512) 305-6853**  
 -- Returned checks  
 -- Refunds  
 -- Debits

**SALES OF LISTS.....(512) 305-6848**  
 -- Computerized RN mailing lists or labels  
 -- Publications

**NEWSLETTER INFO.....(512) 305-6842**

**WEB Address.....www.bne.state.tx.us**  
 -- Refer e-mail inquiries to:  
 webmaster@bne.state.tx.us

**ENFORCEMENT.....(512) 305-6838**  
 -- Complaint and disciplinary action inquiries  
 -- Violations of NPA and rules and regulations  
 -- Monitoring of disciplined RNs

**PROFESSIONAL NURSING**

**ADVANCED PRACTICE.....(512) 305-6843**  
 -- APN application and Prescriptive Authority procedures  
 -- Application Requests.....(512) 305-6867  
 (Voice Box Only)

-- Initial Authorization to Practice  
 -- Prescriptive Authority

**EDUCATION & EXAM.....(512) 305-6818**  
 -- RN/APN nursing programs  
 -- Distance Education Initiatives  
 -- NCLEX-RN applications  
 -- Graduate Nurse permits  
 -- Declaratory orders

**NURSING PRACTICE.....(512) 305-6844**  
 -- Nursing practice issues  
 -- Legislation  
 -- Workshop Information



The purpose of the *RN Update* is to disseminate information to registered nurses licensed by the State of Texas, their employers, health care providers, and the public concerning laws and regulations established by the Board of Nurse Examiners related to the safe and legal practice of professional nursing. The *RN Update* provides information on current issues and trends in nursing regulation, status of nursing education programs, information regarding licensure and nursing practice, and disciplinary action taken against licensees who violate the Nursing Practice Act.

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#### Office Hours and Location

The Office of the Board of Nurse Examiners is located in The William P. Hobby Building, located at the corner of 4th and Guadalupe in downtown Austin. The mailing address is P.O. Box 430, Austin, Texas 78767-0430. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for designated holidays.

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### Board Meeting Schedule - 2002

**October 24-25**

**Meeting to be held in Austin**

**Board of Nurse Examiners  
for the State of Texas  
P.O. Box 430  
Austin, TX 78767-0430**

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