



Texas Board of Nursing Bulletin

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



Ask the webmaster@bon.state.tx.us

Have you contacted the Texas Board of Nursing (BON) recently? Did you contact the BON by phone? You may have had to wait to talk with a Customer Service Representative. The number of phone calls received by the agency increased approximately 22% in the past year. Last year, the BON received 267,401 phone inquiries, as compared to the 219,438 calls received in 2006.

An alternative to using the BON's phone system for inquiries is to use the agency's primary e-mail address, webmaster@bon.state.tx.us. The BON webmaster e-mail address responds to all types of questions or inquiries. Staff members in the Operations Department route all e-mail inquiries addressed to the webmaster to the appropriate staff person or department for response.

All departments at the BON receive and respond to webmaster inquiries. *Customer Support* and *Licensing* receive the largest number of webmaster inquiries per week. Nurses or applicants for nurse licensure frequently inquire about the status of their applications for licensure, authorization to take the NCLEX® examination, renewal status or whether a change of name or address has been processed. Staff in these departments frequently receive these types of questions and most inquiries of this type are responded to within 24 hours.

Other inquiries received through the webmaster include questions relating to nursing practice or education. These are responded to by the *Nursing Department*. Nursing practice and education consultants respond to a wide variety of questions which are often specific to the practice or education setting of the person making the inquiry. The *Nursing Department* responds to questions relating to advanced practice nursing or the status of applications for advanced practice approval. Inquiries related to BON workshops, and the *Board of Nursing Bulletin* are responded to by the *Nursing Department*.

The administrative staff for the *Enforcement Department* receive the webmaster inquiries relating to investigation of nurses and candidates for nurse licensure who had incidents identified on criminal background screening checks done through the Department of Public Safety and the Federal Bureau of Investigation. They respond to inquiries related to investigations of nurses related to complaints received by the BON. The Board is limited in the information it can provide while cases are under investigation or are under review.

The *Administration/Legal Department* responds to webmaster inquiries related to agreed orders, administrative law hearings and legislative inquiries.

Questions to the webmaster should always include the name, license number, and phone number of the person making the inquiry in case BON staff have additional questions or need additional information in order to respond to the inquiry. BON staff recommend that the Frequently Asked Questions Section of the BON web site (<http://www.bon.state.tx.us/olv/faqs-licensing.html>) be consulted prior to making an inquiry to the webmaster, since in many instances, the answers can be found here without having to wait for a return e-mail or phone call.

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National Council of State Boards of Nursing Elects Kathy Thomas as Director at Large

Katherine A. Thomas, MN, RN, Executive Director for the Texas Board of Nursing (BON), was elected to the position of Director at Large for the National Council of State Boards of Nursing (NCSBN). Ms. Thomas was also selected to serve as Board Liaison to the NCSBN Chemical Dependency Program Review Committee through Fiscal Year 2009. The NCSBN Delegate Assembly met in Memphis, Tennessee, August 5-8, 2008, for their annual meeting. In addition to conducting its regular business, the delegates elected board members to serve NCSBN during the next two years. Ms. Thomas has served as the NCSBN Representative to the Advanced Practice Registered Nurse (APRN) Joint Dialogue Group since 2007. She was previously the chair of the NCSBN Nursing Practice and Education Committee from 1999-2001, served on the NCSBN APRN Advisory Committee from 1995-2007, and NCSBN task force studying the Feasibility of Developing a Core Competency Examination for Nurse Practitioners from 1993 to 1995. She has also met with states considering adoption of the Nurse Licensure Compact offering insights on how the Texas Board adapted its operations in response to passage of Compact legislation in the year 2000.



Katherine Thomas, MN, RN

Ms. Thomas joined the Texas Board of Nurse Examiners in 1989. She became Executive Director in 1995. She has been in this position through the transition of the agency to the Texas Board of Nursing in February, 2004. Ms. Thomas received a Bachelor of Science in Nursing from the University of Virginia, a Masters in Nursing from the University of Kansas and education as a Pediatric Nurse Practitioner from the U.S. Army-Fitzsimmons Army Medical Center. Ms. Thomas's term as Director at Large expires in 2010.

Texas BON Staff and Board Members Impact National Nursing Regulation Through Participation on NCSBN Committees

Five employees and one board member of the Texas Board of Nursing (BON) have been selected to serve on committees for the NCSBN following the Delegate Assembly Meeting held in Nashville, Tennessee, August 5-8, 2008. Staff members serving on committees include:

Jan Hooper, PhD, RN, Education Consultant - appointed to serve on the Innovations in Nursing Education Regulation Committee;

Mark Majek, MA, PHR, Director of Operations - appointed to serve on the Finance Committee;

Mary Beth Thomas, PhD, RN, Director of Nursing - appointed to serve on the Taxonomy of Error, Root Cause Analysis and Practice-Responsibility (TERCAP) Committee;

Robbin Wilson, MSN, RN, Education Consultant - appointed to serve on the Continued Competence Committee;

Jolene Zych, MS, RN, WHNP-BC, Advanced Practice Nursing Consultant - appointed to serve on the Advanced Practice Registered Nurse (APRN) Committee; and

Linda Rounds, PhD, RN, FNP, President of the Texas Board of Nursing, was appointed to serve on the NCSBN Awards Committee.

The terms for NCSBN committee appointments listed above are for fiscal year 2008-2009.



The Texas Board of Nursing

BOARD MEMBERS

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San Antonio

Mary Jane Salgado
representing Consumers,
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Executive Director

Katherine Thomas, MN, RN

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Summary of Actions

A Regular meeting of the Board of Nursing was held July 17-18, 2008, in Austin. The following is a summary of Board actions taken during this meeting.

The Texas Board of Nursing (BON) proposed an amendment to 22 Texas Administrative Code §211.7 regarding the Executive Director in the August 8, 2008, edition of the *Texas Register* (Volume 33, Number 32). The amendment outlines the Board's current policies that delegate authority to the Executive Director. The Board, by policy, has authorized the Executive Director to offer proposed disciplinary orders upon evaluation of investigation findings. Under this amendment, the Executive Director may make these offers by mail at the conclusion of an investigation; or in person following an informal conference. Similarly, the Executive Director is authorized by Board policy to accept the voluntary surrender of a license, and Board ratification is not required. The Executive Director is authorized to accept and enter several types of agreed orders on behalf of the Board, and ratification by the Board is not necessary. No comments were received on the proposed amendment to §211.7, and the amended rule becomes effective October 19, 2008.

The BON also proposed amendments to 22 Texas Administrative Code §§214.1 - 214.13, concerning Vocational Nursing Education and 22 Texas Administrative Code §§215.1 - 215.13, concerning Professional Nursing Education. At the July 2006 Board meeting, the Board issued a charge to the Advisory Committee on Education (ACE) to review rule language regarding clarity and consistency between Chapters 214 and 215. ACE addressed this charge during the June 13, 2008 meeting in Austin and continued the process during the June 24, 2008 telephonic conference. The proposed amendments to Chapters 214 and 215, through reorganization, rephrasing, addition and deletion of language to provide clarity for the intent of the rules, demonstrate consistency between the rules, and describe the processes that actually occur. Additional non-substantive changes were made throughout Chapters 214 and 215 for the purposes of correcting spelling/grammatical errors and providing correct numbering of items. No comments were received on the proposed amendments to Chapters 214 and 215, and the amended chapters become effective October 19, 2008.

The BON proposed an amendment to 22 Texas Administrative Code §217.17, concerning the Texas Nursing Jurispru-

dence Exam (NJE). The proposed amendment is necessary to implement recommendations made by the Sunset Advisory Commission. House Bill 2426, enacted during the 80th Regular Texas Legislative Session, in part enacted the requirement for the exam in the Nursing Practice Act (NPA), adding language to §301.252 which requires the BON to adopt a rule regarding the development of the examination, applicable fees, administration of the examination, re-examination procedures, grading procedures, and notice of results. This requirement affects applications received after September 1, 2008, from candidates for initial licensure by examination and those seeking to endorse their nursing licenses to Texas. Since the initial adoption of §217.17 in November 2007, board staff have continued to work out the details of development and administration of the NJE. In doing so, staff determined that the original rule language required revision in order to accurately reflect the processes now being put into place for this new examination. No comments were received on the proposed amendment to §217.17, and the amended rule becomes effective October 19, 2008.

The BON proposed amendments to 22 Texas Administrative Code §221.4 and §221.6 and the repeal of §221.5, concerning Advanced Practice Nurses. The proposed amendments and repeal are necessary for the purpose of aligning 22 TAC Chapter 221 with Chapter 305 of the Nursing Practice Act (the Advanced Practice Registered Nurse (APRN) Compact) and national standards. At its October 2007 meeting, the Board charged the Advanced Practice Nursing Advisory Committee (APNAC) with reviewing Rule 221 and discussing issues related to recognition of advanced practice nurses in preparation for implementation of the APRN Compact. As part of its discussion, the Board directed the APNAC to examine two specific issues.

First, the issue of whether Texas should begin referring to nurses in advanced practice as APRNs rather than as APNs (advanced practice nurses). APRN is the term utilized in the compact language, and the term clearly identifies the licensee as both an advanced practice nurse and a registered nurse. It was the consensus of the APNAC to recommend that the Board begin using APRN in order to be consistent with Chapter 305 of the Nursing Practice Act. The other issue the Board directed the APNAC to discuss is whether it would be in the best

interest of the public to refer to authorization to practice as licensure rather than continuing to refer to advanced practice approval as an authorization that is linked to registered nurse (RN) licensure. The process used to review and approve applicants as advanced practice nurses is a licensure process, even though it is not presently called a license. Calling the approval a license will not change the advanced practice nurse's scope of practice in any way. The APRN's scope of practice will remain as set forth in current laws and regulations. The Board utilizes a licensure process because it believes advanced practice nursing has evolved as a result of the complexity of services provided and the level of knowledge, skills, and competence required by individuals who provide such care. The services provided by APRNs exceed the scope of practice of RNs. Therefore, the potential for harm to the public is significantly greater for APRNs than for RNs, and a higher level of accountability is necessary.

The Board's approval process ensures public protection through activities that include but are not limited to a detailed review of the individual's advanced practice nursing educational preparation related to the specialty for which he/she is seeking approval, verification of current RN licensure, and verification of appropriate national certification in the role and specialty that is congruent with the advanced practice nursing education. At least 50% of boards that are members of the National Council of State Boards of Nursing (NCSBN) already refer to their approval process for nurse anesthetists, nurse-midwives and nurse practitioners as licensure. Nearly 40% also license clinical nurse specialists (NCSBN Member Board Profiles, data last updated January 22, 2008). Typically, licensure is considered the preferred method of regulation when the regulated activities are complex, requiring specialized knowledge, skills, and decision-making.

Licensure in any profession is required when the potential for greater risk of harm to the public exists and the professional must be held to the highest level of accountability. Another key element of licensure is a unique and identifiable scope of practice. APRNs

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Educators Explore Innovations in Nursing Education at BON Workshop

More than 200 nursing educators from around the state converged at the Capital Annex in Austin on September 25, 2008, to attend a workshop hosted by the Texas Board of Nursing (BON). Subject areas discussed included: *Innovative Faculty Models*, *Misconceptions Preventing Innovation*, the *Nursing Education Capacity Summit*, and *What's Happening That's Innovative in Nursing Education Throughout Texas*. Speakers included: BON board members and staff; Nancy Spector, *National Council of State Boards of Nursing*; Alexia Green, PhD, RN, *Dean and Professor, Texas Tech Health Sciences Center's Anita Thigpen Perry School of Nursing*; Clair Jordan, MSN, RN, *Executive Director, Texas Nurses' Association*; Bertha Almendarez, PhD, RN, *Chairperson, Nurse Education, Del Mar College*; Beth Mancini, RN, PhD, CNA, FAAN, *Associate Dean, Undergraduate Programs and Acting Director, BSN Program, School of Nursing, University of Texas at Arlington* and Glenda Walker, DSN, RN, *Director, School of Nursing, Stephen F. Austin State University*.



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Proposed and Adopted Rules - continued from page 3

are engaged in activities that may include providing medical aspects of care in collaboration with a delegating physician. The knowledge, skills and abilities required to provide advanced practice nursing care significantly exceed those acquired through entry-level nursing education programs that prepare individuals as RNs. Likewise, their scope of practice goes well beyond that of the RN and cannot be performed without completing an advanced practice nursing educational program. Therefore, the Board has established the minimum qualifications necessary for safe and competent practice, and applications for licensure are reviewed to determine that all qualifications have been met. Calling the approval a license is not intended to replace RN licensure; rather, it will assist the public by providing greater clarity in identifying those RNs who are eligible to practice as APRNs in this state. The public is familiar with the concept of licensure for LVNs and RNs, and this change would reinforce to the public that APRNs complete formal education beyond the RN level and must meet certain criteria to practice at the advanced practice level. The APNAC recommends that the Board consider using the term licensure to describe the advanced practice recognition process.

One of the biggest changes recommended by the APNAC is to eliminate provisional authorization to practice for new graduates. The public, employers, and legislators have relayed to staff that the concept of provisional authorization is confusing. Eliminating this level will help to eliminate the confusion associated with it. Additionally, all certifying examinations are available via computer testing methods, allowing applicants to test quickly after graduation. Based on data from the NCSBN, graduates who delay taking VN or RN licensure examinations after graduation are less likely to be successful. It is reasonable to consider that this same concept is applicable to APRNs and certification examinations. In order to allow adequate time for test results to be received, the APNAC also recommends changing the interim approval period to 120 days from the current 90. Comments were received on the proposed amendments to Chapter 221, and the Board of Nursing will discuss the comments at the regularly scheduled meeting of the Board on October 23-24, 2008.

The BON proposed an amendment to 22 Texas Administrative Code §223.1, concerning Fees. The proposed amendment sets a "not to exceed" fee for the jurisprudence exam. The jurisprudence exam was developed in-house by Board staff and a private consulting firm, the iBridge Group. The Board staff anticipates that the Board will be able to absorb all developmental and maintenance costs at this time but would like the option to charge of fee if it is deemed necessary at a later date. The Board staff will evaluate the costs of the jurisprudence examination on March 1, 2009 and again on August 31, 2009. No comments were received on the proposed amendment to §223.1, and the amended rule becomes effective October 19, 2008.

Nursing Education Actions July 2008 Board Meeting

The following is a summary of Board actions on education programs taken during the meeting.

Continued Approval Status for the Following Vocational Nursing Educational Programs Based on 2007 NCLEX-PN® Examination Pass Rates and Review of 2007 Nursing Education Program Information Survey (NEPIS) and 2007 Compliance Audit of Nursing Education Program (CANEP) -

Full Approval with Commendations:

Alvin Community College
Amarillo College
Anamarc Educational Institute
Angelina College at Lufkin - MEEP
Angelina College at Lufkin
Army Practical Nurse Course
Blinn College at Brenham
Blinn College at Bryan
Brazosport Community College
Childress Regional Medical Center
Coastal Bend College
College of the Mainland
Dallas Nursing Institute
Frank Phillips College
Grayson County College
Houston Community College System
Howard College at Big Spring
Howard College at San Angelo
Joe G. Davis School of Nursing
Kilgore College
Lamar State College
Lee College
Lone Star College - Cy-Fair at Cypress
Lone Star College - Kingwood at Kingwood
Lone Star College - North Harris at Houston - MEEP
Lone Star College - Tomball at Tomball
McLennan Community College at Waco - MEEP
Midland College at Ft. Stockton
Navarro College at Corsicana
Navarro College at Ellis County
Navarro College at Mexia
North Central Texas College
Northeast Texas Community College at Mt. Pleasant
Odessa College in Andrews
Odessa College at Monahans
Paris Junior College at Paris - Traditional
San Jacinto College North at Houston
South Plains College at Levelland
South Plains College at Plainview
South Plains College at Reese Center
South Texas College at McAllen - Day
South Texas College at McAllen - Part Time/Evening
South Texas College at Weslaco
St. Philip's College at Seguin
Sul Ross University at Alpine
Temple College at Temple
Texarkana College at Texarkana

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Nursing Education Actions - continued from previous page

Trinity Valley Community College at Kaufman

Trinity Valley Community College at Palestine

Tyler Junior College at Tyler

University of Texas at Brownsville & Texas Southmost College at Brownsville

Valley Baptist Medical Center at Harlingen

Vernon College in Wichita Falls

Weatherford College at Weatherford

Wharton County Junior College at Wharton

Full Approval with No Recommendations and No Requirements:

Austin Community College at Austin

Central Texas College at Brady

Central Texas College at Killeen

Cisco Junior College at Abilene

Concorde Career Institute at Arlington

El Centro College at Dallas

El Paso Community College - MEEP

El Paso Community College at Mission Del Paso

Galen Health Institute at San Antonio

Galveston College at Galveston

Hill College Hillsboro

Laredo Community College

McLennan Community College at Waco - Traditional

Midland College in Midland - Day

Platt Health Careers Training at Dallas

San Jacinto College South at Houston

Schreiner University at Kerrville

South Texas College at Rio Grande City

Southwest Texas Junior College at Uvalde

St. Philip's College at San Antonio

Temple College at Taylor

Texas Careers, Incorporated at San Antonio

Victoria College at Victoria

Western Texas College at Snyder

Continued Approval Status Based on Review of Status Report:

American Medical Institute at Houston, Vocational Nursing Educational Program - Initial approval status

St. Michael's School of Nursing and Technology at Weslaco, Vocational Nursing Educational Program - Initial approval status

Texas A&M International University at Laredo, Family Nurse Practitioner Program - Full approval status

Continued Approval Status Based on 2007 NCLEX-RN® Examination Pass Rates, Review of 2007 Nursing Education Program Information Survey (NEPIS) and 2007 Compliance Audit of Nursing Education Program (CANEP), and Review of Self Study, and Issued Requirement to be Met:

East Texas Baptist University at

Marshall, Baccalaureate Degree Nursing Educational Program - Full approval status

Galveston College at Galveston, ADN Program - Full approval status

Lee College at Baytown, ADN Program - Full approval status

South Plains College at Levelland, ADN Program - Full approval status

Tarleton State University at Stephenville, BSN Program - Full approval

Continued Approval Status Based on 2007 NCLEX-RN® Examination Pass Rates, Review of 2007 Nursing Education Program Information Survey (NEPIS) and 2007 Compliance Audit of Nursing Education Program (CANEP), Review of Self Study, and Report of Survey Visit, and Issued Commendations, Recommendations, and Requirements to be Met:

Lamar State College at Port Arthur - ADN Program - Full approval status

Continued Approval Status Based on 2007 NCLEX-PN® Examination Pass Rates, Review of 2007 Nursing Education Program Information Survey (NEPIS) and 2007 Compliance Audit of Nursing Education Program (CANEP), and Report of Survey Visit, and Issued Commendations, Recommendations, and Requirements to be Met:

Computer Career Center at El Paso, VN Program - Full approval

Lamar State College at Port Arthur, VN Program - Full approval

Lone Star College - Montgomery at Conroe, VN Program - Full approval

Approved Petition for Waiver of Director Qualifications:

Coastal Bend College at Beeville, ADN Program

Approved Petition for Waiver of Interim Director Qualifications and Issued Recommendation:

East Texas Baptist University in Marshall, BSN Program

Approved Petition for Extension of Waiver of Director Qualifications:

Texas A&M International University at Laredo, Canseco School of Nursing, BSN Program

Approved Petition for Waiver of Faculty Qualifications:

Southwest Texas Junior College at Uvalde, ADN Program

Accepted Report of Survey Visit and Issued Commendations, Recommendations, and Requirements to be Met:

Southwest Junior College at Uvalde, ADN Program - Issued a Commendation and a Recommendation

Tyler County Hospital at Woodville, VN Program

Accepted Notification of Closure of Nursing Educational Program: Southwestern Adventist University at Keene, ADN Program

Changed Approval Status from Full to Full with Warning Based on 2007 NCLEX-RN® Examination Pass Rates, Review of 2007 Nursing Education Program Information Survey (NEPIS) and 2007 Compliance Audit of Nursing Education Program (CANEP), Accepted Survey Visit Report and Issued Commendations, Recommendations, and Requirements to be Met:

Kilgore College at Kilgore, ADN Program

Changed Approval Status from Full to Full with Warning Based on 2007 NCLEX-PN® Examination Pass Rates and Review of 2007 Nursing Education Program Information Survey (NEPIS) and 2007 Compliance Audit of Nursing Education Program (CANEP), Authorized a Survey Visit, and Issued Requirement to be Met:

Clarendon College in Pampa, VN Program

Continued Conditional Approval Status Based on 2007 and 2008 NCLEX-RN® Examination Pass Rates, Review of the 2007 Nursing Education Program Information Survey (NEPIS) and the 2007 Compliance Audit of Nursing Education Program (CANEP), and Status Report, Approved the Program to Admit Students in Fall 2008 and Authorized Staff to Conduct a Survey Visit in 2009: St. Philip's at San Antonio, ADN Program

Accepted Request to Merge Nursing Educational Programs:

Cisco Junior College at Abilene, LVN to RN and Generic Associate Degree Nursing Educational Programs

Approved Proposal to Establish a New Nursing Educational Program and Granted Initial Approval Status:

Brazosport Community College at Lake Jackson, ADN Program - Issued Commendations and a Recommendation.

Texas A&M Health Science Center, College of Nursing at College Station, BSN Program - Issued a Requirement to be Met.

University of Houston-Victoria at Sugarland, BSN Program

BON Receives Grant for Criminal Background Screening of New Nursing Students

The Texas Board of Nursing (BON) was awarded a \$50,000.00 grant from the National Council of State Boards of Nursing (NCSBN) for criminal background screening of new nursing students to take place when students are first enrolled or are planning to enroll in approved Texas nursing educational programs. Under the grant, BON criminal background screenings for nursing students will take place beginning October, 2008.

Early criminal background checks are needed for several reasons. A student's criminal background may be an impediment to their clinical experiences based on facility requirements. Early criminal history screening also helps to avoid needless use of nursing educational resources when the graduating student would not qualify for licensure due to criminal history. Students currently self-disclose their criminal history to the schools. Texas laws do not permit complete access to criminal

history information for nursing educational programs prior to student exposure to clinical settings. State law permits nursing educational programs access to student criminal history background information for law enforcement and employment purposes only. The Texas Board of Nursing has the authority to conduct FBI criminal background checks on all of its applicants for licensure according to Texas Occupations Code § 301.1615, and Texas Government Code §§ 411.087 and 411.125. The NCSBN grant enables the agency to conduct early criminal background screening as the agency is currently only funded to conduct background checks prior to graduation from a nursing program.

The BON currently conducts more than 13,000 background screenings of nursing graduates per year. In Fiscal Year 2007 (September 1, 2006 to August 31, 2007), the Board conducted 8,343 criminal background checks on regis-

tered nurse (RN) students and 4,963 vocational nurse (VN) students. Of those checks, the Board experienced a 12.27% criminal history rate for RN students and a 18.43% criminal history rate for VN students, which produced an additional 1,332 licensure eligibility issues requiring investigation by Board staff. During the same time period, 17,836 students were enrolled in approved RN educational programs and 5,867 students were enrolled in approved VN educational programs.

The BON will evaluate the effectiveness of the early criminal background screening at the end of the grant funding period in August 2009. The BON is seeking legislative funding to continue early criminal background screening for nursing students in fiscal years 2010 and 2011. The grant funds two staff positions for one year to assist with conducting the background checks.

BON Online Jurisprudence Exam Prep Course Now Available to Assist Exam Takers

The Texas Board of Nursing (BON), in collaboration with the e-learning development company Enspire Learning, has completed the web-based prep course for nurses required to take the jurisprudence exam. This course is available to any nurse or applicant for nurse licensure. Section 301.252 of the Nursing Practice Act (NPA), enacted during the 80th Texas Legislature (HB 2426 - Truitt) requires all nurses seeking licensure, by examination or endorsement, to achieve a passing score on a jurisprudence examination prior to obtaining licensure. BON Rule 217.17 was adopted on November 15, 2007 to implement the jurisprudence exam requirement. Completion of the exam

prep course is recommended, but not mandatory, for nurses needing help in preparing for the exam. Currently licensed nurses are exempt from the jurisprudence exam requirement. The BON began administering the 50-question jurisprudence exam to candidates for licensure in September 2008. Exam takers may reference the Board's Rules and Regulations and NPA while taking the exam. The exam is accessed through the BON web site.

Content for the Jurisprudence Exam Prep Course addresses five major topic areas: Nursing Licensure and Regulation in Texas; Nursing Ethics; Nursing Practice; Nursing Peer Review; and Disciplinary Action. Further informa-

tion concerning content of the jurisprudence prep course can be found in the *Reference List* located at the following link: <http://www.bon.state.tx.us/olvpdfs/Resource-Table-List.pdf>

The online jurisprudence prep course is approximately two hours in length. The Jurisprudence Exam Prep Course cannot be taken for continuing education credit at this time. However, expanded versions of the course may be available for continuing education credit at a later date.

The official launch date for the course is October 27, 2008. The cost for the course is \$25.00. The course can be found at <http://bon.enspire.com/>.



When Does a Nurse's Duty to a Patient Begin?



A nurse's duty to his/her patient(s) is a frequent topic of e-mails and phone calls to Board of Nursing (BON) staff. A nurse's duty is **not** defined by any single event such as clocking in or taking a report. From a BON standpoint, the focus is on the relationship and responsibility of the nurse to the patient(s), not to the nurse's employer or employment.

Employment versus Licensure

One example of an issue that frequently arises is a nurse who notifies his/her employer that he/she is quitting a job at the end of an assigned shift. Some nurses in this position have relayed to BON staff that the employer "said they would report me to the Board for patient abandonment." Board Position Statement 15.6 *Board Rules Associated with Alleged Patient Abandonment* explains that typically this is an employment (not licensure) issue when a nurse decides to quit his/her job, with or without notice, provided the nurse does not have responsibility for patients at the time. If the employer has a policy that "requires a two-week notice," this is an employment issue but not a violation of the Nursing Practice Act (NPA) or board rules. In other words, the BON would not take action on a nurse's license just because the nurse quit his/her job without notice at the end of a shift. It should also be noted that Rule 217.12(12) regarding leaving a nursing assignment does **not** apply to the situation in which the nurse completes his/her scheduled shift, and then turns in notification of job resignation.

Frequently Asked Questions (FAQs) on the BON web page that also address the nurse's duty to the patient with respect to employment issues include:

- **Floating:** www.bon.state.tx.us/practice/faq-floating.html
- **Mandatory overtime:** www.bon.state.tx.us/practice/faq-staffing.html
- **Short-staffing:** www.bon.state.tx.us/practice/faq-overtime.html

A Nurse's Duty: Not Limited to Assignment

All nurses, regardless of practice setting or position title/role, are required to adhere to the NPA and other statutes, as well as the board rules. Two of the main rules that relate to nursing practice are Rules 217.11 *Standards of Nursing Practice*, and 217.12 *Unprofessional Conduct*. The standard that serves as the foundation for all other standards is rule 217.11(1)(B)

"...maintain a safe environment for clients and others." This standard supersedes any physician order, facility policy, or administrative directive. The concept of the nurse's duty to maintain client safety also serves as the basis for behavior that could be considered unprofessional conduct by a nurse.

Position Statement 15.14 *Duty of a Nurse in Any Setting* explains the nurse's duty that was established by a landmark case, *Lunsford v. Board of Nurse Examiners*, 648 S.W. 2d 391 (Tex. App. -- Austin 1983) www.bon.state.tx.us/practice/position.html#15.14. As the case of Lunsford points out, when a nurse knows, or should have known that a situation potentially places a patient at risk of harm, the nurse has a duty to intervene. The nurse's knowledge based on educational preparation, experience, and licensure as a nurse establishes that the nurse understands the minimum standards of care and has the ability and duty to recognize potentially harmful situations for the patient.

This is why the nurse's duty is not applied solely based on a nurse being "assigned" to provide nursing care to a patient. A nurse who has knowledge that a situation places a patient at risk of harm has a duty to the patient (or potential patient as in Lunsford).

Rule 217.11(1)(S) relates to nurses who supervise other staff. This standard requires nurses in supervisory positions to "make assignments to others that take into consideration client safety and which are commensurate with the educational preparation, experience, knowledge, and physical and emotional ability of the persons to whom the assignments are made." Likewise, staff nurses are required to accept assignments within the nurse's educational preparation, experience, knowledge, and physical and emotional ability [§217.11(1)(T)]. The standards do not exist or apply in isolation, but compliment each other; thus, all applicable standards should be considered by a nurse in determining the most appropriate course of action.

Safe Harbor Peer Review

"Safe Harbor" ("Request for Peer Review") can apply to nurses in both staff and supervisory positions when the nurse believes an assignment may place patients at risk of harm, thus violating the nurse's duty to the patient. Safe Harbor provides a means by which a nurse can protect his/her nursing license from board action as well as have nursing peers in the same practice setting review the requested assignment. New

Nurses on Guard - Error Prevention and Management -

Advanced Practice Nurses Co-Signing Verbal Orders Originating with Another Provider

In recent months, advanced practice nurses have called the board office to inquire whether it is permissible for them to sign verbal orders that originated with another health care provider for patients whom they have never met or assessed. Although the Board has not adopted a position statement that specifically addresses this issue, there are a number of existing rules that are pertinent to this situation.

Rule 217.11(1) of the Standards of Nursing Practice requires nurses at all levels of licensure to:

- (1)(B) *Implement measures to promote a safe environment for clients and others.*
- (1)(C) *Know the rationale for and the effects of medications and treatments and shall correctly administer the same.*
- (1)(T) *Accept only those nursing assignments that take into consideration client safety and that are commensurate with the nurse's educational preparation, experience, knowledge, and physical and emotional ability.*

It is important to consider whether it is in the best interest of patient safety for advanced practice nurses to co-sign verbal orders for patients they do not know or have never personally assessed. If an advanced practice nurse knows and has worked with a patient, then this **may** be an acceptable practice. However, it is a different situation when the advanced practice nurse is unfamiliar with the patient. From a licensure

standpoint, if an advanced practice nurse's signature appears on an order, she or he would bear some responsibility for ensuring that the order was the correct order for the patient regardless of whether the order was given by that advanced practice nurse or another provider.

Generally speaking, a nurse's co-signature on a medical record indicates that s/he personally witnessed an event or assessed a patient and agrees with what is documented. In the case of a co-signature on an order, it would imply that the advanced practice nurse knows the patient and agrees the order is the correct one for that patient. In a situation in which an advanced practice nurse signed a verbal order for a patient s/he did not know, the board might reasonably ask how the advanced practice nurse determined that the ordered medication/treatment was safe or appropriate for that patient. How would the advanced practice nurse know the patient was free of any conditions that would contraindicate the selection of that medication or treatment? If the advanced practice nurse has not personally seen and assessed the patient, how would s/he know that is the correct order? It does not matter if the verbal order was given by another advanced practice nurse, physician or physician assistant; the advanced practice nurse's signature on an order implies s/he knows the patient, is in agreement with that order, and is accountable to the board for the correctness of that order.

Although the standards do not specifically reference ordering/prescribing medication, the concepts applied to medication administration are equally applicable. The order must be appropriate for the specific patient and ordered cor-

rectly. If the advanced practice nurse had been asked to issue the original verbal order, did s/he have sufficient knowledge of the patient's health status to give the order without personally assessing the patient at the time the request was received? If the answer to this question is no, then it is reasonable to presume that co-signing that particular verbal order does not take patient safety into consideration.

Rule 221.13(e), one of the core standards for advanced practice nursing, reminds the advanced practice nurse that s/he retains professional accountability for the care and management s/he provides. Protocols, privileges or other types of collaborative agreements with physicians provide delegated authority for advanced practice nurses to provide medical aspects of patient care; these documents do not discharge an advanced practice nurse's duty to a patient nor do they relieve him/her of the responsibility to comply with the laws and regulations governing nursing practice.

The unprofessional conduct rule in Rule 217.12 provides some information regarding those activities the Board considers to be misconduct. This includes:

- (1) *Unsafe practice—actions or conduct including, but not limited to:*
 - (A) *Carelessly failing, repeatedly failing, or exhibiting an inability to perform vocational, registered, or advanced practice nursing in conformity with the standards of minimum acceptable level of*

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Nurses on Guard - continued from previous page

nursing practice set out in Rule 217.11;

(E) Accepting the assignment of nursing functions or a prescribed health function when the acceptance of the assignment could be reasonably expected to result in unsafe or ineffective client care;

(4) Careless or repetitive conduct that may endanger a client's life, health, or safety. Actual injury to a client need not be established.

It is possible that such a practice could be viewed as unprofessional conduct. However, as with all disciplinary cases, the facts and circumstances surrounding an individual case would be considered in determining whether the specific situation rose to the level of being considered unprofessional conduct.

If a nurse (including an advanced practice nurse) is asked to accept an assignment that s/he believes would cause him/her to violate the Nursing Practice Act or Board Rules, the nurse has the option of invoking safe harbor if s/he works in a facility that hires, employs, or contracts for the services of ten or more nurses. If safe harbor is not an option because peer review is not mandatory in the practice setting, then the nurse can still refuse to engage in an assignment that s/he believes in good faith would constitute a violation of the Nursing Practice Act or Board Rules (Nursing Practice Act, Section 301.352).

Such practices also have implications for civil liability and litigation. This is beyond the board's purview, and nurses who need additional information with regard to this issue should contact their own personal counsel for this type of information or for legal advice.

Alert: Advanced Practice Nurses With Prescriptive Authority

Effective September 1, 2008, state law requires that all prescriptions for controlled substances include the prescriber's controlled substance registration number issued by the Texas Department of Public Safety (DPS) in addition to the United States Drug Enforcement Administration (DEA) number. Advanced practice nurses with prescriptive authority must put both DPS and DEA numbers on all prescriptions for controlled substances in Schedules III through V. Additional information is available on the DPS web site: www.txdps.state.tx.us/criminal_law_enforcement/narcotics/LegislativeUpdates.pdf. Advanced practice nurses with prescriptive authority **must** have their own DPS and DEA numbers to prescribe controlled substances.

Nurse's Duty to a Patient

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Incident-Based (Rule 217.19) and Safe Harbor (217.20) peer review rules became effective May 11, 2008. The Peer Review section of the web page http://www.bon.state.tx.us/practice/gen_practice.html (under Nursing Practice) contains safe harbor forms, resource documents, and the peer review rules. Nursing associations that represent LVNs, RNs and advanced practice nurses as members may also have information about Safe Harbor Peer Review for their members and other nurses.

The BON has no authority over employment issues, but a nurse does have civil recourse in matters where the nurse's decision to invoke Safe Harbor was made in "good faith", but negative employment action occurred as a result of the nurse's request. A nurse also has "whistleblower" protections when the nurse reports a facility, physician, or other entity for violations of laws relating to patient care and/or illegal acts, such as fraud [NPA 301.4025, rule 217.20(i)].

In summary, BON staff have heard a number of nurses disciplined by the board proclaim "if I had only known and understood about my "duty to the patient" under the NPA and board rules, I would not have gotten into trouble with the Board of Nursing." Please do not wait to become familiar with the laws that govern your nursing practice. A sound knowledge base regarding the rules and statutes will help you protect your patients as well as your nursing license.

Rhode Island Joins the Nurse Licensure Compact

Rhode Island joined the Nurse Licensure Compact (NLC) effective July 1, 2008. Twenty-two other states have enacted legislation allowing for participation in the NLC. Other states in the Compact include: Arizona, Arkansas, Colorado, Delaware, Idaho, Iowa, Kentucky, Maine, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin.

For more information about the Nurse Licensure Compact or to obtain a map showing states that have implemented the NLC, visit the National Council of State Boards of Nursing's web site at www.ncsbn.org.

IMPOSTER 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.

KATHLYN YVONNE JONES

Kathlyn Yvonne Jones applied for an LVN position in the flu clinics of a healthcare agency on September 17, 2007. Ms. Jones was hired and received orientation to work in clinics in the Dallas area. In December 2007, the facility discovered that they did not have a copy of Ms. Jones' LVN license in her personnel file and that no verification of license had been completed upon hiring. They attempted to verify her license on-line and were unsuccessful. The agency contacted the Board office and verified that Ms. Jones did not hold a license to practice vocational nursing in Texas. The case was referred to the Dallas County District Attorney's office.



ELAINE GONZALES TREVINO

Elaine Gonzales Trevino secured employment as an LVN with a home health agency in Victoria, Texas, on April 3, 2008. Ms. Trevino informed the agency that she was in the process of obtaining endorsement to Texas from Nevada. Ms. Trevino worked as an LVN from April 3, 2008 through May 5, 2008. The agency was not able to verify her licensure and they terminated her employment on May 7, 2008. The case was referred to the Victoria County District Attorney's office.



JAMIE GAYLE SMITH (GEORGE)

Jamie Gayle Smith's license to practice professional nursing in the State of Texas was revoked on November 10, 2003. Ms. Smith continued to practice and continued to use the initials "RN" after her name at two places of employment.



PATRICIA N. BRITT

Patricia N. Britt's license to practice vocational nursing (LVN) in the State of Texas was revoked on March 20, 2007. Ms. Britt applied for employment on January 14, 2008, with a physician's group in Richardson, Texas. During the interview Ms. Britt misrepresented herself as an RN and was hired. Her duties included patient care and she signed her name followed by RN in the patients' medical records. Ms. Britt also wore a pin with her name followed by the initials RN. Ms. Britt was terminated from employment on January 22, 2008. The case was referred to the Collin County District Attorney's Office.



NOTICE OF DISCIPLINARY ACTION

The following nurses had disciplinary action taken against their licenses. If you would like to receive additional information regarding the disciplinary action that has been imposed, please send your written request to the Texas Board of Nursing, Enforcement Division, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701-3944.

<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Adair, Sonia	LVN#189190	Warning with Stipulations	August 12, 2008
Addvensky, Jennifer Carol	RN#725053	Remedial Education	June 13, 2008
Ambriz, Linda	LVN#195820	Warning with Stipulations	June 10, 2008
Anderson, Irene Asuquo	LVN#180593	License Revoked	August 12, 2008
Apple, Jennifer Dawn	LVN#183404	Remedial Education & Fine	July 10, 2008
Aslesen, Ma Jocelyn Cacapit	RN#695412	Remedial Education	August 19, 2008
Atherton, Stephen L.	RN#684562	Enforced Suspension	June 10, 2008
Barrientos, Carla Lou	LVN#199250	Warning with Stipulations	August 12, 2008
Baudy, Tammy Ann	LVN#203303	Suspend/Probate	July 17, 2008
Beard, Craig Allen	RN#749536	Voluntary Surrender	July 23, 2008
Bearden, Clare Joyce	LVN#129252	Suspend/Probate	July 17, 2008
Beaver, Marguerite Lynn	RN#588499	License Revoked	June 10, 2008
Beebe, Alison Leigh	RN#700027	Remedial Education	May 23, 2008
Bennings, Field	RN#577050 & LVN#56378	Remedial Education	July 22, 2008
Black, Robyn K.	RN#659285	Enforced Suspension	August 12, 2008
Boachie, Addae	RN#593663	License Revoked	August 12, 2008
Boegli, Ruth Ann	RN#585200	Warning with Stipulations	July 17, 2008
Bowers, Amy F.	RN#624884	Suspend/Probate	August 12, 2008
Brehm, Wendy Dawn	LVN#179231	License Revoked	June 10, 2008
Brown, Robin Elaine	LVN#69049	Voluntary Surrender	July 30, 2008
Brownlow, Milton Leo	RN#231400	Remedial Education & Fine	August 21, 2008
Buitron, Darrah Ann	RN#614248	Remedial Education & Fine	August 11, 2008
Burks, Gary Dale	RN#660880	Suspend/Probate	June 10, 2008
Carroll, Thomas Marcell	RN#723811 & LVN#131637	Warning with Stipulations	July 17, 2008
Case, Jason David	LVN#183948	Warning with Stipulations	June 10, 2008
Cash, Veta Lanay	LVN#108156	Voluntary Surrender	June 4, 2008
Cassity, Lacey Lene	LVN#172272	Voluntary Surrender	June 10, 2008
Chacha, Imanuel Werema	RN#681673	License Revoked	August 12, 2008
Chatman, Shanell Nikisha	LVN#177077	Enforced Suspension	July 17, 2008
Chesser, Renee Michelle	LVN#167802	Enforced Suspension	June 10, 2008
Chuoque, Tanya Ann	RN#588691	Voluntary Surrender	June 2, 2008
Clardy, Nannie	RN#651151	Suspend/Probate	August 12, 2008
Clark, Kelly N.	RN#516366	Voluntary Surrender	July 15, 2008
Cobb, Monica Christine	RN#729569	Voluntary Surrender	June 6, 2008
Cole, Cynthia Rosanne	LVN#160276	Remedial Education & Fine	August 12, 2008
Cooper, Reba Kay	RN#525328	Remedial Education	June 30, 2008
Cross, Carissa Anne	RN#670495	Remedial Education & Fine	June 23, 2008
Daniel, Cathy Louise	LVN#156156	Suspend/Probate	June 10, 2008
Daniel, Mary Inez	LVN#48331	Voluntary Surrender	July 28, 2008
Davis, Deborah Arlene	LVN#60119	Voluntary Surrender	August 13, 2008
Davis, Jan Shirley	LVN#162647	Warning with Stipulations	June 10, 2008
Deaver, Donna Sue	LVN#82748	Warning with Stipulations	July 17, 2008
Dennis, Terrie Annette	RN#652807	Remedial Education & Fine	July 1, 2008
Doster, Desiree D.	RN#618726	License Revoked	June 10, 2008
Drone, Charlotte M. G.	RN#429086	Limited License	July 17, 2008
Dwiggins, Bebe S.	LVN#80874	Remedial Education & Fine	June 11, 2008
Emuka, Rosita Chienye	RN#709621	Warning with Stipulations	August 12, 2008
Evans, Cathy Lynn	RN#603904	Voluntary Surrender	August 11, 2008
Evans, Lois Ann	LVN#103049	License Revoked	August 12, 2008
Ezukanma, Lawretta Njideka	RN#719537	Remedial Education	June 9, 2008
Favaro, Shonda Okema	LVN#203847	License Revoked	June 10, 2008
Finley, Michael D.	LVN#112727	Enforced Suspension	August 12, 2008
Flippo, Karen Ann	RN#240495 & LVN#58449	Warning with Stipulations	June 10, 2008
Flores, Onesimo Panalez	LVN#197682	Remedial Education & Fine	June 16, 2008
Franks, Kenneth Ray	RN#547367	Enforced Suspension	June 10, 2008

DISCIPLINARY ACTION

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<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Frausto, Linda	RN#551291 & LVN#72816	Remedial Education & Fine	June 30, 2008
French, Brandy Dawn	RN#636734	Enforced Suspension	June 10, 2008
Friesz, Gregory D.	RN#618121 & LVN#130124	Remedial Education & Fine	June 9, 2008
Gant, Rebecca Deann	LVN#153456	Enforced Suspension	June 10, 2008
Garcia, Gildebrando Diaz	RN#603888	Warning with Stipulations	June 10, 2008
Gilligan, Thomas William	RN#725810	Suspend/Probate	August 12, 2008
Glasco, Pamela Dawn	LVN#171543	Voluntary Surrender	June 13, 2008
Gonzalez, Annette Ramon	RN#527129	Remedial Education & Fine	July 29, 2008
Grigg, Melanie	RN#651172	License Revoked	August 12, 2008
Grogan, Kelvin Lee	RN#709874	Reprimand with Stipulations	July 17, 2008
Guynes, Angelita S.	RN#661978	Remedial Education & Fine	August 1, 2008
Guzzi, Margie Ruth	LVN#21344	Remedial Education & Fine	June 30, 2008
Hall, Jackie Lavonne	RN#558777 & LVN#90453	License Revoked	June 10, 2008
Hall, Karen Annette	LVN#181402	License Revoked	June 10, 2008
Hannah, Cynthia Louise	LVN#192299	License Revoked	August 12, 2008
Hanson, Linda	RN#654314	License Revoked	August 12, 2008
Harris, Leigh Erica	LVN#166818	License Revoked	August 12, 2008
Hart, Kathryn Craven	RN#533014	Remedial Education	July 22, 2008
Helberg, Mandy Lou	RN#661158 & LVN#145737	Warning with Stipulations	June 10, 2008
Henderson, Otrice Nicole	LVN#184828	License Revoked	June 10, 2008
Henslee, Hope A.	RN#516686	Warning with Stipulations	June 10, 2008
Hernandez, Shannon Cherie	RN#698226	License Revoked	August 12, 2008
Heslep, Jenifer Bates	RN#693533	License Revoked	June 10, 2008
Hogue, Debbie Gail	LVN#142214	Voluntary Surrender	June 13, 2008
Hollingsworth, Christine Marie	RN#604301	Warning with Stipulations	August 12, 2008
Hughs, Lillian Lee	RN#569199	Remedial Education & Fine	August 15, 2008
Hunt, Kathryn Lillie	RN#621862	Remedial Education & Fine	July 18, 2008
Jackson, Angela Marie	LVN#170616	Voluntary Surrender	June 10, 2008
Jackson, Veronica Lajoy Warren	LVN#198335	Suspend/Probate	June 10, 2008
Jefcoats, Cassie Lynn	LVN#190865	License Revoked	August 12, 2008
Johnson, Anita Marie	LVN#193717	License Revoked	June 10, 2008
Jones, Larrietta Ladonna	RN#665868	Suspend/Probate	July 17, 2008
Jones, Stanford Allan	LVN#147079	Voluntary Surrender	July 28, 2008
Kearns, Jr., Raphael Elmo	RN#458142	Voluntary Surrender	July 7, 2008
Knabe, Sarah Katherine	LVN#185987	Warning with Stipulations	July 17, 2008
Koehler, Natalie Warren	LVN#149390	Voluntary Surrender	August 12, 2008
Kolinoski, Jr., Joseph W.	LVN#83284	Voluntary Surrender	June 16, 2008
Koon, Sonja Michelle	LVN#193713	Remedial Education	August 26, 2008
Kosel, Remona Gale	LVN#179443	Remedial Education	June 11, 2008
Lampe, Alexy Denise	LVN#145273	Voluntary Surrender	May 23, 2008
Lanier-Morris, Sheri L.	RN#537505	License Revoked	June 10, 2008
Larkins, Brenda A.	RN#221060	Reprimand with Stipulations	July 17, 2008
Leido, Joane Loretta	LVN#183102	Remedial Education & Fine	May 20, 2008
Levario, Rebecca S.	LVN#79271	Reprimand with Stipulations	June 10, 2008
Lewis-Besson, Julie Lee	RN#584836	Suspended	May 1, 2008
Litchfield, Christine	RN#641952 & LVN#149700	Enforced Suspension	August 12, 2008
Little, Alice Romero	LVN#179340	Remedial Education	June 11, 2008
Long, Debra Ann	RN#540832	License Revoked	June 10, 2008
Lopez, Sheila Turpen	RN#696869	Remedial Education	May 27, 2008
Lowder, Nancy Carol	RN#618328	Voluntary Surrender	June 16, 2008
Maas, Freida Ruth	RN#583399 & LVN#70935	Warning with Stipulations	July 17, 2008
MacIsaac, Diane R.	RN#611594	Remedial Education	August 12, 2008
Mandavathil, Mariamma Joseph	RN#522045 & LVN#86548	Warning with Stipulations	July 17, 2008
Martindale, Susan Diane	LVN#150773	Voluntary Surrender	July 28, 2008
Martinez, Jose	RN#632560	Voluntary Surrender	July 18, 2008
Matula, Christina Lee	RN#709653	Warning with Stipulations	July 17, 2008
Mazaraki, Roman Jozef	RN#568151	Remedial Education & Fine	July 3, 2008
McAhon, Catherine D.	RN#544606 & LVN#114086	Voluntary Surrender	July 22, 2008
McAteer, Malinda Joyce	LVN#154502	License Revoked	June 10, 2008

DISCIPLINARY ACTION

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<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
McIntyre, Judy Beth	RN#568065 & LVN#119533	Voluntary Surrender	August 15, 2008
Menard, Tori Ann	RN#708434	Remedial Education	May 30, 2008
Molina III., Antonio G.	LVN#204423	Enforced Suspension	June 10, 2008
Moman, Judy Ann	LVN#98474	Remedial Education	June 2, 2008
Montes, Shirlee L.	RN#618422	Warning with Stipulations	August 12, 2008
Moore, Michelle Tracy	RN#669506	Warning with Stipulations	August 12, 2008
Motley, Warren Thomas	LVN#153840	License Revoked	August 12, 2008
Mounds, Charlotte Ann	LVN#73067	License Revoked	June 10, 2008
Munoz, Alexander Paul	LVN#197275	Warning with Stipulations	August 12, 2008
Neary, Mary Eileen	Multistate Licensure Privilege Virginia RN#1133648	Reprimand with Stipulations	August 12, 2008
Noblitt, Nancy Louise	RN#714610	Voluntary Surrender	June 12, 2008
Overton, Hannah Ruth	LVN #159430	License Revoked	July 17, 2008
Parker, Rebecca Suzanne	RN#694031	Remedial Education & Fine	July 31, 2008
Patterson, Laura	RN#620571	License Revoked	August 12, 2008
Peddycoart Jr., Robert	RN#653690	Warning with Stipulations	June 10, 2008
Pepper, Stacy Renee	RN#680749	Enforced Suspension	August 12, 2008
Phillips, Rebecca Lynn	LVN#141802	Voluntary Surrender	August 27, 2008
Phillips, Tammy Carol	LVN #112578	License Revoked	June 10, 2008
Pinales, Richard	LVN#146480	Warning with Stipulations	June 10, 2008
Pittman, Mary Katherine	LVN#122284	Reprimand with Stipulations	August 12, 2008
Plabkrasonk, Chutharatana	RN#730333	Warning with Stipulations	June 10, 2008
Pooley, Christy Leigh	LVN#138947	Voluntary Surrender	June 9, 2008
Porras, Sharon Renee	LVN#189606	Remedial Education & Fine	June 11, 2008
Poore, Clifton Richard	RN#721160	Warning with Stipulations	July 17, 2008
Preston, Catherine Marie	LVN#168631	Voluntary Surrender	July 28, 2008
Rafuse, Katrina	RN#652940	Remedial Education & Fine	August 12, 2008
Ramos, Angela Elizabeth Dawn	LVN#186527	License Revoked	June 10, 2008
Ramsey, Heather Shauntelle Barnett	LVN#204037	Warning with Stipulations	July 17, 2008
Rex, Barbara C.	LVN#50961	Voluntary Surrender	August 28, 2008
Reynolds, Donna L.	RN#613785	Reprimand with Stipulations	June 10, 2008
Rimando, Eliodoro Mendoza	RN#712003	Reprimand with Stipulations	August 12, 2008
Ritchey, Carol Ann	RN#548343	License Revoked	July 17, 2008
Rivas, Sonya Marie	LVN#182244	License Revoked	June 10, 2008
Roberts, Kay Mignon	RN#596612	Reprimand with Stipulations	July 17, 2008
Rogers, Kathryn Elizabeth	RN#687421	License Revoked	June 10, 2008
Roland, Donna Kathleen	RN#252085	Warning with Stipulations	June 10, 2008
Ruesing, Rhonda Denise	LVN#169722	Voluntary Surrender	June 17, 2008
Rupard, John Ingles	RN#709270	Remedial Education	August 11, 2008
Sain, Joanna Marie	RN#640407 & LVN#115928	Remedial Education & Fine	August 22, 2008
Salazar, Jessica Rubio	LVN#182121	Warning with Stipulations	July 17, 2008
Salazar, Jose Humberto	LVN#155314	Warning with Stipulations	June 10, 2008
Sanchez, Holly Lyn	RN#693934	Warning with Stipulations	June 10, 2008
Sanders, Lauren Elizabeth	RN#713112	Voluntary Surrender	May 23, 2008
Savage, Sandra M.	RN#608045	Voluntary Surrender	June 9, 2008
Seely, Crickett Lynn	LVN#196690	Remedial Education	August 18, 2008
Shaw, Peggy Lynn	RN#680101	Voluntary Surrender	August 11, 2008
Sheffield, Janet Lanell	RN#508789 & LVN#98201	Voluntary Surrender	June 25, 2008
Sides, Susan Louise	RN#732650	Remedial Education	June 12, 2008
Siurko, Cindy Lou	RN#557563	Remedial Education & Fine	July 29, 2008
St. Clair, Anita Jo	LVN#142445	Warning with Stipulations	June 10, 2008
Stephens, Jodi Lynn	RN#656654	Warning with Stipulations	June 10, 2008
Suddith, Bradley Ryan	LVN#182256	Voluntary Surrender	August 13, 2008
Tarrant, Tammy Gay	LVN#88755	Warning with Stipulations	July 17, 2008
Taylor, Jodi Lyn	LVN#167604	Voluntary Surrender	August 11, 2008
Thompson, Kandace Ruth	RN#657245	Suspend/Probate	July 17, 2008
Tinsley, Angela Michelle	LVN#175388	Reprimand with Stipulations	June 10, 2008
Tipton, Freda Rebecca	LVN#126781	Remedial Education & Fine	June 11, 2008
Torrio, Monica Liliana	RN#714063	Suspend/Probate	June 10, 2008

Advisory Committee Update

Advisory Committee on Education Addresses New Board Charges

The Advisory Committee on Education (ACE) met on September 10, 2008, via conference call, with nine committee members, one liaison Board member, and several board staff participating. ACE members reviewed the four new charges issued by the Board and planned the committee’s response for these charges. The four new charges are as follows:

1. Review and revise the Differentiated Entry Level Competencies (DELC).
2. Study and make recommendations regarding the issues involved with permitting a student who has partially completed a professional nursing educational program or graduated from a professional nursing educational program and then failed the NCLEX-RN® examination, to apply for licensure as a vocational nurse in Texas by taking NCLEX-PN® examination.
3. Determine the addition of clinical requirements for programs outside Texas’ jurisdiction that do not require clinical learning experiences to be included in the program of study and want their graduates to be eligible for nursing licensure in Texas.
4. Review the revised Board processes for addressing programs overall pass rates that are below 80% in relation to the Sunset Advisory Commission’s recommendation 1.9.

The first ACE meeting beginning the process of addressing the new charges was held on October 1, 2008, in Austin, with seven committee members and several Board staff in attendance. The next ACE meeting is scheduled for

November 17, 2008 in Austin. The committee’s address of the new charges will continue during this meeting.

Nursing Practice Advisory Committee

The Nursing Practice Advisory Committee (NPAC) met on September 5, 2008, to discuss and make recommendations to the Board for proposed revisions to Rule 217.16 relating to Minor Incidents. This review was necessary to assure that the Minor Incident Rule accurately reflected changes in the statutes as a result of Senate Bill 993 and House Bill 2426 [80th Texas Legislative Regular Session (2007)]. The changes relevant to the Minor Incident Rule mainly relate to the Board’s Rule 217.19 relating to Incident-Based Nursing Peer Review. Revisions to both Rule 217.19, *Incident-Based Nursing Peer Review and Whistleblower Protections*, and 217.20, *Safe Harbor Nursing Peer Review and Whistleblower Protections*, were adopted on May 11, 2008.

The nursing peer review rules, forms, and resources are accessible under the Nursing Practice link from the BON home web page: http://www.bon.state.tx.us/practice/gen_practice.html#Peer_Review. Board consideration of proposed revisions to the Minor Incident Rule is tentatively slated for the October 2008, Board Meeting.

The schedule of quarterly Board meetings as well as links to the agenda items are located on the BON web site (www.bon.state.tx.us) under the link “About the Board.” Once on this page, click on “Board Meetings and Events” to access board meeting agenda items, which are typically posted 1-2 weeks prior to each Board meeting.

DISCIPLINARY ACTION

- continued from previous page

<u>NAME</u>	<u>LICENSE NUMBER(S)</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Vanhecke, Sharon Fay	RN#522676	Remedial Education	August 18, 2008
Vasquez, Ramona	LVN#63308	Warning with Stipulations	June 10, 2008
Villarreal, Candus R.	RN#684254	Warning with Stipulations	July 17, 2008
Villarreal, Ramon Abel	LVN#161913	Reprimand with Stipulations	July 17, 2008
Walker (Johnson), Wendy Dawn	RN#683694 & LVN#168033	Enforced Suspension	July 17, 2008
Ward, Laura Geneen	LVN#157800	Warning with Stipulations	June 10, 2008
Ward, Patricia A.	RN#620672	Reprimand with Stipulations	July 17, 2008
Webster, Kelly Baker	RN#662646	Voluntary Surrender	August 27, 2008
Wheeler, Sharon Kay	RN#574139	Warning with Stipulations	August 12, 2008
White, Susan Diane	RN#244677	Enforced Suspension	July 17, 2008
Wiggins, Rhonda Kay	RN#701976	Voluntary Surrender	August 20, 2008
Williams, Sharon	RN#652765	Warning with Stipulations	June 10, 2008
Wilson, Jerome M.	LVN#91203	License Revoked	July 17, 2008
Young, Crystal Renee	LVN#186743	Voluntary Surrender	July 1, 2008
Zwernemann, Joy Lynne	RN#578704 & LVN#132557	Suspend/Probate	July 17, 2008

Workshop Update

Nursing in Texas: A Regulatory Foundation for Safe Practice

The Texas Board of Nursing (BON) will be presenting four nursing jurisprudence and ethics workshops in 2009. The workshops, titled: *Nursing in Texas: A Regulatory Foundation for Safe Practice*, will be presented in the following locations:

- South Padre Island – February**
- Houston – March**
- Arlington – June/July**
- Austin – July/August**

Additional information concerning the dates and locations of the workshops will be announced after the facility arrangements are secured. Workshop brochures with registration forms will be posted on the BON website at www.bon.state.tx.us under “*BON Meetings and Events*” at a later date. These workshops have been approved for six contact hours of continuing nursing education. Attendance at these workshops is not mandatory for licensure renewal. These workshops are presented for educational purposes and for obtaining continuing education credit only. For questions regarding the BON workshops, please call the Workshops Information line at (512) 305-6844 or e-mail inquiries to workshops@bon.state.tx.us.

Texas Board of Nursing Meeting Dates: 2008

October 23-24

Meeting Dates: 2009

January 22-23
April 23-24
July 23-24
October 22-23

Eligibility and Disciplinary Committee Meetings

November 11
December 9

All meetings to be held in Austin

Reminder
Issuance of paper licenses upon renewal was discontinued September 1, 2008.

MAIN NUMBER.....(512) 305-7400
FAX.....(512) 305-7401
 -- 24 Hour Access
 -- License Verification
 -- General Information

OPERATIONS

CUSTOMER SERVICE.....(512) 305-6809
 -- License Renewals
 -- Endorsement/Examination
 -- Continuing Education for LVNs & RNs

SALES OF LISTS.....(512) 305-6848
 -- Electronic Nurse Files
 -- Publications

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

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

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

PROFESSIONAL AND VOCATIONAL NURSING

ADVANCED PRACTICE.....(512) 305-6843
 -- APN application and Prescriptive Authority procedures

NURSING PRACTICE.....(512) 305-6802
 -- Nursing practice issues
 -- Legislation

Workshop Information.....(512) 305-6844
 -- Workshop e-mail inquiries: workshops@bon.state.tx.us

NURSING EDUCATION.....(512) 305-6816



The purpose of the *Texas Board of Nursing Bulletin* is to disseminate information to nurses licensed by the State of Texas, their employers, health care providers, and the public concerning laws and regulations established by the Texas Board of Nursing related to the safe and legal practice of nursing. The *Texas Board of Nursing Bulletin* 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.

Texas Board of Nursing

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Texas Board of Nursing
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Office Hours and Location

The Office of the Texas Board of Nursing is located in The William P. Hobby Building, located at the corner of 4th and Guadalupe in downtown Austin. The mailing address is: 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for designated holidays.

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Change of Address

Notification of change of address as required by Rule 217.7 can be by three different methods:

1. Mail to: Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944;
2. E-Mail to: webmaster@bon.state.tx.us; or
3. Fax to: Texas Board of Nursing (512) 305-7401.

Notifications must include:

1. RN or LVN License Number;
2. Social Security Number;
3. Old and New Address; and
4. Your Name.