
BOARD OF NURSE EXAMINERS

Regular Meeting

Thursday, October 20, 2005

8:33 a.m. - 5:03 p.m.

Friday, October 21, 2005

9:20 a.m. - 2:17 p.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

Present:

Linda Rounds

Joyce Adams

Deborah Bell

George Buchenau, Jr.

Virginia Campbell

Phyllis Caves Rawley (Attended only on Friday, October 21, 2005)

Blanca Rosa Garcia

Richard Robert Gibbs

Rachel Gomez

Brenda Jackson

Anita Palmer

Beverley Nutall

Frank Sandoval

Staff present:

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

James "Dusty" Johnston, General Counsel

Joy Sparks, Assistant General Counsel

Liz Higginbotham, Assistant General Counsel

Mark Majek, Director of Operations

Mary Beth Thomas, Director of Nursing

Jolene Zych, Nursing Consultant

Virginia Holmes, Nursing Consultant

Betty Sims, Nursing Consultant

Robbin Wilson, Nursing Consultant

Carol Marshall, Nursing Consultant

Janice Hooper, Nursing Consultant

Dorothy Joy, Nursing Consultant

Melinda Hester, Nursing Consultant

Bruce Holter, Information Specialist

Angela Bradford, Legal Assistant

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	Linda Rounds called the meeting to order at 8:33 a.m, Thursday, October 20, 2005.	
ROLL CALL	All members were present with the exception of Phyllis Caves Rawley. A quorum was established.	
INTRODUCTIONS	Board members and staff introduced themselves to the audience.	
ACCEPTANCE OF AGENDA	The board reviewed the agenda.	The Agenda was approved.
ACCEPTANCE OF MINUTES	The board reviewed the minutes from the July 21-22, 2005 meeting.	The Board approved the minutes from the July 21-22, 2005 meeting.
CONSENT AGENDA ITEMS		<p>The Consent agenda was approved with the following changes:</p> <p>Item 3.1.1. Workshop Report was removed from the consent agenda for discussion.</p> <p>Item 5.3.1. Texas Peer Assistance Program for Nurses Advisory Committee was removed from the consent agenda for discussion.</p> <p>Item 8.1 ALJ Proposals for Decision: The following PFD was removed from the consent agenda for discussion: Marshalene Smith, LVN #79369.</p> <p>Item 8.2. Agreed Orders: The following Agreed Orders were removed from the consent agenda for discussion: Maria Del Rocio Canseco, RN #608057; John Patrick Gilvin, RN #594779; Ronda Lea Redenius, LVN #160646; Debra Ann Robinson, RN #573430/LVN #67155; Teresa Lee Thomas, RN #605824; Nezzie Lee West, LVN #81404;</p> <p>Item 8.3. Reinstatement Agreed Orders: The following Reinstatement Agreed Order was removed from the consent agenda for discussion: Sandra Lyn Southern, RN #531909.</p> <p>Brenda Jackson, recused herself from the consideration and vote on Item 8.2. Agreed Orders of:</p>

AGENDA ITEM	DISCUSSION	ACTION
		<p>Maria Del Rocio Canseco, RN #608057; Clara Mill Valdez, RN #537937/LVN #35239.</p> <p>George Buchenau, Jr., recused himself from the consideration and vote on Item 8.3. Reinstatement Agreed Order of: Alan Dale Ailles, RN #550302.</p> <p>Blanca Rosa Garcia recused herself from the consideration and vote on Item 8.2. Agreed Order of: Nezzie Lee West, LVN #81404.</p>
2.2. CE Compliance Report		<i>Approved on Consent.</i>
5.1.1. Eligibility and Disciplinary Committee Report		<i>Approved on Consent.</i>
5.1.2. Strategic Planning/4 TH Quarter Report		<i>Approved on Consent.</i>
7.1.1. TPAPN Quarterly Report		<i>Approved on Consent.</i>
8. PROPOSED BOARD ORDERS		
8.1. ALJ Proposals for Decision		<p><i>The board voted to ratify the ALJ Proposals for Decision on Consent with the following results:</i></p>
	Richard Debre Pate, LVN #168048	License Revoked. <i>The proposal for decision and the findings of fact and conclusions of law of the ALJ were adopted by the board.</i>
	William Casey Storms, LVN #136436	License Revoked. <i>The proposal for decision and the findings of fact and conclusions of law of the ALJ were adopted by the board.</i>
8.2. Agreed Orders		<p><i>The board voted to ratify the Agreed Orders on Consent with the following results:</i></p>
	Garnetta Ashmore, RN #588452/LVN #104659	Warning with Stipulations. <i>Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence; a board</i>

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	<p><i>clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a RN under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice as a RN in any critical care area fo the first year of employment as a RN; Respondent shall not administer or have any contact with controlled substances for the first year of employment as a RN under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Sheree Lynn Newland, LVN #161082</p> <p>Robert Isaac Schwartz, RN #609409</p>	<p><i>clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a RN under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice as a RN in any critical care area fo the first year of employment as a RN; Respondent shall not administer or have any contact with controlled substances for the first year of employment as a RN under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Reprimand with Stipulations. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence; a board approved course in physical assessment; and a board approved course in nursing documentation. Should Respondent choose to practice as a LVN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</p> <p>Enforced Suspension. Respondent's license is hereby suspended with said suspension enforced until Respondent successfully completes the following remedial education courses: a board approved course in nursing jurisprudence; a board approved course in medication</p>

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	<p>Judith Lynn Unger-Trevino, RN #706239/LVN #190617</p> <p>Clara Mill Valdez, RN #537937/LVN #35239</p>	<p><i>administration; and a board approved course in nursing ethics. Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Upon verification of successful completion of the approved remedial education courses, the suspension will be STAYED and Respondent will be placed on probation for two years under the following agreed terms: Should Respondent choose to practice as a RN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; and in-direct supervision with employment restrictions for the remainder of the stipulation period.</i></p> <p>Warning with Stipulations. <i>Within forty five days of entry of this order Respondent shall pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence; a board approved course in medication administration; and a board approved course in nursing documentation. Should Respondent choose to practice as a RN/LVN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have in-direct supervision with employment restrictions for the first six months of employment under this order; and in-direct supervision with employment restrictions for the remainder of the stipulation period.</i></p> <p><i>Board member Brenda Jackson, recused herself from consideration and voting on this order.</i></p> <p>Limited License. <i>Respondent shall not provide direct patient care. Should Respondent desire to return to a clinical practice setting, which would require her to</i></p>

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	<p>Rebecca Anne Hendriksen (Cobb), RN #249064</p> <p>Carmen Lina Mendoza, RN #548346</p>	<p><i>employment restrictions for the first year of employment under this order; Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall have employment restrictions for the first year of employment; Petitioner shall not practice in any critical care area for the first year of employment; Petitioner shall not administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for the first year of employment as a RN; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p>Reinstated with Stipulations. <i>Petitioner's Application for Reinstatement shall be granted with the following conditions: Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics.</i></p> <p>Reinstated with Stipulations. <i>Petitioner's Application for Reinstatement shall be granted with the following conditions: Within forty-five days of entry of this order Petitioner shall pay a monetary fine in the amount of \$500. Petitioner shall pay all re-registration fees and be issued a coded license which shall be subject to the following agreed post-relicensure stipulations: Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. Should Petitioner choose to practice as a RN in the State of Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order;</i></p>

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	<p>Gay Lyn Weigelt, RN #501324</p>	<p><i>Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall have employment restrictions for the first year of employment; Petitioner shall not practice in any critical care area for the first year of employment; Petitioner shall not administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for the first year of employment as a RN; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Petitioner shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Petitioner's progress in therapy until released from therapy.</i></p> <p>Reinstated with Stipulations. <i>Petitioner's Application for Reinstatement shall be granted with the following conditions: Within forty-five days of entry of this order Petitioner shall pay a monetary fine in the amount of \$500. Petitioner shall pay all re-registration fees and be issued a coded license which shall be subject to the following agreed post-licensure stipulations: Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. Should Petitioner choose to practice as a RN in the State of Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall have employment restrictions for the first year of employment; Petitioner shall not practice in any critical care area for the first</i></p>

AGENDA ITEM	DISCUSSION	ACTION
8.4 ELIGIBILITY AGREED ORDERS	Sarah Corson Adams, Petitioner for Initial Licensure (RN)	<p>year of employment; Petitioner shall not administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for the first year of employment as a RN; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</p>
	Latasha Ysleta Bryant, Petitioner for Initial Licensure (LVN)	<p>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. It is further agreed should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; and Petitioner shall cause employer(s) to submit periodic reports.</p> <p>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation and</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Regina Lara Garcia, Petitioner for Initial Licensure (RN)</p>	<p><i>RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. It is further agreed at the time of initial licensure should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; shall cause employer(s) to submit periodic reports; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. It is further agreed at the time of initial licensure should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; shall cause employer(s) to submit periodic reports; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Melissa Lopez, Petitioner for Initial Licensure (RN)</p>	<p><i>shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. It is further agreed at the time of initial licensure should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; shall cause employer(s) to submit periodic reports; Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Petitioner shall submit to periodic screens for controlled substances and alcohol.</i></p> <p><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-RN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. It is further agreed at the time of initial licensure should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for one year of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; shall cause</i></p>

AGENDA ITEM	DISCUSSION	ACTION
		<p><i>initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. It is further agreed at the time of initial licensure should Petitioner practice as a RN in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; shall cause employer(s) to submit periodic reports; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; and Petitioner shall submit to periodic screens for controlled substances and alcohol.</i></p>
<p>1. ADMINISTRATION</p>		
<p>1.1. Executive Director’s Report</p>	<p>Katherine Thomas reviewed her written report to the board.</p>	<p>No action.</p>
<p>1.2. Legal</p>	<p>No report.</p>	<p>No action.</p>
<p>1.3. Final Legislative Report, 79TH Legislative Session</p>	<p>Katherine Thomas reviewed legislation from the 79TH Legislative Session.</p>	<p>No action.</p>
<p>1.4. Sunset Review</p>	<p>Katherine Thomas reviewed her written report to the board.</p>	<p>No action.</p>
<p>2. OPERATIONS</p>		
<p>2.1. Financial Statements</p>	<p>Mark Majek reviewed his written report to the board.</p>	<p>No action.</p>
<p>3. NURSING</p>		
<p>3.1. PRACTICE</p>		
<p>3.1.1. Workshop Report</p>	<p>Carol Marshall gave a verbal summary of the Workshop Report.</p>	<p>No action.</p>
<p>3.2. EDUCATION</p>		
<p>3.2.2. Petition for a Non-Emergency Faculty Waiver, Kilgore College, Associate Degree</p>	<p>The Board considered the recommendation from the Education Liaison Committee (ELC) to approve a non-emergency faculty waiver for Julia Schneider, BSN, RN, to be a nursing</p>	<p>The Board voted to ratify the recommendation from the ELC to approve a non-emergency faculty waiver for Julia Schneider, BSN, RN, to be a nursing faculty member for the Associate Degree</p>

AGENDA ITEM	DISCUSSION	ACTION
Nursing Program	faculty member for the Associate Degree Nursing Program at Kilgore College.	Nursing Education Program at Kilgore College as indicated.
3.2.3. New Dean, Director, Coordinator and Faculty Waivers Summary Report for 2004-2005	The Board reviewed the report regarding new dean, director, coordinator and faculty waivers for 2004-2005.	No action.
3.2.4. Education Activities Summary for 2004-2005.	The Board reviewed the report regarding the Education Activities Summary for 2004-2005.	No action.
3.2.5. Report on BNE New Dean, Director, and Coordinator Orientation Workshops for 2004-2005	The Board reviewed the report regarding the BNE New Dean, Director and Coordinator Orientation Workshops for 2004-2005.	No action.
4. ENFORCEMENT		
4.1. Criminal Background Check Update	The board reviewed the statistics provided regarding the criminal background checks.	No action.
5. COMMITTEE REPORTS		
5.2. Advisory Committees/Task Forces		
5.2.1. Advanced Practice Nurses Advisory Committee	Jolene Zych reported that the committee met and completed its work on the guidelines to determine and expand scope of practice as well as completed updates to the APN rules.	No action.
5.2.2. Nursing Practice Advisory Committee	Carol Marshall stated there was not report, however the committee requested that the board issue a charge to the committee.	The Board voted to issue a charge to the committee to review and revise the Minor Incident Rule.
5.2.3. Advisory Committee on Education	The Board considered the recommendation for the proposed membership of the Board of Nurse Examiners Advisory Committee on Education (ACE).	The Board voted to accept the nominations for membership on the Advisory Committee on Education as follows: Judith M. Farmer, RN (TAVNE) Linda Klotz, PhD, RN (TOBGNE) Helen Reid, EdD, MSN, RN (TOADN) Kay Shaw, MSN, RN (TAVNE)

AGENDA ITEM	DISCUSSION	ACTION
OPEN FORUM:	<p>Linda Rounds announced the format and invited participation from the audience.</p> <p>Jim Willman, Texas Nurses Association, spoke regarding Agenda Item 7.2.2. Mr. Willman presented that it was not the Legislatures intent to change the scope of practice for LVN's and that the Legislature had removed wording regarding LVN's administering medications at TNA's request. TNA would prefer that no position statements be adopted by the BNE with regard to LVN administration of medication so that it remains ambiguous and would allow LVNs to remain performing the same functions.</p> <p>Rachel Hammon, Texas Association for Home Care spoke regarding Agenda Item 7.2.3. Ms. Hammon wanted to note that the definition as presented could be limiting and would ask that the BNE would incorporate language which would not exclude hospice organizations.</p> <p>No one else came forward and the Open Forum was closed at 1:53 p.m.</p>	<p>Kendra Slatton, RN, MSN, CDE (TONE) Susan Sportsman, PhD (TNA)</p> <p>No action.</p>
<p>6. OLD BUSINESS</p> <p>6.1. Nurse Licensure Compact Update</p> <p>6.2. M.D. Anderson Patient Safety Pilot Program</p>	<p>Katherine Thomas gave a verbal report on the compact.</p> <p>The Board reviewed the update from the Patient Safety Pilot Health Alliance Safety Partnership. Debra Simmons, RN, did an update on the Pilot Program using a slide presentation.</p>	<p>No action.</p> <p>No action.</p>
<p>7. NEW BUSINESS</p> <p>7.2. Proposed Rules</p> <p>7.2.1. Proposed Amendments to §216.3, to implement Senate</p>	<p>The Board considered the amendment to Rule 216.3 regarding forensic evidence collection continuing education requirements for nurses working in ER</p>	<p>The Board voted to propose an amendment to Rule 216.3 adding §216.3(6) regarding forensic evidence collection continuing education requirements for nurses working in</p>

AGENDA ITEM	DISCUSSION	ACTION
Bill 39 (Forensic Continuing Education)	settings.	ER settings, with subsequent publication in the Texas Register. If no negative comments are received, move that the rule amendments be adopted. Also move to permit Board legal counsel to make non-substantive editorial changes in proposed rule language for purposes of clarification.
7.2.2. Position Statement 15.25: Administration of Medications and Treatments by LVNs	The Board considered proposed position statement 15.25.	The Board voted to adopt new position statement 15.25, Administration of Medications and Treatments by LVNs, including the language “any practitioner legally authorized to prescribe the ordered medication,” with allowance for non-substantive word editing for purposes of clarity as may be deemed necessary by Board counsel.
7.2.3. Proposed Amendments to §§216.3, 217.9, and 223.1 to Implement House Bill 2680 (Voluntary Charity Care)	The Board considered the Proposed Amendments §§216.3, 217.9, and 223.1 to Implement House Bill 2680 (Voluntary Charity Care).	The Board voted to adopt amendments to Board Rules 216.3(7), 217.9, and 223.1(a)(17) as presented, with allowance for non-substantive word editing by Board Counsel as may be deemed necessary for clarity. After subsequent publication in the Texas Register, if no negative comments are received, move the rules be adopted as amended.
7.2.4. Proposed Amendment to §223.2, Charges for Public Records	The Board considered the proposed amendment to §223.2, Charges for Public Records.	The Board voted to propose amendment to section 223.2 and publish the proposed amendments in the Texas Register for the 30-day comment period. If no comments are received in that 30 days, move to adopt the amendment as proposed.
7.2.5. Proposed Amendments to Chapter 221, Advanced Practice Nurse, §§221.3 and 221.12	The Board considered the request to propose amendments to Rule 221.3, relating to Education of advanced practice nurses, and Rule 221.12, related to Scope of Practice of advanced practice nurses.	<p>The Board voted to propose amendments to Rule 221.3 as indicated and publish them in the Texas Register with a 30-day comment period. If no negative comments are received, staff are authorized to publish the rule as adopted.</p> <p>The Board voted to propose amendments to Rule 221.12 as indicated and publish them in the Texas Register with a 30-day comment period. If no negative comments are received, staff are authorized to publish the rule as adopted.</p>
7.2.5.a. Consideration of the Proposed Guidelines for	The Board considered the proposed Guidelines for Determining APN Scope of Practice developed by the Advanced Practice Nursing Advisory Committee.	The Board voted to approve the Guidelines for Determining APN Scope of Practice as proposed.

AGENDA ITEM	DISCUSSION	ACTION
<p>APN Scope of Practice</p> <p>7.2.6. Proposed Amendments to §217.18, Registered Nurse First Assistants</p>	<p>The Board considered the proposed revisions to Rule 217.18, relating to nurses assisting at surgery.</p>	<p>The Board voted to propose amendments to Rule 217.18 as indicated and publish them in the Texas register with a 30-day comment period. If no negative comments are received, staff are authorized to publish the rule as adopted.</p>
<p>8. Proposed Board Orders 8.1. ALJ Proposal for Decision</p>	<p>The board discussed the ALJ Proposal for Decision pulled from the consent agenda. Marshalene Smith, LVN #79369</p>	<p>The Board voted to ratify the Proposal for Decision with the following results: License Revoked. The proposal for decision and the findings of fact and conclusions of law of the ALJ were adopted by the board.</p>
<p>8.2. Agreed Orders</p>	<p>The board discussed Agreed Orders pulled from the consent agenda.</p>	<p>The board voted to ratify the Agreed Orders with the following results:</p>
	<p>Maria Del Rocio Canseco, RN #608057</p> <p>John Patrick Gilvin, RN #594779</p>	<p>Board member Brenda Jackson, recused herself from consideration and voting on this order. Warning with Stipulations. Within forty-five days of entry of this order Respondent will pay a monetary fine in the amount of \$250. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. Should Respondent choose to practice as a RN in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have indirect supervision with employment restrictions for the duration of the stipulation period.</p>
		<p>Limited License. Respondent shall not provide direct patient care. Should Respondent desire to return to a clinical practice setting, which would require her to provide direct patient care, Respondent shall petition the Board for such approval.</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Ronda Lea Redenius, LVN #160646</p>	<p>Enforced Suspension. Respondent's license is hereby suspended with said suspension enforced until Respondent successfully completes an inpatient treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of successful completion of the approved inpatient treatment and twelve months of sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$350. Within one year of the suspension being stayed Respondent shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. The following terms of this probation may only be served while Respondent is employed as a LVN in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a LVN under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice as a LVN in any critical care area for the first year of employment as a LVN; Respondent shall not administer or have any contact with controlled substances for the first year of employment as a LVN under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports until released from therapy.</p>

AGENDA ITEM	DISCUSSION	ACTION
8.3. Reinstatement Agreed Orders	<p>The board discussed the Reinstatement Agreed Order pulled from the consent agenda.</p> <p>Sandralyn Southern, RN #531909</p>	<p>The board voted to ratify the Reinstatement Agreed Order with the following results:</p> <p>Reinstated with Stipulations. Petitioner's Application for Reinstatement shall be granted with the following conditions: Within forty-five days of entry of this order Petitioner shall pay a monetary fine in the amount of \$500. Petitioner shall not seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions: Petitioner shall successfully complete a nursing refresher course prior to returning to the practice of nursing in the State of Texas. Upon completion of the refresher course Petitioner shall return the clinical permit and shall cause the sponsoring institution to notify the Board of Petitioner's successful completion of the refresher course. Upon verification of successful completion Petitioner shall pay all re-registration fees and be issued a coded license which shall be subject to the following agreed post-licensure stipulations: Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. Should Petitioner choose to practice as a RN in the State of Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for three years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; Petitioner shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall have employment restrictions for the first year of employment; Petitioner shall not practice in any critical care area for the first year of employment; Petitioner shall not administer or have any contact with controlled substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for the first year of employment as a RN; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>9. MISCELLANEOUS 9.7. Consideration of Special Agreed Order 9.7.1. Consideration of Agreed Order In the Matter of Permanent Certificate #666173, Issued to Russell William Jones, Docket No. 507-05-3101</p> <p>9.7.2. Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending litigation: Consideration of Respondent's Offer of Compromise to Settle in the Matter of Permanent Certificate #666173, Issued to Russell William Jones, Docket No. 507-05-3101</p> <p>9.7.3. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate #666173, Issued</p>	<p>The board convened in Executive Session to discuss Respondent's offer of Compromise to Settle in the Matter of Permanent Certificate #666173, Issued to Russell William Jones, Docket No. 507-05-3101</p> <p>The Board convened in Open Session to take action in the Matter of Permanent Certificate #666173, Issued to Russell William Jones, Docket No. 507-05-3101.</p>	<p>periodic screens for controlled substances and alcohol; Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</p> <p>No action.</p> <p>The Board voted to ratify the following Agreed Order of Russell William Jones. Enforced Suspension. Respondent's license is hereby suspended with said suspension enforced until Respondent meets the following conditions: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$1500; Respondent shall submit to a forensic</p>

AGENDA ITEM	DISCUSSION	ACTION
to Russell William Jones, Docket No. 507-05-3101		<p>psychiatric/psychological evaluation with a polygraph by a board approved evaluator. Respondent shall cause the evaluator to send a report of the evaluation to the Board office; Respondent shall comply with all recommendations for therapy or other follow up. The suspension will remain in effect if the evaluation states that Respondent lacks fitness to practice professional nursing. Respondent's license will be suspended until such time that the same evaluator deems Respondent safe to return to direct patient care. It is further agreed upon receipt of the evaluation results in which the evaluator deems Respondent safe to provide direct patient care, the Suspension will be Stayed and Respondent will be placed on probation for one year with the following agreed terms of probation: Within one year of the suspension being stayed Respondent shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. The following terms of this probation may only be served while Respondent is employed as a RN in a hospital, nursing home, or other clinical practice setting for one year of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have indirect supervision with employment restrictions by a APN or Doctor for the duration of the stipulation period; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports until released from therapy.</p>
ADJOURNMENT	Having completed this day's business the meeting adjourned at 5:03 p.m.	

AGENDA ITEM	DISCUSSION	ACTION
RECONVENE	The board reconvened at 9:20 am on Friday, October 21, 2005.	
3. NURSING 3.2. EDUCATION 3.2.1. Report of Survey Visit: Brookhaven College, Associate Degree Nursing Education Program	The Board considered the report for the August 8-9, 2005 survey visit to Brookhaven College Associate Degree Nursing Program and staff recommendation concerning commendations, recommendations and requirements to be met based on the findings from the survey visit. Juanita Flint, Executive Dean of Health and Human Services and Sue McLelland, Associate Dean for Nursing, were present to answer questions.	The Board voted to accept the survey visit report and issue the commendation, recommendations and requirements as addressed.
5. COMMITTEE REPORTS 5.1. Board Committees 5.1.3. Development and Evaluation	Kathy Thomas discussed having Board Development training on Governance on April 19 TH . In addition the Board will be having Open Meeting Training in January.	No action.
5.3. Collaboration with Outside Agencies / Stakeholders 5.3.1. Texas Peer Assistance Program for Nurses Advisory Committee	No report.	No action.
5.3.2. Texas Nurses Association's Competency Task Force	Mary Beth Thomas discussed the TNA Competency Task Force which is reviewing both entry and ongoing competency for professional nursing. The NCSBN is also reviewing this issue. Board staff will continue to monitor this initiative.	No action.
5.3.3. Texas Higher Education Coordinating Board Professional Nursing Advisory Committee	No report.	No action.

AGENDA ITEM	DISCUSSION	ACTION
<p>5.3.4. SHCC Nursing Workforce Data Advisory Committee</p> <p>5.3.4.a. SHCC Workforce Data Advisory Committee Budget for FY 2005</p>	<p>Mark Majek and Kathy Thomas discussed the written report and budget.</p>	<p>No action.</p>
<p>5.3.5. Health and Human Services Commission (HHSC) Alberto N. Stakeholder Workgroup (Private Duty Nursing Rules)</p>	<p>Carol Marshall discussed the Board's collaboration with the Commission on the private duty nursing rules.</p>	<p>No action.</p>
<p>5.3.6. Department of State Health Services, Collaboration on Implementation of House Bill 984, Relating to Unlicensed Diabetes Care Assistants</p>	<p>Melinda Hester reported on the Board's collaboration with the Department of State Health Services on Regulations related to unlicensed diabetes care assistants.</p>	<p>No action.</p>
<p>5.3.7. Office of the Attorney General Sexual Assault Nurse Examiners Nurses, Collaboration on BNE Rules to Implement House Bill 2680, Relating to Forensic Continuing Education</p>	<p>Carol Marshall reported on the collaboration with the Office of the Attorney General on BNE Rules to Implement House Bill 2680, Relating to Forensic Continuing Education.</p>	<p>No action.</p>
<p>7. NEW BUSINESS</p>		
<p>7.2. Proposed Rules</p>		
<p>7.2.7. Proposed Amendment to</p>	<p>The Board considered the proposed amendment to 22 Texas Administrative</p>	<p>The Board voted to propose amendments to section 213.30 by adding subsection (h)</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>§213.30, Declaratory Order of Eligibility for Licensure</p>	<p>Code, Section 213.30 regarding the Declaratory Order for Eligibility for Licensure. The amendment specifically adds the new subsection 213.30(h) and relates to decisions that are made to Deny eligibility for licensure in Texas.</p>	<p>as outlined and publish the proposed amendments in the Texas Register for the 30 day comment period. If no comments are received in that 30 days, adopt the amendments as proposed.</p>
<p>7.3. Revisions to Chapter VIII, Policies on Discipline, Board Policy Hand Book</p>	<p>The Board considered the proposed revisions to Chapter VIII, Policies on Discipline, Board Policy Hand Book.</p>	<p>The Board voted to adopt the changes to the Board's Policies on Discipline of the Board Member Policy Book.</p>
<p>7.3.1. Proposed Pilot to Disciplinary Guidelines for Criminal Conduct</p>	<p>The Board reviewed the proposed Pilot to Disciplinary Guidelines.</p>	<p>The Board voted to adopt the Pilot to Disciplinary Guidelines for Criminal Conduct for a nine month period.</p>
<p>7.3.2. Proposed Format Change to the Eligibility and Disciplinary Committee Procedure</p>	<p>The Board discussed the proposed format change to the Eligibility and Disciplinary Committee Procedures.</p>	<p>The Board voted to approve the proposed format change for the E&D Committee meetings as outlined for a limited period of three meetings for purposes of evaluation and authorize Staff to report its feasibility at the April 2006 Board Meeting.</p>
<p>7.4. Proposed Revision to Disciplinary Sanction Policy on Sexual Misconduct to Implement House Bill 1366</p>	<p>The Board reviewed the proposed Revision to the Disciplinary Sanction Policy on Sexual Misconduct to Implement House Bill 1366.</p>	<p>The Board voted to adopt the amended disciplinary policy for nurses with issues involving sexual misconduct and publicize the amended policy by posting on the Board's web site.</p>
<p>7.5. Consideration of Board Policy on Advisory Committees/Task Forces</p>	<p>The Board reviewed the proposed revision to Chapter IV, Advisory Committees/Task Forces of the Board Policies.</p>	<p>The Board voted to adopt the revisions to the board Policy on Advisory Committees/Task Forces.</p>
<p>7.6. Trend Data on the Work Hours of Nurses Reported to the BNE for Practice Errors</p>	<p>The Board reviewed the report on Trend Data on the Work Hours of Nurses Reported to the Board for Practice Errors.</p>	<p>No Action.</p>

AGENDA ITEM	DISCUSSION	ACTION
7.7. Consideration of Setting the English Language Proficiency Minimum Standard Scores for the Test of English as a Foreign Language (TOEFL)	The Board considered setting the minimum passing standard for the new Test of English as a Foreign Language (TOEFL) internet based test (iBT) and considered increasing the current Board TOEFL passing standards for the written and computer based test which currently are 540 and 207 respectively.	The Board voted to accept the TOEFL iBT exam and set the minimum passing standard at 83 and increase the passing standard for the TOEFL written and computer based test from 540 and 207 to 560 and 220 respectively.
7.8. Consideration of Barbara Waller, RN, for Exception to Board Rule 217.5(a)(2)	The Board considered Ms. Waller's request that the Board waive Rule 217.5(a)(2), relating to licensure examination requirements to obtain a non-renewable temporary license which is valid for 120 days, or a permanent license for endorsement.	The Board voted to approve Ms. Waller's request and issued a temporary RN privilege to practice for 120 days to Barbara Waller.
9. MISCELLANEOUS		
9.1. Board Items of Interest for Future board Meetings	Katherine Thomas presented a Board Meeting Evaluation Checklist for the Board Members to complete after each meeting.	No action.
9.2. Board Development: Studio361 paperless Software Training	Doug Harriman with Studio361 provided software training to the Board Members on the new paperless system.	No action.
9.3. Proposed Eligibility and Disciplinary Committee Schedule for 2006	The Board reviewed the proposed dates for the 2006 Informal Conferences and Eligibility and Disciplinary Committee Meeting dates.	The Board voted to approve the following Eligibility and Disciplinary Committee dates: February 14, 2006 March 21, 2006 May 9, 2006 June 13, 2006 August 8, 2006 September 12, 2006 November 14, 2006 December 12, 2006

AGENDA ITEM	DISCUSSION	ACTION
9.4. Appointment of Board Members for Informal Conferences for 2006	Linda Rounds called for Board Members to attend Informal Conferences for 2006.	<p>The following Board Members volunteered to attend Informal Conferences:</p> <p>January, 2006 - Deborah Bell April, 2006 - Brenda Jackson July, 2006 - Richard Gibbs October, 2006 - Virginia M. Campbell</p>
9.5. Appointment of Board Members and Committee Chairs to BNE standing Committees	Linda Rounds called for Board Members to serve on BNE Standing Committees.	<p>The following Board Members were appointed to the listed Committees:</p> <p>Eligibility and Disciplinary Committee January-June, 2006 Deborah Bell, Chair George Buchenau, Jr. Rachel Gomez</p> <p>July-December, 2006 Phyllis Caves Rawley, Chair Brenda Jackson Beverley Nutall/Richard Gibbs</p> <p>Strategic Planning Frank Sandoval</p> <p>Sunset George Buchenau, Jr.</p> <p>Board Liaison for Board and Executive Director Evaluations Phyllis Caves Rawley</p> <p>Advanced Practice Nursing Linda Rounds</p> <p>Advisory Committee on Education Brenda Jackson</p> <p>Nursing Practice Advisory Committee Virginia Campbell</p>

AGENDA ITEM	DISCUSSION	ACTION
		<p>Education Liaison Committee</p> <p>Joyce Adams Rosie Garcia Brenda Jackson</p> <p>Internal Auditor Liaison Committee</p> <p>Deborah Bell Anita Palmer</p>
9.6. Election of Board Vice President	Linda Rounds called for nominations for the Board Vice President, the following nomination was submitted: Richard Gibbs.	The Board voted Richard Gibbs as the new Vice President.
ADJOURNMENT:	<p>Having completed all business as listed on the agenda, the meeting adjourned at 2:17 p.m.</p> <hr/> <p>Linda Rounds, PhD, RN, FNP, Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN, Executive Director</p>	