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**BOARD OF NURSE EXAMINERS**

## Regular Meeting

Thursday, October 21, 2004

8:30 a.m. - 4:30 p.m.

Friday, October 22, 2004

8:45 a.m. - 1:45 p.m.

333 Guadalupe, Tower II, Room 225

Austin, Texas

Present:

Linda Rounds, President

Joyce Adams

Deborah Bell

Virginia Campbell

Phyllis Caves Rawley

Blanca Rosa Garcia

Richard Robert Gibbs

Rachel Gomez

Brenda Jackson

Beverley Nutall

Anita Palmer

Staff present:

Katherine A. Thomas, Executive Director

Mark Majek, Director of Operations

Anthony Diggs, Director of Enforcement

James "Dusty" Johnston, General Counsel

Joy Sparks, Assistant General Counsel

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

Karen Malloy, Nursing Consultant

Patricia Vianes-Cabrera, Executive Assistant

Bruce Holter, Information Specialist

AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Linda Rounds called the meeting to order at 8:30 a.m, Thursday, October 21, 2004.	
<b>ROLL CALL</b>	All members were present with the exception of Frank Sandoval and a quorum was established.	
<b>INTRODUCTIONS</b>	Board members and staff introduced themselves to the audience.	
<b>ACCEPTANCE OF AGENDA</b>	The board reviewed the agenda.	The Agenda was amended to reflect the removal of the following: Agenda Item #7.5. Revisions to Approval of New Dean and Director and Faculty Waivers Policies The amended agenda was approved.
<b>ACCEPTANCE OF MINUTES</b>	The board reviewed the minutes from the July 22-23, 2004 meeting.	The Board approved the minutes from the July 22-23, 2004 meeting with corrections.
	The board reviewed the minutes from the August 11, 2004, Board Retreat.	The Board approved the minutes from the August 11, 2004, Board Retreat.
<b>CONSENT AGENDA ITEMS</b>		The Consent agenda was approved with the following changes: Item 8.2 Agreed Orders: The following orders were removed from the consent agenda: Barbara Marie Burnett, LVN #71691; Karen M. Diaz, RN #525916; Donald Ray Hall, RN #567811; Sandra D. Blake Martin, RN #435310; Jamie Richelle Wakefield, RN #674310
2.1. Financial Statements		<i>Approved on Consent.</i>
2.2 CE Compliance Report		<i>Approved on Consent</i>
3.1.1. Workshop 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 <sup>TH</sup> Quarter Report		<i>Approved on Consent.</i>

AGENDA ITEM	DISCUSSION	ACTION
7.3.1. TPAPN Quarterly Report		Approved on Consent.
8.1. ALJ Proposals for Decision		The board voted to ratify the ALJ Proposals for Decision on Consent with the following results:
	<b>Cathy Denise Breckenridge, LVN #132259</b>	License Revoked. The proposal for decision and the findings of fact and conclusions of the law of the ALJ were adopted by the board.
	<b>Sharon Dell Foster Wray, LVN #053018</b>	License Revoked. The proposal for decision and the findings of fact and conclusions of the law of the ALJ were adopted by the board.
8.2. AGREED ORDERS		The board voted to ratify the Agreed Orders on Consent with the following results:
	<b>Kenyatta Monique Carter, LVN #174627</b>	<b>Reprimand with Stipulations.</b> 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 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 duration of the stipulation period. It is further agreed, should Respondent practice as a LVN in the State of Texas, Respondent shall abide by the following stipulation for the duration of her community supervision: Respondent shall cause her probation officer to submit written reports regarding Respondent's compliance with her court ordered probation until Respondent is released from community supervision.
	<b>Arlene Marie Castillo, RN #565091</b>	<b>Warning with Stipulations.</b> 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





AGENDA ITEM	DISCUSSION	ACTION
	<p data-bbox="418 468 857 499"><b>Melinda Faye McLeod, RN #653335</b></p> <p data-bbox="418 741 857 772"><b>John Darryle Metoyer, RN #552560</b></p>	<p data-bbox="1008 197 1474 436"><i>stipulations for one year of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; and Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p data-bbox="1008 468 1474 707"><b>Reprimand with Stipulations.</b> <i>Within 45 days of entry of this order Respondent shall pay a monetary fine in the amount of \$100. The order of the Board issued to Respondent on August 12, 2003, is still in effect in its entirety and Respondent shall be responsible for completing the terms of that order.</i></p> <p data-bbox="1008 739 1474 1997"><b>Enforced Suspension.</b> <i>Respondent's license is hereby suspended with said suspension enforced until Respondent completes an inpatient treatment program approved by the Board, provides documentation of successful completion and has obtained 12 consecutive months of sobriety. Any relapse prior to the completion of the 12 consecutive months of sobriety will result in an extension of the enforced suspension until such 12 consecutive months of sobriety and additional treatment have been attained. It is further agreed and ordered, subject to ratification by the Board that Respondent hereby Voluntarily Surrenders his authorization to practice as a Nurse Anesthetist. It is further agreed that Respondent shall not practice as an APN or use the title CRNA, should Respondent desire to return to the practice as a Nurse Anesthetist in Texas, Respondent shall petition the Board for such authorization. Upon verification of successful completion of twelve consecutive months of sobriety as set out in this order, the Suspension will be stayed and Respondent will be placed on probation for three years with the following agreed terms of probation: Within one year of the stay of the suspension Respondent shall successfully complete a board approved course in nursing jurisprudence. 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 three years of employment: Respondent shall notify</i></p>

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	<p data-bbox="418 1560 834 1591"><b>Stacey Kay Vasser, LVN #177023</b></p>	<p data-bbox="1008 195 1477 1518"><i>present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; Respondent shall have indirect supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment; Respondent shall not practice in any critical care area for the first year of employment; Respondent 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; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly reports regarding Respondent's progress in therapy until released from therapy. It is further agreed and ordered that if during the period of probation an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.</i></p> <p data-bbox="1008 1549 1477 2001"><b>Warning with Stipulations.</b> <i>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</i></p>



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	<p><b>Kolby Wayne Bass, RN #605982</b></p>	<p><i>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; and Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p><b>Reinstated with Stipulations.</b> <i>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 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; and Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p>



AGENDA ITEM	DISCUSSION	ACTION
	<p data-bbox="418 1276 862 1308"><b>Katahleen Marie Lipe, LVN #135537</b></p> <p data-bbox="418 1759 837 1791"><b>Rebecca Jean Paul, LVN #149352</b></p>	<p data-bbox="1008 197 1477 1245"><i>will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have direct supervision with employment restrictions for the first year of employment under this order; Petitioner shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Petitioner shall have employment restrictions for the first year of employment; 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; and Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p data-bbox="1008 1276 1477 1728"><b>Reinstated with Stipulations.</b> <i>Petitioner shall successfully complete an accredited nursing program for vocational nurses. Upon successful completion of an accredited nursing program for vocational nurses Petitioner shall be issued a coded license with the following stipulations: Within 45 days of entry of this order Petitioner shall apply to and be accepted into the TPAPN program, which shall include payment of a non refundable participation fee in the amount of \$350. Petitioner shall comply with all the requirements of the TPAPN contract.</i></p> <p data-bbox="1008 1759 1477 2001"><b>Reinstated with Stipulations.</b> <i>Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; a board approved course in nursing documentation; and a board approved course in nursing ethics. Should Petitioner choose to practice as a LVN</i></p>

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<p><b>8.4 ELIGIBILITY AGREED ORDERS</b></p>	<p><b>Alaine Denise Vorheier, LVN #156661</b></p> <p><b>Laurie Lynne Yarbrough, LVN #171263</b></p> <p><b>Victorine Akuh Atiabet, Applicant for Licensure by Endorsement (LVN)</b></p>	<p><i>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 provide notification of employment; shall provide employer reports; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p> <p><b>Reinstated with Stipulations.</b> <i>Petitioner shall be issued a coded license with the following 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.</i></p> <p><b>Reinstated with Stipulations.</b> <i>Within one year of relicensure Petitioner shall successfully complete a Board approved course in nursing jurisprudence; a board approved course in medication administration; and a board approved course in physical assessment. Should Petitioner choose to practice as a LVN 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 two years of employment: Petitioner shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period; and 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><i>Applicant for Licensure by Endorsement. Within one year of licensure by endorsement Applicant shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. Should Applicant choose to practice as a LVN in the State of Texas, Applicant will provide direct patient care and practice in a hospital, nursing home, or</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p data-bbox="418 674 911 737"><b><i>Cheryl Lee Carson, Petitioner for Initial Licensure ((LVN)</i></b></p> <p data-bbox="418 1696 927 1759"><b><i>Melissa Ann Gilliam, Petitioner for Initial Licensure (LVN)</i></b></p>	<p data-bbox="1008 195 1474 646"><i>other clinical setting under the following stipulations for one year of employment: Applicant shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; shall cause employer(s) to submit periodic reports; Applicant shall have indirect supervision with employment restrictions for the duration of the stipulation period; and Applicant shall cause her probation officer to submit quarterly written reports indicating Applicant's compliance with the court ordered probation until Applicant is released from probation.</i></p> <p data-bbox="1008 674 1474 1665"><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the NCLEX-PN shall be issued a license to practice nursing in Texas which shall bear the appropriate notation. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence; and a board approved course in nursing ethics. It is further agreed at the time of initial licensure should Petitioner practice as a LVN 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; and Petitioner shall have indirect supervision with employment restrictions for the duration of the stipulation period.</i></p> <p data-bbox="1008 1696 1474 2001"><i>Petitioner for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Petitioner is hereby Conditionally Eligible to sit for the NCLEX-PN examination with conditions. Petitioner shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Petitioner upon attaining a passing grade on the</i></p>



AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Twilla Youvonne Love, Petitioner for Initial Licensure (RN)</b></p>	<p><i>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 indirect supervision with employment restrictions.</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 indirect supervision with employment restrictions.</i></p>



AGENDA ITEM	DISCUSSION	ACTION
<p>1. <b>ADMINISTRATION</b> 1.1. Executive Director's Report</p>	<p><i>Erin Daine Vercher, Petitioner for Initial Licensure (RN)</i></p> <p>Katherine Thomas reviewed her written report to the board including providing information regarding the Sunset Advisory Commission Report recommending consolidation of some licensing agencies and a newspaper article regarding the Office of Patient Protection.</p>	<p><i>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 have indirect supervision with employment restrictions; and 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><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. 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 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>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
1.2. Legal 1.2.1. Discipline and its effect on persons who are licensed as both RN and LVN	Dusty Johnston discussed the effect of disciplining licenses for Registered Nurses who also hold LVN licenses. In many cases the similarities in practice require the same disciplinary sanction.	No action.
1.3. Update on the Legislative Appropriations Request and Legislative Budget Hearings	Staff presented a proposal to conduct DPS/FBI criminal background checks on all nurses through license renewal through a modified random selection approach that would subject all licensees to a background check during a renewal cycle by the end of 10 years. This modified proposal was made in response to request of the staff of the Legislative Budget Board and the Governor's office.	The board voted to approve the alternative proposal to conduct FBI/DPS criminal background checks on all licensees through a modified random selection approach that would subject all licensees to a criminal background check during a license renewal cycle by the end of 10 years.
<b>2. OPERATIONS</b>		
2.3. Annual Financial Reports 2.3.1. LVN Annual Financial Report	Mark Majek reviewed the LVN Annual Financial Report.	No action.
2.3.2. RN Annual Financial Report	Mark Majek reviewed the RN Annual Financial Report.	No action.
<b>3. NURSING</b>		
<b>3.2. EDUCATION</b>		
3.2.1. Public Hearing to Consider Proposal to Establish a New Vocational Nursing Education Program and Report of Site Visit to College of the Mainland, Vocational Nursing Program	The Board considered College of the Mainland's Proposal to Establish a New Vocational Nursing Program and the report of a survey visit to the proposed vocational nursing program. Dr. James Templer, Dr. Gay Reeves, and Misty Jones were present to answer questions.	The board voted to grant initial approval for College of the Mainland Vocational Nursing education program based upon the Proposal and findings from the survey visit and issue the following commendations and recommendations.
3.2.2. Consideration of Approval Status Based on Review of NCLEX-PN Examination Pass Rates and Report of Survey Visit-Valley Grande Institute, Vocational Nursing Program	The Board considered the request of Valley Grande Institute to be placed on full approval status based on results of survey visit and review of the NCLEX-PN pass rate results for the 2004 graduating class. Irene Elizade, Leo Galvan, Andrew Leonie, and Gracie Alamazon were present to answer questions.	The board voted to grant Valley Grande Institute Full Approval Status based upon Survey Visit and results of the NCLEX-PN pass rates for fifteen of nineteen graduates and issue the requirements as indicated in the letter of approval.
3.2.3 Report of Survey Visit		

AGENDA ITEM	DISCUSSION	ACTION
3.2.3.a. Report of Site Visit Hill College at Glen rose, Vocational Nursing Program	The board considered the report of the site visit of Hill College Vocational Nursing Program in Glen Rose, Texas and the results of the site visit by board staff.	The board voted to accept the staff findings from the survey visit and issue requirements and recommendations as indicated.
3.2.3.b. Report of Site Visit Texas A&M International University, FNP Program	The board considered the report of the site visit of Texas A&M International University, FNP Program. Dr. Susan Baker and Dr. Louise Autio were present to answer questions.	The board voted to accept the report of the survey visit, authorize a follow up survey visit in Spring 2005, issued commendations, recommendations and requirements to include that a mentor be obtained for Dr. Autio.
3.2.3.c. Report of Site Visit Weatherford College, Associate Degree Nursing Program	The board considered the report of the site visit of Weatherford College Associate Degree Nursing Program. Cheryl Livengood was present to answer questions.	The board voted to accept the report of the survey visit, to change the approval status of Weatherford College Associate Degree Nursing Program from Full to Warning based on review of the report of the October 8, 2004 survey visit, issue the commendations, recommendations and requirements to be met based on staff recommendation and authorized board staff to conduct a survey visit in Fall 2005, as indicated.
3.2.4. Review of Progress Report, Computer Career Center, Vocational Nursing Program	The board considered the progress report for Computer Career Center in meeting requirements placed prior to enrollment of students.	No action.
3.2.5. New Dean and Director Waivers and Faculty Waivers Summary Report for 2003-2004	The board considered the new dean and director waivers and faculty waivers summary report for 2003-2004.	No action.
3.2.6. Education Activities Summary for 2003-2004	The board considered the summary of education activities for the academic year 2003-2004.	No action.
3.2.7. Report on September 24, 2004 BNE New Dean and Director Workshop	The board considered the report of the September 24, 2004 new dean and director workshop.	No action.
<b>4. ENFORCEMENT</b>		
4.1. Criminal Background Check Update	The board reviewed the statistics provided regarding the criminal background checks.	No action.
<b>5. COMMITTEE REPORTS</b> <b>5.1. Board Committees</b>		

AGENDA ITEM	DISCUSSION	ACTION
5.1.3. Development and Evaluation	The board discussed having staff prepare a presentation regarding the regulation of APN education.	The board requested staff prepare a presentation for the January board meeting on the regulation of APN education.
<b>5.2. Advisory Committees/Task Forces</b>		
5.2.1. Advanced Practice Nurses Advisory Committee	Jolene Zych reported that the committee will meet on October 27, 2004. Staff will provide the committee with the information gathered at the public hearing held on October 20, 2004.	No action.
5.2.2. Nursing Practice Advisory Committee	No report.	No action.
5.2.3. Advisory Committee on Education	Brenda Jackson reported that the Committee met in August, 2004.	No action.
<b>5.3. Outside Agency Committees</b>		
5.3.1. Texas Peer Assistance Program for Nurses Advisory Committee	Mary Beth Thomas gave a verbal report. At this time TPAPN has decided to rescind its request for additional funding. TPAPN has implemented the Webcentric program.	No action.
5.3.2. Texas Nurses Association Task Forces on Nursing Practice and Nursing Education Redesign	Katherine Thomas gave a verbal report on the Nursing Practice Redesign Task Force and on the Nursing Education Redesign Task Force.	No action.
5.3.3. Texas Higher Education Coordinating Board Professional Nursing Advisory Committee	No report.	No action.
5.3.4. SHCC Nursing Workforce Data Advisory Committee	Katherine Thomas gave a verbal report on the SHCC Nursing Workforce Data Center.	No action.
5.3.5. Texas Higher Education Coordinating Board Professional Nursing Innovation Grant Program-Category D	Robbin Wilson gave a verbal report on the Texas Higher Education Coordinating Board Professional Nursing Innovation Grant Program-Category D.	No action.

AGENDA ITEM	DISCUSSION	ACTION
<b>OPEN FORUM:</b>	<p>Dr. Rounds announced the format and invited participation from the audience.</p> <p>Kathy Cox, CEO, Project ARRIBA (Advanced Retraining &amp; Redevelopment Initiative in Border Areas) spoke regarding the shortage of nurses in West Texas.</p> <p>James Willmann, Texas Nurses Association spoke regarding Agenda Item 7.8. Proposed Board Policy allowing the Executive Director to Issue Cease and Desist Order. Mr. Willmann urges the Board to carefully consider this proposed policy because TNA believes it is a reduction of nurses due process rights.</p> <p>Kenneth Craycraft, Vice Chancellor for Academic Affairs, Texas State University System spoke regarding Agenda Item 7.1.1. Proposal to repeal Chapter 233 and proposal to adopt new Chapter 214. Mr. Craycraft requested that the Board reconsider the proposed rule change that reduces the requirement of one nursing instructor for every 12 students to one nursing instructor for every 10 students.</p> <p>No one else came forward and the Open Forum was closed at 1:45 p.m.</p>	No action.
<b>6. OLD BUSINESS</b>		
6.1. Nurse Licensure Compact Update	Katherine Thomas gave a verbal report on the compact which now includes twenty states. Ms. Thomas informed the board that the Compact Summit is scheduled for December 5-7, 2004, in Washington, DC.	No action.
6.2. Status of Proposal by M.D. Anderson Medical Center for Patient Safety Pilot Program on Nursing Reporting Systems	Mary Beth Thomas gave a verbal report on the proposal. Ms. Thomas presented that the proposal has not been implemented yet and that we are in the process of drafting a contract to implement the project.	No action.
6.3. Follow up report on Excelsior College	Robbin Wilson provided the board with information on Excelsior College. Sharon Boni and Suzanne Yarbrough from Excelsior College were present to answer questions.	The board requested that Staff compare the Excelsior program to BNE rules to determine if it meets the criteria outlined in Rule 215 and to provide the board with the results at the January board meeting.
6.5. Update on Rules 217.2, 217.4, 217.5, 217.11 and 217.12	Joy Sparks reported that these rules have been adopted as no negative comments were received.	No action.
<b>7. NEW BUSINESS</b>		

AGENDA ITEM	DISCUSSION	ACTION
7.2. Interpretive Guideline for Minor Incidents, Rule 217.16	Carol Marshall reported that the purpose of this guideline is to clarify the board's interpretation of rule 217.16	The board voted to adopt the Interpretive Guideline on rule 217.16, Minor Incidents
<b>7.3. Texas Peer Assistance Program for Nurses</b> 7.3.2. TPAPN Audit follow up	The board reviewed the TPAPN Audit follow up.	No action.
7.4. Interpretive Guideline for Differentiating Vocational Nurse Scope of Practice Under Rule 217.11, Standards of Nursing Practice	Carol Marshall reported that the Interpretive Guideline will be used to assist Staff with concerns regarding LVN scope of practice.	The board voted to adopt the Interpretive Guideline for Differentiating Vocational Nurse Scope of Practice Under rule 217.11, Standards of Nursing Practice, with provisions for board legal counsel to make non-substantiative edits for clarification as needed.
7.6. Charge to the NPAC committee to review and consolidate Continuing Education rules (22 TAC ch. 237 [LVN] and 22 TAC ch. 216 [RN]) and consolidate into chapter 216	The board reviewed the request that the Board make a charge to NPAC for review and recommendations relating to continuing education rules for LVNs and RNs.	The board voted to charge the Nursing Practice Advisory Committee to review current continuing education Rule 216 for RNs and Rule 237 for LVNs, and to make recommendations to the board for consolidation into one continuing education rule for nurses.
7.7. APN Petitioner, Jennifer Hain	The board considered Jennifer Hain's request that the Board waive the requirement that she comply with Rule 221.3(d)(1). This section of the rule includes a requirement that all nurse practitioner and clinical nurse specialist applicants who complete their programs on or after January 1, 1998 complete a separate, dedicated course in pathophysiology.	The board voted to deny Jennifer Hain's request that the board waive the requirement that she comply with Rule 221.3(d)(1).
<b>ADJOURNMENT</b>	Having completed this day's business the meeting adjourned at 4:30 p.m.	

AGENDA ITEM	DISCUSSION	ACTION
<b>RECONVENE</b>		
<b>6. OLD BUSINESS</b> 6.4. Consideration of comments received on APN Rules 221.2 and 221.7 pertaining to titles	The board reconvened at 8:45 am on Friday, October 22, 2004.	The board requested staff prepare a presentation for the January board meeting on the regulation of APN education. No action.
<b>7. NEW BUSINESS</b> <b>7.1. Proposed Rules</b> 7.1.1. Proposal to repeal Chapter 233 and proposal to adopt new Chapter 214, Vocational Nursing Education	The board considered and discussed the written and verbal comments received relating to proposed revisions to advanced practice rules 221.2 and 221.7, relating to advanced practice titles.	The board voted to propose the repeal of the existing Rule 233 (Vocational Nursing) Education and propose the adoption of the new Rule 214 Vocational Nursing Education with a friendly amendment for the ACE committee to review changes to Chapter 214 to education credentials of faculty and the use of teaching assistants. The board moved to publish both in the Texas Register for a 30 day comment period and if no substantive, or negative comments are received during the period, approve repeal of the existing Rule 233 and the adoption of the new Rule 214 as proposed.
7.1.2. Proposal to repeal Chapter 215 and Proposal to adopt new Chapter 215, Professional Nursing Education	The board considered the Advisory Committee on Education's recommendation to repeal the existing Rule 233 (Vocational Nursing) Education and to propose the adoption of the new Rule 214 Vocational Nursing Education.	The board voted to propose the repeal of the current Rule 215, Nurse Education and the adoption of new Rule 215, Professional Nursing Education and moved to publish in the Texas Register for a 30 day comment period and if no substantive or negative comments are received during the period, approve the repeal of the current Rule 215 and the adoption of the new Rule 215 as proposed.
7.8. Policy for Executive Director to enter Cease and Desist Order	The board considered the Advisory Committee on Education's recommendation to repeal the current Rule 215, Nurse Education and adopt the new Rule 215, Professional Nursing Education.	The board voted to approve the Policy for Executive Director to enter Cease and Desist Order.
7.9. Consideration of Board Approved Chemical Dependency Evaluators	The board considered the policy which is designed to give the Executive Director authority to enter a Cease and Desist Order pursuant to the authority provided in the Nurse Licensure Compact, Section 304.001, Article 6(a)(3).	The board voted to adopt the requirements for the Chemical Dependency Evaluators as outlined.

AGENDA ITEM	DISCUSSION	ACTION
<p>7.10. Governor's Executive Order RP36, Relating to preventing, detecting,, and eliminating fraud, waste and abuse</p> <p>7.10.1. Initial Report to the Governor's Office</p>	<p>The board discussed the qualifications, education and credentials that the individuals performing Chemical Dependency evaluations on nurses should possess.</p> <p>Katherine Thomas discussed the agency initial report to the Governor's office in response to preventing, detecting, and eliminating fraud, waste and abuse.</p>	<p>No action.</p>
<p>7.10.2. Revisions to the Disciplinary Policy on Fraud, Theft and Deception to include Medicare Fraud</p>	<p>The board discussed the Disciplinary policy on Fraud.</p>	<p>The board voted to amend the Board's Disciplinary Policy on Fraud to support the Governor's efforts in Executive Order RP36 issued on July 12, 2004, to help eliminate fraud in the health care system.</p>
<p><b>8. Proposed Board Orders</b></p> <p>8.2. Agreed Orders</p>	<p>The board discussed Agreed Orders pulled from the consent agenda.</p> <p><b>Barbara Marie Burnett, LVN #71691</b></p>	<p>The board voted to ratify the Agreed Orders with the following results:</p> <p><b>Warning with Stipulations.</b> Within 100 days of entry of this order Respondent shall pay a monetary fine in the amount of \$2,250. 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 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; and Respondent shall have indirect supervision with employment restrictions.</p>
	<p><b>Karen M. Diaz, RN #525916</b></p>	<p><b>Enforced Suspension.</b> Respondent's license is hereby suspended with said suspension enforced until Respondent successfully completes a board</p>



AGENDA ITEM	DISCUSSION	ACTION
		<p>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 by a nurse midwife or an obstetrician who has been approved by the board, with employment restrictions for the first year of employment as an advanced practice nurse under this order; Respondent shall have in-direct supervision by a nurse midwife or obstetrician who has been approved by the board, with employment restrictions for the remainder of the stipulation period.</p>
	<p><b>Jamie Richelle Wakefield, RN #674310</b></p>	<p><b>Reprimand with Stipulations.</b> Within 45 days of entry of this order Respondent shall pay a monetary fine in the amount of \$600. It is further agreed that the order of the board issued to Respondent on January 22, 2004, is still in effect in its entirety and Respondent shall be responsible for successfully completing the terms of that order.</p>
<p><b>9.</b></p>		
<p><b>MISCELLANEOUS</b></p>		
<p>9.1 Board Items of Interest for Future Board Meetings</p>	<p>No items were identified.</p>	<p>No action.</p>
<p>9.2. Executive Session Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters: Board Self-Evaluation</p>	<p>The board convened in Executive Session to discuss the annual performance evaluation of the Board.</p>	<p>No action.</p>
<p>9.3. Appointment of Board Members for 2005 Eligibility and Disciplinary Committee</p>	<p>The following board members were appointed to serve on the Committee from January, 2005 through June, 2005: Deborah Bell, Chair, Rosie Garcia and Rachel Gomez</p>	
<p>9.4. Appointment of Board Members for 2005 Informal Conferences</p>	<p>The following board members were appointed to attend a day of Informal Conferences: January, 2005-Deborah Bell; April, 2005-Richard Gibbs</p>	

AGENDA ITEM	DISCUSSION	ACTION
9.5 Board Development: Ethics Training	The board participated in Ethics Training.	No action.
<b>ADJOURNMENT:</b>	Having completed all business as listed on the agenda, the meeting adjourned at 1:45 pm.  <hr data-bbox="418 705 867 709"/> Linda Rounds, PhD, RN, FNP, Board President  <hr data-bbox="418 856 867 861"/> Katherine A. Thomas, MN, RN, Executive Director	