

## REPORT OF THE EXECUTIVE DIRECTOR

### NATIONAL ISSUES

**HRSA Announces 2009 Faculty Loan Repayment Program** : The Health Resources and Services Administration's (HRSA) Bureau of Clinician Recruitment and Service has announced that it is seeking applicants for the 2009 Faculty Loan Repayment Program. The Faculty Loan Repayment Program provides a financial incentive for degree-trained health professionals from disadvantaged backgrounds to pursue academic careers. Individuals selected agree to serve on the faculty of an accredited health professions college or university for a minimum of two years. In return, the Federal government agrees to pay, for each year of faculty service, up to \$20,000 of the outstanding principal and interest on the participant's educational loans. For more information, see: <http://bhpr.hrsa.gov/dsa/flrp/>.

**Public Comment: Draft Nursing Professional Development: Scope and Standards of Practice**: The National Nursing Staff Development Organization (NNSDO)/American Nurses Association (ANA) Collaborative Workgroup requests public comments on the draft revision of the Nursing Professional Development: Scope and Standards of Practice. Closing date for comments is July 26, 2009. For more information, see: <http://www.nursingworld.org/HomepageCategory/NursingInsider/Draft-Nursing-Professional-Development.aspx>.

**Nurse-developed Protocols Help Hospitals Decrease MRSA Rates**: Researchers from the Centers for Disease Control and Prevention have found that from 1997 through 2007, methicillin-resistant *Staphylococcus aureus* (MRSA) central line-associated bloodstream infections declined by 50% among all ICU types except pediatric units, where incidence rates remained stable. The decline among the more than 1,600 facilities that participated in the study runs counter to the widespread perception that the disease is infiltrating hospital ICUs unable to control the superbug. Such perceptions have prompted legislatures in several states to call for mandatory screening, which is controversial in whether that precaution is effective or necessary. Though the outcome was clear in the CDC study, the reasons for the decline in infections are uncertain. Mount Sinai School of Medicine has joined forces with other hospitals in the citywide initiative by the Greater New York Hospital Association and United Hospital Fund. Each hospital picked one or two ICUs to be part of the pilot project to implement a comprehensive program for central-line infections. Among the improvements from the collaborative were specific protocols for catheter insertion, use, maintenance, and access, and dressing changes. For more information, see: <http://news.nurse.com/article/20090602/MS02/306020059/-1/frontpage>.

**Study Suggests Current Recession May Ease R.N. Deficit, but Shortages Still Expected**: A study published online in *Health Affairs* as part of a series on nursing workforce issues suggests that although the recession is helping to offset a decade-long R.N. shortage, industry experts anticipate large shortages in the next decade as the current aging workforce retires, the *Wall Street Journal* reports. (Evans, *Wall Street Journal*, 6/12/09 [subscription required]; *Health Affairs* release, 6/12/09; Buerhaus et al., *Health Affairs*, 6/12/09 [subscription required]).

**Amid Nurse Shortage, Hospitals Focus on Retention:** A high turnover rate is a major contributor to the nation's growing shortage of nurses. But there are expanding efforts to give new nursing grads better support. Many hospitals are trying to create safety nets with residency training programs. The national nursing shortage could reach 500,000 by 2025, as many nurses retire and the demand for nurses balloons with the aging of baby boomers. Nursing schools have been unable to produce graduates fast enough to keep up with the demand, thus hospitals are trying harder to retain them. Medical school graduates get on-the-job training during formal residencies ranging from three to seven years. Many newly licensed nurses do not have a similar protected period as they build their skills and get used to a demanding environment. Some hospitals have set up their own programs to help new nurses make the transition. Often, they assign novices to more experienced nurses, whom they shadow for a few weeks or months while they transition. More hospitals are investing in longer, more thorough residencies. These can cost roughly \$5,000 per resident. But the cost of recruiting and training a replacement for a nurse who washed out is about \$50,000, personnel experts estimate. For more information, see: <http://abclocal.go.com/wls/story?section=news/health&id=6662395>.

**Consumer Union Publishes Report on Patient Safety:** Ten years ago the Institute of Medicine (IOM) published "To Err is Human" reporting that as many as 98,000 people die each year from preventable medical harm, including hospital acquired infections. Ten years later, Consumer Union declares that "we don't know if we've made any real progress, and efforts to reduce the harm caused by our medical care system are few and fragmented. With little transparency and no public reporting (except where hard fought state laws now require public reporting of hospital infections), scarce data does not paint a picture of real progress." The report recommends that health care professionals have their skills and competencies tested periodically and that doctors and nurses be better trained in patient safety. For the full report, see: <http://www.safepatientproject.org/safepatientproject.org/pdf/safepatientproject.org-ToDelaysDeadly.pdf>

## STATE ISSUES

**Health Professions Council:** HPC's data base project to create a new, common licensure data base for several HPC agencies was approved through the legislative appropriations process. This will permit the development of new much needed licensure data bases for 6 of the agencies. Further good news of this session is that several HPC agencies received appropriations to fund new staff positions this biennium, but the bad news is that agencies have no space for new employees. Mari Robinson (Texas Medical Board), Gay Dodson (Texas State Board of Pharmacy) and I met with the Commissioner of the Texas Department of Insurance to discuss any space they may have available to share with our agencies. They are the largest tenants of the William P. Hobby Building. The Commissioner is investigating the possibilities.

**Fraudulent Nursing Educational Program Update:** Informational reports have been provided to Board members since the April 2008 Board meeting regarding the presence of fraudulent nursing educational programs. The Texas Workforce Commission (TWC) has ordered these schools to cease and desist operation and referred the cases to the Office of the Attorney General (OAG) with the request that the OAG file lawsuits to stop operations of the fraudulent nursing programs.

The Attorney General continues to pursue actions against alleged fraudulent programs including Career Advanced (CATS Group); Esther Medical (EMII); Merit Excellence Institute, and Vocational Training Educational Center (VTEC). The nursing education consultants continue to

provide information to the public regarding the fraudulent programs through our telephone and email responses, and the Board's website. <http://www.bon.state.tx.us/about/news071408.html>.

**Significant Nurse Vacancies Remain in Texas:** According to the Texas Center for Nursing Workforce Studies, despite the current economic downturn, the R.N. vacancy rate in Texas has increased from 8.6 percent in 2004 to roughly 11.2 percent currently. As a result, Texas has just 671 R.N.s for every 100,000 residents, compared with the national average of 799 per 100,000 residents. Responding to the shortage, several Texas hospitals have implemented initiatives designed to recruit and retain qualified nurses. Officials from the state's nursing programs report that, although nursing students are receiving employment offers following graduation, they are facing increased competition for the most desirable positions. Despite the perceived slowing of job offers, health care officials and educators encourage nursing students to continue their education because demand for nurses will remain strong. For more information, see: <http://www.star-telegram.com/business/story/1418063.html>.

## **BOARD ISSUES**

**BON Bulletin Articles** : The July issue of the *Board of Nursing Bulletin* contains information on our new board members, an article on the 100<sup>th</sup> anniversary Gala, and an article on the TERCAP project. The July issue also contains a patient safety article concerning development of a universal protocol to prevent wrong site, procedure, or person surgery.

**Board Development:** At each board meeting, a board development session is held. At this Board meeting, Scott Griffith from Outcome Engineering, will present on *Just Culture*. *Just Culture* is a concept of creating an environment of fairness and learning toward the end of improving patient safety. For information on Mr. Griffith, visit: <http://www.justculture.org/services/speaking.aspx>

**Board Meeting:** The April meeting will be held at the historic Driskill Hotel where the very first meeting of the Board was held in July 1909. It looks like a very busy meeting with three public hearings on new nursing education programs, appearances related to contested cases, and the presentation on Just Culture. Our new Board members will be oriented on Wednesday and will join the Board meeting on Thursday and Friday.

## **AGENCY ISSUES**

**Student Criminal Background Checks Grant:** The Board received a \$50,000 grant through the National Council of State Boards of Nursing from a federal grant for licensure portability. The purpose of the grant is to aid in a smooth implementation of Criminal Background Checks (CBCs) for student nurses. The grant is subject to audit and its impact has been monitored by NCSBN. All implementation activities and reports must be completed by August 1, 2009 per federal policy. In September 2008, the student criminal background check process began on a voluntary basis. Schools of nursing interested in having their students screened before enrollment or clinical experiences were offered an opportunity to participate in the project. It is anticipated at this time that should this program continue, it will require additional funding in the next biennium. The agency received approval from the Legislative Budget Board on December 18, 2008 and the Governor's Office on December 19, 2008 to use the grant money to hire two additional staff for this program.

**Nursing Jurisprudence Examination:** The Jurisprudence examination required for initial licensure by Texas Occupations Code Section 301.252, License Application, was implemented in September 2008. Access to the Board's examination is available through the website,

<http://www.bon.state.tx.us/olv/je.html> . Those applying for initial licensure by exam or endorsement **after** September 1, 2008 must pass the Jurisprudence Exam in order to be eligible for licensure. Statistics for all Jurisprudence exam takers for fiscal year 09 is attached. (Attachment A).

**Online Jurisprudence Prep Course:** Nursing educational programs expressed interest in extending access to the prep course for schools of nursing. The agency has offered a *voluntary* BON-NJC program in response to nursing educational programs whose students will be using the BON's prep course. Regular course access, purchased by individuals on the BON website is three weeks, while the BON-NJC program extends the access period to eight weeks. The cost is dependent on the number of students participating. Faculty of students enrolled in the BON-NJC may access the course without additional cost. Participating educational programs will have the option to renew enrollment in the BON-NJC program on an annual basis. The BON is pleased to offer this program to schools of nursing, as it meets our shared goal of preparing students to pass the Jurisprudence Exam and gaining experience navigating the board's website to find answers to licensing and practice related questions that will assist students throughout their nursing career. There are currently 18 nursing education programs signed up for this service. The course has had a total of 75 students enrolled with total revenue of \$3,550. A total of 2,458 students and nurses have completed the online course since it was implemented.

**Website:** The website has been updated to include new State Auditors Office requirements. Information is now provided on our website regarding how to report suspected fraud, waste and abuse by agencies to the State Auditor's Office and included this information in our Site Policies.

The page is: <http://www.bon.state.tx.us/rpt-fraud.html>

Links to this page exist on our Accessibility and Site Policies index page and subsequent side menu for all the pages in this group and on the About - BON Expenditures page, <http://www.bon.state.tx.us/about/expenditures.html>.

**Key Meetings and Presentations:** I have attended/presented at the following meetings since the last Board meeting:

- *Meeting:* with representatives of Texas Department of Aging and Disabilities to discuss their waiver program, Austin, April 2, 2009, Austin.
- *Conference Call:* NCSBN, Advanced Practice Joint Dialogue LACE Structure Update, April 7, 2009.
- *Meeting:* Health Professions Council Quarterly Meeting, April 13, 2009, Austin.
- *Conference Call:* Nurse Licensure Compact Administrators, Executive Committee Meeting, April 13, 2009.
- *Conference Call:* Texas Center for Nursing Workforce Studies, April 16, 2009.
- *Conference Call:* Advanced Practice Registered Nurse Joint Dialogue Group, April 20, 2009.
- *Meeting:* Texas Nursing Education Capacity Team, planning meeting, April 28, 2009, Austin.
- *Conference Call:* NCSBN Advanced Practice Nursing Advisory Committee, to discuss LACE structure, May 1, 2009.

- *Meeting:* NCSBN Board of Directors Meeting, May 4-6, 2009, Chicago.
- *Conference Call:* NCSBN Chemical Dependency Program Committee, May 8, 2009.
- *Conference Call:* NCSBN Licensure Portability Grant, review of status of projects, May 8, 2009.
- *Conference Call:* Nurse Licensure Compact Administrators, May 11, 2009.
- *Meeting:* New Deans and Directors Orientation, May 20, 2009, Austin.
- *Meeting:* Joint meeting of the Nurse Licensure Compact Administrators and the NCSBN Board of Directors, May 26-27, 2009, Chicago.
- *Meeting:* Health Professions Council Quarterly Meeting, June 1, 2009, Austin.
- *Meeting:* Texas Nursing Education Capacity Team, planning meeting, June 2, 2009, Austin.
- *Meeting:* Center for Nursing Workforce Studies, to discuss implementation of HB 3961, June 4, 2009, Austin.
- *Conference Call:* NCSBN Chemical Dependency Program Committee, June 5, 2009.
- *Conference Call:* Nurse Licensure Compact Administrators, Executive Committee Meeting, June 8, 2009.
- *Webinar:* Nursing Education Capacity Texas Team, with the East Texas Region, June 10, 2009.
- *Meeting:* with staff of State Office of Administrative Hearings to discuss dockets, June 11, 2009, Austin.
- *Webinar:* Nursing Education Capacity Texas Team with the Gulf Coast Region, June 10, 2009.
- *Conference Call:* NCSBN, Advanced Practice Joint Dialogue LACE Structure Update, June 15, 2009.
- *Conference:* Executive Officer Seminar, June 23-24, 2009, Portland, Maine.
- *Conference:* Council on Licensure, Enforcement, and Regulation, July 2-3, 2009, Dublin, Ireland.
- *Meeting:* with Texas Department of Insurance Commissioner to discuss space in the Hobby Building, July 9, 2009, Austin.
- *Meeting:* NCSBN Board of Directors, July 15-17, 2009, Chicago.
- *Webinar:* Nursing Education Capacity Texas Team with the Gulf Coast Region, July 20, 2009.

Mark Majek has presented:

- *Presentation:* Keynote Speaker at NCSBN Information Technology Summit, January 26, 2009, Austin.
- *Presentation:* Luncheon Speaker at Nursing Seminar, Methodist Hospital, June 4, 2009, McKinney, Texas.
- *Presentation:* Texas League for Vocational Nursing, June 19, 2009, Houston.
- *Presentation:* South Korean Attache from Houston, July 17, 2009, Austin.

Mary Beth has presented:

- *Webinar:* Board Update to Patient Safety Class, Texas Tech University, June 24, 2009.

Quarterly Statistics Where Executive Director Closed Cases in Compliance with Board Policy:

**Case Resolution Report**  
**March 1, 2009 through May 31, 2009**

<b>Type of Action</b>	<b>RN</b>	<b>LVN</b>	<b>Total</b>
No Jurisdiction	4	0	4
No Violation	10	3	13
No Action	314	320	634
Insufficient Evidence	46	18	64
Admonish	15	8	23
Without Prejudice	20	11	31
TPAPN Referrals	115	63	178
EEP Referrals	4	2	6
<b>Totals</b>	<b>528</b>	<b>425</b>	<b>953</b>

## LVN DISCIPLINARY ORDERS

Time frame: March 1, 2009, through May 31, 2009

<b>DISCIPLINARY</b>	
54	<p><b>FINE WITH REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"><li>1 Administered Erythromycin without consulting physician or having a legal prescription.</li><li>1 Failed to document administration of medications</li><li>1 Misappropriated Phenergan</li><li>1 Misappropriated Hydrocodone or failed to take precautions to prevent the misappropriation.</li><li>1 Failed to follow facility's policy and procedures for wastage of medications.</li><li>2 Left facility without notifying appropriate personnel.</li><li>1 Engaged in unprofessional conduct, to-wit: communicating in an ineffective manner.</li><li>1 Failed to initiate HomMed Health Monitoring System for patients as ordered by a physician.</li><li>1 Failed to make home health visit and falsely documented that visit was made.</li><li>1 Failed to submit nurse's notes in a timely manner for home health visits, and failed to make scheduled home health visits to assigned patients.</li><li>1 Failed to maintain professional boundaries by making loan to patient's mother and providing skilled nursing care for patient in personal residence versus patient's home.</li><li>1 Failed to maintain professional boundaries by assuming possession of a boat, motor, trailer and depth finder belonging to husband of a Hospice Care patient.</li><li>1 Yelled at patient, and waved fist in threatening manner towards patient.</li><li>1 Provided false/misleading information by informing supervisor that she had taken licensing examination and passed, and that she had temporary permit to practice as GVN.</li><li>1 Failed to properly document patient assessments.</li><li>1 Failed to comply with mandatory Board reporting requirements by not reporting that a co-worker (LVN) may have contributed to injuries sustained by 2 pediatric patients.</li><li>1 Administered Bicillin to a correctional officer without a valid physician's order, and misappropriated Bicillin.</li><li>1 Inappropriately documented that patient had been observed in her room; even though patient had not been observed.</li><li>1 Called patient a derogatory name in presence of patient, other patients, and the public, failed to follow proper policy and procedure for placement of patient identification; became rude and argumentative with a coworker when co-worker refused to draw patient's blood without proper and current identification.</li><li>7 Practiced as a Nurse without a valid license</li><li>26 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history</li><li>1 Prompted co-workers (LVNs) to falsify entries in Controlled Drugs - Count Record.</li></ul>

<p>14</p>	<p><b>REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>1 Administered Lasix 40mg in error to patient for whom the medication was not ordered, and administered Vicodin to patient for who it had not been dispensed by borrowing from one patient to give to another.</li> <li>1 Failed to ensure physician was notified that patient had been admitted with PICC line so that physician could provide orders for its care or discontinuance, and failed to supervise nursing care provided by staff for whom she was responsible when she allowed staff to access Quinton catheter of resident without the necessary training required.</li> <li>1 Inappropriately administered thin liquid broth from chicken noodle soup to 20-month old patient with a tracheostomy and swallowing dysfunction; even though physician ordered patient to have no liquids by mouth and only pureed food, and infringed on nurse/patient boundaries by babysitting patient while not on duty while patient's mother left premises to go shopping.</li> <li>1 Removed the skin assessment book for 87 residents from the facility for approximately 4-5 hours.</li> <li>1 Failed to document attempted communication with physician and subsequent communication with pharmacy regarding clarification of a physician's order, failed to administer K-dur to patient as ordered by a physician, failed to note and implement a physician's order x 2.</li> <li>1 Delegated to Direct Care Staff the duty of reporting difficulty in swallowing/increased difficulty in swallowing and symptoms of respiratory distress, as well as the performance of interventions to prevent aspiration after eating for a patient, which is outside the scope of Unlicensed Assistive Personnel.</li> <li>1 Withdrew Hydrocodone from Acudose for a patient without a valid physician's order, and left hospital for 1 hour without notifying charge nurse or shift supervisor.</li> <li>1 Incorrectly administered medications ordered for a patient, and failed to document the administration of medications and/or treatments for patients.</li> <li>1 Administered concurrent narcotic medications to a patient, including Klonopin, Dilaudid and Percocet, as the patient reported his pain was not controlled after administration of several narcotics by other staff on the prior shift, and failed to adequately and fully document an assessment of the patient prior to administration of the narcotic medications.</li> <li>1 Deferred Adjudication Probation for Third Degree felony offense of Obtain a Controlled Substance by Telephone.</li> <li>1 Deferred Adjudication Probation for misdemeanor offense of Obstruct Hwy/Passageway, and enrollment in Long Term Education Program through North Texas Addition Counseling and Education, Inc.</li> <li>2 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history.</li> <li>1 Failed to initiate CPR when full code resident found without a pulse, respirations, or a blood pressure.</li> </ul>
<p>19</p>	<p><b>VOLUNTARY SURRENDER</b></p> <ul style="list-style-type: none"> <li>1 Action in another Jurisdiction</li> <li>1 Noncompliance with Board Order for TPAPN participation.</li> <li>1 Falsified documentation of comprehensive re-certification visits or discharge visits of patients.</li> <li>1 Failed to assess and intervene on behalf of 4 oxygen dependent patients using electrically-powered oxygen concentrators following a power outage, failed to notify employer of suspended license, and continued to provide nursing care on a suspended license.</li> <li>1 Convicted for State Jail felony offense of Driving While Intoxicated with Child Passenger - 2 Counts.</li> <li>1 Convicted for State Jail felony offense of Possession of Cocaine less than 1 gram, non-disclosure of criminal history, and intemperate use of Methadone.</li> <li>1 Deferred Probation for misdemeanor offense of Hinder Secured Creditors, conviction for misdemeanor offense of Driving While Intoxicated, lacked fitness to practice, incorrectly transcribed physician's orders to Medication Administration Records, falsely documented the administration of medications on Medication Administration Records.</li> <li>1 Deferred Probation for felony offense of Possession of Controlled Substance, to-wit Marijuana greater than 4oz but less than 5lbs.</li> <li>1 Lacked fitness to practice, misappropriated Lorazepam for own personal use, failed to accurately document the administration of Vicodin, misappropriated Vicodin, convicted for misdemeanor offenses of Driving While Intoxicated - 2<sup>nd</sup> and Driving While License Invalid. Deferred Adjudication Probation for felony offense of Fraud and Obtaining Controlled Substance by Forgery, and non-disclosure of criminal history on Renewal Document</li> </ul> <p>10 Submitted a statement of Voluntary Surrender</p>

**TPAPN BOARD ORDER**

- 1 Diverted Hydrocodone for own personal use.
- 1 Withdrew Demerol, Dilaudid and Norco without valid physicians' orders, failed to document or accurately document the administration of the medications, failed to follow policy and procedures for wastage of any of the unused portions of the medications, misappropriated Demerol, Dilaudid and Norco, or failed to take precautions to prevent the misappropriation, and admitted to substance abuse problem.
- 1 Withdrew Hydrocodone, but failed to document or accurately document the administration of the medications, withdrew Hydrocodone in excess frequency and/or dosage of physicians' orders, misappropriated Hydrocodone, or failed to take precautions to prevent the misappropriation, and engaged in the intemperate use of Amphetamines.
- 1 Lacked fitness to practice, failed to document or accurately document nursing care provided to patients, admits to being diagnosed with Benzodiazepine and Opiate dependency and addiction.
- 1 Lacked fitness to practice, intemperate use of Cocaine, failed to document the administration of medications to inmates, and misappropriated a narcotic log from Harris County Sheriff's Office.
- 1 Lacked fitness to practice, intemperate use of Cocaine, misappropriated Phenergan.
- 1 Lacked fitness to practice, intemperate use of Alcohol.
- 1 Intemperate use of Opiates and Benzodiazepines, admitted to chemical dependency on Xanax and Lortab.
- 1 Intemperate use of Librium , Alcohol and Hydromorphone, misappropriated Dilaudid.
- 1 Lacked fitness to practice, admitted that in her 22 months of recovery, she has had 2 relapses.
- 1 Lacked fitness to practice x 3, engaged in the intemperate use of alcohol x 2, and removed Focalin XR from the Medication Dispensing System for patients, but did not administer the medications to the patients and falsely documented that the Focalin was administered to the patients.
- 1 Bi-polar tendencies and began drinking more than usual.
- 1 Intemperate use of Marijuana, failed to document the administration of Temazepam and follow procedure for wastage of unused portion, misappropriated Temazepam or failed to take precautions to prevent the misappropriation, falsely documented the administration of Clonazepam, misappropriated Clonazepam, and failed to follow physicians' orders to administer medications to residents.
- 1 Falsely documented administration of Lortab to multiple residents, misappropriated Lortab, or failed to take precautions to prevent the misappropriation, and admitted to suffering from an addiction to Lortab.
- 1 Misappropriated Dilaudid and intemperate use of Propoxyphene, Demerol, Dilaudid and Vicodin.
- 1 Misappropriated Adderall XR 20mg capsules for own personal use and intemperate use of narcotics, to-wit: wasted substances removed from a sharps container located in a pill room at a juvenile facility.
- 1 Misappropriated Hydrocodone, engaged in the intemperate use of Opiates, failed to document signs, symptoms, and responses to medications administered in patients' Medication Administration Records.
- 1 Conviction for Driving Under the Influence of Liquor, Conviction for Driving While Intoxicated, and non-disclosure of criminal history.
- 1 Conviction for Driving While Intoxicated and recently diagnosed with Bi-polar I disorder.
- 1 Conviction for two counts of the misdemeanor offense of Driving While Intoxicated.
- 1 Conviction for misdemeanor offense of Issuance of a Bad Check and misdemeanor offense of Issuance of a Worthless Check x 2, Deferred Adjudication Probation for the misdemeanor offense of Obstruct Highway Passageway, arrested for State Jail felony offense of Possession of a Controlled Substance less than 1 gram, and the misdemeanor offense of Forging/Altering a Prescription, non-disclosure of criminal history, and telephonically passed an unauthorized prescription refill for Carisoprodol.
- 1 Conviction for Driving While Intoxication and arrest for Driving While Intoxicated - 2<sup>nd</sup>.
- 1 Deferred Probation for misdemeanor offense of Possession of Marijuana and misdemeanor offense of Theft Over \$20 Under \$200, and conviction for Driving While Intoxicated.
- 1 Deferred Probation for State Jail felony offense of Forgery of a Financial Instrument, conviction for two counts of the misdemeanor offense of Driving While Intoxicated.
- 1 Deferred Probation for misdemeanor offenses of Assault Bodily Injury - Married/CoHab and Assault - Contact/Threats, and diagnosis of Bi-polar disorder.
- 1 Deferred Probation for misdemeanor offense of Manufacture/Deliver/Possess Miscellaneous Substances.
- 1 Charged with two counts of the misdemeanor offense of Driving While Intoxicated
- 1 Participated in Pre-Trial Diversion Program for possession of Marijuana and arrested for State Jail Felony offense of Theft of Property.
- 1 Noncompliance with previous Board Order due to court order to participate in Substance Abuse Treatment
- 1 Noncompliance with previous Board Order due to Driving While Intoxicated conviction.

## LVN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: March 1, 2009, through May 31, 2009

12	<p><b>ENDORSEMENTS</b></p> <ul style="list-style-type: none"> <li>1 Pled guilty to felony offense of Theft, felony Forgery x 2, and felony Fraud Use of Credit/Debit Card.</li> <li>1 Pled guilty to 4 Counts felony offense of Worthless Checks.</li> <li>1 Pled guilty to 4 separate Driving While Intoxicated offenses.</li> <li>2 Disciplinary action taken by another licensing authority</li> <li>1 Denial of Licensure</li> <li>5 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement</li> <li>1 No Grounds for Denial</li> </ul>
359	<p><b>APPLICANTS/ PETITIONERS</b></p> <ul style="list-style-type: none"> <li>1 Arrested for misdemeanor offense of Theft of Property and felony offense of Possession of a Controlled Substance, Conviction for misdemeanor offense of Theft, Deferred Probation for misdemeanor offenses of Assault Causing Bodily Injury - Family Member and Criminal Trespass.</li> <li>1 Conviction for misdemeanor offense of Theft of Property and 3 Counts of Issuance of Bad Check.</li> <li>1 Conviction for 3 Counts of misdemeanor offense of Theft of Property.</li> <li>1 Conviction for felony offense of False Statements on Loan Application and Bank Embezzlement and conviction for misdemeanor offense of Failure to Stop and Give Information.</li> <li>1 Conviction for misdemeanor offense of Driving While Intoxicated x 2.</li> <li>1 Conviction for felony offense of Conspiracy to Commit Bank Fraud and conviction for Second Degree felony offense of Robbery.</li> <li>1 Conviction for misdemeanor offenses of Failure to Identify, Theft x 2, and Third Degree felony offense of Forgery of a Financial Instrument.</li> <li>1 Conviction for misdemeanor offenses of Minor in Possession of Alcoholic Beverage x 3, Criminal Mischief x 2, and Possession of Drug Paraphernalia.</li> <li>1 Conviction for two counts of the misdemeanor offense of Driving While Intoxicated, and felony offense of Driving While Intoxicated - 3rd.</li> <li>1 Conviction for misdemeanor offenses of Telecommunications Harassment and Criminal Mischief, and received Article 15 from U.S. Army for Drinking Underage.</li> <li>1 5 Article 15s - Underage Drinking x 3, Indecent Exposure, and Disobeying a Direct Order.</li> <li>1 Conviction for misdemeanor offense of Driving While Intoxicated, and Deferred Probation for Evading.</li> <li>1 Conviction for misdemeanor offense of Theft of Property and Deferred Probation for Theft.</li> <li>1 Conviction for misdemeanor offense of Theft of Property and Deferred Probation for State Jail felony Theft.</li> <li>1 Conviction for misdemeanor offense of Embezzlement and Deferred Probation for Theft.</li> <li>1 Conviction for misdemeanor offense of Theft and Deferred Probation for State Jail felony offense of Theft.</li> <li>1 Conviction for misdemeanor offense of Theft by Check and Deferred Probation for State Jail felony offense of Tampering with Government Records.</li> <li>1 Deferred Probation for State Jail felony offense of Possession of a Controlled Substance.</li> <li>1 Deferred Probation for State Jail felony offense of Forgery of a Financial Instrument.</li> <li>1 Deferred Probation for State Jail felony offense of Fraudulent Use/Possession of Identification.</li> <li>1 Deferred Probation for Second Degree felony offense of Burglary of a Habitation.</li> <li>1 Deferred Probation for misdemeanor offense of Theft of Property and State Jail felony offense of Forgery of a Financial Instrument.</li> <li>1 Deferred Probation for misdemeanor offense of Theft and State Jail felony offense of Secure Execution of Document by Deception.</li> <li>1 Deferred Probation for misdemeanor offense of Sell Alcoholic Beverage to a Minor and Possession of Marijuana 0-2oz.</li> <li>1 Deferred Probation for misdemeanor offense of Theft and Second Degree felony offense of Possession of Marijuana less than 2000lbs but more than 50lbs.</li> <li>1 Provided false/misleading information by informing supervisor that she had taken licensing examination and passed, and that she had temporary permit to practice as GVN.</li> <li>3 Non-disclosure of Criminal History</li> <li>326 No Grounds for Denial/Youthful Indiscretion</li> <li>5 Denial of Licensure</li> </ul>

## RN DISCIPLINARY ORDERS

Time frame: March 1, 2009, through May 31, 2009

<b>DISCIPLINARY</b>	
50	<p><b>FINE WITH REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"><li>1 Administered Erythromycin without consulting physician or having a legal prescription</li><li>1 Inadvertently placed two bank prescriptions belonging to the hospital in her pocket and took them home</li><li>1 Disclosed confidential health information concerning a patient to a local newspaper</li><li>1 Failed to completely and accurately document the administration of medications, follow policy and procedures for wastage, and withdrew and/or administered medications in excess frequency and/or dosage of physician's order</li><li>1 Failed to make a home health visit and falsely documented that visit was made</li><li>1 Violated professional boundaries by providing personal items to the patient and the patient's family, including food furniture and house hold items</li><li>1 Violated professional boundaries by confronting a patient about a personal business matter</li><li>1 Failed to initiate HomMed Health Monitoring System for patients as ordered by a physician</li><li>1 Left facility without notifying appropriate personnel</li><li>3 Exceeded Board authorized scope of practice</li><li>1 Misrepresented to students that they would graduate with a Baccalaureate Degree in Nursing when the program was not approved</li><li>1 Withdrew medications without a physicians order; failed to document the administration of medication; failed to follow policy and procedures for wastage;</li><li>1 Forged patient signature on Consent for Treatment forms</li><li>1 Failed to submit documentation of scheduled skilled nurse visits</li><li>1 Failed to comply with mandatory Board reporting requirements by not reporting that a co-worker (LVN), may have contributed to injuries sustained by 2 pediatric patients</li><li>1 Violated patient confidentiality by accessing her husband's girlfriend's medical record</li><li>1 Violated patient confidentiality by approaching a patient who expressed desire to put her baby up for adoption to inquire about a co-worker adopting the baby</li><li>1 Asked a patient if she could adopt her baby and in return pay all her and her baby's bills</li><li>1 Prompted co-workers (LVN's) to falsify entries in Controlled Drugs - Count Record</li><li>1 Failed to maintain professional boundaries by assuming possession of a boat, motor, trailer and depth finder belonging to husband of a Hospice Care patient</li><li>1 Failed to follow facility's policy and procedures for wastage of medications</li><li>23 Submitted an Application for Licensure/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history</li><li>4 Practiced as Nurse without a valid license</li></ul>

16	<p><b>REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>1 Administered Lasix 40mg in error to a patient for whom the medication was not ordered, and administered Vicodin to patient for who it had not been dispensed by borrowing from one patient to give to another</li> <li>1 Failed to ensure physician was notified that patient had been admitted with PICC line so physician could provide orders for care or discontinuance, failed to supervised nursing care provided by staff when she allowed staff to access Quinton catheter of resident without the necessary training required</li> <li>1 Delegated to Direct Care Staff the duty of reporting difficulty in swallowing and symptoms of respiratory distress, as well as the performance of interventions to prevent aspiration after eating for a patient</li> <li>1 Mistakenly administered Humalog Insulin instead of regular insulin</li> <li>1 Deferred Adjudication Probation for misdemeanor offense of Obstruct Hwy/Passageway, and enrollment in Long term Education Program through North Texas Addiction Counseling and Education, Inc.</li> <li>1 Engaged in unprofessional conduct by informing an 11 year old minor patient she had been diagnosed with Leukemia instead of allowing the parents to decide how and when to tell the patient</li> <li>1 Failed to adequately provide supervision to a RN and LVN who were assigned to provide care for a patient when she delegated nursing assignments they were not trained for</li> <li>1 Failed to administer medications as ordered and document the fall risk assessment in a medical record</li> <li>1 Failed to document attempted communication with physician and pharmacy regarding clarification of a physician's order, failed to administer K-dur to patient as ordered by physician, failed to note and implement physician's order x 2</li> <li>1 Acted outside scope of practice when withdrawing blood</li> <li>1 Administered concurrent narcotic medications to a patient as the patient reported his pain was not controlled after administration of narcotics by other staff, failed to adequately and fully document assessment of patient prior to administration of narcotic medications</li> <li>1 Failed to assess and/or document the admission assessment of a patient; failed to document adjustments in patient's medications by the care giver because she believed the physician ordered them incorrectly</li> <li>1 Failed to document physician's verbal orders</li> <li>1 Erroneously administered epinephrine to a patient intravenously instead of subcutaneously</li> <li>1 Failed to ensure the security of confidential information when she allowed her vehicle to be taken to a car wash. Subsequently, it was discovered the on-call book had been removed from her car</li> <li>1 Failed to adequately and accurately assess and evaluate, or document a skin assessment</li> </ul>
27	<p><b>VOLUNTARY SURRENDER</b></p> <ul style="list-style-type: none"> <li>1 Lacked fitness to practice professional nursing, in that he was picked up by the Angelina County Sheriff's Department for "acting intoxicated," and found to be in possession of 6 vials of Lorazepam; Misappropriation of Lorazepam and Vicodin</li> <li>1 Plead guilty to the state jail felony offense of Penalty Group One Possession of a Controlled Substance, To-Wit: Marijuana</li> <li>1 Plead guilty to the federal crime of Health Care Fraud</li> <li>1 Plead guilty to the state jail felony offense of Abandon Endanger Child Criminal Negligence and the misdemeanor offense of Driving While Intoxicated</li> <li>1 Convicted of the state jail felony offense of Driving While Intoxicated with Child Passenger</li> <li>1 Intemperate use of Alcohol; Lacked fitness to practice and began screaming and became erratic when discussing her behavior with supervisors</li> <li>1 Charged with the first degree felony offense of Murder</li> <li>1 Deferred Probation for the third degree felony offense of Obtain Drugs by Fraud - Schedule III</li> <li>1 Falsified documentation of comprehensive re-certification visits</li> <li>1 Withdrew Meperidine and Morphine without a physicians' order, in excess of physicians' order' withdrew Morphine and Hydrocodone but failed to document the administration; Misappropriation of Meperidine, Morphine and Hydrocodone; under indictment for the third degree felony offense of Possession of Fraudulent Prescription</li> <li>1 Lacked fitness to practice and smelled like alcohol; Intemperate use of Cocaine</li> <li>1 Obtained Vicodin, Prednisone, Bactrim and Hydrocodone through the use of fraudulent telephonic communicated prescriptions</li> <li>1 Non compliance with previous Board Order</li> <li>1 Intemperate use of Hydrocodone; Failed to comply with previous Board Order</li> <li>13 Submitted a statement of Voluntary Surrender</li> </ul>

**TPAPN BOARD ORDER**

- 1 Diverted Hydrocodone for own personal use
- 1 Misappropriated Dilaudid; Intemperate use of Demerol, Dilaudid, Propoxyphene and Vicodin
- 1 Lacked fitness to practice; completed a treatment program for drug choice of Lorcet
- 1 Withdrew Demerol, Dilaudid and Norco for patients who were not assigned to her care; failed to document administration; follow procedures for wastage and misappropriated or failed to take precautions to prevent misappropriation
- 1 Lacked fitness to practice; engaged in the intemperate use of Librium
- 1 Deferred probation for the third degree felony offense of Possession of Drugs by Fraud; Disclosed an addiction to prescription pain medication
- 1 Entered treatment for alcohol abuse with the DePaul Center, Intemperate use of Alcohol
- 1 Convicted of two counts of the misdemeanor offense of Driving While Intoxicated; entered treatment for Alcohol Dependence
- 1 Contacted Board to inform staff she admitted herself into a rehabilitation facility
- 1 Issued TPAPN Board Order on May 18, 2006; Violated Order by engaging in the Intemperate use of Tramadol
- 1 Misappropriated medication belonging to the facility; removed Dilaudid on 3 occasions with only portion's charted as being administered; intemperate use of Hydromorphone and Propoxyphene; Diverted narcotics/medications from the Pyxis
- 1 Issued Board Order on March 6, 2000, for charges of Driving While Intoxicated; in 2007 convicted of Driving While Intoxicated; completed evaluation and was deemed chemically dependent
- 2 Charged with three counts of the misdemeanor offense of Driving While Intoxicated
- 1 Charged with the misdemeanor offense of Driving While Intoxicated; withdrew narcotics for patients not assigned to her; exhibited impaired behavior while on duty
- 1 Misappropriated Hydrocodone; Intemperate use of Hydrocodone and Oxycodone
- 1 Diagnosed with Bipolar I Disorder; convicted of the misdemeanor offense of Driving While Intoxicated
- 1 Withdrew Dilaudid and Morphine without a valid physician's order; withdrew Demerol but failed to document the administration or follow procedures for wastage; Misappropriation of Demerol, Dilaudid and Morphine
- 1 Misappropriated Acetaminophen, Acetaminophen/Oxycodone, Ativan, Demerol, Lorazepam, Meperidine, Hydrocodone/Acetaminophen, Morphine, Propoxyphene/N/APAP and Zolpidem Tartrate; Intemperate use of Benzodiazepines, Propoxyphene, Meperidine, Morphine and Normeperidine
- 1 Withdrew Lortab 5/500mg but failed to completely and accurately document the administration or follow the policy and procedure for wastage; withdrew Hydrocodone without a valid physicians' order; withdrew 151 Tabs of Hydrocodone for patients in excess of physicians' orders; misappropriated Hydrocodone, Oxycodone, Morphine, Seroquel, Hydromorphone, Lortab, Tizamide, and Zolpidem Tartrate; intemperate use of Opiates
- 2 Convicted of two misdemeanor counts of Driving While Intoxicated
- 1 Intemperate use of Alcohol
- 1 Intemperate use of Codeine and Morphine
- 1 Misappropriated, or failed to take precautions to prevent such misappropriation of hydromorphone; intemperate use of hydrocodone and phenobarbital
- 1 Intemperate use of Fentanyl and Morphine Sulfate
- 1 Misappropriation and Intemperate use of Darvocet
- 1 Misappropriated Narcotics; withdrew Hydromorphone without a valid physicians' order; intemperate use of Alcohol and Propoxyphene; Passed fraudulent prescription for Hydrocodone, Vicoprofen and Darvocet
- 1 Convicted of the misdemeanor offense of Deadly Conduct; Admitted the offense occurred due to an accumulation of alcoholism, PTSD, and depression
- 1 Intemperate use of Cocaine, Marijuana, Morphine and Dilaudid; received treatment at Austin Recovery Center
- 1 Intemperate use of Phencyclidine (PCP) and Xanax

## RN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: March 1, 2009, through May 31, 2009

18	<p><b>ENDORSEMENTS</b></p> <ul style="list-style-type: none"> <li>4 Disciplinary action taken by another licensing authority</li> <li>1 Signed a three year contract with the CANDO Program with the Arizona State Board of Nursing</li> <li>1 Entered a plea of guilty to the felony offense of Battery and the misdemeanor offenses of Attempted Theft and Stalking, issued a Settlement Order by the Louisiana State Board of Nursing</li> <li>1 Deferred probation for the second degree felony offense of Possession of a Controlled Substance with Intent to Distribute</li> <li>1 Convicted for the Class D felony offense of Child Abuse</li> <li>1 Signed a five year contract with the Department of Health, Washington Health Professional Services</li> <li>1 Convicted of the felony offense of Robbery</li> <li>4 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement</li> <li>4 No Grounds for Denial</li> </ul>
468	<p><b>APPLICANTS/ PETITIONERS</b></p> <ul style="list-style-type: none"> <li>3 Non disclosure of Criminal History</li> <li>1 Deferred probation for the state jail felony offense of Possession of Marijuana</li> <li>1 Charged with two counts of the misdemeanor offense of Driving While Intoxicated</li> <li>1 Pled guilty to the state jail felony offense of Driving While Intoxicated with a Child Under 15</li> <li>1 Charged with the misdemeanor offenses of Driving While Intoxicated and two counts of Assault Causing Bodily Injury and two counts of Possession of Marijuana</li> <li>1 Deferred probation for the state jail felony offense of Credit Card Abuse; charged with the misdemeanor offense of Driving Under the Influence</li> <li>1 Deferred probation for the state jail felony offense of Forgery of a Financial Instrument</li> <li>1 Charged with the state jail felony offense of Possession of a Controlled Substance and two counts of the misdemeanor offense of Driving While Intoxicated</li> <li>1 Granted Pre-Trial Diversion for the felony offense of Credit/Debit Card Abuse</li> <li>1 Deferred probation for the third degree felony offense of Aggravated Assault; charged with the misdemeanor offenses of Disorderly Conduct and Public Intoxication</li> <li>1 Charged with two counts of the misdemeanor offense of Driving While Intoxicated</li> <li>2 Entered treatment for chemical dependency</li> <li>1 Charged with the misdemeanor offenses of Possession of Marijuana and Driving While Intoxicated</li> <li>1 Charged with the misdemeanor offenses of Indecent Exposure and Theft</li> <li>1 Entered into a plea agreement for the class 3 felony offense of Attempted Transportation of Marijuana for Sale</li> <li>1 Charged with three counts of the misdemeanor offense of Driving While Intoxicated and two counts of Minor in Possession</li> <li>1 Deferred probation for the state jail felony offense of Possession of Marijuana</li> <li>1 Diagnosed with Bipolar II Disorder</li> <li>1 Convicted of the second degree felony offense of Possession of a Controlled Substance; charged with the misdemeanor offenses Prostitution and three counts of Theft</li> <li>1 Charged with the fourth degree felony offense of Attempt to Commit Distribution of a Controlled Substance</li> <li>1 Charged with four counts of the misdemeanor offense of Theft of Property</li> <li>1 Charged with two counts of the misdemeanor offenses of Minor in Possession of Alcohol and Consumption of Alcohol</li> <li>1 Deferred probation for the second degree felony offense of Aggravated Assault with a Deadly Weapon and the misdemeanor offense of Possession of Marijuana</li> </ul> <p>442 No Grounds for Denial/Youthful Indiscretion</p>

Board of Nursing  
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Measure	Totals FY'06	Totals FY'07	Totals FY'08	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Running FY 2009 Total
<b>Nursing Jurisprudence Exam</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>1,128</b>	<b>4,091</b>	<b>6,581</b>	<b>0</b>	<b>11,800</b>
Exam Not Completed				118	165	240	0	523
Did Not Passed				56	198	94	0	348
Exam Passed				954	3,728	6,247	0	10,929
<b>Breakdown by Applicant Group</b>								
<b>LVN-Candidate</b>				<b>122</b>	<b>827</b>	<b>1,137</b>	<b>0</b>	<b>2,086</b>
Exam Not Completed				15	29	88		132
Did Not Passed				10	47	32		89
Exam Passed				97	751	1,017		1,865
<b>LVN-Endorsement</b>				<b>60</b>	<b>263</b>	<b>313</b>	<b>0</b>	<b>636</b>
Exam Not Completed				8	18	13		39
Did Not Passed				7	49	22		78
Exam Passed				45	196	278		519
<b>RN-Candidate</b>				<b>477</b>	<b>1,600</b>	<b>3,562</b>	<b>0</b>	<b>5,639</b>
Exam Not Completed				47	48	93		188
Did Not Passed				5	9	11		25
Exam Passed				425	1,543	3,458		5,426
<b>RN-Endorsement</b>				<b>469</b>	<b>1,401</b>	<b>1,569</b>	<b>0</b>	<b>3,439</b>
Exam Not Completed				48	70	46		164
Did Not Passed				34	93	29		156
Exam Passed				387	1,238	1,494		3,119