

**Staff Response to the Texas Peer Assistance Program (TPAPN) Legal Compliance Audit**

**Summary:**

At the January 2010 meeting, the Board was provided with the report from the Fall 2009 TPAPN Legal Compliance Audit. This report contains staff responses to recommendations contained in the audit report.

**Historical Perspective:**

The Board requires annual legal compliance and financial audits of TPAPN. At the January meeting staff reported that BON and TPAPN staff would meet to discuss the report and that meeting was held in late February. We believe that most issues have been resolved. The following recommendations and responses are provided for the Board’s consideration.

Audit Recommendations	Staff Response
<p>Extend the period between full audits to two or three years. The NCSBN’s Chemical Dependency Regulatory Committee recommends three years as a best practice. In the event significant concerns arise about some aspect of the program, a focused audit could address those issues quickly.</p>	<p>Staff discussed with TPAPN the following audits that might be performed in the future: financial audit annually, legal compliance audit every two years, and performance measures audit every three years. Staff recommends that our Internal Auditor, Larry Vineyard, be requested to do a risk assessment of the program to identify necessary audits and frequency of these audits.</p>
<p>Although no nurses in this year’s samples had non-alcohol or drug related criminal histories, BON and TPAPN should be attentive to convictions tenuously related to TPAPN diagnoses and avoid using TPAPN as an alternative to denying licensure in proper cases.</p>	<p>Staff discussed with TPAPN the meaning or source of this finding. The parties concluded that it is not supported by review of any files and staff is unsure of its meaning. Staff agree that nurses with criminal history not associated with substance abuse or dependency should not participate in TPAPN.</p>

Audit Recommendations	Staff Response
<p>The BON should streamline and expedite the current method of providing disciplinary history and “allowed” nurse identifiers to TPAPN for eligibility needs via digital technology as discussed above in 3 C.</p>	<p>This audit recommendation mimics one from last year’s audit. Staff believed that a response to this issue at that time had addressed this concern by providing monthly disciplinary reports and identifying a staff person available to answer questions. TPAPN staff in the interim have created a database of BON past disciplinary reports. TPAPN staff report that they believe this problem is resolved.</p>
<p>The BON should provide TPAPN with complete copies of all evaluations (substance use/dependence, psychiatric and forensic) used by the BON in referring a student or licensee to TPAPN or EEP.</p>	<p>Staff believe that the NPA protects this psychiatric and substance use/abuse/dependency evaluations as confidential but support amendments to the law which permit sharing of this information with TPAPN. TPAPN has agreed to address this issue by requesting participants be required or requested to supply their evaluation to the program prior to participation.</p>

**Staff Recommendation:**

Move to accept staff responses and direct staff to request that Mr. Vineyard conduct a risk assessment and make recommendations to the Board.