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**TEXAS BOARD OF NURSING**

## Regular Meeting

Thursday, January 21, 2010  
8:35 a.m. - 4:48 p.m.  
William Hobby Building  
333 Guadalupe, Tower II, Room 225  
Austin, Texas 78704

Present:

Linda Rounds  
Deborah Bell  
Kristin K. Benton  
Richard Robert Gibbs  
Patti Clapp  
Beverley Nutall  
Blanca Rosa Garcia  
Marilyn Davis  
Mary Jane Salgado  
Tamara Cowen  
Kathy Leader-Horn  
Josefina Lujan  
Sheri Crosby, Arrived at 1:50 p.m.

Staff Present:

Katherine A. Thomas, Executive Director  
Patricia Vianes-Cabrera, Executive Assistant  
Anthony Diggs, Director of Enforcement  
Mark Majek, Director of Operations  
James "Dusty" Johnston, General Counsel  
Jena Abel, Assistant General Counsel  
John Legris, Assistant General Counsel  
Kyle Hensley, Assistant General Counsel  
Dina Flores, Legal Assistant  
Lance Brenton, Attorney, Legal Intern  
Mary Beth Thomas, Director of Nursing  
Allison Hassinger, Administrative Assistant  
Jolene Zych, Nursing Consultant  
Denise Benbow, Nursing Consultant  
Melinda Hester, Nursing Consultant  
Paul Waller, Nursing Consultant  
Bonnie Cone, Nursing Consultant  
Robin Caldwell, Nursing Consultant  
Bruce Holter, Information Specialist  
Tawnya Smith, Information Technology Specialist  
Bill Ray, Information Technology Specialist

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AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Linda Rounds called the meeting to order at 8:35 a.m, Thursday, January 21, 2010.	
<b>ROLL CALL</b>	The following member was absent: Sheri Crosby. Ms. Crosby arrived at 1:50 p.m. A quorum was established with all other members in attendance.	
<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 approved.
<b>ACCEPTANCE OF MINUTES</b>	The Board reviewed the minutes from the October 21, 2009 Board Retreat and the October 22-23, 2009 Board Meeting.	The Board approved the minutes from the October 21, 2009 Board Retreat and the October 22-23, 2009, Board Meeting.
<b>CONSENT AGENDA ITEMS</b>		<p>The Consent agenda was reviewed and approved with the following changes:</p> <p>Agenda Item 7.1.1. TPAPN Quarterly Report was removed from the Consent Agenda.</p> <p>Agenda Item 8.3., Eligibility Agreed Order of Robert Thomas Buckholt was removed from the Consent Agenda.</p> <p>Agenda Item 8.3., Eligibility Agreed Order of Javier Alberto Ramirez was removed from the Consent Agenda.</p> <p>Deborah Bell recused herself from the consideration and vote on Agenda Item 8.1., Agreed Orders of: Dorothy Lynn Boling, RN # 707570 Kelli Lynn Jones, RN #660668</p> <p>Deborah Bell recused herself from the consideration and vote on Item 8.2. Reinstatement Agreed Order of: Jo Ann Justice, LVN #136700</p> <p>Tamara Cowen recused herself from the consideration and vote on Item 8.1., Agreed Orders of: Eddie Dean Davis, RN #718009</p>

AGENDA ITEM	DISCUSSION	ACTION
		<p>Robert W. McElroy, RN #615131 Stephen Houston Morgan, RN #608696</p> <p>Linda Rounds recused herself from the consideration and vote on Item 8.1., Agreed Order of: Kelli Lynn Jones, RN #660668</p> <p><i>Approved on Consent.</i></p>
<p><i>2.2. Continuing Education Pre-Renewal Audit Report/ 4<sup>TH</sup> Quarter, Fiscal Year 2009</i></p>		
<p><i>3.1.1. Workshop Report</i></p>		
<p><i>3.2.2. Report on Texas Board of Nursing New Dean, Director, and Coordinator Orientation Workshop</i></p>		
<p><i>5.1.1. Eligibility and Disciplinary Committee</i></p>		
<p><i>6.2. Adoption of Amendments to 22 Tex. Admin. Code §213.23, Pertaining to Decision of the Board</i></p>		
<p><i>6.3. Adoption of Amendments to 22 Tex. Admin. Code §213.20, Pertaining to Informal Proceedings and Alternate Dispute Resolution (ADR); §213.29,</i></p>		

AGENDA ITEM	DISCUSSION	ACTION
<p><i>Pertaining to Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters; §213.30, Pertaining to Declaratory Order of Eligibility for Licensure; and §213.33, Pertaining to Factors Considered for Imposition of Penalties / Sanctions and/or Fines</i></p> <p><i>6.4. Adoption of Amendments to 22 Tex. Admin. Code §213.32, Pertaining to Schedule of Administrative Fine(s) and §211.7, Pertaining to Executive Director</i></p> <p><b>8. PROPOSED BOARD ORDERS</b></p> <p><b>8.1. Agreed Orders</b></p>	<p><i>Malathi Glorin Balraj, RN #724201</i></p>	<p><i>Approved on Consent.</i></p> <p><i>The board voted to ratify the Agreed Orders on Consent with the following results:</i></p> <p><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 medication administration; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><i>Jane P. Bauersfeld aka Jane Patricia Bauersfeld, RN #544058</i></p> <p><i>Dorothy Lynn Boling, RN #707570</i></p>	<p><i>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 submit 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><b>Suspend Probate.</b> Respondent's license is hereby suspended with said suspension STAYED and Respondent is placed on Probation with the following agreed terms of probation: Respondent shall pay a monetary fine in the amount of \$500 within forty-five days of entry of this order. Respondent shall fully comply with all the terms and conditions of the Order of the board issued to Respondent on September 13, 1994 which is still in effect in its entirety and Respondent shall be responsible for successfully completing the terms of that order.</p> <p><b>Board Member Deborah Bell recused herself prior to the consideration and vote on this board order.</b></p> <p><b>Suspend Probate.</b> Respondent's license is hereby suspended with said suspension STAYED and Respondent is placed on Probation for two years with the following agreed terms of probation: Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$750. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for two years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Jessie Gale Brown, LVN #142953/RN #622528</b></p>	<p><i>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 under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; It is further agreed and ordered that Respondent shall be exempt from probation conditions numbers seven, nine, ten and eleven provided that she remain in her current capacity as a RN in the Neonatal Intensive Care Unit (NICU) with Valley Regional Medical Center, Brownsville, Texas. Should Respondent leave her aforementioned position at any time during the first year of this order, she shall be subject to probation conditions numbers seven, nine, ten and eleven for the remainder of the first year of the order.</i></p> <p><b>Warning with Stipulations.</b> <i>Within forty five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in medication administration; and a board approved course in nursing documentation. It is further agreed that should Respondent practice as a nurse in the State of 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</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><b><i>Vicki Cheryl Brown, RN #579847</i></b></p> <p><b><i>Amanda Machelle Burton, LVN #171287</i></b></p>	<p><i>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><b><i>Limited License.</i></b> <i>While under the terms of this order Respondent shall not provide direct patient care. For the purposes of this Order, direct patient care involves a personal relationship between the Nurse and the client, and that includes, but is not limited to: teaching, counseling, assessing the client's needs and strengths, and providing skilled nursing care. Should Respondent desire to return to a clinical practice setting, which would require her to provide direct patient care, Respondent shall petition the Board for such approval.</i></p> <p><b><i>Reprimand with Stipulations.</i></b> <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in respecting professional boundaries; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall submit 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 in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Respondent's progress in therapy until released from therapy.</i></p>





AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Lori Diaz Delope-Diaz, RN #629985</b></p>	<p><i>restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p><b>Enforced Suspension.</b> Respondent's license is hereby suspended with said suspension enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment and sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within forty-five days of the suspension being stayed Respondent shall pay a monetary fine in the amount of \$500. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have indirect supervision with employment</p>

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	<p><i>restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Respondent's progress until released from therapy.</i></p> <p><b>Cozetta Cheryl Fairchild, RN #606269</b></p> <p><b>Daniel Thomas Graham, RN #729861</b></p>	<p><i>Warning with Stipulations. Within one year of entry of this order Respondent shall successfully complete a board approved course in pharmacology. Should Respondent choose to practice as a nurse 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 submit 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><i>Warning with Stipulations. Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in sharpening</i></p>



AGENDA ITEM	DISCUSSION	ACTION
	<p data-bbox="407 842 854 869"><b>Mary Carolyn Jackson, RN #511047</b></p> <p data-bbox="407 1541 854 1568"><b>Christi Dianne Jones, LVN #178645</b></p>	<p data-bbox="945 306 1466 779"><i>Board of Registered Nursing Department of Consumer Affairs for the State of California to submit quarterly reports, on forms provided by the Texas Board, that Lynn Marie Hoffman is in compliance with the Order of the Board and Respondent shall cause the Board to submit written verification of Respondent's successful completion of that order. Evidence of compliance/completion with the terms of the Order of the Board of California will be accepted as evidence of compliance/completion of the terms of this order issued by the Texas Board of Nursing.</i></p> <p data-bbox="945 842 1466 1478"><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 and ethics; a board approved course in physical assessment; a board approved course in nursing documentation; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse 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 submit 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="945 1541 1466 1976"><b>Suspend Probate.</b> <i>Respondent's license is hereby suspended with said suspension STAYED and probated for a period of two years with the following agreed terms of probation: Within two hundred twenty five days of the stay Respondent shall pay a monetary fine in the amount of \$3,600. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; a board approved course in nursing documentation; a board approved course in detecting and preventing abuse and neglect; and a board approved course</i></p>

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	<p><b>Kelli Lynn Jones, RN #660668</b></p>	<p><i>in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment under this order; and Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period.</i></p> <p><b>Board Member Linda Rounds recused herself prior to the consideration and vote on this Agreed Order.</b></p> <p><b>Board Member Deborah Bell recused herself prior to the consideration and vote on this Agreed Order.</b></p> <p><b>Reprimand with Stipulations.</b> <i>Within forty-five days of entry of this order Respondent shall pay a monetary fine in the amount of \$500. Within one year of entry of this order Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse in Texas, Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall submit notification of employment; shall provide employer reports; Respondent shall have in-direct supervision with employment restrictions for the duration of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Dina Ann Leal, LVN #140272</b></p>	<p><i>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; and Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p><b>Suspend Probate.</b> Respondent's license is hereby suspended with said suspension STAYED and probated for a period of three years with the following agreed terms of probation: Within forty five days of the stay Respondent shall pay a monetary fine in the amount of \$750. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse 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 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 under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; and Respondent shall attend at least two</p>



AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Christie Brook Moore, RN #702828</b></p>	<p><i>in Texas Respondent will provide direct patient care and practice in a hospital, nursing home, or other clinical setting under the following stipulations for two years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse 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 under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Respondent shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Respondent's progress in therapy until released from therapy.</i></p> <p><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 and ethics; a board approved course in medication administration; and a board approved course in sharpening critical thinking skills. Should Respondent choose to practice as a nurse 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</i></p>





AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Anglea Sue Tynes, LVN #204678</b></p>	<p><i>Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period under this order with the exception of Respondent's current employment as a Home Health Nurse with Potter's Home Health, Lewisville, Texas and as a Charge Nurse with Crestwood Nursing Home, Willis Point, Texas. Should Respondent's current employment cease or change multiple employers will be prohibited and Respondent shall not be employed by a registry, temporary nurse employment agency, hospice or home health agency; and Respondent shall not work more than sixty hours per week as a nurse.</i></p> <p><b>Suspend Probate.</b> <i>Respondent's license is hereby suspended with said suspension STAYED and probated for a period of three years with the following agreed terms of probation: Within forty five days of the stay Respondent shall pay a monetary fine in the amount of \$600. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Respondent choose to practice as a nurse 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 present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse under this order; Respondent shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Respondent shall have employment restrictions for the first year of employment under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain,</i></p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Diane T. Vacante, RN #690211</b></p>	<p><i>Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p><b>Enforced Suspension.</b> Respondent's license is hereby suspended with said suspension enforced until Respondent completes a treatment program approved by the Board, provides documentation of successful completion, and has obtained twelve consecutive months of sobriety. Upon verification of said treatment and sobriety the suspension will be STAYED and Respondent will be placed on Probation for three years with the following agreed terms of probation: Within ninety days of the suspension being stayed Respondent shall pay a monetary fine in the amount of \$750. Respondent shall initiate contact with the Texas Guaranteed Student Loan Corporation and make arrangements to repay the student loan within forty-five days from the date of this order. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of probation: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse 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 under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Dacia Dorothea Voss, RN #670393</b></p>	<p><i>have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol; Respondent shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance.</i></p> <p><b>Suspend Probate.</b> Respondent’s license is hereby suspended with said suspension STAYED and probated for a period of three years with the following agreed terms of probation: Within forty-five days of the stay Respondent shall pay a monetary fine in the amount of \$750. Within one year of the stay Respondent shall successfully complete a board approved course in nursing jurisprudence and ethics. The following terms of this probation may only be served while Respondent is employed as a nurse in a hospital, nursing home, or other clinical practice setting for three years of employment: Respondent shall notify present/future employers of the board order; shall provide notification of employment; shall provide employer reports; Respondent shall have direct supervision with employment restrictions for the first year of employment as a nurse 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 under this order; Respondent shall not practice in any critical care area for the first year of employment under this order; Respondent shall not administer or have any contact with controlled substances for the first year of employment under this order; Respondent shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Respondent shall submit to periodic screens for controlled substances and alcohol;</p>



AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Veronica Lindsey Winkler, LVN #161084/ RN #657430</b></p>	<p><i>nursing jurisprudence and ethics. Should Petitioner choose to practice as a nurse in 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 under this order; Petitioner shall cause each employer to immediately submit any and all incident, counseling, variance, etc. reports involving Petitioner; Petitioner shall not practice in any critical care area for the first year of employment under this order; Petitioner shall not administer or have any contact with controlled substances or synthetic opiates for the first year of employment under this order; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; Petitioner shall cause her probation officer to submit quarterly written reports regarding Petitioner's compliance with her court ordered probation until released from probation; and Petitioner shall be subject to random periodic visits for the purposes of observation and/or inspection of records involving Petitioner's clinical practice and/or discussion with Petitioner's supervisor(s) about Petitioner's practice.</i></p> <p><b>Reinstated with Stipulations.</b> Petitioner's Application for Reinstatement shall be granted and subject to the following</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><b>8.3 ELIGIBILITY AGREED ORDERS</b></p>	<p><b>Lawrencya Evette Caraway, Petitioner for Initial Licensure (LVN)</b></p>	<p><i>conditions: Within one year of relicensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. Should Petitioner choose to practice as a nurse 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><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 ethics. It is further agreed should Petitioner practice as a nurse 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; Petitioner shall cause employer(s) to submit periodic reports; and Petitioner shall have in-direct supervision with employment restrictions for the duration of the stipulation period.</i></p>





AGENDA ITEM	DISCUSSION	ACTION
	<p><b><i>Darla Corinne Kirton, Applicant for Initial Licensure (RN)</i></b></p>	<p><i>Petitioner shall participate in therapy with a board approved therapist and shall cause the therapist to submit quarterly written reports regarding Petitioner’s progress in therapy until released from therapy.</i></p> <p><i>Applicant for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Applicant is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Applicant shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Applicant 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 forty-five days of initial licensure Applicant shall pay a monetary fine in the amount of \$500. Within one year of initial licensure Applicant shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Applicant practice as a nurse in Texas, Applicant 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: Applicant shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Applicant shall cause employer(s) to submit periodic reports; Applicant shall have direct supervision with employment restrictions for the first year of employment under this order; Applicant shall have in-direct supervision with employment restrictions for the remainder of the stipulation period; Applicant shall have employment restrictions for the first year of employment under this order; Applicant shall not practice in any critical care area for the first year of employment under this order; Applicant shall not administer or have any contact with controlled substances or synthetic opiates for the first year of employment under this order; Applicant shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of</i></p>

AGENDA ITEM	DISCUSSION	ACTION
		<p><i>controlled substances; Applicant shall submit to periodic screens for controlled substances and alcohol; and Applicant 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><i>Applicant for Initial Licensure. Upon meeting the requirements for graduation and payment of any required fees, Applicant is hereby Conditionally Eligible to sit for the NCLEX-RN examination with conditions. Applicant shall not be eligible for temporary authorization to practice as a graduate nurse in the State of Texas. Applicant 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 and Applicant shall be subject to the following stipulation: Applicant shall fully comply with all the terms and conditions of the Order of the Board issued to Applicant on January 17, 2008.</i></p>
<p><b>1.</b> <b>ADMINISTRATION</b></p>		
<p>1.1. Executive Director's Report</p>	<p>Katherine Thomas reviewed her written report to the board.</p>	<p>No action.</p>
<p>1.1.1. Follow Up Data and Information Requested at the October 2009 Board Meeting</p>	<p>Katherine Thomas presented the follow up data and information that was previously requested at the October, 2009 board meeting.</p>	<p>No action.</p>
<p>1.2. Legal 1.2.1. Update on Pending Litigation - Executive Session pursuant to §551.071(1), Texas Government Code, to discuss pending or</p>	<p>Dusty Johnston presented an update on all the currently pending litigation.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>contemplated litigation in the Matters of: <b>Sandra Hernandez Meza, RN v. The Texas Board of Nursing and Katherine A. Thomas</b>, Cause No. D-1-GN-08-003575, In the District Court 201<sup>st</sup> Judicial District, Travis County, TX; <b>Amy Bagley Krenek and Victor Lara v. Texas Board of Nursing, Cause No. D-1-GN-08-002763</b>, In the District Court 419<sup>th</sup> Judicial District, Travis County, TX; <b>Amy Bagley Krenek RN, v. Texas Board of Nursing</b>, Cause No. D-1-GN-09-001195, In the District Court 419<sup>th</sup> Judicial District, Travis County, TX; <b>Greg Abbot, Attorney General of Texas v. Texas Board of Nursing</b>, No. 03-09-00154-CV, In the Third Court of Appeals, Austin, TX (Appealed from the 345<sup>th</sup> District Court of Travis County, TX, Cause No. D-1-GN-07-002685); and <b>Texas Board of Nursing v. Greg Abbott, Attorney General of Texas</b>, In the District Court of Travis</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p>County, TX, 353<sup>rd</sup> Judicial District, Cause No. D-1- GN-09-003960</p> <p><b>3. NURSING</b> <b>3.2. EDUCATION</b></p> <p>3.2.3. Proposed Change of Program Approval Status Based on 2009 NCLEX-RN Examination Pass Rate and Impending Accreditation from the National League for Nursing Accrediting Commission - Wayland Baptist University Baccalaureate Degree Program</p> <p>3.2.4. Public Hearing on Proposal to Establish a New Vocational Nursing Educational Program - Career Quest in San Antonio, Texas</p> <p>3.2.5. Proposed Change of Approval Status Based on 2009 NCLEX-PN Examination Pass Rate and Report of Survey Visit - Universal Health Care in Fort Worth, Texas, Vocational Nursing</p>	<p>The Board considered the proposed change of the approval status from Initial to Full for Wayland Baptist University, San Antonio, Texas, Professional Nursing (BSN) Educational Program based on the 2009 NCLEX-RN® examination pass rate for the first graduating class and impending accreditation by the National League for Nursing Accrediting Commission. Dr. Jim Antenen was present to answer questions.</p> <p>The Board held a public hearing to consider the proposal to establish a new nursing educational program by Career Quest in San Antonio, Texas and the report of a survey visit. Angela D. Miley, RN, Director of Nursing and Jeanne C. Martin, President were present to answer questions.</p> <p>The Board considered the proposed change of the approval status from Initial to Full for Universal Health Services School of Vocational Education in Fort Worth, Texas Vocational Nursing (VN) Educational Program based on the 2009 NCLEX-PN® examination pass rate for the first graduating class and the report of the December 15, 2009 survey visit. Raymond Clark, Dean and Kristin Farmer, Education Coordinator were present to answer questions.</p>	<p>The Board voted to change the program approval status of Wayland Baptist University Baccalaureate Degree Nursing Educational Program from Initial Approval to Full Approval based on review of the NCLEX-RN® examination pass rate for the 2009 test period and pending accreditation by the National League for Nursing Accrediting Commission.</p> <p>The Board voted to grant initial approval for Career Quest Vocational Nursing Educational Program in San Antonio, Texas to establish a new vocational nursing educational program based upon the proposal and findings from the survey visit and issue commendation, recommendation, and an additional requirement that Staff review be done to ensure all board rules are met.</p> <p>The Board voted to change the program approval status of Universal Health Services School of Vocational Education in Fort Worth, Texas Vocational Nursing Educational Program from Initial Approval to Full Approval based on review of the NCLEX-PN® examination pass rate for the 2009 test period and the report of the December 15, 2009 survey visit, and issue commendations.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Educational Program Program</p> <p>3.2.6. Notice of Closure of Baptist Health System Diploma Program in San Antonio, Texas</p>	<p>The Board considered Baptist Health System School of Health Professions, San Antonio, Texas notification of closure of their Diploma Nursing Education program. Melanie Brady, MSN, RN, Director of Professional Nursing School of Health Professions was present to answer questions. The Board presented representatives of the program with a resolution recognizing the program's over 100 years of nursing education in the State of Texas.</p>	<p>No action.</p>
<p><b>4. ENFORCEMENT</b> 4.1. Criminal Background Check Update</p>	<p>The board reviewed the statistical report provided regarding criminal background checks.</p>	<p>No action.</p>
<p>4.2. Texas Peer Assistance Program for Nurses Third Party Referral Report</p>	<p>The board reviewed the third party referral report.</p>	<p>No action.</p>
<p><b>5. COMMITTEE REPORTS</b> <b>5.1. Board Committees</b> 5.1.3. Development and Evaluation</p>	<p>Richard Gibbs discussed having training on the new software at the April board meeting and Cultural Diversity training at the July board meeting.</p>	<p>No action.</p>
<p><b>5.2. Advisory Committees/Task Forces</b> 5.2.1. Advanced Practice Nurses Advisory Committee</p>	<p>No report.</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
5.2.2. Nursing Practice Advisory Committee	Bonnie Cone reported that NPAC and ACE were jointly charged in 2009 to study and develop (a) a rule related to failing to renew a license after a significant passage of time; and (b) a rule recommendation regarding the demonstration of continuing competency through continuing education in a nurse's area of practice, including the effect upon non-traditional nursing roles. Considering the continued work of ACE on the Differentiated Entry Level Competencies, subcommittees of NPAC and ACE will be convened to continue the work on these joint charges.	No action.
5.2.3. Advisory Committee on Education 5.2.3.a. Advisory Committee on Education - Differentiated Entry Level Competencies (DELIC) Work Group	Paul Waller reported The Advisory Committee on Education (ACE) did not meet in the past quarter. The DELIC Work Group and ACE met in two joint teleconferences in late September 2009. Revised draft DELICs (competencies) were then distributed to all vocational and professional education programs to elicit their feedback. Responses received from over 80 programs were compiled by Board staff and distributed to ACE and DELIC Work Group members. The two groups will meet to review that feedback on Wednesday, January 27, 2010.	No action.
5.2.3.b. Request for Charges from the Board Pertaining to the use of the HESI Exam; Rules 214.6(f) and 214.7(c); and Revision of Education Guideline 3.4.1.c.	The Board considered staff's request to issue charges to ACE related to (1) developing a position statement to be posted on the Board of Nursing web page related to the effective use of the HESI Exam as an evaluation method in the progression of students in nursing educational programs, (2) reviewing Rules 214.6(f) and 214.7(c) related to director and faculty qualifications for vocational nursing educational programs and develop rule revisions as needed, (3) revising Education Guideline 3.4.1.c. to clarify program director qualifications which may not be waived for professional nursing educational programs.	<p>The Board voted to issue the following charges to ACE with a modification to charge 1 to remove "HESI" and replace it with "Commercially prepared benchmark standardized examination score tests":</p> <ol style="list-style-type: none"> <li>(1) Develop a position statement to be posted on the Board of Nursing web page related to the effective use of the Commercially prepared benchmark standardized examination score tests as an evaluation method in the progression of students in nursing educational programs.</li> <li>(2) Review Rules 214.6(f) and 214.7(c) related to director and faculty qualifications for vocational nursing educational programs and develop rule revisions as needed.</li> <li>(3) Revise Education Guideline 3.4.1.c. to clarify program director</li> </ol>

AGENDA ITEM	DISCUSSION	ACTION
<p>5.2.4. Advisory Committee on Licensure, Eligibility and Discipline</p>	<p>Jena Abel reported on the December 7, 2009, meeting that the committee discussed the board’s policies and rules relating to physical and psychological evaluations for mental impairment, physical impairment, and/or chemical dependency/abuse of drugs or alcohol. The Committee made recommendations regarding the proposed amendments to 22 Tex. Admin. Code §213.33, which are outlined in greater detail in agenda item 6.5. The Committee also continued its discussion and review of the pilot program on deferral of final disciplinary actions. The Committee’s recommendations are outlined in greater detail in agenda item 6.7.</p>	<p>qualifications which may not be waived for professional nursing educational programs.</p> <p>No action.</p>
<p><b>5.3. Collaboration with Outside Agencies / Stakeholders</b></p> <p>5.3.1. Texas Peer Assistance Program for Nurse Advisory Committee</p>	<p>Denise Benbow reported that the TPAPN Advisory Committee met on December 4, 2009. Topics discussed included: advocate shortage in some areas of the State, the extended evaluation program, the data migration to a new computer system and the recent TPAPN audit. Clair Jordan also addressed the committee with updates on topics including the nursing shortage. The next TPAPN Advisory Committee meeting will be on March 5, 2010.</p>	<p>No action.</p>
<p>5.3.2. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee</p>	<p>Richard Beard, Board Member of the Statewide Health Coordinating Council(SHCC) and Co-Chair of the Texas Center for Nursing Workforce Studies Advisory Committee reported that in accordance with HB 3961 the Selection Committee elected a Chair and will issue a request for proposals for a Nurse Researcher at their meeting on Monday January 25, 2010. Mr. Beard also</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>reported on the upcoming SHCC Symposium on the State Health Plan on February 19, 2010 and the National Nursing Workforce Conference where Staff members Dr. Paul Waller and Virginia Ayars will present.</p>	
<p>5.3.3. Texas Higher Education Coordinating Board Nursing Education Updates</p>	<p>No report.</p>	<p>No action.</p>
<p>5.3.4. Taxonomy of Error Root Cause Analysis of Practice Responsibilities</p>	<p>No report.</p>	<p>No action.</p>
<p>5.3.5. Texas Team Report, Robert Wood Johnson Nursing Education Capacity Expansion</p>	<p>No report.</p>	<p>No action.</p>
<p>5.3.6. National Council of State Boards of Nursing</p>	<p>Katherine Thomas reviewed her written report with the Board.  Richard Gibbs reported that the CORE Committee met in December and will meet again in February and that they are working on a sending a survey to nurses on satisfaction with the Board.  Patti Clapp reported that the By-Laws Committee will meet the week of January 25, 2010.  Kristin Benton reported that the NCLEX Item review Committee met in December, 2009.  Linda Rounds reported that the Awards Committee call for awards has gone out.  Mark Majek reported that the Finance Committee has noted the number of candidates taking the NCLEX world wide dropped compared to Texas where there has been an increase in the number of candidates taking the NCLEX exam.</p>	<p>No action.</p>
<p>5.3.7. Attorney</p>	<p>Linda Rounds discussed items that were</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>General 2009 Government Law and Liability Conference</p>	<p>covered during the Attorney General 2009 Government Law and Liability Conference. Those items included a discussion about e-mail between board members and whether there should be disclaimers contained within the e-mails regarding confidentiality; and discussion on whether board members that recuse themselves from an agenda item should leave the room while the item is being discussed. Tami Cowen discussed that board members should not "reply to all" in e-mails because it could be considered a quorum of the board. Board Members Kathy Leader-Horn, Richard Gibbs and Blanca Rosa Garcia all agreed that having a board member that recuses themselves from the consideration and vote on an agenda item should leave the room while the item is being discussed and voted on.</p>	
<p>5.3.8. Center for Nursing Workforce Studies Selection Committee for House Bill 3961</p>	<p>Linda Rounds reported that the Committee met in December, 2009 and that the Committee is not comprised of all nurses. Liz Poster, Dean of the University of Texas at Arlington, is the Chair of the Committee and the Committee will meet on Monday, January 25, 2010. At the last meeting a presentation from Excelsior College that indicated Excelsior is not an online program and they voiced questions about the DELC. The Committee will be trying to identify a researcher for the study with results reported to the legislature by 2014.</p>	
<p><b>OPEN FORUM:</b></p>	<p>Linda Rounds announced the format and invited participation from the audience.</p> <p>Jim Willman, Attorney, Texas Nurses Association presented and spoke regarding the two nurses being criminally charged in Winkler County who will go to trial on February 8, 2010. This case has prompted the Texas Nurses Association to look at the reporting laws and to see if there is room to clarify those laws.</p> <p>No other speakers came forward and the</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><b>6. OLD BUSINESS</b></p> <p>6.1. Nurse Licensure Compact Update</p> <p>6.5. Consideration of Adoption of Proposed Amendments to 22 Tex. Admin. Code §213.33, Pertaining to <i>Factors Considered for Imposition of Penalties/Sanctions and/or Fines</i>, including the Adoption of the Disciplinary Matrix in Rule, Written Comments Received and Board Responses to Comments</p> <p>6.6. Consideration of Adoption of Proposed Amendments to 22 Tex. Admin. Code Chapter 222, Pertaining to <i>Advanced Practice Nurses with Prescriptive Authority</i>, Written Comments Received and Board Responses to Comments</p> <p>6.7. Review of SB</p>	<p>Open Forum was closed at 1:42 p.m.</p> <p>Katherine Thomas reviewed her written report with the Board.</p> <p>The Board considered final adoption of proposed amendments to 22 Tex. Admin. Code §213.33, Pertaining to <i>Factors Considered for Imposition of Penalties/Sanctions and/or Fines</i>, including the adoption of the Disciplinary Matrix (Matrix) in rule. The proposed amendments to §213.33 were approved by the Board at its October 22-23, 2009, meeting for submission to the <i>Texas Register</i> for public comment. The proposed amendments were published in the <i>Texas Register</i> on December 4, 2009, and the comment period ended on January 3, 2010. The Board received one written comment on the proposal from an organization. Further, the Eligibility and Disciplinary Advisory Committee convened on December 7, 2009, and considered the proposal and recommended amendments to the proposal.</p> <p>The Board considered final adoption of proposed amendments to 22 Tex. Admin. Code Chapter 222, pertaining to <i>Advanced Practice Nurses with Prescriptive Authority</i>. The proposed amendments to Chapter 222 were approved by the Board at its October 22-23, 2009, meeting for submission to the <i>Texas Register</i> for public comment. The proposed amendments were published in the <i>Texas Register</i> on November 27, 2009, and the comment period ended on December 27, 2009. The Board did not receive any written comments on the proposal. However, Staff has identified two typographical errors in the text of the rule as proposed.</p> <p>The Board considered the feasibility of</p>	<p>No action.</p> <p>The Board voted to adopt the proposed amendments to 22 Tex. Admin. Code §213.33, Pertaining to <i>Factors Considered for Imposition of Penalties/Sanctions and/or Fines</i>, with changes; To adopt the summary of the written comments and Staff's responses to the comments and authorize Staff to publish the summary of comments and response to comments in the <i>Texas Register</i>, with authority for General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>; To adopt the revised rule text and authorize Staff to publish the revised rule text in the <i>Texas Register</i>, with authority for General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>.</p> <p>The Board voted to adopt the proposed amendments to 22 Tex. Admin. Code Chapter 222, pertaining to <i>Advanced Practice Nurses with Prescriptive Authority</i>, with changes. Further, move to adopt the changes to the proposed rule text and authorize Staff to publish the revised rule text in the <i>Texas Register</i>, with authority for General Counsel to make editorial changes as necessary to clarify rule and Board intent and to comply with the formatting requirements of the <i>Texas Register</i>.</p> <p>Sheri Crosby abstained from the vote on</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>1415, Enacted by the 81st Legislature, Regular Session, Effective September 1, 2009, and Pilot Program on Deferral of Final Disciplinary Actions, Including Recommendations Regarding the Feasibility of Conducting a Pilot Program to Determine the Efficacy of Deferring Disciplinary Actions</p>	<p>conducting a pilot program designed to evaluate the efficacy and effect of deferring Board disciplinary actions, as required by Senate Bill (SB) 1415, enacted by the 81st Texas Legislature, Regular Session, effective September 1, 2009.</p>	<p>this agenda item. The Board voted to approve the proposed Feasibility Study on Deferral of Final Disciplinary Actions; Finds the pilot program contemplated by SB 1415 to be feasible; and Charged Board Staff with developing the pilot program to be implemented no later than February 1, 2011. In addition Board member Richard Gibbs added sexual misconduct to the list of violations that could not be considered deferred disciplinary actions.</p>
<p>6.8. Update on the Plan to Address Implications of Commitment to Ongoing Regulatory Excellence (CORE) 2008 Report</p>	<p>Katherine Thomas reported that since the last board meeting staff have met with Representatives of the Texas Organization of Nurse Executives (TONE) to discuss employer questions and concerns regarding the regulation of nurses. Staff is scheduled to present at the Texas Hospital Association Meeting on February 17, 2010 and at the TONE statewide conference on March 5, 2010.</p>	<p>No action.</p>
<p><b>7. NEW BUSINESS</b></p>		
<p>7.1. Texas Peer Assistance Program for Nurses (TPAPN)</p>		
<p>7.1.1. Quarterly Report</p>	<p>Mike Van Doren presented the quarterly TPAPN report and information regarding the Annual TPAPN Audit.</p>	<p>Tamara Cowen requested that Tony Diggs and Mike Van Doren coordinate data and terms so that information is clear, concise and not duplicative.</p>
<p>7.1.2. Annual TPAPN Audit</p>		<p>No action.</p>
<p>7.4. Review of Position Statements</p>		
<p>7.4.1. Current Position</p>	<p>The Board considered the current position statements with no changes and</p>	<p>The Board voted to approve the non-substantive editorial changes of existing</p>

Statements with No Changes	recommendations of staff with regard to the non-substantive editorial changes of existing position statements.	position statements.
15.2 Role of the Licensed Vocational Nurse in the Pronouncement of Death		
15.3 LVNs Engaging in Intravenous Therapy, Venipuncture, or PICC Lines		
15.4 Educational Mobility		
15.5 Nurses with the Responsibility for Initiating Physician Standing Orders		
15.7 The Role of LVNs & RNs in Management and/or Administration of Medications via Epidural or Intrathecal Catheter Routes		
15.8 The Role of the Nurse in Moderate Sedation		
15.9 Performance of Laser Therapy by RNs or LVNs		
15.11 Delegated Medical Acts		
15.13 Role of LVNs & RNs As School Nurses		
15.14 Duty of a Nurse in Any Practice Setting		
15.15 Board's Jurisdiction Over Nursing Titles and Practice		
15.16 Development of Nursing Educational Programs		
15.17 Texas Board of Nursing/		

Board of  
Pharmacy, Joint  
Position  
Statement,  
Medication Error  
15.18 Nurses  
Carrying out  
orders from  
Advance Practice  
Registered Nurses  
15.19 Nurses  
Carrying out  
Orders from  
Pharmacists for  
Drug Therapy  
Management  
15.20 Registered  
Nurses in the  
Management of an  
Unwitnessed  
Arrest in a  
Resident in a Long  
Term Care Facility  
15.21 Deleted  
01/2005  
15.22 APRNs  
Providing Medical  
Aspects of Care  
for Themselves or  
Others With  
Whom There is a  
Close Personal  
Relationship  
15.24 Nurses  
Engaging in  
Reinsertion of  
Permanently  
Placed Feeding  
Tubes  
15.25  
Administration of  
Medication &  
Treatments by  
LVNs

7.4.2. Current  
Position  
Statements with  
Editorial Changes  
15.1 Nurses  
Carrying Out  
Orders From  
Physician's  
Assistants

The Board considered the proposed editorial changes to current position statements.

The Board voted to adopt the editorial changes to position statements with allowance for non-substantive word editing for purposes of clarity as may be deemed necessary by Board staff.

15.6 Board Rules  
Associated with  
Alleged Patient  
"Abandonment"  
15.10 Continuing  
Education:  
Limitations for  
Expanding Scope  
of Practice  
15.12 Use of  
American  
Psychiatric  
Associations  
Diagnoses by  
LVNs, RNs, or  
APRNs

**ADJOURNMENT**

Having completed this day's business the meeting adjourned at 4:48 p.m.

## TEXAS BOARD OF NURSING

### Regular Meeting

Friday, January 22, 2010

10:26 a.m. - 2:33 p.m.

William Hobby Building

333 Guadalupe, Tower II, Room 225

Austin, Texas 78704

### Present:

Linda Rounds

Deborah Bell

Kristin K. Benton

Richard Robert Gibbs

Sheri Crosby

Blanca Rosa Garcia

Marilyn Davis

Mary Jane Salgado

Tamara Cowen

Kathy Leader-Horn

Josefina Lujan

Patti Clapp

Beverley Nutall

### Staff present:

Katherine A. Thomas, Executive Director

Patricia Vianes-Cabrera, Executive Assistant

Anthony Diggs, Director of Enforcement

James "Dusty" Johnston, General Counsel

Jena Abel, Assistant General Counsel

Kyle Hensley, Assistant General Counsel

John Legris, Assistant General Counsel

Lance Brenton, Attorney, Legal Intern

Dina Flores, Legal Assistant

Mary Beth Thomas, Director of Nursing

Allison Hassinger, Administrative Assistant

Jolene Zych, Nursing Consultant

Virginia Ayars, Nursing Consultant

Bonnie Cone, Nursing Consultant

Robin Caldwell, Nursing Consultant

Denise Benbow, Nursing Consultant

Melinda Hester, Nursing Consultant

Paul Waller, Nursing Consultant

Bruce Holter, Information Specialist

Tawnya Smith, Information Technology Specialist

Bill Ray, Information Technology Specialist

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AGENDA ITEM	DISCUSSION	ACTION
<b>CALL TO ORDER</b>	Linda Rounds called the meeting to order at 10:26 a.m, Friday, January 22, 2010.	
<b>ROLL CALL</b>	All members were present. A quorum was established.	
<b>1. ADMINISTRATION</b>		
1.3. Strategic Plan for Fiscal Years 2011-2015	Katherine Thomas discussed the history and Proposed Strategic Concepts for the Fiscal Years 2011-2015 Strategic Plan.	No action.
<b>2. OPERATIONS</b>		
2.1. Financial Statement - 1 <sup>ST</sup> Quarter, Fiscal Year 2010	Mark Majek made a presentation of the State Financial process and presented the Financial Statement - 1 <sup>ST</sup> Quarter, Fiscal Year 2010 to the board.	No action.
2.3. Request to Exceed Full Time Equivalent Employee Cap	The Board considered staff's request for board approval to request an exception to the 2010/2011 General Appropriations Act (GAA), to exceed the employment cap of 96.7 full time equivalents (FTEs). Specifically, staff's request for an additional 4 FTE's.	The Board voted to approve a request to the Office of the Governor and the Legislative Budget Board to increase the Texas Board of Nursing Full Time Equivalent (FTEs) cap by adding four additional FTEs and increase the Texas Board of Nursing FTE cap from 96.7 FTEs to 100.7 FTEs.
<b>3. NURSING</b>		
<b>3.2. EDUCATION</b>		
3.2.1. Status Report on Inquiries, Proposals, and Approval Status of New Nursing Educational Programs and Status Report on Changed Approval Status of Existing Programs	The Board considered the Status Report on Inquiries, Proposals, and Approval Status of New Nursing Educational Programs and Status Report on Changed Approval Status of Existing Programs.	No action.
<b>5. COMMITTEE REPORTS</b>		
5.1. Board Committees		

AGENDA ITEM	DISCUSSION	ACTION
<p>5.1.2. Strategic Planning/1<sup>ST</sup> Quarter, Fiscal Year 2010</p>	<p>Mark Majek presented the Strategic Planning / 1<sup>st</sup> Quarter, Fiscal Year 2010 Report to the board.</p>	<p>No action.</p>
<p><b>7. NEW BUSINESS</b> 7.2. 2011 NCLEX-PN® Test Plan for the National Council Licensure Examination for Licensed Practical / Vocational Nurses</p>	<p>The Board considered the proposed revised 2011 NCLEX-PN® Test Plan. Board Members Kristin Benton and Josefina Lujan provided comments and recommended revisions in response to the proposed test plan.</p>	<p>The Board voted to submit the comments and proposed revisions to the 2011 NCLEX-PN® Test Plan to the National Council of State Boards of Nursing.</p>
<p>7.3. Department of Aging and Disability Services (DADS) Proposed Collaboration on Printed Distribution Media</p>	<p>Bonnie Cone presented information on the proposed collaboration with the Texas Department of Aging and Disability Services (DADS) agency on the printed distribution of media.</p>	<p>The Board voted to approve the proposed collaboration with DADS on the printed distribution of media on Delegation Rules 224 and 225 to include the Texas Board of Nursing name and logo.</p>
<p>7.5. Review and Discussion of House Bill 3961, Enacted by the 81<sup>ST</sup> Legislature, Regular Session, Effective June 19, 2009, Including Discussion and Review of the Occupations Code §301.4551 and Board Policies and Procedures for Implementing a Temporary License Suspension Pursuant to §301.4551</p>	<p>Dusty Johnston presented on the addition of Texas Occupations Code §301.4551 by HB 396. This section authorizes the Board to temporarily suspend the license of a nurse if the nurse is under a board order prohibiting the use of drugs/alcohol or requiring the nurse to participate in a peer assistance program and the nurse: (1) tests positive for alcohol or a prohibited drug; (2) refuses to comply with a board order to submit to a drug or alcohol test; or (3) fails to participate in the peer assistance program and the program issues a letter of dismissal and referral to the board for noncompliance. In addition Dusty Johnston reported that staff is developing procedures to implement the new law which will be similar to those used for temporary suspension hearings, effective after June 19, 2009. Once Staff has obtained the necessary information, a panel of at least three board members will be contacted (current members serving on E&amp;D Committee) and a temporary</p>	

AGENDA ITEM	DISCUSSION	ACTION
<p data-bbox="142 716 349 772"><b>8. PROPOSED BOARD ORDERS</b></p> <p data-bbox="142 835 321 892"><b>8.3. Eligibility Agreed Orders</b></p>	<p data-bbox="407 306 915 590">suspension hearing will be scheduled. If board members vote to temporarily suspend an individual's license, the law requires a probable cause hearing to be held at SOAH within 14 days from the date of the temporary suspension. Further, a final hearing must be held no later than 60 days following the date of the temporary suspension.</p> <p data-bbox="407 926 915 982"><b>Robert Thomas Buckholt, Petitioner for Initial Licensure (RN) / LVN #155515</b></p>	<p data-bbox="945 835 1463 892">The Board considered the agreed orders with the following results:</p> <p data-bbox="945 926 1463 1014"><b>Board Member Linda Rounds recused herself prior to the consideration and vote on this agreed order.</b></p> <p data-bbox="945 1020 1463 1205">The Board discussed Petitioner's Petition for Initial Licensure as a RN and LVN licensure with Staff regarding Petitioner's criminal background information. The Board voted to approve the eligibility agreed order with the following:</p> <p data-bbox="945 1211 1463 1978"><b>Approved for Reinstatement/Warning with Stipulations.</b> 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 forty-five days of initial licensure Petitioner shall submit a monetary fine in the amount of \$250. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a nurse in Texas, Petitioner will provide direct patient care and practice in a hospital, nursing home or other clinical setting under the following stipulations for</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p><b>Javier Alberto Ramirez, Petitioner for Initial Licensure (LVN)</b></p>	<p>two years of employment: Petitioner shall notify present/future employers of the board order; shall cause each employer to submit notification of employment forms; Petitioner shall cause employer(s) to submit periodic reports; Petitioner shall have indirect supervision with employment restrictions for the duration of the stipulation period; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; 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.</p> <p>The board discussed the proposed order and voted to amend the order to correct the typographical error in finding of fact number 8 and approved the following:  <b>Petitioner for Initial Licensure.</b> 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 forty-five days of initial licensure Petitioner shall pay a monetary fine in the amount of \$500. Within one year of initial licensure Petitioner shall successfully complete a board approved course in nursing jurisprudence and ethics. It is further agreed should Petitioner practice as a nurse 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; Petitioner shall cause employer(s) to submit</p>

AGENDA ITEM	DISCUSSION	ACTION
<p><b>8.4. ALJ Proposals for Decision</b></p> <p>8.4.1. Docket No. 507-09-3693, In the Matter of Multi-State Compact Privilege Associated with Virginia Registered Nurse License No. 0001136823, Issued to MARY GOLDEN GRAVATT</p> <p>8.4.1.a. Consideration of the Administrative</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Recommendations for Disposition of Docket No. 507-09-3693, Including Adoption of the Findings of Fact and Conclusions of Law contained in the Administrative Law Judge’s Order.</p>	<p>periodic 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 under this order; Petitioner shall not practice in any critical care area for the first year of employment under this order; Petitioner shall not administer or have any contact with controlled substances or synthetic opiates for the first year of employment under this order; Petitioner shall abstain from the consumption of alcohol, Nubain, Stadol, Dalgan or other synthetic opiates, and/or the use of controlled substances; Petitioner shall submit to periodic screens for controlled substances and alcohol; Petitioner shall attend at least two support group meetings each week, one of which shall be for substance abuse and shall provide acceptable proof of such attendance; and Petitioner shall cause his probation officer to submit quarterly written reports regarding petitioner’s compliance with the court ordered probation until released from probation.</p> <p><b>Board Member Deborah Bell recused herself prior to the consideration and vote on this Proposal for Decision.</b></p> <p><b>Board Member Sheri Crosby abstained from the voted on this Proposal for Decision.</b></p> <p>The Board voted to adopt all the Findings of Fact and Conclusions of Law in the PFD without modification, and adopt the ALJ’s recommended sanction that the Respondent’s multistate privilege to practice nursing in Texas be revoked.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Law Judge's Proposal for Decision in Docket No. 507-09-3693            8.4.1.b.            Consideration of Staff's Recommendations for Disposition of Docket No. 507-09-3693, Including Adoption of the Findings of Fact and Conclusions of Law contained in the Administrative Law Judge's Proposal for Decision without Modifications            8.4.1.c.            Consideration of Recommendation by MARY GOLDEN GRAVATT, Docket No. 507-09-3693            8.4.1.d.            Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Multistate Compact Privilege Associated with Virginia Registered Nurse License No. 0001136823, Issued to MARY GOLDEN GRAVATT            8.4.1.e.            Convene in Open Session to consider recommendations and take action:            In the Matter of</p>		

AGENDA ITEM	DISCUSSION	ACTION
<p>Multistate Compact Privilege Associated with Virginia Registered Nurse License No. 0001136823, Issued to MARY GOLDEN GRAVATT</p> <p>8.4.2. Docket No. 507-09-3624, In the Matter of Permanent Certificate RN #712727, Issued to JESSE R. RODRIGUEZ</p> <p>8.4.2.a. Consideration of the Administrative Law Judge's Proposal for Decision in Docket No. 507-09-3624</p> <p>8.4.2.b. Consideration of Staff's Recommendations for Disposition of Docket No. 507-09-3624, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law with Modifications</p> <p>8.4.2.c. Consideration of Recommendation by JESSE R. RODRIGUEZ, Docket No. 507-09-3624</p> <p>8.4.2.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending</p>	<p>The Board considered the Administrative Law Judge's Proposal for Decision and Staff's Disposition of Docket No. 507-09-3624, Including Adoption of the Proposal for Decision's Findings of Fact and Conclusions of Law without Modifications.</p>	<p><b>Board Member Deborah Bell recused herself prior to the consideration and vote on this Proposal for Decision.</b></p> <p>The Board voted to adopt all the Findings of Fact and Conclusions of Law in the PFD without modification and adopt the ALJ's recommendation that the Respondent be referred to participate in TPAPN. Further, the Board declined to adopt the remainder of the ALJ's recommendation regarding the enforced suspension of the Respondent's license if the Respondent is determined to be ineligible to participate in TPAPN.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>or contemplated litigation; In the Matter of Permanent Certificate RN #712727 Issued to JESSE R. RODRIGUEZ</p> <p>8.4.2.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #712727, Issued to JESSE R. RODRIGUEZ</p> <p>8.4.3. Docket No. 507-09-2374, In the Matter of Permanent Certificate LVN #168740, Issued to ROBIN R. HIGGINS</p> <p>8.4.3.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-09-2374</p> <p>8.4.3.b. Consideration of Staff’s Recommendations for Disposition of Docket No. 507-09-2374, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law with Modifications</p> <p>8.4.3.c. Consideration of</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Recommendations for Disposition of Docket No. 507-09-2374, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.</p> <p>Elizabeth Higginbotham, Attorney for Respondent and Robin R. Higgins, Respondent were given the full opportunity to address the board. Elizabeth Higginbotham, attorney for Respondent was present and addressed the Board on behalf of the Respondent.</p>	<p><b>Board Member Deborah Bell recused herself prior to the consideration and vote on this Proposal for Decision.</b></p> <p><b>Board Member Richard Gibbs made the motion for Executive Session.</b></p> <p><b>Elizabeth Higginbotham, Attorney for Respondent objected to the motion.</b></p> <p><b>A vote was called on the motion for Executive Session and the motion failed with a vote of 6 in favor; 5 opposed; 1 abstentia; and 1 recusal.</b></p> <p><b>A motion was made on adoption of the Proposal for Decision as follows:</b></p> <p>The Board voted to adopt the Findings of Fact and Conclusions of Law in the PFD (including new Finding of Fact Number 10(a)), with the one exception that Conclusion of Law Number 13 be changed; and that the Board enter an Order modifying the PFD and imposing a Warning with Stipulations for one year, to include a nursing jurisprudence and ethics course, a critical thinking course, employer notifications, quarterly employer reports, indirect supervision, and the imposition of a \$500 fine.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Recommendation by ROBIN R. HIGGINS, Docket No. 507-09-2374 8.4.3.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate LVN #168740 Issued to ROBIN R. HIGGINS 8.4.3.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate LVN #168740 Issued to ROBIN R. HIGGINS</p> <p>8.4.4. Docket No. 507-09-4669, In the Matter of Permanent Certificate RN #508055 and LVN#98387, Issued to DIANE L. DUNN 8.4.4.a. Consideration of the Administrative Law Judge’s Proposal for Decision in Docket No. 507-09-4669 8.4.4.b. Consideration of Staff’s Recommendations for Disposition of</p>	<p>The Board considered the Administrative Law Judge’s Proposal for Decision and Staff’s Disposition of Docket No.507-09-4669, Including Adoption of the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications.</p>	<p><b>Board Member Deborah Bell recused herself prior to the consideration and vote on this Proposed for Decision.</b></p> <p><b>Board Member Blanca Rosa Garcia abstained from the vote on this Proposal for Decision.</b></p> <p><b>Board Member Kathy Leader-Horn voted to oppose the approval of this Proposal for Decision.</b></p> <p>The Board voted to adopt all the Findings of Fact and Conclusions of Law without modification and adopt the ALJ’s recommendation that the Board take no action against the Respondent.</p>

AGENDA ITEM	DISCUSSION	ACTION
<p>Docket No. 507-09-4669, Including Adopting the Proposal for Decision’s Findings of Fact and Conclusions of Law without Modifications            8.4.4.c. Consideration of Recommendation by DIANE L. DUNN, Docket No. 507-09-4669            8.4.4.d. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation; In the Matter of Permanent Certificate RN #508055 and LVN#98387, Issued to DIANE L. DUNN            8.4.4.e. Convene in Open Session to consider recommendations and take action: In the Matter of Permanent Certificate RN #508055 and LVN#98387, Issued to DIANE L. DUNN</p>		
<p><b>9. MISCELLANEOUS</b>            9.1. Board Items of Interest for Future Board Meetings</p>	<p>The Board discussed items of interest for future board meetings. Richard Gibbs requested that the board development at the April board meeting be on Executive</p>	<p>No action.</p>

AGENDA ITEM	DISCUSSION	ACTION
	<p>Session and Proposals for Decision.            Blanca Rosa Garcia requested rules of decorum for individuals that present to the board on what is and is not appropriate demeanor when addressing the board.            Tamara Cowen requested Succession Planning on the Executive Director position.            The Board also discussed having future discussion and training on board member recusals on board agenda items.</p>	
<p>9.2. Board Development:            Seton Clinical Education Center            Clinical Simulation Demonstration</p>	<p>The Board attended a Clinical Simulation Demonstration at the Seton Clinical Education Center.</p>	<p>No action.</p>
<p>9.3. Review of the Board Quarterly Meeting Evaluation</p>	<p>The Board members discussed the results of the October board quarterly meeting evaluation.</p>	<p>No action.</p>
<p>9.4. Appointment of Board Member(s) to Attend the National Council Mid-Year Meeting, March 8-10, 2010, Chicago, IL</p>	<p>The board discussed potential attendees to the National Council Mid-Year Meeting, March 8-10, 2010, Chicago, IL</p>	<p>The Board voted to have Linda Rounds and Tamara Cowen attend the National Council Mid-Year Meeting, March 8-10, 2010, Chicago, IL on waiver. Katherine Thomas will attend as a Board Member of the National Council for State Boards of Nursing on a waiver.</p>
<p><b>ADJOURNMENT:</b></p>	<p>Having completed all business as listed on the agenda, the meeting adjourned at 2:33 p.m.</p> <hr/> <p>Linda Rounds, PhD, RN, FNP,            Board President</p> <hr/> <p>Katherine A. Thomas, MN, RN,            Executive Director</p>	