

## REPORT OF THE EXECUTIVE DIRECTOR

### NATIONAL ISSUES

**IOM Report on the Future of Nursing:** *The Future of Nursing: Leading Change, Advancing Health*, was released on October 5, 2010. The 4 key messages are: 1. Nurses should practice to the full extent of education and training; 2. Nurses should achieve higher levels of education and training through an improved education system that promotes seamless academic progression; 3. Nurses should be full partners with physicians and other health professionals in redesigning health care in the U.S.; and, 4. Effective workforce planning and policy making require better data collection and an improved information infrastructure. Specific recommendations contained in Part III of the report include: 1. Remove scope of practice barriers; 2. Expand opportunities for nurses to lead and diffuse collaborative improvement efforts; 3. Implement nurse residency programs; 4. Increase the proportion of nurses with a baccalaureate degree to 80% by 2020; 5. Double the number of nurses with a doctorate by 2020; 6. Ensure that nurses engage in lifelong learning; 7. Prepare and enable nurses to lead change to advance health; and, 8. Build an infrastructure for the collection and analysis on interprofessional health care workforce data.

The report is available for download (or to read online) at [http://books.nap.edu/openbook.php?record\\_id=12956&page=R1](http://books.nap.edu/openbook.php?record_id=12956&page=R1).

**Census Bureau: Uninsured Rose to 16.7% in 2009:** The percentage of uninsured individuals rose to 16.7%, or 50.7 million people, in 2009, up from 15.4%, or 46.3 million people, in 2008, according to data released by the U.S. Census Bureau. The number of people with health insurance decreased for the first time since 1987, the first year that similar health insurance data were collected, to 253.6 million in 2009 from 255.1 million in 2008. The number of people with private health insurance decreased to 194.5 million in 2009 from 201.0 million in 2008, while the number of people with government health insurance increased to 93.2 million from 87.4 million. The percentage of children under age 18 without health insurance remained stable at 10%, or 7.5 million, in 2009 compared to 9.9% in 2008. The findings are part of "Income, Poverty and Health Insurance Coverage in the United States: 2009," which is based on 2010 data from the Current Population Survey Annual Social and Economic Supplement. For more information, please see: <http://www.census.gov/prod/2010pubs/p60-238.pdf>.

**CMS Updates Health Spending Estimates to Reflect Health Reform:** The Centers for Medicare & Medicaid Services (CMS) projected national health spending will grow an average 6.3% annually through 2019. That's 0.2 percentage points faster than projected in February due to health care reform and other recently enacted legislation. The agency projects health care will account for 19.6% of gross domestic product by 2019, 0.3 percentage points higher than anticipated before reform. Assuming a 23% physician payment cut takes effect in December 2010 and COBRA premium subsidies expire, CMS expects spending growth to slow from 5.1% in 2010 to 4.2% in 2011. It expects spending to rise by 9.2% in 2014, largely due to expansions of health coverage through Medicaid and the state health insurance exchanges. By 2019, private health coverage is

expected to account for 32% of national health spending. Government administrative costs for health reform are estimated at \$71.1 billion through 2019. For more information, please see: <http://content.healthaffairs.org/cgi/content/abstract/hlthaff.2010.0788>.

**Study: 28% of New Health Problems Treated in Emergency Departments:** More than one-quarter of outpatient visits for new health problems or chronic condition flare-ups are made to emergency departments, according to a new study published today in Health Affairs. Between 2001 and 2004, primary care physicians treated 42% of these "acute-care" visits, while emergency departments treated 28%, specialists 20%, and hospital outpatient departments 7%, the study found. Two-thirds of these ED visits took place on weekends or after office hours. The study used three federal surveys to analyze nearly 354 million annual outpatient visits for newly arising health problems. For more information, please see: <http://content.healthaffairs.org/cgi/content/abstract/29/9/1620>

**Tool Helps Hospitals Improve Hand Hygiene Compliance:** The Joint Commission Center for Transforming Healthcare released an interactive tool to help hospitals improve hand hygiene. Created by **eight** hospitals and health care systems, the center's first Targeted Solutions Tool provides a step-by-step process to measure hand-hygiene performance, identify barriers to excellent performance and implement proven solutions. The first eight participants improved their average hand-hygiene compliance rate from 48% to 82%. Nineteen other hospitals, ranging from small to large, are now experiencing similar gains. As the center tackles other issues such as wrong site surgery, surgical site infections and hand-off communications, the solutions developed by the projects will be incorporated into the tool. For more information, please see: <http://www.centerfortransforminghealthcare.org/>

**Center for Nursing Excellence in Long-Term Care Launched:** The Honor Society of Nursing, Sigma Theta Tau International (STTI) in Indianapolis, announced the launch of the Center for Nursing Excellence in Long-Term Care. STTI, in collaboration with the Hartford Centers of Geriatric Nursing Excellence, skilled nursing facilities, national providers, trade associations and geriatric consumer groups, is developing a portfolio of products and services that aims to help registered nurses take stronger leadership roles within long-term care facilities. For more information, please see: <http://www.centerfornursingexcellence.org/>.

**RWJF Brief Describes School Nursing Disparities, Possible Improvements:** A recent brief from Robert Wood Johnson Foundation's (RWJF) Charting Nursing's Future series, "Unlocking the Potential of School Nursing: Keeping Children Healthy, in School, and Ready to Learn," describes dramatic disparities in the availability of services and highlights policies and funding strategies. Half of the nation's schools lack a full-time registered nurse. The brief profiles a disparate group of funding approaches for school nurses, including a taxation mechanism in Miami; publicly and privately funded grants in Mississippi; and partnerships with a healthcare provider in Austin, Texas; an insurer in Minneapolis; and a nursing school in Boston. For more information, please see: <http://nursing.advanceweb.com/News/National-News/RWJF-Brief-Describes-School-Nursing-Disparities-Possible-Improvements.aspx>.

## STATE ISSUES

**7th Biennial Legislative Communication Conference:** This conference, which has proceeded the past seven legislative sessions was held October 5, 2010 in Austin. Speakers included Representative Jim Pitts, Chair of the House Appropriations Committee, Senator Kirk Watson, Representative Lois Kolkhorst, and Senator Leticia Van de Putte. Also speaking were staff from state leadership offices, staff of state agencies, and political journalists. Most speakers predict that the State Budget, redistricting, and the Sunset Review of over 20 agencies will occupy the majority of the session. The State's budget shortfall estimates vary considerably between \$11 to \$18 billion but the Comptroller's Office will not release the formal revenue estimate until January 2011.

**Fraudulent Nursing Educational Program Update:** The Texas Workforce Commission (TWC) issued Cease and Desist Orders in February 2008 to the following schools:

- Career Advanced
- Esther Medical Tutorial
- IF Tech
- Merit Excellence Institute
- Vocational Training Educational Center or VTEC

The OAG obtained a default judgment against VTEC in January 2009; against IF Tech in February 2009; and against Career Advanced in May 2010.

Therefore, three fraudulent nursing program have been issued a permanent injunction. In each instance, the judge issued the maximum amount of monetary sanctions to the school's owner(s).

Merit Excellence Institute no longer has a presence in Texas. It appears that Merit discontinued operations subsequent to the 2008 TWC Cease and Desist Order.

A sixth school, Omnibus International, was identified as operating in Texas in Spring 2009 and was issued a Cease and Desist Order in May 2009. Although TWC proceedings have been scheduled several times, Omnibus International attorneys continue to successfully postpone actual hearings.

As discussed at the July 2010 Board meeting, Board staff was scheduled to appear at the Office of the Attorney General (OAG) trial against Esther Medical Tutorial on July 27, 2010 in Dallas, Texas. However, court proceedings against Esther's were once again re-scheduled. Board staff anticipates appearing and testifying as an expert witness when the trial is formally re-scheduled.

In addition, Board staff was asked to testify at the September 24, 2010 Texas Workforce Commission (TWC) hearing to uphold the Cease and Desist Order issued to Omnibus International in May 2009. The hearing was postponed.

There have been no additional reports to the Board regarding the presence of fraudulent nursing education programs in Texas.

**Health Professions Council:** The Health Professions Council (HPC) met on September 13, 2010 for its regular quarterly meeting. Agencies have prepared their Legislative Appropriations Requests. The Regulatory Data Base Project, which provides new

licensure, discipline, and other tracking functions for four of the agencies continues toward implementation with delay of the "Go Live" date until later in the fall.

## **BOARD ISSUES**

**BON Bulletin Articles** : The October issue of the *Board of Nursing Bulletin* contains an article on the NCSBN Regulatory Achievement Award to the Texas Board of Nursing in August 2010; an article on best practices in Patient Safety in an emergency department; and an article on the new continuing competency requirements.

**Board Development**: At each board meeting, a board development session is held. Board development on the NCLEX examinations has been postponed. Pursuant to discussions with Richard Gibbs, Board Development Liaison, at this meeting staff who are conducting research and doing projects involving the Board of Nursing will present their research and projects.

## **AGENCY ISSUES**

**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. Attached are statistics for Jurisprudence exam takers for fiscal year 2010. (See ***Attachment A***).

**Online Jurisprudence Prep Course**: The number of participants for the online jurisprudence prep course in this quarter was: July - 289, August - 367, September - 318; for a total of 974. The total participants for FY 2010 was 4,075. This level of participation is consistent with our past experience with this program.

**Website**: The following changes/updates have been made to the Board's website since the July Board meeting:

- Updating of all the statistical information to reflect 09/2010 data.
- Addition of New Six-Step Decision-Making Model Poster (created by DADS – 08/2010).
- Posting of the Guidelines for Physical and Psychological Evaluations adopted 07/22/2010.
- Posting of the pdf (printer friendly) version of the Disciplinary Guidelines for Criminal Conduct.
- Posting of 09/2010 Rules and Regulations booklet.
- Posting of Proposed (217.6 & 217.9) and Adopted Rules (216.1 & 216.3).
- Addition of option to Application Status Check for APRN applicants.
- Addition of position statement: 15.26 Simulation in Prelicensure Nursing Education.
- Addition of practice FAQ - Training of Military Personnel in Civilian Hospitals.

**Key Meetings and Presentations: attended/presented by the Executive Director and Staff since the last Board meeting:**

**Katherine Thomas meetings, conference calls, and presentations**

*Conference Call*: Nurse Licensure Compact Administrators meeting, July 19, 2010.

*Conference Call:* NCSBN Chemical Dependency Program Committee, July 26, 2010.

*Meeting:* Texas Team meeting, August 4, 2010, Austin.

*Conference Call:* Nurse Licensure Compact Administrators Executive Committee meeting, August 5, 2010.

*Meeting:* Texas Nurses Association staff to discuss Nursing Practice Act, August 5, 2010, Austin.

*Meeting:* With representatives of St. Philips College, August 6, 2010, Austin.

*Meeting:* NCSBN Board of Directors, August 9, 2010, Portland, OR.

*Conference:* Executive Officer Coaching meeting, August 10, 2010, Portland, OR.

*Meeting:* Nurse Licensure Compact Administrators, August 10, 2010, Portland, OR.

*Meeting:* NCSBN Annual Meeting and Delegate Assembly, August 11-13, 2010, Portland, OR.

*Webinar:* for the East Texas Region by the Texas Team, August 17, 2010.

*Webinar:* for the Gulf Coast Region by the Texas Team, August 26, 2010.

*Testimony:* Public Hearing on the agency budget to staff of the Legislative Budget Board and Governor's Office, September 1, 2010, Austin.

*Conference Call:* with Utah, Iowa, and Idaho to discuss APRN Compact Implementation, September 2, 2010.

*Meeting:* NCSBN Board of Directors, September 8-10, 2010, Chicago.

*Meeting:* Health Professions Council Quarterly meeting, September 13, 2010, Austin.

*Conference Call:* NCSBN Chemical Dependency Committee, September 16, 2010.

*Conference Call:* Nurse Licensure Compact Administrators Executive Committee, September 20, 2010.

*Meeting:* with staff of Texas Peer Assistance Program for Nurses, to discuss data collection, October 8, 2010, Austin.

*Conference:* 7th Biennial Legislative Communication Conference, October 5, 2010, Austin.

*Meeting:* Texas Center for Nursing Workforce Studies Advisory Committee meeting, October 13, 2010, Austin.

*Meeting:* Deans and Directors, October 15, 2010, Austin.

**Mark Majek:**

*Meeting:* NCLEX Invitational, September 13, 2010, Atlanta, GA.

*Presentation:* Case Management Society of America, October 7, 2010, Houston.

*Presentation:* International Bilingual Nurses Association, October 14, 2010, Dallas.

*Presentation:* National Federation of LPNs, October 22, 2010, Birmingham, AL.

**Nursing Department:**

*Presentation:* The Education Consultants, *New D&D Orientation Workshop*, August 13, 2010, Austin.

*Presentation:* Virginia Ayars and Robin Caldwell, *Informational Session on Starting New Educational Programs*, August 18, 2010, Austin.

*Webinar:* Melinda Hester, *The Registered Nurse in the School Setting to Laredo Independent School District nurses*, August 9, 2010.

*Presentation:* The Practice Consultants, *Texas Board of Nursing: Protecting Your Patients and Your Practice*, August 18-19, 2010, Houston Workshop.

*Presentation:* The Practice Consultants, *Texas Board of Nursing: Protecting Your Patients and Your Practice* (this workshop was designed for nurses who are employed by governmental entities, i.e.: military, HHSC, DSHS, DADS, DFPS, county and city health depts., school nurses, nursing faculty, TYC, UTMB/TTU Correctional Health, etc.), September 24, 2010, Austin Workshop.

*Presentation:* Mary Beth Thomas, *Update Your Knowledge - New Texas Regulations, Legislation and Policies - Texas Nurses Association Leadership Conference*, September 23, 2010, Austin.

*Presentation:* Mary Beth Thomas, *Perceptions of RN Sanctioned by a Board of Nursing: Individual, Healthcare Team, Patient and System Factors to Errors*, Sigma Theta Tau Leadership Summit, October 16, 2010, Arlington, TX.

*Presentation:* Mary Beth Thomas, *Perceptions of RN Sanctioned by a Board of Nursing: Individual, Healthcare Team, Patient and System Factors to Errors*, Seton Family of Hospital Nursing Symposium, October 22, 2010, Austin.

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

**Case Resolution Report**  
**June 1, 2010 through August 31, 2010**

| <b>Type of Action</b> | <b>RN</b>  | <b>LVN</b> | <b>Total</b> |
|-----------------------|------------|------------|--------------|
| No Jurisdiction       | 1          | 3          | <b>4</b>     |
| No Violation          | 3          | 0          | <b>3</b>     |
| No Action             | 268        | 252        | <b>520</b>   |
| Insufficient Evidence | 53         | 15         | <b>68</b>    |
| Admonish              | 2          | 3          | <b>5</b>     |
| Without Prejudice     | 85         | 66         | <b>151</b>   |
| TPAPN Referrals       | 76         | 26         | <b>102</b>   |
| EEP Referrals         | 2          | 3          | <b>5</b>     |
| CAA                   | 0          | 1          | <b>1</b>     |
| <b>Totals</b>         | <b>490</b> | <b>369</b> | <b>859</b>   |

## LVN DISCIPLINARY ORDERS

Time frame: June 1, 2010, through August 31, 2010

| <b>DISCIPLINARY</b> |   |
|---------------------|---|
| 35                  | <p><b>FINE WITH REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>25 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 Dozed off while reviewing care plans</li> <li>1 Convicted of the felony offense of Illegal Redemption - Food Stamp Benefits</li> <li>1 Went on home visits identifying himself as an employee of the Home Health Care Agency, when he was not an employee</li> <li>1 Falsified information on the Texas Index Level of Effort assessment of several residents</li> <li>1 Altered medication/treatment records</li> <li>1 Inappropriately used photocopies of nursing note forms to document care begin provided to patients</li> <li>1 Withdrew Versed and Hydrocodone for patient not assigned to her care</li> <li>1 Falsified agency records by documenting a PRN home visit not done</li> <li>1 Falsified documentation submitted to a state surveyor</li> <li>1 Practiced without a valid license</li> </ul>  |
| 24                  | <p><b>REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>1 Failed to ensure the competencies of nursing staff</li> <li>1 Practiced outside scope of practice</li> <li>1 Failed to accurately assess and timely intervene when a patient was experiencing changes in condition</li> <li>1 Gave a cup of pills to a CNA and instructed the CNA to administer them</li> <li>1 Failed to maintain appropriate therapeutic nurse-patient boundaries</li> <li>1 Failed to accurately assess a client; failed to complete an adequate focused assessment</li> <li>1 Failed to report abuse she witnessed</li> <li>1 Signed out controlled substances for patients but inaccurately documented the administration</li> <li>1 Failed to correctly fill the medication box</li> <li>1 Convicted of five counts of Issuance of a Bad Check</li> <li>1 Removed 1 Morphine SR 15mg and one Morphine 10mg but failed to document the administration; misappropriated morphine</li> <li>1 Failed to document the administration of fluid flushes via the nasogastric tube of the patient</li> <li>1 Exceeded scope of practice</li> <li>1 Failed to report allegations of abuse</li> <li>1 Administered Novolog, rapid acting insulin in excess of physician's order</li> <li>2 Accessed medical records of a resident not under her care</li> <li>1 Neglected and/or contributed to the neglect of a resident</li> <li>1 Failed to assess and evaluate or institute the appropriate nursing intervention required to stabilize a patient</li> <li>1 Granted a deferred judgment for the felony offense of Insurance Fraud</li> <li>1 Erroneously documented in the medical record that a patient had been transported via wheelchair, but failed to ensure that patient was in fact transported via wheelchair</li> <li>1 Failed to assure that physician was notified of elevated cardiac enzymes</li> <li>1 Administered in incorrect dose of medication</li> <li>1 Failed to provide privacy and violated a residents rights by removing the residents clothes</li> </ul> |

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| 38 | <p><b>VOLUNTARY SURRENDER</b></p> <ul style="list-style-type: none"> <li>6 Noncompliance with previous Board Order</li> <li>1 Removed Robaxin from the stock medication to give to a co-worker without authorization</li> <li>1 Misappropriated a sharps container from the facility; admitted to misappropriation of medications; Intemperate use of Meperidine, Popoxyphene and Normeperidine</li> <li>1 Lacked fitness to practice by showing signs of impairment; attempted to infuse a Chemotherapy drug into a patient without approval</li> <li>1 Submitted a fraudulent prescription for Fluoxetine, Azithromycin, and Levothyroxine</li> <li>1 Lacked fitness to practice in that she did not realize she had a patient to monitor; admitted to inpatient treatment for drug dependence and mental health issues</li> <li>1 Deferred judgment for the felony offense of Obtain Drugs by Fraud - Sch III/IV</li> <li>1 Intemperate use of Morphine and Marijuana</li> <li>1 Lacked fitness to practice in that her breath smelled of alcohol, she was distraught, and her eyes were red and swollen</li> <li>1 Convicted of the felony offense of Engaging in Organized Crime - Aggregate Theft</li> <li>1 Obtained 30 Norco tabs by instructing an employee her supervision to telephonically communicate a prescription</li> <li>1 Convicted of the felony offense of Possession of a Controlled Substance</li> <li>1 May have lacked fitness in that Respondent was diagnosed and treated for bi-polar disorder</li> <li>2 Deferred judgment for the felony offense of Possession of Controlled Substance</li> <li>3 Disciplinary action taken by another licensing authority</li> <li>15 Submitted a statement of Voluntary Surrender</li> </ul> |
| 17 | <p><b>TPAPN BOARD ORDER</b></p> <ul style="list-style-type: none"> <li>2 Entered treatment for prescription medication abuse</li> <li>1 Disciplinary action taken by another licensing authority</li> <li>1 Withdrew Morphine and Hydrocodone without a valid physician's order and failed to document the administration or follow policy and procedure for proper wastage; misappropriation of Morphine; intemperate use of Fentanyl, Hydrocodone, Hydromorphone, Morphine and Propoxyphene</li> <li>1 Intemperate use of Methamphetamine</li> <li>1 Withdrew medications without physician's orders; Intemperate use of Norco</li> <li>1 Misappropriation and Intemperate use of Meperidine and Hydromorphone</li> <li>1 Intemperate use of Hydrocodone and Morphine</li> <li>1 Intemperate use of Benzodiazepines and Opiates</li> <li>1 Obtained Vicodin from a pharmacy under her own name through the use of fraudulent oral or telephonically communicated prescription</li> <li>2 Intemperate use of Alcohol</li> <li>1 Intemperate use of Cocaine</li> <li>1 Misappropriation of Hydrocodone; addiction to Opiates</li> <li>1 Intemperate use of Xanax; experienced thoughts of suicide while on duty</li> <li>2 Convicted of two counts of Driving While Intoxicated</li> </ul>   |

## LVN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2010, through August 31, 2010

|     |   |
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| 34  | <p><b>ENDORSEMENTS</b></p> <ul style="list-style-type: none"> <li>4 Disciplinary action taken by another licensing authority</li> <li>1 Diagnosed with Schizophrenia</li> <li>3 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement</li> <li>26 No Grounds for Denial</li> </ul>  |
| 493 | <p><b>APPLICANTS/ PETITIONERS</b></p> <ul style="list-style-type: none"> <li>9 Non-disclosure of Criminal History</li> <li>1 Convicted of the state jail felony offense of Fraudulent Use of Possession of Identifying Information</li> <li>1 Deferred sentence for the misdemeanor offense of Assault and convicted of Retail Fraud</li> <li>1 Convicted of the felony offense of Credit Card Abuse, and three counts of the misdemeanor offense of Theft of Property</li> <li>1 Convicted of three misdemeanor counts and one felony count of Driving While Intoxicated</li> <li>1 Deferred sentence for the felony offense of Credit Card Abuse</li> <li>1 Entered an outpatient treatment facility</li> <li>1 Convicted of the felony offense of Counterfeiting - Passing and misdemeanor Resisting Officer</li> <li>1 Charged with six counts of Worthless Check</li> <li>1 Convicted of the felony offense of Forgery by Possession of a Check with Intent to Pass</li> <li>1 Convicted of Criminal Mischief and Possession of Drug Paraphernalia; entered a recovery treatment center</li> <li>1 Convicted of two misdemeanor counts and one felony count of Driving While Intoxicated</li> <li>2 Convicted of two counts of Driving While Intoxicated</li> <li>1 Convicted of the felony offense of Credit Card Abuse</li> <li>1 Charged with the felony offenses of Solicitation to Possess or Use a Dangerous Drug and Credit Card Abuse</li> <li>1 Convicted of Disorderly Conduct, Theft of Property, Issuance of a Bad Check, Public Intoxication and Driving While Intoxicated</li> <li>1 Convicted of one count of Driving While Intoxicated and granted a deferred sentence for one count of Driving While Intoxicated</li> <li>1 Convicted of the felony offense of Bank Fraud</li> <li>1 Deferred sentence for the state jail felony offense of Debit Card Abuse</li> <li>1 Deferred sentence for the state jail felony offense of Securing Execution of Document by Deception</li> <li>1 Convicted of three counts of Criminal Damage to Property, Deceptive Practice and Zero Tolerance</li> <li>2 Deferred sentence for the felony offense of Possession of a Controlled Substance</li> <li>1 Convicted of the felony offense of Conspiracy to Distribute and Possess with Intent to Distribute Marijuana</li> <li>3 Deferred sentence for the felony offense of Possession of Marijuana</li> <li>1 Convicted of the offenses of False Personation, Entering or Refusing to Leave property, Resisting Arrest, Simple Assault, and two counts of Driving While Under the Influence</li> <li>9 Denial of Licensure</li> <li>447 No Grounds for Denial/Youthful Indiscretion</li> </ul> |

## RN DISCIPLINARY ORDERS

Time frame: June 1, 2010, through August 31, 2010

| <b>DISCIPLINARY</b> |   |
|---------------------|---|
| 27                  | <p><b>FINE WITH REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>18 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 Belittled and ridiculed a patient</li> <li>1 Withdrew Versed and Hydrocodone for patient not assigned to her care</li> <li>2 Violated patient confidentiality and privacy</li> <li>1 Dozed off while reviewing care plans</li> <li>2 Practiced nursing without a valid license</li> <li>1 Failed to obtain consent from newborn patient's mother prior to feeding her baby formula</li> <li>1 Exceeded authorized scope of practice</li> </ul>   |
| 21                  | <p><b>REMEDIAL EDUCATION</b></p> <ul style="list-style-type: none"> <li>1 Violated patient boundaries</li> <li>1 Failed to document the condition of a patient after follow-up assessments</li> <li>1 Failed to follow proper wastage procedures; administered medication incorrectly</li> <li>1 Failed to follow physicians orders</li> <li>1 Failed to assess and intervene in a timely manner; crossed boundaries of nurse/client relationship</li> <li>1 Practiced outside scope of practice</li> <li>1 Incorrectly infused intravenous fluids at wrong rate; failed to document Vital signs on post-operative patient</li> <li>1 Failed to call Emergency Medical Services 911 as requested by the resident's family</li> <li>1 Left nursing assignment without permission leaving 4 infants in her care unattended</li> <li>1 Failed to care adequately for a patient by continuing to administer tablets to a patient who was having difficulty swallowing</li> <li>1 Accessed medical records for a resident not under her care</li> <li>1 Assigned an LVN to a four year old tracheostomy and ventilator dependent patient without the necessary education, experience or knowledge to care for the patient</li> <li>1 Inappropriately assigned duties to an LVN outside their scope of practice</li> <li>1 Failed to ensure the competencies of nursing staff</li> <li>1 Re-inserted a Foley catheter in a patient after the order was discontinued by the physician</li> <li>1 Failed to verify the Medication Administration Records with the physician's orders prior to administering the medication</li> <li>3 Disciplinary action taken by another licensing authority</li> <li>2 Failed to document assessments</li> </ul> |

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| 34 | <p><b>VOLUNTARY SURRENDER</b></p> <ul style="list-style-type: none"> <li>2 Noncompliance with previous Board Order</li> <li>1 Disciplinary action taken by another licensing authority</li> <li>1 Convicted of Indecency With a Child by Sexual Contact</li> <li>1 Misappropriated marketing materials by accessing and copying them</li> <li>1 Convicted of the felony offense of Robbery by Assault with Butcher Knife</li> <li>1 Convicted of the felony offense of Unlawful Delivery of a Controlled Substance</li> <li>1 Failed to assess and intervene when patient was having trouble breathing and coughing up blood</li> <li>1 Convicted of the felony offense of Possession of a Controlled Substance</li> <li>1 Violated professional boundaries of nurse/client relationship</li> <li>1 Convicted of Driving While Intoxicated x 3, Possession of Dangerous Drugs and Public Intoxication</li> <li>1 Convicted of the felony offense of Engaging in Organized Crime - Aggregate Theft</li> <li>1 Deferred sentence for the felony offense of Possession of Controlled Substance</li> <li>1 Lacked fitness to practice by showing signs of impairment; attempted to infuse a Chemotherapy drug into a patient without approval</li> <li>20 Submitted a statement of Voluntary Surrender</li> </ul>  |
| 22 | <p><b>TPAPN BOARD ORDER</b></p> <ul style="list-style-type: none"> <li>1 Misappropriation and Intemperate use of Hydrocodone</li> <li>1 Misappropriation of medications including but not limited to Nubian</li> <li>1 Abandoned a patient; withdrew Demerol for four patients with no physician's orders for Demerol; Admitted to a drug problem</li> <li>1 Intemperate use of Alcohol and Xanax</li> <li>1 Intemperate use of Marijuana and Morphine</li> <li>1 Misappropriated Demerol and Stadol; Intemperate use of Alcohol</li> <li>1 Intemperate use of Alcohol</li> <li>1 Intemperate use of Hydrocodone and Morphine</li> <li>2 Convicted of two counts of Driving While Intoxicated</li> <li>1 Intemperate use of Benzodiazepines and Opiates</li> <li>1 Self admitted herself for treatment for addiction to prescription medication</li> <li>1 Misappropriated Norco; Intemperate use of Oxazepam</li> <li>1 Alcohol dependence</li> <li>1 Admitted to treatment for chemical dependency</li> <li>1 Obtained Vicodin from a pharmacy under her own name through the use of fraudulent oral or telephonically communicated prescription</li> <li>1 Withdrew medications in excess of or without a valid physician's orders</li> <li>1 Misappropriation and Intemperate use of Meperidine and Hydromorphone</li> <li>1 Withdrew medications without physician's orders; Intemperate use of Norco</li> <li>1 Misappropriation and Intemperate use of Fentanyl and Versed</li> <li>1 Intemperate use of Cocaine and Morphine; Misappropriation of Morphine</li> <li>1 Misappropriation and of Baclofen and Vicodin; Intemperate use of Alcohol and Baclofen</li> </ul> |

## RN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2010, through August 31, 2010

|     |  |
|-----|--|
| 103 | <p><b>ENDORSEMENTS</b></p> <ul style="list-style-type: none"><li>10 Disciplinary action taken by another licensing authority</li><li>1 Charged with the misdemeanor offenses of Driving While Intoxicated, Resisting Arrest, Driving Under the Influence of Alcohol x 2</li><li>1 Convicted of the felony offense of Tampering with Government Records, License, Seal</li><li>1 Diagnosed with Bipolar Affective Disorder</li><li>1 Misappropriated a credit card belonging to a resident</li><li>1 Convicted of the misdemeanor offense of Attempted Forgery, three counts of Interference with Parental Control; and Driving While License Invalid; Disciplinary action taken by another licensing authority</li><li>1 Deferred sentence for the felony offense of Theft</li><li>6 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement</li><li>1 Convicted of Battery with Injury, Public Intoxication x 2, Operating a Vehicle While Intoxicated</li><li>2 Denial of Licensure</li><li>78 No Grounds for Denial</li></ul> |
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**APPLICANTS/ PETITIONERS**

- 8 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Examination
- 1 Deferred sentence for two counts of the state jail felony offense of Forgery
- 1 Pre-Trial Diversion for the misdemeanor offense of Possession of a Dangerous Drug
- 1 Convicted of Failure to Identify a Fugitive from Justice, two counts of misdemeanor and two counts of felony Driving While Intoxicated, and two counts of Driving While License Suspended
- 1 Convicted of two counts of Driving While Intoxicated
- 1 Deferred sentence for the felony offense of Possession of Marijuana
- 1 Deferred sentence for the felony offense of Forgery of a Financial Instrument and Fraud Use Possession of Identifying Information
- 1 Convicted of felony Delivery of a Controlled Substance, Possession of a Controlled Substance x 3
- 1 Deferred sentence for the felony offense of Embezzlement from Federally Insured Financial Institution and the misdemeanor offense of Theft
- 1 Convicted of the misdemeanor offense of Assault
- 1 Deferred sentence for Driving While Intoxicated; entered treatment for substance abuse
- 1 Convicted of two counts of Driving While Intoxicated and one count of Assault
- 1 Deferred sentence for the felony offense of Unlawful Possession of Methamphetamine
- 1 Convicted of the misdemeanor offense of Failure to ID and granted a deferred sentence for two count of the misdemeanor offense of Theft
- 1 Deferred sentence for the felony offense of Credit Card Abuse
- 1 Convicted of Attempt to Possess Vapor and Forgery with Written Instrument
- 1 Deferred sentence for the felony offense of Carrying a Weapon on a License Premise and the misdemeanor offense of Driving While Intoxicated
- 2 Deferred sentence for the felony offense of Possession of a Controlled Substance
- 1 Convicted of the felony offenses of Theft by Taking and Theft by Receiving
- 1 Deferred sentence for Driving While Intoxicated and convicted of Driving While Intoxicated
- 1 Convicted of Harassment, Disorderly Conduct, Driving While Ability Impaired, Driving Under the Influence, Driving While Intoxicated
- 1 Deferred sentence for felony Burglary of Habitation
- 1 Convicted of Possession of Marijuana and Fraud Possession of Controlled Substance/Prescription
- 1 Convicted of felony Theft, misdemeanor Resisting Arrest, Assault, Obstructing Police, Soliciting and Driving While Intoxicated
- 1 Convicted of felony Force Assault with a Deadly Weapon not a Firearm
- 1 Disciplinary action taken by another licensing authority
- 1 Convicted of two counts of the misdemeanor offense of Driving While Intoxicated and one count of Public Intoxication
- 1 Convicted of the felony offense of Possession of Marijuana with Intent to Distribute
- 1 Convicted of the misdemeanor offenses of Minor in Possession of Alcohol and Operating a Vehicle While Impaired
- 1 Convicted of two counts of misdemeanor Possession of Marijuana
- 1 Convicted of the misdemeanor offense of Driving While Intoxicated and two counts of Resisting Arrest
- 1 Convicted of the misdemeanor offense of Driving While intoxicated x 2, Possession of Drug Paraphernalia, Possession of Marijuana, and Driving While License Suspended
- 1 Deferred sentence for the felony offense of Arson
- 1 Convicted of two felony counts and one misdemeanor count of Theft of Property
- 6 Denial of Licensure
- 550 No Grounds for Denial/Youthful Indiscretion

Board of Nursing - Statistical Report FY 2010

| Measure                                   | Totals<br>FY'07 | Totals<br>FY'08 | Totals<br>FY'09 | 1st<br>Quarter | 2nd<br>Quarter | 3rd<br>Quarter | 4th<br>Quarter | Running FY<br>2010 Total |
|---|-----------------|-----------------|-----------------|----------------|----------------|----------------|----------------|--------------------------|
| <b>Nursing Jurisprudence Exam</b>         | <b>n/a</b>      | <b>n/a</b>      | <b>18,886</b>   | <b>5,701</b>   | <b>5,866</b>   | <b>7,971</b>   | <b>7,639</b>   | <b>27,177</b>            |
| Exam Not Completed                        |                 |                 | 825             | 334            | 339            | 402            | 770            | 1,845                    |
| Percentage Not Completed                  |                 |                 | 4.37%           | 5.86%          | 5.78%          | 5.04%          | 10.08%         | 6.79%                    |
| Did Not Passed                            |                 |                 | 485             | 131            | 131            | 644            | 696            | 1,602                    |
| Percentage Did Not Pass                   |                 |                 | 2.57%           | 2.30%          | 2.23%          | 8.08%          | 9.11%          | 5.89%                    |
| Exam Passed                               |                 |                 | 17,576          | 5,236          | 5,396          | 6,925          | 6,173          | 23,730                   |
| Percentage Exam Passed                    |                 |                 | 93.06%          | 91.84%         | 91.99%         | 86.88%         | 80.81%         | 87.32%                   |
|   |                 |                 |                 |                |                |                |                |                          |
| <b>NJE - Breakdown by Applicant Group</b> |                 |                 |                 |                |                |                |                |                          |
| <b>LVN-Candidate</b>                      |                 |                 | <b>4,627</b>    | <b>1,361</b>   | <b>1,343</b>   | <b>1,501</b>   | <b>3,061</b>   | <b>7,266</b>             |
| Exam Not Completed                        |                 |                 | 282             | 106            | 140            | 130            | 459            | 835                      |
| Did Not Passed                            |                 |                 | 177             | 58             | 61             | 243            | 361            | 723                      |
| Exam Passed                               |                 |                 | 4,168           | 1,197          | 1,142          | 1,128          | 2,241          | 5,708                    |
| <b>LVN-Endorsement</b>                    |                 |                 | <b>938</b>      | <b>328</b>     | <b>291</b>     | <b>334</b>     | <b>431</b>     | <b>1,384</b>             |
| Exam Not Completed                        |                 |                 | 57              | 15             | 19             | 24             | 36             | 94                       |
| Did Not Passed                            |                 |                 | 90              | 21             | 16             | 66             | 90             | 193                      |
| Exam Passed                               |                 |                 | 791             | 292            | 256            | 244            | 305            | 1,097                    |
| <b>RN-Candidate</b>                       |                 |                 | <b>8,104</b>    | <b>2,082</b>   | <b>2,496</b>   | <b>4,225</b>   | <b>2,126</b>   | <b>10,929</b>            |
| Exam Not Completed                        |                 |                 | 265             | 143            | 102            | 166            | 158            | 569                      |
| Did Not Passed                            |                 |                 | 35              | 11             | 17             | 131            | 91             | 250                      |
| Exam Passed                               |                 |                 | 7,804           | 1,928          | 2,377          | 3,928          | 1,877          | 10,110                   |
| <b>RN-Endorsement</b>                     |                 |                 | <b>5,217</b>    | <b>1,930</b>   | <b>1,736</b>   | <b>1,911</b>   | <b>2,021</b>   | <b>7,598</b>             |
| Exam Not Completed                        |                 |                 | 221             | 70             | 78             | 82             | 117            | 347                      |
| Did Not Passed                            |                 |                 | 183             | 41             | 37             | 204            | 154            | 436                      |
| Exam Passed                               |                 |                 | 4,813           | 1,819          | 1,621          | 1,625          | 1,750          | 6,815                    |