

REPORT OF THE EXECUTIVE DIRECTOR

NATIONAL ISSUES

NCSBN Reports: NCSBN recently added to its body of research with the publication of two new research briefs titled, [Report of Findings from the 2011 RN Nursing Knowledge Survey](#) and [2011 Knowledge Survey of Medication Aides Employed in Nursing Homes/Long-term Care, Hospitals/Acute Care and Community/Home Health Care Settings.](#)

Report of Findings from the 2011 RN Nursing Knowledge Survey identifies the knowledge needed by newly licensed registered nurses. The results of this study (i.e., the important knowledge statements) will be used to inform item development for the NCLEX-RN Examination.

2011 Knowledge Survey of Medication Aides Employed in Nursing Homes/Long-term Care, Hospitals/Acute Care and Community/Home Health Care Settings identifies the knowledge needed by certified entry-level medication aides/assistants. The results of this study (i.e., the important knowledge statements) will also be used to assist item development for the MACE Examination.

National Licensure Initiatives: A number of national initiatives have been proposed to address health professional licensure. These issues underscore the federal government's desire to facilitate interstate mobility of health care professionals. The Nurse Licensure Compact is a mechanism that accomplishes this goal. One of the initiatives is a plan by Senator Udall (Utah) to introduce a bill which provides for a federally issued license to permit telehealth practice. The bill has not yet been introduced but may be introduced after the election.

STATE ISSUES

Meetings with TWC and THEBC: Education staff of the BON continue to meet with staff of the Texas Workforce Commission (TWC) and the Texas Higher Education Coordinating Board (THECB) to discuss each agency's requirements for new and existing nursing programs to ensure we do not unnecessarily duplicate each other's requirements and unduly burden schools. The two agencies met with the Board at the July meeting. They gave a presentation on the roles of their respective agencies in approving nursing education programs. Staff are developing an analysis of each agency's responsibilities in a co-regulatory model.

Military Education and Training Related to Nursing Education: Several questions related to the comparison between military medical education and training and vocational nursing education have been received by Board staff. Board staff have prepared this response in **Appendix A.**

Health Professions Council: The Health Professions Council (HPC) met on September 10, 2012 for its regular quarterly meeting. The Council discussed shared concerns about the State Office of Administrative Hearings (SOAH) processes and costs as well as the status of the new data base shared by four HPC agencies and the information technology support provided to these agencies by HPC.

Pill Mills: Texas has experienced an increase in “pill mills” over the past few years. Pill Mills are providers, clinics and pharmacies that prescribe and dispense narcotics inappropriately or for non-medical reasons. Board staff have met with representatives of the Drug Enforcement Agency (DEA), the Texas Medical Board staff and the Texas State Board of Pharmacy staff to discuss the scope of the problem and identify ways to work effectively together in investigating these cases. Staff continue to collaborate with the Texas Medical Board, the Texas State Board of Pharmacy, and the Drug Enforcement Administration in investigating complaints related to these clinics.

Consideration of Rule Regarding Time Lapse After Graduation to sit for NLCEX. The rule requiring an applicant who has not taken and passed NCLEX to re-educate after four years has been reviewed by staff. Staff reviewed the issue of whether allowing an applicant to test up to four years affected the competency and safety of the applicant/licensee. Staff have conducted research and found no evidence to support a specific alternative time frame at this time.

BOARD ISSUES

New Board Member: Shelby Ellzey has been appointed by Governor Perry as a consumer member of the Board of Nursing. Ms. Ellzey resides in Midlothian, Texas.

BON Bulletin Articles : The October issue of the *Board of Nursing Bulletin* contains articles announcing the induction of Dr. Janice Hooper into the Institute for Regulatory Excellence, on Pill Mill Clinics, and on the Off Label Use of Ketamine by nurses.

Board Development: At the October meeting, the Board will have its biennial retreat on Wednesday, October 17th. In addition, Mike Van Doren will present an overview of the TPAPN program under agenda item 9.2.

AGENCY ISSUES

Staff: Jolene Zych has received her PhD. In Public Policy and Administration with specialization in public policy from Walden University. She will graduate in November 2012. Please join the staff in congratulating Dr. Zych. The agency has hired a new Information Resources Manager, Jeremy Bruker; he will begin his employment with the BON on October 22nd. The Executive Director is searching for a New Director of Nursing.

BON UB Authority Request: Due to delay of the Comptroller’s Office in certifying the agency’s FY 13 budget, the Board was unable to hire its new staff until the third quarter of FY 2013. Therefore, under new authority granted by the 82nd Legislature, the Board of Nursing submitted a request under Article IX, Section 14.05 for Unexpended Balance Authority to move unexpended funds from FY 2013 to FY 2014. The LBB and Comptroller Office have approved the request. The approximately \$500,000 will be used across the agency for temporary staff; outside nursing, legal and investigator consultant contracts; and overtime pay, to help us catch up on the staff time lost during the first six months of the 2012 fiscal year. The Board may see names of external consultants on various Board reports. The Comptroller has also certified the BON’s FY 2013 budget.

Launch of Online Affidavit of Graduation: The Affidavit of Graduation (AOG) is the portion of the application for initial licensure which is completed by the Dean/Director of the Nursing Program verifying that the candidate has completed all requirements for graduation. The Online AOG was beta tested in May and again in August, 2012 during graduation cycles. Beta testing of a computer product occurs prior to final implementation for all users. This stage involves testing the product on a sample of users to identify bugs that can be corrected before full launch. The final product was launched for all schools September 2012.

National Council of State Boards of Nursing Projects: Phase Two of the Data Integrity Project began in April. This phase includes uploading disciplinary orders to Nursys, thereby making these orders readily available to other Boards of Nursing. The BON received NCSBN support to complete this project. This project is in process. In addition, NCSBN has created fields in their data base for Advanced Practice Registered Nurse (APRN) data and the Board will provide Texas APRN data elements to the data base when full functionality is available. The third project involved moving significant investigative information to a flag called *Nurse Alert* on the front page of the licensure file, making it more visible in NURSYS to other Boards of Nursing. This project was completed in September. NCSBN is also developing a License Management System (LMS). The LMS will be a complete data base and include all licensure, complaint, discipline and monitoring data for BONs. The LMS will be available to all boards of nursing and NCSBN does not intend to charge a fee to the boards, including no hardware or application integration costs. It will be a service to the membership. NCSBN IT staff are currently visiting Boards of Nursing to determine how staff uses existing systems, identify current gaps in systems that create operational inefficiencies, and features that will improve operational efficiencies. The data will be used to develop a design that provides seamless access to existing NCSBN applications, automated reporting, automated exam eligibility processing, automated license and discipline related data exchanges with Nursys and the Fraud and Identity Tracking System (FITS), third-party provider integration where applicable, and other functionality. The Texas Board of Nursing anticipates the need for a new data system in approximately five years and the LMS will be an option for the BON to consider. The Executive Director and the Director of Operations testified before the Legislative Budget Board and the Governor's Office of Budget and Planning in September on the Legislative Appropriations Request for 2014-2015. As part of an overview of the agency, staff mentioned the need for a new data base in the future.

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. Also, pursuant to recent rule amendments, nurses who have not been current in Texas for four or more years, must complete the Jurisprudence Examination prior to reinstatement. Attached are statistics for Jurisprudence exam takers for past 3 fiscal years including through the fourth quarter of Fiscal Year 2012. **(See Attachment B).**

Staff continue to study the issue of an online posting of questions from our jurisprudence examination which occurred in mid June. Staff is exploring adding security validation questions to the exam and are evaluating associated costs with the vendor.

Nurse Employer Webpage: A new page has been created to make information of interest to nurse employers readily available on the Board's website. <http://www.bon.texas.gov/employers/> This is part of an initiative developed by staff in response to the NCSBN Commitment to Ongoing Regulatory Excellence Report in 2010. The Report indicated a need for more information and communication with the nursing service sector of the Board's constituents. The initiative includes providing information and speaking at conferences, webinars and conference calls with nurse leadership organizations. Future plans include development of an "e-push" system to notify employers of changes in licensure status of their nurse employees.

Website: The following are changes that have been made to the website since the last Board Report.

- Addition of new Renewal forms to Verification page on website
- Update of Texas TERCAP Pilot Program Participation Agreement to TERCAP page on website.
- Placed updated quarterly BON Bulletin on website.
- Posting of 2012 BON Strategic Plan on Publication section of website.
- Posted and updated Education Guideline 3.2.4.a. on Nursing Education page on website
- Posted updated link for Obtaining a DEA number on Advanced Practice information page on website.
- Updated Practice FAQ's on website
- Updated Complaint FAQ's on website
- Updated TERCAP Pilot Project page on website
- Updated APRN definitions page on website
- Updated Approved Programs/Nursing Education page on website
- Posted brochures for the Medication Safety and Professional Boundaries Webinars on the Webinar Registration section of the website.
- Posting of Public Rule Hearing, scheduled July 3, 2012, under Nursing Laws and Rules section of website; Hearing on Proposed Amendments to 22 Texas Administrative Code §213.23, Relating to Decision of the Board, as were Published in the Texas Register on May 18, 2012, (37 TexReg 3661-3667).
- Posted Proposed Amendments to 216.3, relating to requirements for Continuing Competency; Proposed Amendments to 213.33 , relating to Factors Considered for Imposition of Penalties/Sanctions; Chapter 214, relating to Vocational Nursing Education; and Chapter 215, relating to Professional Nursing Education
- Posted Adopted Rules to 213.23 , relating to the decision of the Board

Key Meetings and Presentations: by the Executive Director and Staff since the last Board meeting. (Does not include internal meetings with staff) .

Executive Director

Conference Call: APRN Compact teleconference meeting, July 25, 2012.

Conference Call: Nurse Licensure Compact Compliance Committee, August 2, 2012.

Meeting: Nurse Licensure Compact Administrators Annual Meeting, August 7, 2012, Dallas.

Meeting: National Council of State Boards of Nursing Annual Meeting, August 8-10, Dallas.

Meeting: SB 1857 Quarterly Advisory Meeting, August 17, 2012, Austin.

Webinar: CLEAR Regulatory Agency Administration webinar: *Regulatory Responses to Impaired Practitioners*, August 22, 2012.

Meeting: Nursing Legislative Agenda Coalition, August 25, 2012, Austin.

Meeting: Council on State Governments, August 27, 2012, Lexington, KY.

Meeting: Texas Team, Nursing Practice Subcommittee, August 31, 2012, Austin.

Conference: Texas Leadership Forum, sponsored by GOVERNING, September 6, 2012, Austin.

Meeting: NCSBN Legislative Review Subcommittee, September 8, 2012, Chicago.

Meeting: HPC Quarterly Meeting, September 10, 2012, Austin.

Meeting: with Internal Auditor to review the risk assessment update for the BON, September 13, 2012, Austin.

Hearing: Legislative Budget Board/Governor's Office Budget and Planning hearing on the BON Legislative Appropriations Request, September 17, 2012, Austin.

Conference Call: *APRN Compact*, APRN Compact Workgroup and the Executive Committee of the Nurse Licensure Compact Administrators, September 17, 2012.

Presentation: *Update Your Knowledge: New Texas Regulations, Legislation and Policies*, Texas Nurses Association 12th Annual Nursing Leadership Conference, September 20, 2012, Austin.

Meeting: Executive Officers 2013 Planning Meeting, October 1, 2012, Chicago.

Presentation: *BON Update*, Texas Association of Deans and Directors of Professional Nursing Programs (TADDPNP), October 5, 2012, Austin.

Conference: American Academy of Nursing 39th Annual Meeting & Conference, *Transforming Health Care: Driving Policy*, October 11-13, 2012, Washington, D.C.

Conference Call: Texas Team, Nursing Education Subcommittee, October 15, 2012.

Director of Operations:

Meeting: Nursing Legislative Agenda Coalition, August 25, 2012, Austin.

Meeting: BON New Deans and Directors Orientation, September 14, 2012, Austin.

Hearing: Legislative Budget Board/Governor's Office Budget and Planning hearing on the BON Legislative Appropriations Request, September 17, 2012, Austin.

Conference: 8th Biennial Legislative Communications Conference, October 16, 2012, Austin.

Nursing Consultant Meetings and Presentations

Meeting: Advanced Practice Nursing Advisory Committee, July 27, 2012, Austin.

Meeting: SB 1857 Quarterly Advisory Meeting, August 17, 2012, Austin.

Meeting: Delegation Task Force Meeting, August 27, 2012, Austin.

Meeting: Texas Medical Board meeting-Discussion of outpatient anesthesia rules, August 31, 2012, Austin.

Meeting: Texas Health and Human Services Commission, Office of Medical Director, September 6, 2012, Austin.

Meeting: TPAPN Advisory Committee, September 7, 2012, Austin.

Meeting: Texas Health and Human Services Commission, Telemedicine Telehealth Advisory Committee, September 24, 2012, Austin.

Meeting: Delegation Task Force Meeting, October 3, 2012, Austin.

Meeting: Advanced Practice Nursing Advisory Committee, October 8, 2012.

Presentation: Texas TERCAP Pilot Project Training, July 27, 2012, The Woodlands.

Presentation: Texas TERCAP Pilot Project Training, July 30, 2012, Arlington.

Presentation: Texas Board of Nursing: Protecting Your Patients and Your Practice, August 3, 2012, Austin.

Presentation: NCSBN Delegate Assembly, August 8, 2012, Dallas, TX

Presentation: Safe Harbor - A Process to Ensure Patient Safety, Texas Regional Case Management Conference, August 11, 2012, San Antonio.

Presentation: Understanding Your Scope of Practice, Houston ISD School Nurses, August 20, 2012, Houston.

Presentation: The LVN Scope of Practice: What Every LVN, RN and Employer Should Know Webinar, August 24, 2012, Austin.

Presentation: Professional Boundaries: Where's the Line Webinar, September 7, 2012, Austin.

Presentation: BON APRN Licensure & Practice in Texas, 24th Annual Texas Nurse Practitioner Conference, September 7, 2012, Austin.

Presentation: BON Standards for Nurse Practitioners, 24th Annual Texas Nurse Practitioner Conference, September 7, 2012, Austin.

Presentation: Consensus Model for APRN Regulation: Licensure, Accreditation, Certification, Education, 24th Annual Texas Nurse Practitioner Conference, September 7, 2012, Austin.

Presentation: Data Analysis of Registered Nurses in Texas with Multiple Disciplinary Actions, 2012 NCSBN Scientific Symposium, September 11, 2012, Arlington, Virginia.

Presentation: Deans and Directors Workshop, September 14, 2012, Austin.

Presentation: Nursing Peer Review: Understanding the Process Webinar, September 17, 2012, Austin.

Presentation: DNPs in Executive Leadership - Capstone Publication as an Outcome Measure, 5th National Doctors of Nursing Practice Conference, September 19, 2012, St Louis, Missouri.

Presentation: TADDPNP Meeting, October 5, 2012, Austin

Presentation: Doctor of Nursing Practice Scholarly Project Publication - Innovation and Transformation of Health Care Policy, 39th Annual Meeting and Conference of American Academy of Nursing, Poster Presentation, October 11-13, 2012, Washington, DC.

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

Case Resolution Report
June 1, 2012 through August 31, 2012

| Type of Action | Total |
|-----------------------|--------------|
| No Jurisdiction | 8 |
| No Violation | 8 |
| No Action | 921 |
| Insufficient Evidence | 208 |
| Admonish | 108 |
| Without Prejudice | 815 |
| TPAPN Referrals | 89 |
| EEP Referrals | 9 |
| Corrective Actions | 108 |
| Totals | 2,274 |

LVN DISCIPLINARY ORDERS

Time frame: June 1, 2012, through August 31, 2012

| DISCIPLINARY | |
|---------------------|---|
| 52 | <p>FINE WITH REMEDIAL EDUCATION</p> <p>44 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history</p> <ul style="list-style-type: none"> 1 Practice nursing without a valid license 1 Misrepresented credentials by using Pre-Op Supervisor on name badge 1 Awarded a certificate for continuing education to a staff member who did not attend 1 Violated facility policy and patient privacy 1 Removed two influenza vaccines and took home to administer to her children 1 Mistakenly withdrew MsContin 120mg and MSIR 60mg when the physician ordered 180mg of MsContin 1 Inadvertently documented a skilled home health visit for a patient into another patient's medical record 1 Falsely documented receiving a physician's order for Dermabond skin adhesive |
| 28 | <p>REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 1 Misappropriated a bag of IV fluids and administered it to a co-worker 1 Failed to adequately document the interventions provided to a patient 1 Exceeded scope of practice by pronouncing a death prior to the arrival of ambulance and without physicians' order 1 Deferred judgment for Theft >\$500 <\$1500, a Class A misdemeanor offense 1 Violated patients' right to privacy by accessing patient records not assigned to her care 1 Failed to contact a physician or health care provider to clarify conflicting orders 1 Document she witnessed a controlled substance count done by a nurse who was on leave at the time 1 Falsely signed as the witness to the waste of narcotics in the Operating Room 1 Failed to obtain signed consents for procedures on two patients 1 Swatted the arm of a patient who was combative and proceeded to ask the patient to stop fighting 1 Failed to timely clean and reinsert the tracheostomy tube of a patient 1 Slapped the hand of a patient, a five year old child 2 Disciplinary action taken by another licensing authority 1 Failed to ensure the safe environment for patients after reported allegations of abuse 1 Failed to administer Solu-Medrol IV and Cleocin as ordered 1 Obtained unauthorized access to a patient medical records using another employee's User ID 1 Failed to provide adequate supervision and training to nursing staff 1 Verbally and/or physically abused a patient 1 Failed to document and/or document the rationale for failing to administer and "enema until clear" 1 Failed to assess and intervene by not assessing to pressure ulcers 1 Documented nursing care prior to nursing care being administered 1 Removed Morphine 10mg from the medication dispensing systems and inaccurately documented the administration 1 Failed to completely and accurately document assessment of students in care 1 Altered signatures, document dates and used template documents in medical records 1 Misappropriated two bottles of Phenergan and one bottle of Zofran 2 Failed to assess and/or document nursing assessment |

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| 14 | <p>TPAPN BOARD ORDER</p> <ul style="list-style-type: none"> 2 Intemperate use of marijuana 1 Deferred judgment for Possession of Methamphetamine; entered inpatient drug and alcohol treatment 1 convicted of two counts of Driving While Intoxicated 1 Intemperate use of Amphetamines and Opiates; misappropriated Ativan and Hydrocodone 1 Intemperate use of Methadone 1 Misappropriated Norco, Oxycodone and Dilaudid; withdrew narcotics but failed to document the administration or follow policy and procedure for wastage of unused portions 1 Intemperate use of Opiates and Benzodiazepines 1 Admitted on overdose of Lyrica; intemperate use of Phenobarbital 2 Expressed suicidal thoughts 1 Telephonically communicated a falsified/unauthorized prescription for Hydrocodone 1 Misappropriated medications/narcotics including by not limited to Demerol and Morphine; intemperate use of Benzodiazepine 1 Misappropriated Tylenol, Ibuprofen, Klor-Con, Diphenhydramine, Hydrocodone Bitartrate, Tramadol Hydrochloride, Clonidine Hydrochloride, Alprazolam, and Promethazine Hydrochloride |
| 39 | <p>VOLUNTARY SURRENDER</p> <ul style="list-style-type: none"> 1 Disciplinary action taken by another licensing authority 1 Deferred judgment granted for felony offense of Theft \$1500 - 20K 1 Obtained Soma, Vicodin and Xanax through the use of a fraudulent electronic, oral or telephonically communicated prescription 1 Deferred judgment for the felony offense of Fraud Use Possession of Identifying Information 1 Convicted of felony offense of Intoxicated Assault 1 Deferred judgment for felony offense of Theft of Property >=\$20k <\$100K 1 Convicted of the felony offenses of Possession of Visual Depictions of Minor and Engaging in Sexually Explicit Conduct 1 Intemperate use of Propoxyphene 1 Obtained Norco through the use of a Fraudulent unauthorized written prescription 1 Deferred judgment for felony offense of Securing Execution of Document by Deception 1 Convicted of felony offense of Possession of Marijuana with Intent to Distribute, deferred judgment for felony offenses of Taking Prohibited Substances into Correctional Facility and Unlawful Possession of a Controlled Substance with Intent to Delivery 2 Convicted of the felony offense of Possession of a Controlled Substance 1 Failed to administer nebulizer breathing treatments and assess oxygen saturation levels during shift 1 Caused physical and/or emotional abuse to a resident by pushing into his Geri-chair recliner 1 Granted entry into the Pre-Trial Diversion Program for the felony offense of Tamper with Government Records Defraud/Harm 1 Deferred judgment granted for felony offense of Obtain Controlled Substance by Fraud 1 Convicted of three counts of the felony offense of Fraud 1 Convicted of felony offense of Conspiracy to Commit Wire Fraud 1 Arrested for and subsequently charged with the felony offense of Sexual Assault 1 Misappropriated more than \$300,000.00 from employer 1 Lacked fitness to practice police dispatched to residence for suicide threat 1 Deferred judgment for Fraudulent Possession of a Controlled Substance/Prescription 6 Non compliance with previous Board Order 10 Submitted a statement of Voluntary Surrender |

LVN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2012, through August 31, 2012

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| 522 | APPLICANTS/ PETITIONERS |
| | 5 Non-disclosure of Criminal History |
| | 1 Addicted to Alcohol |
| | 1 Convicted of state jail felony offense of Forgery |
| | 1 Diagnosed with Bipolar Disorder Type I |
| | 1 Addicted to pain pills |
| | 1 Court-Martial Order for Wrongful Use of Cocaine |
| | 1 Deferred judgment for Minor in Possession, Public Intoxication, Leaving Children in Car, and Bad Check |
| | 1 Convicted of Failure to Stop and Render Aid, Possession of Marijuana and Driving While License Invalid |
| | 1 Deferred judgment for Criminal Trespass |
| | 1 Convicted of misdemeanor Criminal Possession of a Weapon |
| | 1 Deferred judgment for Possession of Marijuana; convicted of Driving While Intoxicated |
| | 6 Disciplinary action taken by another licensing authority |
| | 2 Convicted of four counts of Theft by Check |
| | 1 Convicted of Grand Theft |
| | 4 Deferred disposition for felony Theft >=\$1,500 <\$20K |
| | 1 Convicted of three counts of Possession of Marijuana |
| | 1 Deferred judgment for state jail felony Theft from a Person |
| | 1 Deferred judgment for fourth degree felony offense of Conspiracy to Commit Larceny |
| | 1 Convicted of two counts of the misdemeanor offense of Assault |
| | 2 Convicted of two counts of Theft |
| | 1 Deferred judgment for third degree felony offense of Assault on Public Servant |
| | 1 Deferred judgment for second degree felony offense of Endangering a Child |
| | 1 Convicted of the third degree felony offense of Distribution of more than 100 Grams of Heroin |
| | 1 Convicted of Burglary of Habitation - Force |
| | 2 Deferred judgment for second degree felony offense of Aggravated Assault |
| | 1 Convicted of Theft |
| | 3 Convicted of felony offense of Possession of a Controlled Substance |
| | 1 Convicted of Driving While Intoxicated; Criminal Attempt and Public Lewdness |
| | 1 Convicted of Burglary of a Vehicle |
| | 1 Convicted of Indecent Exposure |
| | 1 Admitted to Methadone Clinic |
| | 1 Deferred judgment for three counts of felony Forgery |
| | 1 Convicted of Criminal Trespass and two counts of Driving While Intoxicated |
| | 1 Deferred judgment for Possession of a Controlled Substance in a Correctional Facility |
| | 1 Convicted of Evading Arrest/Detention, Fail to Stop and Give Information and Driving While Intoxicated |
| | 1 Convicted of Possession of Marijuana and Theft of Property |
| | 1 Deferred judgment for Possession of a Controlled Substance and Unauthorized use of a Vehicle |
| | 1 Convicted of Public Lewdness, Unlawfully Carrying a Weapon, Interfere with Duties of Public Servant and two counts of Illegal Operation of Sexually Oriented Business |
| | 1 Deferred judgment for state jail felony Forgery Check |
| | 1 Convicted of Possession of Marijuana < 2 oz, Driving While Intoxicated and deferred judgment for Theft |
| | 1 Deferred judgment for second degree felony Burglary of a Building; convicted of Driving While Intoxicated |
| | 1 Convicted of Driving While License Invalid and deferred judgment for Violation of Protective Order |
| | 1 Convicted of state jail felony Securing Execution of Document by Deception |
| | 1 Convicted of misdemeanor Resist, Arrest or Transport and Interfere with Public Duties |
| | 5 Denial of Licensure |
| | 456 No Grounds for Denial/Youthful Indiscretion |

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ENDORSEMENTS

- 4 Disciplinary action taken by another licensing authority
- 1 Convicted of a felony offense of False Pretenses Greater Than 200 But Less Than 1,000
- 1 Convicted of the misdemeanor offense of Shoplifting; deferred judgment for felony Theft of Goods
- 1 Convicted of the misdemeanor offense of Grand Theft Property
- 1 Entered treatment with Addiction Treatment Services
- 3 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement
- 22 No Grounds for Denial

LVN CORRECTIVE ACTION

Time frame: June 1, 2012, through August 31, 2012

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| 60 | <p>CORRECTIVE ACTION</p> <ul style="list-style-type: none"> 20 Non disclosure of misdemeanor Driving While Intoxicated 8 Non disclosure of misdemeanor Issuance of a Bad Check 3 Non disclosure of misdemeanor Theft by Check 1 Non disclosure of misdemeanor Disorderly Conduct 1 Non disclosure of misdemeanor Injuring or Tampering of a Motor Vehicle 2 Non disclosure of misdemeanor Driving While License Invalid 4 Non disclosure of misdemeanor Theft 1 Non disclosure of misdemeanor Driving While Ability Impaired 1 Non disclosure of misdemeanor Reckless Driving 1 Non disclosure of misdemeanor Failure to Stop and Give Information >=\$200 Damages 1 Non disclosure of misdemeanor Conflict of Interest/Failure to Appear 1 Non disclosure of misdemeanor Possession of a Controlled Substance 1 Non disclosure of misdemeanor Failure to Identify 1 Non disclosure of misdemeanor Terroristic Threat 1 Non disclosure of misdemeanor Possession of Drug Paraphernalia 1 Non disclosure of misdemeanor Assault Causes Bodily Injury 1 Non disclosure of misdemeanor Securing Execution of Document by Deception 1 Non disclosure of arrest for Burglary of Habitation 1 Non disclosure of Unlawful Possession of Marijuana 1 Non disclosure of misdemeanor Duty on Striking Unattended Vehicle 8 Practiced Nursing without a valid license |
| 6 | <p>ENDORSEMENTS</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Driving While Intoxicated 1 Non disclosure of misdemeanor Disorderly Conduct 1 Non disclosure of misdemeanor Prostitution 1 Non disclosure of misdemeanor Petit Larceny 1 Non disclosure of misdemeanor Driving Under the Influence and Stop Sign Violation 1 Non disclosure of misdemeanor Obstructing Police |
| 2 | <p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Driving While License Invalid 1 Non disclosure of misdemeanor Possession of Marijuana |

LVN DEFERRED DISCIPLINE

Time frame: June 1, 2012, through August 31, 2012

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| 10 | <p>REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none">1 Failed to administer intravenous (IV) diltiazem (Cardizem)1 Administered medications and a tube feeding that were scheduled for 6:00 am that had already been administered by the patient's father1 Failed to assess and notify a physician and/or a supervisor in a timely manner that a patient was experiencing right leg pain1 Administered medications which had been prepared by the mother1 Failed to adequately assess and intervene in a timely manner1 Failed to document patients pain level1 Provided Post-Operative Patient CM with inaccurate post operative instructions1 Transferred care of a patient to an unauthorized family member1 Administered Roxanol to a patient without the mother's knowledge or consent1 Failed to consistently monitor/assess a fifteen year old patient with a history of Cerebral Palsy |
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RN DISCIPLINARY ORDERS

Time frame: June 1, 2012, through August 31, 2012

| DISCIPLINARY | |
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| 42 | <p>FINE WITH REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 24 Submitted an Application/Renewal Document in which false, deceptive, and/or misleading information was given by failing to disclose a criminal history 7 Practice nursing without a valid license 1 Mistakenly withdrew MsContin 120mg and MSIR 60mg when the physician ordered 180mg of MsContin 1 Awarded a certificate for continuing education to a staff member who did not attend 1 Violated facility policy and patient privacy 1 Left assignment without notifying appropriate supervisor 1 Prescribed medication to a Bipolar patient without education in mental health 2 Withdrew narcotics but failed to document the administration 1 Accepted a certificate for continuing education without attendance 1 Failed to monitor the staff she was administratively responsible for 1 Administered a false letter for reference with application for a scholarship to Baylor Health Care System 1 Exceeded scope of practice by prescribing Schedule II Controlled Substances |
| 17 | <p>REMEDIAL EDUCATION</p> <ul style="list-style-type: none"> 1 Violated professional boundaries 1 Falsified medical records by filling out information prior to nursing visit 1 Convicted of Disorderly Conduct, Resisting Arrest/Search and Transport and Public Intoxication 1 Taking home resident medications while she was off duty 1 Failed to document in patient medical record instructions provided to the patient 1 Misappropriated two bottles of Phenergan and one bottle of Zofran 1 Failed to document the administration of Zofran and administered Flagyl in excess of physician's order 1 Left nursing assignment without notifying proper supervisor 1 Failed to assess and intervene when a student fell and injured his wrist 1 Misappropriated Hydromorphone 1 Failed to administer and/or document the administration of medications assigned to her care 1 Failed to document physician orders 1 Failed to provide adequate supervision and training to nursing staff 1 Stated in the presence of the patient they were a waste of a body 2 Failed to document and submit documentation of nursing care rendered 1 Obtained unauthorized access to a patient medical records using another employee's User ID |

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VOLUNTARY SURRENDER

- 1 Deferred judgment for felony offense of Hindering apprehension
- 1 Deferred judgment for felony Injury to a Child
- 1 Admitted to being addicted to Ambien
- 1 Misappropriated two cards of Hydrocodone 5/325mg
- 1 Intemperate use of Fentanyl, Hydrocodone, Hydromorphone and Morphine
- 1 Submitted a fraudulent college transcript
- 1 Misappropriated Dilaudid, Ativan and Morphine; Intemperate use of Dilaudid, Butalbital and Morphine
- 1 Intemperate use of Alcohol
- 1 Misappropriated or failed to prevent the misappropriation of Demerol, Morphine or Lortab; intemperate use of Propoxyphene
- 1 Intemperate use of Oxazepam, Alprazolam, Marijuana, Morphine, Hydrocodone and Hydromorphone
- 1 Deferred judgment for felony offense of Burglary of a Building
- 1 Deferred judgment for three counts of the felony offense of Tampering with Governmental Records
- 1 Convicted of the felony offense of Possession of a Controlled Substance PG 1 < 1 gram
- 1 Deferred judgment for Possession of a Controlled Substance PG 3<28G and granted Pre-Trial Diversion for Driving While Intoxicated
- 1 Misappropriation and Intemperate use of Fentanyl and Morphine
- 1 Intemperate use of Morphine
- 1 Convicted of the felony offense of Conspiracy to Commit Wire Fraud
- 1 Deferred judgment for felony offense of Possession of a Controlled Substance in a Correctional Facility
- 1 Arrested for two counts of the felony offense of Indecency with a Child Sexual Contact
- 5 Disciplinary action taken by another licensing authority
- 1 Convicted of felony offense of Theft of Property >=\$20k <\$100K
- 17 Non compliance with previous Board Order
- 10 Submitted a statement of Voluntary Surrender

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TPAPN BOARD ORDER

- 1 Intemperate use of Alcohol; convicted of two counts of Driving While Intoxicated
- 1 Misappropriated Fentanyl and Hydrocodone; Intemperate use of Alcohol
- 1 Admitted to taking Ambien, Phenergen, Nubain, Xanax and an unknown anti-depressant the previous night
- 3 Intemperate use of Alcohol
- 1 Misappropriated Dilaudid, Darvocet, Morphine Sulfate and Hydromorphone; intemperate use of Tramadol
- 1 Convicted of Attempt Possession of a Controlled Substance, Driving While Intoxicated and Assault
- 1 Inability to practice due to chemical dependency
- 2 Intemperate use of Cocaine
- 1 Misappropriated Morphine, Intemperate use of Amphetamines and Opiates
- 2 Expressed suicidal thoughts
- 2 Intemperate use of Marijuana
- 1 Misappropriated Hydromorphone (Dilaudid)
- 1 Misappropriated medications/narcotics including by not limited to Demerol and Morphine; intemperate use of Benzodiazepine
- 1 Intemperate use of Ambien and Hydrocodone
- 1 Disciplinary action taken by another licensing authority
- 1 Diagnosed with Bipolar Affective Disorder
- 1 Diagnosed with Psychosis N.O.S.
- 1 Misappropriated Morphine 10mg and Dilaudid 2mg and convicted of Driving While Intoxicated
- 1 Intemperate use of Hydrocodone
- 1 Forged and passed unauthorized prescriptions for Flagyl, Tussinex Suspension and Vicoprofen
- 1 Violated prior Order to TPAPN
- 1 Misappropriated Dilaudid, Ativan, Valium and Percocet
- 1 Misappropriated Tylenol, Ibuprofen, Klor-Con, Diphenhydramine, Hydrocodone Bitartrate, Tramadol Hydrochloride, Clonidine Hydrochloride, Alprazolam, and Promethazine Hydrochloride
- 1 Telephonically communicated a falsified/unauthorized prescription for Hydrocodone
- 1 Intemperate use of Methamphetamines
- 1 Diagnosed with Post-Traumatic Stress Syndrome, Depressive Disorder, and Attention Deficit Hyperactivity Disorder due to an injury sustained in a severe car accident
- 1 Convicted of Driving While Intoxicated

RN ENDORSEMENT/PETITIONER DISCIPLINARY ORDERS

Time frame: June 1, 2012, through August 31, 2012

| | |
|-----|---|
| 658 | <p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 5 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Examination 6 Denial of Licensure 1 Diagnosed with Schizophrenia Paranoid Type 2 Deferred judgment for felony Possession of Controlled Substance; convicted of Driving While Intoxicated 1 Convicted of felony Theft \$750-\$20,000 1 Deferred judgment for misdemeanor Fail ID Fugitive with Intent to Give False Information 1 Deferred judgment for state jail felony Theft of Property >=\$1500 <\$20K 1 Convicted of four counts of felony Forgery 1 Deferred judgment for misdemeanor Fleeing Evading Police Officer 1 Deferred judgment for misdemeanor Assault 3 - Know/Reckless Causes 3 Convicted of Assault and two counts of Driving While Intoxicated 1 Deferred judgment for second degree felony Fraud 1 Convicted of Credit Card-Present-Other 1 Deferred judgment for state jail felony offense of Fraudulent use of Possession fo Identifying Information 1 Convicted of Possession of a Controlled Substance PG 3 1 Deferred judgment for Leave Scene of Accident Involve Damage to Property ; Driving Under the Influence of Alcohol; and Insufficient Check 1 Convicted of two counts of Theft 1 Received an Article 111 3 Deferred judgment for Possession of a Controlled Substance 1 Convicted of Welfare Fraud 1 Convicted of Abandon/Endanger Child w/ Intent to Return and two counts Unlawfully Carrying a Weapon 1 Deferred judgment for state jail felony offense of Forgery 1 Deferred judgment for state jail felony offense of Secure Execution of Document by Deception 1 Convicted of Operating a Vehicle with Intent 1 Received an Article 121 for Steal United States Currency 1 Convicted of state jail felony offense of Evading Arrest Detention w/ Vehicle 1 Pre-Trial Diversion for felony Apprehension/Prosecution Known Felon 1 Convicted of the state jail felony offense of Abandon/Endanger A Child with Intent to Return 1 Deferred judgment for Assault - Family Violence 1 Convicted of Possession of Marijuana and two counts of Driving While Intoxicated 1 Convicted of three counts of felony Credit Card Abuse and two counts of felony Forgery 1 Convicted of misdemeanor Theft and Deferred judgment for misdemeanor Theft 1 Deferred judgment for state jail felony Tampering with Government Evidence and misdemeanor Theft 1 Diagnosed with Bipolar Disorder 1 Completed an Alcohol and Drug Rehabilitation Program 11 Disciplinary action taken by another licensing authority 598 No Grounds for Denial/Youthful Indiscretion |
|-----|---|

77

ENDORSEMENTS

- 18 Disciplinary action taken by another licensing authority
- 1 Denial of Licensure
- 1 Convicted of the misdemeanor offense of Reckless Operation
- 1 Convicted of Driving Under the Influence; Theft; Public Intoxication; Assault; and Minor in Possession
- 1 Deferred judgment for Reckless Driving; convicted of Reckless Driving
- 1 Deferred judgment for Criminal Possession of Forgery Device
- 1 Convicted of Cause Controlled Paraphernalia to be Used for other Than its Lawfully Obtained Purpose
- 1 Pre-Trial Diversion for Wilful Obstruction of Law Enforcement Officer
- 1 Practice nursing without a valid license
- 1 Entered treatment for that diagnosis of Bipolar Disorder Type II
- 1 Deferred judgment for three counts of felony Running Road Block
- 2 Non disclosure of Criminal History or Disciplinary Action on Application for Licensure by Endorsement
- 47 No Grounds for Denial

RN CORRECTIVE ACTION

Time frame: June 1, 2012, through August 31, 2012

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|----|---|
| 59 | <p>CORRECTIVE ACTION</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Unlawful Possession of Marijuana 1 Non disclosure of misdemeanor Evading Arrest 1 Non disclosure of misdemeanor Duty on Striking Unattended Vehicle 2 Non disclosure of misdemeanor Assault 1 Non disclosure of pending criminal charge for Aggravated Assault w/ Deadly Weapon 1 Non disclosure of misdemeanor Forgery 1 Non disclosure of misdemeanor Theft of Property >=\$50 <\$500 1 Non disclosure of misdemeanor Violation of Duty Upon Striking a Fixture 6 Non disclosure of misdemeanor Theft 1 Non disclosure of misdemeanor Enter Into a Coin-Operated Machine 1 Non disclosure of misdemeanor Theft by Check 1 Non disclosure of misdemeanor Theft of Property >=\$500 <\$1500 2 Non disclosure of misdemeanor Obstruction of Highway 5 Non disclosure of misdemeanor Issuance of a Bad Check 21 Non disclosure of misdemeanor Driving While Intoxicated 3 Non disclosure of misdemeanor Reckless Driving 10 Practiced Nursing without a valid license |
| 3 | <p>ENDORSEMENT</p> <ul style="list-style-type: none"> 1 Non disclosure of misdemeanor Simple Battery 1 Non disclosure of misdemeanor Unlawful Use of Weapon 1 Non disclosure of misdemeanor Simple Possession of Marijuana |
| 8 | <p>APPLICANTS/ PETITIONERS</p> <ul style="list-style-type: none"> 3 Non disclosure of misdemeanor Theft 1 Non disclosure of misdemeanor Issuance of a Bad Check 2 Non disclosure of misdemeanor Disorderly Conduct 1 Non disclosure of misdemeanor Criminal Trespass 1 Non disclosure of misdemeanor Interfere with Duties of a Public Servant |

RN DEFERRED DISCIPLINE

Time frame: June 1, 2012, through August 31, 2012

| | |
|----|---|
| 14 | <p>REMEDIAL EDUCATION - DEFERRED DISCIPLINE</p> <ul style="list-style-type: none">1 Failed to administer intravenous (IV) diltiazem (Cardizem)1 Administered medications and a tube feeding that had already been administered by the patient's father1 Failed to report an allegation of sexual abuse involving a student1 Inappropriately delegated to an unlicensed staff member the administration of injections of Lovenox1 Failed to document patient surgical site pain level1 Administered medications to inpatients without authorization1 Provided Post-Operative Patient CM with inaccurate post operative instructions1 Administered medications which had been prepared by the mother of the patient1 Failed to adequately assess and intervene when a patient presented to the walk in clinic complaining of upper and lower abdominal bloating1 Withdrew Hydrocodone but failed to document the administration1 Failed to ensure that there was complete and accurate documentation in the medical record1 Failed to document that the physician was informed about a change in the condition of a patient1 Did not obtain parental consent for the circumstances of an infant patient1 Failed to document patients pain level |
|----|---|

Prepared by: Janice Hooper, PhD, RN and Sandi Emerson, MSN, RN

Questions related to the comparison between military medical education and training and vocational nursing education have been directed to the Board of Nursing staff for response. (Note: Vocational and practical nursing are the same. Texas uses the terminology, vocational nursing, while some other states use the term, practical nursing.)

The Texas Board of Nursing (BON) has approved an Army Practical Nurse program which begins as Phase I at Fort Sam Houston in San Antonio and allows military personnel to complete the program at various military sites across the country (El Paso, Texas; Fort Gordon, Georgia; Tacoma, Washington; and Washington, DC). This is the only military nursing program approved by a state board of nursing. Approximately 400 graduates each year pass the licensing examination to become licensed vocational (or practical) nurses in one of the states. None of the other military forces have developed such an educational plan for service men/women.

The Texas Board of Nursing serves as the central approval authority for all United States Army Practical Nurse courses. The Army sought and received approval of its programs in 1985 through the Board of Vocational Nurse Examiners. When the Board of Nursing and the Board of Vocational Nurse Examiners merged in 2004, the Army Practical Nurse program continued its approval as it was in compliance with regulatory requirements for education programs.

The Army Practical Nurse Program offers the only military education program comparable to the education standards of the vocational nurse. The Air Force, Navy, and Marine Corps do not have an LPN program or mission. The Navy, Air Force, and Marine Corps have medic corpsman and airmen missions that do not require licensure. These programs do not prepare a graduate that can function as a generalist with the ability to care for patients across the lifespan.

Boards of nursing are very aware that many trained military personnel are returning to the U.S. and wish to utilize their medical training in the employment sector. In July 2011, Governor Perry signed SB 1736, which established the College Credit for Heroes program. Administered by the Texas Workforce Commission, the \$3 million workforce development initiative is designed to recognize the knowledge and skills gained by military service members and award them college credits for their military experience. Seven community colleges were selected to participate in the College Credit for Heroes program. The colleges will provide models for awarding college credit by health careers and, as part of the College Credit for Heroes program, several participating community colleges are developing curriculum models that streamline the award of college credits in health professions such as nursing, surgical technology, and emergency medical services. Since July 2011, the Alamo Colleges College Credit for Heroes Initiative has focused on enhancing the opportunities for military service members and veterans who have received allied health education and training while serving as an Armed Forces service member. Initiative work has focused on maximizing transfer credits to accelerate the attainment of an Associate in Applied Science Degree in Health Information Technology and in Nursing. San Antonio College will offer the Military to Registered Nurse (RN) Career Mobility Track program with a target implementation date of the 2013 spring semester.

The BON has previously received questions about why returning military personnel with healthcare training cannot seek licensure as an LVN. From a regulatory perspective, the approved nursing programs are preparing students to provide nursing care to patients across the lifespan and research has shown that medic programs are more focused on providing care to adults. The full scope of nursing practice for the licensed vocational nurse or registered nurse is provided in a Board-approved nursing education program. Specific curriculum requirements including the nursing care of children, maternity and newborns, adults, geriatric adults, and individuals with mental health problems, as well as content related to nursing competencies described in the *Differentiated Essential Competencies for Graduates of Texas Nursing Education Programs*, nursing roles and scope of practice, jurisprudence, professional values, ethics, safety, diversity, confidentiality, and content from support courses in the liberal arts. The goal of the required program of study is to ensure that nursing graduates are competent to practice safely and provide care to patients of all ages.

A study was conducted by the Washington State Nursing Care Quality Assurance Commission of the Washington State Department of Health comparing military medical education and training to nursing education. The comparison identified distinct differences between the programs and the conclusion was that the programs are not equivalent.

This in no way is meant to discount the value of the military training and Board Staff encourage colleges and universities to consider developing an educational track for military personnel and veterans. Staff believes these individuals would greatly enhance the nursing programs and would provide new pools of qualified candidates for nursing. The decision about whether to provide such a track and how to design the admission plan is up to the individual programs.

| Measure | Totals FY'09 | Totals FY'10 | Totals FY'11 | 1st Quarter | 2nd Quarter | 3rd Quarter | 4th Quarter | Running FY 2012 Total |
|--|-----------------|-----------------|-----------------|----------------|----------------|----------------|----------------|--------------------------|
| Nursing Jurisprudence Exam | 18,886 | 27,177 | 27,821 | 6,600 | 6,239 | 9,055 | 7,520 | 21,894 |
| Exam Not Completed | 825 | 1,845 | 1,216 | 273 | 259 | 330 | 386 | 1,248 |
| Percentage Not Completed | 4.37% | 6.79% | 4.37% | 4.14% | 4.15% | 3.64% | 5.13% | 4.27% |
| Did Not Passed | 485 | 1,602 | 2,468 | 558 | 577 | 656 | 718 | 2,509 |
| Percentage Did Not Pass | 2.57% | 5.89% | 8.87% | 8.45% | 9.25% | 7.24% | 9.55% | 8.62% |
| Exam Passed | 17,576 | 23,730 | 24,137 | 5,769 | 5,403 | 8,069 | 6,416 | 25,657 |
| Percentage Exam Passed | 93.06% | 87.32% | 86.76% | 87.41% | 86.60% | 89.11% | 85.32% | 87.11% |
| NJE - Breakdown by Applicant Group | | | | | | | | |
| LVN-Candidate | 4,627 | 7,266 | 7,472 | 1,647 | 1,505 | 1,664 | 2,837 | 7,653 |
| Exam Not Completed | 282 | 835 | 399 | 86 | 76 | 74 | 175 | 411 |
| Did Not Passed | 177 | 723 | 991 | 191 | 219 | 250 | 391 | 1,051 |
| Exam Passed | 4,168 | 5,708 | 6,082 | 1,370 | 1,210 | 1,340 | 2,271 | 6,191 |
| LVN-Endorsement | 938 | 1,384 | 1,716 | 407 | 419 | 412 | 419 | 1,657 |
| Exam Not Completed | 57 | 94 | 105 | 16 | 17 | 21 | 19 | 73 |
| Did Not Passed | 90 | 193 | 387 | 98 | 99 | 93 | 80 | 370 |
| Exam Passed | 791 | 1,097 | 1,224 | 293 | 303 | 298 | 320 | 1,214 |
| RN-Candidate | 8,104 | 10,929 | 11,057 | 2,531 | 2,495 | 4,880 | 2,076 | 11,982 |
| Exam Not Completed | 265 | 569 | 361 | 95 | 98 | 160 | 94 | 447 |
| Did Not Passed | 35 | 250 | 387 | 101 | 97 | 140 | 92 | 430 |
| Exam Passed | 7,804 | 10,110 | 10,309 | 2,335 | 2,300 | 4,580 | 1,890 | 11,105 |
| RN-Endorsement | 5,217 | 7,598 | 7,576 | 1,959 | 1,756 | 1,889 | 1,995 | 7,599 |
| Exam Not Completed | 221 | 347 | 351 | 73 | 65 | 67 | 93 | 298 |
| Did Not Passed | 183 | 436 | 703 | 163 | 159 | 164 | 147 | 633 |
| Exam Passed | 4,813 | 6,815 | 6,522 | 1,723 | 1,532 | 1,658 | 1,755 | 6,668 |
| Refresher Course/Renewal Requirements | n/a | n/a | n/a | 56 | 64 | 210 | 193 | 523 |
| Exam Not Completed | n/a | n/a | n/a | 3 | 3 | 8 | 5 | 19 |
| Did Not Passed | n/a | n/a | n/a | 5 | 3 | 9 | 8 | 25 |
| Exam Passed | n/a | n/a | n/a | 48 | 58 | 193 | 180 | 479 |