

Report on Implementation of SB 1857, 82nd Texas Legislature and the LVN On-Call Pilot Program

Summary of Request:

Consider the update regarding the implementation of the LVN On-Call Pilot Program required by Senate Bill (SB) 1857.

Historical Perspective:

Triage is commonly defined as the sorting of patients and prioritizing of care based on the degree of urgency and complexity of patient conditions. Telephone triage is the practice of performing a verbal interview and making a telephonic assessment with regard to the health status of the caller. Because the LVN is not educationally prepared to provide triage or telephonic assessments, the Board of Nursing (Board or BON) believes it is beyond the scope of practice for a LVN to provide triage or on-call services over the telephone. Prior to 2004, this was also the position of the Board of Vocational Nurse Examiners.

In 2011, SB 1857 was passed which created a state-wide, LVN On-Call Pilot Program to determine whether LVNs under the clinical supervision of the RN can safely provide on-call services to meet the on-going and emergent needs of individuals with intellectual and developmental disabilities in the Home and Community-based Services (HCS) program, Texas Home Living (TXHmL) and Intermediate Care Facilities for Individuals with an Intellectual Disability or Related Condition (ICF/IID) (small 1-8 bed and medium 9-13 bed facilities). An Advisory Committee, also required by SB 1857, consisting of affected stakeholders, including public and private providers, and RNs and LVNs, was formed to provide input to the BON and the Department of Aging and Disability Services (DADS) regarding the development and implementation of the pilot program.

A memorandum of understanding (MOU) between the DADS and the BON was entered into on July of 2011. The MOU outlines the general requirements for the pilot program and when LVNs may provide on-call services. DADS and BON staff developed an Operational Protocol to further identify specific requirements for participation in the pilot program. BON staff developed a Communication Protocol which provides express directions for the LVN when providing on-call telephone services, including instructing the direct support workers to call 9-1-1 in an emergency and when follow-up communication is required to the RN clinical supervisor. Numerous trainings across the state were conducted to inform nurses and providers about the pilot program and how to use the Operational Protocol and the Communication Protocol.

Current Perspective:

BON staff and DADS staff met with Senator Zaffirini's legislative aide on February 2, 2015 to provide an update on the LVN On-Call Pilot Program and shared the data trends from the

random sample data collection and the mortality reviews. BON staff shared their concerns regarding safety issues, the continuation of the pilot, the lack of compliance regarding documentation, and the lack of data to support future recommendations. On February 6, 2015 BON staff presented a similar summary to the SB 1857 Advisory Committee. See Attachment A.

The random sample data collection continues and BON and DADS staff continue to meet regularly to discuss the mortality review cases. Discussions have begun with DADS staff and Advisory Committee members to address the ending of the pilot on September 1, 2015 and the subsequent legislative report. A report(s) on the LVN On-Call pilot including evaluation results from random sample chart reviews and death reviews, lessons learned from the pilot, input from providers participating in the pilot and recommendations will be generated later this year by DADS and/or the Texas Board of Nursing.

DADS staff have drafted, with BON staff input, an informational letter to pilot participants informing them of the pilot's end date. The draft informational letter was shared with the Advisory Committee on February 6, 2015 to obtain their input. After September 1, 2015, only RNs may provide on-call services by telephone to individuals receiving services in the HCS or TxHmL programs or in an ICF/IID with a capacity of 13 or fewer beds.

BON staff presented two webinars in a four-part series of webinars sponsored by DADS. Part one was conducted on January 28, 2015 and was titled, *Nursing in Community IDD Programs - Scope of Practice for Nurses and Documentation Requirements*. Part two was conducted on February 26, 2015 and was titled, *RN Delegation in Community IDD Programs*. 554 people registered for the first webinar and 626 for the second webinar.

BON staff remains responsive to questions from nurses and providers who are participating in the pilot program and plans to continue working closely with DADS staff and the advisory committee in all aspects of the LVN On-Call pilot program.

Pros: BON and DADS staff have taken action in an attempt to address safety concerns. The Board is in compliance with the requirements of SB 1857.

Cons: BON staff remain concerned about the safety and utility of continuing the pilot.

Staff Recommendation: No action is necessary. This item is for information purposes only.

**LVN On-Call Pilot Program
SB 1857**

Mortality Review Data					
	FY'14	FY'15	FY'15	FY'15	FY'15
Measure Description	7/31/2014	11/4/2014	2nd Quarter	3rd Quarter	4th Quarter
Number of reviews	31	61	78		
ICF records include the Nurses Notes*	100%	100%	100%		
ICF records include the Comprehensive Ns Assessment*	100%	100%	93%		
ICF records include the Nursing Service Plan*	91%	92%	86%		
HCS records include the Nurses Notes*	71%	80%	83%		
HCS records include the Comprehensive Ns Assessment*	94%	91%	90%		
HCS records include the Nursing Service Plan*	82%	82%	80%		
Up-to-date RN Comprehensive Ns Assessments*	90%	90%	84%		
Up-to-date RN Nursing Service Plans*	83%	83%	79%		
Records indicate LVN notified RN of initial call*	50%	55%	41%		
Records indicate LVN followed-up with RN within 24/hours of call*	50%	45%	29%		
Records indicate the LVN followed the Communication Protocol*	27%	23%	17%		
Records indicate the LVN did not document adequately to demonstrate that Communication Protocol was followed*	47%	50%	43%		
Random Sample Review Data					
	FY'14	FY'15	FY'15	FY'15	FY'15
Measure Description	7/31/2014	11/4/2014	2nd Quarter	3rd Quarter	4th Quarter
Number of reviews	517	613	750		
ICF records include the Nurses Notes*	84%	84%	85%		
ICF records include the Comprehensive Ns Assessment*	96%	95%	95%		
ICF records include the Nursing Service Plan*	72%	71%	73%		
HCS records include the Nurses Notes*	68%	69%	70%		
HCS records include the Comprehensive Ns Assessment*	86%	88%	89%		
HCS records include the Nursing Service Plan*	76%	77%	77%		
Up-to-date RN Comprehensive Ns Assessments*	85%	86%	87%		
Up-to-date RN Nursing Service Plans*	74%	74%	75%		
Records indicate LVN notified RN of initial call*	42%	42%	43%		
Records indicate LVN followed-up with RN within 24/hours of call*	39%	41%	40%		
Records indicate the LVN followed the Communication Protocol*	16%	15%	15%		
Records indicate the LVN did not document adequately to demonstrate that Communication Protocol was followed*	73%	74%	74%		

* Indicates requirement for pilot participation