

## **Review and Consideration of Proposed Changes to the Board's Agreed Order Guidelines**

**Background:** The Board's Agreed Order Guidelines provide general guidance regarding stipulations in agreed orders, including remedial education courses, practice restrictions, and requirements necessary to establish sobriety. The proposed amendments, attached hereto as Attachment "A", are necessary for consistency with recent changes in Board rules (§213.29) and its recent practice of allowing more flexible work stipulations where appropriate.

**Staff Recommendation:** Move to approve the proposed amendments to the Board's Agreed Order Guidelines, as set out in Attachment "A".

TEXAS BOARD OF NURSING  
AGREED ORDER GUIDELINES

1. AGREED [DISCIPLINARY] ORDERS

**A. Course Work Stipulations**

- (1) A Nursing Jurisprudence and Ethics course is required for all Agreed Orders.
- (2) If available, additional remedial education courses should be considered to address an individual's demonstrated deficit [Physical Assessment course is required in all cases of failure to assess.]

**B. Limit Practice Setting**

Because patients in autonomous healthcare settings may be particularly vulnerable to acts involving fraud, theft, and deception, an individual who has previously exhibited such conduct may be precluded from working in a home health or independent practice setting for a period of time.

Further, if the individual circumstances do not necessarily warrant removal of an individual from an independent practice setting, supervision and/or additional restrictions applicable to the setting may be required to ensure adequate protection of patients and the public.

Individual circumstances should be considered to determine if an individual may safely practice in an autonomous setting, and if so, under what stipulations/restrictions.

~~[Required in all Home Health cases involving falsification, alteration, fabrication, back-dating of records; home health employment is prohibited during the stipulation period.]~~

~~[C. — Supervision in home health is required where circumstances do not warrant removal from that practice setting.]~~

2. CONTINUE BOARD'S PHILOSOPHY/PRECEDENT [REGARDING ORDERS IN DISCIPLINARY CASES].

**A. Practice errors resulting wholly or substantially from knowledge, skill and/or experience deficit:** Impose non-punitive stipulations to cure the deficit.

**B. Conduct (error or omission) indicating fraud, deceit, intentional, willful misconduct, reckless disregard for NPA, Board's rules:**

Impose fine as a deterrent [~~punishment~~] (in addition to other stipulations, if appropriate).

3. REVOCATION AND SURRENDER ORDERS

In disciplinary orders (revocation and surrenders) [~~for~~] involving a substance use disorder or the misuse/abuse of alcohol/drugs [~~chemical dependency~~], include minimum of 12 months of sobriety to return to practice under stipulations [~~;- five years of documented sobriety to continue practice unencumbered~~].