

Report of the Nursing Practice Advisory Committee

Summary of Request:

Consider the report of the September 21 and November 13, 2017 meetings of the Nursing Practice Advisory Committee (NPAC). This agenda item is for informational purposes only.

Historical Perspective:

At the July 2014 Board Meeting, the Board charged NPAC to review and make recommendations regarding Board Rule 217.16, Reporting of Minor Incidents. The 'Minor Incident Rule' is designed to provide guidance in the evaluation of nursing practice breakdown when: the nurse has not engaged in conduct that is subject to mandatory reporting, the error can be remediated at the facility level, and the nurse's continued practice does not pose a risk of harm to patients or others.

As charged, NPAC met on September 21, 2017 to review and consider revisions to Board Rule 217.16. In preparation for the meeting, Committee Members participated in a survey generated by Staff to determine how stakeholders use and apply the current rule. During the meeting, the Committee elected a new chairperson, Toya White, MBA, MSN, RN, FNP-C. Ms. White was appointed to NPAC in April 2017 and represents the Texas Organization of Nurse Executives (TONE) on the Committee. The Committee began its discussions regarding the Board's charge by hearing the history of the charge from Staff. Committee Members and Staff engaged in considerable discussion regarding the current rule and how it is structured and interpreted by those who use and apply it. The meeting concluded with a plan for Staff to draft a revised Minor Incident Rule, taking into consideration the Committee's ideas and recommendations, and present it to the Committee before the next NPAC meeting.

NPAC met again on November 13, 2017 and reviewed the proposed revisions to Board Rule 217.16 as drafted by Staff. At the meeting, the Committee and Staff reviewed the proposed new rule line-by-line. The Committee was largely in agreement with Staff's draft and expressed positive comments about the restructuring of the rule. The Committee worked through a few scenarios of nursing practice errors using the revised rule. The Committee was satisfied with the language in the revised rule and the determinations made during the practice scenarios using the revised rule. Prior to adjournment, the Committee voted unanimously to recommend the revisions to §217.16 to the Board during the January 2018 Board Meeting with small modifications that Staff would address. NPAC agreed to collaborate with the respective agency/organization/association that each Member represents concerning the proposed revisions and provide feedback and comments, if any, to Board Staff before the end of November. The only comments received were positive and in support of the proposed changes to the rule agreed upon at the November 13th meeting.

Because NPAC has addressed the outstanding charge, there are no additional NPAC meetings scheduled at this time.

Meeting Minutes:

Minutes of the September 21 and November 13, 2017 NPAC meetings are attached for the Board's consideration in Attachments A and B.

NPAC Recommendation:

NPAC recommends revisions to the current §217.16. The proposed new rule is presented for the Board's consideration in New Business Agenda Item 7.2. Consideration of Proposed Repeal of 22 Tex. Admin. Code §217.16, relating to Reporting of Minor Incidents and Proposed New Tex. Admin. Code §217.16, relating to Minor Incidents.

Staff Recommendation:

This item is for information purposes only. No action is required.

TEXAS BOARD OF NURSING
Nursing Practice Advisory Committee Meeting

September 21, 2017
 10:04 a.m.- 1:39 p.m.
 333 Guadalupe, Tower II, Room 225
 Austin, Texas 78701

Members Present:

Toya White, MBA, MSN, RN, FNP-C	Texas Organization of Nurse Executives (TONE)
Peggy Roberts, LVN	Licensed Vocational Nurses Association (LVNAT)
April Ernst, MSN, RN, CNE	Texas Association of Vocational Nurse Educators (TAVNE)
Pamela Brashears, LVN	Texas League for Vocational Nurses (TLVN)
Donna Richardson, DNP, RN, NEA-BC	Texas Nurses Association (TNA)
Francis Luna, BSN, RN, NCSN	Texas School Nurses Organization (TSNO)
Michelle Dionne-Vahalik, MSN, RN	Texas Health & Human Services (HHS) [Formerly Texas Department of Aging and Disability Services (DADS)]
Raul Luna, RN, BSN, MSN	HHS [Formerly Department of State Health Services (DSHS)]
Rachel Hammon BSN, RN	Texas Association for Home Care and Hospice (TAHC&H)
Vickie Ragsdale, PhD, RN	Texas Association of Homes and Services of the Aging (TAHSA)
Cyndy Dunlap, DNP, RN, NEA-BC, FACHE	Texas Hospital Association (THA)
June Marshall, DNP, RN, NEA-BC	

Guests:

Cindy Zolnierak, PhD, RN, Executive Director, TNA
 Ellen Martin, PhD, RN, CPHA, Director of Practice, TNA
 Kevin Stewart

Board Staff Present:

Kristin Benton, DNP, RN	Director of Nursing
Stacey Cropley, DNP, RN	Lead Nursing Consultant for Practice
Kristen Sinay, MSN, RN	Nursing Consultant for Practice
Denise Benbow, MSN, RN	Nursing Consultant for Enforcement
Elise McDermott, BSN, RN	Nursing Consultant for Practice
Calyn Hughes, MSN, RN, CPNP	Nursing Consultant for Practice
Mary Beth Thomas, PhD, RN, FAAN	Nursing Consultant
Dusty Johnston	General Counsel
Ciara Williamson	Administrative Assistant

Charge:

Review & Make Recommendations Regarding 22 TAC § 217.16- Reporting of Minor Incidents

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	<p>K. Sinay</p> <ul style="list-style-type: none"> • Called the meeting to order at 10:04 a.m. • Called roll—a quorum was established. 	
WELCOME & INTRODUCTIONS	<p>Members introduced themselves.</p> <p>Board of Nursing (BON) staff introduced themselves.</p> <p>Guests introduced themselves.</p> <p>K. Benton</p> <ul style="list-style-type: none"> • Read the agency mission. 	
ELECTION OF NPAC CHAIRPERSON	<p>D. Johnston</p> <ul style="list-style-type: none"> • Discussed the role of BON advisory committees. <p>K. Sinay</p> <ul style="list-style-type: none"> • Sought interest from members regarding the position of chairperson for NPAC. <p>T. White</p> <ul style="list-style-type: none"> • Expressed interest. • Provided introduction of herself and her qualifications for the position. <p>No other members expressed interest.</p>	<p>T. White motioned to approve the agenda.</p> <p>D. Richardson seconded the motion.</p> <p>The committee voted unanimously to approve the motion.</p> <p>Final Resolution: Motion carried.</p> <p>P. Brashears motioned to elect T. White as the chairperson of NPAC.</p>

**BRIEF
OVERVIEW OF
BOARD'S
CHARGE &
PURPOSE OF
MEETING**

**REVIEW/
REVISION OF 22
TAC §217.16
(REPORTING OF
MINOR
INCIDENTS)**

D. Benbow

- Discussed the history of the charge.
- Discussed how the minor incident rule is used by peer review committees.

M.B. Thomas

- Discussed the history of the national TERCAP and the Texas TERCAP Pilot.
- Discussed reporting requirements of the national TERCAP versus the Texas TERCAP Pilot.

T. White

- Opened for discussion of rule 217.16.

Members discussed.

M.B. Thomas

- Reviewed the member responses to the survey regarding the current minor incident rule.

D. Johnston

- Clarified the necessity of the charge.

Members continued to discuss.

K. Benton

- Referenced the handout of the minor incident rule.
- Suggested going through the rule to start discussing the structure and content.

Members discussed.

M. Dionne-Vahalik seconded the motion.

The committee voted unanimously to approve the motion.

Final Resolution: Motion carried.

***FUTURE
MEETING
DATE(S)***

ADJOURNMENT

D. Benbow

- Directed members to section c of the rule regarding multiple incidents and reporting requirements.

Members continued to discuss.

BON staff agreed to draft a revised rule for members for the next meeting based on the discussion and comments from members. BON staff will send out the draft before the next meeting for review/ comments.

T. White

- Opened for additional comments.

Members continued to discuss.

T. White

- Provided details of the next meeting date—November 13, 2017.

Meeting adjourned at 1:39 p.m.

C. Dunlap motioned to end the meeting.

F. Luna seconded the motion.

The committee voted unanimously to approve the motion.

Final Resolution: Motion carried.

Handouts:

Agenda

Results from Selected NPAC Member Survey Questions

§217.16 Reporting of Minor Incidents

TEXAS BOARD OF NURSING
Nursing Practice Advisory Committee Meeting

November 13, 2017
10:05 a.m.- 2:07 p.m.
333 Guadalupe, Tower III, Room 102
Austin, Texas 78701

Members Present:

Toya White, MBA, MSN, RN, FNP-C
Peggy Roberts, LVN
April Ernst, MSN, RN, CNE

Donna Richardson, DNP, RN, NEA-BC
Francis Luna, BSN, RN, NCSN
Michelle Dionne-Vahalik, MSN, RN

Raul Luna, RN, BSN, MSN

Cyndy Dunlap, DNP, RN, NEA-BC, FACHE
June Marshall, DNP, RN, NEA-BC

Texas Organization of Nurse Executives (TONE)
Licensed Vocational Nurses Association (LVNAT)
Texas Association of Vocational Nurse Educators
(TAVNE)
Texas Nurses Association (TNA)
Texas School Nurses Organization (TSNO)
Texas Health & Human Services (HHS) [Formerly Texas
Department of Aging and Disability Services (DADS)]
HHS (Formerly Department of State Health Services
[DSHS])
Texas Hospital Association (THA)

Board Liaisons:

Diana Rodriguez Flores, MN, RN
Laura Disque, MN, RN

Guests:

Ellen Martin, PhD, RN, CPHA, Director of Practice, TNA
Amy Pickett, MSN, RN

Board Staff Present:

Kristin Benton, DNP, RN	Director of Nursing
Kristen Sinay, MSN, RN	Nursing Consultant for Practice
Denise Benbow, MSN, RN	Nursing Consultant for Enforcement
Elise McDermott, BSN, RN	Nursing Consultant for Practice
Mary Beth Thomas, PhD, RN, FAAN	Nursing Consultant
Dusty Johnston	General Counsel
Ciara Williamson	Administrative Assistant

Charge:

Review & Make Recommendations Regarding 22 TAC § 217.16- Reporting of Minor Incidents

AGENDA ITEM	DISCUSSION	ACTION
CALL TO ORDER	<p>T. White</p> <ul style="list-style-type: none"> • Called the meeting to order at 10:05 a.m. • Called roll—a quorum was established. 	
WELCOME & INTRODUCTIONS	<p>Members and Board Liaisons introduced themselves.</p> <p>Board of Nursing (BON) staff introduced themselves.</p> <p>D. Rodriguez Flores</p> <ul style="list-style-type: none"> • Read the agency mission. <p>T. White</p> <ul style="list-style-type: none"> • Provided general announcements. <p>D. Johnston</p> <ul style="list-style-type: none"> • Discussed the role of BON advisory committees. 	
REVIEW/ APPROVAL OF AGENDA		<p>F. Luna motioned to approve the agenda.</p> <p>R. Luna seconded the motion.</p> <p>The committee voted unanimously to approve the motion.</p> <p>Final Resolution: Motion carried.</p>
REVIEW/ APPROVAL OF MINUTES FROM SEPTEMBER, 21, 2017 NPAC MEETING		<p>A. Ernst motioned to approve the minutes from the September, 21, 2017 NPAC meeting.</p> <p>M. Dionne-Vahalik seconded the motion.</p> <p>The committee voted unanimously to approve the motion.</p> <p>Final Resolution: Motion carried.</p>
REVIEW AND CONSIDERATION OF NEW REVISIONS TO 22 TAC §217.16 (REPORTING OF	<p>K. Benton</p> <ul style="list-style-type: none"> • Referenced the draft of the rule revisions. • Discussed the format/ ordering of the draft in regards to the current rule. 	

**MINOR
INCIDENTS)**

T. White

- Opened for discussion of Rule 217.16.

Members discussed.

K. Benton

- Reviewed the draft of the rule revisions by section.

Members continued to discuss.

K. Benton

- Requested discussion of minor incidents compared to mandatory reporting, to better understand the intent of the rule.

Members discussed.

D. Johnston

- Suggested members work through practice breakdown scenarios using the rule revision, to determine if the revisions help members better understand the rule.

Members discussed.

D. Benbow

- Verbally provided the first scenario.

Members referred to the draft of the rule revision and discussed.

M. Dionne-Vahalik

- Verbally provided the second scenario.

Members referred to the draft of the rule revision and discussed.

K. Benton

- Requested suggestions to the draft based on the practice breakdown scenarios.

Members discussed.

**FUTURE
MEETING
DATE(S)**

T. White

- Members are to provide Board Staff with feedback from their respective agency/ organization/ association regarding the draft of the rule revision by the end of November 2017.
- No further NPAC meetings scheduled at this time.

ADJOURNMENT

Meeting adjourned at 2:07 p.m.

C. Dunlap motioned that Board Staff present the draft of the rule revisions to 217.16, Minor Incidents, to the Board at the January 2018 Board Meeting, including removing language from the current 217.16 concerning nursing peer review (NPR) and adding it to the appropriate NPR Rule(s) instead, incorporating introductory language in the proposed 217.16(h), and adding language to the proposed 217.16(g)(2) to including 'a nurse by any title who has supervisory responsibilities' in addition to the specific titles of 'Nurse Manager' or 'Nurse Supervisor', with allowance for Board Staff to make editorial changes as necessary to clarify rule and Board intent.

R. Luna seconded the motion.

The committee voted unanimously to approve the motion.

Final Resolution: Motion carried.

D. Richardson motioned to end the meeting.

A. Ernst seconded the motion.

The committee voted unanimously to approve the motion.

Final Resolution: Motion carried.

Handouts:

Agenda

September 21, 2017 NPAC Meeting Minutes

Board Staff's Draft of Recommended Revisions to Board Rule §217.16 Reporting of Minor Incidents