

TEXAS BOARD OF NURSING
Regular Meeting
January 18-19, 2018
AGENDA

Section 46.035 of the Texas Penal Code prohibits handgun licensees from carrying their handguns at government meetings such as this one. This prohibition applies to both concealed carry and open carry by handgun licensees. Handgun licensees are required by law to refrain from carrying their handguns at this meeting.

CALL TO ORDER - 8:30 am

REVIEW OF AGENDA

REVIEW OF THE MINUTES: October 25, 2017 Board Retreat and October 26-27, 2017 Board Meeting Minutes

CONSENT AGENDA:

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- 1.2.1.** Update of Pending Litigation in the Matters of:
Ex Parte Brian Zalesky, Cause No. D-1-EX-09-000516, 427th Judicial District Court, Travis County, Texas;
Stanley Payne, Plaintiff, vs. Texas Board of Nurse Examiners a/k/a Texas Board of Nursing, Defendant, Cause No. D-1-GN-12-003072, in the 126th Judicial District Court, Travis County, Texas;
Davina Danielle Moore vs. Texas Board of Nursing, D-1-GN-14-002109, In the 126th District Court, Travis County, Texas;
Amy Jeanette Banda vs. Texas Board of Nursing, Cause No. D-1-GN-15-005691; In the 98th Judicial District, Travis County, Texas;
Thai Lashel Ramsey v. Texas Board of Nursing, Cause No. D-1-GN-17-003512, In the 126th Judicial District, Travis County, Texas;
Nancy Nichols, v. Texas Board of Nursing, Cause No. 68809A, in the District Court, Randall County, Texas; and
In Re Yvonne Brown, Court of Appeals, Fifth Judicial District, Cause No. 05-17-01161-CV.
The Board Reserves the Right to Convene in Executive Session, if Necessary, Pursuant to §551.071(1), Texas Government Code, to Discuss Pending or Contemplated Litigation in these Matters.
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- 2.1.** Financial Statement – 1ST Quarter, Fiscal Year 2018 - **MMajek/LPerez**
- 3.2.1.** Status Report on New Nursing Education Programs and Currently Active and Potential Proposals - **JHooper**
- 3.2.2.** Status Report on Programs with Sanctions - **JHooper**
- 3.2.3.** Report on Communication Activities with Nursing Education Programs - **SLee**
- 3.2.4.** Consideration of Reports of Survey Visits
- 3.2.4.a.** Blinn College in Brenham, Texas – Vocational Nursing Education Program – **SLee**
- 3.2.4.b.** Blinn College in Bryan, Texas – Vocational Nursing Education Program – **SLee**
- 3.2.4.c.** Central Texas College in Killeen, Texas – Vocational Nursing Education Program – **JHooper/VAyars**
- 3.2.4.d.** Navarro College in Corsicana, Texas – Vocational Nursing Education Program - **GVarrell**
- 3.2.4.e.** Southwest Texas Junior College in Uvalde, Texas – Associate Degree Nursing Education Program – **SLee/JHooper**
- 3.2.4.f.** Valley Grande Institute in Weslaco, Texas – Vocational Nursing Education Program – **BSkloss**
- 3.2.5.** Consideration of Change in Approval Status from Initial to Full Approval
- 3.2.5.a.** Chamberlain College of Nursing in Pearland, Texas – Baccalaureate Degree Nursing Education Program – **VAyars**
- 3.2.5.b.** Howard College in San Angelo, Texas – Associate Degree Nursing Education Program – **VAyars**
- 3.2.5.c.** South University in Round Rock, Texas – Baccalaureate Degree Nursing Education Program - **JHooper**
- 3.2.6.** Consideration of Change in Approval from Initial/Full with Warning to Full Approval
- 3.2.6.a.** Brazosport College in Lake Jackson, Texas – Associate Degree Nursing Education Program – **JHooper**
- 3.2.6.b.** Dallas Nursing Institute in Richardson, Texas – Associate Degree Nursing Education Program – **GVarrell**
- 3.2.6.c.** University of Mary Hardin Baylor in Belton, Texas – Baccalaureate Degree Nursing Education Program – **VAyars**
- 3.2.6.d.** University of Texas Rio Grande Valley in Edinburg, Texas – Baccalaureate Degree Nursing Education – **VAyars/BSkloss**

- 3.2.7. Consideration of Change in Approval from Initial/Full to Initial/Full with Warning
 - 3.2.7.a. Clarendon College in Pampa, Texas – Associate Degree Nursing Education Program – **GVarnell**
 - 3.2.7.b. McLennan Community College in Waco, Texas – Associate Degree Nursing Education Program – **GVarnell**
 - 3.2.7.c. The College of Health Care Professions in Houston, Texas –Associate Degree Nursing Education Program – **JHooper/BSkloss**
 - 3.2.7.d. University of Texas of the Permian Basin in Odessa, Texas –Baccalaureate Degree Nursing Education Program - **JHooper**
- 3.2.8. Consideration of Change in Approval Status from Conditional to Full Approval
 - 3.2.8.a. Chamberlain College of Nursing in Houston, Texas - Baccalaureate Degree Nursing Education Program – **VAyars**
 - 3.2.8.b. Concorde Career College in Grand Prairie, Texas – Vocational Nursing Education Program – **GVarnell**
 - 3.2.8.c. Houston Community College in Houston, Texas – Vocational Nursing Education Program - **JHooper**
- 4.1. Criminal Background Check Update – **TDiggs**
- 4.2. Complaint Status Report - **TDiggs**
- 5.1.1. Eligibility and Disciplinary Committee - **JWJohnston**
- 5.1.2. Quarterly Statistical Report – 1ST Quarter, Fiscal Year 2018 - **MMajek/KThomas**
- 6.1. Nurse Licensure Compact Update – **Kthomas**
- 7.1. Texas Peer Assistance Program for Nurses (TPAPN)
 - 7.1.1. TPAPN Quarterly Report
 - 7.1.2. Texas Peer Assistance Program for Nurses Third Party Referral Report – **TDiggs**
- 8.1. Agreed Orders
- 8.2. Agreed Orders - KSTAR Program
- 8.3. Deferred Agreed Orders
- 8.4. Reinstatement Agreed Orders
- 8.5. Eligibility Agreed Orders
- 8.7. Default ALJ Proposals for Decision
 - 8.7.1. Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate RN# 786992, Issued to CODY ANDREW PYLE, SOAH Docket No. 507-17-3534- **JAbel**
 - 8.7.2. Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate RN# 746183, Issued to MARY SMITH, SOAH Docket No. 507-17-5546- **JAbel**

1. ADMINISTRATION

- *1.1. Executive Director's Report - **KThomas**
- 1.2. Legal - **JWJohnston**
 - C *1.2.1. Update of Pending Litigation in the Matters of:
 - Ex Parte Brian Zalesky, Cause No. D-1-EX-09-000516, 427th Judicial District Court, Travis County, Texas;
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- *1.3. Report on Fiscal Year 2017 Annual Trends and Strategic Directions – **KThomas**

2. OPERATIONS

C *2.1. Financial Statement – 1ST Quarter, Fiscal Year 2018 - **MMajek/LPerez**

3. NURSING

3.1. Practice

***3.1.1.** Promoting Competency Report – **LLaws/KSinay**

***3.1.2.** Report on Implementation of the Knowledge Skills Training Assessment and Research (KSTAR) Pilot - **KBenton/SCaddell**

3.2. Education

C *3.2.1. Status Report on New Nursing Education Programs and Currently Active and Potential Proposals – **JHooper**

C *3.2.2. Status Report on Programs with Sanctions - **JHooper**

C *3.2.3. Report on Communication Activities with Nursing Education Programs - **SLee**

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C *3.2.4.a. Blinn College in Brenham, Texas – Vocational Nursing Education Program – **SLee**

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JHooper/VAyars

C *3.2.4.d. Navarro College in Corsicana, Texas – Vocational Nursing Education Program - **GVarnell**

C *3.2.4.e. Southwest Texas Junior College in Uvalde, Texas – Associate Degree Nursing Education Program – **SLee/JHooper**

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 - C *3.2.8.c. Houston Community College in Houston, Texas – Vocational Nursing Education Program - **JHooper**

- 3.2.9. Consideration of Change in Approval Status from Full with Warning to Conditional
 - *3.2.9.a. Concorde Career College in Dallas, Texas – Associate Degree Nursing Education Program – **GVarrell**
 - *3.2.9.b. El Centro College in Dallas, Texas – Associate Degree Nursing Education Program – **GVarrell**

- *3.2.10. Consideration of Summary of Self-Study Reports for Vocational Nursing Education Programs for the 2016 NCLEX-PN® Examination Year – **VAyars**

- *3.2.11. 2017 Report of NCLEX-RN® Examination Pass Rates - **JHooper**

- 3.2.12. Consideration of Proposal to Establish a New Nursing Education Program
 - *3.2.12.a. Quest College in San Antonio, Texas – Vocational Nursing Education Program - **VAyars**

4. ENFORCEMENT

- C *4.1. Criminal Background Check Update – **TDiggs**

- C *4.2. Complaint Status Report – **TDiggs**

5. COMMITTEE REPORTS

5.1. Board Committees

- C *5.1.1. Eligibility and Disciplinary Committee - **JWJohnston**

- C *5.1.2. Quarterly Statistical Report – 1ST Quarter, Fiscal Year 2018 - **MMajek/KThomas**

- 5.1.3. Development and Evaluation - **PClapp/DJackson**

5.2. Advisory Committees/Task Forces

- 5.2.1. Advanced Practice Nursing Advisory Committee - **KShipp/JZych/NBuckingham**
 - *5.2.1.a. Consideration of Appointment of New Members to the Advanced Practice Nursing Advisory Committee - **KShipp/JZych**

- *5.2.2. Nursing Practice Advisory Committee - **LDisque/DFlores/KSinay**

- 5.2.3. Advisory Committee on Education - **NAImasy/APEdwards/DJackson/KBenton/VAyars**

- 5.2.4. Advisory Committee on Licensure, Eligibility and Discipline - **PClapp/JWJohnston/JAabel**
 - *5.2.4.a. Consideration of Appointment of Replacement Member to the Advisory Committee on Licensure, Eligibility, and Discipline-**JAabel**

- 5.2.5. Task Force to Study Implications of Growth of Texas Nursing Education Programs - **APEdwards/LDisque/KBenton**

5.3. Collaboration with Outside Agencies/Stakeholders

- 5.3.1. Statewide Health Coordinating Council Texas Center for Nursing Workforce Studies Advisory Committee - **KThomas**

- 5.3.2. Updates Related to the Texas Higher Education Coordinating Board, the Texas Workforce Commission, and the Texas Education Agency – **KBenton/JHooper**

- 5.3.3. National Council of State Boards of Nursing - Taxonomy of Error Root Cause Analysis of Practice Responsibility (TERCAP) - **SCaddell**

5.3.4. Texas Team Report - Robert Wood Johnson Initiative - **SLee**

5.3.5. National Council of State Boards of Nursing

5.3.5.a. Appointment of Board Members to attend the NCSBN Mid-Year Meeting to be held March 5-7, 2018 in Chicago, IL - **KShipp**

5.3.6. Texas Health and Human Services Commission Individuals with Intellectual and Developmental Disabilities Stakeholder Workgroup on Nursing Scope of Practice-
NAlmasy/KBenton

5.3.7. Texas Health and Human Services Commission e-Health Advisory Committee - **EMcDermott**

OPEN FORUM: Thursday, 1:30 p.m. - 2:00 p.m.

6. OLD BUSINESS

C *6.1. Nurse Licensure Compact Update - **KThomas**

***6.2.** Consideration of Adoption of Amendments to 22 Tex. Admin. Code §213.27, relating to Good Professional Character, including Written Comments Received and Results of Public Hearing, if any - **JAbel**

***6.3.** Consideration of Adoption of Repeal of 22 Tex. Admin. Code §213.28, relating to Licensure of Individuals with Criminal History and the Board's Disciplinary Guidelines for Criminal Conduct and Consideration of Adoption of New 22 Tex. Admin. Code §213.28, relating to Licensure of Individuals with Criminal History and the Board's Disciplinary Guidelines for Criminal Conduct, including Written Comments Received and Results of Public Hearing, if any -**JAbel**

***6.4.** Consideration of Adoption of Amendments to 22 Tex. Admin. Code §213.23, relating to Decision of the Board, including Written Comments Received and Results of Public Hearing, if any-**JAbel**

***6.5.** Consideration of Adoption of Amendments to 22 Tex. Admin. Code §217.12, relating to Unprofessional Conduct, including Written Comments Received and Results of Public Hearing, if any-**JAbel**

***6.6.** Consideration of Adoption of Amendments to 22 Tex. Admin. Code §217.9, relating to Inactive and Retired Status, including Written Comments Received and Results of Public Hearing, if any-**JAbel**

***6.7.** Consideration of Adoption of Amendments to 22 Tex. Admin. Code §217.2, relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions, including Written Comments Received and Results of Public Hearing, if any-**JVanderford**

***6.8.** Consideration of Adoption of Amendments to 22 Tex. Admin. Code §214.9, relating to Program of Study, including Written Comments Received and Results of Public Hearing, if any-**JVanderford**

***6.9.** Update regarding the Nurse Licensure Compact and Rulemaking-**JWJohnston**

7. NEW BUSINESS

7.1. Texas Peer Assistance Program for Nurses (TPAPN)

C **7.1.1. Texas Peer Assistance Program for Nurses Quarterly Report-**CZolnerek**

C *7.1.2. Texas Peer Assistance Program for Nurses Third Party Referral Report - **TDiggs**

7.1.3. Texas Peer Assistance Program for Nurses Advisory Committee - **DBenbow**

***7.2.** Consideration of Proposed Repeal of 22 Tex. Admin. Code §217.16, relating to Reporting of Minor Incidents and Proposed New 22 Tex. Admin. Code §217.16, relating to Minor Incidents -**JAbel**

- *7.3. Consideration of Proposed Amendments to 22 Tex. Admin. Code §213.35, relating to Knowledge, Skills, Training, Assessment and Research (KSTAR) Pilot Program-**JWJohnston**
- *7.4. Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.19, relating to Incident-Based Nursing Peer Review and Whistleblower Protections - **JAbel**
- *7.5. Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.20, relating to Safe Harbor Peer Review for Nurses and Whistleblower Protections-**JAbel**
- *7.6. Consideration of Proposed Repeal of 22 Tex. Admin. Code §220.2- §220.4, and Consideration of Proposed Amendments to 22 Tex. Admin. Code §220.1-**JGriffith**
- *7.7. Consideration of Adoption of Policy Regarding Board Actions and Anti-Trust Implications-**JWJohnston/JAbel**
- *7.8. Consideration of Proposed Repeal of the Board's Minor Criminal History Policy -**JAbel**

- 7.9. Review and Consideration of Position Statements
 - *7.9.1. Current Position Statements with Non-Substantive Changes -**EMcDermott**
 - 15.1: Nurses Carrying out Orders from Physician Assistants
 - 15.2: The Role of the Licensed Vocational Nurse in the Pronouncement of Death
 - 15.4: Educational Mobility
 - 15.5: Nurses with Responsibility for Initiating Physician Standing Orders
 - 15.11: Delegated Medical Acts
 - 15.12: Use of American Psychiatric Association Diagnoses by LVNs, RNs, or APRNs
 - 15.14: Duty of a Nurse in Any Practice Setting
 - 15.15: Board's Jurisdiction over a Nurse's Practice in Any Role and Use of the Nursing Title
 - 15.17: Texas Board of Nursing/Board of Pharmacy, Joint Position Statement, Medication Errors
 - 15.18: Nurses Carrying out Orders from Advanced Practice Registered Nurses
 - 15.19: Nurses Carrying out Orders from Pharmacists for Drug Therapy Management
 - 15.20: Registered Nurses in the Management of an Unwitnessed Arrest in a Resident in a Long Term Care Facility
 - 15.22: APRNs Providing Medical Aspects of Care for Individuals with Whom There is a Close Personal Relationship
 - 15.23: The Use of Complementary Modalities by the LVN or RN
 - 15.24: Nurses Engaging in Reinsertion of Permanently Placed Feeding Tubes
 - 15.25: Administration of Medication & Treatments by LVNs
 - 15.27: The Licensed Vocational Nurse Scope of Practice
 - 15.28: The Registered Nurse Scope of Practice
 - 15.29: Professional Boundaries Including Use of Social Media by Nurses
 - *7.9.2. Current Position Statements with Substantive Changes -**EMcDermott**
 - 15.3: LVNs Engaging in Intravenous Therapy, Venipuncture, or PICC Lines
 - 15.6: Board Rules Associated with Alleged Patient "Abandonment"
 - 15.7 The Role of LVNs & RNs in Management and/or Administration of Medications via Epidural or Intrathecal Catheter Routes
 - 15.8: Role of the Nurse in Moderate Sedation
 - 15.9: Performance of Laser Therapy by RNs or LVNs
 - 15.10: Continuing Education: Limitations for Expanding Scope of Practice
 - 15.13: Role of LVNs and RNs in School Health
 - 15.16: Development of Nursing Education Programs
- *7.10. Consideration of Proposed New Position Statement 15.30: Bullying and Violence in the Workplace-**EMcDermott**
- 7.11. Report on Nursing Delegation in the Public School Setting – **KBenton/LLaws**

8. PROPOSED BOARD ORDERS

C *8.1. Agreed Orders

Banks, William Adrian	RN# 788477
Bielefeld, Todd Allen	RN# 671195/ LVN# 129286
Brown, Cynthia Marie	LVN# 80555
Buelow, Jyllynn	RN# 656082
Bullock, Laney Beth	APRN# AP129355/ RN# 679543
Burns, Matthew Reuben	LVN# 309500
Butler, Jonathan Malcolm	RN# 712055/ LVN# 191389
Chafon, Brenda Lee	LVN# 194869
Cho, Myung Hi	RN# 686867
Cushenberry, Shiela Ranay	RN# 662138
Diyen, Cyprian Nkessa	RN# 847155/ LVN# 304934
Enos, Esther Shields	LVN# 58096
Fair, Maxine	LVN# 330948
Flores, Jesus	RN# 780417
Flores, Joshua Eric	LVN# 324377
Groseclose, Katelyn Rose	RN# 900102
Guadiana, Brittney Marie	LVN# 324445
Hernandez, Miguel Angel	LVN# 331555
Hinojosa, Jessica Isabel	RN# 825596
Ishmael, Bryan Lee	LVN# 228047
Johnson, Jennilyn Julian	LVN# 189480
Jurk, Brandy Leigh	LVN# 190259
Knox, Shawna Patrice	LVN# 151218
Machado, Pabala Valdez	LVN# 191538
Maldonado, Angelaca Renee	LVN# 200987
Miller, Eula Annette	RN# 572261
Myers, Bruce Ray	RN# 256763
Obudho, Maureen Atieno	RN# 762240
Reyna, James Lyn	LVN# 300193
Rydman, Michelle	LVN# 319429
Soofi, Sharon Renee	RN# 842409/ LVN# 173679
Stange-Smith, Brittney Louise	RN# 812325
Tolleson, Genevieve Alene	RN# 741421
Turner, Billy Mark	RN# 584858
Whiteley, Deidre Danne	RN# 830547/ LVN# 160286
Wilcox III, Lucius L.	RN# 811019
Wood, Brittany Nicole	LVN# 331392

C *8.2. Agreed Orders-KSTAR Program

Enwere, Cornelius	LVN# 320829
Kitogo, Msovu Salim	RN# 638199
Morante, Montserrat Robles	LVN# 215074

C *8.3. Deferred Agreed Order

Parks, Rosa Isela	LVN# 208312
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C *8.4. Reinstatement Agreed Orders

Bullard, Amanda Ruth	RN# 773951
Burford, Julia Ann	LVN# 196187
Byrum (McAlister), Patty Sabrina	RN# 589457
Fontaine, Florine	LVN# 206951
Hughes, Christiana Michelle	RN# 736722
Llanas, Leonard Zachry	LVN# 226295
O'Riley, Joyce Marie	RN# 588380
Perez, Victor Hugo	RN# 685670
Reed, Tara Cheri	LVN# 197214
Reyna, Leticia	LVN# 83496

C *8.5. Eligibility Agreed Orders

Ballard, Heather Ann Louise
Celedon (Granada, Granado), Laurie
Collins, Tyra Yvonne
Lewis, Louvinia Denise

LVN Exam Petitioner
RN Exam Petitioner
LVN Exam Petitioner
LVN Exam Petitioner

8.6. ALJ Proposals for Decision

None

8.7. Default ALJ Proposals for Decision

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8.7.1.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate RN# 786992, Issued to CODY ANDREW PYLE, SOAH Docket No. 507-17-3534

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9. MISCELLANEOUS

9.1. Board Items of Interest for Future Board Meetings

9.2. Board Development: Advanced Practice Registered Nursing Scope, Standards, and Licensure Requirements-**JZych/CHughes**

***9.3.** Review of the Board Quarterly Meeting Evaluation – **KShipp**

January 4, 2018 (1:07PM)

* - Written materials Sent from Office

** - Written materials Sent from third party

C - Item is placed on consent (no discussion of the material(s) required)