

TEXAS BOARD OF NURSING
Regular Meeting
October 24-25, 2019
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: July 25-26, 2019 Board Meeting

CONSENT AGENDA:

- 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;
Dykstra Freeman Freeman vs. Texas Board of Nursing, Cause No. J5-CV-19-253578, the Justice Court, Pet. 5, Travis County, Texas; and
Adaku Charity Abakwue vs. Texas Board of Nursing, Cause No. D-1-GN-19002934, 250TH Judicial District Court, Travis County, Texas.
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
- 2.1. Financial Statement – 4TH Quarter, Fiscal Year 2019 - **MMajek/LPerez**
- 3.1.1. Promoting Competency Report - **LLaws**
- 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 - **JHooper**
- 3.2.4. Consideration of Reports of Survey Visits
 - 3.2.4.a. Dallas Nursing Institute in Richardson, Texas – Vocational Nursing Education Program – **GVarnell**
 - 3.2.4.b. Texas State Technical College in Harlingen, Texas – Associate Degree Nursing Education Program - **BSkloss**
- 3.2.5. Consideration of Change in Approval Status from Conditional to Full Approval – McLennan Community College in Waco, Texas – Associate Degree Nursing Education Program – **GVarnell**
- 3.2.6. Report of Ongoing Data from Self-Study Reports for Professional Nursing Education Programs – **JHooper**
- 3.2.7. Notification of Closure of a Nursing Education Program – Carrington College in Mesquite, Texas – Associate Degree Nursing Education Program - **GVarnell**
- 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 – 4TH Quarter, Fiscal Year 2019 - **MMajek/KThomas**
- 6.4. Adoption of Amendments to 22 Tex. Admin. Code §222.5, relating to Prescriptive Authority Agreement– **JAbel**
- 6.5. Adoption of Amendments to 22 Tex. Admin. Code §217.12, relating to Unprofessional Conduct-**JAbel**
- 6.6. Adoption of Amendments to 22 Tex. Admin. Code §217.20, relating to Safe Harbor Nursing Peer Review and Whistleblower Protections-**JAbel**
- 7.1. Texas Peer Assistance Program for Nurses (TPAPN)
 - 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

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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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.

***1.3. Notification of Governor's Request on Occupational Licensing Rules - KThomas**

2. OPERATIONS

C *2.1. Financial Statement – 4TH Quarter, Fiscal Year 2019 - MMajek/LPerez

3. NURSING

3.1. Practice

C *3.1.1. Promoting Competency Report – LLaws

***3.1.2. Report on Implementation of the Knowledge Skills Training Assessment and Research (KSTAR) Nursing Program - 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 – JHooper/VAyars

3.2.4. Consideration of Reports of Survey Visits

C *3.2.4.a. Dallas Nursing Institute in Richardson, Texas – Vocational Nursing Education Program – GVarnell

C *3.2.4.b. Texas State Technical College in Harlingen, Texas – Associate Degree Nursing Education Program - BSkloss

C *3.2.5. Consideration of Change in Approval Status from Conditional to Full Approval – McLennan Community College in Waco, Texas – Associate Degree Nursing Education Program – GVarnell

C *3.2.6. Report of Ongoing Data from Self-Study Reports for Professional Nursing Education Programs – JHooper

C *3.2.7. Notification of Closure of a Nursing Education Program – Carrington College in Mesquite, Texas – Associate Degree Nursing Education Program - GVarnell

3.2.8. Report of Application for a New Baccalaureate Degree Nursing Education Program in a Public Junior College

***3.2.8.a. Weatherford College in Weatherford, Texas – AAmefule/Ayars**

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 – 4TH Quarter, Fiscal Year 2019 - **MMajek/KThomas**

5.1.3. Board Development and Items of Interest for Future Meetings – **DJackson/KWright**

5.2. Advisory Committees/Task Forces

5.2.1. Advanced Practice Nursing Advisory Committee - **KShipp/JZych**

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

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

5.2.4. Advisory Committee on Licensure, Eligibility and Discipline – **KLHorn/MJamison/JWJohnston/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 – **AAmaefule**

5.3.3. Taxonomy of Error Root Cause Analysis of Practice Responsibility (TERCAP)

5.3.3.a. 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 - **KBenton**

5.3.5. National Council of State Boards of Nursing

*5.3.5.a. Report on the NCSBN Annual Meeting, held August 21-23, 2019 in Chicago, IL – **KShipp/KThomas**

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

*5.3.7. Nursing Peer Review Evaluation of Practice-Breakdown (NPREP) –**EMcDermott/DGreen**

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

6. OLD BUSINESS

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

*6.2. Re-scheduled Presentation and Consideration of Proposal to Establish a New Nursing Education Program - West Coast University in Dallas, Texas – Associate Degree Nursing Education Program - **GVarrell**

*6.3. Consideration of Adoption of Amendments to 22 Tex. Admin. Code §216.3, relating to Continuing Competency Requirements, including Written Comments Received –**JAabel**

C *6.4. Adoption of Amendments to 22 Tex. Admin. Code §222.5, relating to Prescriptive Authority Agreement– **JAabel**

C *6.5. Adoption of Amendments to 22 Tex. Admin. Code §217.12, relating to Unprofessional Conduct- **JAabel**

C *6.6. Adoption of Amendments to 22 Tex. Admin. Code §217.20, relating to Safe Harbor Nursing Peer Review and Whistleblower Protections-**JAabel**

7. NEW BUSINESS

7.1. Texas Peer Assistance Program for Nurses (TPAPN)

****7.1.1. Texas Peer Assistance Program for Nurses Quarterly Report–CZolnierrek**

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. TNF/TPAPN Enhanced Contract and Performance Monitoring Report (Quarterly and Annual Report) -ALiwanag/JWJohnston**

***7.3. Consideration of Selection of Vendor for Applicant/Licensee Drug Testing Services - ALiwanag/JWJohnston**

***7.4. Consideration of Selection of Vendor for Internal Auditing Services - ALiwanag/JWJohnston**

***7.5. Review of New and Renewed Contracts for FY 2020 - ALiwanag/JWJohnston**

***7.6. Adoption of Rule Review of 22 Tex. Admin. Code Chapters 211, 217, and 219 - JAbel**

***7.7. Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.5, Relating to Temporary License and Endorsement-JAbel,**

***7.8. Consideration of Proposed Amendments to 22 Tex. Admin. Code §216.8, Relating to Re-licensure Process-JAbel**

***7.9. Consideration of Proposed Amendments to 22 Tex. Admin. Code §217.3, Relating to Temporary Authorization to Practice/Temporary Permit - JAbel**

8. PROPOSED BOARD ORDERS

C *8.1. Agreed Orders

Alejandro, Maria	RN# 883804
Alpha, Meagan Leana	APRN# AP125809/RN# 737954/RX Auth# 15926
Anthony, Patricia Sibley	RN# 714398
Asonye, Nneoma Stacey	RN# 908824
Bahr, Linda Suzanne	RN# 927749
Berotte, Iran Clayton	RN# 654875
Birmingham, Delia Christine	LVN# 211552
Brandt, Stephanie Ann	RN# 667118
Cantu, Jennifer Marie	LVN# 210232
Cavazos, Rebecca	LVN# 134797
Clanton, Joan A	LVN# 198036
Coker, Trudy Aberewah	RN# 459697
Coleman, Dona Nicole	RN# 863801
Crawford, Emily Lianne	LVN# 217784
Cuyugan, Raquel Jurado	RN# 890690
Delancy, Patience Yolanda	APRN# AP133212/RN# 910545/RX Auth# 22442
Dugenio, Wolfreza Velez	RN# 720739
Durham, Jennifer Lepeka	RN# 724682
Eggleston, Brandon Royse	RN# 946759
English, Marlo R.	RN# 857865
Finley, Khristian Roshell	RN# 893203/ LVN# 209261
Flores, Cynthia Ann	RN# 785324/ LVN# 127865
Hauck, Stephanie Anne	RN# 752283/ LVN# 202235
Helm, Cindy Gail	LVN# 123952
Herriage, Teresa	RN# 850116
Hildreth, Tracy Michelle	RN# 597835
Holloway, Mikey Lynn	LVN# 178166
Hudson, Nichawndra Danette	LVN# 174867

C *8.1. Agreed Orders (con't.)

Ivie, Ronda Machele	LVN# 311681
Kenneth, Daoud B.	RN# 758194/ LVN# 200651
Lambert, Theresa Ricks	RN# 618302
Larry, Dericka Sharmay	LVN# 329660
McClung, Lane Patrick	RN# 819677
McIntyre, Cassaundra Robin	RN# 874725
McKeon, Jacqueline Rae	LVN# 211817/ RN Exam Petitioner
Murray, Amanda Maurine	LVN# 326524
Mwangi, Alice Njambi	LVN# 202848
Perkins, Janine Villanueva	RN# 864683
Purgahn, Christina Leigh	LVN# 188187
Reagan, Kari Ellen	LVN# 343366
Reed (Fernandez), Renaye Kristen	LVN# 232926
Rogers, Paula G.	RN# 618537
Sackett, Gary Dale	APRN# AP122956/RN# 720249/RX Auth# 13553
Seavers, Robin Gail	RN# 619814
Smith, Brea Chauntiva	RN# 342442
Stavena, Kimberly Dianna	RN# 769930
Tripp, Thomas Lee	RN# 868678
Ugoala, Chika	APRN# AP128030/RN# 779496/RX Auth# 17867
Whiteside, Paulette Renee	LVN# 179682
Williams, Steven Michael	LVN# 301723
Worrell, Jeffery Lynn	RN# 463732
Zekan, Bryan Thomas	LVN# 199379

C *8.2. Agreed Orders-KSTAR Program

Aguila, Cristina Olano	RN# 666431/ LVN# 137644
Cernosek Jr, Edward John	RN# 937247
Guillory, Amber Simone	LVN# 339276
Guzaitis, Merri Lou	RN# 914209

C *8.3. Deferred Agreed Order

None

C *8.4. Reinstatement Agreed Orders

Davidson, Jonathan Clayton	LVN# 208195
Hernandez, Yvonne	LVN# 177753
Rodriguez (Floyd), Ashley Lynn	LVN# 218159

C *8.5. Eligibility Agreed Orders

None

8.6. ALJ Proposals for Decision

***8.6.1.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #842647, Issued to CLISTELL B. FIELDS, SOAH Docket No. 507-19-2618- **JAbel**

8.6.1.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: Certificate #842647, Issued to CLISTELL B. FIELDS, SOAH Docket No. 507-19-2618

***8.6.2.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #191045, Issued to ROBIN HILLIARY GARDEA, SOAH Docket No. 507-19-5923- **JAbel**

8.6.2.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: Certificate #191045, Issued to ROBIN HILLIARY GARDEA, SOAH Docket No. 507-19-5293

- ***8.6.3.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #108343, Issued to BRENDA KAYE GATES, SOAH Docket No. 507-19-5290- **JAbel**
 - 8.6.3.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: Certificate #191045, Issued to BRENDA KAYE GATES, SOAH Docket No. 507-19-5290

- ***8.6.4.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #872119, Issued to MARIA BEATRICE SALAS, SOAH Docket No. 507-19-5317- **JAbel**
 - 8.6.4.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: Certificate #872119, Issued to MARIA BEATRICE SALAS, SOAH Docket No. 507-19-5317

- ***8.6.5.** Consideration of Proposal For Decision, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #725088, Issued to DOVIE LAVETTE WILLIAMS, SOAH Docket No. 507-19-1666- **JAbel**
 - 8.6.5.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: Certificate #725088, Issued to DOVIE LAVETTE WILLIAMS, SOAH Docket No. 507-19-1666

8.7. ALJ Default Proposals for Decision Remands

- ***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 #319484, Issued to ASHLEY NICOLE COOPER, SOAH Docket No. 507-19-4957- **JAbel**
 - 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 #319484, Issued to ASHLEY NICOLE COOPER, SOAH Docket No. 507-19-4957

- ***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 #800269, Issued to OLUFUNMI OMOTUNDE FAJIMOLU, SOAH Docket No. 507-19-6061- **JAbel**
 - 8.7.2.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #800269, Issued to OLUFUNMI OMOTUNDE FAJIMOLU, SOAH Docket No. 507-19-6061

- ***8.7.3.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #725101, Issued to JESSICA JOAN HIZAK, SOAH Docket No. 507-19-5433- **JAbel**
 - 8.7.3.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #725101, Issued to JESSICA JOAH HIZAK, SOAH Docket No. 507-19-5433

- ***8.7.4.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #187571, Issued to ANGELA KAY LAIRD, SOAH Docket No. 507-19-4561- **JAbel**
 - 8.7.4.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #187571, Issued to ANGELA KAY LAIRD, SOAH Docket No. 507-19-4561

- ***8.7.5.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #641564, Issued to DANNY CHARLES JACKSON, SOAH Docket No. 507-19-4958- **JAbel**
 - 8.7.5.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #641564, Issued to DANNY CHARLES JACKSON, SOAH Docket No. 507-19-4958

- ***8.7.6.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #144086, Issued to ALEJANDRO ALEX RAMOS, SOAH Docket No. 507-19-5556- **JAbel**
 - 8.7.6.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #144086, Issued to ALEJANDRO ALEX RAMOS, SOAH Docket No. 507-19-5556
- ***8.7.7.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #184051, Issued to ALFONZO RIDDICK, SOAH Docket No. 507-19-0801- **JAbel**
 - 8.7.7.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #184051, Issued to ALFONZO RIDDICK, SOAH Docket No. 507-19-0801
- ***8.7.8.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #955595, Issued to KEEGAN STILES STOKES, SOAH Docket No. 507-19-3727- **JAbel** (**DSaucedo/KLHorn/APEdwards**)
 - 8.7.8.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #955595, Issued to KEEGAN STILES STOKES, SOAH Docket No. 507-19-3727
- ***8.7.9.** Consideration of Order of Dismissal and Remand, Recommendations, proposed settlement agreements, if any, and Board action: In the Matter of Permanent Certificate #755364 & 206907, Issued to NICOLAS JAMES TWEEDEL, SOAH Docket No. 507-19-5014- **JAbel**
 - 8.7.9.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #755364 & 206907, Issued to NICOLAS JAMES TWEEDEL, SOAH Docket No. 507-19-5014

9. MISCELLANEOUS

9.1. Board Development:

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

***9.3.** Board Meeting, Eligibility and Disciplinary Committee Meeting and Informal Conference Dates for 2020 – **KThomas/PVCabrera**

***9.4.** Appointment of Board Members to BON Committees for 2020 - **KShipp**

9.5. Report on Governor’s Training Seminar for New Board Member Appointees– **KWright/FStokes/RWilliams/CHawkins/TRhodes**

October 11, 2019 (12:44PM)

* - Written materials Sent from Office

** - Written materials Sent from third party

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