

Consideration of the Texas Nurses Foundation/Texas Peer Assistance Program for Nurses Enhanced Contract and Performance Monitoring Report for the 4th Quarter of Fiscal Year 2021

Background: Pursuant to Section 2261.254(a) of the Texas Government Code, state agencies are required to develop and implement contract reporting requirements for each contract for the purchase of goods or services that has a value exceeding \$1 million. Further, Board rule section 211.9(f) states that contracts that have a value exceeding \$1 million are subject to enhanced contract or performance monitoring. The contract between the Texas Board of Nursing and the Texas Nurses Foundation (“TNF”) for the Texas Peer Assistance Program for Nurses (“TPAPN”) is the Board’s only contract that exceeds \$1 million; therefore, it is subject to contract reporting requirements and enhanced contract or performance monitoring.

As part of the enhanced contract and performance monitoring plan for this contract, Board Staff implemented a Contract and Performance Monitoring Report, which requires TNF to submit specified documentation to the TPAPN Contract Manager on either a quarterly or annual basis. The Contract and Performance Monitoring Report outlines TNF’s responsibilities under the terms of the contract, and requires TNF to provide the documents under the column, “Documentation of Contractor’s Compliance.” The TPAPN Contract Manager is responsible for compiling and reviewing the documents TNF provides, and providing the Contract and Performance Monitoring Report to the Board. The Contract and Performance Monitoring Report is a tool to document TNF’s compliance with contract terms and to ensure that the Board is effectively managing the contract.

The attached Contract and Performance Monitoring Report (Attachment “A”) is a documented review of the Texas Peer Assistance Program for Nurses’ Quarterly Report for the 4th Quarter of the 2021 Fiscal Year. TNF provided all the required documentation in its Quarterly Report and is currently in compliance with the contract.

Staff’s Recommendation:

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

**CONTRACT BETWEEN THE TEXAS BOARD OF NURSING
AND THE TEXAS NURSES FOUNDATION
FOR THE TEXAS PEER ASSISTANCE PROGRAM FOR NURSES (TPAPN)**

Contract and Performance Monitoring Report

Fiscal Year 2021, Quarter 4

Activity Period Covering June 1, 2021-August 31, 2021

Background: The following Contract and Performing Monitoring Report is a documented review of the Quarterly Report submitted by the Texas Nurses Foundation (TNF), Texas Peer Assistance Program for Nurses (TPAPN) for the 2021 Fiscal Year, 4th Quarter. This Contract and Performance Monitoring Report requires TNF to submit specified documentation to the Board to ensure compliance with contract terms. This Report has been updated to reflect the changes made in the FY 2020-2021 Contract Renewal with TNF.

SOURCE OF AUTHORITY	CONTRACTOR'S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR'S COMPLIANCE	BON COMMENTS
RFP 507-16-001; 2015 Contract; 2017 Contract Renewal; and 2019 Contract Renewal Section 2.1	Operate and provide services through the Texas Peer Assistance Program for Nurses (TPAPN).	Administration, Legal, Enforcement	<i>Ongoing.</i>	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.4	Program must have an adequate number of staff and staffing as defined by 25 TAC § 451.108.		✓ Provide the number and type of staff employed by the program (effective starting	Contractor provided documentation of compliance.

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			FY 2021, 4th Quarter).	
2019 Contract Renewal Section 2.4.8	An Advisory Committee consisting of volunteer stakeholders who serve to support the program in carrying out its mission and vision. Committee members will be identified in collaboration with the Board, and shall include: one representative of the Board, who shall serve as an ex-officio member of the Advisory Committee; and may include individuals who represent stakeholder groups, such as: a participant who has completed the program, a peer support partner, a representative from a peer assistance program for health professionals, an employer of nurses, an expert clinician, and a nurse faculty member.	Administration, Enforcement	✓ Provide the agenda and minutes of the advisory committee meeting.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.11	A statewide program, which includes volunteer licensed nurses trained as peer support partners.	Administration, Legal, Enforcement	✓ Provide total number of peer support partners.	Contractor provided documentation of compliance.

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2019 Contract Renewal Section 2.4.20	A program, which uses financial accounting procedures that, adhere to generally acceptable accounting principles.	Administration, Operations	<ul style="list-style-type: none"> ✓ Provide a financial report that clearly shows the receipt of state revenue and expenditures tied to those revenues. 	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.21	The program must submit to financial and/or performance audit(s) at the discretion of the Board of Nursing, State Auditor's Office, or Legislative Budget Board. The audit may be performed by the Board of Nursing, the Board of Nursing's designee, the State Auditor's Office, or the Legislative Budget Board. The program must maintain documentation showing ongoing compliance with all statutory and contract criteria. Further, the program must be able to demonstrate sufficient managerial control over the program; an ability to construct, produce, and maintain meaningful performance measures for the program; an ability to meet and adjust to the changing needs of the participants; a commitment to providing non-punitive, rehabilitative services to participants; an ability to construct budgetary constraints designed to sustain and enhance the longevity of the program; an ability to timely enroll new participants in the program, minimize attrition,	Administration, Operations, Legal, Enforcement	<ul style="list-style-type: none"> ✓ Cooperate with audit requests and maintain documentation, such as meeting notes and summaries. ✓ Provide a summary of how the program has implemented agreed upon findings of the audit. ✓ Provide records of any audits performed. 	Contractor provided documentation of compliance. Contractor has been cooperative with the BON's internal auditor.

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	<p>and incentivize completion of the program. A program may, as part of an audit, be required to produce evidence of the program's overall performance under the contract, whether the program is performing as expected and whether it is in the public interest to continue the contract. The audit should review all internal performance metrics, the existence of and adherence to internal guidelines and policies, adherence to the policies of the Board of Nursing, consistency and fairness in the treatment of participants, the program's method(s) of internal record keeping, the appropriateness of fees paid by participants, enrollment trends, including waiting period(s) for enrollment into the program and the program's sustained enrollment rate(s), satisfaction ratings of participants who complete and/or do not complete the program, the completion rate of participants, and any other factor relevant to the furtherance of the Board of Nursing's mission, as determined by the Board of Nursing.</p>			

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<p>2019 Contract Renewal Section 2.4.22</p>	<p>An itemized annual operating budget based on the Board's fiscal year, which shall include but not be limited to all Peer Assistance Program expenditures and an arrangement for routine financial audits to be conducted by the State Auditor and/or a qualified accounting firm designated by the BON. The results of such audits shall be submitted to the BON. Contractor must comply with Section 3.1 (Funding) and 3.2 (Accounting for State Funds) of the Contract.</p>	<p>Administration, Operations, Board Members</p>	<p>✓ Provide the amount of money saved from staff turnover throughout the fiscal year (effective starting FY 2021, Quarter 4).</p>	<p>Contractor provided documentation of compliance.</p>
<p>2019 Contract Renewal Section 2.4.23</p>	<p>An active plan for ongoing program evaluation including a definition or criteria for program success, and the submission of quarterly reports to the Board of Nursing reflecting:</p> <ol style="list-style-type: none"> 1. Number of individuals referred and those who have signed participation agreements with the program. 2. Details on each referred individual, including demographic information; referral source (board, self, other); number referred to the Board; number closed, no action; number of active cases; number employed in nursing; significant activities, accomplishments or changes in program staff or key processes. 3. Monitoring activities, including the number of drug screens requested, conducted and results of these tests; 	<p>Administration, Legal, Enforcement, Operations</p>	<p>✓ Provide reports containing this information.</p>	<p>Contractor provided documentation of compliance.</p>

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	4. Any other pertinent information requested by the BON, the State Auditor, or the L.B.B.			
2019 Contract Renewal Section 2.4.24	Maintenance of records regarding performance data and submission of an annual report providing a summary of program activities. Such reports shall include Legislative Budget Board performance measure information such as: recidivism rate, one year completion rate, percent of non-board referrals reported to the BON, and number of eligible individuals participating in program.	Administration, Legal, Enforcement, Operations, Board Members	✓ Provide reports containing this information.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 7.2.2	Financial Reports. Provide financial statements to the Board at such intervals as requested by the Board. These statements should be prepared in accordance with generally accepted accounting principles.	Administration, Operations, Board Members	✓ Provide a financial report that clearly shows how funds are being spent.	Contractor provided documentation of compliance. Contractor spent more than the revenue provided by the BON.
22 TAC § 217.13; 2019 Contract	Progress Reports.		✓ Provide a financial report that clearly	Contractor provided

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Renewal Section 7.2.1	<p><u>Progress Reports</u> shall include:</p> <ul style="list-style-type: none"> (1) Progress/status of major projects; (2) Progress on meeting short and long range objectives; (3) Minutes of the TPAPN Advisory Committee; (4) Delays or problems encountered; (5) Activities and accomplishments; (6) Changes in key personnel; and (7) Changes in program design. 		shows how funds are being spent.	documentation of compliance.
22 TAC § 217.13; 2019 Contract Renewal Section 7.2.3	<p>Statistical Information/Activity Reports</p> <p><u>Activity Reports</u> shall include:</p> <ul style="list-style-type: none"> (1) Number and source of referrals and type of referral (i.e., substance use disorder, dual diagnosis, mental disorder, extended evaluation monitoring); (2) Number of nurses signing participation agreements; (3) Type of participation agreement signed, i.e., chemical dependency, dual diagnosis, mental disorder, extended evaluation monitoring; 	Administration, Operations, Board Members	<ul style="list-style-type: none"> ✓ Provide activity reports containing this information. ✓ Provide an explanation or breakdown of how completion is defined or calculated. Indicate the number of individual re-starts of a participant, as well as the number of times a participant has 	Contractor provided documentation of compliance.

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	<p>(4) Number of nurses referred to TPAPN including demographic information and referral source (Board, self, other);</p> <p>(5) Number of self-referral cases closed, no action (breakdown by reason);</p> <p>(6) Number of active cases;</p> <p>(7) Number of participants employed in nursing;</p> <p>(8) Number of participants completing the program;</p> <p>(9) Monitoring activities, including number of drug screens requested, conducted, and results of these tests;</p> <p>(10) All applicable performance measures required by the Legislative Budget Board;</p> <p>(11) Any other pertinent information requested by the State Auditor or the Legislative Budget Board as mutually agreed to by the Board and the Contractor; and</p> <p>(12) Any information which may be requested under the audit section of the contract.</p>		<p>entered the program. Provide any other factors that may be helpful in understanding participant completion rate.</p>	
<p>2019 Contract Renewal Section 7.2.4</p>	<p>Historically Underutilized Businesses (HUB) Usage.</p> <p>Contractor agrees to make a good faith effort to award any necessary subcontractors to Historically Underutilized Businesses (HUBs), as</p>	<p>Administration, Operations, Board Members</p>	<p>✓ Provide HUB usage in quarterly reports to the Board.</p>	<p>Contractor provided documentation of compliance.</p>

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	defined in 34 Tex. Admin. Code § 20.282. Contractor will report HUB usage in its quarterly report. If the HUB goal is not being met, provide reasons for not meeting the goal in the quarterly report.			

Version: September 2021

Summary of Deadlines:

ITEM	ACTIVITY PERIOD	REPORT DUE
Quarter 1 Report	September 1, 2020-November 30, 2020	December 22, 2020
Quarter 2 Report	December 1, 2020-February 28, 2021	March 22, 2021
Quarter 3 Report	March 1, 2021-May 31, 2021	June 22, 2021
Quarter 4 Report	June 1, 2021-August 31, 2021	September 22, 2021
Annual Report	September 1, 2020-August 31, 2021	September 30, 2021

BOARD STAFF REVIEW	
Reviewed by:	April Liwanag, Assistant General Counsel/Contracts Manager on September 23, 2021.
Comments:	TNF-TPAPN submitted the FY 2021 4 th Quarter Report on September 22, 2021.