

Consideration of the Texas Nurses Foundation/Texas Peer Assistance Program for Nurses Enhanced Contract and Performance Monitoring Report – Annual Report for 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.

Pursuant to Board rule § 211.9(f), the following information is being provided to the Board:

(A) The general purpose of the contract	To contract with a vendor who can provide peer assistance program services.
(B) The name of the vendor	Texas Nurses Foundation
(C) The legal authority under which the contract was entered	General Appropriations Act, Texas Government Code Chapter 2155, Request for Proposal 507-16-001
(D) The current cost of the contract	Per the General Appropriations Act: FY 2016 - \$873,558 FY 2017 - \$873,558 FY 2018 - \$1,005,458 FY 2019 - \$1,005,458 FY 2020 - \$1,005,458 FY 2021 - \$1,005,458
(E) The total cost of the contract, including contract renewals.	Per the General Appropriations Act: FY 2016 - \$873,558 FY 2017 - \$873,558 FY 2018 - \$1,005,458 FY 2019 - \$1,005,458 FY 2020 - \$1,005,458 FY 2021 - \$1,005,458

Additionally, 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' Annual Report for the 2021 Fiscal Year (September 1, 2020 through August 31, 2021). TPAPN's Annual Report is attached as Attachment "B" and is made available confidentially for Board review, as it may contain information that is confidential under the Texas Public Information Act.

As requested in the Board's Contract and Performance Monitoring Report, TPAPN's Annual Report includes information such as the program's certification letter, policies and procedures, job descriptions and training material, organizational charts, promotional material, yearly calendar, annual budget, closeout/continuity plan should the contract terminate, total number of program completions by RN, LVN, and APRN, and program success measures. TNF provided all the required documentation in its Annual 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

Background: The following Contract and Performing Monitoring Report is a documented review of the Annual Report for Fiscal Year 2021 (September 1, 2020 through August 31, 2021) submitted by the Texas Nurses Foundation (TNF), Texas Peer Assistance Program for Nurses (TPAPN).

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 2.3	Maintain certification as approved peer assistance program, as required by Chapter 467 of the Texas Health and Safety Code.	Legal	✓ Provide certification letter from the Department of State Health Services/Health and Human Services Commission.	Contractor provided documentation of compliance.
2019 Contract Renewal, Section 2.4.1	Employment of a full-time Director of the Peer-Assistance Program, who shall be a licensed mental health professional as defined by 25 TAC § 451.106 and preferably a registered nurse, who shall have primary responsibility for managing the program.	Administration, Legal, Enforcement	✓ Provide proof that Director of the Program is a licensed mental health professional,	Contractor provided documentation of compliance.

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			as defined by 25 TAC § 451.106.	
2019 Contract Renewal Section 2.4.2	Program Director must have knowledge of the Nursing Practice Act and applicable regulations of the BON.	Administration, Legal, Enforcement	✓ Provide a written summary of how Director demonstrates knowledge of the Nursing Practice Act and applicable regulations of the BON. Alternatively, provide proof of Director's attendance at a CNE relating to nurse jurisprudence and nursing ethics.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.3	Program must have sufficient administrative oversight and legal counsel to support program administration.	Administration, Legal, Enforcement	✓ Provide an organizational chart of TPAPN within the TNA/TNF structure.	Contractor provided documentation of compliance.

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<p>2019 Contract Renewal Section 2.4.4</p>	<p>Program must have an adequate number of staff and staffing as defined by 25 TAC § 451.108.</p>	<p>Administration, Legal, Enforcement</p>	<ul style="list-style-type: none"> ✓ Provide an organizational chart of program personnel. ✓ Provide job descriptions of each staff position that specifies duties and responsibilities, and minimum qualifications, in accordance with 25 TAC § 451.108(b). ✓ Provide copies of training material given to staff, in accordance with 25 TAC § 451.108(f). ✓ Provide policies and procedures documenting how program is in compliance with 25 TAC § 451.108(c), (d), (e), and (g). 	<p>Contractor provided documentation of compliance.</p>

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2019 Contract Renewal Section 2.4.5	Maintenance of a permanent, publicized business address within Texas, which shall be open for business between 8:00a.m. and 5:00p.m. Monday through Friday, except Federal holidays. The Parties shall agree on any additional office closures, and the Contractor shall inform its participants of such office closures, i.e., by publicly posting office closures on its website.	Administration, Legal, Enforcement	✓ Provide a yearly calendar, including information such as when the office is open and closed.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.6	Documented history of intervention, assessment/initial evaluation, referral, and monitoring of impaired health-care professionals (preferably in the nursing profession) impaired by a substance use disorder and mental illness including diagnoses of major depression, bipolar disorder, anxiety disorder, schizophrenia, and schizoaffective disorder.	Administration, Legal, Enforcement	<ul style="list-style-type: none"> ✓ Provide an overview of the program, which includes important information such as the program's mission statement, and general policies and procedures. ✓ Include an overview of the types of diagnoses accepted. 	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.7	Ability to ensure continuity of programs for persons currently enrolled in the existing Peer Assistance Program.	Administration, Legal, Enforcement	✓ Provide a participant continuity/closeout plan should the contract terminate.	Contractor provided documentation of compliance.

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2019 Contract Renewal Section 2.4.9	A program to accept self-referrals and third party referrals of nurses impaired by a substance use disorder, specific mental illnesses, from any person and from the BON.	Administration, Legal, Enforcement	✓ Provide relevant policies and procedures.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.10	A statewide program where Texas licensed professionals, including registered nurses, act as case managers to provide monitoring and support to all licensed nurses who enroll in the Peer Assistance Program, and a program to recruit and train peer support partners.	Administration, Legal, Enforcement	<ul style="list-style-type: none"> ✓ Provide relevant policies and procedures. ✓ Provide a list of the current case managers. 	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.12	An ongoing program for promotion and publicity to encourage referrals.	Administration, Legal, Enforcement	✓ Provide copies of promotional and outreach material, or access to these items.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.13	A program to contract in writing with eligible individuals, including contract terms that specify return to work agreements and the individual's treatment and rehabilitation program.	Administration, Legal, Enforcement	✓ Provide copy of a template participation agreement.	Contractor provided documentation of compliance.

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<p>2019 Contract Renewal Section 2.4.14</p>	<p>A program to facilitate appropriate assessment of the severity of an individual's mental health and/or substance use condition using the criteria and diagnoses listed in the Diagnostic and Statistical Manual of Mental Health Disorders V (Manual) and its successor(s), if any. The program must be able to satisfactorily address the various diagnoses within the Manual, paying special attention to the spectrum of substance abuse disorders (mild, moderate, and severe). The program must be able to monitor the eligible individuals after intervention or referral, including monitoring compliance with the terms of the participation contract and a treatment/rehabilitation program for mental health and/or substance use disorders. The program must be able to monitor LVN's and RN's for a period of at least three years, monitor APRN's for a period of at least five years, and monitor participants with mental health issues for a period of at least 1 year. The program must be able to monitor compliance with the mental-health professional recommendations.</p>	<p>Administration, Legal, Enforcement</p>	<ul style="list-style-type: none"> ✓ Provide relevant policies and procedures. ✓ Provide the total number of program completions by RN, LVN, and APRN, and by track, per fiscal year (September 1st through August 31st). Include the length of time from enrollment to completion. 	<p>Contractor provided documentation of compliance.</p>

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2019 Contract Renewal Section 2.4.15	A program that can provide an extended evaluation period which includes monitoring for a period of one year through voluntary abstinence of participant with random drug screening.	Administration, Legal, Enforcement	✓ Provide relevant policies and procedures.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.16	A program to conduct random and discretionary urinalysis or other types of drug analyses including comprehensive Health professional panel for testing; chain of custody assurance and documentation, testing in a federally certified laboratory, and timely reporting and monitoring of results; (prefer computer randomization of drug screens). The program must be able to customize drug screen panels at the request of the BON. The program must also maintain regular telephone visits with participating individuals. The program may subcontract to a third party for drug screening services provided that the third party meets all drug screening services requirements under the contract.	Administration, Legal, Enforcement	✓ Provide copy of contract with the subcontractor, and relevant policies and procedures.	Contractor provided documentation of compliance.

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2019 Contract Renewal Section 2.4.17	Procedures to refer to the Texas State Board of Nursing all eligible individuals, as required by the Nursing Practice Act, or those who have not complied with the terms of the Peer Assistance Program.	Administration, Legal, Enforcement	✓ Provide relevant policies and procedures.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.18	A program to maintain effective controls to comply with applicable confidentiality requirements under Texas law.	Administration, Legal, Enforcement	✓ Provide relevant policies and procedures.	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.19	A program to provide education to licensed nurses and nursing programs regarding substance abuse and the Peer Assistance Program.	Administration, Legal, Enforcement	✓ Provide relevant policies, procedures, and a list of the education/training performed.	Contractor provided documentation of compliance.

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2019 Contract Renewal Section 2.4.22	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.	Administration, Operations, Board Members	<ul style="list-style-type: none"> ✓ Provide a comprehensive annual budget clearly showing program expenditures. Include state funds, donations received, and other sources of funding. <i>Provide the amount of money saved from staff turnover throughout the fiscal year (effective starting FY 2021, Quarter 4).</i> ✓ Must match the Board's fiscal year, which is September 1st through August 31st. 	Contractor provided documentation of compliance.
2019 Contract Renewal Section 2.4.25	Maintenance of Policy and Procedure manual to include policies that are at least as rigorous as those set forth in 25 TAC § 451.110, and which shall include:	Administration, Legal, Enforcement, Operations	<ul style="list-style-type: none"> ✓ Provide relevant policies and procedures, in 	Contractor provided documentation of compliance.

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	<ol style="list-style-type: none"> 1. Statement of purpose and service responsibility to the public, the nursing profession and the BON; 2. Explanation of the rehabilitative nature of the program; 3. Procedural outline for operating the program, stressing the need for early identification and intervention; 4. Approaches used by the program to facilitate identification, intervention, and referral; 5. Information about re-entry into the nursing profession and relapse potential; 6. Information about aftercare programs, and ways in which aftercare, if appropriate will be encouraged; 7. Information about criteria for evaluation of referral and evaluation services, treatment programs and aftercare programs; 8. Information about return to work agreements and conditions of participation; 9. Information about evaluating the success of the program; 10. Policies and procedures for scheduling and conducting advisory committee meetings and training events for case managers and advocates including the policies regarding the frequency and content of meetings and training events. 		<p style="text-align: center;">accordance with 25 TAC § 451.110.</p>	

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	11. Samples of forms and/or form letters.			
2019 Contract Renewal Section 2.4.26; Section 7.1	Provide a comprehensive annual operating budget for the program.	Administration, Operations	<ul style="list-style-type: none"> ✓ Provide a comprehensive annual budget clearly showing program expenditures. Include state funds, donations received, and other sources of funding. ✓ Must match the Board's fiscal year, which is September 1st through August 31st. 	Contractor provided documentation of compliance.
2019 Contract Renewal Section 7.4.	<p>Program Success Measures.</p> <p>The following factors will be used to measure Program success:</p> <ul style="list-style-type: none"> • The number of nurses who sign Participation Agreements, broken down by quarter and by fiscal year; 		<ul style="list-style-type: none"> ✓ Provide this information in the annual report. 	Contractor provided documentation of compliance.

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	<ul style="list-style-type: none"> • The number of nurses who complete the Program, broken down by quarter and by fiscal year; • The average time (days, weeks, months) it takes for a nurse to sign a Participation Agreement after being referred to by the Board; • The three-year trend of the number of licensed individuals participating in the Program (RN); • The three-year trend of the number of licensed individuals participating in the Program (LVN); • The recidivism rate compared to completion rate, broken down by quarter and by fiscal year. Include definitions and explanations of how recidivism rate is calculated. 			

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/TPAPN Contracts Manager, on October 1, 2021.
Comments:	TNF-TPAPN submitted the FY 2021 Annual Report on September 30, 2021.