

## **Consideration of the Texas Nurses Foundation/Texas Peer Assistance Program for Nurses Enhanced Contract and Performance Monitoring Report for the 3<sup>rd</sup> Quarter of Fiscal Year 2022**

**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 with a value exceeding \$1 million. Further, Board rule section 211.9(f) states that contracts with 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 providing the Contract and Performance Monitoring Report to the Board and for compiling and reviewing the documents TNF provides. 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 3<sup>rd</sup> Quarter of the 2022 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 and Performance Monitoring Report

### FOR CONTRACT BETWEEN THE TEXAS BOARD OF NURSING AND THE TEXAS NURSES FOUNDATION FOR THE TEXAS PEER ASSISTANCE PROGRAM FOR NURSES

**Fiscal Year 2022, Quarter 3**  
**Activity Period Covering March 1, 2022 – May 31, 2022**

**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 2022 Fiscal Year, 3<sup>rd</sup> 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 new FY 2022-2023 Contract with TNF.

SOURCE OF AUTHORITY	CONTRACTOR’S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR’S COMPLIANCE	BON COMMENTS
<b>RFP 507-21-001 Section 2.1</b>	Operate and provide services through the Texas Peer Assistance Program for Nurses (TPAPN).	Administration, Legal, Enforcement	Ongoing.	Contractor provided documentation of compliance.
<b>RFP 507-21-001 Section 2.4.3; Section 2.7.7; 22 T.A.C.<sup>1</sup> § 217.13(c)(3).</b>	Have a network of trained peer volunteer advocates located throughout the state of Texas.	Administration, Legal, Enforcement	✓ Provide total number of peer support partners.	Contractor provided documentation of compliance.

<sup>1</sup> References to T.A.C. mean the Texas Administrative Code

SOURCE OF AUTHORITY	CONTRACTOR’S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR’S COMPLIANCE	BON COMMENTS
<b>RFP 507-21-001 Section 2.6.2; 26 T.A.C. § 8.111.</b>	Have an adequate number of staff and staffing to effectively administer the Program and provide the services identified in the Program description. The Program’s staffing must meet the requirements of 26 Tex. Admin. Code § 8.111.	Administration, Legal, Operations, Enforcement	✓ Provide the number and type of staff employed by the program.	Contractor provided documentation of compliance.
<b>RFP 507-21-001 Section 2.7.2, 3.2.3</b>	Have a 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	✓ Submit statistical information, as required in RFP 507-21-001 Section 3.2.3.	Contractor provided documentation of compliance.
<b>RFP 507-21-001 Section 2.7.4</b>	Have 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	Administration, Legal, Enforcement	✓ Provide the agenda and minutes of the advisory committee meeting.	Contractor provided documentation of compliance.

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	employer of nurses, an expert clinician, and a nurse faculty member.			
<b>RFP 507-21-001 Section 2.7.7</b>	Have volunteer licensed nurses trained as peer support partners.	Administration, Legal, Enforcement	✓ Provide the number of peer support partners.	Contractor provided documentation of compliance.
<b>RFP 507-21-001 Section 2.8.1</b>	Use and maintain adequate financial records according to generally accepted accounting principles.	Administration, Legal, Operations, Enforcement	✓ Provide a financial report that clearly shows the receipt of state revenue and expenditures tied to those revenues.	Contractor provided documentation of compliance.
<b>RFP 507-21-001 Section 2.8.2</b>	Submit to financial and/or performance audit(s) at the discretion of the Board of Nursing, State Auditor’s Office, or Legislative Budget Board.	Administration, Legal, Operations, Enforcement	Cooperate with audit requests and maintain documentation, such as meeting notes and summaries.	Not applicable, as there were no audits conducted during the performance period.
<b>RFP 507-21-001 Section 3.2.1</b>	<b>Progress Reports.</b> <u>Progress Reports</u> shall include: (1) Progress/status of major projects;	Administration, Legal, Enforcement	✓ Provide progress reports containing this information.	Contractor provided documentation of compliance.

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	(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.			
<b>RFP 507-21-001 Section 3.2.2</b>	<b>Financial Reports.</b> Submit 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.
<b>RFP 507-21-001 Section 3.2.3</b>	<b>Statistical Information</b> Activity Reports shall include: <ol style="list-style-type: none"> <li>1. Number and source of referrals and type of referral (i.e., substance use disorder, dual diagnosis, mental disorder, extended evaluation monitoring);</li> </ol>	Administration, Operations, Board Members	✓ Provide activity reports containing this information. ✓ Provide an explanation or breakdown of how completion is defined or	Contractor provided documentation of compliance.

SOURCE OF AUTHORITY	CONTRACTOR’S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR’S COMPLIANCE	BON COMMENTS
	<ol style="list-style-type: none"> <li>2. Number of nurses signing participation agreements;</li> <li>3. Type of participation agreement signed, i.e., chemical dependency, dual diagnosis, mental disorder, extended evaluation monitoring;</li> <li>4. Number of nurses referred to TPAPN including demographic information and referral source (i.e., Board, self, other);</li> <li>5. Number of self-referral cases closed, no action (with a breakdown by reason);</li> <li>6. Number of active cases;</li> <li>7. Number of participants employed in nursing;</li> <li>8. Number of participants completing the program;</li> <li>9. Monitoring activities, including number of drug screens requested, conducted, and results of these tests;</li> <li>10. All applicable performance measures required by the Legislative Budget Board;</li> <li>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</li> </ol>		<p>calculated. Indicate the number of individual re-starts of a participant, as well as the number of times a participant has entered the program. Provide any other factors that may be helpful in understanding participant completion rate.</p>	

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	12. Any information which may be requested under the audit section of the contract.			
<b>RFP 507-21-001 Section 3.2.4</b>	<p><b>Historically Underutilized Businesses (HUB) Usage.</b></p> <p>Make a good faith effort to award any necessary subcontracts to Historically Underutilized Businesses (HUBs), as 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.</p>	Administration, Operations, Board Members	✓ Provide HUB usage in quarterly reports to the Board.	Contractor provided documentation of compliance.

**Version:** July 2022

**Summary of Deadlines:**

ITEM	ACTIVITY PERIOD	REPORT DUE
Quarter 1 Report	September 1, 2021-November 30, 2021	December 22, 2021
Quarter 2 Report	December 1, 2021-February 28, 2022	March 22, 2022
Quarter 3 Report	March 1, 2022-May 31, 2022	June 22, 2022
Quarter 4 Report	June 1, 2022-August 31, 2022	September 22, 2022
Annual Report	September 1, 2021-August 31, 2022	September 30, 2022

<b>BOARD STAFF REVIEW</b>	
<b>Reviewed by:</b>	Brian L. Miller Jr., Assistant General Counsel/Contracts Manager on June 27, 2022.
<b>Comments:</b>	TNF-TPAPN submitted the FY 2022 3 <sup>rd</sup> Quarter Report on June 22, 2022.