

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

Pursuant to Board rule § 211.9(f)(2), 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 507-21-001
(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 FY 2022 – \$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 FY 2022 – \$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 those TNF documents 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 2022 Fiscal Year (September 1, 2021 through August 31, 2022). 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 2022

SOURCE OF AUTHORITY	CONTRACTOR'S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR'S COMPLIANCE	FREQUENCY AND DEADLINE
RFP 507-21-001 Section 2.1; 26 TAC § 8.105	Operate and provide services through the Texas Peer Assistance Program for Nurses (TPAPN). The Program will identify, assist, and monitor individuals experiencing mental health or substance use conditions that are, or are likely to be, job-impairing, so that the individuals may return to safe practice. Peer assistance programs offer support and assistance and have a rehabilitative emphasis rather than a disciplinary emphasis.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.3.1; 26 TAC § 8.107; Texas GAA, 87th Legislature, 2022-2023 Biennium	Maintain certification as approved peer assistance program, as required by Chapter 467 of the Texas Health and Safety Code.	Legal	<input checked="" type="checkbox"/> Provide certification letter from the Department of State Health Services/Health and Human Services Commission.	Contractor provided documentation of compliance.
GENERAL CRITERIA FOR BOARD-APPROVED PEER ASSISTANCE PROGRAM				

SOURCE OF AUTHORITY	CONTRACTOR'S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR'S COMPLIANCE	FREQUENCY AND DEADLINE
RFP 507-21-001 Section 2.4.1; 22 TAC § 217.13(c)(1).	Provide statewide peer advocacy services to all nurses licensed to practice in Texas whose practice may be impaired by chemical dependency, certain mental illnesses, or diminished mental capacity.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.4.2; 22 TAC § 217.13(c)(2).	Have a statewide monitoring system that will be able to track the nurse while preserving confidentiality.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.4.3; 22 TAC § 217.13(c)(3).	Have a network of trained peer volunteer advocates located throughout the state of Texas.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.4.4; 22 TAC § 217.13(c)(4).	Have a written plan for the education and training of volunteer advocates and other Program personnel.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide education and training material.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.4.5; 22 TAC § 217.13(c)(5).	Have a written plan for the education of nurses, other practitioners, and employers.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures, and copies of education material.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.4.6; 22 TAC § 217.13(c)(6).	Demonstrate financial stability and funding sufficient to operate the Program.	Administration, Legal, Operations, Enforcement	<input checked="" type="checkbox"/> Provide examples and audit reports showing financial stability and funding sufficiency.	Contractor provided documentation of compliance.

SOURCE OF AUTHORITY	CONTRACTOR'S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR'S COMPLIANCE	FREQUENCY AND DEADLINE
RFP 507-21-001 Section 2.4.7; 22 TAC § 217.13(c)(7).	Have a mechanism for documenting program compliance and for timely reporting of noncompliance to the board.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.4.8; 22 TAC § 217.13(c)(8).	Be subject to periodic evaluation by the board or its designee in order for the board to evaluate the success of the Program.	Administration, Legal, Operations, Enforcement	<input checked="" type="checkbox"/> Provide steps taken to cooperate with the board or its designee in the event of an audit, as applicable.	Contractor provided documentation of compliance.
PROGRAM ORGANIZATION				
RFP 507-21-001 Section 2.5.1; 26 TAC § 8.109.	Have a governing body who is legally responsible for the management, services, and operations of the Program.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide the current organizational chart.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.5.2; 26 TAC § 8.109.	Designate or employ an administrator for the peer assistance program. The administrator is responsible for the day-to-day operations of the Program.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide a description of administrator's roles and responsibilities.	Contractor provided documentation of compliance.
PROGRAM STAFFING				

SOURCE OF AUTHORITY	CONTRACTOR'S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR'S COMPLIANCE	FREQUENCY AND DEADLINE
RFP 507-21-001 Section 2.6.1	Maintain 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 Program shall inform its participants of such office closures, i.e., by publicly posting office closures on its website.	Administration, Legal, Operations, Enforcement	<input checked="" type="checkbox"/> Provide a yearly calendar, including information such as when the office is open and closed.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.6.2; 26 TAC § 8.111.	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	<input checked="" type="checkbox"/> Provide an organizational chart of program personnel. <input checked="" type="checkbox"/> Provide job descriptions of each staff position that specifies duties and responsibilities, and minimum qualifications, in accordance with 26 Tex. Admin. Code § 8.111. <input checked="" type="checkbox"/> Provide copies of training material given to staff, in accordance with 26 Tex. Admin. Code § 8.111. <input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.

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RFP 507-21-001 Section 2.6.3	Employ a full-time Director, who shall be a licensed mental health professional as defined by 26 Tex. Admin. Code § 8.105 and preferably a registered nurse, who shall have primary responsibility for managing the Program. The Program Director must have knowledge of the Texas Nursing Practice Act, Texas Occupations Code Chapter 301, and applicable regulations of the BON, 22 Texas Admin. Code Chapter 213.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide proof that Director of the Program is a licensed mental health professional, as defined by 26 Tex. Admin. Code § 8.105. <input checked="" type="checkbox"/> 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.
RFP 507-21-001 Section 2.6.4	Have sufficient administrative oversight and legal counsel to support program administration.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide an organizational chart of TPAPN within the TNA/TNF structure.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.1	Have a written Program description that meets all the requirements of 26 Tex. Admin. Code § 8.113. The Program must operate according to the Program description.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide Program Description in Annual Reports.	Contractor provided documentation of compliance.

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RFP 507-21-001 Section 2.7.2	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	<input checked="" type="checkbox"/> Provide an overview of the program, which includes important information such as the program's mission statement, and general policies and procedures. <input checked="" type="checkbox"/> Include an overview of the types of diagnoses accepted.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.3	Have the ability to ensure continuity of Programs for persons currently enrolled in the existing peer assistance program.	Administration, Legal, Operations, Enforcement	<input checked="" type="checkbox"/> Provide a participant continuity/closeout plan should the contract terminate.	Contractor provided documentation of compliance.

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RFP 507-21-001 Section 2.7.4	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 employer of nurses, an expert clinician, and a nurse faculty member.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.5	Be able 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	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.6	Have Texas licensed professionals, including registered nurses, who 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	<input checked="" type="checkbox"/> Provide relevant policies and procedures. <input checked="" type="checkbox"/> Provide a list of the current case managers.	Contractor provided documentation of compliance.

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RFP 507-21-001 Section 2.7.8	Have a system of promotion and publicity to encourage referrals.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide copies of promotional and outreach material, or access to these items.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.9	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	<input checked="" type="checkbox"/> Provide copy of a template participation agreement.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.10	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 LVNs and RNs for a period of at least three years, monitor APRNs for a period of at least five years, and	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures. <input checked="" type="checkbox"/> Provide the total number of program completions by RN, LVN, and APRN, and by track, per fiscal year (September 1 st through August 31 st). Include the length of time from enrollment to completion. (Same as RFP Section 3.4 – Program Success Measures).	Contractor provided documentation of compliance.

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	monitor participants with mental health issues for a period of at least one year. The Program must be able to monitor compliance with the mental-health professional recommendations.			
RFP 507-21-001 Section 2.7.11	Be able to 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	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.12	Be able 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, preferably 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 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	<input checked="" type="checkbox"/> Provide copy of contract with the subcontractor, and relevant policies and procedures.	Contractor provided documentation of compliance.

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RFP 507-21-001 Section 2.7.13	Must have procedures to refer to the Board all eligible individuals, as required by the Texas Nursing Practice Act, or those who have not complied with the terms of the Peer Assistance Program.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.14	Must maintain effective controls to comply with applicable confidentiality requirements under Texas law.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies and procedures.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 2.7.15	Must provide education to licensed nurses and nursing programs regarding substance abuse and the Peer Assistance Program.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide relevant policies, procedures, and a list of the education/training performed.	Contractor provided documentation of compliance.
FINANCIAL AND AUDIT REQUIREMENTS				

SOURCE OF AUTHORITY	CONTRACTOR'S RESPONSIBILITIES	BOARD STAFF RESPONSIBLE FOR OVERSIGHT	DOCUMENTATION OF CONTRACTOR'S COMPLIANCE	FREQUENCY AND DEADLINE
RFP 507-21-001 Section 2.8.2	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	<input type="checkbox"/> Provide a summary of how the program has implemented agreed upon findings of the audit. <input type="checkbox"/> Provide records of any audits performed.	Not applicable, as there were no audits conducted during the performance period.
RFP 507-21-001 Section 2.8.3	Have 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.	Administration, Legal, Operations, Enforcement	<input checked="" type="checkbox"/> Provide a comprehensive annual budget clearly showing program expenditures. Include state funds, donations received, and other sources of funding. Provide the amount of budgeted employee compensation funds not used due to vacant positions throughout the fiscal year. <input checked="" type="checkbox"/> Must match the Board's fiscal year, which is	Contractor provided documentation of compliance.

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			September 1 st through August 31 st .	
POLICIES AND PROCEDURES				
RFP 507-21-001 Section 2.9; 26 TAC § 8.115	Maintain a Policy and Procedure Manual that complies with Sections 2.9.1 and 2.9.2 of the RFP.	Administration, Legal, Enforcement	<input checked="" type="checkbox"/> Provide copies of Policy and Procedure Manual	Contractor provided documentation of compliance.
REPORTING REQUIREMENTS				
RFP 507-21-001 Section 3.3.1	Submit an annual budget prior to the first day of the Board's fiscal year.	Administration, Operations, Board Members	<input type="checkbox"/> Provide an annual budget for the upcoming fiscal year.	Contractor provided documentation of compliance.
RFP 507-21-001 Section 3.4	Program Success Measures. The following factors will be used to measure Program success: <ul style="list-style-type: none"> • The number of nurses who sign Participation Agreements, broken down by quarter and by fiscal year; 	Administration, Legal, Operations, Enforcement, Board Members	<input checked="" type="checkbox"/> 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: October 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

BOARD STAFF REVIEW

Reviewed by:	Brian L. Miller Jr., Assistant General Counsel/TPAPN Contracts Manager
Staff Comments:	<ul style="list-style-type: none">• TNF-TPAPN submitted its full FY 2022 Annual Report on October 3, 2022, which is after the September 30th deadline stated in RFP 507-21-001 Section 3.3.2.• Regarding RFP 507-21-001 Section 3.3.1, TNF-TPAPN stated “N/A” was added next to this section on the table of contents, because the TPAPN annual budget was sent to BON by Cindy Zolnieriek on 17 August 2022, prior to the first day of the Board’s fiscal year.• The TPAPN Program Director position has been vacant since August 2022, although an Interim Program Director has been in place since that time; the Outreach and Education Coordinator position is currently open, as well as a Case Manager position. Budgeted spending on education, which includes outreach, outreach travel, and other line items, increased by only \$500 from FY 2022 budget to FY 2023 budget. TPAPN posts job openings on its twitter account and has included in this annual report information that tracks the engagement, engagement rate, and impressions.• The number of TPAPN program completions decreased by 4 individuals from FY 2020 to 2021 and decreased by 40 individuals (4 APRN, 1 CRNA, 22 RN, 13 LVN) from FY 2021 to 2022. The number of TPAPN participation agreements decreased by 62 individuals from FY 2020 to FY 2021 but increased by 10 individuals from FY 2021 to FY 2022.
Date Review Completed:	October 4, 2022