

**TEXAS BOARD OF NURSING
BOARD MEETING
OCTOBER 20-21, 2022
333 Guadalupe Suite 100, Austin, Texas
9:00 AM until all business is concluded**

The Texas Board of Nursing posts this notice of its OCTOBER 20-21, 2022 the open meeting will be held at 333 Guadalupe Street, Hobby Building, 1st Floor, Room 100, Austin, Texas. Members of the public may attend the meeting in person at this location.

The Texas Board of Nursing will accept public comments at the OCTOBER 20-21, 2022, meeting. Members of the public will have opportunity to participate in the meeting as outlined in this notice. Members of the public may appear in person to address the Board during the open meeting at 333 Guadalupe Street, Hobby Building, 1st Floor, Room 100, Austin, Texas.

Public Comment Instructions:

Please note: The public comment portion of the agenda is not a time to speak about pending cases.

Any written comments must be submitted to Public.Comments@bon.texas.gov no later than 12:00 p.m. Tuesday, OCTOBER 18, 2022. Comments will be provided to Board members for review prior to the meeting but will not be read aloud during the public meeting.

Members of the public wishing to address the Board in person during the public meeting will be permitted to do so. Open Forum will be held at 1:00pm on OCTOBER 20, 2022, at 333 Guadalupe Street, Hobby Building, 1st Floor, Room 100, Austin, Texas. Each speaker will be given no more than three (3) minutes to speak.

The Board President may reduce the time provided for public comments based on the number of requests received.

**TEXAS BOARD OF NURSING
REGULAR MEETING
OCTOBER 20-21, 2022
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 - 9:00 am

REVIEW OF AGENDA

REVIEW OF THE MINUTES: July 21, 2022 Board Meeting Minutes

CONSENT AGENDA:

- 1.2.1. Update of Pending Litigation in the Matters of:
Adaku Charity Abakwue v. Texas Board of Nursing, Cause No. D-1-GN-19002934, 250th Judicial District Court, Travis County, Texas;
Texas Board of Nursing v. Ken Paxton, Attorney General of Texas, Cause No. D-1-GN-19-008365, 345th Judicial District Court, Travis County, Texas;
Texas Board of Nursing v. Ken Paxton, Attorney General of Texas, Cause No. D-1-GN-19-007180, Travis County, Texas;
Rene Dominguez v. Texas Board of Nursing, Cause No. D-1-GN-19-007343, 353rd Judicial District Court, Travis County, Texas;
Maria Beatrice Salas v. Texas Board of Nursing, Cause No. D-1-GN-20-000326, 419th Judicial District Court, Travis County, Texas;
Amber K. Walkington v. Texas Board of Nursing, Kathy Shipp, MSN, RN, FNP, Texas Board of Nursing President; and Katherine A. Thomas, MN, RN, FAAN, Texas Board of Nursing Executive Director, Cause No. D-1-GN-21-005747, 250th Judicial District Court, Travis County, Texas;
Michelle Marie Edwards v. Texas Nursing Board, Cause No. D-1-GN-22-001375, 353rd District Court, Travis County, Texas; and
Sonja Oniece Shannon v. Texas Board of Nursing, and in their official capacities only, Katherine Thomas, Executive Director, and Kathy Shipp, President of the Board, 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 2022 - **MMajek/LPerez**
- 3.1.1. Promoting Continuing Competency Report – **TSherman**
- 3.1.2. Report on Implementation of the Knowledge Skills Training Assessment and Research (KSTAR) Nursing Program – **KBenton/SCaddell**
- 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/VAyars**
- 3.2.4. Consideration of Findings from Virtual Survey Visits
 - 3.2.4.a. Central Texas College in Killeen, Texas – Vocational Nursing Education Program – **JHooper/LDonnelly**
 - 3.2.4.b. Lamar State College Orange in Orange, Texas–Associate Degree Nursing Education Program–**LDonnelly/BSkloss**
 - 3.2.4.c. Laredo College in Laredo, Texas – Vocational Nursing Education Program – **BSkloss**
 - 3.2.4.d. McLennan Community College in Waco, Texas – MEEP and Vocational Nursing Education Programs - **GVarrell**
- 3.2.5. Report of Findings from Self-Study Reports for 2021 NCLEX Examination Pass Rates - **JHooper**
- 3.2.6. Report of Application for a New Baccalaureate Degree Nursing Education Program in a Public Community College – Dallas College in Dallas, Texas –**GVarrell**
- 3.2.7. Report of An Abrupt Program Closure and Current Situation for Students – Aspen University in Austin, Texas – Baccalaureate Degree Nursing Education Program – **KBenton/VAyars**
- 4.1. Complaint Status Report – **TDiggs**
- 5.1.1. Eligibility and Disciplinary Committee - **JWJohnston**
- 5.1.2. Quarterly Statistical Report – 4TH Quarter, Fiscal Year 2022 - **MMajek/KThomas**
- 6.1. Nurse Licensure Compact Update – **KThomas**
- 6.2. Adoption of Proposed Amendments to 22 Texas Administrative Code §213.28, Relating to Licensure of Individuals with Criminal History, including the Board’s Disciplinary Guidelines for Criminal Conduct- **JAbel**
- 6.3. Adoption of Proposed Amendments to 22 Texas Administrative Code §217.5, Relating to Temporary License and Endorsement – **JAbel**

- 6.4. Adoption of Proposed Amendments to 22 Texas Administrative Code §217.2, Relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions-**JAbel**
- 7.1. Texas Peer Assistance Program for Nurses (TPAPN)
 - 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**
 - 7.1.4. Texas Nurses Foundation/Texas Peer Assistance Program for Nurses Enhanced Contract and Performance Monitoring Report, 4TH Quarter Fiscal Year 2022 – **BMiller/JWJohnston**
 - 7.1.5. Texas Nurses Foundation/Texas Peer Assistance Program for Nurses Enhanced Contract and Performance Monitoring Report, Annual Report for Fiscal Year 2022-**BMiller**
 - 7.1.6. Texas Peer Assistance Program for Nurses -Board of Nursing Budget 09/01/22 through 08/31/23 - **KThomas**
- 7.2. Fiscal Year 2022 Newly Executed and Renewed Board Contracts- **BMiller**
- 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
- 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 Petition for Reinstatement of Permanent Certificate #317009, Issued to ASHLEY AVALOS, SOAH Docket No. 507-22-2690- **JAbel**
 - 8.6.2. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #315193, Issued to SHIVONNE MARIE HARGIS, SOAH Docket No. 507-22-2199- **JAbel** (**KShipp/KWright/MJamison**)
 - 8.6.3. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #710763, Issued to OMAR APOLO JACOBO, SOAH Docket No. 507-20-0896- **JAbel**
 - 8.6.4. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #562829, Issued to BRENDA A. LARA, SOAH Docket No. 507-21-2398- **JAbel**
- 8.7. **ALJ Default Proposals for Decision Remand**
 - 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 #352218, Issued to CORY ALAN BENGEL, SOAH Docket No. 507-22-00998- **JAbel** (**CHGarcia/KWright/MJamison**)
 - 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 #820886, Issued to JOSEPH BYRON BIRT, SOAH Docket No. 507-22-2323- **JAbel**
 - 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 #332373, Issued to MARY CATHERINE HUCKABY, SOAH Docket No. 507-22-2065- **JAbel**
 - 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 #314733, Issued to CHERYL JUNE TORRES, SOAH Docket No. 507-22-1831- **JAbel**

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:
 - Adaku Charity Abakwue v. Texas Board of Nursing, Cause No. D-1-GN-19002934, 250th Judicial District Court, Travis County, Texas;
 - Texas Board of Nursing v. Ken Paxton, Attorney General of Texas, Cause No. D-1-GN-19-008365, 345th Judicial District Court, Travis County, Texas;
 - Texas Board of Nursing v. Ken Paxton, Attorney General of Texas, Cause No. D-1-GN-19-007180, Travis County, Texas;
 - Rene Dominguez v. Texas Board of Nursing, Cause No. D-1-GN-19-007343, 353rd Judicial District Court, Travis County, Texas;
 - Maria Beatrice Salas v. Texas Board of Nursing, Cause No. D-1-GN-20-000326, 419th Judicial District Court, Travis County, Texas;
 - Amber K. Walkington v. Texas Board of Nursing, Kathy Shipp, MSN, RN, FNP, Texas Board of Nursing President; and Katherine A. Thomas, MN, RN, FAAN, Texas Board of Nursing Executive Director, Cause No. D-1-GN-21-005747, 250th Judicial District Court, Travis County, Texas;
 - Michelle Marie Edwards v. Texas Nursing Board, Cause No. D-1-GN-22-001375, 353rd District Court, Travis County; Texas; and

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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.

2. OPERATIONS

C *2.1. Financial Statement – 4TH Quarter, Fiscal Year 2022 - **MMajek/LPerez**

3. NURSING

3.1. Practice

C *3.1.1. Promoting Continuing Competency Report – **TSherman**

C *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 Findings from Virtual Survey Visits

C *3.2.4.a. Central Texas College in Killeen, Texas – Vocational Nursing Education Program – **JHooper/LDonnelly**

C *3.2.4.b. Lamar State College Orange in Orange, Texas – Associate Degree Nursing Education Program – **LDonnelly/BSkloss**

C *3.2.4.c. Laredo College in Laredo, Texas – Vocational Nursing Education Program – **BSkloss**

C *3.2.4.d. McLennan Community College in Waco, Texas – MEEP and Vocational Nursing Education Programs - **GVarrell**

C *3.2.5. Report of Findings from Self-Study Reports for 2021 NCLEX Examination Pass Rates - **JHooper**

C *3.2.6. Report of Application for a New Baccalaureate Degree Nursing Education Program in a Public Community College – Dallas College in Dallas, Texas – **GVarrell**

C *3.2.7. Report of An Abrupt Program Closure and Current Situation for Students – Aspen University in Austin, Texas – Baccalaureate Degree Nursing Education Program – **KBenton/VAyars**

3.2.8. Consideration of Proposal to Establish a New Nursing Education Program

***3.2.8.a.** Texas Health School in Houston – Licensed Vocational Nurse to Associate Degree Nursing Education Program – **JHooper/LDonnelly**

***3.2.8.b.** Institute of Allied Healthcare in San Antonio–Vocational Nursing Education Program– **JHooper/LDonnelly/VAyars**

4. ENFORCEMENT

C *4.1. 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 2022 - **MMajek/KThomas**

5.2. Advisory Committees/Task Forces

- 5.2.1. Advanced Practice Nursing Advisory Committee – **KShipp/JZych**
- 5.2.2. Nursing Practice Advisory Committee – **LDisque/EMcDermott**

5.3. Collaboration with Outside Agencies/Stakeholders

- 5.3.1. National Council of State Boards of Nursing
 - 5.3.1.a. Report on the NCSBN Annual Meeting, held August 17-19, 2022 in Chicago, IL– **KShipp/KThomas**
- 5.3.2. Texas Center for Nursing Workforce Studies Advisory Committee - **KThomas**
- 5.3.3. Texas Health and Human Services Commission e-Health Advisory Committee – **EMcDermott**
- 5.3.4. Update on TWC Nursing Apprenticeship Program - **JHooper**

OPEN FORUM:

6. OLD BUSINESS

- C *6.1. Nurse Licensure Compact Update - **KThomas**
- C *6.2. Adoption of Proposed Amendments to 22 Texas Administrative Code §213.28, Relating to Licensure of Individuals with Criminal History, including the Board's Disciplinary Guidelines for Criminal Conduct- **JAbel**
- C *6.3. Adoption of Proposed Amendments to 22 Texas Administrative Code §217.5, Relating to Temporary License and Endorsement – **JAbel**
- C *6.4. Adoption of Proposed Amendments to 22 Texas Administrative Code §217.2, Relating to Licensure by Examination for Graduates of Nursing Education Programs Within the United States, its Territories, or Possessions-**JAbel**
- *6.5. Proposed Adoption of Amendments to 22 Texas Administrative Code §221.12, Relating to Scope of Practice, including written comments received- **JAbel**

7. NEW BUSINESS

7.1. Texas Peer Assistance Program for Nurses (TPAPN)

- **7.1.1. Texas Peer Assistance Program for Nurses Quarterly Report for the 4TH Quarter – **SBumpus**
- C *7.1.2. Texas Peer Assistance Program for Nurses Third Party Referral Report - **TDiggs**
- C *7.1.3. Texas Peer Assistance Program for Nurses Advisory Committee – **DBenbow**
- C *7.1.4. Texas Nurses Foundation / Texas Peer Assistance Program for Nurses Enhanced Contract and Performance Monitoring Report, 4TH Quarter Fiscal Year 2022 - **BMiller/JWJohnston**
- C *7.1.5. Texas Nurses Foundation / Texas Peer Assistance Program for Nurses Enhanced Contract and Performance Monitoring Report, Annual Report for Fiscal Year 2022-**BMiller**
- C *7.1.6. Texas Peer Assistance Program for Nurses – Texas Board of Nursing Budget 09/01/22 through 08/31/23 - **KThomas**
- C *7.2. Fiscal Year 2022 Newly Executed and Renewed Board Contracts- **BMiller**
- *7.3. Fiscal Year 2023 Internal Audit Plan – **MRufus/KThomas/MMajek/DChambers**

8. PROPOSED BOARD ORDERS

C *8.1. Agreed Orders

Aguirremelendez, Fatima	LVN# 342915/ RN Exam Petitioner
Attia, Crystal Sayea	LVN# 335172
Benham, Jamie Leann	AP107990/RX #2111/ RN #558339/ LVN #92575
Bolton, Tameka Narie	LVN# 310153
Bryant, Michelle Buchanan	RN# 667131
Butterfield, Kate M.	RN# 795868
Copenhaver, Barbara Kathryn	LVN# 215518
Corona, Mario Enrique	RN# 819495
Curlee, Paula	PTP CO RN# 83708
Dye, Brittany Martha-Cerrell	PTP TN RN# 177357/ RN Endorsement Petitioner/ APRN Petitioner
Ekwueme, Grace Nwabude	LVN# 196195
Fehrenbacher, John Florian	APRN# AP130901/ RX Auth# 20393/ RN# 614265
Fontenet, Harriet Denise	RN# 693831/ LVN# 90391
Goehry, Cody Allen	LVN# 337146
Hanus, Chandlar Reid	LVN# 1056319
Johnson, Princess Anita	LVN# 348645
Jordan, Floyd Andrew	RN# 711726
Lembvem, Bongtin Agnes	RN# 822703
Lewis, Christian Faith	APRN# AP136663/ RX Auth# 25590/ RN# 938892
Lopez, Natasha Renay	RN#1022023/ LVN# 351884
Mathew, Mariamma Joshuva	RN# 570005/ LVN# 131831
McClellan, Lacibirodna Denise	LVN# 310124
Moore, Kristen Michelle	RN# 757397
Nguyen, Vicky	RN# 958358
Olushola, Similoluwa Olutomiwa	RN# 919596/ LVN# 320869/ APRN Petitioner
Osorio, Juaquin	LVN# 160991
Plaster, Jamie Dawn	LVN# 313519
Powell, Chassity	APRN #1029691/ RN# 784861
Robinson, Charlene Anita	RN# 789803
Rodriguez, Ana Laura	LVN# 234187/ RN Exam Petitioner
Rutherford, Tanis May	RN# 670916
Sagebiel, Kristin Lee	APRN# AP114114/ RN# 666881/ LVN# 162138
Sevillo, Arnel Deluso	RN# 797988
Smith, Stephen Christopher	RN# 685443
Steiner, Crystal Marie	LVN# 353014
Stilwell, Clinton Payne	RN# 584668
Strain, Sara Marie	LVN# 225376
Swim, Angela Kim	RN# 600774/ LVN# 130782
Talley, Philip Duane	APRN# AP127457/ RX Auth# 17338/ RN# 717298
Tate, Janis	RN# 935243
Turner, Forrest Wayne	RN# 739454
Woods, Felicia Ann	LVN# 1012449

C *8.2. Agreed Orders-KSTAR Program

Edmondson, Melia Kay	RN# 981994
Ikeji, Angela	RN# 984127
Kutscher, Paul Joseph	RN# 865521

C *8.3. Deferred Agreed Order

None

C *8.4. Reinstatement Agreed Orders

Bostick, Kiva Lindsey	RN# 785935
Fleeks, Deundre Omarcia	RN# 927891
Green (Munns), Lillian Shea	PTP AR RN# R100265/ LVN# L056257
Holliday, Melvin Lee	RN# 676186/ LVN# 168354
Lawson-Brown, Tracy Ann	RN# 678897/ LVN# 154284
Simmons, Jonnie	RN# 638815
Smith, Ticarra Nicole	LVN# 190594
Williams, Craig Wallace	LVN# 150489

C *8.5. Eligibility Agreed Orders

None

8.6. ALJ Proposals for Decision

C *8.6.1. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Petition for Reinstatement of Permanent Certificate #317009, Issued to ASHLEY AVALOS, SOAH Docket No. 507-22-2690- **JAbel**

8.6.1.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Petition for Reinstatement of Permanent Certificate #317009, Issued to ASHLEY AVALOS, SOAH Docket No. 507-22-2690

C *8.6.2. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #315193, Issued to SHIVONNE MARIE HARGIS, SOAH Docket No. 507-22-2199- **JAbel (KShipp, KWright, MJamison)**

8.6.2.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #315193, Issued to SHIVONNE MARIE HARGIS, SOAH Docket No. 507-22-2199

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8.6.3.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #710763, Issued to OMAR APOLO JACOBO, SOAH Docket No. 507-20-0896

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8.6.4.a. Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #562829, Issued to BRENDA A. LARA, SOAH Docket No. 507-21-2398

8.7. ALJ Default Proposal for Decision Remands

C *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 #352218, Issued to CORY ALAN BENGEL, SOAH Docket No. 507-22-00998- **JAbel (CHGarcia/KWright/MJamison)**

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 - 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 #820886, Issued to JOSEPH BYRON BIRT, SOAH Docket No. 507-22-2323

- C *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 #332373, Issued to MARY CATHERINE HUCKABY, SOAH Docket No. 507-22-2065- **JAbel**
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 - 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 #314733, Issued to CHERYL JUNE TORRES, SOAH Docket No. 507-22-1831

9. MISCELLANEOUS

- *9.1. Review of the Board Quarterly Meeting Evaluation – **KShipp**

- 9.2. Board Development: Street Medicine: Teaching and Improving Community Health - **Diana Cavazos, PhD, MSN, RN**

- *9.3. Board Meeting, Eligibility and Disciplinary Committee Meeting and Informal Conference Dates for 2023 – **KThomas/PVCabrera**

- *9.4. Appointment of Board Members to BON Committees for 2023 - **KShipp**

- 9.5. Election of Board Vice-President for 2023-2025 - **KShipp**

October 6, 2022 (11:25AM)

* - Written materials Sent from Office

** - Written materials Sent from third party

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