

**TEXAS BOARD OF NURSING
BOARD MEETING
JANUARY 19, 2023
COMMONS CONFERENCE CENTER aka PICKLE CENTER
THE UNIVERSITY OF TEXAS AT AUSTIN
10100 BURNET ROAD, BLDG 137 (BALCONES ROOM)
AUSTIN, TEXAS 78758
9:00 AM until all business is concluded**

The Texas Board of Nursing posts this notice of its JANUARY 19-20, 2023 the open meeting will be held at the Commons Conference Center aka Pickle Center, 10100 Burnet Road, Bldg 137 (Balcones Room), Austin, Texas 78758. Members of the public may attend the meeting in person at this location.

The Texas Board of Nursing will accept public comments at the JANUARY 19, 2023, 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 10100 Burnet Road, Bldg 137 (Balcones Room), Austin, Texas 78758.

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, JANUARY 17, 2023. 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 JANUARY 19, 2023, at 10100 Burnet Road, Bldg 137 (Balcones Room), Austin, Texas 78758. 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
JANUARY 19, 2023
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: October 20, 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;
 - 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 – 1ST Quarter, Fiscal Year 2023 - **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. Five-Year Report on New Nursing Education Programs and Currently Active 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**
- 3.2.5. Report of Joint Survey Visit with the Accreditation Commission for Education in Nursing - Kilgore College in Kilgore, Texas Associate Degree Nursing Education Program – **GVarnell**
- 3.2.6. Report of the Status of Nurse Refresher Courses in Texas – **VAYars**
- 3.2.7. Consideration of Change in Approval Status from Conditional Approval to Full Approval
 - 3.2.7.a. College of Nursing and Advanced Health Professions in Richardson, Texas – Associate Degree Nursing Education Program – **GVarnell**
 - 3.2.7.b. Texas State Technical College – West Texas in Sweetwater, Texas –Associate Degree Nursing Education Program – **BSkloss**
 - 3.2.7.c. The College of Health Care Professions in Houston, Texas – Associate Degree Nursing Education Program –**BSkloss**
 - 3.2.7.d. Wharton County Junior College in Wharton, Texas – Vocational Nursing Education Program – **BSkloss**
- 4.1. Complaint Status Report – **TDiggs**
- 5.1.1. Eligibility and Disciplinary Committee - **JWJohnston**
- 5.1.2. Quarterly Statistical Report – 1ST Quarter, Fiscal Year 2023 - **MMajek/KThomas**
- 6.1. Nurse Licensure Compact Update – **KThomas**
- 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, 1ST Quarter Fiscal Year 2023 – **BMiller/JWJohnston**
- 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 #164764, Issued to D'HAVELYN SHARNET HUSTON, SOAH Docket No. 507-22-06479- **JAbel (C.Hawkins/K.Wright/M.Jamison)**
- 8.6.2. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #735461, Issued to SAFARAH MCMILLAN, SOAH Docket No. 507-22-2016- **JAbel**
- 8.6.3. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #622606, #AP126871, and RX #16893, Issued to JILL MEREDITH, SOAH Docket No. 507-21-3239- **JAbel**
- 8.6.4. Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #821842, Issued to JORGE PICHARDO, SOAH Docket No. 507-23-02845 - **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 #792626, Issued to CASEY BERNARD READ, SOAH Docket No. 507-22-08774- **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;

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.

- 1.2.1.a. Convene in Executive Session, Pursuant to §551.071(1), Texas Government Code, to Discuss Pending or Contemplated Litigation, including potential settlement offers, in the following matter: 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 – **JWJohnston/KHolsinger**

*1.3. Texas Board of Nursing Fiscal Year 2022 Annual Report - **KThomas**

2. OPERATIONS

C *2.1. Financial Statement – 1ST Quarter, Fiscal Year 2023 - **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. Five-Year Report on New Nursing Education Programs and Currently Active 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
 - *3.2.4.a. Clarendon College in Pampa, Texas – Associate Degree Nursing Education Program – **LDonnelly**
 - *3.2.4.b. Coastal Bend College in Beeville, Texas – Associate Degree Nursing Education Program – **BSkloss**
 - *3.2.4.c. Houston Community College in Houston, Texas – Associate Degree Nursing Education Program – **JHooper/KBenton**
 - *3.2.4.d. South Plains College - Levelland in Levelland, Texas–Vocational Nursing Education Program – **LDonnelly**
 - *3.2.4.e. Texas Southmost College in Brownsville, Texas – Vocational Nursing Education Program–**BSkloss**
- C *3.2.5. Report of Joint Survey Visit with the Accreditation Commission for Education in Nursing - Kilgore College in Kilgore, Texas Associate Degree Nursing Education Program – **GVarnell**
- C *3.2.6. Report of the Status of Nurse Refresher Courses in Texas – **VAyars**
- 3.2.7. Consideration of Change in Approval Status from Conditional Approval to Full Approval
 - C *3.2.7.a. College of Nursing and Advanced Health Professions in Richardson, Texas – Associate Degree Nursing Education Program – **GVarnell**
 - C *3.2.7.b. Texas State Technical College – West Texas in Sweetwater, Texas –Associate Degree Nursing Education Program – **BSkloss**
 - C *3.2.7.c. The College of Health Care Professions in Houston, Texas – Associate Degree Nursing Education Program – **BSkloss**
 - C *3.2.7.d. Wharton County Junior College in Wharton, Texas – Vocational Nursing Education Program – **BSkloss**
- 3.2.8. Consideration of Proposal to Establish a New Nursing Education Program
 - *3.2.8.a. Consideration of Proposal to Establish a New Nursing Education Program–Fairfield University in Austin, Texas–Baccalaureate Degree Nursing Education Program – **JHooper/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 – 1ST Quarter, Fiscal Year 2023 - **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. Appointment of Board Members to attend the NCSBN Mid-Year Meeting to be held March 28-30, 2023 in Seattle, WA – **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 Texas Workforce Commission Nursing Apprenticeship Program - **JHooper**

- 5.3.5. Task Force to Study Implications of Growth of Texas Nursing Education Programs
 - *5.3.5.a. Consideration of Request for Charge to Begin Planning for a 2024 Statewide Nursing Summit - **KBenton**

OPEN FORUM:

6. OLD BUSINESS

- C *6.1.** Nurse Licensure Compact Update - **KThomas**

- *6.2. Consideration of 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 1ST 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, 1ST Quarter Fiscal Year 2023 - **BMiller/JWJohnston**

- *7.2. Consideration of the Internal Audit of Human Resource Management – **MRufus/KThomas/MMajek/DChambers/SZimmerman**

- 7.3. Consideration of Delegating Settlement Authority Regarding Matters on Appeal to Executive Director – **JWJohnston/JAbel**

- *7.4. Review and Consideration of Current Positions Statements With Changes- **EMcDermott**

- 15.3 LVNs Engaging in Intravenous Therapy, Venipuncture, or Peripherally Inserted Central Catheter (PICC) Lines
- 15.8 Role of the Nurse in Moderate Sedation
- 15.12 Use of American Psychiatric Association Diagnoses by LVNs, RNs, or APRNs
- 15.14 Duty of a Nurse in any Practice Setting
- 15.30 Workplace Violence

- *7.5. Review and Consideration of Current Positions Statements Without Changes- **EMcDermott**

- 15.1 Nurses Carrying out Orders from Physician Assistants
- 15.2 The Role of the Licensed Vocational Nurse in the Pronouncement of Death
- 15.4 Educational Mobility
- 15.5 Nurses with Responsibility for Initiating Physician Standing Orders
- 15.6 Board Rules Associated with Alleged Patient “Abandonment”
- 15.7 The Role of LVNs & RNs in Management and/or Administration of Medications via Epidural or Intrathecal Catheter Routes
- 15.9 Performance of Laser Therapy by RNs or LVNs
- 15.10 Continuing Education: Limitations for Expanding Scope of Practice
- 15.11 Delegated Medical Acts
- 15.13 Role of LVNs and RNs in School Health
- 15.15 Board's Jurisdiction over a Nurse's Practice in Any Role and Use of the Nursing Title
- 15.16 Development of Nursing Education Programs
- 15.17 Texas Board of Nursing/Board of Pharmacy, Joint Position Statement, Medication Errors
- 15.18 Nurses Carrying out Orders from Advanced Practice Registered Nurses
- 15.19 Nurses Carrying out Orders from Pharmacists for Drug Therapy Management
- 15.20 Registered Nurses in the Management of an Unwitnessed Arrest in a Resident in a Long Term Care Facility
- 15.22 APRNs Providing Medical Aspects of Care for Individuals with Whom There is a Close Personal Relationship
- 15.23 The use of Complementary modalities by the LVN or RN
- 15.24 Nurses Engaging in Reinsertion of Permanently Placed Feeding Tubes
- 15.25 Administration of Medication & Treatments by LVNs
- 15.27 The Licensed Vocational Nurse Scope of Practice
- 15.28 The Registered Nurse Scope of Practice
- 15.29 Professional Boundaries including Use of Social Media by Nurses

8. PROPOSED BOARD ORDERS

C *8.1. Agreed Orders

Biltz, Gabriel Linn	RN# 919324
Briseno, Barbara Jane	RN# 736105
Castro, Rosselyn	LVN# 347388
Clifford, Marcus	RN# 784634
Daberkow, Mary Elizabeth	RN #815924
Duderstadt, Terri	RN #223334
Elelu, Janet Funmilayo	LVN# 220517
Flores, Lindsey Michelle	RN# 891316
Gardner, Randell Lee	RN# 751584
Gates, Ashley Co'Leeta	RN# 1023030/ LVN# 323530
Gore, Nancy Louise	RN# 629345
Gutierrez, Rebecca Leigh	LVN# 186437
Hamilton, Lorena Cantor	RN# 939759
Haynes, Shasta	LVN# 331725
Hysaw, Donnell Edward	RN# 665543/ LVN# 146634
Johnson, Michael Anthony	LVN# 335927
Kelley, Kathleen Diane	RN# 686769
Martin, Jenna Louise	APRN# AP127612/ RX Auth# 17481/ RN# 871658
Moore, Stephanie Raene	LVN# 315727
Morgan (Thomas, Smith), Kenlie	LVN# 343468
Ochoa, Jose	RN# 927436
Perkins, Katherine Jane	LVN# 340610
Perry, Gina Marie	LVN# 228928
Porter, Taylor Ashley	RN# 990570
Rogers, William Elbert	RN# 715812/ LVN# 193622
Rowland, Amanda Leigh	RN# 967065/ LVN# 329245
Runnels, Madison Celeste	RN# 897620
Saucedo, Jamie	RN# 1024348
Serna, Juan Jose	LVN# 209987
Slimak, Cindy McAllister	APRN# AP122138/ RX Auth#12804/ RN# 835770
Stewart, Sherry Lynn	APRN# AP133985/ RN# 920923
Tiemeyer, Patrick	RN# 810219
Webster, Bernadean	LVN# 1068959
Westberry Linda	LVN# 231017
Williams, Thomas Michael	LVN# 310151

C *8.2. Agreed Orders-KSTAR Program

Contreras, Juan Pablo	RN# 939765
Jones, Jo Ann	LVN# 153624
Kozich, Alec Greer	RN# 968019
Ponder, Joshua Dakota	RN# 968900

C *8.3. Deferred Agreed Order

None

C *8.4. Reinstatement Agreed Orders

Bibal, Mariezen Valgomera	APRN# AP117118/ RX Auth# 8713/ RN# 666009
Buentello, Alexandra Renee	LVN# 334515
Galvan, Jose Ignacio	RN# 898406/ LVN# 321799
Meja, Mario Alberto	RN# 729339
Onuoha (Chilaka), Frances Ego	APRN# AP117433/ RX Auth# 9004/ RN# 728821

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 #164764, Issued to D'HAVELYN SHARNET HUSTON, SOAH Docket No. 507-22-06479- **JAbel (C.Hawkins/K.Wright/M.Jamison)**
- 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 #164764, Issued to D'HAVELYN SHARNET HUSTON, SOAH Docket No. 507-22-06479
- C *8.6.2.** Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #735461, Issued to SAFARAH MCMILLAN, SOAH Docket No. 507-22-2016 - **JAbel**
- 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 #735461, Issued to SAFARAH MCMILLAN, SOAH Docket No. 507-22-2016
- C *8.6.3.** Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #622606, #AP126871, and RX #16893, Issued to JILL MEREDITH, SOAH Docket No. 507-21-3239- **JAbel**
- 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 #622606, #AP126871, and RX #16893, Issued to JILL MEREDITH, SOAH Docket No. 507-21-3239
- C *8.6.4.** Consideration of Proposal for Decision, Recommendations, proposed settlement Agreements, if any, and Board action: In the Matter of Permanent Certificate #821842, Issued to JORGE PICHARDO, SOAH Docket No. 507-23-02845- **JAbel**
- 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 #821842, Issued to JORGE PICHARDO, SOAH Docket No. 507-23-02845

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 #792626, Issued to CASEY BERNARD READ, SOAH Docket No. 507-22-08774- **JAbel**
- 8.7.1.a.** Executive Session pursuant to 551.071(1), Texas Government Code, to discuss pending or contemplated litigation: In the Matter of Permanent Certificate #792626, Issued to CASEY BERNARD READ, SOAH Docket No. 507-22-08774

9. MISCELLANEOUS

- *9.1.** Review of the Board Quarterly Meeting Evaluation – **KShipp**
- 9.2.** Board Development: DON and Nursing Education Consultants Presentation: The Program Proposal Process From the Letter of Intent to the Proposal Presentation to the Board Members– **KBenton/JHooper/GVarnell/BSkloss**
- 9.3.** Executive Session Pursuant to Tex. Gov't Code Ann. §551.074 (Texas Open Meetings Act) Regarding Personnel Matters - **KThomas**

January 6, 2023 (4:48PM)

* - Written materials Sent from Office

** - Written materials Sent from third party

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