



# Texas Board of Nursing Bulletin

The mission of the Board of Nurse Examiners for the State of Texas is to protect and promote the welfare of the people of Texas by ensuring that each person holding a license as a nurse in the State of Texas is competent to practice safely. The Board fulfills its mission through the regulation of the practice of nursing and the approval of nursing education programs. This mission, derived from the Nursing Practice Act, supersedes the interest of any individual, the nursing profession, or any special interest group.



## BNE Under Sunset Review

The Board of Nurse Examiners will undergo Sunset Review during the 2006-2007 biennium. The State's Sunset Review process is a periodic evaluation by the Legislature of the continuing need for a state agency to exist. Unlike the routine legislative oversight of state agencies, Sunset asks the fundamental question of whether an agency's functions are needed and, therefore, whether the agency should be continued. The Sunset process generally requires review of an agency every twelve years by setting a date on which an agency will be abolished unless legislation is passed to continue its functions. The review includes examination of the agency mission, operations and recommendations for changes, if necessary.

The Sunset Commission is responsible for the Sunset process. The Commission consists of twelve-members including legislators and public members appointed by the Lieutenant Governor and the Speaker of the House of Representatives. The staff of the Commission gathers information about the agency's programs and provides reports to the Commission. The Commission's schedule, found at <http://www.sunset.state.tx.us/reviewsch2006.pdf>, states that the BNE will be reviewed during March through August of 2006.

If the Commission determines that a state agency should be continued, legislation will be drafted to continue the agency for 12 years and changes can be made which address problems identified by the Commission. If no legislation is introduced, the agency is abolished and a one year wind down period is allowed to conclude operations.

The first step of review requires that the agency submit a self evaluation report (SER). In the SER, the agency identifies problems, opportunities, and issues that it believes should be considered in the Sunset review. The BNE's report can be found at: <http://www.sunset.state.tx.us/80thereports/bne/ser.pdf>.

### Did you know....

*A nurse in a party state shall hold a license that is issued by the home state in only one party state at a time.* (TOC Sec. 304.001, Article 4)

A nurse can have only one compact state license and it must be from the state in which the nurse resides. The "home" state is the state a nurse has declared as his/her primary state of residence. The Board of Nursing in the nurse's primary state is responsible for investigating complaints made against the nurse. See 22 TAC ch. 220 Nurse Licensure Compact for more information.

The public also has a chance to participate in the review of an agency by commenting on issues and suggesting changes. This occurs in several ways.

- **The Sunset staff seeks input during the review from interested individuals and organizations. Input should be provided on the Commission's feedback form which can be found at:**  
<http://www.sunset.state.tx.us/question.htm>.  
**The Sunset Commission's request for feedback can be found on page 14.**
- **The public can review and comment on the reports prepared by the Commission. These reports are public during the review process.**
- **The Commission holds public hearings on each agency under review. The public may testify on the agency and the recommendations. The BNE anticipates its hearing will take place in November 2006.**
- **A Sunset bill must be passed by the Legislature for an agency to be continued. The public can participate in the same way as with any other legislation.**

The Board of Nurse Examiners was created by the Legislature in 1909. It has enjoyed a long and successful history of regulation and looks forward to participation in the Sunset review process.

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## Readers Invited to Comment on *Bulletin* Through Online Survey

You are invited to submit your opinion of the *Texas Board of Nursing Bulletin*, your interactions with the Board of Nurse Examiners (BNE) Customer Service Group, and your experiences with the BNE web site. By completing the online survey form located on the BNE web site, [www.bne.state.tx.us](http://www.bne.state.tx.us), you can let your opinions be known. The information obtained from the survey will help the BNE determine how the agency is doing in its efforts to provide services to nurses in the State of Texas and fulfilling the agency mission. The online survey only takes a few minutes to complete and the information provided is important to the strategic planning efforts of this agency. The results of this survey will be published in an upcoming *Bulletin*. The starting date for completing the survey is April 1, 2006. The cutoff date for completing the survey is June 30, 2006. If you have any questions about the survey, contact Bruce Holter at (512) 305-6842.

## South Carolina Implements Compact; Kentucky to Join in 2007

The State of South Carolina has implemented the Nurse Licensure Compact (NLC), effective February 1, 2006. South Carolina became the 19th state to join the Compact. On March 28, 2006, Kentucky's Governor signed the bill implementing the NLC effective June 1, 2007. The Governor of New Jersey signed the bill enacting the Nurse Licensure Compact, but the implementation date for New Jersey has yet to be determined. The other states that have implemented the Nurse Licensure Compact are: *Arizona, Arkansas, Delaware, Idaho, Iowa, Maine, Maryland, Mississippi, Nebraska, New Hampshire, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Texas, Utah, Virginia and Wisconsin*. Further information on the Nurse Licensure Compact can be obtained by visiting the web site for the National Council of State Boards of Nursing (NCSBN) located at: <http://www.ncsbn.org/nlc/rnlpvcompact.asp>. The NCSBN is a non-profit organization whose membership is comprised of the boards of nursing in the 50 states, the District of Columbia, and five United States territories—American Samoa, Guam, Northern Mariana Islands, Puerto Rico, and the Virgin Islands.

### BNE Meeting Dates: 2006

**April 20-21**  
**July 20-21**  
**October 19-20**

All meetings to be held in Austin

**Can a nurse administer anesthetic agents such as Propofol (Diprivan) to non-intubated patients for the purpose of moderate sedation?**

Find the answer in the Board's revised Position Statement 15.8: **The Role of the Nurse in Moderate Sedation**. Position Statements are located on the BNE web page under the "Nursing Practice Information" section.

### VOLUNTEER FOR A PEER

You can make a difference. "TPAPN saved my life." Become a part of nurses helping nurses by calling the Texas Peer Assistance Program for Nurses at 1-800-288-5528.

### RNs Sought for NCLEX Panel of Judges

The National Council of State Boards of Nursing (NCSBN) needs your help recruiting RNs for the Panel of Judges, which will be held this year September 27-29, 2006. NCSBN conducts a standard setting workshop for the NCLEX-RN® examination every three years. The Panel of Judges' responsibility is to recommend an NCLEX examination passing standard to the Board of Directors for the NCSBN. The Panel of Judges will be composed of a minimum of nine members, representing all four geographic regions and clinical practice areas. Members of the RN Panel of Judges must meet the following criteria:

- Must be currently employed in clinical nursing practice giving direct patient care and working directly with RNs who have entered nursing practice during the last twelve months (e.g., staff nurses who work collaboratively with entry-level nurses, nurses who precept or orient entry-level nurses, assistant head nurses, head nurses, or clinical specialists).
- Applicants (noted above) must have been in clinical practice for at least two years.
- One educator who currently supervises basic/undergraduate students in the clinical area.
- One entry level practitioner with less than 1 year in practice.

We hope we can count on your help in recruiting a successful panel. Please send the names and contact information of qualified RNs from your area to [lkenny@ncsbn.org](mailto:lkenny@ncsbn.org).



The Board of Nurse Examiners  
for the State of Texas

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## Summary of Actions

A Regular meeting of the Board of Nurse Examiners was held January 19-20, 2006 in Austin. The following is a summary of Board actions taken during this meeting.



The following amendments were published in the February 10, 2006 issue of the *Texas Register*. Proposed amendments were published in the November 11, 2005, issue of the *Texas Register* (30 TexReg 7349-7351, 7354):

The Board of Nurse Examiners (BNE) adopted without changes an amendment to 22 TAC §213.30, concerning Declaratory Order of Eligibility for Licensure. This section addresses requirements for initial licensure, the eligibility process and decisions that are made to deny eligibility for licensure in Texas. The amendment was adopted effective February 19, 2006, pursuant to Texas Occupations Code §301.151 which authorizes the board to adopt rules necessary for the performance of its duties.

The Board of Nurse Examiners adopted without changes amendments to 22 TAC §216.3, concerning Continuing Education. Senate Bill 39 (79th Regular Texas Legislative Session, 2005) amended the Nursing Practice Act (NPA) adding §301.306, Forensic Evidence Collection Component in Continuing Education. This new targeted continuing education (CE) applies to a licensed nurse “employed to work in an emergency room (ER) setting.” Auditing for this new CE requirement will commence September 1, 2008; thus, a nurse employed in a ER setting on or after September 1, 2006, would have two years to comply, based on the nurse's employment in the ER. In addition, House Bill 2680 (79th Regular Texas Legislative Session, 2005) amended Texas Occupations Code §112.051 requiring regulatory agencies of healthcare practitioners (including the BNE) to “adopt rules providing for reduced fees and continuing education requirements for retired health care practitioners whose only practice is voluntary charity care.” The adopted amendments implement these statutes. Effective date for amendments to 22 TAC §216.3 was February 19, 2006.

The Board of Nurse Examiners adopted with changes amendments to 22 TAC §217.18 (RNFAs), concerning Licensure, Peer Assistance and Practice. House Bill 1718 (79th Regular Texas Legislative Session, 2005) amended the Nursing Practice Act by repealing §§301.1525 through 301.1527 and adding §301.353. Amendments to §217.18 implement HB 1718 and address the

statutory requirements for a nurse whose functions include acting as a first assistant in surgery. The non-substantive changes were made to §217.18(a)(1)(C)(i), §217.18(a)(2), and §217.18(b)(2) in response to comments and staff recommendations. The amendment was adopted effective February 19, 2006.

The Board of Nurse Examiners withdrew proposed amendments to 22 TAC §221.12, concerning Advanced Practice Nurses. The Board has elected to withdraw the proposed amendment at this time to allow for further analysis.

The following amendments were published in the February 17, 2006 issue of the *Texas Register* and the comment period ended on March 20, 2006.

Amendments were proposed to 22 TAC §§217.2(a)(5), 217.4(a)(5), and 217.5(a)(4) and (7) pertaining to Licensure, Peer Assistance and Practice. Sections 217.2(a)(5), 217.4(a)(5) and 217.5(a)(7) address criminal background checks for Licensed Vocational Nurses. These rule amendments were proposed to implement the statute granting the Board the authority to require criminal background checks and to update the licensure requirements for LVN applicants and licensees. Proposed 217.5(a)(4) addresses credential evaluation services (CES) of foreign-educated nurses. Board staff requested that the acceptable verification organizations and availability of organizations that can provide credential evaluation services (CES) of foreign-educated nurses be broadened to provide consistency with the existing rule pertaining to graduates of nursing programs outside of the United States' jurisdiction.

The BNE proposed amendments to 22 TAC §217.16 pertaining to Licensure, Peer Assistance and Practice. Proposed Section 217.16 addresses the Minor Incident Rule contained in Texas Occupations Code §301.419 and addressed in §301.401. The Nursing Practice Advisory Committee (NPAC) was charged with the revision of the Minor Incident Rule in October 2005. NPAC completed their work on the Rule, submitted it at the January Board meeting and received approval to submit the rules to the *Texas Register* for comments.

## Waiver Forms for Nurse Educator/Preceptor Tuition Exemptions Distributed to Nursing Programs/Schools

Waiver forms, for usage by nurse educators and preceptors to obtain tuition exemptions for their dependents attending schools where the nurse educators are employed, have been distributed to Registrars, Admission Offices, and Directors of Professional Nursing Programs at Texas nursing schools. The exemptions came about due to passage of Senate Bill 132, enacted during the 79<sup>th</sup> Regular Texas Legislative Session. Tuition exemptions cannot exceed \$500.00 per semester and can be used for no more than 10 semesters. The exemptions can be utilized starting with the Fall semester for 2006. The Higher Education Board (THECB) is preparing rules implementing tuition exemptions. Once the rules are finalized, a link will be provided from the BNE web site.



## ***Education Actions - January 19-20, 2006 BNE Board Meeting***

The following is a summary of Board Education actions taken during the meeting.

### **Continued Approval Status Based on 2005 NCLEX-RN® Examination Pass Rates and Review of 2005 Annual Reports**

#### **• Full Approval with Commendations**

Baptist Health System, Diploma  
 Alvin Community College, ADN  
 Amarillo College, ADN  
 Austin Community College, ADN  
 Blinn College, ADN  
 Cisco Junior College, ADN  
 College of the Mainland, ADN  
 El Centro College, ADN  
 Grayson County College, ADN  
 Houston Baptist University, ADN  
 Houston Community College, ADN  
 Howard College, ADN  
 Kilgore College, ADN  
 Lamar State College at Port Arthur, ADN  
 Lamar University at Beaumont, ADN  
 Laredo Community College, ADN  
 Lee College, ADN  
 Navarro College, ADN  
 Northeast Texas Community College, ADN  
 Odessa College, ADN  
 Panola College, ADN  
 Paris Junior College, ADN  
 San Jacinto College - Central, ADN  
 Southwestern Adventist University, ADN  
 Temple College, ADN  
 Texarkana College, ADN  
 Trinity Valley Community College, ADN  
 University of Texas at Brownsville  
 and Texas Southmost College, ADN  
 Wharton County Junior College, ADN  
 Baylor University, BSN  
 Houston Baptist University, BSN  
 Prairie View A&M University, BSN  
 Texas A&M International University, BSN  
 Texas A&M University at Corpus Christi,  
 BSN  
 Texas Woman's University, BSN  
 University of Mary Hardin-Baylor, BSN  
 University of Texas at Arlington, BSN  
 University of Texas at Austin, BSN  
 University of Texas at Tyler, BSN  
 University of Texas Medical Branch at  
 Galveston, BSN  
 University of the Incarnate Word, BSN  
 University of Texas at Austin, Alternate  
 Entry MSN Program

#### **• Full Approval with No Recommendations and No Requirements**

Covenant School of Nursing, Diploma  
 Angelina College, ADN  
 Angelo State University, ADN  
 Central Texas College, ADN  
 Collin County Community College, ADN  
 Del Mar College, ADN

El Paso Community College, ADN  
 Galveston College, ADN  
 Lamar State College at Orange, ADN  
 McLennan Community College, ADN  
 Midland College, ADN  
 North Central Texas College, ADN  
 San Antonio College, ADN  
 San Jacinto College South, ADN  
 South Plains College, ADN  
 South Texas College, ADN  
 Tarrant County College, ADN  
 Vernon College, ADN  
 East Texas Baptist University, BSN  
 Lamar University at Beaumont, BSN  
 Midwestern State University, BSN  
 Stephen F. Austin University, BSN  
 Texas Christian University, BSN  
 Texas Tech University Health Science  
 Center, BSN  
 University of Texas at El Paso College of  
 Health Sciences, BSN  
 University of Texas Health Science Center  
 at Houston, BSN  
 University of Texas Health Science Center  
 at San Antonio, BSN  
 University of Texas Pan American, BSN  
 West Texas A&M University, BSN

#### **• Full Approval with Requirements**

Victoria College, ADN

### **Confirmation of Approval Status Based on Review of 2005 Annual Reports**

#### **• Initial Approval with No Recommendations or Requirements**

Brookhaven College, ADN  
 Cy Fair College, ADN  
 Texas A&M International University, FNP

#### **• Full Approval with No Recommendations and No Requirements**

Angelo State University, RN to BSN  
 Southwestern Adventist University, RN to BSN  
 Texas A&M University at Texarkana RN to  
 BSN  
 University of Texas at Brownsville and Texas  
 Southmost College, RN to BSN  
 Patty Hanks Shelton School of Nursing  
 (formerly Abilene Intercollegiate), FNP  
 Prairie View A&M University, FNP  
 Texas Christian University, Medical/  
 Surgical Clinical Nurse Specialist  
 Program  
 University of Texas Southwestern Medical  
 Center at Dallas, Women's Health NP

### **OTHER EDUCATION ACTIONS**

#### **• Accepted Report of Survey Visit and Changed Approval Status from Full with**

#### **Warning to Full Based on 2005 NCLEX-RN® Examination Pass Rates, Review of 2005 Annual Report and Report of Survey Visit**

Weatherford College, ADN

#### **• Approved Extension of Interim Director Appointment and Changed Approval Status from Full to Full with Warning and issued Commendations and Requirements Based on 2005 NCLEX-RN® Examination Pass Rates and Review of 2005 Annual Report**

Austin Community College, ADN

#### **• Changed Approval Status from Full to Full with Warning Based on 2005 NCLEX-RN® Examination Pass Rates and Review of 2005 Annual Report**

St. Philip's College, ADN

#### **• Accepted Report of Survey Visit and issued Commendations, Recommendations, and Requirements:**

Amarillo College, VN  
 Grayson County College, VN  
 Concorde Career Institute, VN  
 Weatherford College, VN

#### **• Accepted Report of Survey Visit and Continued Full Approval Status Based on Review of 2005 Annual Reports and Report of Survey Visit and issued Commendations, Recommendations, and Requirements**

Angelo State University, Medical/Surgical  
 CNS

#### **• Accepted Status Report on Innovative Professional Education Pilot Program and issued Requirement**

Midwestern State University, BSN

#### **• Granted Initial Approval to a New Nursing Education Program and issued Requirements**

Anamarc Educational Institute, VN

#### **• Granted Initial Approval to a New Nursing Education Program and issued Commendations, Recommendations and Requirements**

Southwestern Adventist University, Generic  
 BSN

## TASK FORCE APPOINTED TO REVIEW AND MAKE RECOMMENDATIONS REGARDING LICENSURE, ELIGIBILITY AND DISCIPLINARY RULES AND POLICIES

The Nursing Practice Act (NPA) makes it clear that all nurses must demonstrate “good professional character” in order to obtain or retain a nursing license. Since the consolidation of the LVN and RN Boards in February 1, 2004, the importance of having well-defined criteria for minimum professional character and eligibility for licensure has risen significantly. House Bills 2208 and 660 added requirements that applicants for licensure submit to FBI criminal background checks prior to issuance of licenses. In 2005, the Legislature provided funding for the Board to conduct FBI criminal background checks on all nurses over a ten year period. New licensure provisions of the NPA include denial or revocation of licensure for certain felony crimes and criminal sex offenses.

Additionally, increasing pressure is on nursing schools to conduct criminal background checks on its nursing students prior to admission, as a student’s criminal background may be an impediment to clinical experiences. The individuals currently enrolled in a nursing educational program are also required to receive both verbal and written information “regarding conditions that may disqualify graduates from licensure.”

Eligibility rules are not unique to nursing and similar cases are routinely heard before the State Office of Administrative Hearings for other professions. Similarly, the Board’s licensure process is subject to the provisions of Chapter 53 of the Texas Occupations

Code (Consequences of Criminal Convictions) as well as the provisions of the NPA.

The need for consistency in the Board’s processes for eligibility and discipline is apparent. The Board believes that an advisory committee specifically for this purpose would improve the Board’s rules by allowing interested parties to participate in development of recommendations to the Board. The Board believes that experts in areas relevant to licensure can provide evidence-based recommendations that would improve the Board’s disciplinary process.

At the January board meeting, the Board approved the creation of the Advisory Committee on Licensure, Eligibility and Discipline. The Board charged the Advisory Committee on Licensure, Eligibility and Discipline to review and make recommendations for possible revisions to the following rules and any applicable policies:

1. Section 213.27: Good Professional Conduct;
2. Section 213.28: Licensure of Persons with Criminal Convictions;
3. Section 213.29: Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters;
4. Section 213.30: Declaratory Order of Eligibility for Licensure; and
5. Section 213.33: Factors Considered for Imposition of Penalties/Sanction and/or Fines.

The committee will be composed of twelve (12) members including Board members, staff, and representatives from the nursing community. The proposed advisory committee members will be as follows: two Board Members, co-chairs; Board’s General Counsel; Board’s Director of Enforcement; and representatives from the following: Texas Association of Vocational Nurse Educators (TAVNE); Licensed Vocational Nurses Association of Texas (LVNAT); Texas League of Vocational Nurses (TLVN); Texas Organization of Associate Degree Nursing (TOADN); Texas Organization of Baccalaureate and Graduate Nurse Educators (TOBGNE); Texas Nurses Association (TNA); Texas Organization of Nurse Executives (TONE); and the Coalition for Nurses in Advanced Practice. The following proposed representatives will be invited to serve in an advisory capacity only: Representative from the Texas Office of the Attorney General; Representative from the Texas Peer Assistance Program for Nurses (TPAPN); Representative from the State Office of Administrative Hearings; Expert in Forensic Psychological Testing and Polygraph; Expert in Sex Offender Crimes and Treatment; and any additional experts as needed and requested by the Committee. Once the committee has fulfilled its purpose, it will return to the full Board with any recommendations, and the Board will consider those and vote to either accept, modify, or reject the Committee’s proposed recommendations.

### **NCSBN Offers New CE Course: *Acclimation of International Nurses into U.S. Nursing Practice* benefitting International Nurses**

The National Council of State Boards of Nursing (NCSBN) announced the launch of a new online continuing education (CE) offering benefitting international nurses and students preparing to practice in the U.S. The self-paced online course helps facilitate a successful professional and personal acclimation by providing key information and by directing learners to additional resources for a more in-depth understanding of the various aspects of transitioning into the U.S. Participants receive 6.6 contact hours credit. The cost of the course is \$40.00. For more information, visit the NCSBN’s continuing education web site at: <http://www.learningext.com/>

### **APN Advisory Committee Discusses Defining and Licensing of APNs**

The Advanced Practice Nursing Advisory Committee met in Austin on January 6, 2006. The committee discussed the board’s self-evaluation report that was provided to the Sunset Commission and provided input regarding the issue of defining and licensing advanced practice nurses. The committee also met with representatives of nursing education in Texas to discuss issues related to the doctor of nursing practice degree proposed by the American Association of Colleges of Nursing. Discussion focused on how this new practice doctorate could impact advanced practice nursing in the State of Texas. The committee’s discussion was for the purpose of gathering information only and no recommendation will be made to the Board at this time.

## Nurses on Guard - Error Prevention and Management

### Safe Systems, Safe Patients: Common Connectors Pose a Threat to Safe Practice

by Debora Simmons, MSN, RN, CCRN, CCNS



Debora Simmons, MSN, RN

In 1972 an article in the *Lancet* described an accidental infusion of a “Milk Drip” meant to be infused intragastrically but was “inadvertently” infused intravenously (Wallace, Payne et al. 1972). The patient had immediate severe consequences of this intravenous infusion of a feeding. Over the following 30 plus years there have been numerous case reports of accidental connections of feeding lines to intravenous lines, intravenous lines and feeding lines to tracheostomy cuffs, blood pressure monitors to intravenous lines and other life threatening connections of compatible tubing to the wrong line (Lanigan 2002; FDA 2003; Eakle, Gallauresi et al. 2005). To date there has been no progress in eradicating this avoidable error.

The common element in each of these tragic errors is the presence of a “luer lock” connector that makes connecting therapeutic products easy but also allows fatal errors when they are mistakenly connected. Blood pressure cuffs to intravenous lines can cause air embolisms, feeding tubes to intravenous lines cause sepsis and fat embolisms and intrathecal infusions of vincristine are fatal. The commonality is that each one of these errors involves a luer lock connector (FDA 2003).

Initial reactions to these case reports may be to question the vigilance of the nurse. How could a careful nurse accidentally connect the wrong lines? The answer is complex and includes many different factors that contribute to making this type of error. First and foremost, nurses are human and humans are not “perfect” at all times despite their intent. One other large problem is that as we become more familiar with a task, we may perform that task incorrectly. This is much like locking your keys in your car accidentally, although you usually perform perfectly, occasionally you do not act perfectly and lock your keys inside the car. This is called “*automaticity*” and is a function of thinking that allows us to perform common tasks without effort but also make mistakes in common tasks without knowing a mistake has been made.

The answer to this dilemma is not far from our reach – changing the design of the connectors will help prevent these errors. In the past, misconnected medical gases caused deaths every year in the operating room when anesthesiologists would inadvertently connect the patient to nitrous oxide and not oxygen. The connections to these two similar gases are now incompatible, which prevents an accidental connection. Redesigning the product so it will not connect is called a *forcing function* because it forces the user to use correct lines and prevents them from connecting incompatible lines. This change is a result of using safe design principles and recognizing the potential, however small, of human error in a critical process (Berwick 2001).

To date, there is no mandated standard in healthcare to change compatibility of these connectors to prevent these errors. Healthcare facilities are encouraged to use connectors that are not universally compatible with other infusion systems and purchase items that are not compatible to all lines – such as blood pressure cuffs without luer lock connectors or feeding tubes that will not connect to intravenous lines (Association of the Advancement of Medical Instrumentation 2001; ISMP 2003; Paparella 2005). Unfortunately nurses and facilities may not be aware of the potential for this error.

Nurses in healthcare settings where there are multiple common connectors must be aware of the possible hazard of inadvertently connecting the wrong line and take steps to protect their patients from this tragic and avoidable error. Changing the design of these connectors so they are not able to be connected is the right solution for this problem – until then here are some suggestions from experts of how to try and avoid this error:

1. All staff should be educated regarding the hazards of these connectors and strategize ways to decrease the risk (Eakle, Gallauresi et al. 2005);
2. It may be helpful to mark all lines with luer connectors at the proximal and distal end or double check lines independently (ISMP 2004);
3. Do not use IV tubing for enteral feedings or IV pumps for Enteral feedings (ISMP 2004);
4. Avoid buying equipment with common luer lock connectors when at all possible – especially for blood pressure cuffs, intrathecal or epidural lines and enteral feedings (Stone 2002; Paparella 2005).



## Safe Systems - continued from previous page

Nurses can influence the design and safety of the work environment by being active in decisions about patient products and supporting their institutions in purchasing incompatible connectors. In addition, soliciting professional organizations to support standards that change connectors to be incompatible is also a strategy. Safe design of healthcare products will support the ability of nurses to practice safely and keep patients safe.

### **Where you can get more information:**

Association for the Advancement of Medical Instrumentation, [www.AAMI.org](http://www.AAMI.org)

FDA Patient Safety News, [www.FDA.gov](http://www.FDA.gov)

Institute for Safe Medication Practice, [www.ISMP.org](http://www.ISMP.org)

United States Pharmacopeia, [www.USP.org](http://www.USP.org)

Joint Commission on Accreditation of Healthcare Organizations, [http://www.jointcommission.org/SentinelEvents/SentinelEventAlert/sea\\_36.htm](http://www.jointcommission.org/SentinelEvents/SentinelEventAlert/sea_36.htm)

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Debora Simmons, MSN, RN, CCRN, CCNS is a Clinical Nurse Specialist in critical and acute care with a background in patient safety, technology and complex patient care systems. As Senior Clinical Quality Improvement Analyst for the Institute of Healthcare Excellence at The University of Texas MD Anderson Cancer Center and a member of the technical core for the Center of Excellence for Patient Safety Research and Practice, she contributes to the clinical design and analysis of complex psychosocial and clinical protocols in the UT System and allied institutions relating to patient safety and quality outcomes. She maintains her clinical skills as an instructor of undergraduate nursing. She is a member of the Safe Medications Use Committee for the United States Pharmacopeia and is a member of the board of directors of Consumers Advancing Patient Safety.

In accordance with 301.158, Texas Occupations Code, the Board disseminates information "that is of significant interest to nurses and employers of nurses in Texas." As part of its Strategic Plan for the agency, the Board has identified the need for regular input on nursing practice, licensure, and education. The *Nurses on Guard - Error Prevention and Management* series of articles in the *Bulletin* is one way of meeting that need. Comments regarding this column should be addressed to the Editor at the Board's address. The opinions expressed in the guest column are those of the author and not an opinion or position statement of the Board.

### ***Did you know....***

*BNE staff frequently receives phone calls and e-mails asking which states are members of the Nurse Licensure Compact (NLC). The best resource for information on states that are members of the Compact (or who are considering joining the Compact) is the web site for the National Council of State Boards of Nursing (NCSBN)(<http://www.ncsbn.org/nlc/index.asp>). Resources on the National Council's web site include: a color map indicating states which have joined the compact or are in the process of implementing the compact and a frequently asked questions handout which explains how the compact works.*



## Practice Questions and Answers



### Nurses Rounding on Inpatients, and Dictating History & Physical/Discharge Summaries

**Question:** A physician had a Family Nurse Practitioner (FNP) who worked with him caring for patients both in the office and at the hospital. The nurse practitioner has now left this practice, and the physician has replaced the FNP with a registered nurse. This RN is now responsible for rounding on patients in the hospital. The nurse is responsible for dictating histories and physicals (H&Ps) after the physician has seen the patient and written an initial progress note. The statement is added "the patient was interviewed and examined by the physician." The physician then will sign the form later after it is dictated by the RN. The RN also dictates the physician's discharge summary in a fashion similar to the admitting H&P described above. The RN has been instructed on the required elements necessary for billing purposes by the physician's office. The hospital has also credentialed the nurse to assist the physician. The RN completes a standardized form on each patient daily. The RN summarizes lab or other test results, and any changes in the patient's condition or new complaints. The physician later reviews the information on the standardized form and writes new orders based on this information. The physician signs at the bottom of the summary form to indicate he has reviewed the information (though he may not have gone into the patient's room to examine or speak directly to the patient). Can the RN write orders for medications or treatments as a verbal order "Per Dr. \_\_\_\_" even though the RN never actually speaks to the physician? The physician says the nurse is working under the auspices of his license and that the RN can make changes in the physician's orders by proxy because the physician is willing to sign off on any orders the RN writes. My question is---does this fall within the scope of practice for a registered nurse? I am aware that the RN cannot bill as a nurse practitioner does; however, I am trying to determine what is appropriate if a RN assists a physician in this way. The physician is either physically present in the hospital or in his office, which is across the parking lot from the hospital. I'm not sure this makes any difference.

**Answer:** Your question is not a new one at the BNE. With the growing nursing shortage as well as economic factors impacting health care, scenarios such as the one you describe are becoming more prevalent. Staff first want to emphasize that a licensed nurse (though your question involves a RN, this would apply to RNs or LVNs) can never use the excuse "I was doing it under the physician's license, so I'm not responsible." If a nurse accepts an assignment or carries out a task, it does not matter if the act was a typical nursing function or a delegated medical act---the nurse is equally responsible under his/her nursing license for adhering to the Nursing Practice Act (NPA) and rules [Rule 217.11(1)(T)]. In addition, NPA Section 301.002 [Subsections (2) and (5)] specifies that nursing does NOT include "aspects of medical diagnosis or prescription of therapeutic or corrective measures." Such acts are prohibited (both as a nursing action and/or by physician delegation) because they would require the nurse to exercise "independent medical judgment"--which would be the practice of medicine rather than the practice of nursing. Thus, both LVNs and RNs are precluded from engaging in acts that require independent medical judgment.

With regard to your questions about a nurse rounding on hospital patients and dictating the "physician's admission history and physical" as well as "physician's discharge summary," collecting data (lab results, intake/output, vital sign trends), performing a nursing assessment, and even recording it in a central location (such as a daily progress note) would not require the nurse to engage in "medical diagnosis or prescription of therapeutic or corrective measures." Nothing in the NPA or Rules prevents a nurse from consolidating information to help a physician use his/her time more efficiently when the physician comes to medically evaluate a patient admitted to the hospital provided the nurse remembers to adhere to the NPA and Rules.

The concern with H&P's and discharge summaries is that the summary of the H&P typically includes an opinion regarding the patient's initial medical diagnosis(es) based on the data reviewed, the patient's history, and the physician's review of body systems. The Discharge Summary is a report of the patient's *medical* course and treatment (not nursing). This report (as with the H&P) is summarized by the physician's discharge *medical* diagnosis(es).

It isn't entirely clear in your question what information the nurse is obtaining from a progress note and/or other documents to complete the dictation for either the H&P or Discharge Summary. Board staff is not certain how other regulatory or facility accreditation agencies would view a nurse dictating the physician's H&P and/or discharge summary in the manner described in your question. Staff recommends contacting the Texas Medical Board [[www.tmb.state.tx.us](http://www.tmb.state.tx.us) or (512)305-7010], the Department of State Health Services [[www.dshs.state.tx.us](http://www.dshs.state.tx.us) or (512)458-7111] and, if applicable, the Joint Commission on Accreditation of Healthcare Organizations (JCAHO)[[www.jcaho.org](http://www.jcaho.org) or your facility-specific contact information] to clarify requirements and interpretations of the facility regulations. Professional associations at the state-specific level, such as the Texas Hospital Association (THA) [[www.tha.org](http://www.tha.org) (512)465-1000], may also be of assistance in providing guidance for the facility.

With regard to the nurse independently writing orders on patient charts, unless the nurse is a RN with authorization in an appropriate advanced practice role and specialty, the NPA and rules preclude such actions [See paragraph one above re: NPA Section 301.002]. Rule 217.11, *Standards of Nursing Practice*, is the main rule applied to nursing practice situations. Standard 217.11(1)(D) speaks to "accurately and completely reporting and documenting...(iii) physician, dentist, or podiatrist orders..." Rule 217.12, *Unprofessional Conduct*, is also applicable in situations where a nurse repeatedly or knowingly engages in conduct that violates the Board's rules on: good professional character [Rule 213.27] and the Standards listed in Rule 217.11. You are correct that the physician's physical presence or close proximity has no bearing on allowing a nurse to engage in an activity that requires the independent medical judgment of the physician.



## Practice Q & A - continued from previous page

In addition, if the nurse is falsely documenting a physician's orders for medications and treatments as if the orders were communicated to him/her from the physician, this would be in violation of both the NPA as well as the Board rules as listed above, and could result in a sanction against the nurse's license by the Board (BNE). Review of the Board's Disciplinary Sanction Policy of "Lying and Falsification" (<ftp://www.bne.state.tx.us/fraud.pdf>) explains how falsifying documents is viewed and possible Board actions if a nurse engages in this unprofessional conduct.

Staff recommends a nurse review the NPA and above rules, the Six-Step Decision-Making Model for Determining Nursing Scope of Practice, and other applicable documents on the web page under "Scope of Practice" (in the Nursing Practice Information Section) to assist the nurse in making an individual determination regarding whether or not he/she possesses the knowledge, skills and abilities to engage in a specific task. The nurse should also investigate whether other laws outside the BNE's jurisdiction apply.

While it may be viewed as a sign of respect and trust that this physician is delegating rounding on his patients and permitting the nurse to decide what orders to write, neither the physician or the nurse are adhering to the laws applicable to their respective licenses nor are they acting in the best interests of patients in this scenario. Should there ever be an untoward event related to an independent action (ie: "verbal physician order" written by the nurse without contacting the physician), the physician might readily declare that he/she "was not aware" of the nurse's actions and did not approve of them.

You may also find it useful to review the following position statements on the BNE's web page under "Nursing Practice Information:"

- **Position Statement 15.5: Nurses with Responsibility for Initiating Physician Standing Orders, and**
- **Position Statement 15.10: Limitations for Expanding Scope of Practice: Foundation for Initial Licensure and/or APN Authorization.**
- **Position Statement 15.11: Delegated Medical Acts, and**
- **Position Statement 15.14: Duty of a Nurse In Any Practice Setting, explaining why nurses are responsible for adhering especially to Standard 217.11(1)(B), which requires a nurse to take appropriate actions to maintain client safety.**

Though neither facility policies nor physician practices are within the jurisdiction of the BNE, questions as to how the physician is billing for his time/services, the basis of the facility's invoice for services supposedly "authorized" by the physician, and the overall accuracy of the medical record may all be of concern. The regulatory agencies noted above may be able to offer clarification on these concerns. Furthermore, just because a facility has credentialed the nurse to "assist" the physician does not automatically make the process "legal." BNE staff cannot speak as experts on laws outside the jurisdiction of the BNE, nor can staff provide legal advice; thus, you may wish to consult with your own legal counsel and/or that of the facility where you work.

### *Nurses Performing as First Assistants in the Operating Room*

**Question: I am a nurse in a physician's office working with a group of orthopedic surgeons. They want to train me to assist them in the operating room (OR), but they need for me to do more than just work in the "scrub role." They want me to perform some functions associated with first assisting. I am not a registered nurse first assistant (RNFA) and am wondering if I can accept this assignment. I thought only RNFAs could perform these functions in the OR.**

Answer: During the 79<sup>th</sup> Regular Legislative Session (2005), the Nursing Practice Act was amended to include Section 301.353 (HB-1718). The amendment created a provision for nurses **at any level of licensure** who are not RNFAs to assist a physician, podiatrist, or dentist in the performance of surgery as long as certain criteria are met. These criteria require the nurse to assist under the direct personal supervision and in the physical presence of the physician, podiatrist, or dentist. The nurse must also be qualified by education, training, or experience to perform the tasks assigned to them. Nurses who perform first assistant functions under this provision cannot use any titles that imply that they are nurse first assistants.

From the information you provided, it sounds like the physicians will train you to perform those functions associated with first assisting. As long as the physician is physically present in the same sterile field and directly supervising you, you will meet the requirements to accept this assignment. Staff recommends you keep records regarding your training and request that the physicians document your competency for each new task you learn. Remember that the Standards of Nursing Practice (Rule 217.11) include a requirement that nurses "accept only those nursing assignments that take into consideration client safety and that are commensurate with the nurse's educational preparation, experience, knowledge, and physical and emotional ability [Rule 217.11(1)(T)]."

It is also important to remember that if you elect to perform first assisting functions under a physician's delegation, you are still required to comply with the Nursing Practice Act and Board Rules. You are not authorized to use any first assistant titles nor may you bill for the services that you provide unless you are qualified as a nurse first assistant under Section 301.353(a) of the Nursing Practice Act.

For information on surgical assistants, see the Texas Medical Board's web site:  
<http://www.tmb.state.tx.us/professionals/other/surgasst/surgasst.php>

# IMPOSTER WARNING

*If you have any knowledge or information regarding the employment practices of the following individual(s), please contact the Board's Enforcement Division immediately at (512) 305-6838.*

## Rebecca Ann Brandt

Rebecca Ann Brandt's license to practice professional nursing in the State of Texas was revoked on July 25, 2002. On May 25, 2004, Ms. Brandt secured employment as a registered nurse with two staffing agencies in Houston, Texas. Ms. Brandt had taken the identity of a currently licensed RN and used all the information to secure employment and borrow money from the agencies. The information concerning this case has been reported to all the appropriate legal authorities including the Brownsville Police Department, Houston Police Department, and the Cameron County Sheriff's Department.



## Nancy Stivers Cross a.k.a. Nancy Stivers Parham

On August 22, 2005, Nancy S. Cross interviewed for a position as an LVN with an agency in Selma, Texas. Ms. Cross presented her driver's license, social security card, and a copy of a fraudulent LVN license, with an expiration date of October 31, 2002. The staff attempted to verify the license by phone and on-line, but they were unable to match the number with Ms. Cross's name. The impostor was not hired and the information was reported to the Board. The case was referred to the Guadalupe County District Attorney's Office in Seguin, Texas.



## Teresa Sanchez Olvera

In December 2003, Teresa Sanchez Olvera secured employment as a registered nurse with a doctor's office in Round Rock, Texas. In July 2004, a new office manager began a review of the personnel files and found that Ms. Olvera's file did not include a copy of the license, and she requested a copy. Ms. Olvera presented a copy of a fraudulent license which is issued to another individual. In November 2004, Ms. Olvera presented the same license number with the name of Teresa (Terri) Olvera, expiring in November, 2006. The office manager attempted to check the status of the license on the Board website and could not find a license for Teresa Olvera. Ms. Olvera resigned from her position on December 16, 2005. The case was referred to the Williamson County District Attorney's Office in Georgetown, Texas.



# NOTICE OF DISCIPLINARY ACTION

*The following nurses had disciplinary action taken against their licenses. If you would like to receive additional information regarding the disciplinary action that has been imposed, please send your written request to the Board of Nurse Examiners, Enforcement Division, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701-3944. Citations Violated information may be viewed on line under "Publications" at [www.bne.state.tx.us](http://www.bne.state.tx.us)*

| NAME                    | LICENSE #                 | CITATION(S) VIOLATED                                | DISCIPLINE                | DATE OF ACTION    |
|-------------------------|---------------------------|---|---------------------------|-------------------|
| Anderson, Deita Laneice | RN# 553678                | TOC 301.452(b)(10)<br>22 TAC §217.12(14)&(20)       | Remedial Education & Fine | February 9, 2006  |
| Archuleta, William      | RN# 692638<br>LVN# 115171 | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(10)(A)&(D) | Warning with Stipulations | January 19, 2006  |
| Arnold, Arthur Wayne    | LVN# 159146               | TOC 302.402(a)(10)<br>22 TAC §239.11(28)            | License Revoked           | February 14, 2006 |

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| <u>NAME</u>                                  | <u>LICENSE #</u>          | <u>CITATION(S) VIOLATED</u>  | <u>DISCIPLINE</u>                                  | <u>DATE OF ACTION</u>                  |
|--|---------------------------|--|--|--|
| Bailey (Dickson), Amanda Kay                 | RN# 590262                | TOC 301.452(b)(10)<br>22 TAC § 217.12(14)  | Remedial Education & Fine                          | January 6, 2006                        |
| Baker, Franklin Timothy                      | RN# 576999                | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(1)  | Voluntary Surrender                                | December 28, 2005                      |
| Balboa, Chloe Denisia                        | RN# 665014                | 301.452(b)(9)(10)&(12)<br>22 TAC 217.12(1)(2)(3)(4)(7)(12)&(19)  | Enforced Suspension                                | February 14, 2006                      |
| Batson, Vicki Burgess                        | LVN# 71689                | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)  | License Revoked                                    | February 14, 2006                      |
| Beaudoin, Patricia Ann                       | LVN# 51467                | TOC 302.402(a)(10)<br>22 TAC §239.11(1)(3)(27)(G)&(28)   | License Revoked                                    | February 14, 2006                      |
| Black (Gonzalez), Janet G.                   | RN# 241029                | TOC 301.452(b)(10)<br>22 TAC §217.12(16)   | Reprimand with Stipulations                        | February 14, 2006                      |
| Borden, Anthony Pickens                      | RN# 648176<br>LVN# 147586 | TOC 301.452(b)(1)&(10)<br>TOC 302.402(a)(10)<br>22 TAC §217.12(21)<br>22 TAC §239.11(5)  | License Revoked                                    | January 19, 2006                       |
| Bosley, Lucinda Diane                        | RN # 577223               | TOC 301.452(b)(10)&(12)<br>22 TAC §217.12(3)(12)&(19)  | License Revoked                                    | February 14, 2006                      |
| Boullioun, Elbert Oran                       | LVN# 191224               | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)  | Voluntary Surrender                                | January 23, 2006                       |
| Bracy, Daniel W                              | RN# 604544                | TOC 301.452(b)(1)&(10)<br>22 §217.12(1)(2)(3)&(4)  | License Revoked                                    | February 14, 2006                      |
| Brandeberry, Carol Robin<br>Briggs, Gloria   | RN# 233942<br>LVN# 170426 | TOC 301.452(b)(12)<br>TOC 301.452(b)(9)(10)&(13)<br>22 TAC §217.12(5)&(8)<br>22 TAC §217.11(1)(A)(C)(D)(iv)(8)<br>&(10)(A)(D)(iii) | Voluntary Surrender<br>License Revoked             | December 19, 2005<br>February 14, 2006 |
| Brigham, Shirley Jo                          | RN# 538935                | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(C)&(D)<br>22 TAC §217.12(4)   | Warning with Stipulations                          | January 19, 2006                       |
| Brower, Sheri Ann                            | LVN# 164148               | TOC 301.452(b)(10)<br>TOC 302.402(a)(10)<br>22 TAC §239.11(8)  | Enforced Suspension                                | February 14, 2006                      |
| Brown, Lillian Marie                         | RN# 557867                | TOC 301.452(b)(10)<br>22 TAC §217.12(1)&(19)   | Remedial Education                                 | January 30, 2006                       |
| Butler, Walter Edwin<br>Byrnes, Lorri Denise | RN# 602685<br>RN# 600511  | TOC 301.452(b)(1)<br>TOC 301.452(b)(9)(10)&(12)<br>22 TAC §217.12(12)  | Voluntary Surrender<br>Reprimand with Stipulations | January 17, 2006<br>January 19, 2006   |
| Cantu, Michael Lawrence                      | RN# 547023                | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(C)(D)(T)&(3)(A)<br>22 TAC §217.12(1)(A)(B)&(5)  | Enforced Suspension                                | January 19, 2006                       |
| Castillo, Ismael                             | RN# 593986                | Art. 4525(b)(8)(9)&(11)<br>TOC 301.452(b)(3)(9)&(10)<br>22 TAC §217.12(22)&(23)<br>22 TAC §217.13(1)                               | Suspend/Probate                                    | January 19, 2006                       |
| Champion, Angel Delores                      | RN# 234576                | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(10)(A)(D)(18)&(20)  | Warning with Stipulations                          | January 19, 2006                       |
| Chewning, Charles Joseph                     | LVN# 131718               | TOC 302.402(a)(9)&(10)<br>22 TAC §239.11(10)   | License Revoked                                    | February 14, 2006                      |
| Church, Jennifer Smith                       | LVN# 126163               | TOC 301.452(b)(2)(10)&(12)<br>TOC 302.402(a)(3)(A)&(10)<br>22 TAC §217.12(5)&(6)(H)<br>22 TAC §239.11(28)                          | Voluntary Surrender                                | February 9, 2006                       |
| Coleman, Erin Rae                            | RN# 698817                | TOC 301.452(b)(10)<br>22 TAC §217.12(6)(C)&(13)  | Enforced Suspension                                | January 19, 2006                       |
| Collier, Francine Ray                        | LVN# 179081               | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)  | Voluntary Surrender                                | February 24, 2006                      |
| Collums, Christina Michelle                  | LVN# 194602               | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(A)&(T)<br>22 TAC §217.12(1)(B)(E)(3)(4)<br>&(11)(B)                                   | Reprimand with Stipulations                        | January 19, 2006                       |
| Cox, Erin Ely                                | RN# 643468                | TOC 301.452(b)(10)<br>22 TAC §217.12(21)   | Warning with Stipulations                          | January 19, 2006                       |
| Crawford, Deborah Rane                       | LVN# 138353               | TOC 301.452(b)(10)<br>22 TAC §239.11(2)&(3)  | Remedial Education                                 | January 11, 2006                       |
| Cross, Corliss Ann                           | RN# 504033                | TOC 301.452(b)(10)<br>22 TAC §217.12(13)   | Voluntary Surrender                                | January 18, 2006                       |
| Crowell, Ronald Clay<br>DeLeon, Norma        | RN# 518779<br>RN# 649193  | TOC 301.452(b)(1)<br>TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(B)&(C)<br>22 TAC §217.12(1)(B)                                   | Voluntary Surrender<br>Warning with Stipulations   | January 11, 2006<br>January 19, 2006   |



**DISCIPLINARY ACTION**

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| <u>NAME</u>                 | <u>LICENSE #</u>          | <u>CITATION(S) VIOLATED</u>   | <u>DISCIPLINE</u>                    | <u>DATE OF ACTION</u> |
|-----------------------------|---------------------------|---|--------------------------------------|-----------------------|
| Deluna, Celinda M.          | RN# 242246                | TOC 301.452(b)(1)(9)&(10)<br>22 TAC §217.12(6)(H)(10)(A)<br>&(11)(B)  | Voluntary Surrender                  | February 21, 2006     |
| Diaz, Juan Manuel           | RN# 646187                | TOC 301.452(b)(10)<br>22 TAC §217.12(3)&(16)  | Limited License<br>with Stipulations | January 19, 2006      |
| Digby-Lawhon, VanishaShavon | LVN# 187284               | TOC 301.452(b)(3)&(10)<br>TOC 302.402(a)(3)(B)&(10)<br>22 TAC §217.12(13)<br>22 TAC §239.11(29)(A)(iii)   | Voluntary Surrender                  | January 25, 2006      |
| Dodds, Linda Marie          | LVN# 162941               | TOC 302.402(a)(10)<br>22 TAC 239.11(4)(27)(G)&(28)  | Remedial Education                   | February 13, 2006     |
| Dominic, Saly Mattappallil  | RN# 621741                | TOC 301.452(b)(10)<br>22 TAC §217.12(2)&(4)   | Reprimand with Stipulations          | February 14, 2006     |
| Dominguez, Laura            | RN# 689308<br>LVN# 163695 | TOC 301.452(b)(13)<br>22 TAC §217.11(1)(A)<br>22 TAC §217.18(A)&(C)   | Remedial Education & Fine            | December 28, 2005     |
| Dossey, Melanie S.          | RN# 525201                | TOC 301.452(b)(13)<br>22 TAC §217.11(21)  | Remedial Education & Fine            | February 9, 2006      |
| Douglas, Pauline Gail       | LVN# 139308               | TOC 302.402(a)(10)<br>22 TAC §239.11(4)&(27)(K)   | Suspend/Probate                      | January 19, 2006      |
| Duff, Diedre Gaddy          | RN# 654185<br>LVN# 133520 | TOC 301.452(b)(3)(9)&(10)<br>22 TAC §217.12(5)(10)(A)(E)<br>&(13)   | Voluntary Surrender                  | February 22, 2006     |
| Duncan, Damara Nicole       | LVN# 183144               | TOC 301.452(b)(3)&(10)<br>TOC 302.402(a)(10)<br>22 TAC §217.12(13)<br>22 TAC §239.11(28)&(29)(iv)   | Voluntary Surrender                  | January 12, 2006      |
| Dunson, Kayzochary          | LVN# 121262               | TOC 302.402(a)(10)<br>22 TAC §239.11(3)   | Remedial Education                   | December 13, 2005     |
| Dupuy, Burton               | RN# 635266                | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(1)&(19)  | License Revoked                      | February 14, 2006     |
| Dwyer, Karla G.             | RN# 616718                | TOC 301.452(b)(9)(10)&(12)<br>22 TAC §217.12(10)(A)(D)&(E)  | Suspend/Probate                      | February 14, 2006     |
| Eakin, Debra                | RN# 652892<br>LVN# 157947 | TOC 301.452(b)(10)<br>22 TAC §217.12(3)<br>22 TAC §239.11(2)  | Remedial Education                   | January 25, 2006      |
| Eckols, Linda Ruth          | RN# 253996<br>LVN# 56182  | TOC 301.452(b)(9)   | License Revoked                      | January 19, 2006      |
| Ekong, Affiong Ikpeme       | RN# 533652                | TOC 301.452(b)(3)&(10)<br>22 TAC §217.12(1)&(19)  | Voluntary Surrender                  | January 9, 2006       |
| Elder (Veal), Myra Ann      | RN# 667336                | TOC 301.452(b)(10)&(12)<br>22 TAC §217.12(6)(G)&(12)  | Voluntary Surrender                  | January 24, 2006      |
| Ellis, Tynisa Alice         | RN# 705889                | TOC 301.452(b)(13)<br>22 TAC §217.11(1)(C)&(D)(iii)   | Reprimand with Stipulations          | January 19, 2006      |
| Emerson, Lance Elgin        | RN# 687523                | TOC 301.452(b)(1)(9)&(10)<br>22 TAC §217.12(10)(A)&(11)(B)  | Voluntary Surrender                  | January 26, 2006      |
| Engle, David Palmer         | RN# 240278                | TOC 301.452(b)(8)   | License Revoked                      | February 14, 2006     |
| Esprey (Tindal), Aundrea    | RN# 580901                | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(5)<br>22 TAC §217.12(14)&(16)   | Reprimand with Stipulations          | January 19, 2006      |
| Field, David Palmer         | RN# 547321                | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(5)&(10)(A)&(D)   | License Revoked                      | February 14, 2006     |
| Garcia, Felix Michael       | LVN# 129461               | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(5)&(10)(A)   | Reprimand with Stipulations          | January 19, 2006      |
| Garcia, Jesse G.            | LVN# 53002                | TOC 301.452(a)(10)<br>22 TAC §239.11(1)&(8)   | License Revoked                      | February 14, 2006     |
| Gaston, Shaundra Lanell     | LVN# 145717               | TOC 302.402(a)(10)  | License Revoked                      | January 19, 2006      |
| Gilliam, Robin Rhenee       | RN# 655197                | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)   | License Revoked                      | February 14, 2006     |
| Gonzales, Dawn Darlene      | LVN# 138490               | TOC 301.452(b)(9)&(10)<br>22 TAC §239.11(1)&(4)   | Voluntary Surrender                  | February 15, 2006     |
| Gonzales, Genaro            | LVN# 144480               | TOC 302.402(a)(10)<br>22 TAC §239.11(8)   | Reprimand with Stipulations          | February 14, 2006     |
| Grace, James Lee            | LVN# 84497                | TOC 301.452(b)(10)<br>22 TAC §217.12(11)  | Remedial Education & Fine            | February 15, 2006     |
| Graves, Reginald Carl       | RN# 711952<br>LVN# 167106 | TOC 301.452(b)(1)(2)(9)(10)&(12)<br>22 TAC §217.11(3)(4)&(28)<br>22 TAC §217.12(4)(6)(G)(10)(B)(C)<br>(E)&(23)<br>22 TAC §239.11(a)(1)(2)(4)(6)(10)<br>(27)(B)(G)(K)&(28) | Voluntary Surrender                  | February 15, 2006     |

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| <u>NAME</u>                                      | <u>LICENSE #</u>           | <u>CITATION(S) VIOLATED</u>   | <u>DISCIPLINE</u>                                  | <u>DATE OF ACTION</u>                  |
|--|----------------------------|---|--|--|
| Grossman, Mark Wade                              | LVN# 149592                | TOC 301.452(b)(10)&(13)<br>TOC 302.402(a)(10)<br>22 TAC §217.11(1)(A)&(D)(iv)<br>22 TAC §217.12(1)(A)&(4)<br>22 TAC §239.11(3)&(4)  | Warning with Stipulations                          | January 19, 2006                       |
| Guevara, Abraham                                 | LVN# 190429                | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(I)<br>22 TAC §217.12(6)(C)(F)(12)&(13)   | License Revoked                                    | February 14, 2006                      |
| Hamilton, Darrel Wayne                           | RN# 606409                 | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(9)   | License Revoked                                    | February 14, 2006                      |
| Hanes, Randy Steven                              | RN# 698741                 | TOC 301.452(b)(10)<br>22 TAC §217.12(6)(D)  | Warning with Stipulations                          | December 13, 2005                      |
| Harris, Ronald Dovaughn                          | RN# 700631                 | TOC 301.452(b)(2)(8)&(10)<br>22 TAC §217.12(10)(A)(B)(E)(22)<br>&(23)   | Voluntary Surrender                                | December 19, 2005                      |
| Hassell, Amy Denise                              | LVN# 160154                | TOC 301.452(b)(3)(9)&(10)<br>22 TAC §217.12(13)&(19)  | Voluntary Surrender                                | January 17, 2006                       |
| Higgins, Connie Jeannane                         | LVN# 132689                | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(10)(A)&(D)   | Limited License<br>with Stipulations               | January 19, 2006                       |
| High, Linda D.                                   | RN# 619084                 | TOC 301.452(b)(10)<br>22 TAC §217.12(2)(4)(A)&(12)  | Warning with Stipulations                          | January 19, 2006                       |
| Hoffmann, Barbara Jean<br>Hoffpauir, Tina Bendy  | RN# 580920<br>LVN# 141585  | TOC 301.452(b)(8)<br>TOC 301.452(b)(3)&(10)<br>TOC 302.402(a)(10)<br>22 TAC §217.12(1)(b)(e)(4)&(5)<br>22 TAC §239.11(1)(2)(3)(4)(5)(6)(7)<br>(8)(27)(G)(K)(28)&(29)(A)(iv) | License Revoked<br>License Revoked                 | February 14, 2006<br>February 14, 2006 |
| Hogan III, Robert Keith                          | LVN# 150049                | TOC 302.402(a)(2)&(10)<br>22 TAC §239.11(8)   | License Revoked                                    | January 19, 2006                       |
| Holmes, Howard Joseph<br>Holstein, Valarie Marie | LVN# 117434<br>LVN# 194072 | TOC 301.452(b)(10)<br>TOC 301.452(b)(10)<br>22 TAC §217.12(19)  | Voluntary Surrender<br>Remedial Education          | January 3, 2006<br>December 28, 2005   |
| Hornback, Janie Yvonne                           | RN# 595190<br>LVN# 75079   | TOC 301.452(b)(1)&(13)<br>22 TAC §217.11(1)(A)  | Remedial Education w/Fine                          | January 12, 2006                       |
| Horsch, Margaret Elaine                          | RN# 582912<br>LVN# 133880  | TOC 301.452(b)(10)<br>22 TAC §217.12(1)(3)&(18)   | Warning with Stipulations                          | January 19, 2006                       |
| Hutcherson, Nona Darlene                         | RN# 224471                 | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)   | Reprimand with Stipulations                        | January 19, 2006                       |
| Johnson, Stephen Ray                             | LVN# 136076                | TOC 301.452(b)(10)<br>22 TAC §239.11(27)(F)(I)(L)   | Warning with Stipulations                          | December 13, 2005                      |
| Jones, Sheree May                                | RN# 702509<br>LVN# 139922  | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)   | License Revoked                                    | February 14, 2006                      |
| Keller, James Shirley                            | RN# 503453                 | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)   | License Revoked                                    | February 14, 2006                      |
| Kincaid, Kim                                     | RN# 517628                 | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)   | License Revoked                                    | February 14, 2006                      |
| King, Julie Ann                                  | RN# 679386                 | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(1)(3)(18)&(19)   | License Revoked                                    | February 14, 2006                      |
| Kocour, Andrew Ross                              | RN# 674583                 | TOC 301.452(b)(3)&(10)<br>22 TAC §217.12(13)  | Voluntary Surrender                                | February 27, 2006                      |
| Lasalle, Audrea Diane                            | RN# 676483                 | TOC 301.452(b)(10)<br>22 TAC §217.12(12)  | License Revoked                                    | February 14, 2006                      |
| Lavender, Jeffery Lynn                           | LVN# 146431                | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(A)<br>22 TAC §217.12(1)(A)(6)(C)   | Voluntary Surrender                                | January 19, 2006                       |
| Lindly, Laurie D.<br>Lloyd, Mary J.              | RN# 602401<br>RN# 505508   | TOC 301.452(b)(12)<br>TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(1)(3)&(12)   | Reprimand with Stipulations<br>Enforced Suspension | December 13, 2005<br>February 14, 2006 |
| Lopez, Richard                                   | RN# 547862<br>LVN# 80992   | TOC 301.452(b)(10)<br>TOC 302.402(a)(10)<br>22 TAC §217.12(16)<br>22 TAC §239.11(22)  | Voluntary Surrender                                | December 4, 2006                       |
| MacDonald, Jennifer Lynn                         | RN# 691516<br>LVN# 139206  | TOC 301.452(b)(1)(9)&(10)<br>22 TAC §217.12(10)(A)&(11)(B)  | Suspend/Probate                                    | January 19, 2006                       |
| Marroquin, Belissa Zamora                        | RN# 563414                 | TOC 301.452(b)(13)<br>22 TAC §217.11(1)(A)<br>22 TAC §221.4(b)<br>22 TAC §221.8(a)(1)   | Remedial Education                                 | January 2, 2006                        |
| Mastrianni, Tammy Dee                            | LVN# 136310                | TOC 301.452(b)(3)(9)&(10)<br>22 TAC §217.12(10)(A)(D)&(13)  | License Revoked                                    | February 14, 2006                      |

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| <u>NAME</u>                 | <u>LICENSE #</u>          | <u>CITATION(S) VIOLATED</u>   | <u>DISCIPLINE</u>           | <u>DATE OF ACTION</u> |
|-----------------------------|---------------------------|---|-----------------------------|-----------------------|
| Mayson, Mercy Alberta       | RN# 675372                | TOC 301.452(b)(13)<br>22 TAC §217.11(3)&(4)(A)(C)(D)  | Remedial Education          | February 9, 2006      |
| McCarty, Jean Matlock       | RN# 628833<br>LVN# 78809  | TOC 301.452(b)(13)<br>22 TAC §217.11(1)(C)  | Remedial Education          | January 17, 2006      |
| McCay, Mary M.              | RN# 239179                | Art. 4525(a)(9) & Art. 4525(b)(9)<br>TOC 301.452(b)(3)&(10)<br>22 TAC §217.12(1)  | Voluntary Surrender         | January 31, 2006      |
| McClanahan, Deborah Lou     | RN# 583533                | TOC 301.452(b)(13)<br>22 TAC §217.11(3)   | Remedial Education          | February 17, 2006     |
| McDuffie, Tara Dionne       | LVN# 153609               | TOC 302.402(a)(10)<br>22 TAC §239.11(2)&(3)   | Remedial Education          | December 28, 2005     |
| McNamee, Michael James      | RN# 676522                | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(10)(A)(D)&(11)(B)  | Warning with Stipulations   | February 14, 2006     |
| Medina, Angela Tennille     | LVN# 171212               | TOC 302.402(a)(10)<br>22 TAC §239.11(4)(7)&(28)   | License Revoked             | February 14, 2006     |
| Miller, Janis Lavonne       | RN# 551635<br>LVN# 59978  | TOC 301.452(b)(10)<br>22 TAC §217.12(2)(3)&(4)  | Warning with Stipulations   | February 14, 2006     |
| Miller, Patsy Gay           | LVN# 84342                | TOC 301.452(b)(1)&(10)<br>22 TAC §217.12(11)(B)   | License Revoked             | February 14, 2006     |
| Miranda, James Patrick      | RN# 608801                | TOC 301.452(b)(13)<br>22 TAC §217.11(5)   | Remedial Education          | December 23, 2005     |
| Mjoseth, Sherry Lynn        | RN# 465210                | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(1)   | Enforced Suspension         | December 13, 2005     |
| Montgomery, Barbara L.      | LVN# 85165                | TOC 301.452(b)(10)<br>22 TAC §239.11(2)&(3)   | Remedial Education          | January 6, 2006       |
| Moore, Cicely Marie         | LVN# 181359               | TOC 301.452(b)(10)<br>22 TAC §217.12(6)(C)  | Remedial Education          | December 19, 2005     |
| Moore, Johnny J.            | RN# 621689<br>LVN# 126052 | TOC 301.452(b)(10)<br>TOC 302.402(a)(10)<br>22 TAC §217.12(15)<br>22 TAC §239.11(27)(L)                                 | Remedial Education          | December 19, 2005     |
| Morales, Susan Maria        | LVN# 143987               | TOC 301.452(b)(10)<br>22 TAC §217.12(6)(G)  | Voluntary Surrender         | January 17, 2006      |
| Mulkey, Christina Lynn      | LVN# 161435               | TOC 301.452(b)(10)<br>22 TAC §217.12(10)(D)&(13)  | Enforced Suspension         | February 14, 2006     |
| Munoz, Vanessa La Blanche   | LVN# 184708               | TOC 301.452(b)(2)&(10)<br>22 TAC §217.12(6)(I)  | Remedial Education          | February 14, 2006     |
| Nance, Jason Lidell         | LVN# 176336               | TOC 301.452(b)(8)   | License Revoked             | February 14, 2006     |
| Navarro-Becker, Juana Maria | RN# 636275                | TOC 301.452(b)(1)&(13)<br>22 TAC §217.11(1)(A)  | Remedial Education & Fine   | January 25, 2006      |
| Ohart, Linda Sue            | RN# 241925<br>LVN# 59897  | TOC 301.452(b)(10)<br>TOC 302.402(a)(10)<br>22 TAC §217.12(4)&(5)<br>22 TAC §239.11(4)                                  | Remedial Education          | February 13, 2006     |
| Okeke, Chinwe Ifeoma        | LVN# 170822               | TOC 301.251<br>TOC 301.452(b)(10)<br>TOC 302.402(a)(10)<br>22 TAC §217.12(11)<br>22 TAC §239.11(9)                      | Warning with Stipulations   | January 19, 2006      |
| Oldham, Martha Lynn Massey  | RN# 595163<br>LVN# 134648 | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(2)(11)&(18)<br>22 TAC §239.11(27)(A)&(E)                                      | Warning with Stipulations   | January 19, 2006      |
| Osegueda, Vicki Ann         | LVN# 164005               | Art. 4528c, Sec. 10(a)(9)<br>TOC 301.452(b)(3)&(10)<br>22 TAC §217.12(13)<br>22 TAC §239.11(29)(iv)                     | Voluntary Surrender         | February 16, 2006     |
| O'toole, Gina Lea           | RN# 568286                | TOC 301.452(b)(9)(10)&(13)<br>22 TAC §217.11(1)(D)<br>22 TAC §217.12(3)(4)(6)(G)(10)<br>(C)(18)&(19)                    | Voluntary Surrender         | December 28, 2005     |
| Padilla, Esteban            | RN# 722221<br>LVN# 168806 | Art. 4528c, Sec.10(a)(9)<br>22 TAC §239.11(28)  | Reprimand with Stipulations | February 14, 2006     |
| Parchmont, Jessie F.        | RN# 641413<br>LVN# 139834 | TOC 301.452(b)(9)&(10)<br>22 TAC §217.12(10)(D)   | Suspend/Probate             | February 14, 2006     |
| Paredes Jr., Rene           | LVN# 194566               | Art. 4528c, Sec.10(a)(3)&(9)<br>TOC 301.452(b)(3)&(10)<br>22 TAC §217.12(13)<br>22 TAC §239.11(28)&(29)(A)<br>(iii)(iv) | Voluntary Surrender         | February 23, 2006     |
| Parker, Schmika Shynette    | LVN# 182538               | TOC 301.452(b)(1)(9)&(10)<br>22 TAC §217.12(10)(A)(D)<br>&(11)(B)   | Voluntary Surrender         | January 23, 2006      |



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| <u>NAME</u>               | <u>LICENSE #</u> | <u>CITATION(S) VIOLATED</u>      | <u>DISCIPLINE</u>           | <u>DATE OF ACTION</u> |
|---------------------------|------------------|----------------------------------|-----------------------------|-----------------------|
| Patterson, Jenny Lynn     | LVN# 159856      | TOC 302.402(a)(10)               | License Revoked             | February 14, 2006     |
| Paul, Lucy Vadakumpadan   | RN# 604498       | 22 TAC §239.11(28)&(29)(A)(iv)   | Remedial Education          | January 30, 2006      |
| Phillips, Robin Lou       | LVN# 137448      | TOC 301.452(b)(13)               |                             |                       |
|                           | RN# 539541       | 22 TAC §217.11(2)&(18)           | License Revoked             | February 14, 2006     |
| Pierce, Deanna Rae        | LVN# 165121      | TOC 301.452(b)(10)               | License Revoked             | February 14, 2006     |
| Pinion, Amy B.            | LVN# 165121      | 22 TAC §217.12(1)(3)(4)(D)&(18)  | License Revoked             | February 14, 2006     |
| Pressley, Susan Estelle   | RN# 615208       | Art 4528c, Sec.10(a)(9)          | Remedial Education          | December 23, 2005     |
|                           | RN# 559232       | 22 TAC §239.11(27)(F)            |                             |                       |
|                           | LVN# 103793      | TOC 301.452(b)(10)&(12)          | Remedial Education          | December 23, 2005     |
|                           | RN# 596463       | 22 TAC §217.12(12)&(14)          | Voluntary Surrender         | January 18, 2006      |
| Radlet, Daniel Joseph     | LVN# 103793      | TOC 301.452(b)(1)&(10)           | Remedial Education          | February 1, 2006      |
| Raspberry, Vickie L.      | RN# 596463       | Art 4525(a)(9)                   | Remedial Education          | February 1, 2006      |
|                           | RN# 247831       | 22 TAC §217.13(17)               |                             |                       |
|                           | LVN# 65903       | TOC 301.452(b)(10)               | Remedial Education          | February 9, 2006      |
|                           |                  | TOC 302.402.(a)(10)              |                             |                       |
|                           |                  | 22 TAC §217.12(2)(3)&(4)         |                             |                       |
| Reeder, Lori Ann          | RN# 574599       | 22 TAC §239.11(2)(3)&(27)(A)     | Remedial Education & Fine   | February 22, 2006     |
|                           |                  | TOC 301.452(b)(1)&(13)           |                             |                       |
|                           |                  | 22 TAC 217.11(1)(A)              |                             |                       |
| Reuther, Pamela Sue       | LVN# 103355      | TOC 302.402(a)(3)(A)&(B)         | Voluntary Surrender         | January 20, 2006      |
| Riekstins, Carol Patricia | RN# 568437       | TOC 301.452(b)(1)&(10)           | Reprimand with Stipulations | January 19, 2006      |
|                           |                  | 22 TAC §217.12(11)(B)            |                             |                       |
| Robertson, Bird Cleveland | LVN# 135756      | TOC 301.452(b)(9)(10)&(12)       | License Revoked             | February 14, 2006     |
|                           |                  | 22 TAC §217.12(7)                |                             |                       |
|                           |                  | 22 TAC §239.11(10)&(27)(B)       |                             |                       |
| Robinson, Debra Stone     | RN# 231691       | TOC 301.452(b)(1)(10)&(13)       | Enforced Suspension         | January 19, 2006      |
|                           |                  | 22 TAC §217.11(1)(P)             |                             |                       |
|                           |                  | 22 TAC §217.12(11)(B)            |                             |                       |
| Robinson, Terrilyn Andria | LVN# 134834      | TOC 302.402(a)(10)               | Remedial Education & Fine   | January 20, 2006      |
|                           |                  | 22 TAC §239.11(5)                |                             |                       |
| Rodriguez, Javier         | RN# 601952       | TOC 301.452(b)(10)               | Remedial Education          | February 1, 2006      |
|                           |                  | 22 TAC §217.12(1)                |                             |                       |
|                           |                  | 22 TAC §222.1(6)                 |                             |                       |
|                           |                  | 22 TAC §222.2(a)                 |                             |                       |
| Roe, Jon Wyatt            | LVN# 167658      | TOC 301.452(b)(10)               | Remedial Education          | February 13, 2006     |
|                           |                  | 22 TAC §217.12(6)(C)             |                             |                       |
| Ronquillo, Randy Eric     | LVN# 178895      | TOC 302.402(b)(3)&(10)           | Suspend/Probate             | January 19, 2006      |
|                           |                  | 22 TAC §239.11(25)&(29)(A)(iv)   |                             |                       |
| Russell, Jesse            | LVN# 188734      | TOC 302.402(a)(9)                | Voluntary Surrender         | January 23, 2006      |
|                           |                  | 22 TAC §239.11(28)               |                             |                       |
| Ryder, Troy Raymond       | RN# 702954       | TOC 301.452(b)(1)&(10)           | License Revoked             | February 14, 2006     |
|                           |                  | 22 TAC §217.12(11)(B)            |                             |                       |
| Sabol, Shalin             | LVN# MSR         | TOC 301.452(b)(9)&(10)           | MSR Privilege Revoked       | February 14, 2006     |
|                           |                  | 22 TAC §217.12(10)(A)&(D)        |                             |                       |
| Sanchez, Elizabeth Marie  | RN# 695964       | TOC 301.452(b)(10)               | Warning with Stipulations   | February 14, 2006     |
|                           |                  | 22 TAC §217.12(2)                |                             |                       |
| Savely, Virginia Riley    | RN# 549755       | TOC 301.452(b)(1)                | Remedial Education & Fine   | January 2, 2006       |
|                           |                  | 22 TAC §221.13(d)                |                             |                       |
| Silva, Carlito Creag      | RN# 460889       | TOC 301.452(b)(10)               | Remedial Education & Fine   | December 28, 2005     |
|                           | LVN# 84961       | TOC 302.402(a)(10)               |                             |                       |
|                           |                  | 22 TAC §217.12(19)               |                             |                       |
|                           |                  | 22 TAC §239.11(1)                |                             |                       |
| Skidmore, Gregory Alan    | RN# 671541       | TOC 301.452(b)(10)               | Warning with Stipulations   | January 19, 2006      |
|                           |                  | 22 TAC §217.12(2)(4)(A)&(12)     |                             |                       |
| Smith, Alvin Rodney       | LVN# 147251      | TOC 302.402(a)(2)(9)&(10)        | License Revoked             | February 14, 2006     |
|                           |                  | 22 TAC §239.11(1)(8)&(29)        |                             |                       |
| Smith, Michelle Louise    | RN# 569988       | TOC 301.452(b)(1)&(9)            | License Revoked             | January 19, 2006      |
| Smith, Nancy Ann          | RN# 543889       | TOC 301.452(b)(2)(3)(9)&(10)     | License Revoked             | February 14, 2006     |
|                           |                  | 22 TAC §217.12(1)(10)(A)(D)      |                             |                       |
|                           |                  | (22)&(23)                        |                             |                       |
| Smith, Sherri Lynne       | RN# 526880       | TOC 301.452(b)(13)               | Remedial Education          | December 28, 2005     |
|                           |                  | 22 TAC §217.11(3)&(18)           |                             |                       |
| Stanley, Teresa M.        | RN# 669446       | TOC 301.452(b)(9)&(10)           | Voluntary Surrender         | January 25, 2006      |
|                           | LVN# 174522      | 22 TAC §217.12(10)(A)&(19)       |                             |                       |
| Starns, Terri Marie       | RN# 585944       | TOC 301.452(b)(10)&(12)          | Reprimand with Stipulations | February 14, 2006     |
|                           |                  | 22 TAC §217.12(1)(2)(3)(4)&(12)  |                             |                       |
| Steiger, Helen M.         | RN# 537042       | TOC 301.452(b)(10)&(13)          | Reprimand with Stipulations | February 14, 2006     |
|                           |                  | 22 TAC §217.11(2)                |                             |                       |
|                           |                  | 22 TAC §217.12(2)(3)(4)(20)&(22) |                             |                       |

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| <u>NAME</u>               | <u>LICENSE #</u>          | <u>CITATION(S) VIOLATED</u>  | <u>DISCIPLINE</u>           | <u>DATE OF ACTION</u> |
|---------------------------|---------------------------|--|-----------------------------|-----------------------|
| Studer, Lisa Darlene      | LVN# 130770               | TOC 301.452(b)(2)<br>TOC 302.402(a)(10)  | Voluntary Surrender         | January 23, 2006      |
| Sughrue, Connie R.        | RN# 541661                | 22 TAC §239.11(28)<br>TOC 301.452(b)(10)   | Warning with Stipulations   | January 19, 2006      |
| Tapia, Michael A.         | RN# 632989                | 22 TAC §217.12(22)<br>TOC 301.452(b)(10)   | Warning with Stipulations   | February 14, 2006     |
| Taylor, Donna G.          | RN# 231577                | 22 TAC §217.12(2)(3)&(4)(A)<br>TOC 301.452(b)(10)  | Limited License & Fine      | December 13, 2005     |
| Trudgen, Anita Roxsan     | LVN# 140702               | 22 TAC §217.12(6)(H)&(I)<br>TOC 302.402(a)(9)&(10)   | License Revoked             | February 14, 2006     |
| Tuggle, Toni Leigh        | RN# 714102                | 22 TAC §239.11(1)<br>TOC 301.452(b)(1)&(10)  | License Revoked             | February 14, 2006     |
| Upchurch, Yalinda Reshea  | RN# 602252                | 22 TAC §217.12(11)(B)<br>TOC 301.452(b)(10)&(12)   | License Revoked             | February 14, 2006     |
| Valdez, Ozelle D.         | RN# 667436                | 22 TAC §217.12(1)(B)(C)(3)(4)(5)<br>(6)(A)(10)(A)(E)&(18)  | Remedial Education & Fine   | January 20, 2006      |
| Valma, Carol Elizabeth    | LVN# 160235<br>RN# 604567 | TOC 301.452(b)(2)&(10)<br>22 TAC §217.12(1)&(22)   | Warning with Stipulations   | January 19, 2006      |
| Van Zandt, Deborah Kay    | LVN# 162510               | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(C)&(D)(iv)<br>22 TAC §217.12(4)   | Voluntary Surrender         | January 10, 2006      |
| Villarreal, Hope Janel    | LVN# 168719               | TOC 301.452(b)(3)(4)&(10)<br>TOC 302.402(a)(3)&(10)<br>22 TAC §217.12(13)<br>22 TAC §239.11(28)&(29)(A)<br>(iii)(iv) | Remedial Education & Fine   | February 13, 2006     |
| Villarreal, Maricela      | RN# 641383<br>LVN# 143961 | TOC 301.452(b)(10)&(13)<br>22 TAC §217.11(1)(D)(ii)(iv)&(v)<br>22 TAC §217.12(1)(A)&(6)(G)                           | Suspend/Probate             | January 19, 2006      |
| Walker, Dianne Carol      | LVN# 192491               | TOC 301.452(b)(10)   | Reprimand with Stipulations | February 14, 2006     |
| Warren, Debra Kay         | RN# 604769                | 22 TAC §239.11(3)&(27)(A)<br>TOC 301.452(b)(10)  | Warning with Stipulations   | January 19, 2006      |
| Wheeler, Sandra Kay       | RN# 552033                | 22 TAC §217.12(1)(3)(20)&(22)<br>TOC 301.452(b)(1)&(10)  | Remedial Education & Fine   | February 22, 2006     |
| Whetsel, Sharon Kay       | LVN# 115695<br>LVN# 98105 | 22 TAC 217.12(11)(B)<br>TOC 301.452(b)(9)&(10)   | License Revoked             | February 14, 2006     |
| Williams, Jerry Lynn      | LVN# 75341                | 22 TAC §217.12(1)(E)(5)&(10)<br>(A)(D)<br>TOC 302.402(a)(10)   | Warning with Stipulations   | February 14, 2006     |
| Williamson, Randolph Beck | RN# 236361                | 22 TAC §239.11(3)(4)&(27)(A)<br>(C)&(D)<br>TOC 301.452(b)(8)(10)&(12)  | Voluntary Surrender         | December 21, 2005     |
| Wood, Trudy Jeanne        | RN# 707795                | 22 TAC §217.12(1)(3)&(19)<br>TOC 301.452(b)(1)(9)&(10)   | Voluntary Surrender         | January 23, 2006      |
| Wright, Melissa           | RN# 641016                | 22 TAC §217.12(1)(10)(A)<br>&(11)(B)<br>TOC 301.452(b)(1)&(10)   | License Revoked             | February 14, 2006     |
| York, Christine           | RN# 644302                | 22 TAC §217.12(11)(B)<br>TOC 301.452(b)(8)&(10)  | License Revoked             | February 14, 2006     |
|                           |                           | 22 TAC §217.12(5)(10)(D)<br>&(11)(B)   |                             |                       |

### FYI - Licensure Verification Information Available 24/7 for Nurse Administrators/Employers

All vocational nurses, registered nurses and registered nurses with advanced practice authorization shall ensure the verification of current Texas licensure or other compact state licensure privileges and credentials of personnel for whom the nurse is administratively responsible, when acting in the role of nurse administrator [22 TAC §217.11(1)(V)]. Nurse administrators/employers hiring registered nurses, licensed vocational nurses, or advanced practice nurses can check the licensure status of nurse applicants through the Board of Nurse Examiners' web site at: <https://www.bne.state.tx.us/olv/olverif.htm>. This service is available 24 hours a day, seven days a week. BNE customer support representatives can be reached for phone verification during regular business hours, Monday through Friday, 8:00 am to 5:00 pm. The phone number is: 512 305-6809.

**Announcement**

## The Sunset Review of the Board of Nurse Examiners for the State of Texas

The mission and performance of the Board of Nurse Examiners is currently being reviewed by the Legislature as required under the Texas Sunset Act. The Act provides that the Sunset Commission, composed of legislators and public members, periodically evaluate a state agency to determine if the agency is still needed, and what improvements are needed to ensure that state funds are well spent. Based on the recommendations of the Sunset Commission, the Texas Legislature ultimately decides whether an agency continues to operate into the future.

The Sunset review involves three steps. First, Sunset Commission staff will evaluate the Board of Nurse Examiners and, in September 2006, will issue a report recommending solutions to problems found. The Sunset Commission will then meet to hear public testimony on the agency and the recommendations of the Sunset staff. This meeting is scheduled for November 14-15, 2006. Based on public input and the Sunset staff report, the Sunset Commission will adopt recommendations for the full Legislature to consider when it convenes in January 2007.

Through the Sunset review, every Texan has the opportunity to suggest ways in which the mission and operations of the Board of Nurse Examiners can be strengthened. If you would like to share your ideas about the agency, please contact Meredith Whitten of the Sunset staff. Suggestions are preferred by June 1, 2006, so they can be fully considered by the Commission staff.

Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas 78711  
512/463-1300  
Fax: 512/463-0705

Email: [sunset@sunset.state.tx.us](mailto:sunset@sunset.state.tx.us)

Information about the Sunset process, including information on Sunset Commission meetings, can be found at [www.sunset.state.tx.us](http://www.sunset.state.tx.us).

*In the following article, the Department of State Health Services (DSHS) describes Texas's Medicaid case management program serving children with health conditions/risks and women with high-risk pregnancies.*

### What's New? DSHS is recruiting providers for the CPW program

Case Management for Children and Pregnant Women (CPW) provides services to children birth through 20 years of age with a health condition/health risk, and to high-risk pregnant women of all ages, in order to encourage the use of cost effective health and health-related care. Together, the case manager and family assess the medical, social, educational, and other related service needs of the eligible recipient.

Case Managers assist eligible recipients in gaining access to necessary medical, social, educational, and other services. With the client's family, the case manager completes an assessment to determine unmet needs. A service plan is developed to determine the course of action to access needed services. Followup visits are conducted to verify services are received and to help problem-solve solutions if barriers are encountered.

Services are reimbursed, fee for service, by Texas Medicaid and Healthcare Partnership (TMHP). The reimbursement rates are \$54.58 for a face-to-face comprehensive visit and face-to-face followup visits, and \$18.00 for telephone follow-up visits.

RNs or agencies they work for may apply to become providers of CPW services. RNs must be licensed and in good standing in the State of Texas with at least two years of experience working with children and/or pregnant women. Experience must include assessing psychosocial and health needs and making community referrals to services for this population. To become a provider, you must submit an application and be approved by DSHS before enrolling with TMHP.

To obtain an application to become a provider of CPW Services, contact the Director of Social Work at the DSHS Regional Office nearest you for a pre-application appointment. Address and phone information for DSHS regional offices can be obtained at: <http://www.dshs.state.tx.us/caseman/HSRSWDirectors.shtm>.

If you know a child or a pregnant woman that would benefit from CPW services, referrals can be made to existing CPW providers by calling (877) 847-8377.

For questions or comments regarding this program, call Bob Johnson, RN, at (512) 458-7111, Ext. 6630 or e-mail: [Bob.Johnson@dshs.state.tx.us](mailto:Bob.Johnson@dshs.state.tx.us).

### Did you know....

The Board of Nurse Examiners has added a new "Reference Resources" section to the BNE web site which includes outdated agency rules and regulations which are frequently requested by nurses. Prior rules included are:

Former §217.11. **Standards of Professional Nursing Practice** [Registered Nurses (RNs)]; Former §217.12. **Unprofessional Conduct** (RNs); Former §239.11. **Unprofessional Conduct** [Licensed Vocational Nurses (LVNs)]; and Former Sec. 302.402. **Grounds for Disciplinary Action** (LVNs).

Former BNE rule reference resources can be found at <http://www.bne.state.tx.us/nparr.htm>.





## Practice Question and Answer



### Paramedics/EMTs in the Emergency Department (ED)

**Q: Can a RN delegate starting a peripheral IV saline lock to an EMT/Paramedic in the Emergency Department (ED)? Some of the “techs” in our ED are “licensed paramedics” who also work for EMS. What other kinds of tasks can be delegated to Emergency Medical Technicians(EMTs)/Paramedics in the ED setting?**

A: The rules governing EMTs and Paramedics are located in Chapter 25, Texas Administrative Code, Section 157.2. This rule limits the scope of practice of EMTs/Paramedics to performing duties in the “pre-hospital and inter-facility transport” settings. Therefore, whether certified or licensed, the BNE delegation rules view EMTs, Paramedics, or other similarly trained staff as “unlicensed assistive personnel”(UAPs) when working in acute care settings, such as the ED.

Each RN decides on a case-by-case basis what nursing tasks may be delegated to unlicensed personnel in accordance with Rule 224 (relating to RN delegation in acute care settings or for patients with acute conditions). It should be noted that position descriptions developed by employing institutions cannot mandate RN delegation, nor can RN delegation be forced by facility policy or physician order.

The BNE’s delegation Rule 224 is not prescriptive to specific procedures or tasks that may or may not be delegated. It is permitted under Rule 224 for a RN to delegate starting a peripheral IV saline lock to an unlicensed person providing all of the applicable delegation criteria are met. The applicable section of Rule 224 in delegating this task is §224.8(b) *Discretionary Delegation Tasks*, under (2)(A) *sterile procedures*. Section 224.8(c)(5) does prohibit delegation of administration of IV fluids, so an unlicensed tech in the ED could not connect and administer a bag of IV fluid.

Other laws outside of the BNE’s jurisdiction may further prohibit performance of certain tasks by unlicensed personnel, even if a physician is willing to delegate a task. Under physician delegation, the physician must willingly make the decision and delegate the task(s) and such delegation must be permitted by hospital/facility policy. BNE staff cannot speak as experts on the Texas Medical Board’s (TMB) rules, however Rule 193 of the TMB Rules addresses “physician delegation.” You may wish to contact the TMB at (512) 305-7010, or check their web site at [www.tmb.state.tx.us](http://www.tmb.state.tx.us) for more information on this law.

The delegation rules also address the RN who may be supervising an unlicensed person to whom the physician has delegated tasks. The RN always has a responsibility to protect client safety [§217.11(1)(B)], so the RN has a duty to intervene if he/she sees something being done incorrectly by the unlicensed person, and to notify the delegating practitioner of the incident. For additional information on EMTs and Paramedics in the pre-hospital and interfacility transport setting, check the Texas Department of State Health Services web site at <http://www.tdh.state.tx.us/hcqs/ems/default.htm> or, to access applicable laws, see Texas Legislature Online at [www.capitol.state.tx.us](http://www.capitol.state.tx.us).

## Insufficient Funds

As of March 10, 2006, the following nurses appear on the record of the Board of Nurse Examiners as debits for failure to respond to notice of returned check. Should any of these nurses be employed at your facility or seeking employment with your agency/institution, please contact the Board’s office. If any of these nurses are practicing in Texas as a nurse, they may be in violation of the Nursing Practice Act and may be subject to disciplinary action by the Board of Nurse Examiners.

| Name:                  | License#   |
|------------------------|------------|
| Takoma Jean Baldwin    | 158171 LVN |
| Sheilagh Barry         | 83614 TL   |
| Stephany Barkofsky     | 95699 TL   |
| Regina Burnett         | 5053 TL    |
| Peggy Turner Cansler   | 124493 LVN |
| Jean Mahoney Clagg     | 236073 RN  |
| Linda Johnson Cohill   | 5637 TL    |
| Kimberly Alison Dunlap | 665696 RN  |
| Deborah Kay French     | 434889 RN  |
| Martha Hiett           | 88174 TL   |
| Donald Hite            | 536116 RN  |
| Ramona D. Jeffrey      | 102082 LVN |
| Vickie JoAnn Johnson   | 87956 TL   |
| Stephanie Meyers       | 655919 RN  |
| Zandra Monroe          | 100939 TL  |

| Name:                         | License#   |
|-------------------------------|------------|
| Karen Jueliene Morris         | 157899 LVN |
| Mildred F. Moss               | 121332 LVN |
| Daniela Oanta                 | 83765 TL   |
| Shellea Dawn Odom             | 167127 LVN |
| Melanie A. Pryon              | 573729 RN  |
| Lydia Medrano Roberts         | 84205 TL   |
| Sondra Yvette Scott           | 160721 LVN |
| Gay Lynn Sellars              | 128243 LVN |
| Ulisa Deshun Smith            | 165162 LVN |
| Miranda Michelle Stroupe      | 194251 LVN |
| Donna Taylor                  | 447711 RN  |
| Susan Allison Vosburg         | 709457 RN  |
| Lillian Maeve Walls           | 565105 RN  |
| Cynthia Wilson                | 689573 RN  |
| Sheryll Denise Paige Williams | 99916 TL   |

## Workshop Update

### Nursing in Texas: A Regulatory Foundation for Safe Practice

Four workshops addressing nursing jurisprudence and ethics issues are currently scheduled:

**The Fredonia Hotel & Convention Center**  
 200 North Fredonia Street  
 Nacogdoches, TX 75961  
 April 26, 2006

**Wyndham Arlington Hotel**  
 1500 Convention Center Drive  
 Arlington, TX  
 May 17, 2006

**Wyndham Arlington Hotel**  
 1500 Convention Center Drive  
 Arlington, TX  
 May 18, 2006

**Amarillo Civic Center**  
 401 S. Buchanan  
 Amarillo, TX 79105  
 June 8, 2006

These workshops have been approved for seven Type I contact hours. Attendance at this workshop is not mandatory for licensure renewal. This workshop is presented for educational purposes and for obtaining continuing education credit only. The registration fee for this workshop is \$90 pre-registered and \$105 at the door. Workshop brochures with registration forms may be accessed via the BNE website: [www.bne.state.tx.us](http://www.bne.state.tx.us) under "BNE Events." Registration for the Amarillo workshop will be provided by the Amarillo *Coalition of Health Services* with information/registration forms provided at: <http://www.healthlinktexas.com/> or by phone at (806) 337-1700. A link to the Coalition's web site can be located on the BNE's web site in the Events Section: <http://www.bne.state.tx.us/events.htm>.

Future dates for 2006 will be announced as facilities are secured. Information on these workshops will be posted on the BNE website as soon as facility arrangements are finalized. Brochures will be available within 60 days of confirmed workshop dates. Recorded workshop information can be obtained by dialing BNE Workshop Information at (512) 305-6844.

### E-Mail Notification Service Available for Newsletter Readers, Businesses, and Organizations

The Board of Nurse Examiners (BNE) would like to send you an e-mail notifying you when the latest BNE newsletter is available for reading and providing a link directly to the newsletter's location on the internet. This service will be available at no cost and will be sent out on a quarterly basis as soon as the newsletter is available for reading. The e-mail address that you provide will be used in the strictest confidence and will only be used for the purpose of informing you when the newsletter can be downloaded and providing a direct link to the newsletter's location. If you would like to add your personal e-mail address or the e-mail address for your business or organization to the BNE's e-mail mailing list, simply send an e-mail indicating that you wish to receive the newsletter notification service to: [webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us).

MAIN NUMBER.....(512) 305-7400  
 FAX.....(512) 305-7401  
 -- 24 Hour Access  
 -- License Verification  
 -- General Information

#### OPERATIONS

CUSTOMER SERVICE.....(512) 305-6809  
 -- License Renewals  
 -- Endorsement/Examination  
 -- Continuing Education for LVNs & RNs

SALES OF LISTS.....(512) 305-6848  
 -- Computerized RN & LVN mailing lists or labels  
 -- Publications

NEWSLETTER INFO.....(512) 305-6842

WEB Address.....[www.bne.state.tx.us](http://www.bne.state.tx.us)  
 -- Refer e-mail inquiries to:  
[webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us)

ENFORCEMENT.....(512) 305-6838  
 -- Complaint and disciplinary action inquiries  
 -- Violations of NPA and rules and regulations  
 -- Monitoring of disciplined RNs and LVNs

#### PROFESSIONAL AND VOCATIONAL NURSING

ADVANCED PRACTICE.....(512) 305-6843  
 -- APN application and  
 Prescriptive Authority procedures  
 -- Application Requests.....(512) 305-6867  
 (Voice Mail Only)

NURSING PRACTICE.....(512) 305-6802  
 -- Nursing practice issues  
 -- Legislation

Workshop Information.....(512) 305-6844  
 -- Workshop e-mail inquiries: [workshops@bne.state.tx.us](mailto:workshops@bne.state.tx.us)

NURSING EDUCATION.....(512) 305-6816



The purpose of the *Texas Board of Nursing Bulletin* is to disseminate information to nurses licensed by the State of Texas, their employers, health care providers, and the public concerning laws and regulations established by the Board of Nurse Examiners related to the safe and legal practice of nursing. The *Texas Board of Nursing Bulletin* provides information on current issues and trends in nursing regulation, status of nursing education programs, information regarding licensure and nursing practice, and disciplinary action taken against licensees who violate the Nursing Practice Act.

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#### Office Hours and Location

The Office of the Board of Nurse Examiners is located in The William P. Hobby Building, located at the corner of 4th and Guadalupe in downtown Austin. The mailing address is: 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for designated holidays.

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#### Change of Address

Notification of change of address as required by Rule 217.7 can be by three different routes: 1. Mail to: Board of Nurse Examiners, 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944; 2. E-Mail to: [webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us); or 3. Fax to: Board of Nurse Examiners (512) 305-7401.

#### **Notifications must include:**

1. RN or LVN License Number, 2. Social Security Number, 3. Old and New Address, and
4. Your Name.

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**NOTICE:** Beginning January 2006, content for *Board of Nursing Bulletins*, available for download from the BNE web site, will vary from the printed *Bulletins* mailed to all currently licensed nurses residing in Texas. This is due to the addition of the Citations Violated information to the Notice of Disciplinary Action Section of the web version of the *Bulletin*. Moving the Citations Violated information to the BNE web site allows the Board to increase coverage of information relating to nursing practice in the printed newsletters and increases the length of the web version of the *Bulletin* adding two to three pages in length. Additional news articles may be included in the web version of the *Bulletin* in order to provide current information to readers in the interim between publication of the quarterly newsletters. News articles appearing in the web version of the *Bulletin* will be included in the following printed *Bulletin* mailed to all currently licensed nurses residing in Texas.