Texas Board of Nursing Rule 221.8 addresses the requirements that must be met in order to maintain licensure as an advanced practice registered nurse (APRN). Rule 221.8(a)(1) addresses the requirement related to maintaining national certification/recertification in order to be eligible to maintain the APRN license.

The Board will audit all APRNs to determine whether they have maintained the appropriate national certification as required by current rule. Certification documents should not be sent to the board office until an audit notice has been received by mail. Audits will be conducted in conjunction with licensure renewal. Notices will be sent to the APRN’s address of record 90 days prior to expiration of the license beginning on March 1, 2010 for licenses that expire May 31, 2010. This announcement gives APRNs nine months to ensure that their certification documents are in order.

Important Notice to APRNs
Certification/Recertification Audit to Commence for All APRNs in 2010

Texas Board of Nursing (BON) 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.

The Nurse's Responsibility during Flu Season

Nurses play an important role in protecting patients from influenza and pneumococcal pneumonia. If nurses will be administering the influenza and pneumococcal vaccine, they must be knowledgeable and skilled in this activity. Nurses and employers may utilize physician standing delegation orders that guide the nurse when to give these vaccines, which are recommended for certain populations of patients in various care settings. There are additional laws regarding vaccines, not within the authority of the Board of Nursing (BON); therefore, you may wish to check with the Department of State Health Services (DSHS) – Immunization Branch for additional information at 512-458-7111 or www.dshs.state.tx.us.

A Registered Nurse (RN) or an Advanced Practice Registered Nurse (APRN) may not delegate the administration of vaccines by injectable routes. If RNs/APRNs have the responsibility to supervise unlicensed staff administering vaccines delegated by physicians, RNs/APRNs must verify their training, assure proper administration and provide adequate supervision while vaccines are administered.

The decision for a nurse to receive a flu vaccination is outside the purview of the BON; however, a nurse has the responsibility to implement measures to prevent exposure to infectious pathogens and communicable conditions. It is important for a nurse to review facility policy, reliable resources, and make an informed decision.

For more information, refer to Frequently Asked Questions: H1N1 Influenza, Seasonal Influenza, and Pneumococcal Vaccinations which may be found on the BON website (www.bon.state.tx.us) in ‘Nursing Practice’.

Failure to comply with the audit request, or otherwise demonstrate current national certification as required by Rule 221.8, will render the APRN ineligible to renew their APRN license; however, the RN license can still be renewed if all other renewal requirements are met. Failure to meet the requirements outlined in Rule 221.8 while practicing as an APRN may render a licensee subject to disciplinary action, including a fine.

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Board Meeting Schedule

Best Practices Sought

The Texas Board of Nursing (BON) is seeking examples of best practices in patient care to share with the readers of the Board of Nursing Bulletin. Best practices may involve nursing in any practice setting. For more information contact Bruce Holter at (512) 305-6842 or bruce.holter@bon.state.tx.us.

(Footnotes)
1. BON Rule 217.11(1)(T)
2. BON Position Statement 15.5
3. BON Rule 217.11, Standards of Nursing Practice
4. BON Rule 225.12(5)(B) and Rule 224.8(c)(5)
5. BON Rule 225.13 and Rule 224.10
6. BON Rule 217.11(1)(O)
Advanced Practice Nursing Advisory Committee Update

The Advanced Practice Nursing Advisory Committee (APNAC) met on July 30, 2009, and again on September 23, 2009. Committee members discussed recommendations for amendments to Rule 222 as a result of the passage of Senate Bill 532 in the 81st Legislative Session. The APNAC’s recommendations will be submitted for the Board’s consideration at the October 2009 Board meeting.

Eligibility & Disciplinary Advisory Committee

The Eligibility & Disciplinary Advisory Committee met on September 17, 2009, from 10 am to 3 pm in Room 100 of the William P. Hobby Building. The Committee reviewed its Charge from the Board; discussed SB 1415, which was enacted by the 81st Legislature, Regular Session, effective September 1, 2009; discussed HB 3961, which was enacted by the 81st Legislature, Regular Session, effective June 19, 2009; and considered proposed amendments to 22 Tex. Admin. Code §213.32 and §213.29, §213.30, and §213.33. The Committee also considered the Board’s Disciplinary Matrix and unanimously recommended the adoption of the Disciplinary Matrix by the Board. Lastly, the Committee discussed the Pilot Program on Deferral of Final Disciplinary Actions authorized by SB 1415, including the feasibility of conducting a pilot program to determine the efficacy of deferring disciplinary actions. The Committee’s next meeting is currently scheduled for December 7, 2009.

Did you know....

The Texas Board of Nursing (BON) has recommendations for nurses when they are working with physicians in developing standing order programs. Position Statement 15.5 Nurses with the Responsibility for Initiating Physician Standing Orders provides guidance to nurses and employers on important components to include in standing orders. This may be particularly helpful this fall, as nurses are involved in the administration of Influenza and H1N1 Vaccines. Position statements are located on the Board’s website under “Nursing Practice”.

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Summary of Actions

A regular meeting of the Board of Nursing was held July 23-24, 2009, in Austin. The following is a summary of Board actions taken during this meeting.

The following proposed rule changes appeared in the August 28, 2009, edition of the Texas Register (Volume 34, Number 36): The Texas Board of Nursing (Board) proposed amendments to §213.23, concerning Decision of the Board. These amendments are proposed under the Occupations Code §301.459(a) and §301.151 and the Government Code §2001.004 and §2001.062(a) and (b) and are necessary to implement the Board’s amended policy regarding the appearance of individuals before the Board in contested cases.

The following proposed rule changes appeared in the September 4, 2009, edition of the Texas Register (Volume 34, Number 37): The Texas Board of Nursing (Board) proposed amendments to §211.7, concerning Executive Director. The Board simultaneously proposed amendments and new paragraphs to §213.32, concerning Schedule of Administrative Fine(s). These proposed amendments and new paragraphs are necessary to implement Senate Bill (SB) 1415, enacted by the 81st Legislature, Regular Session, effective September 1, 2009. In the September 11, 2009, edition of the Texas Register (Volume 34, Number 38), the Board published as adopted, on an emergency basis, amendments and new paragraphs to §213.32, concerning Schedule of Administrative Fine(s), effective September 1, 2009 and expiring on December 29, 2009. The 81st Texas Legislature, Regular Session, enacted Senate Bill (SB) 1415, adding new Subchapter N to the Occupations Code Chapter 301. SB 1415 authorizes the Board to impose a corrective action, which is a non-disciplinary action consisting of a fine, remedial education, or any combination of a fine or remedial education, on an individual who violates a provision of Chapter 301 or a rule or order adopted under Chapter 301. SB 1415 requires the Board to adopt, by rule, guidelines for the types of violations for which a corrective action may be imposed under new Subchapter N. SB 1415 became effective on September 1, 2009.

The following proposed rule changes appeared in the September 11, 2009, edition of the Texas Register: The Board proposed amendments to §213.20, concerning Informal Proceedings and Alternate Dispute Resolution (ADR); §213.29, concerning Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters; §213.30, concerning Declaratory Order of Eligibility for Licensure; and §213.33, concerning Factors Considered for Imposition of Penalties/Sanctions and/or Fines.

The Board will consider comments received regarding §211.7, §212.20, §213.23, §213.29, §213.30, §213.32, and §213.33 at its regularly scheduled meeting on October 22-23, 2009.

The following adopted rule review appeared in the September 18, 2009, edition of the Texas Register (Volume 34, Number 38). The Texas Board of Nursing (Board) adopted the review of 22 Texas Administrative Code Chapter 227, Pilot Programs for Innovative Applications to Professional Nursing Education, pursuant to the requirements of Government Code §2001.039. Notice of the proposed rule review was published in the August 7, 2009, issue of the Texas Register (Volume 34, Number 32). No comments were received concerning the Board’s proposed rule review. The Board completed its review of the rules in Chapter 227 and found that the reasons for originally adopting these rules continue to exist. The re-adoption of Chapter 227 is authorized under the Occupations Code §301.1605. Section 301.1605 authorizes the Board to approve and adopt rules regarding pilot programs for innovative applications in the practice and regulation of professional nursing. This rule review completes the implementation of the Board’s rule review plan for 2007-2011 that is published on the Secretary of State’s web site.

Nursing Education Actions - July 2009 Board Meeting

Reviewed the Notification of Continued Full Program Approval Status with Commendation Based on the 2008 NCLEX-RN® Examination Pass Rates

ADN Educational Programs:
- Alvin Community College, Alvin
- Angelina College, Lufkin
- Angelo State University, San Angelo
- Austin Community College, Austin
- Blinn College, Bryan
- Brookhaven College, Farmers Branch
- Central Texas College, Killeen
- College of the Mainland, Texas City
- Collin County Community College, McKinney
- El Centro College, Dallas
- Grayson County College, Denison
- Hill College, Hillsboro
- Houston Baptist University, Houston
- Houston Community College, Houston
- Howard College, Big Spring
- Lamar University, Beaumont
- Laredo Community College, Laredo
- Lee College, Alvin
- Lone Star College - Cy-Fair, Cypress
- Lone Star College - Kingwood, Kingwood
- Lone Star College - Montgomery, Conroe
- Lone Star College - North Harris, Houston
- Lone Star College - Tomball, Tomball
- Navarro College, Corsicana
- North Central Texas College, Gainesville
- Odessa College, Odessa
- Panola College, Carthage
- Paris Junior College, Paris
- San Jacinto College South, Houston
- Tarrant County College, Fort Worth
- Temple College, Temple
- Texarkana College, Texarkana
- Trinity Valley Community College, Kaufman
- Tyler Junior College, Tyler
- University of Texas Brownsville & Texas Southmost College, Brownsville
- Vernon College, Vernon
- Weatherford College, Weatherford
- Wharton County Junior College, Wharton

BSN Educational Programs:
- Baylor University, Dallas
- East Texas Baptist University, Marshall
- Houston Baptist University, Houston
- Tarleton State University, Stephenville
- Texas Tech University, Lubbock
- University of Texas At Austin, Austin
- University of Texas At El Paso, El Paso
- University of Texas At San Antonio, San Antonio
- University of Texas At Tyler, Tyler
- University of Texas Pan American, Edinburg
- UT Health Science Center, San Antonio
- UT Health Science Center, Houston
- UT Southwestern Medical Center, Dallas

continued on next page
Nursing Education Actions - continued from previous page

- Lamar University, Beaumont
- Patty Hanks Shelton School of Nursing, Abilene
- Prairie View A&M University, Houston
- Stephen F. Austin State University, Nacogdoches
- Texas Woman’s University, Denton
- University of Mary Hardin - Baylor, Belton
- University of Texas, Arlington
- University of Texas, Austin
- University of Texas, Tyler
- University of Texas Health Science Center, Houston
- University of Texas Pan American, Edinburg

MSN Educational Program:
- University of Texas, Austin, Partial MSN (Alternate Entry MSN Program)

Reviewed the Notification of Continued Full Program Approval Status Based on the 2008 NCLEX-RN® Examination Pass Rates

BSN Educational Programs:
- University of Texas Medical Branch, Galveston
- University of the Incarnate Word, San Antonio
- West Texas A&M University, Canyon

Reviewed the Notification of Continued Initial Program Approval Status

ADN Educational Programs:
- Baptist Health System, San Antonio
- Brazosport College, Lake Jackson
- Coastal Bend College, Beeville
- Dallas Nursing Institute, Dallas
- Galen College of Nursing, San Antonio
- Southwest Texas Junior College, Uvalde
- Texas State Technical College West Texas, Sweetwater

BSN Educational Programs:
- Texas A&M University System Health Science Center, College Station
- University of Houston Victoria, Victoria and Sugarland
- Wayland Baptist University, San Antonio

Moved the Program Approval Status from Initial to Full Based on the 2008 NCLEX-RN® Examination Pass Rates

Survey Visit Report, and Issued Comman- dations and Requirements to be Met
- American Medical Institute, Houston, VN Educational Program

Granted Initial Program Approval Status and Issued Comman- dations and Recommendations
- Rio Grande Valley Careers School of Vocational Nursing, Pharr, VN Educational Program

Granted Initial Program Approval Status Contingent on Verification of Building Completion and Furnishing by Board Staff and Issued a Commendation and Requirement to be Met
- Texas State University - San Marcos, BSN Educational Program, Round Rock

Granted Initial Program Approval Status
- Western Governors University, Salt Lake City, Utah, Online BSN Educational Program, Houston, Texas

Other Actions:

- Granted a Waiver of Interim Director Qualifications for One Year and Issued Requirements to be Met
  - Houston Community College, Houston, ADN Educational Program

- Granted a Waiver of Faculty Qualifica- tions and Issued Requirements to be Met
  - Brazosport College, Lake Jackson, ADN Educational Program

- Granted a Waiver of Faculty Qualifications
  - Cisco College, Abilene, ADN Educational Program

- Reviewed the Summary and Analysis of 2008 NEPIS Data Submitted by Texas BON Approved Vocational and Professional Nursing Educational Programs Report

- Reviewed the Report on the Texas Board of Nursing New Dean, Director, and Coordinator Orientation Workshop

Did you know....

Board Position Statement 15.8 discusses the Board’s position on the role of nurses administering moderate sedation. Board position statements are available on our website under the “Nursing Practice” tab.
Legislative Summary: 81st Regular Texas Legislative Session

The 81st Regular Session of the Texas Legislature concluded June 1, 2009. Four bills were passed into law that amended the Nursing Practice Act. Other bills relating to the practice of nursing in Texas were also enacted. The following is a summary of some of the bills impacting the practice of nursing in Texas.

Bills Amending Nursing Practice Act

House Bill 3961 enacts new requirements for physical and psychological evaluations related to fitness to practice and requires confidentiality of information collected for emergency relief work and certain health information provided for licensure. HB 3961 also authorizes a study by the Texas Center for Nursing Workforce Studies, at the Texas Department of State Health Services, evaluating competencies of clinical judgements and behaviors that professional nurses should possess at graduation from professional nursing programs.

House Bill 4353 allows the Board to issue a special license to a person already licensed to practice nursing in Mexico. The license will allow the person to practice nursing in a Texas hospital located in a county that borders Mexico. The person must have received a score of at least 475 on a Test of English as a Foreign Language (TOEFL) examination and a passing score on the English language version of the National Council Licensure Examination (NCLEX). The nurse must achieve a passing score of 560 on the TOEFL exam within a year of receiving the special license to continue practicing nursing in Texas. The provisions of HB 4353 expire September 1, 2013.

Senate Bill 476 amends the Nursing Practice Act by adding new Section 301.356 relating to Refusal of Mandatory Overtime. Following passage of SB 476, nurses working in a hospital may refuse to work mandatory overtime and refusing to work overtime “does not constitute patient abandonment.” SB 476 also amends the Texas Health and Safety Code by adding Chapters 257 and 258, which require the governing body of a hospital to adopt, implement, and enforce a written official nurse services staffing policy that ensures that an adequate number and skill mix of nurses are available to meet the level of patient care needed. SB 476 also requires hospitals to establish nurse staffing committees as standing committees of the hospital. These committees must meet at least once per quarter. The nurse staffing committee is required to develop and recommend a nurse staffing plan to the hospital’s governing body. The requirements for committee membership are specific and require the various types of nursing services provided by the hospital to be adequately represented on the committee. The Chief Nursing Officer (CNO) is a voting member of the committee and 60% of the committee must be RNs who spend at least 50% of their work time in direct patient care. RNs serving on the committee must be elected by their peers who provide direct patient care at least 50% of their work time. Committees are to meet during working hours and nurses are to be relieved of other duties in order to attend the meetings. Nurse staffing plans should be used as a component in setting the nurse staffing budget and nurses are encouraged to provide input to the nurse staffing committee without fearing retaliation from their employer.

Senate Bill 1415 requires the Board to study the feasibility of implementing a pilot program regarding the deferral of final disciplinary action. The pilot program would only apply to sanctions other than reprimand, denial, suspension or revocation of licensure for violations of the Nursing Practice Act and must be implemented no later than February 1, 2010.

HB 448 Author: Hopson
Effective: 9/1/09
Provider Choice System: Allows for vaccine providers to select any equivalent licensed vaccines, unless the equivalent vaccine exceeds 115% of the lowest-price equivalent vaccine.

HB 1362 Author: Gutierrez
Effective: 9/1/09
MRSA Reporting Procedures: DSHS will establish an electronic reporting program to research and track methicillin-resistant Staphylococcus aureus (MRSA). Will include the electronic sharing of information within the area served.

HB 1487 Author: Pitts
Effective: 9/1/09
Medicaid Diabetic Equipment and Supplies: Requires HHSC to align Medicaid procedures for ordering diabetic equipment and supplies with Medicare procedures to the extent possible. Providers of diabetic equipment may bill for services if they have been ordered using the format prescribed by HHSC and the order is signed by a medical practitioner licensed to treat diabetics. Advanced practice registered nurses and nurses working with diabetic patients need to be aware.

HB 1510 Author: Bonnen
Effective: 9/1/2009
Prenatal Education/Sudden Infant Death Syndrome Education: Requires individuals who provide prenatal care during gestation or at delivery of infant to provide information regarding sudden infant death syndrome (SIDS) to include current recommendations for infant sleeping conditions to lower risk of SIDS. Nurse-midwives and certain other APRNs will need to be aware.

HB 1672 Author: Crownoover
Effective: 5/27/2009
Newborn Screening for Sickle Cell Trait: Allows DSHS to retain genetic material and share limited de-identified information from newborn screening tests for genetic disorders. Providers who attend deliveries are required to notify parents of their right to prohibit DSHS from retaining genetic material. Requires interim study of newborn screening procedures by a house committee appointed by the speaker. Nurse-midwives will need to be aware.

HB 1795 Author: Pierson
Effective: 9/1/2009
Newborn Screening: Allows DSHS to expand newborn screening tests to screen for additional disorders or conditions. Establishes a Newborn Screening Advisory Committee that must meet at least three times per year. Additional information regarding the expanded screening panel is available from DSHS at: www.dshs.state.tx.us/hivstd/info/pregnancy.shtm.

HB 1924 Author: Heflin
Effective: 6/19/09
Rural Pharmacies: Establishes circumstances under which a nurse, practitioner, or pharmacy technician in a rural hospital could withdraw medications or devices from the pharmacy when the pharmacy is closed or the pharmacist is off-duty, and how the withdrawal would be documented and verified.

HB 2191 Authors: Veasey
Effective: 9/1/2009
Long Term Care Worker Criminal History: Would amend the Health and Safety Code to prohibit contact between a resident or patient of a facility that serves the elderly or disabled persons and an employee whose criminal history has not been verified. Important information for nurses, especially those working in long-term care.

HB 2585 Authors: Hartnett/Uresti
Effective: 9/01/09

continued on page 7
The Taxonomy of Error Root Cause Analysis, and Practice-Responsibility (TERCAP) project undertaken by the National Council of State Boards of Nursing identifies eight categories of practice breakdown related to nursing behaviors. Nursing programs and students can apply these categories to curriculum content, clinical performance, evaluation measures, and remediation of potentially unsafe nursing practices. The categories and how they can be applied to nursing education are listed below:

**Safe medication administration:** The nurse is an important safety net in a complex system of medication administration in health care facilities. Nursing students need to know the pharmacology, usual dosages, expected response of the patient and the nursing care associated with every medication their patient is receiving. All orders should be verified by both checking the original order and seeking information from a reliable pharmacology reference regarding usual dose, route, delivery method, and nursing care. Clinical instructors need to hold students accountable for this knowledge prior to administration of any medication.

**Documentation:** One area identified by employers of new graduates is the lack of knowledge in applying legal principles in documentation of an account of care. Failure to document can lead to inappropriate administration of medication or faulty treatment. Incomplete documentation does not protect the nurse in the face of an adverse event. The patient record is the communication tool used between and among health care providers. Nursing instructors can assist students by critically examining student documentation before entry into the record. Students are accountable for applying the principles learned in the classroom to their care of clients. Instructors can serve as role models by applying the principles of documentation to educational records related to individual students and program evaluation.

**Attentiveness/Surveillance:** The nurse must continually monitor the patient in order to detect changes in status. Lack of attentiveness contributes to patient mortality and morbidity as the patient deteriorates before the nurse notices a change in condition. Attentiveness requires that the nurse look for the unexpected response and consider all possibilities in evaluating a patient’s response. Nursing students are expected to consistently monitor their patient’s condition. Taking frequent breaks or chatting with fellow students diverts the student’s attention from the patient. Nursing instructors must also be attentive to student learning needs. The attentive instructor rounds frequently on students, anticipates their learning needs, looks for “teachable moments” and gauges learning in the classroom through frequent solicitation of student feedback.

**Clinical Reasoning:** This is also sometimes referred to as critical thinking. It is the ability to “put the pieces together” and form a hypothesis to explain patient observations. It also requires that the nurse verify the hypothesis and act upon an assessment of the situation. A frequent observation of newly licensed nurses is that they continue to gather assessment data while the patient is rapidly deteriorating. The new nurse or student may continue to take and document vital signs in the face of continuing hypotension without ever assigning a meaning to the data or taking action to rescue the patient. Nursing students need to be accountable for both the routine care of the patient and the meaning of any observations made. Instructors can assist by role-modeling their own reasoning processes. For example the instructor could ask a student to verbalize all she observes about a patient from the way he walks. A beginning student may say, “well, he is walking stooped over”. The instructor would then respond, “that might make me wonder about a patient from the way he walks. A beginning student may say, “well, he is walking stooped over”. The instructor would then respond, “that might make me wonder.”

**Prevention:** Prevention includes instituting interventions that ensure patient safety and prevent further illness/mishaps to the patient. Patient falls, skin breakdown, nosocomial infections, and wrong-site surgery have all been attributed to lack of prevention on the part of health care personnel. One of the most effective and least practiced preventive measures is hand washing. Students should be held strictly accountable for this simple act, yet many students seem to believe that once they have “checked out” on this skill, it is no longer needed. Hand washing is a habit, not a skill. Instructors can assist their students by role-modeling hand washing every time they enter and leave a patient room.

**Intervention:** Errors in practice are also made by faulty interventions. For example, a nurse giving a bolus of remaining chemotherapy medication when an IV pump failed. While this may not result in patient harm for most drugs, it can be lethal for toxic drugs. Nursing practices need to be based on evidence, not ritual, convenience, or “usual practice”. Students need to be well grounded in evidence based practice. Instructors can assist students to think of “the worst case scenario” before engaging in a questionable practice and apply evidence based methodologies to nursing practices.

**Interpretation of Provider Orders:** Nurses may either implement a faulty order or misinterpret a provider order. The chances for misinterpretation are lowered when the orders are typed and clearly follow best-practice guidelines. Disturbingly, some nurses will knowingly implement an unsafe order to avoid questioning a physician. Humans, including physicians, are fallible and all can make mistakes. Nurses are accountable for questioning provider orders that appear contrary to accepted procedures/practices. Nursing programs can assist students by providing them with opportunities to talk with providers and role-play how to talk to a physician. A rigorous nursing program with solid grounding in evidence based practice assists the student in gaining the knowledge to determine a deviation in practice.

**Professional Responsibility/Patient Advocacy:** This category is strongly related to the concept of caring and duty to the patient. A nursing student is the agent for the patient by virtue of the knowledge gained in the program and the ability of the student to “do” for the patient what the patient cannot do. Cheating, covering up errors, failure to call a provider, boundary violations, and performing an act contrary to the best interest of the patient are all examples of breakdown in this category. Nursing students are accountable for adhering to the ethics of the nursing

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**Taxonomy of Error Root Cause Analysis (TERCAP)**

**Educators Can Utilize Practice Breakdown Categories**

This is the second article in a three-part series about the TERCAP. The first article may be found in the July 2009 Nursing Bulletin.
TERCAP - continued

profession including honesty, integrity, beneficence, and selflessness. Instructors may assist students by clearly stating the expected behaviors and holding students accountable for breaches of ethics. Instructors also can role-model the ethics of the profession in their interactions with students.

This taxonomy of nursing error may be utilized by educators as well as the practicing nurse. A recent publication (See below) provides a thorough description of each of the practice breakdown categories as well as case studies which demonstrate the breakdown.

This article is adapted from the Arizona Board of Nursing Newsletter which was authored by Pamela Randolph RN, MS Associate Director Education and Evidence Based Regulation, Arizona Board of Nursing.

Legislative Update - continued from page 5

Advance Directives: The bill allows the use of a digital or electronic signature for signing an advance directive or a written revocation of an advance directive. The bill defines a digital or electronic signature and outlines requirements for a valid digital or electronic signature. The bill also permits the principal, in lieu of signing in the presence of the witnesses, may have the signature acknowledged before a notary public. A person may not sign an advance directive or a written revocation of an advance directive using a digital or electronic signature before January 1, 2010.

HB 2626 Author: Naishatat
Effective: 6/19/2009

Forensic Examination of Sexual Assault Victims: Expands victim rights by providing the right to a forensic medical examination to victims of sexual assault who have not reported the assault to a law enforcement agency, if the forensic exam is otherwise conducted at a health care facility within 96 hours of the assault. Requires DPS to pay for the exam. Establishes procedures for transfer and preservation of evidence. Sexual assault nurse examiners will need to be aware.

HB 4471 Authors: Kolkhorst
Effective: 6/19/2009

Nursing Shortage Reduction: The bill provides criteria for grant expenditures by limiting use of monies to: enrolling additional students; nursing faculty enhancement; encouraging innovation in the recruitment and retention of students, especially Spanish-speaking and bilingual students; and providing the most effective utilization of resources.

SB 328 Author: Carona
Effective: 9/1/09

Extraction of Blood Samples: Bill provides civil liability and licensing/accrediting protections in taking blood samples at request of peace officer or pursuant to a search warrant.

SB 347 Author: Nelson
Effective: 9/1/2009

Immunization Registry in a Disaster: DHSIS will release registry data to other registry databases if a person has relocated due to a disaster and will accept immunization information from a health authority of another state if a person has evacuated as a result of a disaster, thus helping to protect the state’s public health system. Nurses working with immunization records or during times of disaster or emergency response will need to know and conform.

SB 381 Author: Van de Putte
Effective: 9/1/2009

Physician Delegation to Pharmacists: Amends Medical Practice Act to allow physician delegation of implementation and modification of a patient’s drug therapy to a pharmacist acting under protocol.

SB 532 Author: Patrick
Effective: 9/1/2009

Prescriptive Authority: Allows APRNs to prescribe controlled substances in Schedule 3-5 for 90 days rather than the current 30 days.

Requires physicians who delegate prescriptive authority to register with Medical Board. Expands definition of primary practice site to include a site for an APRN or PA who practices on-site with the physician more than 50% of the time and to voluntary charity care at a nonprofit clinic. Extends location requirement for alternate sites to within 75 miles of physician’s primary practice site or residence. Alternate sites require physician to be on site 10% of hours of operation of the site each month. Expands to four the number of APRNs a physician can delegate prescriptive authority to in certain sites. Expands options for Medical Board to grant waivers.

SB 904 Author: Williams
Effective: 6/19/2009

Controlled Substances: Authorizes a prescribing practitioner to issue multiple prescriptions under certain conditions for a Schedule 2 controlled substance for up to a 90-day supply. Adds carisoprodol (soma) to Schedule IV.

SB 911 Author: Williams
Effective: 9/1/2009

Pain Management Clinics: Amends Occupations Code to prohibit pain management clinics from operating in this state without a license. License expires every two years. Requires Texas Medical Board to adopt rules to ensure quality of patient care and personnel requirements for clinic, including requirements for a physician to practice at a clinic. Provisions for discipline of the owner/operator of the clinic. Nurses who practice in these settings need to be aware.

SB 1171 Author: Nichols
Effective: 6/19/2009

Health Information: Relating to certain health-related reports, records, and information. Provides guidance on the release of the minimal necessary data from reports, records, and information from any source related to confidential health conditions.

SB 1409 Author: Shapleigh
Effective: 6/19/2009

First Responder Definition and Immunization Registry: Defines a first responder and any related support personnel who may respond to a disaster for the purposes of an immunization registry. Nurses who may be first responders will need to know and conform.

100-Yr. Posters Now Available

The Texas Board of Nursing, in recognition of the 100-Year Anniversary of Regulation of Nursing in Texas, produced a banner poster that notes significant events which shaped and changed the profession of nursing from 1909 to present. Copies of the poster are available for purchase on the order form at the following link: www.bon.state.tx.us/about/pdfs/pubform.pdf

The cost of the posters is $9.74, including shipping and tax.
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.

BENEDICTA ADAH

Benedicta Adah was conducting skilled nursing visits in the homes of patients for a home health agency in Dallas, Texas. Ms. Adah is not licensed to practice nursing in Texas. The agency administrator was aware that Benedicta Adah had performed skilled nursing visits for patients which included wound care and insulin administration. She documented the visits which were then signed by another staff member. The administrator was sponsoring Ms. Adah and her husband in the United States while Ms. Adah tried to obtain her medical license in Texas. The agency did not have a personnel file for Ms. Adah and the administrator indicated that she was not an employee and was not paid for the visits. In addition, Channel 4 News in Dallas conducted an undercover investigation which included an interview with Ms. Adah where she misrepresented herself as a registered nurse.

YEMURAI NHAMOINESU

Yemurai Nhamoinesu and her sister were students at North Central Texas College in Gainesville. Yemurai Nhamoinesu was expelled from the nursing program for the second time during her last semester. Her sister who was also in the program, graduated in December 2007. Yemurai Nhamoinesu secured employment as a graduate vocational nurse (GVN) with a long term care facility in Plano, Texas on February 23, 2008. Yemurai Nhamoinesu used her sister’s name, GVN permit, and identifying information. On February 26, 2008, Yemurai was confronted by staff, admitted that she used her sister’s information, and confessed that she did not have a license. The case was referred to the Collin County Criminal District Attorney.

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 Texas Board of Nursing, Enforcement Division, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701-3944.

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<td>LVN# 175516</td>
<td>Remedial Education &amp; Fine</td>
<td>July 14, 2009</td>
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<tr>
<td>Williams, Gloria Darlene</td>
<td>RN# 576020</td>
<td>Warning with Stipulations</td>
<td>August 18, 2009</td>
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<td>Williams, John Michael</td>
<td>RN# 686324</td>
<td>Warning with Stipulations</td>
<td>August 28, 2009</td>
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<td>Williams, Kelly Johnson</td>
<td>RN# 731923</td>
<td>Warning with Stipulations</td>
<td>July 23, 2009</td>
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<td>Willis, Jason M.</td>
<td>RN# 619375</td>
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<td>July 27, 2009</td>
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<td>Wilson, Karen Lynn</td>
<td>RN# 723227</td>
<td>License Revoked</td>
<td>August 18, 2009</td>
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<td>Windecker, Heather Holton</td>
<td>RN# 752502 &amp; LVN# 212680</td>
<td>Reprimand with Stipulations</td>
<td>August 3, 2009</td>
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<td>Winstead, Cindy M.</td>
<td>RN# 257600</td>
<td>Voluntary Surrender</td>
<td>August 28, 2009</td>
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<td>Wolf, Elizabeth B.</td>
<td>RN# 242835</td>
<td>Limited License</td>
<td>July 23, 2009</td>
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<td>Wonders, Olga Dawn</td>
<td>RN# 715032</td>
<td>Remedial Education</td>
<td>August 18, 2009</td>
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<tr>
<td>Woods-Russ, Mardia N.</td>
<td>LVN# 204915</td>
<td>Remedial Education &amp; Fine</td>
<td>July 31, 2009</td>
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<td>Zachary, Jessica Anne</td>
<td>RN# 686021</td>
<td>Voluntary Surrender</td>
<td>August 3, 2009</td>
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</tbody>
</table>

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### Workshop Update

Arrangements for the Board of Nursing workshop schedule for 2010 are being finalized. Workshops addressing nursing jurisprudence and ethics are currently scheduled to be held in Austin, Dallas, Houston and San Antonio. The dates for the workshops will be announced once the facility arrangements are secured. Please visit the BON web site at www.bon.state.tx.us for further information concerning the 2010 workshop schedule. For questions regarding the BON workshops, please call the Workshops Information line at (512) 305-6844 or e-mail inquiries to workshops@bon.state.tx.us.
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 Texas Board of Nursing 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 Texas Board of Nursing 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 methods:

1. Mail to: Texas Board of Nursing, 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944;
2. E-Mail to: webmaster@bon.state.tx.us; or
3. Fax to: Texas Board of Nursing (512) 305-7401.

Notifications must include:
1. RN or LVN License Number;
2. Social Security Number;
3. Old and New Address;
4. Name; and
5. Primary State of Residence

Texas BON Returns to Driskill Hotel 100 Years After First Meeting

The Texas Board of Nursing met for the first time 100 years ago at the Driskill Hotel in Austin. In recognition of that event, the Board held its July 2009 meeting at the Driskill. Board members attending the meeting were: (Front row from left to right) Marilyn Davis, Patricia "Patti" Clapp, Linda Rounds, Beverly Jean Nutall; (Back row from left to right) Tamara Cowen, Kristin Benton, Kathy Leader-Horn, Mary Jane Salgado, Blanca Rosa Garcia, Josefina Lujan, Deborah Bell, Richard Gibbs, and Katherine Thomas, Executive Director.

Paperless board meetings have been utilized for several years by the Texas Board of Nursing. All documents considered at board meetings are provided to board members and staff electronically prior to meetings.

Texas Board of Nursing Meeting Dates: 2009

October 22-23

Meeting Dates: 2010

January 21-22
April 22-23
July 22-23
October 21-22

Eligibility and Disciplinary Committee Meetings

November 10
December 8