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Francis Stokes, BA, Consumer Member, Port Aransas
Rickey “Rick” Williams, Consumer Member, Killeen
Kimberly L. “Kim” Wright, LVN, Representing LVN Practice, Big Spring
The growth in current LVN licensure has flattened over the past four fiscal years. The growth in FY 2020 was just 0.6%. The average annual growth in RN licensure was just under 4% with growth in APRN licensure averaging just below 9%.

Although there continues to be steady growth in the number of current RNs licensed by examination, the number of licenses issued by endorsement from other states has declined by 3% over the past fiscal year. The growth of APRNs continues.

The growth in licensees in Texas has resulted in higher revenue from license renewals. The BON attempts to maintain a balance of funds approved by the Texas Legislature but the sustained growth of RNs and APRNs provides additional revenue beyond projections.
ENFORCEMENT

NURSES WITH CURRENT DISCIPLINE: FY2020
PERCENTAGE OF CASES COMPARED TO TOTAL POPULATION OF LICENSEES

- RNs: 342,276
- LVNs: 106,935

- 99.6% WITHOUT Current Discipline
- 0.4% WITH Current Discipline

TYPES OF CASES RESULTING IN DISCIPLINE: FY2020
PERCENTAGE OF TOTAL COMPLAINT TOPICS RESULTING IN DISCIPLINE

- About half (50%) of complaints resulting in discipline included concerns about use of drugs/alcohol, fitness to practice, deception, and misappropriation, while concerns involving nursing practice issues represented less than one quarter (23%) of the complaints.

- 28% Deception & Misappropriation
- 27% Drugs/Alcohol & Fitness to Practice
- 23% Practice Error
- 11% Other
- 5% Abuse/Neglect/Boundaries/Sexual Misconduct
- 5% Criminal Conduct

PERCENTAGE OF CASES CLOSED IN SIX MONTHS: FY2016-2020

- FY 2016: 68.1%
- FY 2017: 68.4%
- FY 2018: 68.7%
- FY 2019: 68.7%
- FY 2020: 68.9%

The Board routinely closes 8 out of 10 cases within 6 months.

Current discipline affects a very small population of nurses – only 0.4% of Registered Nurses and 0.7% of Vocational Nurses have current discipline as of the end of FY2020.
EDUCATION

NUMBER OF PROGRAM PROPOSALS APPROVED:
FY2016-2020

- ADN approved 27 new nursing education programs.
  - 11 were baccalaureate degree, 8 were associate degree, 5 were vocational certificate, and 3 were APRN.

TEXAS NURSING EDUCATION PROGRAM NCLEX® PASS RATES COMPARSED TO NATIONAL PASS RATES

NCLEX-RN®

PASS RATE

2015 2016 2017 2018 2019

The annual NCLEX-RN® and NCLEX-PN® examination pass rates of first time test-takers from registered nursing and vocational nursing programs in Texas have continued to be above the national average since 2015.

NCLEX PASS RATES FOR 2019:

- VN Programs in Texas: 89.05%  National 85.63%
- RN Programs in Texas: 91.90%  National 88.07%

The 2020 NCLEX-RN® and NCLEX-PN® pass rates will be finalized January 2021 and April 2021 respectively.

NCLEX-PN® (VN)
I. Agency Mission and Values of the Texas Board of Nursing

The mission of the Texas Board of Nursing (BON or Board) 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 (NPA), supersedes the interest of any individual, the nursing profession, or any special interest group.

II. Legal/Enforcement Highlights

Number of New Cases – Investigator Caseloads

In FY2020, the Board opened 13,087 new complaints, which was about 2,000 cases less than opened in FY2019 and about the same number of cases open in FY2018. During the first half of FY2020, the Board received 7,446 new cases, compared to 5,641 new cases during the last half of the year. The decline in new cases during the last half of the year is most likely due to the COVID-19 pandemic resulting in fewer patients seeking routine medical care and fewer family members being present in care settings.

Prior to FY2019, the Board had routinely been closing more cases each year than were opened. In FY2020, like in FY2019, the Board closed slightly fewer cases than new cases opened, which may have been impacted by having vacant investigator positions. Accordingly, average investigator caseload increased by 19% in FY2020 to 114.

Disciplinary Actions

There was a very slight increase in the percent of complaints resulting in discipline in FY2020. However, the FY2018 through FY2020 results all represent a decline of 5%-6% from the FY2017 findings. This may be attributed to the Board’s continuing to use a modified approach to criminal conduct subsequent to the most recent Sunset Advisory Commission review.

Informal Settlement Conferences – Mediations

The number of informal settlement conferences and mediations both declined in FY2020. Due to the impact of the COVID-19 pandemic, mediations and informal conferences originally scheduled during the onset of the pandemic were rescheduled for later in the year. As a result, 40 informal conferences and 82 mediations were conducted in FY2020.
III. Licensing Highlights

Continued Growth in Professional Nursing; Implementation of Texas Nurse Portal; COVID-19 Pandemic

Texas continues to have a substantial growth in the numbers of licensed Advanced Practice Registered Nurses (APRN) with newly issued licenses growing 8.5% from fiscal year 2019 to fiscal year 2020. Likewise, the total number of Registered Nurses (RNs) continues to increase particularly through the licensing of new graduates. Of interest, is that there has been a consistent decrease in the numbers of RNs transferring their license to Texas by endorsement. This is a result of the new eNLC which expanded from 25 to 34 states including three states, Florida, Oklahoma, and Louisiana which historically have provided a high number of licenses by endorsement into Texas.

A noticeable trend from the previous Fiscal Years is the overall decline in the number of licenses by examination and endorsement of Licensed Vocational Nurses (LVNs). From FY2019 to FY2020 there has been 3.1% decrease in the total number of new LVN licenses issued by examination and endorsement. As with Registered Nurse licensure, the effect of the new compact may have contributed to this decrease. However, more likely factors for the overall decline in growth of new LVN licensees are the flattening in growth of the number of students enrolling in LVN programs as well as the number of new vocational nursing education programs resulting in reduced numbers of applicants applying to take the NCLEX-PN® exam.

Throughout fiscal year 2020, Board staff underwent massive training and preparation for implementation of the Texas Nurse Portal which allowed the Board to transition from a paper-based licensing system to a completely paperless system. The impact of this new system will greatly increase the efficiency of the licensing process for both constituents and staff. However, the implementation and coordination of the system along with educating the public on how to create and use the nurse portal greatly increased staff’s workload during much of fiscal year 2020 into fiscal year 2021.

During implementation of the Texas Nurse Portal, Governor Abbot issued a disaster proclamation on March 13, 2020 that the novel coronavirus Covid-19 posed an imminent threat of disaster for all counties in the State of Texas. As the virus became a pandemic, Board staff implemented measures to ensure that the essential functions of the Board’s mission were maintained while also ensuring the safety of Board staff and the public. This included staff transitioning to working from home.

Both events greatly impacted licensing response times and the Board’s ability to approve students eligible to take the nursing examination. As the emergency situation unfolded, a domino effect occurred with testing sites shutting down in Texas and throughout the world. Consequently, fingerprinting appointments for background checks decreased substantially. As the testing and fingerprinting sites ramped back up with safety measures, the number of applications for renewals, reactivations and waiver requests had stacked up to unprecedented numbers resulting in a threefold increase in the numbers of phone calls and emails to the agency. In the midst of this emergency, the agency was required to reduce the budget by 5% which hit hardest in the Licensing Department with a delay in hiring licensing staff in open positions and the elimination of the use of temporary staff during peak graduation periods. To meet this challenge, the agency created swat teams for priority applications to process temporary licenses and approve students to take the nursing examination. Concentrating on specific license types enabled the Board to reduce processing time for renewals and temporary licenses. The agency is still in the process of migrating files for permanent licenses and international applications from the previous system to the new nurse portal. This has increased the number of days to issue a permanent license by endorsement and approved international applicants to take the NCLEX RN.
Guidance to Education Programs During the COVID-19 Pandemic

The Board’s education team reached out early in the pandemic to offer nursing education programs guidance as many clinical facilities began to close doors to students as case counts increased. In addition to implementing a waiver to allow graduates an extension of graduate nurse permits from 75 days to six months; a rule waiver was also approved to allow students in the final year of a program to exceed the 50% limitation on simulated clinical learning experiences. Both regulatory waivers facilitated academic progression and transition to practice.

Throughout FY 2021, the Board will continue to work closely with education programs to develop creative solutions to the challenges of restricted clinical learning experiences. One such solution proposed by NCSBN, is the creation of practice-academic partnerships in which nursing students may assist in practice settings as paid clinical staff while they simultaneously earn academic credit. Board staff will also encourage programs to establish partnerships with providers registered to assist with the COVID-19 vaccination effort.

Task Force to Study Implications of Growth of Nursing Education Programs in Texas

The Board’s Task Force to Study Implications of Growth of Nursing Education Program in Texas co-hosted the state’s first invitational summit with the Texas Organization for Nursing Leadership in February 2020. The purpose of this statewide summit was to develop a coordinated approach to address gaps between and within academia and practice and optimize clinical learning experiences for the future of nursing in Texas. Stakeholders from various national and state nursing organizations were invited to nominate member participants. Over 130 nurses from academia and practice settings across Texas attended the two-day Summit, engaging in open discussion and problem solving. The results of the Summit and the subsequent recommendations for moving towards alignment will be disseminated in early 2021. Among the recommendations is for the Board to update the Differentiated Essential Competencies of Graduates of Nursing Programs in Texas. This work is underway and will be completed during FY 2021.

Baccalaureate Degree Nursing Programs in Public Junior Colleges

SB 2118 enacted during the 85th Legislature, authorized the Texas Higher Education Coordinating Board (THECB) to approve certain public junior colleges to offer baccalaureate degrees in specified fields of study, including nursing. The bill required nursing baccalaureate program proposals to meet all Board of Nursing requirements, regardless of whether the program is a pre-or-post licensure baccalaureate degree program. Board and THECB Staff have developed a proposal application process that avoids duplication, yet assures the required input of the Board’s expertise specific to nursing education.

During its April 2018 quarterly meeting, the Board acknowledged approval of Austin Community College as the first community college in Texas to offer a baccalaureate degree nursing program. As of the end of FY2020, 12 public junior colleges have been approved by THECB to offer baccalaureate nursing programs.

Next Generation NCLEX Project

The National Council of State Boards of Nursing (NCSBN) continued its research in measuring clinical judgment in nursing that began in 2012. Findings from the 2013-2014 NCSBN Practice Analysis indicated that entry level nurses are responsible for activities involving critical thinking, clinical reasoning, and clinical judgment. Though some of the current NCLEX-RN® items measure judgment to some degree, a higher level of testing is needed to ensure safe entry-level practice.

A Clinical Judgment Measurement Model (CJMM) was designed based upon leading theories of decision making (information processing; intuitive/humanistic; and cognitive continuum). The CJMM depicts a nursing decision making model involving recognizing and analyzing cues, prioritizing hypotheses, generating solutions, taking action, and evaluating outcomes.

As NCSBN makes progress toward an implementation date, Board Staff will continue to keep education stakeholders informed so that graduates can be adequately prepared for new exam item types.
V. Nursing Practice Highlights

Practice Guidance to Nurses During the COVID-19 Pandemic

The Board’s practice team quickly pivoted its efforts to offer guidance to nurses specific to disaster nursing as the pandemic began. Among the various resources the practice team created were: Frequently Asked Questions for LVNs, RNs, and APRNs practicing in a pandemic, bulletin articles relevant to COVID-19, and frequent postings on the agency Facebook page to offer nurses timely updates on various topics such as personal protective equipment, Centers for Disease Control guidelines, safe harbor nursing peer review, and self-care measures.

Consultative Functions

In addition to its education outreach functions, the practice team also consulted frequently with the enforcement and legal teams on disciplinary matters related to nursing practice violations. Consultants assisted with case reviews and with mediations and as expert witnesses during hearings at the State Office of Administrative Hearings.

Education Offerings for Nurses

The practice team continued to offer nursing jurisprudence and ethics workshops virtually as well as a collection of online courses on additional topics including documentation, nursing peer review, APRN scope of practice, and APRN prescriptive authority throughout FY 2020. The Board will launch a new online course in nursing jurisprudence during FY 2021.

During FY 2019, Board staff launched an adapted version of the Taxonomy of Root Cause Analysis of Practice-responsibility (TERCAP), called Nursing Peer Review Evaluation of Practice-breakdown (N-PREP). N-PREP was created for utilization by Texas nursing peer review committees to support their existing organizational peer review processes in improving the evaluation of nursing practice breakdown. During FY 2020, Board Staff developed a free, online training module for those peer review committees interested in learning how to use the N-PREP resource.