

RN UPDATE

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 registered professional nurse in the State of Texas is competent to practice safely. The Board fulfills its mission through the regulation of the practice of professional nursing and the accreditation of schools of nursing. This mission, derived from Chapters 301, 303 & 304 of the Texas Occupations Code, supersedes the interest of any individual, the nursing profession, or any special interest group.



RN Licenses will Indicate Single-State Status after January 1, 2003

Effective January 2003, licenses issued by the Texas Board of Nurse Examiners (BNE) will indicate whether a RN's license can be used in a compact state. Printed licenses for RNs who have not declared Texas as their primary state of residence (PSR) will be marked with the designation "Valid only in Texas."

The BNE is now required to indicate single state status due to Policy 1.11 of the Nurse Licensure Compact. The policy was developed by state-designated compact administrators and was approved on March 4, 2002. The purpose of the policy was to clearly identify licenses issued by a Compact State that are invalid in all other party states.

RNs who wish to check their declaration of PSR can visit the BNE's web site located at www.bne.state.tx.us and perform an online verification. The declared residency will be listed on the result page under MSR Compact (Multi-State Recognition). Any designation other than TX or lack of a designation is defined as a single state license.

RNs may re-declare residency by completing a Sworn Declaration Form. The form can be downloaded at Ftp://www.bne.state.tx.us/declare-psr.pdf. For more information about the Multistate Licensure Compact, visit the National Council of State Boards of Nursing's web site located at www.ncsbn.org. The National Council's web site includes the most up-to-date information on which states are members of the Compact as well as contact information for all of the member Boards.

Board Meeting Schedule - 2003

January 23-24

April 24-25

July 24-25

October 23-24

Meetings to be held in Austin

Marcelo Laijas, Jr., Elected as Board of Nurse Examiners Vice-President



Marcelo Laijas, Jr., was elected as Vice President of the Board of Nurse Examiners at the October 25, 2002, Board Meeting. Mr. Laijas replaces Thalia Munoz, RN, as Vice President. Thalia has served on the Board since her appointment on July 21, 1997. Thalia's term expires on January 31, 2003. Marcelo was appointed to the Board on February 24, 1997. He serves on the Board as a Consumer Member.

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A Word from the Executive Director



Kathy Thomas, MN, RN

Going Paperless

Organizations and businesses in the public and private sectors find themselves drowning in paper. The accumulation of files kept for legitimate business purposes can take over rooms and even floors. Many of these documents are essential to maintain or record legal transactions, including licensure applications. The costs associated with maintaining paper and other media such as microfiche records include storage units and space, mailing paper notices, licenses and other information.

The Board has discussed strategies to reduce the amount of paper in our offices and the cost of mailing paper to our licensees. Other agencies and organizations have implemented initiatives to reduce these fiscal and administrative burdens. Superintendent Leonard Merrell of the Katy Independent School District says, "It's time for us to think in terms of how technology can help us do our jobs more efficiently and more effectively¹." This school district began having paperless board meetings in 1999. Board materials are made available to members on a secure web site prior to meetings. Members view these materials electronically before the meeting and on laptop computers at the meeting. The district estimates this project has saved them \$5,000 - \$5,500 a year in printing costs alone. The National Council of State Boards of Nursing has done something similar, but they provide the materials on a CD to each of their Board members.

In recent years, electronic imaging technologies have made possible the reduction of paper files. Scanners create electronic images of paper files and store them in file servers for later retrieval. The Federal Administrative Office of the U.S. Courts plans to electronically archive 30 years worth of documents. They acknowledge that there are drawbacks to this type of storage, "...the search for a particular document may yield millions of returns — far too many to make finding the desired document practical."² However, for many organizations the benefits may outweigh potential disadvantages. In 2000, the Texas Health Professions Council, consisting of the health professions licensing boards, purchased an electronic imaging system for archiving and retrieving documents. Licensing files, disciplinary orders and Board materials are being archived. The Boards have found that access to documents is quick and easy. Staffs do not have to search crowded file cabinets or access paper documents from off-site archives. This expedites board business.

Several Boards of Nursing offer online renewal in addition to the traditional paper process. In order to reduce postage and printing costs, the Iowa Board of Nursing changed their renewal process by sending a post card to remind nurses to renew. The nurse has the option of downloading the renewal form from the Board's web site or renewing online. Lorinda Inman, Executive Director of the Iowa Board of Nursing, estimates that 80%-90% of Iowa nurses now renew online.³ The Texas Board of Nurse Examiners offers online renewal but still sends a paper renewal form to each nurse.

It is clear that technologies and creative strategies to reduce paper must be explored. What future directions the BNE will choose to address these problems are not fully defined yet; however, the Board has decided to pursue electronic board meeting materials and encourages all licensees to renew their licenses online. Online renewal is quick and easy. It can be done from home, work, or the public library. I did it myself and found it much easier than the paper process. I encourage you to try it.

References:

¹ Mills, N. (2000, March). Going Paperless. *School Board of Tomorrow*. Retrieved December 4, 2002, from <http://www.electronic-school.com/2000/03/0300sbot.html>

² Matthews, W. (2001, May 16). Facing the Pitfalls of Going Paperless. *Federal Computer Weekly*. Retrieved Dec. 4, 2002, from <http://www.fcw.com/fcw/articles/2001/0514/web-paper-05-16-01.asp>

³ From telephone communication conducted by Katherine Thomas with Lorinda Inman on Dec. 16, 2002.



The Board of Nurse Examiners for the State of Texas

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Katherine Thomas, MN, RN

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Proposed and Adopted Rules



At the October 25-26, 2002, meeting of the Board of Nurse Examiners, the Board took the following actions:

- * proposed the amendment of current 22 TAC §217.16, relating to Minor Incidents, with a 30-day comment period. Proposed amended §217.16 was published in the *Texas Register* on November 8, 2002, with the comment period ending on December 9, 2002.
- * approved on a proposed and emergency basis an amendment to 22 TAC §217.18 that addresses requirements for Registered Nurse First Assistants. Proposed and emergency rules were published in the *Texas Register* on November 15, 2002. The comment period for proposed §217.18 was 30 days. See related article on page 6.
- * proposed the repeal of the current 22 TAC Chapter 218, §§218.1 - 218.11, pertaining to Delegation of Selected Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel, and concurrently proposed the adoption of two new chapters 22 TAC Chapter 224, relating to Delegation of Nursing Tasks by Registered Professional Nurses to Unlicensed Personnel for Clients with Acute Conditions or in Acute Care Environments, and Chapter 225, relating to RN Delegation to Unlicensed Personnel and Tasks not Requiring Delegation in Independent Living Environments for Clients with Stable and Predictable Conditions. Rules were published in the *Texas Register* on November 22, 2002. The public comment period for repeal of Chapter 218 and adoption of new Chapters 224 and 225 ends December 23, 2002. See related articles on pages 4-5 and page 9.
- * proposed the amendment of current 22 TAC §§221.4 and 221.5, relating to Advanced Practice Nurses, with a 30-day comment period. Proposed amended §§ 221.4 and 221.5 to be published in the *Texas Register* on December 27, 2002. The public comment period for proposed amended §§ 221.4 and 221.5 will end on January 27, 2003. See story below.

For more information on rules mentioned above, refer to the *Texas Register* via the Office of the Secretary of State for the State of Texas located at <http://lamb.sos.state.tx.us/texreg/index.html>.

Board Proposes Revision of Rules 221.4(b) and 221.5, relating to Advanced Practice Nurses

At its October 24, 2002, meeting, the Board voted unanimously to propose changes to two sections of Rule 221, relating to advanced practice nurses. The first proposed change addresses the requirement that an applicant for authorization to practice as an advanced practice nurse obtain national certification within two years of his/her program completion date [§221.4(b)]. Over the last year, the Board has received numerous petitions for waiver of this requirement from advanced practice nurses who were authorized to practice in other states where national certification is not a requirement. The Board charged its Advanced Practice Nursing Advisory Committee (APNAC) with reviewing this requirement and making a recommendation regarding any necessary changes. APNAC recommended that the Board maintain the requirement that advanced practice nurses obtain national certification but eliminate the two year time limitation. This change should make it easier for experienced advanced practice nurses who practice in states where certification is not required to obtain authorization to practice in Texas after obtaining national certification in the appropriate advanced role and specialty area.

The first change served as a catalyst for a change to the requirements for new graduate advanced practice nurses (§221.5). APNAC recommended decreasing the provisional authorization period to no more than one year. In addition, the applicant must cease practice in the advanced role and specialty if he/she fails the national certification examination on the first attempt. He/she may, however, continue to practice as a registered nurse. The proposed revision also eliminates the requirement that the individual complete a program for re-education if he/she does not pass the national certification examination within a certain time period. The proposed change provides assurance to the public that the practice of new graduate advanced practice nurses who fail the national certification examination on the first attempt is appropriately monitored by another qualified advanced practice nurse or physician.

Note: At press time for this January, 2003, edition of the RN Update, the public comment period for the proposed delegation rules was not concluded. Therefore, please be advised that any comments received by the BNE suggesting substantive change may delay the implementation of either or both rules. Due to the impact of these proposed RN delegation rules across a wide-spectrum of practice areas, the Board did not wish to delay announcing the proposed changes. Please check the BNE web page for the latest information.

New Delegation Rules Proposed

The 77th Texas Legislature (2001) passed House Bill 456, charging the BNE to form a task force to review the BNE's current delegation chapter (22 TAC Chapter 218) and make recommendations regarding the provision of health maintenance tasks to people with functional disabilities in independent living environments. The Assistance with Functional Disabilities (AFD) Task Force was appointed in November 2001, and met five times during the 2002 calendar year. A sub-committee also met several times to work on proposed rule language. The result was a proposal for two (2) new delegation rules. These proposed rules were published in the *Texas Register* on November 22, 2002, with a 30-day comment period. One rule (proposed 22 TAC, §224) would apply to RN delegation to unlicensed personnel in acute care environments or for clients with acute conditions. This rule is not substantially different from the provisions currently part of rule 218, and the task force did not focus on this rule.

The second delegation rule (proposed 22 TAC §225) relates to RN delegation in independent living environments for clients with stable and predictable conditions. This proposed rule will replace and significantly alter what is in Section 218.8 of the current delegation rule. Key components of this rule include:

- ↔ Tasks are divided into three categories: activities of daily living (ADLs), health maintenance activities (HMAs), and nursing tasks.
- ↔ The client or the client's responsible adult must be able to participate in decisions related to the client's health care needs. If the participation of a responsible adult is necessary, the physical presence of the responsible adult may or may not be required, depending on the RN's assessment of factors set forth in the rule.
- ↔ Provided certain criteria are met, the RN may determine that ADLs and some HMA activities in the independent living environment do not require delegation for a given client. Once the task(s) is/are determined by the RN to be "exempt" from delegation, and assuming the RN uses good professional judgment in making this determination, the RN is not responsible for overseeing the unlicensed person's performance of these tasks. The assessment would be that either the client or the client's responsible adult would be capable of directing the unlicensed person in performance of tasks not requiring delegation. Re-assessment by the RN at appropriate intervals or when the client's condition changes must be incorporated into the nursing care plan.
- ↔ Even if a task cannot be exempted from delegation in the independent living environment, this would not preclude the RN from delegating a given task to an unlicensed person, provided the task does not require independent nursing judgment.

The AFD Task Force and the Board feel that this expansion of the delegation rule provides for client safety in independent living environments while promoting greater client choice and control in the community-based setting, where the traditional "illness" model is too limiting. The delegation flowchart pictured on page 5 shows how Rule 225 may be applied. Content of the full rules with preambles may be viewed through the on-line version of the *Texas Register* (27 TexReg 10868-10878) at <http://lamb.sos.state.tx.us/texreg/archive/index.html>.

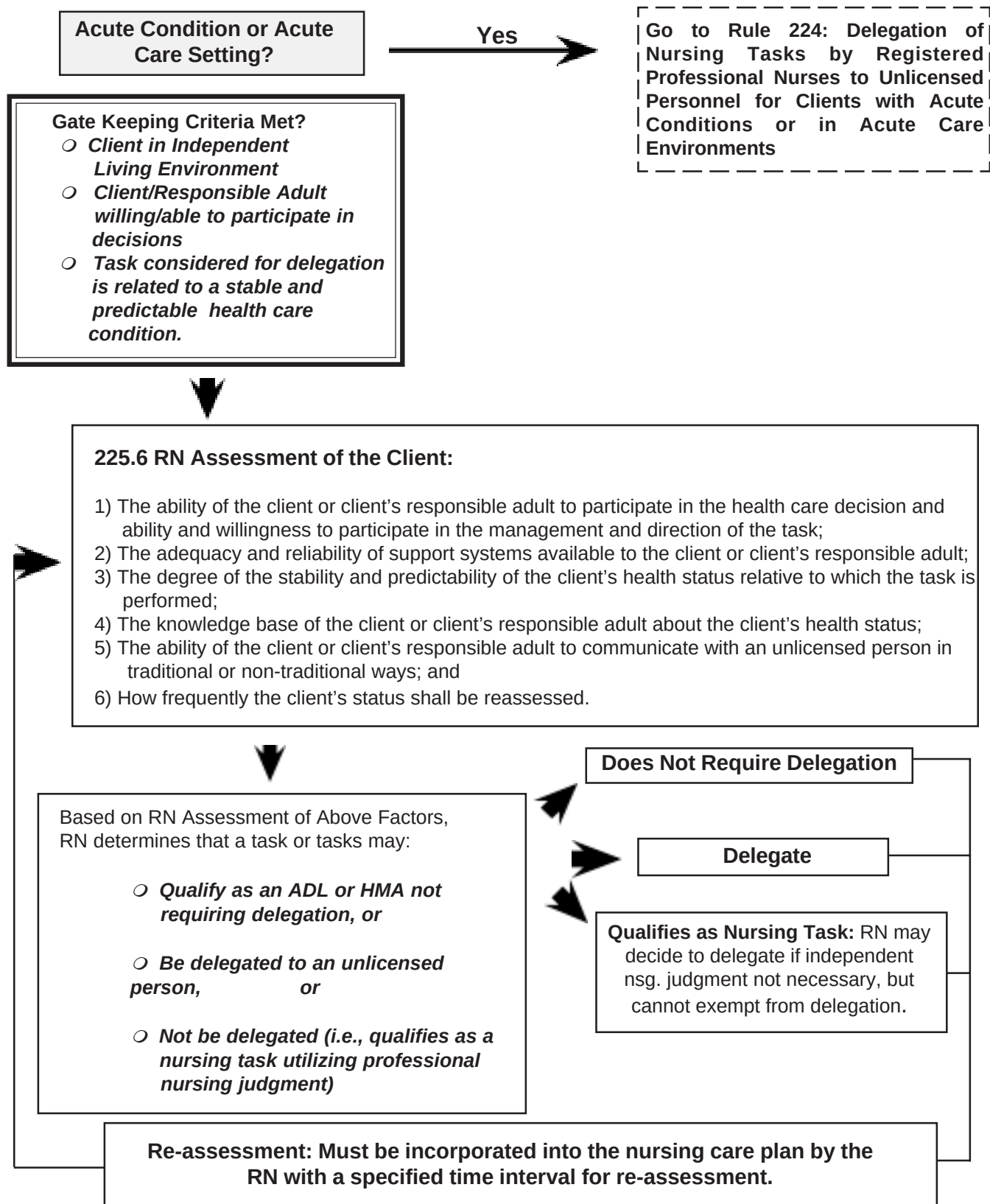
Implementation date for the new rules will be posted on the BNE web page once the rules are adopted.

Texas Peer Assistance Program for Nurses — TPAPN

If you have concerns regarding a nursing colleague's practice related to chemical dependency or mental illness, call TPAPN at 1-800-288-5528 to speak to a nurse case manager. Your call is confidential.

Delegation Flow Chart

Proposed Rule 225: RN Delegation to Unlicensed Personnel and Tasks Not Requiring Delegation in the Independent Living Environment for Clients with Stable & Predictable Conditions



Board Adopts Emergency Amendment to Rule 217.18 Concerning RNFAs

The Board met on October 24, 2002, and approved the adoption on an emergency basis of an amendment to § 217.18 that addresses the minimum requirements for registered nurses functioning as first assistants in surgical settings. The Board also voted to propose the adoption of the amendment. The emergency amendment that mirrors the proposed amendment was submitted to the *Texas Register* on October 28, 2002, and became effective upon filing. The nursing community has reported that there are a significant number of RNs first assisting who do not meet the criteria of current rule 217.18. These alternate criteria would permit certain RNs to continue to first assist until January 1, 2005. After that date, all RNs who elect to first assist must meet the criteria specified in the Nursing Practice Act. The emergency rule 217.18 that is now in effect is as follows:

§217.18 Registered Nurse First Assistants

- (a) Qualifications for registered nurse first assistants (RNFA):
 - (1) A registered nurse who wishes to function as a first assistant (RNFA) in surgery shall submit an application for registration and all applicable fees to the Board and shall submit evidence including, but not limited to, the following:
 - (A) Current licensure as a registered nurse in the State of Texas or reside in any party state and hold a current, valid registered nurse license in that state;
 - (B) has a current national certification (CNOR) in perioperative nursing; and
 - (C) has completed a nurse first assistant educational program approved by an organization recognized by the Board; or
 - (D) has a current certification as a registered nurse first assistant (CRNFA) by a national certifying body recognized by the Board.
 - (2) After review by the Board, notification of registration shall be mailed to the RNFA informing him/her that the registration process has been completed.
 - (3) The registered nurse whose functions include acting as a first assistant in surgery shall know and conform to the Texas Nursing Practice Act; current Board rules, regulations, and standards of professional nursing; and all federal, state and local laws, rules, and regulations affecting the RNFA specialty area. When collaborating with other health care providers, the RNFA shall be accountable for knowledge of the statutes and rules relating to RNFAs and function within the scope of the registered nurse.
 - (4) A registered nurse functioning as a first assistant in surgery shall comply with the standards set forth by the AORN.
- (b) A registered nurse not qualifying under subsection (a) of this section may engage in the activities and functions associated with first assisting until January 1, 2005 if:
 - (1) Was actively engaged in the activities and functions associated with first assisting as of March 1, 2002;
 - (2) Does not use any titles to imply that the person is a first assistant or otherwise hold him/herself out as a first assistant;
 - (3) Functions under the delegated authority of a physician;
 - (4) Has current licensure as a registered nurse in the State of Texas or resides in any party state and holds a current, valid registered nurse license in that state;
 - (5) Has perioperative nursing experience that meets at least one of the following criteria:
 - (A) 500 hours of experience first assisting as of March 1, 2002;
 - (B) 2 years of experience in perioperative nursing as of March 1, 2002 ; or
 - (C) Current national certification in perioperative nursing (CNOR); and
 - (6) Complies with the Standards of Professional Nursing Practice in Rule 217.11(12) relating to RNs accepting only assignments that take into consideration patient safety and that are commensurate with an RN's educational preparation, experience, knowledge and physical and emotional ability.
- (c) Effective January 1, 2005, the exceptions outlined in subsection (b) of this section no longer apply, and any registered nurse engaging in activities and functions associated with first assisting must meet the requirements outlined in subsection (a) of this section.



Legal Issues

Joy Sparks, JD, Assistant General Counsel for the Board of Nurse Examiners, and Dusty Johnston, JD, General Counsel for the Board of Nurse Examiners, comment on the Nursing Practice Act, Rules and Regulations, & other legal issues related to nursing.



When a Complaint has been Filed Against You...

When a complaint is filed against a nurse, it is one of over 2000 complaints the Board receives annually. It can come from many sources. Many complaints, however, do not provide enough information to specifically identify a particular nurse, can be designated as a "minor incident", allege conduct which even if proven would not constitute a violation of the Nursing Practice Act (NPA), or are not within the Board's authority. In order to thoroughly investigate the complaint to determine whether a violation of the NPA or Board rules occurred, the staff of the Board conducts the investigation in the following manner.

Once a complaint is determined to contain a credible allegation(s), it is assigned a priority number based on the urgency of the complaint, and assigned an investigator with a background in either criminal justice or nursing. The investigator then sends the nurse notice of the allegations unless such notice would jeopardize the investigation. The notice letter is sent to the nurse's address of record. It is imperative and mandated that a nurse keep his/her address updated in order to receive all the necessary correspondence. It is also to the nurse's benefit to pick up the certified mail that comes to him/her because the investigation will proceed whether the nurse responds or not. The outcome for a nurse who ignores the notices will be much more detrimental than by responding and cooperating with the investigation. Many times a nurse is his/her own best advocate.

After receiving notice of the allegations, the nurse is requested to respond in writing and demonstrate compliance with the NPA and/or the Board's rules, or admit to the allegation with or without mitigating factors. The investigator, his/her supervisor, and the Director of Enforcement then review the complaint, the nurse's response, and the evidence to determine whether the investigation should continue or be closed.

If the case remains open, in most cases the nurse will be invited to attend an informal conference. Many of the cases settle at the informal phase. The informal conferences are generally held on Tuesdays and are attended by the executive director or her designee, the Board's attorney(s), the Director of Enforcement, and the investigator assigned to the case. Other members of the Staff may be in attendance for their expertise or for observation or training purposes. The nurse may attend in person or, in certain circumstances, by telephone, with or without an attorney who has submitted a letter of representation, and any other individual the nurse wishes to attend for support. The conference is not open to the public, but Board members may attend at various times. The location of the informal meeting is at the Board's offices in Austin, Texas. The Staff and the nurse review the evidence gathered and the Staff panel asks the nurse questions based on the information. The nurse may question the Staff and show that he/she has complied with the NPA. The nurse then is asked to leave the room while the Staff discuss a possible resolution to the matter. The resolution recommended can range from no action being taken (closed) to asking a nurse to voluntarily surrender her/his license. If a sanction is recommended and the nurse agrees to the proposed resolution, she/he will wait approximately three (3) weeks for an agreed order to be drafted and sent to his/her attorney or him/her. If the nurse does not agree with the proposed resolution, the Staff will then file Formal Charges, if they have not been previously filed. The charges are public, and the case is set for hearing at the State Office of Administrative Hearings (SOAH).

When a nurse receives the formal charges, she/he must file a written response to those charges to prevent a default order from being entered in his/her case. The effect of a default order is that all the allegations are deemed true, and an appropriate sanction is recommended by the Staff and submitted to the Board for its consideration. Therefore, it is very important that a nurse respond to the formal charges.

The formal hearing process is public and the case is heard by an administrative law judge. The hearing is conducted in a hearing room and the Staff and nurse present evidence subject to the Texas Rules of Evidence. Based on this evidence, the judge issues a recommendation (Proposal for Decision) for the Board's consideration. The Board is responsible for making the final decision. The Board reserves the right to approve, amend, or reject any proposed agreed order or judicial recommendation. After ratification, the order becomes a public document and is mailed to the nurse or his/her counsel of record, the complainant, and the nurse's last known employer. The action is statutorily required to be reported in the Board's newsletter, *RN Update*, and to the Healthcare Integrity and Protection Data Bank (HIPDB). Though disciplinary actions are part of a nurse's permanent record, when the stipulations or probation conditions are successfully completed, the nurse will be issued an unencumbered license.

continued on page 9



EDUCATION REPORT

By Sandra Owen, MN, RN



October 2002 Board Action

Approved Closure of a Distance Education Initiative for:

Amarillo College Associate Degree Nursing Program in cooperation with Frank Phillips College in Borger, TX

Accepted a Survey Visit Report and issued commendations, recommendations and requirements for:

Northeast Texas Community College Associate Degree Nursing Program

Based on a Site Visit Report, and review of a Proposal, approved a partial Distance Education Initiative for:

Tarleton State University Baccalaureate Degree Nursing Program in cooperation with Howard Payne University in Brownwood, TX

Approved a Petition for a Dean/Director for:

Odessa College Associate Degree Nursing Program

Approved Faculty Petitions for:

**Weatherford College Associate Degree Nursing Program
North Harris Community College District Associate Degree Nursing Program**

Approved a Mentoring Program for a Dean/Director for:

East Texas Baptist University Baccalaureate Degree Nursing Program

Reviewed a Proposal for an Innovative Approach to Nursing Education for:

El Centro College Associate Degree Nursing Program

Reviewed a Progress Report and Petition to Admit Students for:

Lamar State College at Orange Associate Degree Nursing Program

Advisory Committee Update

APN Advisory Committee

The APN Advisory Committee met on November 22, 2002, in Austin. The committee continued work on their charge to develop guidelines for advanced educational programs seeking to develop a diagnosis and management course for clinical nurse specialists who wish to obtain limited prescriptive authority. It is anticipated that these guidelines will be presented for the Board's consideration at the January 2003 meeting. The committee also continued to discuss guidelines for inactive advanced practice nurses who have not practiced in four years and desire to return to practice as well as criteria for review of national certification examinations. The committee will meet again on February 10, 2003.

AFD Task Force Update

The Assistance with Functional Disabilities (AFD) Task Force concluded its work to implement requirements of HB 456 (77TexLeg, 2001), and task force recommendations to revise and propose new delegation rules were presented to the Board at its October 2002 meeting. For more information, see related articles in this issue on pages 4-5 and 9, or check "BNE News" on the web page at www.bne.state.tx.us.

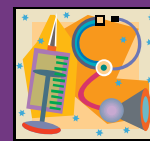
Advisory Committee on Education

The Advisory Committee on Education met in November to continue the review of Rule 215 relating to Nurse Education. Proposed changes to Rule 215 will be presented and discussed at the January 2003 BNE Meeting.



PRACTICE Q & A

By Carol Marshall, MSN, RN



I work in the ER where several technical staff are also qualified as emergency medical technicians (EMTs) and paramedics (EMT-Ps). Some of these staff are “licensed paramedics” when they are working for EMS. There is confusion on all sides as to whether RNs should delegate to these members of the ER staff, or if they can practice under their credentials the same as they do in the pre-hospital setting.

Even though there are newly revised delegation rules on the horizon (see related article on pages 4-5 of this issue), the answer to this question would be the same whether applying Rule 218 (in effect since 5/2000) or the newly proposed Rule 224 (which may be adopted by the time this article goes to press). Both of these delegation rules describe the requirements for RN delegation to unlicensed personnel in an acute care environment such as the Emergency Room.

BNE staff confirmed with the Bureau of Emergency Management, under the Texas Department of Health, that the laws governing EMTs and Paramedics in 25 TAC §157.2 are limited 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 in-patient settings, such as the Emergency Room. The NPA and Board Rules are available in their entirety on our web site at www.bne.state.tx.us.

Each RN decides on a case-by-case basis what nursing tasks may be delegated in accordance with the applicable delegation rule. 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. Further, BNE delegation rules clarify that it is not delegation when the UAP is directly assisting a RN by carrying out nursing activities in the presence of a RN.

The RN does retain responsibility for delegating tasks that are “reasonable and prudent” within the bounds of the rule. It doesn’t necessarily mean the RN has delegated inappropriately if there happens to be a negative outcome, however, the RN would have to be able to explain his/her critical thinking and rationale for delegating the task that lead to the negative outcome. The BNE has no jurisdiction in civil matters, so we cannot speak to “liability” issues.

There are also tasks which may be delegated by a physician to persons considered to be “unlicensed” in acute care settings. The physician must be willing/make the decision to delegate the task(s) and such delegation must be permitted by hospital policy. BNE staff cannot speak as experts on the Board of Medical Examiner’s Rules, however Rule 193 of the BME Rules addresses “physician delegation.” You may wish to contact the BME at (512)305-7010, or check their web site at www.tsbme.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(5)], so the RN still has a duty to intervene if he/she sees something being done incorrectly by the unlicensed person, and to notify the ordering practitioner of the incident. For additional information on EMS, check the Texas Department of Health web site at or to access applicable laws see Texas Legislature Online at <http://www.capitol.state.tx.us/>. Also see a related article on page 4-5 of this issue.

Legal Issues - continued from page 7

In conclusion, an investigation by the Board of a nurse’s license is stressful for the nurse. Failing to respond to an investigation by the Board, however, can result in the revocation of his/her license to practice nursing. It is imperative, therefore, when a complaint against you is being investigated to keep the Board informed of any change of address. It is also critical that you respond to the formal charges in writing.

HPC Offers Toll-Free Number for Complaint Forms

The Health Professions Council has a toll-free phone number for obtaining complaint forms to report inappropriate actions by Texas-licensed health professionals including Doctors, Physician Assistants, Therapists, RNs, and LVNs. The number is: **1-800-821-3205**.

IMPOSTOR 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.

Jeannie Marie Miata
a.k.a.: Jeanine Marie Hannah

Jeannie Marie Miata procured a license to practice professional nursing in the State of Texas on June 4, 2002, by presenting the name, social security number, and education information of Jeanine Marie Hannah, who is a licensed registered nurse in the State of Oregon. Ms. Miata secured employment as a registered nurse with two different hospitals during a period of time from June, 2002, through July, 2002. Upon further investigation, it was found that Ms. Miata was previously licensed to practice professional nursing in the State of Oregon. The State of Oregon revoked Jeannie Marie Miata's license on May 8, 2001, pursuant to her conviction of "Theft in the First Degree", in Multnomah County Circuit Court, Portland, Oregon, on December 6, 2000, and court-ordered restrictions from the Circuit Court of the State of Oregon for Multnomah County, which forbids Respondent from engaging in any care for the elderly in assisted living or residential care setting. On July 22, 2002, the Board of Nurse Examiners for the State of Texas temporarily suspended the professional nursing license of Jeanine Marie Hannah, a.k.a. Jeannie Marie Miata. On November 12, 2002, the Board of Nurse Examiners for the State of Texas revoked the professional nursing license of Jeanine Marie Hannah, a.k.a. Jeannie Marie Miata. Criminal charges against Ms. Miata are pending in Hildago County.



Nova Lynn Wilson
a.k.a. Nova Lynn Jamerson

Ms. Wilson secured employment as a Medical Service Consultant with a company in the Dallas, Texas, area and worked from June 24, 2002 through October 24, 2002. Ms. Wilson told the employer that she was not able to provide a copy of her Texas Nursing License, which was required for the position. Instead she listed her credentials as well as a license number on her resume and application. Throughout Ms. Wilson's employment with the company, she advised and consulted patients and signed RN after her name on letters and fax cover sheets. On October 24, 2002, the Branch Manager, contacted the Enforcement Department after seeing Ms. Wilson's name in the RN Update as an Imposter. After a Social Security Number and birth date were provided it was verified that Ms. Wilson did not hold a valid license to practice in the State of Texas. The licence number Ms. Wilson provided was issued to another registered nurse. On October 24, 2002, Ms. Wilson was suspended without pay until further notice and she was terminated October 26, 2002. Ms. Wilson's case has been referred to the Dallas County District Attorney's Office.



Patrice E. Clayton

Patrice E. Clayton secured employment as a substitute registered nurse with a school district, and worked from August 16, 2002, through September 13, 2002. Ms. Clayton substituted as the registered nurse on September 3 & 4, 2002. She signed RN after her name in the medical records for students. On September 13, 2002 the supervisor requested a copy of her license and Ms. Clayton told them that she had a federal license and she could practice anywhere in the US. The supervisor contacted the Board office and verified that Ms. Clayton did not hold a license to practice professional nursing in the State of Texas. Ms. Clayton told the supervisor that she would talk to the Board and straighten out the mistake. Ms. Clayton later called the supervisor and told her that she had straightened out the mistake and wanted to substitute again. The supervisor told her that they would not allow her to substitute as an RN. Ms. Clayton's case was referred to the New Braunfels Police Department.



IMPOSTORS - continued

Barbara Heming Houston

Barbara Heming Houston voluntarily surrendered her license to practice professional nursing in the State of Texas on March 30, 2001. Ms. Houston applied for a position as a Nurse Legal Consultant with a law firm in Austin, Texas. When the supervisor asked to verify her license, Ms. Houston provided a forged, fraudulent letter from the Board indicating that she was currently licensed as a professional nurse in the State of Texas. The case has been referred to the Travis County District Attorney's office.



NOTICE OF DISCIPLINARY ACTION

The following registered nurses had disciplinary action taken against their licenses. If you would like to receive additional information regarding the disciplinary action which has been imposed, please send your request to the Board of Nurse Examiners, Enforcement Division, P.O. Box 430, Austin, Texas, 78767-0430.

<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Alford, Cindy Jo	577691	License Revoked	November 12, 2002
Anderson, Gina Marie	664189	License Revoked	September 10, 2002
Bailey, Gregory Lynn	616152	Warning with Stipulations	November 12, 2002
Barajas, Connie	550060	Enforced Suspension	November 12, 2002
Batschelet, Alice Ann	424858	Remedial Education	December 3, 2002
Bell, Diane Sherry	443107	License Revoked	December 10, 2002
Beloney, Jessica Gayle	636708	Remedial Education	October 1, 2002
Bethea, Lawrence R.	464530	License Revoked	September 10, 2002
Blank, Mary Noelle	613613	License Revoked	September 10, 2002
Board, Sandra J.	628033	Reprimand with Stipulations	December 10, 2002
Bolotaulo, Iris Cordero	588043	License Revoked	December 10, 2002
Bourque, Marvin Leroy	668933	Remedial Education	October 7, 2002
Brown Jr., Jesse Ellison	600544	License Revoked	September 10, 2002
Burns, Charles Michael	250941	License Revoked	September 10, 2002
Button, Deborah Lynn	581715	Warning with Stipulations	October 24, 2002
Cain, Alice J.	246051	Remedial Education	October 7, 2002
Cehic, Suvada	682175	Warning with Stipulations	November 12, 2002
Cenatiempo, Janice E.	516640	License Revoked	November 12, 2002
Chen, Carol S.	518503	Remedial Education	November 21, 2002
Coffman, Leslie Kay	581899	License Revoked	November 12, 2002
Cook, Anna Marie	567487	Warning with Stipulations	December 10, 2002
Cooke, Janice A.	592864	License Revoked	September 10, 2002
Cowley-Tanner, Jill	594166	License Revoked	September 10, 2002
Current, Anne Marie	659679	Warning with Stipulations	November 12, 2002
Darilek, Sheryl Faye	447407	License Revoked	September 10, 2002
Deaton, Carla Ann Burns	513144	Remedial Education	September 10, 2002
Deere, Carol A. Grulich	408950	License Revoked	December 10, 2002
Doherty, Erin Marie	561304	License Revoked	September 10, 2002
Douglas, Tisa Donyelle Collins	567479	Warning with Stipulations	December 10, 2002
Dyer, Nancy W.	521773	License Revoked	November 12, 2002
Eads, Joe Danny	664757	License Revoked	September 10, 2002
Edwards, Melinda Reine	676590	Warning with Stipulations	November 12, 2002
Elliott, Elva Gay	511137	License Revoked	September 10, 2002
Escoto, Cynthia	655005	Warning with Stipulations	December 10, 2002
Evans, Laura Jean Iannucci	542753	Warning with Stipulations	October 24, 2002
Fain, Paula Ann	236328	Remedial Education	September 17, 2002
Feltman, Hillary Ann	548731	License Revoked	September 10, 2002
Felton, Ruth Anna	460071	Remedial Education	October 24, 2002

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DISCIPLINARY ACTION

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<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Fischer, Joseph Gerard	602913	Reprimand with Stipulations	October 24, 2002
Ford, Michael Wallace	646777	Warning with Stipulations	October 24, 2002
Franklin, Edith Marcell	245060	Reprimand with Stipulations	December 10, 2002
Fritz, Cheryl Lynn	602027	Warning with Stipulations	December 10, 2002
Gilbert, Stacy Renee	663727	Warning with Stipulations	November 12, 2002
Giroux, Cynthia Marie	439503	Reprimand with Stipulations	October 24, 2002
Glenn, Connie J.	255433	Reprimand with Stipulations	December 10, 2002
Goodwin, Ian Murry	586060	Warning with Stipulations	December 10, 2002
Gordon, Marie Antoinette	675082	Reprimand with Stipulations	November 12, 2002
Granger, Dwight Milton	229616	Remedial Education	October 21, 2002
Gribble, Kathy Ann	558755	License Revoked	November 12, 2002
Groce, Gary Robert	462056	Remedial Education	October 24, 2002
Groce, Charles Howell	551348	License Revoked	November 12, 2002
Guidry, Bradford C.	507453	License Revoked	September 10, 2002
Gutormson, Jeanie Marie	562767	Warning with Stipulations	November 12, 2002
Haga, Helen Elaine	609288	Reprimand with Stipulations	October 24, 2002
Hamilton, Carrie Miles	225743	License Revoked	September 10, 2002
Hanes, Brenda J.	501828	Remedial Education	October 25, 2002
Hannah, Jeanine Marie	686390	License Revoked	November 12, 2002
Haskell, David Douglas	650035	License Revoked	December 10, 2002
Hawkins, Kimberly	630699	License Revoked	September 10, 2002
Heness, Lucinda C.	614375	Remedial Education	October 30, 2002
Hernandez, Mary A. Paredes	225270	Remedial Education	September 30, 2002
Hodges, Susan Christine	580248	Warning with Stipulations	November 12, 2002
Holbird, Marion Bartow	641563	License Revoked	September 10, 2002
Holden, Jr., Alfred Clayton	560890	License Revoked	September 10, 2002
Homann, Luz Maria D.	632391	Remedial Education & Fine	October 25, 2002
Horner, Lori Lynn	670665	Warning with Stipulations	December 10, 2002
Hornsby, Shirley	592697	Reprimand with Stipulations	October 24, 2002
Hunsicker, Marilyn Jane	560472	License Revoked	September 10, 2002
Izbicki, Lori Jean	546574	License Revoked	September 10, 2002
Kendall, Shannon W.	625615	License Revoked	November 12, 2002
Kolodziej, Darice M.	604035	Remedial Education	October 18, 2002
Kretz, Constance J.C.	426675	License Revoked	September 10, 2002
Kunkel, Patricia Elois	518950	License Revoked	September 10, 2002
Land, Shirley M.	630768	Remedial Education	October 29, 2002
Laureano, Tomorrow	664632	Remedial Education	October 17, 2002
Leach, Elizabeth A.	544541	License Revoked	September 10, 2002
Lefevre, Betty Sue	557509	License Revoked	September 10, 2002
Lefler, Barry Arthur	633393	License Revoked	November 12, 2002
Lieberenz, Sarah Katalina	660750	License Revoked	September 10, 2002
Loving, Charles Dennis	615549	License Revoked	September 10, 2002
Lucas, Rhonda Lee	640176	License Revoked	September 10, 2002
MacQuarrie, Kim Darlene	515093	License Revoked	September 10, 2002
Magness, Kimberly Jo	647270	Remedial Education	December 2, 2002
Martinez, Debra J.	508400	Reprimand with Stipulations	November 12, 2002
Mayo, Marie Elaine	539220	License Revoked	September 10, 2002
McAfee, Shirley Ann	531567	License Revoked	September 10, 2002
McCarley, Douglas Scott	624439	License Revoked	September 10, 2002
McConnell, Michael Shaun	572808	License Revoked	December 10, 2002
McDonnell, Marian Patricia	544615	Warning with Stipulations	October 24, 2002
McDugle, Roxella N.	522312	Warning with Stipulations	October 24, 2002
McIntosh, Joe Garnes	575114	License Revoked	September 10, 2002
Mejia, Tanya G.	526169	License Revoked	December 10, 2002
Mendieta, Renee	657933	License Revoked	November 12, 2002
Metheny, Kelli	632054	License Revoked	September 10, 2002
Miles, Alice J. Burns	224361	License Revoked	September 10, 2002
Miser, Ronald Gene	552804	License Revoked	September 10, 2002

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DISCIPLINARY ACTION

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<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Molandes, Dorothy Lucile	670801	Warning with Stipulations	October 24, 2002
Moreau, Blake Allen	660470	License Revoked	September 10, 2002
Musick, Deborah Lynn	660565	License Revoked	December 10, 2002
Neal, Brenda Gail	460087	License Revoked	December 10, 2002
Neyens, Marty P.	627960	Warning with Stipulations	December 10, 2002
Northrop, Donna M.	646678	License Revoked	September 10, 2002
Nowell, Rebecca J.	513887	License Revoked	September 10, 2002
Nzeocha, Rebeca Jean	539905	Suspend/Probate	October 24, 2002
O'Brien, Daniel Patrick	667948	License Revoked	September 10, 2002
Parker, Deborah Lynn	631824	Remedial Education	November 26, 2002
Patterson, Lisa Elaine	589244	License Revoked	December 10, 2002
Pennington, Becky A.	616388	License Revoked	September 10, 2002
Potts, Teri Anne	656798	Warning with Stipulations	October 24, 2002
Priestley, Alison Marie	646028	License Revoked	September 10, 2002
Quave, Sheryl Lynn	564392	Warning with Stipulations	October 24, 2002
Ragan, Penney Lee	566547	License Revoked	September 10, 2002
Ratcliff, Karen Ann	229504	License Revoked	September 10, 2002
Rau, Dawn Marie	645133	License Revoked	September 10, 2002
Reed, Pamela Ethel	537593	Warning with Stipulations	October 24, 2002
Reeves, Nita Jo	674421	Reprimand with Stipulations	November 12, 2002
Rhame, Shawna Dorsey	679568	License Revoked	December 10, 2002
Ritterhouse, Melesa Garrett	657102	Remedial Education	November 12, 2002
Robinson, Jessie Lee	250521	License Revoked	December 10, 2002
Rodriguez, Charles David	257540	Suspend/Probate	October 24, 2002
Rollakanti, Steven Daniel	638169	License Revoked	September 10, 2002
Russell, Ricky Butler	229631	License Revoked	September 10, 2002
Saldivar, Nereyda	517983	Warning with Stipulations	October 24, 2002
Santos, Juan A.	522517	License Revoked	December 10, 2002
Santos, Joyzelle Marie	683630	Warning with Stipulations	October 24, 2002
Sassin, Betty	649001	Warning with Stipulations	December 10, 2002
Schindler, Barbara J.	537805	Remedial Education	October 7, 2002
Shearer, Nikki Haggerty	554566	Warning with Stipulations	November 12, 2002
Shine, Carol A.	220126	Remedial Education	October 7, 2002
Simon, Wanda Jean	575489	Warning with Stipulations	October 24, 2002
Simpkins, Darren Lynn	666114	Warning with Stipulations	October 24, 2002
Slocum, Sandy	623171	Remedial Education	November 25, 2002
Small, Dulcie Clifford	579627	License Revoked	September 10, 2002
Smith, Kelli	640597	Remedial Education & Fine	November 14, 2002
Smith, Kenneth James	539266	License Revoked	September 10, 2002
Smith, Mark C.	637175	Remedial Education & Fine	November 14, 2002
Stanley, Patricia Ann	528386	License Revoked	September 10, 2002
Stevens, Sydne Ann	597061	License Revoked	November 12, 2002
Sweet, Rickie R.	548605	Remedial Education	November 6, 2002
Swope, Robin Anne	651065	Remedial Education & Fine	December 4, 2002
Tanis, Raymond Paul	218258	License Revoked	September 10, 2002
Taylor, Pamela Diane	533072	Remedial Education	December 3, 2002
Taylor, Connie Faye	546156	License Revoked	September 10, 2002
Torres, Linda Marie	253361	License Revoked	September 10, 2002
Trantham, Lafonda Daun	584828	Warning with Stipulations	October 24, 2002
Utley, John Rowland	565324	License Revoked	September 10, 2002
Vacek, Beverly Kelly	522063	License Revoked	December 10, 2002
Vaughn, Heather Elaine	679706	Remedial Education	October 25, 2002
Vaughn, Mary Ruth	548712	License Revoked	September 10, 2002
Walker, Jr., James Robert	623799	License Revoked	September 10, 2002
Wall, Garetta Mae	531478	License Revoked	September 10, 2002
White, Gretchen	621705	Reprimand with Stipulations	October 24, 2002
Wieder, Michael B.	613094	License Revoked	September 10, 2002
Williams, John Douglas	646079	License Revoked	September 10, 2002

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DISCIPLINARY ACTION

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<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Windsor, Michael Shawn	654893	License Revoked	September 10, 2002
Wooten, Stacy	653993	License Revoked	September 10, 2002
Yarber, Dawn Annette	607285	Suspend/Probate	October 24, 2002

VOLUNTARY SURRENDERS

The following individuals have voluntarily surrendered their license to practice professional nursing in the State of Texas.

<u>NAME</u>	<u>LICENSE #</u>	<u>DATE OF SURRENDER</u>
Adkins, Stephanie Ann	605921	October 25, 2002
Bache-Russell, Amanda B.	532596	October 4, 2002
Barrett, Bryan	657504	October 1, 2002
Black, Paula Roach	564341	December 4, 2002
Costilla, Sylvia Elaine	594154	November 22, 2002
Cromwell, Anne L.	251745	October 18, 2002
Davis, Larry -Rolf H.	618051	November 18, 2002
Dobbs, Colleen Agnes	594361	November 20, 2002
Fleming, Tami S.	534092	November 14, 2002
Galvan, Carole Jean	586300	October 18, 2002
Gates, John	533327	September 24, 2002
Hammett, Kathleen Ann	649967	November 21, 2002
Hampton, Cherrie L. B.	235867	November 22, 2002
Henkle, James Edward	589085	October 7, 2002
Hickford, Kimberly Dawn	582834	September 17, 2002
Hitchcock, Kathleen S.	559352	October 15, 2002
Holmes, Daniel P.	525665	October 15, 2002
Howard, Dorothy	256079	September 30, 2002
Latham, Brian	643227	October 14, 2002
Lee, Toni Collins	607399	September 20, 2002
Leone, Marian Ross	508628	October 24, 2002
Littell, Sandra Jane	442484	December 2, 2002
Maloney, Kevin J.	572717	November 7, 2002
Martin, Jeffrey	640561	September 25, 2002
Mills, Sherry K.	632727	October 15, 2002
Miner, Leslie Faye	538575	October 7, 2002
Smith, Harlan Eugene	632764	October 15, 2002
Talbot, Cathrine Paula	665851	November 27, 2002
Thrasher, Renee Colleen	584784	September 16, 2002
Vecchio, Mark	644872	November 21, 2002
Veomett, Michael A.	633007	October 7, 2002
Weigelt, Gay Lyn	501324	November 7, 2002

Insufficient Funds

As of December 17, 2002, the following nurses appear on the records of the Board of Nurse Examiners as debits for failure to respond to notices of returned checks. Should any of these nurses be employed or seeking employment with your agency/institution, please contact the Board's office. If any of these nurses are practicing in Texas as a registered nurse, they may be in violation of the Nursing Practice Act and may be subject to disciplinary action by the Board.

<u>NAME</u>	<u>LICENSE #</u>	<u>NAME</u>	<u>LICENSE #</u>
McNally, Clint	RN 614796	Walls, Lillian	RN 565105
Mosely, Julia	RN 251209	Wilcox, Bobbie	LVN 168101
O'Dell, Jennifer	TL 86521		

Workshop Update

Special Topic Workshop - Delegation

In response to changes to the BNE's Delegation Rules (see related article on pages 4-5), the BNE is conducting two half-day workshops on delegation. The purpose of these workshops is to provide registered nurses with the most current information about the delegation of nursing tasks to unlicensed assistive personnel. Rule revisions will be discussed with a focus on delegation as it pertains to clients' conditions and settings, in addition to addressing required supervision and criteria to be met. These special topic workshops do not satisfy BNE disciplinary stipulation requirements.

Houston - March 6, 2003

Waco - April 3, 2003

Overview of Current Regulations: A Foundation for Safe RN Practice

Five workshops addressing nursing jurisprudence issues are currently scheduled:

San Antonio - February 13, 2003

El Paso - May 2003

Dallas - July 2003

Ft. Worth - July 2003

Austin - August 2003

The workshop has been approved for 6.4 Type 1 contact hours. The workshop fee is \$80 for pre-registration and \$95 at the door. Fees and contact hours for special topic workshops are yet to be determined.

Registration Information

Brochures/registration forms will be available with pre-registration accepted **six weeks** prior to the workshop, and is always encouraged since space is limited. Payment *must* accompany the registration form, so registration cannot be taken over the phone, e-mail, or fax. If you do not receive a brochure and registration form by five weeks prior to the workshop, you may download one from our website or request one by contacting us. Our phone number for workshop information is (512) 305-6844 and e-mail address is <Tiffany.Sloane@bne.state.tx.us>

** Schedule is subject to change and specific dates will be released as facilities are secured.*

BNE HELPFUL NUMBERS

MAIN NUMBER.....(512) 305-7400

- 24 Hour Access
- License Verification
- General Information

OPERATIONS

CUSTOMER SERVICE.....(512) 305-6809

- License Renewals
- Endorsement/Reciprocity
- Continuing Education for RNs

ACCOUNTING SERVICES.....(512) 305-6853

- Returned checks
- Refunds
- Debits

SALES OF LISTS.....(512) 305-6848

- Computerized RN mailing lists or labels
- Publications

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

WEB Address.....www.bne.state.tx.us

- Refer e-mail inquiries to:
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

PROFESSIONAL NURSING

ADVANCED PRACTICE.....(512) 305-6843

- APN application and
Prescriptive Authority procedures
- Application Requests.....(512) 305-6867
(Voice Box Only)

- Initial Authorization to Practice
- Prescriptive Authority

EDUCATION & EXAM.....(512) 305-6818

- RN/APN nursing programs
- Distance Education Initiatives
- NCLEX-RN applications
- Graduate Nurse permits
- Declaratory orders

NURSING PRACTICE.....(512) 305-6844

- Nursing practice issues
- Legislation
- Workshop Information



The purpose of the *RN Update* is to disseminate information to registered 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 professional nursing. The *RN Update* 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 P.O. Box 430, Austin, Texas 78767-0430. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for designated holidays.

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RN Update is published quarterly by the Board of Nurse Examiners for the State of Texas. In compliance with the Americans with Disabilities Act, this document may be requested in alternate formats by contacting the Board's office, (512) 305-7400 (Voice), (512) 305-7401, (FAX), or by visiting The William P. Hobby Building, 333 Guadalupe, Suite 3-460, Austin, Texas.

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, PO Box 430, Austin, Texas 78767 ; 2. E-Mail to: webmaster@bne.state.tx.us ; or 3. Fax to: Board of Nurse Examiners (512) 305-7401.

Notifications must include:

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

Board of Nurse Examiners
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