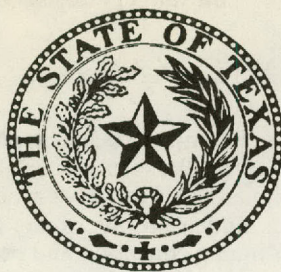


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REPORT FROM THE BOARD OF NURSE EXAMINERS

Government Publications
Texas State Documents

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Editor... Aileen Kishi, R.N.

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Volumn 21, No. 1

January/February, 1990

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SHARE THIS NEWSLETTER

Please share the information in this newsletter with as many nurses as possible by posting the newsletter, duplicating portions or all of the newsletter, or using excerpts in your own newsletter.

OPEN FORUM

This is a reminder that individuals or representatives of groups have an opportunity to communicate directly with the Board of Nurse Examiners during Open Forum, which is held during each Board meeting.

Interested persons are requested to notify the Executive Secretary in writing or by telephone prior to the scheduled Board meeting so that the request to address the Board is assured and to confirm the time, date and location of the open forum.

MANDATORY CONTINUING EDUCATION

The second meeting of the Joint Advisory Committee on Mandatory Continuing Education was held January 19, 1990, at the Ramada Inn, North IH-35, Austin, Texas. The Joint Advisory Committee was appointed by the Board of Nurse Examiners and the Board of Vocational Nurse Examiners to assist the Boards in developing one set of rules for continuing education which will apply to RN's and LVN's. The Committee is composed of 21 members representing various practice sites, geographic regions of the state, LVN and RN organizations, and consumer interest.

The Advisory Committee is in the process of defining the purpose of

mandatory continuing education. Members are reviewing rules and regulations for other states which have implemented continuing education. The committee will be studying the issues related to CE by dividing itself into two subgroups. One group will consider the many issues related to program/provider approval. The second group will consider implementation in regard to what nurses will be required to submit as evidence of compliance, when the process will occur, enforcement of the rules and numerous other concerns.

Senate Bill 622 allows both Boards to require not more than 20 hours of continuing education per two-year licensure renewal period.

Upcoming meetings of the Joint Advisory Committee on Mandatory Continuing Education are scheduled for:

Friday, March 16, 1990
Friday, May 11, 1990
Ramada Inn - Airport
5660 N. IH-35
Austin, Texas

More information regarding these open meetings may be obtained by contacting Cady Crismon, M.S.N., R.N. or Kathy Vrazel, Administrative Assistant, at the Board of Nurse Examiners' office.

Due to the complexity and diversity of issues which must be addressed, the Boards anticipate that it will be one to two years until rules are proposed. RN's and LVN's are not required to submit any documentation of continuing education at this time. Please Do Not send attendance certificates to our office. Once rules are approved, RN's/LVN's will be allowed ample time to complete CE requirements.

CONTINUING EDUCATION PROGRAMS

We get many inquiries as to how an individual or organization can obtain Continuing Education Contact Units for programs they are planning to offer. We suggest that the individual or organization contact their local college or university to see how CEU credits can be obtained. Another option is to contact the Continuing Nursing Education (CNE) Program of the Texas Nurses' Association at 300 Highland Mall Blvd., Suite 300, Austin, Texas 78752, (512) 452-0645.

BOARD MEETING DATES

Regular meetings of the Board of Nurse Examiners for the State of Texas are scheduled to be held on the following dates:

March 20-22, 1990	Harlingen
May 15-17, 1990	Austin
July 24-26, 1990	Austin
Sept. 25-27, 1990	Austin

The Board meetings are open to the public. Any group or individual wishing to attend any portion of the Board meeting should contact Erlene Fisher at 512-835-8650 at least four weeks prior to the Board meeting to verify availability of space, the date and location.

OFFICE LOCATION AND HOURS

The office of the Board of Nurse Examiners is located at 9101 Burnet Road, Suite 104 (Continental Savings Building at the intersection of Hwy. 183 and Burnet Road) in Austin, Texas. Our mailing address is Box 140466, Austin, Texas 78714.

The office is open from 8:00 a.m. to 5:00 p.m. Central Time, Monday through Friday, except for designated holidays. The Board's office is closed on the following day:

February 19, 1990	Washington's Birthday
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USE OF FENTANYL AND VERSED

Recently we have received many inquiries regarding the administration of Fentanyl and Versed by RN's. As with the administration of any medication, it is the RN's responsibility to know the proper dosage, route, side effects, and precautions prior to administration. RN's who are knowledgeable about Fentanyl and Versed may administer these drugs under a physician's order.

The Board does prohibit an RN from administering any agents for the purpose of anesthesia. Administration of anesthesia should be performed by a CRNA or anesthesiologist.

SPEAKING TOUR OF TEXAS

In October, 1989, the Board of Nurse Examiners began its series of workshops entitled "The BNE and You: Current Perspectives on Regulation and Practice." The workshops are designed to inform RN's around the state about the Nurse Practice Act; roles and functions of the Board; current legislation, such as mandatory continuing education and prescriptive authority; mandatory reporting; peer review; and various other topics.

Thusfar, workshops have been offered in Fort Worth, El Paso, Austin, and Galveston. Over 800 RN's have attended.

Each RN licensed and residing in the state will receive a brochure announcing the workshop when it is scheduled for the site nearest his/her home address. Due to the number of RN's and the size of the state, brochures are being grouped by county and mailed to RN's residing in the counties surrounding each workshop site. Please plan to register early when the workshop is offered in your area. We are unable to accommodate you at other sites, and we will only be able to accept original registration forms.

The following dates and sites for upcoming workshops are confirmed:

Date	Location
February 27, 1990	Tyler
March 19, 1990	Harlingen

Nurses attending this free workshop will receive 6 contact hours of continuing education.

Workshops are being planned for the following locations over the next year and a half. However, dates have not been confirmed for these sites: Amarillo, Lubbock, Midland, San Angelo, Abilene, Wichita Falls, Del Rio, Corpus Christi, Victoria, San Antonio, Houston, Bryan, Waco, Dallas, Beaumont, Texarkana, and Denton.

EDUCATION REPORT

At the November 28-30, 1989, meeting of the Board of Nurse Examiners, the Board approved the following:

1. The development of Collin County Community College Associate Degree Nursing Program;
2. An extended campus at Brownsville/Harlingen of The University of Texas Health Science Center at San Antonio Baccalaureate Degree Nursing Program;
3. A curriculum change for Baylor University Baccalaureate Degree Nursing Program; and
4. A policy allowing staff to approve requests for use of cooperating agencies as major clinical resources for nursing students. Cooperating agencies will need to submit information on the Board's forms and meet the Board's requirements according to §215.17 of the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice.

Student enrollment in Texas professional nursing programs continues to increase. In fall, 1988, there were 11,419 enrolled, and in Fall 1989, there were 12,271 enrolled. However, an insufficient number of qualified faculty continues to compound the nursing shortage. Directors of nursing programs in most parts of Texas report having difficulty recruiting qualified faculty. Therefore, 1,375 prospective students were placed on a waiting list.

WHERE TO GO FOR HELP

One of the Board's main goals is to assist the public in answering questions about the Board's policies and functions. The following is a list of helpful numbers:

GENERAL INFORMATION (512) 835-4880

ADMINISTRATION (512) 835-8650

EDUCATION/EXAMINATION (512) 835-8650

(Matters relating to RN nursing programs in Texas; establishing new nursing programs and extended campuses; applications for NCLEX-RN; and inquiries relating to the Nurse Practice Act (NPA), Board's rules, nursing practice related issues)

INVESTIGATIONS/ENFORCEMENT .. (512) 835-8686

(Inquiries on receiving and investigating complaints against RN's, information about disciplinary action and monitoring of disciplined nurses, interpretation of NPA and Board's rules regarding disciplinary proceedings)

LICENSING (512) 835-4880

- Verification of Licensure Ext. 39
- Renewal of Texas RN Licenses Ext. 16
- Application for Endorsement Ext. 37
- Duplicate licenses Ext. 16
- Address changes and name changes Ext. 16

SUPPORT SERVICES (512) 835-4880

- Accounting, returned checks Ext. 21
- Refunds, debits Ext. 21
- Personnel Ext. 13
- Data Processing - Requests for Computer lists and Statistical information on Texas RN's Ext. 29

Continuing Education (512) 835-8685

Call Monday - Friday 8:00 a.m. to 5:00 p.m. for most of the issues listed above.

LICENSING/SUPPORT SERVICES DEPARTMENT

As of September 1, 1989, two departments of the Board of Nurse Examiners were consolidated into the Licensing and Support Services Department supervised by Mark W. Majek (512) 835-8670 as the Program Administrator. The department has four divisions and is supervised by the following personnel:

- Accounting - Glenn Parker, 835-4880
- Continuing Education - Kathryn Vrazel, 835-8685
- Data Processing - Tawnya Caster - 835-4880
- Licensing - Susan Noonan, 835-4880

Each division covers the following areas:

ACCOUNTING - The Accounting Division is responsible for processing all financial transactions of the Board, recording these transactions, and assisting management in its decisions by providing useful financial reports, budgets and projections.

CONTINUING EDUCATION - The staff member in this division is working with the Advisory Committee on Mandatory CE and will assist in implementing rules on mandatory CE once they are established. This division also handles registration for the series of speaking tours in Texas that are planned during the next two years.

DATA PROCESSING - The Data Processing Division is responsible for producing computerized lists on floppy diskettes, magnetic tape, hard copy, or on mailing labels. The department is also responsible for updating and maintaining all information in the RN file, including renewal updates, changes of address, and name changes. The permanent RN files are microfilmed and maintained by Data Processing staff.

LICENSING - The Licensing Division is responsible for endorsement, renewal, and verification of licenses.

The endorsement section processes applications of registered nurses coming to Texas from other states within the U.S. or Canada. Temporary permits for nurses currently registered in another state or first time candidates from other states or Canada scheduled to take the upcoming NCLEX-RN or CNATSE examination are also processed in the endorsement department.

The renewal section processes all Texas RN renewals. This includes all current, inactive, and delinquent status license renewals. Duplicate licenses requested due to loss or name change are processed in the renewal department.

The verification section processes verification of Texas licensure to other state boards of nursing. Transcripts and Board scores for registered nurses licensed in Texas by examination are sent out by this department. Requests for the Board's publications: Rules and Regulations Relating to Professional Nurse Education, Licensure, and Practice, the Nurse Practice Act, and the quarterly newsletter, are handled by this department. The verification department maintains a list of individuals, agencies and hospitals that subscribe to the quarterly newsletter.

DID YOU KNOW?

- License renewal forms are mailed approximately 60 days prior to expiration of current licensure. Many are returned as undeliverable because the registered nurse has moved and failed to notify the Board of the address change. The nurse cannot depend upon the post office to forward his/her renewal application. It is the responsibility of each nurse to notify the Board of address or name changes. Failure to receive a renewal application form does not excuse a nurse from the requirement for renewal of licensure or from the fee for reinstatement of a lapsed license.

- An employer has no jurisdiction over licensure. Action against a license can be taken only by the Board after due process as provided for by the Texas Administrative Procedures Act and if the nurse is in violation of the Nurse Practice Act.

- An institution may formulate a policy that is stricter than the Nurse Practice Act, but it may not be more lenient.

- According to the Nurse Practice Act, the registered nurse is directly accountable and responsible to the individual consumer for the quality of nursing care rendered. This responsibility cannot be avoided by accepting the order or directions of another.

- There are 73 nursing education programs accredited by the Board of Nurse Examiners: 2 are diploma programs, 44 are associate degree nursing programs, 21 are baccalaureate degree nursing programs, 1 is a master's degree nursing program, 4 are baccalaureate degree programs for RN's, and 1 is an advanced nurse practitioner program. During the past year, the Board has granted initial accreditation to 3 nursing programs. Three colleges and universities are currently seeking initial accreditation for new nursing programs. There are 3 nursing schools who are currently developing extended campuses.

- Texas is one of only six states to have separate practice acts and boards governing RN's and LVN's.

- As of December, 1989, there are approximately 2,970 advanced nurse practitioners approved by the Board.

PRACTICE RELATED QUESTIONS AND ANSWERS

The Board receives numerous calls and letters regarding practice issues. One of the functions of the nursing consultants is to advise consumers and RN's concerning these matters. In this column, Cady Crismon, M.S.N., R.N., responds to frequently asked questions.

Q: May RN's peripherally insert central venous catheters?

A: The Practice Committee of the Board of Nurse Examiners has determined that the procedure for peripherally inserting central venous catheters would be within the scope of practice of the registered nurse provided the following conditions are met:

- (1) The registered nurse has received appropriate education and supervised practice, is competent to perform the procedure, and is competent to respond appropriately to complications and/or untoward effects of the procedure.*
- (2) The record of education is maintained in the nurse's file.*
- (3) The Employer, through written policy, has agreed upon well defined protocols for the performance of the procedure; and*
- (4) The procedure has been ordered for the patient by an appropriate licensed practitioner.*

The Board does not set requirements for physician backup; however, this should be addressed in the facility's policies and procedures. These policies and procedures may be more restrictive than the Nurse Practice Act and the Board's rules and regulations, but not less restrictive.

Q: May an RN accept an order transmitted by an individual other than the physician?

A: A registered nurse may accept and carry out a physician's, dentist's, or podiatrist's order for the administration of medications or treatments when that order originates with one of the above licensed practitioners and is merely relayed or communicated to the RN through another person. The RN who carries out the order is responsible for assuring that the order is correct. He/she is required to question any order which he/she suspects is not correct.

Q: Can a graduate of a nursing program in another state practice in Texas under the other state's permit while awaiting results of the licensure exam?

A: No, new graduates wishing to practice professional nursing in Texas must hold a permit issued by the Board of Nurse Examiners for the State of Texas. Only those graduates holding a Texas permit may use the title Graduate Nurse (G.N.).

Q: I am a school nurse responsible for providing care to children at three schools in my district. Am I responsible for accidents that occur on one campus when I am at another school?

A: You, as an RN, are accountable for your nursing practice. You are not liable for accidents which occur in your absence.

If you have a practice related question that you would like to have us respond to through the Board's newsletter, send your question to:

Cady Crismon, M.S.N., R.N.
Nursing Consultant
Board of Nurse Examiners
Box 140466
Austin, Texas 78714

ATTENTION ADVANCED NURSE PRACTITIONERS

Did you know that in order to hold yourself out to be an advanced nurse practitioner or use a title that implies you are an advanced nurse practitioner, your credentials must be approved by the Board of Nurse Examiners. If you are practicing as an advanced nurse practitioner (ANP) and using a title that implies that you are an ANP, then you could be violating the Board's rules and regulations.

Exactly what is an advanced nurse practitioner? ANP's are "...prepared for advanced nursing practice by virtue of knowledge and skills obtained through a post-basic or advanced educational program of study acceptable to the Board." (Rule 221.1). "Advanced Nurse Practitioner" is a generic term which includes the categories of Nurse Anesthetists, Nurse Midwives, Nurse Practitioners and Clinical Nurse Specialists. Educational preparation requirements vary but, in general, Nurse Anesthetists, Nurse Midwives, and Nurse Practitioners have attended either post-basic certificate programs or nursing graduate level programs to prepare them to practice in advanced roles. Clinical Nurse Specialists have attended nursing graduate level programs with a specific clinical focus.

The specialty areas in which nurse practitioners (NP's) can be recognized by the Board include:

- | | | | | |
|--------------|---|-------------------|---|------------------------|
| Adult NP | ▪ | School NP | ▪ | Women's Health Care NP |
| Pediatric NP | ▪ | Gerontological NP | ▪ | Family NP |
| | | | | Neonatal NP |

The specialty areas in which Clinical Nurse Specialists (CNS's) can be recognized by the Board include:

- | | | | | |
|----------------------|---|-------------------------------|---|---------------|
| Community Health CNS | ▪ | Maternal Child Health CNS | ▪ | Oncology CNS |
| Gerontological CNS | ▪ | Medical-Surgical CNS | ▪ | Pediatric CNS |
| Neonatal CNS | ▪ | Psychiatric/Mental Health CNS | | |

If you wish to be approved as an ANP, contact the BNE immediately at Box 140466, Austin, Texas 78714, (512) 835-8650. Please mark all correspondence "ANP" so that it may be routed expeditiously.

ADVANCED NURSE PRACTITIONERS WHO MANAGE MEDICAL ASPECTS OF CARE

Advanced Nurse Practitioners (ANP's) who manage medical aspects of care are required by the Board's rules to do so under standing delegation orders or protocols. Protocols are simply a very specific strategy for assessing and managing health care problems which address data collection and the various therapeutic measures which should be considered. The protocol serves as a guide from which the nurse practitioner selects therapeutic interventions based on the individual patient's presenting symptoms, needs, and other factors.

The Board's rules require that protocols must be jointly developed by the nurse practitioner and the delegating physician and reviewed at least annually. The Board does not recommend any particular format for protocols, but many published materials are available on the subject of writing protocols for various specialty practices. The scope of these protocols will vary in relation to the practice setting, population, and complexity of client problems. Protocols should be maintained by the ANP who manages medical aspects of care in the practice setting.

MODEL SYSTEM TO VERIFY LICENSES

Since the number of registered nurse impostors is on the rise in Texas, employers of nurses are concerned about how to ensure that the nurses they hire are currently licensed. The Texas Department of Corrections (TDC) has developed a system of verification which has been successful in identifying a nurse with fraudulent credentials. When beginning employment at TDC, the nurse presents her/his original license, which is inspected. The license is then verified with the Board of Nurse Examiners. The license number, expiration date, and any disciplinary codes are placed on a master log, which is reviewed monthly. Whenever a license is up for renewal, a reminder letter is sent to the nurse. After the nurse renews her/his license, she/he must present it for the employer's inspection and verification again. Nurses without current licensure are not allowed to work for the facility in any capacity.

HOUSE BILL 18: PRESCRIPTION DRUG ORDERS

House Bill 18, the Omnibus Rural Health Rescue Act of 1989, was passed by the 71st Legislature. A major component of HB 18 provided that the Board of Nurse Examiners (BNE) must adopt rules establishing the educational requirements for Registered Nurses to be approved to carry out prescription drug orders. The bill further defined the circumstances under which the RN would be eligible for these "prescriptive privileges" as follows:

- The population served must be medically indigent and clinic sites must be approved by the Texas Department of Health.
- The physician delegating prescription drug orders under standing delegation orders or protocols must visit the clinic site once a week, be informed of complications on a daily basis, and be available to the RN by telecommunications.
- The prescription format utilized must contain some essential information such as the name, address, and identification number assigned to the RN by the BNE. The prescription must also be presigned by the physician.
- The intention of this legislation was to increase services available to clients who are not receiving adequate health care services. The educational requirements of the RN, including pharmacology, will be defined by the BNE. The Board has appointed an advisory committee to assist in the writing of rules and regulations for the RN's initiating prescription drug orders under provisions of HB 18.

The Prescription Drug Order Advisory Committee first met on December 1, 1989. The committee reviewed the charge from the Board and made recommendations for each charge. The second meeting was scheduled for January 5, 1990, at the Board's office in Austin. The committee reviewed proposed rules which were recommended for the Board's consideration.

When the Board takes action on proposed rules, they will be published in the Texas Register and comments from the public will be invited. If you wish to have more specific information regarding the committee's progress, please send a request along with a self-addressed stamped envelope to Kathy Thomas, M.N., R.N., C.P.N.P., Nursing Consultant, Board of Nurse Examiners, Box 140466, Austin, Texas 78714.

SCHOLARSHIP FUND UPDATE

Senate Bill 1351 established a comprehensive education financial aid program for RN's and LVN's. This will include scholarships, loan repayment and employer matching funds. The program is being funded through a one time assessment of \$10 for RN's and \$5 for LVN's during license renewal during the next two years.

PLEASE NOTE: for RN's whose licenses expire between September, 1989 through August 1991, the \$10 is already included in the renewal fee of \$32.

TEXAS PEER ASSISTANCE PROGRAM FOR IMPAIRED NURSES

Representatives of the Texas Peer Assistance Program for Impaired Nurses (TPAPIN) requested and received a funding increase at the November 30, 1989, meeting of the Board of Nurse Examiners. The increase is to be used to hire additional staff, provide additional office space and equipment, and allow for additional training for TPAPIN advocates. The extra funding will also be used for: (1) implementation of mental health services for impaired nurses and (2) implementation of a nursing education program that provides information regarding chemical dependency and mental illness in the nursing population.

DO YOU KNOW A REGISTERED NURSE WHO NEEDS HELP?

If you know a registered nurse who is depressed, drinking more than moderate amounts of alcohol, or is abusing drugs and is not practicing nursing in a manner that is in the public's best interest, give the Texas Peer Assistance Program for Impaired Nurses (TPAPIN) an opportunity to help. All calls are kept strictly confidential. For information call 1-800-288-5528 or (512) 467-7027.

NOTICE TO NON-PAYING RECIPIENTS

"All units of state government and all local political subdivisions which expend appropriated state funds to publish periodicals on quarterly intervals or more frequently than quarterly intervals at no charge shall insert annually in such periodicals a notice, in three consecutive issues, indicating that anyone desiring to continue to receive the publication must so indicate in writing. The agency shall furnish future publications only to those persons requesting." This is our first notice. This quarterly newsletter is sent to directors of nursing service, schools of nursing, state boards of nursing and employers of registered nurses without charge. If you are in one of these categories and wish to continue to receive the "Report From the Board of Nurse Examiners," then send a postcard with your name, title and address.

DISCIPLINARY ACTION - NOVEMBER 1989

<u>NAME</u>	<u>LICENSE #</u>	<u>VIOLATION</u>	<u>DATE</u>
REVOKE			
Martin Ross Flannery	2-27405	4525a(1)	11/30/89
Linda D. Wheeler Herndon	2-28220	4525a(9)	11/29/89
Colleen Ann Hutchins	2-44309	4525b	11/29/89
Carolyn E. M. Kuehn (Floyd)	2-19317	4525a(7)	11/29/89
Nancy L. Levy	533902	4525a(8)(9)	11/29/89
Ronald E. McCone	4-29354	4525a(7)	11/29/89
John Harold Shaw	2-37431	4525b	11/29/89
Mary Winona Watson	521391	4525b	11/29/89
Beverly Joy Woodson	504246	4525a(7)	11/29/89
Cheryle Nadine Young	4-39440	4525a(7)	11/29/89
SUSPEND AND PROBATE			
Gale Anderson	2-54945	4525a(9)	11/29/89
Claudia Arriaga	509394	@	11/29/89
Patricia A.P. Cearley	2-28253	4525a(8)	11/30/89
Jean E. Lane Cole	2-22737	@	11/29/89
Margie Louise Jefferson	2-37576	4525a(12)	11/29/89
Michael Lynn Huggs	2-52636	@	11/29/89
Dana Kennedy	530299	@	11/29/89
Wilma R. Owens	2-54631	4525a(9)	11/30/89
Annie M. Pippins	530613	4525a(9)	11/30/89
Debra Clarkson Taylor	545992	4525a(9)	11/29/89
REPRIMAND WITH STIPULATIONS			
Kimberly Jean Eck	4-50332	@	11/29/89
Dewey Lowell Logan	545828	*	11/29/89
Linda Marie Nazimuddin	4-40817	@	11/29/89
Janet K. Watkins	4-54321	*	11/29/89
REPRIMAND			
Jeanne Anthony	4-39843	@	11/29/89
Brian Douglas Zalesky	548885	*	11/29/89
REINSTATEMENT WITH STIPULATIONS			
Patricia Ellen Cooper	4-63406		11/29/89
WARNING			
Shannon Lee Hutchinson	509485	*	11/29/89

Legend: * Consent Order
 @ Agreed Order

THE LEGAL EAGLE

In each issue of the Board's newsletter, Joan Stewart, attorney for the Board of Nurse Examiners, will be responding to questions regarding the Nurse Practice Act, the Board's Rules and Regulations, and any other legal issues.

If you have a question you would like to ask Joan Stewart, the Board's "Legal Eagle," then send your question to:

Joan Stewart, Attorney
Board of Nurse Examiners
Box 140466
Austin, Texas 78714

The following are some questions that the Legal Eagle wishes to respond to:

Dear Legal Eagle:

Is there any protection against a libel action being brought against an individual who reports an RN to the Board?

**Signed,
Worried**

Dear Worried:

Worry about something else. Pursuant to the Nurse Practice Act, an individual that, without malice, makes a report required or permitted, is immune from civil liability and may not be subjected to any other retaliatory action as a result of making the report.

Dear Legal Eagle:

What are my legal privileges and liabilities if I write to the Board and make a complaint against a registered nurse?

**Signed,
Considering**

Dear Considering:

Considering that an individual that makes a complaint to the Board incurs no liability, and that there is a privilege of confidentiality for the name of the complainant, there is no reason not to report a suspected violation of the Nurse Practice Act to the Board.

Dear Legal Eagle:

What will the Board do to someone who threatens members of the hospital staff with termination, and thwarts the reporting process, by threatening an employee who is merely trying to report illegal/unprofessional conduct as mandated by state statute?

**Signed,
Threatened, Thwarted, and Almost Terminated**

Dear Threatened:

The statute forbids retaliation against a complainant. If the individual who has threatened, thwarted, and almost terminated you is a registered nurse, report the conduct to the Board. The Board will investigate the complaint and, if a violation of the Nurse Practice Act is substantiated, will take disciplinary action against the license of that nurse.

Dear Legal Eagle:

The Peer Review Process in one small hospital has turned into a "witch hunt." The process is being used as a vehicle for public humiliation, attended by all who would like to watch a mock trial, and the resulting execution is enjoyed by all. Very few people here will attend an in-service, but on "fry a nurse day," it is standing room only - packed three deep. It doesn't matter what you may or may not have done, it only matters who you are.

The process is tailor made for gossip-ridden, clique controlled, vendetta oriented, small town hospitals. When these vicious, malicious, power hungry, jealous people could only inflict mental anguish upon a job, a person could resign and go to another job. Now, however, you have given them a process whereby they can cause permanent damage to a nurse's right to work, i.e. messing with the Nurse's License! The public should be served and protected but who is serving and protecting the Nurse?

**No Name Because
Nurse Advocates
GET
Peer Reviewed
AND
Reported**

**Any Small Hospital,
Texas**

Continued.....

Dear Nurse Advocate:

Peer Review was not designed to be a witch hunt, a mock trial, or a vehicle for public humiliation. The designers of peer review did not envision "fry a nurse day" to be the result of a properly implemented peer review committee.

According to the law, "Peer Review" means the evaluation of professional nursing services, the qualifications of professional nurses, the quality of patient care rendered by professional nurses, the merits of complaints concerning professional nurses and professional nursing care, and determinations or recommendations regarding complaints including: the accuracy of nursing assessments and observations; appropriateness and quality of the care rendered by a professional nurse; reports made to a professional nursing peer review committee concerning activities under the committee's review authority; reports by a professional nursing peer review committee to other committees or to the Board as permitted or required by law; and implementation of the duties of a professional nursing peer review committee by its members, agents, or employees.

Pursuant to the statute, all proceedings of a professional nursing peer review committee are confidential and all communications made to a professional nursing peer review committee are privileged. Peer review should never be "standing room only - three deep." It is the responsibility of the facility to establish the peer review committee and ensure that it operates in conformance with statutory law. If your hospital is operating its peer review committee in contravention of the law, the Texas Department of Health has the authority to take action against the hospital. You can report the facility to:

The Texas Department of Health
1100 West 49th Street
Austin, Texas 78756-3199
512-458-7111

It is the mission of the Board of Nurse Examiners to serve and protect the public. The Texas Nurses' Association functions to serve and protect its member nurses. You can contact TNA for membership details and further information about the functions of the organization at the following address:

The Texas Nurses Association
300 Highland Mall Blvd.
Suite 300
Austin, Texas 78752
(512) 452-0645
Ms. Belinda Perkins
Membership Coordinator

WARNING/ALERT

■**Lisa Elaine Barrett** began employment in a physician's office in Irving, Texas, as a registered nurse. Upon contacting the BNE for verification, the physician discovered that Ms. Barrett was not licensed. Ms. Barrett was then terminated. Ms. Barrett is not licensed to practice professional nursing in Texas.

■**Melba Louise Edwards** was employed as an administrator with an agency in Quinlan, Texas. Ms. Edwards informed a state regulatory agency that she was a registered nurse. Upon verification with the BNE, Ms. Edwards was found to not be licensed to practice professional nursing in Texas.

■**Katherine K. Barrett** applied for a license as a nursing home administrator. Ms. Barrett indicated that she was a registered nurse on her application. Upon verification with the BNE, it was discovered that Ms. Barrett is not licensed to practice professional nursing in Texas.

If you have any knowledge or information regarding the employment practices of these individuals, please contact the Board's Investigations and Enforcement Department immediately, at 512-835-8686.

THE BOARD PUBLISHES

Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice (September 1989 Revision) - Tax Exempt: \$3.50 With Tax: \$3.77; Nurse Practice Act - Tax Exempt: .50 With Tax: .54; Report From the Board of Nurse Examiners (Per Year) - Tax Exempt: \$2.50 With Tax: \$2.69.

Send check or money order (7 3/4% of total bill for sales tax) to the office of the Board of Nurse Examiners. You must supply number if you are tax exempt.

CORRECTION

The summer 1989 issue of Report From The Board of Nurse Examiners, "RN Statistical Up-Date" should have reported that 55 RNs, not zero, live in Llano County.

EXAMINATION DATES

The National Council Licensure Examination for Registered Nurses (NCLEX-RN) will be held in Austin, Galveston, and Fort Worth on the following dates:

1990: February 6-7 (T-W) and July 11-12 (W-Th)

RESULTS OF THE BOARD'S EVALUATION OF MANDATORY REPORTING, PEER REVIEW AND THE DELEGATION RULES

The Board of Nurse Examiners has conducted an evaluation of the implementation of mandatory reporting, peer review, and the Board's Delegation Rules. The Board mailed surveys to Texas registered nurses, nurse administrators, chairpersons of peer review committees, and nurse surveyors employed by the Texas Department of Health and the Texas Department of Mental Health and Mental Retardation. In addition, selected staff members of the Board and TPAPIN were interviewed, and a record review of the Board's disciplinary cases was conducted. Overall, responses obtained from the surveys and interviews indicated no serious problems with the implementation of mandatory reporting, peer review, and the Delegation Rules.

A brief summary of the results of the surveys follows. If you need further information or have questions, please contact Wendy Francik, research assistant for the Board, at 512/835-8650.

Survey Results from Nurse Administrators

Of the 580 nurse administrators receiving surveys, 33% ($n = 190$) returned usable questionnaires. Nurse administrators reported that the most frequently used sources for mandatory reporting facts were the BNE Newsletter (89%) and the Texas Nurse Practice Act (78%). For the Delegation Rules facts, they most frequently used the BNE Newsletter (80%) and the BNE Rules and Regulations (67%). For details on peer review, 187 of the nurse administrators most frequently used the BNE Newsletter (87%) and the Texas NPA (76%).

Nurse administrators were asked to rate descriptive statements about mandatory reporting, peer review, and the Delegations Rules. On the average, responses showed that the administrators did not think mandatory reporting caused an increase in interpersonal conflicts among RNs and that both hospital and nursing administration supported peer review.

Survey Results from Chairpersons of Peer Review Committees

The Board surveyed 580 chairpersons of peer review committees (PRC) of whom 25% ($n = 146$) returned usable surveys.

When asked about sources for information about peer review requirements, 143 chairpersons indicated that they most frequently consulted colleagues (55%), the BNE guidelines (53%), or attended a Peer Review Workshop (50%).

Regarding the composition of their PRCs, 80% of the chairpersons reported that members were appointed to their PRCs. Also, 60% of the PRC chairs indicated that members on their

PRCs served for a specific term, while 58% indicated that terms typically lasted one to two years.

Regarding the presence of RNs on PRCs, an average of 3.16 staff RNs and 2.67 nurse administrators/managers served on PRCs. The average total for number of PRC members was 7.36.

On the average, peer review chairpersons rated descriptive statements about peer review. Their ratings showed that peer review committees and others involved in peer review did not encounter serious interpersonal conflict, provided adequate opportunity for rebuttal, and that nursing administration and hospital administration were supportive of peer review. Demographic data from chairpersons indicate that 63% were nurse administrators or managers, whereas only 11% were staff RNs.

Survey Results from Texas Registered Nurses

Of the 1,042 Texas RNs surveyed, 29% ($n = 297$) returned usable questionnaires. RNs responded to questions about their sources of information on mandatory reporting, peer review, and the Delegation Rules. Of the respondents, 291 RNs reported that the most frequent sources of mandatory reporting facts were the BNE Newsletter (51%), employers providing information (39%), and the Texas NPA (38%).

For peer review facts, 287 RNs most frequently used the BNE Newsletter (44%), information from employers (39%), Texas NPA (33%), and in-service presentations (33%). For facts about the Delegation Rules, 295 RNs reported most frequently using the BNE Newsletter (38%), information from employers (26%), and the BNE Rules and Regulations (24%).

Of the 297 RNs responding to survey items about an employer's written policy for the mandatory reporting of unsafe or unprofessional nursing care, 47% reported having read an employer's policy, 15% reported that an employer did not have a policy, and 21% reported not knowing whether an employer had such a policy.

RNs also rated descriptions of mandatory reporting and peer review. In general, RNs rated support for peer review from nurse administrators and hospital administrators just slightly lower than nurse administrators and peer review chairpersons. Overall, RNs expressed moderate concern about the confidentiality of the peer review process and did not think they had sufficient input into selecting PRC members.

Survey Results from Nurse Surveyors

The Board distributed the survey to 104 nurse surveyors who worked for the Texas Department of Health or the Texas Department of Mental Health and Mental Retardation, of whom 41% ($n = 43$) returned usable surveys.

Continued...

Nurse surveyors identified a number of sources for obtaining facts about mandatory reporting, peer review, and the Delegation Rules. For mandatory reporting facts, surveyors most frequently consulted the BNE Newsletter (70%), the Texas NPA (63%), and colleagues (61%). Of the surveyors, 41 indicated most frequently using these same sources, BNE Newsletter (60%), Texas NPA (58%), and colleagues (56%), in obtaining information about peer review. For information on the Delegation Rules, 42 surveyors most frequently consulted the BNE Newsletter (51%), the Board's Rules and Regulations (49%), and colleagues (49%).

Survey results show much variability in surveyors' practices in monitoring facilities' compliance with mandatory reporting, peer review, and the Delegation Rules. For example, standard surveys conducted by nurse surveyors do not necessarily address mandatory reporting and peer review per se. Therefore, 44% of the 43 respondents indicated that obtaining information about mandatory reporting and peer review were not part of the survey process.

Of 39 surveyors who answered a question about monitoring compliance with peer review, 37% indicated that obtaining such information was not part of the survey visit. In addition, when asked about the delegation of nursing tasks in accordance with the Delegation Rules, 44% of 42 surveyors responded that they consistently monitored delegation, 26% indicated sometimes monitoring delegation, and 14% did not monitor the delegation of nursing tasks. Surveyors indicated they become aware of reportable situations during surveys or inspections in a number of ways: walk-through inspections (12%), review of records (23%), complaint investigations (33%), and other sources (21%).

When asked about the delegation of nursing tasks in accordance with the Delegation Rules, 44% of the surveyors reported that they consistently monitored delegation, 26% sometimes monitor delegation, and 14% did not monitor the delegation of nursing tasks.

Based on the survey data, recommendations to improve the implementation of mandatory reporting, peer review, and the Delegation Rules will be made.

The Board wishes to thank all the Texas Registered Nurses who participated in our evaluation. Your responses were crucial to the evaluation's success, and we are most appreciative.

DEBITS

As of December 15, 1989, 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 in your employ or seek 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 are in violation of the Nurse Practice Act and would be subject to disciplinary action by the Board of Nurse Examiners.

NAME	LICENSE # OR PERMIT #
Clark, Victoria	50398 Permit
Craft, Betty	546665 License
Dennis, Patricia	503975 License
Filler, Marcia Ann	503220 License
Glisson, James	239549 License
Jenkins, Victor	517158 License
Jones, Cherie	241063 License
Kuntz, Eileen	514331 License
Masters, Mary	550218 License
McChurch, Margaret	552445 License
O'Connell, Anna	57239 Permit
Olivier, Marie	56711 Permit
Pangilinan, Julie	445792 License
Reinart, Melinda	526597 License
Robinson, Lynn	518008 License
Sanderson, Brenda	538111 License
Tucker, Sherri	58040 Permit
Vasquez, Emerald	207588 License
Young, Alma	238650 License
Zutell, Jean	57374 Permit

APPOINTMENTS OF ITEM WRITERS FOR THE NCLEX-RN

The National Council of State Boards of Nursing has announced the following appointments as representatives from Texas to serve as item writers for the NCLEX-RN:

- Roena June Cooney, M.S.N., R.N., Texas Southmost College Associate Degree Nursing Program in Brownsville, Texas.
- Susan E.P. Goad, Ph.D., R.N., Texas Woman's University Baccalaureate Degree Nursing Program in Dallas, Texas (alternate).

The Board wishes to congratulate these individuals on their appointments.

EVALUATION OF NEWSLETTER

You are invited to evaluate the Board's newsletter. Please respond to the following questions and return the questionnaire to:

Aileen Kishi, Ph.D., R.N.
Editor - Quarterly Newsletter
Board of Nurse Examiners
Box 140466
Austin, Texas 78714

Please respond to each of the four statements by circling one of the following numbers that best describes how you feel:

- 1 = strongly disagree
- 2 = disagree
- 3 = neither agree nor disagree
- 4 = agree
- 5 = strongly agree

1. The Board's newsletter keeps me informed on areas that I need to know for my practice.

1 2 3 4 5

2. The Board's newsletter helps me understand the role and functions of the Board of Nurse Examiners.

1 2 3 4 5

3. The format of the newsletter makes it easy for me to read.

1 2 3 4 5

4. I have an opportunity to read the newsletter when it is published four times/year.

1 2 3 4 5

5. Comments:

UPDATING LICENSE RENEWAL INFORMATION

The Board of Nurse Examiners (BNE) strives to maintain the most accurate and current information on RNs licensed in Texas. To assist the Board in maintaining the integrity of this license information, please inform the Board if you have had an address change, a change in employment or educational preparation since your last license renewal.

As the result of your assistance, the Board preserves its ability to provide the public and the legislature with the most accurate nursing manpower statistics. The public and the legislature use these statistics to make critical decisions about the nursing manpower needs, both present and future, that affect all Texans.

Please complete the form below and return it to the BNE, if you have had a change in any of the categories since your last renewal.

Name: _____ RN License Number: _____

Address: _____ SS Number: _____

City: _____ State: _____ Zip: _____

Please circle the appropriate response.
Fold, staple, stamp, and mail

EMPLOYMENT STATUS:

- 1. Employed nursing full time
- 2. Employed nursing part time
- 3. Employed other field full time
- 4. Employed other field part time
- 5. Unemployed/Retired or Inactive

PRESENT PRIMARY PLACE OF EMPLOYMENT IN NURSING (CHECK ONLY ONE):

- 1. Hospital
- 2. Nursing Home/Extended Care Facility
- 3. School of Nursing
- 4. Self Employed/Private Practice
- 5. School/College Health
- 6. Business/Industry
- 7. Physician or Dentist Office
- 8. Community/Public Health Agency
- 9. Freestanding Clinic
- 10. Home Health Agency
- 11. Military Installation
- 12. Temporary Agency/Nursing Pool
- 13. Other (specify) _____

CURRENT PRINCIPAL POSITION IN NURSING (CHECK ONLY ONE):

- 1. Administrator or Assistant
- 2. Consultant
- 3. Supervisor or Assistant
- 4. Faculty/Educator
- 5. Head Nurse or Assistant
- 6. Staff Nurse/General Duty
- *7. Advanced Nurse Practitioner
- *8. Clinical Nurse Specialist
- *9. Certified Registered Nurse Anesthetist
- *10. Certified Nurse Midwife
- *Board of Nurse Examiners approval required
- 11. Inservice/Staff Development
- 12. School Nurse
- 13. Office Nurse
- 14. Researcher
- 15. Other (specify) _____

PRESENT MAJOR CLINICAL PRACTICE (OR TEACHING AREA IN NURSING (CHECK ONLY ONE):

- 1. Community/Public Health
- 2. General Practice
- 3. Geriatrics
- 4. Obstetrics/Gynecology
- 5. Medical/Surgical
- 6. Pediatrics
- 7. Psychiatric/MentalHealth/Substance Abuse
- 8. Anesthesia
- 9. Emergency Care
- 10. Home Health
- 11. Intensive/Critical Care
- 12. Neonatology
- 13. Oncology
- 14. Operating/Recovery Care
- 15. Rehabilitation
- 16. Other (specify) _____

HIGHEST DEGREE

- 1. Diploma
- 2. Associate Degree
- 3. Baccalaureate in Nursing
- 4. Baccalaureate in Other Field
- 5. Masters in Nursing
- 6. Masters in Other Field
- 7. Doctorate in Nursing
- 8. Doctorate in Another Field

signature

detach

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Board of Nurse Examiners for The State of Texas
Box 140466
Austin, Texas 78714

AN INVITATION TO SERVE

The Board of Nurse Examiners is periodically requested to nominate nurses from Texas to serve on various Advisory Committees, as Item Writers or members of the Panel of Content Experts for the National Council Licensure Examination, and for other committees needing nursing representation.

In order to facilitate the Board's nomination of qualified nurses, a Resource File will be maintained. If you are interested in assisting the Board in carrying out its mission, please complete the attached form and mail it to the Board's office, attention Nancy Kerlin, Education Dept..

When an opportunity for which you have indicated an interest and are qualified arises, you will be contacted and invited to submit an application form.

..... detach

BOARD OF NURSE EXAMINERS FOR THE STATE OF TEXAS, Box 140466, Austin, Texas 78714

RESOURCE DATA FORM

RN # _____ Name _____ Social Security No. _____ - _____ - _____

Address _____ City _____ State _____ Zip Code _____

Date This Form Completed _____ Home Phone # _____ Work Phone # _____

Please Circle Your Responses:

PRESENT MAJOR CLINICAL PRACTICE (OR TEACHING) AREA IN NURSING

1. Community/Public Health (CIRCLE ONE)
2. General Practice
3. Geriatrics
4. Obstetrics/Gynecology
5. Medical/Surgical
6. Pediatrics
7. Psychiatric/Mental Health/
Substance Abuse
8. Anesthesia
9. Emergency Care
10. Home Health
11. Intensive/Critical Care
12. Neonatology
13. Oncology
14. Operating/Recovery Care
15. Rehabilitation
16. Other (specify): _____

PRESENT PRIMARY PLACE OF EMPLOYMENT IN NURSING

1. Hospital (CIRCLE ONE)
2. Nursing Home/Extended Care Facility
3. School of Nursing
4. Self-Employed/Private Practice
5. School/College Health
6. Business/Industry
7. Physician or Dentist Office
8. Community/Public Health Agency
9. Freestanding Clinic
10. Home Health Agency
11. Military Installation
12. Temporary Agency/Nursing Pool
13. Other (specify): _____

RACE/ETHNICITY (Response Optional)

1. Caucasian or White
2. Negro or Black
3. American Indian/Native American
4. Oriental or Asian
5. Hispanic
6. Other: _____

BASIC NURSING EDUCATION

1. Diploma
2. Associate Degree
3. Baccalaureate Degree
4. Other _____

EMPLOYMENT STATUS

1. Employed nursing full time
2. Employed nursing part time
3. Employed other field full time
4. Employed other field part time
5. Unemployed/Retired or Inactive

I would be most interested in serving on committees related to:

1. Practice Issues
2. Nursing Education
3. Policy Development
4. Test Development/Validation
5. Advanced Nurse Practitioner Issues

Do you work directly with new graduates?

1. Yes
2. No

CURRENT PRINCIPAL POSITION IN NURSING

1. Administrator or Assistant (CIRCLE ONE)
 2. Consultant
 3. Supervisor or Assistant
 4. Faculty/Educator
 5. Head Nurse or Assistant
 6. Staff Nurse/General Duty
 - *7. Advanced Nurse Practitioner
 - *8. Clinical Nurse Specialist
 - *9. Certified Registered Nurse Anesthetist
 - *10. Certified Nurse Midwife
 11. Inservice/Staff Development
 12. School Nurse
 13. Office Nurse
 14. Researcher
 15. Other (specify): _____
- *Board of Nurse Examiners Approval Required

HIGHEST DEGREE

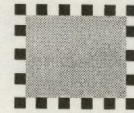
1. Diploma
2. Associate Degree
3. Baccalaureate in Nursing
4. Baccalaureate in Other Field
5. Masters in Nursing
6. Masters in Other Field
7. Doctorate in Nursing
8. Doctorate in Another Field

EXPERIENCE

1. Number of years of teaching experience _____
2. Number of years of clinical practice experience _____

Please notify the Board

If your NAME has changed, submit a copy of the name change document (i.e., marriage license, court order, or divorce decree that reflects change of name).



If your ADDRESS has changed, submit the new address in writing.

With all correspondence include:

1. RN license number, date of birth, and social security number.
2. Complete name including maiden name.
3. Complete address with zip code.
4. County and zip code of your place of employment.

Newsletter Committee: Andrea Herman, Tim Houston, Aileen Kishi, Laura Miner, Judy Pipkin

Contributors to this issue of the newsletter: Dorothy Chesley, Cady Crismon, Wendy Francik, Andrea Herman, Julie Houfek, Tim Houston, Aileen Kishi, Laura Miner, Judy Pipkin, Joan Stewart, Kathy Thomas

Board of Nurse Examiners for the State of Texas
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