



# RN UPDATE

A Quarterly Publication of the Board of Nurse Examiners for the State of Texas



October 2000

Volume 31, No. 4

## Governor Bush Appoints Linda Rounds President of the Board of Nurse Examiners



Dr. Linda Rounds accepts the gavel from Kenneth Lowrance in recognition of her appointment as new President of the Board of Nurse Examiners. Thalia Munoz, MS, RN, was unanimously elected Vice-President of the Board.

Governor George W. Bush appointed Dr. Linda Rounds President of the Board of Nurse Examiners (BNE) on July 28, 2000. Her appointment to the BNE was confirmed in the Senate on May 17, 1999, and her term runs through January 31, 2005. Dr. Rounds is employed as an associate professor and coordinator of the School of Nursing Gerontological Nurse Practitioner Program at the University of Texas Medical Branch at Galveston. Dr. Rounds replaces Kenneth Lowrance as President. Mr. Lowrance was elected President of the BNE at the July 10, 1997, Board Meeting and has guided the BNE through leadership of the Board as well as advisory committees that he has presided over including the Advanced Practice Nursing Advisory Committee and the Competency Advisory Committee. Mr. Lowrance has served as a member of the Board since 1995 and will remain on the Board until his term expires in January, 2001.

### Governor's Office Seeks Appointees for January Board Vacancies

The Governor's Office is seeking appointees to fill three BNE Board positions to expire in January, 2001. Interested individuals should go to the web

site for the Governor's Office which is located at: [www.governor.state.tx.us/Appointments/process.html](http://www.governor.state.tx.us/Appointments/process.html). To apply for an appointment, you must submit a State Appointment Application which can be obtained from the Governor's web site. For more information on the appointment process, contact the Appointments Division for the Office of the Governor.

### Nurse Anesthetists in Outpatient Settings Required to Register with BNE

In the 76<sup>th</sup> Texas Legislative Session, Senate Bill 1340 was passed and amended the Nursing Practice Act to include Article 4527(e). The amendment required the Board of Nurse Examiners (BNE) to adopt rules regulating the provision of anesthesia services by persons licensed by the Board in specific outpatient surgical settings. The Board of Medical Examiners (TSBME) was required to adopt similar rules, and both boards were required to cooperate in the adoption of rules. The rules for nurse anesthetists in outpatient settings were incorporated into 22 *Texas Administrative Code* §221.14 and became effective April 20, 2000, after formal adoption by the Board.

In June 2000, a mailing was sent to nurse anesthetists who are authorized to practice in the State of Texas. Any nurse anesthetist working in an outpatient setting which meets the conditions of the new rule is required to register with the Board. Staff are currently processing registration information. If you are a nurse anesthetist and you did not receive the June 2000 mailing, please call the APN applications request line at (512) 305-6867. Specify that you need the outpatient anesthesia registry application.

## A Word from the Executive Director



**Kathy Thomas, MN, RN**

### *National Council of State Boards of Nursing Concludes Annual Meeting*

The National Council of State Boards of Nursing held its annual meeting August 7-12, 2000 in Minneapolis, Minnesota. The mission of the National Council of State Boards of Nursing is to lead in nursing regulation by assisting Member Boards, collectively and individually, to promote safe and effective nursing practice in the interest of protecting public health and welfare. The national licensure examinations for registered nurses and license practical/vocational nurses, NCLEX-RN® and NCLEX-PN®, are developed by the National Council.

More than 100 Delegates representing 55 state and territorial boards of nursing participated in the meeting. Key decisions of the Assembly follow:

**Adoption of Advanced Practice Nursing Core Licensure/Authority to Practice Requirements.** These requirements, designed to promote more uniformity among states, were developed in collaboration with boards of nursing and national advanced practice nursing associations. They include licensure as a registered nurse, completion of graduate education in an accredited program (effective January 1, 2003) and certification in an appropriate advanced practice role and specialty. Uniformity should result in less confusion among patients, nurses and other health care team members, third party payers, legislators, and policy makers.

**Assume a leadership role and develop an action plan to clearly delineate and establish congruence among education, practice and regulation for the respective role of all nurses.** In this rapidly changing health care environment, the demands for competent nursing practice require a thorough evaluation of all levels of nursing to assure public safety. The National Council will develop a plan in collaboration with a broad base of health care stakeholders with a presentation to the Delegate Assembly no later than 2002.

**Increase in the NCLEX fee to \$200.00 beginning October 1, 2001.** The fee increase is in response to declining revenue due to the current decrease in the number of graduates, the anticipated further reduction in student enrollment, and other costs related to NCLEX.

For other information on national regulatory issues, refer to the National Council's web site at [www.ncsbn.org](http://www.ncsbn.org).



### The Board of Nurse Examiners For the State of Texas

#### BOARD MEMBERS

##### Officers

**Linda Rounds, PhD, RN**  
*President, Advanced Practice  
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Galveston*

**Thalia Munoz, MS, RN**  
*Vice-President, Nursing Practice,  
Rio Grande City*

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Clifton*

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*ADN Programs, Amarillo*

**Elizabeth Poster, PhD, RN**  
*BSN Programs, Arlington*

#### Executive Director

**Katherine Thomas, MN, RN**

*RN Update* is the official publication of the Board of Nurse Examiners for the State of Texas

Published four times a year, January, April, July and October. Subscription price for residents within the continental U.S. is \$5.00, plus tax. Subscription price outside of U.S. is \$10.00 plus tax.

Published by:  
TEXAS STATE BOARD OF  
NURSE EXAMINERS  
VOLUME XXXI - No. 4  
Publication Office:  
333 Guadalupe, Suite 3-460  
Austin, Texas 78701-3942  
Phone: 512/305-7400  
Fax No.: 512/305-7401



## Proposed Rules



At the meeting of the Board held on July 20-21, the Board took the following action:

- \* Proposed §213.30 to change fees for Declaratory Order for Eligibility for Licensure was adopted and published as a proposed amendment to the rule in the August 11, 2000 issue of the *Texas Register*. No comments were received and the rule was adopted without comments to be effective October 2, 2000.
- \* Proposed §223.1 to establish fees for regulation of outpatient anesthesia settings was adopted and published as a proposed amendment to the rule in the August 11, 2000 issue of the *Texas Register*. No comments were received and the rule was adopted without comments to be effective October 2, 2000.

### Board Conducts On-Site Random Drug Screens

By Korena Schaaf, Investigator

The Board may sanction a registered nurse who has either admitted to or has been diagnosed as having a chemical dependency problem when Texas Peer Assistance Program for Nurses (TPAPN) is not an option. The sanction may require that the nurse submit to periodic random drug screens.

The Board's policy requires the drug screening process be managed by an independent contractor. Currently that contractor is Drug Intervention Services of America (DISA), Inc., whose main office is in Houston. This process requires the nurse being monitored to call an established toll-free telephone number to determine whether or not the nurse has been chosen that day to submit a specimen for random drug screening. The frequency at which the nurse is selected is established by the terms of the nurse's Order of the Board. There is, however, a provision in the Board's drug screening policy, and the nurse's Order, which allows employers who suspect that the nurse is impaired to immediately send the nurse for a drug screen utilizing the DISA system.

There is also a provision in the Board's policy which allows Board staff to appear unannounced at the nurse's place of employment to either collect a specimen from the nurse for screening, or to instruct the nurse to go immediately to the nurse's normal lab collection site to submit a specimen for drug screening. This provision is being enforced by Board staff. Should the nurse refuse to participate in this process, it is considered to be a violation of the nurse's Board Order and the nurse is subject to further disciplinary action by the Board, up to and including revocation of that nurse's license to practice professional nursing in the State of Texas. The Board began implementing the policy in January, 2000.

### BNE Recognized for Implementation of Licensure Compact

At their Annual Meeting in Minneapolis on August 9, 2000, the National Council of State Boards of Nursing (NCSBN) presented the Texas Board of Nurse Examiners (BNE) and the boards of nursing for the ten other states that first joined the Nurse Licensure Compact (NLC) with a Certificate of Recognition for leadership in the implementation of the Nurse Licensure Compact and commitment to protecting the public through leadership in nursing regulation. The other NLC states recognized were: Arkansas; Delaware; Iowa, Maryland, Mississippi, North Carolina, Nebraska, South Dakota, Utah, and Wisconsin. The NCSBN is the organization through which boards of nursing act and counsel together on matters of common interest and concern affecting the public health, safety and welfare, including the development of licensure examinations for nursing. NCSBN delegates representing 61 state and territorial boards of nursing participated in various educational, research and special interest group sessions at the organization's annual meeting. Kathy Thomas, MN, RN, RN Compact Administrator for the State of Texas, accepted the recognition certificate on behalf of the Texas BNE.

## A Checklist for Better Understanding of the Peer Review Process

By Gary Walters, MSN, RN

Currently, Texas is the only nursing jurisdiction which has a statutory requirement for “peer review.” This concept was originally introduced into the Nursing Practice Act during the 70<sup>th</sup> Legislature’s regular session in 1987. Subsequently, there have been additions to the Act during each legislative session in an attempt to expand and clarify the peer review process. Unfortunately, there is still widespread confusion regarding the process. The Board of Nurse Examiners (BNE) has created a “checklist” to assist nurses and facilities in conducting a successful peer review.

The peer review process begins with the “notice.” Rule 217.17 of the BNE’s Rules and Regulations outlines the “Minimum Procedural Standards During Peer Review.” The rule states the notice must be written, and must inform the nurse that his/her practice is being evaluated. The notice must also provide the date, within thirty (30) calendar days, when the committee will meet, and must contain a written copy of the facility’s peer review plan, policies and procedures. The notice must provide the name, address and telephone number of a contact person who will receive the nurse’s response. Finally, the notice must contain a description of the events to be reviewed, including circumstances and conduct, dates, times and locations. Patients should be identified by medical record numbers or initials to maintain confidentiality.

Although Rule 217.17 states the date of the committee meeting must be within thirty (30) calendar days of the date on the written notice, the nurse being evaluated must be given an **opportunity**, at least fifteen (15) days prior to the meeting, to review the documents to be considered by the committee. As a result, a “window” is created between nineteen and thirty calendar days from the date of the notice, when the committee meeting should be scheduled. This allows time for delivery of the notice, and provides the opportunity for the review of documents that is mandated in the BNE’s rules.

Frequently, BNE staff receives questions about changing the date of the peer review meeting because the nurse being evaluated did not receive the notice letter. This may be simply because the nurse did not or would not pick up the letter from the post office, or has moved and not kept the employer informed about their current address. Remember, you **cannot force a nurse to participate** in the peer review process. You can only make an effort in good faith to **allow** them to participate. It is definitely to the nurse’s benefit to participate in the process; but if they do not, the committee should go ahead with the mandated meeting.

In providing the description of the practice to be reviewed, it is important to remember these are alleged facts, events, conduct or omissions. Do not attempt to describe the events in the language of the Nursing Practice Act. For instance, stating a nurse engaged in unprofessional conduct or failed to meet minimum standards is not sufficient notice. Describe in detail what action or acts were committed or omitted. Be as specific as possible, and identify patients or clients by their medical record number or initials. The nurse being evaluated should be able to read the description and understand exactly what is being reviewed.

If a facility follows the procedure outlined in this checklist, they should be able to complete the peer review process easily, while complying with all the pertinent statutes and rules.

## CHECKLIST FOR MINIMUM STANDARDS AND DUE PROCESS IN PEER REVIEW

Case: \_\_\_\_\_

*Rule 217.17 of the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice defines the "Minimum Procedural Standards during Peer Review." The purpose of this rule is "to define minimum due process, to provide guidance to facilities in developing peer review plans, to assure that nurses have knowledge of the plan, and to provide guidance to the peer review committee in its fact finding process." The following checklist attempts to simplify the steps in the peer review process and ensure that all requirements of §217.17 are met.*

1. \_\_\_\_\_ The facility **must provide written notice** to a nurse that:
  - \_\_\_\_\_ **notifies the nurse** his/her practice is being evaluated by a peer review committee.
  - \_\_\_\_\_ contains a **copy of the peer review plan**, policies and procedures.
  - \_\_\_\_\_ states the peer review committee will meet on a **specified date**, not more than thirty (30) calendar days from the date of the notice.
  - \_\_\_\_\_ provides a **description of the events** to be evaluated in sufficient detail to inform the nurse of the conduct being evaluated. Included are date(s), time(s), location(s) and individuals involved. Patients are identified by Medical Record number or initials.
  - \_\_\_\_\_ contains the name, address and telephone number of a **contact person** to receive the nurse's response and provide information to the nurse.
2. \_\_\_\_\_ The nurse **shall have the opportunity to review**, in person or by attorney, the documents concerning the events under review, at **least fifteen (15) days prior to the meeting**.
3. \_\_\_\_\_ **Confidentiality** rules and requirements were explained and understood by the participants.
4. \_\_\_\_\_ The nurse **shall have the opportunity** to :
  - \_\_\_\_\_ **appear** before the committee.
  - \_\_\_\_\_ **make a verbal statement**.
  - \_\_\_\_\_ **ask questions and respond to questions** of the committee.
  - \_\_\_\_\_ **provide a written statement** regarding the events under review.
5. \_\_\_\_\_ The committee **must complete its evaluation** no more than **fourteen (14)** calendar days from the committee meeting stated in the notice.
6. \_\_\_\_\_ The committee **must provide written notice** of the final findings to the nurse when the review has been completed.
7. \_\_\_\_\_ The nurse must be provided a **reasonable opportunity to rebut** the findings of the committee in writing. This rebuttal **shall become a permanent part** of the committee's record.
8. \_\_\_\_\_ The nurse's **rebuttal is included** as part of the committee's findings whenever the **findings are disclosed or reported**.



## EDUCATION REPORT

By Sandra Owen, MN, RN



### July 2000 Board Action

Based on the survey visit report and the 2000 NCLEX-RN® pass rate to date, the board voted to accept survey reports, issued recommendations and requirements to be met. The Board voted to allow the admission of additional students on or before 10/01/00 contingent upon:

1. The programs achieve a NCLEX-RN® pass rate of at least 80% for the 2000 examination year which extends 10/01/99 to 9/30/00 and,
2. The programs submit a written plan by 8/4/00 for informing students if the admission schedule changes due to the pass rate, for:

College of the Mainland,  
University of Texas at Brownsville/Texas Southmost College Associate Degree Nursing Program, for both the Brownsville and Harlingen campus

Based on review of the survey visit report, issued recommendations and requirements to be met for:

El Paso Community College

#### Approve proposals for:

Southwestern Adventist University Distance Education Initiative to deliver the RN-BSN Program via the Internet/Technology off-site

Texas Christian University Harris School of Nursing Advanced Practice Nursing Program for Clinical Nurse Specialists in Adult Health Nursing

#### The Board voted to approve:

The Position Statement on the Development of Additional Nursing Education Programs and Guidelines for a Proposal to Develop a Professional Pre-Licensure or Post-Licensure Nursing Program (see page 9 for further information).

Defer Action on the Distance Education Initiative Proposal and allow:

1. The submission of a Proposal for an Innovative Approach to Nursing Education for discussion at the October Board meeting and,
2. The admission of a cohort of 30 students for Fall 2000 for:

The University of Texas Health Science Center at San Antonio Baccalaureate Degree Nursing Program at Texas A&M University-Kingsville System Center at Palo Alto

#### Texas Nurses Contribute to NCLEX-RN® Development

The Board is pleased to announce the appointment of the following nurses as participants in the NCLEX-RN® test development process: **Edith Gloria Cayari** of Houston, member of the **Master Pool Review Panel**, **Patti Clements** of Texas City, alternate for the **Master Review Panel**, and **Lillian Garcia-Maas** of Houston, **Item Writer** (6/00). By contributing their expertise, Ms. Cayari, Ms. Clements and Ms. Garcia-Maas assisted the National Council of State Boards of Nursing to insure the inclusion of NCLEX-RN® content which is current, accurate, practice-related and appropriate for an entry level practitioner.

To learn how you can become a member of an NCLEX Item Development Panel, call the National Council Item Development Hot Line at 312/787-6555, ext. 496 or visit National Council's web site at [www.ncsbn.org](http://www.ncsbn.org).

#### VOLUNTEER FOR A PEER

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

## **Committee Updates**

### **APN Advisory Committee Reviews Rules Relating to Advanced Practice**

The APN Advisory Committee met on August 15, 2000 in Austin. The committee continued work on their current charge to review Rules 219, 221, and 222 and make recommendations to the Board regarding changes and updates. The committee agreed that portions of the present rules may be difficult to understand and have worked to clarify those sections of the rules. The committee also reviewed the rules in relation to current advanced nursing practice. It is anticipated that Rules 221 and 222, along with the committee's recommendations, will be presented to the Board at the October 2000 meeting. The committee will continue to work on Rule 219 during its next meeting in October 2000.

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### **Board Reviews Final Recommendations of CAC and LRAC Committees**

The committees for the Continued Competency and Jurisprudence Pilot Projects have concluded their work. Recommendations were voted on at the July 20, 2000 meeting of the Board of Nurse Examiners.

#### **Continued Competency Recommendations**

The Board agreed that the competency pilot projects provided sufficient evidence on which to base a change in regulatory requirements. The Competency Advisory Committee (CAC) determined that a variety of mechanisms could be utilized to assess ongoing competency, i.e., in a competency maintenance program. The Board accepted the CAC's recommendations regarding conditions for licensure renewal. Each RN maintaining a current license would be required to meet a minimal number of hours of active practice in each renewal period and, in addition, RNs would be required to meet the minimal requirements of a competency maintenance program as defined in Board approved guidelines.

#### **LRAC Recommendations**

The Board determined that there was not sufficient evidence that the jurisprudence examination was the best method of ensuring understanding of laws and regulations at entry into practice. The Board decided to accept a modified version of the Laws and Regulations Advisory Committee's (LRAC) recommendations. The Board agreed to seek legislative support to extend the Board's authority to conduct pilot testing. In addition, the Board will seek support for legislative authority to: require practicing RNs, including endorsees, to provide evidence of two hours of targeted continuing education in nursing jurisprudence in each license renewal period; require uniform nursing jurisprudence curriculum elements for nursing education programs and enforce the requirement through the accreditation process; and conduct random audits of jurisprudence knowledge of both graduating students and practicing RNs as a method to continue to evaluate data about the effectiveness of these recommendations in reliably assuring that RNs understand laws and regulations.

A final report was prepared and submitted to the Legislature in September 2000, as required in SB 617, enacted during the 75<sup>th</sup> Texas Legislature. If you would like to obtain a copy of the final report, *Ensuring Professional Nursing Competence: Combined Final Report of the Continuing Competency Pilot Program Studies and the Nursing Jurisprudence Examination Pilot*, you may purchase the report by obtaining a publication order form from the BNE's web site located at [www.bne.state.tx.us](http://www.bne.state.tx.us) in the Files and Downloads Section. The cost of the report is \$7.50, plus tax.

## NURSYS® Becomes Sole Source for License Verifications for Endorsing Texas RNs

Effective September 1, 2000, all Texas licensed Registered Nurses who require written RN license verification for endorsement to practice in another nursing jurisdiction must request their endorsement verification through NURSYS®, a national licensure verification program based out of Chicago, Illinois. The National Council of State Boards of Nursing developed NURSYS®, a central repository of nurse license information throughout the United States and its territories. NURSYS® provides member boards access to information regarding all nurse licensee candidates, in all states that participate in the program including disciplinary actions against a nurse.

Prior to September 1, 2000, the Board of Nurse Examiners (BNE) processed a majority of requests for licensure verification of Texas licensed RNs. Licensees sent their verification paperwork and a processing fee to the BNE, Board staff completed the paperwork and the completed form was sent to the state requesting the verification.

Effective September 1, 2000, nurses wishing to obtain Texas RN licensure verification for other nursing jurisdictions must obtain an endorsement packet from the other state, locate and complete the NURSYS® Verification Form, attach the processing fee (\$15.00) and send it to the NURSYS® Processing Center located in Chicago. If a NURSYS® Licensure Verification Form is not included in the endorsement packet, forms may be downloaded from the Texas BNE's web site located at [www.bne.state.tx.us](http://www.bne.state.tx.us) under the Files and Downloads Section. Adobe Acrobat Reader is required in order to view and print the forms. A link is provided to Adobe to download the necessary software at the top of Files and Downloads Section at no cost to the RN.

After September 1, Board staff will only handle written verification requests for RNs wishing to endorse to foreign jurisdictions and for Visa Screens required for H-1 Visas. Processing time for these verification requests is approximately 10-14 days from when the form is received at the BNE's office. The processing fee for these forms is \$20.00.



### ***Practice Question and Answer***

By Sandra Owen, MN, RN



#### **Q: What does the Board consider as abandonment?**

A: The Nursing Practice Act (NPA) and the Board rules and requirements do not specifically reference abandonment. However, there are several relevant sections in Rule 217.11, Standards of Professional Nursing Practice [(5), (9), (12), & (14)], which the registered professional nurse (RN) would find helpful to review when an issue related to patient abandonment has surfaced. Many times when issues surface concerning abandonment, there are related concerns about staffing patterns, assignments and patient care. Most facilities have developed a policy and procedure which may include relevant information concerning staffing patterns and emergency coverage of units.

While the Board has no jurisdiction over the employee/employer relationship, we would have a concern about allegations regarding patient abandonment due to the potential impact on ensuring a safe environment and appropriate nursing care for clients, regardless of the setting. Therefore, leaving a nursing assignment without notifying one's appropriate supervisor would be unprofessional conduct per Rule 217.12(14).

The Board has several suggestions for RNs who may have concerns about staffing patterns or patient assignments. If a RN believes they have been given an unsafe assignment, clear communication with the supervisor is the first step. If the issue/concern is not resolved, the RN may invoke the safe harbor provision of Peer Review located at Rule 217.17(f). If the RN involved in this situation does not accept the assignment, the appropriate supervisor must be notified prior to leaving the assignment per Rule 217.11(14). The form that is to be utilized when invoking safe harbor as well as the NPA (Section 303.005) and all Board rules and requirements may be located in their entirety on our web site at: [www.bne.state.tx.us](http://www.bne.state.tx.us).

Nursing practice in today's environment is complex and evolving at a rapid pace. In recognition of this issue, the BNE has published Position Statement 15.14, [The Role of the Registered Nurse in the Restructured Health Care Delivery System](#). This may be located in it's entirety on the above specified web site.

*At the meeting of the Board held on July 20-21, the Board adopted the following Position Statement relating to the development of additional Nursing Education Programs:*

**Board of Nurse Examiners  
P.O. Box 430  
Austin, Texas 78767-0430**

## **Position Statement**

### **15.16**

#### **Development of Additional Nursing Education Programs**

Accreditation of nursing education programs is one of the primary processes that the Board of Nurse Examiners uses to fulfill its mission to protect and promote the welfare of the people of Texas. The Board has the responsibility and legal authority to decide whether the proposed new nursing program can meet the Board's established minimum standards for educational programs. These standards require adequate human, fiscal, and physical resources to initiate and sustain a program that prepares graduates to practice competently and safely as registered nurses.

The Board recognizes that when health care facilities experience difficulties in recruiting and retaining sufficient registered nurses, educational institutions within the affected geographical region frequently respond to this workforce need by proposing to develop new nursing programs. Analysis of data collected between 1988-1999 revealed the following trends about nursing programs which were opened during that time and the impact of new programs on established nursing programs and the nursing workforce. New programs have been associated with redistribution of students and faculty among nursing programs and competition for clinical affiliate placements, all of which may compromise the outcomes of established programs. However, programs which began as distance education initiatives/extended campuses within established programs have been more stable and produced graduates with higher success rates on the licensure examination than independently developed programs. An adequate number of experienced qualified faculty candidates is limited across the state. Faculty members who have not previously or recently taught in the same type of program proposed have difficulties teaching at an appropriate level. New programs which have been initiated by the minimum number of faculty members required to teach the first year of the program of study have been unable to meet the board's requirements when a director of faculty member resigned or became ill. The overall number of graduates eligible for licensure as registered nurses has declined since 1995 in spite of the fact that 15 new nursing programs which opened between 1988 and 1999 contributed to this pool of potential RNs.

Consequently, the Board expects that educational institutions will consider and address the following key points prior to initiating the proposal process for developing a new nursing education program:

1. Investigating the feasibility of assisting students to attend established programs rather than developing a new program or
2. Forming a partnership with an established program for co-teaching the program of study or serving as a distance education site prior to seeking Board approval to develop a new nursing program.

If an educational institution decides to pursue Board approval for development of a new nursing program:

1. At least 50% of the faculty members hired to plan the program of study and write the application for initial accreditation should be faculty with previous experience teaching in the same type of program (associate degree, baccalaureate degree, etc.) being developed.
2. The budget should support more than the minimum number of faculty members required for the projected enrollment. Additionally, the educational institution should attempt to recruit faculty members qualified to teach in more than one clinical specialty area.

# IMPOSTOR WARNING

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

## **Julianne J. Hueske**

In the April issue of the RN Update we notified our readers that Julianne J. Hueske worked as a registered nurse without a license to practice professional nursing in the State of Texas. Ms. Hueske was employed with a home health agency in Brenham, Texas from September 1998 through December 16, 1999. Ms. Hueske was indicted of a Second Degree Felony offense of "Tampering with a Government Record" which resulted from her forging of an RN license which she used to secure employment as a registered nurse. On April 27, 2000, Ms. Hueske was issued a deferred adjudication with eight (8) years deferred probation, \$2000.00 Fine, Court Cost and 500 hours of community service. The case was handled by the Washington County District Attorney's Office. We thank them for their work in prosecuting the case.



## **JOY LYNN HEBERT**

**aka: Joy Lynn Wood**

**aka: Joy Lynn Boyer**

Joy Lynn Hebert secured employment as a registered nurse with a nursing care facility in Kennedale, Texas. Ms. Hebert worked as a registered nurse at this facility from August 18, 1999 to September 29, 1999 and from January 24, 2000 to February 17, 2000. The facility contacted the Board office to verify licensure at which time they were notified that Ms. Hebert was not licensed to practice professional nursing in Texas and that the license number that she provided did not belong to her. Ms. Hebert was terminated from employment. In addition to her employment with the nursing facility the investigation revealed that Ms. Hebert has also worked for other healthcare facilities and home health agencies in the Dallas area. The Board is pursuing legal action against Ms. Hebert and the case has been referred to the Kennedale Police Department.



## **GWENDOLYN D. MCEVER**

Gwendolyn D. McEver is not licensed to practice professional nursing in the State of Texas. She was a licensed LVN who voluntarily surrendered her LVN license on March 6, 2000. Gwendolyn D. McEver secured a position as a nurse/assistant with a physician's office who specialized in plastic and reconstructive surgery in May 1994. Her duties included assisting the physician with surgical procedures, taking patient history and physicals and patient education regarding pre operative and post operative care. Ms. McEver used the initials R.N. after all of her entries in the patients' medical records. Ms. McEver remained in this position until May 28, 1998. Ms. McEver secured a position as a registered nurse with a clinic that specialized in hair transplants in Houston, Texas. Ms. McEver presented an altered RN's license and began employment in November 1996. Ms. McEver assisted in surgical procedures, administered anesthetics and patient education regarding preoperative and postoperative care. Ms. McEver used the initials R.N. after all of her entries in the patients' medical records. Ms. McEver was terminated in January 2000 when a routine verification of her license revealed that Ms. McEver did not have a license to practice professional nursing. The Board is pursuing legal action by referring this case to the Harris County District Attorney's office for appropriate action.



## 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>
Abella, Editha Reroma	550059	Fine & Remedial Education	June 26, 2000
Barlow, Julie Anne	621564	Warning with Stipulations	July 20, 2000
Barnes, Mary Jo	446131	Warning with Stipulations	September 12, 2000
Benson, Patricia A.	656356	Reprimand with Stipulations	August 15, 2000
Bernaldez, Lisa Ann	558379	Reprimand with Stipulations	September 12, 2000
Biru, Almaz	622049	Reprimand with Stipulations	July 20, 2000
Bollar-Hale, Louellyn A. M.	420825	Remedial Education	September 6, 2000
Bond, Dianna Ann	577985	Reprimand with Stipulations	July 20, 2000
Britt, Judy Ann	571185	Warning with Stipulations	July 20, 2000
Britten, Donna Annette	237040	Warning with Stipulations	September 12, 2000
Cantu, M. Silva Rodriguez	563331	Warning with Stipulations	July 20, 2000
Chauhan, Maya Singh	462990	Warning with Stipulations	September 12, 2000
Chick, Helen Dee	549083	Reprimand with Stipulations	July 20, 2000
Clifton, Katie M.	583660	Remedial Education	August 2, 2000
Cooch, Martha Louise	435016	Warning with Stipulations	July 20, 2000
Cooper, Virginia Ann	239409	Warning with Stipulations	September 12, 2000
Croft, Susie M.	529923	Warning with Stipulations	September 12, 2000
Cruz, Caroline Salas	614390	Warning with Stipulations	September 12, 2000
Cunningham, Dale Amanda	548617	Reprimand with Stipulations	August 15, 2000
Davidson, Carina	569921	Reprimand with Stipulations	August 15, 2000
Davis, Stephanie Kaye	587101	Reprimand with Stipulations	September 12, 2000
Decker, Rebecca	642429	Reprimand with Stipulations	July 20, 2000
Del La Cruz, Teresita B.	508029	Warning with Stipulations	September 12, 2000
Dillard, Gary D.	525182	Remedial Education	September 18, 2000
Dunham, Patricia Ine	642324	License Revoked	September 12, 2000
Elliott, Karen A.	502066	Reprimand with Stipulations	September 12, 2000
Felipe, Ma Elizabeth L.	569620	Warning with Stipulations	July 20, 2000
Fleetwood, Dennis R.	508931	Reprimand with Stipulations	July 20, 2000
Fleming, Suzanne T.	248658	Reprimand with Stipulations	September 12, 2000
Fossier, June	544125	Warning with Stipulations	September 12, 2000
Gross, Donna Radicke	609287	Remedial Education	August 3, 2000
Groves, Shirlie Lavon	567791	Warning with Stipulations	September 12, 2000
Hafernack, Deborah Janell	588688	Warning with Stipulations	September 12, 2000
Hargrove, Nora M. Hahn	215364	Warning with Stipulations	September 12, 2000
Harper, Lyda Earl	577595	Limited License	September 12, 2000
Herring, Cynthia	654324	License Revoked	September 12, 2000
Houston, Catherine N.	600276	Warning with Stipulations	August 15, 2000
Huie, Elizabeth Maxine	547675	Warning with Stipulations	July 20, 2000
Ion, Donna M.	501887	Fine & Remedial Education	July 19, 2000
Jay, Nanette Eugenie	547923	Reprimand with Stipulations	July 20, 2000
Jones, Mary M.	522043	Reprimand with Stipulations	July 20, 2000
Kliesen, Joyce Elayne	543143	Warning	August 15, 2000
Laremont, Christine Ann	510903	Suspend/Probate	August 15, 2000

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**DISCIPLINARY ACTION**

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<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Larson, David Arthur	583250	Reprimand with Stipulations	September 12, 2000
Lazrine, Cathleen	632137	License Revoked	September 12, 2000
Luna, Alicia Lilia C.	235313	Warning with Stipulations	September 12, 2000
Martin, Angela	634202	Warning with Stipulations	September 12, 2000
McBride, Lillian K.	534047	Warning with Stipulations	September 12, 2000
McIllece, Elizabeth Campbell	648753	License Revoked	September 12, 2000
Muhs-Perez, Katherine J.	586430	License Revoked	September 12, 2000
Murphy, Elaine Frances	583840	Warning with Stipulations	July 20, 2000
Nguyen, Phommalone	657646	Warning with Stipulations	September 12, 2000
Niduaza, Patchela	559142	Remedial Education	August 2, 2000
Oommen, Susan	446377	Warning with Stipulations	September 12, 2000
Paley, Susan	583897	Reprimand with Stipulations	August 15, 2000
Palmer, Kyle Brett	563812	License Revoked	September 12, 2000
Parks, Angela Beth	573416	License Revoked	September 12, 2000
Perez, Ricardo	629656	Warning with Stipulations	September 12, 2000
Perry, Bridget L.	612879	Reprimand with Stipulations	September 12, 2000
Pettid-McConic, Cathie B.	616992	Suspend/Probate	September 12, 2000
Philipose, Annamma	442534	Reprimand with Stipulations	August 15, 2000
Phillips, Charles Fred	608506	Remedial Education	August 20, 2000
Pierre III, Adam J.	614801	Reprimand with Stipulations	August 15, 2000
Pruns, Cheryl E.	526539	License Revoked	September 12, 2000
Ragasa, Norma F.	522428	Reprimand with Stipulations	August 15, 2000
Ramsey, Richard S.	631608	Warning with Stipulations	August 15, 2000
Ransom, Norma Charlene	565505	Reprimand with Stipulations	September 12, 2000
Ray, Kimberly Michelle	641569	Remedial Education	May 16, 2000
Redd, Bertha Louise	229398	Enforced Suspension	August 15, 2000
Relyea, Carolyn J.	596540	Warning with Stipulations	September 12, 2000
Roberts, Cynthia Morris	644396	Reprimand with Stipulations	July 20, 2000
Rogers, Rosemary M.	526435	Warning with Stipulations	September 12, 2000
Russ, Paul	654459	Warning with Stipulations	September 12, 2000
Ryan, Barbara Jean	633282	License Revoked	September 12, 2000
Saenz, Nelda Jean	257273	Remedial Education	August 21, 2000
Scrogum, Dorinda	643781	Remedial Education	September 8, 2000
Seale, Shay Lynn	568512	License Revoked	September 12, 2000
Sellers, Shelby Rebecca	573574	Warning with Stipulations	July 20, 2000
Sells, Henrietta	540304	Warning with Stipulations	September 12, 2000
Seufert, Kenneth	591013	Warning with Stipulations	July 20, 2000
Shockey, Mary H. Hagar	211091	Remedial Education	August 16, 2000
Simpson, Andrea Leigh	581605	Warning with Stipulations	July 20, 2000
Sivits, June J.	255284	Reprimand with Stipulations	July 20, 2000
Smith, Maggie Ruth	504298	Reprimand with Stipulations	August 15, 2000
Smith, Rebecca Jane	607044	Remedial Education	August 23, 2000
Smotherman, Charlie Joe	589976	License Revoked	September 12, 2000
Sprick, Patricia Renee	565066	License Revoked	September 12, 2000
Stout, Jeffery Allen	610350	Warning with Stipulations	July 20, 2000
Stubbs, Melissa	654488	Warning with Stipulations	September 12, 2000

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**DISCIPLINARY ACTION**

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<u>NAME</u>	<u>LICENSE #</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Sumrall, Velda E.	544914	Reprimand with Stipulations	September 12, 2000
Swink, Tammy	645740	Remedial Education	June 21, 2000
Tarpley, Deborah Jo	584730	License Revoked	September 12, 2000
Tipton, Kaye Lynn	626988	License Revoked	September 12, 2000
Wantland, Thomas Ken	649069	Reprimand with Stipulations	September 12, 2000
Watts, Mary Ann G.	501506	Fine & Remedial Education	July 5, 2000
Webb, Patrice R.	257162	Reprimand with Stipulations	September 12, 2000
Weise, Jennifer	657176	Reprimand with Stipulations	August 15, 2000
Wiley, Thomas Kiplinger	570014	Fine	August 1, 2000

**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>
Buskirk, Susan R.	509873	July 18, 2000
Brusola, Leonida Banal	621662	August 16, 2000
Clostio, Pamela Sharise	581889	July 18, 2000
Ebert, Dana F.	245423	June 19, 2000
Elton, Lisa Ann	547643	August 16, 2000
Johnson, Kaylin Douglas	626447	June 13, 2000
Low, Beth Annette	595717	July 18, 2000
McKenna, John M.	628404	August 23, 2000
Mohr, Leigh Hutson	596026	August 2, 2000
Uy, Carlito Dumagat	639734	September 5, 2000
Weatherford, William Aaron	655580	June 19, 2000
White, Clinton Ray	527220	July 28, 2000
Wineinger, Nancy Ann	559587	August 16, 2000

**Insufficient Funds**

As of September 28, 2000, 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 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>
Allen, Julie Ann	623827	Quillin, Rhonda	238758
Hatter, Deanne Marie	568968	Stewart, Delia M..	622187
Meyers, Stephanie	655919	Williams, Nina G.	644295

**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.

**BNE HELPFUL NUMBERS**

<p><b>MAIN NUMBER.....(512) 305-7400</b></p> <ul style="list-style-type: none"> <li>-- 24 Hour Access</li> <li>-- License Verification</li> <li>-- General Information</li> </ul> <p><b>OPERATIONS</b></p> <p><b>ACCOUNTING SERVICES.....(512) 305-6853</b></p> <ul style="list-style-type: none"> <li>-- Returned checks</li> <li>-- Refunds</li> <li>-- Debits</li> </ul> <p><b>LICENSING.....(512) 305-6809</b></p> <ul style="list-style-type: none"> <li>-- Renewals</li> <li>-- Endorsement/Reciprocity</li> <li>-- Continuing Education for RNs</li> </ul> <p><b>SALES OF LISTS.....(512) 305-6848</b></p> <ul style="list-style-type: none"> <li>-- Computerized RN mailing lists or labels</li> <li>-- Publications</li> </ul> <p><b>NEWSLETTER INFO.....(512) 305-6842</b></p> <p><b>WEB Address.....www.bne.state.tx.us</b></p> <ul style="list-style-type: none"> <li>-- Refer e-mail inquiries to: webmaster@bne.state.tx.us</li> </ul>	<p><b>ENFORCEMENT.....(512) 305-6838</b></p> <ul style="list-style-type: none"> <li>-- Complaint and disciplinary action inquiries</li> <li>-- Violations of NPA rules and regulations</li> <li>-- Monitoring of disciplined RNs</li> </ul> <p><b>PROFESSIONAL NURSING</b></p> <p><b>ADVANCED PRACTICE.....(512) 305-6843</b></p> <ul style="list-style-type: none"> <li>-- APN application and Prescriptive Authority procedures</li> <li>-- Application Requests.....(512) 305-6867 <i>(Voice Box Only)</i></li> <li>-- Initial Authorization to Practice</li> <li>-- Prescriptive Authority</li> </ul> <p><b>EDUCATION &amp; EXAM.....(512) 305-6818</b></p> <ul style="list-style-type: none"> <li>-- RN/APN nursing programs</li> <li>-- Distance Education Initiatives</li> <li>-- NCLEX-RN applications</li> <li>-- Graduate Nurse permits</li> <li>-- Declaratory orders</li> </ul> <p><b>NURSING PRACTICE.....(512) 305-6844</b></p> <ul style="list-style-type: none"> <li>-- Nursing practice issues</li> <li>-- Legislation</li> <li>-- Workshop Information</li> </ul>
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**Change of Address**

Are you moving? Have you already moved? Let us know within ten days of the move.

<p><b>Last Name:</b> _____</p> <p><b>First Name:</b> _____</p> <p><b>Middle Name:</b> _____</p> <p><b>SSN:</b> _____ / _____ / _____</p> <p><b>RN#</b> _____</p> <p><b>Today's Date:</b> _____</p>
--

**Old Address:**

Address \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

**New Address:**

Address \_\_\_\_\_

\_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_ Zip \_\_\_\_\_

Mailto: Board of Nurse Examiners  
 P.O. Box 430  
 Austin, TX 78767-0430

# BNE EVENTS

## Board Meeting Schedule - 2000

**October 12-13**

## Board Meeting Schedule - 2001

**January 18-19**

**April 16-17**

**July 19-20**

**October 11-12**

## Workshop Update

### *“Focus on Nursing Practice”*

Four workshops addressing nursing jurisprudence issues are scheduled for the remainder of 2000:

**Houston - October 18 & 19**

**Dallas - November 9\***

**Denton - November 10\***

#### *Registration Information*

Brochures and registration forms will be available and preregistration will be 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 six 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.Flores@bne.state.tx.us>

Mark your calendars! The tentative\*\* 2001 workshop schedule is as follows (all workshops are “Focus on Nursing Practice”/nursing jurisprudence programs unless otherwise indicated):

<u>City</u>	<u>Date</u>
El Paso .....	01/26/01
Brownsville .....	02/23/01
San Antonio .....	03/29/01
Dallas (Advanced Practice Nursing) .....	05/03/01
Lubbock.....	06/07/01
Austin .....	07/26/01
Houston .....	08/22 & 23/01
Dallas .....	10/25/01
Houston (Advanced Practice Nursing) .....	11/08/01

\* Preregistration deadline of November 3 strictly enforced due to space limitations.

\*\* Dates are subject to change.



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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