



# Texas Board of Nursing Bulletin

The mission of the Board of Nurse Examiners for the State of Texas is to protect and promote the welfare of the people of Texas by ensuring that each person holding a license as a nurse in the State of Texas is competent to practice safely. The Board fulfills its mission through the regulation of the practice of nursing and the approval of nursing education programs. This mission, derived from the Nursing Practice Act, supersedes the interest of any individual, the nursing profession, or any special interest group.



## Criminal History Record Checks Proceed for All Texas Nurses

During the 79th Regular Texas Legislative Session (2005), the approved legislative appropriations for the Board of Nurse Examiners added funding for conducting criminal background checks for criminal history audits of all licensed nurses over a 10 year period. House Bill 2208, passed during the 78th Regular Texas Legislative Session (2003), amended the Nursing Practice Act to include Sec. 301.3011, authorizing checks on all nurses. This means that every nurse will have a criminal history check at least once during the license renewal process between September 2005 and September 2015. The legislature has required that all individuals seeking to obtain or retain a Texas nursing license possess "good professional character"; therefore, the criminal conduct of nurses and those applying to be licensed must be reviewed.

Sec. 301.3011 of the Nurse Practice Act states:

- (a) The board may require that an applicant for renewal of an unexpired license submit to the board, in addition to satisfying any other requirements for license renewal, a complete and legible set of fingerprints, on a form prescribed by the board, for the purpose of obtaining criminal history record information from the Department of Public Safety and the Federal Bureau of Investigation.
- (b) The board may refuse to renew the license of a person who does not comply with the requirement of Subsection (a). Renewal of a license by the board is conditioned on the board obtaining the person's criminal history record information under this section.

Each month, a random selection of nurses who have recently renewed their license will be sent a notification of audit with a set of fingerprint cards. Each individual is responsible for returning the cards to the Board in a timely fashion as indicated in the notification instructions. Those reports indicating a criminal history will be referred to the Board's Enforcement Department for investigation.

### Did You Know...

*The two hours of bioterrorism continuing education required for all Texas RNs and LVNs must be completed between September 1, 2003 and August 31, 2007.*

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



Seated (L-R): Richard Gibbs, LVN; George Buchenau, Jr., BSN, RN, MBA; Phyllis Rawley, CPC; Linda Rounds, PhD, RN, FNP; Beverley Jean Nutall, LVN; Frank Sandoval, Jr., JD.

Standing (L-R): Rachel Gomez, LVN; Deborah Bell, CLU, ChFC; Brenda Jackson, PhD, RN; Joyce Adams, PhD, RN; Anita Palmer, BSE, ME, MA; Virginia Campbell, BSN, RN, CNOR; Blanca Rosa Garcia, PhD, RN.

*In this issue we will learn more about two BNE Board members who bring differing perspectives on the field of nursing in Texas: Frank Sandoval, Jr., from San Antonio, representing consumers, and George Buchenau, Jr., from Amarillo, representing nursing practice. See pg. 2.*

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## Board Member Update

### Richard Gibbs Elected Vice-President of BNE



Richard Gibbs, LVN

At the regular meeting of the Board of Nurse Examiners (BNE) held October 20-21, 2005, Richard Gibbs, LVN, was elected Vice-President of the BNE. Richard Gibbs was appointed to the Board on March 22, 2004 by Governor Perry to represent *LVN Practice* for the Board. Mr. Gibbs lives and works in Mesquite as a staff nurse at Mesquite Community Hospital. He serves as an advocate for TPAPN and serves on numerous committees at his hospital. Mr. Gibbs' term on the BNE expires January 31, 2007.

Governor Rick Perry announced the appointment of Frank Sandoval, Jr., JD, to the Texas Board of Nurse Examiners (BNE) on March 22, 2004, together with eleven other appointees from the Board of Nurse Examiners (BNE) and the Board of Vocational Nurse Examiners (BVNE), which ceased to exist on February 1, 2004 (See *Texas Board of Nursing Bulletin*, April 2004). The twelve appointees, along with the thirteenth appointee to be named later, became the new combined Board of Nurse Examiners. Creation of the combined Board came about pursuant to passage of House Bill 1483, enacted during the 78th Regular Texas Legislative Session (2003). Mr. Sandoval joined the BNE after serving on the BVNE. He was appointed to the BVNE on January 8, 1999, reappointed on March 6, 2002 and served on the Board until February 2004.

**Current Position:** Attorney, Nicholas and Barrera, P.C., Civil and Criminal Litigation, San Antonio.

**Past Positions:** Director, Any Baby Can of San Antonio, a non-profit organization helping families of children facing serious or terminal illness; Board of Vocational Nurse Examiners, 1999-2004.

**Education:** Bachelor of Arts, Pepperdine University, Malibu, California; JD, Northeastern University, Boston, Massachusetts.

**Professional Affiliations:** State Bar of Texas; Federal Bar Association, Western District of Texas; Texas Young Lawyer's Association; San Antonio Bar Association; San Antonio Young Lawyer's Association; Texas Criminal Defense Lawyer's Association.

**Family:** Wife, Cathleen April; one daughter, one son.



George Buchenau, Jr., BSN, RN, MBA  
Representing RN Practice

The appointment of George Buchenau, Jr., BSN, RN, MBA, to the Texas Board of Nurse Examiners (BNE) by Governor Rick Perry was announced on November 9, 2004. Mr. Buchenau was the last of thirteen members to be appointed to the new combined Board of Nurse Examiners. Mr. Buchenau represents Nursing Practice, replacing Thomas Barton, MSN, RN, who resigned from the BNE. Mr. Buchenau's term on the Board expires January 31, 2009.

**Current Position:** General Manager for *Interim Home Health*, Amarillo.

**Past Positions:** Texas Association of Home Care (TAHC), Board of Directors, 1992-1998; Vice President, TAHC, 1997-1999; Texas Panhandle Alzheimers Association, Board of Directors, 1991-1992; United Way of Amarillo, Campaign Cabinet, 2000 & 2001; Co-Chair, Medical Division, American Marketing Association, President 1992-1994; Governor's Appointment to the Texas Home and Community Support Services Advisory Council, 1998-2004, Chairman, 1998-2004.

**Education:** Bachelor of Science in Nursing, West Texas A&M; M.B.A. in Health Care Administration, Wayland Baptist University.

**Family:** Wife, Pati; one daughter, one son, four grandsons and two granddaughters.



The Board of Nurse Examiners  
for the State of Texas

#### BOARD MEMBERS

##### Officers

Linda Rounds, PhD, RN, FNP  
President, representing  
*Advanced Practice Nursing*,  
Galveston

Richard Gibbs, LVN  
Vice-President, representing *LVN Practice*,  
Mesquite

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Brenda Jackson, PhD, RN  
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Anita Palmer, BSE, ME, MA  
representing *Consumers*,  
Olney

Phyllis Rawley, CPC  
representing *Consumers*,  
El Paso

Frank Sandoval, Jr., JD  
representing *Consumers*,  
San Antonio

##### Executive Director

Katherine Thomas, MN, RN



## Summary of Actions

A Regular meeting of the Board of Nurse Examiners was held October 20-21, 2005 in Austin. The following is a summary of Board actions taken during this meeting.



The following proposed amendments were published in the November 11, 2005 issue of the *Texas Register* with the comment period ending December 12, 2005:

Proposed 22 TAC § 213.30 relating to Declaratory Order of Eligibility for Licensure addressed requirements for initial licensure and the eligibility process. Proposed rule language addressed agency decisions made to deny eligibility for licensure in Texas. Comments were received and the Board will consider staff response to the comments during the January 2006 Board Meeting.

Amendments were proposed to 22 TAC § 216.3(7) Continuing Education, § 217.9 Inactive Status, and § 223.1 Fees. HB 2680, enacted during the 79th Regular Texas Legislative Session, requires adoption of rules providing for reduced fees and continuing education requirements for retired health care practitioners whose only practice is voluntary charity care. No comments were received for §§ 217.9 and 223.1, and the rules were published as adopted in the December 30, 2005 *Texas Register*. Comments were received on § 216.3(7) and staff response to the comments will be considered during the January 2006 Board Meeting.

Amendments were proposed to 22 TAC § 216.3(6) Continuing Education relating to forensic evidence collection by nurses in emergency departments. New language was proposed in response to passage of SB 39, enacted during the 79th Regular Texas Legislative Session. Comments were received during the comment period and the Board will consider staff response to the comments during the January 2006 Board Meeting. See articles on page six for further information.

Amendments were proposed to 22 TAC § 217.18, concerning Registered Nurse First Assistants, in the November 11, 2005 issue

of the *Texas Register*. Comments were received and the Board will consider response to comments during the January 2006 Board Meeting.

The Board of Nurse Examiners proposed amendments to 22 TAC § 221.3, concerning Advanced Practice Nurses. The amendments to § 221.3 were adopted with changes to the proposed text as published in the November 11, 2005 issue of the *Texas Register* (30 TexReg 7354). Section 221.3 addresses the educational requirements for authorization to practice as an advanced practice nurse (APN) in the State of Texas. The amendments to Chapter 221 address many of the issues raised by past petitioners and are consistent with the decisions made by the Board relating to APN petitions. No comments were received to § 221.3 and the rules were adopted and published in the December 30, 2005 *Texas Register*.

Amendments were proposed to 22 TAC § 221.12, concerning APN Scope of Practice in the November 11, 2005 issue of the *Texas Register*. Comments were received and the Board will consider response to comments during the January Board Meeting.

The Board of Nurse Examiners adopted amendments to § 223.2, concerning Charges for Public Records. The amendments were adopted without changes as published in the November 11, 2005, issue of the *Texas Register* (30 TexReg 7356). The amendment to § 223.2 was adopted due to the change in law by Senate Bill 727, enacted during the 79th Regular Texas Legislative Session. The authority for setting the fees for public records was transferred from the Texas Building and Procurement Commission to the Office of the Attorney General.

### **BNE Education Actions - October 20-21, 2005**

#### **Accepted Report of Survey Visit:**

Brookhaven College, Associate Degree Nursing

#### **Approved Petition for a Non-Emergency Faculty Waiver:**

Kilgore College, Associate Degree Nursing

#### **Reviewed:**

New Dean, Director, Coordinator and Faculty Waivers Summary Report for 2004-2005;

Education Activities Summary for 2004-2005;

Report of BNE New Dean, Director, and Coordinator Orientation Workshops for 2004-2005

### **Texas Nurses Contribute to NCLEX Exam Development**

The Board of Nurse Examiners is pleased to recognize the following Texas nurses as participants in the NCLEX test development process: Mark Anderson of Belton, RN Item Review Panel, October, 2005; Cynthia Crawford of Benbrook, PN Item Writing Panel, November, 2005; Toni Galvan of Lubbock, RN Item Writing Panel, November, 2005; Sharon Hammond of Waco, PN Item Writing Panel, October, 2005; Rebecca Silva, PN Item Review Panel, October 2005; Kendra Sutton, Practice Analysis Panel of Experts, December, 2005; Vivene Walters, RN Item Review Panel, December 2005. These nurses assisted the National Council of State Boards of Nursing to insure the inclusion of NCLEX content which is current, accurate, practice related and appropriate for an entry level practitioner.

### **BNE Bulletin's Citation Violated Information Moved to Web**

Starting with this issue, Citation(s) Violated information, previously published in the Notice of Disciplinary Action and Voluntary Surrender sections of the *Bulletin* from October 2004 through October 2005 will no longer be provided in the printed versions of the BNE newsletter. The Citations Violated information will appear instead in the online version of the *Bulletin* only. Moving the Citation(s) Violated information to the BNE web site, [www.bne.state.tx.us](http://www.bne.state.tx.us), will allow the Board to increase coverage of information relating to nursing practice in Texas.

## NCSBN CONVENES PANELS OF EXPERTS TO STUDY CONTINUED COMPETENCE IN NURSING

The National Council of State Boards of Nursing (NCSBN) recently initiated practice analysis studies: one for post entry-level registered nurses (RNs) and one for post entry-level licensed practical and vocational nurses (LPN/VNs). Designed to describe post entry-level nursing practice and delineate the interface between entry-level practice and continued competence in practice, NCSBN convened panels of experts, two for RNs and another for LPN/VNs, to develop nursing activity statements that will be used in the practice analysis questionnaires.

Throughout its 27-year history NCSBN has advanced the position that nurses must remain competent throughout their professional careers. To assist boards of nursing in addressing continued competence, NCSBN is spearheading an initiative to develop an assessment instrument to measure continued competence of RNs and LPN/VNs. This past summer NCSBN convened the panels of RN and LPN/VN subject matter experts who were drawn from a wide spectrum of nursing organizations representing major practice and specialty settings, education programs as well as geographic locations and major employing facilities. The panel members used their expertise to create a list of nursing activity statements that could be used to describe post entry-level practice.

Commenting on the importance of the task assigned to them, Panelist Candace Melancon, a LPN from Louisiana, remarked that “developing structured, consistent competencies (nursing activity statements) is crucial for the successful future of nurses.”

Each of the panels worked to refine a list of nursing activities until they had developed a comprehensive list of nursing competencies that reflected post-entry level practice throughout the country. Shirley Fields-McCoy, MSN, RN, noted that “continued competency must be addressed to ensure that each nurse maintains and augments the necessary knowledge and skills to be current in practice. Representing my colleagues in the American Nurses Association has been an honor. Continued competence is a professional responsibility for all nurses who maintain their licensure.”

The nursing professionals who will respond to the surveys will be asked to determine the importance of each of the activities listed in the post entry-level nursing activity statements. Data collection for the LPN/VN survey began in October 2005 with the collection process for RNs anticipated to begin in January 2006. All nurses receiving the survey are strongly encouraged to complete and return it as their participation in this study offers a unique opportunity to contribute to the nursing profession.

For more information about NCSBN’s work on continued competence for nurses, access the NCSBN Web site at [www.ncsbn.org](http://www.ncsbn.org).

*The National Council of State Boards of Nursing, Inc., (NCSBN) is a not-for-profit organization whose membership comprises the boards of nursing in the 50 states, the District of Columbia, and five United States territories - American Samoa, Guam, Northern Mariana Islands, Puerto Rico and the Virgin Islands.*

### NURSES HAVE THE OPPORTUNITY TO HELP DEVELOP THE NCLEX® EXAMINATION

The National Council of State Boards of Nursing (NCSBN) is responsible for developing the NCLEX-RN® and NCLEX-PN® licensing examinations by utilizing contributions from nurse clinicians and educators. NCSBN encourages all nurses to become involved in the development of the exams by participating in the item (question) development program. Qualifications for participation are listed below.

Serving on an NCLEX® item writing or review panel is an excellent opportunity to network with nurses from across the country, contribute to continuing excellence in nursing practice, and build new skills that are useful for professional growth.

Item development sessions are held throughout the year and include the item writing and item review panels. Item writing panelists are responsible for creating new test items that may later appear on one of the exams. Item review panelists examine both newly created and older items to help decide if the items are current and relevant to entry-level nursing practice.

All item development panels are held in Chicago, Illinois, and generally last 3-4 consecutive days. Panelists stay downtown in a deluxe hotel surrounded by the shopping and theater districts. Most travel and food expenses are covered and new panelists receive more than 30 CEUs for their participation.

For more information about the NCLEX-RN® item development program or to receive an application for the item development panels please call the NCSBN item development hotline at 312-525-3775 or visit our 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.

#### *Did You Know...*

House Bill (HB) 984, enacted during the 79<sup>th</sup> Regular Texas Legislative Session, amended the Health & Safety Code adding Chapter 168, mandating that public schools provide and train unlicensed diabetes care assistants (UDCAs). To assist school nurses in determining their role in the implementation of this bill, HB 984 “*Frequently Asked Questions*” and “*Quick Cards Review*” are now located on the BNE website, [www.bne.state.tx.us](http://www.bne.state.tx.us), under “*Nursing Practice Information*,” and “*Practice Setting/Specialty Area Specific*.”

## Safety in Practice: Focus on Insulin

Insulin leads the list for both the most common medication reported in errors, as well as the medication most often linked to errors that resulted in patient harm. It is no surprise that Insulin is included on the list of "High Alert Medications"<sup>1</sup> as well as on the list of "Error-Prone Abbreviations"<sup>2</sup> by the Institute of Safe Medication Practices (ISMP). Maintaining client safety, knowing the rationale for and correctly administering medications, maintaining current knowledge relevant to a nurse's individual practice setting, and clarifying orders the nurse believes are inaccurate are a few of the basic standards of nursing practice applicable to all nurses in relation to Insulin [Rule 217.11(1)(B), (C), (N), and (R)].

Because the nurse in any setting typically interfaces with multiple aspects related to medication ordering and administration, the nurse may be in a unique position to not only prevent errors, but to recognize problems within the medication order-to-patient-administration cycle that may involve other departments and healthcare professionals. Thus, knowing where to look for best-practice recommendations can be another crucial role for the nurse in any practice setting. Much of the evidence-based practice to date has been generated from the acute-care (hospital) arena; however, the lessons learned may be applicable regardless of practice setting.

As one example of evidence-based research available, the United States Pharmacopoeia recently released their 5<sup>th</sup> Anniversary Data Report tracking medication error findings and trends collected through MEDMARX (an internet-accessible, medication error reporting program). Published findings include a report called "Safe Use of Insulin in Hospitals" released by the American Society of Health-System Pharmacists and the Hospital and Health-System Association of Pennsylvania ([http://www.ashp.org/emplibrary/Safe\\_Use\\_of\\_Insulin.pdf](http://www.ashp.org/emplibrary/Safe_Use_of_Insulin.pdf)).

Additional internet resources on best practices for insulin and other safety initiatives include:

- Agency for Healthcare Research & Quality/Patient Safety Network: <http://www.psnet.ahrq.gov/>
- Joint Commission on Accreditation of Healthcare Organizations: [www.jcaho.org](http://www.jcaho.org)
- National Diabetic Education Program: <http://www.ndep.nig.gov/index.htm>
- American Diabetes Association: <http://www.diabetes.org/home.jsp>
- Institute of Medicine: <http://www.iom.edu>
- American Association of Diabetes Educators: <http://www.aadnet.org/>

This article is not intended to be an exhaustive list of all possible information resources related to Insulin errors. Nursing journals/periodicals, nursing instructors/clinical educators, and nursing specialty organizations may provide further resources to assist nurses seeking to expand or maintain current knowledge on a given topic.

<sup>1</sup> List of High Alert Medications: <http://www.ismp.org/Tools/highalertmedications.pdf>

<sup>2</sup> Error-prone (do-not-use) Abbreviations: <http://www.ismp.org/Tools/abbreviationslist.pdf>

## Board Agenda Items Now Available Through BNE Web Site

The Board of Nurse Examiners (BNE) has added a new feature to the BNE web site. The Agenda for Board meetings, located in the *Events* Section of the web site (<http://www.bne.state.tx.us/events.htm>) is now linked to the reports, rule proposals and other documents to be considered at the meetings. The linked items can be viewed using Adobe Acrobat Reader, which can be downloaded for free through a link provided in the BNE *Forms* Section or directly from Adobe at: <http://www.adobe.com/products/acrobat/readstep2.html>. Acrobat Reader must be installed on your computer before attempting to open the linked reports. The agenda items, which link to Adobe Acrobat documents, are identified by color coding, with blue text signifying a link to an Acrobat file. Linked reports are opened by placing the mouse pointer over the agenda item appearing in blue and left-clicking the item to be viewed (or right-clicking if using a right-handed mouse). This new feature has been added for the January 2006 Board Meeting and will be available on future board meeting agendas.

### Board Meeting Dates: 2006

**January 19-20**  
**April 20-21**  
**July 20-21**  
**October 19-20**

All meetings to be held in Austin

### Nursing Practice Advisory Committee Examines Minor Incidents

In October 2005, the Board charged the Nursing Practice Advisory Committee (NPAC) to review and recommend revisions to 22 TAC § 217.16 concerning Minor Incidents. The purpose of this rule review was to clarify what constitutes a minor incident and when a minor incident need not be reported to the Board.

NPAC members met on November 18, 2005, to discuss possible revisions to the current rule. Proposed rule language will be submitted to the Board when it meets in January. If approved by the Board, the proposed rule changes will be published in the *Texas Register* within a few weeks following the Board meeting for a 30-day public comment period. The *Texas Register* may be accessed at <http://www.sos.state.tx.us/texreg/index.shtml>.

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## Board Considers Rule Changes Relating to Voluntary Charity Care and Forensic Evidence Collection

### *Volunteer Retired Nurse Authorization Rules Enacted*

House Bill 2680 (HB2680) (2005) amended Texas Occupations Code §112.051 establishing a requirement for regulatory agencies that license healthcare practitioners (including the BNE) to “adopt rules providing for reduced fees and continuing education requirements for retired health care practitioners whose only practice is voluntary charity care.” As a result of this new statute, the Board proposed rule amendments to the following rules in the November 11, 2005, issue of the *Texas Register*:

**§ 216.3(7) Continuing Education Requirements for Retired Nurses Providing Only Voluntary Charity Care**

**§ 217.9 Inactive Status. New subsection (d) Volunteer Retired Nurse Authorization**

**§ 223.1 Fees. Amendments to subsection (17) Licensed Vocational Nurse, Retired; Registered Nurse, Retired; Volunteer Retired Vocational Nurse (VR-VN); Volunteer Retired Registered Nurse (VR-RN); Volunteer Retired Registered Nurse with qualifications in a given advanced practice nurse role and specialty (e.g., VR-RN, FNP)**

No comments were received to §§ 217.9 and 223.1. These rule amendments became effective January 2, 2006.

A nurse who meets the requirements under the Nursing Practice Act (NPA) (§301.261) of being at least 65 years old and wishes to place his/her nursing license on “inactive status” may request this new *authorization* to function as a “volunteer retired nurse”

for the purposes of providing voluntary charity nursing care in collaboration with a charitable organization. A “charitable organization” is defined in Section 84.003 of the Texas Civil Practice and Remedies Code *and* in 22TAC 217.9(d)(5).

Key points of the new rule amendments pertaining to volunteer retired nurse authorization include:

1. *The LVN, RN, or RN with Advance Practice Nurse (APN) authorization in an advanced practice role and specialty holds an “authorization” to function as a volunteer retired nurse only—an authorization is not a nursing “license.”*
2. *The nurse must provide only voluntary charity care as defined in the rule.*
3. *LVNs and RNs need only obtain 10 hours of Continuing Education (versus 20) every biennium; RNs who are advanced practice nurses need to obtain 20 hours of continuing education (targeted to their advanced practice role and specialty)(this is the same as for licensed RNs w/active APN status). The volunteer retired APN, however, does not need to have 400 hours of advanced practice each biennium nor is it necessary for the APN to retain national certification in his/her educated APN role and specialty.*
4. *The volunteer retired nurse authorization must be renewed every two years. Renewal dates are based on the nurse’s birth month and year, the same as licensure renewal dates. The fee for renewal is ten (\$10) dollars.*

### *Proposed Forensic Evidence Collection Rule Receives Comments*

The proposed amendment to Rule 216.3(6) relating to continuing education requirements for nurses whose practice settings include the emergency department (ED) was published in the *Texas Register* on November 11, 2005 for a 30-day comment period.

This rule amendment was proposed to establish requirements for compliance with Senate Bill 39 (SB39)(2005) that added Nursing Practice Act (NPA) Section 301.306, *Forensic Evidence Collection in Continuing Education*.

A comment was received to § 216.3 (6), so this amendment will be considered at the January Board Meeting. The earliest date for auditing a nurse’s license for compliance with this CE requirement will be September 2008. Responses to comments received along with adopted rule language may be viewed in its entirety in the *Texas Register* at <http://www.sos.state.tx.us/texreg/index.shtml> after the Janu-

ary Board Meeting. Current and proposed Board rules are also accessible on the BNE web page.

Though the original bill introduced to the Texas Legislature focused on the forensic area of sexual assaults, the final bill language and subsequent statute address “forensic evidence collection” broadly. Nurses whose practice settings include the ED are encouraged to seek forensic CE offerings that are most relative to the types of patients seen in the nurse’s clinical practice.

Additional information on SB39 is located in the *Texas Nursing Bulletin* (October 2005; page 3). Archived issues are accessible on the BNE web page. “Frequently Asked Questions” (FAQs) on this new CE requirement will be listed on the Board’s web page under “Nursing Practice Information” and then under “Continuing Education” once the Board has adopted this rule amendment.

## Fitness to Practice: Impact of Mental Health Conditions and Criminal Background on Nurse Licensure

A nurse's ethical conduct as well as mental and physical fitness to practice continue to draw the attention and concern of our state legislators. The 79<sup>th</sup> Texas Legislature (2005) passed a number of bills strengthening current and/or adding new laws relating to fitness to practice requirements, including broader criminal background checks on nurses and nursing candidates for licensure. The October 2005 *Texas Nursing Bulletin* as well as the article on page one of this edition lists some of the new laws\* impacting the ability to obtain or retain a nursing license based on a person's criminal background. Though not a focus of the most recent legislative session, statutes involving licensure of persons with certain mental health issues and/or chemical dependency have been part of the Nursing Practice Act (NPA) and Board of Nurse Examiners' (BNE) rules for a number of years.

A person's past and ongoing history regarding certain mental and physical health conditions, chemical dependency, and/or criminal background are all relevant to the practice of nursing because a nurse must be able to demonstrate both "good professional character" as well as "current sobriety and fitness to practice." Why are good professional character and mental/physical fitness to practice so important for a nurse? The practice of nursing involves clients, their families, significant others and the public in diverse settings. Registered and vocational nurses may practice in autonomous roles with individuals who are physically, emotionally, and financially vulnerable. The nurse has access to personal information about all aspects of a person's life, resources, and relationships. The nurse's ability to discern changes in client status and take appropriate and timely action may alter client outcomes between life or death. In light of these factors, a person who lacks the qualities necessary to consistently act in the best interest of clients, and/or whose judgment may be impaired because of mental or physical illness or intemperate use of alcohol or other substances, may not be capable of being a safe practitioner.

As the Board's mission is to protect the health and welfare of the public through the regulation of nursing in Texas, the Board has a duty to obtain and review information relevant to good professional character and fitness to practice for each licensed nurse or candidate. This process begins with eligibility questions that help identify whether or not a person possesses the characteristics necessary to meet these requirements. The same eligibility questions are found on all BNE applications for persons seeking to obtain/retain licensure by examination, endorsement, or renewal as either a LVN or RN (including RNs with APN authorization) in the State of Texas. To view the eligibility questions in their entirety, go to the "Forms" section of the BNE web page and click on the licensure application you would like to view or print.

As noted at the beginning of this article, the Texas Legislature is responsible for revising statutes that make up the NPA on a biennial basis. Both the NPA (Chapters 301, 303, and 304 of the Texas Occupations Code [TOC]) and various other Texas statutes give the Board its authority to require disclosure of certain health conditions and criminal background checks for persons seeking to obtain or retain a nursing license. For example, Section 411.125 of the Texas Government Code (Department of Public Safety) provides the Board of Nurse Examiners with authority to access criminal history record information. The Board also has the authority to deny licensure to candidates or nurses who refuse to fully disclose conditions that might impact the Board's decision to license any person as a nurse.

TOC Chapter 301 (NPA) contains most of the relevant statutes relating to eligibility and disciplinary matters. Some NPA sections of interest in relation to mental health, chemical dependency and/or criminal background checks include:

- **§301.1615** *Obtaining Criminal History Record Information; Hearing\**
- **§301.252** *License Application*
- **§301.257** *Declaratory Order*
- **§301.3011** *Criminal History Record Information Requirement for Renewal [see article on front page]\**
- **§301.452** *Grounds for Disciplinary Action*
- **§301.4535** *Required Suspension, Revocation or Refusal of License for Certain Offenses\**

The Board is required to develop or amend rules to implement requirements established by the Legislature in the NPA. The main rules that set forth the Board's requirements for ethical conduct as well as mental and physical fitness to practice nursing include:

- **§213.27** *Good Professional Character*
- **§213.28** *Licensure of Persons with Criminal Convictions*
- **§213.29** *Criteria and Procedure Regarding Intemperate Use and Lack of Fitness in Eligibility and Disciplinary Matters*
- **§213.30** *Declaratory Order of Eligibility for Licensure*
- **§213.31** *Cross-reference of Rights and Options Available to Licensees and Petitioners*

Additional rules applicable to licensed nurses only include 22 Texas Administrative Code (TAC) §217.11, Standards of Nursing Practice, and §217.12, Unprofessional Conduct.

**Mental Health Conditions/Chemical Dependency:** With regard to mental health conditions, a person seeking a nursing license must disclose if s/he has been diagnosed with, treated, or hospitalized within the previous five years for schizophrenia and/or psychotic bipolar disorder, paranoid personality disorder, antisocial personality disorder, or borderline personality disorder. In addition, if a person seeking licensure has been addicted to and/or treated for the use of alcohol or any other drugs within the previous five years, this must also be disclosed to the Board. A nurse holding a valid current Texas nursing license must verify that they have not been diagnosed with and/or been treated for these disorders in the past two years "since the last renewal period." A licensed nurse who has completed or is in compliance with requirements of the Texas Peer Assistance Program for Nurses (TPAPN) at the time of licensure renewal may answer "no" to this eligibility question.

Given the Board's mandatory reporting requirements [§217.11(1)(K)], staff is often asked if this applies when a nurse who is "under the influence" is admitted to a hospital or treatment facility as a patient. If the nurse is a patient, confidentiality of treatment laws apply, and the nurse is not Board reportable. (See "Drug Use by Nurses" under the "Nursing Practice Information" section of the BNE web page for

## Guidelines Adopted to Assist Advanced Practice Nurses with Scope of Practice Issues

The scope of practice issues encountered by advanced practice nurses are frequently complex. Board staff receives a large number of inquiries regarding scope of practice for advanced practice nurses from a variety of entities, including but not limited to employers, other health care providers, third party payers, and the public. Additionally, staff fields a number of questions from advanced practice nurses who desire to expand their scopes of practice into other areas. An example of this type of situation is the advanced practice nurse prepared in a primary care specialty who wishes to provide services in an acute care setting.

Rule 221.12 of the Board of Nurse Examiners' *Rules and Regulations Relating to Nurse Education, Licensure and Practice*, addresses the advanced practice nurse's scope of practice. The rule indicates that the Board recognizes the statements relating to professional scope of practice and standard of care for a particular role and specialty that are developed by professional specialty organizations at the national level. Advanced practice nurses may provide those services and perform only those functions that are within that scope of practice and that are consistent with the Nursing Practice Act, Board rules, and other laws and regulations of the State of Texas. Board staff continually refers individuals to these statements for information regarding the scope of practice of a particular category of advanced practice nurses. Despite the statement in the rule and staff's referrals to professional organizations, board staff receives numerous requests for scope of practice statements from the Board.

The Board charged the Advanced Practice Nursing Advisory Committee (APNAC) with researching scope of practice for advanced practice nurses and reporting back to the Board. At its October 2005 meeting, the Board reviewed the work of the APNAC and adopted guidelines that address both the advanced practice nurse's scope of practice as defined by the profession as well as his/her individual scope of practice. The Board recognizes that although

advanced practice nurses are educated in the full scope of a particular advanced practice role and specialty, they may elect not to practice the full scope of that role and specialty. For example, a family nurse practitioner (FNP) is educated to provide advanced practice nursing care to patients across the lifespan; however, an individual FNP may choose to limit the services he provides to adult patients only. Although he is educated in the full scope of his role and specialty, he has chosen not to practice the full scope of the FNP. The guidelines address how situations such as this are factors in determining an individual advanced practice nurse's scope of practice.

The Board also recognizes that nursing practice at any level of licensure is dynamic in nature and changes. New medications, new technology, and new procedures continuously impact the standard of care. Like all nurses, advanced practice nurses must have mechanisms to incorporate new procedures and patient care activities into their scopes of practice; therefore, the statement also addresses **limited** expansion of scope of practice to include such activities. It is important to note, however, that there are finite limits to expansion of scope of practice without completing additional formal education. Advanced practice nurses cannot change their legally recognized titles or designations through experience or continuing education; these changes may only be achieved through additional formal educational preparation and meeting all legal requirements to use that title and practice in that specialty set forth by the BNE.

In addition to the guidelines, the APNAC also developed a set of frequently asked questions (FAQs). The FAQs are intended to provide examples to help the reader apply the concepts discussed in the guidelines. The FAQs are based on scope of practice inquiries received by board staff. Both the guidelines and FAQs are available on the advanced practice information page of the BNE web site [www.bne.state.tx.us/gen-apn.htm](http://www.bne.state.tx.us/gen-apn.htm).

### Fitness to Practice - continued from previous page

more detailed information.)

**Criminal Background:** As with mental health and chemical dependency issues, the Board considers criminal actions, whether violent or non-violent, directed against persons, property or public order and decency as highly relevant to an individual's fitness to practice nursing. The types of crimes and criminal dispositions are explained in both Board Rules and application instructions. Some of the most frequent issues that arise in relation to criminal background checks are as follows:

- *DUIs, DWIs, and PIs must be reported and are not considered "minor traffic violations";*
- *Criminal actions are not limited to "convictions." Deferred adjudications with or without prejudice of guilt and expunged cases, for example, must also be revealed. Though the court's final action may not viewed by the court as a "conviction," the Board's concern in such cases is the underlying conduct to an unadjudicated or probated sentence. Review of Rules §213.27 and §213.28 relate to Board actions concerning persons with positive criminal backgrounds. TOC Chapter 53, "Consequences of Criminal Conviction," also relates to licensure of nurses and/or candidates for nurse licensure. (A link to this statute is located on the BNE web page with the NPA and Rules.)*
- *A person's criminal background can be a bar to licensure; however, each case must be investigated and an eligibility determination made on a case-by-case basis, utilizing the requirements set forth in the NPA and Rules. It is unlikely a candidate will be deemed eligible for a license if they are currently on probation or community supervision for a felony crime.*

The NPA and Board rules require that all criminal conduct beyond a minor traffic violation be disclosed to the Board. For more information on licensure eligibility issues, refer to the Board's Disciplinary Sanction Policies (4 total) on *Fraud, Theft and Deception, Lying & Falsification, Sexual Misconduct, and Chemical Dependency*. Questions on any of the above processes may be sent via e-mail to [webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us) or via phone to Customer Service 512-305-6809. All statutes (NPA), Board rules, and policies cited in this article can be located at the BNE's web page.

\* Statutes enacted during 2003 and 2005 Texas Legislative Sessions.



## IMPOSTER WARNING

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

### TAWHNEE MONDY

**a.k.a. Tawhnee Lee Pruzzo Mondy**

**a.k.a. Tawhnee Lee Pruzzo**

Tawhnee Lee Mondy secured employment as a licensed vocational nurse (LVN) with a physician's group in Dallas, Texas, on April 5, 2005. Ms. Mondy accepted the position of LVN and wore a badge which identified her as a LVN. The employer requested a copy of Ms. Mondy's license and Ms. Mondy made several excuses why it was not available. The employer attempted to verify the license on the Board's web site and found no record of Ms. Mondy having a license to practice vocational nursing in the State of Texas. Ms. Mondy was told that she could not return to work until she brought a copy of her license for verification. Ms. Mondy was terminated from employment on June 15, 2005, and reported to the Board. The case was referred to the Dallas County District Attorney's Office, Dallas, Texas.



### CHRISTINA ARMSTRONG

**a.k.a. Tina Armstrong**

Christina Armstrong secured employment as a registered nurse with a third-party pharmaceutical company in Dallas, Texas, on December 29, 2004. Ms. Armstrong identified herself as Christina "Tina" Armstrong and transferred to a telephone position with the company on March 30, 2005. On April 15, 2005, the supervisor gave Ms. Armstrong a written warning for deficient documentation and at the same time the facility received the Board's Newsletter in which Ms. Armstrong was listed in the Imposter Warning. The employer attempted to verify the license number, which Ms. Armstrong provided on the Board's web site and it came back with another individual's name. Ms. Armstrong was immediately suspended while the investigation was under way. Ms. Armstrong denied any violation and stated that there was some misunderstanding. She told them that she had sent an overnight delivery to the Board for a name change and the Board was sending her a clear license within thirty (30) days. The employer terminated Ms. Armstrong's employment. The facility verified that Ms. Armstrong did not have any hands-on interaction with patients, other than telephone contact, and there was no injury to any patient. The Dallas County District Attorney's office is already working on a case involving previous practice as a RN by Ms. Armstrong, including a felony offense for tampering with a RN License. The Board has referred this case to the Dallas County District Attorney's Office, Dallas, Texas.



### LUCINDA LEE LIDDY

**a.k.a. Cindy Liddy**

Lucinda Lee Liddy secured employment as a Registered Nurse/Risk Management Specialist with an insurance services company in Austin, Texas on October 15, 2003. Ms. Liddy used business cards that identified her as a RN/Risk Management Specialist and sent out letters with RN after her name. Ms. Liddy represented herself to her employer and clients as a RN. During preparation for an audit, the employer was unable to verify Ms. Liddy's RN license on the Board's web site. The employer confronted Ms. Liddy and requested that she present a copy of her Texas RN license. Ms. Liddy admitted that she was not licensed in Texas and stated that she was previously licensed in Oklahoma. Verification attempts with the Oklahoma Board of Nursing revealed that Ms. Liddy had never held a license in Oklahoma. When confronted with the information, Ms. Liddy resigned her position on August 24, 2004. When asked why she did it, Ms. Liddy replied: "I really wanted the job. I lied and I got caught." The Board referred this case to the Travis County District Attorney's Office, Austin, Texas.



**IMPOSTER WARNING**

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**NANCY TERINA HILL****a.k.a. Nancy Terina Gutierrez**

Nancy Terina Hill secured employment as the Director of Nursing with a long term care facility in Mesquite, Texas, on May 25, 2004. Ms. Hill presented a registered nurse license at the time of hire; however, the copy disappeared from her personnel file. The employer found out that law enforcement was looking for Ms. Hill for the offense of "Theft of Funds" involving social security checks. The employer helped set up Ms. Hill's arrest at the facility in September 2004. The employer verified that Ms. Hill was convicted and sentenced to six (6) years in the Federal Prison in Carswell. In June, 2005, the Board also received information from a licensee stating that she believed someone in the Dallas area was using her license number and social security number. The licensee was getting collection requests for bills she had not incurred. The licensee reported that she has never worked in the Dallas area and for the past two years she has lived and worked in Austin, Texas. Ms. Hill used the licensee's information to purchase a vehicle and the licensee found out that this imposter had worked for one year at a nursing home using her information and license number. The licensee also received information that the Imposter had been arrested on theft charges. The licensee contacted the police and reported the identity theft. The Board has referred this case to the Dallas County District Attorney's Office, Dallas Texas.

**NOTICE OF DISCIPLINARY ACTION**

*The following nurses had disciplinary action taken against their licenses. If you would like to receive additional information regarding the disciplinary action that has been imposed, please send your written request to the Board of Nurse Examiners, Enforcement Division, 333 Guadalupe, Suite 3-460, Austin, Texas, 78701-3944. Citations Violated information may be viewed on line under "Publications" at [www.bne.state.tx](http://www.bne.state.tx).*

<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Adams, Carlyn Carrie	LVN# 71131	TOC 302.402(a)(8)	License Revoked	November 8, 2005
Agho, Sheri Adeola	LVN# 185935	Art. 4528c, Sec. 10(a)(3)&(9)	License Revoked	December 13, 2005
Agosti, John A.	RN# 604011	TOC 302.402(a)(2)(3)&(10) 22 TAC §239.11(8)&(29) Art. 4525(b)(9)	Warning with Stipulations	November 8, 2005
Anderson, Melissa Elise	RN# 687212	TOC 301.452(b)(2)&(10) 22 TAC §217.13(1) 22 TAC §217.12(22)&(23)	Remedial Education & Fine	November 18, 2005
Arnold, Timothy Frank	RN# 660099	TOC 301.452(b)(1)&(13) 22 TAC §217.11(1)	Warning with Stipulations	November 8, 2005
Ashmore, Garnetta	RN# 588452	TOC 301.452(b)(10) 22 TAC §217.12(1)(4)&(11)	Warning with Stipulations	October 20, 2005
Bailey, Mildred Yvonne	LVN# 104659 LVN# 76073	22 TAC §224.10(a) TOC 301.452(b)(10) 22 TAC §217.12(2)(3)&(4) TOC 301.452(b)(13) 22 TAC §217.11(1)(D)	Remedial Education	November 18, 2005
Bailey, Ross Dwaine	RN# 550980	TOC 301.452(b)(8)	License Revoked	November 8, 2005
Barnes, Melissa A.	RN# 651953	TOC 301.452(b)(10) 22 TAC §217.12(1)(13)&(21)	License Revoked	November 8, 2005
Baruday, Suzanne M.	LVN# 62123	TOC 301.251 TOC 301.452(b)(5)&(10) TOC 302.402(a)(4)&(10) 22 TAC §239.11(8)&(9) 22 TAC §217.12(1)	License Revoked	December 13, 2005
Bautista, Eduardo Valerio	RN# 621716	TOC 301.452(b)(10)&(12) 22 TAC §217.12(1)(4)(12)&(16)	Suspend/Probate	November 8, 2005
Baxley, Yolanda A.	RN# 255158	TOC 301.452(b)(13) 22 TAC §217.11(1)(C)&(1)(F)	Remedial Education	October 18, 2005
Beadles, Sharon R.	LVN# 98193	TOC 301.452(b)(10) 22 TAC §239.11(4)&(27)(A)	Warning with Stipulations	November 8, 2005
Bell, Aaron Michael	RN# 689249	TOC 301.452(b)(2)&(10) 22 TAC §217.12(1)(22)&(23)	Remedial Education & Fine	October 31, 2005
Benninger, Kimberly Ann	RN# 566147	TOC 301.452(b)(8)	License Revoked	December 13, 2005
Bonds, Earl Winston	RN# 561866	TOC 301.452(b)(8)	Suspend/Probate	October 20, 2005
Borel, Avalon Danell	LVN# 165730	TOC 302.402(a)(7)	License Revoked	November 8, 2005
Brady, Ann Taliaferro	LVN# 153970	Art. 4528c, Sec.10(a)(9)	Reprimand w/ Stipulations	November 8, 2005
Brehm, Wendy Dawn	LVN# 179231	TOC 302.402(a)(10)	Suspend/Probate	November 8, 2005

**DISCIPLINARY ACTION**

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<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Britt, Judy Ann	RN# 571185	TOC 301.452(b)(10) 22 TAC §217.12(4)	Reprimand w/Stipulations	October 20, 2005
Brown, Maria Christine	RN# 243679	TOC 301.452(b)(10) 22 TAC §217.12(3)&(4)	Warning with Stipulations	November 8, 2005
Bryant, Mary Ona	LVN# 99536	TOC 302.402(a)(10)	Remedial Education	November 21, 2005
Buchanan, Lori	MSR - AK RN# 651694	22 TAC §239.11(3)(27)(A)&(27)(F) TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	December 13, 2005
Burge, Debra R. Cabrera, Robert A.	RN# 521613 RN# 603129	TOC 301.452(b)(8) TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked Suspend/Probate	November 8, 2005 November 8, 2005
Canseco, Maria Del Rocio	RN# 608057	TOC 301.452(b)(10) 22 TAC §217.12(22)	Warning with Stipulations	October 20, 2005
Carman, Mary E. Cable, Karen Duncan	RN# 637843 LVN# 65967	TOC 301.452(b)(8) Art. 4525c, Sec. 10(8)&(9) 22 TAC §217.13(1)	Suspend/Probate License Revoked	October 20, 2005 November 8, 2005
Chapman, Phil Allen	LVN# 44910	TOC 301.452(b)(10) TOC 302.402(a)(10)	Warning with Stipulations	December 13, 2005
Cherry, Judith Ann	RN# 222520	22 TAC §239.11(2)& (7) TOC 301.452(b)(1)&(13) 22 TAC §217.11(1)(A)	Remedial Education & Fine	December 2, 2005
Chevalier, Jennifer Beth	RN# 674881	TOC 301.452(b)(10) 22 TAC §217.12(3)(9)&(16)	Warning with Stipulations	October 20, 2005
Childress, Karen Moore	RN# 643280	TOC 301.452(b)(3)(9)(10)&(12) 22 TAC §217.12(1)(3)(4)(12)&(13)	License Revoked	November 8, 2005
Contreras, Sylvia	RN# 683655	TOC 301.452(b)(10) 22 TAC §217.12(13)	Remedial Education	November 18, 2005
Cooper, Michael D.	LVN# 69213	TOC 301.452(b)(1)&(13) 22 TAC §217.11(1)	Remedial Education & Fine	November 16, 2005
Cosper, Linda Kay	LVN# 45377	TOC 301.452(b)(10) 22 TAC §239.11(4)	Warning with Stipulations	December 13, 2005
Crowell, Ronald Clay	RN# 518779	TOC 301.452(b)(10) 22 TAC §217.12(2)&(4)	Warning with Stipulations	November 8, 2005
Davidson, William Douglas	LVN# 134521	Art. 4528c, Sec. 10(a)(2)&(9) TOC 301.452(b)(4)(10)&(12) TOC 302.402(a)(2)&(10) 22 TAC §239.11(1)(3)(4)(8)(10)(27) (B)(G)(28)&(29)(A)(iv)	License Revoked	December 13, 2005
Davis, Frankie Mae	RN# 567040	TOC 301.452(b)(10)(12)&(13) 22 TAC §217.11(3)&(21) 22 TAC §217.12(3)(4)(12)(20)&(21)	Enforced Suspension	November 8, 2005
Dazey, Carrie Lynn	LVN# 121484	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §239.11(28) 22 TAC §217.12(13)	License Revoked	December 13, 2005
Dent, Amy McGehee	RN# 608632	TOC 301.452(b)(9)(10)&(12) 22 TAC §217.12(1)(12)(18)&(19)	License Revoked	November 8, 2005
Diesi, Kelli Gaye	LVN# 144428	TOC 301.452(b)(1)&(13) 22 TAC §217.11(1)	Remedial Education & Fine	December 16, 2005
Draper, Verna Lois	LVN# 97576	TOC 301.452(b)(12) 22 TAC §217.12(5)	License Revoked	December 13, 2005
Dudek, Kelly Ann	RN# 693475	TOC 301.452(b)(10) 22 TAC §217.12(3)&(4)	Warning with Stipulations	December 13, 2005
Dunson, Kayzochary	LVN# 121262	TOC 302.402(a)(10) 22 TAC §239.11(3)	Remedial Education	December 13, 2005
Dunsmore, Karen K.	RN# 253827	TOC 301.452(b)(10)&(12) 22 TAC §217.12(1)(E)(4)&(5)	Limited License	December 13, 2005
Durham, Jodi Shawn	LVN# 158869	TOC 301.452(b)(2) TOC 302.402(a)(10) 22 TAC §239.11(1)&(28)	Suspend/Probate	November 8, 2005
Erskine, Cathy Diane	RN# 554326	TOC 301.452(b)(13)	Reprimand w/ Stipulations	November 8, 2005
Essen Cline, Susanne Marie	LVN# 82843 LVN# 191529	22 TAC §217.12(4) TOC 301.452(b)(10) 22 TAC §239.11(1)(2)(4)(27)(G) &(28)	Remedial Education	November 3, 2005
Eubanks, David Allen	RN# 701367	TOC 301.452(b)(3)&(10) 22 TAC §217.12(13)	Reprimand w/ Stipulations	November 8, 2005
Fernandez, Lisa Michelle	RN# 660423	TOC 301.452(b)(10)	Reprimand w/ Stipulations	October 20, 2005
Flippo, Tammy Dawn	LVN# 168700 LVN# 131254	22 TAC §217.12(2)&(4) TOC 301.452(b)(13) 22 TAC §217.11(1)(D)(iv)	Remedial Education	October 18, 2005

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<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Floyd, Michelle Chavez	LVN# 197037	TOC 301.452(b)(10)	Suspend/Probate	October 20, 2005
Ford, Diana Shelia	RN# 594619	22 TAC §217.12(6)(H)(8)&(10)(E) TOC 301.452(b)(10)	Remedial Education	October 10, 2005
Fraedrich, Jason Michael	LVN# 160472	22 TAC §217.12(4)&(20) Art. 4528c, Sec. 10(a)(8)&(9) TOC 302.402(a)(3)(A)&(10)	License Revoked	November 8, 2005
Franklin (Metz), Jennifer Leigh	RN# 648955 LVN# 154517	22 TAC §239.11(28)&(29)(A)(iv) TOC 301.452(b)(10)	Reprimand w/ Stipulations	October 20, 2005
Gallier, Summar Renea	RN# 684885	22 TAC §217.12(1)(C)(4)(6)(A) &(6)(H) TOC 301.452(b)(10)&(13)	Reprimand w/ Stipulations	October 20, 2005
Garcia, Celerina	LVN# 186753	22 TAC §217.11(1)(D)(1)(M) &(3)(A) 22 TAC §217.12(2)&(4) TOC 301.452(b)(1)&(13)	Remedial Education & Fine	December 2, 2005
Garza, Eduardo	RN# 225462	TOC 302.402(a)(10) 22 TAC §239.11(9) 22 TAC §217.11(1)	Reprimand w/ Stipulations	December 13, 2005
Gilvarry, Dana Marie	LVN# 142621	TOC 301.452(b)(10)	License Revoked	November 8, 2005
Gilvin, John Patrick	RN# 594779	22 TAC §217.12(6)(G)(8)&(10)(E) TOC 301.452(b)(10)&(12)	Limited License	October 20, 2005
Gonzalez, Marisela	RN# 693840 LVN# 174779	22 TAC §217.12(1)&(12) TOC 301.452(b)(10)	Remedial Education	November 14, 2005
Granvile, Geraldine Briggs	RN# 682315	22 TAC §217.12(9)	License Revoked	November 8, 2005
Grathwohl, Betty Lou	RN# 665304	22 TAC §239.11(27)(E) TOC 301.452(b)(8)	Remedial Education & Fine	December 2, 2005
Groves, Michial David	RN# 665120 LVN# 152715	TOC 301.452(b)(1)&(13) 22 TAC §217.12(1)	Suspend/Probate	December 13, 2005
Hackney, Sandy Gail	LVN# 147284	TOC 301.452(b)(10) 22 TAC §217.12(13)	License Revoked	December 13, 2005
Haggard, Ryan Sherman	LVN# 178082	TOC 301.452(b)(1) 22 TAC §217.12(9)&(11)(B)	Remedial Education	October 17, 2005
Hall, Patricia Grace	RN# 703406 LVN# 100370	Art. 4528c, Sec. 10(a)(9) TOC 301.452(b)(3)	Remedial Education	December 13, 2005
Hanes, Randy Steven	RN# 698741	TOC 302.402(a)(10) 22 TAC §239.11(3)(27)(A) &(27)(K)	Warning with Stipulations	December 13, 2005
Hargrove, Shelly Marie	LVN# 190345	TOC 301.452(b)(10)	Remedial Education	November 2, 2005
Harman, Audrey Denise	RN# 689633	22 TAC §239.11(2)&(27)(F) TOC 301.452(b)(8)	License Revoked	December 13, 2005
Heinrichs, Barbara Dianne	LVN# 166388	22 TAC §213.27(d)	License Revoked	November 8, 2005
Henderson, Kimberly Lynn	LVN# 126509	TOC 301.452(b)(8)	License Revoked	November 8, 2005
Hildebrand, Margaret Michelle	LVN# 174166	TOC 302.402(a)(3) TOC 301.452(b)(1)&(10)	License Revoked	December 13, 2005
Hilley, Jeannie Lee	LVN# 61572	22 TAC §217.12(11)(B) TOC 301.452(b)(10)	Remedial Education	November 7, 2005
Hogue, Misti Lynn	LVN# 188030	22 TAC §239.11(27)(F) TOC 302.402(a)(10)	Remedial Education	October 3, 2005
Holley, Tammi Lynn	RN# 670658	22 TAC §239.11(2)&(3) TOC 301.452(b)(9)(10)&(12)	Warning with Stipulations	October 20, 2005
Hosman, Kara Lea	LVN# 160802	22 TAC §217.12(1)&(12) TOC 301.452(b)(10)	Remedial Education	October 17, 2005
Hudson, James Curtis	RN# 646737	22 TAC §239.11(2)&(27)(A)	License Revoked	November 8, 2005
Huett, Marion Katherine	LVN# 140179	TOC 301.452(b)(8) TOC 302.402(a)(10)	Remedial Education	December 13, 2005
Ivory, Carnetha	LVN# 119465	22 TAC §239.11(2)	License Revoked	November 8, 2005
Jackson, Cecilia B.	LVN# 33421	Art. 4528c, Sec.10(a)(3)(8)&(9) TOC 302.402(a)(3)&(10)	Remedial Education	December 8, 2005
Jennings-Jackson, Valorie Jewel	LVN# 95698	22 TAC §239.11(29)(A) TOC 302.402(a)(10)	Remedial Education	November 2, 2005
Johnson, Stephen Ray	LVN# 136076	22 TAC §239.11(2)&(4) TOC 301.452(b)(10)	Remedial Education	November 2, 2005
		22 TAC §217.12(6)(C) TOC 301.452(b)(10)	Warning with Stipulations	December 13, 2005
		22 TAC §239.11(27)(F)(27)(I) &(27)(L)		

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<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Jones, Russell William	RN# 666173	TOC 301.452(b)(10) 22 TAC §217.12(5)(16)&(22) 22 TAC §217.12(6)(A)(B)(H)	Enforced Suspension	October 20, 2005
Keel, James Dalton	RN# 677925	TOC 301.452(b)(10) 22 TAC §217.12(1)(4)&(18)	Warning with Stipulations	December 13, 2005
Kirby, Denise Leann	RN# 650909	TOC 301.452(b)(10) 22 TAC §217.12(3)&(4)	Remedial Education	December 19, 2005
Koch, Ida Diane	LVN# 78637	TOC 301.452(b)(1)&(10) 22 TAC §217.12(9)&(11)(B)	Enforced Suspension	November 8, 2005
Kovatch, Wendy Leslie	RN# 585797	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(A) 22 TAC §217.12(6)(A)	Warning with Stipulations	November 8, 2005
Lamb, Vincent Edward	LVN# 128017	TOC 302.402(a)(9)&(10) 22 TAC §239.11(1)(2)(3)(4)(10) (27)(B)&(28)	License Revoked	December 13, 2005
Lee, Toni C.	RN# 607399	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	Suspend/Probate	December 13, 2005
Lemons, Kelly Carson	RN# 661201	TOC 301.452(b)(10) 22 TAC §217.12(4)&(22)	Reprimand w/ Stipulations	November 8, 2005
Lindly, Laurie D. Lockhart, Joyce Basdai	RN# 602401 RN# 452321	TOC 301.452(b)(12) TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(C) 22 TAC §217.12(1)(A)(B)(G)&(4)	Reprimand w/ Stipulations Suspend/Probate	December 13, 2005 December 13, 2005
Lucas, Martha Jean	RN# 675367	TOC 301.452(b)(10) 22 TAC §217.12(6)(G)&(10)(C)	Reprimand w/ Stipulations	December 13, 2005
Lynch, Elizabeth Ann	LVN# 158967 LVN# 179044	TOC 301.452(b)(10) TOC 302.402(a)(9)&(10) 22 TAC 239.11(10)(27)(B)&(28) 22 TAC §217.12(6)(I)	Enforced Suspension	December 13, 2005
Mack, Ethel	RN# 701916	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	December 13, 2005
Maddox-Martinez, Shauna Sue	LVN# 149697	Art. 4528c, Sec. 10(3)&(9) TOC 301.452(b)(10) TOC 302.402(a)(2)(3)(B)&(10) 22 TAC §239.11(1)(5)(7)(8)(28) &(29)(A)(iii)	License Revoked	November 8, 2005
Marshall, Ann C. Burks Martin, Monica Lynn	RN# 521615 LVN# 136786	TOC 301.452(b)(8) Art. 4528c, Sec. 10(a)(9) TOC 302.402(a)(3) 22 TAC §239.11	License Revoked Enforced Suspension	November 8, 2005 December 13, 2005
Martinez, Carolina	LVN# 143927	TOC 302.402(a)(3)&(10) 22 TAC §239.11(29)(A)	License Revoked	November 8, 2005
Martinez, Manuel	RN# 660162	Art. 4525(b)(9) TOC 301.452(b)(10) 22 TAC §217.12(1) 22 TAC §217.13(17)	Remedial Education & Fine	October 7, 2005
Massingill, Shawna Dylmn	LVN# 190883	TOC 301.452(b)(10) 22 TAC §217.12(1)(B)	Remedial Education	October 28, 2005
Mathews, JoAnn	RN# 583495	TOC 301.452(b)(10) 22 TAC §217.12(2)&(4)	Warning with Stipulations	December 13, 2005
Mattox, Irene	RN# 509095 LVN# 57907	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(A) 22 TAC §217.12(1)(4)&(13)	Warning with Stipulations	November 8, 2005
McGilvray, Elizabeth Ruth	LVN# 118597	TOC 301.452(b)(10) 22 TAC §217.12(6)(G)	Warning with Stipulations	December 13, 2005
McLaughlin, Joy Ann	RN# 617170	Art. 4525(b)(8)&(9) TOC 301.452(b)(10) 22 TAC §217.12(1)&(4) 22 TAC §217.13(1)	Enforced Suspension	October 20, 2005
Medina, Fernando P. Meece, Justin Lee	LVN# 68371 LVN# 170450	Art. 4528c, Sec. 10 TOC 301.452(b)(10) 22 TAC §239.11(2)&(9)	Enforced Suspension Reprimand w/ Stipulations	December 13, 2005 December 13, 2005
Menager, Elsie M.	RN# 428523	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	Suspend/Probate	November 8, 2005
Meza, Gloria D.	RN# 534133 LVN# 110095	TOC 301.452(b)(10) 22 TAC §217.12(1)	Reprimand w/ Stipulations	November 8, 2005
Mintz, William Randall	RN# 697829 LVN# 188783	TOC 301.452(b)(13) 22 TAC §217.11(1)(M)&(3)(A)	Remedial Education	October 19, 2005
Mjoseph, Sherry Lynn	RN# 465210	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)	Enforced Suspension	December 13, 2005
Moczygamba, Judy Ann	LVN# 95741	TOC 301.452(b)(1)&(13) 22 TAC §217.11(1)(A)	Remedial Education & Fine	December 16, 2005

**DISCIPLINARY ACTION**

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<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Montgomery, Selma Ann Marie	LVN# 117553	TOC 302.402(a)(3)&(10) 22 TAC §239.11(28)&(29)(A)	License Revoked	November 8, 2005
Morine, Yalanda Rachelle Morrow, Tami Michelle	LVN# 171569 RN# 644029	TOC 301.452(b)(10) TOC 301.452(b)(9)&(10) 22 TAC §217.12(10)(A)&(D)	Suspend/Probate Warning with Stipulations	November 8, 2005 December 13, 2005
Murphy, Valerie Ann	RN# 555239 LVN# 122258	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §217.12(1)	Reprimand w/ Stipulations	December 13, 2005
Newland, Sheree Lynn	LVN# 161082	TOC 302.402(a)(10) 22 TAC §239.11(3)(4)&(27)(A)	Reprimand w/ Stipulations	October 20, 2005
Norris, Jo Ann	RN# 657376 LVN#52336	TOC 301.452(b)(9)&(10) TOC 302.402(a)(9)&(10) 22 TAC §239.11(1)&(10) 22 TAC §217.12(1)&(19)	License Revoked	December 13, 2005
Novak, Teresa O'Neill, Mary Ruth Onken, Carla Blackburn	RN# 505102 LVN# 122956 RN# 671143	TOC 301.452(b)(8) TOC 301.452(b)(8) TOC 301.452(b)(10) 22 TAC §217.12(13)	License Revoked Reprimand w/ Stipulations License Revoked	November 8, 2005 November 8, 2005 December 13, 2005
Ortiz (Vasquez), Lisa Yvonne	LVN# 139101	Art. 4528c, Sec. 10(a)(9) 22 TAC §239.11(29)	License Revoked	November 8, 2005
Osborne, Susan	RN# 643312	TOC 301.452(b)(2)(3)(9)(10)&(12) 22 TAC §217.12(1)(3)(4)(12)(18) (19)(22)&(23)	License Revoked	December 13, 2005
Oyeleke, Funmi Olubunmi	RN# 658920	TOC 301.452(b)(10) 22 TAC §217.12(3)(4)&(22)	Warning with Stipulations	December 13, 2005
Palmer, Ernest Eugene	LVN# 145437	TOC 301.452(b)(10) 22 TAC §217.12(4)&(6)(C)&(F)	Warning with Stipulations	November 8, 2005
Pape, Pamela Ellen	RN# 536532	Art. 4525(b)(3) TOC 301.452(b)(8)	License Revoked	November 8, 2005
Pardue, Corazon T.	RN# 433195	TOC 301.452(b)(10) 22 TAC §217.12(1)&(19)	Enforced Suspension	November 8, 2005
Parsons, Tommie K. Brown	RN# 232894 LVN# 43469	TOC 301.452(b)(13) 22 TAC §217.11(4)	Remedial Education	November 21, 2005
Pate, Richard Debre	LVN# 168048	TOC 302.402(a)(10) 22 TAC §239.11(22)&(27)(F)	License Revoked	October 20, 2005
Perez, Virginia Monique Perkins, Esther L.	LVN# 164839 RN# 522171	TOC 301.452(b)(8) TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(M)&(4)(A) 22 TAC §217.12(1)(A)(B)(C) &(6)(C) 22 TAC §221.13(e)	License Revoked Enforced Suspension	November 8, 2005 December 13, 2005
Pruitt, Jamie Arleen	RN# 584583 LVN# 99915	TOC 301.452(b)(10) 22 TAC §217.12(2)(4)(5)(11) &(16)	Warning with Stipulations	November 8, 2005
Puckett, Kristi Rae	RN# 622844	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)&(19)	License Revoked	November 8, 2005
Rablot, Gena	LVN# 185289	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(B) 22 TAC §217.12(1)(B)(6)(C) &(6)(F)	Remedial Education	November 1, 2005
Ramirez, Deborah Lynn	RN# 548298	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)	Reprimand w/ Stipulations	December 13, 2005
Ransom, Janet Avent	LVN# 111095	TOC 302.402(a)(10) 22 TAC §239.11(4)&(27)(K)	Warning with Stipulations	November 8, 2005
Raybon, Debby D.	RN# 541313	TOC 301.452(b)(1)&(10) 22 TAC §217.12(1)&(22) 22 TAC §221.5(d)	Warning with Stipulations	December 13, 2005
Redenius, Ronda Lea	LVN# 160646	TOC 302.402(a)(9)&(10) 22 TAC §239.11(1)&(10)	Enforced Suspension	October 20, 2005
Reyna, Mary Lou	LVN# 180104	TOC 301.452(b)(10) 22 TAC §239.11(2)	Remedial Education	October 17, 2005
Rice, Betty Carol	RN# 537224 LVN# 63608	Art. 4528c, Sec. 10(7)&(9)	Reprimand w/ Stipulations	November 8, 2005
Richardson, Sally Jo Robinson, Brenda Coleen	RN# 459594 LVN# 149393	TOC 301.452(b)(8) TOC 302.402(a)(10) 22 TAC §239.11(2)(3)&(27)(A)	License Revoked Remedial Education	November 8, 2005 October 7, 2005
Robinson, Debra Ann	RN# 573430 LVN# 67155	TOC 301.452(b)(10) 22 TAC §217.12(20)	Reprimand w/ Stipulations	October 20, 2005
Rogers, Veronica Faye Ruff, Kenneth Eugene Sander, J. Louise	LVN# 65879 LVN# 156263 RN# 602002	Art. 4528c, Sec. 10(a)(3)(8)&(9) TOC 301.452(b)(8) TOC 301.452(b)(10) 22 TAC §217.12(2)(3)(4)(5)&(16)	License Revoked License Revoked Warning with Stipulations	November 8, 2005 November 8, 2005 November 8, 2005

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<u>NAME</u>	<u>LICENSE #</u>	<u>CITATION(S) VIOLATED</u>	<u>DISCIPLINE</u>	<u>DATE OF ACTION</u>
Samuel, Tseday	RN# 692040	TOC 301.452(b)(10) 22 TAC §217.12(1) 22 TAC §221.2(b)&(c) 22 TAC §221.6	Remedial Education & Fine	October 19, 2005
Sauceda, Annie Louise	LVN# 181042	TOC 302.402(a)(10) 22 TAC §239.11(27)(F)	Suspend/Probate	November 8, 2005
Sayre, Kathy Lee	RN# 701425	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	November 8, 2005
Schiebert, Nancy Anne	RN# 646660	TOC 301.452(b)(8)	License Revoked	November 8, 2005
Schwartz, Robert Issac	RN# 609409	TOC 301.452(b)(10) 22 TAC §217.12(3)(4)(20)&(22)	Enforced Suspension	October 20, 2005
Shaikh, Jean Bowden	LVN#93620	TOC 301.452(b)(10) 22 TAC §239.11(3)&(27)(A)	Reprimand w/ Stipulations	November 8, 2005
Simon, Yushema Yunique	RN# 676247	TOC 301.452(b)(10) 22 TAC §217.12(16)	Reprimand w/ Stipulations	November 8, 2005
Sina, Jenny Marie	LVN# 163388	TOC 301.452(b)(8)	License Revoked	November 8, 2005
Skinner, Dawn Michelle	RN# 625714	TOC 301.452(b)(1)&(10)	License Revoked	November 8, 2005
Smith, Lisa Anne	LVN# 139640 LVN# 177020	22 TAC §217.12(11)(B) TOC 302.402(a)(10) TOC 301.452(b)(3)(9)&(10) 22 TAC §239.11(1)(4)(5)(6)&(28)	License Revoked	November 8, 2005
Smith, Marshalene L.	LVN# 79369	TOC 302.402(a)(9)&(10) 22 TAC §239.11(4)&(28)	License Revoked	October 20, 2005
Solberg, Carol Nadene	RN# 520076	TOC 301.452(b)(9)	Limited License	November 8, 2005
Solis, Jean Erin	LVN #122368	Art. 4528c, Sec.10(3)&(9) TOC 302.402(a)(3) 22 TAC §239.11(29)(A)	License Revoked	November 8, 2005
Staggs, Stacy Annette	LVN# 152087	TOC 302.402(a)(8)	License Revoked	December 13, 2005
Stevens, Barbara Ann	RN# 586165	Art. 4525(b)(2)(3)(7)&(8) TOC 301.452(b)(8)	License Revoked	November 8, 2005
Stewart, Darlene Marie	RN# 555791	TOC 301.452(b)(13) 22 TAC §217.11(4)&(5)	Remedial Education	December 13, 2005
Stone, Tamatha Ann	RN# 650813	TOC 301.452(b)(8)	License Revoked	November 8, 2005
Storms, William Casey	LVN# 136436	TOC 301.402(a)(9)&(10) 22 TAC 239.11(2)(3)(4)(10)(27) (B)(K)&(28)	License Revoked	October 20, 2005
Straley, Barbara Janet	LVN# 171498	TOC 302.402(a)(3)&(10)	License Revoked	November 8, 2005
Stroman, Tammy	RN# 649347	TOC 301.452(b)(10) 22 TAC §217.12(3)&(4)	Remedial Education	October 19, 2005
Sturtevant, Tammy Lee Ann	LVN# 119950	Art.4528c, Sec.10(a)(2)(3)&(9) 22 TAC §239.11(8)	License Revoked	December 13, 2005
Suddarth, Alana Kim	LVN#124318	TOC 302.402(a)(9)&(10) 22 TAC §239.11(1)(4)(10)&(28)	Limited License	November 8, 2005
Sullivan, Candace Ruth	RN#721547	TOC 301.452(b)(1)&(10) TOC 301.251 22 TAC §217.12(1)	Remedial Education & Fine	November 14, 2005
Taylor, Donna G.	RN#231577	TOC 301.452(b)(10) 22 TAC §217.12(6)(H)&(I)	Limited License	December 13, 2005
Thomas, Teresa Lee	RN#605824	TOC 301.452(b)(10) 22 TAC §217.12(2)&(4)	Warning with Stipulations	October 20, 2005
Thornhill, Laura Lee	LVN# 137471	TOC 301.452(b)(9)&(10) 22 TAC §239.11(1)(2)(4)(10) &(27)(G) 22 TAC §217.12(6)(G)&(10)(B)(C)	License Revoked	November 8, 2005
Thornsburg, Leah Ellen	LVN# 172217	TOC 302.402(a)(10) 22 TAC §239.11(25)&(27)(K)	License Revoked	December 13, 2005
Trafficano, Kathleen Marie	RN# 529633	TOC 301.452(b)(10) 22 TAC §217.12(3)(4)&(20)	Warning with Stipulations	November 8, 2005
Unger-Trevino, Judith Lynn	RN# 706239 LVN# 190617	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §217.12(3)&(20) 22 TAC §239.11(2)&(4)	Warning with Stipulations	October 20, 2005
Valdez, Clara Mills	RN# 537937 LVN#35239	TOC 301.452(b)(10)&(13) 22 TAC §217.11(1)(C)&(1)(D) 22 TAC §217.12(1)(A)(1)(B)&(4)	Limited License	October 20, 2005
Wadsworth, Christina Dawn	LVN# 163626	TOC 302.402(a)(10) 22 TAC §239.11(4)	Warning with Stipulations	October 20, 2005
Walker, Debra Kaye	LVN# 145979	Art. 4528c, Sec. 10(a)(9) TOC 302.402(a)(9)&(10) TOC 301.452(b)(10) 22 TAC §239.11(1)(10)(28)&(29) 22 TAC §217.12(6)(G)&(8)	License Revoked	November 8, 2005

**DISCIPLINARY ACTION**

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NAME	LICENSE #	CITATION(S) VIOLATED	DISCIPLINE	DATE OF ACTION
Washington, Sandra A.	RN# 702391 LVN# 173327	TOC 301.452(b)(1)&(10) 22 TAC §217.12(11)(B)	License Revoked	December 13, 2005
Webb, Jane Elizabeth	RN# 237323	TOC 301.452(b)(10) 22 TAC §217.12(4)	Warning with Stipulations	December 13, 2005
West, Nezzie Lee	LVN# 81404	TOC 302.402(a)(10) 22 TAC §239.11(9)	Warning with Stipulations	October 20, 2005
White, Yvonne D. York	LVN# 68094	TOC 302.402(a)(10) 22 TAC §239.11(3)&(27)(A)	Remedial Education	November 9, 2005
Wiggins, Donna Gail	LVN# 89320	TOC 302.402(a)(3)&(10) 22 TAC §239.11(28)&(29)(A)	License Revoked	November 8, 2005
Williams, S. Stephen	RN# 579518	TOC 301.452(b)(8)	License Revoked	November 8, 2005
Williams, Christopher Brian	LVN# 197318	TOC 301.452(b)(1)&(10) 22 TAC §217.12(7)	License Revoked	November 8, 2005
Wimbish, Rhonda Gayle	RN# 688811 LVN# 140477	TOC 301.452(b)(10) 22 TAC §217.12(2)(3)&(4)(A)	Remedial Education	December 6, 2005
Young, Cathy Perry	RN# 596363	TOC 301.452(b)(10) 22 TAC §217.12(2)(9)&(11)	Remedial Education	October 11, 2005
Yusko, Megan Dawn	LVN# 193820	TOC 301.452(b)(10) 22 TAC §239.11(27)(H)	Remedial Education	October 7, 2005
Zalesky, Brian Douglas	RN# 548885	TOC 301.452(b)(10)&(12) 22 TAC §217.12(12)	License Revoked	December 13, 2005

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

NAME	LICENSE #	CITATION(S) VIOLATED	DATE OF SURRENDER
Adams, Evelyn Jean	LVN# 113777	Art.4528c, sec.10(a)(3)&(9) TOC 301.452(b)(3)&(10) 22 TAC §217.12(6)(C)&(13) 22 TAC §239.11(29)(A)(iv)	December 16, 2005
Berkel, Mary C.	RN# 507872	Art.4525(b)(9) TOC 301.452(b)(3)&(10) 22 TAC §217.12(13) 22 TAC §217.13(1)	December 2, 2005
Bly, Terry Allison	RN# 695077	TOC 301.452(b)(9)&(10) 22 TAC §217.12(1)(10)(D)&(11)(B)	November 14, 2005
Boss, Laura Denae	RN# 620314	TOC 301.452(b)(9)(10)&(13) 22 TAC §217.11(1)(C)&(D)(iv) 22 TAC §217.12(6)(G)(10)(A)&(10)(C)	October 7, 2005
Bradford, Becky Hendrix	LVN# 80852	TOC 302.402(a)(10) TOC 301.452(b)(3) 22 TAC §239.11(1)(2)(3)(4)(6)&(28)	October 17, 2005
Brissard, Susan Anne	RN# 600526	TOC 301.452(b)(1)&(10) 22 TAC §217.12(1)	October 24, 2005
Cawthon, Carolyn B.	LVN# 49800	TOC 301.452(b)(10) 22 TAC §239.11(22)&(27)(I)	October 12, 2005
Clark, Sharron F.	LVN# 101499	TOC 302.402(a)(9)&(10) 22 TAC §239.11(1)&(10)	October 18, 2005
Cochran, Karen Ruth	LVN# 65382	TOC 301.452(b)(9)&(10) 22 TAC §217.11(1)(C)&(D)(iv) 22 TAC §217.12(6)(G)(10)(A)&(10)(C)	November 30, 2005
Cole, Donna Lynn	LVN# 92391	TOC 302.402(a)(9)&(10) 22 TAC §239.11(5)(7)(10)(27)(E)&(28)	October 18, 2005
Dassay, Jo Marena	RN# 580133	TOC 301.452(b)(8)	December 9, 2005
Demain, Susan Paige	LVN# 154754	TOC 302.402(a)(3)&(10) 22 TAC §239.11(29)(A)(iii)&(29)(A)(iv)	October 11, 2005
Diamante, Jay James	LVN# 150929	TOC 301.452(b)(1)&(10) 22 TAC §217.12(9)&(11)(B)	November 10, 2005
Fitzgerald, Tamara Antoinette	LVN# 151426	TOC 301.452(b)(10) 22 TAC §217.12(6)(G)(6)(H)(11)(B)&(13)	October 7, 2005
Ford, Jo Ann	LVN# 136700	TOC 301.452(b)(1)(3)&(10) 22 TAC §217.12(11)(B)&(13)	December 16, 2005
Groves, Yvonne C.	LVN# 91530	TOC 301.452(b)(8)	October 12, 2005
Hall, Diana	LVN# 108381	Art.4528c, Sec.10(3) TOC 302.402(a)(3) 22 TAC §239.11(29)(A)	October 19, 2005
Hickerson, Ruth Ann	RN# 452039	TOC 301.452(b)(9)&(10) 22 TAC §217.12(19)	October 31, 2005



**VOLUNTARY SURRENDERS**

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NAME	LICENSE #	CITATION(S) VIOLATED	DATE OF SURRENDER
Johnson, Barbara Deeann	LVN# 187811	TOC 302.402(a)(3)&(10) TOC 301.452(b)(3)&(10)	November 23, 2005
Johnson, Rosamaria	RN# 227540	22 TAC §239.11(28)&(29)(A)(i)(iv) TOC 301.452(b)(2)(10)&(13) 22 TAC §217.11(1)(M)	October 10, 2005
Keefer, Javier	RN# 638599	22 TAC §217.12(1)(19)(22)&(23) TOC 301.452(b)(1)(9)(10)&(13) 22 TAC §217.11(1)(D)(iv)	October 26, 2005
Kolb, Veneta Goff	RN# 541324	22 TAC §217.12(1)(6)(G)(10)(D)&(11)(B) TOC 301.452(b)(10)	November 10, 2005
Malatek, Tobie Beverly	RN# 563392 LVN# 92893	22 TAC §217.12(19) Art. 4525(b)(2)&(9) TOC 301.452(b)(2)&(10) 22 TAC §217.12(22)&(23) 22 TAC §217.13(1)&(17)	October 19, 2005
Mierisch, Eleane	RN# 632176 LVN# 149740	TOC 301.452(b)(10) 22 TAC §217.12(1)(19)(21)&(22) 22 TAC §239.11(1)&(5)	November 8, 2005
Newberry, Iona Ann	RN# 596151 LVN# 76136	TOC 301.452(b)(10)&(12) 22 TAC §217.12(16)	November 1, 2005
Nicholas, Barbara	RN# 443915	TOC 301.452(b)(1)(9)&(10) 22 TAC §217.12(9)&(10)(A)	October 31, 2005
Nichols, Kay	RN# 691905	TOC 301.452(b)(9)(10)&(12) 22 TAC §217.12(2)(4)(16)&(20)	October 24, 2005
Palmer, Robin G. Parks, Pamela A.	RN# 629645 LVN# 74725	TOC 301.452(b)(8) TOC 301.452(b)(5)&(10) TOC 302.402(a)(4)&(10) 22 TAC §239.11(8)&(9)	October 26, 2005 December 9, 2005
Robison, Judy Lynn Schultz, Joyce Ellen	RN# 668502 RN# 457235	TOC 301.452(b)(8) TOC 301.452(b)(9)(10)&(13) 22 TAC §217.11(1)(D)(iv) 22 TAC §217.12(1)(18)&(19) 22 TAC §217.12(6)(G)(10)(C)&(13)	October 18, 2005 October 17, 2005
Simpson, Barbara Annette	RN# 704831	TOC 301.452(b)(9)&(10) 22 TAC §217.12(10)(A)	November 16, 2005
Smothermon, Linda Darlene	RN# 660814 LVN# 142069	TOC 301.452(b)(9)&(10) TOC 302.402(a)(9)&(10) 22 TAC §217.12(13) 22 TAC §239.11(28)	November 2, 2005
Spencer, Verinda R.	LVN# 100510	TOC 301.452(b)(10) TOC 302.402(a)(10) 22 TAC §217.12(1) 22 TAC §239.11(1)(5)(27)(G)&(28)	November 17, 2005
Springer, Sharon M.	RN# 604393	TOC 301.452(b)(1)&(10) 22 TAC §217.12(6)(G)(10)(E)&(11)(B)	December 7, 2005
Stacy, Allison	RN# 501578	TOC 301.452(b)(1)&(10) 22 TAC §217.12(1)	November 2, 2005
Sullivan, Toni Marie	LVN# 131151	TOC 301.452(b)(3)&(10) 22 TAC §217.12(1) 22 TAC §217.12(11)(B)&(13)	October 7, 2005
Torres, Alfredo	LVN# 165177	Art.4528c, Sec. 10(a)(8)&(9) TOC 301.452(b)(10) TOC 302.402(a)(2)(3)(9)&(10) 22 TAC §239.11(8)(28)&(29)(A)(iv)	October 28, 2005
Urbina, Marina	LVN# 165182	TOC 301.452(b)(3)&(10) 22 TAC §217.12(13)	November 15, 2005
Whitewolf, Faeghan B.	RN# 526444	TOC 301.452(b)(10)&(12) 22 TAC §217.11(1) 22 TAC §217.12(1)(A)&(C)	November 30, 2005

**Citation Violated Information Available by Web or Fax**

Citation(s) Violated, which appears in the Notice of Disciplinary Action and Voluntary Surrender sections (pgs. 10-17) provide a listing of the specific statutes and rules which were determined to be violated after investigation by the BNE. Citations included in the column include: the Nursing Practice Act [Texas Occupation Code (TOC) chapters 301, 303, and 304], the BNE Rules and Regulations [Texas Administrative Code (22 TAC § 239.11)] and the Board of Vocational Nurse Examiners (BVNE) Rules and Regulations [Texas Administrative Code (22 TAC §233 and §237)]. The citations in effect at the time the violation(s) occurred are the citations listed in the column. If a citation referenced does not appear in the current Nursing Practice Act or Rules and Regulations, it may be a citation that was repealed and recodified by the Legislature or a BVNE rule that was repealed and adopted in the current BNE rules after the violation occurred. Readers can locate and read the statutes referenced in the Citations Violated section on the BNE web site located at [www.bne.state.tx.us](http://www.bne.state.tx.us). If a statute cannot be located on the BNE web site, readers can contact the BNE to obtain a copy by fax or e-mail.



## Practice Question and Answer



### GNs, GVN, and Newly Licensed Nurses Practicing in Independent Settings

**Q: I will be graduating from a vocational nurse training program in a few months, and am beginning to scope out my employment options once I graduate. I am attracted to the area of home health nursing, and I wondered if LVNs can work in home health settings? (Note: The same answer applies to graduates of registered nurse training programs).**

First, when you graduate from your vocational training program, you will likely be eligible for a temporary permit to practice as a Graduate Vocational Nurse (GVN). Board Rule §217.3 prohibits GVN (as well as Graduate Nurses [GN] who complete registered nurse training) from working in “independent practice settings,” which includes home health settings, regardless of if the GN or GVN is under direct supervision.

Once you receive confirmation from the BNE that you have passed your NCLEX-PN® (or NCLEX-RN®) licensure exam, you will be entitled to hold yourself out as a Licensed Vocational Nurse (LVN) or Licensed Registered Nurse (RN) as applicable, with all of the privileges and responsibilities that go along with each license. Though the Board cannot prevent a newly licensed LVN or RN from practicing in a home health environment, the Board strongly discourages newly licensed nurses from accepting employment in any independent living environment setting until the new nurse

achieves twelve (12) to eighteen (18) months of nursing experience in an acute health care setting (such as a hospital). The Board believes that the newly licensed nurse (LVN or RN) needs adequate time to apply newly learned nursing knowledge and clinical skills, as well as time to develop clinical judgment and decision-making skills. Further, the Board believes that this process occurs most effectively in a structured health care environment where resources and supervision are immediately available to the new nurse. Once licensed, you are required to “know and comply with” the Nursing Practice Act (NPA) and Board Rules, as the content of each has the force of law with regard to nursing practice in Texas. The NPA and rules may be viewed in their entirety on this site. The main rule applied to nursing practice is Rule 217.11 Standards of Nursing Practice. Two of the main standards that apply to practice issues require the nurse to always maintain client safety [standard (1)(B)] and to accept only those assignments that are commensurate with the nurse’s education, licensure, experience, and abilities [standard (1)(T)]. If a newly-licensed nurse decides to work in home health, and is subsequently reported to the Board for possible violations of the Board Rules, the nurse would likely be asked to explain his/her rationale for accepting employment in a home health setting, particularly when the Board expressly cautions new nurses regarding doing this very thing.

### Insufficient Funds

As of January 2, 2006, the following nurses appear on the records of the Board of Nurse Examiners as debits for failure to respond to notices of returned checks. Should any of these nurses be employed or seeking employment with your agency/institution, please contact the Board’s office. If any of these nurses are practicing in Texas as a nurse, they may be in violation of the Nursing Practice Act and may be subject to disciplinary action by the Board.

NAME	LICENSE #	NAME	LICENSE #	NAME	LICENSE #
Baldwin, Jean Takoma	LVN 158171	Hiatt, Martha	TL 88174	Oanta, Daniela	TL 83765
Barkofsky, Stephen	TL 95699	Hite, Donald	RN 536116	Reaux, Jacquelyn Ann	LVN 105270
Barry, Sheilagh	TL 83614	Jeffrey, Ramona D.	LVN 102082	Roberts, Lydia Medrano	TL 84205
Burnett, Regina	TL 5053	Johnson, VickieJo Ann	TL 87956	Scott, Sondra Yvette	LVN 160721
Cansler, Peggy Turner	LVN 124493	Kangas, Joel Eric	TL 81667	Taylor, Donna Ann	RN 447711
Cruz, Amy	LVN 173980	Lavinier, Verne	LVN 171305	Vosburg, Susan Allison	RN 709457
Dunlap, Kimberly Alison	RN 665696	Lopez, Norma Jean	LVN 136858	Walls, Lillian Maeve	RN 565105
French, Deborah Kay	RN 434889	Meyers, Stephanie	RN 665919	Wilson, Cynthia	RN 689573
Hall, Cassaundra Deloris	LVN 184041				

### Licensure Verification Information Available 24/7 for Nurse Administrators/Employers

All vocational nurses, registered nurses and registered nurses with advanced practice authorization shall ensure the verification of current Texas licensure or other compact state licensure privileges and credentials of personnel for whom the nurse is administratively responsible, when acting in the role of nurse administrator [22 TAC §217.11(1)(V)]. Nurse administrators/employers hiring registered nurses, licensed vocational nurses, or advanced practice nurses can check the licensure status of nurse applicants through the Board of Nurse Examiner’s web site at: <https://www.bne.state.tx.us/olv/olverif.htm>. This service is available 24 hours a day, seven days a week. BNE customer support representatives can be reached for phone verification during regular business hours, Monday through Friday, 8:00 am to 5:00 pm. The phone number is: 512 305-6809.

**Workshop Update**

## Nursing in Texas: A Regulatory Foundation for Safe Practice

Three workshops addressing nursing jurisprudence and ethics issues are currently scheduled:

**Radisson Resort  
South Padre Island  
500 Padre Blvd.  
South Padre Island**

**February 15, 2006**

**Hyatt Regency  
Houston  
1200 Louisiana Street  
Houston**

**March 7, 2006**

**Hyatt Regency  
Houston  
1200 Louisiana Street  
Houston**

**March 8, 2006**

These workshops have been approved for seven Type I contact hours. Attendance at this workshop is not mandatory for licensure renewal. This workshop is presented for educational purposes and for obtaining continuing education credit only. The registration fee for this workshop is \$90 pre-registered and \$105 at the door. Workshop brochures with registration forms may be accessed via the BNE website: [www.bne.state.tx.us](http://www.bne.state.tx.us) under "BNE Events."

Further dates for 2006 will be announced as facilities are secured in the respective cities. Workshops are in the planning stage for East Texas in April and the Dallas/Fort Worth area in May. Information on these workshops will be posted on the BNE web site as soon as facility arrangements are finalized. Brochures will be available within 60 days of confirmed workshop dates. Recorded workshop information can be obtained by dialing *BNE Workshop Information* at (512) 305-6844.

### E-Mail Notification Service Available for Newsletter Readers, Businesses, and Organizations

The Board of Nurse Examiners (BNE) would like to send you an e-mail notifying you when the latest BNE newsletter is available for reading and providing a link directly to the newsletter's location on the internet. This service will be available at no cost and will be sent out on a quarterly basis as soon as the newsletter is available for reading. The e-mail address that you provide will be used in the strictest confidence and will only be used for the purpose of informing you when the newsletter can be downloaded and providing a direct link to the newsletter's location. If you would like to add your personal e-mail address or the e-mail address for your business or organization to the BNE's e-mail mailing list, simply send an e-mail indicating that you wish to receive the newsletter notification service to: [webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us).

MAIN NUMBER.....(512) 305-7400  
 FAX.....(512) 305-7401  
 -- 24 Hour Access  
 -- License Verification  
 -- General Information

**OPERATIONS**

CUSTOMER SERVICE.....(512) 305-6809  
 -- License Renewals  
 -- Endorsement/Examination  
 -- Continuing Education for LVNs & RNs

SALES OF LISTS.....(512) 305-6848  
 -- Computerized RN & LVN mailing lists or labels  
 -- Publications

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

WEB Address.....[www.bne.state.tx.us](http://www.bne.state.tx.us)  
 -- Refer e-mail inquiries to:  
[webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us)

ENFORCEMENT.....(512) 305-6838  
 -- Complaint and disciplinary action inquiries  
 -- Violations of NPA and rules and regulations  
 -- Monitoring of disciplined RNs and LVNs

**PROFESSIONAL AND VOCATIONAL NURSING**

ADVANCED PRACTICE.....(512) 305-6843  
 -- APN application and  
 Prescriptive Authority procedures  
 -- Application Requests.....(512) 305-6867  
 (Voice Mail Only)

NURSING PRACTICE.....(512) 305-6802  
 -- Nursing practice issues  
 -- Legislation

Workshop Information.....(512) 305-6844  
 -- Workshop e-mail inquiries: [workshops@bne.state.tx.us](mailto:workshops@bne.state.tx.us)

NURSING EDUCATION.....(512) 305-6816



The purpose of the *Texas Board of Nursing Bulletin* is to disseminate information to nurses licensed by the State of Texas, their employers, health care providers, and the public concerning laws and regulations established by the Board of Nurse Examiners related to the safe and legal practice of nursing. The *Texas Board of Nursing Bulletin* provides information on current issues and trends in nursing regulation, status of nursing education programs, information regarding licensure and nursing practice, and disciplinary action taken against licensees who violate the Nursing Practice Act.

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#### Office Hours and Location

The Office of the 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: 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except for designated holidays.

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#### Change of Address

Notification of change of address as required by Rule 217.7 can be by three different routes: 1. Mail to: Board of Nurse Examiners, 333 Guadalupe, Suite 3-460, Austin, Texas 78701-3944; 2. E-Mail to: [webmaster@bne.state.tx.us](mailto:webmaster@bne.state.tx.us); or 3. Fax to: Board of Nurse Examiners (512) 305-7401.

#### **Notifications must include:**

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

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