

NOV 15 2016

Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas 78711

Attention: Ken Levine, Director

Dear Mr. Levine and Members of the Sunset Commission:

I appreciate the live streams of the Sunset Board of Nursing meeting made available to the public. With the innovation of making it easier for healthcare professionals to move from state to state, confusing to the public pertaining to jurisdiction, problems have ensued. Notable were comments from speakers, with BON lack of enforcement identified. Notable were questions from the Commission pertaining to reciprocity.

The Texas Board of Nursing exercised responsibility, when I filed a complaint pertaining to an RN and Nursing Supervisor. It took two months to ascertain who this nurse was, where she came from. Legal BON Counsel indicates this nurse does not have licensure in Texas. She is not on the database, nor is there any type of application form, requiring compact state information. South Carolina was informed of investigation, and chose not to become involved; therefore, it was the responsibility of Texas Board of Nursing to insure citizens that this nurse had and is meeting the laws of Texas. The Board of Nursing was provided with, and informed of my every action, investigation, with the numerous federal and state agencies involved, communication with state and federal officials. All pertinent information from records requested, agency appearance, investigation reports provided to me were copied and in the possession of Board of Nursing.

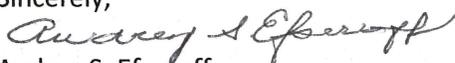
In late November 2012, after attending a meeting with the Texas Medical Board, I introduced myself to investigator. This investigation was identified as high priority. Earlier in May 2012, I was asked to complete an affidavit, notarized, with preparation to testify. Notable in the Sunset meeting was enforcement difficulties with Enforcement Director identified.

I have attached personal affidavit that will provide you with the seriousness of allegations.

Another important issue that must be handled by court action or action of the legislature is closing loopholes used by the Board of Nursing in their handling of PIA requests.

After viewing video available to the public, the courtesy, respect and knowledge of the Commission is appreciated. This should reach your office by the November 16 deadline.

Sincerely,

  
Audrey S. Efseoff

November 4, 2016

NOV 03 2016

Sunset Advisory Commission  
P.O. Box 13066  
Austin, Texas 78711

Attention: Ken Levine, Director

Dear Mr. Levine and Members of the Sunset Commission:

I am unable to attend the November 10 Public Testimony meeting for Texas Board of Nursing. Management of complaints and PIA requests must be acknowledged, improved and changed to benefit the public. I question why Texas government has not followed the leadership of Senator John Cornyn and Senator Patrick Leahy in responsible approach of needed problems and improvement to strengthen the FOIA Act.

My District Legislator and I were informed by OAG that they have no access to state records, can only review information provided by the state agency. Saying "all information has been provided" allows the fact that enforcement has not been made and no reports from facility have been received. Advice made was to "change the law" or "take it to court" by OAG to legislator and me, by phone and e-mail. It had been my intent, with 4 years of research, investigation, to work "in house: however, directives by OAG must be taken seriously. The mission of BON to protect the public health, safety and welfare lacks credibility. When a responsible Investigator, RN, paralegal experiences, is thwarted in attempt to investigate a case, issues and responsibilities of BON must be questioned. Indiscriminate closure of records due to legislature pressure about "Backlog" with Initiative developed by administrator for "low priority cases" is questioned.

Sincerely,



Audrey S. Efseroff

Attach.

OCT 17 2016

October 12, 2016

Sunset Advisory Commission  
PO Box 13066  
Austin, Texas 78711  
Attention: Ken Levine, Director

Re: Texas Board of Nursing

Dear Mr. Levine and Members of the Sunset Commission:

As a former Texas state employee, I am familiar with the Sunset Commission, and welcome participation as a new patient safety healthcare advocate. I have read and re-read the recently released Sunset Review documents, and am compelled to respond as a concerned citizen, personally impacted by Board of Nursing failure in handling complaints, violations, and meeting PIA/FOIA requirements. Personal experiences suggest lax or non-existent monitoring of Compact state nurses, violations of various Texas laws, not limited to Chapter 53, Texas Administrative Code 22, part 11, chapters 217.11 and 12, Texas Occupations Code 301.452.

Noteworthy, hospital administration may not be providing valid incident reports to Board of Nursing, documented incident reports listed in the Nursing Practice Act. A very competent BON Investigator kept me updated as to progress of Board of Nursing investigation. Two months after her last update of ongoing investigation, BON administrator and another investigator closed and destroyed records, violation of Texas Administrative Code Title 13, Chapter 6, Section 6.10, with Caution statement.

Initial complaint was not opened in a timely manner. BON could not identify nurse, not listed on database, nor showing licensure or employment in Texas. BON did not meet legal time frame in requesting first AG opinion. OAG has no access to state agency records, and are limited in action. Changing the law or taking legal action were remedies suggested. Nursing licensure requires part of application addressing compact status. Why a second OAG review was made by BON when legal department was transparent in identifying absence of licensure for nurse in question.

Thank you for allowing me to participate in this Sunset Review, with optimism that fairness, accountability, licensing and regulatory improvements will be made. Handling the investigation in house, completing a notarized affidavit for nurse responsible adverse event, including Texas Board of Medicine investigation and report, with sudden closure and destruction of records, is subject to legal accountability.

OAG ID 548559 and 501159 identify BON reviews. My qualifications to receive requested information was confirmed by Travis County Public Integrity Unit, just prior to being disbanded.

Board of Nursing is the only state and/or federal agency, facility that has denied PIA/FOIA request, citing lack of qualification that clearly states entitlement as legal representative and bona fide researcher. Inaction on the part of Board of Nursing required referral to Dallas DA and OCR.

Sincerely,

A handwritten signature in cursive script that reads "Audrey S. Efseroff".

Audrey S. Efseroff

Attach: