

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: