



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 741410 §
issued to JOHN MCGEE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of JOHN MCGEE, Registered Nurse License Number 741410, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(10)&(13) and 301.453, Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on July 22, 2012, by Katherine A. Thomas, MN, RN, FAAN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Galveston College, Galveston, Texas on May 17, 2007. Respondent was licensed to practice professional nursing in the State of Texas on June 05, 2007.
5. Respondent's nursing employment history includes:

5/2007 - 3/2010	Emergency Room Nurse	Angleton Danbury Medical Center Angleton, Texas
4/2010 - Present	Unknown	

6. At the time of the initial incident In Finding of Fact Number Seven (7), Respondent was employed as an Emergency Room Nurse with Angleton Danbury Medical Center, Angleton, Texas, and had been in this position for approximately two (2) years and ten (10) months.
7. On or about March 11, 2010, while employed with Angleton Danbury Medical Center, Angleton, Texas, Respondent failed to completely and accurately document nursing care he provided for Patient Medical Record Number 0176611 in that Respondent provided the Brazoria County Sheriff's Office with information not contained in the Medical Record. In a report to Brazoria County Sheriff's Office, Respondent wrote that at 04:05 Patient Medical Record Number 0176611 was "slumping" over his left side in a stretcher and was then lifted and placed in a wheel chair. Respondent wrote that the patient was "holding his breath" and that Respondent used an Ammonia inhaler to check patient's responsiveness. Further he wrote that he palpated his carotid artery to check for pulse prior to releasing said patient from the Hospital. Subsequently, within minutes of discharge, while in the ambulance bay, said patient was returned to the Emergency room, unresponsive, and not breathing. Staff attempted to resuscitate Patient Medical Record Number 0176611, but he expired shortly thereafter. Respondent's failure may have injured Patient Medical Record Number 0176611 in that subsequent care givers relied on inaccurate and incomplete medical records during their resuscitation attempts of said Patient.
8. On or about March 11, 2010, while employed with Angleton Danbury Medical Center, Angleton, Texas, Respondent failed to properly assess Patient Medical Record Number 0176611 prior to discharging him to the care of Brazoria County Sheriff deputies in that Respondent documented that Patient Medical Record Number 0176611 was in "fair" condition. Subsequently, within minutes of discharge, and while in the ambulance bay, Patient Medical Record Number 0176611 was returned to the ER unresponsive and not breathing. Respondent's failure may have denied Patient Medical Number 0176611 of timely medical interventions that may have detected his oncoming demise.
9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states that Patient Medical Record Number 0176611 had been thoroughly examined for injuries to the head and neck he sustained during an unwitnessed fall while incarcerated at Brazoria County Jail. Respondent states that it was not within his scope of practice to discharge a patient from the hospital, and that the physician had ordered said patient be discharged after said Patient's examination and comprehensive tests including, blood tests, x-rays, and an MRI were found to be negative. Respondent reports that the patient was uncooperative, sometimes refusing to speak, swallow, or walk, and at times combative. Respondent questions what information he failed to provide to law enforcement, and reports that he cooperated fully with the ensuing investigation of this incident. Respondent adds that he, the staff, physicians, and the hospital, have already been notified that they were not responsible for Patient Medical Record Number 0176611's death.

10. On or about October 2, 2010, while employed with Angleton Danbury Medical Center Angleton, Texas, Respondent failed to timely and urgently notify a physician that Patient Medical Record Number 01811661 was experiencing shortness of breath due to ingesting de-colored iodine. Instead, Respondent discounted Patient Medical Record Number 01811661's condition, and described it to the physician as "the most impressive case of anxiety" Respondent had ever seen. Subsequently, Patient Medical Record Number 01811661 required the placement of a tracheostomy. Respondent's failure may have contributed to delays in the care of Patient Medical Record Number 01811661, which may have deprived said patient of a less invasive intervention than the tracheostomy.
11. On or about October 2, 2010, while employed with Angleton Danbury Medical Center, Angleton, Texas, Respondent failed to intervene in a timely manner when Patient Medical Record Number 01811661, who had ingested de-colored iodine, experienced shortness of breath and oxygen de-saturation. Instead, Respondent reported to staff and physician that Patient Medical Record Number 01811661 was "faking" his symptoms. Subsequently, Patient Medical Record Number 01811661 developed anaphylactic shock and required a tracheostomy. Respondent's failure may have contributed to delays in the care of Patient Medical Record Number 01811661, which may have deprived said patient of a less invasive intervention than the tracheostomy.
12. In response to Findings of Fact Numbers Ten (10) and Eleven(11), Respondent denies discounting Patient Medical Record Number 01811661's story or condition, but instead reports that said patient, who was ambulatory, was indeed too anxious and restless making Respondent's attempts at applying oxygen and performing an assessment unsuccessful. Respondent adds that he instead went to notify the physician immediately. Respondent reports that he rushed to the physician and said something along the lines of "this guy drank some Iodine thinking it was a 5-hour energy drink. He's in Trauma 9 and is coughing, choking, and very restless, or he is having the worst anxiety attack in history. You need to come." Respondent denies stating the patient was faking as evidenced by Respondent's contact of the poison control center and using the term de-colored iodine, an expression he was first to use. Respondent believes that all allegations against him were brought up after he decided to resign his employment from facility.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violation(s) of 22 TEX. ADMIN. CODE §217.11(1)(B), (1)(D),(1)(L), (1)(M), and 22 TEX. ADMIN. CODE §217.12(1)(B)& (4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 741410, heretofore issued to JOHN MCGEE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license(s) is/are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to

be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception; Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the

course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program

provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/disciplinaryaction/stipscourses.html>.*

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) OR A VOCATIONAL NURSE (LVN) LICENSE, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(5) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer

prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(7) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse. Direct supervision requires another nurse, as applicable, to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational Nurse, who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT SHALL NOT be employed by a

nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

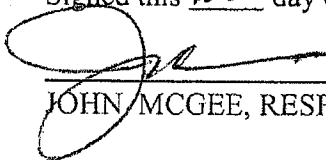
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violation(s) alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

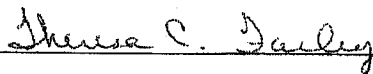
Signed this 28th day of September, 2012.



JOHN MCGEE, RESPONDENT

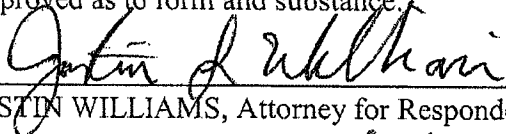
Sworn to and subscribed before me this 28th day of September, 2012.



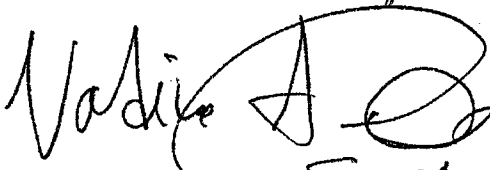


Notary Public in and for the State of Texas

Approved as to form and substance.


JUSTIN WILLIAMS, Attorney for Respondent

Signed this 29 day of September, 2012



September 29, 2012

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of September, 2012, by JOHN MCGEE, Registered Nurse License Number 741410, and said Order is final.

Effective this 13th day of November, 2012.



Katherine A. Thomas, MN, RN, FAAN
Executive Director on behalf
of said Board