

BEFORE THE TEXAS BOARD OF NURSING



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

In the Matter of § AGREED
Registered Nurse License Number 614796 §
issued to CLINT M. MCNALLY § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of CLINT M. MCNALLY, Registered Nurse License Number 614796 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)(2)&(10) and 301.453, Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 17, 2014, 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 representation by counsel, 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 a Baccalaureate Degree in Nursing from St. Joseph's College, North Windham, Maine, on May 1, 1983. Respondent was licensed to practice professional nursing in the State of Texas on March 27, 1995.
5. Respondent's professional nursing employment history is unknown.
6. On or about March 2, 2004, Respondent was issued the sanction of REMEDIAL EDUCATION by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 2, 2004, is attached and incorporated, by reference, as part of this Order.

7. On or about February 22, 2006, Respondent entered a plea of Guilty to THEFT/EMBEZZLEMENT OF US GOVERNMENT PROPERTY, a misdemeanor offense committed on May 19, 2005, in the U.S. District Court Western District of Texas, Under Cause No. 5:05-CR-00583-JWP-1. As a result of the plea, Respondent was placed on probation for a period of one (1) year and ordered to pay a fine and court costs.
8. On or about August 27, 2006, Respondent submitted a Texas Online Renewal Document Registered Nurse to the Board of Nurse Examiners, in which he provided false, deceptive, and/or misleading information, in that he answered "No" to the question:

“Have you ever been arrested, convicted, placed on community supervision whether or not adjudicated guilty, sentenced to serve jail or prison time or granted pre-trial diversion, or plead guilty, no contest or nolo contendere to any crime in any state, territory or country, or received a court order whether or not a sentence was imposed including any pending criminal charge or unresolved arrest whether or not on appeal (excluding minor Class C traffic violations)? This includes expunged offense and deferred adjudications with or without a finding of guilty. Please note that DUI’s, DWI’s, PI’s must be reported and are not considered minor traffic violations.”

Respondent failed to disclosed that, on or about February 22, 2006, Respondent entered a plea of Guilty to THEFT/EMBEZZLEMENT OF US GOVERNMENT PROPERTY, a misdemeanor offense committed on May 19, 2005, in the U.S. District Court Western District of Texas, Under Cause No. 5:05-CR-00583-JWP-1. As a result of the plea, Respondent was placed on probation for a period of one (1) year

9. In response to Findings of Fact Numbers Seven (7) and Eight (8), Respondent states the incidents were the hallmark for his diagnosis of Post Traumatic Stress Disorder. Respondent sought medical attention and entered into treatment. Respondent answered “No” to the question in good faith without purpose of evasion. Respondent believes his offense to be considered a petty offense.
10. Formal Charges were filed on January 7, 2014.
11. Formal Charges were mailed to Respondent on January 9, 2014.

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 §217.12(6)(I)&(13).

4. The evidence received is sufficient cause pursuant to Section 301.452(b)(2)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 614796, heretofore issued to CLINT M. MCNALLY, 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 WARNING 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/compliance>.*

(2) 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/compliance>.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty dollars (\$250). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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 ONE (1) YEAR(S) OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWELVE (12) 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:

(4) 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.

(5) 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.

(6) 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.

(7) 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 one (1) year(s) 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 may be eligible for nurse licensure compact privileges, if any.

RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. 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.

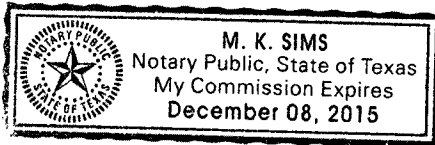
Signed this 4th day of August, 2014.

Clint M. McNally
CLINT M. MCNALLY, RESPONDENT

Sworn to and subscribed before me this 4th day of August, 2014.

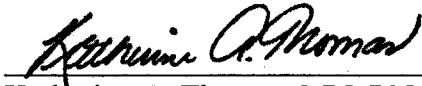
SEAL

M. K. Sims
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 4th day of August, 2014, by CLINT M. MCNALLY, Registered Nurse License Number 614796, and said Order is final.

Effective this 9th day of September, 2014.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 614796 § AGREED
issued to CLINT M. MCNALLY § ORDER

An investigation by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, produced evidence indicating that CLINT M. MCNALLY, License Number 614796, hereinafter referred to as Respondent, may have violated Section 301.452 (b)(10), Texas Occupations Code.

An informal conference was held on January 13, 2004, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Deborah Bell, Board Member; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Candace V. Heisserman, Investigator.

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.
2. Respondent waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.

4. Respondent received a Baccalaureate Degree in Nursing from St. Joseph's College, North Windham, Maine, on May 1, 1983. Respondent was licensed to practice professional nursing in the State of Texas on March 27, 1995.

5. Respondent's professional employment history includes:

1995-1996	Per Diem Nurse/ Case Manager	First American Home Health/ Home Health Plus San Antonio, Texas
1996-1997	Supervisor Disease Management	Caremark, Inc. San Antonio, Texas
1997-1998	Staff Nurse SICU	South Texas Veterans Health Care Administration San Antonio, Texas
1998	Staff Nurse PACU	University Health System San Antonio, Texas
2/99-11/99	Staff Nurse Cath Lab	Baptist Health System San Antonio, Texas
1999-10/01	Staff Nurse Cath Lab	Baptist Medical Center/ Christus Santa Rosa Hospital San Antonio, Texas
10/01-12/02	Staff Nurse Cath Lab	Northeast Baptist Hospital Baptist Health System San Antonio, Texas
1/03-2/03	Staff Nurse	Vitas Hospice San Antonio, Texas
2/03-Present	Staff Nurse-Active Duty	United States Air Force Lackland Air Force Base San Antonio, Texas

6. At the time of the initial incident, Respondent was employed as a Staff Nurse in the Cath Lab with Northeast Baptist Hospital, San Antonio, Texas, and had been in this position for approximately one (1) year.

7. On or about October 16, 2002, through November 7, 2002, while employed at Northeast Baptist Hospital, San Antonio, Texas, Respondent withdrew Versed and Fentanyl from the Pyxis Medication Dispensing System for patients but failed to accurately and completely document the administration of these medications in patients' Event Logs, Intervention Records, and/or Conscious Sedation Assessment and Flow Sheets, as follows:

DATE/TIME	PATIENT ACCOUNT #	PYXIS	INTERVENTION RECORD, EVENT LOG, AND/OR CONSCIOUS SEDATION ASSESSMENT AND FLOW SHEET	WASTAGE
10/16/02@1623	0228900562	Versed 5mg/ 5ml Inj.	No	No
10/17/02@0946	0229000083	Versed 5mg/ 15ml	0455-2mg Event Log	No
10/17/02@1807	0228900562	Versed 5mg/ 5ml Inj.	No	No
10/17/02@1807	0228900562	Fentanyl 100mcg/ 2ml Inj.	No	No
10/17/02@1908	0228900562	Fentanyl 100mcg/ 2ml Inj.	No	No
10/18/02@1002	028900692	Fentanyl 100mcg/2 ml Inj.	No	No
10/18/02@1250	0229100086	Versed 5mg/ 5ml Inj.	1300-2mg Intervention Record	No
10/23/02@1349	0229600388	Versed 5mg/ 5ml Inj.	1405-2mg Conscious Sedation Record	No
10/23/02@1349	0229600388	Fentanyl 100mcg/ 2ml Inj.	1405-2mg 1440-2mg Conscious Sedation Record	No
10/25/02@1610	0229700774	Versed 5mg/ 5ml Inj.	1626-2mg Intervention Record	No
10/25/02@1300	0229800385	Versed 5mg/ 5ml Inj.	1310-2mg Intervention Record, Event Log, and Conscious Sedation Record	No
10/29/02@1156	0230200295	Versed 5mg/ 5ml Inj.	1234-2mg Conscious Sedation Record	No

11/7/02@1406	0231100399	Versed 5mg/ 5ml Inj.	1408-1mg Intervention Record	No
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Respondent's conduct was likely to injure patients in that subsequent care givers would rely on the documentation to further medicate the patient which could result in over-medication.

8. On or about October 16, 2002, through November 7, 2002, while employed at Northeast Baptist Hospital, San Antonio, Texas, Respondent withdrew Versed and Fentanyl from the Pyxis Medication Dispensing System for patients, but failed to follow the policy and procedure in place for the wastage of these medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

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 of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(4)&(18).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 614796, heretofore issued to CLINT M. MCNALLY, including revocation of Respondent's professional license to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of REMEDIAL EDUCATION, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX.

ADMIN. CODE §211.01 *et seq.* and this Order.

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

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

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL deliver the wallet-sized license issued to CLINT M. MCNALLY to the office of the Board of Nurse Examiners within ten (10) days of the date of ratification of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of Order, successfully complete a course in Texas nursing jurisprudence. 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 Registered Nurses. It shall be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. 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 can be found on the Board's website, www.bne.state.tx.us (under BNE events).*

(3) RESPONDENT SHALL, within one (1) year of Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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 Registered 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 can be found on the Board's website www.bne.state.tx.us (under BNE events).*

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued an unencumbered license and multistate licensure privileges, if any, to practice professional nursing in the State of Texas.

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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations 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 when this Order becomes final and the terms of this Order become effective, 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 26 day of February, 2004.

Clint M. McNally
CLINT M. MCNALLY, RESPONDENT

Sworn to and subscribed before me this 26th day of February, 2004.

[Signature]
Notary Public in and for the State of Texas



WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Board of Nurse Examiners for the State of Texas, does hereby ratify and adopt the Agreed Order that was signed on the 26th day of February, 2004, by CLINT M. MCNALLY, License Number 614796, and said Order is final.

Effective this 2nd day of March, 2004.



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