



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 Advanced Practice Registered	§	AGREED
Nurse License Number AP104300,	§	
Registered Nurse License Number 555111,	§	
& Vocational Nurse License Number 116877	§	
issued to DANNY HOWARD MCKINNEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANNY HOWARD MCKINNEY, Advanced Practice Registered Nurse License Number AP104300, Registered Nurse License Number 555111, and Vocational Nurse License Number 116877, 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), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on March 19, 2015.

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 notice and hearing and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas is in current status.
4. Respondent received a Certificate in Vocational Nursing from Womack Army Medical Center, Fayetteville, North Carolina, on October 22, 1982; received a Baccalaureate Degree in Nursing from The University of Texas Health Science Center, Houston, Texas, on May

12, 1989; and received a Master's Degree in Nursing from The University of Texas Health Science Center, Houston, Texas, on April 24, 1992. Respondent was licensed to practice vocational nursing in the State of Texas on February 18, 1987; licensed to practice professional nursing in the State of Texas on August 25, 1989; and was licensed to practice advanced practice registered nursing in the role of Nurse Anesthetist in the State of Texas on August 4, 1992.

5. Respondent's nursing employment history includes:

2/1987-4/1992		Unknown
5/1992-6/1996	Nurse Anesthetist	Grammercy Outpatient Surgery Center Houston, Texas
5/1992-6/1996	Nurse Anesthetists	Memorial Southeast Hospital Houston, Texas
3/1994-4/1996	Nurse Anesthetist	Knolle Ocular Surgery Center Houston, Texas
6/1996-3/2010	Director of Anesthesia Services	SurgEyeCare/Vision Quest Dallas, Texas
12/1998-4/2000	Assistant Clinical Professor	Texas Wesleyan University Fort Worth, Texas
9/2001-12/2011	Contract Nurse Anesthetist	Integrated Medical Professionals Dallas, Texas
4/2007-11/2010	Nurse Anesthetist	Parkland Hospital Dallas, Texas
3/2008-Present	Owner/Nurse Anesthetist	Outpatient Anesthesia Management Services, Inc. Dallas, Texas
11/2012-1/2013	Nurse Anesthetist	Dallas Endoscopy Center Dallas, Texas

6. On or about April 25, 2011, Respondent's license to practice professional nursing in the State of Texas was issued the sanction of REMEDIAL EDUCATION through an Agreed Order by the Board. A copy of the Agreed Order, including the Findings of Fact, Conclusions of Law and Order dated April 25, 2011, is attached and incorporated by reference as part of this Order.

7. At the time of the incident, Respondent was employed as a Nurse Anesthetist and Owner of Outpatient Anesthesia Management Services, Inc., Dallas, Texas, and had been in that position for four (4) years and seven (7) months.
8. On or about October 9, 2012, while employed as a Nurse Anesthetist and Owner of Outpatient Anesthesia Management Services, Inc., Dallas, Texas, and providing care at Heritage Eye Center, McKinney, Texas, Respondent incorrectly documented the time of post-operative assessment in the medical record of Patient Number 80942. Respondent administered anesthesia to the patient, and the documentation reflects that the post-operative assessment was completed prior to the procedure being started instead of afterwards. Respondent's conduct resulted in an inaccurate medical record and was likely to injure the patient in that subsequent care givers would not have accurate and complete information on which to base their care decisions.
9. In response to the incident in Finding of Fact Number Eight (8), Respondent states that he fully assessed the patient prior to the administration of anesthetics. Respondent states that he documented the anesthesia start time as 12:06 for the pre-anesthesia assessment, IV sedation was administered at 12:10 with the peribulbar block following in the same minute after determining the patient was sedated. Respondent states that the 12:06 time written on post-operative visit section of the form is incorrect and should have been 12:18. Respondent adds that this was the first time that he had worked at the facility and was unfamiliar with their individualized forms.

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)(A),(1)(B),(1)(D)&(1)(M) and 22 TEX. ADMIN. CODE §217.12(1)(A),(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 Advanced Practice Registered Nurse License Number AP104300, Registered Nurse License Number 555111, and Vocational Nurse License Number 116877, heretofore issued to DANNY HOWARD MCKINNEY.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

TERMS OF ORDER

I. SANCTION AND APPLICABILITY

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **WARNING WITH STIPULATIONS** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

II. COMPLIANCE WITH LAW

While under the terms of this Order, RESPONDENT agrees to 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.

III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education courses **within one (1) year of the effective date of this Order, unless otherwise specifically indicated:**

- A. **A course in Texas nursing jurisprudence and ethics** that 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. Home study courses and video programs will not be approved.

- B. **A Board-approved course in nursing documentation** that shall be a minimum of six (6) hours in length. The course's content shall include: 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. Home study courses and video programs will not be approved.
- C. **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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

IV. **EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as an advanced practice registered nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for four (4) quarterly periods [one (1) year] of employment. This requirement will not be satisfied until four (4) quarterly periods of employment as an advanced practice registered nurse have elapsed. Any quarterly period without continuous employment as an advanced practice registered nurse with the same employer for all three (3) months will not count towards completion of this requirement. Periods of unemployment or of employment that do not require the use of a advanced practice registered nurse (APRN) license will not apply to this period and will not count towards completion of this requirement. Further, Respondent may not work as a registered nurse (RN) or a vocational nurse (LVN) license, as

applicable, while under the terms of this Order.

- A. Notifying Present and Future Employers, Practice Sites and Credentialing Agencies:** RESPONDENT SHALL notify each present employer, practice site and/or credentialing agency 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, practice site and/or credentialing agency in nursing within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers, practice sites and/or credentialing agencies in nursing and present a complete copy of this Order, including all attachments, if any, to each future employer, practice site and/or credentialing agency in nursing prior to accepting an offer of employment and/or assignment.
- B. Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer, practice site and/or credentialing agency in nursing to submit the Board's "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, practice site and/or credentialing agency in nursing to submit the Board's "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.
- C. Incident Reporting:** RESPONDENT SHALL CAUSE each employer, practice site and/or credentialing agency in nursing to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- D. Nursing Performance Evaluations:** RESPONDENT SHALL CAUSE each supervising Director of Anesthesia, Physician, and/or Chief Certified Registered Nurse Anesthetist (CRNA) 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 Director of Anesthesia, Physician, and/or Chief CRNA who supervises the RESPONDENT and these reports shall be submitted by the Director of Anesthesia, Physician, and/or Chief CRNA to the office of the Board at the end of each three (3) month quarterly period for four (4) quarters [one (1) year] of employment as a nurse.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

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.

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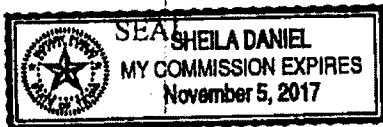
RESPONDENT'S CERTIFICATION

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 entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 13 day of August, 2015.

Danny Howard McKinney
DANNY HOWARD MCKINNEY, Respondent

Sworn to and subscribed before me this 13th day of August, 2015.



Sheila Daniel

Notary Public in and for the State of Texas

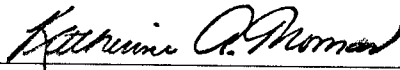
Approved as to form and substance.

Brett Timmons
Brett Timmons, Attorney for Respondent

Signed this 13th day of August, 2015.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 13th day of August, 2015, by DANNY HOWARD MCKINNEY, Advanced Practice Registered Nurse License Number AP104300, Registered Nurse License Number 555111, and Vocational Nurse License Number 116877, and said Order is final.

Effective this 8th day of September, 2015.



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



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 Registered Nurse	§	AGREED
License Number 555111 and	§	
Vocational Nurse License	§	
Number 116877 issued to	§	
DANNY HOWARD MCKINNEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANNY HOWARD MCKINNEY, Registered Nurse License Number 555111, and Vocational Nurse License Number 116877, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on January 29, 2011, by Katherine A. Thomas, MN, RN, Executive Director.

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. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Womack Army Medical Center, Fayetteville, North Carolina, on October 22, 1982, a Baccalaureate Degree in Nursing from The University of Texas Health Science Center, Houston, Texas, on May 12, 1989, and a Masters Degree in Nursing - Anesthesia Specialty, from The University of Texas Health Science Center, Houston, Texas on April 24, 1992. Respondent was licensed

to practice vocational nursing in the State of Texas on February 18, 1987, and licensed to practice professional nursing in the State of Texas on August 25, 1989. Respondent was recognized as a Certified Registered Nurse Anesthetist in the State of Texas on August 4, 1992.

5. Respondent's nursing employment history includes:

10/1982 - Unknown	Staff Nurse LVN	United States Army
5/1992 - 6/1996	Staff Nurse Anesthetist	Memorial Southeast Hospital Houston, Texas
5/1992 - 6/1996	Staff Nurse Anesthetist	Grammercy Outpatient Surgery Center Houston, Texas
3/1994 - 4/1996	Staff Nurse Anesthetist	Knolle Ocular Surgery Center Houston, Texas
6/1996 - Current	Self-employed	Certified Registered Nurse Anesthetist
6/1996 - Current	Director of Anesthesia	EyeCare and Surgery Center Dallas, Texas
12/1998 - 4/2000	Assistant Clinical Professor	Texas Wesleyan University School of Nurse Anesthesia Fort Worth, Texas
9/2001 - Current	Contract Nurse Anesthetist	Integrated Medical Professionals Dallas, Texas
9/2002 - Current	Staff Nurse Anesthetist	Waxahatchie Surgery Pavilion Waxahatchie, Texas
4/2007 - Current	Staff Nurse Anesthetist	Parkland Hospital Dallas, Texas

6. At the time of the incidents in Finding of Fact Number Seven (7) and Number Eight (8), Respondent was employed as a with Certified Registered Nurse Anesthetist, and had been in this position for nine (9) years and seven (7) months.

7. On or about January 12, 2009, while self-employed and working at Surgeyecare General Partnership, Dallas, Texas, Respondent had knowledge that unlicensed personnel were administering medicated eye drops to patients in the pre-operative area. Respondent's conduct resulted in patient's receiving medicated eye drops by unlicensed personnel in violation of Texas Department of Health Services regulations.
8. On or about January 12, 2009, while self-employed and working at Surgeyecare General Partnership, Dallas, Texas, Respondent co-signed medical records confirming the administration of medicated eye drops by unlicensed personnel to patients in the pre-operative area. Respondent's conduct resulted in an inaccurate medical record which subsequent care givers would rely on to provide further medical care.
9. In response to the incidents in Findings of Fact Number Seven (7) and Number Eight (8), Respondent states he was aware that the Ophthalmic technicians were administering eye drops but he believed them to be doing so within the guidelines of the policy and procedure manual which had been approved by the State of Texas on their last inspection on August 16, 2005. Respondent asserts that he has stopped co-signing any medication administration and the provision that Certified assistants may administer eye drops had been removed from the policy.

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)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(D), and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Vocational Nurse License Number, heretofore issued to DANNY HOWARD MCKINNEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive

the sanction of REMEDIAL EDUCATION AND A FINE, 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 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, 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) 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. *Information regarding this workshop may be found at the following web address: <http://learningext.com/hives/a0f6f3e8a0/summary>.*

(4) RESPONDENT SHALL pay a monetary fine in the amount of five hundred (\$500.00) dollars. RESPONDENT SHALL pay this fine within 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, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S licenses to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

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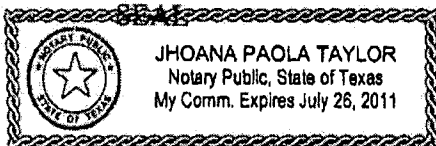
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RESPONDENT'S CERTIFICATION

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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

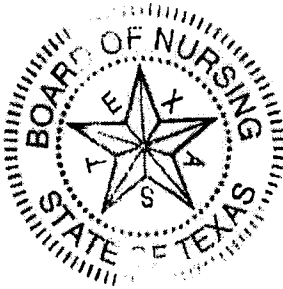
Signed this 14 day of April, 2011,
Danny Howard McKinney
DANNY HOWARD MCKINNEY, Respondent

Sworn to and subscribed before me this 14 day of April, 2011.




Jhoana Paola Taylor
Notary Public in and for the State of Texas.

WHEREFORE, PREMISES CONSIDERED, the Executive Director, on behalf of the Texas Board of Nursing, does hereby ratify and adopt the Agreed Order that was signed on the 14th day of April, 2011, by DANNY HOWARD MCKINNEY, Registered Nurse License Number 555111, and Vocational Nurse License Number 116877, and said Order is final.



Effective this 25th day of April, 2011.


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