



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 520277 §
issued to MARK KEVIN MCPHERSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARK KEVIN MCPHERSON, Registered Nurse License Number 520277, 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)(1)&(10), 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 14, 2016.

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 professional nurse in the State of Texas is in current status.
4. Respondent received a Diploma in Nursing from the Chester County Hospital School of Nursing, West Chester, Pennsylvania, on June 4, 1982. Respondent was licensed to practice professional nursing in the State of Texas on December 3, 1984.
5. Respondent's nursing employment history is includes:

11/2014 - Present	Staff Nurse	Parkway Place Houston, Texas
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6. On or about May 9, 2000, Respondent was issued the sanction of REPRIMAND WITH STIPULATIONS by the Texas Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated May 9, 2000, is attached and incorporated, by reference, as part of this Order.
7. On or about July 31, 2009, Respondent was issued the sanction of REMEDIAL EDUCATION by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 31, 2009, is attached incorporated, by reference, as part of this Order.
8. On or about November 12, 2013, Respondent was issued WARNING W/STIPULATIONS by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated November 12, 2013, is attached and incorporated, by reference, as part of this Order.
9. On or about August 27, 2015, Respondent's license to practice professional nursing in the State of California was issued the sanction of DEFAULT DECISION AND ORDER by the Board of Registered Nursing Department of Consumer Affairs State of California, Sacramento, California. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated August 27, 2015, is attached and incorporated, by reference, as part of this Order.
10. On or about November 28, 2015, while employed with Parkway Place Nursing Home, Houston, Texas, Respondent was noncompliant with the Agreed Order WARNING WITH STIPULATIONS issued to him on November 12, 2013, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to cause his employer to submit a Notification of Employment form to the Texas of Nursing. Stipulation Number Four (4) of the Agreed Order dated November 12, 2013, states, in pertinent part:

(4) "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.
11. On or about March 2, 2015 and June 2, 2015, September 2, 2015, December 2, 2015 while employed with Parkway Place Nursing Home, Houston, Texas, Respondent was noncompliant with the Agreed Order WARNING WITH STIPULATIONS issued to him on November 12, 2013, by the Texas Board of Nursing. Noncompliance is the result of Respondent's failure to cause his employer to submit quarterly reports as to Respondent's capability to practice nursing. Stipulation Number Six (6) of the Agreed Order dated November 12, 2013, states, in pertinent part:

(6) "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.

12. In response to Findings of Fact Numbers Ten (10) and Eleven (11), Respondent states he was actually hired on November 14, 2014 and made his DON aware of his stipulations. They were all under the impression that after his one year evaluation that they would send paperwork of his work performance etc. His DON made an error and she does hope that we could understand and consider giving credit for the one year he has completed. She honestly thought that their human resources was handling the situation.

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(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 520277, heretofore issued to MARK KEVIN MCPHERSON, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
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 **REPRIMAND WITH STIPULATIONS AND FINE** 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. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) 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.

IV. COMPLIANCE WITH PRIOR ORDER

The Order of the Board issued to RESPONDENT on November 12, 2013, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

V. RESTORATION OF UNENCUMBERED LICENSE(S)

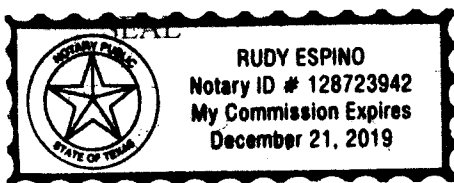
Upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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 24 day of July, 2016.
Mark M Pherson
MARK KEVIN MCPHERSON, Respondent

Sworn to and subscribed before me this 29th day of July, 2016.



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

Approved as to form and substance.

[Signature]
Marc M Meyer, Attorney for Respondent

Signed this 24 day of August, 2016.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 24th day of July, 2016, by MARK KEVIN MCPHERSON, Registered Nurse License Number 520277, and said Order is final.

Effective this 13th day of September, 2016.



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

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey, M.Ed., RN
Louise R. Bailey, M. Ed., RN
Executive Officer



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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:
**MARK KEVIN MCPHERSON
aka MARK MCPHERSON
732 1/2 East 12th Street
Houston, TX 77008**
Registered Nurse License No. 731291
RESPONDENT

Case No. 2014-1012
OAH No. 2014050804
DEFAULT DECISION AND ORDER
[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about February 20, 2014, Complainant Louise R. Bailey, M.Ed.,RN, in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2014-1012 against Mark Kevin McPherson, aka Mark McPherson (Respondent) before the Board of Registered Nursing. (Accusation attached as Exhibit A.)
2. On or about July 15, 2008, the Board of Registered Nursing (Board) issued Registered Nurse License No. 731291 to Respondent. The Registered Nurse License expired on July 31, 2010, and has not been renewed.
3. On or about February 20, 2014, Respondent was served by Certified and First Class Mail copies of the Accusation No. 2014-1012, Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record which, pursuant to Business and Professions Code section 136

1 and/Title 16, California Code of Regulation, section 1409.1, is required to be reported and
2 maintained with the Board, was:

3 2638 Yorktown # 284

4 Houston, TX 77056.

5 On or about March 22, 2014, Respondent was re-served by Certified and First Class Mail
6 copies of the Accusation No. 2014-1012, Statement to Respondent, Notice of Defense, Request
7 for Discovery, and Government Code sections 11507.5, 11507.6, and 11507.7 to Respondent's
8 alternate address as follows:

9 732 E. 12th St

10 Houston, TX 77008.

11 4. Service of the Accusation was effective as a matter of law under the provisions of
12 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
13 124.

14 5. On or about April 1, 2014, the Board of Registered Nursing received the Domestic
15 Return Receipt signed by Respondent on March 27, 2014, acknowledging acceptance of the
16 aforementioned documents served via Certified Mail to 732 E. 12th St, Houston, TX 77008. On
17 or about April 7, 2014, the Board received a Notice of Defense signed by Respondent on March
18 31, 2014, requesting a hearing in this matter. A Notice of Hearing was sent on June 4, 2014, to
19 732 ½ East 12th Street, Houston, TX 7008 and to 732 East 12th Street, Houston, TX 7008
20 informing Respondent that an administrative hearing in this matter was scheduled for June 4,
21 2015. On or about June 10, 2014, Respondent signed and returned the Domestic Return Receipts
22 acknowledging acceptance of the Notice of Hearing. Respondent failed to appear at the hearing
23 on June 4, 2015.

24 6. Business and Professions Code section 2764 states:

25 The lapsing or suspension of a license by operation of law or by order or decision of
26 the board or a court of law, or the voluntary surrender of a license by a licentiate shall not deprive
27 the board of jurisdiction to proceed with an investigation of or action or disciplinary proceeding
28 against such license, or to render a decision suspending or revoking such license.

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7. Government Code section 11506 states, in pertinent part:

(c) The respondent shall be entitled to a hearing on the merits if the respondent files a notice of defense, and the notice shall be deemed a specific denial of all parts of the Accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

8. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the agency may take action based upon the respondent's express admissions or upon other evidence and affidavits may be used as evidence without any notice to respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on Accusation No. 2014-1012 and the documents contained in Default Decision Investigatory Evidence Packet in this matter which includes:

Exhibit 1: Pleadings offered for jurisdictional purposes; Accusation Case No. 2014-1012, Statement to Respondent, Notice of Defense (two blank copies), Request for Discovery and Discovery Statutes (Government Code sections 11507.5, 11507.6 and 11507.7), proofs of service, mail receipt, Notice of Defense and Notice of Hearing;

Exhibit 2: License History Certification for Mark Kevin McPherson, aka Mark McPherson, Registered Nurse License No. 731291;

Exhibit 3: Out of State Discipline (Texas Board of Nursing).

The Board finds that the charges and allegations in Accusation No. 2014-1012 are separately and severally true and correct by clear and convincing evidence.

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DETERMINATION OF ISSUES

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1. Based on the foregoing findings of fact, Respondent Mark Kevin McPherson, aka Mark McPherson has subjected his following license(s) to discipline:

a. Registered Nurse License No. 731291

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's license(s) based upon the following violations alleged in the Accusation, which are supported by the evidence contained in the Default Decision Investigatory Evidence Packet in this case.

a. Violation of Business and Professions Code section 2761(a)(4) - Disciplinary action by another State Board of Nursing.

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ORDER

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2 IT IS SO ORDERED that Registered Nurse License No. 731291, heretofore issued to
3 Respondent Mark Kevin McPherson, aka Mark McPherson, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
5 written motion requesting that the Decision be vacated and stating the grounds relied on within
6 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
7 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

8 This Decision shall become effective on September 25, 2015.

9 It is so ORDERED August 27, 2015.

10
11 Michael D. Jackson, MSN, RN, CEN

12 Board of Registered Nursing
13 Department of Consumer Affairs
14 State of California

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16 Attachment:

17 Exhibit A: Accusation No. 2014-1012
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Exhibit A

Accusation No. 2014-1012

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 JAMES M. LEDAKIS
Supervising Deputy Attorney General
4 State Bar No. 132645
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-2105
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
10 **BOARD OF REGISTERED NURSING**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 2014-1012

13 **MARK KEVIN McPHERSON,**
14 **AKA MARK McPHERSON**
2638 Yorktown, #284
Houston, TX 77056

A C C U S A T I O N

15 Registered Nurse License No. 731291

16 Respondent.

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19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On July 15, 2008, the Board of Registered Nursing (Board) issued Registered
25 Nurse License Number 731291 to Mark Kevin McPherson, also known as Mark McPherson
26 (Respondent). The Registered Nurse License expired on July 31, 2010, and has not been
27 renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2750 of the Code provides, in pertinent part, that the Board may
6 discipline any licensee, including a licensee holding a temporary or an inactive license, for any
7 reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

8 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a
9 license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding
10 against the licensee or to render a decision imposing discipline on the license.

11 **STATUTORY PROVISIONS**

12 6. Section 2761 of the Code states:

13 The board may take disciplinary action against a certified or licensed
14 nurse or deny an application for a certificate or license for any of the following:

15 (a) Unprofessional conduct, which includes, but is not limited to, the
16 following:

16

17 (4) Denial of licensure, revocation, suspension, restriction, or any other
18 disciplinary action against a health care professional license or certificate by
19 another state or territory of the United States, by any other government agency, or
20 by another California health care professional licensing board. A certified copy of
the decision or judgment shall be conclusive evidence of that action.

20

21 **COST RECOVERY**

22 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request
23 the administrative law judge to direct a licentiate found to have committed a violation or
24 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
25 and enforcement of the case, with failure of the licentiate to comply subjecting the license to not
26 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
27 may be included in a stipulated settlement.

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1 16. On April 6, 1999, pursuant to the RCST, article 4524, section C, the Texas Board
2 conducted an informal conference in a disciplinary action against Respondent's registered nurse
3 license in a matter entitled, *In the Matter of License Number 520277 issued to Mark Kevin*
4 *McPherson*, and offered an Order requiring Respondent to deliver the wallet-size license issued,
5 which upon full compliance with the terms of the Order shall be issued as an unencumbered
6 license to practice professional nursing in the State of Texas.

7 17. The facts that led to the discipline are that on May 17, 1998, while employed as a
8 staff nurse at the Emergency Department of the then Tenet Twelve Oaks Hospital (now known
9 as Bayou City Medical Center) in Houston, Texas:

10 a. Respondent failed to document thorough ongoing assessments for a
11 patient admitted by ambulance from a nursing home. Respondent triaged the patient as
12 "emergent" and dehydrated with a possible bowel obstruction. Respondent documented an
13 admission assessment, and recorded nothing further until his final code note. In addition,
14 Respondent recorded only the vital signs in the initial readings at 8:00 p.m. The patient was
15 subsequently found in acute distress, with agonal respirations and pronounced dead at 11:35 p.m.

16 b. Respondent failed to document any interventions performed on the patient
17 between the time of admission and the time a code was called. When the patient was coded at
18 11:10 p.m., the patient was found with no intravenous access, no Foley catheter, and not attached
19 to a monitor.

20 18. Respondent's conduct violated title 22 of the TAC section 217.13, subdivisions
21 (2) and (4), which constituted grounds for disciplinary action in accordance with RCST, article
22 4525, subdivision (b)(9).

23 19. On April 12, 2000, Respondent certified agreement to the Findings of Fact,
24 Conclusions of Law, Order, and conditions of Order of the offered Agreed Order, which on May
25 9, 2000, was accepted by the Texas Board as its order in resolution of the disciplinary action. In
26 the Agreed Order, Respondent's license to practice as a registered nurse in the State of Texas
27 was subjected to the requirement of successfully completing a course each in nursing
28 jurisprudence, physical assessment, and nursing documentation.

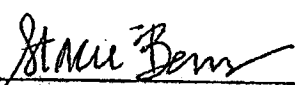
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 731291, issued to Mark Kevin McPherson, also known as Mark McPherson;
2. Ordering Mark Kevin McPherson to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
3. Taking such other and further action as deemed necessary and proper.

DATED: FEBRUARY 20, 2014

for 
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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is on file or is of record in the offices of the
Texas Board of Nursing
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED
Registered Nurse License Number 520277 §
issued to MARK KEVIN MCPHERSON § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MARK KEVIN MCPHERSON, Registered Nurse License Number 520277, 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 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 October 2, 2013, 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 Diploma in Nursing from the Chester County Hospital School of Nursing, West Chester, Pennsylvania, on June 4, 1982. Respondent was licensed to practice professional nursing in the State of Texas on December 3, 1984.
5. Respondent's professional nursing employment history includes:

1983 - 1987	RN	United States Navy
1987 - 1989	RN	Airborne ICU

Respondent's professional nursing employment history continued:

01/88 - 01/90	RN	St. Joseph's Medical Center Houston, Texas
1989 - 2002	RN Chief Flight Nurse	Air Ambulance America Houston, Texas
1989 - Present	RN Agency Nurse	Allied Health Service Houston, Texas
2003 - 2008	RN Agency Nurse	Medical Staffing Network Houston, Texas
01/04 - 10/05	RN	M.D. Anderson Cancer Center Houston, Texas
06/04 - 06/08	RN Staff Nurse	Methodist Willowbrook Hospital Houston, Texas
05/08 - 11/08	RN	Intelistaff Dallas, Texas
07/08 - 09/08	RN	Mainland Medical Center Texas City, Texas
2008 - 2009	RN Agency Nurse	Ultrastaff Houston, Texas
2009 - Present	RN Agency Nurse	SEV Staffing Baytown, Texas
05/13 - 08/13	RN Staff Nurse	University General Hospital Houston, Texas
09/13 - Present	Unknown	

6. On or about May 9, 2000, Respondent was issued the sanction of Reprimand with Stipulations 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 May 9, 2000, is attached and incorporated, by reference, as part of this Order.
7. On or about July 31, 2009, Respondent was issued the sanction of Remedial Education by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated July 31, 2009, is attached and incorporated, by reference, as part of this Order.

8. At the time of the incident, Respondent was employed as a Staff Nurse with University General Hospital, and had been in this position for two (2) months.
9. On or about August 18, 2013, while employed as a Staff Nurse with University General Hospital, Houston, Texas, Respondent discharged a neurostimulator on the arm of a co-worker. Subsequently, the co-worker required treatment in the Emergency Department for severe pain in her arm and neck. Respondent's conduct was likely to injure his co-worker in that it exposed her unnecessarily to physical harm.
10. In response to Finding of Fact Number Nine (9), Respondent states he intended to walk up to Registered Nurse AK and tell her he was disappointed in her behavior, but instead, walked up the wall-mounted narcotics locker where Registered Nurse AK was standing, reached into a cabinet, turned on a TOF stimulator, and "touched her on the left upper arm."

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) and 22 TEX. ADMIN. CODE §217.12(1)(B),(4),(6)(C)&(6)(F).
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 520277, heretofore issued to MARK KEVIN MCPHERSON, 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/disciplinaryaction/stipscourses.html>.*

(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/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 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:

(3) 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.

(4) 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.

(5) 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.

(6) 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.

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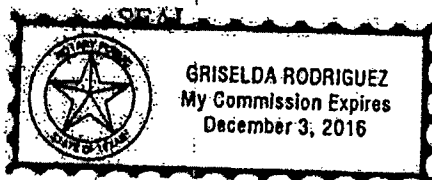
RESPONDENT'S CERTIFICATION

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 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 17 day of October, 2013.

Mark Kevin McPherson
MARK KEVIN MCPHERSON, RESPONDENT

Sworn to and subscribed before me this 17 day of October, 2013.



Griselda Rodriguez
Notary Public in and for the State of Tx

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of October, 2013, by MARK KEVIN MCPHERSON, Registered Nurse License Number 520277, and said Order is final.

Effective this 12th day of November, 2013.



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



BEFORE THE TEXAS BOARD OF NURSING

In the Matter of License Number 520277 § AGREED
issued to MARK KEVIN MCPHERSON § ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the B considered the matter of MARK KEVIN MCPHERSON, Registered Nurse License Number 520 hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on April 17, 2009, 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.
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 a Diploma in Nursing from the Chester County Hospital School of Nursing on June 1, 1982. Respondent was licensed to practice professional nursing in the State of Texas on December 3, 1984.
5. Respondent's professional nursing employment history includes:
1983 - 1987 RN United States Navy
1987 - 1989 RN Airborne ICU

Respondent's professional nursing employment history continued:

01/1988 - 01/1990	RN	St. Joseph's Medical Center Houston, Texas
10/1989 - 03/2002	RN	Air Ambulance America Houston, Texas
1989 - 2004	RN	Supplemental Hospital Staffing Allied Health Services
2003 - 2008	RN	Supplemental Hospital Staffing Medical Staffing Network
01/2004 - 10/2005	RN	M.D. Anderson Cancer Center Houston, Texas
06/2004 - 06/2008	RN	Methodist Willowbrook Hospital Houston, Texas
07/2008 - 09/2008	RN	Mainland Medical Center Texas City, Texas
05/2008 - 11/2008	RN	Intelistaff Dallas, Texas
11/2008 - Present	RN	Supplemental Hospital Staffing Allied Health Services & Ultrastaff

6. On May 9, 2000, Respondent was issued the sanction of Reprimand with Stipulations by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law, and May 9, 2000 Agreed Order is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident, Respondent was employed as a Registered Nurse with Intelistaf, Dallas, Texas, and on assignment at Truality Community Hospital, Hillsboro, Oregon, and had been in this position for three (3) weeks.
8. On or about November 19, 2008, while employed as a Registered Nurse with Intelistaff, Dallas, Texas, and assigned at Truality Community Hospital, Hillsboro, Oregon, the Texas Board of Nursing received a complaint that the Respondent emotionally and/or verbally abused a female patient, in that she asked the patient if her headache was related to

masturbating too much or masturbating while choking or strangulating herself. If true, Respondent's conduct was likely to injure the patient in that it exposed the patient unnecessarily to a risk of experiencing emotional and/or psychological harm.

9. In response to Finding of Fact Number Eight (8), the Respondent states: "My involvement with this patient was to discharge her because the nurse assigned was otherwise occupied. I was not the patient's primary nurse. The patient was an adult female who was evaluated and treated in the Emergency Department at Tuality Community Hospital. I was told that the diagnosis was 'Migraine Headache' and she had been to the Emergency Department for headaches recently. I had not interacted with the patient in any way during her Emergency Department visit. This was the only information conveyed to me. I was given the discharge papers. I obtained a set of discharge vital signs, presented her with the discharge prescriptions and follow-up info. I also verbally presented migraine summary discharge teaching, as follows: rest, take medications as prescribed, avoid known triggers (Caffeine, Alcohol, pickles, and preserved foods and those with Metabisulphite or MSG), avoid stress and sleep deprivation. I also told her if she is having what are called sex headaches or orgasm headaches she needed to tell her doctor. I emphasized to her that I do not need or want to know the answer, but she should be honest with her doctor because avoiding those dietary triggers will not help if that is not the true nature of the problem. However, I mentioned (in thinking out loud) that unexplained recurrent headaches due to choking or strangulation with masturbation is mostly with men and boys. I did not present this information in a question format. I simply relayed the information. There was no suggestion or implication. My goal was to discharge the patient safely and rapidly so that I could return to care for my patients. The patient did not seem shocked or embarrassed. I did ask the other female accompanying the patient to go to the Emergency Department bay out of concern for my patient's privacy and recognizing that this is a sensitive subject.

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 violations of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(6)(C)&(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 520277, heretofore issued to MARK KEVIN MCPHERSON, including revocation of Respondent's license to practice professional 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 REMEDIAL EDUCATION, 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 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 continue to work in the State of Texas, however, 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 MARK KEVIN MCPHERSON to the office of the Texas Board of Nursing within ten (10) days of the date of ratification of this Order.

(2) 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) contact 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.ncsbns.org/disciplinaryaction/sites/courses.html>

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in "Respecting Professional Boundaries," a 3.9 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://www.learningext.com/products/generalce/boundaries/boundariesabout.asp>.*

(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. *Information regarding*

this workshop may be found at the following web address:

<http://www.learningext.com/products/generalce/critical/about.asp>

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 have reviewed this Order. I neither admit nor deny the violations alleged herein nor do I agree with the Findings of Fact and Conclusions of Law. By my signature on this Order, I have agreed to the 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 29th day of July, 2009.

Mark Kevin McPherson

MARK KEVIN MCPHERSON, Respondent

Sworn to and subscribed before me this 29th day of July, 2009.

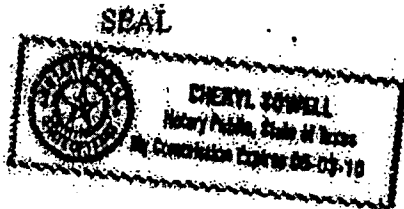
Cheryl Dowell

Notary Public in and for the State of Texas

Approved as to form and substance.

LaVerna Chang

LaVerna Chang, Attorney for Respondent



Signed this 29th day of July, 2009

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 29th day of July, 2009, by MARK KEVIN MCPHERSON, Registered Nurse License Number 520277, and said Order is final.



Effective this 31st day of July, 2009.

A handwritten signature in cursive script, appearing to read 'Katherine A. Thomas', is written over a horizontal line.

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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 520277 § AGREED
Issued to MARK KEVIN MCPHERSON § ORDER

An investigation by the Board produced evidence indicating that MARK KEVIN MCPHERSON, hereinafter referred to as Respondent, License Number 520277, may have violated Article 4525(b)(9), Revised Civil Statutes of Texas, as amended.

An informal conference was held on April 6, 1999, at the office of the Board of Nurse Examiners, in accordance with Article 4524C, Revised Civil Statutes of Texas, as amended.

Respondent appeared in person. Respondent was represented by Blair Brninger, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; J. Kent Black, General Counsel; Anthony L. Diggs, MSCJ, Director of Investigations; Angelica Tyler, BSN, RN, Investigator; and Jeanne E. Jacobson, BSN, RN, 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 notice and hearing, and consented to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in Texas.
4. Respondent received a Diploma in Nursing from Chester County Hospital School of Nursing, Chester, Pennsylvania, in 1982. Respondent was first licensed to practice professional nursing in the State of Texas on December 3, 1984.

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5. Respondent's professional employment history includes:

1982	Staff Nurse Medical ICU	Wilmington Medical Center Wilmington, Delaware
1983	Staff Nurse ICU	Paoli Memorial Hospital Paoli, Pennsylvania
1983	Staff Nurse Supplemental staffing in ICU, BICU, CCU	Presbyterian Hospital Philadelphia, Pennsylvania
1984-1986	Navy Nurse Corp	United States Navy
1986	Staff Nurse Supplemental staffing in ICU, CCU, CVICU, BICU	Presbyterian Hospital Philadelphia, Pennsylvania
1987	Staff Nurse	Presbyterian Hospital Pittsburgh, Pennsylvania
1987	Private Duty and Home Care	Personal Touch Staffing and Home Health Services Pittsburgh, Pennsylvania
1987	Associate Instructor Refresher training program	University of Pittsburgh Center for Emergency Medicine Pittsburgh, Pennsylvania
1988	Supplemental Staffing, ICU, ED, CVICU	Nursefinders Houston, Texas
1988	Supplemental Staffing, ICU, CVICU	Nursefinders San Diego, California
1988	Camp Nurse	Boston YMC Union Wildwood Nature Camp Greenfield, New Hampshire
1988	Critical Care Supplemental Staffing	Analytical Medical Enterprises Houston, Texas

5. Respondent's professional employment history includes: (continued)

1988	Travel Nurse CVICU, ICU, ED, BICU	Allied Health Services Houston, Texas
1989	Staff Nurse/Charge Nurse ICU/CVICU	St. Joseph's Hospital Houston, Texas
1989	Chief Flight Nurse Airborne ICU	Houston, Texas
1989	Senior Flight Nurse	Air Ambulance America Houston, Texas
1991	Senior Camp Nurse	Point O' Pines Summer Camp Brant Lake, New York
1991	Travel Nurse CVICU, ICU, ED, BICU	Allied Health Services Houston, Texas
1992	Staff Nurse Critical Care	Columbia West Houston Medical Center Houston, Texas
1993	Staff Nurse ER	Hermann Hospital Houston, Texas
1994	Staff Nurse ICU, CCU, ED	Allied Health Services Houston, Texas
1994	Contract Nurse ICU, CCU	Contract through Staff Relief Incorporated Terrebone General Hospital Houma, Louisiana
1994	Contract Nurse CVICU	Contract through Staff Relief Incorporated Columbia Facility Brownsville, Texas
1994	Staff Nurse ER	Columbia Bellaire Medical Center Bellaire, Texas
1994	Supplemental Staffing ED, ICU, CCU	Allied Health Services Houston, Texas

5. Respondent's professional employment history includes: (continued)

1995	Weekend Nurse, house supervisor, ER, ICU, Telemetry	Columbia Rosewood Medical Center Houston, Texas
1995	Supplemental Staffing ICU, ED, CCU	Carlton Medical Services Houston, Texas
1997	Instructor, ACLS, Aeromedical Provider Course	Houston Community College Houston, Texas
1997	Critical Care Float Pool, Instructor, ACLS, Preceptor ICU	Tenet Twelve Oaks Hospital Houston, Texas
1998	Staff Nurse ICU, CVICU, CCU	Tenet Houston Northwest Medical Center Houston, Texas
1999	Senior Flight Nurse, Trainer and Lecturer	Air Ambulance America Houston, Texas
1999	Supplemental Staffing ICU, Pediatrics, ED, ICU, PACU	Allied Health Services Houston, Texas
1999	Supplemental Staffing Medical Department	AIG Assist Houston, Texas

6. At the time of the incident, Respondent was employed as a Staff Nurse in the Emergency Department with Tenet Twelve Oaks Hospital, Houston, Texas, and had been in this position for the past sixteen and one-half (16½) months.

7. On or about May 17, 1998, while employed with Tenet Twelve Oaks Hospital (now known as Bayou City Medical Center), Houston, Texas, in the Emergency Department, Respondent failed to document thorough ongoing assessments for Medical Record #000052822 admitted via ambulance from a nursing home. The patient was triaged by the Respondent as "emergent" and was dehydrated with a possible bowel obstruction. The Respondent documented an admission assessment, and recorded nothing further until his final code note. In addition, the only vital signs recorded were the initial readings at 20:00. The patient was subsequently found in acute distress with agonal respirations and pronounced dead at 23:35.

8. On or about May 17, 1998, while employed with the aforementioned facility, Respondent failed to document any interventions performed for Medical Record #000052822 between the time of admission and the time a code was called. When the patient coded at 2310, the patient was found with no intravenous access, no Foley catheter, and not attached to a monitor. Respondent's failure to document interventions was likely to injure the patient as there was no data collected which could be used to plan care and treatment.

CONCLUSIONS OF LAW

1. Pursuant to Article 4525, Revised Civil Statutes of Texas, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(2)&(4).
4. The evidence received is sufficient cause pursuant to Article 4525(b), TEX. REV. CIV. STAT. ANN., to take disciplinary action against License Number 520277, heretofore issued to MARK KEVIN MCPHERSON, 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 a Reprimand with Stipulations, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Revised Civil Statutes of Texas as amended, Art. 4513 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 that:

(1) RESPONDENT SHALL deliver the wallet-size license issued to MARK KEVIN MCPHERSON, to the office of the Board of Nurse Examiners within ten (10) days of the date of this Order for appropriate notation.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully

complete a course in 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 must include registered nurses. It must 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 is to be taken in addition to any continuing education requirements the Board may have for relicensure.

(3) 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. The target audience must include registered nurses. The didactic portion of this course must be a minimum of six (6) hours in length. The course must contain a minimum twenty-four (24) hour clinical component to be supervised by another registered nurse. To be approved, the course should cover all systems of the body. The course description must 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 is to be taken in addition to any continuing education requirements the Board has for relicensure.

(4) 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. Home study courses and video programs will not be approved. The course must be a minimum of six (6) hours in length. In order for the course to be approved, the target audience must include registered nurses. The course must contain content on the following: guidelines and processes for good reporting and recording; legal guidelines for recording; methods 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 is to be taken in addition to any continuing education requirements the Board has for relicensure.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE UNDER THE FOLLOWING STIPULATIONS FOR ONE (1) YEAR OF EMPLOYMENT:

(5) RESPONDENT SHALL notify each present employer in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each present employer within five (5) days of receipt of this Order. RESPONDENT SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on RESPONDENT's license. RESPONDENT SHALL present a copy of this Order to each future employer prior to accepting an offer of employment.

(6) RESPONDENT SHALL CAUSE each present employer in professional nursing to submit the Notification of Employment form 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 to the Board's office within five (5) days of employment as a professional nurse.

(7) RESPONDENT SHALL be supervised by a registered nurse who is on the premises. The supervising RN 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. RESPONDENT SHALL work only regularly assigned, identified and predetermined unit(s). RESPONDENT MAY be employed full-time through an agency in the Emergency Room of M.D. ANDERSON for the period of one (1) year, but if RESPONDENT leaves this position, RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(8) RESPONDENT SHALL CAUSE each employer to submit, on forms provided by the Board, periodic reports as to RESPONDENT's capability to practice professional nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted to the office of the Board at the end of each three (3) months for one (1) year of employment as a professional nurse.

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

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 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 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 12 day of APRIL, 2000.

Mark McPherson
MARK KEVIN MCPHERSON, Respondent

Sworn to and subscribed before me this 12th day of April, 2000.

SEAL

Sara C Spoons

Notary Public in and for the State of Texas



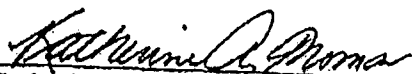
Approved as to form and substance.

Christopher M. Faucett
Christopher M. Faucett, Attorney for Respondent

Signed this 12 day of APRIL, 2000.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 12th day of April, 2000, by MARK KEVIN MCPHERSON, License Number 520277, and said Order is final.

Effective this 9th day of May, 2000.


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