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William P. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of
DANIEL J MCILWEE,
Registered Nurse License Number 545701
& Vocational Nurse License Number 56580

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ORDER OF THE BOARD

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANIEL J MCILWEE, Registered Nurse License Number 545701, and Vocational Nurse License Number 56580, hereinafter referred to as Respondent.

This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. 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.
2. Respondent waived notice and hearing, and agreed to the entry of this Order.
3. Respondent received a Certificate in Vocational Nursing from William Beaumont General Hospital, Beaumont, Texas, on December 15, 1967. Respondent received an Associate Degree in Nursing from Northern Oklahoma College, Oklahoma, on June 1, 1981. Respondent was licensed to practice vocational nursing in the State of Texas on July 18, 1973. Respondent was licensed to practice professional nursing in the State of Texas on May 24, 1988.
4. Respondent's nursing employment history is unknown.

5. Formal Charges were filed on October 10, 2018. A copy of the Formal Charges, dated October 10, 2018, is attached and incorporated herein by reference as part of this Order.
6. On November 5, 2018, the Board received a notarized statement from Respondent voluntarily surrendering the right to practice nursing in Texas. A copy of Respondent's statement, dated November 5, 2018, is attached and incorporated herein by reference as part of this Order.

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 cause pursuant to Section 301.452(b)(3) and 301.4535(a)(15), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 545701, and Vocational Nurse License Number 56580, heretofore issued to DANIEL J MCILWEE, including revocation of Respondent's license(s) to practice nursing in the State of Texas.
4. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
5. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
6. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §213.26-.29, and any amendments thereof in effect at the time of the reinstatement.

TERMS OF ORDER

NOW, THEREFORE, IT IS ORDERED that the VOLUNTARY SURRENDER of Registered Nurse License Number 545701, and Vocational Nurse License Number 56580 is accepted by the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional/registered nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying herself/himself as a registered nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a registered nurse during the period in which the license is surrendered.
2. RESPONDENT SHALL NOT practice vocational nursing, use the title "vocational nurse" or the abbreviation "LVN" or wear any insignia identifying herself/himself as a vocational nurse or use any designation which, directly or indirectly, would lead any person to believe that RESPONDENT is a vocational nurse during the period in which the license is surrendered.
3. Pursuant to Tex. Occ. Code section 301.4535(c), RESPONDENT SHALL NOT petition for reinstatement of licensure until at least five (5) years from the date the Respondent successfully completes and is dismissed from community supervision or parole has elapsed.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 5th day of November, 2018



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

**In the Matter of
Permanent Registered Nurse
License Number 545701 &
Permanent Vocational Nurse
License Number 56580
Issued to DANIEL J MCILWEE,
Respondent**

§
§ **BEFORE THE TEXAS**
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§
§ **BOARD OF NURSING**
§

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, DANIEL J MCILWEE, is a Registered Nurse holding license number 545701 which is in current status at the time of this pleading. Further, Respondent is a Vocational Nurse holding license number 56580 which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about August 29, 2018, Respondent entered a plea of Guilty to POSSESSION OF CHILD PORNOGRAPHY, a 3rd Degree Felony offense committed on August 29, 2017, in the 195th Judicial District Court of Dallas County, Texas, under Cause No. F-1731307-N. As a result of the plea the proceedings against Respondent were deferred without entering an adjudication of Guilt and Respondent was placed on probation for a period of ten (10) years and ordered to pay a fine and court costs. Respondent must register as a Sex Offender under Chapter 62, Code of Criminal Procedure.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(3) and 301.4535(a)(15), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license(s) and/or privilege(s) to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33 and TEX. OCC. CODE Ch. 53.

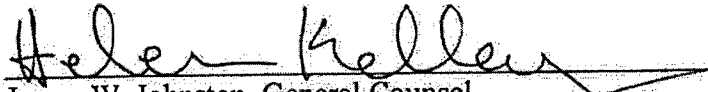
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on adopted Disciplinary Guidelines for Criminal Conduct, and on adopted Disciplinary Sanction Policies for Sexual Misconduct, which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, located at 22 TEX. ADMIN. CODE §213.33(b), which can be found under the "Discipline & Complaints; Board Policies & Guidelines" section of the Board's website, www.bon.texas.gov.

Filed this 10th day of October, 2018

TEXAS BOARD OF NURSING


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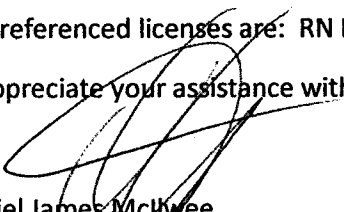
To Whom it May Concern,

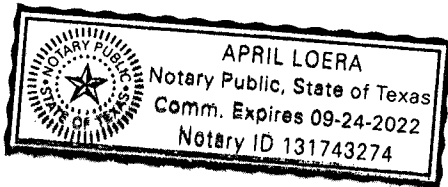
My name is Daniel James McIlwee. I have held licensure as both an LVN and an RN in Texas for several decades.

I retired from healthcare on August 29th, 2017. Accordingly; I would like to voluntarily surrender both Licenses effective immediately.

The referenced licenses are: RN License 545701, and LVN License 56580.

I appreciate your assistance with this matter.


Daniel James McIlwee
22723 Hickory Shadow
Elemndorf, Texas 78112



 11/02/2018