



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.  
*Stephanie O'Hanrahan*  
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

In the Matter of License Number 628404    §     AGREED  
issued to JOHN M. MCKENNA            §     ORDER

On this day, the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of License Number 628404, issued to JOHN M. MCKENNA, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c) of the Texas Occupations Code.

Respondent waived representation by counsel, informal conference 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. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was provided to Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived representation by counsel, notice and hearing, and 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 Humber College, Etobicoke, Ontario, Canada, in July 1995. Respondent was licensed to practice professional nursing in the State of Texas on May 30, 1996.

5. Respondent's professional employment history includes:

9/95 - 2/96	Nursing Coordinator Assured Assistance Brampton, Ontario, Canada
6/96 - 12/98	Staff Nurse/Nurse Supervisor HealthSouth Rehabilitation Hospital Austin, Texas
3/99 - 4/00	Staff Nurse St. David's Medical Center Austin, Texas
4/00 - present	Unknown

6. At the time of the initial incident , Respondent was employed as a Nurse Supervisor with HealthSouth Rehabilitation Hospital, Austin, Texas, and had been in this position for ten (10) months.
7. Respondent, on or about December 1998, while employed with HealthSouth Rehabilitation Hospital, Austin, Texas, misappropriated Lorazepam, Morphine and Demerol from the facility. Respondent's conduct defrauded the facility of the cost of the medications.
8. Respondent, on or about August and September 1999, while employed with St. David's Medical Center, Austin, Texas, misappropriated Demerol and Morphine from the facility. Respondent's conduct defrauded the facility of the cost of the medications.
9. The Board policy implementing Rule 213.29 in effect on the date of this Agreed Order provides discretion by the Executive Director for consideration of conditional reinstatement after proof of twelve (12) consecutive months of abstinence from alcohol and drugs followed by licensure limitations/stipulations and/or peer assistance program participation.
10. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.

### 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 Article 4525(b)(9), TEX. REV. CIV. STAT. ANN., and 22 TEX. ADMIN. CODE §217.13(15).
4. The evidence received is sufficient to prove a violation of Section 301.452(b)(10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(19).
5. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against License Number 628404, heretofore issued to JOHN M. MCKENNA, including revocation of Respondent's professional license to practice nursing in the State of Texas.
6. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
7. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
8. Any subsequent reinstatement of this license will be controlled by Section 301.452(b), Texas Occupations Code and 22 TAC 213.26-29, and any amendments thereof in effect at the time of the reinstatement.

### ORDER

NOW, THEREFORE, IT IS AGREED and ORDERED that the voluntary surrender of License Number 628404, heretofore issued to JOHN M. MCKENNA, to practice professional nursing in the State of Texas, is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL immediately deliver the wallet-size license, heretofore issued to JOHN M. MCKENNA, to the office of the Board of Nurse Examiners.

2. RESPONDENT SHALL NOT practice professional nursing, use the title "registered nurse" or the abbreviation "RN" or wear any insignia identifying 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.
3. RESPONDENT SHALL NOT petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order; and, RESPONDENT has obtained objective, verifiable proof of twelve (12) consecutive months of sobriety immediately preceding the petition.
4. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

RESPONDENT'S CERTIFICATION

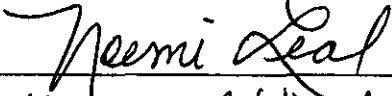
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order becomes final when accepted by the Executive Director at which time the terms of this Order become effective and a copy will be mailed to me.

Signed this 22 day of August, 2000.

  
\_\_\_\_\_  
JOHN M. MCKENNA, Respondent


Sworn to and subscribed before me this 22<sup>nd</sup> day of August, 2000.

SEAL

  
\_\_\_\_\_  
Notary Public for the St. of TX

WHEREFORE, PREMISES CONSIDERED, the Executive Director on behalf of the Board of Nurse Examiners for the State of Texas does hereby accept the voluntary surrender of License Number 628404, previously issued to JOHN M. MCKENNA.

Effective this 23rd day of August, 2000.

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