



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

BEFORE THE BOARD OF NURSE EXAMINERS  
FOR THE STATE OF TEXAS

\*\*\*\*\*

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

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of Registered Nurse License Number 628404, held by JOHN M. MCKENNA, hereinafter referred to as Petitioner.

An informal conference was held on April 10, 2007, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was notified of his right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Mary Beth Thomas, MSN, RN, Director of Nursing, Executive Director's Designee; Beverley Nutall, LVN, Board Member; Victoria Cox, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Susan Anderson, RN, Investigator; and Diane E. Burell, Investigator.

FINDINGS OF FACT

1. Prior to institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Petitioner waived representation by counsel, notice and hearing, and consented to the entry of this Order.
3. Petitioner received a Diploma in Nursing from Humber College, Etobicoke, Ontario, Canada, in July 1995. Petitioner was originally licensed to practice professional nursing

3. Petitioner received a Diploma in Nursing from Humber College, Etobicoke, Ontario, Canada, in July 1995. Petitioner was originally licensed to practice professional nursing in the State of Texas on May 30, 1996.

4. Petitioner's professional nursing employment history includes:

9/95 - 2/96	Nurse Coordinator	Assured Assistance Brampton, Ontario, Canada
3/96 - 5/96	Unknown	
6/96 - 12/98	Staff Nurse/Nurse Supervisor	HealthSouth Rehabilitation Hospital Austin, Texas
1/99 - 2/99	Unknown	
3/99 - 4/00	Staff Nurse	St. David's Medical Center Austin, Texas
5/00 - present	Not employed in nursing	

5. On August 23, 2000, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the August 23, 2000, Agreed Order, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about January 4, 2007, Petitioner submitted a Petition for Reinstatement of License to practice professional nursing in the State of Texas.

7. Petitioner presented the following in support of his petition:

7.1. Discharge summary from Seton Shoal Creek Hospital, Austin, Texas, reflecting Petitioner's treatment for opioid dependence from September 22, 1999, through October 21, 1999.

7.2. Six (6) negative drug screens dating from January 2006 through February 13, 2007.

7.3. Documentation of thirty-two (32) Type I continuing education hours.

8. Petitioner gives October 10, 2001, as his date of sobriety.

### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

### ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of JOHN M. MCKENNA, Registered Nurse License Number 628404, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies 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 §211.01 *et. seq.* and the stipulations contained in this Order:

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

IT IS FURTHER AGREED and ORDERED that while Petitioner's license is encumbered by this Order, Petitioner 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 Petitioner wishes to work.

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 80-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to JOHN M. MCKENNA, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within forty-five (45) days following relicensure, apply to and be accepted into the Texas Peer Assistance Program for Nurses (TPAPN), which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500) payable to TPAPN.

(7) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Board of Nurse Examiners.

(8) PETITIONER SHALL comply with all requirements of the TPAPN contract during its term.

(9) PETITIONER SHALL CAUSE the TPAPN to notify the Board of Nurse Examiners of any violation of the TPAPN contract.

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

PETITIONER'S CERTIFICATION

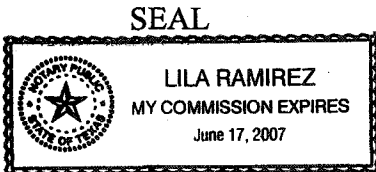
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

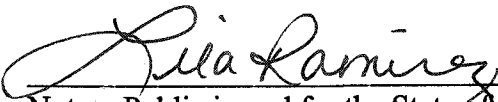
I have reviewed this Order. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. I understand that if I fail to comply with all terms and conditions of this Order, my license to practice professional nursing in the State of Texas will be revoked, as a consequence of my noncompliance.

Signed this 15 day of June, 2007.

  
\_\_\_\_\_  
JOHN M. MCKENNA, Petitioner


Sworn to and subscribed before me this 15<sup>th</sup> day of June, 2007.



  
\_\_\_\_\_  
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 15th day of June, 2007, by JOHN M. MCKENNA, Registered Nurse License Number 628404, and said Order is final.

Effective this 18th day of June, 2007.

  
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 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.

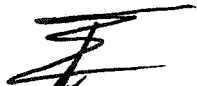
BALANCE OF PAGE INTENTIONALLY LEFT BLANK.

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

Neemi Leal  
\_\_\_\_\_  
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



## Board of Nurse Examiners For the State of Texas

Location Address: William P. Hobby Building, Ste. 3-460, 333 Guadalupe Street, Austin, Texas 78701  
Phone: (512) 305-7400 Fax: (512) 305-7401 Web: [www.bnc.state.tx.us](http://www.bnc.state.tx.us)

**Katherine A. Thomas, MN, RN**  
*Executive Director*

June 18, 2007

Texas Peer Assistance Program for Nurses  
c/o Michael Van Doren, RN, MSN  
Program Director  
Post Office Box 9877  
Austin TX 78766-9877

RE: John M. McKenna  
9512 Linkmeadow Drive  
Austin, Texas 78748  
Texas Lic. #: 628404  
Social Security #: 634-52-9221

Dear Mr. Van Doren:

In an attempt to allow Mr. McKenna the opportunity to receive treatment and rehabilitation for substance abuse, the Board took action on June 18, 2007, referring the nurse to the Texas Peer Assistance Program for Nurses (TPAPN).

Your continued cooperation and assistance are greatly appreciated. If you have any questions, please contact me at (512) 305-6838.

Sincerely,

A handwritten signature in black ink, appearing to read "Anthony L. Diggs".

Anthony L. Diggs  
Director of Enforcement

ALD:deb

Enclosure: Board Order

08/98-L5

### Members of the Board

Joyce Adams, PhD, RN Houston	Deborah Bell, CLU, ChFC Abilene	George Buchenau, Jr., BSN, RN, MBA Amarillo	Virginia Campbell, BSN, RN, CNOR Mesquite	Blanca Rosa Garcia, PhD, RN Corpus Christi
Richard Gibbs, LVN Mesquite	Rachel Gomez, LVN Harlingen	Brenda Jackson, PhD, RN San Antonio	Beverley Jean Nutall, LVN Bryan	
Anita Palmer, ME, MA Olney	Phyllis Rawley, CPC Vice-President	Linda Rounds, PhD, FNP, RN President	Frank Sandoval, Jr., J.D. San Antonio	