

BEFORE THE TEXAS BOARD OF NURSING



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.
Patricia P. Plummer
Executive Director of the Board

In the Matter of Registered Nurse §
License Number 647440 §
issued to EDGAR MCAFEE §

ORDER OF THE BOARD

On this day, the Texas Board of Nursing, hereinafter referred to as the Board accepted the voluntary surrender of Registered Nurse License Number 647440, issued to EDGAR MCAFEE, hereinafter referred to as Respondent. This action was taken in accordance with Section 301.453(c), Texas Occupations Code.

Respondent waived representation by counsel, informal proceedings, notice and hearing.

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

FINDINGS OF FACT

1. Respondent is currently licensed to practice professional nursing in the State of Texas.
2. Respondent waived representation by counsel, informal proceedings, notice and hearing.
3. Respondent received an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on January 21, 1998.
4. Respondent's professional nursing employment history includes:

1/98 - 11/08	Staff/Charge Nurse	Covenant Health System Lubbock, Texas
Unknown	Staff Nurse	Texas Tech Correctional Managed Care Lubbock, Texas

5. On June 17, 1997, Respondent was issued an Order of Conditional Eligibility by the Texas Board of Nursing. A copy of the June 17, 1997, Order of Conditional Eligibility, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
6. On June 14, 2011, Respondent was issued the sanction of a Warning with Stipulations by the Texas Board of Nursing. A copy of the June 14, 2011, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On June 18, 2012, Respondent submitted a signed statement to the Board expressing his desire to voluntarily surrender the right to practice professional nursing in the State of Texas in lieu of complying with the Agreed Order issued to him on June 14, 2011. A copy of the June 14, 2012, statement is attached and incorporated, by reference, as part of this Order.
8. 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.
9. 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 Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(11)(B).
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, the Board may impose conditions for reinstatement of licensure.
6. 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 ORDERED that the voluntary surrender of Registered Nurse License Number 647400, heretofore issued to EDGAR MCAFEE, to practice professional nursing in the State of Texas, is accepted by the Executive Director on behalf of the Texas Board of Nursing. In connection with this acceptance, the Board imposes the following conditions:

1. RESPONDENT SHALL NOT practice professional nursing, use the title of registered nurse or the abbreviation "RN" or wear any insignia identifying himself as a professional 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 petition for reinstatement of licensure until: one (1) year has elapsed from the date of this Order.
3. Upon petitioning for reinstatement, RESPONDENT SHALL satisfy all then existing requirements for relicensure.

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

Effective this 29th day of June, 2012.

TEXAS BOARD OF NURSING

By:


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



Edgar McAfee, voluntarily suspend my RN License due to medical problems related to Multiple Sclerosis causing me not to complete stipulations placed on my license in time to allotted. I hope to be able to renew my license when medical condition is under control.

Thank you,

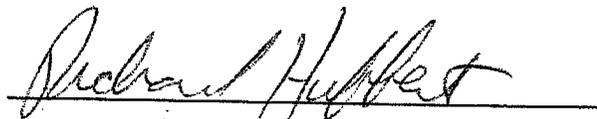
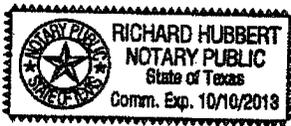


Edgar McAfee

STATE OF TEXAS)

COUNTY OF LUBBOCK)

This instrument was acknowledged before me on the 14th day of June 2012, by Edgar McAfee



Notary Public, State Of Texas

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 647440 §
issued to EDGAR McAFEE § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of EDGAR McAFEE, Registered Nurse License Number 647440, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, informal proceedings, notice and hearing, and agreed to the entry of this Order offered on September 10, 2010, by Katherine A. Thomas, MN, RN, Executive Director, 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 an Associate Degree in Nursing from Angelo State University, San Angelo, Texas, on May 1, 1997. Respondent was licensed to practice professional nursing in the State of Texas on January 21, 1998.
5. Respondent's nursing employment history includes:

1/1998 - 11/2008	Staff/Charge Nurse	Covenant Health System Lubbock, Texas
Unknown - Present	Staff Nurse	Texas Tech Correctional Managed Care Lubbock, Texas, assigned to Texas Department of Criminal Justice Montford Unit, Lubbock, Texas

6. On or about June 17, 1997, Respondent was issued an ORDER OF CONDITIONAL ELIGIBILITY by the Board of Nurse Examiners for the State of Texas. A copy of the Findings of Fact, Conclusions of Law and Order dated June 17, 1997, is attached and incorporated, by reference, as part of this Order.
7. At the time of the initial incident in Finding of Fact Number Eight (8), Respondent was employed with Covenant Health System, Lubbock, Texas, and had been in this position for ten (10) years and eight (8) months.
8. On or about September 29, 2008, while employed as a Charge Nurse with Covenant Health System, Lubbock, Texas, Respondent withdrew Hydrocodone+acet 5-325 (Norco 5mg) for Patient Number 1633238 from the Pyxis Medication Dispensary System but failed to document administration in the Medication section of the Post Procedure Record. Instead, Respondent documented in error in the narrative section that he had administered Norco 7.5mg to the patient. Respondent's conduct violated Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and was likely to injure the patient in that subsequent care givers would rely on his documentation to further medicate the patient, which could result in an overdose.
9. On or about October 8, 2008, while employed as a Charge Nurse with Covenant Health System, Lubbock, Texas, Respondent failed to include the name of the physician when he documented a telephonic order to administer Demerol 50 mg with Phenergan 25 mg intramuscularly to Patient Number 1649215. Respondent's conduct resulted in an incomplete medical record.
10. On or about October 8, 2008, while employed as a Charge Nurse with Covenant Health System, Lubbock, Texas, Respondent withdrew one (1) tablet of Lorazepam 1 mg for Patient Number 1740523 from the Pyxis Medication Dispensary System but failed to document that he administered the Lorazepam to the patient. Respondent's conduct violated Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and was likely to injure the patient in that subsequent care givers would rely on his documentation to further medicate the patient, which could result in an overdose.
11. On or about October 14, 2008, while employed as a Charge Nurse with Covenant Health System, Lubbock, Texas, Respondent withdrew two (2) tablets of Propoxyphene+acet 100-650mg (Darvocet) at 16:47 (4:47 PM) for Patient Number 1760799 from the Pyxis Medication Dispensary System and falsely documented on the Post Procedure Record that the Darvocet had been administered at 14:20 (2:20 PM), more than two (2) hours before it had been obtained from the Pyxis, and sixteen (16) minutes before the patient returned from the Post Anesthesia Care Unit. Respondent's conduct may have been deceptive, resulted in an inaccurate medical record, and violated Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
12. On or about October 14, 2008, while employed as a Charge Nurse with Covenant Health System, Lubbock, Texas, Respondent withdrew Meperidine (Demerol) 25mg and Promethazine (Phenergan) 25mg for Patient Number 1745033 from the Pyxis Medication Dispensary System but documented in error that he administered Demerol 50mg in the Medication section of the Post Procedure Record. Additionally, Respondent documented

that he had administered Phenergan 25mg to the patient, instead of 12.5mg, as ordered by the physician. Respondent's conduct violated Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act) and was likely to injure the patient in that subsequent care givers would rely on his documentation to further medicate the patient, which could result in an overdose.

13. On or about October 20, 2008, while employed as a Charge Nurse with Covenant Health System, Lubbock, Texas, Respondent withdrew two (2) tablets of Propoxyphene+acet 100-650 from the Pyxis Medication Dispensary System for Patient Number 1750956, in error, and documented administering the two (2) tablets to Patient Number 1749901. Respondent was not providing care to Patient Number 1750956. Respondent's conduct resulted in an inaccurate medical record and violated Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).
14. In response to the incidents in Findings of Fact Numbers Eight (8) through Thirteen (13), Respondent states that these are mistakes that he made and that although there were factors that contributed, he takes responsibility for his actions. According to Respondent, he was under a tremendous amount of stress at the time and was having a flare up from a chronic medical condition. Respondent indicates that he was on a medication trial study and did not know if he was taking the trial medication or the placebo and that he had to miss a lot of work due to the flare ups, the symptoms of which ranged from severe double vision to numbness in both his hands and his left leg. He states that at one point he couldn't even use his hands to button buttons or feed himself without assistance and that every two or three months he would start to regain function, only to have new symptoms arise. When he was finally able to return to work, there had been cutbacks in their budget and he was left with only himself and one other nurse everyday, with no support staff. Because the facility even got rid of the phlebotomists and respiratory care, the nurses were having to do the jobs of several people and as the Charge Nurse he was constantly being interrupted by problems with the other nurse's patients or family members. Respondent indicates that many times he had to complete his documentation several hours after the patients were gone, when the medical records were closed. Respondent believes he could have handled it better, but he was extremely distracted due to the combination of his personal matters and the situation created by the nurse manager. Despite his trying to inform the nurse manager attention that the situation was dangerous and mistakes were inevitable, he was told to make the best of the situation because there was nothing she could do. Respondent felt as though he was being thrown to the wolves and he regrets making the errors. Since this happened, Respondent took more than three (3) months off from work to get himself emotionally and physically healthy and he received clearance from his doctor that he was physically able to take care of his patients in a safe manner before returning to work. Respondent states that he recently started a new position, and with his greater knowledge of his illness, he will not take a stressful position such as charge nurse again.
15. Formal Charges were filed on March 18, 2011.
16. Formal Charges were mailed to Respondent at his address of record on March 18, 2011.

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)&(13), Texas Occupations Code, 22 TEX. ADMIN. CODE §§217.11(1)(B)&(1)(D) and 217.12(1)(B),(1)(C),(6)(A),(10)(B)&(11)(B).
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 647440, heretofore issued to EDGAR McAFEE, 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 a 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.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to

accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*
<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

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 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) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(4) 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 conditions 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.

(5) 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.

(6) RESPONDENT SHALL be supervised by a Registered 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.

(7) 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 Registered 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 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 shall be eligible for nurse licensure compact privileges, if any.

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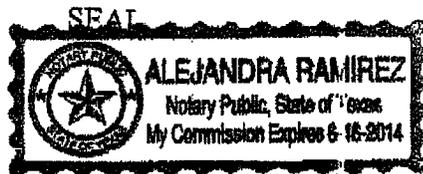
RESPONDENT'S CERTIFICATION

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

Signed this 2nd day of May, 2011.

Edgar McAfee
EDGAR McAFEE, Respondent

Sworn to and subscribed before me this 2nd day of May, 2011.



Alejandra Ramirez
Notary Public in and for the State of Texas

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 2nd day of May, 2011, by EDGAR McAFFEE, Registered Nurse License Number 647440, and said Order is final.

Effective this 14th day of June, 2011.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

DECLARATORY ORDER
OF
CONDITIONAL ELIGIBILITY

At a public meeting in Austin, Texas, the Board of Nurse Examiners considered the petitions for Declaratory Orders of Eligibility of the individuals listed below in accordance with Article 4519a(a), Revised Civil Statutes of Texas, as amended. Said petitions were reviewed by staff and proposed as eligible with the approval of Katherine A. Thomas, MN, RN, Executive Director.

FINDINGS OF FACT

1. The following individuals have submitted petitions and supporting documents requesting a Declaratory Order as to their eligibility for licensure.
2. The Board's review of the grounds for potential ineligibility has been made on the basis of each individual's disclosures.
3. Each individual has been advised by the Board that incomplete or incorrect disclosures or subsequent acquisition of a basis for ineligibility will be considered by the Board and may result in an ultimate determination of ineligibility.
4. Each individual has disclosed a conviction for a non-moral turpitude offense, Class C misdemeanor, or a youthful indiscretion.

CONCLUSIONS OF LAW

1. The Board of Nurse Examiners has jurisdiction over this matter pursuant to Article 4525(a), Texas Revised Civil Statutes, Annotated, as amended.
2. The following individuals have submitted petitions in accordance with Article 4519a(a), TEX. REV. CIV. STAT. ANN., as amended.
3. This Order is conditioned upon the accuracy and completeness of each individual's disclosures.
4. The Board may license individuals who have been previously convicted of a crime upon consideration of the factors set out in 22 Texas Administrative Code, §213.28 and evaluating the conviction's direct relationship to nursing according to Article 6252-13c(b) TEX. REV. CIV. STAT. ANN., as amended.

IT APPEARING TO THE BOARD that the matters disclosed in the petitions and supporting documents of the following individuals are insufficient to deny admission to the NCLEX-RN and licensure, THE FOLLOWING INDIVIDUALS ARE DECLARED CONDITIONALLY ELIGIBLE FOR LICENSURE SUBJECT TO THE RESERVATIONS SET OUT ABOVE:

NAME OF PETITIONER

Theresa Lynne Edwards
Iris Renae Jones
Michael Allen Lowe
Edgar Oliver McAfee
Kenneth Joseph McGee
Robert Sanchez
Mark Andrew Vecchio
Regina Kay Walls

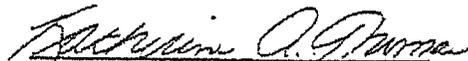
IT IS FURTHER ORDERED that:

1. Each individual affected by this Order shall, upon graduation from an accredited school of nursing, be subject to the requirements of the Board for entrance to the National Council Licensure Examination for Registered Nurses (NCLEX-RN) and the requirements for licensure upon attaining a passing grade on the NCLEX-RN, Article 4519, TEX. REV. CIV. STAT. ANN., as amended.
2. The Board shall determine eligibility for licensure in accordance with Article 4525(a), TEX. REV. CIV. STAT. ANN., as amended, at the time of application for examination and licensure. Any disclosure by an individual in the Declaratory Order process later found to be incomplete or incorrect or any subsequent conduct or condition constituting a basis for ineligibility shall be considered by the Board in evaluating a graduate nurse's ultimate eligibility.

Entered this 17th day of June, 1997.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:



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