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.
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of Registered Nurse	§	AGREED
License Number 555111 and	§	
Vocational Nurse License	§	
Number 116877 issued to	§	
DANNY HOWARD MCKINNEY	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DANNY HOWARD MCKINNEY, Registered Nurse License Number 555111, and Vocational Nurse License Number 116877, 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 January29, 2011, 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(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. Respondent's license to practice vocational nursing in the State of Texas is in delinquent status.

4. Respondent received a Certificate in Vocational Nursing from Womack Army Medical Center, Fayetteville, North Carolina, on October 22, 1982, a Baccalaureate Degree in Nursing from The University of Texas Health Science Center, Houston, Texas, on May 12, 1989, and a Masters Degree in Nursing - Anesthesia Specialty, from The University of Texas Health Science Center, Houston, Texas on April 24, 1992. Respondent was licensed

to practice vocational nursing in the State of Texason February 18, 1987, and licensed to practice professional nursing in the State of Texas on August 25, 1989. Respondent was recognized ass a Certified Registered Nurse Anesthetist in the State of Texas on August 4, 1992.

5. Respondent's nursing employment history includes:

10/1982 - Unknown	Staff Nurse LVN	United States Army
5/1992 - 6/1996	Staff Nurse Anesthetist	Memorial Southeast Hospital Houston, Texas
5/1992 - 6/1996	Staff Nurse Anesthetist	Grammercy Outpatient Surgery Center Houston, Texas
3/1994 - 4/1996	Staff Nurse Anesthetist	Knolle Ocular Surgery Center Houston, Texas
6/1996 - Current	Self-employed	Certified Registered Nurse Anesthetist
6/1996 - Current	Director of Anesthesia	EyeCare and Surgery Center Dallas, Texas
12/1998 - 4/2000	Assistant Clinical Professor	Texas Wesleyan University School of Nurse Anesthesia Fort Worth, Texas
9/2001 - Current	Contract Nurse Anesthetist	Integrated Medical Professionals Dallas, Texas
9/2002 - Current	Staff Nurse Anesthetist	Waxahatchie Surgery Pavilion Waxahatchie, Texas
4/2007 - Current	Staff Nurse Anesthetist	Parkland Hospital Dallas, Texas

6. At the time of the incidents in Finding of Fact Number Seven (7)and Number Eight (8), Respondent was employed as a with Certified Registered Nurse Anesthetist, and had been in this position for nine (9) years and seven (7) months.

7. On or about January 12, 2009, while self-employed and working at Surgeyecare General Partnership, Dallas, Texas, Respondent had knowledge that unlicensed personnel were administering medicated eye drops to patients in the pre-operative area. Respondent's conduct resulted in patient's receiving medicated eye drops by unlicensed personnel in violation of Texas Department of Health Services regulations.

8. On or about January 12, 2009, while self-employed and working at Surgeyecare General Partnership, Dallas, Texas, Respondent co-signed medical records confirming the administration of medicated eye drops by unlicensed personnel to patients in the pre-operative area. Respondent's conduct resulted in a inaccurate medical record which subsequent care givers would rely on to provide further medical care.

9. In response to the incidents in Findings of Fact Number Seven (7) and Number Eight (8), Respondent states he was aware that the Ophthalmic technicians were administering eye drops but he believed them to be doing so within the guidelines of the policy and procedure manual which had been approved by the State of Texas on their last inspection on August 16, 2005. Respondent asserts that he has stopped co-signing any medication administration and the provision that Certified assistants may administer eye drops had been removed from the policy.

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 of Section 301.452(b)(10)&(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(B)&(1)(D). and 22 TEX. ADMIN. CODE §217.12(1)(B)&(4).

4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against RegisteredVocational Nurse License Number , heretofore issued to DANNY HOWARD MCKINNEY, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive

the sanction of REMEDIAL EDUCATION AND A FINE, 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 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, 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 <u>not</u> 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://learningext.com/hives/a0f6f3e8a0/summary.*

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

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S licenses to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, 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 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14 day of April, 2011.

Danny Howard McKinney

DANNY HOWARD MCKINNEY, Respondent

Sworn to and subscribed before me this 14 day of April, 2011.

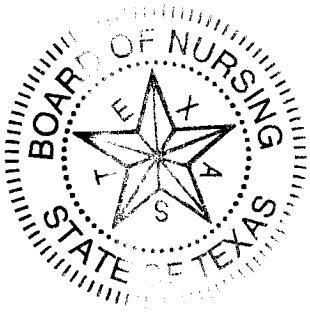
SEAL

JHOANA PAOLA TAYLOR
Notary Public, State of Texas
My Comm. Expires July 26, 2011

Jhoana Paola Taylor

Notary Public in and for the State of Texas.

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 14th day of April, 2011, by DANNY HOWARD MCKINNEY, Registered Nurse License Number 555111, and Vocational Nurse License Number 116877, and said Order is final.



Effective this 25th day of April, 2011.

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