BEFORE THE TEXAS BOARD OF NURSING

****

In the Matter of Registered Nurse	§	AGREED
License Number 553185	§	
issued to DOUGLAS CARVER MCKEE	§	ORDER

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

On this day the Texas Board of Nursing, hereinafter referred to as the Bc considered the matter of DOUGLAS CARVER MCKEE, Registered Nurse License Number 553 . . . , 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 March 4, 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.

4. Respondent received a Diploma in Nursing from St. Francis Hospital School of Nursing, Wichita, Kansas, on June 1, 1972. Respondent completed a Certified Nurse Anesthetist program with Wichita Clinic School of Nurse Anesthesia, Wichita, Kansas, on July 10, 1974. Respondent was licenced to practice professional nursing in the State of Texas on July 17, 1989, and recognized as a Certified Registered Nurse Anesthetist on September 5, 1989.

5. Respondent's nursing employment history includes:

1972 - 1974	Unknown
1975-1985	CRNA Montrose Anesthesia Association Montrose, Colorado
1985-1990	CRNA Espanola Hospital Espanola, New Mexico
1990-1992	CRNA Brownsville Medical Center Brownsville, Texas
1992-1996	CRNA Matagorda General Hospital Bay City, Texas
1996-2003	CRNA Border Anesthesia Service, PC Brownsville, Texas
2003-2007	CRNA IAG, Pllc Brownsville, Texas
2007-present	CRNA Phoenix Anesthesia Pllc. Brownsville, Texas

6. At the time of the incident in Finding of Fact Number Seven (7), Respondent was employed as a Certified Registered Nurse Anesthetist with IAG Group, Pllc, Brownsville, Texas, and had been in this position for approximately two(2) years and six (6) months.

7. On or about May 25, 2007, while employed as a Certified Registered Nurse Anesthetist with IAG Group, Pllc, and assigned to Valley Regional Medical Center, Brownsville, Texas, Respondent misidentified Patient MR# VR 153571 as the person scheduled for a surgical procedure. As a result, Patient MR# VR 153571 was unnecessarily sedated and intubated for surgery. Respondent's actions exposed said patient to the risk of harm in that she could have experienced adverse reactions during and after anesthesia.

8. In response to Finding of fact Number Seven (7), Respondent admits to the error, but cites several mitigating circumstance to include but not limited to: the circulating nurse misidentifying Patient MR# VR 153571 prior to handing off the patient to Respondent; Respondent being handed mislabeled medical records for said patient; pressure by the hospital administration to placate the surgeons and take on the case;and the patient answering affirmatively when called by a different name. Respondent adds that Patient MR# VR153571 did not suffer from any ill effects due to sedation.

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, 22 TEX. ADMIN. CODE §217.11(1)(A,(1) (B), and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B)& (4).

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 553185, heretofore issued to DOUGLAS CARVER MCKEE, 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 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 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 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*.

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.

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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CONTINUED ON NEXT PAGE.

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 _____ day of _____, 20____, by DOUGLAS CARVER MCKEE, Registered Nurse License Number 553185, and said Order is final.

Effective this _____ day of _____, 20____.

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

RESPONDENT'S CERTIFICATION

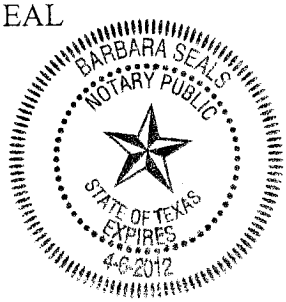
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and 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 11 day of April, 2011.

DOUGLAS CARVER MCKEE, Respondent

Sworn to and subscribed before me this 11 day of April, 2011.

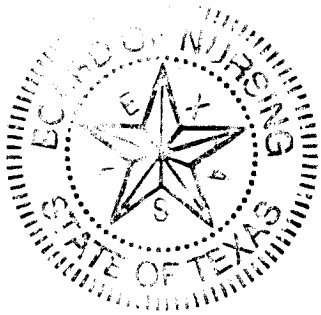
SEAL



Barbara Seal

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 11th day of April, 2011, by DOUGLAS CARVER MCKEE, Registered Nurse License Number 553185, and said Order is final.



Effective this 14th day of April, 2011.

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