



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.
Mary Beth Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 255741 and Vocational Nurse §
License Number 72162 §
issued to DAVID ALAN McATEE § ORDER

An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that DAVID ALAN McATEE, Registered Nurse License Number 255741 and Vocational Nurse License Number 72162, hereinafter referred to as Respondent, may have violated Section 301.452(b)(13), Texas Occupations Code.

An informal conference was held on October 26, 2010, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Russell G. Thornton, Attorney at Law. In attendance were Mary Beth Thomas, PhD, RN, Director of Nursing, Executive Director's Designee; Kyle Hensley, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; and Noemi Leal, Supervising Investigator.

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 notice and hearing and consented 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 inactive status.
4. Respondent received a Certificate in Vocational Nursing from Harris Hospital School of Vocational Nursing, Fort Worth, Texas, on February 2, 1977; received an Associate Degree in Nursing from Tarrant County Junior College, Fort Worth, Texas, on May 1, 1981; and

received a Baccalaureate Degree in Nursing from The University of Texas at Arlington, Arlington, Texas, in 1993. Respondent was licensed to practice vocational nursing in the State of Texas on May 19, 1977, and was licensed to practice professional nursing in the State of Texas on September 8, 1981.

5. Respondent's nursing employment history includes:

1977 - 1984	Assistant Charge Nurse Cardiac/Surgical Unit	Harris Hospital Ft. Worth, Texas
1984 - 1986	Director of Nursing	Beverly Enterprises Unknown
1986 - 1987	Consultant	Texas Health Enterprises Unknown
1987 - 1999	Staff Nurse Post Anesthesia	Harris Methodist Hospital Ft. Worth, Texas
1999 - Present	Office Nurse, Pain Management	Texas Health Care, PLLC Ft. Worth, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as an Office Nurse with Texas Health Care, PLLC, Ft. Worth, Texas, and assigned to the office of Paul Grant, MD, Ft. Worth, Texas, and had been in this position for seven (7) years.

7. On or about June 15, 2006, while employed with Texas Health Care, PLLC, Ft. Worth, Texas, and assigned to the office of Paul Grant, MD, Ft. Worth, Texas, Respondent administered Morphine via the wrong route to Patient J.H., a fifty (50) year old man with a history of ten (10) back surgeries. Patient J.H. had an indwelling intrathecal pump through which he was receiving a continuous infusion of Morphine. Patient J.H. was obese and refused to lay down during the procedure. While attempting to refill the pump, Respondent accidentally administered approximately 600 mg of Morphine into the pump pocket, causing the medication to be absorbed subcutaneously instead of being delivered at a set rate via the pump. The patient required two (2) doses of Narcan, a narcotic reversal agent, at the clinic and was subsequently transported to an acute care facility where he remained for two (2) days. Respondent's conduct was likely to injure the patient in that administration of an excessive amount of Morphine could have resulted in the patient suffering respiratory depression and/or respiratory arrest.

8. In response to the incident in Finding of Fact Number Seven (7), Respondent admits that he inadvertently administered Morphine subcutaneously but asserts that he "protected the patient by observation and assessment that resulted in appropriate interventions to ultimately maintain a positive outcome for the patient."

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)(13), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.11(1)(A),(1)(B),(1)(C)&(3)(A).
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 255741 and Vocational Nurse License Number 72162, heretofore issued to DAVID ALAN McATEE, 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, Revised Civil Statutes of Texas as amended, 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 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 medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper

administration procedures for all standard routes; computation of drug dosages; the five (5) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor 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>.*

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.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

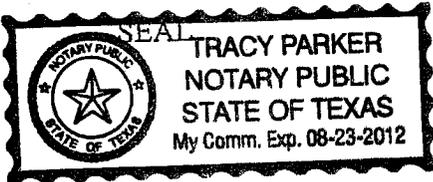
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I 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 3 day of December, 2010.

David Alan McAttee
DAVID ALAN McATEE, Respondent

Sworn to and subscribed before me this 3rd day of December, 2010.



Tracy Parker
Notary Public in and for the State of Texas

Approved as to form and substance.

Russell G. Thornton
Russell G. Thornton, Attorney for Respondent

Signed this 6th day of December, 2010.

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 3rd day of December, 2010, by DAVID ALAN McATEE, Registered Nurse License Number 255741 and Vocational Nurse License Number 72162, and said Order is final.



Effective this 7th day of December, 2010.



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