

5. Respondent's professional nursing employment history includes:

8/94 - 9/96	Staff Nurse	Chillicothe Hospital Chillicothe, Oklahoma
10/96 - 4/03	Staff Nurse	Rusk State Hospital Rusk, Texas
2003	Staff Nurse	Alto Nursing Center Alto, Texas
2004	Unknown	
5/05 - present	Not employed in nursing	

6. On May 27, 2005, the Board accepted the voluntary surrender of Respondent's license to practice professional nursing in the State of Texas. A copy of the May 27, 2005, Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
7. On October 18, 2007, Respondent's license to practice professional nursing in the State of Texas was Reinstated with Stipulations by the Texas Board of Nursing. A copy of the Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this Order.
8. Formal Charges were filed on September 16, 2009. A copy of the Formal Charges is attached and incorporated, by reference, as part of this Order.
9. Formal Charges were mailed to Respondent on September 17, 2009.

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 a violations of Section 301.452(b)(1) and (10), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(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 603917, heretofore issued to GREGORY KENT MCDONALD, including revocation of Respondent's license 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 Registered Nurse License Number 603917, previously issued to GREGORY KENT MCDONALD, to practice nursing in Texas is hereby SUSPENDED and said suspension is ENFORCED until Respondent completes the following requirements:

(1) RESPONDENT SHALL 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>

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 is encumbered by this order the 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, upon verification of successful completion of the above requirements, the Suspension will be STAYED, and RESPONDENT will be placed on PROBATION with the following agreed terms of probation:

(2) 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.

(3) RESPONDENT SHALL pay all re-registration fees, if applicable, and RESPONDENT'S licensure status in the State of Texas will be updated to reflect the applicable conditions outlined herein.

(4) RESPONDENT SHALL pay a monetary fine in the amount of two hundred fifty (\$250.00) dollars. RESPONDENT SHALL pay this fine within forty-five (45) days of the suspension being stayed. 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.

(5) The Order of the Board issued to RESPONDENT on October 18, 2007, is still in effect in its entirety and RESPONDENT SHALL be responsible for completing the terms of that Order.

IT IS FURTHER AGREED and ORDERED that if during the period of probation, an additional allegation, accusation, or petition is reported or filed against the Respondent's license, the probationary period shall not expire and shall automatically be extended until the allegation, accusation, or petition has been acted upon by the Board.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's license 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

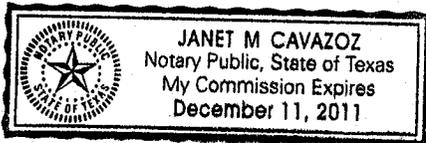
I understand that I have the right to legal counsel prior to signing this Agreed Order. I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that 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 sanction, including revocation of my license to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7th day of June, 2010.

Gregory Kent McDonald
GREGORY KENT MCDONALD, Respondent

Sworn to and subscribed before me this 7 day of June, 2010.

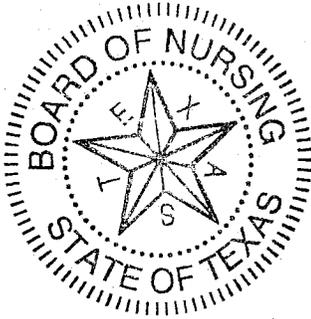
SEAL



Janet M. Cavazos
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 7th day of June, 2010, by GREGORY KENT MCDONALD, Registered Nurse License Number 603917, and said Order is final.

Effective this 22nd day of July, 2010.



Katherine A. Thomas

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

**In the Matter of Permanent License
Number 603917, Issued to
GREGORY KENT MCDONALD, Respondent**

§ **BEFORE THE TEXAS**
§
§ **BOARD OF NURSING**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, GREGORY KENT MCDONALD, is a Registered Nurse holding license number 603917, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 7, 2008, Respondent failed to comply with the Reinstatement Agreed Order issued to him on October 18, 2007, by the Board of Nurse Examiners for the State of Texas. Noncompliance is the result of his failure to comply with Stipulation Number One (1) of the Reinstatement Agreed Order which states, in pertinent part:

(1) RESPONDENT SHALL, within one (1) year of relicensure, successfully complete a course in Texas nursing jurisprudence and ethics....

A copy of the October 18, 2007, Reinstatement Agreed Order, Findings of Fact, and Conclusions of Law is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(1) and (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(11)(B).

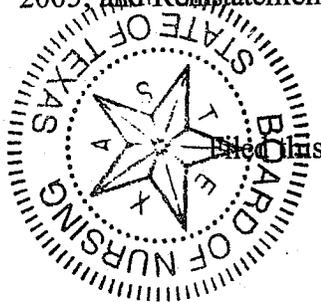
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NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to § 301.461, TEX. OCC. CODE ANN. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

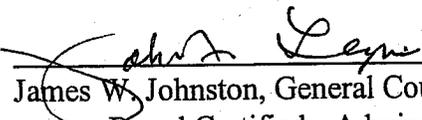
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.state.tx.us.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Orders which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Agreed Order dated May 27, 2005; and Reinstatement Agreed Order dated October 18, 2007.



Filed this 16th day of September, 20 09.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel
State Bar No. 24036103

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701

P: (512) 305-6824

F: (512) 305-8101 or (512)305-7401

Attachments: Agreed Order dated May 27, 2005.
Reinstatement Agreed Order dated October 18, 2007.

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of Registered Nurse	§	
License Number 603917	§	REINSTATEMENT
issued to GREGORY KENT MCDONALD	§	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 603917, held by GREGORY KENT MCDONALD, hereinafter referred to as Petitioner.

An informal conference was held on July 24, 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; James W. Johnston, General Counsel; E. Joy Sparks, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director of Enforcement; Jesse Thibodeau, 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 an Associate Degree in Nursing from Western Oklahoma State College, Altus, Oklahoma, in May 1994. Petitioner was originally licensed to practice professional nursing in the State of Texas on June 6, 1994.

4. Petitioner's professional nursing employment history includes:

8/94 - 9/96	Staff Nurse	Chillicothe Hospital Chillicothe, Oklahoma
10/96 - 4/03	Staff Nurse	Rusk State Hospital Rusk, Texas
2003	Staff Nurse	Alto Nursing Center Alto, Texas
2004	Unknown	
5/05 - present	Not employed in nursing	

5. On May 27, 2005, the Board accepted the voluntary surrender of Petitioner's license to practice professional nursing in the State of Texas. A copy of the May 27, 2005, 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 April 16, 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. Letter of support, dated April 17, 2007, from Clifford S. Ayers, LVN, states he has known Petitioner for approximately nine (9) years. Mr. Ayers can attest to Petitioner's earnest desire to continue his nursing career. Petitioner does acknowledge making a serious lapse in judgment, he nevertheless has exhibited excellent nursing care while working. Petitioner has been content with his current employer, but still voices a heartfelt desire to one day continue his nursing profession, which he has expressed on numerous occasions. Petitioner is an asset to nursing, he carries years of extensive experience in varied fields; and, on numerous occasions has demonstrated his ability to provide quality care under very volatile situations, which he has been able to diffuse without incident, or injury, to staff or patient.

7.2. Letter of support from Lisa Duran, states she has known Petitioner for the past nine (9) years and knows him to be a mature and trustworthy individual. During the past nine (9) years, Petitioner has displayed good moral character and judgment. Ms. Duran knows Petitioner to be very family-oriented and has been very supportive during times of crisis in her life. Ms. Duran is familiar with the circumstances behind the loss of his nursing license and can assure the Board that this is not typical of him. Ms. Duran has always valued Petitioner's friendship and knows he will be successful in anything he applies himself to.

- 7.3. Employee Performance Evaluation for the period from July 24, 2004, through July 24, 2005, from Texas Department of Criminal Justice.
- 7.4. Employee Performance Evaluation for the period from July 24, 2005, through July 24, 2006, from Texas Department of Criminal Justice.
- 7.5. Documentation of forty-five (45) Type I continuing education hours.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. 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 GREGORY KENT MCDONALD, Registered Nurse License Number 603917, 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.

PETITIONER SHALL NOT seek employment or practice nursing for compensation until he has paid all re-registration fees and is issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to GREGORY KENT MCDONALD, shall be subject to the following agreed post-licensure stipulations:

(1) RESPONDENT SHALL, within one (1) year of relicensure, 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) contact 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 Chemical Dependency, 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.bne.state.tx.us/about/stipscourses.html>

IT IS FURTHER AGREED, SHOULD PETITIONER CHOOSE TO WORK AS A NURSE IN TEXAS, PETITIONER WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) 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:

(2) RESPONDENT SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT's license. 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.

(3) 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.

(4) For the first year of employment as a Registered Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The 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.

(5) For the remainder of the stipulation period, 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.

(6) 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) months for two (2) years of employment as a nurse.

(7) RESPONDENT SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. RESPONDENT SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the RESPONDENT's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the RESPONDENT's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months.

If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until RESPONDENT is dismissed from therapy.

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.

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PETITIONER'S CERTIFICATION

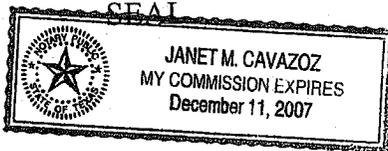
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. 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 17 day of Sept., 2007.

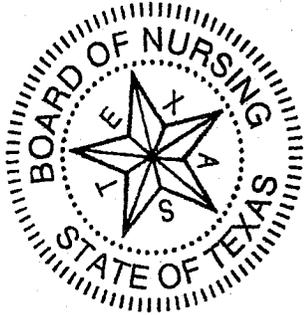
Gregory Kent McDonald
GREGORY KENT MCDONALD, Petitioner

Sworn to and subscribed before me this 17 day of Sept., 2007.

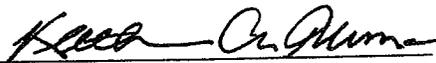


Janet M. Cavazos
Notary Public in and for the State of TEXAS

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 17th day of September, 2007, by GREGORY KENT MCDONALD, Registered Nurse License Number 603917, and said Order is final.



Effective this 18th day of October, 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 Registered Nurse License Number 603917 § AGREED
issued to GREGORY KENT MCDONALD § 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 603917, issued to GREGORY KENT MCDONALD, 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 an Associate Degree in Nursing from Western Oklahoma State College, Altus, Oklahoma, in May 1994. Respondent was licensed to practice professional nursing in the State of Texas on June 6, 1994.
5. Respondent's professional nursing employment history includes:

August 1994 - September 1996

Staff Nurse
Chillicothe Hospital
Chillicothe, Texas

Respondent's professional nursing employment history continued:

October 1996 - April 23, 2003

Staff Nurse
Rusk State Hospital
Rusk, Texas

April 24, 2003 - Present

Employment Unknown

6. At the time of the incident, Respondent was employed as a Staff Nurse with Rusk State Hospital, Rusk, Texas, and had been in this position for six (6) years and five (5) months.
7. On or about March 24, 2003, while employed at Rusk State Hospital, Rusk, Texas, Respondent punched Patient T.C. in the eye, twisted his finger into her eye, and dragged her by the arms approximately sixty (60) feet. Respondent's conduct was likely to injure the patient in that the patient was assessed following Respondent's actions, and was found to have suffered a hematoma to the left orbit which required referral to the medical clinic of the facility.
8. Respondent submitted to a forensic psychological evaluation on September 13 and 14, 2004, conducted by Verna L. Barron, Ph.D., Clinical Psychologist. Dr. Barron states the following in her report: "Mr. McDonald's test results do suggest he experiences transient feelings of hostility and frustration. However, his responses indicate he is unlikely to engage in directly aggressive behavior. Instead, Mr. McDonald is more likely to utilize a passive-aggressive response to conflict. Test results suggest Mr. McDonald is capable of consistently following his state board's rules and requirements. However, it is recommended he consider weekly individual therapy to address his apparent anger issues, and to help him enhance his conflict resolution skills."

Respondent submitted to a polygraph examination on February 14, 2005, conducted by Donald W. Ramsey, M.A., Polygraph Examiner. Mr. Ramsey states the following in his report: "During the pretest interview, Mr. McDonald acknowledged that he had dragged Patient T.C. because she had refused to go to the seclusion room as she had been instructed. Mr. McDonald alleged that he and another employee, C. Ayres, had executed a "two man escort" of Patient T.C. to the seclusion room. Mr. McDonald also indicated that he had "taken down" Patient T.C. because she was violent and out of control and that during the take down he was "pumped, frustrated and angry" and could have inadvertently gouged Patient T.C.'s eye in the process. He denied having deliberately gouged her eye and denied he had struck Patient T.C.'s eye.

Relevant Q1: On or about March 24, 2003, did you deliberately stick your finger into Ms. Coleman's eye?

Answer: No.

Relevant Q2: On or about March 24, 2003, did you strike Ms. Coleman's left eye?

Answer: No.

The polygraph examination data was analyzed utilizing nationally standardized scoring and evaluation procedures. The process resulted in a finding of **deception indicated**.

In the examiner's professional opinion, Mr. McDonald's responses were **untruthful**.

9. Charges were filed on April 30, 2004.
10. Charges were mailed to Respondent on May 12, 2004.
11. Respondent, by his signature to this Order, expresses his desire to voluntarily surrender his license to practice professional nursing in the State of Texas.

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), Texas Occupations Code, and 22 TEX. ADMIN. CODE §217.12(16).
4. The evidence received is sufficient cause pursuant to Section 301.453(d), Texas Occupations Code, to take disciplinary action against License Number 603917, heretofore issued to GREGORY KENT MCDONALD, including revocation of Respondent's professional license to practice nursing in the State of Texas.
5. Under Section 301.453(c), Texas Occupations Code, the Board has the authority to accept the voluntary surrender of a license.
6. Under Section 301.453(d), Texas Occupations Code, as amended, the Board may impose conditions for reinstatement of licensure.
7. Any subsequent reinstatement of this license will be controlled by Section 301.453(d), Texas Occupations Code, and 22 TEX. ADMIN. CODE §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 60917, heretofore issued to GREGORY KENT MCDONALD, 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-sized license, heretofore issued to GREGORY KENT MCDONALD, 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 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.
4. 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 multistate privilege, if any, to practice professional nursing in the State of Texas.

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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 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 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.

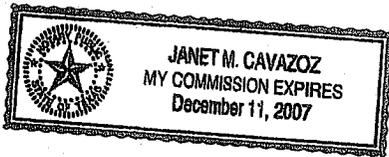
Signed this 17 day of May, 2005.

Gregory Kent McDonald
GREGORY KENT MCDONALD, Respondent

Sworn to and subscribed before me this 17 day of May, 2005.

SEAL

Janet M. Cavazos
Notary Public in and for the State of TEXAS



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 603917, previously issued to GREGORY KENT MCDONALD.

Effective this 27th day of May, 2005.



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