BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
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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

In the Matter of Registered Nurse	§	
License Number 661218	§	AGREED
& Vocational Nurse	§	
License Number 168783	§	ORDER
Issued to DOUGLAS TIMOTHY McDONALD	§	

On this day the Board of Nurse Examiners for the State of Texas, hereinaf referred to as the Board, considered the matter of DOUGLAS TIMOTHY McDONALD, Registered Nurse License Number 661218 and Vocational Nurse License Number 168783, 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 conference, notice and hearing, and agreed to the entry of this Order offered on May 28, 2007, 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.

2. Respondent waived representation by counsel, informal conference, 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 currently in "delinquent" status.

4. Respondent received a Certificate in Vocational Nursing from Angelina College, Lufkin, Texas, on August 7, 1998, and received an Associate Degree in Nursing from Angelina College, Lufkin, Texas, in May 1999. Respondent was licensed to practice vocational nursing in the State of Texas on September 17, 1998, and was licensed to practice professional nursing in the State of Texas on June 29, 1999.

5. Respondent's nursing employment history includes:

09/1998 - 03/2000	Staff Nurse	East Texas Medical Center Crockett, Texas
03/2000 - Unknown	Staff Nurse	Memorial Health System Lufkin, Texas
07/2002 - 12/2002	Flight Nurse	Goldstar Angel Flight Port Arthur, Texas
06/2003 - 01/2004	Staff Nurse	Memorial Hermann Hospital The Woodlands, Texas
02/2004 - 07/2005	Cardiac Cath Lab Nurse	Memorial Hermann Hospital The Woodlands, Texas
08/2005 - Present	Unknown	

6. On or about May 4, 1999, Respondent was issued a Declaratory Order of Conditional Eligibility for licensure by the Board. A copy of the Declaratory Order of Conditional Eligibility, Findings of Fact, Conclusions of Law and Order, dated May 4, 1999, is attached and incorporated by reference as part of this Order.

7. At the time of the incident in Finding of Fact Number Eight (8), Respondent was employed as a Cardiac Cath Lab Nurse with Memorial Hermann Hospital, The Woodlands, Texas, and had been in this position for one (1) year and five (5) months.

8. On or about July 19, 2005, while employed as a Cardiac Cath Lab Nurse with Memorial Hermann Hospital, The Woodlands, Texas, Respondent exceeded his authorized scope of practice by performing a left ventriculogram on Patient Number 37781189, and then removing the angiocatheter from the patient's left ventricle, without a physician being present. Respondent's conduct was likely to injure the patient from procedures that may have been performed incorrectly and that were delivered without the benefit of a physician's expertise in the event that the patient had an adverse reaction, including possible demise.

9. In response to the incident in Finding of Fact Number Eight (8), Respondent states that he had on numerous previous occasions performed a left ventriculogram and removed catheters from the left ventricles of patients under the direction and supervision of the physician. Accordingly, Respondent states he believed he was acting under the delegation of a physician and that he would not knowingly or intentionally act outside the scope of nursing practice. Regarding this patient, Respondent states the physician was called away from the cardiac cath suite mid procedure, so he proceeded with the ventriculogram and with removal of the catheter. When the physician returned, he reviewed the films and directed Respondent to deploy the arterial closure device. The patient was later discharged without incident.

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, and 22 TEX. ADMIN. CODE §§ 217.11(1)(A),(1)(B)&(1)(T) and 217.12(1)(B),(1)(E)&(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 661218 and Vocational Nurse License Number 168783, heretofore issued to DOUGLAS TIMOTHY McDONALD, including revocation of Respondent's licenses to practice nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Board of Nurse Examiners, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 §211.01 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's multistate licensure privilege, if any, to practice nursing in compact states.

IT IS FURTHER AGREED and ORDERED that while Respondent's licenses are encumbered by this Order, Respondent may not work outside the State of Texas pursuant to multistate licensure privileges 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 deliver the wallet-sized licenses issued to DOUGLAS TIMOTHY McDONALD, to the office of the Board of Nurse Examiners within ten (10) days from the date of ratification of this Order for appropriate notation.

(2) 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) 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.*

(3) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars ($500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Board of Nurse Examiners in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

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) OR A VOCATIONAL NURSE (LVN) 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 licenses. 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 on RESPONDENT's licenses. 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 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 one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, RESPONDENT SHALL be issued unencumbered licenses and multistate licensure privileges, if any, to practice nursing in the State of Texas.

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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 3rd day of July, 2007.

Douglas Timothy McDonald

DOUGLAS TIMOTHY McDONALD, Respondent

Sworn to and subscribed before me this 3 day of July, 2007.

SEAL

Lanita Pickard

Notary Public in and for the State of Texas

LANITA PICKARD
NOTARY PUBLIC
STATE OF TEXAS
My Comm. Exp. 10-22-09

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Agreed Order that was signed on the 3rd day of July, 2007, by DOUGLAS TIMOTHY McDONALD, Registered Nurse License Number 661218 and Vocational Nurse License Number 168783, and said Order is final.

Effective this 14th day of August, 2007.

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