

Covenant School of Nursing
Disciplinary Action Summary Assignment
Instructional Module 2

Student Name: Haylee Cruz

Date: January 27th, 2023

DAS Assignment # 2

Name of the defendant: DANIEL J MCILWEE

License number of the defendant: RN 545701

LVN 56580

Date action was taken against the license: November 5th, 2018

Type of action taken against the license: Voluntary Surrender

Use the space below to describe the events which led to the action(s) taken against the license. If multiple charges were in play, be sure and cite them, e.g. drug diversion, HIPAA violation, abandonment, forfeiture on student loans, etc.

-Formal Charges: Upon initial charges, Daniel McIlwee's status of a Registered Nurse was still upheld at the time of his pleading, although his status of a Licensed Vocational Nurse was in delinquent status at the time of pleading. McIlwee was given the opportunity to retain his license prior to his hearing, but ultimately chose voluntary Surrender.

-Charge 1: Texas Occupations Code - Grounds For Disciplinary Action; Required Suspension, Revocation, or Refusal of License for Certain Offenses (Chapter 62 of the Code of Criminal Procedure)

-On or around August 29th, 2018, Daniel McIlwee plead guilty to "Possession of Child Pornography," A 3rd Degree Felony Offense Committed on August 29th, 2017. McIlwee was then sentenced to 10 years probation and ordered to pay a fine and court costs. According to the Code of Criminal Procedure, Chapter 62, an offense that required McIlwee to register as a Sex Offender. The Texas Occupations Code constitutes the Grounds for Disciplinary Action in the case that McIlwee was convicted involving moral turpitude and sexual misconduct.

-The Texas Occupations Code also states that McIlwee may not petition for the reinstatement of his license for at least 5 years after successful completion of his probation. In the mean time, he may not use the title RN, or even be allowed to wear any form or identification or clothing that may indicate that he is a Registered Nurse. Any of these actions could persuade a person to believe he still holds his RN title.

Use the space below to provide a description of measures you think could have prevented any action being taken against the license and/or would have prevented harm to the patient, if harm occurred.

-This answer is sort and simple. If Daniel McIlwee had any type of moral compass, he would not be in this situation to begin with. I have tried to look up other articles about this case to find out more information on what actions he made, but it seems as if this case has been buried from any publication aside from the TBON website, which is incredibly unfortunate. I believe that if Daniel McIlwee had the self-awareness of his problem, he could have sought out some sort of rehabilitation or group to help prevent further criminal activity, and that

could also prevent any children from being harmed. It is also upsetting because his criminal case states that "The respondent's nursing employment history is unknown." Which seems that there are so many buried secrets in this case, because it is not identified whether he could have possibly worked at a children's hospital, in which this case would be so much bigger and widely known. It is scary to think the things that could have happened, but are behind closed doors; whether working in a children's facility or concerning the children of patient's in any adult hospital.

Identify which universal competencies were violated and explain how.

-I believe that with the information of Mcllwee's case, there are a few competences that were violated. BUT, the fact that we do not know the history of his past employment, there could have been even more that we are not clearly aware of. Based on his conviction alone, the violated competencies are as followed:

-Safety and Security (Emotional): Considering Mcllwee's actions, this is a violation of any emotional security in being able to promote trust and respect with the patient. Any person that is aware of his actions would not trust this man, nor respect him.

-Human Caring: I believe this universal competency was violated due to the very act of Mcllwee's conviction. There is no way that a person could care for a human when they are committing such a degrading, immoral action. Inside, or outside of the hospital.

-Professional Role: This is another easy violation. Although it may not fall within the grounds of the hospital, anyone who commits the crime that Mcllwee did should not be considered a professional. There is nothing professional about what he did, and that also carries outside in his personal life. As nurses, we are taught that we must uphold a standard for ourselves, our place of work, and our title as nurses.

Use the space below to describe what action you think a prudent nurse would take as the first to person to discover the event described, in other words, you are the one who discovers the patient has been harmed by the nurse or you have discovered the impairment or criminal activity cited in the disciplinary action.

-The record doesn't state how his actions were brought to light, but as a nurse, and more importantly a human being in general, this is something that without a question should be investigated immediately. If on shift, reported to the charge nurse, and if outside of work, being reported directly to the authorities. There is no child safe around this man whether they are a patient or not.

What really upsets me about his "Voluntary Surrender," is in his statement letter to the Texas Board of Nursing Examiners. He states "I retired from healthcare on August 29th, 2017. Accordingly I would like to voluntarily surrender both licenses [LVN and RN] effective immediately."

This day of his "retirement" is the exact day that his felony offense was committed. I believe in this statement, he is attempting to save his name from slander or defamation, and try to uphold his (perceived) high reputation. This is a very upsetting case in the sense that it is so unknown. This man will continue to be a threat to children, with or without his license, and the public has the right to know this.