



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.
Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 678205 and §
Vocational Nurse License Number 126045 §
issued to LORETTA MARIE MITCHELL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board considered the matter of LORETTA MARIE MITCHELL, Registered Nurse License Number 678205 and Vocational Nurse License Number 126045, 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 May 10, 2009, 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 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. 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 Lee College, Baytown, Texas, on August 16, 1989, and received an Associate Degree in Nursing from Lee College, Baytown, Texas, on May 3, 2001. Respondent was licensed to practice vocational nursing in the State of Texas on December 7, 1989, and was licensed to practice professional nursing in the State of Texas on June 26, 2001.

5. Respondent's nursing employment history includes:

12/1989 - 7/1990	Staff Nurse, LVN Med/Surg	San Jacinto Hospital Baytown, Texas
7/1990 - 5/1993	Staff Nurse, LVN	Harris County Health Dept. Baytown, Texas
5/1993 - 8/1995	Staff Nurse, LVN Emergency Dept.	Baptist Hospital Liberty Liberty, Texas
9/1995 - 6/2001	Staff Nurse, LVN	The University of Texas Medical Branch - Correctional Managed Care (UTMB-CMC), Galveston, Texas, assigned to Texas Department of Criminal Justice (TDCJ) Liberty County State Jail Liberty, Texas
6/2001 - 2004	Staff Nurse, RN	UTMB-CMC Galveston, Texas, assigned to TDCJ, Liberty County State Jail Liberty, Texas
2005 - Present	Staff Nurse, RN	UTMB-CMC Galveston, Texas, assigned to TDCJ, Pam Lychner State Jail Humble, Texas

6. At the time of the initial incident in Finding of Fact Number Seven (7), Respondent was employed as a Staff Nurse with The University of Texas Medical Branch - Correctional Managed Care (UTMB-CMC), Galveston, Texas, and assigned to Texas Department of Criminal Justice (TDCJ), Pam Lychner State Jail, Humble, Texas, and had been in this position for one (1) year.
7. On or about May 3, 2006, through September 11, 2006, while employed as a Staff Nurse with UTMB-CMC, Galveston, Texas, and assigned to TDCJ, Pam Lychner State Jail, Humble, Texas, Respondent twice failed to document assessments of inmates in medical records and failed to perform an inmate's dressing change, as ordered. Respondent's conduct was likely to injure inmates from care decisions made without accurate information and from potential complications from an untreated wound.

8. On or about May 8, 2006, while employed as a Staff Nurse with UTMB-CMC, Galveston, Texas, and assigned to TDCJ, Pam Lychner State Jail, Humble, Texas, Respondent failed to assess Inmate 1357814, including obtaining and/or documenting the inmate's vital signs, after the inmate walked into the medical department complaining of chest pains. The inmate's blood pressure from two (2) days prior was significantly elevated at 174/140, with a pulse of 96. The inmate informed Respondent that he had a cardiac history, including prior placement of stents in his heart, and told Respondent that he was worried that he might be having a heart attack. Respondent obtained an electrocardiogram, which indicated "normal sinus rhythm, possible left atrial enlargement, prolonged QT, abnormal ECG," confiscated the inmate's supply of nitroglycerin because the inmate reported having taken five (5) pills prior to his arrival, and released the inmate back to his dorm. Later that morning, the physician evaluated the inmate, determined that the inmate had a known history of coronary artery disease with chest pain suggestive of angina, and ordered that he be emergently transferred to an acute care facility for treatment, where he was admitted and underwent coronary angioplasty the next day. Respondent's conduct was likely to injure the inmate from complications of an untreated cardiac event, including possible demise.

9. In response to the incidents in Finding of Fact Number Eight (8), Respondent states that she assessed the inmate and he had no diaphoresis, no shortness of breath, and no cardiac implications, with a pulse oximeter reading of 98%. Respondent indicates that the inmate reported both his cardiac history and also that he had eaten Ramen soup, about which Respondent indicates she counseled him regarding the sodium content and its potential effect on his blood pressure and cardiac function. According to Respondent, she wanted the inmate to wait in the clinic to be seen by the physician, but he declined and wanted to go back to his dorm, so she told him to report any changes. Regarding having confiscated the inmate's nitroglycerin, Respondent denies that her actions were inappropriate because she was concerned that he had taken too many pills, that he might continue to take them, and that she was concerned that he might have access to two (2) different bottles as he had recently been reissued a new bottle after reporting one (1) as having been stolen. Respondent states that she placed the pills in the pharmacy so the physician could evaluate the situation. Respondent concludes that when the physician arrived, she called for the inmate to return to the clinic, and although her evaluation found no apparent distress or other changes, she thought the inmate might be having angina so she sent him to the hospital for further care.

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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)(B),(1)(C),(1)(D),(1)(M)&(3)(A) and 217.12(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 678205 and Vocational Nurse License Number 126045, heretofore issued to LORETTA MARIE MITCHELL, 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 Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a WARNING WITH STIPULATIONS, 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 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 license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a multistate licensure 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 physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. 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. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the

same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. 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>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. 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. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation. RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office 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>.

(4) 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://www.learningext.com/products/generalce/critical/ctabout.asp>.

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:

(5) 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.

(6) 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.

(7) 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.

(8) 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) month period for one (1) year of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT's licenses and RESPONDENT shall be eligible for multistate licensure privileges, if any, to practice nursing in the State of Texas.

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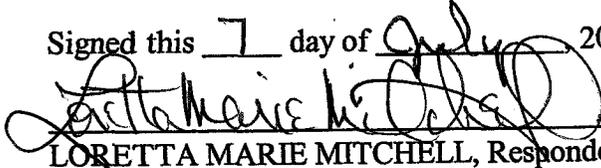
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order.

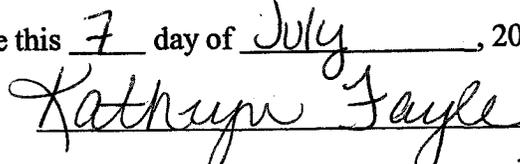
I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive 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 licenses to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of July, 2009.


LORETTA MARIE MITCHELL, Respondent

Sworn to and subscribed before me this 7 day of July, 2009.

SEAL


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 July, 2009, by LORETTA MARIE MITCHELL, Registered Nurse License Number 678205 and Vocational Nurse License Number 126045, and said Order is final.

Effective this 18th day of August, 2009.



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

