

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 110105
ISSUED TO
VERNON CHARLES MITCHELL

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§
§

BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE 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.
Patricia P. Thomas
Executive Director of the Board

ORDER OF THE BOARD

TO: Vernon Charles Mitchell
816 W. Lee
Pharr, Texas 78577

During open meeting held in Austin, Texas, on May 13, 2008, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case. This case was heard, and based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing (22 TEX. ADMIN.CODE § 213.2(j)). All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

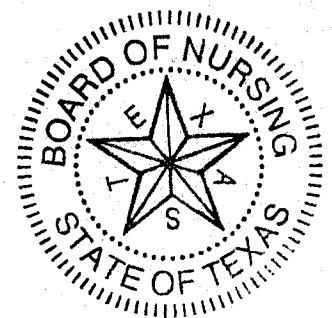
NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 110105, previously issued to VERNON CHARLES MITCHELL, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that Permanent Certificate Number 110105, previously issued to VERNON CHARLES MITCHELL, upon receipt of this Order, be immediately delivered to the office of the Texas Board of Nursing.

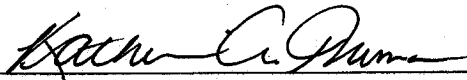
IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's multi-state privilege, if any, to practice vocational nursing in the State of Texas.

Entered this 13th day of May, 2008.

TEXAS BOARD OF NURSING



BY:



KATHERINE A. THOMAS, MN, RN

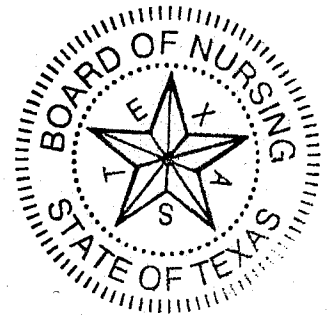
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of May, 2008, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Vernon Charles Mitchell
816 W. Lee
Pharr, Texas 78577

BY: *Katherine A. Thomas*
KATHERINE A. THOMAS, MN, RN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD



**In the Matter of Permanent License
Number 110105, Issued to
VERNON CHARLES MITCHELL, Respondent**

§ **BEFORE THE BOARD**
§ **OF NURSE EXAMINERS**
§ **FOR THE STATE OF**
§ **TEXAS**

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, VERNON CHARLES MITCHELL, is a Vocational Nurse holding license number 110105, which is in current 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 14, 1985, plead guilty to and was convicted of "Driving While Intoxicated," a Misdemeanor offense, in the Cameron County, Texas, Court at Law, Cause Number 85-CCR-4695-A. Respondent was sentenced to confinement in the Cameron County Jail for a period of six (6) months, assessed a fine in the amount of three hundred dollars (\$300.00), and court costs in the amount of ninety dollars (\$90.00) The imposition of Respondent's confinement sentence was suspended and Respondent was placed on probation for a period of twenty-four (24) months. On January 12, 1988, Respondent satisfactorily complied with the terms and conditions of his probation and Respondent was discharged from probation.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).

CHARGE II.

On or about February 28, 1989, Respondent plead guilty and was convicted of "Driving a Motor Vehicle While Intoxicated in a Public Place," a Misdemeanor offense, in the Hidalgo County, Texas, Court at Law No. One, Cause No. CR-77,397-A. Respondent was sentenced to confinement in the Hidalgo County Jail for a period of thirty (30) days and assessed a fine in the amount of three hundred fifty dollars (\$350.00). The imposition of Respondent's confinement sentence was suspended and Respondent was placed on probation for a period of two (2) years. On April 19, 1991, Respondent satisfactorily complied with the terms and conditions of his probation and Respondent was discharged from probation.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).

CHARGE III.

On or about August 13, 1990, Respondent was convicted of "Driving While License Suspended," a Misdemeanor offense, in the Cameron County, Texas, Court at Law, Cause No. 90-CCR-3935-A. Respondent was placed on probation for a period of six (6) months, assessed a fine in the amount of one hundred dollars (\$100.00), and court costs in the amount one hundred thirty-three dollars and fifty cents (\$133.50). On January 29, 1991, Respondent was discharged from probation.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN.

CHARGE IV.

On or about December 9, 1992, Respondent plead guilty and was convicted of "Driving While Intoxicated," a Misdemeanor offense, in the Hidalgo County, Texas, Court at Law No. Four, Cause No. 98,821-D. Respondent was sentenced to confinement in the Hidalgo County Jail for a period of one (1) year and assessed a fine in the amount of seven hundred fifty dollars (\$750.00). The imposition of Respondent's confinement sentence was suspended and Respondent was placed on probation for a period of two (2) years.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN., and is a violation of 22 TEX. ADMIN. CODE §239.11(29)(A)(iv).

CHARGE V.

On or about December 9, 1992, Respondent plead guilty and was convicted of "Resisting Arrest," a Misdemeanor offense, in the Hidalgo County, Texas, Court at Law, Cause No. 98,817-D. Respondent was sentenced to confinement in the Hidalgo County Jail for a period of thirty (30) days and assessed a fine in the amount of four hundred dollars (\$400.00). Respondent's confinement sentence was suspended and Respondent was placed on probation for a period of one (1) year.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN.

CHARGE VI.

On or about December 9, 1992, Respondent plead guilty and was convicted of "Driving While License Suspended," a Misdemeanor offense, in the Hidalgo County, Texas, Court at Law No. Four, Cause No. 98,813-D. Respondent was sentenced to confinement in the Hidalgo County Jail for a period of fifteen (15) days and assessed a fine in the amount of two hundred fifty dollars (\$250.00). Respondent's confinement sentence was suspended and Respondent was placed on probation for a period of one hundred eighty (180) days.

The above action constitutes grounds for disciplinary action in accordance with Article 4528c, Sec. 10(a)(9), TEX. REV. CIV. STAT. ANN.

CHARGE VII.

On or about May 28, 2006, through July 16, 2006, while employed with McAllen Good Samaritan Center, McAllen, Texas, Respondent signed out Hydrocodone and Propoxyphene on the narcotic sign out sheet for patients, but failed to completely and accurately document the administration of the medications in the patients' Medication Administration Records (MARs) or Nurses Notes, as follows:

DATE/TIME	PATIENT	MEDICATION	PHYSICIAN'S ORDER	MAR OR NURSES NOTES	WASTAGE
5/28/06@0900	178002778	HYDROCODONE/ APAP 5/500 (1)	HYDRO- CODONE 1 TAB PO Q 6 HRS PRN BACK PAIN	NO	NO
5/28/06@1500	178002778	HYDROCODONE/ APAP 5/500 (1)	HYDRO- CODONE 1 TAB PO Q 6 HRS PRN BACK PAIN	NO	NO
7/2/06@1500	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/2/06@2100	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/9/06@0300	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/9/06@1400	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/9/06@2100	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/15/06@1600	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/15/06@1200	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO

7/15/06@1700	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/15/06@2100	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/16/06@1500	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/16/06@2100	178002645	PROPOXYPHENE 100/650 (1)	PROPOXY- PHENE 1 TAB PER TUBE Q 4 HRS PRN PAIN	NO	NO
7/8/06@1500	178002735	HYDROCODONE/ APAP 5/500 (1)	HYDRO- CODONE 1 TAB 4 TIMES DAILY PRN	NO	NO
7/8/06@2100	178002735	HYDROCODONE/ APAP 5/500 (1)	HYDRO- CODONE 1 TAB 4 TIMES DAILY PRN	NO	NO
7/16/06@1800	178002735	HYDROCODONE/ APAP 5/500 (1)	HYDRO- CODONE 1 TAB 4 TIMES DAILY PRN	NO	NO

Respondent's conduct was likely to deceive subsequent caregivers in that they would rely on Respondent's documentation to further medicate the patients, which could lead to adverse reactions.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(D)(iv), and 22 TEX. ADMIN. CODE §217.12(1)(A)&(4).

CHARGE VIII.

On or about May 28, 2006, through July 16, 2006, while employed with McAllen Good Samaritan Center, McAllen, Texas, Respondent signed out Hydrocodone and Propoxyphene on the narcotic sign out sheet for patients as indicated in Charge II of this pleading, but failed to follow the policy and procedure for the wastage of the medications. Respondent's conduct was likely to deceive the hospital pharmacy and placed them in violation of Chapter 481 of the Texas Health and Safety Code (Controlled Substances Act).

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10)&(13), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.11(1)(A), and 22 TEX. ADMIN. CODE §217.12(10)(C)&(11)(B).

CHARGE IX.

On or about May 28, 2006, through July 16, 2006, while employed with McAllen Good Samaritan Center, McAllen, Texas, Respondent misappropriated Hydrocodone and Propoxyphene belonging to the facility and patients thereof, or failed to take precautions to prevent such misappropriation. Respondent's conduct was likely to defraud the facility and patients of the cost of the medications.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(G).

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CONTINUED ON NEXT PAGE.

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.bne.state.tx.us.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Chemical Dependency, which can be found at the Board's website, www.bne.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: Order of the Board dated January 27, 1992, and Agreed Board Order dated March 14, 1995, issued by the Board of Vocational Nurse Examiners for the State of Texas.

Filed this 9th day of March, 2007.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS



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

Victoria Cox, Assistant General Counsel
State Bar No. 00789585

E. Joy Sparks, Assistant General Counsel
State Bar No. 18874600

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

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

P: (512) 305-6824

F: (512) 305.8101 or (512)305-7401

Attachments: Order of the Board dated January 27, 1992, and Agreed Board Order dated March 14, 1995.

0999/D

BOARD OF VOCATIONAL NURSE EXAMINERS

STATE OF TEXAS

VS.

VERNON CHARLES MITCHELL

COUNTY OF TRAVIS

AGREED BOARD ORDER

On this day came to be considered by the Board of Vocational Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the matter of vocational nurse license number 110105, previously held by VERNON CHARLES MITCHELL, hereinafter called Applicant.

The Board of Vocational Nurse Examiners previously found that Applicant had violated the Vocational Nurse Act, or a rule, regulation or Order issued under the Vocational Nurse Act, Texas Revised Civil Statutes Annotated, Article 4528c. Applicant has submitted a written request for reinstatement of said previously held license.

A prehearing conference was held on February 6, 1995, at the office of the Board of Vocational Nurse Examiners. The conference was conducted by Marjorie A. Bronk, R.N., Executive Director of the Board, assisted by Doris Parker and Robert Willmann, Jr., members of the Board of Vocational Nurse Examiners. Applicant was present and was not represented by counsel.

AGREED BOARD ORDER

RE: VERNON CHARLES MITCHELL, LVN #110105

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The conference was attended by Kathleen S. Davies, Investigator for the Board, and Sharon Sanders, Assistant Attorney General. By their notarized signature on this Order, Applicant does hereby waive the right to Notice of Formal Hearing and a Formal Hearing on the Application for Reinstatement before the Board, and to judicial review of this disciplinary action after this Order is endorsed by the Board.

After reviewing the matters relative to the request for reinstatement at the prehearing conference, Applicant agrees to the entry of an Order dispensing with the need for further action on this reinstatement request. By Applicant's signature on this Order, Applicant acknowledges that they have read and understood this Order and have approved it for consideration by the Board. Notice of this disciplinary action will appear in the Board's newsletter sent to Texas Employers.

ORDER OF THE BOARD

NOW IT IS ORDERED that license number 110105, previously issued to VERNON CHARLES MITCHELL, to practice vocational nursing in the State of Texas be, and the same is hereby reinstated and suspended until such time as Applicant enrolls in or audits and successfully completes nursing program course(s) encompassing the following areas of study: Nursing Refresher (at least 6 weeks in length, to include a Clinical Rotation), and submits proof of successful course completion to the Board office. Applicant shall be responsible for locating said course(s)

AGREED BOARD ORDER

RE: VERNON CHARLES MITCHELL, LVN #110105

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and obtaining approval of Board staff prior to enrollment or audit. Said course(s) shall be in-house at a community college, university, or nursing program, and/or tutored by a state approved, licensed nursing program faculty member. The expense of said course(s) shall be borne by Applicant.

It is further ordered that upon receipt of documentation reflecting satisfactory completion of said course(s), the suspension of said license shall be automatically stayed and the license placed on probation for a period of one (1) year.

The probation of said license is subject to the following stipulations, to wit:

1. That if Applicant's place of employment, name, address or telephone number changes, Applicant is to notify the Board office immediately, or no later than ten (10) days after said change has occurred. Said notification shall be in the form of a written letter or report.
2. That Applicant shall comply with Federal, State, and local laws, and all the provisions of the Vocational Nurse Act and Rules and Regulations of the Board.
3. That by copy of this Board Order, Applicant shall provide notice of Board disciplinary action to his/her nursing employer(s) throughout the term of probation.
4. That Applicant shall cause his/her nursing employer(s) to submit satisfactory reports directly to the Board office on a monthly basis for the first six (6) months of probation. Thereafter, and throughout the remainder of said probation, Applicant shall cause his/her nursing employer(s) to submit satisfactory reports directly to the Board office on a quarterly basis.
5. That any period(s) of unemployment must be documented in writing by Applicant and submitted to the Board office, as provided in Stipulation No. 4.
6. That Applicant shall work only under the direct supervision of a licensed medical professional throughout the term of probation.

AGREED BOARD ORDER

RE: VERNON CHARLES MITCHELL, LVN #110105

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7. That Applicant shall attend weekly meetings of Alcoholics Anonymous (A.A.), and shall cause his/her program sponsor to submit satisfactory reports directly to the Board office on a quarterly basis throughout the term of probation.

8. That Applicant shall submit to random periodic blood alcohol and urine drug screen(s) upon demand of the Board staff throughout the term of probation. Said screen(s) shall be properly monitored with adherence to chain of custody procedures. The results of said screen(s) shall be submitted directly to the Board office by the laboratory. The expense of said screen(s) shall be borne by Applicant.

9. That Applicant shall provide the Board a telephone number by which Applicant may be contacted between the hours of 8:00 a.m. and 5:00 p.m. on weekdays. Applicant must maintain with the Board, during the term of this probation, a current telephone number in order for the Board to request random blood alcohol and urine drug screens, as provided in Stipulation No. 8.

This Agreed Order shall not be effective or take effect and become enforceable in accordance with its terms until endorsed by a majority of the Board present and voting, at its next regularly called session.

Agreed to this the 6TH day of FEBRUARY, 1995

Vernon Mitchell

Signature of Applicant

816 W. Lee

Current Address

Pharr Tx 78577

City, State and Zip

210, 580-7418

Area Code and Telephone Number

The State of Texas,
County of Gauss

AGREED BOARD ORDER

RE: VERNON CHARLES MITCHELL, LVN #110105

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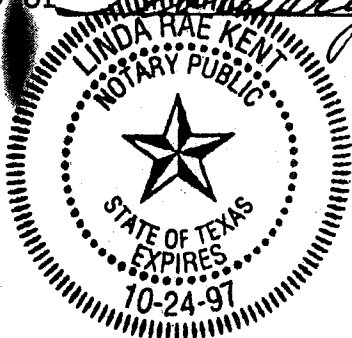
Before me, the undersigned authority, on this day personally appeared VERNON CHARLES MITCHELL who being duly sworn by me stated that he or she executed the above for the purpose therein contained, and that he or she understood same.

SWORN TO AND SUBSCRIBED before me this the 6th day of February, 1995.

Kathleen A. Davis
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS
My Commission Expires 3-22-95

Marjorie A. Bronk, RN
Marjorie A. Bronk, RN
Agent for the Board of
Vocational Nurse Examiners

SWORN TO AND SUBSCRIBED before me, the undersigned authority, on this the 13th day of February, 1995.



Linda Rae Kent
NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

AGREED BOARD ORDER

RE: VERNON CHARLES MITCHELL, LVN #110105

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ENDORSEMENT OF THE BOARD
To The Agreed Board Order
in the matter of Vocational Nurse
License No. 110105
Issued to Vernon Charles Mitchell

At its regularly called session, on the 14th day of March, 1995, came on to be considered the indicated Agreed Board Order pertaining to Vernon Charles Mitchell. The Board having reviewed the contents of said Order, the Order should be, and is hereby, endorsed as an Order of the Board and made an official act of the Board of Vocational Nurse Examiners for the State of Texas.

Said Order is rendered on this the 14th day of March, 1995.

Cathy [unclear]
Opal Robinson
Betty Fox McNamee
[unclear]
Melba Lee Torrey, LVN
Janet Wood - [unclear] LVN
[unclear]
Carrie M. Duff

BOARD ORDER
RE: VERNON CHARLES MITCHELL, LVN #110105
PAGE: 7

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 1995,
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

VERNON MITCHELL
816 W. LEE
PHARR, TX 78577

Marjorie A. Bronk
Marjorie A. Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners

BOARD OF VOCATIONAL NURSE EXAMINERS

VS.

VERNON CHARLES MITCHELL

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*
*

STATE OF TEXAS

COUNTY OF TRAVIS

COMPLAINT

BEFORE ME, the undersigned authority, a Notary Public in and for the State of Texas, on this day personally appeared Cynthia Kinton, who after being by me duly sworn, did depose and say:

As an Investigator for the Board of Vocational Nurse Examiners, I, Cynthia Kinton, do hereby present to the Executive Director of the Board of Vocational Nurse Examiners, the following complaint against VERNON CHARLES MITCHELL, a practitioner of vocational nursing in Texas licensed by the Board of Vocational Nurse Examiners with license number 110105, hereinafter called Respondent.

I.

- a. By letter dated July 15, 1991, the Board of Vocational Nurse Examiners received information from the Texas Peer Assistance Program for Nurses (TPAPN) indicating that Respondent had relapsed and become noncompliant the TPAPN program.
- b. Respondent was employed as a Licensed Vocational Nurse at Pharr Nursi in Pharr, Texas, from about April 27, 1991, through about June 16, 1991, as the 7:00 a.m. - 3:00 p.m. nurse on Saturday and Sunday, every other weekend.
- c. While so employed on or about June 16, 1991, at about 1:45 p.m., hospital nursing staff observed that Respondent appeared impaired, i.e., his speech was slurred, his gait unsteady, his eyes were red and glassy and his writing was illegible.
- d. During said June 16, 1991, shift assignment, the 3:00 p.m. narcotic count by hospital staff revealed that eleven (11) Temazepam (aka Restoril) 30 mg. could not be accounted for.

COMPLAINT

RE: VERNON CHARLES MITCHELL, LVN #110105

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II.

Respondent has engaged in the intemperate use of alcohol or drugs, in violation of Article 4528c, Section 10 (a) (8), Revised Civil Statutes of Texas.

III.

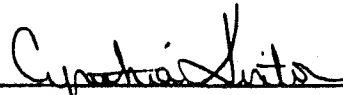
The foregoing acts constitute unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas and Rule 239.11 of the Rules and Regulations of the Board of Vocational Nurse Examiners, Title 22, Texas Administrative Code. Rule 239.11, provides in pertinent part: that "Unprofessional Conduct" shall include, but not be limited to:

- (1) misappropriating supplies, equipment, or medications or personal items of the patient/client, employer, or any other person or entity;
- (6) practicing as a vocational nurse while the individual's ability to practice is impaired by alcohol, drugs, physical or mental disability.

IV.

The foregoing acts constitute grounds for the Board of Vocational Nurse Examiners to take disciplinary action as provided under Article 4528c, Revised Civil Statutes of Texas, 1951, as amended.

WHEREFORE, PREMISES CONSIDERED, I, Cynthia Kinton, do hereby suggest and request the Board of Vocational Nurse Examiners take disciplinary action against VERNON CHARLES MITCHELL, LVN #110105, in accordance with the provisions of the laws of the State of Texas.


AFFIANT


COMPLAINT

RE: VERNON CHARLES MITCHELL, LVN #110105

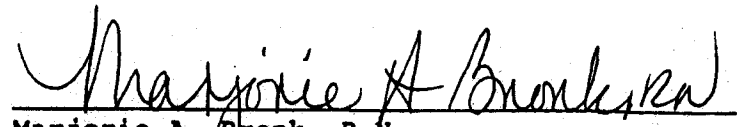
PAGE 3

0011010

SUBSCRIBED AND SWORN TO BEFORE ME by the said Cynthia Kinton, on this the 30th day of Septemer, 1991.


NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

Filed with the Board of Vocational Nurse Examiners on the 30th day of September, 1991.


Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

BEFORE THE BOARD OF VOCATIONAL
NURSE EXAMINERS IN AND FOR THE
STATE OF TEXAS

0011010

In the matter of Permanent
License Number 110105
issued to
VERNON CHARLES MITCHELL

ORDER OF THE BOARD

TO: Vernon Charles Mitchell
816 W. Lee
Pharr, Texas 78577

The Board of Vocational Nurse Examiners in and for the State of Texas, held a scheduled hearing on the 2th of January, 1992, to determine whether cause exists under Article 4528c, V.A.C.S., to suspend or revoke license number 110105, heretofore issued to VERNON CHARLES MITCHELL.

At the hearing Norma Jean Clark, L.V.N., President of the Board, presided and the following members were present:

Charlotte J. Sifford, L.V.N.
Annie Mae Parker, L.V.N.
Virginia M. Bauman
Sandra Underwood Knight, L.V.N.
Betty Fox McLemore
Ruth Leopard, L.V.N.
Connie Davis, L.V.N.
Doris A. Parker, R.N.

The Board of Vocational Nurse Examiners for the State of Texas was represented by Chris Maczka, Attorney at Law. Testimony and other evidence was received by the Board and, as a result thereof, the Board makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

Re: VERNON CHARLES MITCHELL, hereinafter referred to as Respondent.

1. That Respondent is a vocational nurse licensed by the State of Texas and holds license number 110105.
2. That a sworn Complaint was filed with the Board of Vocational Nurse Examiners for the State of Texas in accordance with Article 4528c, Section 10 (d) of the Vocational Nurse Act.
3. That Notice of Hearing and Complaint were sent to Respondent in accordance with Article 6252-13a, the Administrative Procedure Act, as amended.
4. That Respondent was present before the Board.
5. That Respondent was not represented by counsel.
6. That by letter dated July 15, 1991, the Board of Vocational Nurse Examiners received information from the Texas Peer Assistance Program for Nurses (TPAPN) indicating that Respondent had relapsed and had become noncompliant with the TPAPN program.
7. That Respondent was employed as a Licensed Vocational Nurse at Pharr Nursing Home in Pharr, Texas, from about April 27, 1991, through about June 16, 1991, as the 7:00 a.m. - 3:00 p.m. nurse on Saturday and Sunday, every other weekend.
8. That while so employed on or about June 16, 1991, at about 1:45 p.m., hospital nursing staff observed that Respondent appeared impaired, i.e., his speech was slurred, his gait unsteady, his eyes were red and glassy and his writing was illegible.
9. That during said June 16, 1991, shift assignment, the 3:00 p.m. narcotic count by hospital staff revealed that eleven (11) Temazepam (aka Restoril) 30 mg. could not be accounted for.

CONCLUSIONS OF LAW

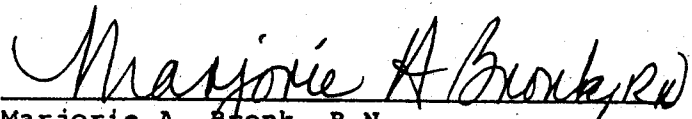
1. That Respondent has engaged in the intemperate use of alcohol or drugs, in violation of Article 4528c, Section 10 (a) (8), Revised Civil Statutes of Texas.
2. That Respondent has engaged in unprofessional or dishonorable conduct that, in the opinion of the Board, is likely to deceive, defraud, or injure the public, in violation of Article 4528c, Section 10 (a) (9), Revised Civil Statutes of Texas.
3. That Respondent has misappropriated supplies, equipment, or medications or personal items of the patient/client, employer, or any other person or entity, in violation of Board Rule 239.11 (1).

4. That Respondent practiced as a vocational nurse while the individual's ability to practice is impaired by alcohol, drugs, physical or mental disability, violation of Board Rule 239.11 (6).

ORDER

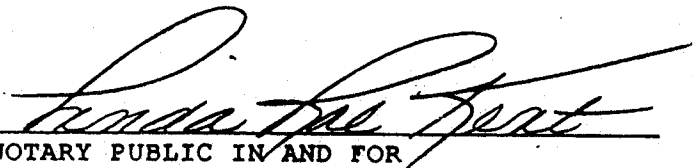
NOW, THEREFORE, IT IS ORDERED that License Number 110105 heretofore issued to VERNON CHARLES MITCHELL, to practice vocational nursing in the State of Texas be and same is hereby revoked.

Entered this the 31st day of January, 1992.



Marjorie A. Bronk, R.N.
Executive Director
Board of Vocational Nurse Examiners

SWORN AND SUBSCRIBED to before me, the undersigned authority, on this the 31st day of January, 1992.



NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

ORDER OF THE BOARD

Re: Vernon Charles Mitchell, LVN #110105

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Certificate to Order of the Board
In the matter of Vocational Nurse
License No. 110105
Issued to VERNON CHARLES MITCHELL

The aforementioned Findings of Fact, Conclusions of Law, and Order of the Board represent a final decision or Order duly made by the Board of Vocational Nurse Examiners in and for the State of Texas on this the 27th day of January, 1992.

Art J. Lefpau

Ann M. Parker

Garnie M. Oaul

Virginia M. Bauman

Ann A. Parker

Norma Jean Clark

Betty Lee St. Pierre

Charlotte J. Sifford, RN

Sandra L. Knight, RN

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ORDER OF THE BOARD
RE: VERNON CHARLES MITCHELL, LVN #110105
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CERTIFICATE OF SERVICE

I hereby certify that on the 31st day of January, 1992
a true and correct copy of the foregoing Order was served by placement in the
U.S. Mail, first class, and addressed to the following person(s):

Vernon Charles Mitchell
816 W. Lee
Pharr, Texas 78577

Marjorie A. Bronk, R.N.
Marjorie Bronk, R.N.
Executive Director
Agent for the Board of Vocational Nurse Examiners