



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 § AGREED
Registered Nurse License Number 577140 §
issued to SHIRLEY ANN MITCHELL § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of SHIRLEY ANN MITCHELL, Registered Nurse License Number 577140, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may be subject to discipline pursuant to Section 301.452(b)(8),(10)&(13), Texas Occupations Code. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on June 11, 2014.

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(s).
2. Respondent waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status.
4. Respondent received an Associate Degree from Central Texas College, Killeen, Texas, on December 1, 1991. Respondent was licensed to practice professional nursing in the State of Texas on March 17, 1992; was licensed to practice professional nursing in the State of Missouri on September 21, 1992; was licensed to practice professional nursing in the State of Georgia on May 25, 1995; was licensed to practice professional nursing in the State of South Carolina on August 1, 1995; and was licensed to practice professional nursing in the State of Florida on September 25, 2002.

5. Respondent's nursing employment history includes:

3/1992 - Unknown	Registered Nurse	Olin Teagues Veterans Administration Temple, Texas
10/1994 - 10/1996	Registered Nurse	Eisenhower Army Medical Center Fort Gordon, Georgia
10/1996 - 12/1997	Registered Nurse	Brooke Army Medical Center Fort Sam Houston, Texas
12/1997 - 10/2002	Registered Nurse	94 th General Hospital Seagoville, Texas
10/2002 - 12/2003	Registered Nurse	Orange Park Medical Center Orange Park, Florida
12/2003 - 8/2004	Registered Nurse	Duval County Department of Health Jacksonville, Florida
8/2004 - 12/2004	Registered Nurse	Kelly Services Jacksonville, Florida
12/2004 - 3/2010	Registered Nurse	759 th MMIS Lackland Air Force Base, Texas
3/2010 - Unknown	Registered Nurse	375 th Medical Group Military Treatment Facility Scott Air Force Base, Illinois

6. At the time of the incident, Respondent was working as a Registered Nurse assigned to the 375th Medical Group, Military Treatment Facility, Scott Air Force Base, Illinois, and had been in this position for four (4) months.

7. On or about July 1, 2010, while working as a Registered Nurse assigned to the 375th Medical Group, Military Treatment Facility, Scott Air Force Base, Illinois, Respondent administered in error 10mg Valium to a patient instead of 2mg Valium, as ordered. Further, Respondent failed to document the medication error in the medical record. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient from adverse reactions from Valium overdose, including drowsiness, confusion, lethargy, diminished reflexes, low blood pressure, and/or respiratory depression.

8. On or about March 1, 2011, while working as a Registered Nurse assigned to the 375th Medical Group, Military Treatment Facility, Scott Air Force Base, Illinois, Respondent failed to timely respond to repeated requests to assess a patient who was in distress and initiate

appropriate interventions. The patient's status worsened, and a Code Blue was called on this patient. Respondent's conduct was likely to injure the patient from lack of appropriate nursing and medical care, including possible demise.

9. On or about October 11, 2011, while working as a Registered Nurse assigned to the 375th Medical Group, Military Treatment Facility, Scott Air Force Base, Illinois, Respondent incorrectly abbreviated a patient's request for a refill of Yasmin as Yaz. Yasmin and Yaz are different oral contraceptive medications, and consequently, the patient was incorrectly prescribed Yaz. The patient noticed the error and notified the pharmacy before taking any of the incorrect medication. Respondent's conduct was likely to injure the patient from adverse effect of medications administered without the benefit of a physician's expertise to determine the correct dosage and whether the medication was safe and appropriate for the patient.
10. On or about November 2, 2011, while working as a Registered Nurse assigned to the 375th Medical Group, Military Treatment Facility, Scott Air Force Base, Illinois, Respondent failed to follow the "stat" referral process, as ordered by the physician, to expedite medical services for a patient with periorbital herpes and instead sent the patient to be seen for a routine referral. Respondent's conduct resulted in an unnecessary delay in care for a condition that was a potential threat to the patient's eye.
11. On or about November 2, 2011, working as a Registered Nurse assigned to the 375th Medical Group, Military Treatment Facility, Scott Air Force Base, Illinois, Respondent failed to terminate a phone conversation and go assess a patient when she was twice notified that the patient was having trouble breathing. By the time Respondent terminated the phone call, other nurses had responded to assess the patient and initiate appropriate interventions. Respondent's conduct was likely to injure the patient from complications of continued respiratory distress, including possible demise.
12. On or about November 28, 2011, while working as a Registered Nurse assigned to the 375th Medical Group, Military Treatment Facility, Scott Air Force Base, Illinois, Respondent failed to accurately authorize a refill of Prilosec for Patient H3055. Although the physician's instructions authorized a one (1) month refill, Respondent instead authorized a one (1) year refill. Respondent's conduct was likely to injure the patient from adverse effects of medication administered without appropriate monitoring for safety and continued efficacy.
13. On or about November 6, 2012, the Department of the Air Force, Air Force Medical Operations Agency, San Antonio, Texas, permanently removed Respondent from nursing practice ("full revocation of clinical nursing practice") due to numerous substantiated allegations of clinical deficiencies, delay in care of patients, and an inability to recognize and correct her nursing practice deficiencies.
14. In response to the incident in Finding of Fact Number Seven (7), Respondent states that regarding the Valium error, she transposed the mg and mL and, upon noting the error, she immediately filled out a medication event record for this error. Regarding the refill of

Yasmin, Respondent indicates she must have written "Yaz" as short-hand when she documented the request. Regarding the "stat" referral, Respondent says she called all of the doctors but the secretary stated that she would call Respondent back with a date and time for the patient. Regarding the patient with difficulty breathing, Respondent states that when she was approached she was on the phone with another patient and she was informed that a paramedic was in the room. According to Respondent, "I made a judgement call to finish the consultation on the phone then I went directly to the triage room where I saw (the other nurses) taking care of the patient." In regards to the Prilosec, Respondent indicates that she assumed the refill would be good for one (1) year.

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(s) of 22 TEX. ADMIN. CODE §§217.11(1)(A),(1)(B),(1)(C),(1)(D),(1)(M)&(3)(A) and 217.12(1)(A),(1)(B)&(4).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(8),(10)&(13), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 577140, heretofore issued to SHIRLEY ANN MITCHELL, including revocation of Respondent's license(s) 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 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, while under the terms of this Order, this Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.

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(s) is/are encumbered by this Order, 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 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.texas.gov/compliance>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in medication administration. 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. The didactic portion of this course shall be a minimum of six (6) hours in length. The course shall contain a minimum twenty-four (24) hour clinical component which is to be provided by the same Registered Nurse who provides the didactic portion of this course. The clinical component SHALL focus on tasks of medication administration only. In order for the course to be approved, the course's content shall include: a review of proper administration procedures for all standard routes; computation of drug dosages; the six (6) rights of medication administration; factors influencing the choice of route; and possible adverse effects resulting from improper administration. 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.texas.gov/compliance>.*

(3) 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.texas.gov/compliance>.*

(4) 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.texas.gov/compliance>.*

(5) 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. *Board-approved courses may be found at the following Board website address: <http://www.bon.texas.gov/compliance>.*

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(S) 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, AS APPROPRIATE, WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license(s). 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 license(s). 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.

(7) 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.

(8) RESPONDENT SHALL be supervised by a Registered Nurse, if licensed as a Registered Nurse, or by a Licensed Vocational Nurse or a Registered Nurse, if licensed as a Licensed Vocational 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.

(9) 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 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(s) 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 license(s) to practice nursing in the State of Texas and RESPONDENT may be eligible for nurse licensure compact privileges, if any.

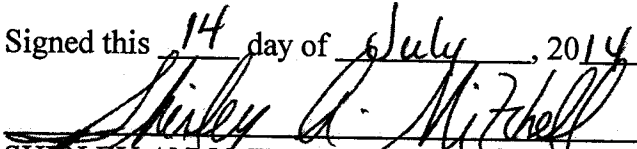
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RESPONDENT'S CERTIFICATION

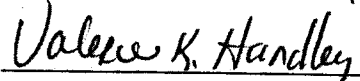
I understand that I have the right to legal counsel prior to signing this Agreed Order.

I waive representation by counsel. I have reviewed this Order. I neither admit nor deny the violation(s) 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 when this Order becomes final and the terms of this Order become effective, 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

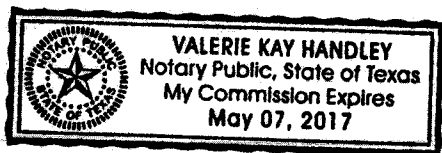
Signed this 14 day of July, 2014.

SHIRLEY ANN MITCHELL, Respondent

Sworn to and subscribed before me this 14 day of July, 2014.

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 14th day of July, 2014, by SHIRLEY ANN MITCHELL, Registered Nurse License Number 577140, and said Order is final.

Effective this 19th day of August, 2014.



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