

# BEFORE THE TEXAS BOARD OF NURSING

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In the Matter of	§	AGREED
Vocational Nurse License Number 148221	§	
issued to MICKEY MARIE GRAETER	§	ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MICKEY MARIE GRAETER, Vocational Nurse License Number 148221, 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)(1)&(10), Texas Occupations Code. Respondent waived notice and hearing and agreed to the entry of this Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on July 19, 2017.

## 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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in delinquent status.
4. Respondent received a Certificate in Vocational Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on August 12, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 7, 1994.
5. Respondent's vocational nursing employment history is unknown.
6. On or about March 10, 2015, Respondent was issued an Order REPRIMAND WITH STIPULATIONS AND A FINE by the Texas Board of Nursing. A copy of the Findings of Fact, Conclusions of Law, and Agreed Order dated March 10, 2015, is attached and incorporated, by reference, as part of this Order.

7. On or about April 26, 2015, Respondent failed to comply with the Order of REPRIMAND WITH STIPULATIONS AND A FINE, issued to her on March 10, 2015, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Stipulation Number Four (IV) of the Order which states, in pertinent part:

(IV) RESPONDENT SHALL **pay a monetary fine in the amount of five hundred dollars (\$500) within forty-five (45) days of entry of this Order...**

8. On or about August 29, 2015, Respondent was arrested and subsequently indicted under Cause No. 2015-2313-CI for THEFT OF \$1500 OR MORE BUT LESS THAN \$20K, a State Jail Felony offense, in the District Court of McLennan County, Texas. The case is currently pending.

9. On or about March 10, 2016, Respondent failed to comply with the Order of REPRIMAND WITH STIPULATIONS AND A FINE, issued to her on March 10, 2015, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Roman Numeral Three (III) of the Order which states, in pertinent part: RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of entry of this Order, unless otherwise specifically indicated:**

A. **A course in Texas nursing jurisprudence and ethics** that shall be a minimum of six (6) hours in length.

10. On or about March 10, 2016, Respondent failed to comply with the Order of REPRIMAND WITH STIPULATIONS AND A FINE, issued to her on March 10, 2015, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Roman Numeral Three (III) of the Order which states, in pertinent part: RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of entry of this Order, unless otherwise specifically indicated:**

B. **The course "Respecting Professional Boundaries,"** a 3.9 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.

11. On or about March 10, 2016, Respondent failed to comply with the Order of REPRIMAND WITH STIPULATIONS AND A FINE, issued to her on March 10, 2015, by the Texas Board of Nursing. Non-compliance is the result of Respondent's failure to comply with Roman Numeral Three (III) of the Order which states, in pertinent part: RESPONDENT SHALL successfully complete the following remedial education course(s) **within one (1) year of entry of this Order, unless otherwise specifically indicated:**

C. **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.

12. In response to Findings of Fact Numbers Seven (7) through Ten (10), Respondent states she filed bankruptcy in 2015 and the fine was listed as a debt to be paid back over the course of the bankruptcy. Respondent received a letter from the Department of Funding for Medicare and Medicaid that has made the ability to complete the order impossible. The letter states she can not work for a facility that accepts Medicare or Medicaid as a funding source. Respondent would like to retire her license.
13. Formal Charges were filed on December 8, 2016.
14. Formal Charges were mailed to Respondent on December 12, 2016.

### 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 §217.12(11)(B).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(1)&(10), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 148221, heretofore issued to MICKEY MARIE GRAETER.
5. Pursuant to Section 301.463(d), Texas Occupations Code, this Agreed Order is a settlement agreement under Rule 408, Texas Rules of Evidence, in civil or criminal litigation.

### TERMS OF ORDER

#### **I. SANCTION AND APPLICABILITY**

IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive the sanction of **REPRIMAND WITH STIPULATIONS** and Respondent's license(s) shall be placed in **INACTIVE** status.

Should RESPONDENT decide in the future to reactivate his/her license(s) to practice nursing in the State of Texas, RESPONDENT SHALL be required to petition the Board for

reactivation of the license and satisfy all then existing requirements for reactivation. Further, RESPONDENT'S reactivated license(s) SHALL BE subject to, at a minimum, the remedial education courses, work restrictions, supervised practice, and employer reporting which would have been requirements of this Order had Respondent not chosen to inactivate his/her nursing license(s).

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RESPONDENT'S CERTIFICATION

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

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 entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

  
\_\_\_\_\_  
MICKEY MARIE GRAETER, Respondent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance.

\_\_\_\_\_  
Gary D. Peak, Attorney for Respondent

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**RESPONDENT'S CERTIFICATION**

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance. I further understand that, should I decide in the future to reactivate my license(s), I will be required to satisfy, at a minimum, the additional requirements that would have been part of this Order had the license(s) not been placed in inactive status, as stated herein, as well as all then existing requirements for reactivation.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
MICKEY MARIE GRAETER, Respondent

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

SEAL

\_\_\_\_\_  
Notary Public in and for the State of \_\_\_\_\_

Approved as to form and substance

\_\_\_\_\_  
Gary D. Peak, Attorney for Respondent

Signed this 31 day of July, 2017

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 31<sup>st</sup> day of July, 2017, by MICKEY MARIE GRAETER, Vocational Nurse License Number 148221, and said Order is final.

Effective this 12<sup>th</sup> day of September, 2017.

A handwritten signature in cursive script, reading "Katherine A. Thomas".

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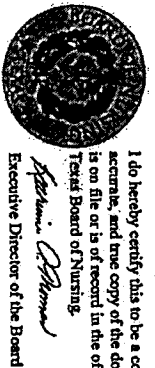
Katherine A. Thomas, MN, RN, FAAN  
Executive Director on behalf  
of said Board

BEFORE THE TEXAS BOARD OF NURSING

\*\*\*\*\*

In the Matter of  
Vocational Nurse License Number 148221  
issued to MICKEY MARIE GRAETER

§ AGREED  
§  
§ ORDER



An investigation by the Texas Board of Nursing, hereinafter referred to as the Board, produced evidence indicating that MICKEY MARIE GRAETER, Vocational Nurse License Number 148221, hereinafter referred to as Respondent, may be subject to discipline pursuant to Sections 301.452(b)(10)&(13) and 301.453, Texas Occupations Code.

An informal conference was held on September 23, 2014, at the office of the Texas Board of Nursing, in accordance with Section 301.464, Texas Occupations Code.

Respondent appeared in person. Respondent was represented by Gary D. Peak, Attorney at Law. In attendance were Denise Benbow, MSN, RN - Consultant for Nursing Practice, Executive Director's Designee; John R. Griffith, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Skylar Caddell, RN-BC, Nurse Investigator Specialist; Elise Moore, Supervising Investigator; and Danielle Groux, MSN, RN, Nurse Investigator.

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 notice and hearing, and agreed to the entry of this Order.
3. Respondent's license to practice as a vocational nurse in the State of Texas is in current status.



4. Respondent received a Certificate in Vocational Nursing from Vernon Regional Junior College, Wichita Falls, Texas, on August 12, 1994. Respondent was licensed to practice vocational nursing in the State of Texas on September 7, 1994.

5. Respondent's nursing employment history includes:

9/1994 - 8/2001	Unknown	
9/2001 - 6/2006	Float Nurse	Providence Hospital Waco, Texas
8/2005 - 2/2007	Infection Control Nurse	Lakeshore Village Healthcare Center Waco, Texas
3/2007 - 3/2010	Float Nurse	Hillcrest Baptist Medical Center Waco, Texas
3/2010 - 3/2012	Home Health Nurse	Girling Home Health Waco, Texas
2/2012 - 10/2012	Float Nurse	Hillcrest Baptist Medical Center Waco, Texas
6/2012 - 3/2013	Home Health Nurse	Interim Healthcare Waco, Texas
1/2013 - 10/2013	Agency Nurse	Angel Medical Professionals Waco, Texas
4/2013 - 12/2013	Home Health Nurse	Girling Home Health Waco, Texas
1/2014 - Present	Not Employed in Nursing	

6. At the time of the initial incident, Respondent was employed as a Home Health Nurse with Girling Home Health, Waco, Texas, and had been in that position for six (6) months.
7. On or about November 28, 2013, while employed as a Home Health Nurse with Girling Home Health, Waco, Texas, Respondent violated professional boundaries by staying in communication with a former Patient 00606545 and his family, transporting the patient home

from the hospital when he was no longer an agency patient or under her care, buying the patient a dog, and calling the patient's physician regarding the patient's care. Respondent's conduct was likely to interfere with the family dynamic of the patient. Boundary violations can cause delayed distress for the patient which may not be recognized or felt by the patient until harmful consequences occur.

8. On or about December 13, 2013, while suspended from employment as a Home Health Nurse with Girling Home Health, Waco, Texas, Respondent acted outside of her directed scope of practice by obtaining a physician's order for intravenous (IV) administration of Sodium Chloride, starting a peripheral IV, and administering fluids to Patient 00647026, who was no longer assigned to her as a patient. Respondent's conduct was likely to injure the patient from care provided and fluids administered without the benefit of supervision from the appropriate licensed personnel.
9. On or about December 13, 2013, while suspended from employment as a Home Health Nurse with Girling Home Health, Waco, Texas, and administering intravenous fluid to the aforementioned Patient 00647026, Respondent failed to document in the medical record of the patient that a peripheral IV and infusion of Sodium Chloride had been ordered and administered. Respondent's conduct resulted in an incomplete medical record and was likely to injure the patient in that subsequent care providers would not have complete or reliable information on which to base their care decisions.
10. On or about December 22, 2013, while terminated from employment as a Home Health Nurse with Girling Home Health, Waco, Texas, Respondent violated professional boundaries by staying in communication with a former Patient LP and her family, continuing to visit the patient and buying her groceries. Respondent's conduct was likely to interfere with the family dynamic of the patient. Boundary violations can cause delayed distress for the patient which may not be recognized or felt by the patient until harmful consequences occur.
11. In response to the incidents in Findings of Fact Numbers Seven (7) through Ten (10), Respondent states that these actions occurred when she was no longer a nurse for the aforementioned Patient 00606545, Patient 00647026, and Patient LP. In regards to Patient 00647026, Respondent states she obtained a physician's order to administer the Sodium Chloride, the supplies were provided to her upon picking up the prescription, and as she had an order from the physician, she was not acting outside of her scope. Respondent states she was not seeing patients with Girling Home Health at this time as she was suspended from employment, but that she had previously been certified to provide Intravenous therapy. Respondent states that she did not see these patients in a nursing capacity or professional manner rather she would assist them as friends and in the ways that they needed.

### 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)(D),(1)(G),(1)(J)&(2)(A) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(C),(4)&(6)(D).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Vocational Nurse License Number 148221, heretofore issued to MICKEY MARIE GRAETER, including revocation of Respondent's license(s) to practice nursing in the State of Texas.

### TERMS OF ORDER

#### **I. SANCTION AND APPLICABILITY**

**IT IS THEREFORE AGREED and ORDERED that RESPONDENT SHALL receive**  
the sanction of **REPRIMAND WITH STIPULATIONS AND FINE** in accordance with the terms of this Order.

- A. This Order SHALL apply to any and all future licenses issued to Respondent to practice nursing in the State of Texas.
- B. This Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.
- C. Respondent may not work outside the State of Texas in another nurse licensure compact party state without first obtaining the written permission of the Texas Board of Nursing and the Board of Nursing in the nurse licensure compact party state where Respondent wishes to work.

#### **II. COMPLIANCE WITH LAW**

While under the terms of this Order, RESPONDENT agrees to comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and

*et seq.*, and this Order.

### III. REMEDIAL EDUCATION COURSE(S)

In addition to any continuing education requirements the Board may require for licensure renewal, RESPONDENT SHALL successfully complete the following remedial education course(s) within one (1) year of entry of this Order, unless otherwise specifically indicated:

- A. A course in Texas nursing jurisprudence and ethics that 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. Home study courses and video programs will not be approved.
- B. The course "Respecting Professional Boundaries," a 3.9 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension.
- C. 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/these course(s), RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form or SHALL submit the continuing education certificate, as applicable, to the attention of Monitoring at the Board's office. RESPONDENT SHALL first obtain Board approval of any course prior to enrollment if the course is not being offered by a pre-approved provider. *Information about Board-approved courses and Verification of Course Completion forms are available from the Board at www.bon.texas.gov/compliance.*

### IV. MONETARY FINE

RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00) within forty-five (45) days of entry of this Order. Payment is to be made

directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

**V. EMPLOYMENT REQUIREMENTS**

In order to complete the terms of this Order, RESPONDENT must work as a nurse, providing direct patient care in a licensed healthcare setting, for a minimum of sixty-four (64) hours per month for eight (8) quarterly periods [two (2) years] of employment. This requirement will not be satisfied until eight (8) quarterly periods of employment as a nurse have elapsed. Any quarterly period without continuous employment with the same employer for all three (3) months will not count towards completion of this requirement. 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 period and will not count towards completion of this requirement.

- A. **Notifying Present and Future Employers:** RESPONDENT SHALL notify each present employer in nursing and present each with a complete copy of this Order, including all attachments, if any, within five (5) days of receipt of this Order. While under the terms of this Order, RESPONDENT SHALL notify all future employers in nursing and present each with a complete copy of this Order, including all attachments, if any, prior to accepting an offer of employment.
- B. **Notification of Employment Forms:** RESPONDENT SHALL CAUSE each present employer in nursing to submit the Board's "Notification of Employment" form to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Board's "Notification of Employment form" to the Board's office within five (5) days of employment as a nurse.
- C. **Indirect Supervision:** For the first year [four (4) quarters] of employment as a Nurse under this Order, 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.

- D. **Incident Reporting:** For the remainder of the stipulation/probation period, RESPONDENT SHALL CAUSE each employer to immediately submit any and all incident, counseling, variance, unusual occurrence, and medication or other error reports involving RESPONDENT, as well as documentation of any internal investigations regarding action by RESPONDENT, to the attention of Monitoring at the Board's office.
- E. **Nursing Performance Evaluations:** 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 and these reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month quarterly period for eight (8) quarters [two (2) years] of employment as a nurse.

#### **VI. RESTORATION OF UNENCUMBERED LICENSE(S)**

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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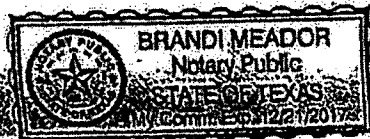
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RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. 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 entry of this 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 possible revocation of my license(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 14<sup>th</sup> day of January, 2015Mickey Marie Graeter  
MICKY MARIE GRAETER, RespondentSworn to and subscribed before me this 14<sup>th</sup> day of January, 2015.

SEAL

Notary Public in and for the State of Texas

Approved as to form and substance.

Gary D. Peak  
Gary D. Peak, Attorney for RespondentSigned this 16 day of Jan, 2015

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 14th day of January, 2015, by MICKEY MARIE GRAETER, Vocational Nurse License Number 148221, and said Order is final.

Effective this 10th day of March, 2015.



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