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Katherine A. Thomas
Executive Director of the Board

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of § AGREED ORDER
Advanced Practice Registered Nurse License §
Number AP128618 §
& Registered Nurse License Number 707265 §
issued to MITZI ANNE WILLHOITE §

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of MITZI ANNE WILLHOITE, Advanced Practice Registered Nurse License Number AP128618, and Registered Nurse License Number 707265, 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)(10)&(13), Texas Occupations Code.

Respondent waived notice and hearing and agreed to the entry of this Agreed Order approved by Katherine A. Thomas, MN, RN, FAAN, Executive Director, on January 31, 2019.

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 Agreed Order.
3. Respondent's license to practice as a professional nurse in the State of Texas is in current status. Respondent's license to practice as an advanced practice registered nurse in the State of Texas with authorization as a Nurse Anesthetist without Prescription Authorization is in current status.
4. Respondent received a Baccalaureate Degree in Nursing from Stephen F. Austin State University, Nacogdoches, Texas, on May 14, 2004. Respondent completed a Nurse Anesthetist Program from University of Texas-Houston, Houston, Texas, on May 15, 2015. Respondent was licensed to practice professional nursing in the State of Texas on July 15, 2004. Respondent was licensed to practice advanced practice registered nursing in the State of Texas with authorization as a Nurse Anesthetist on July 23, 2015.

5. Respondent's nursing employment history includes:

7/2004 – 4/2005	Unknown	
5/2005 – 8/2005	RN	Lufkin Memorial Hospital Lufkin, Texas
8/2005 – 8/2008	RN	University Medical Center at Brackenridge Austin, Texas
8/2008 – 5/2009	RN	Medstaff, Inc. Newtown Square, Pennsylvania
5/2009 – 8/2012	RN	Memorial Hermann Texas Medical Center Houston, Texas
Unknown – 5/2015	CNRA Student	University of Texas Health Science Center Houston, Texas
8/2015 – 7/2018	CRNA	US Anesthesia Partners Houston, Texas
8/2018 – Present	CRNA	Guardian Anesthesia Services Houston, Texas

6. At the time of the initial incident, Respondent was employed as a Certified Registered Nurse Anesthetist (CRNA) with US Anesthesia Partners, Houston, Texas, and had been in that position for sixteen (16) months.
7. On or about February 1, 2017, while employed as a Certified Registered Nurse Anesthetist with US Anesthesia Partners, Houston, Texas, and on assignment at Bay Area Regional Medical Center, Webster, Texas, Respondent lacked fitness to practice nursing in that she was observed to be sleeping during a surgical procedure for Medical Record Number 249036. Respondent's condition could have affected her ability recognize subtle signs, symptoms or changes in the patient's condition, and could have affected her ability to make rational accurate, and appropriate assessments, judgments, and decisions regarding the patient's care, thereby placing the patient in potential danger.
8. In response to the allegation outlined in Finding of Fact Number Seven (7), Respondent states that she has never had any episode of falling asleep before or since in her career as either an RN for eight (8) years or as a CRNA for the past two (2). Additionally,

Respondent states that this event was due to her physician prescribing an increased dose of an anti-hypertensive medication two (2) days before the event and that although the increased dosage caused some drowsiness, she worked for two and one half days on the increased dose without incident and did not reasonably believe the medication was going to result in her falling asleep. Respondent also states that she stopped taking the increased dose after the date of the event, which resulted in an immediate end to any feeling of drowsiness and that she has continued to work at Bay Area Regional Medical Center since (including the rest of the week of the event), without incident.

9. On or about August 2017, Respondent completed a course in Nursing Jurisprudence and Ethics which otherwise would have been a requirement of this Order.

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)(T) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(1)(E),(4)&(5).
4. The evidence received is sufficient cause pursuant to Section 301.452(b)(10)&(13), Texas Occupations Code, to take disciplinary action against Advanced Practice Registered Nurse License Number AP128618, and Registered Nurse License Number 707265, heretofore issued to MITZI ANNE WILLHOITE.
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 **WARNING WITH STIPULATIONS** 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. As a result of this Order, RESPONDENT'S license(s) will be designated "single state" and RESPONDENT may not work outside the State of Texas in another nurse licensure compact party state.

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 Regulations Relating to Nursing Education, Licensure and Practice, 22 TEX. ADMIN. CODE §§211.1 *et seq.*, and this Agreed Order.

III. UNDERSTANDING BOARD ORDERS

Within thirty (30) days of entry of this Order, RESPONDENT must successfully complete the Board's online course, "Understanding Board Orders", which can be accessed on the Board's website from the "Discipline & Complaints" drop-down menu or directly at: <http://www.bon.texas.gov/UnderstandingBoardOrders/index.asp>. Upon successful completion, RESPONDENT must submit the course verification at the conclusion of the course, which automatically transmits the verification to the Board.

IV. 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 the effective date of this Order, unless otherwise specifically indicated:**

- A. **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.*

V. RESTORATION OF UNENCUMBERED LICENSE(S)

Upon full compliance with the terms of this Agreed Order, all encumbrances will be removed from RESPONDENT'S license(s) to practice nursing in the State of Texas and, subject to meeting all existing eligibility requirements in Texas Occupations Code Chapter 304, Article III, RESPONDENT may be eligible for nurse licensure compact privileges, if any.

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WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 17th day of August, 2019, by MITZI ANNE WILLHOITE, Advanced Practice Registered Nurse License Number AP128618, and Registered Nurse License Number 707265, and said Agreed Order is final.

Effective this 10th day of September, 2019.



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