



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 Thomas
Executive Director of the Board

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

In the Matter of License Number 534651 § REINSTATEMENT
issued to EVELYN KAY MITCHELL § AGREED ORDER

On this day came to be considered by the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, the Petition for Reinstatement of registered nurse license number 534651, held by EVELYN KAY MITCHELL, hereinafter referred to as Petitioner.

An informal conference was held on September 4, 2001, at the office of the Board of Nurse Examiners, in accordance with Section 301.464, Texas Occupations Code.

Petitioner appeared in person. Petitioner was represented by Nancy Roper Willson, RN, JD, Attorney at Law. In attendance were Katherine A. Thomas, MN, RN, Executive Director; Phong Phan, Assistant General Counsel; Anthony L. Diggs, Director of Enforcement; and Noemi Leal, Senior Investigator.

FINDINGS OF FACT

1. Petitioner waived notice and hearing, and consented to the entry of this Order.
2. Petitioner received a Diploma in Nursing from the Methodist Hospital, Lubbock, Texas, in June 1986. Petitioner was licensed to practice professional nursing in Texas on August 22, 1986.
3. Petitioner's professional employment history included:

6/86 to 8/91	Staff Nurse/Relief Charge Nurse Surgical Intensive Care Unit Lubbock, Texas
1986 to 1995	Staff Nurse Methodist Hospital Lubbock, Texas

4. The Board accepted the voluntary surrender of Petitioner's license to practice professional nursing on May 22, 1995. A copy of the Order accepting the surrender of Petitioner's license is attached and incorporated by reference as a part of this Order.
5. On or about May 16, 2001, Petitioner submitted a Petition for Reinstatement of license to practice professional nursing in the State of Texas.
6. Petitioner presented the following in support of her petition:
 - 6.1 Letter dated February 28, 2001, submitted by Dr. Podawiltz, Department of Neuropsychiatry and Behavioral Sciences, Southwest Institute for Addictive Diseases, Texas Tech University Health Science Center, Lubbock, Texas. Dr. Podawiltz verifies that he has been Petitioner's psychiatrist since November 1999 and she completed an outpatient drug rehabilitation program. Petitioner came in regularly for her follow-up appointments and tested negative on random drug screens. He indicates that his only concern is her occasional usage of Laxatives and Diuretics. Dr. Podawiltz strongly recommends long-term regular follow up appointments with her psychiatrist, drug counselor and individual therapy.
 - 6.2. Letter dated July 17, 2001, submitted by Dr. Podawiltz, Department of Neuropsychiatry and Behavioral Sciences, Southwest Institute for Addictive Diseases, Texas Tech University Health Science Center, Lubbock, Texas. Dr. Podawiltz states that Petitioner denies use of laxative and diuretics and is on psychopharmacological and psychotherapeutic treatment for her psychiatric problems. As a long-term treatment plan he recommends regular follow-up appointments with her psychiatrist, continued individual therapy on a weekly basis and group therapy.
 - 6.3. Letter dated February 22, 2001, submitted by Jo Ann Hunt, RN, BSN, LCDC, Director of Substance Abuse Services, Texas Tech University Health Science Center, Lubbock, Texas. Ms. Hunt is a TPAPN advocate and has known Petitioner for several years. Ms. Hunt verifies that Petitioner has been attending the Nurses Support Group and AA meetings. Ms. Hunt indicates that she had been doing random drug screens for Petitioner and they have all been negative, drug screen results were enclosed.
 - 6.4. Letter of support dated January 10, 2001, submitted by Carl Andersen, Ph.D., Director, Center for the Study of Addiction, Texas Tech University. Dr. Andersen has known Petitioner for about four (4) years as Petitioner's instructor. Dr. Andersen verifies Petitioner has completed the interdisciplinary minor in Addiction Studies and she has been a conscientious student.

- 6.5. Letter (Memo) dated February 1, 2001, submitted by Dr. Margee, LMFT, AAC, Texas Tech University, Lubbock, Texas. Dr. Margee verifies that on January 2000, Petitioner successfully completed an Intensive Outpatient Treatment Program (IOP) following the in-patient treatment she completed in California. Throughout the program all drug screens were negative. Dr. Margee states that Petitioner met all requirements for attendance in educational groups, therapy groups, individual therapy sessions and participated in recommended after-care meetings. Dr. Margee recommends supportive supervision during her transition back to nursing.
- 6.6. Letter dated February 8, 2001, submitted by Morteza Khaleghi, Ph.D., Executive Director, Creative Care, Inc., Westwood, California. Dr. Khaleghi verifies that Petitioner completed inpatient treatment for five months. Petitioner was an active participant during the five (5) months inpatient treatment program at the facility, which included individual and group therapy as well as 12-step meetings.
- 6.7. Letter dated January 28, 2001, submitted by Patricia Driskill, Ph.D., Licensed Psychologist, Lubbock, Texas. Dr. Driskill has been Petitioner's psychologist for several years and she states that Petitioner was consistent in keeping her therapy appointments. Petitioner has made progress and has been clean for two (2) years and is ready to return to nursing.
- 6.8. Letter of recommendation dated January 10, 2001, submitted by Janet Corley, RN, C, BSN, Phoenix Health Care, Lubbock, Texas. Ms. Corley verifies that Petitioner while employed at Phoenix Health Care she has always been dependable, trustworthy, and sincere.
- 6.9. Letter of recommendation dated March 23, 2001, submitted by Kathy Ordner. Ms. Ordner verifies that she has known Petitioner off and on for five (5) years while attending AA meetings at the Hub of the Plains. Ms. Ordner states that Petitioner has put a lot of effort and sincerity into her recovery program.
- 6.10. Letter of support dated March 26, 2001, submitted by Marietta L. McWhorter, Petitioner's mother-in-law. Ms. McWhorter states she has known Petitioner for eleven (11) years and Petitioner has been a caring, competent and conscientious person.
- 6.11. Letter of support submitted by Nancy Kereilis, LVN, Methodist Hospital, Lubbock, Texas. Ms. Kereilis states that she has worked with Petitioner in the SICU and Petitioner was always there for her patients.
- 6.12. Letter of support dated January 15, 2001, submitted by Merah McCullough. Ms. McCullough has known Petitioner for several years and has watched her grow in recovery.

- 6.13. Letter of support submitted by Kathleen Ryba, Lima, Ohio. Ms. Ryba and Petitioner were roommates during a treatment program at Remuda Ranch Extended Care.
- 6.14. Letter of support submitted by Cheri A. Tharp. Ms. Tharp met Petitioner during her participation in intensive group and individual counseling activities at Remuda Ranch Extended Care, Wickenburg, Arizona. Ms. Tharp believes that Petitioner was very open and honest in her desire to return to her nursing profession.
- 6.15. Verification of successful completion of thirty (30) hours of Type I, Continuing Education Units as required by the Board.
- 6.16. Verification of successful completion of course work for the Substance Abuse Studies from Texas Tech University, Lubbock, Texas.
- 6.17. Certificate of completion of Substance Abuse Studies through the Center for The Study of Addition, Texas Tech University, Lubbock, Texas dated December 1997.
- 6.18. Verification of Petitioners attendance at an Eating Disorders Retreat, on April 17-18.
- 6.19. Petitioner's Job Description/Performance Appraisal dated March 9, 2001, for her position as nurse aide in the SICU, University Medical Center, Lubbock, Texas.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. The Board finds that there exists serious risks to public health and safety as a result of impaired nursing care due to intemperate use of controlled substances or chemical dependency.
3. Pursuant to Section 301.467, Texas Occupations Code, the Board may refuse to issue or renew a license, and may set a reasonable period that must lapse before reapplication. Pursuant to 22 TEX. ADMIN. CODE §213.26, the Board may impose reasonable conditions that a Petitioner must satisfy before reissuance of an unrestricted license.

ORDER

IT IS THEREFORE AGREED, subject to ratification by the Board of Nurse Examiners, that the petition of EVELYN KAY MITCHELL, license number 534651, to practice professional nursing in the state of Texas, be and the same is hereby GRANTED SUBJECT TO THE FOLLOWING CONDITIONS SO LONG AS THE PETITIONER complies in all respects with the Nursing Practice Act, Texas Occupations Code, 301.001 *et seq.*, the Rules and Regulations Relating to Professional Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.01 *et. seq.* and the stipulations contained in this Order:

(1) PETITIONER SHALL NOT seek employment or practice nursing for compensation until she has completed the following pre-licensure conditions and obtained a license to practice professional nursing from the Board.

(2) PETITIONER SHALL apply for a "Six-Month Clinical Permit" for the limited purpose of completing a refresher course. PETITIONER SHALL NOT, in any way, attempt to use this clinical permit for any purpose other than attending this course.

(3) PETITIONER SHALL successfully complete a nursing refresher course prior to returning to the practice of professional nursing in the State of Texas. The refresher course shall include: 1) the role of the professional nurse; 2) a review of the nursing process to include assessment, planning, implementation and evaluation; 3) Pharmacology review; 4) medication administration review for all standard route of administration; 5) documentation, quality assurance and legal implications for nursing practice; and 6) current CPR certification. This course must contain a minimum 24-hour clinical component, providing direct patient care, which is to be supervised by another registered nurse.

(4) Upon completion of the refresher course, PETITIONER SHALL return the clinical permit to the office of the Board, and PETITIONER SHALL CAUSE the sponsoring institution to notify the Board, on a form provided by the Board, of Petitioner's successful completion of the refresher course, including the required clinical component.

(5) Upon verification of successful completion of the agreed pre-licensure conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued a license to practice professional nursing in the State of Texas, which shall bear the appropriate notation. Said license issued to EVELYN KAY MITCHELL, shall be subject to the following agreed post-licensure stipulations:

(6) PETITIONER SHALL, within one (1) year of relicensure, successfully complete a course in nursing jurisprudence. PETITIONER 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 must include registered nurses. It must be a minimum of six (6) contact hours in length. The course's content shall include the Nursing Practice Act, standards of practice, and documentation of care. Courses focusing on malpractice issues will not be accepted. PETITIONER 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 PETITIONER's successful completion of the course. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

IT IS FURTHER AGREED, SHOULD RESPONDENT CHOOSE TO PRACTICE AS A REGISTERED NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING, UNDER THE FOLLOWING STIPULATIONS FOR THREE (3) YEARS OF EMPLOYMENT:

(7) PETITIONER SHALL notify all future employers in professional nursing of this Order of the Board and the stipulations on PETITIONER's license. PETITIONER SHALL present a complete copy of this Order, to each future employer prior to accepting an offer of employment.

(8) PETITIONER SHALL CAUSE each future employer to submit the Notification of Employment form to the Board's office within five (5) days of employment as a professional nurse.

(9) For the first year of employment as a Registered Nurse under this Order, PETITIONER SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional nurse to be working on the same unit as PETITIONER and readily available to provide assistance and intervention. PETITIONER SHALL work only on regularly assigned, identified and predetermined unit(s). The PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) For the remainder of the stipulation period, PETITIONER SHALL be supervised by a registered nurse who is on the premises. The supervising RN is not required to be on the same unit or ward as PETITIONER, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising RN shall have a minimum of two (2) years'

experience in the same or similar practice setting to which the PETITIONER is currently working
PETITIONER SHALL work only regularly assigned, identified and predetermined unit(s).
PETITIONER SHALL NOT be employed by a nurse registry, temporary nurse employment agency,
hospice, or home health agency. PETITIONER SHALL NOT be self-employed or contract for
services. Multiple employers are prohibited.

(11) PETITIONER SHALL NOT practice as a professional nurse on the night shift,
rotate shifts, work overtime, accept on-call assignments, or be used for coverage on any unit other
than the identified, predetermined unit(s) to which PETITIONER is regularly assigned for one (1)
year of employment as a professional nurse.

(12) PETITIONER SHALL NOT administer or have any contact with controlled
substances, Nubain, Stadol, Dalgan, Ultram, or other synthetic opiates for one (1) year of
employment as a professional nurse.

(13) PETITIONER SHALL CAUSE each employer to submit, on forms provided
by the Board, periodic reports as to PETITIONER's capability to practice professional nursing.
These reports shall be completed by the Registered Nurse who supervises the PETITIONER. These
reports shall be submitted by the supervising Registered Nurse to the office of the Board at the end
of each three (3) months for three (3) years of employment as a professional nurse.

(14) PETITIONER SHALL abstain from the consumption of alcohol, Nubain,
Stadol, Dalgan, Ultram, or other synthetic opiates, and/or the use of controlled substances, except
as prescribed by a licensed practitioner for a legitimate purpose. If prescribed, PETITIONER
SHALL CAUSE the licensed practitioner to submit a written report identifying the medication,
dosage and the date the medication was prescribed. The report shall be submitted directly to the

office of the Board by the prescribing practitioner, within ten (10) days of the date of the prescription.

(15) PETITIONER SHALL submit to random periodic screens for controlled substances, tramadol hydrochloride, (Ultram) and alcohol. For the first three (3) month period, random screens shall be performed at least once per week. For the second three (3) month period, random screens shall be performed at least once per month. For the remainder of the stipulation period, random screens shall be performed at least once every three (3) months.

Specimens shall be screened for at least the following substances:

Amphetamines	Meperidine
Barbiturates	Methadone
Benzodiazepines	Methaqualone
Cannabinoids	Opiates
Cocaine	Phencyclidine
Ethanol	Propoxyphene
tramadol hydrochloride (Ultram)	

A Board representative may appear at the PETITIONER's place of employment at any time during the stipulation period and require PETITIONER to produce a specimen for screening.

All screens shall be properly monitored and produced in accordance with the Board's policy on Random Drug Testing. A complete chain of custody shall be maintained for each specimen obtained and analyzed. PETITIONER SHALL be responsible for the costs of all random drug screening during the stipulation period.

Any positive result for which the nurse does not have a valid prescription will be regarded as non-compliance with the terms of this Order and may subject the nurse to further disciplinary action by this Board.

(16) PETITIONER SHALL participate in therapy with a "professional counselor" possessing credentials approved by the Board. PETITIONER SHALL CAUSE the therapist to submit written reports, on forms provided by the Board, as to the PETITIONER's progress in therapy, rehabilitation and capability to safely practice professional nursing. The report must indicate whether or not the PETITIONER's stability is sufficient to provide direct patient care safely. Such reports are to be furnished each and every month for three (3) months. If therapy is recommended for beyond three (3) months, the reports shall then be required at the end of each three (3) month period for the duration of the stipulation period, or until PETITIONER is dismissed from therapy.

(17) PETITIONER SHALL attend at least two (2) support group meetings each week, one of which shall be for substance abuse; and PETITIONER SHALL provide acceptable evidence of attendance. Acceptable evidence shall consist of a written record of at least; the date of each meeting, the name of each group attended, and the signature and printed name of the chairperson of each group attended by PETITIONER. PETITIONER SHALL submit the required evidence on the forms provided by the Board at the end of every three (3) months. No duplications, copies, third party signatures, or any other substitutions will be accepted as evidence.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, PETITIONER SHALL be issued an unencumbered license to practice professional nursing in the State of Texas.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

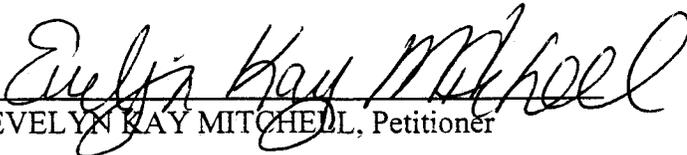
CONTINUED ON NEXT PAGE.

PETITIONER'S CERTIFICATION

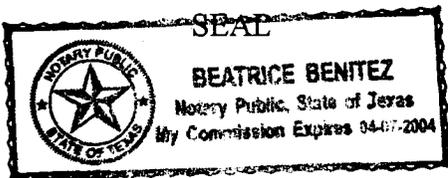
I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I certify that my past behavior, except as disclosed in my Petitioner for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I have provided the Board with complete and accurate documentation of my past behavior in violation of the penal law of any jurisdiction which was disposed of through any procedure short of convictions, such as: conditional discharge, deferred adjudication or dismissal. I have no criminal prosecution pending in any jurisdiction.

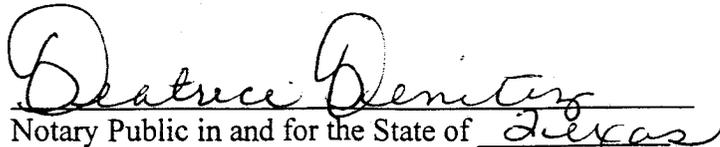
I have reviewed this Order. By my signature on this Order, I agree to ~~the~~ Findings of Fact, Conclusions of Law, Order, and any conditions of said Order. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I agree to inform the Board of any other fact or event that could constitute a ground for denial of licensure prior to reinstating my license to practice professional nursing in the state of Texas. 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 to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 7 day of November, 2001.


EVELYN RAY MITCHELL, Petitioner

Sworn to and subscribed before me this 7 day of November, 2001.




Notary Public in and for the State of Texas

Approved as to form and substance.


NANCY ROPER WILLSON, Attorney for Petitioner

Signed this 23rd day of October, 2001.

WHEREFORE, PREMISES CONSIDERED, the Board of Nurse Examiners for the State of Texas does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 7th day of November, 2001, by EVELYN KAY MITCHELL, license number 534651, and said Order is final.

Effective this 11th day of December, 2001.



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

BEFORE THE BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS
.....

In the Matter of Permanent Certificate §
Number 534651 issued to §
EVELYN K. MITCHELL §

ORDER OF THE BOARD

To: Evelyn K. Mitchell
8423 Gary Avenue
Lubbock, Texas 79423

On this day the Board of Nurse Examiners for the State of Texas, hereinafter referred to as the Board, accepted the voluntary surrender of professional nurse license number 534651, issued to EVELYN K. MITCHELL, hereinafter referred to as Respondent. This action was taken in accordance with Article 4525.1(c), Revised Civil Statute of Texas, as amended.

Respondent waived representation by counsel, informal conference, notice and hearing and agreed to the entry of this Order.

The Board makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, 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, notice, hearing, and consented to the entry of this Order.
3. That EVELYN K. MITCHELL is currently licensed to practice professional nursing in the State of Texas.
4. That EVELYN K. MITCHELL submitted a notarized statement and professional nurse license number 534651 to the Board voluntarily surrendering the right to practice professional nursing in Texas.

CONCLUSIONS OF LAW

1. That pursuant to Article 4525, Revised Civil Statutes of Texas, as amended the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. That, under Article 4525.1(c), Revised Civil Statutes of Texas, as amended, the Board has the authority to accept the voluntary surrender of a license.

ORDER

NOW, THEREFORE, IT IS ORDERED that the voluntary surrender of license number 534651, heretofore issued to EVELYN K. MITCHELL, to practice professional nursing in the State of Texas is accepted by the Board of Nurse Examiners. In connection with this acceptance, the Board imposes the following condition(s):

1. EVELYN K. MITCHELL shall not submit an application for reinstatement until one (1) year has elapsed from the date of this Order.

Effective this 22nd day of May, 1995.

BOARD OF NURSE EXAMINERS
FOR THE STATE OF TEXAS

By:


Louise Waddill, Ph.D. R.N.
Executive Director on behalf
of said Board