



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 TEXAS BOARD OF NURSING

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In the Matter of § REINSTATEMENT  
Registered Nurse License Number 743343 §  
issued to WHITNEY GRAY MILDREN § AGREED ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the Petition for Reinstatement of WHITNEY GRAY MILDREN, Registered Nurse License Number 743343, hereinafter referred to as Petitioner.

An informal conference was held on January 6, 2015, at the office of the Texas Board of Nursing, in accordance with Section 301.464 of the Texas Occupations Code.

PETITIONER appeared in person. PETITIONER was notified of her right to be represented by legal counsel and elected to waive representation by counsel. In attendance were Denise Benbow, MSN, RN - Consultant for Nursing Practice, Executive Director's Designee; John F. Legris, Assistant General Counsel; Anthony L. Diggs, MSCJ, Director, Enforcement Division; Stacey Cropley, DNP, RN, Nursing Consultant; and Diane E. Burell, Monitoring Supervisor.

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 Petitioner and Petitioner was given an opportunity to show compliance with all requirements of the law for retention of the license(s).
2. Petitioner waived representation by counsel, notice and hearing, and agreed to the entry of this Order.
3. Petitioner received a Baccalaureate Degree in Nursing from the University of Oklahoma, Norman, Oklahoma, on May 11, 2007. Petitioner was licensed to practice professional nursing in the State of Texas on June 26, 2007.

4. Petitioner's nursing employment history includes:

2007 - 2008	RN	Baylor University Medical Center Dallas, Texas
5/2008	RN	Texas Institute for Surgery Dallas, Texas
2009 - present	Not employed in nursing	

5. On November 9, 2010, Petitioner's license to practice nursing in the State of Texas was revoked by the Texas Board of Nursing. A copy of the November 9, 2010, Order of the Board, Findings of Fact, and Conclusions of Law, is attached and incorporated, by reference, as a part of this Order.

6. On or about September 17, 2014, Petitioner submitted a Petition for Reinstatement of License(s) to practice nursing in the State of Texas. -

7. Petitioner presented the following in support of her petition:

7.1. Discharge Summary, dated August 27, 2014, from The Meadows, Wickenburg, Arizona.

7.2. Letter, dated September 8, 2014, from Lindsay O'Connor, MA, LPC-Intern, (under the supervision of Joe Braga, MA, LPC-S) Innovation 360, Dallas, Texas, stating Petitioner entered their Intensive Outpatient Program on October 21, 2013, and was involved in all the various therapeutic activities offered. Life Development sessions included work around trauma and sobriety, incorporating spiritual focus into Petitioner's recovery. Petitioner continues to participate in the Dialectal Behavior Therapy group, where Ms. O'Connor witnesses her use of newly acquired awareness and coping skills. Ms. O'Connor reports considerable progress in areas of healthy functioning and, to her knowledge, Petitioner has taken all the steps within her ability to work towards a recovered and balanced life.

7.3. Letter, dated September 11, 2014, from Joa Braga, MA, LPC-S, Therapist, Innovation 360, Dallas, Texas, stating Petitioner has been a client of Mr. Braga since October 21, 2013, and met with her on a weekly basis, in a variety of clinical modalities, including the following: individual therapy, family therapy, process group therapy and dialectical behavioral therapy skills group therapy. Mr. Braga states Petitioner has willingly and faithfully participated in all those clinical appointments, having done significant work in critical areas for her continuing recovery and overall well-being, such as addiction and trauma work, learning new skills (e.g., emotional regulation, mindfulness), rebuilding family relationships and frequent drug tests. He knows Petitioner has a great passion for nursing, and he is hopeful she will be able to continue to serve the community in that capacity.

- 7.4. Letter, dated September 8, 2014, from Danielle Fermier, MA, LPC, Innovation 360, Dallas, Texas, stating random drug screens have been done throughout Petitioner's involvement with individual therapy every other week, family therapy once a month, and Dialectical Behavioral Skills Group each week. All results were negative.
- 7.5. Letter of support, dated September 3, 2014, from Lisa Long Pond, MA., LPC, Restoration, Fort Worth, Texas, stating Petitioner has been on a path of recovery for over a year and has been one of the most fully vested clients she has had the privilege of working with. She believes Petitioner approached the therapeutic process with determination and was committed to that process and has experienced effective change. Ms. Pond states Petitioner's perseverance and dedication to a life of sobriety are evident.
- 7.6. Letter of support, dated September 13, 2014, from Michael Miller of The Miller Law Firm, stating that Petitioner is currently working for him and has been since March 2014. He believes her to be a hard working employee who is always on time, willing to do whatever necessary to make sure the firm is working at its highest capacity, and fulfills her duties each and every day. As her boss, he has complete confidence that Petitioner is safe to practice nursing.
- 7.7. Letter from Petitioner's physician, Stephen Vobach, MD, dated August 28, 2014, Dallas, Texas, stating Petitioner has been under his care since October 23, 2013. Petitioner has been compliant with her medication regimen throughout treatment and has maintained her sobriety since September 13, 2013. Dr. Vobach states Petitioner has also been compliant with her I360 treatment program and has had clean drug screens since entering. Dr. Vobach says Petitioner's Bipolar Disorder and Polysubstance dependence are in complete remission.
- 7.8. Thirty-seven (37) negative drug screens dating from November 5, 2013, through December 12, 2014.
- 7.9. Documentation of the required continuing education contact hours.
8. Petitioner gives September 13, 2013, as her date of sobriety.
9. Petitioner's compliance with the terms of a Board approved peer assistance program should be sufficient to protect patients and the public.

#### CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.

2. 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.
3. 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 Texas Board of Nursing, that the petition of WHITNEY GRAY MILDREN, Registered Nurse License Number 743343, to practice 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 Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et. seq.* and the stipulations contained in 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 Petitioner to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Petitioner's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Petitioner's license(s) is/are encumbered by this Order, Petitioner may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the State of Texas and the Board of Nursing in the party state where Petitioner wishes to work.

(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. PETITIONER SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. The course content 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 80-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 probation conditions of reinstatement, as set out in this Order, PETITIONER SHALL pay all re-registration fees and be issued the applicable license(s) to practice nursing in the State of Texas, which shall be subject to the following agreed post-licensure probation conditions:

(6) PETITIONER SHALL, within forty-five (45) days of relicensure, apply to TPAPN which SHALL, within ninety (90) days following relicensure, sign and execute the TPAPN participation agreement and complete the enrollment process, which SHALL include payment of a non-refundable participation fee in the amount of five hundred dollars (\$500.00) payable to TPAPN.

(7) Upon acceptance into the TPAPN, PETITIONER SHALL waive confidentiality and provide a copy of the executed TPAPN contract to the Texas Board of Nursing.

(8) PETITIONER SHALL comply with all the requirements of the TPAPN participation agreement during its term and SHALL keep all applicable license(s) to practice nursing in the State of Texas current.

(9) PETITIONER SHALL CAUSE the TPAPN to notify the Texas Board of Nursing of any violation of the TPAPN contract.

IT IS FURTHER AGREED, SHOULD PETITIONER fail to comply with this Order or the terms of the participation agreement with the TPAPN, such noncompliance will result in further disciplinary action including EMERGENCY SUSPENSION pursuant to Section 301.4551, Texas Occupations Code, or REVOCATION of PETITIONER'S license and nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

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PETITIONER'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Reinstatement Agreed Order. I waive representation by counsel. I certify that my past behavior, except as disclosed in my Petition for Reinstatement of Licensure, has been in conformity with the Board's professional character rule. I do acknowledge possessing a diagnosis that deems me eligible to participate in the Texas Peer Assistance Program for Nurses. 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(s) to practice 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(s) to practice nursing in the State of Texas, as a consequence of my noncompliance.

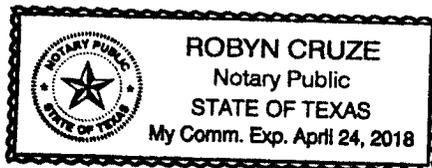
Signed this 20 day of January, 2015.

Whitney G. Mildren  
WHITNEY GRAY MILDREN, Petitioner

Sworn to and subscribed before me this 20th day of January, 2015.

SEAL

Robyn Cruze  
Notary Public in and for the State of Texas



WHEREFORE PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Reinstatement Agreed Order that was signed on the 20th day of January, 2015, by WHITNEY GRAY MILDREN, Registered Nurse License Number 743343, and said Order is final.

Entered and effective this 10th day of March, 2015.



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

IN THE MATTER OF  
PERMANENT CERTIFICATE  
NUMBER 743343  
ISSUED TO  
WHITNEY GRAY MILDREN

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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 A. Johnson*  
Executive Director of the Board

**ORDER OF THE BOARD**

TO: Whitney Gray Mildren  
4718 Cole Avenue #1221  
Dallas, Texas 75205-5534

During open meeting held in Austin, Texas, on November 9, 2010, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, 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 professional 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.

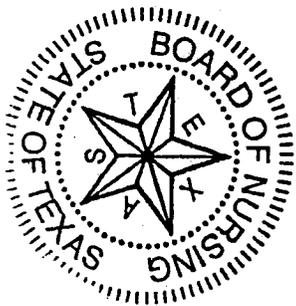
The Eligibility and Disciplinary Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. 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 § 213.16(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 743343, previously issued to WHITNEY GRAY MILDREN, to practice professional nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice professional nursing in the State of Texas.

Entered this 9<sup>th</sup> day of November, 2010.



TEXAS BOARD OF NURSING

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

**In the Matter of Permanent License** § **BEFORE THE TEXAS**  
**Number 743343, Issued to** §  
**WHITNEY GRAY MILDREN, Respondent** § **BOARD OF NURSING**

### **FORMAL CHARGES**

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, WHITNEY GRAY MILDREN, is a Registered Nurse holding license number 743343, 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 April 1, 2008, through April 4, 2008, while employed with Baylor University Medical Center, Dallas, Texas, Respondent failed to take precautions to prevent the possible exposure of patients and staff to Tuberculosis after she notified her Manager that she was beginning treatment for suspected Tuberculosis. Respondent failed to provide copies of medical evaluations to the Employee Health Services Clinic, as requested, regarding her possible Tuberculosis infection. Respondent's conduct unnecessarily exposed patients and staff to Tuberculosis.

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),(1)(B)&(1)(O) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4).

#### **CHARGE II.**

On or about May 14, 2008, while employed with Texas Institute for Surgery at Presbyterian Hospital of Dallas, Dallas, Texas, Respondent withdrew three (3) tablets of Alprazolam from the Pxyis Medication Dispensary System for Patient Number 533837, who had been discharged from the facility the day before, without a current physician's order and failed to document administration and/or wastage of the Alprazolam in the medical record, as required. Respondent's conduct violated 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),(1)(B)&(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

### CHARGE III.

On or about May 15, 2008, through May 30, 2008, while employed with Texas Institute for Surgery at Presbyterian Hospital of Dallas, Dallas, Texas, Respondent withdrew controlled substances for patients from the Pyxis Medication Dispensary System and failed to document administration of the controlled substances in the patients' medical records, as follows:

Date	Time	Patient	Medication	Physician's Order	Documented on Medication Administration Record
5/15/08	1424	533996	Alprazolam (Xanax) 0.25mg 4 tablets	None	No
5/15/08	1425	533996	Oxycodone/APAP (Percocet) 2 tablets	None	No
5/21/08	1630	534049	Vicoprofen 7.5 mg 2 tablets	Yes	No
5/30/08	1441	533977	Hydrocodone/APAP 10mg (Norco) 3 tabs	None	No

Respondent's conduct resulted in inaccurate medical records, violated Chapter 481 Texas Health and Safety Code (Controlled Substances Act), and was likely to injure patients in that subsequent care givers would not have accurate information upon which to base their care decisions. Additionally, Respondent's conduct was likely to defraud the facility and patients of the cost of medication.

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),(1)(B),(1)(C)&(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4),(10)(B)&(11)(B).

### CHARGE IV.

On or about May 21, 2008, while employed with Texas Institute for Surgery at Presbyterian Hospital of Dallas, Dallas, Texas, Respondent withdrew four (4) tablets of Norco 10 mg from the Pyxis Medication Dispensary System for Patient Number 534049, who had already been discharged from the facility, without a current physician's order and failed to document administration and/or wastage of the Norco in the medical record, as required. Respondent's conduct violated 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),(1)(B)&(1)(C) and 22 TEX. ADMIN. CODE §217.12(1)(A),(1)(B),(4)&(11)(B).

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.bon.state.tx.us](http://www.bon.state.tx.us).

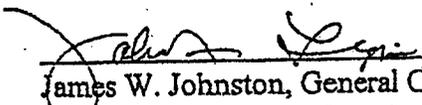
NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to revocation of Respondent's license to practice nursing in the State of Texas pursuant to the Board's rules, 22 TEX. ADMIN. CODE §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. 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 to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Lying and Falsification, and for Fraud, Theft, and Deception, which can be found at the Board's website, [www.bon.state.tx.us](http://www.bon.state.tx.us).

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at [www.bon.state.tx.us/disciplinaryaction/discp-matrix.html](http://www.bon.state.tx.us/disciplinaryaction/discp-matrix.html).

Filed this 8th day of September, 2010.

TEXAS BOARD OF NURSING

  
James W. Johnston, General Counsel

Board Certified - Administrative Law

Texas Board of Legal Specialization

State Bar No. 10838300

Jena Renee Koslan Abel, Assistant General Counsel

State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel

State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel

State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel

State Bar No. 24052269

John F. Legris, Assistant General Counsel

State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460

Austin, Texas 78701

P: (512) 305-6824

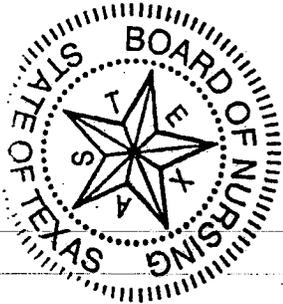
F: (512) 305-8101 or (512)305-7401

Re: Permanent Certificate Number 743343  
Issued to Whitney Gray Mildren  
DEFAULT ORDER -REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 2<sup>nd</sup> day of November, 2010, 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):

Whitney Gray Mildren  
4718 Cole Avenue #1221  
Dallas, Texas 75205-5534



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