

American Nurses Association
8515 Georgia Avenue, Suite 400
Silver Spring, Maryland 20910-3492
Tel (301) 628-5000
Fax (301) 628-5001
www.NursingWorld.org

NEWS RELEASE



FOR IMMEDIATE RELEASE
July 16, 2009

CONTACT: Stacy Prince, 301-628-5038
stacy.prince@ana.org

Joyce Cunningham, 512-452-0645
jcunningham@texasnurses.org

AMERICAN NURSES ASSOCIATION AND TEXAS NURSES ASSOCIATION SPEAK OUT AGAINST WRONGFUL PROSECUTION OF WINKLER COUNTY NURSES

SILVER SPRING, MD – The American Nurses Association (ANA), which represents the interests of the nation’s 2.9 million registered nurses, is joining forces with the Texas Nurses Association (TNA) to strongly criticize the recent indictment and prosecution of two registered nurses in Winkler County, Texas, for reporting to the Texas Medical Board their concerns about a physician’s standard of practice at the Winkler County Memorial Hospital in Kermit, Texas. ANA and TNA are gravely concerned about the chilling effect the county’s actions could have on future nurse “whistle blowers” who advocate for their patients in the nation’s hospitals. An initial hearing on the nurses’ motions to dismiss the case was held July 15 in the Winkler County Courthouse but no rulings were made on any of the motions.

“ANA wants Winkler County to know the world is watching – we will be monitoring this case closely in the hope that the apparent abuse of prosecutorial discretion will be corrected,” said ANA President Rebecca M. Patton, MSN, RN, CNOR. “It is outrageous to file criminal felony charges against these nurses based on allegations that they raised concerns over a physician’s actions. This undermines one of the basic tenets of the nurse’s Code of Ethics – nurses have a duty to advocate for the health and safety of their patients, and that is what these nurses were doing.”

Winkler County Memorial Hospital nurses Anne Mitchell, RN and Vicki Galle, RN, were charged with violating the law by sending an anonymous letter to the Texas Medical Board that expressed concern about a physician at the hospital. After receiving a complaint of harassment from the physician, the Winkler County Sheriff’s Department initiated an investigation that resulted in
MORE...

ANA/TNA Speak Out Against the Wrongful Prosecution of Winkler County Nurses/2 of 2...

criminal charges against both nurses.

Because the two nurses worked for a county hospital – and included medical record numbers of the patients in their reporting (no patient names were disclosed) – the County Attorney’s office indicted them on misuse of official information – a third-degree felony that carries potential penalties of two-to-ten years’ imprisonment and a maximum fine of \$10,000. Mitchell and Galle, both long-time nurses at the hospital, were fired from their positions.

ANA and TNA believe the law is being misinterpreted to wrongly prosecute Mitchell and Galle as punishment for filing a complaint against a physician. “No nurse should be penalized because he or she is advocating for patient safety,” said Clair B. Jordan, MSN, RN, executive director of TNA. “The nursing profession is standing behind these two nurses right now.”

The Texas Medical Board has written a letter to the Winkler County and District Attorneys stating that it is improper to criminally prosecute people for raising complaints with the Texas Medical Board; that the complaints were confidential and not subject to subpoena; and that under federal law the Texas Medical Board is exempt from Health Insurance Portability and Accountability Act (HIPAA) requirements, so there was no violation of any HIPAA laws.

TNA announced that it has established the TNA Legal Defense Fund for the Winkler County nurses, with a goal of raising at least \$10,000 for their defense. TNA plans to match every dollar contributed by individual nurses up to \$5,000. TNA and ANA call on all nurses to contribute to the fund. To make a donation please visit www.texasnurses.org.

###

The ANA is the only full-service professional organization representing the interests of the nation's 2.9 million registered nurses through its 51 constituent member nurses associations and its 24 specialty nursing and workforce advocacy affiliate organizations that currently connect to ANA as affiliates. The ANA advances the nursing profession by fostering high standards of nursing practice, promoting the rights of nurses in the workplace, projecting a positive and realistic view of nursing, and by lobbying the Congress and regulatory agencies on health care issues affecting nurses and the public.

Texas Nurses Association (www.texasnurses.org) is a professional organization of registered nurses, and the only Texas affiliate of the American Nurses Association. Texas Nurses Association seeks to promote excellence in nursing by helping nurses achieve quality patient care through high standards of practice, legislative involvement, and public policy advocacy.