

## **NOT GUILTY – TEXAS JURY ACQUITS WINKLER COUNTY NURSE**

**February 11, 2010, Andrews, Texas** – It took the jury less than an hour to return a not guilty verdict this morning for Anne Mitchell, RN, defendant in the criminal trial that has come to be known as the “Winkler County nurses” trial. Mitchell faced a third-degree felony charge in Texas of “misuse of official information,” for reporting a physician to the Texas Medical Board for what she believed was unsafe patient care. Mitchell is a member of the Texas Nurses Association (TNA) and the American Nurses Association (ANA).

“We are very pleased about the not guilty verdict and that justice prevailed for Anne Mitchell,” stated Susy Sportsman, PhD, RN, president of TNA. “If anything was to be gained from the absurdity of this criminal trial, it is the reaffirmation that a nurse’s duty to advocate for the health and safety of patients supersedes all else.”

Since news of the criminal indictment – and Mitchell’s being fired from her hospital job – first spread through the nursing community, nurses across the country have followed developments. Labeling the criminal indictments “outrageous,” an outpouring of support – and financial contributions to the TNA Legal Defense Fund – has continued.

As the nation’s largest nursing association, ANA joined forces with TNA, one of its constituent member associations, in July of 2009 to strongly criticize and raise the alarm about the criminal charges and the fact that the results from this case could have a lasting and negative impact on future nurse whistle blowers.

“ANA is relieved and satisfied that Anne Mitchell (RN) was vindicated and found not guilty on these outrageous criminal charges – today’s verdict is a resounding win on behalf of patient safety in the U.S. Nurses play a critical, duty-bound role in acting as patient safety watch guards in our nation’s health care system. The message the jury sent is clear: the freedom for nurses to report a physician’s unsafe medical practices is non-negotiable,” said ANA President Rebecca M. Patton, RN, MSN, CNOR. “However, ANA remains shocked and deeply disappointed that this sort of blatant retaliation was allowed to take place and reach the trial stage – a different outcome could have endangered patient safety across the U.S., having a potential „chilling effect“ that would make nurses think twice before reporting shoddy medical practice. Nurse whistle blowers should never be fired and criminally charged for reporting questionable medical care.”

“I was just doing my job,” relayed a jubilant Anne Mitchell, in a phone conversation with TNA immediately following the not guilty verdict, “but no one should have to go through this,” she said. “I would say to every nurse, if you witness bad care, you have a duty to your patient to report it, no matter the personal ramifications. This whole ordeal was really about patient care.”

Over \$45,000 has been donated so far by individuals and organizations across the country to the TNA Legal Defense Fund as a way to support the defense of Anne Mitchell and former co-defendant Vicki Galle.

“We didn’t have any support – emotional or financial – until TNA and ANA stepped in,” said Vicki Galle, RN, who also attended the trial in Andrews even though the prosecution had dismissed her indictment on February 1 as a co-defendant. “We could never have gotten through this without nursing’s support.”

**ABOUT THE TEXAS NURSES ASSOCIATION (TNA):**

*Texas Nurses Association ([www.texasnurses.org](http://www.texasnurses.org)) is a professional organization of registered nurses, and the only Texas constituent member association 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.*

**ABOUT THE AMERICAN NURSES ASSOCIATION (ANA):**

*The ANA is the only full-service professional organization representing the interests of the nation's 2.9 million registered nurses through its constituent member nurses associations, its organizational affiliates, and its workforce advocacy affiliate, the Center for American Nurses. 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.*