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**NEWS RELEASE**



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**JUSTICE IS SERVED: TEXAS PHYSICIAN PLEADS GUILTY**  
**ANA Gratified by Convictions in ‘Winkler County’ Nurses Whistleblower Case**

**SILVER SPRING, MD** – [The American Nurses Association](http://www.nursingworld.org) (ANA) is gratified that justice ultimately prevailed in the ‘Winkler County’ case involving two west Texas nurses who filed a complaint against physician Rolando Arafiles citing unsafe practices. On Monday, Nov. 7, Arafiles plead guilty and was sentenced to 60 days in jail and five years probation. In addition, he must pay a \$5,000 fine and surrender his medical license. Earlier this year, the Winkler County sheriff, county attorney and hospital administrator received jail sentences for their roles in trying to silence two nurses who complained to the Texas Medical Board about Arafiles.

The criminal convictions of all those involved in prosecuting the nurses sends a powerful message: Those who retaliate against nurses who [speak up in the interest of patients](#) will be held accountable.

“In the end, the ‘Winkler County’ case is really about patient care. Every single nurse who witnesses unsafe care has a duty to patients to report it. The final outcome of this case is not only a victory for nursing -- it’s a win for every patient in this country,” said ANA President Karen A. Daley, PhD, MPH, RN, FAAN. “ANA is the quintessential advocate for nurses across this country, and we will never back down from taking a strong stand in defense of nurses doing their jobs. ANA will continue to fight relentlessly to protect nurses who speak up for their patients.”

The case in this small, rural county made national headlines in 2009 after Anne Mitchell, RN, and Vicki Galle, RN, two long-time registered nurses at Winkler County Memorial Hospital in Kermit, Texas, were charged with violating the law by sending an anonymous letter to the state medical board that expressed **MORE...**

## **Winkler County Physician Pleads Guilty/pg. 2**

concern about Dr. Arafiles at the hospital. After receiving a complaint of harassment from the physician, the Winkler County Sheriff's Department initiated an investigation that resulted in criminal charges against both nurses that carried potential penalties of ten years imprisonment and a maximum fine of \$10,000. Mitchell and Galle, who had a combined 47 years of employment at the hospital, were also fired from their positions.

Charges of misuse of official information against Galle were dropped. Mitchell endured a four-day jury trial, and was found not guilty. The nurses filed a federal civil suit against their accusers alleging violation of civil rights, among other violations, and won a \$750,000 settlement. The Texas attorney general's office ultimately indicted the hospital and government officials who originally accused the nurses of wrongdoing.

In July 2009, ANA joined with the [Texas Nurses Association](#) (TNA) to strongly criticize and raise alarm about the criminal charges leveled against the nurses, and the fact that the results from this case could have a potential chilling effect on future nurse whistle-blowers. Nurses play a critical, duty-bound role in acting as patient safety watch guards in our nation's health care system.

"We didn't have any support – emotional or financial – until TNA and ANA stepped in," said Galle. "We could never have gotten through this without nursing's support."

Texas lawmakers passed a bill earlier this year that strengthened laws to protect nurses against retaliation when they advocate for the safety of patients. The law significantly increases financial penalties for retaliation (up to \$25,000) and provides nurses with immunity from criminal prosecution.

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*The American Nurses Association (ANA) is the only full-service professional organization representing the interests of the nation's 3.1 million registered nurses through its constituent and state nurses associations and its organizational 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.*