



TEXAS NURSES ASSOCIATION HONORS STATE AG'S TEAM THAT DEFENDED NURSES' RIGHTS

by Texas Attorney General Greg Abbott

EACH MAY, THE MONTH WHEN FLORENCE Nightingale – the founder of modern nursing – was born, the nation observes National Nurses Week. This year, National Nurses Week held special significance for the Office of the Attorney General (OAG) because the Texas Nurses Association bestowed its highest honor upon three of our dedicated law enforcement officials.

Texas Nurses Association President Margie Dorman-O'Donnell, MSN, RN presented the prestigious President's Award to:

- Lead prosecutor David Glickler, assistant attorney general and deputy division chief, White Collar Crime and Public Integrity Section, Buda, Texas;
- Co-counsel Shane Attaway, assistant attorney general, Austin; and
- Sgt. Randy Muenzler, investigator in the Law Enforcement Division, Office of Attorney General, Austin.

The award is well-deserved recognition for three public servants who were just doing their job – and doing it exceedingly well. Their story and the criminal investigation that earned them the admiration of the Nurses Association tracks back to 2009, when two longtime

Memorial Hospital nurses filed an anonymous complaint with the Texas Medical Board against a physician who worked at the hospital. These brave nurses never imagined that filing the complaint might land them in jail. But that's exactly what they faced when the locally powerful physician and a cadre of county officials illegally used their positions to retaliate against the two nurses – who were simply concerned about their patients' well-being.

After he was contacted by the Medical Board about the complaint, the physician asked the Winkler County sheriff to investigate who filed the anonymous complaint. The sheriff – who was the physician's close friend, patient, and alleged business partner – utilized his office to obtain a copy of the confidential complaint. The physician removed patient information from the hospital that the sheriff ultimately used to determine the identity of the nurses who filed the complaint – identities that would have been protected from disclosure if law enforcement officials had not misused their position to obtain confidential information.

In June 2009, the nurses were improperly terminated in retaliation

for complaining to the Texas Medical Board about the physician's misconduct. Ten days later, the county attorney sought the nurses' indictment and the nurses were arrested for trumped up crimes they did not actually commit. The nurses must have been in a state of disbelief, because in the blink of an eye, they had been fired from their hospital jobs and faced jail time on criminal charges.

Thanks to a dedicated team of OAG investigators and prosecutors, however, it wasn't the nurses who would ultimately find themselves facing prison sentences. In late 2010, after the nurses had been vindicated in court, the OAG team opened a criminal investigation of its own into acts of official oppression by the sheriff, the county attorney and the physician. That investigation led to a grand jury, which indicted both Winkler County officials, the physician and the Memorial Hospital administrator for the crimes they collectively perpetrated against the two nurses.

All four defendants prosecuted by AAG Glickler and AAG Attaway either accepted plea deals or were found guilty of all charges. Three of

them have served time in jail for their crimes and were ordered to pay fines. In addition, the physician was forced to surrender his license to practice medicine; the sheriff was removed from office and had his Texas peace officer's license revoked by the State; and the hospital administrator was forced to step down. The county attorney who indicted the nurses was also removed from office and sentenced to 120 days in jail, but the jail sentence has not begun because he has appealed his sentence and awaits final judgment. In the meantime, the Texas State Bar has suspended his law license indefinitely, pending the outcome of his appeal.

The entire Attorney General's Office – in particular the prosecutors and the peace officer who led the case and received the award – was honored when the Texas Nurses Association singled out this case for special recognition. Thanks to the efforts of AAG David Glickler, AAG Shane Attaway and Sgt. Randy Muenzler, justice was restored in Winkler County – and two dedicated nurses are once again free to care for their patients.

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