

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           DAVID WORKMAN MITCHELL, R.N. REINSTATEMENT APPLICANT**  
**License Number:   0001-143493**  
**Suspension Date:   March 27, 2017**  
**Case Number:       180394**

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**AMENDED NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your license to practice professional nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions, pursuant to an Order entered March 27, 2017.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>September 18, 2017 1:00 P.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of nursing.
3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice professional nursing, as more fully set out in the enclosed Statement of Allegations.
4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:
  - Approve your application and issue an unrestricted license to practice professional nursing;
  - Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions;

- Deny your application and continue your license on indefinite suspension or revoke your license.

#### **ABSENCE OF APPLICANT AND APPLICANT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

#### **APPLICANT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

#### **COMMONWEALTH'S EXHIBITS:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

#### **FILING DEADLINES:**

1. Deadline for filing exhibits: **August 29, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **September 5, 2017**. If no objections have been received by **September 5, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **September 11, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **August 29, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **August 29, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **September 5, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

**REQUEST FOR A CONTINUANCE:**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **August 29, 2017** will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **August 29, 2017**.

**OTHER IMPORTANT INFORMATION:**


Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that grounds exist to refuse to reinstate the license of David Workman Mitchell, R.N., to practice professional nursing in that Mr. Mitchell violated Virginia Code § 54.1-3007(7) in that on or about February 9, 2017, he permanently surrendered his privilege to practice professional nursing to the Wisconsin Board of Nursing in lieu of further disciplinary proceedings. The permanent surrender of his license formed the basis for the Order of Mandatory Suspension by the Virginia Department of Health Professions.

  
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Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.  
Executive Director  
Virginia Board of Nursing

August 15, 2017  
Date