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By Stephyl  
Virginia Board Of Nursing



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MAR 28 2017

COMMONWEALTH of VIRGINIA

VA BD OF NURSING

David E. Brown, D.C.  
Director

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367- 4400  
FAX (804) 527- 4475

March 28, 2017

David Workman Mitchell, R.N.  
105A Lew Dewitt Blvd, #255  
Waynesboro, VA 22980

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 3/28/17

RE: License Number: 0001-143493  
Case Number: 179074

Dear Mr. Mitchell:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice professional nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered March 27, 2017. You are hereby advised that you may not practice professional nursing or hold yourself out as a licensed professional nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at [www.dhp.virginia.gov/Nursing](http://www.dhp.virginia.gov/Nursing).

If you have any questions about this matter, you can contact me at (804) 367-4474 or [anne.joseph@dhp.virginia.gov](mailto:anne.joseph@dhp.virginia.gov).

Sincerely,

*Anne Joseph*

Anne Joseph, Deputy Director  
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing  
Enclosures

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: DAVID WORKMAN MITCHELL, R.N.**  
**License Number: 0001-143493**  
**Case Number: 179074**

**ORDER OF MANDATORY SUSPENSION**

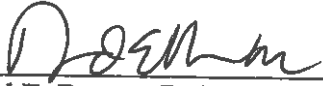
In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the Wisconsin Board of Nursing accepted the voluntary surrender by David Workman Mitchell, R.N., of his multistate licensure privilege to practice professional nursing in the State of Wisconsin in lieu of disciplinary action. A certified copy of the Final Decision and Order of the Wisconsin Board of Nursing is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of David Workman Mitchell, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of David Workman Mitchell, R.N., will be recorded as suspended and no longer current and valid. Should David Workman Mitchell, R.N., seek reinstatement of his license pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Mr. Mitchell's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection or copying on request.


  
\_\_\_\_\_  
David E. Brown, D.C., Director  
Virginia Department of Health Professions

ENTERED:

3/27/17

**CERTIFICATION OF DUPLICATE RECORDS**

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Final Decision and Order entered February 9, 2017, regarding David Workman Mitchell, R.N., is a true copy of the records received from the Wisconsin Board of Nursing.

  
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David E. Brown, D.C.

Date: 3/27/17



STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID W. MITCHELL, R.N.,  
RESPONDENT.

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: FINAL DECISION AND ORDER  
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:  
:

0005167

Division of Legal Services and Compliance Case No. 16 NUR 394

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

David W. Mitchell, R.N.  
434 East Craig Street  
Craigsville, VA 24430

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent David W. Mitchell, R.N., (dob September 5, 1964) is licensed in the State of Virginia as a professional nurse, having license number 0001143493. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 434 East Craig Street, Craigsville, Virginia 24430.

2. At all times relevant to this proceeding, Respondent was practicing as a professional nurse in Wisconsin under the Nurse Licensure Compact at a hospital, located in Milwaukee, Wisconsin.

3. On June 22, 2016, an investigation was opened pursuant to a complaint that Respondent departed from or failed to conform to the minimal standards of acceptable nursing practice that may have created unnecessary risk or danger to a patient's life, health or safety.

4. The investigation revealed that since April 18, 2016, Respondent has not practiced nursing in Wisconsin and Respondent does not plan to return to Wisconsin to practice nursing.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary surrender of the privilege of David W. Mitchell, R.N., to practice nursing in the State of Wisconsin under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. The surrender of Respondent's privilege to practice nursing in the State of Wisconsin pursuant to the Nurse Licensure Compact shall be permanent.

4. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by:

Sheryl Krause  
A Member of the Board

2-9-17  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID W. MITCHELL, R.N.,  
RESPONDENT.

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STIPULATION

0005167

Division of Legal Services and Compliance Case No. 16 NUR 394

Respondent David W. Mitchell, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

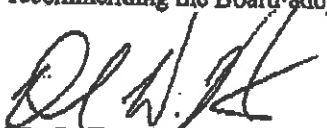
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
\_\_\_\_\_  
David W. Mitchell, R.N., Respondent  
434 East Craig Street  
Craigsville, VA 24430  
VA license no. 0001143493

1/4/2017  
Date

  
\_\_\_\_\_  
Kim M. Kluck, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison WI 53707-7190

1/5/17  
Date