

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: DAVID WORKMAN MITCHELL, R.N.**  
**LicenseNumber: 0001-143493**  
**Case Number: 180394**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) held a formal administrative hearing on September 18, 2017, in Henrico County, Virginia, to receive and act upon David W. Mitchell’s application for reinstatement of his license to practice nursing in the Commonwealth of Virginia.

David Workman Mitchell, R.N., appeared at this proceeding and was represented by Jessica Robinson, Esquire.

**NOTICE**

By letter dated August 15, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Mitchell notifying him that a formal administrative hearing would be held on September 18, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

**FINDINGS OF FACT**

1. On June 21, 1995, the Board issued License Number 0001-143493 to David Workman Mitchell, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license was mandatorily suspended by Order of the Department of Health Professions on March 30, 2017. At all times relevant hereto, said license was in full force and effect.

2. On April 18, 2017, Mr. Mitchell submitted an application for reinstatement of his license to practice professional nursing to the Board.

3. On February 9, 2017, Mr. Mitchell 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 entered March 27, 2017.

4. Mr. Mitchell testified that he decided to surrender his privilege because he did not plan to practice in Wisconsin and because he could not afford to go to Wisconsin to defend himself, thus he chose to voluntarily surrender his practice there. He stated that he thought, if he had gone forward to defend himself, he would have been disciplined in some way, but doubted his privilege would have been suspended.

5. The situation that led to Mr. Mitchell surrendering his privilege in Wisconsin was an allegation that Mr. Mitchell left a patient's central venous line open to air, causing significant blood loss and atrial fibrillation. Mr. Mitchell told the Board that the patient was stable when he left his shift, and that there were no changes in the patient's vital signs. Mr. Mitchell testified that on this shift, he was not asked to do anything beyond his experience or training. He testified that he had a significant workload that day, but that his assigned patients were not outside of his experience as a nurse.

6. Throughout the investigation and the hearing, Mr. Mitchell asserted that he did not have proper orientation to the position he was working in Wisconsin. When asked who had the responsibility to determine if he was capable to do an assignment, he stated the charge nurse assigning the shifts. However, he also stated that he has learned that if he does not feel "safe" in a practice situation, he needs to be able to say no or to acknowledge he is unable to handle a situation. He told the Board that he had reservations about the assignment in Wisconsin and he has learned if he ever has reservations about an

assignment he should decline the assignment. Mr. Mitchell further told the Board that “accidents happen” and he has learned no matter how rushed you are, you have to stop and not try to do two things at once.

7. A supervisor from his last position at Augusta Correctional Center told the Department of Health Professions investigator that she would have concern for Mr. Mitchell working in a fast paced environment. She reported that he is ineligible for rehire.

8. The evidence revealed that Mr. Mitchell consistently had attendance issues with multiple employers.

9. Mr. Mitchell told the Board that he would like to practice in Virginia in psychiatric nursing or in a correctional facility.

10. As the applicant, Mr. Mitchell had the burden to demonstrate to the Board that he is safe and competent to practice.

### **CONCLUSIONS OF LAW**

Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(7).

### **ORDER**


WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the proceeding, effective upon entry of this Order, ORDERS that:

1. The license issued to David Workman Mitchell, R.N., to practice professional nursing in the Commonwealth of Virginia is REINSTATED contingent upon his passage of a Board-approved nursing refresher course.

2. Mr. Mitchell shall comply with all laws and regulations governing the practice of 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 and copying upon request.

FOR THE BOARD

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

ENTERED AND MAILED ON:

October 12<sup>TH</sup>, 2017

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By   
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Virginia Board Of Nursing