

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JANINE ROCHELLE MITCHELL, R.N.
License Number: 0001-227015
Case Number: 171116

ORDER

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 May 17, 2017, in Henrico County, Virginia, to inquire into evidence that Janine Rochelle Mitchell, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Janine Rochelle Mitchell, R.N., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated April 19, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Mitchell notifying her that a formal administrative hearing would be held on May 17, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Mitchell and the formal hearing proceeded in her absence.

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 September 3, 2010, the Board issued License Number 0001-227015 to Janine Rochelle Mitchell, R.N., to practice professional nursing in the Commonwealth of Virginia. Said license

is scheduled to expire on December 31, 2018. At all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. During the course of her employment with Our Lady of Hope, Richmond, Virginia, by her own admission, between July 21, 2015 and December 14, 2015, Ms. Mitchell diverted oxycodone (C-II) for her personal and unauthorized use. She accomplished the diversion by signing out medications using residents' names, falsely documenting administration and keeping the medication for herself.

3. During the course of her employment with Ashland Nursing and Rehabilitation Center, Ashland, Virginia, by her own admission, on May 18, 2016, during her first shift on the unit, Ms. Mitchell diverted oxycodone for her personal and unauthorized use. She accomplished the diversion by signing out medications using a resident's name, falsely documenting administration and keeping the medication for herself. Ms. Mitchell's employment was terminated immediately.

4. On May 20, 2016, during an interview with an investigator from the Department of Health Professions, Ms. Mitchell stated that in 2011, she became addicted to oxycodone for one to two years after being prescribed the medication by her doctor. Further, the Prescription Monitoring Report for the period April 1, 2014 to April 19, 2016, indicates that Ms. Mitchell obtained narcotic prescriptions from 12 physicians located at different practices. There was no evidence presented that Ms. Mitchell has received substance abuse treatment.

5. On April 14, 2016, in the General District Court of Henrico County, Virginia, Ms. Mitchell was convicted of petit larceny, as a result of the diversion from Our Lady of Hope. She was sentenced to 12 months in jail with 11 months and 20 days suspended for a period of three years. She was also ordered to pay fines and court costs totaling \$436.00.

6. On October 25, 2016, in the General District Court of Hanover County, Virginia, Ms. Mitchell pled guilty to concealing merchandise, as a result of diverting medication from Ashland Nursing

and Rehabilitation Center. She was sentenced to 365 days in jail with 361 days suspended, and placed on probation for five years, ordered to undergo random drug and alcohol testing, undergo a substance abuse assessment/evaluation and comply with recommended treatment. She was also ordered to pay fines and court costs totaling \$389.00.

7. Ms. Mitchell falsified the application for employment with Ashland Nursing and Rehabilitation Center dated May 11, 2016, in that she failed to disclose her employment with and termination from Our Lady of Hope.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 and 3 constitute a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing (“Regulations”) (currently found at 18 VAC 90-19-230(A)(2)(c) and (e) effective February 24, 2017).
2. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(6).
3. Findings of Fact Nos. 5 and 6 constitute a violation of Virginia Code § 54.1-3007(4).
4. Finding of Fact No. 7 constitutes a violation of Virginia Code § 54.1-3007(2) and 18 VAC 90-20-300(A)(2)(e) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license of Janine Rochelle Mitchell, R.N., to practice professional nursing is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended.
3. This suspension applies to any multistate privilege to practice professional nursing.

4. Should Janine Rochelle Mitchell, R.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Mitchell to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Mitchell shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

5. The suspension shall be STAYED upon proof of Ms. Mitchell's entry into a contract with the Virginia Health Practitioners' Monitoring Program ("HPMP").

6. Upon stay of the suspension, Janine Rochelle Mitchell, R.N., shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

7. Upon receipt of evidence of Ms. Mitchell's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Mitchell's appearance before the Board and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

8. This Order is applicable to Ms. Mitchell's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Mitchell shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she seeks to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.


9. Janine Rochelle Mitchell, R.N., shall comply with all laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

10. Failure to comply with the terms and conditions of the stay of suspension shall result in the immediate rescission of the stay of suspension of the license of Janine Rochelle Mitchell, R.N., and

the license shall be recorded as suspended. After any rescission of the stay of suspension, Ms. Mitchell may, within 33 days of the effective date of the rescission, request a formal administrative hearing before the Board.

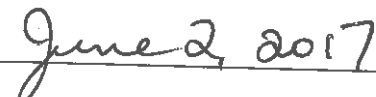
Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED ON:



June 2, 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 

Virginia Board Of Nursing