

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE:           JANINE ROCHELLE MITCHELL, R.N.**  
**License Number:           0001-227015**  
**Issue Date:                September 3, 2010**  
**Expiration Date:           December 31, 2018**  
**Case Number:              171116**

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**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 license to practice professional nursing in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>May 17, 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. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Suspend your license;
- Revoke your license.

### **ABSENCE OF RESPONDENT AND RESPONDENT'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.

### **RESPONDENT'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: **May 3, 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. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **May 9, 2017**. If no objections have been received by **May 9, 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 **May 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: **May 3, 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: **May 3, 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 **May 3, 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 **May 3, 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 **May 3, 2017**.

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**STATEMENT OF ALLEGATIONS**

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The Board alleges that:

1. At all times relevant hereto, Janine Rochelle Mitchell, R.N., was licensed to practice professional nursing in the Commonwealth of Virginia.

2. Ms. Mitchell violated 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) in that:

a. During the course of her employment with Our Lady of Hope, Richmond, Virginia, by her own admission, between on or about 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.

b. During the course of her employment with Ashland Nursing and Rehabilitation Center, Ashland, Virginia, by her own admission, on or about 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.

3. Ms. Mitchell violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to admitted substance abuse.

4. Ms. Mitchell violated Virginia Code § 54.1-3007(4) in that on or about 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.

5. Ms. Mitchell violated 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) in that she 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.



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

April 19<sup>th</sup>, 2017  
Date