

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SUSAN ANNE MITCHELL, L.P.N.
License Number: 0002-027399
Case Number: 162213

RATIFICATION AND ORDER

On July 20, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. SUSAN ANNE MITCHELL, L.P.N. was not present nor was she represented by legal counsel.

In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

Since Ms. Mitchell failed to appear at the informal conference, this Order shall be considered final. Ms. Mitchell has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Mitchell has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

Gloria Mitchell-Lively
for Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

July 20th, 2016

Certified True Copy

By *Stacy*
Virginia Board of Nursing

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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on April 20, 2016 in Henrico County, Virginia, to inquire into evidence that SUSAN ANNE MITCHELL, L.P.N. may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Mitchell did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated March 21, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mitchell notifying her that an informal conference would be held on April 20, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. According to the USPS tracking website, **the Notices sent by certified mail were delivered on March 23, 2016. The Notices sent by first class mail were not returned to the Board office.** Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Mitchell and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. SUSAN ANNE MITCHELL, L.P.N. was issued License Number 0002-027399 to practice practical nursing on November 30, 1979, which expired on March 31, 2015. Her primary state of residence is Virginia.
2. SUSAN ANNE MITCHELL, L.P.N. violated 54.1-3007(6) of the Code in that she is unsafe to practice nursing due to severe physical and mental illness, for which she has received inpatient and outpatient treatment.
3. Ms. Mitchell received inpatient psychiatric treatment at Carilion New River Valley Medical Center, Christiansburg, Virginia, in February 2015 for suicidal ideation. While hospitalized, she acknowledged daily use of marijuana. Her psychiatric discharge diagnoses included major depressive disorder, recurrent, severe, without psychotic features, post-traumatic stress disorder, and borderline personality disorder. Upon discharge, she was referred to counseling. She indicated to an investigator for the Department of Health Professions in May 2015 that she had seen a counselor three times but could not afford to continue seeing her.
4. In addition, Ms. Mitchell suffers from diabetes, hypertension, chronic pain, and asthma.
5. Ms. Mitchell stated to the investigator that she had not practiced nursing in 20 years and did not intend return to the practice of nursing.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The right of SUSAN ANNE MITCHELL to renew her license to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of SUSAN ANNE MITCHELL will be recorded as SUSPENDED.

3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should SUSAN ANNE MITCHELL seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on SUSAN ANNE MITCHELL to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Mitchell shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on May 3, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing