

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CONCHITA SMITH MITCHINER, L.P.N.
License Number: 0002-042938
Case Number: 172604

RATIFICATION AND ORDER

On September 21, 2016, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Conchita Smith Mitchiner, 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. Mitchiner failed to appear at the informal conference, this Order shall be considered final. Ms. Mitchiner 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. Mitchiner 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 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.

Certified True Copy

By J. Fowler
Virginia Board of Nursing

FOR THE BOARD

Jay Douglas
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 3, 2016

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CONCHITA SMITH MITCHINER, L.P.N.
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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 July 7, 2016 in Henrico County, Virginia, to inquire into evidence that Conchita Smith Mitchiner, L.P.N. may have violated certain terms and conditions imposed on her by Order of the Board entered on December 23, 2015.

Ms. Mitchiner 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 June 14, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mitchiner notifying her that an informal conference would be held on July 7, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The Notice sent by certified mail was returned to the Board office marked “unclaimed”. The Notice sent by first class mail was not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Mitchiner and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Conchita Smith Mitchiner, L.P.N. was issued License Number 0002-042938 to practice practical nursing on May 23, 1990, which is scheduled to expire on August 31, 2016. At all times relevant to the allegations herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. By Order of the Board entered on December 23, 2015 (“Board’s Order”), Ms. Mitchiner was placed on indefinite probation for a period of not less than 12 months of actual nursing practice, with terms and conditions. Said action was based on findings that Ms. Mitchiner failed to perform a resident’s wound care and administered the incorrect amount of insulin to another resident.

3. Ms. Mitchiner violated Term Number 1(e) of the Board's Order, which required her to successfully complete a Board-approved refresher course within 90 days of the date of entry of the Order, in that she has failed to do so.

4. Ms. Mitchiner violated Term Numbers 1(h) and (k) of the Board’s Order, which required her to submit quarterly self-reports, in that she has failed to submit any self-reports.

5. Ms. Mitchiner failed to respond to correspondence from the Compliance Case Manager regarding her reasons for not complying with the Board’s Order.

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. Conchita Smith Mitchiner is REPRIMANDED.
2. The license issued to Conchita Smith Mitchiner to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.

OR

2. The right of Conchita Smith Mitchiner to renew her license to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
3. The license of Conchita Smith Mitchiner will be recorded as SUSPENDED.
4. This suspension applies to any multistate privilege to practice practical nursing.
5. Should Conchita Smith Mitchiner seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Conchita Smith Mitchiner to demonstrate that she is safe and competent to return to the practice of practical nursing. Conchita Smith Mitchiner 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.

Reviewed and approved on July 26, 2016
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy
By J. Howles
Virginia Board of Nursing