

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: CONCHITA MITCHINER, L.P.N.
 License No.: 0002-042938**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on December 2, 2015, in Henrico County, Virginia, to inquire into evidence that Conchita Mitchiner, L.P.N. may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Mitchiner was not present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Conchita Mitchiner, L.P.N., was issued License No. 0002-042938 to practice practical nursing in the Commonwealth of Virginia on May 23, 1990. Said license expires on August 31, 2016. Ms. Mitchiner's primary state of residence is Virginia.
2. By letter dated November 6, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mitchiner notifying her that an informal conference would be held on December 2, 2015. The Notice was sent by certified and first class mail to 4617 Ayton Court, North Chesterfield, Virginia 23234, the address of record on file with the Board of Nursing. The Notice was also sent to 4719 Black Oak Road, North Chesterfield, Virginia 23237, a secondary address. The Notice sent by certified and first class mail to the secondary address was returned to the Board marked "Unable to Forward." According to the United States Postal Service website the Notice sent by certified mail to the address of record was undeliverable as of

November 17, 2015. The Notice sent by first class mail to the address of record has not been returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. Mitchiner and the informal conference proceeded in her absence.

3. Between November 6, 2014, and November 8, 2014, during the course of her employment with Lucy Corr Village, Chesterfield, Virginia, Ms. Mitchiner failed to perform Resident A's wound care.

4. Ms. Mitchiner stated to the investigator for the Department of Health Professions ("investigator") that she was supposed to have performed the wound care on November 6, 2014, but did not have time, and asked the treatment nurse to do the care on the 11:00 p.m. -7:00 a.m. shift. On November 7, 2014, she stated that she did not have time to perform the care and asked another nurse to do it. Ms. Mitchiner stated that she performed the wound care on November 8, 2014, but did not have time to document it in the resident's records.

5. On June 7, 2015, during the course of her employment with Envoy of Stratford Hills, Richmond, Virginia, Ms. Mitchiner administered 7 units of insulin to Resident B, for a blood sugar result requiring 5 units of insulin.

6. Ms. Mitchiner stated to the investigator that she always double-checked the amount of insulin that was required for the resident. She stated that she was sure that she gave the correct amount, but documented the wrong amount in the resident's Medication Administration Record.

7. On November 11, 2014, Ms. Mitchiner's employment with Lucy Corr was terminated. On June 17, 2015, her employment with Envoy of Stratford Hills was terminated.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3 and 4 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows: Probation refresher LPN course.

1. Conchita Mitchiner, L.P.N., shall be placed on INDEFINITE PROBATION for a period of not less than 12 months of actual nursing practice and subject to the following terms and conditions:

a. The period of probation shall begin on the date that this Order is entered and shall end at such time as Ms. Mitchiner has completed 12 months of active practice in employment as a licensed practical nurse.

b. The license of Ms. Mitchiner shall be reinstated without restriction at the completion of the probationary period without an administrative proceeding unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision in accordance with the Administrative Process Act, § 2.2-4000 et seq. and § 54.1-2400.9 et seq. of the Code.

c. Performance Evaluations shall be provided to the Board, at the direction of Ms. Mitchiner, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

d. Ms. Mitchiner shall practice only in a structured employment setting satisfactory to the Board. This employment setting shall provide on-site supervision by a physician, licensed nurse practitioner or a professional nurse, who works the same shift, and holds an unrestricted license. For all current practice employment, and before beginning or changing practice employment during this period, Ms. Mitchiner shall have current and all prospective practice employers provide a written description of the employment setting to the Board office for approval.

- e. Ms. Mitchiner shall enroll in and successfully complete a Board-approved refresher course within 90 days from the date this Order is entered and shall not practice until she has provided written evidence to the Board of satisfactory completion of said courses and has received permission from the Board to do so.
- f. Ms. Mitchiner shall return all copies of her license to practice as a licensed practical nurse to the Board office within ten days of the date of entry of this Order, along with payment of a duplicate license fee as specified in the regulations governing nursing.
- g. Upon receipt, the Board shall issue a replacement licensed practical nurse license marked “Valid in Virginia Only; Probation with Terms.”
- h. Written reports are required by this Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than sixty (60) days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends. Many of the required report forms are available on the Board’s website for your convenience.
- i. Ms. Mitchiner shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Mitchiner shall provide a contact name, address, and phone number for each practice employer to the Board.
- j. Ms. Mitchiner shall inform all current and future practice employers that the Board has placed her on probation under terms and conditions and Ms. Mitchiner shall provide each practice employer with a complete copy of this Order. If Ms. Mitchiner is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation under terms and conditions.

k. Ms. Mitchiner shall submit “Self-Reports” which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status. Self-Reports must be submitted whether Ms. Mitchiner has current practice employment or not.

2. Ms. Mitchiner shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code of Virginia (1950), as amended, and the Board of Nursing Regulations.

3. Any violation of the stated terms and conditions contained in this Order, or failure to comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Mitchiner, and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.


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

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

Pursuant to Section 54.1-2400(10) of the Code, Ms. Mitchiner may, not later than 5:00 p.m., on January 25, 2016, notify Jay P. 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, in writing that she desires a formal

administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:


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

ENTERED: December 23, 2015

This Order shall become final on January 25, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By D. Butler
Virginia Board of Nursing