

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**CONCHITA S. MITCHINER, L.P.N.**

**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 April 23, 2009, in Henrico County, Virginia, to inquire into evidence that Conchita S. Mitchiner, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Mitchiner was present and was not represented by legal counsel. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Conchita S. Mitchiner, L.P.N., was issued License No. 0002-042938 to practice as a practical nurse in the Commonwealth of Virginia on May 23, 1990. Said license expires on August 31, 2010.
2. By her own admission, on October 3, 2008, during the course of her employment with HCR Manor Care Imperial, Richmond, Virginia, Ms. Mitchiner gave a patient 12 Percocet tablets (oxycodone, Schedule II) in an eight-hour time period, thereby medicating the patient outside of the physician’s order. There was no evidence that Ms. Mitchiner’s actions resulted in any patient harm.
3. Between August 31, 2008, and October 5, 2008, Ms. Mitchiner practiced nursing on an expired license.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(5) of the Code.
2. Finding of Fact No. 3 constitutes a violation of §§ 54.1-3007(3), 54.1-3008(2), and 54.1-3011(C) of the Code.


**ORDER**

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Conchita S. Mitchiner, L.P.N., is hereby REPRIMANDED.
2. Ms. Mitchiner shall pay a MONETARY PENALTY of \$200.00 to the Board within 45 days of the date this Order is entered.
3. Ms. Mitchiner shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

FOR THE COMMITTEE

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

ENTERED: May 11<sup>th</sup>, 2009

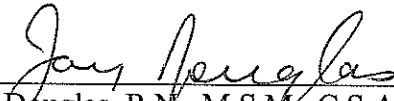
**NOTICE OF RIGHT TO FORMAL HEARING**

If you do not consent to the Committee's decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is

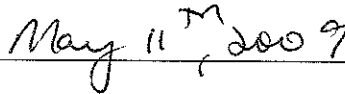
received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Conchita S. Mitchiner, L.P.N., at 2313 Sara Lane, Richmond, Virginia 23224.



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



\_\_\_\_\_  
Date