

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ELISABETH S. MITCHELL, L.P.N., R.N. APPLICANT
License No.: 0002-084810

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Elisabeth S. Mitchell, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Mitchell's application for licensure to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Elisabeth S. Mitchell, L.P.N. was issued License No. 0002-084810 to practice practical nursing by the Virginia Board of Nursing on May 17, 2011. Said license is valid in Virginia only and is set to expire on August 31, 2016. Her primary state of residence is Virginia. She also held a license to practice practical nursing in the State of West Virginia, which expired on June 30, 2013.
2. Ms. Mitchell submitted an application to the Board for licensure by examination to practice professional nursing in Virginia.
3. Ms. Mitchell has diagnoses of depression and opioid dependency, in remission. She received inpatient treatment for these conditions in October 2013. She continues to attend outpatient treatment and 12-Step recovery support group meetings.
4. Ms. Mitchell entered into a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") on January 12, 2014, and a Recovery Monitoring Contract on April 7, 2014. She is in full compliance with her Recovery Monitoring Contract.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended (“Code”).
2. Ms. Mitchell otherwise meets the requirements of § 54.1-3017 of the Code.

CONSENT

Elisabeth S. Mitchell, L.P.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her application for licensure to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS that the application of Elisabeth S. Mitchell, L.P.N. for licensure by examination to practice professional nursing in Virginia is APPROVED. Upon successful completion of the NCLEX-RN examination, Ms. Mitchell shall be issued a license to practice

professional nursing subject to the following terms and conditions:

1. Ms. Mitchell shall continue to comply with the terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license(s) of Ms. Mitchell, and an administrative proceeding shall be held to decide whether her license(s) should be revoked. Ms. Mitchell shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
 - b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
 - c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Mitchell's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.
3. This Order is applicable to Ms. Mitchell's multistate licensure privileges, if any, to practice practical or professional nursing. For the duration of this Order, Ms. Mitchell shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of 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.
4. Ms. Mitchell shall maintain a course of conduct in her capacity as a practical and/or professional 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 upon request.

FOR THE BOARD

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

ENTERED: August 27th, 2015

SEEN AND AGREED TO:

Elisabeth S. Mitchell (L.N)
Elisabeth S. Mitchell, L.P.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Tazewell, TO WIT:

Subscribed and sworn to before me, Vickie J. Cooper, a Notary Public, this 10th day of August, 2015.

My commission expires 04/30/2016.

Registration Number 340820

Vickie J Cooper
NOTARY PUBLIC

Certified True Copy
By [Signature]
Virginia Board of Nursing