

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MITOS CABRERA, R.N. REINSTATEMENT APPLICANT
License No.: 0001-104674

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 8, 2014 in Henrico County, Virginia, to receive and act upon Mito Cabrera’s application for reinstatement of her license to practice professional nursing in Virginia and to inquire into evidence that Ms. Cabrera may have violated certain laws and regulations governing nursing practice. Ms. Cabrera was not 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. Mito Cabrera, R.N. was issued License No. 0001-104674 to practice professional nursing in the Commonwealth of Virginia on March 10, 1987. Said license expired on June 30, 2010. Her declared primary state of residence is Virginia. She also holds active licenses in Florida and Ohio and expired licenses in the District of Columbia, California, Maryland, New Hampshire, New Jersey, and Texas.
2. Ms. Cabrera submitted an application for reinstatement of her license to practice professional nursing which was received by the Board on June 19, 2014.
3. By letter dated November 7, 2014, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Cabrera notifying her that an informal conference would be held on December 8, 2014. The Notice was sent by certified and first class mail to 853 Knight Court, Charlottesville, Virginia, the address of record on file with the Board of Nursing. The receipt for the Notice sent by certified mail was signed by an unknown person on November 18, 2014. The Notice sent by first class mail was not returned to the Board

office. On November 24, 2014, the Board received a letter from Ms. Cabrera indicating that she would not be able to attend the informal conference as she had moved to another state. The Committee Chair concluded that adequate notice was provided to Ms. Cabrera and the informal conference proceeded in her absence.

4. On an application for employment with University of Virginia Children's Hospital, Charlottesville, Virginia, dated August 27, 2013, Ms. Cabrera indicated that she was licensed to practice nursing in Virginia when, in fact, her license had expired in 2010.

5. During the course of her employment with University of Virginia Children's Hospital, between September 2013 and June 2014, by her own admission, Ms. Cabrera practiced nursing without a valid Virginia license or multistate privilege.

6. Ms. Cabrera's employment with University of Virginia Children's Hospital was terminated on June 6, 2014, for "failure to present license."

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing.

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

3. The Committee concludes that Ms. Cabrera has otherwise demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

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

1. The application of Mitos Cabrera for reinstatement of her license to practice professional nursing is APPROVED. At such time as Ms. Cabrera fulfills the following terms, she shall be issued an unrestricted license to practice professional nursing:

a. Ms. Cabrera shall pay a MONETARY PENALTY of \$300 to the Board.

b. Ms. Cabrera shall provide evidence that she has successfully completed two NCSBN online courses from the Journal of Nursing Education CE Articles (located online at <http://learningext.com/nurses/p/jnrcearticles.aspx>).


2. Ms. Cabrera is hereby REPRIMANDED.

3. Ms. Cabrera shall maintain a course of conduct in her capacity as a 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 on request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Cabrera may, not later than 5:00 p.m., on **January 26, 2015**, 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:


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

ENTERED: December 23, 2014

This Order shall become final on **January 26, 2015**, unless a request for a formal administrative hearing is received as described above.