

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:        JOHANNA MITCHELL, R.N.  
              License No.: 0001-241828**

**ORDER**

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 15, 2014, in Henrico County, Virginia, to inquire into evidence that Johanna Mitchell, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Erin L. Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Mitchell was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Johanna Mitchell, R.N., was issued License No. 0001-241828 to practice as a professional nurse on December 7, 2012. Said license is set to expire on September 30, 2014. Ms. Mitchell's primary state of residence is Virginia.
2. Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of her employment with Valley Health Medical Center, Winchester, Virginia, between about October 17, 2013, and November 27, 2013, Ms. Mitchell diverted Percocet (oxycodone/acetaminophen – Schedule II) and Norco (acetaminophen/hydrocodone – Schedule III) for her

personal and unauthorized use. She accomplished this diversion by withdrawing the narcotic medication for her patients but administering Tylenol to them instead. Specifically:

a. Patient A reported receiving only Tylenol on November 2, 2013. However, an audit of Ms. Mitchell's withdrawals revealed that she had removed two tablets of Norco and documented administering them to Patient A at 11:22 p.m. She also removed two Tylenol at the same time for another patient, but did not document giving those to any patient.

b. Patient B reported on October 14, 2013, Ms. Mitchell gave her Tylenol instead of Norco, which she noted when Ms. Mitchell gave her round tablets rather than the oblong-shaped Norco. An audit revealed that Ms. Mitchell had removed two Norco tablets at 11:32 p.m. and two Tylenol tablets at 11:40 p.m. Ms. Mitchell documented giving the patient two Norco at 11:15 p.m. and there was no documentation of the administration of the Tylenol. Further, Patient B reported no pain relief.

c. On October 12, 2013, at 11:19 p.m., Ms. Mitchell withdrew two Percocet (oxycodone-acetaminophen) for Patient C, and documented administering the medication at 11:36 p.m. However, at 11:32 p.m., Patient C's medication administration record demonstrates that this patient's pain level had been assessed at zero and her blood pressure was documented at 82/48. Further, Ms. Mitchell did not document the medication's pain effectiveness.

4. Ms. Mitchell's employment with Valley Health Medical Center was terminated.

#### CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

**ORDER**

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-241828 issued to Johanna Mitchell, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

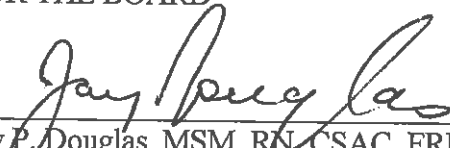
2. The license of Ms. Mitchell will be recorded as SUSPENDED. Should Ms. Mitchell seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Mitchell shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

4. This Order shall be applicable to Ms. Mitchell's multistate licensure privileges, if any, to practice professional nursing.

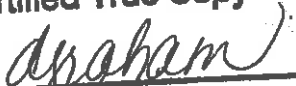
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

  
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Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

October 24<sup>th</sup>, 2014  
ENTERED

Certified True Copy

By   
Virginia Board Of Nursing

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.