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VA BD OF NURSING

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: VIRGINIA K. MITCHELL, L.P.N.  
License No.: 0002-074980**

**CONSENT ORDER**

The Virginia Board of Nursing ("Board") and Virginia K. Mitchell, L.P.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Mitchell's license to practice practical nursing in Virginia.

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

**FINDINGS OF FACT**

1. Virginia K. Mitchell, L.P.N., was issued License No. 0002-074980 to practice practical nursing by the Virginia Board of Nursing on November 30, 2006. Said license is set to expire on December 31, 2014. Ms. Mitchell's primary state of residence is Virginia.
2. During the course of her employment with Pheasant Ridge Nursing and Rehabilitation Center ("Pheasant Ridge"), Roanoke, Virginia, on or about October 20, 2013 Ms. Mitchell instructed and allowed a C.N.A. to administer Phenergan intramuscularly to a resident in her presence. Furthermore, there was no physician order for Phenergan to be given intramuscularly to the resident, and the administration of the medication was not noted on the Medication Administration Record for the resident.
3. Ms. Mitchell was terminated from Pheasant Ridge on November 20, 2013.

**CONCLUSIONS OF LAW**

Finding of Fact No. 2 constitutes a violation of §54.1-3007(2), (5) and (8) of the Code of Virginia, 1950, as amended ("Code"), and 18 VAC 90-20-300(A)(2)(d), (e), and (i) of the Regulations Governing the Practice of Nursing.

**CONSENT**

Virginia K. 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 right to practice practical 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 as follows:

1. Virginia K. Mitchell, L.P.N., is hereby REPRIMANDED.
2. Ms. Mitchell 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 upon request.

FOR THE BOARD

*JPD*  
*Aloria Papp*  
Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.  
Executive Director, Virginia Board of Nursing  
ENTERED: *September 23, 2014*

SEEN AND AGREED TO:

*Virginia Mitchell* LPN  
Virginia K. Mitchell, L.P.N.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF *Lynchburg*, TO WIT: *Regina Whit*

Subscribed and sworn to before me, *September 15, 2014*, a Notary Public, this *15<sup>th</sup>* day of *September*, 20*14*.

My commission expires *9-30-15*.

Registration Number *278 798*.

*Regina Whit*  
NOTARY PUBLIC



Certified True Copy

By *G. Robinson-Hawes*  
Virginia Board of Nursing