

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TAMEKA MITCHELL, R.N. REINSTATEMENT APPLICANT  
License No.: 0001-233619**

**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 March 18, 2013, in Henrico County, Virginia, to receive and act upon Tameka Mitchell's application for reinstatement of her license to practice professional nursing in Virginia, and to inquire into evidence that Ms. Mitchell may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by James E. Rutkowski, Adjudication Specialist, Administrative Proceedings Division. Howard M. Casway, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Mitchell was 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. Tameka Mitchell, R.N., was issued License No. 0001-233619 to practice professional nursing in the Commonwealth of Virginia on September 12, 2011. Said license was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on March 23, 2012. Ms. Mitchell holds active licenses to practice professional nursing in California, Colorado, Connecticut, Hawaii, Idaho, Iowa, Maine, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, Oklahoma, Washington and the District of Columbia. Ms. Mitchell's professional nursing license in West Virginia is lapsed. Her current primary state of residence is New York.

2. Ms. Mitchell submitted an application for reinstatement of her license, which was received by the Board on September 24, 2012.

3. On February 22, 2013, Ms. Mitchell pled guilty to misdemeanor third degree assault, a Class A misdemeanor, in the Albany City Court, New York. The Albany City Court ordered Ms. Mitchell to pay a fine and surcharge of \$1,250.00.

4. On November 9, 2012, West Virginia denied Ms. Mitchell's application to renew her professional nursing license for failing to accurately report the disciplinary action against her professional nursing licenses in Virginia and New Mexico.

5. On October 25, 2012, the Mississippi Board of Nursing denied Ms. Mitchell's "Temporary Permit Application for Registered Nurse" based on the finding that she was charged on October 18, 2011, with third degree assault, the same charge for which she was convicted as indicated in Finding of Fact No. 3, above.

6. On February 21, 2012, the New Mexico Board of Nursing revoked Ms. Mitchell's license to practice professional nursing because she failed to respond to a notice that required her to provide additional information regarding the above assault charge. This revocation formed the basis for the mandatory suspension of her Virginia license. Ms. Mitchell testified that the responsibility for submitting licensure application information to the various states was that of her employer and she supplied the necessary information to her employer. Ms. Mitchell's New Mexico professional nursing license was reinstated on August 22, 2012, and it is in good standing.

7. On August 16, 2009, during the course of her employment with St. Peters' Hospital, Albany, New York, Ms. Mitchell accessed the medical records of a patient of the facility upon receiving information from a third party of the patient's current hospitalization. Ms. Mitchell testified that she accessed the patient's medical record to determine whether the patient was to be admitted on her unit for personal and safety reasons. While Ms. Mitchell acknowledges a HIPAA violation, she does not believe her access of the

patient's record was improper. On October 11, 2010, Ms. Mitchell resigned in lieu of termination from St. Peter's Hospital after Ms. Mitchell met with hospital staff regarding her unauthorized access of patient information. Ms. Mitchell subsequently pled guilty to assaulting this patient, as stated in Finding of Fact No. 3, above. The assault occurred on August 25, 2010.

8. Ms. Mitchell is currently employed as a utilization review manager at Wellpoint, Albany, New York.

### **CONCLUSIONS OF LAW**

The Board concludes that:

1. Findings of Fact Nos. 4, 5, and 6 constitute a violation of § 54.1-3007(7) of the Code.
2. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(m) of the Regulations Governing the Practice of Nursing.

### **ORDER**

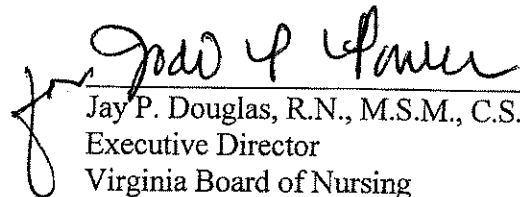
WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS as follows:

1. The license of Tameka Mitchell to practice professional nursing in the Commonwealth of Virginia is hereby REINSTATED contingent upon her providing the Board with verification that she has completed following NCSBN online courses within 30 days of the date this Order is entered: *Patient Privacy*; and *Respecting Professional Boundaries*
2. Ms. Mitchell is hereby REPRIMANDED.
3. Ms. Mitchell 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.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the

practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Mitchell and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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

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

March 29, 2013

ENTERED

**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, R.N., M.S.M., C.S.A.C., 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.

Certified True Copy  
By   
Virginia Board of Nursing