

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SHAUNA MITCHELL, C.N.A.
 Certificate No.: 1401-118966**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on December 17, 2013, in Henrico County, Virginia. Shauna Mitchell, C.N.A., was not present nor was she represented by legal counsel. Judith Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 29, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Mitchell was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Shauna Mitchell, C.N.A., was issued Certificate No. 1401-118966 to practice as a nurse aide in Virginia on May 23, 2007. The certificate is scheduled to expire on May 31, 2014.
2. By letter dated November 25, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Mitchell notifying her that an informal conference would be held on December 17, 2013. The Notice was sent by certified and first class mail to 207 North Laburnum Avenue, Apt. 4, Richmond, Virginia 23223, the address of record on file with the Board of Nursing. The certified mail receipt and the first class mail were not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Mitchell and the informal conference

proceeded in her absence.

3. On October 7, 2010, the Board entered an Order requiring Ms. Mitchell to submit a comprehensive mental health evaluation based on findings that she had two involuntary psychiatric hospitalizations. On July 16, 2012, the Board entered an Order (“Board’s Order”) that issued Ms. Mitchell a reprimand and reinstated her certificate to practice as a nurse aide contingent upon her entry into, and continued compliance with, the Health Practitioners’ Monitoring Program (“HPMP”). The Board’s Order was based on findings that a psychological evaluation concluded that Ms. Mitchell was not fit to practice as a nurse aide due to mental illness, but her mental health treatment provider stated that Ms. Mitchell should have an opportunity to practice as nurse aide and continue to participate in mental health treatment. Term No. 3(a) of the Board’s Order required Ms. Mitchell to comply with all terms and conditions of the HPMP for the period specified by the HPMP.

4. On June 28, 2012, Ms. Mitchell signed a Participation Contract with the HPMP in which she acknowledged that her diagnosis of major depressive disorder may impair her ability to safely practice as a nurse aide. Ms. Mitchell signed two Recovery Monitoring Contracts with the HPMP, with the last contract signed on February 5, 2013.

5. On September 20, 2013, Ms. Mitchell was dismissed from the HPMP for failing to file monthly progress reports, filing late progress reports, failing to comply with her case manager’s deadline to verify that she had returned to complying with her medications, and failing to contact the case manager.

6. On October 17, 2013, Ms. Mitchell’s treatment provider at Henrico Mental Health and Developmental Service, Glen Allen, Virginia, stated that in order for Ms. Mitchell to return to nurse aide practice, she would need to be monitored for medication and treatment compliance.

7. A Department of Health Professions investigator attempted to contact Ms. Mitchell by

phone and certified and first class mail. Ms. Mitchell failed to respond to any of the investigator's attempts to contact her.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 5 constitutes a violation of Term No. 3(a) of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Shauna Mitchell, C.N.A., is hereby REPRIMANDED.
2. Certificate No. 1401-118966 of Ms. Mitchell is INDEFINITELY SUSPENDED.
3. The certificate will be recorded as suspended and no longer current.
4. At such time as Ms. Mitchell shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a nurse aide. Ms. Mitchell shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Mitchell failed to appear at the informal conference, this Order shall be considered final. Ms. Mitchell has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Mitchell has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N.,

C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: February 12th, 2014

Certified True Copy

By 

Virginia Board Of Nursing