

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **SHAUNA MITCHELL, C.N.A.**

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 13, 2010, in Henrico County, Virginia, to inquire into evidence that Shauna Mitchell, C.N.A., may have violated certain laws and regulations governing nurse aide 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. Shauna Mitchell, C.N.A., was issued Certificate No. 1401-118966 to practice as a certified nurse aide in the Commonwealth of Virginia on May 23, 2007. Said certificate is scheduled to expire on May 31, 2011.
2. On September 11, 2009, Ms. Mitchell was involuntarily committed to Southwestern Virginia Mental Health Institute, Marion, Virginia, where she received a discharge diagnosis of "Psychosis NOS [not otherwise specified]" following a confrontation with police.
3. In August 2005, Ms. Mitchell was involuntarily committed to the Medical University of South Carolina Institute of Psychiatry, Charleston, South Carolina, where she received a diagnosis of post-partum psychosis. Ms. Mitchell testified that she did not receive mental health treatment following discharge

because she felt it was unnecessary due to the availability of family support.

4. When an investigator for the Department of Health Professions asked Ms. Mitchell on December 4, 2009, whether she believed she had a mental illness, she declined to answer. During the course of the hearing, Ms. Mitchell was unable to recall with specificity the details of her subsequent treatment after moving to Virginia Beach. Ms. Mitchell further testified that she was initially prescribed Celexia (citalopram, Schedule VI); but she subsequently stopped her medication, attendance at group therapy, and sessions with a psychiatrist after approximately two to four months, without medical advice, believing her mental health issues had abated. Ms. Mitchell testified in response to a question from a Board member that she did not believe she suffered from a mental illness in the past or that she currently has a mental illness.

5. Ms. Mitchell is currently employed full time as a nurse aide in good standing at Autumn Care, Norfolk, Virginia since October 30, 2009. Her employer reports that he has no concerns about her mental health.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 2 and 3 constitute a violation of 54.1-3007(6) of the Code.

ORDER

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

1. The Board shall continue final disposition of this case for a period of 60 days upon the condition that Shauna Mitchell, C.N.A., shall have a comprehensive mental health evaluation by a mental health specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, recommended course of therapy, prognosis, and any recommendations sent to the Board. A report of said evaluation shall be reviewed by the Board at the next Board meeting following sixty (60) days from the date this Order is entered. At that time, Ms. Mitchell shall be noticed to appear before the Board for

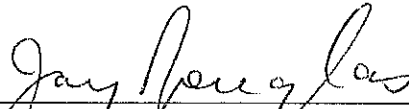
review of the evaluation and final disposition.

2. Ms. Mitchell shall maintain a course of conduct in her capacity as a certified nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

3. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nurse aides in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the certificate of Ms. Mitchell and an administrative proceeding shall be convened to determine whether such certificate 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

October 7th, 2010

ENTERED

Certified True Copy

By Deborah

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, 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.