

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on June 19, 2012, in Henrico County, Virginia, to receive and act upon the application of Shauna Mitchell, C.N.A., for reinstatement of her certificate to practice as a nurse aide in Virginia, to inquire into evidence that Ms. Mitchell may have violated certain laws and regulations governing nurse aide practice, and to receive and act upon the mental health evaluation of Ms. Mitchell as required in the Order of the Board entered on October 7, 2010. Ms. Mitchell was present and was represented by Patrick Levy-Lavelle, Esquire.

Upon consideration of the evidence, the Committee adopts 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 nurse aide in the Commonwealth of Virginia on May 23, 2007. Said license expired on May 31, 2011.
2. By letter dated May 23, 2011, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mitchell notifying her that an informal conference would be held on June 19, 2012. 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.

3. On October 7, 2010, the Board entered an Order affecting Ms. Mitchell's certificate to practice as a nurse aide, in connection with two involuntary psychiatric hospitalizations, and ordering her to submit to a comprehensive mental health evaluation.

4. On December 20, 2010, the Board granted Ms. Mitchell's request for an extension to submit the mental health evaluation that had been due to the Board on December 6, 2010. The Board granted her a second extension, requiring the submission of the mental health evaluation by April 22, 2011. The Board received an evaluation recommending that Ms. Mitchell seek a complete psychological evaluation after the deadline.

5. During the time period that Ms. Mitchell was seeking extensions for the submission of the mental health evaluation as ordered by the Board, she was employed as a nurse aide at Autumn Care of Norfolk, Norfolk, Virginia. Ms. Mitchell's employment with Autumn Care was terminated on January 26, 2011, for failing to care for all her assigned patients that day. This followed an incident on December 20, 2010, during which she failed to properly use a lift to transfer a resident. She allowed the resident to lean against the bed when the bed wheels were not locked. As a result, the resident slid to the floor and sustained a skin tear.

6. Ms. Mitchell was hospitalized in April 2011 at Virginia Beach Psychiatric Hospital, where she received inpatient psychiatric care.

7. The complete psychological evaluation of Ms. Mitchell was submitted to the Board on July 7, 2011. This report concluded that Ms. Mitchell was not fit to practice due to diagnoses of Psychotic Disorder – NOS and Post-Partum Depression and Psychosis and noted that her "judgment, concern for safety and impulse control are all poor at this time."

8. Ms. Mitchell submitted an application for reinstatement of her certificate to practice as a nurse aide, which was received by the Board on April 18, 2012.

9. Ms. Mitchell has been receiving mental health treatment from Henrico Area Mental Health and Developmental Services since October 2011. She stated that she sees a nurse practitioner once a month and is taking Celexa and Abilify as prescribed.

10. On June 14, 2012, the Board received a letter from Ms. Mitchell's Henrico Area Mental Health case manager stating that "[d]ue to her progress in various areas, it is recommended that Ms. Mitchell be provided the opportunity to practice" and "recommended that Ms. Mitchell continue to participate in mental health treatment to ensure she is provided with support and education surrounding her illness."

11. Ms. Mitchell stated at the informal conference that she was willing to enter the Health Practitioners' Monitoring Program if required by the Board.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board's Order.
2. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(5) of the Code.
3. Findings of Fact No. 6 and 7 constitute a violation of § 54.1-3007(6) of the Code.
4. Based on the above Findings of Fact, the Committee concludes that Ms. Mitchell is a candidate for the Health Practitioners' Monitoring Program ("HPMP").
5. The Board concludes that Ms. Mitchell has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Ms. Mitchell is hereby REPRIMANDED.
2. The certificate of Shauna Mitchell, C.N.A., shall be REINSTATED upon proof of entry into a Contract with the HPMP provided to the Board. Thereafter, Ms. Mitchell shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

3. Ms. Mitchell shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Mitchell is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Mitchell involving a violation of law or regulation or any term or condition of this Order; or

c. Ms. Mitchell has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Mitchell's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Mitchell's appearance before the Board and conduct an administrative review of this matter.

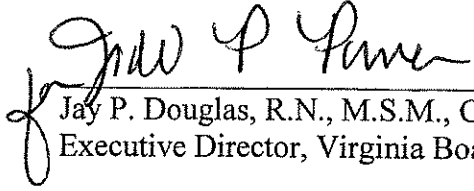
4. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Mitchell, and an administrative proceeding shall be held to decide whether her certificate should be revoked.

5. Ms. Mitchell shall maintain a course of conduct in her capacity as a nurse aide 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 on request.


Pursuant to Section 54.1-2400(10) of the Code, Ms. Mitchell may, not later than 5:00 p.m., on **August 20, 2012**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:


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

ENTERED: July 16, 2012

This Order shall become final on **August 20, 2012**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By _____
Virginia Board of Nursing