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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **MARTHA MANDEL, R.N.**  
License No.: 0001-197022

**CONSENT ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), an informal conference was held before a Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) on October 24, 2013, in Henrico County, Virginia, to inquire into evidence that Martha Mandel, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia and an Order of the Board entered August 15, 2012. Ms. Mandel was not present and was not represented by legal counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACT**

1. Martha Mandel, R.N., was issued License No. 0001-197022 to practice professional nursing by the Virginia Board of Nursing on July 14, 2005. Said license is set to expire on February 28, 2015. Her primary state of residence is Virginia.
2. By letter dated July 12, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Mandel notifying her that an informal conference would be held on August 8, 2013. The Notice was sent by certified and first class mail to 113 Lakewood Drive, Stephens City, Virginia 22655, the address of record on file with the Board of Nursing. At Ms. Mandel’s request, the informal conference was continued. Notice of the continuance was sent by certified and first class mail to Ms. Mandel at the address of record on file with the Board of Nursing on August 2, 2013. The signed certified mail receipt was

received in the Board office on August 8, 2013. The Notice sent by first class mail was not returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. Mandel and the informal conference proceeded in her absence.

3. By Consent Order of the Board entered August 15, 2012, the Board took no action against Ms. Mandel contingent upon her entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP"). This Order was based on findings that Ms. Mandel was unable to safely practice nursing due to substance abuse.

4. Ms. Mandel entered into a Participation Contract with the HPMP on September 6, 2012. She entered a Recovery Monitoring Contract on November 19, 2012.

5. On January 11, 2013, Ms. Mandel was dismissed from HPMP for noncompliance with her Recovery Monitoring Contract. Specifically, she continued to use narcotics, failed to call the drug testing line on numerous occasions, and twice failed to submit to drug screens when directed to do so.

6. Ms. Mandel was admitted to Cornerstone of Recovery, Louisville, Tennessee, for inpatient chemical dependency treatment on February 12, 2013, and was discharged against medical advice on April 8, 2013.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 5 constitutes a violation of Term No. 1 of the Board's Order entered August 15, 2012.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.

#### **CONSENT**

Martha Mandel, R.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 a formal fact finding hearing 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 a formal hearing;
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 professional 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. Martha Mandel, R.N., is hereby REPRIMANDED.
2. License No. 0001-197022 of Martha Mandel, R.N., is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ms. Mandel shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Mandel shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
5. This suspension applies to any multistate privilege to practice professional nursing.

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

Jane Ingalls  
Jane Ingalls, R.N., Ph.D.  
President, Virginia Board of Nursing

ENTERED: Jan. 28, 2014

SEEN AND AGREED TO:

Martha Mandel RN  
Martha Mandel, R.N.

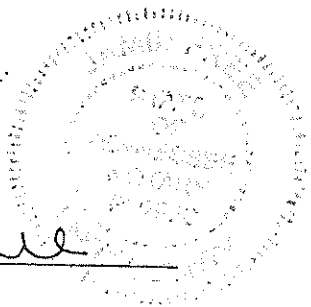
COMMONWEALTH OF ~~VIRGINIA~~, Tennessee  
COUNTY/CITY OF KNOX, TO WIT:

Subscribed and sworn to before me, Jamie Free, a Notary Public, this 11 day of December, 2013.

My commission expires 5-4-14

Registration Number \_\_\_\_\_

Jamie Free  
NOTARY PUBLIC



**Certified True Copy**

By [Signature]  
Virginia Board of Nursing