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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

The Virginia Board of Nursing ("Board") and Martha Mandel, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Mandel's license to practice professional nursing in Virginia.

The Board adopts 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, 2013. Her primary state of residence is Virginia.
2. Ms. Mandel is unable to safely practice professional nursing due to substance abuse. She was admitted to the Winchester Medical Center emergency department twice in January 2012 following accidental overdoses of prescription medications, including Motrin, Xanax, Seroquel, and hydrocodone. She attended an inpatient substance abuse treatment program between January 31 and February 22, 2012. Previously, she was hospitalized in June 2010 for treatment of depression and excessive alcohol use. She is currently under the care of a psychiatrist and a professional counselor.
3. Ms. Mandel's employment with Winchester Medical Center was suspended due to her substance abuse.

CONCLUSIONS OF LAW

Findings of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended ("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 an informal fact finding conference 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 an informal conference;
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. The Board shall TAKE NO ACTION at this time contingent on Ms. Mandel's entry into the Health Practitioners' Monitoring Program ("HPMP") within 30 days of the date of entry of this Order. Thereafter, Ms. Mandel shall comply with the terms and conditions of the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Mandel, and an administrative proceeding shall be held to decide whether her license should

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

- a. She has failed to make application to the HPMP;
- b. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;
- c. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or
- d. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Mandel's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Mandel's appearance before the Board and conduct an administrative review of this matter.

3. This Order is applicable to Ms. Mandel's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Mandel shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

4. Ms. Mandel 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.

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

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

ENTERED: August 15, 2012

SEEN AND AGREED TO:

Martha Mandel, RN
Martha Mandel, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF FREDERICK, TO WIT:

Subscribed and sworn to before me, Christopher M. Biby, a Notary Public, this 6th day of August, 2012.

My commission expires Oct 31, 2012.

Registration Number 7222199.

CHRISTOPHER M. BIBY
NOTARY PUBLIC
Commonwealth of Virginia
Reg. # 7222199

Christopher M. Biby
NOTARY PUBLIC