The attached are Primary Source Documents of the Idaho Board of Nursing for:

Victoria Mitchell

Idaho Board of Nursing – PO Box 83720 – Boise, Idaho 83720-0061 – (208) 334-3110
February 10, 2009

Victoria Mitchell  
PO Box 461  
Star ID 83669

Dear Ms. Mitchell:  
During their meeting on February 5-6, 2009, the Board of Nursing members took action to accept the Findings of Fact, Conclusions of Law and Final Order in which your practical nurse license, PN-12809 was revoked. During the period of revocation, you may not practice nursing in the State of Idaho. Enclosed is a copy of the Final Order.

The Order became effective February 6, 2009. Please be advised that you may not apply for reinstatement for a period of two (2) years from the date of this order.

Sincerely,  

SANDRA EVANS, MAEd, RN  
Executive Director

SE: lhce  
enclosure

The Mission of the Board of Nursing is to regulate nursing practice and education for the purpose of safeguarding the public health, safety and welfare.
BEFORE THE IDAHO STATE BOARD OF NURSING

In the Matter of the License of:

VICTORIA L. MITCHELL,
License No. PN-12809,

Respondent.

) )
Case No. BON 08-033

FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER

Having reviewed the documents appended hereto, the Idaho State Board of Nursing (the "Board") enters the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Victoria L. Mitchell ("Respondent") has been licensed by the Idaho State Board of Nursing under License No. PN-12809 to engage in the practice of nursing in the State of Idaho.


4. On or about April 22, 2008, the Board received a Report of Violation of the Nurse Practice Act from Respondent’s employer indicating that Respondent had been convicted of Driving Under the Influence.

5. The Board then investigated the matter. During the investigation, Respondent provided the Board’s investigator with a copy of an April 9, 2008, Alcohol-Drug Evaluation Report prepared by a Certified Alcohol/Drug Counselor (CADC) in connection with the Ada County court DUI proceedings. The evaluator determined that Respondent was positive for alcohol abuse and recommended that Respondent undergo 64 hours of outpatient drug and alcohol treatment.

6. On June 17, 2008, Respondent voluntarily surrendered her license, admitting that she engaged in driving under the influence of alcohol on two occasions.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 1
Respondent agreed to enter treatment immediately and to participate in a monitoring program, and to resume the practice of nursing only at such time as a conditional limited license is issued to her. A copy of Respondent’s Voluntary Surrender of License is attached hereto as Exhibit A.

7. On November 19, 2008, the Board’s monitoring program to which Respondent had been referred—the Program for Recovering Nurses (“PRN”)—notified the Board that (a) Respondent had advised the PRN staff that she lacked time to participate in the PRN, and (b) Respondent had, in fact, failed to enroll in the PRN. A copy of the November 19, 2008, letter from PRN to the Board is attached hereto as Exhibit B.

8. On November 24, 2008, Board staff sent a letter to Respondent notifying her that the Board’s PRN Advisory Committee would review her case at its January 9, 2009, meeting and that she could request to meet with the Committee by calling the Board office by December 29, 2008, to request an appointment time. A copy of the November 24, 2008, letter to Respondent is attached as Exhibit C.

9. On December 17, 2008, Respondent replied to the BON staff’s letter by calling the staff and stating that she was unable to dedicate the required time to attend meetings as required by the PRN. Respondent also said that she understood the Board would take action against her license at its next meeting, including possible revocation of her license.

CONCLUSIONS OF LAW

1. As a licensed nurse in the State of Idaho, Respondent is subject to the jurisdiction of the Board and to the provisions of title 54, chapter 14, Idaho Code.

2. Respondent’s Idaho License No. PN-12809 is conditioned upon her complying with the laws and rules of the Idaho State Board of Nursing.

3. Respondent habitually uses alcohol in violation of the laws and rules governing the practice of nursing in the State of Idaho; specifically Idaho Code § 54-
1413(1)(e) and Board Rule 100.06 (a nurse shall not habitually use alcoholic beverages or drugs, with "habitual use" defined to include: "determined by a qualified person [to be] in need of . . . treatment or rehabilitation or counseling because of drug or alcohol use").

4. Respondent voluntarily surrendered her license and agreed to immediately enter treatment and participate in a monitoring program. She has failed to do so.

5. Pursuant to Idaho Code § 54-1413(3)(a), Respondent’s voluntary surrender of her license empowers the Board, without a hearing, to revoke or suspend Respondent’s license and/or impose such conditions, limitations, or restrictions on her license as the Board in its discretion may deem appropriate.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause being shown, it is hereby ordered that:

1. License No. PN-12809 issued to Victoria L. Mitchell is hereby:

✓ Revoked: Respondent may not apply for reinstatement for a two (2) year period after entry of this Order or a _____ year period after entry of this Order, whichever period is greater.

___ Suspended: _____ days _____ year(s) _____ indefinitely.

   Respondent’s license shall be a single-state license during the term of suspension and Respondent shall not be eligible to practice on the Compact privilege in any other state participating in the Nurse Licensure Compact with the State of Idaho.

2. At such time as Respondent requests reinstatement of licensure, she shall comply with the requirements of Idaho Code § 54-1411(3) and IDAPA 23.01.01.120. This will include, but is not limited to, providing the following information to the Board:

   a. Evidence of abstinence from the use of non-medically prescribed drugs and alcohol;

   b. Documentation that she is rehabilitated and competent to practice nursing by submitting:
i. A comprehensive drug/alcohol evaluation completed by a qualified health care provider at the time of application for reinstatement.

ii. A detailed summary of employment since licensure revocation or suspension; and

iii. Documentation of activities engaged in to address drug/alcohol issues, to include documentation of an active recovery program.

3. The Board reserves the right to assess investigative costs and attorney fees incurred in this matter as a condition of reinstatement.

This order is effective immediately.

DATED this ___ day of ___, 2009.

IDAHO STATE BOARD OF NURSING

By

Susan Odom, Ph.D., R.N.
Chair

NOTICE OF DUE PROCESS RIGHTS

This is a final order of the Board. Any party may file a motion for reconsideration of this final order within fourteen (14) days of the service date of this order. The Board will dispose of the petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Idaho Code § 67-5246(4).

Pursuant to Idaho Code §§ 67-5270 and 67-5272, any party aggrieved by this final order or orders previously issued in this case may appeal this final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

a. A hearing was held.
b. The final agency action was taken,
c. The party seeking review of the order resides, or
d. The real property or personal property that was the subject of the agency action is located.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER - 4
An appeal must be filed within twenty-eight (28) days (a) of the service date of this final order, (b) of an order denying petition for reconsideration, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration, whichever is later. See Idaho Code § 67-5273. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ___10___ day of FEBRUARY, 2009, I caused to be served a true and correct copy of the foregoing by the following method to:

Victoria L. Mitchell
P.O. Box 461
Star, ID 83669

☐ U.S. Mail
☐ Hand Delivery
☒ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: _______________________
☐ Statehouse Mail

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

☐ U.S. Mail
☐ Hand Delivery
☐ Certified Mail, Return Receipt Requested
☐ Overnight Mail
☐ Facsimile: _______________________
☒ Statehouse Mail

__________________________
Sandra Evans, M.A.Ed, R.N.
Executive Director
Board of Nursing
RULE 132
TEMPORARY VOLUNTARY SURRENDER OF LICENSE

I, Victoria Mitchell, by affixing my signature hereto, acknowledge that:

1. I admit that I have engaged in the following conduct: driving under the influence of alcohol x 2 counts.

2. I understand that the admitted facts constitute grounds for disciplinary action pursuant to the Nursing Practice Act, Idaho Code §54-1413(1) and the rules of the Board, IDAPA 23.01.01, et seq. I also understand that the Board of Nursing has the authority to accept this temporary voluntary surrender pursuant to Idaho Code §54-1413(3)(a).

3. I am aware that, without my consent, no legal action can be taken against me, except pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code.

4. I understand that I have the following rights, among others: the right to a formal fact finding hearing before the Board, to reasonable notice of said hearing, to representation by counsel, to present evidence and testimony on my behalf, to compel the testimony of witnesses, and to cross-examine witnesses against me; and

5. I waive all such rights, including the right to a formal disciplinary hearing.

6. I also waive the right to challenge the board for bias in the event that charges concerning these admitted facts or any other matter involving my license are brought before the board.

7. In lieu of a formal disciplinary hearing, I hereby temporarily voluntarily surrender license number PN-12809 and will immediately discontinue the practice of nursing in Idaho.

8. As required by Board of Nursing Rule 132, IDAPA 23.01.01.132, I agree to enter treatment immediately, to participate in a monitoring program and to resume the practice of nursing only at such time as a conditional limited license has been issued to me.

9. I understand that Board of Nursing representatives will, if questioned, report the status of my license as “surrendered.”

DATED: 6/17/08

Victoria Mitchell
Signature of Licensee
12010 Gambrick St
Address
Stevie, ID 83667
City, State, Zip

DATED: 10-17-08

2/08

Signature of Witness

Exhibit A
Page 1 of 1
November 19, 2008

Idaho State Board of Nursing
ATTN: Sandra Evans
P.O. Box 83720
Boise, ID 83720-0061

RE: Victoria Mitchell

Dear Ms. Evans,

This letter is being sent to notify you that Ms. Victoria Mitchell, a Board of Nursing referral, has failed to enroll in the Program for Recovering Nurses (PRN) as requested by the Board. Ms. Mitchell was sent a contract on October 2, 2008 and given a deadline of October 13, 2008 to get the contract back to the PRN office. On October 21, 2008 Ms. Mitchell informed this office via a telephone conversation that she would not be returning her contract because she lacks the time to commit to our program.

We look forward to receiving further guidance from the Board of Nursing regarding this issue. If you have any questions or concerns, please feel free to contact either me at (208) 323-9555.

Sincerely,

Ashley Gochnour
Compliance Monitor
Southworth Associates

cc: Victoria Mitchell
Victoria Mitchell  
12010 Gambrell Street  
Star ID 83669

Dear Ms. Mitchell:

We have been notified by the Program for Recovering Nurses that you have not returned a signed contract necessary to enroll in this program. Additionally, you have indicated that you lack the time to commit to the program.

Your file will be placed on the agenda for consideration by members of the Program for Recovering Nurses Advisory Committee at their meeting on January 9, 2009, for continuance in the program or referral to the Board members for disciplinary action.

Please contact Linda Coley (208) 334-3110 ext 25 in the Board office to schedule an appointment to meet with the Advisory Committee no later than December 29, 2008.

Sincerely,

SANDRA EVANS, MAEd, RN  
Executive Director

SE:lhcc  
cc: John Southworth, Coordinator