

## WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

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IN THE MATTER OF DISCIPLINARY :  
PROCEEDINGS AGAINST :  
 : FINAL DECISION AND ORDER  
DAVID W. MITCHELL, R.N., :  
RESPONDENT. :

**0005167**

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Division of Legal Services and Compliance Case No. 16 NUR 394

The parties to this action for the purpose of Wis. Stat. § 227.53 are:

David W. Mitchell, R.N.  
434 East Craig Street  
Craigs ville, VA 24430

Wisconsin Board of Nursing  
P.O. Box 8366  
Madison, WI 53708-8366

Division of Legal Services and Compliance  
Department of Safety and Professional Services  
P.O. Box 7190  
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Wisconsin Board of Nursing (Board). The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following Findings of Fact, Conclusions of Law and Order.

FINDINGS OF FACT

1. Respondent David W. Mitchell, R.N., (dob September 5, 1964) is licensed in the State of Virginia as a professional nurse, having license number 0001143493. Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is 434 East Craig Street, Craigs ville, Virginia 24430.

2. At all times relevant to this proceeding, Respondent was practicing as a professional nurse in Wisconsin under the Nurse Licensure Compact at a hospital, located in Milwaukee, Wisconsin.

3. On June 22, 2016, an investigation was opened pursuant to a complaint that Respondent departed from or failed to conform to the minimal standards of acceptable nursing practice that may have created unnecessary risk or danger to a patient's life, health or safety.

4. The investigation revealed that since April 18, 2016, Respondent has not practiced nursing in Wisconsin and Respondent does not plan to return to Wisconsin to practice nursing.

5. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Wisconsin Board of Nursing has jurisdiction to act in this matter pursuant to Wis. Stat. § 441.07, and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

ORDER

1. The attached Stipulation is accepted.

2. The voluntary surrender of the privilege of David W. Mitchell, R.N., to practice nursing in the State of Wisconsin under another state license pursuant to the Nurse Licensure Compact is hereby accepted.

3. The surrender of Respondent's privilege to practice nursing in the State of Wisconsin pursuant to the Nurse Licensure Compact shall be permanent.

4. This Order is effective on the date of its signing.

WISCONSIN BOARD OF NURSING

by: Deyl Krage  
A Member of the Board

2-9-17  
Date

STATE OF WISCONSIN  
BEFORE THE BOARD OF NURSING

IN THE MATTER OF DISCIPLINARY  
PROCEEDINGS AGAINST

DAVID W. MITCHELL, R.N.,  
RESPONDENT.

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STIPULATION

**0005167**

Division of Legal Services and Compliance Case No. 16 NUR 394

Respondent David W. Mitchell, R.N., and the Division of Legal Services and Compliance, Department of Safety and Professional Services stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Board of Nursing (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

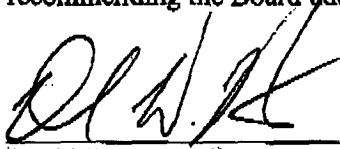
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division

of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.


6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

  
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David W. Mitchell, R.N., Respondent  
434 East Craig Street  
Craigsville, VA 24430  
VA license no. 0001143493

1/4/2017  
Date

  
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Kim M. Kluck, Attorney  
Department of Safety and Professional Services  
Division of Legal Services and Compliance  
P.O. Box 7190  
Madison WI 53707-7190

1/5/17  
Date