



STATE OF MAINE
 BOARD OF NURSING
 158 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0158

JOHN ELIAS BALDACCI
 GOVERNOR

MYRA A. BROADWAY, J.D., M.S., R.N.
 EXECUTIVE DIRECTOR

IN RE: **SYLENDIA MITCHELL, R.N.**)
 a.k.a., Sylenda Stearns Mitchell) **DECISION AND ORDER**
 a.k.a., Sylenda Stearns Johnson) **OF REVOCATION**
 a.k.a., Sylenda Mitchell Stearns)
 a.k.a., Sylenoa Stearns Mitchell)
 Maine License No. R051388)

INTRODUCTION

On June 14, 2007, the Maine State Board of Nursing (“Board”) met at the Board’s offices located at 161 Capital Street, Augusta, Maine. The Board reviewed the certified copy of a Default Decision and Order dated November 27, 2006, in the matter of Sylenda Stearns Johnson Mitchell, before the Board of Registered Nursing, Department of Consumer Affairs, State of California (“California Board”), Case No. 2006-137, attached hereto and marked as Exhibit A.

FACTS

1. Sylenda Mitchell has been licensed as a registered professional nurse in Maine since 2005.
2. On November 27, 2006, the California Board revoked, Sylenda Mitchell’s registered nurse license No. 256838 for: 1) criminal convictions that are substantially related to the qualification, functions or duties of a registered nurse because they evidence, to a substantial degree, Ms. Mitchell’s present or potential unfitness to practice in a manner consistent with the public health, safety or welfare of patients and the general public; 2) for unprofessional conduct, in that Ms. Mitchell obtained, possessed, or administered a controlled substance, by fraud, deceit, misrepresentation or subterfuge; and, 3) for unprofessional conduct, in that Ms. Mitchell used a controlled substance to an extent or a manner dangerous or injurious to herself, and the public, when she reported for nursing duties while under the influence of a controlled substance. Exhibit A.
3. Pursuant to 5 M.R.S.A. § 5302 the Board concluded, based upon the recent convictions and serious nature of the underlying criminal conduct, and Ms. Mitchell’s revocation of her California registered nurse license by the California Board, that Ms. Mitchell’s behavior fails to conform to legal standards and accepted standards of the nursing profession, and the conviction of crimes in the state of California are substantially related to the qualifications, functions or duties of a registered professional nurse, and that such conduct reflects adversely on the health and welfare of the public.



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OFFICES LOCATED AT: 161 CAPITOL ST., AUGUSTA, ME
<http://www.maine.gov/boardofnursing/>

PHONE: (207) 287-1133

FAX: (207) 287-1149

APPLICABLE LAW

1. Pursuant to 32 M.R.S.A. § 2105-A (2), "The Board may suspend or revoke a license pursuant to Title 5, section 10004."
2. Pursuant to 5 M.R.S.A. § 10004(1), "an agency may revoke, suspend or refuse to renew any license without proceedings in conformity with subchapters IV or VI, when the decision to take that action rests solely upon a finding or conviction in a court of any violation which by statute is expressly made grounds for revocation." The grounds for revocation are:
 - a. "The practice of fraud or deceit in obtaining a license under this chapter or in connection with service rendered within the scope of the license issued;
 - b. Unprofessional conduct. A licensee is considered to have engaged in unprofessional conduct if the licensee violates a standard of professional behavior that has been established in the practice for which the licensee is licensed: and,
 - c. Subject to the limitations of Title 5, chapter 341, conviction of a crime that involves dishonesty or false statement or that relates directly to the practice for which the licensee is licensed or conviction of a crime for which incarceration for one year or more may be imposed."
3. Pursuant to 5 M.R.S.A. § 10004(2), "an agency may, revoke, suspend or refuse to renew any license without proceeding in conformity with subchapters IV or VI, when the Maine license has been issued upon the basis of a reciprocal agreement with another government, and the Maine action is based upon evidence, in the form of a certified copy, that the authority issuing the license which provided the basis for the reciprocal licensing in Maine has revoked or suspended their license."

CONCLUSIONS OF LAW

The Board has the authority to suspend or revoke Sylenda Mitchell's registered professional nurse license Pursuant to 5 M.R.S.A. § 10004 (1) and (2), 32 M.R.S.A. § 2105-A(2)(A), (2)(E), (2)(F) and (2)(G).

The criminal convictions described in the above-stated facts are grounds for discipline because Ms. Mitchell was convicted of a crime that is a criminal conviction for which incarceration for one year or more could have been imposed. In addition, the Board can take reciprocal action when the Maine license has been issued upon the basis of a reciprocal agreement with another government, and the Maine action is based upon evidence, in the form of a certified copy, that the authority issuing the license which provided the basis for the reciprocal licensing in Maine has revoked or suspended their license.

DECISION AND ORDER

A motion was made and seconded to immediately revoke Sylenda Mitchell's registered professional nurse license. By a unanimous vote of the Board, Sylenda Mitchell's registered professional nurse license is revoked effective immediately.

RECORD VOTE

THERESE B. SHIPPS	Affirmative
CARMEN CHRISTENSEN	Affirmative
SUSAN BRUME	Affirmative
KAREN L. TRIPP	Affirmative
BETTY-A. KENT-CONANT	Affirmative
LYNN F. TURNBULL	Affirmative
BRUCE R. O'DONNELL	Affirmative
ROBIN BROOKS	Affirmative

DATED: July 21, 2007



THERESE B. SHIPPS, Chair
FOR THE MAINE STATE
BOARD OF NURSING

NOTICE OF APPEAL RIGHTS

Sylenda Mitchell may appeal this Decision and Order summarily revoking her license by filing a petition for review of final agency action in the Superior Court pursuant to 5 M.R.S.A. §§ 11001, *et seq.* within thirty (30) days after receipt of notice of this Decision and Order. Any other person aggrieved by this Decision and Order may seek judicial review in like manner by filing a petition for review in Superior Court within forty (40) days after the date of this Decision and Order.