

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KATHRYN ELLEN SMITH, L.P.N.
License Number: 0002-079963
Case Number: 177449

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on October 4, 2017, in Henrico County, Virginia, to inquire into evidence that Kathryn E. Smith, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Kathryn Ellen Smith, L.P.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated September 13, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Smith notifying her that an informal conference would be held on October 4, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Kathryn Ellen Smith, L.P.N., was issued License Number 0002-079963 to practice practical nursing on March 11, 2009, which is scheduled to expire on September 30, 2018. At all times relevant to the findings contained herein, said license was current and active. Her primary state of residence is Virginia.

2. During the course of her employment with Timberview Crossing Assisted Living, Timberview, Virginia, while functioning as a practical nurse and an assisted living facility administrator:

a. Kathryn Ellen Smith, L.P.N., violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(d) and (f) of the Regulations Governing the Practice of Nursing (“Regulations”) (currently found at 18 VAC 90-19-230(A)(2)(d) and (f) effective February 24, 2017), in that from July 2016 through August 2016, she failed to assess residents’ wounds, and assigned registered medication aides to perform wound care, using first aid methods, on Resident A, who had a diabetic ulcer with drainage on his great toe, and on Resident B, who had an open wound with fatty tissue exposed with a moderate amount of serous draining.

b. Ms. Smith violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(f), effective February 24, 2017), in that she failed to submit International Normalized Ratio (“INR”) test results to residents’ physicians in a timely manner. On August 16, 2016, Resident C’s physician called the facility requesting the resident’s results from May 2016 through that date.

3. Ms. Smith initially stated that she felt it was the responsibility of the home health and hospice nurses to assess and administer wound care, but acknowledged that it was within her scope of responsibility.

4. Ms. Smith denied not checking or submitting INR results, but investigative information revealed that the machine indicated no testing had been done since March 2016.

5. An inspection by the Department of Social Services occurred on August 19, 2016, following a complaint alleging inadequate care of residents and unsanitary conditions, which was determined to be valid.

6. Ms. Smith's employment was terminated on August 19, 2016, for instructing non-clinical staff to provide services outside of their scope of practice (wound care), potentially putting resident health in jeopardy, and overall continuance of not following regulations in a timely manner.

7. Ms. Smith admitted to using the company credit card for her personal and unauthorized expenses. The total amount owed was \$2,613.84, which she stated she is working on repaying.

8. Ms. Smith is currently employed at Harrisonburg Health and Rehabilitation as a staff nurse and has stepped down her responsibility level. Her employer is not aware of her appearance before the Board. She has not had any other terminations in her nursing employment.

ORDER

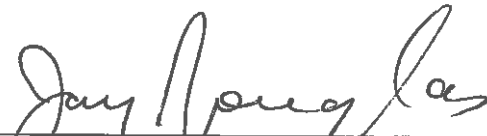
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Kathryn Ellen Smith, L.P.N., is REPRIMANDED.
2. Within 90 days from the date of entry of this Order, Ms. Smith shall provide written proof satisfactory to the Board of successful completion of the following NCSBN courses: *Disciplinary Actions: What Every Nurse Should Know; Documentation: A Critical Aspect of Client Care; Professional Accountability & Legal Liability for Nurses; Righting a Wrong: Ethics and Professionalism in Nursing; and Sharpening Critical Thinking Skills.*
3. Continuing education obtained through compliance with this term shall not be used toward licensure renewal.
4. Ms. Smith shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

5. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of practical nursing shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED:

November 2nd, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Smith may, not later than 5:00 p.m., on December 5, 2017, notify Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on December 5, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing