

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DELORES BONN SMITH, R.N.
License Number: 0001-100511
Case Number: 173334

RATIFICATION AND ORDER

On July 19, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Delores Bonn Smith, R.N., was not present nor was she represented by legal counsel.

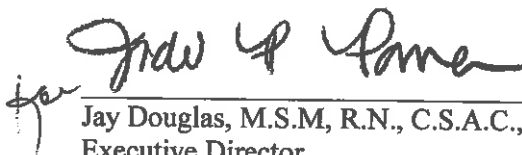
In consideration whereof, the Board of Nursing ACCEPTS the attached Recommended Findings of Fact and Conclusions of Law of the Agency Subordinate and ADOPTS the Recommended Order in its entirety.

Pursuant to Virginia Code § 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.

Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Smith's health records or health services.

Since Ms. Smith failed to appear at the informal conference, this Order shall be considered final. Ms. Smith has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Smith has thirty days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD

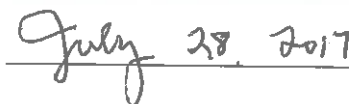


Jay Douglas, M.S.M, R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 
Virginia Board of Nursing

ENTERED AND MAILED ON:



BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DELORES BONN SMITH, R.N.
License Number: 0001-100511
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REPORT AND RECOMMENDATION OF AGENCY SUBORDINATE

Jurisdiction and Procedural History

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), Jane Elliott, R.N., Ph.D., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on June 15, 2017 in Henrico County, Virginia, to inquire into evidence that Delores Bonn Smith, R.N., may have violated certain laws and regulations governing the practice of professional nursing in the Commonwealth of Virginia.

Ms. Smith did not appear at this proceeding and was not represented by legal counsel.

Upon consideration of the evidence, the Agency Subordinate makes the following Findings of Fact and Conclusions of Law and recommends that the Board adopt the following Order.

Notice

By letter dated May 19, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Smith notifying her that an informal conference would be held on June 15, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The Notice also was sent by certified and first class mail to a secondary address. According to the USPS tracking website, notice was left at Ms. Smith’s address of record for the certified mail package sent there on May 22, 2017 and was returned to the Board office unclaimed after the maximum hold time had expired on June 12, 2017. Notice was left for the certified mail package sent to Ms. Smith’s secondary address on May 22, 2017, and it was available for pick-up as of June 6, 2017. The Notices sent by first class mail were not returned to the Board office. Accordingly, the Agency Subordinate concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.

Recommended Findings of Fact and Conclusions of Law

1. Delores Bonn Smith, R.N., was issued License Number 0001-100511 to practice professional nursing on March 18, 1986, which expired on July 31, 2016. At all times relevant to the findings herein, said license was in full force and effect or was eligible to be renewed. Her primary state of residence is Virginia.

2. Ms. Smith violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice professional nursing due to physical and mental illness, as evidenced by the following:

a. On April 5, 2016, Ms. Smith was transported to the emergency room of Carilion Roanoke Memorial Hospital, Roanoke, Virginia, exhibiting manic behavior. She was hitting herself and pulling her hair. Ms. Smith was diagnosed with psychosis, unspecified psychosis type, and severe recurrent major depression with psychotic features, and was subsequently transferred by Temporary Detention Order to St. Albans Hospital, Christiansburg, Virginia. She was discharged from St. Albans Hospital with a diagnosis of episodic mood disorder.

b. Following a fall in 2010, Ms. Smith developed chronic pain. She is being treated for chronic pelvic pain and osteoarthritis in both knees. On October 20, 2016, Ms. Smith's primary care physician opined that Ms. Smith was unable to physically return to work as a nurse at that time.

c. In April 2015, Ms. Smith attempted suicide by ingesting her prescription medications. Following the attempt, she entered Blue Ridge Behavioral Healthcare, Roanoke, Virginia, for counseling services.

3. On October 19, 2016, Ms. Smith told the investigator from the Department of Health Professions that she did not believe she had any emotional problems that would prevent her from functioning as a nurse, but that her physical condition would not allow it.

4. As of October 2016, Ms. Smith was unemployed and was collecting Social Security disability.
5. On October 19, 2016, Ms. Smith's case manager at Blue Ridge Behavioral Healthcare stated that Ms. Smith was not attending individual or group counseling sessions and that she would not recommend that Ms. Smith practice as a nurse at that time.
6. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Smith's health records or health services.

Recommended Order

Based on the foregoing Findings of Fact and Conclusions of Law, the Agency Subordinate recommends that the Board issue an Order as follows:

1. The right of Delores Bonn Smith, R.N., to renew her license to practice professional nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Delores Bonn Smith, R.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice professional nursing.
4. Should Ms. Smith seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Smith to demonstrate that she is safe and competent to return to the practice of professional nursing. Ms. Smith shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

Reviewed and approved on June 21, 2017
By Jane Elliott, R.N., Ph.D.
Agency Subordinate

Certified True Copy

By 
Virginia Board of Nursing