

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: ASHLEY LYNN SMOOT, R.M.A.

Registration No.: 0031-009047

Case Number: 170137

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), an Agency Subordinate of the Virginia Board of Nursing (“Board”) held an informal conference on January 10, 2017, in Henrico County, Virginia, to inquire into allegations that Ashley Lynn Smoot, R.M.A., may have violated certain laws and regulations governing the practice of medication aides in Virginia.

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

NOTICE

By letter dated December 7, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Smoot notifying her that an informal conference would be held on January 10, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board office. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Smoot and the informal conference proceeded in her absence.

BOARD’S CONSIDERATION OF AGENCY SUBORDINATE’S RECOMMENDATION

The Board met regarding this matter on March 22, 2017. Ms. Smoot was not present nor was she represented by legal counsel.. In consideration whereof, the Board makes the following Findings of Fact and Conclusions of Law and issues the ORDER contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Ashley Lynn Smoot, R.M.A., was issued Registration Number 0031-009047 to practice as a medication aide on December 8, 2015, which expired on December 31, 2016. At all times relevant to the findings herein, said registration was in full force and effect.
2. Ms. Smoot violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides ("Regulations") in that during the course of her employment at Greenfield Senior Living, Berryville, Virginia, on September 15, 2015:
 - a. Ms. Smoot yelled at Resident A, used profanity towards her and told the resident that she woke her up.
 - b. Ms. Smoot told Resident B not to touch her and used profanity towards her.
 - c. Ms. Smoot placed her cellphone next to Resident C's ear and blasted her music and continued to do so after the resident asked her to stop. Ms. Smoot also yelled at Resident C and spoke to her in a rude manner.
3. The care manager witnessed Ms. Smoot's behavior. Ms. Smoot denied the allegations. Further, Ms. Smoot was counseled on six previous occasions. Ms. Smoot's employment was terminated on September 16, 2015, due to inappropriate behavior and misconduct with residents and sleeping during work hours.
4. Ms. Smoot violated Virginia Code § 54.1-3007(2) and 18 VAC 90-60-120(2)(e) of the Regulations in that on the employment application for Greenfield Senior Living dated April 6, 2015, Ms. Smoot failed to disclose that she was disciplined during her employment with Royal Haven, Inc., for being disrespectful to residents and refusing residents food and water, and that her employment had been terminated on December 29, 2014, for poor job performance.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Board Orders as follows:

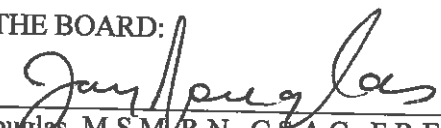
1. The right of Ashley Lynn Smoot, R.M.A., to renew her registration to practice as a medication aide in the Commonwealth of Virginia is REVOKED.

2. Pursuant to Virginia Code § 54.1-2408.2, should Ashley Lynn Smoot, R.M.A., seek reinstatement of her registration after three years, the reinstatement of Ms. Smoot's registration shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by the Board. At such time, the burden shall be on Ms. Smoot to demonstrate that she is safe and competent to return to practice as a medication aide. Ms. Smoot shall be responsible for any fees that may be required for the reinstatement and/or renewal of the registration prior to issuance of the registration to resume practice.

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.

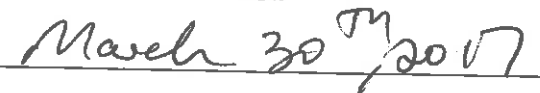
Since Ms. Smoot failed to appear at the informal conference, this Order shall be considered final. Ms. Smoot has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Smoot has thirty days from the date of service (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

ENTERED AND MAILED ON:



March 30th 2017

Certified True Copy

By 

Virginia Board Of Nursing