

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MONIQUE YOLANDA SMITH, L.P.N.

License Number: 0002-092094

Case Number: 164021

RATIFICATION AND ORDER


On January 25, 2017, a panel of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Monique Yolanda Smith, L.P.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(10), Ms. Smith may, not later than 5:00 p.m., on **March 7, 2017**, notify Jay P. 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.

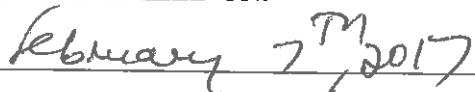
FOR THE BOARD


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:



This Order shall become final on March 7, 2017, unless a request for a formal administrative hearing is received as described above.

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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), Judith Piersall, R.N., B.S.N., serving as Agency Subordinate of the Virginia Board of Nursing (“Board”), held an informal conference on October 18, 2016 in Henrico County, Virginia, to inquire into evidence that Monique Yolanda Smith, L.P.N., may have violated certain laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Ms. Smith appeared 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 June 21, 2016, the Board sent a Notice of Informal Conference to Ms. Smith notifying her that an informal conference would be held on July 14, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. On July 14, 2016, Ms. Smith requested and was granted a continuance of the informal conference, which was rescheduled for October 18, 2016.

Recommended Findings of Fact and Conclusions of Law

1. Monique Yolanda Smith, L.P.N., was issued License Number 0002-092094 to practice practical nursing on February 27, 2015, which is scheduled to expire on July 31, 2017. At all times

relevant to the findings herein, said license was in full force and effect. Her primary state of residence is Virginia.

2. Ms. Smith violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing in that during the course of her employment as a practical nurse performing home health care through American Critical Care Services, Richmond, Virginia, on June 10, 2015, Ms. Smith was found asleep for approximately 15 minutes while assigned to care for a ventilator dependent chronically ill adolescent in the patient's home.

3. Ms. Smith stated at the informal conference that she had been feeling ill before her shift and was given permission to arrive one hour late. Ms. Smith admitted to falling asleep in a chair during her shift but denied that it was for the length of time alleged by the patient's mother. The mother, who photographed Ms. Smith while she was asleep, stated to the investigator that for the Department of Health Professions that she had to rouse Ms. Smith from her slumber.

4. No patient harm occurred as a result of Ms. Smith falling asleep during her shift.

5. Ms. Smith stated at the informal conference that she has learned not to accept work assignments if she is not feeling well, as she claimed was the situation on the night of the incident. She stated that she understood the seriousness of the incident and accepted responsibility for it.

6. Ms. Smith's employment with American Critical Care Services was terminated.

7. Before moving to Virginia, Ms. Smith worked as a nurse in Florida for 11 years without incident.

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. Monique Yolanda Smith, L.P.N., is REPRIMANDED.
2. Monique Yolanda Smith, L.P.N., shall comply with all laws and regulations governing the practice of practical nursing in the Commonwealth of Virginia.

Reviewed and approved on November 28, 2016
By Judith Piersall, R.N., B.S.N.
Agency Subordinate