

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TABITHA LYNN SMALLEY, R.M.A.
Registration Number: 0031-007865
Case Number: 173522

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Tabitha Lynn Smalley, R.M.A., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Smalley's registration to practice as a medication aide in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Tabitha Lynn Smalley, R.M.A., was issued Registration Number 0031-007865 to practice as a medication aide on July 11, 2014, which expired on August 31, 2015, was renewed on June 1, 2016, and is now scheduled to expire on August 31, 2017. Tabitha Lynn Smalley, R.M.A. was also issued Certificate Number 1401-161910 to practice as a certified nurse aide on July 31, 2013, which is scheduled to expire on July 31, 2018.

2. Ms. Smalley violated Virginia Code §§ 54.1-3007(3) and 54.1-3041 in that during the course of her employment with Heartfields Assisted Living, Fredericksburg, Virginia, between September 1, 2015 and May 31, 2016, she administered medications to residents after her registration to practice as a medication aide had expired.

CONSENT

Tabitha Lynn Smalley, R.M.A., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my registration except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my registration to practice as a medication aide in the Commonwealth of Virginia.

ORDER

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

1. Tabitha Lynn Smalley, R.M.A., is assessed a MONETARY PENALTY of \$150.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 60 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.
2. Tabitha Lynn Smalley, R.M.A., shall comply with all laws and regulations governing the practice of medication aides in the Commonwealth of Virginia.

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

ENTERED: October 26th, 2016

SEEN AND AGREED TO:

Tabitha Smalley
Tabitha Lynn Smalley, R.M.A.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Stafford, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 19th day of October, 2016.

Tracey Brown Hecox
Notary Public

My commission expires:

TRACEY BROWN HECOX
NOTARY PUBLIC
REG. #332552
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES JULY 31, 2017

Registration No.:

Certified True Copy
By [Signature]
Virginia Board Of Nursing