

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: APRIL M. SMITH, R.N.
 License No.: 0001-198857**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on February 8, 2016 in Henrico County, Virginia. April M. Smith, R.N. was not present nor was she represented by legal counsel. Judith Pearsall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016 a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Smith was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. April M. Smith, R.N. was issued License No. 0001-198857 to practice professional nursing in Virginia on October 31, 2005. The license is scheduled to expire on April 30, 2017. Her primary state of residence is Virginia.

2. By letter dated January 8, 2016, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on February 8, 2016. The Notice was sent by certified and first class mail to 1801 Treasure Island Road, Williamsburg, Virginia 23185, the address of record on file with the Board of Nursing. The certified mail

receipt was signed by Alice Smith on January 9, 2016. 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. Smith and the informal conference proceeded in her absence.

3. During the course of her employment with Sentara Williamsburg Regional Medical Center, Williamsburg, Virginia, by her own admission, for approximately one year, ending in October 2011, Ms. Smith diverted Dilaudid (C-II) and Phenergan (promethazine, C-V) from hospital supplies for your personal and unauthorized use.

4. In October 2011, Ms. Smith entered the Health Practitioners' Monitoring Program ("HPMP"). She was granted a stay of disciplinary action regarding her diversion of drugs with the understanding that she would comply with all terms and conditions of the HPMP. The stay of disciplinary action was vacated on May 11, 2015, due to Ms. Smith's noncompliance. Specifically, she failed to comply with the toxicology screening program and with medical treatment. Further, she was placed on pre-dismissal status on October 1, 2015 for continued failure to comply with the toxicology screening program and for failure to provide documentation relating to her recent hospitalizations and prescriptions for hydrocodone.

5. In a report dated February 4, 2016, Ms. Smith's HPMP compliance manager stated that Ms. Smith continued to be noncompliant and that she had requested Ms. Smith's dismissal from HPMP. HPMP had not yet determined that Ms. Smith was safe to return to nursing practice.

6. Ms. Smith suffers from severe physical and mental illnesses, for which she has been hospitalized on multiple occasions, including lupus and polymyositis with perceived cognitive impairment, pancreatitis, and depression.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.
2. Findings of Fact Nos. 4 and 6 constitute a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. License No. 0001-198857 of April M. Smith, R.N. is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Smith shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of nursing. Ms. Smith shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.


4. This suspension applies to any multistate privilege to practice professional nursing.

Pursuant to § 54.1-2400.2 of the Code, 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. 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 (30) 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 P. 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 (3) days are added to that period.

FOR THE BOARD

 Gloria Mitchell-Lundy
Jay P. Douglas, M.S.M., R.N., O.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Entered: March 31, 2016

Certified True Copy

By J. Fowler
Virginia Board of Nursing