

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       JESSICA L. SMITH, L.P.N.**  
**License No.: 0002-063609**

**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 2, 2016, in Henrico County, Virginia. Ms. Smith was not present nor was she represented by legal counsel. Judith Piersall, 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. Jessica L. Smith, L.P.N. was issued License No. 0002-063609 to practice practical nursing in Virginia on May 23, 2002. The license expired on January 31, 2015. Ms. Smith's primary state of residence is Virginia.

2. By letter dated January 4, 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 2, 2016. The Notice was sent by certified and first class mail to 1820 Ballahack Road, Chesapeake, Virginia 23322, the address of record on file with the Board of Nursing. 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. Ms. Smith requested a continuance on February 1, 2016, and her request was denied. The Agency Subordinate concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.

3. From October 7, 2014 through November 11, 2014, during the course of her employment with Eastern Virginia Ear, Nose, and Throat Specialists, Chesapeake, Virginia, (“EVENTS”) Ms. Smith forged prescriptions for narcotic medications on approximately six occasions using a prescription pad she stole from her employer. Ms. Smith filled approximately five of the prescriptions for her personal and unauthorized use.

4. As a result of this incident, Ms. Smith’s employment with EVENTS was terminated on November 12, 2014.

5. Three of Ms. Smith’s former coworkers from EVENTS told the DHP investigator that she exhibited strange behavior at work including being groggy and glassy-eyed, walking around with a blank stare and her mouth open, and taking frequent, long breaks.

6. From December 3, 2014 through December 16, 2014, during the course of her employment with Medical Temporaries, Inc., Virginia Beach, Virginia, while working as a contractor at Chesapeake Regional Medical Group, Ms. Smith forged prescriptions for narcotic medications on at least two occasions using a prescription pad she stole from her employer. Ms. Smith filled or attempted to fill the prescriptions for her personal and unauthorized use.

7. As a result of this incident, Ms. Smith’s employment with Medical Temporaries, Inc. was terminated on December 16, 2014.

8. On December 31, 2014, Ms. Smith told an investigator for the Department of Health Professions (“DHP”) that she has had a “problem” with narcotic pain medication in the past.

9. From June 16, 2009 through September 24, 2014, Ms. Smith received mental health counseling at Coastal Counseling Center, Chesapeake, Virginia for a diagnosis of bipolar disorder. As of December 31, 2014, Ms. Smith told the DHP investigator that she was not currently receiving any mental health or substance abuse treatment.

10. In the Circuit Court for the City of Chesapeake, Virginia, on July 28, 2015, Ms. Smith was given deferred dispositions on one felony count of obtaining prescription by fraud and one count of obtaining/ attempting to obtain prescription by fraud.

### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 6 constitute a violation of § 54.1-3007(2), (5), (6), and (8) of the Code and 18 VAC90-20-300 (A)(2)(c) of the Regulations Governing the Practice of Nursing.

2. Findings of Fact Nos. 5, 8, and 9 constitute a violation of § 54.1-3007(6) of the Code.

### ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. The right of Jessica L. Smith, L.P.N. to renew License No. 0002-063609 is INDEFINITELY SUSPENDED.
  2. The license will be recorded as suspended.
  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 practical 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 practical 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.

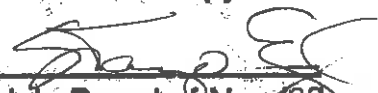
Since Ms. Smith failed to appear at the informal conference, this Order shall be considered final. Ms. Smith has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Smith has thirty (30) days from the date of 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

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

Entered: March 30, 2016

**Certified True Copy**

By   
Virginia Board of Nursing