

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ALISHA G. SMITH, L.P.N.

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 March 8, 2011, in Henrico County, Virginia. Ms. Smith was present and was not represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 18, 2011, 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. Alisha G. Smith, L.P.N., was issued License No. 0002-077736 to practice as a practical nurse in Virginia on March 10, 2008. The certificate is current and is scheduled to expire on June 30, 2011. Her primary state of residence is Virginia.
2. By letter dated February 22, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on March 8, 2011. The Notice was sent by certified and first class mail to 101 Fourth Avenue, Clifton Forge, Virginia 24422, the address of record on file with the Board of Nursing. The Notice was also sent by certified and first class mail to P. O. Box 441, Clifton Forge, Virginia 24422, and to 3034 S. Wildwood Drive, Covington, Virginia 24426, secondary addresses.

3. During the course of her employment with Tanglewood Home for Adults, Covington, Virginia (“Tanglewood”):

a. Between March 3, 2010, and July 13, 2010, while serving as a Nursing Home Administrator-in-Training and nursing staff, Ms. Smith allowed unlicensed/unregistered individuals to administer medications to residents, and had registered medication aides sign as the individuals who administered the medications.

b. In June, 2010, Ms. Smith certified that she taught several students an approved medication aide training course in the required 68 hours, when, in fact, she taught the course in 10 hours and also failed to provide clinical training for the participants. She subsequently issued certificates to the students indicating that they had completed the approved 68 hours of medication aide training and had met the requirements of the medication aide curriculum for registered medication aides.

c. Between March 3, 2010, and July 13, 2010:

i. Ms. Smith forcibly placed Resident A into a vehicle. The resident was taken to the hospital against her will, and was dropped off and left without supervision.

ii. Ms. Smith bathed Resident B against his will and “sprayed” the resident down with water while the resident still had his clothes on.

d. In March, 2010, Ms. Smith administered two Ativan (lorazepam, Schedule IV) to a staff member who was hyperventilating at work without a physician’s order or authorization.

4. On June 5, 2006, Ms. Smith was convicted of two counts of issuing bad checks in the Alleghany County, Virginia, General District Court.

5. At the informal conference, Ms. Smith stated that she is working PRN as a licensed practical nurse at Friendship Manor. She reported that she is currently on medical leave for diagnoses of manic depressive disorder and bipolar III disorder, with auditory and visual delusions.

Beginning in February, 2010, Ms. Smith began seeing a psychiatrist every two weeks. She also sees a counselor every two weeks. Ms. Smith stated that both her psychiatrist and her counselor said that she was unsafe to practice. She further indicated that she does not “feel safe.” Ms. Smith reported that she wished to voluntarily surrender her license to practice as a practical nurse in the Commonwealth of Virginia.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3(a) constitutes a violation of § 54.1-3007(5) of the Code.
2. Finding of Fact No. 3(b) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (“Regulations”).
3. Findings of Fact No. 3(c) constitutes violations of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations.
4. Finding of Fact No. 3(d) constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(a) of the Regulations.
5. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(4) of the Code.
6. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Alisha G. Smith’s license to practice practical nursing in the Commonwealth of Virginia.
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

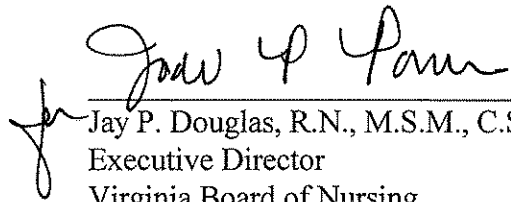
and competent practice of nursing. Ms. Smith shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

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

This Order is subject to appeal to the Board. If Ms. Smith desires a formal administrative hearing before the Board pursuant to §§ 2.2-4020 and 2.2-4021 of the Code, she must notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, in writing, within thirty-three (33) days from the date of service of this Order. Upon the filing of a request for the hearing with the Executive Director, this Order shall be vacated.

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.

FOR THE BOARD



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

Entered: June 3, 2011