

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: ALISHA G. SMITH, L.P.N.**  
**License No.: 0002-077736**

**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 January 6, 2016 in Henrico County, Virginia. Alisha G. Smith, L.P.N. was not present nor was she represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., 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. Alisha G. Smith, L.P.N. was issued License No. 0002-077736 to practice practical nursing in Virginia on March 10, 2008. The license is scheduled to expire on June 30, 2017. Her primary state of residence is Virginia.
2. By letter dated December 7, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on January 6, 2016. The Notice was sent by certified and first class mail to 6707 Hot Springs Road, Hot Springs, Virginia 24445, the address of record on file with the Board of Nursing. Ms. Smith signed the certified

mail receipt. 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. By Order entered June 3, 2011, the Board suspended Ms. Smith's license to practice practical nursing based on findings that Ms. Smith had committed numerous errors and that she was unsafe to practice due to mental illness. By Order entered October 10, 2012, the Board reinstated Ms. Smith's license contingent on her continued compliance with the Health Practitioners' Monitoring Program ("HPMP"), which she had entered on September 17, 2012.

4. Ms. Smith was dismissed from the HPMP on March 23, 2015, for noncompliance with her program contract. Specifically, she failed to enter and complete treatment as recommended, failed to submit monthly reports, and failed to maintain communication with the HPMP. At the time of her discharge from the HPMP, her diagnoses included major depressive disorder and bipolar disorder II.

5. Ms. Smith told an investigator for the Department of Health Professions on June 22, 2015, that once she was dismissed from the HPMP, she stopped seeing her mental health practitioners because it was too far for her to go. She said that she continues to be treated by her primary care physician, who prescribes Ativan and Cymbalta for anxiety and depression.

6. Although the HPMP approved her return to practice in October 2013, Ms. Smith has not practiced nursing since 2011.

#### **CONCLUSIONS OF LAW**

Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board's Order entered October 10, 2012, and § 54.1-3007(6) of the Code.

#### **ORDER**


WHEREFORE, it is hereby ORDERED as follows:

1. Alisha G. Smith, L.P.N. is REPRIMANDED.
2. License No. 0002-077736 of Alisha G. Smith, L.P.N. is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. 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.
5. 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

  
~~for~~ 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