



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE BEFORE AN AGENCY SUBORDINATE

February 22, 2011

Alisha G. Smith, L.P.N.
3034 S. Wildwood Drive
Covington, Virginia 24426

CERTIFIED MAIL
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and

Alisha G. Smith, L.P.N.
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and

Alisha G. Smith, L.P.N.
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CERTIFIED MAIL
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RE: License No.: 0002-077736
Expiration Date: June 30, 2011

Dear Ms. Smith:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held on **March 8, 2011, at 1:00 p.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia. In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before an agency subordinate of the Board of Nursing. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. The agency subordinate will inquire into allegations that you may have violated certain laws and regulations governing nursing practice in Virginia.

Specifically:

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

a. You may have violated § 54.1-3007(2), (5), (6) and (8) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”) in that in June, 2010, you diverted Darvocet (propoxyphene napsylate and acetaminophen, Schedule IV) for your own personal and unauthorized use from the resident supply of a deceased patient who was previously housed at Alleghany Manor, Low Moor, Virginia, a sister facility of Tanglewood.

b. You may have violated § 54.1-3007(5) of the Code in that between March 3, 2010, and July 13, 2010:

i. You instructed staff to administer medications to residents earlier than scheduled.

ii. While serving as a Nursing Home Administrator-In-Training and nursing staff, you allowed unlicensed/unregistered individuals to administer medications to residents, and had registered medication aides sign as the individuals who administered the medications.

c. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations in that in June, 2010, you certified that you taught several students a medication aide training course in the required 68 hours, when, in fact, you taught the course in 10 hours and also failed to provide clinical training for the participants. You subsequently issued certificates to the students indicating that they had completed 68 hours of medication aide training and had met the requirements of the medication aide curriculum for registered medication aides.

d. You may have violated § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations in that between March 3, 2010, and July 13, 2010:

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

e. You may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(a) of the Regulations in that in March, 2010, you administered two Ativan (lorazepam, Schedule IV) to a staff member who was hyperventilating at work.

2. You may have violated § 54.1-3007(4) of the Code in that on or about June 5, 2006, you were convicted of two counts of issuing bad checks in the Alleghany County, Virginia, General District Court.

Please see Attachment I for the name of the residents referenced above.

In its deliberations, the agency subordinate may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

After consideration of all information, the agency subordinate may:

- If the agency subordinate finds that there is insufficient evidence to warrant further action or that the charges are without foundation, notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth; or
- Recommend findings of fact, conclusions of law and a sanction, to include a reprimand, placing you on probation with terms, suspension or revocation of your license, or imposing a monetary penalty pursuant to § 54.1-2401 of the Code.

Further, the agency subordinate may refer this matter for a formal administrative proceeding pursuant to § 2.2-4020 of the Code.

Board's Review of Agency Subordinate's Recommended Decision

If you **appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you **fail to appear in person or by counsel at the informal conference**, the recommendation of the agency subordinate will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the agency subordinate's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the agency subordinate in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the agency subordinate, and will be considered when discussing the allegations with you and when deliberating upon your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

To facilitate this proceeding, you should submit five copies of any documents you wish the agency subordinate to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, VA 23233, by March 3, 2011. Your documents may not be submitted by facsimile or email.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on March 8, 2011. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made, in writing, to me at the address listed on this letter and must be received by 12 noon on March 3, 2011. Only one such motion will be considered. Absent critical

circumstances, such as personal or family illness, a request for a continuance after March 3, 2011, will not be considered.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact this office at (804) 367-4543.

Sincerely,



Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Amanda E. M. Blount, Adjudication Specialist
Agency Subordinate
Melissa Creger Kennedy, Senior Investigator (Case Nos. 131864, 131558, 134270 & 133141)
Peggy Wood, Monitoring Program Manager