

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MICHAEL V. SMITH, R.N.
License No.: 0001-139133

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Michael V. Smith, R.N., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Smith's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Michael V. Smith, R.N. was issued License No. 0001-139133 to practice professional nursing by the Virginia Board of Nursing on July 15, 1994. Said license is set to expire on November 30, 2016. His primary state of residence is Virginia.
2. During the course of his employment with Encompass Home Health, Williamsburg, Virginia, on seven occasions in July 2014, Mr. Smith falsely documented that he had visited and assessed home health clients when he had not actually done so.
3. Mr. Smith resigned his employment with Encompass during the company's investigation of this matter.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-20-300 (A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing.

CONSENT

Michael V. Smith, R.N., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. He waives all such right to an informal conference;
5. He neither admits nor denies the Findings of Fact and Conclusions of Law contained herein, but waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Michael V. Smith, R.N. is hereby REPRIMANDED.
2. Mr. Smith shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD

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

ENTERED: July 24, 2015

SEEN AND AGREED TO:

Michael V. Smith
Michael V. Smith, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Fredericksburg, TO WIT:

Subscribed and sworn to before me, Michelle Byrne, a Notary Public, this 16th day of July, 2015.

My commission expires 1/31/2017

Registration Number 7550310



Michelle Byrne
NOTARY PUBLIC

Certified True Copy

By Michelle Byrne
Virginia Board of Nursing