

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: HEATHER SMITH, C.N.A.
Certificate No.: 1401-163179**

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 April 14, 2015 in Henrico County, Virginia. Ms. Smith was not present nor was she represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 15, 2015, 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. Heather Smith, C.N.A., was issued Certificate No. 1401-163179 to practice as a certified nurse aide in Virginia on October 11, 2013. Said certificate is set to expire on October 31, 2015.

2. By letter dated March 10, 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 April 14, 2015. The Notice was sent by certified and first class mail to 985 Tenth Street, Waynesboro, Virginia, 22980, the address of record on file with the Board of Nursing. The Notice sent by first class mail was returned to the Board office marked "return to sender, not deliverable as addressed, unable to forward." The Notice sent by certified mail was returned to the Board office, undelivered. The Agency Subordinate

concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.

3. During the course of her employment with Americare Plus, Warsaw, Virginia, between March 14, 2014 and April 4, 2014, Ms. Smith took a client's medications, including Ambien, Prozac and Zyrtec, without the patient's permission, for her own personal and/or unauthorized use. The client reported the missing medications to the facility as well as to local law enforcement.

4. Ms. Smith's employment with Americare Plus was terminated on April 9, 2014.

5. An investigator from the Virginia Department of Health Professions as well as local law enforcement made attempts to contact Ms. Smith; Ms. Smith failed to respond to either agency.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-25-100(2)(c) and (h) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a Finding of Misappropriation of patient property pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-163179 of Heather Smith, to practice as a certified nurse aide in the Commonwealth of Virginia is REVOKED.

2. The certificate will be recorded as revoked and no longer current.

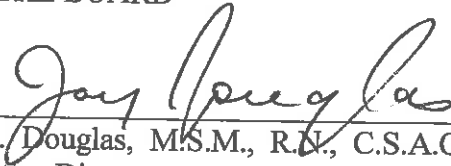
3. A Finding of Misappropriation of patient property shall be ENTERED against Ms. Smith in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Smith's employment as a certified nurse

aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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.

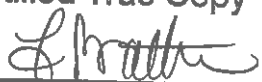
FOR THE BOARD



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

Entered: July 20th, 2015

Certified True Copy

By 
Virginia Board Of Nursing