

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: DEBORAH SMITH, R.N.
License No.: 0001-159136

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 18, 2015, in Henrico County, Virginia, to inquire into evidence that Deborah Smith, R.N., may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Smith was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Deborah Smith, R.N., was issued License No. 0001-159136 to practice professional nursing in the Commonwealth of Virginia by the Virginia Board of Nursing on June 17, 1998. Said license is scheduled to expire on December 31, 2016. Ms. Smith's primary state of residence is Virginia.
2. Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. In January 2011, the Virginia Board of Nursing reprimanded Ms. Smith and indefinitely suspended her license to practice nursing, staying the suspension contingent upon her entry into and compliance with the HPMP. This action was based on findings that Ms. Smith had violated a December 2009 Board Order and findings that she had diverted various controlled substances from patient supplies for her

personal and unauthorized use between March and April 2009. In February 2012, Ms. Smith signed a Consent Order reinstating her Virginia professional nursing license following a mandatory suspension in January 2012. The mandatory suspension was triggered by a California Board of Nursing action in November 2011, which involved her surrendering her California license.

4. During the course of her employment with Danville Regional Medical Center, Danville, Virginia, on December 15, 2013, Ms. Smith left her unit on the medical/surgical floor for an extended period of time without authorization, and she failed to provide tracheostomy care and perform hourly rounds as ordered for one of her patients. In her interview with the DHP investigator, Ms. Smith admitted that she failed to document the tracheostomy care.

5. Further, on December 16, 2013, Ms. Smith left her unit on the medical/surgical floor for an extended period of time without authorization. She stated to the DHP investigator that she left the unit to look for the wound vac canisters; she admitted in her interview with the investigator for DHP that she should not have done this.

6. Ms. Smith appeared impaired while on duty on December 15, 2013, during the course of her employment with Danville Regional Medical Center. Second, she has a history of narcotic addiction, and third, on January 23, 2014, she signed her eighth Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP"), in which she acknowledged her previous substance abuse treatment. She initially signed the Participation Contract with the HPMP in December 2010. Lastly, Ms. Smith was dismissed from the HPMP for a continued display of drug seeking behaviors, continued use of opioids, and her failure to attend treatment as required in May 2015.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 4 and 5 constitute violations of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(f) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(6) of the Code.


ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Deborah Smith, R.N., is hereby REPRIMANDED.
2. License No. 0001-159136 issued to Deborah Smith, R.N., to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.
3. The license of Ms. Smith will be recorded as SUSPENDED and no longer current. Should Ms. Smith seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.
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 able to return to the safe and competent practice of professional nursing.
5. This Order shall be applicable to Ms. Smith's multistate licensure privileges, if any, to practice professional nursing.

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 on request.

FOR THE BOARD

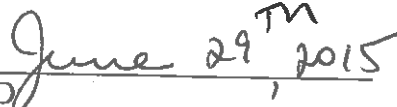


Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

Certified True Copy

By 

Virginia Board Of Nursing

ENTERED 

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.