

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: **SUSAN DENISE WILLIAMS SMITH, C.N.A. REINSTATEMENT APPLICANT**
Certificate Number: 1401-080009
Suspension Date: **June 22, 2015**
Case Number: **173238**

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a formal hearing has been scheduled before the Board of Nursing ("Board") regarding your application for reinstatement of your certificate to practice as a nurse aide in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board of Nursing.
DATE AND TIME:	July 20, 2016 1:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume safe and competent nurse aide practice.

3. In considering your application, the Board will consider evidence that grounds may exist to deny your application for reinstatement of your certificate to practice as a nurse aide, as more fully set out in the enclosed Statement of Allegations.

4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Approve your application and issue an unrestricted certificate to practice as a nurse aide;
- Approve your application and issue a restricted certificate subject to terms and conditions;

- Deny your application and continue your certificate on indefinite suspension or revoke your certificate.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

COMMONWEALTH'S EXHIBIT:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by overnight mail. Please bring these documents with you to the formal hearing.**

FILING DEADLINES:

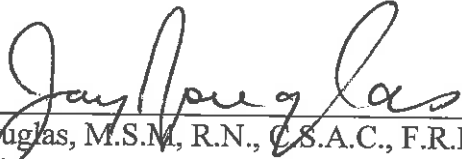
1. Deadline for filing exhibits: July 13, 2016. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.
2. Deadline for filing motions, including requests for continuance or objections to exhibits, in writing, to Darlene Graham at the above address: July 13, 2016. NOTE: Failure to object to the distribution prior to the proceeding will not affect your right to contest any information contained in these documents at the proceeding.

OTHER IMPORTANT INFORMATION:

Pursuant to Virginia Code § 54.1-2409(D), reinstatement of your certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF ALLEGATIONS

The Board of Nursing alleges that grounds exist to refuse to reinstate the certificate of Susan Denise Williams Smith, C.N.A. to practice as a nurse aide in that Ms. Smith violated Virginia Code § 54.1-3007(4) in that, on November 21, 2014, Ms. Smith was convicted in the Circuit Court of Henry County, Virginia, of three counts of felony embezzlement (grand larceny). Pursuant to Virginia Code § 54.1-2409, this conviction formed the basis for the mandatory suspension of her certificate by Order of the Department of Health Professions entered June 22, 2015.



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

July 8TH, 2016
Date