



COMMONWEALTH of VIRGINIA

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Director

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Virginia Board of Nursing
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Executive Director

Board of Nursing (804) 367-4555
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January 14, 2014

Melissa Smiley, R.N.
9807 Kendrick Road
Richmond, Virginia 23236

CERTIFIED MAIL
71969008911191904193

Re: **VA License No.: 0001-225308**
Expiration Date: October 31, 2015

Dear Ms. Smiley:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on February 10, 2014, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), will inquire into allegations that you may have violated certain laws governing nursing practice in Virginia.

Specifically, you may have violated § 54.1-3007(6) of the Code in that you may be unable to safely practice as a professional nurse due to physical illness and/or substance abuse as evidenced by the following:

1. On or about September 10, 2013, during the course of your employment with Glenburnie Rehabilitation and Nursing Center, Richmond, Virginia, you presented to work in an impaired condition. You were observed having very fast and slurred speech, and an inability to focus.
2. During the course of your employment with Hospice of Virginia, Richmond, Virginia, you were observed on several occasions to appear to fall asleep or to be in an altered state with slurred speech.
3. On or about January 25, 2013, during the course of your employment with Gentiva Hospice, Richmond, Virginia, you reported to work in an extremely lethargic condition. On or about February 12, 2013, you were observed slurring your words and having difficulty staying awake during a meeting. On or about March 11, 2013, during a conference call you were observed to be unable to participate in the call due to your

exhausted condition. When staff spoke to you later in the day, your motor skills appeared to have decreased since the morning conference call.

4. From on or about October 31, 2011, to November 7, 2013, you obtained 5,113 dosages of narcotic medications and benzodiazepines from 28 different prescribers and filled at 13 different pharmacies.

In its deliberations, the Committee 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.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you; or
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by February 3, 2013. Your documents may not be submitted by facsimile or email.

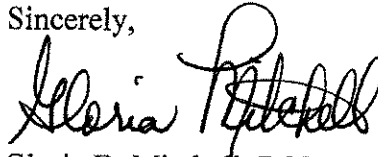
You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be

considered by the Committee when discussing any allegations with you and when deliberating on 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.**

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.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,



Gloria D. Mitchell, R.N., M.S.N., M.B.A.
Deputy Executive Director

GDM/cg

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Cynthia E. Gaines, Adjudication Specialist
Kelli Moss, Senior Investigator (Case No. 152971)
Peggy Wood, Monitoring Program Manager