

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DORIS SMITH, C.N.A.
Certificate No.: 1401-131685**

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 June 10, 2014, in Henrico County, Virginia. Ms. Smith was not present nor was she represented by legal counsel. Judith E. Piersall, R.N., B.S.N., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On July 16, 2014, 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. Doris Smith, C.N.A., was issued Certificate No. 1401-131685 to practice as a nurse aide in Virginia on August 4, 2009. The certificate is scheduled to expire on August 31, 2014.
2. By letter dated April 29, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on June 10, 2014. The Notice was sent by certified and first class mail to 32124 Mount Gideon Road, Hanover VA 23069, the address of record on file with the Board of Nursing. The certified mail was unclaimed at the post office and returned to the Board of Nursing. The Notice sent by first class mail was not returned to the Board. The Agency Subordinate concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.

3. During her employment with Westminster Canterbury, Richmond, Virginia, between December, 2013, until January, 2014, Ms. Smith stole money from the purse of Resident A on several occasions. Ms. Smith was caught on video recorder in the act of searching Resident A's purse for money. Ms. Smith admitted that she stole approximately \$100.00 from Resident A over a period of one month. Her employment was immediately terminated.

4. On February 5, 2014, Ms. Smith falsified her employment application with Southeastern Home Health Care, Inc., Mechanicsville, Virginia, by omitting her reason for leaving Westminster Canterbury when, in fact, her employment was terminated.

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) (h) of the Regulations Governing Certified Nurse Aides ("Regulations").

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations.

3. Finding of Fact No. 3 and Conclusion of Law No. 1 constitute a finding of Misappropriation of Resident 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. 1401-131685 of Doris Smith, C.N.A., is REVOKED.
2. The certificate will be recorded as revoked and no longer current.
3. A Finding of Misappropriation of resident 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 22, 2014

Certified True Copy

By 
Virginia Board Of Nursing