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VA BOARD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ELLEN A. SMITH, R.N.
License No.: 0001-085254**

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Ellen A. Smith, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Smith's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Ellen A. Smith, R.N. was issued License No. 0001-085254 to practice professional nursing by the Virginia Board of Nursing on July 12, 1982. Said license is set to expire on July 31, 2015. Her primary state of residence is Virginia.
2. By order of the Board of Nursing entered February 3, 2011, the Board made findings that Ms. Smith was impaired while on duty and had a history of alcohol abuse. The Board took no action against Ms. Smith contingent upon her complying with all terms and conditions of the Health Practitioners' Monitoring Program ("HPMP"), which she had entered on March 29, 2010.
3. By order of the Board of Nursing entered February 15, 2013, the Board made findings that Ms. Smith was dismissed from the HPMP for failing to comply with the urine screening program. The Board reprimanded Ms. Smith, but took no further action contingent upon Ms. Smith re-entering the HPMP and complying with all terms and conditions of the HPMP.

4. On November 18, 2013, Ms. Smith was dismissed from the HPMP for noncompliance with her contract. Specifically, she continued to consume alcohol and worked when she was prohibited from doing so.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 4 constitutes a violation of Term #3(a) of the February 15, 2013, Board's Order.

CONSENT

Ellen A. Smith, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER


WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Ellen A. Smith, R.N. is hereby REPRIMANDED.
2. License No. 0001-085254 of Ellen A. Smith is INDEFINITELY SUSPENDED.
3. The license will be recorded as suspended and no longer current.
4. At such time as Ellen A. Smith shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Smith shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.

5. This suspension applies to any multistate privilege 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 upon request.

FOR THE BOARD



Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: May 20, 2014

SEEN AND AGREED TO:

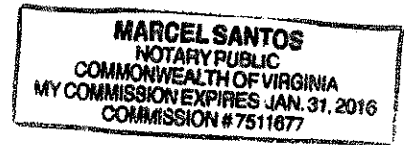
Ellen A. Smith
Ellen A. Smith

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to before me, Marcel Santos, a Notary Public, this 29 day of March, 2014.

My commission expires 01-31-2016.

Registration Number 7511677.



[Signature]
NOTARY PUBLIC

Certified True Copy
By L. Robinson-Hawes
Virginia Board of Nursing
5-20-2014