

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TAMIKA SMITH, C.N.A.  
Certificate No.: 1401-124833**

**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 Virginia Board of Nursing ("Board") on February 4, 2014, in Henrico County, Virginia. Ms. Smith was not present and was not represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 19, 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. Tamika Smith, C.N.A., was issued Certificate No. 1401-124833 to practice as a nurse aide in Virginia on June 19, 2008. The certificate is scheduled to expire on June 30, 2014.
2. By letter dated January 10, 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 February 4, 2014. The Notice was sent by certified and first class mail to 115 Bruton Parrish Ct., Apt. 115, Ashland, Virginia 23005, the address of record on file with the Board of Nursing. The certified mail receipt was signed. The Agency Subordinate concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.
3. During her employment at Elizabeth Adam Crump Manor, Glen Allen, Virginia:
  - a. On February 26, 2013, by her own admission, Ms. Smith left Resident A, who had dementia and mobility problems, on a toilet that was seldom used, and forgot about her. She was not found for 3 and ½ hours. There was no patient harm. Ms. Smith was suspended by her employer for five days.

b. On July 29, 2013, another nurse aide reported witnessing Ms. Smith pinch Resident B's left breast during ADL care. Ms. Smith denied the allegation. The incident was reported to police and on November 6, 2013, Ms. Smith was convicted in Henrico County General District Court, of misdemeanor assault and misdemeanor abuse of an incapacitated adult.

c. Between April, 2013, and August, 2013, another nurse reported that Ms. Smith pinched the buttocks of Resident C, who had dementia and confusion in an attempt to create agitation in said resident for her personal amusement. No patient harm resulted. Ms. Smith denied this allegation.

4. Ms. Smith's employment at Elizabeth Crump Manor was terminated on August 5, 2013.

5. Previously, on October 5, 2012, Ms. Smith's employment at Westport Rehab and Nursing Center, Richmond, Virginia, had been terminated for rudeness to a resident.

#### CONCLUSIONS OF LAW

1. Finding of Fact Nos. 3(a), (b) and (c) constitute violations of § 54.1-3007(2), (5), and (8) of the Code, and 18 VAC 90-25-100(2)(e) of the Regulations Governing Certified Nurse Aides.

2. Finding of Fact No. 3(a), (b) and (c) and Conclusion of Law No. 1 constitute Findings of Abuse 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. 1401-124833 of Tamika Smith is REVOKED.

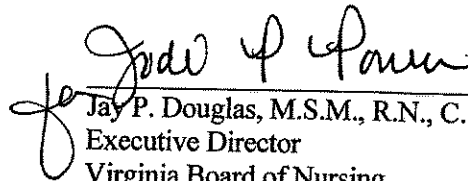
2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Abuse shall be ENTERED against Tamika 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

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

Entered: March 31, 2014

Certified True Copy

By   
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Virginia Board Of Nursing