

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: CRYSTAL D. SMITH, C.N.A.**

**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 December 1, 2009, in Henrico County, Virginia. Crystal D. Smith, C.N.A., was not present nor was she represented by legal counsel. Nancy K. Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2010, 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. Ms. Smith submitted written comments/objections.

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. Crystal D. Smith, C.N.A., was issued Certificate No. 1401-114937 to practice as a nurse aide in Virginia on July 19, 2006. The certificate is set to expire on July 31, 2010.
2. By letter dated November 6, 2009, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on December 1, 2009. The Notice was sent by certified and first class mail to 834 Eagle Bottom, Fries, Virginia 24330, the address of record on file with the Board of Nursing. The certified mail receipt was signed by Ms. Smith on November 9, 2009. Ms. Smith submitted written correspondence to the Board in

response to the Notice. The Agency Subordinate concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.

3. During the course of Ms. Smith's employment with Carrington Place of Wytheville-Birdmont Center, Wytheville, Virginia ("Carrington Place"), on April 30, 2009, Ms. Smith failed to provide timely incontinent care for Resident A. By her own admission, Ms. Smith was hurried and failed to thoroughly clean Resident A following a bowel movement, resulting in feces being left in the vagina. Ms. Smith's employment was terminated as a result.

4. On Ms. Smith's application for employment with Carrington Place, dated August 25, 2008, when asked to list her employment for the last seven years:

a. Ms. Smith failed to list her employment with Waddell Nursing Home, Galax, Virginia ("Waddell Nursing Home") from October, 2007, until June, 2008.

b. Ms. Smith stated that her reason for leaving Trinity Mission of Hillsville, Hillsville, Virginia ("Trinity Mission"), was "to find a job closer to home," and her reason for leaving Interim Health Care, Roanoke, Virginia ("Interim Health Care"), was "I need a full time job," when Ms. Smith's employment was actually terminated from both facilities.

5. On Ms. Smith's application for employment with Interim Health Care, dated July 1, 2008:

a. When asked to list all present and past employment, Ms. Smith failed to list her employment with Waddell Nursing Home from October, 2007, until June, 2008.

b. Ms. Smith stated her reason for leaving Trinity Mission was "to find work closer to where I live," when her employment was actually terminated in October, 2007.

**CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) of the Code.
2. Findings of Fact Nos. 4(a-b) and 5 (a-b) constitute violations of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.

**ORDER**


WHEREFORE, it is hereby ORDERED as follows:

1. Crystal D. Smith, C.N.A., is hereby REPRIMANDED.
2. Ms. Smith shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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, R.N., M.S.M., C.S.A.C., 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.

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.

FOR THE BOARD

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

Entered: Feb 8, 2010