

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JAMEL Q. SMITH, R.M.A.  
Registration No.: 0031-005244

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 16, 2013, in Henrico County, Virginia, to inquire into evidence that Jamel Q. Smith, R.M.A., may have violated certain laws and regulations governing medication aide practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Senior Assistant Attorney General, was present as legal counsel for the Board. Mr. Smith was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jamel Q. Smith, R.M.A., was issued Registration No. 0031-005244 to practice as a medication aide in the Commonwealth of Virginia on August 15, 2011. Said registration expires on December 31, 2013.
2. Based upon the representations of Mr. Kazzie and Commonwealth's Exhibits #1 and #2, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. During the course of his employment with The Heritage Inn Assisted Living, Charlottesville, Virginia, on September 18, 2012, while providing care to Residents A and B, Mr. Smith handled the residents in a rough manner and cursed at them. While changing Resident A, he pulled and yanked on her clothes in a rough manner and said, "give me your f\*\*\*ing clothes." He also stated to another staff member

that he enjoyed teasing Resident A. While caring for Resident B, he used force while attempting to feed her and said, "open your f\*\*\*ing mouth," "eat your damn food," and "you're going to die if you don't eat."

4. These incidents were witnessed by a nurse aide who was new to the facility and was being oriented by Mr. Smith. The nurse aide reported the incident to management.
5. Mr. Smith's employment with The Heritage Inn Assisted Living was terminated.
6. Mr. Smith failed to respond to any of the Department of Health Profession investigator's attempts to contact him.

### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-60-120(2)(f) of the Regulations Governing the Registration of Medication Aides ("Regulations").

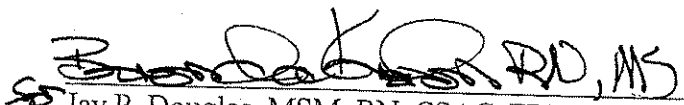
### ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Registration No. 0031-004201 issued to Jamel Q. Smith, R.M.A., to practice as a medication aide in the Commonwealth of Virginia, is hereby REVOKED.
2. The registration of Jamel Q. Smith, R.M.A., will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Mr. Smith seek reinstatement of his registration after three years, he shall be responsible for any fees that may be required for the reinstatement of his registration prior to issuance of his registration to resume practice. The reinstatement of Mr. Smith's registration shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

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 on request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE  
Executive Director  
Virginia Board of Nursing

October 16, 2013  
ENTERED

**NOTICE OF RIGHT TO APPEAL**

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

**Certified True Copy**

By drabam  
Virginia Board of Nursing