

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ANN MARIE SMITH, C.N.A., R.M.A.
Registration No.: 0031-000679**

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 Ann Marie Smith, C.N.A., R.M.A., may have violated certain laws and regulations governing medication aide practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. 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. Ann Marie Smith, C.N.A., R.M.A., was issued Registration No. 0031-000679 to practice as a medication aide in the Commonwealth of Virginia on September 9, 2008. Said registration expires on February 28, 2014. Ms. Smith was issued Certificate No. 1401-122930 to practice as a nurse aide in the Commonwealth of Virginia on February 15, 2008. Said certificate expires on February 28, 2014.
2. Based upon the representations of Tammie Jones and Commonwealth's Exhibit #1, 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 her employment with Timberview Crossing Assisted Living Facility, Timberville, Virginia, on January 19, 2013, Ms. Smith diverted a tablet of hydrocodone (Schedule III), from

Resident A's supply, replaced it with a potassium tablet and falsely documented administration in the resident's medication administration record.

4. Ms. Smith's employment was suspended pending an internal investigation at which time she resigned from her position.

5. Ms. Smith has a criminal case pending in the Rockingham/Harrisonburg General District Court of Virginia, for 11 counts of obtaining drugs by fraud.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code, and 18 VAC 90-60-120(2)(c), (d), (l) and (m) and 18 VAC 90-60-110(A)(2) of the Regulations Governing the Registration of Medication Aides.

ORDER

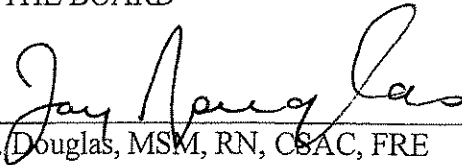
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Registration No. 0031-000679 issued to Ann Marie Smith, C.N.A., R.M.A., to practice as a medication aide in the Commonwealth of Virginia, is hereby REVOKED.

2. The registration of Ann Marie Smith, C.N.A., R.M.A., will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Smith seek reinstatement of her registration after three years, she shall be responsible for any fees that may be required for the reinstatement of her registration prior to issuance of her registration to resume practice. The reinstatement of Ms. 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 8th, 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 M.S.M., R.N., C.S.A.C., F.R.E., 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 dyabam
Virginia Board of Nursing