

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ANN MARIE SMITH, C.N.A., R.M.A.
Registration No.: 0031-000679
Certificate No.: 1401-122930

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Ann Marie Smith, C.N.A., R.M.A., who holds Registration No. 0031-000679 to practice as a medication aide in Virginia and Certificate No. 1401-122930 to practice as a nurse aide in Virginia, both of which are set to expire on February 28, 2014, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on September 16, 2013, at 2:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Smith will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Smith has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Smith desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

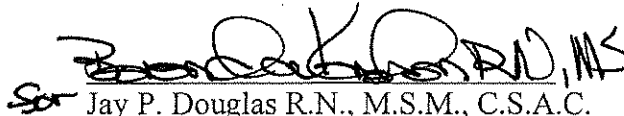
The purpose of the hearing is to inquire into evidence that Ann Marie Smith, C.N.A., R.M.A., may have violated certain laws and regulations governing medication aide and nurse aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that Ann Marie Smith, C.N.A., R.M.A., may have violated § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-60-120(2)(c), (d), (l) and (m) and 18 VAC 90-60-110(A)(2) of the Regulations Governing Medication Aides, and 18 VAC 90-25-100(2)(c) and (e) of the Regulations Governing Certified Nurse Aides in that during the course of her employment with Timberview Crossing Assisted Living Facility, Timberville, Virginia, on or about 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.

If the Board finds that Ann Marie Smith, C.N.A., R.M.A., is in violation of the above allegation and § 54.1-3007(8) of the Code, the Board shall make a Finding of Misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit Ms. Smith's future employment as a certified nurse aide in any long term care facility which receives Medicare or Medicaid reimbursement.

FOR THE BOARD


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

ENTERED: August 13, 2013