

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CRYSTAL A. SMITH, R.M.A. a/k/a CRYSTAL BROOKINS
Registration No.: 0031-002793

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 18, 2013, in Henrico County, Virginia, to inquire into evidence that Crystal A. Smith, R.M.A., a/k/a Crystal Brookins 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 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. Crystal A. Smith, R.M.A., a/k/a Crystal Brookins, was issued Registration No. 0031-002793 to practice as a medication aide in the Commonwealth of Virginia on March 26, 2009. Said registration expired on November 30, 2012.
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 her employment with Oakwood Assisted Living Facility, Suffolk, Virginia, for approximately one year, Ms. Smith stole at least \$3,073.00 from residents of the facility by

keeping for herself cash the residents had given her to pay their facility rent.

4. Ms. Smith directed another staff member to take certain residents to the bank, where the residents withdrew money from their Social Security and/or disability checks. The staff member then gave Ms. Smith the cash or the residents would give Ms. Smith the cash directly for the payment of their rent. On five occasions between May 2011 and March 2012, Ms. Smith issued receipts to residents for cash money given to Ms. Smith but that was never delivered to the facility.

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)(h) and (i) 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. The right of Crystal A. Smith, R.M.A., a/k/a Crystal Brookins to renew Registration No. 0031-002793 to practice as a medication aide in the Commonwealth of Virginia is hereby REVOKED.

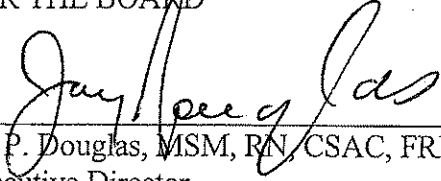
2. The registration of Ms. Smith will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Smith seek reinstatement of her registration after three years, she shall be responsible for any fees that may be required for the reinstatement of her registration prior 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.

3. At such time as Ms. Smith shall petition the Board for reinstatement of her registration, a hearing will be convened to determine whether s/he is able to return to the safe and competent practice of a medication aide.

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 3rd, 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 
Virginia Board of Nursing