

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SADE J. SMITH, C.N.A. REINSTATEMENT APPLICANT
R.M.A. APPLICANT
Certificate No.: 1401-119290**

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 January 30, 2014, in Henrico County, Virginia, to receive and act upon Sade J. Smith's application for reinstatement of her certificate to practice as a nurse aide in Virginia, which was mandatorily suspended by the Department of Health Professions on September 30, 2013, and to inquire into evidence that Ms. Smith may have violated certain laws governing nurse aide practice in Virginia. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Smith was 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. Sade J. Smith was issued Certificate Number 1401-119290 to practice as a certified nurse aide in the Commonwealth of Virginia on June 14, 2007. Said certificate was mandatorily suspended by the Director of the Department of Health Professions on September 30, 2013.
2. Pursuant to Code of Virginia § 54.1-2409, Ms. Smith submitted an application for reinstatement of her certificate, which was received by the Board on October 4, 2013.
3. Ms. Smith submitted an application for registration by examination to practice as a medication aide, which was received by the Board on September 13, 2013.

4. On April 11, 2006, Ms. Smith was convicted of credit card forgery, a felony, in the Circuit Court of Albemarle County, Virginia, and was sentenced on July 19, 2006. This conviction formed the basis for the mandatory suspension of her nurse aide certificate by the Department of Health Professions.

5. On her application for certification by examination dated January 23, 2007, Ms. Smith failed to disclose her felony credit card forgery conviction referenced above.

6. Ms. Smith testified that she did not intend to lie to the Board, and she provided documentation to the Board regarding this conviction with her medication aide application.

7. Ms. Smith testified that she has grown since this conviction. She provided two letters of support and her unit coordinator at Our Lady of Peace testified on her behalf. Her coordinator stated that Ms. Smith is such a good employee, the facility placed her in a non-clinical position so they could retain her. The coordinator also stated that if Ms. Smith receives her certificate, she will be placed back in patient care.

CONCLUSIONS OF LAW

The Board concludes that:

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

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS as follows:

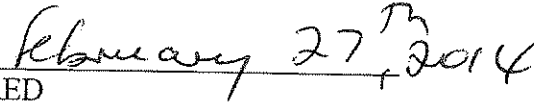
1. Certificate Number 1401-119290, issued to Sade j. Smith to practice as a nurse aide in the Commonwealth of Virginia, is REINSTATED.
2. Sade J. Smith is hereby REPRIMANDED.
3. Ms. Smith shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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



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