

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ELIZABETH SMITH, R.N.

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Elizabeth Smith, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Smith's license to practice professional nursing in the Commonwealth of Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Elizabeth Smith, R.N., was issued License No. 0001-063072 to practice professional nursing by the Virginia Board of Nursing on September 1, 1976. Ms. Smith also holds License No. 0024-063072 to practice as a licensed nurse practitioner in the category of nurse anesthetist, issued by the Committee of the Joint Boards of Nursing and Medicine on January 29, 1986. Both licenses are current and set to expire on January 31, 2010.
2. During the course of her employment with Anesthesia Management Services, Mount Airy, Maryland, Ms. Smith diverted fentanyl (Duragesic, Schedule II) and Demerol (meperidine, Schedule II), for her own personal and unauthorized use, approximately 20 times in 2007, and approximately 10 times in 2008. Further, Ms. Smith adulterated the vials of medications to make them appear full in order to avoid detection.
3. On August 18, 2008 and October 7, 2008, Ms. Smith entered Recovery Monitoring Contracts with the Health Practitioners' Intervention Program ("HPIP"). Ms. Smith is currently in compliance with her HPIP Recovery Monitoring Contract.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5) and (6) of the Code and 18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

CONSENT

Elizabeth Smith, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a professional nurse in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION against the license of Elizabeth Smith, R.N., at this time contingent on her compliance with all terms and conditions of her Recovery Monitoring Contract with the HPIP for the period specified in the Contract.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the

license of Elizabeth Smith, R.N., and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Smith shall be noticed to appear before the Board at such time as the Board is notified that:

- a. Ms. Smith is not in compliance with the terms and conditions of the HPIP, or has been terminated from participation in the HPIP;
- b. There is a pending investigation or unresolved allegation against Ms. Smith involving a violation of law or regulation or any term or condition of this Order; or
- c. Ms. Smith has successfully completed the above-referenced period of participation in the HPIP. However, upon receipt of Ms. Smith's participation in and compliance with the HPIP, the Board, at its discretion, may waive Ms. Smith's appearance before the Board and conduct an administrative review of this matter.

3. This order shall be applicable to Ms. Smith's multistate licensure privilege, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Smith shall not work outside the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Ms. Smith wishes to work. Any request for out of state employment shall be directed, in writing, to the Executive Director of the Board.

4. Ms. Smith shall maintain a course of conduct in her capacity as a professional nurse 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 upon request.

FOR THE BOARD

Jay Douglas

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

ENTERED: April 15th 2009

SEEN AND AGREED TO:

Elizabeth C Smith RN

Elizabeth Smith, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Augusta, TO WIT:

Subscribed and sworn to before me, Elizabeth Smith, a Notary Public, this 9 day of April, 2009.

My commission expires 9/30/12

Registration Number _____

MELISSA B. BOSSERMAN
NOTARY ID # 342201
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 9/30/12

M.B.B.

NOTARY PUBLIC