

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: ALENA SMITH, L.P.N.
 License No.: 0002-085946**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") met on April 3, 2013, in Henrico County, Virginia, to inquire into evidence that Alena Smith, L.P.N., may have violated certain laws and regulations governing nursing practice in Virginia. Ms. Smith was present and was not represented by legal counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Alena Smith, L.P.N., was issued License No. 0002-085946 to practice practical nursing in the Commonwealth of Virginia on October 20, 2011. Said license expires on August 31, 2013. Her primary state of residence is Virginia.
2. By letter dated March 11, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on April 3, 2013. The Notice was sent by certified and first class mail to 6773 Holly Springs Drive, Gloucester, Virginia 23061, the address of record on file with the Board of Nursing.
3. During the course of her employment with Patriots Colony, Williamsburg, Virginia:
 - a. During the night shift on July 19-20, 2012, while functioning as a charge nurse, by her own admission, Ms. Smith falsely documented that rounds were made and three residents were repositioned every two hours, even though no staff members entered the residents' rooms between 11:00 p.m. and 4:30 a.m. Ms. Smith spent the entire time in the break room. All other staff except for one nurse aide were also in the

break room during that time. Ms. Smith stated that she was completing paperwork in preparation for an inspection, and that when she was finished with that, she read a book for about an hour.

b. On April 11 and 12, 2012, Ms. Smith falsely documented removing and/or replacing a resident's Lidoderm patch when she did not actually do so. Ms. Smith stated that on one occasion, she initialed the medication administration record and then got called away, then failed to return to the resident to complete the task.

4. Ms. Smith was employed at Patriots Colony from November 2011 until July 27, 2012, when her employment was terminated. She is now employed as a travel nurse on the night shift in a long-term care facility in South Dakota.

5. Melanie Womack, who worked with Ms. Smith when she was a nurse aide and who mentored Ms. Smith through nursing school, was present at the informal conference and spoke on her behalf.

6. Ms. Smith expressed remorse for her actions.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3(a) and 3(b) constitute violations of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-20-300(A)(2)(e) and (f) of the Regulations Governing the Practice of Nursing.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Alena Smith, L.P.N., is hereby REPRIMANDED.
2. Ms. Smith shall pay a MONETARY PENALTY of \$100.00 to the Board within 60 days of the date this Order is entered.
3. Ms. Smith shall provide the Board with verification that she has completed the following three NCSBN online courses within 60 days of the date this Order is entered: *Medication Errors: Detection*

and Prevention; Professional Accountability and Legal Liability for Nurses; and Documentation: A Critical Aspect of Client Care.

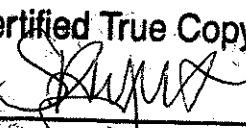
4. Ms. Smith shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

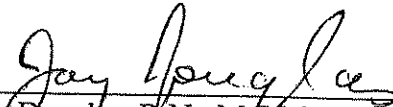
5. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Ms. Smith and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Smith may, not later than 5:00 p.m., on May 22, 2013, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:

Certified True Copy
By 
Virginia Board of Nursing


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

ENTERED: April 19th, 2013

This Order shall become final on May 22, 2013 unless a request for a formal administrative hearing is received as described above.