

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JENEVIEVE SMITH, L.P.N.
License No.: 0002-079560**

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on February 13, 2012, in Henrico County, Virginia. Jenevieve Smith, L.P.N., was not present nor was she represented by legal counsel. Janet Younger, R.N., P.N.P., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On May 22, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Smith was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Jenevieve Smith, L.P.N., was issued License No. 0002-079560 to practice practical nursing by the Virginia Board of Nursing on December 10, 2008. Ms. Smith was previously issued License No. 0002-023374 on June 1, 1977, which expired on July 31, 2008. Said license expired on September 30, 2012. Her primary state of residence is Virginia.

2. By letter dated January 14, 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 February 13, 2013. The Notice was sent by certified and first class mail to 2429 Sedgewick Drive, Virginia Beach, Virginia 23454, the address of record on file with the Board of Nursing. The certified mail and first class

mail were not returned to the Board's office. The Agency Subordinate concluded that adequate notice was provided to Ms. Smith and the informal conference proceeded in her absence.

3. By Order of the Board entered on March 30, 2012 ("Board's Order"), the Board reprimanded Ms. Smith and placed her on indefinite probation for three years of active employment as a licensed practical nurse. The Order was based on findings that Ms. Smith stole approximately \$1,400.00 worth of cash and personal items from two home health care clients.

4. Term No. 6 of the Board's Order required Ms. Smith to complete a mental health/chemical dependency evaluation by a Board-approved specialist and have a written report of the evaluation sent to the Board within 45 days, or by May 29, 2012. Ms. Smith failed to have an evaluation report submitted to the Board.

5. Term No. 8 of the Board's Order required Ms. Smith to submit quarterly "Self-Reports" beginning on May 29, 2012, and thereafter by the last day of the months of March, June, September, and December. Ms. Smith failed to submit any such reports.

6. Term No. 9 of the Board's Order required Ms. Smith to return all copies of her nursing license to the Board and pay a duplicate license fee of \$15.00, whereupon the Board was to issue a license marked "Valid in Virginia only; Probation with terms." Ms. Smith failed to return her license to the Board or pay the fee.

7. Ms. Smith failed to respond to communication from the Compliance Case Manager regarding her lack of compliance with the Board's Order.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term No. 6 of the Board's Order.
2. Finding of Fact No. 5 constitutes a violation of Term No. 8 of the Board's Order.
3. Finding of Fact No. 6 constitutes a violation of Term No. 9 of the Board's Order.

ORDER

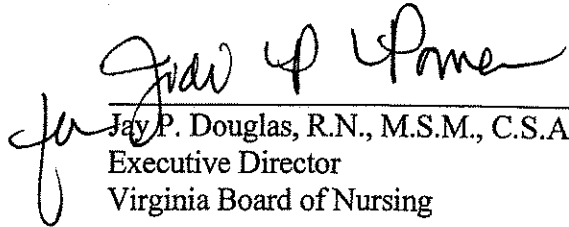
WHEREFORE, it is hereby ORDERED as follows:

1. Jenevieve Smith, L.P.N., is hereby REPRIMANDED.
2. The right to renew License No. 0002-079560 of Ms. Smith is INDEFINITELY SUSPENDED for a period of not less than three years.
3. The license will be recorded as suspended.
4. At such time as Ms. Smith shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of practical nursing. Ms. Smith shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
5. This suspension applies to any multistate privilege to practice practical nursing.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Smith failed to appear at the informal conference, this Order shall be considered final. Ms. Smith has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Smith has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within 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, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD



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

Entered: June 7, 2013

Certified True Copy

By 

Virginia Board of Nursing