

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: JENEVIEVE A. 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 January 10, 2012, in Henrico County, Virginia. Jenevieve A. Smith, L.P.N., was present and was not 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 March 21, 2012, 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 A. Smith, L.P.N., was issued License No. 0002-079560 to practice as a practical nurse in Virginia on December 10, 2008. The license is scheduled to expire on September 30, 2012. Her primary state of residence is Virginia.
2. By letter dated December 15, 2011, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on January 10, 2012. 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.
3. Between November 27, 2010, and December 15, 2010, during the course of her

employment with Tidewater Healthcare Services, Inc., Chesapeake, Virginia (Brightstar), by her own admission, while assigned to provide home health care to Client A and Client B, Ms. Smith stole cash, coins and items including a Wii game and controller totaling approximately \$1400.00 from the clients' home. As a result of this incident, Ms. Smith's employment was terminated. The family did not press criminal charges.

4. Ms. Smith has three previous criminal convictions which occurred prior to licensure, two of which included theft or fraud. She also reported that she has had two other employment terminations, and that she had previous issues with drug use.

5. At the informal conference, Ms. Smith indicated that she is not currently employed. She further stated that she is receiving psychotherapy from Dominion Psychotherapy, and that she has had improvement in her family circumstances and social support.

#### CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (8) of the Code.

#### ORDER

WHEREFORE, it is hereby ORDERED that:

Jenevieve A. Smith, L.P.N., shall be REPRIMANDED. Further it is ordered that Ms. Smith shall be placed on INDEFINITE PROBATION for not less than three years of actual nursing practice subject to the following terms and conditions:

1. The period of probation shall begin on the date that this Order is entered and shall continue INDEFINITELY. After three years of active employment as a licensed practical nurse, Ms. Smith may request that the Board end this probation.

2. Ms. Smith shall inform the Board in writing within ten days of the date she begins nursing practice, or changes employment, or if any interruption in nursing practice occurs.

Additionally, Ms. Smith shall provide the name and address of each employer to the Board.

3. Ms. Smith shall inform her current nursing employer and each future nursing employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Smith is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

4. Performance Evaluations shall be provided, at the direction of Ms. Smith, by all nursing employer(s), as provided by the Compliance Division. The first report must be received in the Board office no later than 60 days from the date this Order was entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

5. Ms. Smith shall practice nursing only in a supervised employment setting satisfactory to the Board for the first three years after being placed on probation. This employment setting shall provide on-site supervision by a physician or professional nurse who works the same shift and holds an unrestricted license. For all current nursing employment and before beginning or changing nursing employment during this period, Ms. Smith shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Ms. Smith shall have an evaluation by a mental health/chemical dependency specialist satisfactory to the Board and shall have a written report of the evaluation, including a diagnosis, a recommended course of therapy, and a prognosis sent to the Board within 45 days from the date this Order is entered. Ms. Smith shall comply with any recommendation of the specialist. If therapy is recommended, written quarterly progress reports by the therapist shall be sent to the Board by the last day of the months of March, June, September and December until Ms. Smith is discharged from therapy. Ms. Smith shall direct the therapist to notify the Board if she withdraws from the treatment

program before being officially discharged by the therapist.

7. Ms. Smith shall provide all current and future treating practitioners with a complete copy of this Order and shall execute an Authorization for Disclosure of Information form providing for unrestricted communication between the Board and any court-appointed probation or parole officers and any consultants designated by the Board.

8. Ms. Smith shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September, and December until the period of probation ends.

9. Ms. Smith shall return all copies of her license to practice as a licensed practical nurse to the Board office within ten days of the date of entry of this Order, along with a payment of a fee of \$15.00. Upon receipt, the Board shall issue a new license marked, “Valid in Virginia Only; Probation with Terms.”

10. Ms. Smith shall conduct herself as a licensed practical nurse in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Board of Nursing Regulations.

11. This Order is applicable to Ms. Smith’s multistate licensure privileges, if any, to practice nursing in the Commonwealth of Virginia. For the duration of this Order, Ms. Smith shall not work outside of 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 she wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

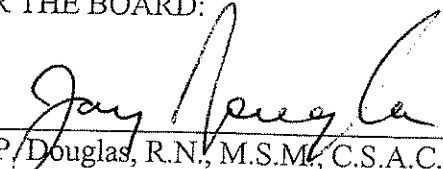
12. Any violation of the stated terms and conditions contained in this Order, or failure to

comply with all terms of this Order within five years of the date of entry of the Order, shall be reason for suspending or revoking the license of Ms. Smith and an administrative proceeding may be held to determine whether her license shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Smith may, not later than 5:00 p.m., on May 2, 2012, notify 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, 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 BOARD:

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

ENTERED: March 30<sup>th</sup> 2012

This Order shall become final on May 2, 2012 unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**

By dgraham  
**Virginia Board of Nursing**