

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: BRENDA SMITH, R.N.
License No.: 0001-203757

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, 2013, in Henrico County, Virginia. Brenda Smith, R.N., was present and was represented by Michael Goodman, Esq., and Eileen Talamante, Esq. 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. Brenda Smith, R.N., was issued License No. 0001-203757 to practice professional nursing by the Virginia Board of Nursing on September 18, 2006. Said license is set to expire on July 31, 2014. Her primary state of residence is Virginia.
2. By letter dated October 15, 2012, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Smith notifying her that an informal conference would be held on November 8, 2012. The Notice was sent by certified and first class mail to 103 East Alexandria Avenue, Alexandria, Virginia 22301, the address of record on file with the Board of Nursing. Ms. Smith requested a continuance, which was granted. By letter dated November 7, 2012, the Board of Nursing notified Ms. Smith that an informal conference would be held on February 13, 2013. The letter was sent by certified and first class mail to 103 East Alexandria Avenue, Alexandria, Virginia 22301, the address of record on

file with the Board of Nursing.

3. On May 15, 2012, Ms. Smith admitted to a Department of Health Professions investigator that she diverted Ventolin from the anesthesia cart in the cardiovascular operating room for the unauthorized use of a family member.

4. In April, 2012, Inova Fairfax Hospital terminated Ms. Smith's employment, where she had been employed for three years, as a result of the above incident and documentation errors. At the informal conference, Ms. Smith stated that she was recently employed with Truststaff, Cincinnati, Ohio, as a traveling nurse assigned to East Houston Medical Center, Houston, Texas. She also stated that at the end of February, 2013, she begins employment with the United States Department of Health, Alexandria, Virginia. Ms. Smith has been prescribed Adderall for the last 16 years, and she takes allergy medications.

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

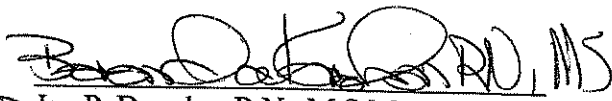
1. Brenda Smith, R.N., is hereby REPRIMANDED.
2. Ms. Smith shall provide the Board with verification that she has completed the following NCSBN online course within 30 days of the date this Order is entered: *Ethics of Nursing Practice*.
3. Ms. Smith shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. 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 § 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 July 9, 2013, 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:


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

ENTERED: June 6, 2013

This Order shall become final on July 9, 2013 unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing