



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia R. Plummer
Executive Director of the Board

IN THE MATTER OF
PERMANENT REGISTERED NURSE
LICENSE NUMBER 849703
ISSUED TO
TANYA SMITH

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§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: TANYA SMITH
1504 RALLY LANE
HARKER HEIGHTS, TX 76548

During open meeting held in Austin, Texas, on **September 9, 2014**, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by

reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 849703, previously issued to TANYA SMITH, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 9th day of September, 2014.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed July 17, 2014.

Re: Permanent Registered Nurse License Number 849703
Issued to TANYA SMITH
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of September, 2019, a true and correct copy of the foregoing DEFAULT ORDER was served and addressed to the following person(s), as

follows:

Via USPS Certified Mail, Return Receipt Requested

TANYA SMITH
1504 RALLY LANE
HARKER HEIGHTS, TX 76548

Via USPS First Class Mail

TANYA SMITH
1057 QUEST DRIVE
VIRGINIA BEACH, VA 23454



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of § BEFORE THE TEXAS
Permanent Registered Nurse §
License Number 849703 §
Issued to TANYA SMITH, §
Respondent § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TANYA SMITH, is a Registered Nurse holding License Number 849703, which is in current status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about November 18, 2013, Respondent submitted an endorsement application to the Texas Board of Nursing in which she provided false, deceptive, and/or misleading information, in that she answered "no" to the following question:

"Within the past five (5) years have you been addicted to and/or treated for the use of alcohol or any other drug?"

Respondent failed to disclose that on or about April 11, 2013, she entered the Commonwealth of Virginia's Health Practitioners' Monitoring Program (HPMP) and on or about April 29, 2013, she signed a Recovery Monitoring Contract. On or about June 28, 2013, Respondent was dismissed from HPMP after she requested to resign from the program. Respondent's conduct was likely to deceive the Board and could have affected the decision to issue a license.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(2) & (10), Texas Occupations Code, and is a violation of 22 TEX. ADMIN. CODE §217.12(6)(I).

CHARGE II.

On or about June 6, 2014, Respondent's right to renew her Registered Nurse license in the Commonwealth of Virginia was INDEFINITELY SUSPENDED by the Virginia Board of Nursing, Henrico, Virginia. A copy of the Virginia Board of Nursing Order dated June 6, 2014, is attached and incorporated, by reference, as part of this pleading.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Sanction Policies for Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder, and for Fraud, Theft and Deception, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

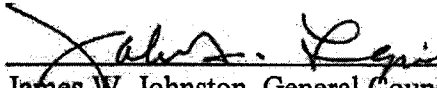
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CONTINUED ON NEXT PAGE.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which is/are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Virginia Board of Nursing Order dated June 6, 2014.

Filed this 17th day of July, 2014.

TEXAS BOARD OF NURSING


James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300
Jena Abel, Assistant General Counsel
State Bar No. 24036103
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333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Virginia Board of Nursing Order dated June 6, 2014.

D/2014.05.23

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: TANYA C. SMITH, R.N.
License No.: 0001-206920

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 21, 2014, in Henrico County, Virginia, to inquire into evidence that Tanya C. Smith, R.N., may have violated certain laws and regulations governing nursing practice in Virginia. The case was presented by Amanda E. M. Blount, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Smith was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Tanya C. Smith, R.N., was issued License No. 0001-206920 to practice professional nursing in the Commonwealth of Virginia on June 7, 2007. Said license expired on February 4, 2014, due to change of primary state of residence to Texas.
2. Based upon the representations of Amanda E. M. Blount, Adjudication Specialist, and Commonwealth's Exhibits #1 and #3, the Notice of Formal Hearing and Statement of Particulars, and the Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to Ms. Smith and the hearing proceeded in her absence.
3. Between June 2012, and March 2013, during the course of her employment with Sentara Virginia Beach General Hospital, Virginia Beach, Virginia, Ms. Smith diverted Benadryl from patient supplies and controlled substances that had been wasted, which she self-administered, while both on-duty

and off-duty.

4. When interviewed by an investigator with the Virginia Department of Health Professions on March 19, 2013, Ms. Smith admitted that the items found in the bathroom of Sentara Virginia Beach General Hospital on March 12, 2013, were items that she used to try to self-inject with midazolam (Versed, Schedule IV), while on duty, from a bottle she found in the sharps container, but she stated that she could not "hit the vein." Ms. Smith said she researched midazolam on-line and chose that drug because she thought it would help her "chill out." Additionally, Ms. Smith admitted she diverted vials of Benadryl from Omnicell. She stated she took home needles and syringes with the Benadryl to self-inject to try to help her sleep.

5. Ms. Smith entered the Health Practitioners' Monitoring Program ("HPMP") on April 11, 2013, and signed a Recovery Monitoring Contract on April 29, 2013. However, she was dismissed from HPMP on June 28, 2013, based on her request to resign from the program due to her indication that she could not afford treatment or screening.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 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.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. The right of Tanya C. Smith to renew License No. 0001-206920 to practice professional nursing in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED.

2. The license will be recorded as SUSPENDED and no longer current. Should Ms. Smith seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

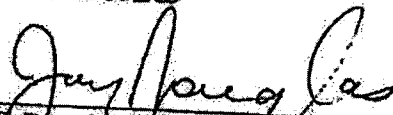
3. At such time as Ms. Smith shall petition the Board for reinstatement of her license, an

administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of professional nursing.

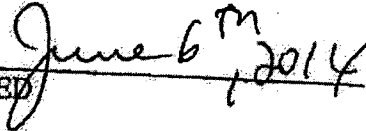
4. This Order shall be applicable to Smith's multistate licensure privileges, if any, to practice professional nursing.

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.

FOR THE BOARD


Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

ENTERED



NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in 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, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board Of Nursing