

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: TAMMY KAY ALLEN, R.N. REINSTATEMENT APPLICANT**  
**License Number: 0001-172962**  
**Case Number: 179898**

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**ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on November 15, 2017, in Henrico County, Virginia, to receive and act upon Tammy K. Allen's application for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

Tammy Kay Allen, R.N., appeared at this proceeding and was not represented by legal counsel.

**NOTICE**

By letter dated October 20, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Allen notifying her that a formal administrative hearing would be held on November 15, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

**FINDINGS OF FACT**

1. On February 15, 2001, the Board issued License Number 0001-172962 to Tammy Kay Allen, R.N. to practice professional nursing in the Commonwealth of Virginia. Said license was mandatorily suspended on April 11, 2014, by Order of the Department of Health Professions, following her conviction of two felonies in the United States District Court of the Western District of Virginia. At

all times relevant hereto, said license was in full force and effect. Her primary state of residence is Virginia.

2. Ms. Allen submitted an application for reinstatement of her license to practice professional nursing, which was received by the Board on March 29, 2017.

3. On April 2, 2014, Ms. Allen pled guilty to and was convicted of one count of false statements relating to health care matters and one count of health care fraud, both felonies, in the United States District Court, Western District of Virginia. Said convictions formed the basis of the Order of Mandatory Suspension entered April 11, 2014.

4. From September 2011 to January 2012, Ms. Allen falsely and/or fraudulently submitted billing documentation to Medicaid for multiple home visits to Client A that did not in fact occur. These actions formed the basis of the felony convictions referenced above.

5. Ms. Allen testified that she did not intentionally bill Medicaid improperly. She stated that she takes full responsibility for her actions, and she told the investigator for the Department of Health Professions that she had made a huge mistake.

6. Ms. Allen told the Board that she took continuing education courses in documentation and ethics in 2017, but could not remember the topics of the documentation courses and did not submit documentary evidence of taking those courses. She submitted evidence of 27 hours of continuing education credits in other topics. Ms. Allen testified that she would like to work in a hospital if she received her license.

7. The evidence revealed that Ms. Allen completed probation from her conviction in March 2016.

8. Ms. Allen told the Department of Health Professions' investigator that she has not practiced nursing since 2013.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(4).
2. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017).
- 3 Tammy Kay Allen, R.N., otherwise meets the requirements for reinstatement of her license to practice professional nursing in the Commonwealth of Virginia.

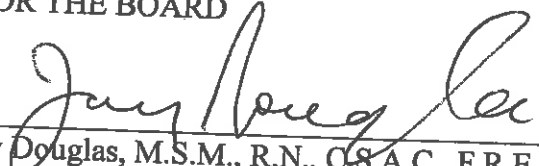
**ORDER**

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the proceeding, ORDERS that the license issued to Tammy Kay Allen, R.N., to practice professional nursing in the Commonwealth of Virginia is REINSTATED contingent upon the following:

1. Ms. Allen shall provide written evidence to the Board of satisfactory completion of a Board-approved registered nursing refresher course.
2. Ms. Allen shall provide written evidence to the Board of satisfactory completion of the following NCSBN courses: *Documentation: A Critical Aspect of Client Care* and *Professional Accountability & Legal Liability for Nurses*.
3. Upon completion of the courses, Ms. Allen shall be issued an unrestricted license to practice professional nursing in the Commonwealth of Virginia.
4. Continuing education obtained through compliance with these terms shall not be used toward licensure renewal.
5. Ms. Allen shall comply with all laws and regulations governing the practice of nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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.

FOR THE BOARD

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

ENTERED AND MAILED ON:

December 15<sup>th</sup>, 2017

**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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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