

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TAMMY RENEE SIMONE, L.P.N.
License Number: 0002-071580
Case Number: 172412

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing (“Board”) and Tammy Renee Simone, L.P.N., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Ms. Simone’s license to practice practical nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Board held an informal conference on December 14, 2016, in Henrico County, Virginia. Ms. Simone did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated November 18, 2016, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Simone notifying her that an informal conference would be held on December 14, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board at the time of the mailing. The receipt for the Notice sent via certified mail was signed by Ms. Simone and returned to the Board office on November 28, 2016. The Notice sent via first-class mail was not returned to the Board office. The Committee concluded that adequate notice was provided to Ms. Simone and the informal conference proceeded in her absence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Tammy Renee Simone, L.P.N., was issued License Number 0002-071580 to practice practical nursing on July 8, 2005, which is scheduled to expire on August 31, 2018. Her primary state of residence is Virginia.
2. While being paid to provide private duty nursing care, including wound care, vital signs, blood sugars, and companionship to Client A, an 88-year-old man with mild cognitive impairment, diabetes and other physical health issues, from 2015 through 2016:
 - a. Ms. Simone violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(l) of the Regulations Governing the Practice of Nursing ("Regulations") in that she engaged in a nontherapeutic personal and sexual relationship with the client.
 - b. Ms. Simone violated Virginia Code § 54.1-3007(2), (5), and (8) and 18 VAC 90-20-300(A)(2)(j) and (k) of the Regulations in that she accepted gifts of cash and goods with a value in excess of \$20,000 from the client.
3. The Adult Protective Services unit for Floyd County, Virginia, Department of Social Services investigated the relationship between Ms. Simone and Client A and made a finding that a need for protective services existed because Ms. Simone exploited Client A and took money from him.
4. Ms. Simone has been charged with two counts of felony welfare fraud in the Circuit Court of Carroll County, Virginia, as a result of not reporting her income related to providing private nursing care to this client.

CONSENT

Tammy Renee Simone, L.P.N., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive my right to a formal hearing;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice practical nursing in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The license issued to Tammy Renee Simone, L.P.N., to practice practical nursing in the Commonwealth of Virginia is INDEFINITELY SUSPENDED.
2. The license of Tammy Renee Simone, L.P.N., will be recorded as SUSPENDED.
3. This suspension applies to any multistate privilege to practice practical nursing.
4. Should Tammy Renee Simone, L.P.N., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Simone to demonstrate that she is safe and competent to return to the practice of practical nursing. Ms. Simone shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice.

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

Joyce A. Hahn
Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

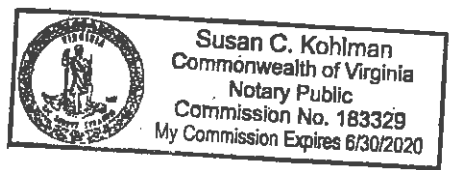
ENTERED: 3/21/19

SEEN AND AGREED TO:

Tammy Renee Simone
Tammy Renee Simone, L.P.N.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF James City, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 7 day of March, 2017.



Susan C. Kohlman
Notary Public

My commission expires: 6/30/2020

Registration No.: 183329

Certified True Copy
By drake
Virginia Board Of Nursing