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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **JUDY SIMMONS, C.N.A.**
Certificate No.: 1401-157850

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Judy Simmons, C.N.A., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Simmons' certificate to practice as a nurse aide in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Judy Simmons, C.N.A., was issued Certificate No. 1401-157850 to practice as a nurse aide by the Virginia Board of Nursing on January 30, 2013. Said certificate is set to expire on January 31, 2015.
2. During the course of her employment with Avante at Harrisonburg, on October 22, 2013, Ms. Simmons administered a tablet of oxycodone (Schedule II) to a resident at the direction of a practical nurse although Ms. Simmons was not authorized to administer medications.
3. No patient harm occurred. The practical nurse's employment was terminated. Ms. Simmons remains employed with Avante at Harrisonburg.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) and (5) of the Code of Virginia (1950), as amended ("Code"), and 18 VAC 90-25-100(2)(a) of the Regulations Governing Certified Nurse Aides.

CONSENT

Judy Simmons, C.N.A., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a nurse aide in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Judy Simmons, C.N.A., is hereby REPRIMANDED.
2. Ms. Simmons shall maintain a course of conduct in her capacity as a nurse aide commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 upon request.

FOR THE BOARD

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

ENTERED: March 31, 2014

SEEN AND AGREED TO:

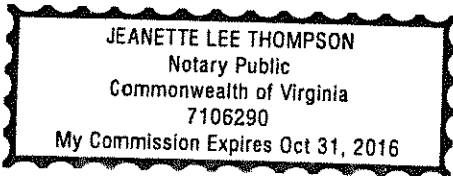
Judy Simmons
Judy Simmons, C.N.A.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Rockingham, TO WIT:

Subscribed and sworn to before me, Jeanette Lee Thompson, a Notary Public, this 26 day of March, 2014.

My commission expires Oct. 31st 2016.

Registration Number 7106290.



Jeanette Lee Thompson
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board Of Nursing