

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TAMMY CALWAY, C.N.A.**  
**Certificate No.: 1401-148289**

**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 July 24, 2013, in Henrico County, Virginia. Tammy Calway, C.N.A., was not present nor was she represented by legal counsel. Jane Elliott, R.N., Ph.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On September 18, 2013, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Calway 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. 1. Tammy Calway, C.N.A., was issued Certificate No. 1401-148289 to practice as a nurse aide in Virginia on October 5, 2011. The certificate is scheduled to expire on October 31, 2013.
2. By letter dated July 1, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Calway notifying her that an informal conference would be held on July 24, 2013. The Notice was sent by certified and first class mail to the address of record on file with the Board of Nursing. The Notice was also sent by certified mail to a secondary address, 8152 Beatty Street, Norfolk, Virginia

23518. According to the United States Postal Service website, the Notice sent by certified mail to the address of record was delivered on July 3, 2013. The Notice sent by certified mail to the secondary address was accepted by Cathy Border. As of July 24, 2013, the Notices sent by first class mail to the address of record and the secondary address had not been returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Calway and the informal conference proceeded in her absence.

3. During the course of Ms. Calway's employment with Affinity Care Plus, Virginia Beach, Virginia while providing care to Client A in her home between March 2012 and September 2012:

a. On June 5, 2012, Client A's physician told Ms. Calway to take the client to the emergency room due to Ms. Calway's concerns regarding the increased number of episodes of Client A passing out. Ms. Calway failed to follow the physician's order to take Client A to the emergency room, but took care of the client herself at the client's home.

b. On September 5, 2012, Client A suffered a fall, and on September 6, 2012, her glucose level was 62. Ms. Calway failed to report the fall and the low glucose reading to either the Client's physician or the professional nurse case manager at Affinity Care Plus.

c. On September 17, 2012, Ms. Calway admitted to a physician's assistant in the Emergency Department of Bon Secours, Depaul Medical Center, Norfolk, Virginia, that she increased Client A's insulin from five to ten units without the authority to do so.

d. As a result of the above incidents, the client was hospitalized.

4. Ms. Calway stated to the investigator for the Department of Health Professions that she prepared the insulin for Client A, but the client self-administered her insulin. Ms. Calway adjusted the dosage of insulin, based her assessment.

5. Ms. Calway stated to the investigator that she does not believe that she did anything

wrong while caring for Client A.

6. Ms. Calway was not terminated from Affinity Care Plus, but did not have any further assignments.

### CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 (a) and 3 (c) constitute a violation of § 54.1-3007(2), (5) and (8) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-25-100(2)(a), (b) and (e) of the Regulations Governing Certified Nurse Aides.

2. Findings of Fact Nos. 3(a) through 3 (b) and Conclusion of Law No. 1 constitute a Finding of Neglect pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations.

### ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. Certificate No. 1401-148289 of Tammy Calway to practice as a nurse aide is REVOKED.

2. The certificate will be recorded as revoked and no longer current.

3. A Finding of Neglect shall be ENTERED against Ms. Calway in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.13(c)(1)(ii)(B) and 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D). This finding prohibits Ms. Calway’s employment as a certified nurse aide in any long-term care facility that receives Medicare or Medicaid reimbursement, according to 42 CFR § 483.13(c)(1)(ii)(B).

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.

Since Ms. Calway failed to appear at the informal conference, this Order shall be considered final.

Ms. Calway has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Calway has 30 days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three days are added to that period.

FOR THE BOARD



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

Entered: September 26<sup>th</sup>, 2013

Certified True Copy

By   
Virginia Board of Nursing