

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: TAMMY VEE, C.N.A.  
Certificate No.: 1401-107994**

**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 Virginia Board of Nursing ("Board") on June 20, 2013, in Henrico County, Virginia. Tammy Vee, 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. Vee 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. Tammy Vee, C.N.A., was issued Certificate No. 1401-107994 to practice as a nurse aide in Virginia on March 18, 2005. The certificate expired on March 31, 2013.
2. By letter dated January 8, 2013, the Virginia Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Vee notifying her that an informal conference would be held on February 26, 2013. The Notice was sent by certified and first class mail to 1106 NW Linden Street, Ankeny, Iowa, 50023, the address of record on file with the Board of Nursing. By letter dated May 22, 2013, the Board notified Ms. Vee the informal conference scheduled for February 26, 2013, had been continued and rescheduled for June 20, 2013. The letter was sent by certified and first class mail to 1106 NW Linden

Street, Ankeny, Iowa, 50023, the address of record on file with the Board of Nursing. The letter was also sent by certified and first class mail to 2441 East Tremont Court, Richmond, Virginia 23225, a secondary address. The receipt for the certified mail sent to the address of record was signed and returned to the Board's office. The first class mail sent to the address of record was not returned to the Board's office. The letter sent by certified mail to the secondary address was not returned to the Board's office. The first class mail sent to the secondary address was returned to the Board's office marked "unsigned, unable to deliver." The Agency Subordinate concluded that adequate notice was provided to Ms. Vee and the informal conference proceeded in her absence.

3. During the course of her employment with Around the Clock Healthcare Services ("ATC"), on May 23, 2012, Ms. Vee reported to work and interacted with patients at VCU Health System Virginia Treatment Center for Children ("VTCC"), Richmond, Virginia, at approximately 3:00 p.m. after having consumed alcohol. Ms. Vee was reported to be acting strangely, her speech was slurred, and she gave off an odor of alcohol. Moreover, she displayed questionable behavior and judgment when interacting with a juvenile that had been sexually abused. Her breathalyzer test results were .208% and .238%. Ms. Vee's employment was terminated as a result of this incident. She had worked at VTCC since April, 2011. In her interview with the investigator from the Department of Health Professions, Ms. Vee admitted that she had gone out to lunch with a friend and had a couple of glasses of wine since she was not scheduled to work that day. However, Ms. Vee's sister accepted a shift assignment for her and she reported for work. Ms. Vee claimed that she did not believe she was impaired when she reported to her workplace.

4. In 2008, Ms. Vee was convicted in the Henrico County, Virginia, General District Court of driving while intoxicated. She told the investigator that she was required to attend AA meetings and some ASAP classes as a result of the conviction but that she stopped going. Ms. Vee stated to the

investigator that she has resumed going to AA again since May, 2012. Ms. Vee denied alcohol dependence and stated she would not have had the wine if she knew she would be reporting to work later that day.

5. Ms. Vee falsified the following employment applications:

a. On her application for employment with ATC, dated April 21, 2011, she falsely indicated that her reason for leaving her employment with Bon Secours Memorial Regional Medical Center (“BSMRMC”) was “career advancement,” when, in fact, her employment was terminated on March 19, 2008, due to absenteeism.

b. On her application for employment with Nurse Advantage, dated July 2, 2012, Ms. Vee falsely indicated that her reason for leaving BSMRMC was “job change,” when, in fact, her employment was terminated as noted above.

6. Ms. Vee has not contacted Health Practitioner’s Monitoring Program (HPMP).

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(5) and (6) of the Code.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

3. Finding of Fact No. 5 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-25-100(2)(d) of the Regulations Governing Certified Nurse Aides.

#### **ORDER**

WHEREFORE, it is hereby ORDERED as follows:

1. The right of Tammy Vee to renew Certificate No. 1401-107994 is INDEFINITELY SUSPENDED.

2. The certificate will be recorded as suspended.


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

administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of a nurse aide. Ms. Vee shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

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. Vee failed to appear at the informal conference, this Order shall be considered final. Ms. Vee 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. Vee has thirty (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, Virginia 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 (3) 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 23, 2013<sup>RD</sup>

Certified True Copy

By   
\_\_\_\_\_  
Virginia Board Of Nursing