

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:       LORETTA M. SIMMONS, C.N.A. REINSTATEMENT APPLICANT**  
**Certificate No.: 1401-094840**

**NOTICE OF HEARING**

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Loretta M. Simmons, who, prior to its suspension by the Department of Health Professions on August 12, 2010, held Certificate No. 1401-094840 to practice as a nurse aide in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on July 15, 2013, at 9:30 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Simmons will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Simmons has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Simmons desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon the application of Loretta M. Simmons for reinstatement of her certificate to practice as a nurse aide in Virginia, which was mandatorily suspended by the Department of Health Professions on August 12, 2010, and to inquire into evidence that Ms. Simmons

may have violated certain laws and regulations governing nurse aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Loretta M. Simmons, as the applicant, to demonstrate that she is capable of resuming safe and competent practice as a nurse aide in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Simmons' certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

### **STATEMENT OF PARTICULARS**

The Board alleges that:

1. Loretta M. Simmons may have violated § 54.1-3007(4) of the Code in that:
  - a. By Order entered May 26, 1994, by the Circuit Court of the City of Richmond, Virginia, Ms. Simmons was convicted of grand larceny, a felony. Said conviction formed the basis of the mandatory suspension of Ms. Simmons' certificate to practice as a nurse aide in Virginia.
  - b. By Order entered February 10, 2011, by the Circuit Court of Chesterfield County, Virginia, Ms. Simmons was convicted of grand larceny, a felony.
2. Ms. Simmons may have violated § 54.1-3007(5) and (8) of the Code in that, by her own admission, during the course of her employment with Langhorne Family Care, L.L.C., Richmond, Virginia, from on or about May 25, 2010, to July 4, 2010, she used the credit card of Resident A to make unauthorized purchases totaling \$2500.00.
3. Ms. Simmons may be in violation of § 54.1-3007(6) of the Code in that she may be unable to safely practice as a nurse aide due to mental illness which requires medication and treatment.
4. Ms. Simmons may have violated § 54.1-3007(1) and (5) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides in that:

a. On the application for reinstatement of her nurse aide certificate dated March 22, 2013:


i. Ms. Simmons falsely answered no to the question, “Do you have a mental, physical, or chemical dependency condition which could interfere with your current ability to practice as a nurse aide?”

ii. Ms. Simmons falsely indicated that her reason for leaving J&M Adult Care Services, L.L.C., was conflict of pay, when, in fact, her employment was terminated.

b. On the application for certification by examination dated July 17, 2002, Ms. Simmons failed to disclose her 1994 felony conviction.

If the Board finds that Loretta M. Simmons is in violation of the above allegations and § 54.1-3007(8) of the Code, the Board shall make a Finding of Misappropriation of Patient Property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B), such a finding will prohibit Ms. Simmons’ future employment as a certified nurse aide in any long term care facility which receives Medicare or Medicaid reimbursement.

FOR THE BOARD

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

ENTERED: June 13<sup>th</sup>, 2013