BEFORE THE WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH LANGUAGE PATHOLOGY AND AUDIOLOGY,

Complainant,

v.

Case Nos. 59 & 61
AUD License No. A-0062

GREGORY SIMMERMAN,

Respondent.

CONSENT AGREEMENT AND ORDER

NOW COMES the West Virginia Board of Examiners for Speech-Language Pathology and Audiology ("Board") and Gregory Simmerman ("Respondent") for the purpose of agreeing to disciplinary action which shall be taken against Respondent in the above-referenced matters.

As a means of compromise, the Board and Respondent hereby agree to resolve these matters by and through a voluntary agreement and consent to disciplinary action, with consideration given to appropriate safeguards for protection of the public.

WHEREAS, Respondent acknowledges that the Board may file a Statement of Charges alleging that he has violated certain provisions of W. Va. Code §§ 30-32-1 *et seq.* and W. Va. Code R. §§ 29-1-1 *et seq.*, and may proceed to a hearing and seek disciplinary action in these matters.

WHEREAS, Respondent hereby waives the filing of a formal Statement of Charges and the parties mutually desire to settle these matters without further prosecution and a formal hearing.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by Respondent.

THEREFORE, it is hereby STIPULATED and AGREED between the undersigned parties that these matters be settled and resolved, the parties having reached and understanding concerning the proper disposition of the matters in controversy, and the Board, approving such an agreement, does hereby FIND and ORDER as follows:

FINDINGS OF FACT

1. Mr. Simmerman is a licensee of the Board, holding AUD License No. A-0062, and at all times relevant, practiced audiology at Simmerman Hearing in Charleston, West Virginia.

2. On March 28, 2024, the Board received a written complaint from R. Michael Squires, Audiologist and Board member, who alleged that patients of Mr. Squires's clinic had brought their hearing aids to Respondent for repairs, but that Respondent failed to return the hearing aids to the patients or respond to the patients' calls in a timely fashion. The complaint further alleged that Respondent represented that he was closing his practice, and that the Respondent had been sued by a hearing aid manufacturer.

3. On April 1, 2024, the Board transmitted a copy of the complaint to Respondent and requested that he respond thereto within thirty (30) days.

4. On July 10, 2024, the Board received Respondent's response to the complaint in which he refuted the allegations set forth in the complaint. As an initial matter, Respondent provided background as to communications he had with Mr. Squires and/or his staff regarding Mr. Squires's interest in purchasing Respondent's practice. In response to the allegation that Respondent failed to return hearing aids to patients in a timely fashion, Respondent provided an example of a patient whose hearing aids had been allegedly sent to Mr. Squires's Audiology Services of West Virginia and had remained there until the patient threatened legal action and the situation was resolved. In response to the allegation that Respondent had been sued by a hearing aid manufacturer and was closing his practice as a result, Respondent asserted that although being sued was a factor in his decision to close his practice, Respondent also elected to close his practice due to staffing issues, reduced profits, and other factors. Respondent maintained that he informed his patients of his decision to close and referred them to other audiologists.

5. On June 26, 2024, the Board received a written complaint from Gordon T. Smith.

The complaint alleged that Mr. Smith purchased hearing aids from Respondent on March 29, 2023, but the hearing aids were not working. The complaint further alleged that Mr. Smith's attempts to contact Respondent were unsuccessful, that Respondent's practice's answering machine noted that Respondent

would not be available until November 15, 2023, and that Respondent failed to provide information as to someone who could help in his absence. Mr. Smith maintained that he was able to have his hearing aids repaired at Clear Signal, another practice, but that he had to pay for the service because Mr. Smith did not purchase the hearing aids there.

6. On June 26, 2024, the Board transmitted a copy of the complaint to Respondent and requested that he respond thereto within thirty (30) days.

7. On July 26, 2024, Respondent, through counsel, submitted a response to Mr. Smith's complaint. Respondent provided a detailed explanation as to his practice's dissolution, which included Respondent having been sued by HA manufacturer in the Circuit Court of Kanawha County, West Virginia, Respondent having a judgement entered against him in connection with that suit, and Respondent ultimately having filed bankruptcy. Respondent noted that he had collected all his patient files and turned them over to Chapter 7 bankruptcy trustee in June 2024, per her direction. Respondent stated that the trustee also informed him that she would contact the Board to make arrangements for the files to be available to Respondent's patients. Respondent represented that although he routinely provided his patients with not only his office number, but also his cell phone number, he could not "state to a certainty that he provided Mr. Gordon Smith with his personal cell phone number." Respondent stated that some of the delay with Mr. Smith's hearing aids was due to delays in shipping and supply ordering, as well as Mr. Smith's family health issues and Mr. Smith changing his order.

8. Upon investigation, and after reviewing the information and documents described herein, the Board, by majority vote at its meeting on October 1, 2024, determined that there was sufficient evidence to warrant further proceedings, and that probable cause existed to charge Mr. Simmerman with violations of West Virginia Code § 30-32-19(g)(13): "Abandoning or neglecting a patient or client in need of immediate professional care without making reasonable arrangements for the continuation of care [.]"

CONCLUSIONS OF LAW

1. Mr. Simmerman is a licensee of the Board, holding AUD License No. A-0062, and is therefore subject to the license requirements of the Board.

2. The Board is a state entity created and governed by W. Va. Code §§ 30-32-1, *et seq.*, and is empowered to regulate the practice of audiology in the State of West Virginia.

3. In order to carry out its regulatory duties, the Board may suspend, revoke, or otherwise discipline an individual's license to practice audiology under the authority granted to it by W. Va Code §§ 30-32-6 and 30-32-19 and W. Va. Code R. §§ 29-1-9 and 29-4-1 to 29-4-6.

4. Mr. Simmerman was notified of the allegations against him pursuant to the rules of the Board and the laws of the State.

5. The conduct described in the above Findings of Fact would, if proven, constitute Violations of W. Va. Code § 30-32-19. Such conduct is therefore grounds for disciplinary action.

CONSENT OF LICENSEE

I, Gregory Simmerman, by signing this Consent Agreement and Order, acknowledge the following:

1. After having had the opportunity to consult with an attorney of my choice, I sign this Consent Agreement and Order voluntarily, freely, without compulsion or duress, and understand that my signature has legal consequences.

2. No person or entity has made any promise or given any inducement whatsoever to Encourage me to make this settlement other than as set forth in this document.

3. I am aware that I may pursue this matter through appropriate administrative and/or court proceedings. I am aware of my legal rights regarding this matter, but I have chosen to waive those rights intelligently, knowingly, and voluntarily.

4. I waive any defenses including, but not limited to, laches, statute of limitations, and estoppel, that I may have otherwise claimed as a condition of this agreement.

5. I admit that my actions violated the statute of the West Virginia Board of Examiners for Speech-Language Pathology and Audiology.

6. I acknowledge that the execution of this document constitutes disciplinary action by the Board and is therefore considered to be public information.

The Respondent, Gregory Simmerman, by affixing his signature hereto, agrees to the following:

ORDER

Based on the foregoing, the Board does hereby ORDER and DECREE as follows:

1. The Board hereby issues a letter of Public Concern for Mr. Simmerman for his actions in these matters;

2. This document is a public record as defined in West Virginia Code §29B-1-2. The Board is bound by law and by this Agreement to report the results of all disciplinary actions, including this matter, to the National Practitioner's Database and on the Board's website.

3. This Consent Agreement and Order constitute the entire agreement between the parties.

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In recognition of this Consent Agreement and Order, we hereby affix our signatures.

WEST VIRGINIA BOARD OF EXAMINERS FOR SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY

By: Vickie Pullins
Vickie Pullins, M.A., CCC-SLP, President

Entered: 7/7/2025
Date

REVIEWED AND AGREED TO BY:

Gregory Simmerman
Respondent

6-18-2025
Date

STATE OF West Virginia,
COUNTY OF Kanawha, to-wit:

This day personally appeared before me, Gregory Simmerman, whose name is signed to the foregoing document and who is known to me, having acknowledged before me that the statements in the foregoing document are complete, true and correct, to the best of his knowledge, information and belief, and executed the document voluntarily on the date shown above.

Given under my hand and seal on this the 18th day of June, 2025.

My Commission expires: August 1, 2027

OFFICIAL SEAL
STATE OF WEST VIRGINIA
NOTARY PUBLIC
RYAN DOMAGEN
8 Hale Street Charleston, WV25301
My Commission Expires August 1, 2027

Notary Public