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By *Raylor*  
Virginia Board of Nursing



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VA BD OF NURSING

COMMONWEALTH of VIRGINIA

David E. Brown, D.C.  
Director

Department of Health Professions

Perimeter Center  
9960 Mayland Drive, Suite 300  
Henrico, Virginia 23233-1463

www.dhp.virginia.gov  
TEL (804) 367-4400  
FAX (804) 527-4475

February 13, 2017

Jerry Thomas Van Huss, L.P.N.  
21452 Delmar Road  
Damascus, VA 242362108

DUPLICATE COPY  
VIA FIRST CLASS MAIL

DATE 2/13/17

RE: License Number: 0002-050327  
Case Number: 177704

Dear Mr. Van Huss:

Pursuant to Virginia Code § 54.1-2409, you are hereby given notice that your license to practice practical nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered February 10, 2017. You are hereby advised that you may not practice practical nursing or hold yourself out as a licensed practical nurse unless and until the Board of Nursing has notified you in writing that your license has been reinstated. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing ("Board"), at the above address, immediately upon receipt of this letter.

You may apply to the Board for reinstatement of your license, and you shall be entitled to a formal administrative hearing not later than the next regular meeting of the Board after the expiration of 60 days from the Board's receipt of your reinstatement application. The reinstatement of your license shall require the affirmative vote of three-fourths of the members of the Board present at the hearing. The reinstatement application can be found at [www.dhp.virginia.gov/Nursing](http://www.dhp.virginia.gov/Nursing).

If you have any questions about this matter, you can contact me at (804) 367-4474 or [anne.joseph@dhp.virginia.gov](mailto:anne.joseph@dhp.virginia.gov).

Sincerely,

*Anne Joseph*

Anne Joseph, Deputy Director  
Administrative Proceedings Division

cc: Jay P. Douglas, Executive Director, Board of Nursing  
Enclosures

**BEFORE THE VIRGINIA DEPARTMENT OF HEALTH PROFESSIONS**

**IN RE: JERRY THOMAS VAN HUSS, L.P.N.**  
**License Number: 0002-050327**  
**Case Number: 177704**

**ORDER OF MANDATORY SUSPENSION**

In accordance with Virginia Code § 54.1-2409, I, David E. Brown, D.C., Director of the Virginia Department of Health Professions, received and acted upon evidence that the Tennessee Board of Nursing revoked the privilege of Jerry Thomas Van Huss, L.P.N., to practice practical nursing in the State of Tennessee. A certified copy of the Tennessee Board of Nursing's Order is attached hereto as Commonwealth's Exhibit 1.

WHEREUPON, by the authority vested in the Director of the Department of Health Professions pursuant to Virginia Code § 54.1-2409, it is hereby ORDERED that the license of Jerry Thomas Van Huss, L.P.N., to practice practical nursing in the Commonwealth of Virginia is hereby SUSPENDED.

Upon entry of this Order, the license of Jerry Thomas Van Huss, L.P.N., will be recorded as suspended and no longer current and valid. Should Jerry Thomas Van Huss, L.P.N., seek reinstatement of his license pursuant to Virginia Code § 54.1-2409, he shall be responsible for any fees that may be required for the reinstatement of the license prior to issuance of the license to resume practice.

This Order shall be applicable to Mr. Van Huss' multistate licensure privilege, if any, to practice practical nursing in the Commonwealth of Virginia.

Pursuant to Virginia Code § 2.2-4023 and § 54.1-2400.2, 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 or copying on request.



\_\_\_\_\_  
David E. Brown, D.C., Director  
Virginia Department of Health Professions

ENTERED:

\_\_\_\_\_  
2/10/17

**CERTIFICATION OF DUPLICATE RECORDS**

I, David E. Brown, D.C., Director of the Department of Health Professions, hereby certify that the attached Order entered November 30, 2016, regarding Jerry T. Van Huss, L.P.N., is a true copy of the records received from the Tennessee Board of Nursing.

  
\_\_\_\_\_  
David E. Brown, D.C.

Date: 2/10/17



BEFORE THE TENNESSEE BOARD OF NURSING

In the Matter of:

JERRY VAN HUSS

L.P.N. License No. Va. 0002050327

Respondent

Docket No. 17.19-137720A

ORDER

This matter came to be heard before the Tennessee Board of Nursing (Board) on the 29th day of November, 2016, pursuant to a Notice of Hearing and Charges filed against the Respondent. Presiding at the hearing was the Honorable Thomas Stovall, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Mark Cole Assistant General Counsel. The Respondent was not present and not represented by counsel. Counsel for the State made a motion pursuant to Tennessee Code Annotated Section (TENN. CODE ANN. §) 4-5-309 to find the Respondent in default. In support of its motion, the State introduced evidence that a Notice of Hearing and Charges had been served upon the Respondent at the address of record on file with the Division, via the United States Postal Service certified mail, and via the United States Postal Service, first class mail. Having considered the evidence in this matter, the Administrative Law Judge advised the Board that service on the Respondent was legally sufficient. By majority vote, the Board GRANTED the State's motion to find the Respondent in DEFAULT and to conduct the proceeding without the participation of the Respondent. After consideration of the Notice of Hearing and Charges, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

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## FINDINGS OF FACT

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1. Respondent has been at all times pertinent hereto licensed by the Virginia Board of Nursing as a practical nurse, having been granted license number 0002050327 on December 6, 1994, which currently has an expiration date of May 31, 2017. Respondent's Virginia nursing license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
2. Respondent worked as a practical nurse at ProCare Home Health in Johnson City, Tennessee, on the multistate privilege afforded to Respondent by his Virginia nursing license, beginning in August 2014.
3. Respondent was assigned to patient C.W., a minor child, to provide care for him in his home from 7 p.m. to 7 a.m.
4. Respondent would go to out, during his shift, to get himself snacks, which he told C.W.'s mother was due to his smoking marijuana.
5. Respondent would leave the minor child to go smoke and make telephone calls during his shift.
6. Respondent would leave the shift early, telling C.W.'s mother that her children annoyed him and he needed to get a beer. He told mother that he could not stand C.W.
7. After C.W.'s mother complained to ProCare, Respondent was terminated from ProCare on November 10, 2014.
8. On December 22, 2014, Respondent sent offensive text messages to the mother of C.W.

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## CONCLUSIONS OF LAW

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The Board, having jurisdiction over this matter, finds the facts in this Order are sufficient to establish that the Respondent has violated the following provisions of TENN. CODE ANN. § 63-7-101, *et seq.* and the Official Compilation Rules and Regulations of the State of Tennessee for the Board of Nursing (TENN. COMP. R. & REGS.) 1000-02-.01, *et seq.*:

9. The facts enumerated in paragraphs two (2) through eight (8) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

(F) Is guilty of unprofessional conduct.

10. The facts enumerated in paragraphs two (2) through eight (8) constitute a violation of TENN. COMP. R. & REGS. 1000-02-.13(1), which defines “unprofessional conduct, unfitness or incompetency by reason of negligence, habits or other cause” as including, but not limited to:

(v) Engaging in acts of dishonesty which relate to the practice of nursing.

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### REASONS FOR THE DECISION

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The Board has concluded that the Respondent did violate portions of the law governing nursing by his actions, which jeopardized the safety and wellbeing of citizens of Tennessee and therefore the action taken by the Board is necessary and appropriate to protect the public welfare.

**THEREFORE**, it is **ORDERED** as follows:

11. Respondent’s privilege to practice as a practical nurse in Tennessee under the multistate privilege, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-7-115 and 116, shall be and is hereby **REVOKED**.

12. Respondent is hereby assessed one Type A Civil Penalty in the amount of one thousand dollars (\$1,000.00), in accordance with TENN. COMP. R. & REGS. 1000-02-.04(6) and shall be paid in full within twelve (12) months from the effective date of this Order.

13. Respondent shall pay the costs of this action pursuant to TENN. CODE ANN. §§ 63-7-115(d) and 63-1-144, and TENN. COMP. R. & REGS. 1000-02-.04(11). These costs will be established by an Assessment of Costs prepared by counsel for the Department. The Assessment of Costs shall not exceed five thousand dollars (\$5,000.00) and shall be paid in full within twenty-four (24) months from the issuance of the Assessment of Costs.

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NOTICE

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14. This revocation and civil penalty are formal disciplinary actions and will be reported to the National Practitioner Data Bank (NPDB).
15. Civil penalties are hereby assessed pursuant to TENN. COMP. R. & REGS. 1000-02-.04(6) and TENN. CODE ANN. § 63-1-134(c), which states in particular:
- a. Civil penalties assessed pursuant to this section are final, due and payable as of the date shown on the certificate of filing below.
  - b. If the violator fails to pay an assessment when it becomes final, the department may apply to the appropriate court for a judgment and seek execution of such judgment.
16. Respondent may enter into an agreement with the Board for the payment of assessed civil penalties in installments that are due and payable beyond the date on which the assessment becomes final. TENN. CODE ANN. § 63-1-134(c). To set up a payment plan, contact the Disciplinary Coordinator by calling 615-253-2699.
17. All costs and civil penalty payments shall be paid in *certified funds only* (certified check, cashier's check, or money order) to the State of Tennessee, which shall be mailed or delivered to: Disciplinary Coordinator, Tennessee Department of Health,

Office of Investigations, 665 Mainstream Drive, Second Floor, Nashville, Tennessee 37243.

18. A notation shall be placed on the instrument designating that it is payable for the costs and/or civil penalty of Jerry Van Huss, Case No. 201500194.
19. A violation of this Order shall constitute a separate violation, pursuant to TENN. CODE ANN. § 63-7-115(a)(1)(G), and is grounds for further disciplinary action by the Board.

**SO ORDERED** this 30<sup>th</sup> day of November, 2016, by the Tennessee Board of Nursing.

  
Chairperson/Acting Chairperson  
Tennessee Board of Nursing

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#### **RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW**

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Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.



**PREPARED FOR ENTRY:**

*Mark Cole*

Mark Cole, BPR No. 020020  
Assistant General Counsel  
Tennessee Department of Health  
Office of General Counsel  
665 Mainstream Drive, Second Floor  
Nashville, Tennessee 37243  
(615) 741-1611

**CERTIFICATE OF FILING**

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 30<sup>th</sup> day of November 2016.

*J. Richard Collier*

Richard Collier, Director  
Administrative Procedures Division

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of this document as entered has been served upon the Respondent, Jerry Van Huss, 2163 Feathers Chapel Road, Blountville, Tennessee 37617, by delivering the same in the United States regular mail and United States certified mail, number 7016 1970 0000 6197 4026, return receipt requested, with sufficient postage thereon to reach its destination.

This 1<sup>st</sup> day of December, 2016.

*Mark Cole*

Mark Cole  
Assistant General Counsel