

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: CHERRI VELVET WHITAKER, L.P.N. REINSTATEMENT APPLICANT
License Number: 0002-077301
Case Number: 179766

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) held an informal conference on August 8, 2017, in Henrico County, Virginia, to receive and act upon Cheri Velvet Whitaker’s application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia.

Cheri Velvet Whitaker did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated June 30, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Whitaker notifying her that an informal conference would be held on August 8, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on July 5, 2017. The Notice sent via first-class mail was not returned to the Board office. Accordingly, the Committee Chair concluded that adequate notice was provided to Ms. Whitaker and the informal conference proceeded in her absence.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Cherri Velvet Whitaker was issued License Number 0002-077301 to practice practical nursing on December 17, 2007, which was indefinitely suspended on July 27, 2016. Her primary state of residence is Virginia.

2. As the applicant, Ms. Whitaker had the burden to demonstrate to the Board that she is safe and competent to practice as a practical nurse and she did not appear.

3. Ms. Whitaker violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice practical nursing due to substance abuse and/or physical and/or mental illness, as evidenced by the following:

a. On February 7, 2017, in the General Sessions Court for Claiborne County, Tennessee, Ms. Whitaker was convicted of driving while under the influence for an incident that occurred on July 23, 2016. During her arrest, Ms. Whitaker admitted to consuming four beers, Klonopin (clonazepam, C-IV) and tramadol (C-IV).

b. On April 12, 2017, during an interview with a Department of Health Professions investigator, Ms. Whitaker reported being diagnosed with bipolar disorder, for which she is not receiving treatment or being prescribed medication. She also reported experiencing back pain from a herniated disc, for which she is not receiving treatment.

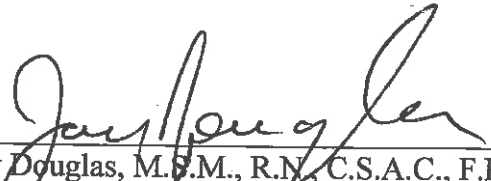
4. Ms. Whitaker has not demonstrated that she is prepared to resume the safe and competent practice of practical nursing.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS that the application of Cherri Velvet Whitaker for reinstatement of her license to practice practical nursing is DENIED.

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 and copying upon request.

FOR THE BOARD



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

ENTERED AND MAILED: August 30th, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Ms. Whitaker may, not later than 5:00 p.m., on October 2, 2017, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on October 2, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 

Virginia Board of Nursing