

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CHERIE HUFFMAN, L.P.N.
License No.: 0002-076120

ORDER

In accordance with Sections 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 Board of Nursing ("Board") on December 11, 2013, in Henrico County, Virginia. Cherie Huffman, L.P.N., 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 January 29, 2014, the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Huffman 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. Cherie Huffman, L.P.N., was issued license number 0002-076120 to practice practical nursing in Virginia on June 29, 2007. The license is scheduled to expire on April 30, 2014. Her primary state of residence is Virginia.
2. By letter dated November 7, 2013, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Huffman notifying her that an informal conference would be held on December 11, 2013. The Notice was sent by certified and first class mail to 518 Crofton Drive, Vinton, Virginia 24179, the address of record on file with the Board of Nursing. The certified mailing of the Notice was returned to the Board office marked "NOT DELIVERABLE AS ADDRESSED." The first class mailing of the Notice was returned to the Board office marked "MOVED LEFT NO ADDRESS."

The Agency Subordinate concluded that adequate notice was provided to Ms. Huffman and the informal conference proceeded in her absence.

3. During a facility investigation, Ms. Huffman admitted that between June 26, 2012, and March 13, 2013, during the course of her employment with Carilion Clinic-Brambleton Office, Roanoke, Virginia, she accessed the medical records of Patient A and Patient B a total of 27 times for personal reasons and without having a legitimate medical purpose. She then shared information she viewed in the medical records with another individual. As a result, Ms. Huffman's employment was terminated on March 20, 2013.

4. Ms. Huffman was employed at the facility for approximately one year, with her employment having begun on March 12, 2012.

5. Ms. Huffman failed to respond to attempts by an investigator with the Virginia Department of Health Professions to contact her. Her current employment status is unknown.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (3), and (5) of the Code, and 18 VAC 90-20-300(A)(2)(m) of the Regulations Governing the Practice of Nursing.

ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. Cherie Huffman, L.P.N., is hereby REPRIMANDED.
2. Ms. Huffman shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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. Huffman failed to appear at the informal conference, this Order shall be considered final. Ms. Huffman 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. Huffman 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, 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: Feb 7, 2014