

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JESSICA BUCKLEW, C.N.A.
Certificate No.: 1401-144759**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 27, 2014, in Henrico County, Virginia, to inquire into evidence that Jessica Bucklew, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Bucklew was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Jessica Bucklew, C.N.A., was issued Certificate No. 1401-144759 to practice as a nurse aide in the Commonwealth of Virginia on May 26, 2011. Said certificate expires on May 31, 2014.
2. Based upon the representations of Cynthia E. Gaines, Adjudication Specialist, and Commonwealth's Exhibit No. 1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in her absence.
3. From approximately June 2012 to March 2013, during the course of her employment with Bon Secours Mary Immaculate Hospital, Newport News, Virginia, by her own admission, Ms. Bucklew regularly accessed the records of patients not assigned to her.
4. When the Department of Health Professions investigator asked Ms. Bucklew why she

accessed the patient records, she replied that she accessed them “just to do it.” She further stated that she was “kinda bored on the job.”

5. The Chief Privacy Officer for Bon Secours Health system testified that the hospital’s investigation revealed that Ms. Bucklew accessed the records of 883 unique patients without a professional need. These records spanned patients in 30 states and Puerto Rico.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-25-200(2)(j) of the Regulations Governing the Practice of Nursing.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 1401-144759 issued to Jessica Bucklew to practice as a nurse aide in the Commonwealth of Virginia is hereby REVOKED.
2. The certificate of Ms. Bucklew will be recorded as REVOKED. Pursuant to § 54.1-2408.2 of the Code, should Ms. Bucklew seek reinstatement of her certificate after three years, she shall be responsible for any fees that may be required for the reinstatement of her certificate privilege prior to issuance of her certificate to resume practice. The reinstatement of Ms. Bucklew’s certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Ms. Bucklew shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to safe and competent practice as a nurse aide.

Pursuant to §§ 2.2-4023 and 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 public record and shall be made available for public inspection or copying on request.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

February 12th, 2014
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 
Virginia Board of Nursing