

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LINDA G. HUFF, R.N.

ORDER

Pursuant to § 9-6.14:12 and § 54.1-110 of the Code of Virginia (1950), as amended (the "Code"), a formal administrative hearing was held in Henrico County, Virginia, on October 24 and 27, 1997, to receive and act upon evidence that Linda G. Huff, R.N., has violated certain laws and regulations relating to the practice of professional nursing. Michael P. Lafayette, Esquire, hearing officer, presided and heard the matter in the absence of the Virginia Board of Nursing (the "Board"). The case was presented by Pamela L. Harris, Senior Legal Assistant, Administrative Proceedings Division. Ms. Huff was present and was represented by Carolyn P. Carpenter, Esquire. The proceedings were recorded by a certified court reporter.

On November 19, 1997, the Board met to receive and act upon the transcript and record in this case and to consider the proposed Findings of Fact and Conclusions of Law submitted by the hearing officer. Based upon its review of the evidence, the Board voted to adopt the Findings of Fact and Conclusions of Law submitted by the hearing officer, a copy of which is attached hereto and incorporated by reference herein (Attachment #1).

ORDER

On the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that License No. 0001-086839 issued to Linda G. Huff, R.N., to practice professional nursing in the Commonwealth of Virginia, be, and hereby is INDEFINITELY SUSPENDED. Ms. Huff may petition the Board, after not less than three (3) years from the date of entry of this Order, for the reinstatement of her license, at which time she must present evidence satisfactory to the Board that she is able to return to the safe and competent practice of nursing.

Pursuant to § 9-6.14:14 of the Code of Virginia (1950), as amended, 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.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Huff has thirty (30) days from the service date in which to appeal this decision by filing a Notice of Appeal with Nancy K.

L. G. Huff

Durrett, R.N., M.S.N, Executive Director, Board of Nursing, 6606 West Broad Street, Fourth Floor, Richmond, Virginia 23230-1717. The service date shall be defined as the date Ms. Huff actually received this decision or the date it was mailed to her, whichever occurred first. In the event this decision is served upon her by mail, three (3) days are added to that period.

FOR THE BOARD

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director

ENTERED: December 5, 1997

Certificate Of Service

I hereby certify that a certified true copy of the foregoing Order was mailed this day to Linda G. Huff, at P. O. Box 335, Gloucester Point, Virginia 23062-0335, and her counsel, Carolyn P. Carpenter, Esquire, Carpenter & Woodard, P.L.C., 416 West Franklin Street, Richmond, Virginia 23220-4906.

Nancy K. Durrett
Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

December 5, 1997
Date

ATTACHMENT 1

SIMON, LAFAYETTE & ASSOCIATES

ATTORNEYS AT LAW

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November 7, 1997

Nancy K. Durrett, R.N., MSN
Executive Director
Board of Nursing
6606 West Broad Street, 4th Floor
Richmond, Virginia 23230-1717

Re: Linda G. Huff, R.N.

Dear Ms. Durrett:

This is my written decision of the formal hearing for Linda G. Huff, R.N. The hearing was held on Friday, October 24, 1997 at 10:30 a.m. in a conference room at the Board of Nursing. The hearing was recessed at 5:00 p.m. then reconvened on Monday, October 27, 1997 at 1:00 p.m. at my office.

Attorney Carolyn Carpenter represented Ms. Huff and Pamela Harris, Sr. Legal Assistant, represented the Board of Nursing (herein the "Board"). The following exhibits were introduced into evidence on behalf of the Board of Nursing without objection:

1. Amended Notice of Formal Hearing dated October 8, 1997 to Linda G. Huff, R.N.;
2. Notice of Informal Conference dated May 20, 1997 to Linda G. Huff, R.N.; and
3. Report of Investigation concerning Linda Nuttall Huff, R.N., by Patricia A. Stigall, R.N., M.S., Regional Investigative Supervisor.

The following exhibits were introduced into evidence on behalf of Ms. Huff without objection:

- A. Substance abuse treatment plan for Linda G. Huff dated July 23, 1997;

B. Letter from Boyd M. Clements, M.D., to the Board of Nursing concerning Linda G. Huff;

C. Progress notes and drug test results for Linda Huff; and

D. Supply agreements for Riverside Medical Company dated January 1, 1995 and May 25, 1995, executed by G. Thomas Cordle.

Two stipulations were offered into evidence at the hearing. The first stipulation taken verbatim from the Amended Notice of Formal Hearing indicated that Ms. Huff diverted various amounts of Dilaudid and Morphine for personal and unauthorized use. She accomplished this diversion by fraudulently representing to her staff nurses that she was assisting the Food and Drug Administration with an ongoing investigation. The second stipulation stated that Ms. Huff perceived that she had been sexually harassed at her place of employment by her immediate supervisor, G. Thomas Cordle and that the perceived sexual harassment was a factor which contributed to her diversion of Dilaudid and Morphine. Both stipulations were read into the record and made apart of the record at the hearing.

FINDINGS OF FACT

1. Patricia A. Stigall, R.N., M.S./Regional Investigative Supervisor for the Department of Health Professions, testified that she conducted an investigation into possible violations of laws and Board Regulations by Ms. Huff. Stigall interviewed Ms. Huff in December, 1996. Ms. Huff stated that she had diverted Dilaudid and Morphine while employed at the Riverside Home Health and had self medicated with Dilaudid at home in order to induce sleep. Ms. Huff indicated that she did not use Morphine. Ms. Huff further stated to Ms. Stigall that she diluted the Dilaudid in juice and only used it in the evenings to assist her in falling asleep. Ms. Huff also told Ms. Stigall that she had contacted Dr. Vincent Rose and had sought counseling because of stress at work. She had not informed Dr. Rose that she had self medicated with Dilaudid.

2. Katherine A. Johnson, Nurse Manager at Riverside Home Health, worked with Ms. Huff since June, 1996. She had been informed by G. Thomas Cordle, Ms. Huff's supervisor, that Ms. Huff's responsibilities were being divided in order to reduce her stress. At that point, Ms. Johnson was given responsibility for two territories that were formerly

covered by Ms. Huff. Ms. Huff and Ms. Johnson shared an office for a brief period of time.

3. Ms. Johnson testified that Ms. Huff discussed with her the alleged on-going FDA investigation. Ms. Johnson did not know the FDA investigation was an elaborate hoax devised by Ms. Huff to divert Dilaudid for Huff's personal use by directing nurses to bring Dilaudid cassettes and other drugs to Huff. Ms. Huff discussed with Ms. Johnson possible responses to give to family members of patients because Dilaudid cassettes were being replaced at patient's homes even though there remained Dilaudid in the cassettes. Ms. Johnson indicated several nurses also raised questions concerning the breach of Riverside's policy because narcotics were being brought to the office instead of being wasted at the patient's homes.

4. Ms. Johnson also testified that on November 12, 1996 Ms. Huff appeared very hyper, animated, jumping around from one thing to another, not finishing statements, and exhibiting behavior that was not characteristic of Ms. Huff. In addition, three employees of Riverside Home Health had approached Ms. Johnson concerning similar behavior which they had noticed of Ms. Huff. Because of this behavior, Ms. Johnson stated she went to speak with Robert W. Cuthrell, Director of Human Services for Riverside Home Health.

5. Ms. Johnson also testified that she has suspected drug use by Ms. Huff for a period of one or two months prior to November 12, 1996 but did not address the issue. Ms. Johnson believed that management was working with Ms. Huff regarding personal problems so she did not discuss Huff's behavior prior to November 12, 1996 with anyone.

6. Margaret Poole, a staff registered nurse at Riverside Walter Reed Home Health, testified that she supplied Dilaudid cassettes to Ms. Huff from two home health patients. She indicated that Huff discussed with her what to say to family members in the event there were questions concerning the return of the unused cassettes. Ms. Poole did not know the volume of Dilaudid in the cassettes she returned to Ms. Huff.

7. Stacey Rondeau, a licensed practical nurse at Riverside Walter Reed Home Health, testified that she supplied Ms. Huff with Dilaudid, Morphine and antibiotic cassettes. She indicated that nurses brought cassettes to Ms. Huff's desk. She believed that at least two staff

nurses and two office nurses were aware of the cassettes being brought to Ms. Huff.

8. Ms. Rondeau testified that she supplied Ms. Huff with one to two cassettes of Dilaudid per week over approximately a four month period of time. She also testified that she probably supplied the same amount of Morphine to Ms. Huff during that period of time.

9. The cassettes supplied by Ms. Rondeau to Ms. Huff contained approximately 70 to 90cc's of Dilaudid. She did not know the amounts of Morphine supplied by her. Ms. Rondeau did not observe anyone wasting the Dilaudid, Morphine or antibiotics.

10. G. Thomas Cordle, Vice President for the Home Care Division of Riverside Systems, was Ms. Huff's immediate supervisor. He testified that he met with Ms. Huff at 10:30 a.m. on November 12, 1996 concerning the budget and other administrative duties. Mr. Cordle testified that Ms. Huff appeared animated, in good spirit, but didn't seem to be her normal self. Mr. Cordle indicated that prior to November 12, 1996, Ms. Huff had been an outstanding employee of Riverside Home Health Care.

11. Mr. Cordle also testified that during the summer of 1996, Ms. Huff had expressed some personal problems with her daughter which had caused her much stress. Mr. Cordle also testified that Ms. Huff's professional dress and appearance had changed during the summer of 1996. Ms. Huff was referred to the Employee Assistance Program (EAP) and indicated that her daughter had been using drugs.

12. When Mr. Cordle received reports of possible impairment of Ms. Huff during the afternoon hours of November 12, 1996 from Ms. Johnson and Mr. Cuthrell, he spoke with Larry Boyles, Vice President for Human Resources. Mr. Boyles believed there was reasonable suspicion to suspect drug use and Cordle was directed to contact Ms. Huff at Walter Reed Hospital and to request that she submit to a drug test.

13. Mr. Cordle contacted Ms. Huff at Walter Reed Hospital during the afternoon hours of November 12, 1996 and asked her to submit to a drug test. Ms. Huff's reply to Mr. Cordle was that she would have think about it. Mr. Cordle indicated to Ms. Huff that he was on his way to Walter Reed and would expect her to submit to a drug test upon his arrival at the hospital. Mr. Cordle testified that upon his

arrival at Walter Reed Hospital, Ms. Huff could not be located and no drug test was administered.

14. Mr. Cordle also testified about charms and others items being purchased by Ms. Huff for nurses and staff of Riverside Home Health as employee appreciation gifts. Mr. Cordle indicated that Ms. Huff, as supervisor, had authority to make check requests up to \$300.00 without a manager's signature being required.

15. Mr. Cordle was shown pages 226 and page 232 of the Board's Exhibit Number 3. Mr. Cordle indicated that he did not recognize his signature on these check requests.

16. Mr. Cordle testified that he recalled discussing with Ms. Huff the need to purchase desk sets and charms for nurses and staff. However, on page 235 of Exhibit Number 3, Mr. Cordle's interview with an investigator contradicts his statements concerning the desk sets.

17. Mr. Cuthrell testified that he had a discussion with Ms. Huff on November 12, 1996 sometime after lunch. He testified that Ms. Huff appeared to be acting different, moving her arms in a very fast motion, her pupils were constricted and she was exhibiting behavior uncharacteristic of Ms. Huff. He also testified that he had previously observed Ms. Huff to appear tired and sleepy. He further testified that Ms. Huff did not appear to be upset or to be crying.

18. Exhibit D, which are two agreements from Riverside Home Health executed by Mr. Cordle, bear a resemblance in signature form to pages 226 and 232. Since there was no handwriting specialist who testified, no conclusions can be drawn by a cursory review of the signatures.

19. Mr. Cuthrell also testified that on November 13, 1996 he received a fax from Ms. Huff which is page 81 of Exhibit Number 3. Ms. Huff had indicated that she had resigned because of Mr. Cordle's sexual harassment. Mr. Cuthrell had also testified that in July, 1996, Ms. Huff complained of Mr. Cordle's harassment and indicated that he had touched her and made an inappropriate comment. Mr. Cuthrell offered to speak to Mr. Cordle, but Ms. Huff told him she would approach Mr. Cordle.

20. Mr. Cuthrell stated that one week later (July, 1996) he had spoken with Ms. Huff and inquired whether or not she had spoken with Mr. Cordle. Ms. Huff responded that

she did not need further assistance from Mr. Cuthrell. Mr. Cuthrell also stated that Ms. Huff indicated that if she did not obtain the Senior Nurse position, she would "go after" Cordle for sexual harassment.

21. Earl Mason Beale, former Director of Protection Management at Riverside Home Health, testified that he investigated the drug diversion allegations against Ms. Huff by obtaining statements from seven nurses. Mr. Beale also investigated the alleged impropriety of gifts obtained by Ms. Huff. He did not interview Ms. Huff.

22. Mr. Beale indicated that approximately 50 pieces of jewelry were purchased by Ms. Huff with funds supplied by Riverside Home Health, but he was only able to ascertain that 7 pieces of jewelry were actually received by employees. Mr. Beale also testified that page 232 of Exhibit 3 indicated that the check request form indicated the purchase of a desk set, but the money was actually used to purchase a pearl ring.

23. Brenda Lee Webb (formerly Smith) is an Office Manager at Riverside Walter Reed Home Health. She indicated that the "requested by" line does not require a signature for a check request. She indicated that any individual can write a check request for another department and that gifts had been traditionally given during Nurse Week.

24. Carolyn Dolan, a local Mental Health Therapist, has been working with Ms. Huff since June, 1997. Ms. Dolan indicated that Ms. Huff is in an intensive group therapy program which meets two times per week and in an individual treatment program with Ms. Dolan which meets approximately once per week. Ms. Huff is also attending AA/NA classes and has been active in setting up a new group for medical professionals. Ms. Huff attends two weekly AA/NA meetings and has had a sponsor in AA since August, 1997. She has accomplished her first step in the AA/NA meetings by realizing what she has done to herself and to her family.

25. Ms. Dolan testified that Ms. Huff is presently taking the following prescribed medications: anti-depressants, high blood pressure medicine and antihistamines.

26. Ms. Dolan indicated that Ms. Huff had suffered from job and personal stress and lacked proper sleep. She indicated that instead of acknowledging her life was out of

control, she self-medicated Dilaudid in order to assist her to sleep and to maintain control.

27. Ms. Huff has submitted to random drug testing under Ms. Dolan's control and all drug tests have been negative since June, 1997.

28. Ms. Dolan indicated that one drug test result indicated "adulterated test". Ms. Dolan indicated that because of Ms. Huff's yeast infection, the test could not be completed accurately.

29. Ms. Dolan monitors the use of prescribed drugs by Ms. Huff and has spoken to Ms. Huff's personal physician concerning such prescriptions. Ms. Dolan indicated she would like to see Ms. Huff develop other coping skills to be able to deal with jobs and personal stress. Ms. Huff has been open and up front concerning her diversion of Morphine and Dilaudid from Riverside Home Health.

30. Ms. Dolan indicated that Ms. Huff has come quite a distance but is not complete in her recovery. Initially, Ms. Huff found it difficult to accept treatment but is now willing to do so very readily. Ms. Dolan recommends that Ms. Huff continue in her current treatment of group and individual therapy. She also recommends that Ms. Huff continue in family therapy and in the AA/NA sessions.

31. James A. Huff, husband of Ms. Huff, testified that Ms. Huff had contacted him in the afternoon hours of November 12, 1996 and informed him of the request for drug tests. Mr. Huff indicated to his wife that she should quit and to call an attorney instead of accepting such harassment. He was not aware of the diversion of drugs at that time.

32. Mr. Huff understands the seriousness of the violations and that his wife continues to need therapy to resolve her problems. Mr. Huff indicated his intent to provide her with support and he stands by his wife.

33. Ms. Huff testified that she had been with Riverside Home Health since 1983. On January 1, 1993, she was promoted to Director of four agencies within the Home Health Division but did not have responsibility for any patient care.

34. Ms. Huff indicated she suffers from chronic sinus infections and had developed GI problems due to job stress in late 1994. She reported vomiting almost daily during this period of time, along with stomach problems. In January, 1995, Ms. Huff was admitted to the hospital with severe vomiting and was hospitalized for eight days. Upon her release, she was rehospitalized a short time later for three additional days because of continued GI problems. She was also placed on antidepressants.

35. Ms. Huff indicated that Dr. Boyd Clements has been her family physician for the past eight years. She was treated by a specialist in the hospital for her GI problems.

36. Ms. Huff indicated that much of the stress caused in her family relationships was due to problems with her daughter. In the spring of 1997, Ms. Huff and her family entered into family therapy.

37. Ms. Huff admitted to diverting Dilaudid, Morphine and other drugs at Riverside Home Health. She indicated she used Dilaudid to help her sleep but never used Morphine or the other drugs that had been given to her by the nurses.

38. Ms. Huff testified that on November 12, 1996, while in Mr. Cordle's office, he locked the door and touched her inappropriately. Ms. Huff stated that she left the office and went to the bathroom and cried. On that day, she was suffering from allergies and had a runny nose.

39. Ms. Huff testified that she stopped using Dilaudid on or about October 23, 1996. She had done so by decreasing her doses over a two week period prior to October 23rd. She indicated that she had read that Dilaudid aggravated GI problems and that fact caused her to stop. During the month of November, 1996, Ms. Huff testified that she had been prescribed two antidepressants and was also taking antihistamines for her sinus problems. She denied being under the influence of Dilaudid on November 12, 1996. Ms. Huff indicated that she used 4 to 6 milligrams of Dilaudid per day at night time approximately around 8:00 p.m. in order to help her sleep.

40. Ms. Huff stated she had authority to sign check requests for any amounts not more than \$300.00. She indicated that she had made requests for purchases of gifts because of the National Home Care Week. She indicated that she purchased 50 pieces of jewelry, most of which remained

in an manila envelope in her desk drawer on November 12, 1996.

41. Ms. Huff indicated that she was in the "lowest of lows" at the Board's informal conference, realized she could no longer hide, and needed help. It was at that time Ms. Huff contacted Ms. Dolan for assistance. Ms. Huff stated she has had no cravings for drugs or alcohol since October, 1996.

42. Ms. Huff indicated that her parents have been very supportive and very positive during her recovery. Ms. Huff indicates she feels good about accepting help from her family and not having to bottle up her emotions.

43. Since January 20, 1997 through October 1, 1997, Ms. Huff has worked as a manager for a home health agency. She has had no direct patient care responsibilities. Because of downsizing, Ms. Huff's position was eliminated on October 1, 1997.

44. Ms. Huff indicated that she is in control of her life and that the stress of nursing will not push her to an addiction of any drugs. She indicated she does not want to have patient care responsibilities and is seeking a management, administrative or human resource position. She is currently unemployed.

45. Ms. Huff indicated she will seek additional therapy for six months to one year. Her therapy in the near future will decrease to approximately one group therapy session per week, AA/NA meetings, and individual therapy as needed.

46. Ms. Huff has indicated she had developed coping skills to deal with her personal and work stress.

CONCLUSIONS OF LAW

1. The allegations that Linda G. Huff, R. N., violated Section 54.1-3007 (2) (5) and (6) of the Code of Virginia (1950), as amended, are substantiated by the evidence. Ms. Huff's diversion of Dilaudid, Morphine and antibiotics is clearly admitted to by Ms. Huff. Such conduct is (i) unprofessional; (ii) practicing in a manner which is contrary to the standards of ethics; and (iii) practicing in such a manner as to make her practice of nursing a danger to the health and welfare of patients or to the public.

2. The allegations that Linda G. Huff, R.N., violated 18 VAC 90-20-300 A(2)(c) is substantiated by the evidence. As stated previously, Ms. Huff diverted and self-medicated Dilaudid which was obtained fraudulently from patients and without authorization from a doctor or patient.

3. The allegations that Linda G. Huff, R.N., violated 18 VAC 90-20-300 A (2)(e) is not substantiated by the evidence. There is no evidence in the record that Ms. Huff altered any patient records or employer records with respect to her diversion of Dilaudid, Morphine, and other antibiotics.

4. Although there was substantial testimony as to gifts purchased by Ms. Huff with funds from her employer to be used as gifts of appreciation to nurses, there is no violation of any Board regulation or Code provision. The testimony of G. Thomas Cordle, Vice President of Ms. Huff's employer, is inconsistent with the documentary evidence entered into the record. Specifically, page number 232 had attached to it a written receipt indicating that a pearl ring was purchased at the gift shop in question. A copy of the receipt is enclosed in Exhibit Number 3 at page 231. The receipt clearly indicates that a pearl ring was purchased by Ms. Huff with funds from Riverside. Either Ms. Huff purchased a ring for her own personal use without objection from Riverside, or Ms. Huff purchased the pearl ring for Mr. Cordle's supervisor upon Cordle's direction. Either way, such action was condoned by Riverside.

5. There was also testimony about missing gifts purchased by Ms. Huff. Because of the circumstances involved with the gift purchases, no conclusion can be drawn with respect to the gifts. Therefore, no violation of Board Regulations or the Code has been established with respect to the gifts.

6. Ms. Huff testified that her sobriety date was October 23, 1996. However, she did not begin intensive and individual therapy until June 5, 1997, approximately eight months after her date of sobriety. Although Ms. Huff has been in intensive therapy since June, 1997, and she and her counselor both admit that she is "not there yet".

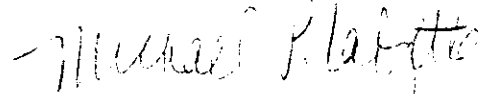
7. In mitigation, Ms. Huff has been randomly screened for drug use over the last several months and all such tests have been negative. Ms. Huff has also been in therapy for five months and has exhibited remarkable improvement in her personal life. Ms. Huff is to be applauded for her

Nancy K. Durrett, R.N., MSN
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willingness to seek therapy and to develop coping skills to deal with stress. Her recent actions clearly demonstrate a desire to correct her past mistakes.

Pursuant to Board policy, a hearing officer shall not recommend a sanction. Thus, final disposition of this matter shall lie with the Board.

Very truly yours,



Michael P. Lafayette
Hearing Officer

MPL/cds