

Certified True Copy

By 
Virginia Board of Nursing



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JUL 22 2013

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
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

July 22, 2013

Erick Peter Hutto
1188 Big Bethel Road, #153
Hampton, VA 23666

CERTIFIED MAIL

**DUPLICATE COPY
VIA FIRST CLASS MAIL**

DATE 7/22/13

RE: License No.: 0001-188123

Dear Mr. Hutto:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your license to practice nursing in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered July 22, 2013. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your license to Jay P. Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your license, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your license shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your license, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Enclosures
Case # 151689

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: ERICK PETER HUTTO, R.N.
License No.: 0001-188123

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Erick Peter Hutto, R.N., to practice nursing in the State of California was revoked by a Default Decision and Order which was effective on July 15, 2013. A certified copy of the Default Decision and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Erick Peter Hutto, R.N., to practice nursing in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Erick Peter Hutto, R.N., will be recorded as suspended and no longer current. Should Mr. Hutto seek reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: 7-22-13



COMMONWEALTH of VIRGINIA

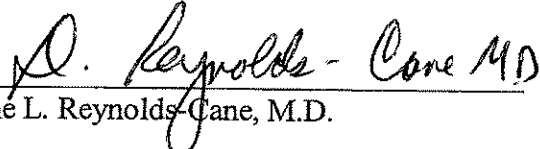
Dianne L. Reynolds-Cane, M.D.
Director

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CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the Default Decision and Order effective July 15, 2013, regarding Erick Peter Hutto, R.N., is a true copy of the records received from the State of California Board of Registered Nursing.



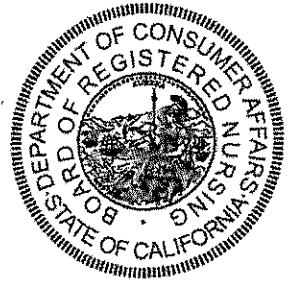
Dianne L. Reynolds-Cane, M.D.

Date: 7-22-13

I hereby certify the foregoing to be a true copy of the documents on file in our office.

BOARD OF REGISTERED NURSING

Louise R. Bailey M.Ed., RN
Louise R. Bailey, M. Ed., RN
Executive Officer



**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

ERICK PETER HUTTO

1188 Big Bethel Rd. #153
Hampton, VA 23666

Registered Nurse License No. 598372

Respondent.

Case No. 2013-116

OAH No. 2012090653

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

FINDINGS OF FACT

1. On or about August 9, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Accusation No. 2013-116 against Erick Peter Hutto ("Respondent") before the Board of Registered Nursing. (Accusation attached as **Exhibit A**).

2. On or about April 18, 2002, the Board of Registered Nursing ("Board") issued Registered Nurse License No. 598372 to Respondent. The Registered Nurse License expired on September 30, 2005, and has not been renewed.

3. On or about August 9, 2012, Respondent was served by Certified and First Class Mail

1 copies of the Accusation No. 2013-116, Statement to Respondent, Notice of Defense, Request for
2 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
3 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
4 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
5 of record was:

6 304 Petunia Path
7 Chesapeake, VA 23325

8 4. On or about August 9, 2012, Respondent was served by Certified and First Class Mail
9 copies of the Accusation No. 2013-116, Statement to Respondent, Notice of Defense, Request for
10 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
11 an additional address, which is now the address of record as of August 23, 2012:

12 1188 Big Bethel Rd. #153
13 Hampton, VA 23666

14 5. Service of the Accusation was effective as a matter of law under the provisions of
15 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
16 124.

17 6. On or about August 23, 2012, Respondent signed and returned a Notice of Defense,
18 requesting a hearing in this matter. A Notice of Hearing was served by mail at Respondent's
19 address of record and it informed him that an administrative hearing in this matter was scheduled
20 for March 26, 2013. Respondent failed to appear at that hearing.

21 7. Government Code section 11506 states, in pertinent part:

22 (c) The respondent shall be entitled to a hearing on the merits if the respondent
23 files a notice of defense, and the notice shall be deemed a specific denial of all parts
24 of the accusation not expressly admitted. Failure to file a notice of defense shall
25 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
26 may nevertheless grant a hearing.

27 8. California Government Code section 11520 states, in pertinent part:

28 (a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions
or upon other evidence and affidavits may be used as evidence without any notice to
respondent.

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1 9. Pursuant to its authority under Government Code section 11520, the Board finds
2 Respondent is in default. The Board will take action without further hearing and, based on the
3 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
4 taking official notice of all the investigatory reports, exhibits and statements contained therein on
5 file at the Board's offices regarding the allegations contained in Accusation No. 2013-116, finds
6 that the charges and allegations in Accusation No. 2013-116, are separately and severally, found
7 to be true and correct by clear and convincing evidence.

8 10. Taking official notice of its own internal records, pursuant to Business and
9 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
10 and Enforcement is \$1,080.00 as of March 20, 2013.

11 **DETERMINATION OF ISSUES**

12 1. Based on the foregoing findings of fact, Respondent Erick Peter Hutto has subjected
13 his Registered Nurse License No. 598372 to discipline.

14 2. The agency has jurisdiction to adjudicate this case by default.

15 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
16 Nurse License based upon the following violations alleged in the Accusation which are supported
17 by the evidence contained in the Default Decision Evidence Packet in this case.

18 a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4) of
19 the Code on the grounds of unprofessional conduct in that on or about February 21, 2003,
20 Respondent was disciplined by the Nevada State Board of Nursing ("Nevada Board") when the
21 Nevada Board made findings of fact, conclusions of law and accepted Respondent's voluntary
22 surrender of Nevada Nursing License No. 31880 in the disciplinary proceeding entitled *In the*
23 *Matter of Erick Hutto* (Case No. 0410-02C). The circumstances underlying the disciplinary
24 action by the Nevada Board are that in or about February 2002, Respondent, while employed as a
25 registered nurse at Montevista Hospital in Las Vegas, Nevada, exposed his penis to a female
26 employee at that facility, offered a female co-worker approximately one thousand dollars to take
27 nude pictures of her and was heard making inappropriate sexual comments and exhibiting nude
28 photographs to employees. Furthermore, in or about November and/or December 1999,

1 Respondent was employed in the capacity of a registered nurse at Desert Regional Center in Las
2 Vegas, Nevada. While at Desert Regional Center, Respondent exposed his penis to a female
3 employee of that facility. The disciplinary action is described in more particularity in Accusation
4 No. 2013-116, hereby incorporated by reference.

5 b. Respondent is subject to disciplinary action under section 2761, subdivision (a) of the
6 Code on the grounds of unprofessional conduct in that Respondent, while employed as a
7 registered nurse, exposed himself to female employees, made inappropriate sexual comments,
8 offered a female co-worker money to take nude pictures of her and exhibited nude photographs to
9 employees. The conduct is described in more particularity in Accusation No. 2013-116, hereby
10 incorporated by reference.

11 c. Respondent is subject to disciplinary action under section 2761, subdivision (d) of the
12 Code in that Respondent violated provisions of the Nursing Practice Act when he was disciplined
13 by the Nevada Board and when he committed unprofessional conduct. The violations are
14 described in more particularity in Accusation No. 2013-116, hereby incorporated by reference.

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