

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: CHERI LYNN MCVAY, R.N.
License No.: 0001-169225

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Cheri L. McVay, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. McVay's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Cheri L. McVay, R.N., was issued License No. 0001-169225 to practice professional nursing by the Virginia Board of Nursing on September 25, 2000. Said license is set to expire on January 31, 2014. Ms. McVay's primary state of residence is Virginia.

2. During the course of her employment with Sentara Norfolk General Hospital, Norfolk, Virginia, on November 26, 2012, Ms. McVay discussed a patient's health information with the patient while another person was in the room. The third person had been unaware of the patient's medical condition, and the patient had not wanted the information revealed to that person.

3. Ms. McVay's employment with Sentara Norfolk General Hospital was terminated as a result of her disclosure of the patient's confidential health information. Ms. McVay is currently employed with ATC Healthcare.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2) and (5) of the Code of Virginia

(1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(m) of the Regulations Governing the Practice of Nursing.

CONSENT

Cheri L. McVay, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusion of Law contained herein and waives her right to contest such Findings of Fact and Conclusion of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

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

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 upon request.

FOR THE BOARD

for Aleria Mitchell
Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: July 11, 2013

SEEN AND AGREED TO:

Cheri L. McVay, R.N.
Cheri L. McVay, R.N.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Norfolk, TO WIT:

Subscribed and sworn to before me, Sandra J. Hurd, a Notary Public, this 30th day of June, 2013.

My commission expires 9-30-2013.

Registration Number 214826.

Sandra J. Hurd
NOTARY PUBLIC

Certified True Copy

By [Signature]
Virginia Board of Nursing

