

**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE:       STEPHEN GRAHAM CUNNINGHAM, M.D.**  
**License Number:   0101-242553**  
**Case Number:       201872**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine ("Board") and Stephen Graham Cunningham, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Cunningham's license to practice medicine in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.     Stephen Graham Cunningham, M.D., was issued License Number 0101-242553 to practice medicine on September 26, 2007, which is scheduled to expire on April 30, 2022.
2.     Dr. Cunningham violated Virginia Code § 54.1-2915(A)(3), (13), and (16) in that he failed to notify Patient A of her positive Hepatitis C test results.
  - a.     While Patient A was seeking mental health and opioid addiction treatment, Dr. Cunningham ordered blood work for her.
  - b.     According to the November 14, 2017 lab report, Patient A tested positive for Hepatitis C.
  - c.     Although Patient A received regular weekly treatment at this facility after November 14, 2017, Dr. Cunningham failed to notify Patient A of her positive test result. Patient A did not become aware of her positive status until approximately two years later in August 2019, when she attempted to donate plasma at a local hospital.

d. Patient A stated that she informed her primary care physician ("PCP") about her positive status in August 2019. Her PCP immediately ordered a repeat CBC panel, which confirmed Patient A's positive status.

e. Although Dr. Cunningham was the collaborating physician with Patient A's provider, the practice manager used his name to order the lab tests. According to his February 19, 2020 DHP interview, Dr. Cunningham stated it was standard practice in the office for subordinate employees to order "blanket lab tests for any Heroin dependent patient using [his] name."

f. Dr. Cunningham also told the DHP investigator that "each individual provider was expected to review their individual patient's lab results and discuss them with their patient," and that although he was the collaborating physician, "he didn't necessarily see or review all lab test results for [their] patients."

g. According to the nurse practitioners statement regarding this issue, she advised that she did not order any lab testing for Patient A. She further stated that "Dr. Cunningham always ordered the labs and reviewed the results."

### CONSENT

Stephen Graham Cunningham, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;


6. I consent to the entry of the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Stephen Graham Cunningham, M.D., be REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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.

FOR THE BOARD

  
Jennifer Deschenes, J.D., M.S.  
Deputy Executive Director  
Virginia Board of Medicine

ENTERED: 2/26/24

SEEN AND AGREED TO:

  
Stephen Graham Cunningham, M.D.

COMMONWEALTH OF VIRGINIA  
COUNTY/CITY OF Virginia Beach, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large, on  
this 4 day of February, 2021.



Amanda Darnell  
Notary Public

My commission expires:

6/30/2024

Registration No.:

7896508