

BEFORE THE VIRGINIA BOARD OF NURSING

**IN RE: JANEL RENEE BUTLER, L.P.N.
 REINSTATEMENT APPLICANT
 License Number: 0002-091979
 Case Number: 180675**

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing ("Board") held a formal administrative hearing on July 19, 2017, in Henrico County, Virginia, to receive and act upon Janel Renee Butler's application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia.

Janel Renee Butler, L.P.N., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated June 30, 2017, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Butler notifying her that a formal administrative hearing would be held on July 19, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On February 2, 2015, the Board issued License Number 0002-009979 to Janel Renee Butler to practice practical nursing in the Commonwealth of Virginia. Said license was mandatorily suspended by Order of the Department of Health Professions entered October 14, 2016.

On May 9, 2017, Ms. Butler submitted an application for reinstatement of her license to practice practical nursing in the Commonwealth of Virginia.

2. On September 12, 2016, in the Circuit Court of the City of Norfolk, Virginia, Ms. Butler pled guilty to and was convicted of one felony count of credit card theft. Pursuant to Virginia Code § 54.1-2409, this conviction formed the basis for the mandatory suspension of her license by Order of the Department of Health Professions.

3. On May 8, 2016, during the course of her employment with Envoy of Thornton Hall, Norfolk, Virginia (“Envoy”), Ms. Butler stole Resident A’s credit card and made unauthorized purchases in the approximate amount of \$86.00. This act formed the basis for her conviction as outlined in Finding of Fact No. 2.

4. During the course of Ms. Butler’s employment with Continuum Pediatric Nursing, Chesapeake Virginia (“Continuum”):

a. On February 12 and 14, 2016, she requested and received approximately \$90.00 from Patient B’s family.

b. In March 2016, she requested money and received at least \$20.00 from Patient C’s family.

5. On her July 15, 2015 application for employment with Princess Anne Health and Rehabilitation, Virginia Beach, Virginia (“Princess Anne”), Ms. Butler indicated that her reason for leaving Beth Sholom Village, Virginia Beach, Virginia (“Beth Sholom”), was to “gain more experience elsewhere” when, in fact, her employment had been involuntarily terminated for being a “no call no show.” Ms. Butler testified that she was embarrassed about her termination and now understands that she should have been honest on her applications.

6. On her December 28, 2015 application for employment with Continuum, Ms. Butler indicated that her reason for leaving Beth Sholom was for a better opportunity when, in fact, her employment had been involuntarily terminated. In addition, she stated that she left Princess Anne due to staffing issues when, in fact, her employment had been terminated for job abandonment.

7. On her January 11, 2016 application for employment with First Choice Nurses, Virginia Beach, Virginia, Ms. Butler indicated that her reason for leaving Beth Sholom was for better opportunity when, in fact, her employment had been involuntarily terminated. In addition, she stated that she left Princess Anne due to family issues when, in fact, her employment had been involuntarily terminated.

8. On her February 3, 2016 application for employment with Envoy, Ms. Butler provided false information, as evidenced by the following:

a. Ms. Butler indicated that her reason for leaving Beth Sholom was for better opportunity with another facility when, in fact, her employment had been involuntarily terminated.

b. Ms. Butler indicated that her reason for leaving Princess Anne was due to “personal (hospitalization)” when, in fact, her employment had been involuntarily terminated.

c. Ms. Butler answered “No” to the question of whether she worked for any healthcare providers other than the ones listed on her application. She failed to disclose her employment with First Choice Nurses, Virginia Beach, Virginia, and Beacon Shores, Virginia Beach, Virginia.

9. Ms. Butler testified that personal problems led to her stealing a patient’s credit card and requesting money from patients. Ms. Butler testified that she knew her actions were wrong and she was remorseful for those actions. Ms. Butler is currently employed as a server at Applebee’s and has

worked there since November 2016. She testified that her supervisor is aware of her felony conviction and aware that she has asked for reinstatement of her license.

10. Ms. Butler has completed 50 hours of community service since November 2016. She testified that she has 100 hours of community service left to complete prior to September 2017.

11. The Board determined that Ms. Butler did not meet her burden to prove that she is safe and competent to return to the practice of nursing.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(4).

2. Finding of Fact No. 3 constitutes a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(k) of the Regulations Governing the Practice of Nursing (currently found at 18 VAC 90-19-230(A)(2)(k) effective February 24, 2017).

3. Finding of Fact No. 4 constitutes a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-20-300(A)(2)(j) and (l) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(j) and (l) effective February 24, 2017).

4. Findings of Fact Nos. 5 through 8 constitute a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-20-300(A)(2)(e) of the Regulations (currently found at 18 VAC 90-19-230(A)(2)(e) effective February 24, 2017).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

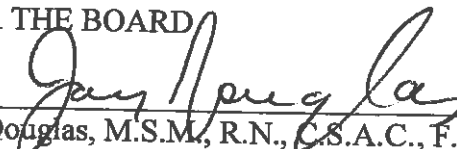
1. WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, ORDERS that the application of Janel Renee Butler, L.P.N., for reinstatement of the license to practice

practical nursing in the Commonwealth of Virginia is DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the proceeding.

2. Further, it is ORDERED that license be CONTINUED on INDEFINITE SUSPENSION. Should she petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether is able to Ms. Butler return to the safe and competent practice of practical nursing. Ms. Butler shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice

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


Jay Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

August 9th, 2017

Certified True Copy

By 
Virginia Board Of Nursing

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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.