

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: JANEL RENEE BUTLER, L.P.N., REINSTATEMENT APPLICANT**  
**License Number: 0002-091979**  
**Suspension Date: October 14, 2016**  
**Case Numbers: 180675, 174157**

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**NOTICE OF FORMAL ADMINISTRATIVE HEARING  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing (“Board”) regarding your application for reinstatement of your license to practice practical nursing in the Commonwealth of Virginia following its mandatory suspension by the Department of Health Professions.**

<b>TYPE OF PROCEEDING:</b>	This is a formal administrative hearing before a panel of the Board.
<b>DATE AND TIME:</b>	<b>July 19, 2017</b> <b>1:00 P.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. The burden rests on you, as the applicant, to demonstrate that you are prepared to resume the safe and competent practice of practical nursing.

3. In considering your application, the Board will consider evidence that grounds exist to deny your application for reinstatement of your license to practice practical nursing, as more fully set out in the enclosed Statement of Allegations.

4. At the conclusion of the proceeding, the Board is authorized to take any of the following actions:

- Approve your application and issue an unrestricted license to practice practical nursing;
- Approve your application and issue a reprimand, a monetary penalty, and/or a restricted license subject to terms and conditions;
- Deny your application;

- Deny your application and continue your license on indefinite suspension or revoke your license.

#### **ABSENCE OF APPLICANT AND APPLICANT'S COUNSEL:**

If you fail to appear at the formal hearing, the Board may proceed to hear this matter in your absence and may take any of the actions outlined above.

#### **APPLICANT'S LEGAL RIGHTS:**

You have the right to the information on which the Board will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

#### **COMMONWEALTH'S EXHIBITS:**

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the formal hearing.**

#### **FILING DEADLINES:**

1. Deadline for filing exhibits: **July 10, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **July 12, 2017**. If no objections have been received by **July 12, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **July 14, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **July 10, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **July 12, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **July 14, 2017** to file a response to the objections, in writing, and addressed to

## STATEMENT OF ALLEGATIONS

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The Board alleges that grounds exist to refuse to reinstate the license of Janel Renee Butler, L.P.N., Reinstatement Applicant, to practice practical nursing in that:

1. Ms. Butler violated Virginia Code § 54.1-3007(4) in that, on September 12, 2016, in the Circuit Court of the City of Norfolk, Virginia, she 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 entered October 14, 2016.

2. Ms. Butler violated 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) (“Regulations”) in that, by her own admission, during the course of her employment with Envoy of Thornton Hall, Norfolk, Virginia (“Envoy”), on or about May 8, 2016, she 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 Allegation No. 1.

3. Ms. Butler violated 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) in that, during the course of her employment with Continuum Pediatric Nursing, Chesapeake Virginia (“Continuum”):

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

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

4. Ms. Butler violated Virginia Code § 54.1-3007(2) and (5) 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) in that:

a. On her July 15, 2015 application for employment with Princess Anne Health and Rehabilitation, Virginia Beach, Virginia (“Princess Anne”), she 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.”

b. On her December 28, 2015 application for employment with Continuum, she 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.

c. On her January 11, 2016 application for employment with First Choice Nurses, Virginia Beach, Virginia, she 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 terminated for job abandonment.

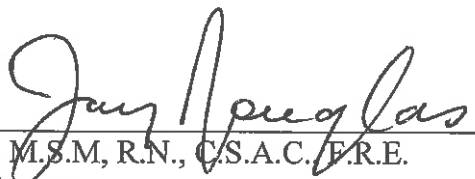
d. On her February 3, 2016 application for employment with Envoy, she provided false information as evidenced by the following:

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

ii. She indicated that her reason for leaving Princess Anne was due to “personal (hospitalization)” when, in fact, her employment had been involuntarily terminated for job abandonment.

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

See Confidential Attachment for the names of the residents referenced above.



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

June 30<sup>TH</sup>, 2017  
Date