

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: BILLIE J. GUTSHALL, L.P.N.**  
**License No.: 0002-086988**

**ORDER**

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on January 6, 2016 in Henrico County, Virginia. Billie J. Gutshall, L.P.N. was not present nor was she represented by legal counsel. Allison Gregory, M.S., R.N., F.N.P.-B.C., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On March 23, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Gutshall was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

**FINDINGS OF FACT**

1. Billie J. Gutshall, L.P.N. was issued License No. 0002-086988 to practice practical nursing in Virginia on May 7, 2012. The license expired on April 30, 2015. Her primary state of residence is Virginia.
2. By letter dated December 7, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Gutshall notifying her that an informal conference would be held on January 6, 2016. The Notice was sent by certified and first class mail to 267 Thomastown Road, Hot Springs, Virginia 24445, the address of record on file with the Board of Nursing. According to the United

States Postal Service website, notice regarding the certified mail was left at the address of record on December 18, 2015, and the Notice sent by certified mail was “returned to sender unclaimed” on January 4, 2016. The Notice sent by first class mail was not returned to the Board office. The Agency Subordinate concluded that adequate notice was provided to Ms. Gutshall and the informal conference proceeded in her absence.

3. During the course of her employment with Golden Living Center – Allegany, Clifton Forge, Virginia, in January 2015, Ms. Gutshall diverted one tablet of morphine 15mg, one tablet of morphine 30mg, and two tablets of hydrocodone (all C-II) from resident supplies for her personal and unauthorized use, or the unauthorized use by another person. The diversion was discovered when a State Trooper stopped Ms. Gutshall’s car, which was being driven by her boyfriend, whose license was suspended. Ms. Gutshall was in the car at the time. The trooper searched Ms. Gutshall’s purse and found the pills in her purse, wrapped in a cigarette box wrapper. Although Ms. Gutshall told her employer that she had taken the pills from her former place of employment, she told an investigator for the Department of Health Professions that she had accidentally taken them home from Golden Living Center and forgot to return them. Her employment at Golden Living Center was terminated due to criminal charges that resulted from this incidence.

4. Ms. Gutshall was charged with four counts of possession of a Schedule II controlled substance. On November 6, 2015, in the Circuit Court for Bath County, Virginia, she pled guilty to two counts. The judge withheld judgment in the case until receipt of a presentence report. The criminal matter had not yet been resolved as of the date of the informal conference.

5. Ms. Gutshall had met her boyfriend when he was an inmate at the Augusta Correctional Center and she was assigned there through Corizon Medical Staffing. Ms. Gutshall’s employment with Corizon at Augusta Correctional Center was terminated for violating the fraternization policy.

6. Ms. Gutshall falsified information on various employment applications, as follows:

a. On her application for employment with Berry Hill Health and Rehab Center, dated June 2, 2014:

i. She stated that her prior employment with Kissito Healthcare – Hot Springs ended because she “went back to school,” when, in fact, her employment had been terminated for repeated medication errors.

ii. She stated that her reason for leaving Augusta Correctional Center was “found work closer to home,” when, in fact, her employment with Corizon Medical Services at Augusta had been terminated for violating the fraternization policy.

b. On the application for employment with Golden Living Center, dated December 30, 2014:

i. She stated that her reason for leaving Berry Hill Health and Rehab Center was “relocated to different area,” when, in fact, her employment with Berry Hill had been terminated due to falsification of patient medical records.

ii. She stated that her reason for leaving Augusta Correctional Center was “relocated to Halifax,” when, in fact, her employment with Corizon Medical Services at Augusta had been terminated for violating the fraternization policy.

iii. She omitted her prior employment with Heritage Hall – Lexington.

iv. She stated that her reason for leaving Kissito Healthcare – Hot Springs was “found other employment with the state,” when, in fact, her employment had been terminated for repeated medication errors.

7. Ms. Gutshall has had six employers since she was initially licensed in 2012. Her employment has been terminated from five of them. By Order entered February 14, 2014, the Board

reprimanded Ms. Gutshall and ordered her to take certain courses, based on findings of poor nursing practice at Kissito Healthcare – Hot Springs. At the time of her interview with the DHP investigator, she was unemployed.

### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing (“Regulations”).
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(e) of the Regulations.

### ORDER


WHEREFORE, it is hereby ORDERED as follows:

1. The right of Billie J. Gutshall, L.P.N. to renew License No. 0002-086988 to practice practical nursing in Virginia is REVOKED.
2. The license will be recorded as revoked and no longer current.
3. Pursuant to § 54.1-2408.2 of the Code, should Ms. Gutshall seek reinstatement of her license after three years, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice. The reinstatement of Ms. Gutshall’s license shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
4. This revocation applies to any multistate privilege to practice practical nursing.

Since Ms. Gutshall failed to appear at the informal conference, this Order shall be considered final. Ms. Gutshall has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Gutshall has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M.,

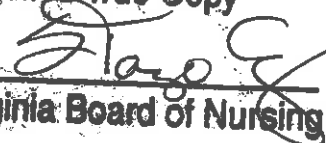
R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

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

Entered: March 31<sup>ST</sup>, 2016

Certified True Copy

By   
Virginia Board of Nursing