

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KATHY LUTTRELL, R.N. REINSTATEMENT APPLICANT
License No.: 0001-129440

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on January 28, 2016, in Henrico County, Virginia, to receive and act upon Kathy Sue Luttrell's application for reinstatement of her license to practice professional nursing in Virginia and to [inquire into evidence that Ms. Luttrell may have violated certain laws and regulations governing professional nursing practice in Virginia. The case was presented by David W. Kazzie, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Luttrell was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Kathy Luttrell, R.N., was issued License No. 0001-129440 to practice as a professional nurse in the Commonwealth on August 28, 1992. The license was mandatorily suspended by the Department of Health Professions on February 5, 2015. Ms. Luttrell submitted an application for reinstatement, which was received by the Board on October 16, 2015.
2. The mandatory suspension was triggered by the November 20, 2014, summary suspension of Ms. Luttrell's West Virginia license to practice professional nursing.

3. The West Virginia Board of Examiners for Registered Professional Nurses suspended Ms. Luttrell's license after making findings that she had obtained a bottle of tramadol (C-IV) from a co-worker without a prescription for her personal and unauthorized use.

4. In her November 5, 2015, interview with the investigator for the Department of Health Professions, Ms. Luttrell stated that she began using tramadol for pain since 2003, after experiencing hip pain following a work-related back injury.

5. Ms. Luttrell's hip and back pain worsened over the years, and her tramadol use increased during that time. Over the years, she sought treatment from a pain management physician in 2003, and the National Spine and Pain Centers in 2005.

6. Ms. Luttrell underwent hip replacement surgery in August 2015 and was prescribed Percocet and tramadol for her pain. Ms. Luttrell stated that she did not inform her surgeon about her tramadol abuse. She continued using tramadol through October 2015, at which time she claims she stopped using it because she no longer needed it. She completed a seven-day detoxification program at Boxwood Recovery Center in October 2015. She attends Narcotics Anonymous meetings several times a week. She also attends Reformers Unanimous, a faith-based addiction program.

7. Ms. Luttrell stated that she is willing to enter the Health Practitioners' Monitoring Program ("HPMP") to maintain her license.

8. Ms. Luttrell testified that she is being followed by Apple Blossom Family Practice and that her depression has never interfered with her work as a nurse.

9. Ms. Luttrell testified that her sobriety date is October 12, 2015. Ms. Luttrell told the Board that she is pain free and has no cravings for Tramadol. Ms. Luttrell also testified that she believes she has recovered from her addiction, but that Narcotics Anonymous says once you have an addiction that you have potential to relapse.

10. Ms. Luttrell said that she would be willing to do anything to get her license back, that she intends to continue with Narcotics Anonymous and Reformers Unanimous.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of §§ 54.1-3007(7) of the Code.
2. 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.
3. Findings of Fact Nos. 4 through 6 constitute a violation of § 54.1-3007(6) of the Code.
4. Ms. Luttrell has demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

WHEREFORE, the Virginia Board of Nursing, by affirmative vote of at least three-fourths of the members of the Board at the hearing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0001-129440 issued to Kathy Sue Luttrell, R.N., to practice professional nursing in the Commonwealth of Virginia, be and hereby is REINSTATED, upon proof that Ms. Luttrell has entered into Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remain compliant with the terms of a Recovery Monitoring Contract with the HPMP and the following terms and conditions:

a. Ms. Luttrell shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Luttrell, and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Luttrell is not in compliance with the terms and conditions specified by the

HPMP, or has been terminated from participation in the HPMP, or


ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

2. Upon receipt of evidence of Ms. Luttrell's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Luttrell's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

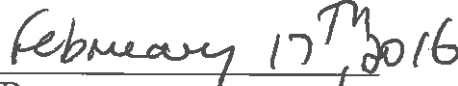
3. Ms. Luttrell shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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 on request.

FOR THE BOARD



Jay R. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing



ENTERED

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 P. Douglas, MSM, RN, CSAC, FRE, 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.