

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: KYNDAL BUTLER, C.N.A.
Certificate No.: 1401-170849**

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 October 29, 2015, in Henrico County, Virginia. Kyndal Butler, C.N.A., was present and was not represented by legal counsel. Nancy Durrett, R.N., M.S., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On January 27, 2016, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Butler 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. Kyndal Butler, C.N.A., was issued Certificate No. 1401-170849 to practice as a nurse aide in Virginia on December 9, 2014. The certificate is scheduled to expire on December 31, 2016.
2. By letter dated October 5, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Butler notifying her that an informal conference would be held on October 31, 2015. The Notice was sent by certified and first class mail to 4029 Old Buckingham Road, Powhatan, Virginia 23139, the address of record on file with the Board of Nursing.
3. On April 13, 2015, Ms. Butler was hospitalized at VCU Health System, Richmond,

Virginia, following a suicide attempt. She was diagnosed with depressive disorder, NOS, anxiety disorder, opioid disorder, alcohol disorder, and cannabis use disorder in remission.

4. On April 17, 2015, upon discharge from VCU Health System, Ms. Butler was admitted to the American Addiction Center, Las Vegas, Nevada. By her own admission, she left the facility without permission with three other patients and relapsed by using methamphetamine. Ms. Butler was discharged from the facility and sent to a facility in California. She left the facility in California after four days.

5. On January 15, 2015, Ms. Butler's primary care provider diagnosed her with opioid withdrawal and tremors of the nervous system. Ms. Butler stated to the Agency Subordinate that her primary care physician also diagnosed her with bipolar depressive anxiety disorder. She is currently being treated with Klonopin (C-IV) and Naltrexone.

6. On August 10, 2015, Ms. Butler was convicted of misdemeanor shoplifting in the Powhatan County, Virginia, General District Court.

7. Ms. Butler stated that she was sentenced to 24 hours of community service and to complete a shoplifter's alternative course. She stated that she has completed both requirements.

8. On her application for certification by examination received by the Board on November 17, 2014, Ms. Butler answered "NO" to the question "Do you have a mental physical or chemical dependency which could interfere with your current ability to practice as a nurse aide?" when, in fact, by her own admission, she has been using drugs since the age of 15.

9. Ms. Butler stated that her date of sobriety is June 13, 2015, and her drugs of choice are heroin and opioids. Ms. Butler stated that she is not attending any substance abuse or mental health treatment or support groups.

10. Ms. Butler has never worked as a certified nurse aide. She began employment at a

physician's office in March 2015, moving patients to and from the in-office operatory. Ms. Butler stated that she is currently performing data entry and collecting patient histories over the phone.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 through 5 constitute a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 6 constitutes a violation of § 54.1-3007(4) of the Code.
3. Finding of Fact No. 8 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-25-100(1)(b) of the Regulations Governing Certified Nurse Aides.

ORDER

WHEREFORE, it is hereby ORDERED as follows:


1. Certificate No. 1401-170849 of Kyndal Butler, C.N.A. to practice as a nurse aide is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended.
3. At such time as Ms. Butler shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice as a nurse aide. Ms. Butler shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Butler may, not later than 5:00 p.m., on **March 7, 2016**, notify Jay P. 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, in writing that she desires a formal

administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

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: February 3RD, 2016

This Order shall become final on March 7, 2016; unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board Of Nursing