

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LINDA GALE BUTLER, C.N.A. REINSTATEMENT APPLICANT
License No.: 1401-030621

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 July 13, 2015, in Henrico County, Virginia, to receive and act upon Linda Gale Butler's application for reinstatement of her certificate to practice as a nurse aide in Virginia, and to inquire into evidence that Ms. Butler may have violated certain laws governing nurse aide practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Butler 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. Linda Gale Butler, C.N.A., was issued Certificate No. 1401-030621 to practice as a nurse aide in the Commonwealth of Virginia on May 16, 1992. Said certificate was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on January 20, 2015.
2. Ms. Butler submitted an application for reinstatement of her certificate to practice as a nurse aide to the Board on February 6, 2015.
3. On November 27, 1996, Ms. Butler was convicted of larceny in the Pittsylvania County Virginia, Juvenile and Domestic Relations Court.

4. On April 11, 1997, Ms. Butler was convicted of three counts of felony forgery, three counts of felony uttering, one count of felony credit card theft and three counts of petit larceny in the Pittsylvania County, Virginia, Circuit Court. She was sentenced on May 16, 1997.
5. On April 3, 1997, Ms. Butler was convicted of two counts of bad check and two counts of worthless check, misdemeanors, in the Danville, Virginia General, District Court.
6. On August 25, 1999, Ms. Butler was convicted of larceny in the Danville General District Court.
7. On December 26, 2002, Ms. Butler was sentenced for larceny 11th offense, a felony, in the Danville, Virginia, Circuit Court.
8. Ms. Butler had her rights restored by the Governor on September 9, 2013.
9. Ms. Butler testified that she wants to take care of people and that she loves her job. She has had no practice issues throughout her career.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 3 through 7 constitute a violation of § 54.1-3007(4) of the Code.


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:

1. Certificate No. 1401030621 issued to Linda Gale Butler to practice as a nurse aide in the Commonwealth of Virginia, be and hereby is REINSTATED.
2. Ms. Butler, C.N.A., is hereby REPRIMANDED.
3. Ms. Butler shall maintain a course of conduct in her capacity as a certified nurse aide 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


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

August 6, 2015
ENTERED

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.

Certified True Copy

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Virginia Board Of Nursing