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VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **ROBERT M. BUTLER, JR., C.N.A. REINSTATEMENT APPLICANT**  
Certificate No.: 1401-061532

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Robert M. Butler, Jr., as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Butler's application for reinstatement of his certificate to practice as a nurse aide in the Commonwealth of Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Robert M. Butler, Jr. was issued Certificate No. 1401-061532 to practice as a nurse aide by the Virginia Board of Nursing on August 10, 1996. Said certificate expired on August 31, 2008.
2. Mr. Butler submitted an application for the reinstatement of his certificate which was received by the Board on April 6, 2015.
3. In a letter to the Board received June 18, 2015, Mr. Butler admitted to having a substance abuse problem, primarily with alcohol, but also with other drugs.
4. On January 7, 2014, Mr. Butler began treatment at The Healing Place, Richmond Virginia, a long-term recovery program. He successfully completed the program on March 1, 2015.
5. Mr. Butler is currently attending five Alcoholics Anonymous meetings, one Narcotics Anonymous meeting and one other meeting a week. He has two sponsors and is a member of two home groups. His date of sobriety is January 3, 2014.
6. Mr. Butler has not performed nursing related activities for compensation in over two years.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact No. 3, 4 and 5 constitute a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended ("Code").

2. Pursuant to Finding of Fact No. 6 and 18 VAC 90-25-80(A)(4) of the Regulations Governing Certified Nurse Aides, Mr. Butler is required to retake the National Nurse Aide Assessment Program (“NNAAP”) examination.

3. Mr. Butler otherwise meets the requirements for reinstatement of his certificate to practice as a nurse aide.

### CONSENT

Robert M. Butler, Jr., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against him;
4. He waives all such right to an informal conference;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Consent Order affecting his application for the reinstatement of his certificate to practice as a nurse aide in Virginia.

### ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Consent Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The application of Robert M. Butler, Jr. for certification as a nurse aide by examination is hereby APPROVED. Upon successful completion of the National Nurse Aide Assessment Program examination, and at such time as Mr. Butler shall provide written evidence to the Board that he has entered the Health Practitioners’ Monitoring Program (“HPMP”) pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, the Board shall issue Mr. Butler a certificate.

2. Thereafter, Mr. Butler shall comply with the following terms and conditions:

a. Mr. Butler shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Mr. Butler, and an administrative proceeding shall be held to determine whether his certificate shall be revoked. Mr. Butler shall be noticed to appear before the Board at such time as:

i. Mr. Butler is not in compliance with the terms and conditions specified by the HPMP;

ii. Mr. Butler's participation in the HPMP has been terminated;

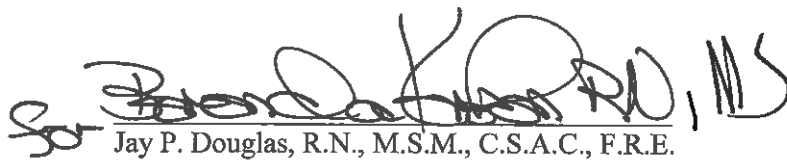
iii. There is a pending investigation or unresolved allegation against Mr. Butler involving a violation of law, regulation, or any term or condition of this order.

iv. Mr. Butler has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Mr. Butler's participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Butler's appearance before the Board and conduct an administrative review of this matter.

3. Mr. Butler shall maintain a course of conduct in his capacity as a 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 Consent 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 upon request.

FOR THE BOARD

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

ENTERED: July 28, 2015

SEEN AND AGREED TO:

Robert M. Butler, Jr.  
Robert M. Butler, Jr.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF Richmond, TO WIT:

Subscribed and sworn to before me, Susan Carminucci, a Notary Public, this 23 day of July, 2015.

My commission expires May 31, 2018.

Registration Number 7347221.

SUSAN D. CARMINUCCI  
NOTARY PUBLIC  
REG. #7347221  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES MAY 31, 2018

Susan Carminucci  
NOTARY PUBLIC

Certified True Copy

By [Signature]  
Virginia Board Of Nursing