

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: **ROBERT M. BUTLER, C.N.A.**

ORDER

Pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-3010 of the Code of Virginia (1950), as amended (the "Code"), an informal conference was held before a Special Conference Committee of the Board of Nursing (the "Committee") on October 29, 2002, in Henrico County, Virginia, to receive and act upon evidence that Robert M. Butler, C.N.A., may have violated certain laws and regulations governing nurse aide practice in Virginia. Mr. Butler was present and was not represented by counsel.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Robert M. Butler, C.N.A., holds Certificate Number 1401-061532 issued by the Board of Nursing.
2. Mr. Butler violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-360(2)(e) of the Board of Nursing Regulations, in that during the course of his employment at Woodbridge Nursing Center, Woodbridge, Virginia ("WNC"), on or about May 17, 2002, he was absent from his duties for over two (2) hours. Specifically:
 - a. Mr. Butler informed his supervisor at approximately 8:20 p.m. that he was leaving to get dinner, and at that time he left the floor. At approximately 9:00 p.m., Mr.

Butler's supervisor was unable to locate him, and he failed to respond to pages within the building.

b. Mr. Butler returned to WNC at approximately 11:00 p.m. When questioned about his extended absence, he offered no response. As a result of his actions, Mr. Butler was suspended from employment on May 18, 2002, and subsequently terminated on May 22, 2002.

c. During the course of his employment at WNC, Mr. Butler received multiple counselings. Several counselings were related to issues with a direct impact on patient care, including, but not limited to: November 25, 2001, for repeatedly failing to change residents after they wet and/or soiled themselves; and March 3, 2002, for failing to serve residents their snacks.

3. Mr. Butler violated § 54.1-3007(1) of the Code and 18 VAC 90-20-360(1)(b) of the Board of Nursing Regulations, in that on or about December 19, 2000, Mr. Butler knowingly submitted to the Department of Health Professions an application for Reinstatement of Nurse Aide Certification that had material omissions, in that he failed to list:

- a. A 1982 conviction for Assault & Battery; and
- b. A 1987 conviction for being drunk in public.

4. Mr. Butler violated § 54.1-3007(1) and (2) of the Code, and 18 VAC 90-20-360(1)(b) and (2)(d) of the Board of Nursing Regulations, in that he admitted to the Department of Health Professions' investigator that he failed to accurately report his employment history on his application for reinstatement and his applications for employment.

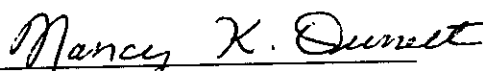
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that Robert M. Butler, C.N.A., be, and hereby is, REPRIMANDED for his actions as a certified nurse aide in the Commonwealth of Virginia.

Pursuant to § 2.2-4023 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.

If Mr. Butler does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, he shall notify, in writing, Nancy K. Durrett, R.N., Executive Director for the Board of Nursing, 6603 West Broad Street, Fifth Floor, Richmond, Virginia 23230, within thirty three (33) days from the date of entry of this Order. This order shall become final upon expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided § 2.2-4020 and § 2.2-4021 of the Code of Virginia (1950), as amended.

FOR THE BOARD


Nancy K. Durrett, R.N., M.S.N.
Executive Director for the
Board of Nursing

Entered: November 18, 2002

"Certificate Of Service"

I hereby certify that a certified true copy of the foregoing Order was mailed this day to Robert M. Butler, C.N.A., c/o Patricia Revera, 14135 Fisher Avenue, Apt. 12, Woodbridge, Virginia 22191.

Nancy K. Durrett
Nancy K. Durrett, R.N.
Executive Director for the
Board of Nursing

November 18, 2002
Date

Certified True Copy
By *(Signature)* 11/18/02
Virginia Board of Nursing