



COMMONWEALTH of VIRGINIA

Department of Health Professions Board of Nursing

Nancy K. Durrett, R.N., M.S.N.
Executive Director
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September 27, 2002

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Robert M. Butler, Jr., C.N.A.
c/o Patricia Revera
14135 Fisher Avenue, Apt. 12
Woodbridge, Virginia 22191

CERTIFIED MAIL
71603901984475275785

RE: Certificate No. 1401-061532 (Expired)

Dear Mr. Butler:

This is official notification that an Informal Conference will be held pursuant to § 2.2-4019, § 2.2-4021 and § 54.1-3010 of the Code of Virginia (1950), as amended, **on October 29, 2002, at 9:00 a.m.**, at the Department of Health Professions, 6606 W. Broad Street, Fourth Floor (Southern States Building), Richmond, Virginia 23230. You may be represented by an attorney at the conference.

The Special Conference Committee, which is comprised of at least two members of the Virginia Board of Nursing, will inquire into allegations that you may have violated certain laws and regulations governing nurse aide practice in Virginia. Specifically, you may have violated § 54.1-3007 (1), (2), (5) and (6) of the Code of Virginia (1950), as amended, and 18 VAC 90-20-360(1)(b); and (2)(d) and (e) of the Board of Nursing Regulations, in that:

1. During the course of your employment at Woodbridge Nursing Center, ("WNC"), Woodbridge, Virginia, on or about May 17, 2002, you were absent from your duties for over three (3) hours. Specifically:
 - a. You informed your supervisor at approximately 8:00 p.m. that you were leaving to get dinner, and at that time you left the floor. At approximately 9:00 p.m., your supervisor was unable to locate you, and you failed to respond to pages.
 - b. You returned to WNC at approximately 11:10 p.m. When questioned about your extended absence, you offered no response. As a result of your actions, you were suspended from employment on May 18, 2002, and subsequently terminated on May 22, 2002.
 - c. Upon your return to WNC on May 17, 2002, you were impaired. When you

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arrived at WNC, you appeared "stoned," were observed to have "red and blurry" eyes, dilated pupils and your speech was garbled. Further, a nurse aide reporting for duty observed you on the highway driving erratically.

d. During the course of your employment at WNC, you 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.

2. On or about December 19, 2000, you knowingly submitted an Application for Reinstatement of Nurse Aide Certification to the Department of Health Professions that had material omissions, in that you failed to list:

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

3. You admitted to the Department of Health Professions' investigator that you failed to accurately report your employment history.

Since the allegations listed above involve impairment, please be advised of the availability of making application to the Health Practitioners' Intervention Program ("Program"), which is available to all health care practitioners licensed in Virginia. A brochure about the program is enclosed. Should you enter into a written agreement with the Program prior to your Informal Conference, the Committee will take that into consideration and could, among other options, decide to close your case with no disciplinary action.

Should you decide not to enter into a written agreement with the Program prior to your meeting with the Conference Committee, the Conference Committee is authorized, after meeting with you, to take one of the following actions:

1. If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice nursing in the Commonwealth;
2. The Committee may place your license on probation with such terms as it may deem appropriate;
3. The Committee may reprimand you;
4. The Committee may modify a previous Order;
5. The Committee may impose a monetary penalty pursuant to § 54.1-2401 of the Code; or
6. The Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Conference Committee is of the opinion that a suspension or revocation of

your license may be justified, the Committee may offer you a consent order in lieu of a formal hearing.

7. If the committee finds that there is sufficient evidence to find you in violation of the above charge(s) and § 54.1-3007(8) of the Code, the committee shall make a finding of abuse, neglect or misappropriation of patient property, which will be entered in the Virginia Nurse Aide Registry pursuant to 42 CFR § 483.156(b)(2) and (c)(1)(iv)(D) of the Code of Federal Regulations. According to 42 CFR § 483.13(c)(1)(ii)(B) of the federal regulations, such a finding will prohibit your future employment as a certified nurse aide in any long term care facility, which receives Medicare or Medicaid reimbursement.

If you fail to appear at the Informal Conference, the Conference Committee will proceed to hear the case in your absence, and may take any of the actions outlined above.

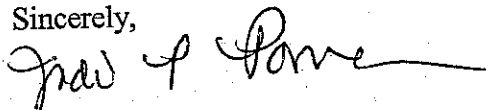
At least ten (10) days prior to the scheduled date of the conference, please inform this office of your telephone number and whether you intend to appear at the conference. This can be done by calling our offices at (804) 662-7165 or by sending us a letter at the address listed above.

You have the right to information, which will be relied upon by the Board in making a decision. Therefore, I have enclosed a copy of the documents, which will be distributed to the members of the Committee and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. Please bring these documents with you.

If you have any additional documents to be presented to the Conference Committee, please bring five (5) copies of each document with you.

Also, enclosed are copies of the relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws and regulations relating to the practice of nurse aides in Virginia that are cited in this notice.

Sincerely,



Jodi P. Power, R.N., J.D.
Assistant Executive Director
Board of Nursing

JPP/jd/jm

Enclosures

cc: Robert A. Nebiker, Director, Department of Health Professions
Sue Zich, Investigator (Case 86225)
James L. Banning, Director for Adm. Proceedings
John K. Dickinson, Senior Adjudication Analyst
Committee Members