

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LINDA WOMACK BUTLER, R.M.A. APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on June 2, 2015, in Henrico County, Virginia, to consider the application of Linda Womack Butler for registration by endorsement as a medication aide and to inquire into evidence that Ms. Butler may have violated certain laws and regulations governing medication aide practice in Virginia. Ms. Butler was present and was not represented by counsel.

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

FINDINGS OF FACT

1. Linda Womack Butler submitted an application for registration by endorsement as a medication aide, which was received by the Board on October 31, 2014.
2. By letter dated May 6, 2015, the Board sent a Notice of Informal Conference (“Notice”) to Ms. Butler notifying her that an informal conference would be held on June 2, 2015. The Notice was sent by certified and first class mail to 1556 Claiborne Street, Danville, Virginia, 24540, the address of record on file with the Board.
3. On January 20, 2015, the Department of Health Professions mandatorily suspended Ms. Butler’s certificate to practice as a nurse aide after she disclosed previous felony convictions on her application for registration as a medication aide.

4. On May 16, 1997, Ms. Butler was convicted in the Circuit Court of Pittsylvania County, Virginia, of three felony counts of forgery and three felony counts of uttering, and one count of petit larceny, a misdemeanor involving moral turpitude.

5. On January 29, 2003, Ms. Butler was convicted of eleventh-offense larceny, a felony, in the Circuit Court of the City of Danville, Virginia.

6. Ms. Butler has had diagnoses of and received treatment for bipolar disorder, manic depressive disorder, schizoaffective disorder, and polysubstance abuse disorder over the course of many years. Her drug of choice was cocaine, which she stated she has not used since her incarceration related to the 2003 conviction.

7. Ms. Butler has satisfied all court-ordered probation and related requirements and paid all fines and costs associated with her convictions.

8. Ms. Butler's psychiatrist stated that she is safe to practice.

9. Ms. Butler's current employer, Stratford House, is aware of the proceeding before the Board. Stratford House retained Ms. Butler as a resident companion following suspension of her C.N.A. certificate. She stated that Stratford House will employ her as a medication aide if she is able to obtain her medication aide registration.

10. Ms. Butler stated that her current support system is her family. She sees a psychiatrist every three months for medication management and counseling.

11. Ms. Butler's husband spoke on her behalf at the informal conference and attested to her good character and work ethic.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2) of the Code and 18 VAC 90-60-120(g) of the Regulations Governing the Registration of Medication Aides.

2. Findings of Fact Nos. 4 and 5 constitute a violation of § 54.1-3007(4) of the Code.

3. Ms. Butler otherwise meets the qualifications of § 54.1-3042 of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The application of Linda Womack Butler for registration as a medication aide by endorsement as APPROVED. Upon successful completion of the Medication Aide examination, Ms. Butler shall be issued an unrestricted registration to practice as a medication aide in the Commonwealth.


2. Ms. Butler is hereby REPRIMANDED.

3. Ms. Butler shall maintain a course of conduct in her capacity as a medication 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.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Butler may, not later than 5:00 p.m., on **July 21, 2015**, notify Jay P. Douglas, 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 COMMITTEE:



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

ENTERED: June 18th, 2015

This Order shall become final on **July 21, 2015**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing