

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KATHY SUE LUTTRELL, R.N. REINSTATEMENT APPLICANT
License No.: 0001-129440

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Kathy Sue Luttrell, R.N., who, prior to its mandatory suspension by the Board of Nursing on February 2, 2015, held License No. 0001-129440 to practice professional nursing in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on January 28, 2016, at 9:30 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Luttrell will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Luttrell has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Luttrell desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Luttrell’s application for reinstatement of her license to practice professional nursing in Virginia, which was mandatorily suspended by Order of the Department of Health Professions on February 2, 2015, and to inquire into evidence that Ms. Luttrell may have violated certain laws and regulations governing professional nursing practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Luttrell, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice of professional nursing in Virginia.

Pursuant to § 54.1-2409(D) of the Code, reinstatement of Ms. Luttrell's license requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Kathy Sue Luttrell, R.N., may have violated § 54.1-3007(2) and (5) of the Code and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing in that on or about May 27, 2014, during the course of her employment with Berkeley Springs Rehabilitation and Nursing, Berkeley Springs, West Virginia, Ms. Luttrell obtained tramadol (C-IV) from a co-worker without a prescription for her personal and unauthorized use.
2. Ms. Luttrell may have violated § 54.1-3007(7) of the Code in that on or about November 20, 2014, her license to practice professional nursing in West Virginia was summarily suspended after the West Virginia Board of Examiners for Registered Professional Nurses made findings that Ms. Luttrell obtained tramadol without a prescription for her personal and unauthorized use and that she had a history of abusing tramadol. Said action formed the basis for the mandatory suspension of her license by the Virginia Department of Health Professions.
3. Ms. Luttrell may be in violation of § 54.1-3007(6) of the Code in that she may be unable to safely practice professional nursing due to substance abuse and/or mental illness, as evidenced by her admitted past history of abusing tramadol since 2003 and her participation in a detoxification program at Boxwood Recovery Center in October 2015, and her previous diagnoses of major depressive disorder.

FOR THE BOARD

A handwritten signature in black ink, appearing to read "Jay P. Douglas, MSM, RN, CSAC, FRE". The signature is written over a horizontal line.

Sr Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director for the
Board of Nursing

ENTERED: January 14, 2016