

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: GLENDAM. HOUTZ, L.P.N.
License No.: 0002-032001

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 18, 2013, in Henrico County, Virginia, to inquire into evidence that Glenda M. Houtz, L.P.N., may have violated certain laws and regulations governing practical nursing practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Erin Barrett, Assistant Attorney General, was present as legal counsel for the Board. Ms. Houtz was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. Glenda M. Houtz, L.P.N., was issued License No. 0002-032001 to practice practical nursing in the Commonwealth of Virginia on November 18, 1982. Said license expires on August 31, 2015. Her primary state of residence is Virginia.
2. During the course of her employment with Heritage Hall, Dillwyn, Virginia, from July 6, 2011, to January 5, 2013, Ms. Houtz diverted Percocet (oxycodone – Schedule II), for her personal and unauthorized use. Ms. Houtz accomplished the diversion by recording a smaller amount of tablets received from the pharmacy than was actually received and keeping the un-inventoried tablets for herself.
3. Ms. Houtz' employment was terminated on February 5, 2013, and criminal charges were filed against her.

4. On March 1, 2013, during an interview with an investigator from the Department of Health Professions, Ms. Houtz reported a history of past alcohol abuse and continued use of alcohol. She also admitted to ingesting some of the Percocet that she diverted from Heritage Hall.

5. On July 18, 2013, in the Circuit Court of Buckingham County, Virginia, Ms. Houtz pled guilty to possession of a Schedule II controlled substance. The case was placed on deferred disposition and Ms. Houtz was placed on supervised probation for 24 months with terms and conditions. Additionally, Ms. Houtz was convicted of falsifying a patient record – fraud, a misdemeanor. She was sentenced to 12 months in jail, with 11 months suspended. Ms. Houtz was also ordered to complete 100 hours of community service and pay court costs.

6. Ms. Houtz testified that she has worked as a nurse for over 30 years. Ms. Houtz currently works in home health care and her employer is aware of her history of diversion. Many of Ms. Houtz's patients have prescriptions for narcotics.

7. Ms. Houtz attended a substance abuse evaluation as part of her court-ordered probation. Ms. Houtz testified that the evaluator did not recommend continued substance abuse treatment.

8. Ms. Houtz provided the Board with a letter from her probation officer dated September 9, 2013, stating that her August 27, 2013, urine drug screen was negative for any illegal substances.

9. Ms. Houtz takes Vicodin (hydrocodone, Schedule III) twice a day for back pain.

10. Ms. Houtz does not attend any support group meetings. Ms. Houtz testified that she has not had any alcohol since April 2013. Ms. Houtz further testified that she does not believe she needs counseling and does not have an alcohol problem. Ms. Houtz would be willing to comply with a requirement by the Board that she attend substance abuse counseling.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code and

18 VAC 90-20-300(A)(2)(c) and (e) of the Regulations Governing the Practice of Nursing.

2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. License No. 0002-032001 issued to Glenda M. Houtz, L.P.N., to practice practical nursing in the Commonwealth of Virginia, is hereby INDEFINITELY SUSPENDED.

2. The license of Glenda M. Houtz, L.P.N., will be recorded as SUSPENDED and no longer current. Should Ms. Houtz seek reinstatement of her license consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her license prior to issuance of her license to resume practice.

3. At such time as Ms. Houtz shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of practical nursing.

4. Said suspension shall be STAYED upon proof that Ms. Houtz has entered the Health Practitioners' Monitoring Program ("HPMP") and upon the condition that she remains compliant with the HPMP and the following terms and conditions:

- a. Ms. Houtz shall comply with all terms and conditions for the period specified by the HPMP.

- b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Glenda M. Houtz, L.P.N., and an administrative proceeding shall be held to decide whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

- i. Ms. Houtz is not in compliance with the terms and conditions specified by the

HPMP, or has been terminated from participation in the HPMP, or

ii. There is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of this Order.

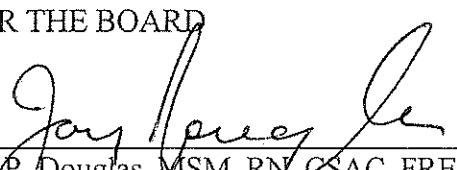
5. Upon receipt of evidence of Ms. Houtz's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Houtz's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted license.

6. This Order shall be applicable to Ms. Houtz's multistate licensure privileges, if any, to practice practical nursing. It is further ordered that for the duration of this Order, Ms. Houtz may not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where she wishes to work.


7. Ms. Houtz shall maintain a course of conduct in her capacity as a practical nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Regulations Governing the Practice of Nursing.

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.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

Certified True Copy
By 
Virginia Board of Nursing

September 27th 2013
ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.