

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: LINDA GALE BUTLER, C.N.A. REINSTATEMENT APPLICANT
Certificate No.: 1401-030621

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”), Linda Gale Butler, C.N.A., who, prior to its mandatory suspension by Order of the Department of Health Professions on January 20, 2015, held Certificate No. 1401-030621 to practice as a nurse aide 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 July 13, 2015, at 1:00 p.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. Butler will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Butler 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. Butler 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. Butler’s application for reinstatement of her certificate to practice as a nurse in Virginia and to inquire into evidence that Ms. Butler may have violated certain laws and regulations governing nurse aide practice in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Butler, as the applicant, to demonstrate that she is capable of resuming the safe and competent practice as a nurse aide in Virginia and that her employment and personal history do not reflect a pattern of abusive behavior or neglect.

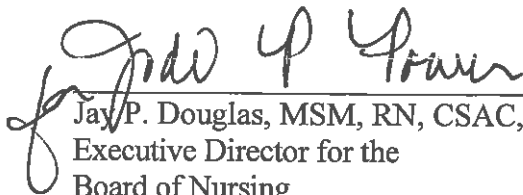
Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Butler's certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges:

1. Linda Gale Butler, C.N.A., may have violated § 54.1-3007(4) of the Code in that:
 - a. On or about November 27, 1996, Ms. Butler was convicted of larceny in the Pittsylvania County, Virginia, Juvenile and Domestic Relations Court.
 - b. On or about April 11, 1997, Ms. Butler was convicted of three counts of felony forgery, three counts of felony uttering, one count of felony credit card theft, and three counts of petit larceny in the Pittsylvania County, Virginia, Circuit Court. She was sentenced on or about May 16, 1997.
 - c. On or about April 3, 1997, Ms. Butler was convicted of two counts of bad check and two counts of worthless check, misdemeanors, in the Danville, Virginia, General District Court.
 - d. On or about August 25, 1999, Ms. Butler was convicted of larceny in the Danville General District Court.
 - e. On or about December 26, 2002, Ms. Butler was sentenced for larceny 11th offense, a felony, in the Danville, Virginia, Circuit Court. She was sentenced on January 26, 2003.
2. Ms. Butler may have violated § 54.1-3007(6) of the Code in that she may be unable to safely practice as a nurse aide due to mental illness and or substance abuse. Ms. Butler has been diagnosed with schizoaffective disorder and polysubstance dependence.

FOR THE BOARD



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

ENTERED: July 1, 2015