

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: MICHELE TUTTLE, R.N.
License No.: 0001-128045

ORDER

In accordance with §§ 2.2-4019, 2.2-4021 and 54.1-2400(7)/(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted on behalf of the Board of Nursing ("Board") on August 20, 2014, in Henrico County, Virginia. Michele Tuttle, R.N., was not present nor was she represented by legal counsel. Jodi P. Power, R.N., J.D., serving as Agency Subordinate for the Board, submitted a Recommended Decision for consideration.

On November 19, 2014, a quorum of the Board met to receive and act upon the Recommended Decision of the Agency Subordinate. Ms. Tuttle was not present nor was she represented by legal counsel.

Based upon its review of the Recommended Decision of the Agency Subordinate, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. Michele Tuttle, R.N., was issued License No. 0001-128045 to practice professional nursing in Virginia on July 2, 1992. The license is scheduled to expire on April 30, 2016. Ms. Tuttle's primary state of residence is Virginia.

2. By letter dated July 28, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Tuttle notifying her that an informal conference would be held on August 20, 2014. The Notice was sent by certified and first class mail to 9680 Virginia Avenue, Bassett, Virginia, 24055, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail

was not returned to the Board office. The Notice sent via certified mail was not returned to the Board office. The Notice sent via first class mail was not returned to the Board office. Ms. Tuttle contacted the Board office via telephone and stated that she would not be attending the informal conference. The Agency Subordinate concluded that adequate notice was provided to Ms. Tuttle and the informal conference proceeded in her absence.

3. On January 7, 2014, the Board entered an Order on taking no action against Ms. Tuttle (“Board’s Order”). Term No. 1 of the Board’s Order made this disposition contingent upon Ms. Tuttle’s continued compliance with the Health Practitioners’ Monitoring Program (“HPMP”), which she had entered in December 2012. This action was based on Ms. Tuttle’s admitted diversion of narcotic and non-narcotic medication during the course of her employment at Carilion Franklin Memorial Hospital. Her employment was terminated in November 2012 after discovery of the diversion, which had begun in June 2012.

4. Ms. Tuttle was dismissed from the HPMP on January 27, 2014, for noncompliance, including failure to comply with toxicology screening program. She had discontinued calling the test line in December 2013 and had missed four calls to the test line.

5. Ms. Tuttle has diagnoses of post-traumatic stress disorder, major depression, and opioid dependence. Additional investigative information revealed that she continued to fill prescriptions for Ambien (zolpidem tartrate – Schedule IV) and Fioricet (butalbital/acetaminophen/caffeine – Schedule III) from March 2013 through June 2013.

6. Ms. Tuttle failed to respond to the Department of Health Professions investigator’s attempts to contact her.

7. Ms. Tuttle telephoned Board staff on August 20, 2014, to indicate she would not attend the informal conference. During the call, she expressed her preference to surrender her license rather than

be required to participate in HPMP.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 1 of the Board's Order.

ORDER

WHEREFORE, it is hereby ORDERED as follows:

1. The Board ACCEPTS the SURRENDER for INDEFINITE SUSPENSION of Michele Tuttle's license to practice professional nursing in the Commonwealth of Virginia.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Tuttle shall petition the Board for reinstatement of her license, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of professional nursing. Ms. Tuttle shall be responsible for any fees that may be required for the reinstatement and renewal of the license prior to issuance of the license to resume practice.
4. This suspension applies to any multistate privilege to practice professional nursing.
5. Ms. Tuttle is hereby REPRIMANDED.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Since Ms. Tuttle failed to appear at the informal conference, this Order shall be considered final. Ms. Tuttle has the right to appeal this Order directly to the appropriate Virginia circuit court. As provided by Rule 2A:2 of the Supreme Court of Virginia, Ms. Tuttle has thirty (30) days from the date of service (the date she actually received this decision or the date it was mailed to her, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M.,

C.S.A.C., Executive Director, Board of Nursing, at Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233. In the event that this decision is served by mail, three (3) days are added to that period.

FOR THE BOARD

Gloria Mitchell
for Jay P. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director
Virginia Board of Nursing

Entered: December 4, 2014

Certified True Copy

By J. Robinson-Houma
Virginia Board of Nursing