

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Michelle Tuttle, R.N., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Tuttle's license to practice professional nursing in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Michelle Tuttle, R.N., was issued License No. 0001-128045 to practice professional nursing by the Virginia Board of Nursing on July 2, 1992. Said license is set to expire on April 30, 2014. Her primary state of residence is Virginia.
2. During the course of her employment with Carilion Franklin Memorial Hospital, Rocky Mount, Virginia, which began in June 2012, Ms. Tuttle diverted narcotic and non-narcotic medication from hospital supplies for her own personal and unauthorized use.
3. Ms. Tuttle's employment with Carilion Franklin Memorial Hospital was terminated on November 28, 2012, as a result of her drug diversion.
4. Ms. Tuttle signed a Recovery Monitoring Contract with the Health Practitioners' Monitoring Program ("HPMP") on February 18, 2013. She was placed on Warning Status with the HPMP in August 2013 for failing to comply with the urine toxicology screening program on August 1, 2013.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of § 54.1-3007(2), (5), and (6) of the Code of Virginia (1950), as amended (“Code”), and 18 VAC 90-20-300(A)(2)(c) of the Regulations Governing the Practice of Nursing.

CONSENT

Michelle Tuttle, R.N., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to an informal fact finding conference before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to an informal conference;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice professional nursing in Virginia.

ORDER

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. The Board shall TAKE NO ACTION at this time contingent on Ms. Tuttle’s continued compliance with the HPMP for the period specified by the HPMP.

2. This Order is applicable to Ms. Tuttle's multistate licensure privileges, if any, to practice professional nursing. For the duration of this Order, Ms. Tuttle shall 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. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

3. Ms. Tuttle shall maintain a course of conduct in her capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

4. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Tuttle, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Tuttle shall be noticed to appear before the Board at such time as the Board is notified that:

a. She is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against her involving a violation of law or regulation or any term or condition of this Order; or

c. She has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of evidence of Ms. Tuttle's participation in and compliance with the HPMP, the Board, at its discretion, may waive her appearance before the Board and conduct an administrative review of this matter.

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 upon request.

FOR THE BOARD

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

ENTERED: January 7, 2014

SEEN AND AGREED TO:

Michelle Tuttle
Michelle Tuttle, R.N.

MARIANNE P. SPENCER
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #302449
My Commission Expires April 30, 2017

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Martinsville, TO WIT:

Subscribed and sworn to before me, Marianne Spencer, a Notary Public, this 20 day of December, 2013.

My commission expires April 30, 2017.

Registration Number 302449.

Marianne P. Spencer
NOTARY PUBLIC

Certified True Copy
By *[Signature]*
Virginia Board of Nursing