

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**NEVA JEAN TUTWILER, R.N.**

**NOTICE OF HEARING**

Pursuant to §§ 2.2-4020, 202-4021, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Neva Jean Tutwiler, who, prior to its summary suspension by the Board of Nursing (“Board”) on July 18, 2007, held License No. 0001-159324, which was scheduled to expire on October 31, 2008, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board. The hearing will be held on September 19, 2007, at 1:00 p.m., at the offices of the Department of Health Professions, 9960 Mayland Drive, Second Floor, Richmond, Virginia, at which time Ms. Tutwiler will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Tutwiler 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. Tutwiler desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 6603 West Broad Street, Fifth Floor, Richmond, Virginia, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon evidence that Ms. Tutwiler may have violated certain laws and regulations governing the practice of nursing in Virginia, as more fully set forth in the Statement of Particulars below.

**STATEMENT OF PARTICULARS**

The Board alleges that Neva Jean Tutwiler may be in violation of § 54.1-3007(6) of the Code in that she is unsafe to practice nursing due to excessive use of alcohol, as evidenced by the following:

1. During the course of her employment at Winchester Medical Center, Winchester, Virginia, on or about May 9, 2007, Ms. Tutwiler reported late for her 7:00 p.m. shift, with an odor of alcohol coming from her person, with glassy eyes, and unsteady on her feet. A subsequent blood test revealed a blood alcohol level of .182gm % (182mg/dl). Further, a bottle containing an alcoholic liquid was found in her handbag. Ms. Tutwiler's employment was terminated following receipt of the result of the blood test.

2. Previously, on or about April 22, 2007, Ms. Tutwiler was observed on duty at Winchester Medical Center with a strong odor of alcohol coming from her breath and with slurred speech. She was carrying and drinking from a cup of clear liquid that smelled strongly of alcohol.

FOR THE BOARD

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

ENTERED: July 20<sup>th</sup>, 2007