

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: MORGAN E CLARY, C.N.A.
Certificate Number: 1401-159135
Case Number: 170562

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing (“Board”) and Morgan E Clary, C.N.A., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Clary’s certificate to practice as a nurse aide in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Morgan E Clary, C.N.A. was issued Certificate Number 1401-159135 to practice as a nurse aide on April 17, 2013, which expired on April 30, 2016.
2. Ms. Clary violated Virginia Code § 54.1-3007(6) in that she is unable to safely practice as a nurse aide due to substance abuse. Specifically:
 - a. Between September 14 and 24, 2014, she was hospitalized at Poplar Springs Hospital, Petersburg, Virginia, for drug treatment. Her discharge diagnosis included major depression, recurrent, severe with psychotic factors and opioid dependence.
 - b. Between October 30 and November 4, 2015, she was treated at Tucker Pavilion, Richmond, Virginia for heroin use. Her discharge diagnosis included mood disorder NOS, opioid dependence and cannabis abuse.
 - c. Ms. Clary is currently in an intensive outpatient program in Asheville, North Carolina.

3. Ms. Clary stated to the Department of Health Professions' investigator that she no longer wanted to practice as a nurse aide and wished to surrender her certificate.

CONSENT

Morgan E Clary, C.N.A., by affixing her signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my certificate except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
5. I admit to the Findings of Fact and Conclusion of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my right to practice as a nurse aide in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The Board accepts the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of Morgan E Clary's right to renew her certificate to practice as a nurse aide in the Commonwealth of Virginia.

2. The certificate of Morgan E Clary will be recorded as SUSPENDED.

3. Should Morgan E Clary seek reinstatement of her certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Morgan E Clary to demonstrate that she is safe and competent to return to the practice as a nurse aide. Morgan E Clary shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate to resume practice.

Pursuant to Virginia Code §§2.2-4023 and 54.1-2400.2, 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.

FOR THE BOARD

Joyce A. Hahn

Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: _____

7/19/16

SEEN AND AGREED TO:

Morgan E Clary
Morgan E Clary, C.N.A.

COMMONWEALTH OF ~~VIRGINIA~~ North Carolina
COUNTY/CITY OF Buncombe / Asheville, TO WIT:

Subscribed and sworn to me, a notary public in and for the ~~Commonwealth of Virginia~~ North Carolina at large, on this
8th day of June, 2016.

CHERYL PARKS
Notary Public, North Carolina
Buncombe County
My Commission Expires
August 08, 2020

Cheryl Parks
Notary Public

My commission expires:

08-08-2020

Registration No.:

Certified True Copy

By *S Bratt*

Virginia Board Of Nursing