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VIRGINIA:

BEFORE THE BOARD OF NURSING / A BD OF NURSING

IN RE: MELISSA CLEM, R.N.
License No.: 0001-210172

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") on December 14, 2015, in Henrico County, Virginia, to inquire into evidence that Melissa Clem, R.N., may have violated certain laws and regulations governing the practice of nursing in Virginia. Ms. Clem was present and was not represented by counsel.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Melissa Clem, R.N., was issued License No. 0001-210172 to practice professional nursing by the Virginia Board of Nursing on November 8, 2007. Said license is set to expire on November 30, 2016. Ms. Clem's primary state of residence is Virginia.
2. By letter dated November 18, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Clem notifying her that an informal conference would be held on December 14, 2015. The Notice was sent by certified and first class mail to 158 N. Muhlenberg Street, Woodstock, Virginia, 22664, the address of record on file with the Board of Nursing. The Notice was also sent to 241 Fair Lane, Winchester, Virginia, 22603, a secondary address.

3. On March 21, 2015, Ms. Clem signed a Participation Contract with the Health Practitioners' Monitoring Program ("HPMP") in which she acknowledged her history of marijuana and methamphetamine abuse.
4. On September 18, 2015, Ms. Clem was dismissed from HPMP for noncompliance including failure to enter into and complete treatment as recommended and failure to respond to HPMP communication.
5. Ms. Clem admitted to using methamphetamines for approximately three months and marijuana for approximately one year. Criminal charges related to her methamphetamine use are currently pending in Shenandoah County Circuit Court.
6. Ms. Clem has a history of treatment for depression and has had suicidal ideations in the past. She stated that she currently takes Lamictal for depression. She stated that she sees a psychiatrist every two months and a counselor twice a week. She stated that she has been attending Narcotics Anonymous meetings three times per week for the last four months, but she does not currently have a sponsor. She reported her sobriety date as December 2014.
7. Ms. Clem stated she would be willing to re-enter HPMP and is willing to do whatever it takes to maintain her license.
8. Ms. Clem provided the results of a urine drug screen administered December 9, 2015, which was negative for any substances screened.

CONCLUSIONS OF LAW

Findings of Fact Nos. 3, 4, and 6 constitute a violation of § 54.1-3007(6) of the Code.

CONSENT

Melissa Clem, 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 a formal fact finding hearing 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 a formal hearing;
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. License No. 0001-210172 of Melissa Clem, R.N., is INDEFINITELY SUSPENDED.
2. The license will be recorded as suspended and no longer current.
3. At such time as Ms. Clem 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. Clem 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. This suspension shall be STAYED upon proof of Ms. Clem's re-entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:

a. Ms. Clem shall comply with all terms and conditions for the period specified by the HPMP.

b. Any violation of the terms and conditions stated in this Order shall be reason for summarily rescinding the stay of indefinite suspension of the license of Ms. Clem, and an administrative proceeding shall be held to determine whether her license shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

i. Ms. Clem is not in compliance with the terms and conditions specified by the HPMP;

ii. Ms. Clem's participation in the HPMP has been terminated;

iii. There is a pending investigation or unresolved allegation against Ms. Clem involving a violation of law, regulation, or any term or condition of this order.

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


7. Upon receipt of Ms. Clem's compliance with the HPMP, the Board, at its discretion, may waive Ms. Clem's appearance before the Board and conduct an administrative review of this matter.

8. Ms. Clem is hereby REPRIMANDED.

9. Ms. Clem 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.

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



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

ENTERED: January 27, 2016

SEEN AND AGREED TO:



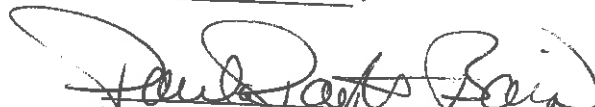
Melissa Clem, R.N.

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

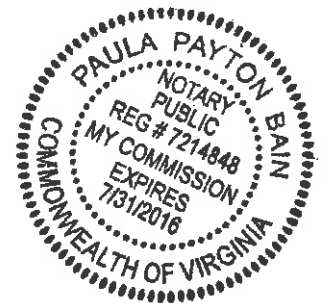
Subscribed and sworn to before me, Melissa Clem, a Notary Public, this 14 day of January, 2016

My commission expires 7-31-16

Registration Number 7214848



NOTARY PUBLIC



Certified True Copy

By D. Fowler

Virginia Board of Nursing