

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**EMILY S. BRACY, C.M.T.
Certificate No.: 0019-005476**

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Emily S. Bracy, C.M.T., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Bracy's certificate to practice as a massage therapist in Virginia.

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 June 16, 2014, in Henrico County, Virginia, to inquire into evidence that Ms. Bracy may have violated certain laws and regulations governing the practice of massage therapy in Virginia. Ms. Bracy was present and was not represented by legal counsel.

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

FINDINGS OF FACT

1. Emily S. Bracy, C.M.T., was issued Certificate No. 0019-005476 to practice as a massage therapist in the Commonwealth of Virginia on July 27, 2005. Said certificate expires on April 30, 2016.
2. By letter dated May 22, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Bracy notifying her that an informal conference would be held on June 16, 2014. The Notice was sent by certified and first class mail to 1310 Gilchrist Court, Richmond, Virginia 23231, the address of record on file with the Board of Nursing.

3. Ms. Bracy had a history of mental health admissions and treatment, including receipt of alcohol detoxification prior to her inpatient psychiatric admission under temporary detention at MCV Hospital of the VCU Health System, Richmond, Virginia in December 2013. She was discharged on December 30, 2013, with a diagnosis of Bipolar I disorder, MRE manic with psychotic features.

4. On November 30, 2011, Ms. Bracy was convicted of public swearing/intoxication in the General District Court of Henrico County, Virginia.

5. At the informal conference, Ms. Bracy reported that she is currently seeing a psychiatrist twice a month, and that her current medications include Lithium, Prolixin, and thyroxine.

6. Ms. Bracy stated that she would be willing to enter the Health Practitioners' Monitoring Program ("HPMP") if it were a requirement for licensure.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of § 54.1-3007(6) of the Code.
2. Based on the above Findings of Fact, the Committee concludes that Ms. Bracy is a candidate for the HPMP.

CONSENT

Emily S. Bracy, C.M.T., 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 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 as a massage therapist 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. Certificate No. 0019-005476 of Emily Bracy, C.M.T., is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Bracy shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of massage therapy. Ms. Bracy shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate to resume practice.
4. This suspension shall be STAYED upon proof of Ms. Bracy's entry into the HPMP. At such time, the indefinite suspension shall be STAYED and the following terms and conditions shall apply:
 - a. Ms. Bracy 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 certificate of Ms. Bracy, and an administrative proceeding shall be held to determine whether her certificate shall be revoked. The stay of indefinite suspension may be summarily rescinded at such time the Board is notified that:

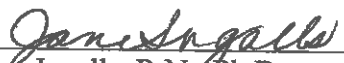
- i. Ms. Bracy is not in compliance with the terms and conditions specified by the HPMP;
- ii. Ms. Bracy's participation in the HPMP has been terminated;
- iii. There is a pending investigation or unresolved allegation against Ms. Bracy involving a violation of law, regulation, or any term or condition of this order.

5. Ms. Bracy shall maintain a course of conduct in her capacity as a certified massage therapist commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

6. Upon receipt of evidence of Ms. Bracy's participation in and successful completion of the terms specified by the HPMP, the Board, at its discretion, may waive Ms. Bracy's appearance before the Board, and conduct an administrative review of this matter, at which time she may be issued an unrestricted certificate.

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



Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: 16 Sept. 2014

SEEN AND AGREED TO:

Emily S. Bracy
Emily S. Bracy, C.M.T.

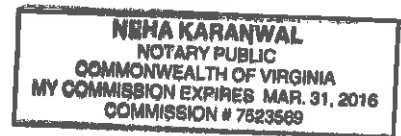
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Henrico/Richmond, TO WIT:

Subscribed and sworn to before me, Neha Karanwal, a Notary Public, this 25th day of August, 2014.

My commission expires March 31st 2016.

Registration Number 7523569

Neha Karanwal
NOTARY PUBLIC



Certified True Copy
By [Signature]
Virginia Board of Nursing