

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:                   MARIE L. CLARKE, R.N. REINSTATEMENT APPLICANT**

**CONSENT ORDER**

The Virginia Board of Nursing (“Board”) and Marie L. Clarke, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Clarke’s license to practice professional nursing in Virginia.

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

**FINDINGS OF FACT**

1. Marie L. Clarke was issued License No. 0001-148868 to practice professional nursing by the Virginia Board of Nursing on June 26, 1996. Said license expired on November 30, 1999.
2. Ms. Clarke submitted an application for reinstatement of her license, which was received by the Board on March 17, 2009.
3. The Florida Board of Nursing suspended Ms. Clarke’s license to practice professional nursing in the State of Florida in January, 2006, based on findings that she had tested positive for marijuana on a confirmed employer-ordered drug screen. The suspension was stayed contingent upon Ms. Clarke’s being evaluated as coordinated by the Florida Intervention Program for Nurses (“FIPN”) and complying with any and all terms and conditions imposed by the FIPN as a result of said evaluation.
4. Ms. Clarke underwent a psychiatric evaluation in January, 2007. Her diagnoses included major depressive disorder, recurrent, moderate; cannabis dependence; history of alcohol abuse; and unspecified personality disorder. The evaluator recommended that Ms. Clarke participate in the FIPN, complete an intensive outpatient program, engage in individual therapy, and undergo a trial of psychotropic medication. The same psychiatrist re-evaluated Ms. Clarke in September, 2008; the diagnoses remained the

same, except that he determined that her major depressive disorder and cannabis dependence were in full remission. He again recommended that Ms. Clarke participate in the FIPN and in intensive outpatient treatment. He further recommended that she remain in counseling and under psychiatric treatment.

5. Ms. Clarke entered into substance abuse treatment with the New Horizons Community Mental Health Center, Miami, Florida, in July, 2007. Random urine drug screens conducted by New Horizons between August, 2007, and August, 2008, were all negative. Ms. Clarke's Florida nursing license was reinstated in November, 2008. As of the date of entry of this Order, Ms. Clarke is compliant with the Florida IPN, and her Florida nursing license is in good standing.

6. Ms. Clarke entered into a Participation Contract with the Virginia Health Practitioners' Intervention Program ("HPIP") on April 6, 2009, in which she acknowledged that she may suffer from the disease of chemical abuse and/or dependence and/or mental illness and/or physical illness that may impair her ability to practice safely, as evidenced by her self-report of prior substance abuse treatment and monitoring in Florida.

7. On her application for reinstatement of her license, Ms. Clarke checked "no" to the question of whether she had a mental, physical, or chemical dependency condition which could interfere with her ability to practice nursing.

#### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) and (7) of the Code of Virginia (1950), as amended ("Code").
2. Findings of Fact Nos. 4 and 6 constitute a violation of § 54.1-3007(6) of the Code.
3. Finding of Fact No. 7 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-20-300(A)(1)(b) of the Regulations Governing the Practice of Nursing ("Regulations").

4. Ms. Clarke otherwise meets the requirements for reinstatement of her license pursuant to § 54.1-3011 of the Code and 18 VAC 90-20-230 of the Regulations.

**CONSENT**

Marie L. Clarke, 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 contained herein and waives her right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her license 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 application of Marie L. Clarke for reinstatement of her license to practice professional nursing in Virginia is hereby APPROVED, contingent upon Ms. Clark's continued compliance with the Health Practitioners' Intervention Program for the period specified by the HPIP. Ms. Clarke shall be issued a single-state license marked "Valid in Virginia Only."

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Ms. Clarke, and an administrative proceeding shall be held to decide whether her license should be revoked. Ms. Clarke 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 HPIP, or has been terminated from participation in the HPIP;

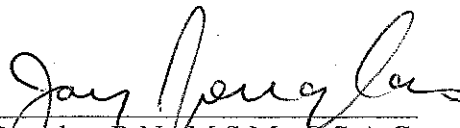
b. There is a pending investigation or unresolved allegation against Ms. Clarke involving a violation of law or regulation or any term or condition of this Order; or

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

3. Ms. Clarke 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

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

ENTERED: June 23<sup>rd</sup>, 2009

SEEN AND AGREED TO:

Marie L. Clarke  
Marie L. Clarke

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

Subscribed and sworn to before me, Elsa Solomon, a Notary Public, this 15<sup>th</sup> day of June, 2009.

My commission expires 10-31-2012.

Registration Number 294638

Elsa Solomon  
NOTARY PUBLIC

