

RECEIVED
AUG 22 2013

VIRGINIA:

BEFORE THE BOARD OF NURSING

VA BD OF NURSING

IN RE: DAVID A. MCFARLING, C.N.A. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and David A. McFarling, as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. McFarling's application for certification by examination as a nurse aide in Virginia.

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

FINDINGS OF FACT

1. David A. McFarling submitted an application for certification by examination as a nurse aide in the Commonwealth, which was received by the Board on June 17, 2013.
2. On March 20, 2013, Mr. McFarling was convicted in the City of Danville General District Court of shoplifting, a misdemeanor involving moral turpitude.
3. Mr. McFarling has paid all costs and fines associated with the shoplifting conviction.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code.
2. Mr. McFarling otherwise meets the requirements of § 54.1-3023 of the Code.

CONSENT

David A. McFarling, by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;

3. He acknowledges that he 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 him;
4. He waives all such right to an informal conference;
5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his application for certification by examination as a nurse aide in Virginia.

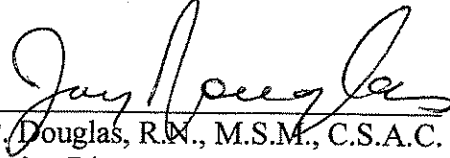
ORDER

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 David A. McFarling for certification by examination as a nurse aide in Virginia is hereby APPROVED and upon successful completion of the NNAAP examination, he shall be issued an unrestricted certificate to practice as a nurse aide.
2. Mr. McFarling is hereby REPRIMANDED.
3. Mr. McFarling shall maintain a course of conduct in his capacity as a nurse aide 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: August 26th, 2013

SEEN AND AGREED TO:



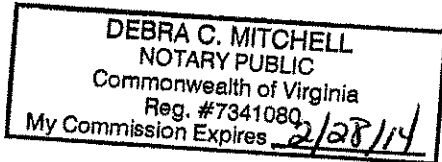
David A. McFarling

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

Subscribed and sworn to before me, David A. McFarling, a Notary Public, this 19 day of August, 20013.


My commission expires 2/28/14.

Registration Number 7341080.



NOTARY PUBLIC

Certified True Copy

By 
Virginia Board Of Nursing