



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Katherine A. Thomas
Executive Director of the Board

In the Matter of Registered Nurse

License Number 583665,

Issued to JAY TODD MOLER-AVERY

§
§
§
§
§

BEFORE THE TEXAS

BOARD OF NURSING

ELIGIBILITY & DISCIPLINARY
COMMITTEE

NUNC PRO TUNC ORDER OF THE BOARD

TO: Jay Todd Moler-Avery
419 Hudson St., #C3
Hartford, CT 06106

On August 6, 2013, an Order for Jay Todd Moler-Avery was entered by the Eligibility & Disciplinary Committee of the Texas Board of Nursing (Committee). However, the Order omitted the date of the public meeting from page 1 of the Order. Upon notice and hearing, administrative agencies, like the Courts, have the power to enter nunc pro tunc orders where it can be seen by reference to a record that what was intended to be entered, but was omitted by inadvertence or mistake, can be corrected upon satisfactory proof of its rendition provided that no intervening rights will be prejudiced. *Railroad Comm'n v. McClain*, 356 S.W.2d 330, 334 (Tex. App.--Austin 1962, no writ) (citing *Frankfort Ky. Nat. Gas Co. v. City of Frankfort*, 276 Ky. 199, 123 S.W.2d 270, 272).

The Executive Director, as agent of the Board, after review and due consideration of the record and the facts therein, invalidates the incorrect Order for Jay Todd Moler-Avery and enters the corrected version of the Order, which contains the date of the Committee's public meeting. Mr. Moler-Avery received due process regarding his license; therefore, his rights have not been prejudiced.

NOW, THEREFORE, IT IS ORDERED that the corrected Order is hereby approved and entered on the dates set forth below.

Order effective August 6, 2013.

Entered this 17th day of December, 2013.

TEXAS BOARD OF NURSING

BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR, ON BEHALF OF THE BOARD

IN THE MATTER OF	§	BEFORE THE TEXAS
PERMANENT REGISTERED NURSE	§	BOARD OF NURSING
LICENSE NUMBER 583665	§	ELIGIBILITY
ISSUED TO	§	AND
JAY TODD MOLER-AVERY	§	DISCIPLINARY COMMITTEE

ORDER OF THE BOARD

TO: Jay Todd Moler-Avery
419 Hudson St., #C3
Hartford, CT 06106

During open meeting held in Austin, Texas, on August 6, 2013, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for

rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 583665, previously issued to JAY TODD MOLER-AVERY, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 6th day of August, 2013.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed May 8, 2013.

Re: Permanent Registered Nurse License Number 583665
Issued to JAY TODD MOLER-AVERY
DEFAULT ORDER - REVOKE


CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2013, a true and correct copy of the foregoing
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Jay Todd Moler-Avery
419 Hudson Street #C3
Hartford, CT 06106

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent
Registered Nurse License
Number 583665 Issued to
JAY TODD MOLER-AVERY,
Respondent

§
§
§
§
§

BEFORE THE TEXAS

BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAY TODD MOLER-AVERY, is a Registered Nurse holding License Number 583665, which is in Inactive status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about October 28, 2012, Respondent was arrested by the Vernon Police Department, Vernon, CT and charged with the offenses of CONSPIRACY TO COMMIT FIRST-DEGREE SEXUAL ASSAULT, ATTEMPTED FIRST-DEGREE SEXUAL ASSAULT, CONSPIRACY TO COMMIT RISK OF INJURY TO A CHILD AND ATTEMPTED RISK OF INJURY TO A CHILD in Superior Court, Rockville, Connecticut, under Docket Number TTD-CR12-0102238-T, with bond set at \$1,000,000.00. Subsequently, on or about November 6, 2012, Respondent received an Interim Consent Order from the Connecticut Department of Health wherein Respondent's licenses to practice as an Advanced Practice and Registered Nurse in the State of Connecticut were accepted for Surrender pending resolution of an investigation. As a result of the above investigation, on or about December 14, 2012, Respondent was issued a Voluntary Surrender Affidavit by the Connecticut Department of Health wherein Respondent's licenses to practice as an Advanced Practice and Registered Nurse in the State of Connecticut were accepted for Voluntary Surrender. A copy of the Interim Consent Order issued by the Connecticut Department of Health, dated November 6, 2012, and Voluntary Surrender Affidavit issued by the Connecticut Department of Health, dated December 14, 2012, are attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses for Sexual Misconduct, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Interim Consent Order issued by the Connecticut Department of Health, dated November 6, 2012, and Voluntary Surrender Affidavit issued by the Connecticut Department of Health, dated December 14, 2012.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

Filed this 8 day of May, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Interim Consent Order issued by the Connecticut Department of Health, dated November 6, 2012,
and Voluntary Surrender Affidavit issued by the Connecticut Department of Health, dated
December 14, 2012.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY & SAFETY BRANCH

Re: Jay. T. Mohler-Avery R.N., APRN
License numbers: R.N.: R48562, APRN: 004732

Petition No. 2012-1055 and 2012-1037

VOLUNTARY SURRENDER OF LICENSE AFFIDAVIT

Jay T. Mohler-Avery, being duly sworn, deposes and says:


1. I am over the age of majority and understand the obligations of an oath.
2. I make this affidavit on the basis of personal knowledge.
3. I am licensed by the Department of Public Health (hereinafter "the Department") to practice as a Registered Nurse and as an Advanced Practice Registered Nurse. I presently hold license numbers R48562 and 004732
4. I hereby voluntarily surrender my license to practice as a Registered Nurse and as an Advance Practice Registered Nurse in the State of Connecticut.
5. I understand and agree that if I seek a new license or to reinstate my license at any time in the future, the allegations contained in Petition Numbers 2012-1055 and 2012-1037 shall be deemed true. I further understand that any such application must be made to the Department which shall have absolute discretion, after seeking the advice of the Connecticut Board of Examiners for Nursing (hereinafter "the Board"), as to whether said license shall be issued or reinstated and, if so, whether said license shall be subject to conditions. No reinstatement shall become effective until the Department seeks the advice of the Board.
6. I hereby waive any right to a hearing I may have regarding any request that my license be reinstated or that a new license be issued and also waive any right that I may have to appeal or otherwise challenge the disposition of any such request.
7. I understand and agree that this affidavit and the case file in Petition Numbers 2012-1055 and 2012-1037 are public documents, and I am executing this affidavit in settlement of the allegations contained in the above-referenced petition.
8. I understand that this surrender of my license is reportable to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank maintained by the United States Department of Health and Human Services and is public information.

9. I understand that this document has no effect unless and until it is executed by the Department; and that, upon execution, the Department will dismiss Petition Numbers 2012-1055 and 2012-1037.
10. I understand that I have the right to consult with an attorney prior to signing this affidavit.
11. I understand that the execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
12. I understand that the purpose of this agreement is to resolve the pending matter against my license and is not intended to affect any claim of civil liability that might be brought against me.
13. If applicable, I agree to comply with the provision of Section 19a-14-44 Regulations Connecticut State Agencies.


Jay T. Mohler-Avery, R.N., APRN

Subscribed and sworn to before me this 14th day of December 2012.

DIANE
NOT
MY COMMISSIONER
BUL
11/20/15


Notary Public
Commissioner of Superior Court

Accepted:

Kathleen Boulware
Jennifer Filippone, Section Chief Kathleen Boulware
Practitioner Licensing and Investigations PHSM
Healthcare Quality & Safety Branch

12-14-12
Date

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: J. T. Mohler-Avery, A.P.R.N., R.N.

Petition No. 2012-1037 and 2012-1055

INTERIM CONSENT ORDER

WHEREAS, J.T. Mohler-Avery, A.P.R.N., R.N., of Vernon, Connecticut (hereinafter "respondent"), has been issued license numbers 004732 to practice as an advanced practice registered nurse and R48562 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department has received information regarding respondent's alleged misconduct toward patients in the course of his nursing practice:

WHEREAS, it will be necessary to conduct further investigation, and the parties wish to provide for the protection of the public during the interim.

NOW THEREFORE, pursuant to §19a-14 and 19a-17 of the General Statutes of Connecticut, the parties hereby stipulate to the following:

1. Respondent's license number 004732 to practice as an advanced practice registered nurse and license number R48562 to practice as a registered nurse shall be suspended until such time as this petition is resolved.

2. Respondent shall surrender his advanced practice registered nurse license number 004732 and his registered nurse license number R48562 to the Department immediately upon approval of this Interim Consent Order by the Department.
3. Respondent shall withdraw any pending applications for renewal of his license immediately upon approval of this Interim Consent Order by the Department, and shall not apply for renewal of his license until either the expiration of this Interim Consent Order or the dismissal of the pending complaint, whichever occurs first.
4. Respondent shall execute releases for his treatment records, as requested by the Department.
5. This stipulation shall not deprive respondent of his right to a hearing on the merits of this case, nor shall it be construed as an admission of any fact or waiver of any right to which respondent may be entitled, other than as specifically provided for herein.
6. This Interim Consent Order shall become effective on the day it is approved and entered by the Department.
7. Respondent permits a representative of the Department to present this Interim Consent Order and the factual basis for this Interim Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether an executed Interim Consent Order is approved or accepted.
8. I understand and agree that this Interim Consent Order is a public document and shall be reported to the National Practitioner Data Bank and the Healthcare Integrity and Practitioner Data Bank maintained by the United States Department of Health and Human Services.
9. Respondent has the right to consult with an attorney prior to signing this document.

10. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
11. This Interim Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this interim consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.
12. If applicable, I agree to comply with the provision of Section 19a-14-44 Regulations Connecticut State Agencies.

*

*

*

*

*


*

*

I, J. T. Mohler-Avery, have read the above Interim Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Interim Consent Order to be my free act and deed.

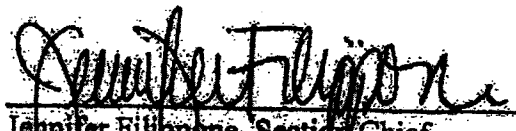

J. T. Mohler-Avery

Subscribed and sworn to before me this 6th day of November 2012.


Notary Public or person authorized
by law to administer an oath or affirmation *David Tilles*
Commissioner of the Superior Court

The above Interim Consent Order having been presented to the duly appointed agent of the

Commissioner of the Department of Public Health on the 6th day of November
____ 2012, it is hereby accepted and ordered.


Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch

IN THE MATTER OF PERMANENT
REGISTERED NURSE LICENSE
NUMBER 583665 ISSUED TO
JAY TODD MOLER-AVERY

§
§
§
§

BEFORE THE TEXAS
BOARD OF NURSING
ELIGIBILITY AND
DISCIPLINARY COMMITTEE



Executive Director of the Board
Stephanie C. Plummer
accurate, and true copy of the document which
is on file or is of record in the offices of the
Texas Board of Nursing.

ORDER OF THE BOARD

TO: Jay Todd Moler-Avery
419 Hudson Street #C3
Hartford, CT 06106

During open meeting held in Austin, Texas, on August 6, 2012, the Texas Board of Nursing Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license(s) to practice nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Committee, after review and due consideration, adopts the proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for

rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Registered Nurse License Number 583665, previously issued to JAY TODD MOLER-AVERY, to practice nursing in the State of Texas be, and the same is/are hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

Entered this 6th day of August, 2013.

TEXAS BOARD OF NURSING



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed May 8, 2013.

Re: Permanent Registered Nurse License Number 583665
Issued to JAY TODD MOLER-AVERY
DEFAULT ORDER - REVOKE

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of August, 2013, a true and correct copy of the foregoing
DEFAULT ORDER was served and addressed to the following person(s), as follows:

Via USPS Certified Mail, Return Receipt Requested

Jay Todd Moler-Avery
419 Hudson Street #C3
Hartford, CT 06106



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent
Registered Nurse License
Number 583665 Issued to
JAY TODD MOLER-AVERY,
Respondent

§
§
§
§
§

BEFORE THE TEXAS

BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, JAY TODD MOLER-AVERY, is a Registered Nurse holding License Number 583665, which is in Inactive status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about October 28, 2012, Respondent was arrested by the Vernon Police Department, Vernon, CT and charged with the offenses of CONSPIRACY TO COMMIT FIRST-DEGREE SEXUAL ASSAULT, ATTEMPTED FIRST-DEGREE SEXUAL ASSAULT, CONSPIRACY TO COMMIT RISK OF INJURY TO A CHILD AND ATTEMPTED RISK OF INJURY TO A CHILD in Superior Court, Rockville, Connecticut, under Docket Number TTD-CR12-0102238-T, with bond set at \$1,000,000.00. Subsequently, on or about November 6, 2012, Respondent received an Interim Consent Order from the Connecticut Department of Health wherein Respondent's licenses to practice as an Advanced Practice and Registered Nurse in the State of Connecticut were accepted for Surrender pending resolution of an investigation. As a result of the above investigation, on or about December 14, 2012, Respondent was issued a Voluntary Surrender Affidavit by the Connecticut Department of Health wherein Respondent's licenses to practice as an Advanced Practice and Registered Nurse in the State of Connecticut were accepted for Voluntary Surrender. A copy of the Interim Consent Order issued by the Connecticut Department of Health, dated November 6, 2012, and Voluntary Surrender Affidavit issued by the Connecticut Department of Health, dated December 14, 2012, are attached and incorporated by reference as part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that to the extent applicable, based on the Formal Charges, the Board will rely on Adopted Disciplinary Guidelines for Criminal Conduct and on Adopted Disciplinary Sanction Policies for Nurses for Sexual Misconduct, which can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order(s) which are attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Interim Consent Order issued by the Connecticut Department of Health, dated November 6, 2012, and Voluntary Surrender Affidavit issued by the Connecticut Department of Health, dated December 14, 2012.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

Filed this 8 day of May, 2013.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

John R. Griffith, Assistant General Counsel
State Bar No. 24079751

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING
333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6811
F: (512) 305-8101 or (512)305-7401

Attachments: Interim Consent Order issued by the Connecticut Department of Health, dated November 6, 2012,
and Voluntary Surrender Affidavit issued by the Connecticut Department of Health, dated
December 14, 2012.

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY & SAFETY BRANCH

Re: Jay. T. Mohler-Avery R.N., APRN
License numbers: R.N.: R48562, APRN: 004732

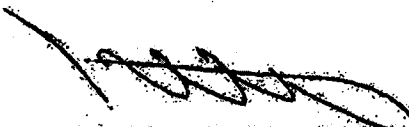
Petition No. 2012-1055 and 2012-1037

VOLUNTARY SURRENDER OF LICENSE AFFIDAVIT

Jay T. Mohler-Avery, being duly sworn, deposes and says:

1. I am over the age of majority and understand the obligations of an oath.
2. I make this affidavit on the basis of personal knowledge.
3. I am licensed by the Department of Public Health (hereinafter "the Department") to practice as a Registered Nurse and as an Advanced Practice Registered Nurse. I presently hold license numbers R48562 and 004732.
4. I hereby voluntarily surrender my license to practice as a Registered Nurse and as an Advance Practice Registered Nurse in the State of Connecticut.
5. I understand and agree that if I seek a new license or to reinstate my license at any time in the future, the allegations contained in Petition Numbers 2012-1055 and 2012-1037 shall be deemed true. I further understand that any such application must be made to the Department which shall have absolute discretion, after seeking the advice of the Connecticut Board of Examiners for Nursing (hereinafter "the Board"), as to whether said license shall be issued or reinstated and, if so, whether said license shall be subject to conditions. No reinstatement shall become effective until the Department seeks the advice of the Board.
6. I hereby waive any right to a hearing I may have regarding any request that my license be reinstated or that a new license be issued and also waive any right that I may have to appeal or otherwise challenge the disposition of any such request.
7. I understand and agree that this affidavit and the case file in Petition Numbers 2012-1055 and 2012-1037 are public documents, and I am executing this affidavit in settlement of the allegations contained in the above-referenced petition.
8. I understand that this surrender of my license is reportable to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank maintained by the United States Department of Health and Human Services and is public information.

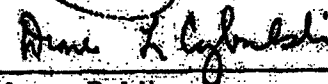
9. I understand that this document has no effect unless and until it is executed by the Department; and that, upon execution, the Department will dismiss Petition Numbers 2012-1055 and 2012-1037.
10. I understand that I have the right to consult with an attorney prior to signing this affidavit.
11. I understand that the execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
12. I understand that the purpose of this agreement is to resolve the pending matter against my license and is not intended to affect any claim of civil liability that might be brought against me.
13. If applicable, I agree to comply with the provision of Section 19a-14-44 Regulations Connecticut State Agencies.


Jay T. Mohler-Avery, R.N., APRN

Subscribed and sworn to before me this 14th day of December 2012.

DIANE
NOT
MY COMMISSIONER

BUL
PUBLIC
12/20/15


Notary Public
Commissioner of Superior Court

Accepted:

Kathleen Bouhware
~~Jennifer Filippone, Section Chief~~ Kathleen Bouhware
Practitioner Licensing and Investigations PHSM
Healthcare Quality & Safety Branch

12-14-12
Date

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE QUALITY AND SAFETY BRANCH

In re: J. T. Mohler-Avery, A.P.R.N., R.N.

Petition No. 2012-1037 and 2012-1055

INTERIM CONSENT ORDER

WHEREAS, J.T. Mohler-Avery, A.P.R.N., R.N., of Vernon, Connecticut (hereinafter "respondent"), has been issued license numbers 004732 to practice as an advanced practice registered nurse and R48562 to practice as a registered nurse by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 378 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department has received information regarding respondent's alleged misconduct toward patients in the course of his nursing practice.

WHEREAS, it will be necessary to conduct further investigation, and the parties wish to provide for the protection of the public during the interim.

NOW THEREFORE, pursuant to §19a-14 and 19a-17 of the General Statutes of Connecticut, the parties hereby stipulate to the following:

1. Respondent's license number 004732 to practice as an advanced practice registered nurse and license number R48562 to practice as a registered nurse shall be suspended until such time as this petition is resolved.

2. Respondent shall surrender his advanced practice registered nurse license number 004732 and his registered nurse license number R48562 to the Department immediately upon approval of this Interim Consent Order by the Department.
3. Respondent shall withdraw any pending applications for renewal of his license immediately upon approval of this Interim Consent Order by the Department, and shall not apply for renewal of his license until either the expiration of this Interim Consent Order or the dismissal of the pending complaint, whichever occurs first.
4. Respondent shall execute releases for his treatment records, as requested by the Department.
5. This stipulation shall not deprive respondent of his right to a hearing on the merits of this case, nor shall it be construed as an admission of any fact or waiver of any right to which respondent may be entitled, other than as specifically provided for herein.
6. This Interim Consent Order shall become effective on the day it is approved and entered by the Department.
7. Respondent permits a representative of the Department to present this Interim Consent Order and the factual basis for this Interim Consent Order to the Department. Respondent understands that the Department has complete and final discretion as to whether an executed Interim Consent Order is approved or accepted.
8. I understand and agree that this Interim Consent Order is a public document and shall be reported to the National Practitioner Data Bank and the Healthcare Integrity and Practitioner Data Bank maintained by the United States Department of Health and Human Services.
9. Respondent has the right to consult with an attorney prior to signing this document.

10. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.
11. This Interim Consent Order embodies the entire agreement of the parties with respect to this case. All previous communications or agreements regarding the subject matter of this interim consent order, whether oral or written, between the parties are superseded unless expressly incorporated herein or made a part hereof.
12. If applicable, I agree to comply with the provision of Section 19a-14-44 Regulations Connecticut State Agencies.

*

*

*

*

*

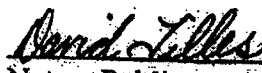
*

*

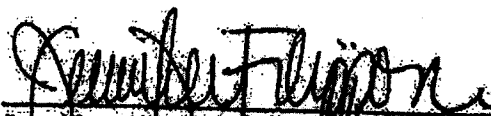
I, J. T. Mohler-Avery, have read the above Interim Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Interim Consent Order to be my free act and deed.


J. T. Mohler-Avery

Subscribed and sworn to before me this 6th day of November 2012.


Notary Public or person authorized
by law to administer an oath or affirmation *David Tilles*
Commissioner of the Superior Court

The above Interim Consent Order having been presented to the duly appointed agent of the
Commissioner of the Department of Public Health on the 6th day of November
2012, it is hereby accepted and ordered.


Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Quality and Safety Branch