

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JOHN M. APPELEGATE, R.N. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and John M. Applegate, as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Applegate's application for licensure by examination to practice professional nursing in Virginia.

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

FINDINGS OF FACT

1. John M. Applegate submitted an application for licensure by examination as a professional nurse to the Board on May 17, 2012. His primary state of residence is West Virginia.
2. In 2008, Mr. Applegate was convicted in the Morgantown, West Virginia, Municipal Court of driving under the influence.
3. In 2010, Mr. Applegate was convicted in the Alleghany County, Virginia, General District Court of driving under the influence.
4. Mr. Applegate completed the West Virginia Driving Under the Influence Safety & Treatment Program on July 5, 2011. He also has paid all court fines and costs and completed all other court-ordered requirements stemming from his convictions.
5. In a letter to the Board dated June 7, 2012, Mr. Applegate expressed remorse for his actions.

CONCLUSIONS OF LAW

The Board concludes that:

1. Findings of Fact Nos. 2 and 3 constitute a violation of § 54.1-3007(6) of the Code of Virginia (1950), as amended.
2. Mr. Applegate otherwise meets the qualifications of § 54.1-3017 of the Code.

CONSENT

John M. Applegate, 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 licensure by examination as a professional nurse in Virginia.

ORDER

WHEREFORE, it is hereby ORDERED that the application of John M. Applegate for licensure by examination as a professional nurse is APPROVED, subject to the following conditions.

1. Upon successful completion of the NCLEX-RN examination and upon proof of entry into the Health Practitioners' Monitoring Program ("HPMP"), Mr. Applegate shall be issued a license to practice as a professional nurse in the Commonwealth. Thereafter, Mr. Applegate shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.
2. Mr. Applegate shall maintain a course of conduct in his capacity as a professional nurse commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

3. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of nursing in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the license of Mr. Applegate and an administrative proceeding shall be convened to determine whether such license shall be suspended or revoked. Mr. Applegate shall be noticed to appear before the Board at such time as the Board is notified that:

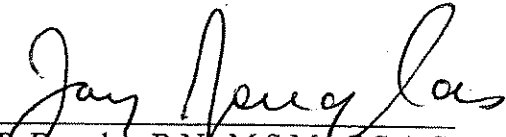
a. Mr. Applegate is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

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

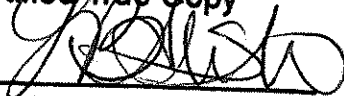
c. Mr. Applegate has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Applegate's participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Applegate's appearance before the Board and conduct an administrative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

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD

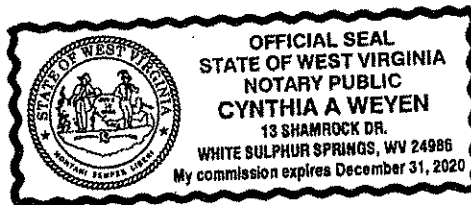

Jay R. Douglas, R.N., M.S.M., C.S.A.C.
Executive Director, Virginia Board of Nursing

ENTERED: August 15TH, 2012

Certified True Copy
By 
Virginia Board of Nursing

SEEN AND AGREED TO:


John M. Applegate



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

Subscribed and sworn to before me, Cynthia A Weyen, a Notary Public, this 3 day of August, 2012.

My commission expires 12-31-20.

Registration Number _____.


NOTARY PUBLIC

Certified True Copy

By 
Virginia Board of Nursing