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VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

LUTHER B. SURFACE, R.N. APPLICANT

CONSENT ORDER

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

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

FINDINGS OF FACT

1. Luther B. Surface submitted an application for licensure by endorsement to practice professional nursing, which was received by the Board on May 11, 2010. Mr. Surface has a current license to practice as a registered professional nurse in the state of North Carolina. Mr. Surface's primary state of residence is Virginia.

2. Mr. Surface was convicted of driving while impaired on January 8, 1987, in the Pasquotank County, North Carolina, Superior Court. He was again convicted of driving while impaired on January 19, 1994, in the Dare County, North Carolina, Superior Court. Mr. Surface was convicted of public intoxication on August 22, 2000, in the Williamsburg/James City County, Virginia, General District Court. In his letter to the Board dated July 28, 2010, Mr. Surface acknowledged that he is an alcoholic.

3. Mr. Surface further wrote that he attended Father Martin's Ashley Treatment Center, Maryland, in 2002 for a 30-day program and for two weeks following a relapse. Mr. Surface reports a sobriety date of December 3, 2005. He attends Alcoholics Anonymous two to three times a week and a Caduceus meeting two to three times a year.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(6) of the Code of Virginia (1950) as amended (“Code”).
2. Mr. Surface otherwise meets the qualifications of § 54.1-3018 of the Code.

CONSENT

Luther B. Surface, 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 contained herein and waives his right to contest such Findings of Fact in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his application for licensure by endorsement to practice professional nursing in Virginia.

ORDER

On the basis of the foregoing, the Virginia Board of Nursing hereby ORDERS that the application of Luther B. Surface to practice professional nursing in the Commonwealth be APPROVED contingent upon the following:

1. Luther B. Surface shall provide written evidence that he has entered into the Health Practitioners' Monitoring Program ("HPMP") pursuant to Chapter 25.1 of Title 54.1 of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP.

2. Thereafter, Mr. Surface shall comply with all the terms and conditions of the HPMP for the period specified by the HPMP.

3. Any violation of the terms and conditions stated in this Order shall be reason for revoking the license of Mr. Surface, and an administrative proceeding shall be held to decide whether his license should be revoked. Mr. Surface shall be noticed to appear before the Board at such time as the Board is notified that:

a. Mr. Surface 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. Surface involving a violation of law or regulation or any term or condition of this Order; or

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

4. This Order is applicable to Mr. Surface's multistate licensure privileges, if any, to practice professional nursing in the Commonwealth of Virginia. For the duration of this Order, Mr. Surface shall not work outside of the Commonwealth of Virginia pursuant to a multistate licensure privilege without the written permission of the Virginia Board of Nursing and the Board of Nursing in the party state where Mr. Surface wishes to work. Any requests for out of state employment should be directed, in writing, to the Executive Director of the Board.

5. Mr. Surface 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.

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

ENTERED: October 15th, 2010

SEEN AND AGREED TO:

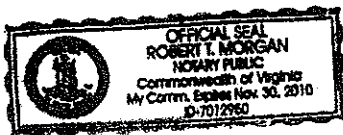
Luther B. Surface
Luther B. Surface

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

Subscribed and sworn to before me, Robert T. Morgan, a Notary Public, this 11th day of OCT., 2010.

My commission expires Nov 30th 2010

Registration Number ~~PTM~~ 7012950



Robert T. Morgan
NOTARY PUBLIC