

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**STEPHEN B. WADDELL, C.M.T.
Certificate No.: 0019-008434**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) along with a member of the Massage Therapy Advisory Board met on June 3, 2013, in Henrico County, Virginia, to inquire into evidence that Stephen B. Waddell, C.M.T., may have violated certain terms and conditions imposed on his certificate to practice massage therapy in Virginia, as set forth in the Order of the Board (“Board’s Order”) entered on August 25, 2009. Mr. Waddell was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Stephen B. Waddell, C.M.T., was issued Certificate No. 0019-008434 to practice massage therapy in the Commonwealth of Virginia on September 9, 2009. Said certificate expires on June 30, 2013.
2. By letter dated May 7, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Waddell notifying him that an informal conference would be held on June 3, 2013. The Notice was sent by certified and first class mail to 9310 Osborne Turnpike, Henrico, Virginia 23233, the address of record on file with the Board of Nursing.
3. By Consent Order entered August 25, 2009, the Board granted Mr. Waddell’s application for certification by examination as a massage therapist. This Order was based on findings that Mr. Waddell had a

history of substance abuse. Term No. 1 of the Board's Order required that Mr. Waddell enter into and remain compliant with the terms and conditions of the Health Practitioners' Monitoring Program ("HPMP").

4. On October 19, 2012, Mr. Waddell was dismissed from the HPMP for non-compliance with his Recovery Monitoring Contract.

5. Mr. Waddell stated that he had a positive screen for alcohol, and was notified by his HPMP case manager on July 31, 2012. Mr. Waddell stated that he drinks Kombucha Tea, which is sold in health food stores, and may cause a positive reading for alcohol. The tea is made from fermented black tea leaves and yeast. The tea is promoted as providing anti-oxidants to the body in order maintain good health. The tea is not considered to be an alcoholic beverage.

6. Mr. Waddell admitted that he argued with his case manager, in his attempt to explain the positive screen for alcohol. This was his only positive screen for alcohol since he enrolled in the HPMP in August 2009.

7. Mr. Waddell reports that his date of sobriety is November 24, 2006. He stated that he is currently in counseling for stress management and that the therapy includes meditation.

CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term 1 of the Board's Order entered August 25, 2009.

ORDER


On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Stephen B. Waddell, C.M.T., is hereby REPRIMANDED.
2. Mr. Waddell shall maintain a course of conduct in his capacity as a certified massage therapist 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 on request.


Pursuant to Section 54.1-2400(10) of the Code, Mr. Waddell may, not later than 5:00 p.m., on **July 29, 2013**, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

FOR THE COMMITTEE:


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

ENTERED: June 24, 2013

This Order shall become final on **July 29, 2013**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing