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VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

STEPHEN WADDELL, C.M.T. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Stephen Waddell, as evidenced by his signature hereto, enter into the following Consent Order affecting Mr. Waddell's application for certification to practice massage therapy in Virginia.

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

FINDINGS OF FACT

1. Stephen Waddell submitted an application for certification to practice massage therapy which was received by the Board on April 15, 2009. Mr. Waddell successfully completed the NCETMB examination on April 10, 2009.
2. Mr. Waddell has multiple criminal convictions from 1997 through 2007, related to substance abuse, including misdemeanor possession of controlled paraphernalia and driving while intoxicated.
3. Mr. Waddell was also convicted of misdemeanor possession of another's driver's license to establish a false identity in 1999.
4. Mr. Waddell acknowledges a long history of substance abuse and addiction to cocaine, with intermittent periods of failed sobriety and treatment in the past.
5. Mr. Waddell successfully completed a substance abuse treatment program in June, 2007. He reports a November, 2006, sobriety date. He continues to attend counseling and AA meetings.

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. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(4) of the Code.
3. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(6) of the Code.
4. Mr. Waddell otherwise meets the requirements of § 54.1-3029 of the Code.
5. Mr. Waddell is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

CONSENT

Stephen Waddell, 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 certification to practice massage therapy 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 that application of Stephen Waddell for certification by examination as a massage therapist is APPROVED. Upon proof that he has entered into the Health Practitioners' Monitoring Program, Mr. Waddell shall be issued a certificate to practice massage therapy in the Commonwealth under the following terms and conditions:

1. Mr. Waddell shall comply with the HPMP for the period specified by the HPMP.
2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Stephen Waddell, and an administrative proceeding shall be held to decide whether his certificate should be revoked. Mr. Waddell shall be noticed to appear before the Board at such time as the Board is notified that:
 - a. He 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 him involving a violation of law or regulation or any term or condition of this Order; or
 - c. He has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Waddell's participation in and compliance with the HPMP, the Board, at its discretion, may waive his appearance before the Board and conduct an administrative review of this matter.
3. Mr. Waddell shall maintain a course of conduct in his capacity as a massage therapist commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

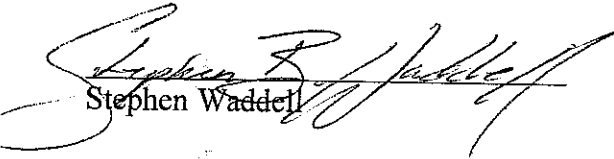
Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying upon request.

FOR THE BOARD


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

ENTERED: August 25, 2009

SEEN AND AGREED TO:


Stephen Waddell

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

Subscribed and sworn to before me, Jessica Pierce
Stephen Waddell, a Notary Public, this 18th day of
August, 2009.

My commission expires Dec. 31, 2012.

Registration Number 7212385.


NOTARY PUBLIC

