

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: BILLY PAUL PARK, L.M.T.,
License Number: 0019-014462
Case Number: 177139

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11), a panel of the Virginia Board of Nursing (“Board”) and a member of the Massage Therapy Advisory Board held a formal administrative hearing on July 19, 2017, in Henrico County, Virginia, to inquire into evidence that Billy Paul Park, L.M.T., may have violated certain laws and regulations governing the practice of massage therapy in the Commonwealth of Virginia.

Billy Paul Park, L.M.T., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated June 21, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Mr. Park notifying him that a formal administrative hearing would be held on July 19, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. On July 3, 2017, Mr. Park notified the Board that he would not be attending the hearing. Accordingly, the panel Chair concluded that adequate notice was provided to Mr. Park and the formal hearing proceeded in his absence.

Upon consideration of the evidence, the Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On April 6, 2016, the Board issued License Number 0019-014462 to Billy Paul Park, L.M.T., to practice as a massage therapist in the Commonwealth of Virginia. Said license is scheduled to expire on October 31, 2018. At all times relevant hereto, said license was in full force and effect.
2. During the course of his employment with Elements Massage, Richmond, Virginia:
 - a. On August 13, 2016, while providing a massage to Client A, Mr. Park rubbed his erect penis against her right thigh and right leg and stated that he wanted to evoke his energy on her, or words to that effect.
 - b. On September 15, 2016, while providing a massage to Client B, Mr. Park stated to the client that she was very distracting to him and that he was having inappropriate thoughts. On September 29, 2016, while providing a massage to Client B, Mr. Park rubbed his hand across her vaginal area and asked if that was okay. The Board heard testimony from Client B which supported the information she provided to the Department of Health Professions investigator. Client B reported Mr. Park's actions to the police. Criminal charges are currently pending in Henrico County Circuit Court. In addition, Client B reported Mr. Park's actions to Elements Massage, which terminated his employment.
 - c. On July 31, 2016, while providing a massage to Client A, Mr. Park repeated a "satanic chant." Following the massage, Mr. Park suggested that Client A attend a "witches coven," and that she put rock salt outside of her doors to keep out evil spirits.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2(a) and 2(b) constitute a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-50-90(2)(i) of the Regulations Governing the Certification of Massage Therapists ("Regulations") (currently found at 18 VAC 90-50-90(2)(i) of the Regulations

Governing the Licensure of Massage Therapists), as further defined in the National Certification Board for Therapeutic Massage and Bodywork Code of Ethics Section XIV.

2. Finding of Fact No. 2(c) constitutes a violation of Virginia Code § 54.1-3007(2) and (5) and 18 VAC 90-50-90(2)(i) of the Regulations Governing the Certification of Massage Therapists (“Regulations”) (currently found at 18 VAC 90-50-90(2)(i) of the Regulations Governing the Licensure of Massage Therapists), as further defined in the National Certification Board for Therapeutic Massage and Bodywork Code of Ethics Section XV.

ORDER

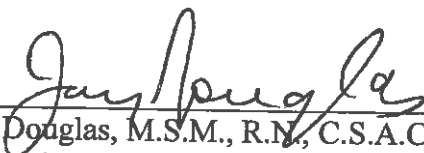
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. Billy Paul Park, L.M.T., is assessed a MONETARY PENALTY of \$5,000.00. This penalty shall be paid to the Board by certified check or money order made payable to the Treasurer of Virginia within 120 days from the date of entry of this Order. Failure to pay the full monetary penalty by the due date may cause the matter to be sent for collection and constitutes grounds for an administrative proceeding and further discipline.
2. The license of Billy Paul Park, L.M.T., to practice as a massage therapist in the Commonwealth of Virginia is REVOKED.
3. The license of Billy Paul Park, L.M.T., will be recorded as REVOKED.
4. Pursuant to Virginia Code § 54.1-2408.2, should Billy Paul Park, L.M.T., seek reinstatement of his license after three years, the reinstatement of Mr. Park’s license shall require the affirmative vote of three-fourths of the members at a formal administrative proceeding convened by the Board. At such time, the burden shall be on Mr. Park to demonstrate that he is safe and competent to

return to the practice of massage therapy. Mr. Park shall be responsible for any fees that may be required for the reinstatement and/or renewal of the license prior to issuance of the license to resume practice

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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 Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

August 2nd, 2017

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By 

Virginia Board Of Nursing