

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: DEREK FLEM DAVIS, L.M.T.
License Number: 0019-008490
Case Number: 177412

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) and a member of the Massage Therapy Advisory Board held an informal conference on April 10, 2017, in Henrico County, Virginia, to inquire into evidence that Derek F. Davis, L.M.T., may have violated certain laws and regulations governing the practice of massage therapy in the Commonwealth of Virginia.

Derek Flem Davis, L.M.T., appeared at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 13, 2017, the Board sent a Notice of Informal Conference (“Notice”) to Mr. Davis notifying him that an informal conference would be held on April 10, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Derek Flem Davis, L.M.T., was issued License Number 0019-008490 to practice as a massage therapist on October 8, 2009, which is scheduled to expire on October 31, 2018.
2. Mr. Davis violated Virginia Code § 54.1-3007(5) and (8) in that during the course of his employment with Massage Luxe, Virginia Beach, Virginia, on August 28, 2016, Mr. Davis performed

a massage on Client A's inner thigh and groin area, and inappropriately touched Client A's vaginal area.

3. Mr. Davis worked with Client A for one and one-half years and never had any issues. He acknowledged that the client exhibited as being uncomfortable, but he failed to address it at that time.

4. Mr. Davis was employed at Massage Luxe for eight years with no former complaints. His employment was suspended pending the outcome of the criminal charges.

5. Mr. Davis reported that he was found guilty of misdemeanor sexual battery on March 23, 2017, in the Virginia Beach General District Court; however, he has appealed the decision.

ORDER

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

1. Derek Flem Davis, L.M.T., is REPRIMANDED.

2. Within 90 days from the date of entry of this Order, Derek Flem Davis, L.M.T., shall provide written proof satisfactory to the Board of successful completion of a Board-approved course(s) of at least four to eight credit hours in the subject of ethics and boundaries. The course(s) shall be approved in advance of registration by the Executive Director of the Board. Requests for approval must be received within 15 business days prior to the course date. All continuing education hours/courses shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

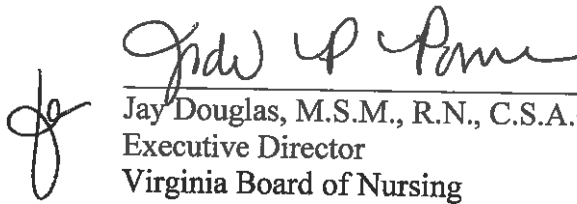
3. Derek Flem Davis, L.M.T., shall bear any costs associated with the terms and conditions of this Order.

4. Derek Flem Davis, L.M.T., shall comply with all laws and regulations governing the practice of massage therapy in the Commonwealth of Virginia.

5. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of massage therapy shall constitute grounds for further disciplinary action.

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: May 3, 2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Mr. Davis may, not later than 5:00 p.m., on June 5, 2017, notify Jay 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, 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. This Order shall become final on June 5, 2017, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing