

**BEFORE THE VIRGINIA BOARD OF NURSING**

**IN RE: DEREK FLEM DAVIS, L.M.T.**  
**License Number: 0019-008490**  
**Issue Date: October 8, 2009**  
**Expiration Date: October 31, 2018**  
**Case Number: 177412**

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**NOTICE OF INFORMAL CONFERENCE  
AND STATEMENT OF ALLEGATIONS**

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**You are hereby notified that an Informal Conference has been scheduled before the Board of Nursing ("Board") regarding your license to practice as a massage therapist in the Commonwealth of Virginia.**

<b>TYPE OF PROCEEDING:</b>	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
<b>DATE AND TIME:</b>	<b>April 10, 2017 10:30 A.M.</b>
<b>PLACE:</b>	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 <sup>nd</sup> Floor - Virginia Conference Center Henrico, Virginia 23233

**LEGAL AUTHORITY AND JURISDICTION:**

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions;
- Refer the matter to the Board of Nursing for a formal administrative hearing; or
- Offer you a consent order for suspension or revocation of your license in lieu of a formal hearing.

**ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:**

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

**RESPONDENT'S LEGAL RIGHTS:**

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

**INFORMAL CONFERENCE MATERIALS:**

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

**FILING DEADLINES:**

Deadline for filing materials: **April 3, 2017**. Submit six copies of all documents you want the Board to consider to Brenda Krohn, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

**REQUEST FOR A CONTINUANCE**

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **April 3, 2017**, will not be considered. If you obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **April 3, 2017**.

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**STATEMENT OF ALLEGATIONS**


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The Board alleges that:

1. At all times relevant hereto, Derek Flem Davis, L.M.T., was licensed to practice as a massage therapist in the Commonwealth of Virginia.

2. Derek Flem Davis, L.M.T., violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-50-90(i) of the Regulations Governing the Licensure of Massage Therapists, as further defined by Section XIV of the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Code of Ethics, in that during the course of his employment with Massage Luxe, Virginia Beach, Virginia, on or about 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.

See Confidential Attachment for the name of the client referenced above.

  
Brenda Krohn, R.N., M.S.  
Deputy Executive Director  
Virginia Board of Nursing

March 13, 2017  
Date