

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TRAM LINH NGUYEN, L.M.T.
License Number: 0019-009556
Case Numbers: 163834, 172375

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 March 22, 2017, in Henrico County, Virginia, to inquire into evidence that Tram Linh Nguyen, L.M.T., may have violated certain laws governing the practice of massage therapy in the Commonwealth of Virginia.

Tram Linh Nguyen, L.M.T., did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated March 8, 2017, the Board sent a Notice of Formal Hearing (“Notice”) to Ms. Nguyen notifying her that a formal administrative hearing would be held on March 22, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. According to the U.S. Postal Service website, the Notice sent by certified mail was returned to the Board marked “undeliverable as addressed” and “return to sender.” The Notice sent by first class mail was not returned to the Board office. Accordingly, the panel Chair concluded that adequate notice was provided to Ms. Nguyen and the formal hearing proceeded in her 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 February 3, 2011, the Board issued License Number 0019-009556 to Tram Linh Nguyen to practice massage therapy in the Commonwealth of Virginia. Said license expired on February 28, 2017. At all times relevant hereto, said license was in full force and effect.
2. On August 3, 2016, Ms. Nguyen was admitted to the Tucker Pavilion at HCA Chippenham and Johnston-Willis Hospital, Richmond, Virginia (“CJW”), and diagnosed with mood disorder, not otherwise specified, and opiate dependence. A drug screen performed by CJW was positive for opiates and cocaine.
3. From March 7, 2016 through July 18, 2016, Ms. Nguyen received substance abuse treatment at Rubicon Women’s and Children’s Treatment Program, Richmond, Virginia (“Rubicon”). Prior to treatment at Rubicon, Ms. Nguyen used heroin daily starting at the age of 24. On July 18, 2016, Ms. Nguyen left Rubicon against medical advice.
4. On February 23, 2016, Ms. Nguyen was admitted to the Tucker Pavilion at CJW and given diagnoses of major depression, anxiety disorder, not otherwise specified, opiate dependence and opiate withdrawal.
5. On February 5, 2016, Ms. Nguyen was admitted to CJW with diagnoses of depressive disorder secondary to opiate use versus adjustment disorder with depressed mood.
6. On May 30, 2015, Ms. Nguyen presented to CJW with suicidal ideations, a history of depression and a history of heroin abuse. On June 1, 2015, Ms. Nguyen was involuntarily admitted to the Tucker Pavilion on a temporary detention order and given provisional diagnoses of mood disorder, not otherwise specified and opiate abuse.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 2 through 6 constitute a violation of Virginia Code § 54.1-3007(6).
2. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Ms. Nguyen's health records or health services.

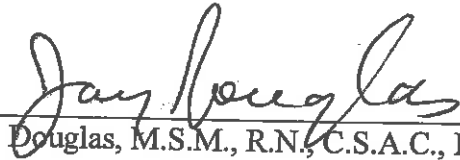
ORDER

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

1. The right of Tram Linh Nguyen, L.M.T., to renew her license to practice massage therapy in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than two years from the date of entry of this Order.
2. The license of Tram Linh Nguyen, L.M.T., will be recorded as SUSPENDED.
3. Should Tram Linh Nguyen, L.M.T., seek reinstatement of her license, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on Ms. Nguyen to demonstrate that she is safe and competent to return to the practice of massage therapy. Ms. Nguyen 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 P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

March 30TH 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 Douglas, 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

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Virginia Board Of Nursing