

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: TRAM LINH NGUYEN, L.M.T.
License Number: 0019-009556
Issue Date: February 3, 2011
Expiration Date: February 28, 2017
Case Numbers: 163834, 172375

**NOTICE OF FORMAL ADMINISTRATIVE HEARING
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that a Formal Hearing has been scheduled before the Board of Nursing ("Board") regarding your license to practice massage therapy in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is a formal administrative hearing before a panel of the Board.
DATE AND TIME:	March 22, 2017 1:00 P.M.
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This formal hearing is being held pursuant to Virginia Code §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Board 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;
- Suspend your right to renew your license;
- Revoke your license.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the formal hearing, the Board 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 Board 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.

COMMONWEALTH'S EXHIBITS:

Enclosed is a copy of the documents that will be distributed to the members of the Board and will be considered by the Board 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 formal hearing.**

FILING DEADLINES:

1. Deadline for filing exhibits: **March 14, 2017**. Submit 15 copies of all documents you want the Board to consider to Darlene Graham, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail. Please note that any documentation or evidence that you previously submitted for an informal conference that is not already part of the Commonwealth's evidence must be resubmitted as an exhibit if you want the Board to consider it at the hearing.

The Commonwealth must file any objections to your submissions in writing, addressed to Darlene Graham at the Board office, no later than **March 16, 2017**. If no objections have been received by **March 16, 2017**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **March 17, 2017**, to file your response to the objections, in writing and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion.

2. Deadline for filing motions: **March 14, 2017**, addressed to Darlene Graham at the above address.

3. Deadline for filing any objections to the Commonwealth's exhibits, in writing, to Darlene Graham at the above address: **March 14, 2017**. If you do not file objections by this date, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates on your case. If you do file objections, the Commonwealth has until **March 14, 2017** to file a response to the objections, in writing, and addressed to Darlene Graham at the Board office. The Chair of the proceeding will rule on the motion. NOTE: failure to object to the distribution of the Commonwealth's exhibits prior to the proceeding will not affect your right to contest any information contained in those exhibits at the proceeding.

REQUEST FOR A CONTINUANCE:

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **March 14, 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 **March 14, 2017**.


STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Tram Linh Nguyen, L.M.T., was licensed to practice massage therapy in the Commonwealth of Virginia or was eligible to renew her license.
2. Ms. Nguyen violated Virginia Code § 54.1-3007(6) in that she is unsafe to practice as a massage therapist due to mental illness and substance abuse, as evidenced by the following:
 - a. On or about 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.
 - b. From on or about March 7, 2016, through on or about July 18, 2016, Ms. Nguyen received substance abuse treatment at Rubicon Women's and Children's Treatment Program, Richmond, Virginia ("Rubicon"). By her own admission, prior to treatment at Rubicon, Ms. Nguyen used heroin daily starting at the age of 24. On or about July 18, 2016, Ms. Nguyen left Rubicon against the advice of her treatment providers.
 - c. On or about 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.
 - d. On or about February 7, 2016, Ms. Nguyen was admitted to CJW with diagnoses of depressive disorder secondary to opiate use versus adjustment disorder with depressed mood.
 - e. On or about May 30, 2015, Ms. Nguyen presented to CJW with suicidal ideations, a history of depression and a history of heroin abuse. On or about 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.

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.



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



Date