

MAR 07 2017
DHP

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: NICHOLAS CHRISTIAN CURRIE, L.M.T.
License Number: 0019-011718
Case Number: 175039

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Nicholas Christian Currie, L.M.T., as evidenced by their signatures hereto, in lieu of proceeding to a formal administrative proceeding, enter into the following Consent Order affecting Mr. Currie's license to practice massage therapy in the Commonwealth of Virginia.

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Board held an informal conference on February 13, 2017, in Henrico County, Virginia. Mr. Currie did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated January 12, 2017, the Board sent a Notice of Informal Conference ("Notice") to Mr. Currie notifying him that an informal conference would be held on February 13, 2017. The Notice was sent by certified and first class mail to the legal address of record on file with the Board. The certified mail receipt was signed and returned to the Board. The Notice sent by first class mail was not returned to the Board office. The Committee concluded that adequate notice was provided to Mr. Currie and the informal conference proceeded in his absence.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Nicholas Christian Currie, L.M.T., was issued License Number 0019-011718 to practice massage therapy on August 12, 2013, which is scheduled to expire on February 28, 2017. At all times relevant to the findings contained herein, said license was current and active.

2. Mr. Currie violated Virginia Code § 54.1-3007(2), (5), and (8), 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Licensure of Massage Therapists (“Regulations”), and §§ VII, XII, XIV, and XVI of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork in that:

a. On December 9, 2015, during the course of his employment at Massage Envy Hilltop at Fort Belvoir, Fairfax, Virginia (“Massage Envy”), while providing a massage to Client A, he placed his fingers on her inner thigh and into her genital area.

b. On May 8, 2016, during the course of his employment at Massage Envy, while providing a massage to Client B, as he lifted his elbow from her leg, his fingers touched her genital area. As he massaged her lower back, Mr. Currie’s fingers entered her underwear and in the crease of her buttocks.

3. Mr. Currie’s employment with Massage Envy was terminated on May 31, 2016.

4. On December 1, 2016, Mr. Currie was convicted of two counts of misdemeanor sexual battery in the General District Court of Fairfax County, Virginia.

5. Mr. Currie submitted correspondence to the Board dated February 9, 2017, expressing his remorse for the events that occurred and stating that he is trying to move on with his life. He stated that he understands if the Board decides that he can no longer be a massage therapist.

CONSENT

Nicholas Christian Currie, L.M.T., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and I’m represented by Robert Whitestone, Esq.;

2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;

3. I acknowledge that I have the following rights, among others: the right to a formal administrative hearing before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;

4. I waive my right to a formal hearing;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;

6. I consent to the entry of the following Order affecting my licensure to practice massage therapy in the Commonwealth of Virginia.

ORDER

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

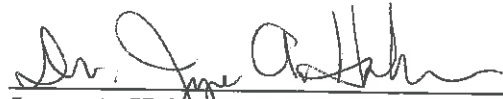
1. The license of Nicholas Christian Currie, L.M.T., to practice massage therapy in the Commonwealth of Virginia is REVOKED.

2. The license of Nicholas Christian Currie, L.M.T., will be recorded as REVOKED.

3. Pursuant to Virginia Code § 54.1-2408.2, should Nicholas Christian Currie, L.M.T., seek reinstatement of his license after three years, the reinstatement of Mr. Currie'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. Currie to demonstrate that he is safe and competent to return to the practice of massage therapy. Mr. Currie 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.

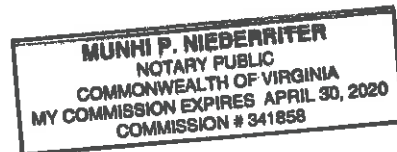
FOR THE BOARD


Joyce A. Hahn, PhD, RN, NEA-BC, FNAP
President
Virginia Board of Nursing

ENTERED: 3/21/17

SEEN AND AGREED TO:


Nicholas Christian Currie, L.M.T.



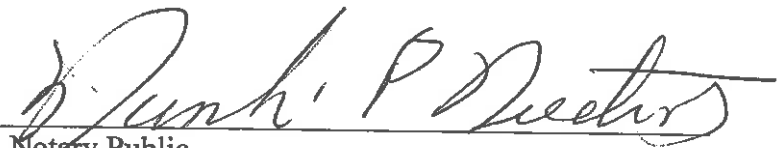
COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Fairfax, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
6th day of March, 2017.

Certified True Copy

By 

Virginia Board of Nursing


Notary Public

My commission expires:

04/30/2020

Registration No.:

341858