

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: YUNYUN LI, C.M.T.
Certificate Number: 0019-012458
Case Number: 163411

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 January 25, 2017, in Henrico County, Virginia, to inquire into evidence that YunYun Li, C.M.T., may have violated certain laws and regulations governing the practice of massage therapy in the Commonwealth of Virginia.

YunYun Li, C.M.T., appeared at this proceeding and was represented by Shaoming Jerry Cheng, Esquire.

NOTICE

By letter dated December 20, 2016, the Board sent a Notice of Formal Hearing ("Notice") to Ms. Li notifying her that a formal administrative hearing would be held on January 25, 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 Board adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT

1. On May 13, 2014, the Board issued Certificate Number 0019-012458 to YunYun Li, C.M.T., to practice massage therapy in the Commonwealth of Virginia. Said certificate is scheduled to expire on November 30, 2018.

2. During the course of her employment with Rainbow Massage, Henrico, Virginia, on May 14, 2015, while providing a massage to a client, Ms. Li intentionally touched the client's genitals, including his penis and testicles.
3. The client in this case was an undercover Henrico County police officer.
4. During the pretrial conference for the criminal matter, Ms. Li admitted to touching the client's penis.
5. Ms. Li testified through an interpreter at the formal hearing. She testified that she could not read or speak English.
6. Ms. Li testified that she accidentally touched the client's penis.
7. Ms. Li testified that she could communicate professional terms, but she was unable to demonstrate such knowledge.

CONCLUSIONS OF LAW

Finding of Fact No. 2 constitutes a violation of Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists and Sections XIV, XV and XVI of the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) Code of Ethics.

ORDER


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

1. The certificate of YunYun Li, C.M.T., to practice massage therapy in the Commonwealth of Virginia is REVOKED.
2. The certificate of YunYun Li, C.M.T., will be recorded as REVOKED.

3. Pursuant to Virginia Code § 54.1-2408.2, should Yunyun Li, C.M.T., seek reinstatement of her certificate after three years, the reinstatement of Ms. Li's certificate 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 Ms. Li to demonstrate that she is safe and competent to return to the practice of massage therapy. Ms. Li shall be responsible for any fees that may be required for the reinstatement and/or renewal of the certificate prior to issuance of the certificate 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 Douglas, MSM, RN, CSAC, FRE
Executive Director
Virginia Board of Nursing

ENTERED AND MAILED ON:

February 9th, 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, MSM, RN, CSAC, FRE, 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

By 

Virginia Board Of Nursing