

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: SOON JA KIM, C.M.T.
CertificateNumber: 0019-003046
Case Number: 170378

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 November 16, 2016, in Henrico County, Virginia, to inquire into evidence that Soon Ja Kim, C.M.T., may have violated certain terms and conditions of the Board Order entered August 28, 2009.

Soon Ja Kim, C.M.T. did not appear at this proceeding and was not represented by legal counsel.

NOTICE

By letter dated August 18, 2016, the Board of Nursing sent a Notice of Formal Hearing (“Notice”) to Ms. Kim notifying her that a formal administrative hearing would be held on September 19, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. On September 19, 2016, Ms. Kim appeared before the Board and requested a continuance, which was granted. By letter dated October 13, 2016, the Board sent an Amended Notice of Formal Hearing to Ms. Kim notifying her that a formal administrative hearing would be held on November 16, 2016. The Amended Notice was sent by certified and first class mail to the legal address of record on file with the Board of Nursing. The panel Chair concluded that adequate notice was provided to Ms. Kim 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 November 29, 2001, the Board of Nursing issued Certificate Number 0019-003046 to Soon Ja Kim, C.M.T. to practice massage therapy in the Commonwealth of Virginia. Said certificate is scheduled to expire on October 31, 2017. At all times relevant hereto, said certificate was in full force and effect.
2. Pursuant to an Order of the Board entered on May 30, 2008, Ms. Kim's certificate was continued on indefinite suspension for a period to run concurrent with the period of probation imposed by Order of the Fairfax County, Virginia, Circuit Court entered on October 19, 2007. Said action was based on findings that Ms. Kim was convicted of improper massage – touching erogenous area.
3. By Order of the Board entered on August 28, 2009 (“Board’s Order”), Ms. Kim’s certificate was reinstated and she was placed on indefinite probation with terms and conditions to include practicing massage therapy only in a supervised employment setting satisfactory to the Board for the first three years after being placed on probation.
4. Term No. 5 of the Board’s Order required Ms. Kim to practice massage therapy in a Board-approved setting. On October 27, 2015, Ms. Kim reported that she had started her own massage therapy business; however, she failed to seek or obtain the Board’s approval of this employment.
5. Term No. 6 of the Board’s Order required Ms. Kim to submit quarterly self-reports. Of the 26 required reports, 11 were not received in a timely manner and 3 were never received.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of Term Number 5 of the Board’s Order.
2. Finding of Fact No. 5 constitutes a violation of Term Number 6 of the Board’s Order.

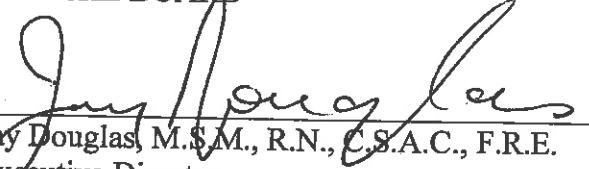
ORDER

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

1. Soon Ja Kim, C.M.T., is REPRIMANDED.
2. The certificate of Soon Ja Kim, C.M.T., to practice massage therapy in the Commonwealth of Virginia is REVOKED.
3. The certificate of Soon Ja Kim, C.M.T., will be recorded as REVOKED.
4. Pursuant to Virginia Code § 54.1-2408.2, should Soon Ja Kim, C.M.T., seek reinstatement of her certificate after three years, the reinstatement of Ms. Kim'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. Kim to demonstrate that she is safe and competent to return to the practice of massage therapy. Ms. Kim 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, M.S.M., R.N., C.S.A.C., F.R.E.
Executive Director
Virginia Board of Nursing

Certified True Copy

By 
Virginia Board Of Nursing

ENTERED AND MAILED ON:

November 30th, 2016

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, M.S.M., R.N., C.S.A.C., F.R.E., 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.