

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: SOON JA KIM, C.M.T. REINSTATEMENT APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) met on August 4, 2009, in Henrico County, Virginia, to receive and act upon Soon Ja Kim’s application for reinstatement of her certificate to practice massage therapy in Virginia, which was suspended by an Order of the Board entered May 30, 2008. Ms. Kim was present and was represented by Steven M. Garver, Esquire. Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Soon Ja Kim, was issued Certificate No. 0019-003046 to practice massage therapy in the Commonwealth of Virginia on November 29, 2001. Said certificate suspended by an Order of the Board entered on May 30, 2008, due to a criminal conviction of “improper massage – touching erogenous area” on October 19, 2007.

2. Ms. Kim submitted an application for reinstatement of her certificate to practice massage therapy which was received by the Board on December 29, 2008.

3. Ms. Kim stated that she has no interest in running her own business, but would prefer to work for someone else.

CONCLUSIONS OF LAW

The Board concludes that Ms. Kim has demonstrated satisfactory evidence that she is prepared to resume practice as a massage therapist in a safe and competent manner.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The certificate to practice massage therapy of Soon Ja Kim is hereby REINSTATED on PROBATION with the following terms and conditions:

2. The period of probation shall begin on the date that this Order is entered and shall continue Indefinitely. After three years of active employment as a massage therapist, Ms. Kim may request that the Board end this probation.

3. Ms. Kim shall inform the Board in writing within ten (10) days of the date she begins practice as a massage therapist. Additionally, Ms. Kim shall provide the name and address of each employer to the Board.

4. Ms. Kim shall inform her current massage therapy employer and each future massage therapy employer that the Board has placed her on probation and shall provide each employer with a complete copy of this Order. If Ms. Kim is employed through a staffing agency, she shall inform her supervisor in each facility where assigned that she is on probation.

5. Ms. Kim shall practice massage therapy only in a supervised employment setting satisfactory to the Board for the first three years after being placed on probation. This employment setting shall provide on-site supervision by a massage therapist who works the same shift, and holds an unrestricted certificate. For all current massage therapy employment, and before beginning or changing massage therapy employment during this period, Ms. Kim shall have current and all prospective employers provide a written description of the employment setting to the Board office for approval.

6. Ms. Kim shall submit quarterly “Self-Reports” which include a current address, telephone number, and verification of all current employment. These reports shall also include any changes in employment status. The first report must be received in the Board office no later than sixty (60) days from the

date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends.


7. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Kim and an administrative proceeding shall be held to decide whether her certificate shall be revoked.

8. Ms. Kim shall not practice massage therapy in her home or the home of her clients.

9. Ms. Kim shall conduct herself as a certified massage therapist in compliance with the requirements of Title 54.1, Chapter 30 of the Code, and the Board of Nursing Regulations.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE COMMITTEE


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


ENTERED: August 28, 2009

NOTICE OF RIGHT TO FORMAL HEARING

If you do not consent to the Committee’s decision and desire a hearing before the Board or a panel thereof, you shall notify, in writing, the Executive Director of the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, within 33 days of the date of entry of this Order. This Order shall become final upon expiration of the 33-day period unless a request for a formal hearing is received within such time. Upon receiving a timely request for a hearing, this Order shall be vacated and the Board or a panel thereof shall proceed with a hearing as provided in § 2.2-4020 *et seq.* of the Code.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Order was mailed, by certified and regular mail, this day to Soon Ja Kim, C.M.T., at 4105 Fairfax Street, Fairfax, Virginia 22030.


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

August 28, 2009
Date