

VIRGINIA:

BEFORE THE BOARD OF NURSING

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

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 21, 2008, in Henrico County, Virginia, to inquire into evidence that Soon Ja Kim, C.M.T. may have violated certain laws and regulations governing the practice of massage therapy in Virginia. The case was presented by Wayne T. Halbleib, Assistant Attorney General. Amy Marschean, Senior Assistant Attorney General, was present as legal counsel for the Board. Ms. Kim was present and was represented by Steven M. Garver, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Soon Ja Kim was issued Certificate Number 0019-003046 to practice massage therapy in the Commonwealth of Virginia on November 29, 2001. Said certificate was summarily suspended by Order of the Board entered on January 22, 2008.
2. On April 24, 2007, during the course of her employment at K. Acupressure Center, Chantilly, Virginia, Ms. Kim was issued a summons by Fairfax County Police that charged she had touched the erogenous area of a police officer posing as a client. As a result, Ms. Kim was convicted of one misdemeanor count of "improper massage – touching erogenous area" in violation of Section 28.1-4-6(a) of the Fairfax County Code in the Circuit Court of Fairfax County, Virginia, on October 19, 2007. Ms. Kim was sentenced to 180 days incarceration and a fine of \$2,000, with 178 days and \$1,500 suspended conditioned upon her good behavior and placement on supervised probation for one year.

3. "Erogenous area" is defined in the Fairfax County Code as "the genitals and the nipples and areolae." Ms. Kim engaged in sexual contact with the police officer after asking for and receiving his assurance that he was not a police officer.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact # 2 and 3 constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-50-90(2)(d) and (i) of the Board's Regulations Governing the Certification of Massage Therapists.

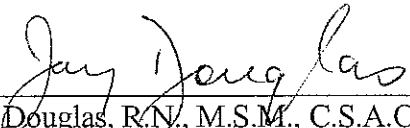
ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

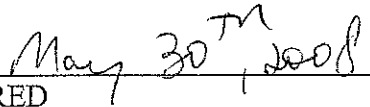
1. Certificate No. 0019-003046 of Soon Ja Kim, C.M.T., to practice massage therapy in the Commonwealth of Virginia, is hereby CONTINUED on INDEFINITE SUSPENSION for a period to run concurrent with the period of probation imposed by Order of the Fairfax Circuit Court entered on October 19, 2007.
2. Upon receipt of evidence of Ms. Kim's successful completion of the probation ordered by the Fairfax Circuit Court on October 17, 2007, Ms. Kim shall be eligible to apply for reinstatement of her certificate to practice massage therapy.
3. The certificate of Soon Ja Kim, C.M.T., will be recorded as SUSPENDED and no longer current. Should Ms. Kim seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate privilege prior to issuance of her certificate to resume practice.
4. At such time as Ms. Kim shall petition the Board for reinstatement of her certificate, a hearing will be convened to determine whether she is able to return to the safe and competent practice of massage therapy.

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 BOARD



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



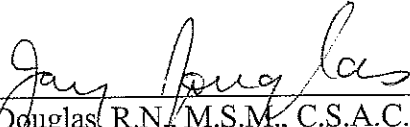
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NOTICE OF RIGHT TO APPEAL

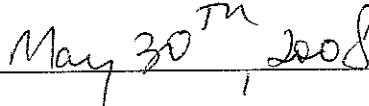
As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Richmond, 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.

Certificate of Service

I hereby certify that a true copy of the foregoing Order was mailed on this day to Soon Ja Kim, C.M.T, at 4105 Fairfax Street, Fairfax, Virginia 22030 and to Steven M. Garver, Esq., at P.O. Box 2430, Reston, Virginia 20195.



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



DATE