

SEP 08 2016

BEFORE THE VIRGINIA BOARD OF NURSING VA BD OF NURSING

IN RE: YOU FU YU, C.M.T.
Certificate Number: 0019-010397
Case Number: 161051

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and You Fu Yu, C.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. Yu's certificate 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 and a member of the Massage Therapy Advisory Board held an informal conference on June 15, 2016, in Henrico County, Virginia. Mr. Yu appeared at this proceeding and was represented by Shaoming Cheng, Esquire.

NOTICE

By letter dated December 28, 2015, the Board sent a Notice of Informal Conference ("Notice") to Mr. Yu notifying him that an informal conference would be held on February 1, 2016. The Notice was sent by certified and first class mail to the legal address of record on file with the Board at the time of the mailing. Mr. Yu requested and received a continuance. By letter dated February 18, 2016, Mr. Yu was notified that the informal conference would be held on June 15, 2016.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. You Fu Yu, C.M.T. was issued Certificate Number 0019-010397 to practice massage therapy on March 10, 2012, which is scheduled to expire on June 30, 2017.

2. Mr. Yu violated Virginia Code § 54.1-3007(2), (5) and (8) and 18 VAC 90-50-90(2)(g) and (i) of the Regulations Governing the Certification of Massage Therapists as referenced in Section VII, XIV, and XVIII of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork in that during the course of his employment as owner/operator of the Health Center, Arlington, Virginia, Mr. Yu allowed unlicensed individuals to perform massages on clients.

3. A search warrant conducted on December 16, 2014, by the Arlington County Police Department, reported that two female, unlicensed employees were present and reported that they worked at the Health Center providing massages. The females also indicated that they resided at that location.

4. Mr. Yu provided conflicting information in some of his answers to questions of the Committee at the informal conference.

CONSENT

You Fu Yu, C.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;
2. I am fully aware that without my consent, no legal action can be taken against me or my certificate 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 all right to a formal hearing;

5. I admit to the Findings of Fact and Conclusion 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 right 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 certificate issued to You Fu Yu to practice massage therapy in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for a period of not less than one year from the date of entry of this Order.

2. The certificate of You Fu Yu will be recorded as SUSPENDED.

3. Should You Fu Yu seek reinstatement of his certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on You Fu Yu to demonstrate that he is safe and competent to return to the practice of massage therapy. You Fu Yu 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

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

ENTERED: 9, 20, 16

SEEN AND AGREED TO:

You Fu Yu
You Fu Yu, C.M.T.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF FAIRFAX, TO WIT: You Fu Yu

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
21st day of July, 2016.

[Signature]
Notary Public



My commission expires: 04/30/2019
Registration No.: 7655328

Certified True Copy
By [Signature]
Virginia Board of Nursing