

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: JOHN MAXWELL ABERG-RIGER, C.M.T.
Certificate Number: 0019-012376
Case Number: 172883

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and John Maxwell Aberg-Riger, 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. Aberg-Riger'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 August 8, 2016, in Henrico County, Virginia. Mr. Aberg-Riger appeared at this proceeding and was represented by Jessica Phillips, Esquire.

NOTICE

By letter dated July 11, 2016, the Board sent a Notice of Informal Conference ("Notice") to Mr. Aberg-Riger notifying him that an informal conference would be held on August 8, 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. John Maxwell Aberg-Riger, C.M.T. was issued Certificate Number 0019-012376 to practice massage therapy on April 21, 2014, which is scheduled to expire on November 30, 2017.

2. Mr. Aberg-Riger violated Virginia Code § 54.1-3007(2), (5), and (8), 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists, and Sections VII, XII, XIV, and XVI of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork in that during the course of his employment with Massage Envy, Charlottesville, Virginia:
 - a. On February 18, 2016, while providing a massage to Client A, Mr. Aberg-Riger caressed client A's breasts and pulled her underwear down, exposing her genitals. Further, on February 19, 2016, he contacted Client A by email.
 - b. On February 24, 2016, while providing a massage to Client B, he touched Client B's breasts, exposed her genitals while massaging her legs, and touched her genitals through a sheet. Further, he asked Client B for her telephone number and email address.
3. Client A and Client B were both college students with multiple health issues. Both had received numerous massages from other therapists over a period of many years. Client A was adamant that she could distinguish between appropriate massages and Mr. Aberg-Riger's sexualized behavior.
4. Mr. Aberg-Riger had received a prior counseling at Massage Envy in 2015 regarding a female client's complaint that he worked directly on the skin in her gluteal area and that she was uncomfortable with his proximity to her bikini area.
5. Mr. Aberg-Riger's employment with Massage Envy was suspended as a result of Client A's and Client B's complaints. He then resigned his employment.
6. At the informal conference, Mr. Aberg-Riger made numerous inconsistent statements regarding the circumstances of Client A's and Client B's massages at Massage Envy.
7. On a separate occasion, at a different employer, a female client complained that Mr. Aberg-Riger told her that she could "moan if it felt good," which made her uncomfortable.

CONSENT

John Maxwell Aberg-Riger, 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 neither admit nor deny the Findings of Fact and Conclusions of Law contained herein but 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

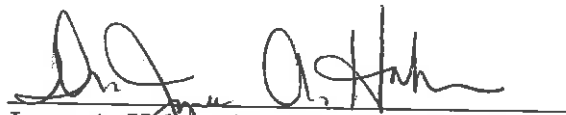
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The certificate issued to John Maxwell Aberg-Riger to practice massage therapy in the Commonwealth of Virginia is INDEFINITELY SUSPENDED for not less than 2 years.

2. The certificate of John Maxwell Aberg-Riger will be recorded as SUSPENDED.
3. Should John Maxwell Aberg-Riger seek reinstatement of his certificate, an administrative proceeding shall be convened to consider such application. At such time, the burden shall be on John Maxwell Aberg-Riger to demonstrate that he is safe and competent to return to the practice of Massage Therapy. John Maxwell Aberg-Riger 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



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

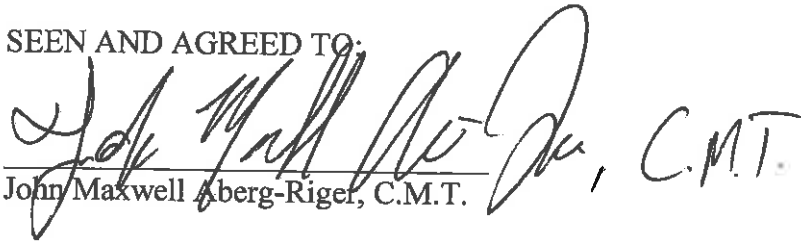
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By 

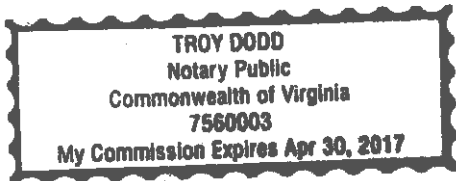
Virginia Board of Nursing

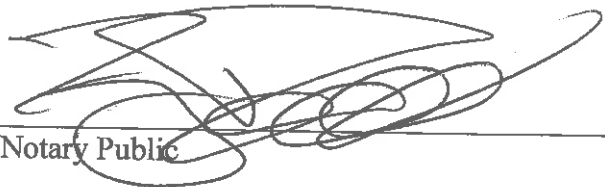
SEEN AND AGREED TO:


John Maxwell Aberg-Riger, C.M.T.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF ALBEMARLE, TO WIT:

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this
6TH day of SEPTEMBER, 2016.




Notary Public

My commission expires:

APR 30, 2017

Registration No.:

7560003

Certified True Copy

By 
Virginia Board of Nursing