

BEFORE THE VIRGINIA BOARD OF NURSING

IN RE: KELVIN THANH THAI, C.M.T. REINSTATEMENT APPLICANT
Certificate Number: 0019-012184
Case Number: 171596

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Nursing (“Board”) and a member of the Massage Therapy Advisory Board held an informal conference on August 8, 2016, in Henrico County, Virginia, to receive and act upon Kelvin Thanh Thai’s application for reinstatement of his certificate to practice massage therapy in the Commonwealth of Virginia.

Kelvin Thanh Thai, C.M.T. appeared at this proceeding and was represented by Nicholas Balland, Esquire.

NOTICE

By letter dated July 8, 2016, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Thai 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 of Nursing.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Kelvin Thanh Thai, C.M.T. was issued Certificate Number 0019-012184 to practice massage therapy on February 10, 2014.

2. By Order entered October 20, 2014, the Department of Health Professions suspended Mr. Thai's massage therapy certificate following his conviction of a felony. Following a formal hearing, the Board denied Mr. Thai's first application for reinstatement of his certificate and continued the certificate on indefinite suspension by Order entered March 4, 2015.

3. Mr. Thai submitted a subsequent application for reinstatement of his certificate on December 29, 2015.

3. Mr. Thai stated at the informal conference that he was currently employed at his sister's nail shop, cleaning and doing errands.

4. Mr. Thai presented evidence that he completed 66 hours of continuing massage therapy education in 2014 and 2015, including courses on ethics and standards of practice.

5. Mr. Thai has not suffered any additional convictions since the felony conviction that formed the basis for the mandatory suspension of his certificate. He submitted letters of recommendation.

6. Mr. Thai assured the Committee that he understands the consequences of his actions.

7. Mr. Thai has demonstrated that he is able to resume the safe and competent practice of massage therapy.

ORDER

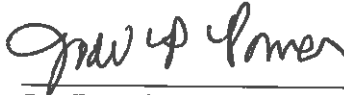
Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Nursing hereby ORDERS as follows:

1. The application of Kelvin Thanh Thai for reinstatement of his certificate to practice massage therapy is APPROVED without restriction.

2. Kelvin Thanh Thai shall comply with all laws and regulations governing the practice of massage therapy in the Commonwealth of Virginia.

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


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

ENTERED AND MAILED: August 29, 2016

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Mr. Thai may, not later than 5:00 p.m., on September 30, 2016, notify Jay P. Douglas, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on September 30, 2016, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing