

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KELVIN THAI, C.M.T. REINSTATEMENT APPLICANT
License No.: 0019-012184

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Kelvin Thai, C.M.T., who, prior to its mandatory suspension by the Department of Health Professions on October 20, 2014, held Certificate No. 0019-012184 to practice massage therapy, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on January 26, 2015, at 1:00 p.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Mr. Thai will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Mr. Thai has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on his behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Mr. Thai desires any witnesses to appear on his behalf, he must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Mr. Thai’s application for reinstatement of his certificate to practice massage therapy in Virginia and to inquire into evidence that Mr. Thai may have violated certain laws and regulations governing massage therapy practice in Virginia, as more fully set forth in the Statement of Particulars below.

Pursuant to § 54.1-2409 of the Code, reinstatement of Mr. Thai’s certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.


STATEMENT OF PARTICULARS

The Board alleges that:

1. Kelvin Thai, C.M.T. may have violated § 54.1-3007(4) of the Code in that on or about May 11, 2012, he was convicted of computer fraud in the United States District Court, Eastern Virginia District, Alexandria District. This formed the basis of the mandatory suspension of his certificate.

2. Mr. Thai may have violated § 54.1-3007(2) and 18 VAC 90-50-90(1)(b) of the Regulations Governing the Certification of Massage Therapists in that on his application for certification by examination to practice massage therapy received by the Board on December 18, 2013, Mr. Thai answered “NO” to the question “Have you ever been convicted, pled guilty to or pled Nolo Contendere to the violation of any federal, state, or other statute or ordinance constituting a felony or misdemeanor?” when, in fact, he was convicted of a felony as evidenced above.

FOR THE BOARD



So Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director for the
Board of Nursing

ENTERED: January 20, 2015