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BEFORE THE VIRGINIA BOARD OF NURSING

JUL 18 2016

IN RE: TRACEY DAWNE WHITEHEAD, C.M.T. APPLICANT
Case Number: 174230

VA BD OF NURSING

0019-014722

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Nursing ("Board") and Tracey Dawne Whitehead, as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Ms. Whitehead's application for certification by examination to practice massage therapy in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Tracey Dawne Whitehead submitted an application for certification by examination to practice massage therapy in the Commonwealth of Virginia on May 5, 2016.
2. Ms. Whitehead violated Virginia Code § 54.1-3007(4) in that on September 3, 2010, she was convicted in the Circuit Court of Mecklenburg County, Virginia, of one count of possession with intent to distribute controlled substances and one count of conspiracy to distribute controlled substances, both felonies. She was sentenced on November 23, 2010 to 25 years incarceration with all but 5 months suspended on condition that she keep the peace and be of good behavior for 25 years. Upon release, she was sentenced to at least two years supervised probation and payment of court costs within three years. She was released from supervised probation on November 8, 2013, and paid all costs by April 15, 2013.
3. On May 3, 2016, Ms. Whitehead passed the Massage & Bodywork Licensing Examination.
4. Ms. Whitehead otherwise meets the requirements of Virginia Code § 54.1-3029.

CONSENT

Tracey Dawne Whitehead, by affixing her 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 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 an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive all right to an informal conference;
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 application for certification 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 application of Tracey Dawne Whitehead for certification by examination to practice as massage therapy is hereby APPROVED. The Board shall issue Ms. Whitehead an unrestricted certificate to practice massage therapy in the Commonwealth of Virginia.
2. Ms. Whitehead is hereby REPRIMANDED.
3. Ms. Whitehead 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

Jay Douglas

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

ENTERED: July 21ST, 2016

SEEN AND AGREED TO:

Tracey Dawne Whitehead
Tracey Dawne Whitehead

Certified True Copy

By *[Signature]*
Virginia Board of Nursing

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

Subscribed and sworn to me, a notary public in and for the Commonwealth of Virginia at large, on this 18TH day of JULY, 2016.

CATHERINE J. FLORE
NOTARY PUBLIC
REG. #349939
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES FEB. 29, 2020

Catherine J. Flore
Notary Public

My commission expires: FEB. 29, 2020

Registration No.: #349939