

JUN 21 2016

BEFORE THE VIRGINIA BOARD OF NURSING VA BD OF NURSING

IN RE: SMITH CHAIYAKAN, C.M.T. Applicant
Case Number: 173756

0019-014667

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Smith Chaiyakan submitted an application for application for certification by examination to practice massage therapy in the Commonwealth of Virginia on April 8, 2016.
2. Mr. Chaiyakan violated Virginia Code § 54.1-3007(4) in that on October 10, 2012, he was convicted of petit larceny in the Fairfax County, Virginia, General District Court.
3. Mr. Chaiyakan provided evidence that he has paid all court costs associated with his conviction.
4. Mr. Chaiyakan otherwise meets the requirements of Virginia Code §54.1-3029.

CONSENT

Smith Chaiyakan, 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 application for certification 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 by examination 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. Smith Chaiyakan is REPRIMANDED.
2. The application of Smith Chaiyakan for certification by examination to practice massage therapy in the Commonwealth of Virginia is APPROVED. Smith Chaiyakan shall be issued an unrestricted certification to practice as a massage therapist in the Commonwealth of Virginia.
3. Smith Chaiyakan 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: June 27th, 2016

SEEN AND AGREED TO:

Smith Chaiyakan
Smith Chaiyakan

Certified True Copy
By [Signature]
Virginia Board of Nursing

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

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



DONALD CAMDEN
Notary Public
Commonwealth of Virginia
My Commission Expires March 31, 2020
Registration: 7147336

[Signature]
Notary Public

* Notarization for
Smith Chaiyakan *

My Commission expires: March 31, 2020

Registration No.: 7147336