

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: DAESHAWN BULLARD, C.M.T.
Certificate No.: 0019-013581**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on March 23, 2016, in Henrico County, Virginia, to inquire into evidence that DaeShawn Bullard, C.M.T., may have violated certain laws and regulations governing massage therapy practice in Virginia. The case was presented by Cynthia E. Gaines, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Bullard was not present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. DaeShawn Bullard, C.M.T., was issued Certificate No. 0019-013581 to practice massage therapy in the Commonwealth of Virginia on May 14, 2015. Said certificate was summarily suspended by Order of the Board entered on February 10, 2016.
2. Based upon the representations of Cynthia E. Gaines, Adjudication Specialist, and Commonwealth's Exhibit No. 1, the Notice of Formal Hearing and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in his absence.
3. On October 4, 2015, during the course of his employment with Massage Envy, Richmond, Virginia, by his own admission, Mr. Bullard fondled Client A's breasts and buttocks and penetrated her vagina with his fingers.

4. On October 8, 2015, during an interview with detectives from the Henrico County Police, Special Victims Unit, Mr. Bullard admitted to inappropriately touching Client A, as described in Finding of Fact No. 3.

5. Mr. Bullard was arrested, charged with sexual battery and object sexual penetration, and is scheduled to appear in court on April 20, 2016.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists and Article XIV of the National Certification Board for Therapeutic Massage & Bodywork Code of Ethics.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

1. Certificate No. 0019-013581 issued to DaeShawn Bullard to practice massage therapy in the Commonwealth of Virginia is hereby REVOKED.
2. The certificate of Mr. Bullard will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Mr. Bullard seek reinstatement of his certificate after three years, he shall be responsible for any fees that may be required for the reinstatement of his certificate prior to issuance of his certificate to resume practice. The reinstatement of Mr. Bullard's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Mr. Bullard shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is able to return to the safe and competent practice of massage therapy.

Pursuant to §§ 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as public record and shall be made available for public inspection or copying on request.

FOR THE BOARD

Jay P. Douglas

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

April 19, 2016

ENTERED

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.

Certified True Copy

By *dgraham*

Virginia Board Of Nursing