

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**FRANK BUSCH, C.M.T.
Certificate No.: 0019-009256**

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) and a member of the Massage Therapy Advisory Board met on February 1, 2016, in Henrico County, Virginia, to inquire into evidence that Frank Busch, C.M.T., may have violated certain laws and regulations governing massage therapy practice in Virginia. Mr. Busch was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Frank Busch, C.M.T., was issued Certificate No. 0019-009256 to practice as a massage therapist in the Commonwealth of Virginia on September 30, 2010. Said certificate expired on January 31, 2016.
2. By letter dated December 28, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Busch notifying him that an informal conference would be held on February 1, 2016. The Notice was sent by certified and first class mail to 227 Commons Drive NW, Vienna, Virginia, 22180, the address of record on file with the Board of Nursing. The Notice was also sent to 1516 Northern Neck Drive #101, Vienna, Virginia, 22182, a secondary address.
3. During the course of his employment with Palmercare Chiropractic, Sterling, Virginia, Mr. Busch entered into an inappropriate friendship with a client. The relationship included discussions of a sexual nature in a therapeutic setting, and details of Mr. Busch’s personal life that he shared with his client.

4. Mr. Busch and the client exchanged a number of personal text messages unrelated to their client-practitioner relationship, including one containing a sexually explicit photograph.

5. Mr. Busch stated that he understood that he should not have entered into this kind of relationship with a client and would avoid such relationships in the future.

CONCLUSIONS OF LAW

Finding of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists as referenced in Section XIV of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork.

ORDER

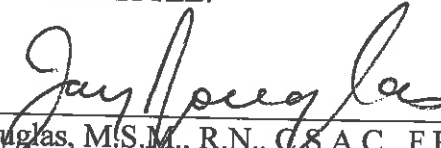
On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. Frank Busch, C.M.T., is hereby REPRIMANDED.
2. Mr. Busch shall provide the Board with verification that he has completed one Board-approved course in client-practitioner relationships and one Board-approved course in dual boundaries within 60 days of the date this Order is entered. These courses shall not be credited toward the continued competency requirements for the next renewal of his certificate.
3. Mr. Busch shall maintain a course of conduct in his capacity as a massage therapist commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.
4. Any violation of the terms and conditions of this Order or of any law or regulation affecting the practice of massage therapists in the Commonwealth of Virginia shall constitute grounds for the suspension or revocation of the certificate of Mr. Busch and an administrative proceeding shall be convened to determine whether such certificate shall be suspended or revoked.

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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Busch may, not later than 5:00 p.m., on **March 28, 2016**, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., 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.

FOR THE COMMITTEE:



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

ENTERED: February 23RD, 2016

This Order shall become final on **March 28, 2016**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 

Virginia Board of Nursing