

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: JU LIU, C.M.T. REINSTATEMENT APPLICANT
Certificate No.: 0019-009708**

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 January 27, 2016, in Henrico County, Virginia, to receive and act upon Ju Liu's application for reinstatement of her certificate to practice massage therapy in Virginia, and inquire into evidence that Ms. Liu 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. Ms. Liu was 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. Ju Liu, C.M.T., was issued License No. 0019-009708 to practice massage therapy in the Commonwealth on April 11, 2011. Said certificate expired on November 30, 2012. Ms. Liu's right to renew her certificate to practice massage therapy was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on November 24, 2014.
2. Ms. Liu submitted an application for reinstatement of her certificate to practice massage therapy which was received by the Board on September 1, 2015.
3. On September 19, 2012, Ms. Liu's license to practice massage therapy in the state of Florida was emergently suspended by order of the State of Florida Department of Health, Board of Massage Therapy

("Florida Board"). This action was the result of Ms. Liu submitting a fraudulent transcript with her application for licensure to practice massage therapy to the Florida Board. The transcript documented that Ms. Liu began the educational program on December 2, 2010, and completed the 500 hours required for licensure on December 3, 2010.

4. By Order of the State of Florida Department of Health, Board of Massage Therapy, the matter against Ms. Liu was dismissed, and she was reinstated to practice massage therapy in Florida on August 11, 2015.

5. Ms. Liu testified, through an interpreter, that her courses in school were taught in both English and Chinese. Then, when questioned, she stated that some of the teachers spoke English. She further stated that her textbooks were in English, but the instructors translated the textbooks. Ms. Liu then testified, through an interpreter, that her exams were all in English. When questioned, Ms. Liu was unable to describe, even in rudimentary detail, what she learned in her courses.

6. Ms. Liu told the Board that she has not read the laws and regulations governing massage therapy in the Commonwealth of Virginia.

7. Ms. Liu submitted a transcript from Healing Hands Institute that stated she graduated in 2010. However, on her application for reinstatement of her certification in the Commonwealth of Virginia, she stated that she graduated in 2015; this date reflected continuing education courses. She then said her husband helped her fill out the application, so she could not explain the courses that were listed on the application.

8. Ms. Liu stated that the letter submitted with her application to explain the suspension of her Florida license was written by her husband and she did not understand what it contained.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(1) and (7) of the Code and 18

VAC 90-50-90(1)(a) and (b) of the Regulations Governing the Certification of Massage Therapists.

2. Ms. Liu has not demonstrated satisfactory evidence that she is prepared to resume practice in a safe and competent manner.

ORDER

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

1. The application of Ju Liu for reinstatement of Certificate No. 0019-009708 to practice massage therapy in the Commonwealth of Virginia is hereby DENIED, due to a failure to obtain the affirmative vote for reinstatement of three-fourths of the members of the Board at the hearing. Further, it is hereby ORDERED that certificate of Ms. Liu be CONTINUED on INDEFINITE SUSPENSION for a period of not less than two years. At such time as she shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is able to return to the safe and competent practice of massage therapy.

2. The certificate privilege of Ms. Liu will be recorded as SUSPENDED. Should Ms. Liu seek reinstatement of her certificate consistent with this Order, she shall be responsible for any fees that may be required for the reinstatement of her certificate privilege prior to issuance of certificate to resume practice.

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

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

February 17th 2016
ENTERED

Certified True Copy

By *d. Graham*
Virginia Board Of Nursing

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.