

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: HWA SUK TROGDON, C.M.T. APPLICANT**

**ORDER**

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended (“Code”), a an informal conference was held before a Special Conference Committee (“Committee”) of the Board of Nursing (“Board”) including a member of the Massage Therapy Advisory Board on December 1, 2015, in Henrico County, Virginia, to receive and act upon Hwa Suk Trogdon’s application for certification by examination to practice as a massage therapist in Virginia and to inquire into allegations that grounds may exist to deny said application. Ms. Trogdon 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. Hwa Suk Trogdon submitted an application for certification by examination to practice as a massage therapist on May 21, 2015.
2. By letter dated September 9, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Ms. Trogdon notifying her that an informal conference would be held on October 6, 2015. Through counsel, Ms. Trogdon requested a continuance, and a continuance was granted. By letter dated September 30, 2015, the Board notified Ms. Trogdon that her informal conference was rescheduled to December 1, 2015. The letter was sent by certified and first class mail to 1983 Teasel Court, Woodbridge, Virginia 22192, the address of record on file with the Board of Nursing.
3. On November 5, 2009, Ms. Trogdon was convicted in the Circuit Court of Prince William County, Virginia, of three felony counts of writing bad checks. Ms. Trogdon was sentenced to six years of

incarceration, with six years suspended, three years of supervised probation, and payment of restitution in the amount of \$81,821.16.

4. As of November 5, 2015, Ms. Trogdon had completed her probation. She has been paying restitution regularly by a payment plan and, as of September 25, 2015, had paid a total of \$34,057.00.

5. Ms. Trogdon passed the MBLEX exam on May 19, 2015.

6. Ms. Trogdon acknowledged her error in judgment which led to her conviction, and she expressed remorse for her actions.

### **CONCLUSIONS OF LAW**

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(4) of the Code.

2. Ms. Trogdon otherwise meets the requirements of §54.1-3029 of the Code.

### **ORDER**

On the basis of the foregoing, the Committee hereby ORDERS that the application of Hwa Suk Trogdon for certification by examination to practice as a massage therapist in the Commonwealth of Virginia is hereby APPROVED and that Ms. Trogdon shall be placed on PROBATION for two years of actual massage therapist practice subject to the following terms and conditions:

1. The period of Probation shall begin on the date that this Order is entered and shall end at such time as Ms. Trogdon has completed two years of active practice in employment as a certified massage therapist (“practice employment”). The certificate of Ms. Trogdon shall be reinstated without restriction at the completion of the probationary period without an administrative hearing unless there is a pending investigation or unresolved allegation involving a violation of law, regulation or any term or condition of probation. In that event, the period of probation shall be continued indefinitely or until such time as the Board makes a case decision with the Administrative Process Act, §2.2-4000 et seq. and §54.1-2400(9) et. seq. of the Code.

2. Ms. Trogdon shall cause performance evaluations to be provided to the Board, at the direction of Ms. Trogdon, by all practice employer(s), using the forms provided by Compliance and available on the Board's website.

3. Written reports are required by the Order and, unless otherwise specified, shall be sent to Compliance at the Board offices with the first report(s) received in the Board office no later than 60 days from the date this Order is entered. Subsequent reports must be received quarterly by the last day of the months of March, June, September and December until the period of probation ends. Many of the required report forms are available on the Board's website for your convenience.

4. Ms. Trogdon shall inform the Board in writing within ten days of the date any practice employment begins, changes, is interrupted, or ends. Additionally, Ms. Trogdon shall provide a contact name, address and phone number for each practice employer to the Board.

5. Ms. Trogdon shall inform all current and future practice employers that the Board has placed her on probation and Ms. Trogdon shall provide each practice employer with a complete copy of this Order. If Ms. Trogdon is employed through a staffing agency, she shall inform her supervisor at each facility where assigned that she is on probation.

6. Ms. Trogdon shall submit "Self-Reports" which include a current address, telephone number, and verification of any and all current practice employment. These reports shall also include any changes in practice employment status, and evidence of continued monthly payments towards restitution as owed by Order of the Circuit Court of Prince William County, Virginia. Self-Reports must be submitted whether Ms. Trogdon has current practice employment or not.

7. Ms. Trogdon shall conduct herself as a certified massage therapist in compliance with the requirements of Title 54.1, Chapter 30 of the Code and the Regulations Governing the Certification of Massage Therapists.


8. Any violation of the stated terms and conditions contained in this Order or failure to comply with all terms of this Order within five years of the date of entry of the Order shall be reason for suspending or revoking the certificate of Ms. Trogdon, and an administrative hearing may be held to determine whether her certificate shall be suspended or revoked.

Pursuant to § 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 a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2400(10) of the Code, Ms. Trogdon may, not later than 5:00 p.m., on **January 25, 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 she 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 BOARD:



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

ENTERED: December 22, 2015

This Order shall become final on **January 25, 2016**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By   
Virginia Board of Nursing