

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: KYONG OSORIO, C.M.T.
Certificate No.: 0019-004042

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 November 18, 2015, in Henrico County, Virginia, to inquire into evidence that Kyong Osorio, C.M.T., may have violated certain laws and regulations governing massage therapy practice in Virginia. The case was presented by Tammie D. Jones, Adjudication Specialist, Administrative Proceedings Division. Charis A. Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Osorio 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. Kyong Osorio, C.M.T., was issued Certificate No. 0019-004042 to practice massage therapy in the Commonwealth of Virginia on July 8, 2003. Said certificate expires on November 30, 2015.
2. Based upon the representations of Tammie D. Jones and Commonwealth's Exhibit #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 her absence.
3. On November 30, 2011, in the General District Court of Fairfax County, Virginia, Ms. Osorio was convicted of disorderly conduct after being arrested for allowing an unlicensed individual to perform a massage. She was assessed \$182.00 in fines and court costs.
4. On April 8, 2013, in the General District Court of Fairfax County, Virginia, Ms. Osorio was

convicted of allowing an unlicensed individual to perform a massage and was assessed \$182.00 in fines and court costs.

5. By letter dated June 13, 2014, the National Certification Board for Therapeutic Massage and Bodywork indefinitely suspended Ms. Osorio's certification for failing to comply with the peer review process after it was determined that Ms. Osorio failed to report the above-referenced convictions.

CONCLUSIONS OF LAW

The Board concludes that Findings of Fact Nos. 3 and 4 constitute a violation of § 54.1-3007(2) and (5) of the Code and 18 VAC 90-50-90(2)(g) and (i) of the Regulations Governing the Certification of Massage Therapists, as further defined by Section VII of the NCBTMB Code of Ethics.

ORDER

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

1. Certificate No. 0019-004042 issued to Kyong Osorio, C.M.T., to practice as a massage therapist in the Commonwealth of Virginia, is hereby REVOKED.
2. The certificate of Ms. Osorio will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Osorio seek reinstatement of her certificate after three years, she shall be responsible for any fees that may be required for the reinstatement of her certificate prior to issuance of her certificate to resume practice. The reinstatement of Ms. Osorio's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.
3. At such time as Ms. Osorio 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.

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

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

December 9, 2015
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 agraham
Virginia Board Of Nursing