

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: GUO HUA CUI, C.M.T.
 Certificate No.: 0019-012907**

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 Guo Hua Cui, 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. Cui 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. Guo Hua Cui, C.M.T., was issued Certificate No. 0019-012907 to practice massage therapy in the Commonwealth of Virginia on September 11, 2014. Said certificate expires on December 31, 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. By letter dated December 29, 2014, the Federation of State Massage Therapy Boards (FSMTB) invalidated Ms. Cui's test score, which she used on her April 24, 2014 application for certification to practice massage therapy in Virginia.
4. Ms. Cui falsified the Massage and Bodywork Licensing Examination (MBLEx) Application dated November 27, 2012, by stating that she had attended the Bodyconcepts Wellness Institute when she

had not actually done so.

5. Ms. Cui appealed the FSMTB's invalidation by claiming that she selected the wrong school while filling out the online application. However, the evidence revealed a handwritten application to take the test, where Ms. Cui wrote "Bodyconcepts Wellness Inst." as the name of the school attended. This handwritten document was independent of the online application.

CONCLUSIONS OF LAW

The Board concludes that:

1. Pursuant to Finding of Fact No. 3, Guo Hua Cui, C.M.T., does not meet the requirements of § 54.1-3029(3) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1), (2) and (5) of the Code and 18 VAC 90-50-90(1)(b) and (2)(i) of the Regulations Governing the Certification of Massage Therapists, as further defined by Section II of the National Certification Board for Therapeutic Massage and Bodywork Code of Ethics.

ORDER

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

1. Certificate No. 0019-012907 issued to Guo Hua Cui, C.M.T., to practice as a massage therapist in the Commonwealth of Virginia, is hereby REVOKED.
2. The certificate of Ms. Cui will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Ms. Cui 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 the certificate to resume practice. The reinstatement of Ms. Cui'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. Cui 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 *Glenn Mitchell-Sweely*
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 *draham*
Virginia Board Of Nursing