

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

JESSICA LYNN TOPPING, C.M.T.  
Certificate No.: 0019-013164

CONSENT ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), an informal conference was held before a Special Conference Committee ("Committee") of the Board of Nursing ("Board") and a member of the Massage Therapy Advisory Board on October 6, 2015, in Henrico County, Virginia, to inquire into evidence that Jessica Lynn Topping, C.M.T., may have violated an Order of the Board entered October 29, 2014. Ms. Topping was not present and was not represented by counsel.

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

FINDINGS OF FACT

1. Jessica Lynn Topping, C.M.T., was issued Certificate No. 0019-013164 to practice as a massage therapist by the Virginia Board of Nursing on October 29, 2014. Said certificate is set to expire on January 31, 2016.
2. By letter dated September 9, 2015, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Ms. Topping notifying her that an informal conference would be held on October 6, 2015. The Notice was sent by certified and first class mail to 206 Brook Lane, Yorktown, Virginia, 23692, the address of record on file with the Board of Nursing. The receipt for the Notice sent via certified mail was signed by a third party and returned to the Board office on September 18, 2015. The Notice sent via first-class mail was not returned to the Board office. The Committee Chair concluded that adequate notice was provided to Ms. Topping and the informal conference proceeded in her absence.

3. On October 29, 2014, the Board entered an Order approving Ms. Topping's application for certification by examination as a massage therapist, subject to certain terms and conditions ("Board's Order"). Term No. 1(b) of the Board's Order required Ms. Topping to enter into and remain compliant with the terms and conditions of Health Practitioners' Monitoring Program ("HPMP").

4. Ms. Topping entered into a Participation Contract with the HPMP on October 10, 2014. She did not complete orientation or sign a Recovery Monitoring Contract. On August 16, 2015, Ms. Topping was dismissed from the HPMP for noncompliance, including failure to enter into and complete treatment as recommended.

### CONCLUSIONS OF LAW

Finding of Fact No. 4 constitutes a violation of Term No. 1(b) of the Board's Order.

### CONSENT

Jessica Lynn Topping, C.M.T., by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;
2. She acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. She acknowledges that she has the following rights, among others: the right to a formal fact finding hearing before the Board, the right to reasonable notice of said hearing, the right to representation by counsel, and the right to cross-examine witnesses against her;
4. She waives all such right to a formal hearing;
5. She admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. She consents to the entry of the following Order affecting her right to practice as a massage therapist in Virginia.

**ORDER**

WHEREFORE, on the basis of the foregoing, the Virginia Board of Nursing, effective upon entry of this Order, and in lieu of further proceedings, hereby ORDERS as follows:

1. Certificate No. 0019-013164 of Jessica L. Topping, C.M.T., is INDEFINITELY SUSPENDED.
2. The certificate will be recorded as suspended and no longer current.
3. At such time as Ms. Topping shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming the safe and competent practice of a massage therapist. Ms. Topping shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the 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 upon request.

FOR THE BOARD



Joyce A. Hahn, PhD, APRN-CNS, NEA-BC, FNAP  
President, Virginia Board of Nursing

ENTERED: 1/18/15

Certified True Copy

By   
Virginia Board of Nursing

SEEN AND AGREED TO:

Jessia Topping  
Jessica Lynn Topping, C.M.T.

COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF HAMPTON, TO WIT:

Subscribed and sworn to before me, LESLIE BROWN JOHNSON, a Notary Public, this 6 day of November, 2015.

My commission expires 6/30/2017.

Registration Number 7559057.

Leslie Brown Johnson  
NOTARY PUBLIC

Certified True Copy

By [Signature]  
Virginia Board of Nursing