

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE: JESSICA TOPPING, 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 Special Conference Committee (“Committee”) of the Virginia Board of Nursing (“Board”) and a member of the Massage Therapy Advisory Board met on October 7, 2014 in Henrico County, Virginia, to receive and act upon the application of Jessica Topping for certification by examination to practice as a massage therapist and to inquire into allegations that grounds may exist to deny said application. Ms. Topping 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. On April 30, 2014, Jessica Topping submitted an application for certification by examination to practice as a massage therapist in the Commonwealth of Virginia.
2. By letter dated August 25, 2014, 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 7, 2014. 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.
3. On August 14, 2008, Ms. Topping (formerly, Jessica Wenzlick) was found guilty of one count of felony child abuse and one count of felony unlawful wounding in the Circuit Court for the City of Newport News, Virginia. At her sentencing on November 7, 2008, Ms. Topping received five years with five years suspended, and one year of supervised probation for each charge. Ms. Topping was ordered to be of

good behavior for a period of ten years and comply with all treatment and medications as ordered by her doctor.

4. Ms. Topping was released from supervised probation on November 7, 2009. Her good behavior term of ten years remains in effect until November 7, 2018.

5. Between August 14, 2013 and October 23, 2013, Ms. Topping was under the care of Hampton-Newport News Community Services Board. Ms. Topping received a diagnosis of major depressive disorder (recurrent, moderate), mood disorder (not otherwise specified), and attention-deficit/hyperactivity disorder (predominantly inattentive type).

6. On her application for certification to be a massage therapist Ms. Topping indicated she had previously received a diagnosis of bipolar disorder and post-partum depression.

7. Ms. Topping is currently receiving mental health treatment in Yorktown, Virginia, for bipolar disorder, major depressive disorder and mood disorder. She is currently prescribed Wellbutrin.

8. Ms. Topping indicated she has a support system consisting of her mother-in-law and father-in-law, with whom she currently resides.

9. Ms. Topping passed the Massage & Bodywork Licensing Examination in May, 2013.

10. Ms. Topping acknowledged that she was aware she needed certification to practice as a massage therapist but she indicated she worked for two years, providing massages as a massage graduate.

#### CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(4) of the Code.
2. Findings of Fact Nos. 5, 6 and 7 constitute a violation of §54.1-3007(6) of the Code.
3. Based on the above Findings of Fact, the Committee concludes that Ms. Topping is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

4. The Committee concludes that Ms. Topping otherwise meets the requirements of § 54.1-3029 of the Code.

### ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The application of Jessica Topping for certification to practice as a massage therapist in Virginia is APPROVED upon the following terms and conditions:

a. Ms. Topping shall enter into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board;

b. Ms. Topping shall comply with all terms and conditions of the Recovery Monitoring Contract ("Contract") with the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Ms. Topping, and an administrative proceeding shall be held to decide whether her certificate should be revoked. Ms. Topping shall be noticed to appear before the Board at such time as the Board is notified that:

a. Ms. Topping is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Ms. Topping involving a violation of law or regulation or any term or condition of this Order; or

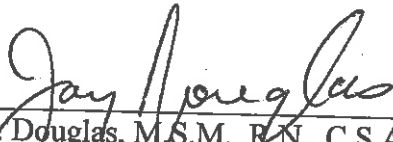
c. Ms. Topping has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Ms. Topping's participation in and compliance with the HPMP, the Board, at its discretion, may waive Ms. Topping's appearance before the Board and conduct an administrative review of this matter.

3. Ms. Topping shall maintain a course of conduct in her capacity as a massage therapist commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.


Pursuant to Section 54.1-2400(10) of the Code, Ms. Topping may, not later than 5:00 p.m., on December 1, 2014, 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 COMMITTEE:

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

ENTERED: October 29<sup>th</sup>, 2014

This Order shall become final on December 1, 2014, unless a request for a formal administrative hearing is received as described above.

**Certified True Copy**  
  
By \_\_\_\_\_  
Virginia Board of Nursing