

SEP 18 2013
VA BD OF NURSING

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

**ROGER D. SIMPSON, C.M.T.
Certificate No.: 0019-004158**

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”), consisting of two members of the Board and one member of the Massage Therapy Advisory Board, on August 28, 2013, in Henrico County, Virginia, to inquire into evidence that Roger D. Simpson, C.M.T., may have violated certain laws and regulations governing the practice of massage therapy in Virginia. Mr. Simpson was present and was represented by Margaret Hardy, Esquire.

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

FINDINGS OF FACT

1. Roger D. Simpson, C.M.T., was issued Certificate No. 0019-004158 to practice massage therapy by the Virginia Board of Nursing on September 5, 2003. Said certificate is set to expire on October 31, 2013.
2. By letter dated July 31, 2013, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Simpson notifying him that an informal conference would be held on August 28, 2013. The Notice was sent by certified and first class mail to 3 Owens Court, Potomac Falls, Virginia 20165, the address of record on file with the Board of Nursing.

3. During the course of his employment with Northern Virginia massage Center, Vienna, Virginia, between July 2010 and April 2013, by his own admission, Mr. Simpson engaged in a sexual relationship with Patient A.

4. Mr. Simpson and Patient A engaged in sexual activity at Mr. Simpson's office. Patient A continued to receive massage therapy from Mr. Simpson and paid him for these services while the sexual relationship was ongoing.

5. At the informal conference, while he expressed remorse and apologized, Mr. Simpson provided no insight into what led to his behavior other than "the male-female"

CONCLUSIONS OF LAW

Finding of Fact No. 3 constitutes a violation of § 54.1-3007(2), (5), and (8) of the Code and 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists, as referenced in § XIV of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork.

CONSENT

Roger D. Simpson, C.M.T., by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he 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 him;
4. He waives all such right to a formal hearing;

5. He admits to the Findings of Fact and Conclusions of Law contained herein and waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;

6. He consents to the entry of the following Order affecting his right to practice massage therapy 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. 0019-004158 of Roger D. Simpson, C.M.T., is INDEFINITELY SUSPENDED for a period of not less than one year.

2. The certificate will be recorded as suspended and no longer current.

3. At such time as Mr. Simpson shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of massage therapy. Mr. Simpson shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the license 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.

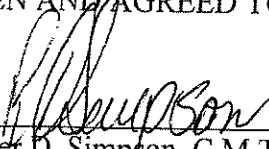
FOR THE BOARD



Jane Ingalls, R.N., Ph.D.
President, Virginia Board of Nursing

ENTERED: November 20, 2013

SEEN AND AGREED TO:




Roger D. Simpson, C.M.T.

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

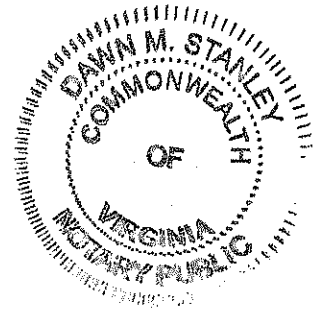
Subscribed and sworn to before me, Roger D. Simpson, a Notary Public, this 16th day of September, 2013.


My commission expires 3/31/2017.

Registration Number 136009.



NOTARY PUBLIC
Dawn M Stanley



Certified True Copy
By 

Virginia Board of Nursing