

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: ROGER SIMPSON, C.M.T. REINSTATEMENT APPLICANT
Certificate No.: 0019-004158
Suspended: November 20, 2013

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 April 1, 2015 in Henrico County, Virginia, to receive and act upon Roger Simpson’s application for reinstatement of his certificate to practice massage therapy in Virginia and to inquire into allegations that grounds may exist to deny said application. Mr. Simpson 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. Roger Simpson was issued Certificate No. 0019-004158 to practice massage therapy in the Commonwealth of Virginia on September 5, 2003. Said certificate was suspended by Order of the Board entered on November 20, 2013.
2. By letter dated March 3, 2015, the Board of Nursing sent a Notice of Informal Conference (“Notice”) to Mr. Simpson notifying him that an informal conference would be held on April 1, 2015. 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. Mr. Simpson submitted an application for reinstatement of his certificate to practice massage therapy which was received by the Board on December 15, 2014.

4. During the course of his employment and ownership of Northern Virginia Massage Center (“NVMC”), Vienna, Virginia, between November 2013 and May 2014, by his own admission, Mr. Simpson provided seated massages to clients after his certificate to practice massage therapy had been suspended. Mr. Simpson had a client agreement with various businesses which indicated that the business would utilize the services of NVMC therapists and that NVMC would provide therapeutic massage services.

5. At the informal conference, Mr. Simpson indicated that he did not feel that he needed to be certified to provide seated massage. Mr. Simpson indicated that during a seated massage he provided shoulder and back acupressure to fully clothed clients. Additionally, he stated that he felt that he was not providing therapeutic massage, but was providing acupressure. Mr. Simpson acknowledged that as owner of the company he received compensation for the services provided. Mr. Simpson indicated he performed a seated massage as recently as a few weeks prior to the informal conference, even after receiving the Notice of Informal Conference and allegations concerning his continued practice of massage therapy. At the informal conference, Mr. Simpson indicated that he did not inform the corporations with which he had client agreements that his certification was suspended. When Board staff read the definition of “massage therapy” to Mr. Simpson he agreed that it did seem to pertain to the services he was providing.

CONCLUSIONS OF LAW

1. Finding of Fact No. 4 constitutes a violation of §54.1-3007(2) and (5) of the Code and 18 VAC 90-50-90(2)(a) of the Regulations Governing the Certification of Massage Therapists (“Regulations”).
2. The Committee concludes that Mr. Simpson has demonstrated satisfactory evidence that he is prepared to resume practice in a safe and competent manner.

ORDER

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

1. The certificate of Roger Simpson to practice massage therapy in Virginia is hereby REINSTATED upon the following term and condition: Mr. Simpson shall pay a MONETARY PENALTY of \$500.00 to the Board prior to issuance of said certificate.


2. Mr. Simpson is hereby REPRIMANDED.

3. Mr. Simpson shall maintain a course of conduct in his capacity as a certified 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, Mr. Simpson may, not later than 5:00 p.m., on **May 18, 2015**, 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 he 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.

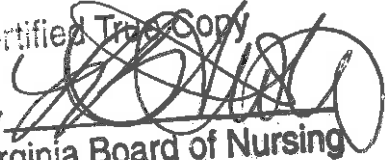
FOR THE COMMITTEE:



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

ENTERED: April 16TH 2015

This Order shall become final on **May 18, 2015**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy
By 
Virginia Board of Nursing