

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SAMANTHA ROBERTS, C.M.T.
Certificate No.: 0019-012778**

NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Samantha Roberts, C.M.T., who holds Certificate No. 0019-012778 to practice as a massage therapist in Virginia which is set to expire on March 31, 2016, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on March 23, 2015, at 9:30 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Roberts will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Roberts has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Roberts desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to inquire into evidence that Samantha Roberts, C.M.T., may have violated certain laws and regulations governing practice as a massage therapist in Virginia, as more fully set forth in the Statement of Particulars below.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Samantha Roberts, C.M.T., may have violated §54.1-3007(2) and (5) of the Code and 18 VAC 90-50-90(1)(c) and (2)(h) of the Regulations Governing the Certification of Massage Therapists (“Regulations”) in that:

a. During the course of her employment with Balance Therapeutic Massage, Virginia Beach, Virginia, between 2012 and March, 2014, by her own admission, Ms. Roberts used the designation “massage therapist,” was employed as a massage therapist, and provided massage services to clients. However, Ms. Roberts was not certified as a massage therapist by the Virginia Board of Nursing until July 31, 2014.

b. During the course of her employment with The New Hope Center of Reproductive Medicine, Virginia Beach, Virginia, between March 26, 2014 and June 1, 2014, Ms. Roberts used the designation “massage therapist” and, by her own admission, was identified as a massage therapist on the facility website and provided massage services to clients. However, Ms. Roberts was not certified as a massage therapist by the Virginia Board of Nursing until July 31, 2014.

2. Ms. Roberts may have violated §54.1-3007(2) and (5) of the Code and 18 VAC 90-50-90(1)(c) and (2)(e) of the Regulations in that on her application for employment with The New Hope Center, dated March 18, 2014, she indicated her prior title at Balance Therapeutic Massage was “massage therapist” and, under professional license and certification, Ms. Roberts listed “massage therapy & bodywork,” “nationally certified,” and state issued “VA.” Furthermore, Ms. Roberts signed a contract with New Hope on March 18, 2014, which contained clauses indicating that she possessed the appropriate licensure to perform massage services.

3. Ms. Roberts may have violated §54.1-3007(1) of the Code and 18 VAC 90-50-90(1)(b) of the

Regulations in that:

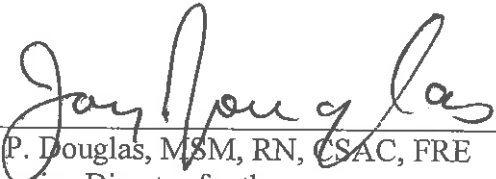
a. On her applications for certification as a massage therapist received by the Board on January 11, 2012, and July 21, 2014, Ms. Roberts answered “no” to the question pertaining to prior felony or misdemeanor convictions. Ms. Roberts was convicted of one count of driving under the influence of alcohol on July 16, 2009, in the Virginia Beach, Virginia, General District Court.

b. On her application received by the Board on July 21, 2014, Ms. Roberts indicated that she was previously certified or licensed as a massage therapist in Virginia; Ms. Roberts listed the year of 2011 and certificate number 604033-11. However, Ms. Roberts did not receive certification in Virginia until July 31, 2014.

4. Ms. Roberts may have violated §54.1-3007(2) of the Code and 18 VAC 90-50-90(2)(e) of the Regulations in that on her application for employment with The New Hope Center for Reproductive Medicine dated March 18, 2014, she answered “no” to the question pertaining to prior felony or misdemeanor convictions. Ms. Roberts was convicted of one count of driving under the influence of alcohol on July 16, 2009, in the Virginia Beach, Virginia, General District Court.

5. Ms. Roberts may have violated §54.1-3007(2), (5) and (8) of the Code and 18 VAC 90-50-90 (2)(b) of the Regulations in that during the course of her employment with Balance Therapeutic Massage, on or about August 30, 2013, she provided a hot stone massage to a client causing the client to suffer burns to his back.

FOR THE BOARD



Jay P. Douglas, MSM, RN, CSAC, FRE
Executive Director for the
Board of Nursing

ENTERED: February 26TH, 2015