

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: LOUIS SANCHEZ, C.M.T.
 Certificate No.: 0019-011182**

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on May 18, 2015 in Henrico County, Virginia, to inquire into evidence that Louis Sanchez, C.M.T., may have violated certain laws and regulations governing massage therapy practice in Virginia. The case was presented by Wendy Deaner, Adjudication Specialist, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Mr. Sanchez was present and was not represented by legal counsel. The proceedings were recorded by a certified court reporter.

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

FINDINGS OF FACT

1. Louis Sanchez, C.M.T., was issued Certificate No. 0019-011182 to practice massage therapy in the Commonwealth of Virginia on February 12, 2013. Said certificate was set to expire on September 30, 2015; the certificate was summarily suspended by Order of the Board entered March 13, 2015.
2. During the course of his employment with Massage Heights, Falls Church, Virginia, on December 20, 2014:
 - a. While providing a massage to Client A, Mr. Sanchez repeatedly and inappropriately touched the client's genital area. Additionally, Mr. Sanchez improperly draped Client A's body, leaving her exposed. Client A reported that she could feel Mr. Sanchez's breathe on her exposed skin and she could feel his erection on her leg while he was providing her a massage. Mr. Sanchez stated she probably felt the plastic bottle of lotion that he wears on a belt.

b. While providing an upper body massage to Client B, Mr. Sanchez inappropriately touched the client's genital area, moved her underwear below her buttocks and improperly draped her body, leaving her exposed. Client B reported that although she tried to move her hands elsewhere, Mr. Sanchez seemed to purposefully and repeatedly place his genitals on or near her hands during the massage.

3. During the formal hearing, Client A testified that as a result of the inappropriate touching of her genital area she experienced a rash and sought medical treatment. Client A's medical records indicated that she suffered from vulvitis, most likely an allergic reaction to the massage oils. Client A testified that she had received approximately two massages per month for nearly two years prior to this massage. She presented as a credible and articulate witness.

4. Lucio Cisneros, the manager at Massage Heights, testified that he received two complaints, one each from Client A and Client B. As a result of these complaints, Mr. Sanchez's employment with Massage Heights was terminated on December 22, 2014, after a less than two-month term of employment.

5. An investigator for the Virginia Department of Health Professions repeatedly tried to contact Mr. Sanchez by phone, email, and the United States Postal Service; Mr. Sanchez failed to respond to any of the investigator's attempts.

6. At the hearing, Mr. Sanchez was unable to address what happened in either massage because he stated he could not remember massaging Client A or Client B.

CONCLUSIONS OF LAW:

Findings of Fact Nos. 2(a) and (b) constitute a violation of §54.1-3007(2), (3), (5) and (8) of the Code, 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists, and Sections XIV, XV and XVI of the NCBTMB Code of Ethics.

ORDER

WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS as follows:

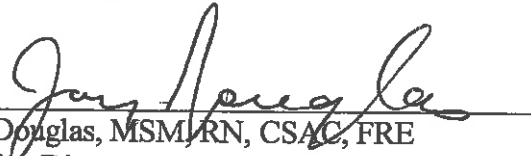
1. Certificate No. 0019-011182, issued to Louis Sanchez, C.M.T., to practice as a massage therapist in the Commonwealth of Virginia, is hereby REVOKED.

2. The certificate of Mr. Sanchez will be recorded as REVOKED and no longer current. Pursuant to § 54.1-2408.2 of the Code, should Mr. Sanchez seek reinstatement of his certificate after three years, he shall be responsible for any fees that may be required for the reinstatement of his certificate prior to issuance of his certificate to resume practice. The reinstatement of Mr. Sanchez's certificate shall require the affirmative vote of three-fourths of the members at a meeting of the Board.

3. At such time as Mr. Sanchez shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is able to return to the safe and competent practice of massage therapy.

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.

FOR THE BOARD



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

ENTERED

June 24th, 2015

Certified True Copy

By draham
Virginia Board Of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with Jay P. Douglas, MSM, RN, CSAC, FRE, Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.