

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

BARBARA JANAY, C.M.T.

Certificate No.: 0019-000236

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Barbara Janay, C.M.T., as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Janay's certificate to practice as a massage therapist in Virginia.

The Board adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Barbara Janay, C.M.T., was issued Certificate No. 0019-000236 to practice as a massage therapist by the Virginia Board of Nursing on October 27, 1997. Said certificate is set to expire on February 29, 2016.
2. When she renewed her certificate on February 27, 2014, for the period March 1, 2014 to February 28, 2015, Ms. Janay failed to attest to the fact that in 2013-2014, she had completed the hours of continuing education ("CE") required for the renewal of her certificate.
3. By letter dated March 20, 2014, the Board required Ms. Janay to provide proof that she had complied with the continuing education requirements for the renewal of her certificate.
4. Ms. Janay failed to submit evidence that she had completed her CE requirements in 2013-2014.
5. By letter dated September 17, 2014, Ms. Janay indicated that she wished to voluntarily surrender her massage therapist certification.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of 18 VAC 90-50-70(B) of the Regulations Governing the Certification of Massage Therapists (“Regulations”).
2. Finding of Fact No. 4 constitutes a violation of 18 VAC 90-50-75 of the Regulations.

CONSENT

Barbara Janay, C.M.T., by affixing her signature hereon, agrees to the following:

1. Ms. Janay has been advised to seek advice of counsel prior to signing this document;
2. Ms. Janay acknowledges that without her consent, no legal action can be taken against her except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. Ms. Janay acknowledges that she has the following rights, among others: the right to an informal fact-finding conference 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 her;
4. Ms. Janay waives all such right to an informal conference;
5. Ms. Janay admits to the Findings of Fact and Conclusions of Law contained herein and waives her right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. Ms. Janay consents to the entry of the following Order affecting her right to practice as a massage therapist 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. The Board ACCEPTS the VOLUNTARY SURRENDER for INDEFINITE SUSPENSION of the certificate of Barbara Janay to practice as a massage therapist in the Commonwealth of Virginia.

- 2. The certificate will be recorded as suspended and no longer current.
- 3. At such time as Ms. Janay shall petition the Board for reinstatement of her certificate, an administrative proceeding will be convened to determine whether she is capable of resuming safe and competent practice as a massage therapist. Ms. Janay shall be responsible for any fees that may be required for the reinstatement and renewal of the certificate prior to issuance of the certificate 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

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

ENTERED: November 20th, 2014

SEEN AND AGREED TO:

Barbara Janay CMT
 Barbara Janay, C.M.T.

COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF Prince William TO WIT:

Subscribed and sworn to before me, Barbara Janay, a Notary Public, this 17th day of November, 2014.

My commission expires 02/29/2014.

Registration Number 7513517

[Signature]
 NOTARY PUBLIC



Certified True Copy
 By [Signature]
 Virginia Board of Nursing