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VA BD OF NURSING



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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David E. Brown, D.C.
Director

November 24, 2014

Min Yuan, C.M.T.
135-45 Roosevelt Avenue, Apt. 9H
Flushing, NY 11354

CERTIFIED MAIL

DUPLICATE COPY
VIA FIRST CLASS MAIL

DATE 11/24/14

RE: Certificate No.: 0019-009515

Dear Ms. Yuan:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that the privilege to renew your certification to practice as a certified massage therapist in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered November 24, 2014. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate to do so suspended shall be guilty of a felony. Please return your certificate to Jay P. Douglas, Executive Director, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your certificate, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your certificate shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your certificate, contact Jay P. Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Jaime H. Hoyle, Esquire, Chief Deputy Director
Department of Health Professions

cc: Enclosures
Case # 147139

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: Min Yuan, C.M.T.
Certificate No.: 0019-009515**


ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Min Yuan, C.M.T., to practice as a massage therapist in the State of Florida was suspended by Order of Emergency Suspension of License dated September 26, 2012. A certified copy of the Order of Emergency Suspension of License is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the privilege of Min Yuan, C.M.T., to renew her certificate to practice as a certified massage therapist in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the certificate of Min Yuan, C.M.T., will be recorded as suspended and no longer current. Should Ms. Yuan seek reinstatement of her certificate pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her certificate prior to issuance of her certificate to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.

Certified True Copy
By: 
Virginia Board of Nursing



Jaime H. Hoyle, Esquire, Chief Deputy Director
Department of Health Professions

ENTERED: 11/24/14



COMMONWEALTH of VIRGINIA

Department of Health Professions


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CERTIFICATION OF DUPLICATE RECORDS

I, Jaime H. Hoyle, Esquire, Chief Deputy Director of the Department of Health Professions, hereby certify that the attached Order of Emergency Suspension of License entered September 26, 2012, regarding Min Yuan, C.M.T., is a true copy of the records received from the Florida Board of Massage Therapy.



Jaime H. Hoyle, Esquire

Date: 

STATE OF FLORIDA
DEPARTMENT OF HEALTH

IN RE: The Emergency Suspension of the License of
Min Yuan, L.M.T.
License Number: MA 56550
Case Number: 2012-14041

ORDER OF EMERGENCY SUSPENSION OF LICENSE

John H. Armstrong, MD, State Surgeon General and Secretary of Health, ORDERS the Emergency Suspension of the license of Min Yuan, L.M.T. ("Ms. Yuan"), to practice as a massage therapist in the State of Florida. Ms. Yuan holds license number MA 56550. Her address of record is 2615 South University Drive, Davie, Florida 33328. The following Findings of Fact and Conclusions of Law support the Emergency Suspension of Ms. Yuan's license to practice as a massage therapist in the State of Florida.

INTRODUCTION

In June 2009, Ms. Yuan submitted an Application for Licensure as a massage therapist with the Florida Department of Health Board of Massage Therapy ("Florida Board"). The application included documentation indicating that Ms. Yuan completed courses and received Certificates of Completion from Florida College of Natural Health. In July 2012, the Vice



President of Compliance and Institutional Effectiveness of Florida College of Natural Health certified that the documentation submitted by Ms. Yuan purporting to be from the Florida College of Natural Health is fraudulent.

FINDINGS OF FACT

1. The Department of Health ("Department") is the state agency charged with regulating the practice of massage therapy pursuant to Chapters 20, 456, and 480, Florida Statutes (2012). Section 456.073(8), Florida Statutes (2012), authorizes the State Surgeon General to summarily suspend Ms. Yuan's license to practice as a massage therapist in the State of Florida pursuant to Section 120.60(6), Florida Statutes (2012).
2. On June 3, 2009, Ms. Yuan submitted a State of Florida Application for Licensure as a massage therapist to the Florida Board.
3. On her Application for Licensure, Ms. Yuan indicated that she attended Royal Irvin College. Ms. Yuan also indicated on her Application that Royal Irvin College is not a Florida Board Approved School. Ms. Yuan's Application further reveals that Ms. Yuan did not attend an apprenticeship program.

4. Pursuant to Section 480.041(1)(b), Florida Statutes (2009), in order to qualify for licensure as a massage therapist in the State of Florida pursuant to Chapter 480, Florida Statutes, a person must complete a course of study at a board-approved massage school or complete an apprenticeship program that meets the standards adopted by the board.

5. Submitted to the Florida Board with Ms. Yuan's Application for Licensure was a transcript from Florida College of Natural Health representing that Ms. Yuan earned five hundred credit hours in the Florida College of Natural Health Therapeutic Massage Training Program (Transfer of Licensure). The transcript indicates that Ms. Yuan started the program on May 29, 2009, and completed the program on May 30, 2009.

6. Ms. Yuan also submitted, with her Application for Licensure, a Florida College of Natural Health Certificate of Completion of twelve hours of Therapeutic Massage Training Program (Transfer of Licensure) dated June 1, 2009.

7. Also submitted with Ms. Yuan's Application for Licensure was a Florida College of Natural Health Certificate of Completion of two hours of Prevention of Medical Errors dated May 30, 2009.

8. On July 19, 2012, the Vice President of Compliance and Institutional Effectiveness for Florida College of Natural Health ("V.P.") certified that the Florida College of Natural Health transcript Ms. Yuan submitted with, and in support of, her Application for Licensure is fraudulent. In addition, the V.P. certified that Ms. Yuan did not complete the courses identified in the certificates Ms. Yuan submitted with, and in support of, her application for licensure.

9. Having not completed courses at, or obtained certificates of completion from, a Board of Massage Therapy approved school, as required by Section 480.041(1)(b), Florida Statutes (2009), Ms. Yuan is not qualified to be licensed, or to practice, as a massage therapist in the State of Florida.

10. Section 480.046(1)(o), Florida Statutes (2009), subjects a massage therapist to discipline, including suspension, for violating any provision of Chapters 480 or 456, Florida Statutes, or any rules adopted pursuant thereto.

11. Section 456.072(1)(h), Florida Statutes (2009), subjects a massage therapist to discipline, including suspension, for attempting to

obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

12. Section 456.072(1)(w), Florida Statutes (2009), subjects a massage therapist to discipline, including suspension, for failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

13. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2012), and Chapter 480, Florida Statutes (2012).

14. Section 120.60(6), Florida Statutes (2012), provides that the State Surgeon General is authorized to suspend or restrict a massage therapist's license upon a finding that the massage therapist presents an immediate, serious danger to the public health, safety, or welfare.

15. Ms. Yuan obtained her license to practice massage therapy in the State of Florida by fraud. Ms. Yuan submitted an application for licensure to the Florida Board indicating she completed courses through the Florida College of Natural Health. At the time she submitted her application, Ms. Yuan was aware that she had not completed these courses through the Florida College of Natural Health. She also knew she had not actually satisfied the requirements for graduation from a Florida Board approved school. Through her action of submitting a fraudulent license application to the Florida Board, Ms. Yuan has demonstrated a willingness to circumvent the regulations, requirements, and laws governing massage therapists in the State of Florida. She also demonstrated judgment and moral character that is exceedingly poor and unbecoming of a licensed massage therapist.

16. Aside from her fraudulent conduct, Ms. Yuan has not satisfied the fundamental education requirements to be licensed as a massage therapist in the State of Florida. These requirements were carefully crafted by the Florida Board to ensure the competency of licensed massage therapists and to protect the public from unqualified massage therapists. Because Ms.

Yuan circumvented these fundamental education requirements, her clients are at risk for potential injury due to improper massage technique.

17. Moreover, clients of massage therapists are placed in isolated, vulnerable settings where they can be subject to abuse by their massage therapists. Due to the potential for abuse that is inherent under these circumstances, massage therapists must possess good judgment and good moral character in order to safely practice massage therapy. Ms. Yuan's willingness to circumvent the licensure requirements of the State of Florida demonstrates a defect in Ms. Yuan's judgment and moral character.

18. Ms. Yuan's conduct demonstrates such a disregard for the laws and regulations governing massage therapists in this state, and constitutes such a threat to the public health, safety, or welfare, that the safety of Ms. Yuan's clients cannot be assured as long as she continues to practice massage therapy in the State of Florida. Ms. Yuan's disregard for the laws and rules governing the practice of massage therapy and her lack of good judgment and moral character represent a significant likelihood that Ms. Yuan will cause harm to clients in the future. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the citizens

of the State of Florida. Nothing short of the suspension of Ms. Yuan's license to practice as a massage therapist in the State of Florida will protect the public from the dangers created by Ms. Yuan.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. Ms. Yuan violated Section 456.072(1)(h), Florida Statutes (2009), by obtaining her license to practice massage therapy in the State of Florida through error of the Department or by fraudulent misrepresentation by submitting a fraudulent transcript and fraudulent Certificates of Completion with her Application for Licensure as a massage therapist in the State of Florida.
2. Ms. Yuan violated Section 456.072(1)(w), Florida Statutes (2009), by submitting a fraudulent transcript and fraudulent Certificates of Completion with her Application for Licensure as a massage therapist in the State of Florida.
3. The facts recited above support the conclusions that Ms. Yuan is unable to safely practice massage therapy due to her having obtained a

In Re: Emergency Suspension of the License of
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license to practice massage therapy by fraud and that a restriction of Ms. Yuan's license to practice massage therapy in the State of Florida is not sufficient to protect the health, safety, or welfare of the public.


4. This summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2012), it is **ORDERED THAT:**

1. The license of Min Yuan, L.M.T., license number MA 56550, is hereby immediately suspended.

2. A proceeding seeking formal suspension or discipline of the license of Min Yuan, L.M.T., to practice as a massage therapist in the State of Florida will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2012).

DONE and ORDERED this 26th day of September, 2012.



John H. Armstrong, MD
Surgeon General and Secretary of Health

In Re: Emergency Suspension of the License of
Min Yuan, L.M.T.
License No.: MA 56550
Case No.: 2012-14041

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Sections 120.60(6) and 120.68, Florida Statutes, this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Review proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the Petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.