

**VIRGINIA:**

**BEFORE THE BOARD OF NURSING**

**IN RE:**

**JESSE O'KANE, C.M.T.  
Certificate No.: 0019-010645**

**CONSENT ORDER**

By letter dated October 16, 2014 the Board noticed Mr. O'Kane, C.M.T., for a formal hearing. In lieu of proceeding to a formal hearing, the Board and Mr. O'Kane, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Mr. O'Kane to practice as a massage therapist in Virginia.

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

**FINDINGS OF FACT**

1. Jesse O'Kane, C.M.T., was issued Certificate No. 0019-010645 to practice as a certified massage therapist by the Virginia Board of Nursing on July 6, 2012. Said certificate is set to expire on March 31, 2015.
2. On February 4, 2013, during the course of his employment at Waterfalls Wellness Center, Vienna, Virginia, Mr. O'Kane inappropriately touched a client's vagina while providing a massage.
3. On December 4, 2013, Mr. O'Kane was found guilty of assault and battery in the Circuit Court for Fairfax County, Virginia, in relation to the events of February 4, 2013, and on February 21, 2014, he was ordered to pay a \$2000.00 fine.

**CONCLUSIONS OF LAW**

Finding of Fact No. 2 constitutes a violation of §54.1-3007(2), (5), and (8) of the Code of Virginia and 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists

and Section XIV of the NCBTMB (National Certification Board of Therapeutic Massage and Bodywork) Code of Ethics.

CONSENT

Jesse O’Kane, by affixing his signature hereon, agrees to the following:

1. He has been advised to seek advice of counsel prior to signing this document;
2. He acknowledges that without his consent, no legal action can be taken against him except pursuant to the Virginia Administrative Process Act, § 2.2-4000(A) *et seq.* of the Code;
3. He acknowledges that he has the following rights, among others: the right to a formal fact finding hearing 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 him;
4. He waives all such right to a formal hearing;
5. He neither admits nor denies the Findings of Fact and Conclusions of Law contained herein but waives his right to contest such Findings of Fact and Conclusions of Law in any subsequent proceeding before the Board;
6. He consents to the entry of the following Order affecting his right to practice as a certified 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 Jesse O’Kane’s certificate 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 Mr. O'Kane shall petition the Board for reinstatement of his certificate, an administrative proceeding will be convened to determine whether he is capable of resuming the safe and competent practice of massage therapy. Mr. O'Kane 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

Jane Ingalls  
Jane Ingalls, R.N., Ph.D. 11-18-14  
President, Virginia Board of Nursing

SEEN AND AGREED TO:

Jesse O'Kane  
Jesse O'Kane, C.M.T.

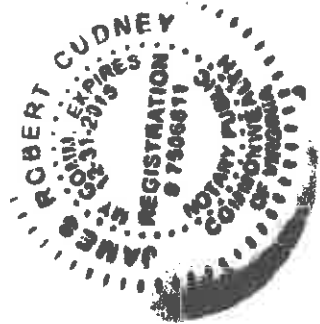
COMMONWEALTH OF VIRGINIA,  
COUNTY/CITY OF FAIRFAX, TO WIT:

Subscribed and sworn to before me, JAMES CUDNEY, a Notary Public, this 7<sup>th</sup> day of NOVEMBER, 2014.

My commission expires 12/31/15

Registration Number 7506811

James Cudney  
NOTARY PUBLIC



Certified True Copy

By draham  
Virginia Board Of Nursing