

VIRGINIA:

BEFORE THE BOARD OF NURSING

**IN RE: SEAN COWAN, C.M.T.
Certificate No.: 0019-013177**

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 Sean Cowan, C.M.T., may have violated certain laws governing massage therapy practice in Virginia and certain terms and conditions imposed on him, as set forth in the Order of the Board entered on October 29, 2014. 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. Cowan was not 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. Sean Cowan, C.M.T., was issued Certificate No. 0019-013177 to practice massage therapy in the Commonwealth of Virginia on December 23, 2014. Said certificate is set to expire on March 31, 2016.
2. Based upon the representations of Wendy Deaner, Adjudication Specialist, and Commonwealth's Exhibit #1, the Notice of Formal Hearing and Statement of Particulars and Affidavit of Mailing, the presiding officer ruled that adequate notice was provided to the respondent and the hearing proceeded in his absence.
3. By Board Order entered October 29, 2014 ("Board's Order"), Mr. Cowan's application for certification as a massage therapist was approved contingent upon his entry into and compliance with the Health Practitioners' Monitoring Program ("HPMP").

4. On October 24, 2014, as required by Term No. 1(b) of the Board's Order, Mr. Cowan signed a Participation Contract with the HPMP, in which he agreed to abstain from alcohol and drug use and to participate in recommended treatment.

5. On November 19, 2014, Mr. Cowan completed a comprehensive substance abuse and mental health assessment at the Family Counseling Center for Recovery. Mr. Cowan indicated that he had last used marijuana the previous day and a urine toxicology screen was positive for marijuana.

6. On December 30, 2014, Mr. Cowan's HPMP Case Manager submitted a report to the HPMP Committee regarding Mr. Cowan's compliance with the HPMP; the report requested an "urgent dismissal" from the program.

7. The HPMP made numerous attempts to contact Mr. Cowan since entering into the program; however, Mr. Cowan has failed to maintain contact with the HPMP.

8. On January 9, 2015, Mr. Cowan was dismissed from the HPMP due to his repeated noncompliance and his continued use of marijuana.

CONCLUSIONS OF LAW:

Finding of Fact No. 8 constitutes a violation of §54.1-3007(6) of the Code and Term No. 1(b) of the Board's Order.

ORDER

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

1. Certificate No. 0019-03177, issued to Sean Cowan, C.M.T., to practice massage therapy in the Commonwealth of Virginia is hereby INDEFINITELY SUSPENDED for a period of not less than two years.

2. The certificate of Mr. Cowan will be recorded as SUSPENDED and no longer current. Should Mr. Cowan seek reinstatement of his certificate consistent with this Order, he shall be responsible for

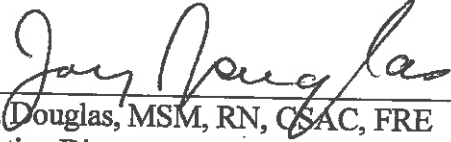
any fees that may be required for the reinstatement of his certificate prior to issuance of his certificate to resume practice.

3. At such time as Mr. Cowan 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.

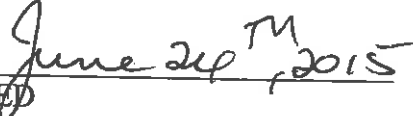
4. Mr. Cowan is hereby REPRIMANDED.

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.

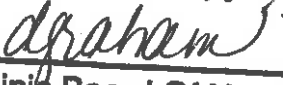
FOR THE BOARD



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



ENTERED

Certified True Copy
By 

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.