

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

SEAN COWAN, C.M.T. APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), a Special Conference Committee ("Committee") of the Virginia Board of Nursing ("Board") and a member of the Massage Therapy Advisory Board met on October 7, 2014 in Henrico County, Virginia, to receive and act upon the application of Sean Cowan for certification by examination to practice as a massage therapist and to inquire into allegations that grounds may exist to deny said application. Mr. Cowan was present and was not represented by counsel.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. On April 29, 2014, Sean Cowan submitted an application for certification by examination to practice as a massage therapist in the Commonwealth of Virginia.
2. By letter dated August 25, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Cowan notifying him that an informal conference would be held on October 7, 2014. The Notice was sent by certified and first class mail to 4832 Saddleridge Court, Glen Allen, Virginia, 23059, the address of record on file with the Board of Nursing.
3. On April 26, 2007 Mr. Cowan was found guilty of one count of felony breaking and entering with the intent to commit arson, one count of felony grand larceny and one count of misdemeanor unlawful entry in the Henrico County, Virginia, Circuit Court. On June 25, 2007, Mr. Cowan was sentenced to ten years in the Virginia Department of Corrections with nine years and six months suspended on each felony

charge for a period of ten years. Mr. Cowan received a sentence of twelve months for the misdemeanor charge; ten months of that sentence was suspended for a period of ten years. Mr. Cowan received a total sentence of 20 years and 12 months with 18 years and 22 months suspended and was placed on supervised probation. Mr. Cowan was ordered to pay \$3,460.00 in restitution to the Dominion Club, Glen Allen, Virginia and \$6,000.00 to Jeremy Crews, joint and severally with his co-defendant.

4. Mr. Cowan was released from supervised probation on June 23, 2011.

5. On April 4, 2013, Mr. Cowan was convicted of one count of misdemeanor possession of marijuana in the Henrico County, Virginia, General District Court. Mr. Cowan was sentenced to 30 days in jail with 25 days suspended and he was ordered to pay a fine of \$100.00.

6. By his own admission, Mr. Cowan last used marijuana three months ago. He expressed that he does not intend on stopping his use of marijuana without a good reason and he uses marijuana to relax.

7. Mr. Cowan passed the Licensing Examination of the Federation of State Massage Therapy Boards in January, 2013.

CONCLUSIONS OF LAW

1. Finding of Fact No. 3 constitutes a violation of §54.1-3007(4) of the Code.

2. Findings of Fact Nos. 5 and 6 constitute a violation of §54.1-3007(6) of the Code.

3. Based on the above Findings of Fact, the Committee concludes that Mr. Cowan is a candidate for the Health Practitioners' Monitoring Program ("HPMP").

4. The Committee concludes that Mr. Cowan otherwise meets the requirements of § 54.1-3029 of the Code.

ORDER

On the basis of the foregoing, the Committee hereby ORDERS as follows:

1. The application of Sean Cowan, for certification to practice as a massage therapist in Virginia is APPROVED upon the following terms and conditions:

a. Mr. Cowan shall enter into the Health Practitioners' Monitoring Program ("HPMP"), pursuant to § 54.1-2515 *et seq.* of the Code and 18 VAC 76-10-10 *et seq.* of the Regulations Governing the HPMP, and shall have proof of entry into a Contract with the HPMP provided to the Board;

b. Mr. Cowan shall comply with all terms and conditions of the HPMP for the period specified by the HPMP.

2. Any violation of the terms and conditions stated in this Order shall be reason for revoking the certificate of Mr. Cowan, and an administrative proceeding shall be held to decide whether his certificate should be revoked. Mr. Cowan shall be noticed to appear before the Board at such time as the Board is notified that:

a. Mr. Cowan is not in compliance with the terms and conditions of the HPMP, or has been terminated from participation in the HPMP;

b. There is a pending investigation or unresolved allegation against Mr. Cowan involving a violation of law or regulation or any term or condition of this Order; or

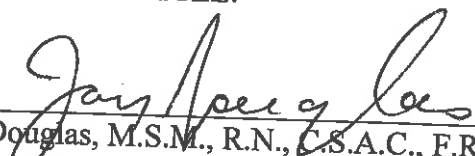
c. Mr. Cowan has successfully completed the above-referenced period of participation in the HPMP. However, upon receipt of Mr. Cowan's participation in and compliance with the HPMP, the Board, at its discretion, may waive Mr. Cowan's appearance before the Board and conduct an administrative review of this matter.

3. Mr. Cowan shall maintain a course of conduct in his capacity as a massage therapist commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Cowan may, not later than 5:00 p.m., on December 1, 2014, notify Jay P. Douglas, M.S.M., R.N., C.S.A.C., F.R.E., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

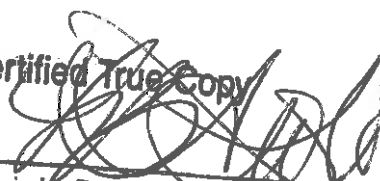
FOR THE COMMITTEE:



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

ENTERED: October 29th, 2014

This Order shall become final on December 1, 2014, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By _____
Virginia Board of Nursing