

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE:

ERICA SMITH, C.M.T. APPLICANT

CONSENT ORDER

The Virginia Board of Nursing ("Board") and Erica Smith, as evidenced by her signature hereto, enter into the following Consent Order affecting Ms. Smith's application for certification to practice as a massage therapist in Virginia.

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

FINDINGS OF FACT

1. On July 3, 2014, Erica Smith submitted an application for certification by examination to practice as a massage therapist in the Commonwealth of Virginia.

2. Ms. Smith was found guilty of one count of misdemeanor larceny, a crime of moral turpitude, on June 5, 2013 in the Henrico County, Virginia, General District Court. Ms. Smith was sentenced to 12 months in jail with 11 months and 29 days suspended. She was ordered to pay a \$100.00 fine and was barred from Target.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of §54.1-3007(4) of the Code of Virginia, (1950), as amended ("Code").

2. Erica Smith otherwise meets the requirements of §54.1-3029 of the Code.

CONSENT

Erica Smith, by affixing her signature hereon, agrees to the following:

1. She has been advised to seek advice of counsel prior to signing this document;

2. She 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. She 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. She waives all such right to an informal conference;
5. She 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. She consents to the entry of the following Order affecting her application for certification 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 application of Erica Smith for certification to practice as a massage therapist in Virginia is APPROVED. Ms. Smith shall be issued an unrestricted certificate to practice massage therapy.
2. Ms. Smith is hereby REPRIMANDED.
3. Ms. Smith shall maintain a course of conduct in her 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 upon request.

FOR THE BOARD


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

ENTERED: September 19, 2014

SEEN AND AGREED TO:

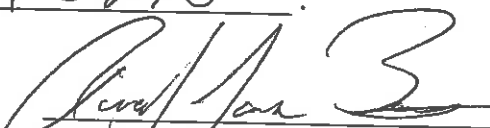

Erica Smith, C.M.T. Applicant

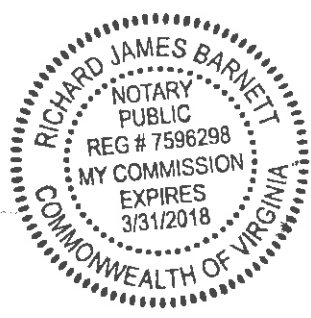
COMMONWEALTH OF VIRGINIA,
COUNTY/CITY OF HENRICO, TO WIT:


Subscribed and sworn to before me, Richard Barnett, a Notary Public, this 16 day of SEPT, 20 14.

My commission expires 03/31/2018.

Registration Number 7596298.


NOTARY PUBLIC



Certified True Copy
By 
Virginia Board of Nursing