

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: WILLIAM DAVID BROWN, M.D., C.M.T. APPLICANT

ORDER

In accordance with §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), an informal conference was conducted by a committee of two members of the Board of Nursing ("Board") and one member of the Massage Therapy Advisory Board on February 11, 2013, in Henrico County, Virginia, to consider the application of William David Brown, M.D., for certification by examination as a massage therapist in Virginia, and to inquire into evidence that he may have violated certain laws and regulations governing massage therapy practice in Virginia. Mr. Brown was present and was represented by Stephen C. Martin, Esquire. The Informal Conference Committee ("Committee") submitted a Recommended Decision for consideration.

On March 19, 2013, the Board met to receive and act upon the Recommended Decision of the Committee. Mr. Brown was not present and was not represented by legal counsel but submitted written comments.

Based upon its review of the Recommended Decision of the Committee, the Board makes the following Findings of Fact and Conclusions of Law and issues the following Order.

FINDINGS OF FACT

1. William David Brown, M.D., submitted an application for certification by examination to practice massage therapy which was received by the Board September 25, 2012.
2. By letter dated January 17, 2013, the Board sent a Notice of Informal Conference ("Notice") to Mr. Brown notifying him that an informal conference would be held on February 11, 2013. The Notice

was sent by certified and first class mail to P. O. Box 343, 580 Kenmore Road, Amherst, Virginia 24521, the address of record on file with the Board.

3. Mr. Brown has an admitted history of alcohol abuse. In December 2012, Mr. Brown had a relapse after approximately 12 years of sobriety. Mr. Brown stated that his date of sobriety is December 8, 2012.

4. On his application for certification by examination to practice massage therapy received by the Board on September 25, 2012, Mr. Brown answered “NO” to the questions “Have you ever had any of the following disciplinary actions taken against your license or certificate by any licensing/certifying authority in any jurisdiction: placed on probation, suspended, revoked or otherwise disciplined?” and “Has your practice ever been the subject of an investigation by any licensing/certifying authority?” when, in fact, on October 10, 2001, Mr. Brown was issued a reprimand from the Virginia Board of Medicine related to his practice as a physician.

5. Mr. Brown acknowledged that he answered “NO” to the question related to prior discipline, stating that he misread the question.

CONCLUSIONS OF LAW

The Board concludes that:

1. Finding of Fact No. 3 constitutes a violation of § 54.1-3007(6) of the Code.
2. Finding of Fact No. 4 constitutes a violation of § 54.1-3007(1) of the Code and 18 VAC 90-50-90(1)(b) of the Regulations Governing the Certification of Massage Therapists.
3. Based on the above Findings of Fact, the Board concludes that Mr. Brown is a candidate for the Health Practitioners’ Monitoring Program (“HPMP”).
4. Otherwise, Mr. Brown meets the qualifications of § 54.1-3029 of the Code.

ORDER

1. The application of William David Brown, M.D. for certification by examination is hereby APPROVED contingent upon Mr. Brown's entry into and compliance with the HPMP. Thereafter, Mr. Brown shall comply with all terms and conditions 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. Brown, and an administrative proceeding shall be held to decide whether his certificate should be revoked. Mr. Brown shall be noticed to appear before the Board at such time as the Board is notified that:

a. Mr. Brown 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. Brown involving a violation of law or regulation or any term or condition of this Order; or

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

3. Mr. Brown is hereby REPRIMANDED.

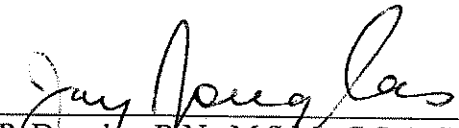
4. Mr. Brown shall maintain a course of conduct in his capacity as a massage therapist commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

Pursuant to Section 54.1-2400(10) of the Code, Mr. Brown may, not later than 5:00 p.m., on **May 6, 2013**, notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., Executive Director, Board of Nursing, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he/she 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.

Pursuant to § 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.

FOR THE BOARD



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

Entered: April 3RD, 2013

This Order shall become final on **May 6, 2013**, unless a request for a formal administrative hearing is received as described above.

Certified True Copy

By 
Virginia Board of Nursing