



COMMONWEALTH of VIRGINIA

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Director

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NOTICE OF INFORMAL CONFERENCE

January 17, 2013

William David Brown, M.D., C.M.T. Applicant
P. O. Box 343
580 Kenmore Road
Amherst, Virginia 24521

CERTIFIED MAIL
7160 3901 9849 2203 9731

Re: VA License No.: 0101-037075
Expiration Date: October 31, 2004

Dear Dr. Brown:

This letter is official notification that an informal conference of the Virginia Board of Nursing ("Board") will be held, pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(7) of the Code of Virginia (1950), as amended ("Code"), on **February 11, 2013, at 9:00 a.m.**, in the offices of the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the informal conference. The informal conference committee, which is comprised of at least two members of the Board, will consider your application for certification by examination as a massage therapist and will inquire into allegations that you may have violated certain laws and regulations governing the practice of massage therapy in Virginia.

Specifically:

1. You may have violated § 54.1-3007(6) of the Code in that you may be unsafe to practice massage therapy due to your admitted history of alcohol abuse.
2. You may have violated § 54.1-3007(1)) of the Code and 18 VAC 90-50-90(1)(b) of the Regulations Governing the Certification of Massage Therapists in that on you application for certification by examination to practice massage therapy received by the Board on or about September 25, 2012, you 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 or about October 10, 2001, you were issued a reprimand from the Virginia Board of Medicine related to your practice as a physician.

The burden rests on you, as the applicant, to demonstrate that you meet the requirements of § 54.1-3029 of the Code.

After consideration of all information, the committee may:

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

1. Approve your application for certification by examination; or
2. Recommend to the Board that your application be approved with a reprimand, a monetary penalty, or terms and conditions, which may include placing you on probation; or
3. Recommend to the Board that your application be denied; or
4. Refer the matter to a formal hearing of the Board.

The recommendation of the committee will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to a formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

Please advise the Board of your intention to be present at the informal conference. This can be done by calling our offices at (804) 367-4515 or sending us a letter at the address listed above.


You have a right to the information that will be relied on by the committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the committee and will be considered when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail and must be claimed at the post office.

To facilitate this proceeding, you should submit five copies of any documents you wish the committee to consider to the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by February 4, 2013. Your documents may not be submitted by facsimile or e-mail.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of nursing and other healing arts in Virginia cited in this notice, can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for statutes and *Virginia Administrative Code* for regulations.

In the event of inclement weather, please be advised that Board of Nursing hearings will be held unless state offices are closed. Please listen to television or radio announcements to provide information about official state closings or delays. If there is a delayed opening, hearings will begin at the time of the agency opening. A recorded announcement pertaining to closings or delays will also be available by calling the main telephone number for the Department of Health Professions at (804) 367-4400.

Sincerely,


for Brenda Krohn, R.N., M.S.
Deputy Executive Director

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Committee members
Cynthia E. Gaines, Adjudication Specialist
Peggy Wood, Monitoring Program Manager