

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: YAN GAO, C.M.T. REINSTATEMENT APPLICANT
Certificate No.: 0019-009952

AMENDED NOTICE OF HEARING

Pursuant to §§ 2.2-4020, 2.2-4024(F), and 54.1-2400(11) of the Code of Virginia (1950), as amended (“Code”), Yan Gao, C.M.T., who, prior to its suspension by the Department of Health Professions on January 10, 2013, held Certificate No. 0019-009952 to practice as a certified massage therapist in Virginia, is hereby given notice that a formal administrative hearing will be held in the presence of a panel of the Board of Nursing. The hearing will be held on March 19, 2014, at 11:00 a.m., at the offices of the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233, at which time Ms. Gao will be afforded the opportunity to be heard in person or by counsel.

At the hearing, Ms. Gao has the following rights, among others: the right to representation by counsel; the right to have witnesses subpoenaed and to present witnesses on her behalf; the right to present documentary evidence; and the right to cross-examine adverse witnesses. If Ms. Gao desires any witnesses to appear on her behalf, she must notify the Director of Administrative Proceedings, Department of Health Professions, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in accordance with the Instructions for Requesting Subpoenas.

The purpose of the hearing is to receive and act upon Ms. Gao’s application for reinstatement of her certificate to practice as a certified massage therapist in Virginia, which was mandatorily suspended by the Department of Health Professions on January 10, 2013, and to inquire into evidence that Ms. Gao may have violated certain laws and regulations governing the practice of certified massage therapists in Virginia, as more fully set forth in the Statement of Particulars below.

The burden rests upon Ms. Gao, as the applicant, to demonstrate that she is capable of resuming safe and competent practice as a certified massage therapist in Virginia.

Pursuant to § 54.1-2409 of the Code, reinstatement of Ms. Gao's certificate requires the affirmative vote of three-fourths of the members of the Board in attendance at the hearing.

STATEMENT OF PARTICULARS

The Board alleges that:

1. Yan Gao may have violated § 54.1-3007(7) of the Code in that by a Voluntary Relinquishment entered September 11, 2012, she voluntarily surrendered her license to practice massage in the State of Florida. This action was based on allegations that Ms. Gao submitted fictitious documents indicating completion of a massage training program with her application for licensure. This action also formed the basis of the mandatory suspension of Ms. Gao's certificate to practice as a certified massage therapist in Virginia.

2. Ms. Gao may have violated § 54.1-3007(1) and (3) of the Code and 18 VAC 90-50-90(1)(b) of the Regulations Governing the Certification of Massage Therapists in that:

a. On her application for reinstatement of her massage therapist certificate received by the Board on September 26, 2013:

i. Ms. Gao answered "no" to the question "Have you ever had disciplinary action taken against your certificate to practice in a state?" when, in fact, her license to practice in Florida had been disciplined as referenced above.

ii. Ms. Gao answered "no" to the question "Has your practice ever been the subject of an investigation by any licensing authority?" when, in fact, Ms. Gao was investigated from August 14, 2012 through August 16, 2012, based on the fictitious documents she submitted with her Florida application for licensure as referenced above.

iii. Ms. Gao answered “no” to the question “Have you ever had any of the following disciplinary actions taken against your license or certificate by any licensing authority in any jurisdiction: placed on probation, suspended, revoked or otherwise disciplined?” when, in fact, her license to practice in Florida had been disciplined as referenced above.

iv. Ms. Gao answered “yes” to the question “Is your certificate in good standing in all jurisdictions where licensed?” when, in fact, her license to practice in Florida had been relinquished as referenced above.

b. On her application for certification as a massage therapist in Virginia received by the Board on February 3, 2011, Ms. Gao answered “no” to the question “Have you ever applied for licensure or certification as a health care provider in another state?” when, in fact, she applied for and was issued a license to practice massage in the State of Florida on January 28, 2011.

FOR THE BOARD



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

ENTERED: February 21ST, 2014