

0019-012253

VIRGINIA

BEFORE THE BOARD OF NURSING

IN RE:

ANDREW MYERS, C.M.T. APPLICANT

ORDER

Pursuant to §§ 2.2-4019, 2.2-4021 and 54.1-2400(7) of the Code of Virginia (1950), as amended, ("Code"), an informal conference was held before an Informal Conference Committee of the Board of Nursing ("Committee") on February 3, 2014, in Henrico County, Virginia, to receive and act upon the application of Andrew Myers for certification to practice as a massage therapist in the Commonwealth of Virginia, and to inquire into evidence that he may have violated certain laws governing massage therapy practice in Virginia. Mr. Myers was present and was represented by Katherine Daugherty, Esq.

Upon consideration of the evidence presented, the Committee adopted the following Findings of Facts and Conclusions of Law.

FINDINGS OF FACT

1. Andrew Myers submitted an application for certification to practice as a massage therapist which was received by the Board on December 9, 2013.
2. By letter dated January 7, 2014, the Board of Nursing sent a Notice of Informal Conference ("Notice") to Mr. Meyers notifying him that an informal conference would be held on February 3, 2014. The Notice was sent by certified and first class mail to 41601 Swiftwater Drive, Leesburg, Virginia 20176, the address of record on file with the Board of Nursing.
3. On December 5, 2012, in the Prince William County, Virginia, Circuit Court, Mr. Myers was convicted of statutory burglary and abduction, both felonies. He was sentenced to ten years' imprisonment, less time served, all suspended, and placed on supervised probation for five years.
4. At the informal conference, Mr. Myers stated that he now has positive family support, and

he has employment as a massage therapist lined-up when he obtains his certificate to practice massage therapy. He further stated that he informed his prospective employer about his felony convictions. Mr. Myers' current employer rehired him after he was released from prison and submitted a letter of support on his behalf. Mr. Myers' probation officer wrote in a letter dated October 28, 2013, that Mr. Myers does not owe a financial obligation to Prince William County Circuit Court and is compliant with his probation, which is scheduled to end on November 1, 2017.

CONCLUSIONS OF LAW

1. Finding of Fact No. 2 constitutes a violation of § 54.1-3007(4) of the Code.
2. Mr. Myers otherwise meets the qualifications of § 54.1-3029 of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that the application of Andrew Myers for certification to practice as a massage therapist is APPROVED. Mr. Myers shall be issued an unrestricted certificate to practice as a massage therapist in the Commonwealth.

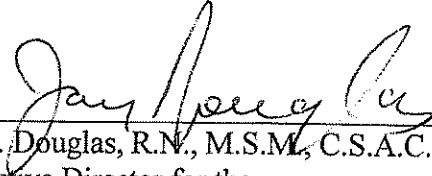
Mr. Myers shall maintain a course of conduct in his capacity as a massage therapist commensurate with the requirements of § 54.1-3000 *et seq.* of the Code and the Board of Nursing Regulations.

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.

If Mr. Myers does not consent to the Committee's decision and desires a hearing before the Board or a panel thereof, she shall notify Jay P. Douglas, R.N., M.S.M., C.S.A.C., F.R.E., Executive Director, in writing at the Board of Nursing, Perimeter Center, 9960 Mayland Drive, Richmond, Virginia 23233, within thirty-three (33) days from the date of entry of this Order. This Order shall become final upon the expiration of the thirty-three (33) day period unless a request for a formal hearing is received within such time. Upon

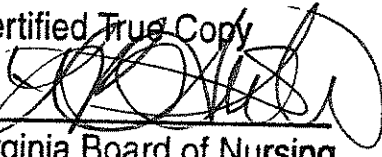
receiving timely request for a hearing, the Board or a panel thereof shall then proceed with a hearing as provided in §§ 2.2-4020 and 2.2-4021 of the Code.

FOR THE BOARD



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

Entered: February 26th, 2014

Certified True Copy
By 
Virginia Board of Nursing