



COMMONWEALTH of VIRGINIA

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NOTICE OF INFORMAL CONFERENCE

July 31, 2013

Curtis A. Hall, C.M.T.
711 Little Neck Road
Virginia Beach, Virginia 23452

CERTIFIED MAIL
7196 9008 9111 9194 6285

Re: VA Certificate No.: 0019008918
Expiration Date: October 31, 2014

Dear Mr. Hall:

This is official notification that an informal conference will be held pursuant to §§ 2.2-4019, 2.2-4021, and 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), **on August 28, 2013, at 9:00 a.m.**, at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. You may be represented by an attorney at the conference. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code.

The Special Conference Committee ("Committee"), which is comprised of at least two members of the Virginia Board of Nursing ("Board"), 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(2), (5), and (8) of the Code and 18 VAC 90-50-90(2)(d) and (i) of the Regulations Governing the Certification of Massage Therapists ("Regulations"), as referenced in § XIV of the Code of Ethics of the National Certification Board for Therapeutic Massage and Bodywork, in that during the course of your employment with Salon @31st Day Spa, Virginia Beach, Virginia, on or about April 19, 2013, while providing Client A with a massage, by your own admission, you kissed Patient A on her mouth and rubbed her breasts and buttocks.
2. You may have violated §§ 54.1-3007(3) and 54.1-3008(A)(7) of the Code in that between November 1, 2012, and April 19, 2013, you practiced as a massage therapist without a valid certificate, as your certificate had expired on October 31, 2012, and was not renewed until May 16, 2013.

3. You may be in violation of § 54.1-3007(6) of the Code in that you may be unable to safely practice massage therapy due to mental and/or physical illness. You have been diagnosed by one psychiatrist with anxiety, r/o obsessive-compulsive disorder, and Asperger's syndrome, and a history of brain injury, and by another psychiatrist with dysthymic disorder, attention deficit disorder, a sleep disorder, and a history of brain injury. You were also noted to have executive function problems, including impulsivity, cognitive anxiety, and avoidance of completion of task.

4. You may have violated § 54.1-3007(1) of the Code and 18 VAC 90-50-90(1)(b) of the Regulations in that on your initial application for certification to practice massage therapy, you falsely indicated that you did not have a mental or physical condition which could interfere with your current ability to practice as a massage therapist, when, in fact, you have a history of mental health issues going back to childhood, as noted above.

Please see Attachment I for the name of the patient referred to above.

In its deliberations, the Committee may use the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/nursing>. Please click on *Guidance Documents*, then select #90-7. You may also request a paper copy from the Board office by calling (804) 367-4515.

Since the allegations listed above involve impairment, please be advised that you may make application to the Health Practitioners' Monitoring Program ("HPMP"), which is available to all health care practitioners licensed in Virginia. Information about the HPMP is enclosed. Should you enter into a written agreement with the HPMP prior to your informal conference, the Committee will take that into consideration when deciding your case.

After the informal conference, the Committee is authorized by § 54.1-2400(10) of the Code to take any of the following actions:

- If the Committee finds that there is insufficient evidence to warrant further action or that the charges are without foundation, the Committee shall notify you by mail that your record has been cleared of any charge which might affect your right to practice as a certified massage therapist in the Commonwealth;
- The Committee may place you on probation for such time as it may designate and subject to such terms and conditions as it may deem appropriate;
- The Committee may reprimand you;
- The Committee may impose a monetary penalty.

Further, the Committee may refer the case to the Board of Nursing or a panel thereof for a formal hearing. If the Committee is of the opinion that suspension or revocation may be justified, the Committee may offer you a Consent Order for suspension or revocation in lieu of a formal hearing.

If you fail to appear at the informal conference, the Committee may proceed to hear the case in your absence and may take any of the actions outlined above. At least ten days prior to the scheduled date of the

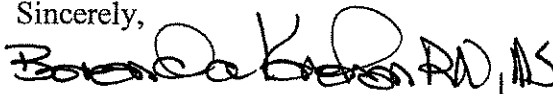
conference, please inform this office at (804) 367-4515, or in writing at the address listed above, of your telephone number and whether you intend to appear at the informal conference.

To facilitate this proceeding, you should submit five copies of any documents you wish the Committee to consider to the Department of Health Professions, Board of Nursing, Perimeter Center, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, by August 23, 2013. Your documents may not be submitted by facsimile or email.

You have the right to the information on which the Board will rely in making its decision. Therefore, I have enclosed a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the original notice sent by certified mail, which you may be required to claim at the post office. Please bring these documents with you to the informal conference.**

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.

Sincerely,



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

BK/lba

Enclosures

cc: Anne G. Joseph, Deputy Director, Administrative Proceedings Division
Special Conference Committee Members
Charlotte Hudson, Senior Investigator (Case no. 150250)
Peggy Wood, Monitoring Program Manager