

VIRGINIA:

BEFORE THE BOARD OF NURSING

IN RE: HYE YON SHULER, C.M.T. REINSTATEMENT APPLICANT
Certificate No.: 0019-006643

ORDER

Pursuant to §§ 2.2-4020, 54.1-110 and 54.1-2400(11) of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was held before a panel of the Board of Nursing ("Board") on September 18, 2013, in Henrico County, Virginia, to receive and act upon Hye Yon Shuler's application for reinstatement of her certificate to practice massage therapy in Virginia, which was suspended on January 24, 2012. The case was presented by Anne G. Joseph, Deputy Director, Administrative Proceedings Division. Charis Mitchell, Assistant Attorney General, was present as legal counsel for the Board. Ms. Shuler was present and was represented by Mark T. Crossland, Esquire. The proceedings were recorded by a certified court reporter.

Upon consideration of the evidence presented, the Board adopted the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. Hye Yon Shuler, C.M.T., was issued Certificate No. 0019-006643 to practice massage therapy on March 13, 2007. Said certificate was mandatorily suspended pursuant to § 54.1-2409 of the Code by Order of the Department of Health Professions entered on January 24, 2012, and was continued on indefinite suspension by Order of the Board of Nursing entered on August 2, 2012.

2. Ms. Shuler submitted an application for reinstatement of her certificate, which was received by the Board on October 31, 2012.

3. Ms. Shuler presented no documentation of continuing education or other efforts to demonstrate her competence to practice massage therapy since the Board's prior action on August 2, 2012.

4. Ms. Shuler at first stated that her first licensure as a massage therapist was in 2006 in Florida. Later, her testimony revealed that she had been certified in New Jersey in 1993.

5. Ms. Shuler did not demonstrate to the Board a comprehensive understanding of sexual boundaries between the client and the massage therapist.

CONCLUSIONS OF LAW

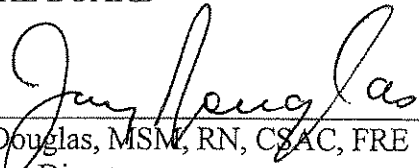
The Board concludes that Ms. Shuler has not provided satisfactory evidence that she is prepared to resume the safe and competent practice of massage therapy in Virginia.

ORDER

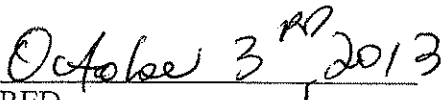
WHEREFORE, the Virginia Board of Nursing, effective upon entry of this Order, hereby ORDERS that the application of Hye Yon Shuler for reinstatement of her certificate to practice massage therapy in Virginia is DENIED.

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.

FOR THE BOARD



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



ENTERED

Certified True Copy
By 

Virginia Board of Nursing

NOTICE OF RIGHT TO APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date you are served with this Order in which to appeal this decision by filing a Notice of Appeal with 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. The service date shall be defined as the date you actually received this decision or the date it was mailed to you, whichever occurred first. In the event this decision is served upon you by mail, three days are added to that period.