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AUG 19 2013

VA BD OF NURSING

COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

August 15, 2013

Ling Shu
1522 South Baldwin Avenue, #6
Arcadia, CA 91007

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL

RE: Certificate No.: 0019-009377

DATE 8/15/13

Dear Ms. Shu:

Pursuant to Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), you are hereby given notice that your certificate to practice as a certified massage therapist in the Commonwealth of Virginia has been mandatorily suspended by the enclosed Order entered August 15, 2013. You are hereby advised that, pursuant to Section 54.1-2409.1 of the Code, any person who practices a profession or occupation after having their license or certificate suspended shall be guilty of a felony. Please return your certificate to Jay Douglas, Executive Director of the Virginia Board of Nursing, at the above address, immediately upon receipt of this letter.

Section 54.1-2409 of the Code further provides that you may apply to the Board of Nursing ("Board") for reinstatement of your certificate, and shall be entitled to a hearing not later than the next regular meeting of the Board after the expiration of sixty days from the receipt of such reinstatement application. You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. The reinstatement of your certificate shall require the affirmative vote of three-fourths of the members present of the Board of Nursing.

Should you wish to petition the Board of Nursing for reinstatement of your certificate, contact Jay Douglas, Executive Director, at the above address or (804) 367-4599.

Sincerely,

Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

Enclosures
Case # 147145

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

**IN RE: LING SHU, C.M.T.
Certificate No.: 0019-009377**

ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, Dianne L. Reynolds-Cane, M.D., Director of the Virginia Department of Health Professions, received and acted upon evidence that the State of Florida Board of Massage Therapy accepted the voluntary surrender, in lieu of further disciplinary action, from Ling Shu, C.M.T., of her license to practice massage therapy in the State of Florida by a Final Order dated April 30, 2013. A certified copy of the Final Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the certificate of Ling Shu, C.M.T., to practice as a certified massage therapist in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the certificate of Ling Shu, C.M.T., will be recorded as suspended and no longer current. Should Ms. Shu seek reinstatement of her certificate pursuant to Section 54.1-2409 of the Code, she shall be responsible for any fees that may be required for the reinstatement and renewal of her certificate prior to issuance of her certificate to resume practice.

Pursuant to Sections 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 a public record and shall be made available for public inspection and copying upon request.



Dianne L. Reynolds-Cane, M.D., Director
Department of Health Professions

ENTERED: _____

8-15-13



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

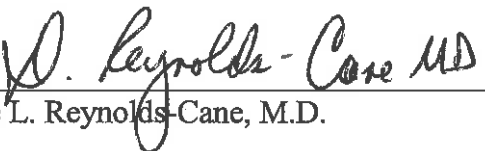
Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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TEL (804) 367- 4400
FAX (804) 527- 4475

CERTIFICATION OF DUPLICATE RECORDS

I, Dianne L. Reynolds-Cane, M.D., Director of the Department of Health Professions, hereby certify that the attached Final Order dated April 30, 2013, regarding Ling Shu, C.M.T., is a true copy of the records received from the State of Florida Board of Massage Therapy.



Dianne L. Reynolds-Cane, M.D.

Date: 8-15-13

Final Order No. DOH-13-0877- **S** -MOA
FILED DATE **MAY 01 2013**
Department of Health
By: *[Signature]*
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2012-13674
License No.: MA 57009

LING SHU,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MASSAGE THERAPY (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on April 25, 2013, in Jacksonville, Florida, for consideration of Respondent's voluntary relinquishment (attached hereto as Exhibit A). Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order as Exhibit B. Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

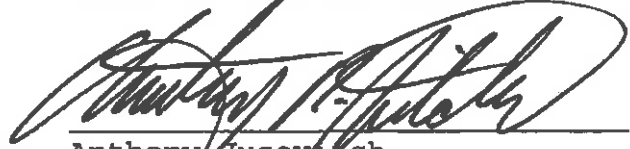
This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

c.



DONE AND ORDERED this 30 day of April,
2013.

BOARD OF MASSAGE THERAPY



Anthony Jusevitch,
Executive Director for
Karen Goff Ford
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to LING SHU415 S. 3rd Ave, Unit B, Arcadia CA 91006 & 1522 S. Baldwin Ave #6, Arcadia CA 91007; and by interoffice delivery to and by interoffice delivery to Lee Ann Gustafson, Senior Assistant Attorney General, Department of Legal Affairs, PL-01 The Capitol, Tallahassee FL 32399-1050, Elana Jones, Assistant General Counsel Department of Health, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265 this 1st day of May, 2013.



Deputy Agency Clerk

F:\Users\ADMIN\Lee Ann Gustafson\MASSAGE\April 2013\Ling Shu VR.wpd

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE DEC 19 2012

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,
Petitioner,

DOH Case No. 2012-13674

Ling Shu, L.M.T.,
Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Ling Shu, L.M.T. license No. 57009 hereby voluntarily relinquishes Respondent's license to practice Massage Therapy in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Massage Therapy (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent agrees to voluntarily cease practicing Massage therapy immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of Massage Therapy until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

3. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and

waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 1 day of DEC, 2012.

[Handwritten Signature]

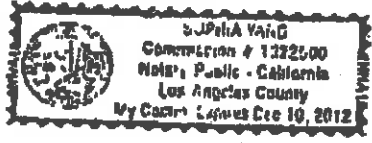
Ling Shu, L.M.T.

STATE OF FLORIDA ^{California}
COUNTY OF: Los Angeles

Before me, personally appeared Ling Shu, whose identity is known to me by CA driver's license (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 1 day of December, 2012.

[Handwritten Signature]
NOTARY PUBLIC

My Commission Expires: 12/10/12



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

V.

CASE NO. 2012-13674

Ling Shu, L.M.T.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Massage Therapy against the Respondent, Ling Shu, L.M.T., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of massage therapy pursuant to Section 20.43, Florida Statutes (2012), and Chapters 456 and 480, Florida Statutes (2012).

2. At all times material to this Complaint, Respondent was licensed as a massage therapist in the State of Florida, having been issued license number MA 57009.

3. Respondent's address of record is 1522 South Baldwin Avenue, #6, Arcadia, California 91007.
4. On or about August 31, 2009, Respondent submitted a State of Florida Application for Licensure as a massage therapist ("Application") to the Florida Department of Health Board of Massage Therapy ("Florida Board").
5. On her Application for Licensure, Respondent indicated that she attended The East-West Institute of Hand Therapy.
6. Respondent also indicated on her Application that The East-West Institute of Hand Therapy is not a Florida Board Approved School.
7. Respondent's Application further reveals that Respondent did not attend an apprenticeship program.
8. Pursuant to Section 480.041(1)(b), Florida Statutes (2009), in order to qualify for licensure as a massage therapist in the State of Florida pursuant to Chapter 480, Florida Statutes, a person must complete a course of study at a board-approved massage school or complete an apprenticeship program that meets the standards adopted by the board.
9. Submitted to the Florida Board with Respondent's Application for Licensure was a transcript from Florida College of Natural Health

representing that Respondent earned five hundred credit hours in the Florida College of Natural Health Therapeutic Massage Training Program (Transfer of Licensure).

10. The transcript indicates that Respondent started the program on July 31, 2009, and completed the program on August 1, 2009.

11. Respondent also submitted, with her Application for Licensure, a Florida College of Natural Health Certificate of Completion of fifteen hours of Therapeutic Massage Training Program (Transfer of Licensure) dated August 1, 2009.

12. Also submitted with Respondent's Application for Licensure was a Florida College of Natural Health Certificate of Completion of two hours of Prevention of Medical Errors dated August 1, 2009.

13. On or about July 19, 2012, the Vice President of Compliance and Institutional Effectiveness for FCNH ("V.P.") certified that the FCNH transcript Respondent submitted with her Application is fraudulent.

14. On or about July 19, 2012, the V.P. also certified that Respondent did not complete the courses identified in the certificates Respondent submitted with her Application.

15. Having not completed courses at, or obtained certificates of completion from, a Florida Board approved school, as required by Section 480.041(1)(b), Florida Statutes (2009), Respondent is not qualified to be licensed, or to practice, as a massage therapist in the State of Florida.

COUNT ONE

16. Petitioner realleges and incorporates by reference the allegations in paragraphs 1 through 15 as if fully set forth herein.

17. Section 480.046(1)(o), Florida Statutes (2009), subjects a massage therapist to discipline for violating any provision of Chapter 480 or 456, Florida Statutes, or any rules adopted pursuant thereto.

18. Section 456.072(1)(h), Florida Statutes (2009), subjects a massage therapist to discipline for attempting to obtain, obtaining, or renewing a license to practice a profession by bribery, by fraudulent misrepresentation, or through an error of the department or the board.

19. Based on the foregoing, Respondent has violated Section 480.046(1)(o), Florida Statutes (2009), by obtaining her license to practice massage therapy in the State of Florida through error of the Department of Health or through fraudulent misrepresentation by submitting a fraudulent

transcript and fraudulent Certificates of Completion with her Application, in violation of Section 456.072(1)(h), Florida Statutes (2009).

COUNT TWO

20. Petitioner realleges and incorporates by reference the allegations in paragraphs 1 through 15 as if fully set forth herein.

21. Section 480.046(1)(o), Florida Statutes (2009), subjects a massage therapist to discipline for violating any provision of Chapter 480 or 456, Florida Statutes, or any rules adopted pursuant thereto.

22. Section 456.072(1)(w), Florida Statutes (2009), subjects a massage therapist to discipline for failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide Initial Information, failing to timely provide updated Information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or Initial or renewal licensure application.

23. Based on the foregoing, Respondent has violated Section 480.046(1)(o), Florida Statutes (2009), by for failing to comply with the requirements for profiling and credentialing by submitting a fraudulent transcript and fraudulent Certificates of Completion with her Application, in violation of Section 456.072(1)(w), Florida Statutes (2009).

COUNT THREE

24. Petitioner realleges and incorporates by reference the allegations in paragraphs 1 through 15 as if fully set forth herein.

25. Section 480.046(1)(o), Florida Statutes (2009), subjects a licensee to discipline for violating any provision of Chapter 480 or Chapter 456, or any rules adopted pursuant thereto.

26. Pursuant to Section 480.041(1)(b), Florida Statutes (2009), in order to qualify for licensure as a massage therapist in the State of Florida, a person must complete a course of study at a Florida Board-approved massage school or complete an apprenticeship program that meets the standards adopted by the Florida Board.

27. Respondent is not qualified to hold a license as a massage therapist because she failed to complete a course of study at a Florida Board-approved massage school and failed to complete an apprenticeship program that meets the standards adopted by the Florida Board.

28. Based on the foregoing, Respondent violated Section 480.046(1)(o), Florida Statutes (2009), by obtaining a license as a massage therapist without completing a course of study at a Florida Board-approved massage school or an apprenticeship program that meets the

standards adopted by the Florida Board, in violation of Section 480.041(1)(b), Florida Statutes (2009).

WHEREFORE, Petitioner respectfully requests that the Board of Massage Therapy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, and/or any other relief that the Board of Massage Therapy deems appropriate.

SIGNED this 16th day of October, 2012.

John H. Armstrong, MD
State Surgeon General and Secretary of Health



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(E) martin_randall@doh.state.fl.us

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angela Barton
DATE 10/17/2012

PCP Date: October 15, 2012
PCP Members: Harrison and Nixon

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses, and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on Respondent in addition to any other discipline imposed.