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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 6, 2013

Hengping Peng
66 Dydo Drive
Uncasville, CT 06382

CERTIFIED MAIL
DUPLICATE COPY
VIA FIRST CLASS MAIL
DATE 8/6/13

RE: Certificate No.: 0019-010292

Dear Ms. Peng:

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 6, 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 # 147131

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: HENGPING PENG, C.M.T.
Certificate No.: 0019-010292

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 certification of Hengping Peng, C.M.T., to practice as a certified massage therapist in the State of Florida was revoked 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 privilege of Hengping Peng, C.M.T., to renew her certificate 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 Hengping Peng, C.M.T., will be recorded as suspended and no longer current. Should Ms. Peng 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: _____

8-6-13



COMMONWEALTH of VIRGINIA

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

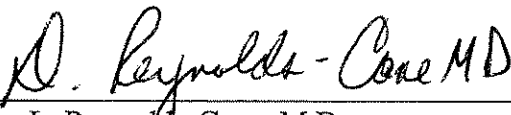
Department of Health Professions

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

www.dhp.virginia.gov
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 Hengping Peng, 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: 8-6-13

FILED DATE MAY 02 2013

Department of Health

By: Angel Saudez
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

Petitioner,

HENG PING PENG,

Respondent.

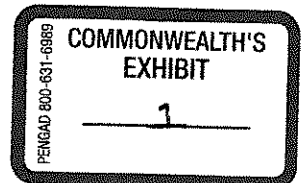
Case No.: 2012-13357
License No.: MA 64898

FINAL ORDER

This matter appeared before the Board of Massage Therapy at a duly-noticed public meeting on April 25, 2013 in Jacksonville, Florida, for a hearing not involving disputed issues of material fact pursuant to Respondent's Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. 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. Petitioner was represented by Elana Jones, Assistant General Counsel, Florida Department of Health. Respondent was not present.

FINDINGS OF FACT

Therefore, the Board adopts as its finding of facts the facts set forth in the Administrative Complaint.



CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 480.041(1)(b), 480.046(1)(o), 456.072(1)(h) and (w), Florida Statutes.

The Board is empowered by Sections 480.046(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

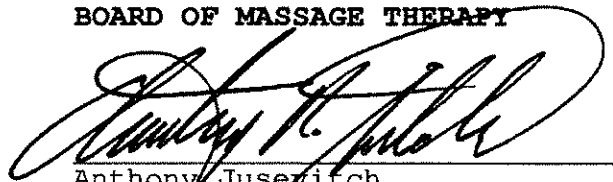
The licensee must pay investigative costs of \$48.96 within 30 days of the date this Final Order is filed. Payment shall be made to the Board of Massage Therapy and mailed to Department of Health, Compliance Management Unit, Post Office Box 6320, B# C-76, Tallahassee, FL 32320, ATTN: Board of Massage Therapy Compliance Officer.

The license of HENG PING PENG is REVOKED.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 30 day of April, 2013.

BOARD OF MASSAGE THERAPY



Anthony Jusevitch
Executive Director for
Karen Goff Ford, Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by certified, return receipt U.S. Mail to **HENG PING PENG**, 66 Dydo Drive, Uncasville CT 06382; by interoffice mail to **Lee Ann Gustafson**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and **Elana Jones**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 2nd day of May, 2013.



Deputy Agency Clerk

7012 1010 0000 2223 7772

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

V.

CASE NO. 2012-13357

HENG PING PENG, 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, Heng Ping Peng, 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 64898.
3. Respondent's address of record is 66 Dydo Drive, Uncasville, Connecticut 06362.

4. On or about July 1, 2011, Respondent submitted an Application for Massage Therapist License ("Application") to the Florida Department of Health Board of Massage Therapy ("Florida Board").

5. On her Application, Respondent indicated that she graduated from Florida College of Natural Health ("FCNH") on July 1, 2011.

6. Pursuant to Section 480.041(1)(b), Florida Statutes (2011), 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.

7. Submitted to the Florida Board with Respondent's Application was a transcript from FCNH.

8. The FCNH transcript represents that Respondent earned five hundred credit hours in the FCNH Professional Massage Therapy Program.

9. The FCNH transcript indicates that Respondent started the FCNH Professional Massage Therapy Program on February 7, 2011, and completed the program on July 1, 2011.

10. Also submitted with Respondent's Application was a FCNH Certificate of Completion of five hundred hours of Therapeutic Massage Training Program dated July 1, 2011.

11. On or about July 19, 2012, the Vice President of Compliance and Institutional Effectiveness for FCNH certified that the transcript and certificate submitted by Respondent with her Application are fraudulent.

12. 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 (2011), Respondent is not qualified to be licensed, or practice, as a massage therapist in the State of Florida.

COUNT ONE

13. Petitioner realleges paragraphs 1 through 12, as if fully set forth herein.

14. Section 480.046(1)(o), Florida Statutes (2011), subjects a massage therapist to discipline for violating any provision of Chapter 480 or 456, Florida Statutes, or any rules adopted pursuant thereto.

15. Section 456.072(1)(h), Florida Statutes (2011), 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.

16. Based on the foregoing, Respondent has violated Section 480.046(1)(o), Florida Statutes (2011), 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 a fraudulent Certificate of Completion with her Application, in violation of Section 456.072(1)(h), Florida Statutes (2011).

COUNT TWO

17. Petitioner realleges paragraphs 1 through 12, as if fully set forth herein.

18. Section 480.046(1)(o), Florida Statutes (2011), subjects a massage therapist to discipline for violating any provision of Chapter 480 or 456, Florida Statutes, or any rules adopted pursuant thereto.

19. Section 456.072(1)(w), Florida Statutes (2011), 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.

20. Based on the foregoing, Respondent has violated Section 480.046(1)(o), Florida Statutes (2011), by for failing to comply with the requirements for profiling and credentialing by submitting a fraudulent transcript and a fraudulent Certificate of Completion with her Application for

licensure as a massage therapist in the State of Florida, in violation of Section 456.072(1)(w), Florida Statutes (2011).

COUNT THREE

21. Petitioner realleges and incorporates by reference the allegations in paragraphs 1 through 12 as if fully set forth herein.

22. Section 480.046(1)(o), Florida Statutes (2011), subjects a licensee to discipline for violating any provision of Chapter 480 or Chapter 456, or any rules adopted pursuant thereto.

23. Pursuant to Section 480.041(1)(b), Florida Statutes (2011), 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.

24. 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.

25. Based on the foregoing, Respondent violated Section 480.046(1)(o), Florida Statutes (2011), 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 (2011).

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 8th day of October, 2012.

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



Jenifer L. Friedberg, Esq.
Assistant General Counsel
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Tallahassee, Florida 32399-3265
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(F) 850-245-4662
(E) Jenifer_Friedberg@doh.state.fl.us

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Angel Sanders
DATE OCT 09 2012

PCP Date: October 8, 2012
PCP Members: Lorena Haynes, and Joy Buckley

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.