

IN THE MATTER OF
MIAO MIAO LI, RMP
Registration No. R03508

* BEFORE THE
*
* MARYLAND STATE BOARD
* OF MASSAGE THERAPY EXAMINERS
*
* Case No. 25-05M

FINAL DECISION AND ORDER OF SUSPENSION

Procedural Background

On or about June 21, 2024, the Maryland State Board of Massage Therapy Examiners (the “Board”) received a complaint from an individual alleging that a massage establishment in Bel Air, Maryland was providing sexual services. Based on that complaint, the Board initiated an investigation. As a result of that investigation, on or about April 23, 2025, the Board issued to Miao Miao Li, Registration No. R03508 (the “Respondent”) a “Notice of Intent to Revoke” (“Notice”), which notified the Respondent that the Board was charging her registration to practice as an registered massage practitioner (“RMP”) in the State of Maryland with several violations of the Maryland Massage Therapy Act and that, based upon the allegations of fact set forth in the Notice, the Board preliminarily intended to revoke her registration. Specifically, the Notice charged the Respondent with violations of Md. Code Ann, Health Occ. (“HO”), § 6-308(a):

- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (11) Has violated any provision of this title;
- (20) Engages in conduct that violates the professional code of ethics; and
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.

Specific to the statutory violation of HO § 6-308(a)(11), the Board alleged that the Respondent violated HO § 6-501(b) (“A person may not aid or abet the unauthorized practice of massage therapy

in this State.”). Specific to the statutory violation of HO § 6-308(a)(20) and § 6-308(a)(21), the Board alleged that the Respondent violated the following provisions of the Code of Maryland Regulations (“COMAR”)

1065.03.03 Code of Ethics - Standards of Practice.

- A. A licensee or registrant shall be concerned primarily with the welfare of the client.
- C. A license holder or registration holder shall:
 - (1) Use professional discretion and integrity in relationships with members of the public and health care community;
 - (2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;
 - ...
 - (5) At all times respect the client's dignity, autonomy, and privacy;
 - (6) Practice massage therapy only as defined in the scope of practice set out in Health Occupations Article, § 6-101, Annotated Code of Maryland[.]
- D. A license holder or registration holder may not:
 - (2) Knowingly engage in or condone behavior that:
 - (a) Is fraudulent;
 - (b) Is dishonest;
 - (c) Is deceitful; or
 - (d) Involves moral turpitude;
 - ...
 - (6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

10.65.03.04 Code of Ethics - Relationship with Client.

A. A licensee or registrant shall:

- (4) Maintain legible, organized written records of treatment of any client under the care of the licensee or registrant for at least 5 years after termination of treatment and as provided by applicable provisions of Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland[.]

10.65.03.05 Code of Ethics - Professional Boundaries.

A. A license holder or registration holder shall:

- (1) Maintain professional boundaries, even when the client, staff member, or student initiates crossing the professional boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the client's, staff member's, or student's reasonable expectation of professional conduct.

B. A license holder or registration holder may not:

- (1) Exploit a relationship with a client, staff member, or student for the licensee's or registrant's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;
- (2) Engage in a sexually intimate act with a client; or
- (3) Engage in sexual misconduct that includes, but is not limited to:
 - (a) Therapeutic deception;
 - (b) Non bona fide treatment; or
 - (c) A sexually exploitative relationship.

10.65.06.01 Record Keeping - General Requirements

- A. The licensee or registrant shall maintain accurate, legible, and organized client records for every client, regardless of the procedure or modality employed.
- B. Sufficient information to be obtained and recorded shall include, at a

minimum:

- (1) Name, address, and other appropriate contact information;
- (2) Summarized client history;
- (3) Summarized reason for appointment or referral, including referral documentation, including forwarded reports and correspondence, if applicable;
- (4) Billing and insurance documentation, if applicable; and
- (5) Massage session summary in standard SOAP format, or its equivalent, which includes, at a minimum:
 - (a) Initial client assessment, including contraindications noted;
 - (b) Summarized therapy plan; and
 - (c) Progress notes, reflecting: summary of techniques used and response to techniques.

The Board's Notice also informed the Respondent that she faced potential sanctions upon her registration and that the Respondent could request an evidentiary hearing on the merits of the allegations. On or about May 19, 2025, the Board received the Respondent's request for an evidentiary hearing. That request also included a request for a Mandarin interpreter pursuant to Md. Code Ann., State Gov't § 10-212.1.

On September 24, 2025, a quorum of the Board was present, and an evidentiary hearing was held at the Board's offices. Natasha Blount, the Administrative Prosecutor, was present and presented the State's case against the Respondent. The Respondent appeared, pro se. A Board-appointed Mandarin interpreter also appeared, pursuant to the Respondent's request.

Evidentiary Exhibits and Witnesses

State's Exhibits

1. The Respondent's Board Licensing Data Sheet (2 pages).
2. Complaint Email, received by the Board on or about July 8, 2024 (1 page).
3. Board Investigator Email to the Bel Air, Maryland Police Department, dated July 24, 2024 (1 page).
4. License Verification Email sent from the Board Investigator to the Harford County Sheriff, dated August 6, 2024 (1 page).
5.
 - a. Board Subpoena Duces Tecum to the Respondent, dated October 4, 2024 (3 pages).
 - b. The Respondent's Response, via counsel, Regarding Board Subpoena, dated October 23, 2024 (4 pages)
6. Board Request for Certified Court Documents, Re: Case Nos. D-09-CR-24-002465; C-12-CR-24-000826; and C-12-CV-13-000714 (1 page).
7. Certified Court Documents from the Circuit Court for Harford County (16 pages).
8. Transcript – Board Interview with the Respondent, dated October 25, 2024 (12 pages).
9. True Test Copy of Respondent's Conviction in the Circuit Court of Harford County, Case No. C-12-CR-24-000826 (2 pages).
10. Maryland State Board of Massage Therapy Examiners – Notice of Hearing (including the Board's Notice of Intent to Revoke, dated April 23, 2025), dated July 17, 2025 (24 pages).
11. Respondent's Request for a Hearing, received by the Board on May 19, 2025 (1 page).
12. Return Receipts signed by the Respondent (1 page)

State's Witnesses

Board Investigator

The Respondent's Exhibits

1. Character Reference from Individual DP, undated (1 page).

2. Character Reference from Individual BC, dated January 27, 2025 (1 page).
3. Character Reference from Individual JH, dated October 19, 2024 (1 page).
4. Character Reference from Individual TX, dated November 7, 2024 (1 page).
5. Photograph – New York State Learner’s Permit of Individual LZ (1 page).
6. Photographs – Door and Exterior of the Respondent’s Massage Establishment (5 pages).
7. Google Maps Street View of the Respondent’s Massage Establishment (1 page).

The Respondent’s Witnesses

1. Individual JM
2. Individual JH
3. The Respondent, on her own behalf

FINDINGS OF FACT

Based on the totality of the record before it, the Board finds that:

1. As a health occupations board, the Board is established as an instrument of State policy to “protect the health, safety, and welfare of the public.” Md. Code Ann., Health Occ. § 1-102.

2. At all times relevant to this Order, the Respondent was registered to practice as a registered massage practitioner, registration number R03508. (*See State’s Exhibit 1.*)

3. On June 21, 2024, the Board received an email stating:

Hello, I just wanted to let you know, this massage business located at [a massage establishment (“Facility A”)], 321 Fulford Avenue, Bel Air, MD 21014 all of the ladies including the owner named Joanna will perform a happy ending and taking off the clothes so clients can do whatever they want. just go in and check yourself, get a massage and ask. they will 100% do it.

(State’s Exhibit 2.) Based on this email, the Board initiated an investigation.

4. The Board assigned the matter to a Board Investigator, who, upon assignment, notified the local authorities in Harford County, Maryland with criminal jurisdiction over Facility A.

(See State's Exhibit 3; *see also* Transcript ("Tr.") p. 20.) As a result of the Board's notification, the Harford County Sheriff's Office began a separate criminal investigation. (See State's Exhibit 7, p. 0025.)

Harford County Criminal Investigation and Conviction

5. On August 6, 2024, a Deputy Sheriff for Harford County filed an application for charges regarding the Respondent. (See State's Exhibit 7, pp. 0023-0032.) The application alleged that the Respondent aided and abetted the unauthorized practice of massage therapy in violation of HO § 6-501(b) and that the Respondent knowingly allowed a building under her control to be used for prostitution in violation of Md. Code Ann., Crim. Law § 11-307. (*Id.* at pp. 0023-0024.)

6. In support of those allegations, the Deputy Sheriff presented a Statement of Probable Cause (the "Statement"). (See State's Exhibit 7, pp. 0025-0032.) According to that Statement, "[d]uring the end of July 2024, [the Deputy Sheriff] along with members of the Harford County Drug Task Force received a complaint from the Maryland State Licensing Agency in charge of massage parlors." (*Id.* at p. 0025.) The Statement stated that the subject of the complaint was that Facility A was offering "happy endings," which "through...training, knowledge, and experience," the Deputy knew to mean that "sexual services [were] offered during a massage in exchange for US currency." (*Id.*) The Deputy stated that she obtained advertisements for Facility A posted on "open-source websites utilized to advertise illegal prostitution in" massage establishments. (*Id.*) The Deputy also stated that she was also able to locate reviews for Facility A indicating that two different females working at Facility A "do extras" and "are game if you bring" a condom. (*Id.*) The Deputy was also able to determine that the owner of Facility A was the Respondent and that the Respondent was known to Harford County criminal authorities through a previous investigation into another massage establishment in Edgewood, Maryland, where the Respondent was alleged to have been

“forcing females into providing sexual services during massages in exchange for currency.” (*Id.* at pp. 0025-0026.) The Deputy noted in the Statement that the County’s previous investigation alleged that the Respondent would have “female employees perform the massages coupled with sexual services and take more than half of the money accrued from the services provided” and that the Respondent would house the female employees at the establishment, charging them “\$25.00 a day to live” there. (*Id.* a p. 0026.)

7. According to the Statement, during the last week of July 2024, members of the Harford County Drug Task Force conducted an undercover detail at Facility A. (State’s Exhibit 7, p. 0026.) The Deputy stated that, on arrival at Facility A, she had to be “buzzed into the establishment.” (*Id.*) According to the Deputy, based on her training, knowledge, and experience, “illegal massage parlors often keep the doors to the establishment locked to evade police contact during illegal activity.” (*Id.*) On admittance to Facility A, an undercover detective (“UC-1”) was greeted by an “unknown...female, standing behind a desk, who asked how long of a massage UC-1 wanted. UC-1 stated 30 minutes.” (*Id.*) UC-1 was charged \$50.00, which was paid in advance. (*Id.*) The individual at the front desk placed the money in “a personal clutch style wallet.” (*Id.*) While UC-1 was waiting for the massage, UC-1 “was able to observe three different...females” working within the premises (*Id.*) One of the females escorted UC-1 into a massage room and advised him to undress as she stepped out of the room. (*Id.*) UC-1 laid on the massage table face down and covered only with a sheet. (*Id.*) According to the Statement, the female re-entered the massage room and began massaging him. (*Id.*) After approximately 15 minutes, the female advised UC-1 to turn over onto his back, which left his genital area “completely exposed.” (*Id.*) According to the Statement, no attempt was made by the female worker to cover UC-1. (*Id.*) The female then began massaging UC-1’s inner thigh and, “without warning, grasped UC-1’s penis and testicles.” (*Id.*) In response, according to the

Statement, UC-1 asked, “How much?” and the female responded, “Whatever you want.” (*Id.*) According to the Statement, UC-1 declined the “extra services,” but the Deputy noted that the “interaction between UC-1 and the...female constituted the act of solicitation for prostitution based on [the Deputy’s] training, knowledge, and experience. (*Id.*)

8. According to the Statement, subsequent to the July 2024 undercover operation, in August 2024, Harford County detectives surveilled the Respondent driving from her home to Facility A. (State’s Exhibit 7, p. 0028.) The detectives observed that the Respondent parked “approximately one block away” from Facility A and walked to Facility A despite there being “adequate space to park at [Facility A] and still facilitate parking for customers.” (*Id.*) According to the Deputy, based on her training, knowledge, and experience, “individuals involved in human trafficking and prostitution often take steps to conceal their connection to the illegal business.” (*Id.*)

9. On August 6, 2024, according to the Statement, the Harford County Drug Task Force executed two search and seizure warrants at Facility A as well as the Respondent’s home. (State’s Exhibit 7, p. 0029.) On execution of the warrant at Facility A, detectives located four occupants, including the Respondent. (*Id.*) The others were identified as Individual FH, Individual LT, and Individual ZL. (*Id.*) The detectives interviewed those individuals. (State’s Exhibit 7, p. 0030.) Individual FH stated that she began working at Facility A on July 15, 2024 and identified the Respondent as Facility A’s owner. (*Id.*) According to the Statement, Individual FH also told the detectives that she paid the Respondent \$20.00 a day to live at Facility A and that, if she performed a 30-minute massage costing the consumer \$50.00, Individual FH would “get[.]” to keep \$10.00. (*Id.*) Similarly, if Individual FH performed a one-hour massage costing the consumer \$80.00, Individual FH would keep \$20.00. (*Id.*) Individual LT also identified the Respondent as the owner of Facility A and also stated that she was living at Facility A. (*Id.*) Individual ZL identified the Respondent as the

owner of Facility A and stated that the Respondent charged her \$300.00 per month to live at Facility A, with those funds being subtracted from her earnings. (*Id.*)

10. The Deputy noted in the Statement that:

Given the fact that [the Respondent] was the owner of [Facility A], collected proceeds from illegal massage, as well as prostitution, was housing the females involved in prostitution and illegal massage, and provided supplies such as groceries to the females at the location [the Deputy] was able to determine that [the Respondent] was aware of the illegal operation. [The Deputy] was also able to obtain information from [the Board] that reported that [the Respondent] does have a license to practice massage therapy, although [Individual FH, Individual LT, and Individual ZL] do not. Given the fact that [the Respondent] is the owner and operator of [Facility A] and is aiding and abetting [Individual FH, Individual LT, and Individual ZL], who are violating massage practice laws, and engaging in acts consistent with prostitution, [the Respondent] was placed under arrest.

(State's Exhibit 7, p. 0031). The Deputy further noted that she had been a certified police officer since 2009 and that she has "made/participated in hundreds of arrests in reference to human trafficking/prostitution" with "120+ hours of specialized training in reference to human trafficking/prostitution." (*Id.* at p. 0032.) Indeed, consistent with the Statement above, on August 6, 2024, the Board Investigator provided the Deputy with information indicating that Individual FH, Individual LT, and Individual ZL were not Board licensees. (State's Exhibit 4.)

11. The Deputy signed and affirmed each page of the Statement under penalties of perjury that "the matters and facts set forth in the [Statement] are true to the best of [her] knowledge, information and belief." (State's Exhibit 7, pp. 0024-0032.) The Statement was also signed by a judicial officer, indicating that the judicial officer "reviewed" the Statement and "determined that there is probable cause to detain the defendant." (*Id.* at p. 0025.)

12. Based on the facts set forth in the Statement, on August 6, 2024, the Respondent was formally charged in the District Court of Maryland for Harford County, Case No. D-09-CR-24-002465, with one (1) count of aiding and abetting the unauthorized practice of massage therapy in

violation of HO § 6-501(b) as well as one (1) count of knowingly allowing a building under her control to be used for prostitution in violation of Md. Code Ann., Crim. Law § 11-307. (*See State's Exhibit 7, pp. 0023-24.*)

13. On August 27, 2024, the Respondent was indicted by a Harford County Grand Jury with one (1) count of Sex Trafficking in violation of Md. Code Ann., Crim. Law § 3-1102(a)(1)(i)(ii)(iii); one (1) count of Prostitution-Business in violation of Md. Code Ann., Crim. Law § 11-304(a); one (1) count of knowingly allowing a building under her control to be used for prostitution in violation of Md. Code Ann., Crim. Law § 11-307; one (1) count of Prostitution-General in violation of Md. Code Ann., Crim. Law § 11-303; and one (1) count of Aiding and Abetting the Unlicensed Practice of Massage Therapy in violation of HO § 6-501. (*See State's Exhibit 7, pp. 0034-0035.*) The matter was assigned a Circuit Court case number of C-12-CR-24-826. (*Id.*)

14. On April 8, 2025, the Circuit Court for Harford County accepted the Respondent's *Alford* plea to one (1) count of knowingly allowing a building under her control to be used for prostitution in violation of Md. Code Ann., Crim. Law § 11-307 and received probation before judgment. (*See State's Exhibit 9.*)

Board Investigation and Hearing

15. Concurrent to the Harford County Sheriff's investigation, the Board conducted its own investigation.

16. On October 4, 2024, the Board issued a subpoena duces tecum commanding the Respondent to produce:

A computer-generated copy or your original appointment book and any other document(s) on which you maintained appointment(s) for the period February 1, 2024, through August 31, 2024, inclusive. For each appointment, if the

documentation does not indicate the procedures to be performed, please indicate the procedures performed.

-and-

EMPLOYEE LISTING AND CONTACT INFORMATION OF ALL LICENSED MASSAGE THERAPISTS, ALL REGISTERED MASSAGE PRACTITIONERS, AND ALL NON-LICENSED INDIVIDUAL EMPLOYED BY [FACILITY A] FOR THE PERIOD FEBRUARY 1, 2024 TO AUGUST 31, 2024.

(State's Exhibit 5, p. 0012 (emphasis in original).)

17. On October 23, 2024, the Respondent's then-attorney responded to the Board's subpoena. (State's Exhibit 5, pp. 0014-0015.) In that correspondence, the Respondent's attorney stated:

[The Respondent] is in receipt of the subpoena duces tecum that was served upon her by your agency. As you may know, search warrants were executed at the retail location for [Facility A], and her residence. The law enforcement agents seized any and all items that the agents believed were related to the ongoing criminal investigation. As such, in response to the subpoena duces tecum, [the Respondent] has no access to the tangible items seized at the time of the search warrants.

Based on a review of the limited discovery that has been provided by the State [in the criminal matter], [the Respondent] can only provide the identities of the independent contractual workers who were present at the time of the execution of the search warrant. Those individuals are as follows: [Individual FH, Individual LT, and Individual ZL]

The only documents that [the Respondent] could find that had not been seized by the law enforcement agents include two accompanying hand written appointment schedule. All of any relevant material that may contain some of the information included in the subpoena is in the possession of the Hafford [*sic*] County Drug Task Force.

(*Id.*) The Respondent's attorney provided the Board with two pages of documents that list the first names of clients, the date and time at which they were seen, their phone numbers, and clinical notes indicating what issue the client was visiting [Facility A] for and what therapy was performed. (State's Exhibit 5, pp. 0016-0017.)

18. The Board also subpoenaed the Respondent to appear for an investigative interview. (See State's Exhibit 5, p. 0011.) On October 25, 2004, the Respondent appeared for an interview with the Board Investigator. (State's Exhibit 8.)¹ The interview was conducted under oath. (*Id.* at p. 0039; Condensed Transcript ("CT"), p. 4) The Respondent acknowledged that she has only practiced massage at Facility A. (*Id.* at p. 0041; CT, pp. 10-11.) The Respondent further acknowledged that, on August 5, 2024 (the day prior to the Harford County Drug Task Force, she had five employees. (*Id.* at p. 42.; CT, p. 14) She further asserted that their duties were solely "acupressure" and answering phone calls. (*Id.*; CT, pp. 15-16.) The Respondent described "acupressure" as "basically use the finger to do the massage, push really heavy, with heavy force." (*Id.*; CT, p. 13.) She also acknowledged that none of her employees had a license or registration to practice massage therapy: "They just have a form, acupressure certificate." (*Id.*; pp. 13, 16, 17)

19. As a result of the Board's investigative findings and the factual allegations against the Respondent in the criminal courts of Harford County, on April 23, 2025, the Board issued to the Respondent a "Notice of Intent to Revoke Massage Therapy Registration," which charged her with several violations of the Maryland Massage Therapy Act and put the Respondent on notice that the Board intended to revoke her registration to practice massage therapy. (State's Exhibit 10, pp. 0059-0077.) The Notice indicated that, under Maryland law, the Respondent had the right to contest the Board's charges at an evidentiary hearing. (*Id.* at p. 0067.) On May 19, 2025, the Board received the Respondent's timely request for a hearing. (See State's Exhibit 11, p. 0079.) On July 17, 2025, the

¹ State's Exhibit 8 comprises the "condensed" transcript of the investigative interview of the Respondent. Thus, there are multiple transcript pages for each full page within the Exhibit. For ease of reference, all references to the investigative interview of the Respondent will include both the State's Exhibits bates page number and the specific transcript page.

Board notified the Respondent that an evidentiary hearing in her case was scheduled for September 24, 2025 at 1:00 p.m. at the Board's offices. (*See* State's Exhibit 10, pp. 0054-0055.)

20. On September 24, 2025, a hearing was held before the Board. (Tr., pp. 1-125.) The Respondent appeared without the assistance of counsel, and the State was represented by an Assistant Attorney General from the Health Occupations Prosecution and Litigation unit. (*Id.* at p. 2.) A quorum of the Board was also present. (*Id.* at p. 5.) At the Respondent's request, a Mandarin interpreter was present. (*Id.* at p. 4.)

21. At the hearing before the Board, the Board Investigator testified about the Board's investigation and its findings. (Tr., pp. 15-43.) Of note, the Board Investigator clarified the process for when law enforcement officers request license verification from the Board:

Once I receive the names, I go to the Board's database and I look up their name, first/last, and the date of birth to see if they have a license. Sometimes they may have a license or if – I'll also check if they ever had a license. Sometimes they may not come up. And then once that's determined, I will send out a – printout a verification to law enforcement just letting them know, hey, this is yes, this is no, so that it will complete their packet.

(Tr., pp. 41-42.) The Board Investigator confirmed that process was followed in the investigation of the Respondent. (*Id.*)

22. The Respondent called Individual JM to testify. (Tr., pp. 55-63.) Individual JM testified that, on his initial visit, he filled out an intake form and confirmed that the Respondent provided him with a "professional massage." (*Id.* at p. 56.) Individual JM also testified that the Respondent would ask him on each visit whether there were any health changes that she should be aware of. (*Id.*) Further, Individual JM testified that the door to Facility A does not require anyone to let him in. (*Id.* at p. 58.) However, on cross-examination, Individual JM testified that he always knocked first "out of courtesy." (*Id.* at p. 59.) On examination by the Board, Individual JM testified

that the Respondent was the only individual at Facility A who provided him with massages. (*Id.* at p. 60.) In addition, Individual JM testified that sexual services were never offered to him. (*Id.* at p. 63.)

23. The Respondent also called Individual JH to testify. (Tr., pp. 64-74.) Individual JH testified that he and the Respondent have “been together” for seven years. (*Id.* at p. 64.) On being asked by the Respondent whether he thought the Respondent would perform “sexual service” for “customers,” Individual JH responded that he did not think that. (*Id.* at p. 65). Individual JH also testified that the door to Facility A did not have a buzzing mechanism. (*Id.* at p. 67.)

24. The Respondent also testified on her own behalf. (Tr., pp. 75-109.) The Respondent testified that she paid her staff “\$20 plus tips each hour,” which, according to the Respondent, satisfied the legal wage requirement for the State of Maryland. (Tr., pp. 76-77.) The Respondent asserted that, outside of work, her staff “are not under [her] control. [She] does not restrict them, what they eat or not eat.” (Tr., p. 78.) The Respondent also denied providing her staff with condoms.² (Tr., pp. 78-79.) The Respondent also testified that her staff “have acupressure license[s]. They don’t have massage license[s].” (Tr., p. 84.) On cross-examination, the Respondent further asserted that she was the “only licensed massager” for Facility A. (Tr., p. 92.) On Board examination, the Respondent testified that she has a vacant room at Facility A where one employee slept and the other two employees slept in the massage rooms, which were converted each night as sleeping quarters. (Tr., p. 94.) A Board member asked why there were condoms on the premises, to which the Respondent denied knowledge of, stating that the authorities found the condoms in a piece of luggage that, according to the Respondent, belonged to one of the employees. (Tr., p. 96.) The

² It is important to note that neither the State nor the Board alleged that the Respondent provided condoms to her staff. It is likely that the Respondent is referring to a line in the Harford County Statement of Probable Cause that when the authorities executed a search warrant on Facility A they found condoms on the premises. (*See* State’s Exhibit 7, p. 0030.)

Respondent re-asserted under Board member questioning that her staff members had acupuncture licenses. (Tr., pp. 100-101.) The Respondent then had the following exchange with a Board member:

[Board member]: Are you aware that this state does not have an acupuncture license?

[The Respondent]: No, I don't know. When I worked the course teach me acupuncture and help teach it, and I got this acupuncture.

[Interpreter, speaking for the Respondent]: I got this from Gaithersburg M.D.

[Board member]: So your employees had a certificate that they took an acupuncture class?

[The Respondent]: Right.

(Tr., p. 104.)

Discussion

A. THE DISCIPLINARY CHARGES

The Board may reprimand any registration holder, place a registration holder on probation, or suspend or revoke a registration for any violation of HO § 6-308. *See* HO § 6-308(a). This provision provided the underlying authority for, and the necessary legal elements of, the issuance of the Board's "Notice of Intent to Revoke Massage Therapy Registration" on April 23, 2025. Indeed, while the Respondent in this case was charged with four separate statutory violations, the Board need only find that the Respondent violated one of those provisions to sanction her registration. HO § 6-308 provides the authority for this Order.

The Board's charges against the Respondent revolve around the findings of the local Harford County authorities during their investigation into Facility A. As a preliminary matter, it is worth noting that the Respondent was not charged with violating HO § 6-308(a)(4) ("Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside."). Thus, the fact

that the Respondent provided an *Alford* plea³ on April 8, 2025 to one (1) count of knowingly allowing a building under her control to be used for prostitution in violation of Md. Code Ann., Crim. Law § 11-307 is immaterial. However, the investigative findings from the Harford County authorities and the Board investigation are troublesome in this case, particularly given that the Respondent employed unlicensed individuals to perform massage therapy for compensation.

The Respondent has maintained throughout the Board’s investigation and during the hearing before the Board that the individuals working in Facility A were not practicing massage therapy as defined in HO § 6-101(f), but performing “acupressure.” The practice of acupressure is not defined anywhere in either the Maryland Code or in COMAR, nor is there a specific “acupressure license” issued by the State of Maryland, contrary to the Respondent’s repeated assertions. The practice of massage therapy, however, is clearly defined in the Board’s enabling statute, the Maryland Massage Therapy Act, at HO § 6-101(f):

(1) “Practice massage therapy” means ***the professional use of manual techniques on soft tissues of the human body for compensation*** including stroking, kneading, tapping, stretching, ***compression***, vibration, and friction, with or without the aid of heat limited to hot packs and heating pads, cold water, or nonlegend topical applications, for the purpose of improving circulation, enhancing muscle relaxation, relieving muscular pain, reducing stress, or promoting health and well-being.

(2) “Practice massage therapy” includes:

(i) Hands-on application, consisting of pressure or movement on an individual, to specifically affect the electromagnetic energy or energetic field of the human body if this practice includes use of the manual techniques set forth in paragraph (1) of this subsection; and

(ii) Subject to additional education and training requirements as determined by the Board in regulations, instrument-assisted soft

³ An *Alford* plea is a “specialized type of guilty plea where the defendant, although pleading guilty, continues to deny his or her guilt, but enters the plea to avoid the threat of greater punishment.” *Ward v. State*, 83 Md. App. 474, 478 (1990). In *Ward*, the Court held that an *Alford* plea was the functional equivalent of a guilty plea. *Id.* at 480.

tissue manipulation techniques that enhance or imitate manual techniques, including:

1. Muscle scraping; and
2. Vibration therapy.

(3) “Practice massage therapy” does not include:

- (i) The diagnosis of illness, disease, or injury;
- (ii) The adjustment, manipulation, or mobilization of any of the articulations of the osseous structures of the human body or spine; or
- (iii) Except as provided in paragraph (2) of this subsection, the laying on of hands, consisting of pressure or movement on an individual who is fully clothed, except for footwear, to specifically affect the electromagnetic energy or energetic field of the human body.

(4) The provisions of paragraph (3) of this subsection do not preclude the application of the modalities described in paragraph (1) of this subsection to an individual who has an injury.

HO § 6-101(f) (emphasis added). To be clear, if an individual is performing the modalities described in HO § 6-101(f)(1)-(2) for compensation, that individual is practicing massage therapy and is required to have a massage therapy license or registration. *See* HO § 6-301.

Here, the Respondent herself described the Facility A workers’ activities as “basically use the finger to do the massage, push really heavy, with heavy force.” (State’s Exhibit 8, p. 0042.; CT, p. 13.) What the Respondent is describing is, by definition, the practice of massage therapy, as she is describing “compression” (i.e., pushing with “really heavy, with heavy force”), which the General Assembly specifically included within HO § 6-101(f)(1)’s definition of “practice massage therapy.” Moreover, it is undisputed that the Respondent’s workers at Facility A are “compensated” within the meaning of HO § 6-101(f)(1) as she admitted to paying them in accordance with “Maryland state ... minimum wages requirement.” (Tr., pp. 76-77.)

Additionally, none of the exclusions to the practice of massage therapy set forth in HO § 6-101(f)(3) apply to what the record reflects regarding the Respondent's situation. There is no suggestion that the Facility A workers were diagnosing ailments, as described in HO § 6-101(f)(3)(i), or manipulating osseous structures (i.e., practicing chiropractic), as described in HO § 6-101(f)(3)(ii). While a third exclusion set forth in HO § 6-101(3)(iii) excludes from the practice of massage therapy "the laying on of hands, consisting of pressure or movement *on an individual who is fully clothed*, except for footwear, to specifically affect the electromagnetic energy or energetic field of the human body" (emphasis added), that too is inapplicable here. The record reflects an instance where an undercover police officer went into Facility A, where he was initially asked "how long of a massage [he] wanted," he paid the requisite fee, he was escorted into a room, "advised...to undress," and the massage began. (State's Exhibit 7, p. 0027.)

As a registered massage practitioner, the Respondent was required to take and pass a jurisprudence examination as a part of her initial registration process in order "to assess [her] knowledge of the statute and regulations governing massage therapy in the State." See COMAR 10.65.01.06.B(6); 10.65.01.04.B(13). Accordingly, the Respondent is presumed by the Board to know the laws and regulations regarding the practice of massage therapy. Even if she did not take and pass the Board's jurisprudence examination, "everyone is 'presumed to know the law regardless of conscious knowledge or lack thereof, and are presumed to intend the necessary and legitimate consequences of their actions in its light.'" *Benik v. Hatcher*, 358 Md. 507, 532 (2000), quoting *Samson v. State*, 27 Md. App. 326, 334 (1975). Regardless, the Board believes that the Respondent was aware of the scope of practice of massage therapy and that she is attempting to use "acupressure," a legally undefined term, as a fig leaf. The Respondent could have provided a witness to testify to the Board about how the practice of acupressure allegedly differs from the practice of

massage therapy, or documentary evidence describing “acupressure,” yet she did not. The Respondent could have also called her workers to testify about their actions, yet she did not. By failing to do so, the Respondent left the Board with only her own description of what acupressure is and what her workers were doing. Using that description as well as the account of the undercover officer, the Board finds it more likely than not that the workers were engaged in the unlicensed practice of massage therapy. Ultimately, the Respondent aided and abetted those practices by failing to stop them.

B. RECONCILIATION OF THE EVIDENCE

Under the Administrative Procedure Act, the standard of proof for administrative cases is the preponderance of evidence; that is, the Board must, based on the administrative record, find it more likely than not that a particular violation occurred. *See* Md. Code Ann., State Gov’t § 10-217. In this case, the Board’s April 23, 2025 “Notice of an Intent to Revoke Registration” in this case placed the Respondent on notice that the Board was alleging that she violated HO § 6-308(a)(20) (“Engages in conduct that violates the professional code of ethics”) among other statutory provisions. The Board’s code of ethics set forth in regulation states that “[a] licensee or registrant may not...[a]id or abet any individual violating or attempting to violate any provision of law or regulation.” COMAR 10.65.03.03.D(6). Here, the Board finds that the Respondent violated this portion of the code of ethics by allowing unlicensed individuals to practice massage therapy, which is contrary to HO § 6-501(b) (“A person may not aid or abet the unauthorized practice of massage therapy in the State”). As such, the Board finds that, by allowing unauthorized individuals to practice massage therapy, the Respondent violated HO 6-308(a)(20) (“Engages in conduct that violates the professional code of ethics”), specifically COMAR 10.65.03.03.D(6). In its discretion, the Board will dismiss the remaining charges.

C. SANCTION

Turning to the appropriate sanction, it is well established that health occupation boards, including the State Board of Massage Therapy Examiners, exist to protect the public. *See Unnamed Physician v. Commission on Medical Discipline*, 285 Md. 1, 8-9 (1979). Furthermore, the right of a healthcare professional to practice is conditional, subject to the Board's objective of protecting and preserving public health. *Board of Physicians v. Felsenberg*, 351 Md. 288, 305-06 (1998). The Board finds that the Respondent's misconduct falls within category J.(1) of the Board's sanctioning guidelines. *See* COMAR 10.65.09.06.J.(1). The range of potential sanctions under category J.(1) goes from a minimum sanction of reprimand and conditions to a maximum sanction of suspension for 2 years, and probation for 2 years, and conditions. *Id.*

In the instant case, the Board believes the maximum sanction is necessary. Allowing unlicensed or unregistered individuals to practice massage therapy placed the public at risk. The General Assembly enacted the Maryland Massage Therapy Act to protect the public by ensuring that individuals practicing massage therapy are properly educated and trained, and, if necessary, held accountable for their acts and omissions. The Respondent's actions of allowing unlicensed or unregistered individuals to practice massage therapy deprived the public of that regulatory protection and put them at risk. While the Board considered and appreciates the letters of reference that the Respondent provided in her hearing exhibits, the Board believes that the Respondent and the public would benefit from the Respondent's temporary separation from the practice of massage therapy.

CONCLUSIONS OF LAW

In this case, based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 6-308(a) as follows:

- (20) Engages in conduct that violates the professional code of ethics, specifically 10.65.03.03.D(6) (“A licensee or registrant may not...[a]id or abet any individual violating or attempting to violate any provision of law or regulation.”)

Here, the Board makes this conclusion as a result of the Respondent’s aiding and abetting the unauthorized practice of massage therapy in violation of HO 6-501(b). In its discretion, the Board shall dismiss the charges alleging violations of HO § 6-308(a)(8), (11), and (21).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the charges set forth in the “Notice of Intent to Revoke Massage Therapy Registration” issued on April 23, 2025, alleging violations of HO § 6-308(a)(8), (11), and (21) are hereby **DISMISSED**; and it is further

ORDERED that the Respondent’s registration to practice as a registered massage practitioner in the State of Maryland, registration number R03508, shall be **SUSPENDED** for a minimum of **TWO (2) YEARS**; and it is further

ORDERED that after **TWO (2) YEARS** from the date of execution of this Order, the Respondent may petition the Board for the reinstatement of her registration pursuant to HO § 6-312; and it is further

ORDERED that this Order goes into effect upon the signature of the Board’s Executive Director, who signs on behalf of the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. Code Ann., Gen. Prov. § 4-333(b)(6), this document consists of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a Final Order and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. § 4-333(b)(6) and Md. Code Ann., Health Occ. § 1-607.

12/10/2025
Date

Sharon J. Oliver
Sharon J. Oliver, MBA
Executive Director
Maryland State Board of Massage Therapy Examiners

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 6-308(a) may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 6-310; Maryland Code Ann., State Gov't § 10-222; and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").

NOTICE OF ASSESSMENT OF COSTS

Pursuant to Md. Code Ann., Health Occ. § 6-309(g) and its implementing regulation at COMAR 10.65.02.06.B, the Respondent shall be responsible for costs as specified in a separately-issued verified invoice.

