

IN THE MATTER OF	*	BEFORE THE MARYLAND
XIAOPING MA	*	STATE BOARD OF
RESPONDENT	*	MASSAGE THERAPY
	*	EXAMINERS
Registration Number: R03483	*	Case Number: 24-02M

* * * * *

CONSENT ORDER

On April 1, 2024, the Maryland State Board of Massage Therapy Examiners (the “Board”) notified, **XIAOPING MA** (the “Respondent”), Registration Number R03483, of its intent to revoke her registration pursuant to the Maryland the Massage Therapy Act (the “Act”) codified at Md. Code Ann., Health Occ. §§ 6-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

The pertinent provisions of the Act provide:

§ 6-308. Denials, reprimands, suspensions, and revocations – Grounds.

- (a) Subject to the hearing provisions of § 6-309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a licensee or registration holder, place any licensee or registration holder on probation, or suspend or revoke the license of a licensee or the registration of a registration holder if the applicant, licensee, or registration holder:
 - (11) Has violated any provision of this title; *to wit*, Md. Code Ann. Health Occ. § 6-302
 - (b) To qualify for a license, the applicant shall be an individual who:
 - (5) Has passed an examination approved by the Board[.]

On July 24, 2024, a Case Resolution Conference was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following Findings of Fact:

I. Background

1. The Respondent was initially issued a registration to practice as a Registered Massage Practitioner in Maryland on June 6, 2022. The Respondent's registration has a status of "active" and expires on October 31, 2024.

II. Complaint

2. On or about July 28, 2023, the Board received a complaint from the Federation of State Massage Therapy Boards (the "FSMTB") alleging that a Massage Therapy Program in Texas¹ (the "Massage Therapy Program") had possession of confidential, proprietary, and copyrighted Massage and Bodywork Licensing Examination (the "MBLEx") and was distributing and sharing that content without the permission of the FSMTB. The complaint also stated that due to this breach, FSMTB determined to invalidate the MBLEx results for all students who attended the Massage Therapy Program. The complaint further stated that all individuals who attended the Massage Therapy Program would be permitted to take a special MBLEx exam to demonstrate their competence. The complaint finally stated that the

¹ For purposes of ensuring confidentiality, the school's name has been omitted and replaced with generic placeholders. Upon written request, the Administrative Prosecutor will provide the information to the Respondent.

Respondent was an individual that attended the Massage Therapy Program and had her MBLEx result invalidated. Based upon the complaint, the Board initiated an investigation of the Respondent under Case Number 24-02M.

III. Board Investigation

3. As part of the Board's investigation, the Board reviewed the Respondent's licensing information. The Respondent's licensing information revealed that she attended the Massage Therapy School from December 7, 2020 to March 24, 2021 and April 29, 2021 to June 14, 2021. The Respondent took the MBLEx on May 19, 2021 and the examination result was "pass." The Respondent was issued a diploma from the Massage Therapy School on June 21, 2021.

4. As part of the Board's investigation, the Board reviewed the complaint submitted by the FSMTB. FSMTB found that the Massage Therapy School that the Respondent attended had possession of confidential, proprietary, and copyrighted MBLEx and was distributing and sharing that content without the permission of the FSMTB. As a result, the Respondent's May 19, 2021 MBLEx exam score was invalidated. On July 21, 2023, the Respondent and others who attended the Massage Therapy School were permitted to retake the MBLEx. The Respondent failed the examination.

5. On or about November 13, 2023, the Board sent a letter to the Respondent notifying her that a complaint was filed against her based upon the invalidated MBLEx score.

On December 1, 2023, the Board's Investigator interviewed the Respondent under oath².

During the interview, the Respondent stated, in part:

- a. She works at a massage therapy practice in Crofton, Maryland.
- b. She attended the Massage Therapy School in Texas.
- c. She received information that she had to take the MBLEx a second time. She took the second examination on July 21, 2023, and was informed after the examination that she did not pass.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's conduct, as described above, constitutes violations of the Act as cited above, specifically: the Respondent's conduct as described above, including but not limited to failing to pass an examination approved by the Board constitutes: violated a provision of this title (Health Occ. § 6-308(a)(11)), *to wit*, to qualify for a license, the applicant shall be an individual who has passed an examination approved by the Board pursuant to Health Occ. § 6-302(b)(5).

ORDER

It is, on the affirmative vote of a majority of the Board, hereby:

ORDERED that the Respondent shall be placed on **PROBATION** under the following terms and conditions:

1. The Respondent shall take and pass the Massage and Bodywork Licensing Examination (MBLEx) within one (1) year of the effective date of this Consent Order and submit proof of successful completion to the Board;
2. The Respondent shall obey all laws and regulations in the State of

² The interview was conducted with a State-approved translator in the Respondent's primary language.

Maryland.

AND IT IS FURTHER ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order, and it is further

ORDERED that, unless otherwise ordered by the Board for early termination of probation, the Respondent may submit a written petition to the Board requesting termination of probation after condition 1 of probation is satisfied. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending investigations or outstanding complaints similar to the violations in this Consent Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's registration to practice massage therapy in Maryland. The Board may, in addition to one or more of the

sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, unless otherwise specified in this Order, the Effective Date of this Consent Order is the date on which the Consent Order is executed by the Board Executive Director; and it is further

ORDERED that this Consent Order is a public document pursuant to Md. Code Ann., Md. Code Ann., Gen. Prov. §§ 4-101 et seq. (2014).

09/25/2024
Date

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

CONSENT

By this Consent, I, Xiaoping Ma, agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had the opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order and understand its effect.

08/21/2024
Date

Xiaoping Ma
Xiaoping Ma
Respondent

NOTARY PUBLIC

STATE OF Maryland

(CITY)/COUNTY OF: Baltimore

I HEREBY CERTIFY that on this 21st day of August 2024,
before me, a Notary Public of the State and County aforesaid, personally appeared Xiaoping
Ma, and gave oath in due form of law that the foregoing Consent Order was his voluntary act
and deed.

AS WITNESS, my hand and Notary Seal.

Charlene Jausvi

Notary Public

My commission expires: 2-2-2025