

IN THE MATTER OF

BETH RISHEL, LMT

Respondent

License No.: M00787

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BEFORE THE STATE

BOARD OF MASSAGE

THERAPY EXAMINERS

CASE NUMBER: 21-26M

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FINAL CONSENT ORDER

On October 26, 2022, the Maryland State Board of Massage Therapy Examiners (“the Board”) charged **Beth Rishel, Licensed Massage Therapist, (LMT), License No, M00787** (the “Respondent”), with violating the Maryland Massage Therapy Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 6-101 *et seq.* (2021 Repl. Vol.) and the Code of Maryland Regulations (COMAR). Specifically, the Board charged the Respondent with violating the following:

§ 6-308. (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:

- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (9) Is negligent 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;
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board’s regulations[.]

The Board also promulgated the following regulations:

COMAR 10.65.03.03. Standard of Practice

- A. The license holder or registration holder shall be concerned primarily with the welfare of the client.
- C. A license holder or registration holder shall:
 - (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;
- D. A license holder or registration holder may not:
 - (2) Knowingly engage in or condone behavior that:
 - (d) Involves moral turpitude [;].

COMAR 10.65.03.04. Relationship with Client:

- A. A license holder or registration holder shall:
 - (1) Use professional judgment in the use of evaluation and treatment procedure [;].

COMAR 10.65.03.05. 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 . . . 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 license holder's or

registration holder's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;

COMAR 10.65.03.08. Ethical, Legal, and Professional Responsibilities of Massage Therapist and Practitioners

A license holder or registration holder may not construe a failure to specify a particular ethical, legal, or professional duty in this chapter as a denial of the existence of other ethical, legal, or professional duties or responsibilities that are equally as important and as generally recognized in the profession.

FINDINGS OF FACT

1. At all times relevant hereto, the Respondent was licensed to practice massage therapy in Maryland. The Respondent's license was first issued on April 10, 2000. The Respondent's license is currently "Active" and is scheduled to expire on October 31, 2024.

2. At all times relevant hereto, the Respondent was self-employed to provide massage therapy at a facility in Hagerstown, Maryland, hereinafter, the Facility.¹

3. On or about December 22, 2021, the Board received a written complaint from the ex-wife (the Complainant) of a patient/ex-patient (Patient A) of the Respondent.

4. The Complainant stated, *inter alia*, that Patient A had sustained multiple injuries from an October 2015 traffic accident and was diagnosed with post-concussion syndrome. Patient A was subsequently referred to the Respondent in 2017 for treatment by his chiropractor. The Complainant alleged that during this treatment, the Respondent allowed Patient A to purchase a new car for her and that the Respondent and Patient A engaged in an inappropriate relationship, which ultimately led to Patient A's abandoning

¹ The names of individuals and facilities are confidential.

their 32-year marriage and instituting and receiving a divorce. The Complainant alleges that the Respondent took advantage of a vulnerable client with head injuries for whom she accepted other gifts and purchased gifts, identifying him on social media as her “boyfriend.”

5. The Respondent’s records indicated that she treated Patient A from May 1, 2017 to January 10, 2019 on 48 separate occasions, making her well-aware of Patient A’s head injury and its effects. Patient A was diagnosed with post-concussion syndrome; post-traumatic headache, unspecified, intractable; post-traumatic stress disorder, chronic concussion with loss of consciousness of unspecified duration, initial encounter; insomnia due to medical condition; major depressive disorder, single episode, moderate; and situational type phobia. The last treatment notes of 1/10/19 indicated that Patient A was to return for further therapy the following week. There is no discharge note.

6. The Respondent started dating Patient A while he was married to the Complainant. On an April 17, 2019, Etsy² posting, the Respondent indicated that her “boyfriend” John had purchased the wrong size lapis lazuli ring for her on a page that displayed a picture of the ring. Other pictures showed her wearing the ring. More pictures showed her wearing a T-shirt she purchased which read “Dibs on the Guitar Player;” Patient A is a guitar player in a band. Another posting shows the same T-shirt with a caption: “Can’t wait to show my guitar player boyfriend” -- dated April 20, 2019. A further posting dated July 13, 2019, indicates “He will be wearing this shirt...during his band’s

² Etsy, Inc. is an American e-commerce company focused on handmade or vintage items and craft supplies. These items fall under a wide range of categories, including jewelry, bags, clothing, home décor and furniture, toys, art, as well as craft supplies and tools. Items described as vintage must be at least 20 years old.

next gig! “This was on a shirt that read: “I don’t need therapy just need to play the guitar.” The Respondent also showed pages of her purchase of wooden guitar pick boxes.

7. Another Etsy page listing dated August 12, 2019, showed ‘Valentine’s Day Gift For Boyfriend, “I Love You More than Stars,”’ with an endorsement of four stars and the following message: “I love you John. He absolutely LOVED IT! And so do I. Loved the packaging too! Will definitely be ordering again!”

8. The Respondent messaged on another Etsy purchase, a ‘Scottish Clan Coat of Arms Badge on Clan Plaid Tartan Background Wall Art’, dated August 14, 2020, “...I know my Scottish man is going to LOVE it!”

9. The Respondent had literature that she gave to Patient A to persuade him that when “Twin Flames” came together, they were meant for each other, whether they were married to other people or not.

10. Patient A paid \$20,000.00 cash for a 2020 Toyota car in 2020 out of marital funds, plus \$1400 for taxes, title, and tags for the Respondent, who claimed that she later made arrangements to pay him back in monthly payments, when questioned by the Board’s Investigator. This car was seen parked overnight on occasion at Patient A’s house where he had abandoned his wife, prior to the divorce becoming final in October 2020.

11. The Respondent’s conduct as set forth above is a violation of Health Occ. §6-308(a)(8), (9), (11), (20), and (21); COMAR 10.65.03.03A, C(2) and (5), and D(2)(d); COMAR 10.65.03.04A(1); and COMAR 10.65.03.05A(1) and (2) and B(1).

CONCLUSIONS OF LAW

The Board finds that the Respondent violated Health Occ. §6-308(a)(8), (9), (11), (20), and (21); COMAR 10.65.03.03A, C(2) and (5), and D(2)(d); COMAR 10.65.03.04 A(1); and COMAR 10.65.03.05A(1) and (2) and B(1).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 27th day of JULY 2023, by a majority of the Board, it is hereby

ORDERED that the Respondent's license to practice massage therapy the State of Maryland is hereby **REPRIMANDED**; and it is further

ORDERED that the Respondent shall be placed **PROBATION** for a period of **TWO (2) YEARS** subject to the following conditions:

- (1) Within **SIX (6) MONTHS** of the execution of the Consent Order, the Respondent shall pay a fine in the amount of **ONE THOUSAND DOLLARS (\$1000)** by certified check or money order to the Maryland Board of Massage Therapy Examiners.
- (2) The Respondent shall take and successfully complete a **BOARD PRE-APPROVED PROFESSIONAL ETHICS/BOUNDARIES COURSE WITHIN SIX (6) MONTHS** of the effective date of this Consent Order. This course cannot be used to satisfy the continuing education requirements for the registration renewal period.
- (3) The Respondent shall comply with the Maryland Massage Therapy Act and all laws, statutes and regulations pertaining thereto; and it is further

ORDERED that after the conclusion of the **TWO (2) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through

an order of the Board, or a designated Board committee. The Board, or designated Board committee, may grant the termination if the Respondent has fully and satisfactorily complied with all probationary terms and conditions set forth in this Consent Order and there are no pending complaints; and it is further

ORDERED that if the Respondent violates any of the terms and conditions of this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing, before the Board otherwise, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and it is further

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

ORDERED that the effective date of this Consent Order is the date that it is signed by the Board; and it is further

ORDERED that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2021 Repl. Vol.).

7/27/2023
Date

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

CONSENT OF BETH RISHEL, LMT

I, **BETH RISHEL, LMT** acknowledge that I chose to be represented by an attorney before entering into this Consent Order. By this Consent Order and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions. I waive any rights I may have to contest the Findings of Fact and the 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 provided by the law. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I 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, voluntarily and without reservation, after having an opportunity to consult with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

27 July 2023
Date


Beth Rishel, LMT

NOTARY

I hereby certify that on this 27th day of July, 2023, before me, a Notary Public for the State of Maryland and the City/County of Frederick, personally appeared Beth Rishel, LMT, License Number: M00787 and made oath in due form of law that the foregoing Consent Order was her voluntary act and the statements made herein are true and correct

AS WITNESS my hand and Notarial Seal.

My Commission Expires: 6/28/25


