

IN THE MATTER OF
APRIL SIZEMORE, RMP
Respondent

Registration Number: R01563

*** BEFORE THE MARYLAND**
*** STATE BOARD OF MASSAGE**
*** THERAPY EXAMINERS**
*** Case Number: 24-10M**

* * * * *

CONSENT ORDER

On July 24, 2024, the Maryland State Board of Massage Therapy Examiners (“the Board”) charged the registration of **APRIL SIZEMORE, RMP** (Registered Massage Practitioner) (“the Respondent”), Registration Number **R01563**, under the Maryland Massage Therapy Act (“the Act”), Md. Code Ann., Health Occ. §§ 6-101 *et seq.* (2021 Repl. Vol. & 2023 Supp.).

Specifically, the Board charged the Respondent with violating the following provisions of the Act:

Health Occ. § 6-308. Denials, reprimands, suspensions, and revocations.

- (a) *In general; grounds.* -- 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;
 - (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[.]

Pursuant to Health Occ. § 6-308(11), the Board also bases its action on:

Health Occ. § 6-501. Practicing without license.

Except as otherwise provided in this title, an individual may not practice, attempt to practice, or offer to practice massage therapy, massage, or myotherapy, or any synonym or derivation of these terms in the State unless licensed or registered by the Board.

Pursuant to Health Occ. § 6-308(20) and (21), the Board also bases its action on the following provisions of Md. Code Regs. ("COMAR"):

COMAR 10.65.01.05 Licensure or Registration Required[.]

An individual shall be licensed by the Board in order to practice massage therapy, and shall be registered by the Board in order to practice massage therapy in a setting that is not a health care setting [...].

COMAR 10.65.03.03 Standards of Practice.

B. A license holder or registration holder may not:

- (1) Misrepresent professional credentials, qualifications, education, or affiliations;
- (2) Knowingly engage in or condone behavior that:
 - (a) Is fraudulent;
 - (b) Is dishonest;
 - (c) Is deceitful; or
 - (d) Involves moral turpitude[.]

COMAR 10.65.03.07 Education and Training.

A. A license holder or registration holder shall:

- (3) Maintain a current license or registration to practice massage therapy.

On September 25, 2024, a Case Resolution Conference (“CRC”) was held before a panel of Board members to determine whether it would be possible to resolve the pending charges with a consent order in lieu of an evidentiary hearing. The Respondent and her legal counsel were in attendance, as was the assigned Assistant Attorney General representing the State. At the CRC, the Respondent presented mitigation, and the State and the Respondent jointly proposed resolving the charges with a public consent order containing the terms and conditions contained herein.

FINDINGS OF FACT

1. The Respondent was initially authorized to practice as a Registered Massage Practitioner (“RMP”)¹ in Maryland on April 2, 2012, under registration number R01563. The Respondent’s registration is currently active with an expiration date of October 31, 2024.

2. The Respondent is/was also registered to practice in the District of Columbia, under registration number MT1594, and in Ohio, under registration number 33.026319.

3. On November 28, 2023, an individual employed by a health insurance company² filed a complaint with the Board stating that a client submitted a receipt for reimbursement of a massage therapy service performed by the Respondent on November

¹ In Maryland, a Registered Massage Practitioner is an individual who is registered by the Board to practice massage therapy in a setting that is not a health care setting. COMAR 10.65.01.04(B)(10).

² For confidentiality and privacy purposes, the names of individuals and institutions involved in this case are not disclosed in this document. The Respondent may obtain this information by contacting the administrative prosecutor.

1, 2023, and online records showed that the Respondent's registration expired on October 31, 2020.

4. At the time of the complaint, the Respondent's Maryland RMP registration had been expired since October 31, 2020.

5. After reviewing the complaint, the Board initiated an investigation of the Respondent under Case Number 24-10M. As part of its investigation, the Board interviewed the Respondent and obtained, *inter alia*, records from a company that the Respondent worked for as an independent contractor.

The Board's investigation revealed:

6. For the past six or more years, the Respondent provided RMP services as an independent contractor at an alternative health and wellness center ("the Wellness Center") located in Bowie, Maryland. Records from the Wellness Center show that the Respondent treated a patient with a "60 Minute Integrative Massage" for \$100.00 at the Wellness Center on November 1, 2023, approximately three years after her Maryland registration expired. Payroll records also show that the Wellness Center issued at least 89 payments to the Respondent between August 10, 2021, and October 30, 2023.

7. On February 20, 2024, an investigator for the Board notified the Respondent of the Board's investigation. On that date, the Respondent emailed the investigator and stated, "I received your information from [the owner of the Wellness Center] regarding a massage from November 2023. I would like to bring my Maryland licensure up to date but I'm not sure how to go about it."

8. On February 23, 2024, during a recorded interview with the Board's investigator, the Respondent acknowledged that her registration to practice in Maryland was expired and claimed that she did not renew her Maryland registration in 2020 because she "mostly" works in Washington, D.C. and she could not afford to renew her Maryland registration at the time. With regard to the Wellness Center in Bowie, Maryland, the Respondent stated, "I don't work there regularly. It's on an as needed or [the owner of the Wellness Center will] ask me to." At the conclusion of the interview, the Respondent stated, "I do wish to reinstate my license to be officially a massage therapist again in Maryland."

9. Following her interview with the Board's investigator, the Respondent applied for reinstatement of her Maryland RMP registration. The Board received the reinstatement application on or about March 19, 2024.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Health Occ. § 6-308(a)(8), (11), (20), and (21), Health Occ. § 6-501, COMAR 10.65.01.05, COMAR 10.65.03.03(B)(1) and (2), and COMAR 10.65.03.07(A)(3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 23rd day of October, 2024, by a majority vote of the Board hereby:

ORDERED that the Respondent's registration to practice as a Registered Massage Practitioner in the State of Maryland, Registration Number **R01563**, is **REPRIMANDED**; and it is further

ORDERED that the Respondent's registration is placed on **PROBATION** for a minimum of **TWO (2) YEARS** subject to the following terms and conditions:

1. The Respondent's status as a registered massage practitioner will be listed in the Board's computer records and website as being on "Probation;"
2. Within **SIX (6) MONTHS** from the effective date of this Order, the Respondent is required to take and successfully complete one Board-approved course in **ETHICS**. The following terms apply:
 - a. It is the Respondent's responsibility to locate, enroll in, and obtain the Board's approval of the course before the course begins;
 - b. The Board may accept a course taken in person or online;
 - c. The course must be a minimum of three (3) credit hours.
 - d. The Respondent must provide documentation to the Board that the Respondent successfully completed the course;
 - e. The course may not be used to fulfill the continuing education credits required for registration renewal; and
 - f. The Respondent is responsible for the cost of the course;

3. The Respondent shall submit to random record reviews conducted by Board staff and/or Board-approved reviewers throughout the term of probation;
4. The Respondent shall pay a monetary penalty in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)** to the Board within **SIX (6) MONTHS** from the effective date of this Order; and
5. The Respondent shall comply with the Maryland Massage Therapy Act, Md. Code Ann., Health Occ. §§ 6-101 – 6-602, and all laws and regulations governing the practice of massage therapy in Maryland; and it is further

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Order. The Respondent's failure to fully cooperate with the Board shall be considered a violation of probation and this Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the Board determines there is a genuine dispute as to a material fact, the Board shall schedule an evidentiary hearing before the Board. If the Board determines there is no genuine dispute as to a material fact, the Respondent shall be given the opportunity to request 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 imposed by this Consent Order, the Board may reprimand the Respondent's registration, place the Respondent's registration on additional probation with appropriate terms and conditions, suspend the Respondent's registration with appropriate terms and conditions, or revoke the

Respondent's registration to practice as a Registered Massage Practitioner in the State of Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose an additional civil monetary fine on the Respondent; and it is further

ORDERED that no earlier than **TWO (2) YEARS** after the effective date of this Consent Order, the Board will consider a petition for termination of the Respondent's registration's probationary status, provided that the Respondent has been compliant with the probationary terms of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director 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.

10/23/2024
Date

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

CONSENT

1. By signing this Consent, I hereby affirm the findings of fact contained herein and agree to be bound by the foregoing Consent Order and its terms and conditions.
2. By this Consent, I waive my right to a formal evidentiary hearing, and I voluntarily submit to the foregoing Consent Order as a resolution of this matter. By signing this Consent, I waive any right to appeal or otherwise contest the factual findings, legal determinations, or terms and conditions contained in this Consent Order.
3. I acknowledge the legal authority and the jurisdiction of the Board to enter and enforce this public Consent Order.
4. I acknowledge the validity of this Order as if entered after an evidentiary hearing in which I would have had the right to counsel, to testify, to call witnesses, to confront witnesses, and to all other substantial and procedural protections provided by law, which I waive by signing this Consent Order.
5. I sign this Consent Order freely and voluntarily, after having had the opportunity to consult with counsel. I fully understand the language, meaning, and effect of this Consent Order, and I agree to comply with the Order's terms and conditions.

10-02-2024
Date



April Sizemore RMP

STATE OF MARYLAND **Prince George's**
CITY/COUNTY OF _____

I HEREBY CERTIFY that on this 2 day of Oct, 2024, before me, a Notary Public of the State of Maryland and City/County aforesaid, personally appeared APRIL SIZEMORE, and made an oath in due form of law that the foregoing Consent was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.




Notary Public
My Commission Expires: 3-17-25