IN THE MATTER OF	*	BEFORE THE
TEYMURAZ TSAGURIYA, L.M.T.	*	STATE BOARD OF MASSAGE
Respondent	*	THERAPY EXAMINERS
License No. M00641	*	Case 19-71M

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FINAL ORDER OF REVOCATION OF
LICENSE TO PRACTICE AS A MASSAGE THERAPIST

On **October 12, 2021,** the State Board of Massage Therapy Examiners (the "Board") notified **TEYMURAZ TSAGURIYA, Licensed Massage Therapist, ("L.M.T") (the "Respondent")** of the Board's intent to revoke the Respondent's license pursuant to the Maryland Massage Therapy Examiners Act (the "Act"), codified at Md. Code Ann., Health Occ. §§ 6-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.). The Notice also informed the Respondent that, unless he requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed, and the Respondent failed to timely request a hearing. Therefore, this Revocation is final.

The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order, which was enclosed. More than 30 days have elapsed, and the Applicant failed to timely request a hearing. Therefore, this denial is final.

The Board bases it revocation on the following provisions of its Act:

§§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:

(2) Fraudulently or deceptively uses a license or registration;

(8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;

(10) Is professionally incompetent;

(21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations[;].

The Board enacted a Code of Ethics, under Code of Maryland Regulations, COMAR 10.65.03:

§ 10.65.03.03. Standards of Practice

C. A license holder or registration holder shall:

(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:

(b) Is dishonest[;].

§ 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.

BASES OF DENIAL
BACKGROUND

The Board bases its decision to revoke the Respondent's LMT license based on the following reasons the Board believes are true:

1. At some of the times relevant hereto, the Respondent was licensed to practice as a Massage Therapist in the State of Maryland. The Respondent was first licensed on March 1, 2000.

2. On or about March 25, 2002, the Board voted to summarily suspend the Respondent's Massage Therapy License based upon the Respondent's January 7, 2002, conviction of a fourth-degree sex offense and of indecent exposure.

3. The charges arose when, during the course of providing a massage to a patient, the Respondent placed his hand over the patient's right nipple and started massaging the patient's mouth, touching his fingertip to her mouth. The patient, whose eyes had been closed, up to this point, opened her eyes and observed the Respondent's erect penis about one inch from her face. The patient then pulled the blanket over herself and pushed the Respondent back, asking, "what are you doing?" The Respondent apologized and asked the patient if she were mad. Next, the Respondent pulled his pants up.

4. Thereafter, the Patient informed the manager of the Spa and called the Montgomery County Police who arrested the Respondent, charging him with one count of indecent exposure and one count of attempted fourth degree sex offense.

5. On January 7, 2002, the Respondent was found guilty of both offenses; was sentenced to twelve months on each charge, which were suspended; and, he was placed on probation for five years, with the condition that he must attend individual therapy for sex offender treatment for the duration of probation.

6. On March 27, 2002, the Board summarily suspended the Respondent's certificate, and, on April 11, 2002, it continued that suspension.

7. On April 25, 2002, the Board charged the Respondent with violations of its Act, and, on August 8, 2002, a hearing was held on those Charges. The Respondent appeared without counsel and accepted responsibility for his conduct. His therapist opined that the Respondent was not a predatory sex offender and "did not believe that the Respondent will be a repeat offender."

8. On September 9, 2002, the Board issued an Order following the hearing which: lifted the Summary Suspension; placed the Respondent on Probation until January 7, 2005, conditioned upon his therapist providing the Board with the reports provided to the Respondent's probation agent, as well as the polygraph examination. The other condition was that, prior to termination of Probation, the Respondent had to take and pass the Board' s jurisprudence examination.

INVESTIGATIVE FINDINGS

9. The Respondent's license was reinstated on September 9, 2002, and his license expired October 31, 2020.

10. The Board received a complaint, dated November 19, 2019, from Patient A[1] (the Complainant) who stated that, on November 19, 2019, she booked a 90-minute Swedish massage at a spa and was assigned to the Respondent. She further stated that, during the massage, she was inappropriately touched and insufficiently draped, which started about 10 minutes into the massage when the Respondent "ran his hand down the front of my chest, between my breasts, to my stomach... then incrementally began moving closer to my breasts, then massaging them. . . along with touching my breasts, he touched my stomach in a way that felt sexual. When I was turned over, he pulled my underwear down in a way that my buttocks felt too exposed. I was not draped. I was very uncomfortable... " The Complainant warned him not to touch her buttocks and he thanked her, stopped the massage, left the room and she did not see him again.

11. When the Complainant went to the front desk, she explained to the receptionist what occurred but received no response to her explanation. Afterwards, she called the spa and tried to speak to the owner and was told the owner was busy, but a message would be conveyed. Nothing happened.

12. When the Board's Investigator sought to follow-up on the complaint, the Respondent notified him that he was currently in "the Republic of Georgia."

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[1] Names of facilities/individuals are confidential.

13. On January 15, 2020, in the District Court of Montgomery County, the Respondent was charged with Sex Offense, 4th Degree, as a result of the sexual contact of the Complainant.

14. As a result of the above, on January 29, 2020, the Board filed a summary suspension against the Respondent, who did not contest the Board's Findings or request a hearing.

15. As set forth above, by inappropriately, incompetently, and/or unprofessionally touching a patient while under the guise of providing a massage, the Respondent is in violation of the following provisions of the Act: §§ 6-308 (2) (Fraudulently or deceptively uses a license or registration); (8) (Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy); (10) (Is professionally incompetent); and (21) (Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations); and COMAR 10.65.03:.03 (Standards of Practice C. A license holder or registration holder shall: (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: (b) Is dishonest; § 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, . . expectation of professional conduct.)

CONCLUSIONS OF LAW

Based upon the aforegoing Findings of Fact, the Board concludes that the Respondent violated § § 6-308 (a) (2), (8), (10), and (21) and COMAR § 10.65.03.03 A. (1) and (2).

ORDER

As set forth above, the Board hereby Orders that the license practice as a Licensed Massage Therapist in Maryland by **TEYMURAZ TSAGURIYA**, License No. M00641, be and is REVOKED, and that this Order is public, pursuant to Md. Code Ann. General Provisions §§4-101 *et seq.* (2014 Vol. and 2020 Supp.).

12/22/2021
Date

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

IN THE MATTER OF	*	**BEFORE THE**
TEYMURAZ TSAGURIYA, LMT	*	**MARYLAND STATE BOARD**
	*	**OF MASSAGE THERAPY EXAMINERS**
License No. M00641	*	**Case No. 19-71M**

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ORDER OF TERMINATION OF SUMMARY SUSPENSION

Pursuant to Maryland Code Ann., State Gov't § 10-226(c), on or about January 29, 2020, the Maryland State Board of Massage Therapy Examiners (the "Board") executed an "Order of Summary Suspension of License to Practice as a Massage Therapist" ("Summary Suspension Order"), which summarily suspended the license of Teymuraz Tsaguriya (the "Respondent") to practice as a licensed massage therapist in the State of Maryland. The summary suspension of the Respondent's license was based on the conclusion by the Board that the public health, safety, or welfare imperatively required emergency action. The Summary Suspension Order was sent to the Respondent at his address of record with the Board both by certified mail (No. 7014 0150 0000 0252 5323) and by first-class mail. The cover letter that accompanied the Summary Suspension Order advised the Respondent that he had the opportunity to request a hearing before the Board to show cause why the Summary Suspension Order should not be continued. To date, the Respondent has failed to request a hearing regarding the Summary Suspension Order.

Subsequently, on or about October 12, 2021, the Board sent to the Respondent a "Notice of Intent to Revoke License to Practice as a Massage Therapist" ("Notice"), which charged the Respondent with several violations of the Maryland Massage Therapy Act and notified the Respondent that the Board intended to revoke his license based on those charges. The Notice was accompanied by an unexecuted Final Order of Revocation. The Notice itself stated that the Respondent had an opportunity for a hearing on the Board's charges against him, but that, if the

Respondent failed to request a hearing within 30 days of the service of the Notice, the Board would execute the attached Final Order of Revocation. This information was also set forth in the Board's cover letter to the Notice. The Notice, the cover letter, and the unexecuted Final Order of Revocation were sent to the Respondent at his address of record with the Board by both certified mail (No. 7019 0160 0000 6673 8976) and first-class mail. To date, the Respondent has failed to request a hearing.

Because the Respondent failed to request a hearing, on December 22, 2021, the Board executed the Final Order of Revocation, revoking the Respondent's license to practice as a Licensed Massage Therapist. Accordingly, the Summary Suspension Order is superseded by function of the revocation of the Respondent's license. As such, the Board is terminating the summary suspension of the Respondent's license at this time.

Wherefore, it is hereby:

ORDERED that the "Order of Summary Suspension of License to Practice as a Massage Therapist," dated January 29, 2020, is hereby **TERMINATED**; and it is further

ORDERED that this is a Final Decision and Order of the Maryland State Board of Massage Therapy Examiners and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.*

12/22/2021
Date

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