

IN THE MATTER OF

*

BEFORE THE MARYLAND

BOHAN LI, RMT

*

STATE BOARD OF

Respondent

*

MASSAGE THERAPY EXAMINERS

Registration Number: R01653

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Case Number: 19-35M

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FINAL ORDER

On the 27th day of November, 2019 the Maryland State Board of Massage Therapy Examiners (the “Board”) notified **BOHAN LI, RMT** (Registered Massage Therapist) (the “Respondent”), Registration Number R01653, of its intent to revoke her registration to practice massage therapy pursuant to the Maryland Massage Therapy Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 6-101 *et seq.* (2014 Repl. Vol. and 2019 Supp.).

The Board based its action on the Respondent’s violation of the following provisions of the Act:

§ 6-308 License or registration denial, suspension, or revocation

- (a) *In general* -- Subject to the hearing provision 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;

- (11) Has violated any provision of this title;
- (20) Engages in conduct that violates the professional code of ethics; [or]
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations[.]

And

§ 6-305 Expiration, renewal of license or registration

Change of name or address -- (d)(1) Each licensed massage therapist or registered massage practitioner shall notify the Board in writing of any change in the name or address of the licensed massage therapist or registered massage practitioner within 60 days after the change occurred.

The violations of professional code of ethics and Board regulations include:

COMAR 10.65.03.03 Standards of Practice

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; [and]
- (8) Report to the Board of Massage Therapy Examiners, or other appropriate authority, conduct in the practice of massage therapy that indicates a violation of:
 - (a) This chapter;
 - (b) Health Occupations Article, Title 6, Annotated Code of Maryland; or
 - (c) Any other law, including but not limited to aiding or abetting the unauthorized practice of massage therapy[.]

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[.]
- (3) Engage in a commercial activity that conflicts with the duties of a licensed massage therapist or registered massage practitioner; [or]
- (6) Aid or abet any individual violating or attempting to violate any provision of law or regulation

COMAR 10.65.03.04 Relationship with Client

A. A license holder or registration holder shall:

- (4) Maintain legible, organized written records of treatment of any client under the care of the license holder or registration holder 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[.]

COMAR 10.65.06.01. General Requirements

A. The license or registration holder 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, included 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

FINDINGS OF FACT

The Board makes the following findings of fact:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice massage therapy in the State of Maryland. The Respondent was initially registered as a RMT in Maryland on September 10, 2012, under Registration Number R01653. The Respondent's RMT registration was renewed on October 10, 2018 and is active through October 31, 2020.

2. On or about July 10, 2019, the Board was contacted by an Anne Arundel County Police Detective in the Narcotics and Special Investigations Section. The Detective called to inform the Board that Anne Arundel County Police had conducted an undercover operation at a facility in Severna Park, Maryland ("the Facility") on May 29, 2019.

3. As a result of the operation, a raid occurred at the Facility and the Police arrested two employees. Employee A was arrested for prostitution and practicing

massage therapy at the Facility without a license and Employee B was arrested for practicing massage therapy at the Facility without a license.

4. The Respondent is the owner of the Facility.

5. Based on the information provided by the Police, the Board initiated an investigation of the Respondent.

II. BOARD INVESTIGATION

6. On June 28, 2019, a Board investigator interviewed the Respondent, during which time the Respondent reported the following:

7. The Respondent moved from the Severna Park, Maryland mailing address the Board had on file to a location in Pasadena, Maryland in July 2018 and never updated the Board regarding her new address.

8. The Respondent owned the Facility since July 2017.

9. Employee A and Employee B are employed by the Facility to provide massage therapy.

10. The Respondent does not provide massage therapy. She answers phone calls and arranges appointments.

11. The Respondent hired Employee A three (3) years prior to the raid to provide massage therapy and knew that she did not have a Maryland license or registration to perform massage therapy.

12. The Respondent hired Employee B two (2) weeks prior to the raid to provide massage therapy and knew that she did not have a Maryland license or

registration to perform massage therapy.

13. The Facility's customer records, referred to as "Health Intake Forms," were completed by customers prior to treatment and detailed their treatment preferences. Records of the name of the employee who performed the massage and the treatment provided were not kept.

14. The Respondent also could not provide the investigator customer records from 2017 or from May 9, 2019.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions of employing unlicensed individuals to perform massage therapy, failing to maintain appropriate records of treatment, and failing to notify the Board of her change of address within 60 days, constitute: fraudulently or deceptively using a registration, in violation of Health Occ. § 6-308(a)(2); doing an act that is inconsistent with generally accepted professional standards in the practice of massage therapy, in violation of Health Occ. § 6-308(a)(8); a registered massage practitioner failing to notify the Board in writing of a change in address, in violation of Health Occ. § 6-305(d)(1), engaging in conduct that violates the professional code of ethics, in violation of Health Occ. § 6-308(a)(20); and knowingly doing an act that has been determined by the Board to be a violation of the Board's regulations, in violation of Health Occ. § 6-308(a)(21).). The Respondent's actions violate regulations pursuant to COMAR 10.65.03.03 Standards of Practice, COMAR 10.65.03.04 Relationship with Client, and

COMAR 10.65.06.01 General Requirements. Furthermore, because the Respondent violated one or more of these statutes, it is a violation of Title 6 of Health Occ., and the Respondent is in violation of Health Occ. § 6-308(a)(11).

ORDER

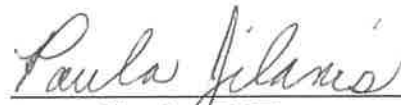
Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Respondent Bohan Li's registration to practice massage therapy in the State of Maryland under Registration Number R01653 be and hereby is **REVOKED**; and it is further

ORDERED that the Respondent is prohibited from practicing massage therapy in the State of Maryland; and it is further

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

01/22/2020
Date



Paula Jilanis, LMT
Board Chair
Maryland State Board of
Massage Therapy Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 6-310(b) (2014 Repl. Vol. and 2019 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. and 2019 Supp.) and Title 7, Chapter 200 of the Maryland Rules.