

IN THE MATTER OF * BEFORE THE MARYLAND
 KRISTY KECK * BOARD OF CHIROPRACTIC AND
 Reinstatement Applicant * MESSAGE THERAPY EXAMINERS
 License No. M00845 *
 * Case No. 13-62M

* * * * *

CONSENT ORDER

On or about February 25, 2014, the Maryland Board of Chiropractic and Massage Therapy Examiners (the "Board") issued a Notice of Intent to Deny License to Practice Massage Therapy to Kristy Keck (the "Respondent") under the Chiropractic and Massage Therapy Examiners Practice Act (the "Act") pursuant to Md. Code Ann., Health Occ. § 3-5A-01 *et seq.* (2009 Repl. Vol., 2013 Supp.).

The pertinent provisions state:

§ 3-5A-06. Qualification for license and registration

- (a) Qualification for license. -- To qualify for a license, an applicant shall be an individual who:
 - (1) Is of good moral character;

§ 3-501. Practicing without license

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

On March 13, 2014, the Respondent attended a Case Resolution Conference before a panel of the Board during which it was agreed that this matter would be resolved as follows:

FINDINGS OF FACT

1. The Respondent was originally licensed by the Board to practice massage therapy on May 4, 2000.
2. At all times relevant to this Notice, the Respondent was the owner of a massage business located in Millersville, Maryland where she specialized in pre-natal and infant massage. At times, the Respondent has employed two licensed massage therapists.
3. On or about October 31, 2012, the Respondent failed to renew her license, and it thus lapsed.
4. On or about January 23, 2013, the Respondent submitted a Reinstatement Application to the Board, but it was returned because the check included for the application fee was written for the wrong amount.
5. On September 27, 2013, the Board received another Reinstatement Application from the Respondent.
6. On the Reinstatement Application, the Respondent answered "yes" to the following question: "**Since your last active status**, have you had a physical or mental illness, or injury/disability that impaired or impairs your ability to practice?" (Emphasis in original.)
7. The Respondent provided the following explanation for her answer: "I became pregnant with my 4th child in August of 2012. I was put on bed rest in October due to complications with the pregnancy and was unable to work for the remainder of my pregnancy. My daughter is now 6 months old, born 4/2/2013, and I am getting things in order to get back to my clients."

8. Upon receipt of the Respondent's reinstatement application, Board staff conducted a routine administrative review of the Respondent's file.
9. During the review, Board staff discovered that the Respondent was currently advertising on the internet as a Licensed Massage Therapist.¹
10. On October 1, 2013, the Board's investigator spoke with the Applicant by telephone. The Respondent initially stated that she was not performing any type of massage at that time; however, as the conversation progressed, the Applicant admitted that she had indeed practiced massage therapy without a license over the previous year.
11. Given the Respondent's admission, on October 1, 2013 the Board issued a letter advising the Respondent to cease and desist from practicing massage therapy without a license.
12. On October 28, 2013, the Board's investigator conducted a sworn interview of the Applicant.
13. During the interview, the Respondent reiterated the explanation provided on her reinstatement application and admitted to having practiced without a license.
14. The Respondent stated that she saw two (2) clients in mid-July 2013. By mid-August, 2013, the Respondent stated that she had started seeing two (2) clients per week for approximately six (6) weeks.²

¹ At the date of the Notice of Intent to Deny Application for License to Practice Massage Therapy, the Respondent's website is still "live" and advertises her services and describes the Applicant as a licensed massage therapist.

² Pursuant to a Board subpoena, the Respondent provided the Board with a list of clients for whom she performed massages from July 15, 2013 to September 26, 2013, as well as SOAP notes. It appears from the list that the Applicant performed a total of nineteen (19) massages on five (5) clients during this time period.

15. The Respondent claims that she made these clients aware that her license had expired.
16. The Respondent wrote that because of "extreme emotional stress, I let this slip[,] and I goofed up."
17. The Respondent explained that she had been hospitalized on October 16, 2012 because of complications with her pregnancy and was confined to bed rest thereafter until giving birth. In addition, in November, 2012, the Respondent began experiencing serious marital difficulties, which led to divorce and financial problems.
18. On November 4, 2013, the Respondent wrote a letter to the Board wherein she explained the emotional stress that led to her lapse in licensure and apologized.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board concludes that the Respondent violated Health Occ. § 3-501 for practicing massage therapy without a license.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of April 2014 that the majority of the Board hereby:

ORDERED that the license of **KRISTY KECK** to practice massage therapy is hereby **REINSTATED** if and only if the Respondent submit to the full the full reinstatement fee via certified check or money order within five (5) days of the date the Board executes this Consent Order; and it is further;

ORDERED that the Respondent's license is hereby **REPRIMANDED**; and it is further;

ORDERED that the Respondent's license shall be placed on **PROBATION** for a minimum period of **ONE YEAR**, to commence on the date the Board executes this Consent Order; and it is further;


ORDERED that during the probationary period, the Respondent shall:

- (1) Complete a Board-approved ethics course; and
- (2) Pay a fine of \$250; and it is further;

ORDERED that for purposes of public disclosure and as permitted by Md. Code Ann., State Gov't § 10-617(h) (2009 Repl. Vol., 2013 Supp.), this document consists of the contents 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 final and a public document pursuant to State Gov't §§ 10-601 *et seq.*

4/10/14
Date


Michael Fedorczyk, D.C., President

CONSENT

Kristy

I, ~~Kelly~~ Keck, acknowledge that by this Consent 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 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 agree to forego my opportunity to challenge these allegations. 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 after any such hearing.

I sign this Consent Order voluntarily and without reservation, after having consulted with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

3/28/14
Date

Kristy Keck
~~Kelly Keck~~
Kristy