

IN THE MATTER OF

* BEFORE THE STATE

JANICE E. MIN, LMT

* BOARD OF MASSAGE

RESPONDENT

* THERAPY EXAMINERS

LICENSE NUMBER: M05600

* CASE NUMBER: 19-19M

* * * * *

FINAL ORDER OF REVOCATION OF MASSAGE THERAPY LICENSE

The Maryland State Board of Massage Therapy Examiners (“the Board”) notified Janice E. Min, LMT (the “Respondent”), license number: M05600 of the Board’s intent to revoke the Respondent’s license to practice massage therapy under the Maryland Massage Therapy Act (the “Act”), Md. Code Ann., Health Occ. (“Health Occ.”) §§ 6-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.). The pertinent provisions of the Act and COMAR state:

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:

- (1) Fraudulently or deceptively obtains or attempts to obtain a license or registration or the applicant or for another;
- (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;
- (11) Has violated any provision of this title;
- (20) Engages in conduct that violates the professional code of ethics;

COMAR 10.65.03

.03 Standards of Practice.

D. 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[.]

.07 Education and Training.

B. The license holder or registration holder may not perform a treatment or provide a service which:

- (1) The license holder or registration holder is not qualified to perform; or
- (2) Is beyond the scope of the license holder's or registration holder's education, training, capabilities, experience, and scope of practice.

FINDINGS OF FACT

- 1. At all times relevant hereto, the Respondent was licensed practice massage therapy in the State of Maryland
- 2. The Respondent was originally issued a license to practice massage therapy in Maryland on or about February 24, 2016.

3. The Respondent's license expires on October 31, 2020.
4. On or about October 28, 2015, the Respondent submitted an Application for License or Registration in Massage Therapy (the "Application").
5. In February 2019, the Board was notified by the Federation of State Massage Therapy Board ("FSMTB") that it had invalidated the Respondent's Massage Bodywork & Bodywork Licensing Examination ("MBLEx") results.¹
6. FSMTB develops administers, scores, and maintains the MBLEx that is utilized by the Board for licensure.
7. FSMTB invalidated the Respondent's MBLEx results after determining that she misrepresented her educational eligibility to sit for the MBLEx.
8. As result of receiving notification of FSMTB's action regarding the Respondent, an investigation was conducted by Board staff.
9. The investigation by Board staff revealed that the Respondent listed an educational institution ("Facility A") on her Application, as the school where she received her massage therapy training. The Respondent also indicated on her Application that she attended Facility A from December 2014 until June 2015.²
10. Facility A is located in the State of New Jersey.
11. The investigation also revealed that the Respondent submitted a transcript with her Application purportedly issued by Facility A. The transcript indicated that the

¹ FSMTB membership consist of massage therapy licensing boards and agencies throughout the United States. The Board is a member of FSMTB. Having a valid passing score on the MBLEx is a criterion for licensing in Maryland.

² The name of Facility A has been omitted to protect privacy.

Respondent completed 600 credit hours on massage therapy training at Facility A. Facility A staff have no record that the Respondent attended the educational institution.

12. Facility A's Director of Operations informed Board staff that Facility A did not have a massage therapy program when the Respondent submitted her Application to the Board. Facility A staff also confirmed that it never issued massage therapy certificates and/or transcripts.

13. During a March 15, 2019 interview with Board staff, the Respondent admitted under oath that she never attended Facility A. The Respondent also admitted under oath that she practiced massage therapy after receiving her massage therapy license.

14. The Respondent's conduct as set forth above is a violation of Health Occ. §6-308 (1), (2), (8), (10), and (20); COMAR10.65.03.03D (1) and (2)(a),(b),(c), and (d); and COMAR 10.65.03.07B (1) and (2).

CONCLUSIONS OF LAW

The Board concludes that the Respondent violated Health Occ. §6-308 (1), (2), (8), (10), and (20); COMAR10.65.03.03D (1) and (2)(a),(b),(c), and (d); and COMAR 10.65.03.07B (1) and (2).

ORDER

Based on the foregoing Investigative Findings and Conclusions of Law, it is this 18th day of December 2019, 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 **REVOKED**; and it is further

ORDERED that Respondent shall return to the Board of Massage Therapy Examiners all Maryland licenses within ten (10) days of the date of this Order; and it is further.

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

ORDERED that this Order is reportable to the National Practitioner Bank; and it further

ORDERED that this document constitutes a formal disciplinary action of the Board of Massage Therapy Examiners and is a public document for purposes of public disclosure, pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.).

12/18/2019
Date



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