

**IN THE MATTER OF  
TANIA TCHAMOUROFF  
APPLICANT**

**\* BEFORE THE MARYLAND  
\* STATE BOARD OF  
\* CHIROPRACTIC EXAMINERS  
\* Case No. 06-050M**

\* \* \* \* \*

**CONSENT ORDER FOR INITIAL LICENSURE**

On July 23, 2007, the State Board of Chiropractic Examiners (the "Board") notified Tania Tchamouroff (the "Applicant"), (D.O.B. 11/23/1972), of its Intent to Deny her Application for a registration to practice non-therapeutic massage under the Maryland Massage Therapy Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 3-5A-01 *et seq.* (2005 Repl. Vol.).

The pertinent provision of the Act provides:

**H.O. § 3-5A-05. Requirements for certification and registration.**

\* \* \*

**(c) *Qualifications for registration.*** – To qualify for registration, an applicant shall be an individual who:

- (1) Is of good moral character[.]

In addition, under Code Md. Regs. ("COMAR") tit. 10, § 43.17.04, the Board's regulations provide:

**A. An applicant for certification to practice massage therapy shall:**

\* \* \*

- (4) Provide evidence that the applicant is:

(a) Of good moral character[.]

\* \* \*

D. An application for registration to practice nontherapeutic massage shall:

\* \* \*

(3) Satisfy the requirements set forth in §A(3)—(7) and (9) of this regulation.

The Act further provides:

**H.O. § 3-5A-01. Definitions.**

(f) *Massage therapy.* – (1) “Massage therapy” means the use of manual techniques on soft tissues of the human body including effleurage (stroking), petrissage (kneading), tapotement (tapping), stretching, compression, vibration, and friction, with or without the aid of heat limited to hot packs and heating pads, cold water, or nonlegend topical applications, for the purpose of improving circulation, enhancing muscle relaxation, relieving muscular pain, reducing stress, or promoting health and well-being.

\* \* \*

(i) *Practice non-therapeutic massage.* – “Practice non-therapeutic massage” means to engage professionally and for compensation in massage therapy in a setting that is not a health care facility.

**H.O. § 3-5A-11. Prohibited actions.**

(a) *Practice without certification.* – Except as otherwise provided in this subtitle, 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 certified by the Board.

(b) *Advertising or misrepresentation.* – An individual who is not certified as a massage therapist or registered as a massage practitioner under this subtitle may not advertise or claim by title, abbreviation, sign, card, or any other representation that the individual practices massage, massage therapy, myotherapy, or any synonym or derivation of these terms.

(c) *Same – Restriction on therapeutic claims.* – An individual who is a registered massage practitioner under this subtitle or a business entity that employs registered massage practitioners under this subtitle may not advertise to the public that the individual

or business entity provides health-related therapeutic massage services.

In its Notice, the Board informed the Applicant that she had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Executive Director within thirty days of the date of the Notice. The Applicant timely submitted a request for a hearing. On Thursday, November 15, 2007, the Applicant appeared before a Case Resolution Conference Committee ("CRC") of the Board. As a result of the negotiations that occurred at the CRC, the Applicant agreed to enter into this Consent Order, consisting of Procedural Background, Findings of Fact, and Order, with the terms and conditions set forth below.

#### **FINDINGS OF FACT**

The Board makes the following findings of fact:

1. On or about September 11, 2006, the Board discovered a website ([www.mdmassage.com](http://www.mdmassage.com)) for an entity named the Maryland Massage Therapy Center.<sup>1</sup> The website indicated that the Maryland Massage Therapy Center offered massage therapy services in Bethesda through individuals that were allegedly certified in the State of Maryland.

2. The Maryland Massage Therapy Center website listed the Applicant as the owner and CMT even though the Applicant was not certified or registered to practice in Maryland. The website also listed three other individuals with the designation CMT. A review of Board records revealed that only two of the three additional individuals listed with the designation CMT were certified in

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<sup>1</sup> The Maryland Massage Therapy Committee's website is [www.mdmassage.org](http://www.mdmassage.org).

the State of Maryland as massage therapists. Employee A<sup>2</sup> was designated as CMT even though she had not been issued a certification or registration by the Board.

3. On or about November 30, 2006, the Board's investigator conducted an onsite inspection of the Maryland Massage Therapy Center in Bethesda. The Board's investigator observed that no licenses were displayed in accordance with the Board's regulations. Additionally, the front entrance of the center advertised the Applicant as a CMT, even though she was not certified or registered to practice in Maryland.

4. During the onsite inspection, the Board's investigator provided the Applicant with a verbal warning to cease and desist the unauthorized practice of massage therapy and the advertisement of massage therapy without a certificate or registration.

5. On or about December 6, 2006, the Board sent the Applicant a letter via certified mail return receipt requested advising her and her employees to immediately cease and desist from practicing massage therapy without proper certification and/or registration from the Board. The Board letter notified the Applicant that the continued unauthorized practice of massage therapy in the State of Maryland was punishable by a fine not exceeding \$5,000.00, and imprisonment for not more than one year in accordance with H.O. § 3-5A-11. The letter further notified the Applicant that failure to abide by the cease and desist terms could result in referral for criminal prosecution.

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<sup>2</sup> The names of individuals identified herein are confidential.

6. On or about December 15, 2006, the Applicant executed an acknowledgement that she had been informed by the Board that she may not practice massage therapy in Maryland as set forth in H.O. § 3-5A-11.

7. On or about December 27, 2006, the Board issued a *subpoena duces tecum* to the Applicant for various records from the Maryland Massage Therapy Center. On or about January 17, 2007, the Applicant responded through counsel by providing various records to the Board.

8. Pursuant to the Board's subpoena, the Board obtained massage therapy treatment records from the Maryland Massage Therapy Center from January 2006 through November 2006. The massage therapy treatment records for these dates included numerous treatment records signed by the Applicant as CMT even though she was not certified or registered by the Board. In addition, the massage therapy treatment records included numerous treatment records signed by Employee A as CMT even though Employee A was not certified or registered by the Board during this time period.

9. The Board also obtained the Maryland Massage Therapy Center's appointment book for the time period January 2006 through November 2006. The appointment book listed appointments for the Applicant and Employee A with clients throughout this time period even though neither was certified or registered by the Board.

10. On or about February 2, 2007, the Applicant submitted an application to the Board for a registration to practice non-therapeutic massage in the State of Maryland.

11. On or about February 7, 2007, the Applicant, being duly sworn, was interviewed by the Board's investigator. The Applicant indicated that she had owned and operated the Maryland Massage Therapy Center for a period of twelve (12) years. The Applicant admitted under oath that she had been practicing without a license since 1999.<sup>3</sup> The Applicant also admitted in the interview that she was aware of the need for a license in the State of Maryland since 2005.

12. During the investigative interview, the Applicant further admitted that Employee A performed massage therapy on clients of the Maryland Massage Therapy Center beginning in December 2005.

13. On or about February 7, 2007, Employee A, being duly sworn, was interviewed by the Board's investigator. Employee A acknowledged that she practiced massage therapy without a certificate or registration since December 2005 at the Maryland Massage Therapy Center. Employee A indicated that she applied for a license on January 10, 2006, and passed the jurisprudence examination on January 31, 2006. However, she only forwarded the documentation to the Board to obtain a registration after the November 30, 2006, inspection completed by the Board's investigator.

#### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this  
4 day of Dec., 2007, by a majority of the full authorized  
membership of the Board considering this case:

<sup>3</sup> Effective October 1, 1999, the Act was amended to require an individual to obtain a registration from the Board before the individual may practice non-therapeutic massage. See ch. 397, Acts 1999.

**ORDERED** that the Applicant's application for a registration to practice non-therapeutic massage in the State of Maryland shall be **GRANTED** subject to the terms and conditions set forth below, **PROVIDED THAT THE RESPONDENT FULFILLS ALL OTHER REQUIREMENTS FOR LICENSURE INCLUDING THOSE SET FORTH AT COMAR 10.43.17**; and be it further

**ORDERED** that effective immediately upon issuance of the registration by the Board, the Applicant's registration to practice non-therapeutic massage in the State of Maryland shall be **SUSPENDED**, said period of active **SUSPENSION** shall terminate effective **six (6) months** from the date of issuance of the registration; and be it further

**ORDERED** that the Applicant shall be placed on **PROBATION** for a **PERIOD OF ONE (1) YEAR**, to commence from the date that her registration is reinstated, subject to the following terms and conditions:

1. The Applicant shall successfully complete the Board's Jurisprudence examination. The Applicant having taken and passed the Board's Jurisprudence examination shall be deemed to have fulfilled this condition;
2. The Applicant shall enroll in and successfully complete a Board-approved ethics course within the one year period of probation. The Applicant shall submit the course description and/or syllabus of the course to the Board prior to enrolling in the course. The Board reserves the right to reject the course submitted for fulfillment of this condition, and may request additional information regarding the course. The Applicant shall submit written verification to the Board of course completion within **ten (10) business days** after completing the course. The course work shall be in addition to any continuing education requirements for Board licensure;
3. The Applicant shall pay a civil fine in the amount of \$5,000.00 to the Board within the one year probationary period; and be it further

**ORDERED** after the conclusion of the entire **ONE (1) YEAR** period of **PROBATION**, the Applicant may file a written petition for termination of her probationary status without further conditions or restrictions, provided the Applicant has satisfactorily complied with all conditions of this Consent Order, including all terms and conditions of probation and/or suspension, and provided there are no pending complaints regarding the Applicant before the Board; and be it further

**ORDERED** that should the Applicant violate any of the terms or conditions of this Consent Order, the Board, after notice, opportunity for a hearing and determination of violation may impose any other disciplinary sanctions it deems appropriate, including suspension or revocation, provided said violation having been proven by a preponderance of the evidence; and be it further

**ORDERED** that the Applicant shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and be it further

**ORDERED** that this Consent Order is considered a **PUBLIC DOCUMENT**

pursuant to Md. State Gov't Code Ann. §§ 10-611 et seq. (2004 Repl. Vol.).

DEC 04 2007

Date

*William Ford* By direction of  
EXEC. DIRECTOR  
Duane Sadola, D.C.  
President  
State Board of Chiropractic Examiners

**CONSENT OF TANIA TCHAMOUROFF**

I, Tania Tchamouroff, by affixing my signature hereto, acknowledge that:

1. I am represented by counsel and have reviewed this Consent Order with my attorney.



2. I am aware that I am entitled to a formal evidentiary hearing before the Board, pursuant to Md. Health Occ. Code Ann. §§ 3-5A-01 *et seq.* and Md. St. Gov't Code Ann. §§ 10-201 *et seq.*

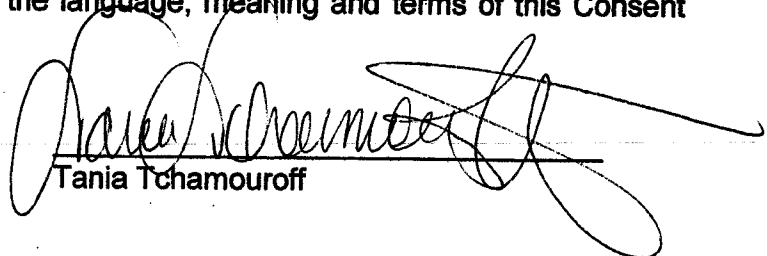
3. I acknowledge the validity and enforceability of this Consent Order as if entered after a formal evidentiary hearing in which I would have the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other procedural and substantive protections to which I am entitled by law. I am waiving those procedural and substantive protections.

4. I voluntarily enter into the foregoing Findings of Fact, Conclusions of Law and Order and agree to abide by the terms and conditions set-forth herein as a resolution of the Charges against me. I waive any right to contest the Findings of Fact and Conclusions of Law, and I waive my right to a full evidentiary hearing, as set forth above, and any right to appeal this Consent Order or any adverse ruling of the Board that might have followed any such hearing.

5. I acknowledge that by failing to abide by the conditions set forth in this Consent Order, I may be subject to disciplinary actions, which may include revocation of my registration to practice non-therapeutic massage.

6. I sign this Consent Order voluntarily, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

Nov. 28, 2007  
Date

  
Tania Tchamouroff

STATE OF MARYLAND

CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 28 day of November 2007, before me, SHARDA BHATIA, a Notary Public of the foregoing State and (City/County),  
(Print Name)  
personally appeared Tania Tchamouroff, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.

Sharda Bhatia  
Notary Public

My Commission Expires: 10/22/08

SHARDA BHATIA  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires October 22, 2008