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| IN THE MATTER OF | * | BEFORE THE MARYLAND |
| SANG LEE, D.C. | * | STATE BOARD OF |
| Respondent | * | CHIROPRACTIC EXAMINERS |
| License Number: S03614 | * | Case Number: 19-25C |

* * * * *

CONSENT ORDER

On or about May 14, 2020, the Maryland State Board of Chiropractic Examiners (the "Board") charged **SANG LEE, D.C.** (the "Respondent"), License Number **S03614**, with violating the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. ("Health Occ.") §§ 3-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.) and Md. Code Regs. ("COMAR") 10.43.13.01 *et seq.*

The Board charged the Respondent with violating the following provisions of the Act and COMAR:

Health Occ. § 3-313 Denials, reprimands, suspensions, and revocations

Subject to the hearing provisions of Section 3-315 of this subtitle, the Board may deny a license to any applicant, reprimand any licensee, place any licensee on probation, with or without conditions, or suspend or revoke a license, or any combination thereof, if the applicant or licensee:

- (19) Violates any rule or regulation adopted by the Board;
- (20) Behaves immorally in the practice of chiropractic; [and]
- (21) Commits an act of unprofessional conduct in the practice of chiropractic[.]

COMAR 10.43.13.05 Professional Boundaries.

- A. A chiropractor and chiropractic assistant shall:

- (1) Maintain professional boundaries, even when the patient initiates crossing the boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the patient's reasonable expectation of professional conduct.

B. A chiropractor and chiropractic assistant may not:

- (1) Exploit a relationship with a patient, staff member, or student for the chiropractor's or chiropractic assistant's personal advantage including, but not limited to, a personal, sexual, romantic, or financial relationship;

...

- (3) Engage in sexual misconduct, which includes but is not limited to:

...

- (c) A sexually exploitative relationship.

On or about July 9, 2020, the Board held a Case Resolution Conference (CRC) with the Respondent. Following the CRC, the Board and the Respondent agreed to enter into this Consent Order to resolve the Charges issued in this case.

FINDINGS OF FACT

The Board finds the following facts.

1. At all times relevant to these charges, the Respondent was and is licensed to practice chiropractic in the State of Maryland.
2. The Respondent was initially licensed to practice chiropractic in Maryland on March 25, 2010, under License Number S03614. The Respondent's license is currently active and is set to expire on September 1, 2021.
3. On or about April 10, 2019, the Board received a written complaint (the

“Complaint”) from a former patient of the Respondent (the “Complainant”).

4. The Complaint alleged that in or around February 2018, during the period while the Complainant was a patient of the Respondent, the two engaged in a sexually intimate act at the Complainant’s residence.
5. Based on the Complaint, the Board initiated an investigation.
6. In furtherance of the investigation, the Board’s investigator obtained relevant records, including the Complainant’s treatment records from the Respondent and personal text messages exchanged between the Respondent and the Complainant over the course of several months.
7. According to the text messages, in or about March 2019, the Complainant mentioned the February 2018 incident and asked the Respondent to acknowledge what happened. In response, the Respondent never explicitly confirmed that the two engaged in sex, but simply replied, “[Complainant’s first name], I acknowledge what happened and I am sorry. I mean it sincerely...Please don't think I took advantage of you. I would never do that to you but again I apologize if I hurt you.”
8. The Respondent did explicitly deny that the sex was non-consensual.
9. The treatment records obtained show that the Complainant was a patient of the Respondent between August 2017 and June 2018.
10. On or about April 23, 2019, the Board’s investigator interviewed the Respondent under oath.
11. During the interview, the Respondent acknowledged that he had sent the

Complainant sexually themed messages, including a video about penis statutes in Korea. He also acknowledged that he was believed the Complainant had a “crush” on him and had sent him a Valentine’s Day card. In addition, he stated that the Complainant had sent him a topless photo of herself.

12. In addition, the Respondent admitted visiting the Complainant’s residence in approximately February 2018, for the stated purpose of receiving a massage from the Complainant, who was studying massage therapy at the time. The Respondent stated that upon arrival, he disrobed and received a massage from the Complainant. He also stated that he in turn massaged the Complainant.
13. At that meeting, the Respondent also acknowledged that he and the Complainant consumed alcohol together. The Respondent also acknowledged that following the massage, the two reclined on a pull-out sofa together, in order to watch a movie.
14. A short while later, the Respondent stated that the Complainant began “caressing” him. She then took off her pants and began showing him her underwear, bent over with her buttocks pointed toward him, and asked for his “feedback.” He stated that the Complainant then kissed him and started to undress him, including pulling down his pants.
15. At that point thereafter, according to the Respondent, he “fell” on top of her. When asked about who initiated the intimacy, the Respondent blamed the Complainant, stating, “So she took off her pants first.”
16. At the interview, the Respondent denied that he and the Complainant ever had sexual intercourse. When asked why he had not explicitly denied this allegation

during his text messages with the Complainant, he stated, “I know, I know I should have said no, but that’s how I talk, I just, when I feel uncomfortable. That’s how I talk, I just froze. I don’t know how to respond really.” However, during the same text dialogue, the Respondent had no trouble explicitly denying that the suggestion that the sex had not been consensual.

17. On or about May 14, 2019, the Board’s investigator interviewed the Complainant under oath. The Complainant restated her allegation that in February 2018 following the massage, at her house, the Respondent and she had sex on the pull-out sofa.

CONCLUSION OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions, as described above, constitute, in whole or in part, a violation of the provisions of the Act and the regulations adopted by the Board as cited above.

ORDER

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

ORDERED that the Respondent is **REPRIMANDED**; and further it is

ORDERED that the Respondent’s license to practice chiropractic in Maryland is **SUSPENDED** for a period of **SIX (6) MONTHS**, which is immediately **STAYED**, pending the Respondent’s satisfactory completion of the requirements of this Consent Order; and it is further

ORDERED that the Respondent shall pay **FINE** in the amount of **\$1000 (ONE THOUSAND DOLLARS)**, due within 60 days from the effective date of this Consent Order; and it is further

ORDERED that commencing on the effective date of this Consent Order, the Respondent shall be placed on **PROBATION** for a period of **TWENTY-FOUR (24) MONTHS** and continuing until the Respondent fully and satisfactorily complies with the following terms and conditions:

1. Within 6 months of the effective date of the Consent Order, the Respondent shall submit documentation to the Board showing that he has successfully completed and a **COURSE**, approved by the Board in advance, in **PROFESSIONAL ETHICS**. The course shall be in-person, i.e. not an online course. (The requirement that the course be in-person shall be waived, and an online course will be acceptable if the Respondent demonstrates to the satisfaction of the Board that an in-person class is not practicably available due to the ongoing pandemic-related state of emergency in Maryland). The course shall not count toward the Respondent's Continuing Education requirements for renewal of licensure;
2. Within 6 months of the effective date of the Consent Order, the Respondent shall submit documentation to the Board showing that he has successfully completed and a **COURSE**, approved by the Board in advance, in **PROFESSIONAL BOUNDARIES**. The course shall be in-person, i.e. not an online course. (The requirement that the course be in-person shall be waived, and an online course will be acceptable if the Respondent demonstrates to the satisfaction of the Board that an in-person class is not practicably available due to the ongoing pandemic-related state of emergency in Maryland). The course shall not count toward the Respondent's Continuing Education requirements for renewal of licensure;
3. Respondent shall practice chiropractic according to the Maryland Chiropractic Act and in accordance with all applicable laws, statutes and regulations pertaining to the practice of chiropractic.

AND IT IS FURTHER ORDERED that no part of the training or education that the Respondent receives in order to comply with this Consent Order may be applied to his required continuing education credits, and it is further

ORDERED that the Respondent shall at all times cooperate with the Board, any of its agents or employees, and with the Board-assigned inspector, in the monitoring, supervision and investigation of the Respondent's compliance with the terms and conditions of this Consent Order, and it is further

ORDERED that the Respondent shall be responsible for all costs incurred under this Consent Order; and it is further

ORDERED that after a minimum of twenty-four (24) months from the effective date of this Consent Order, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board shall grant termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending investigations or outstanding complaints related to the findings of fact in this Consent Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any term or condition of probation or this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If there is a genuine dispute as to a material fact, the hearing shall be an evidentiary hearing before the Board. If there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition of probation or this Consent Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's license to practice dentistry in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent;

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

8/14/2020
Date

Sharon Oliver
Sharon J. Oliver, Executive Director
Maryland State Board of Chiropractic
Examiners

CONSENT

By this Consent, I, **SANG LEE, D.C.**, agree and accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

For purposes of licensure, 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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving

my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had the opportunity to have consulted with counsel, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its effect.

7/23/20
Date

[Signature]
SANG LEE, D.C.
Respondent

NOTARY

STATE OF Maryland

CITY/COUNTY OF: Howard

I HEREBY CERTIFY that on this 23 day of July 2020, before me, a Notary Public of the State and County aforesaid, personally appeared¹ SANG LEE, D.C., and gave oath in due form of law that the foregoing Consent Order was her voluntary act and deed.

AS WITNESS, my hand and Notary Seal.

[Signature]
Notary Public

My commission expires: 04/28/2021



¹ During the current State of Emergency, and in compliance with the Governor's emergency orders, notarization may be accomplished remotely.