

IN THE MATTER OF * BEFORE THE
KATHRYN BLAKE, M.T. * STATE BOARD
CERTIFICATE NO. MOO467 * OF CHIROPRACTIC EXAMINERS
Respondent *

* * * * *

FINAL CONSENT ORDER

Based on information received and a subsequent investigation by the State Board of Chiropractic Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-5A-01, et seq., (2000 Repl. Vol.) (the "Massage Therapists Act" or the "Act"), the Board charged Kathryn Blake, M.T., (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 3-5A-09:

(a) Subject to the hearing provisions of §3-315 of this subtitle, the Board may deny a certificate or registration to any applicant, reprimand any certificate holder or registration holder, place any certificate holder or registration holder on probation, or suspend or revoke the certificate of a certificate holder or the registration of a registration holder, if the applicant, certificate holder, or registration holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate or registration for the applicant or for another;
- (19) Fails to cooperate with a lawful investigation conducted by the Board [;].

The Respondent was given notice of the issues underlying the Board's charges by notice dated March 18, 2002. Accordingly, a Case Resolution Conference was held on May 9, 2002, and was attended by Brian Ashton, D.C., Board member, and Richard

Bloom, Assistant Attorney General, Board Counsel. Also in attendance were the Respondent and her attorney, Arnold S. Kaplan, and the Administrative Prosecutor, Roberta Gill.

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

FINDINGS OF FACT

1. At all times relevant to the charges herein, the Respondent was certified to practice massage therapy in the State of Maryland. The Respondent was first certified on February 3, 2000. The Respondent's certification expires October 31, 2002.

2. Prior to becoming certified, the Respondent was employed by a corporation known as AHS, Inc., which owns three separate massage locations in Maryland. During the course of the Board's investigation, the Respondent denied working under an alias and of having any knowledge of AHS, Inc., or its owner. When later confronted by the investigator, the Respondent admitted to working under the pseudonym, and admitted to knowledge of AHS, Inc. However, she continued to deny knowing about other aspects of the business practices of AHS, Inc.

3. During a routine check of references submitted by a group of applicants for certification as massage therapists, it was discovered that they all listed the Respondent as a reference. All of the applications were from AHS, Inc.

4. The Respondent was contacted and denied knowing any of the applicants, other than one whom she claimed had been a client of hers and who had paid her \$15 to be listed as a reference. That client later acknowledged paying the Respondent \$15 a piece for all applicants listing the Respondent as a reference. The Respondent is listed as a reference for 30 applicants. The Respondent acknowledged that she does not know any of them and has not seen them perform massages.

5. Allowing one's name to be listed as a reference for applicants for certification when one does not know them or their work is fraudulently or deceptively attempting to obtain a certificate for another in violation of the Act. Failing to cooperate in a lawful Board investigation is a violation of the Act.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 3-5A-09 (1) and (19).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 11th day of July, 2002, by a majority of a quorum of the Board,

ORDERED that the Respondent's certificate to practice massage therapy is hereby **SUSPENDED** for six (6) months and that that Suspension be **STAYED** for all but three months; and be it further

ORDERED that during the Suspension, the Respondent shall complete the following conditions:

1. Take and pass the jurisprudence examination administered by the Board;
2. Take and pass an ethics course preapproved by the Board and document the completion of same to the Board; and be it further

ORDERED that, after the Respondent has completed the above conditions and the three months of her Suspension have ended, the Respondent shall be placed on Probation for a period of six (6) months, after she submits a petition to the Board documenting her compliance with the above conditions and requesting reinstatement of her certificate.

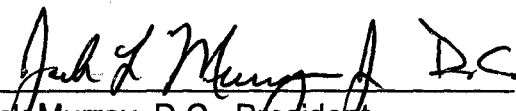
ORDERED that, the Consent Order is effective as of the date of its signing by the Board; and be it

ORDERED that, should the Board receive a report that the Respondent's practice is a threat to the public health, welfare and safety, the Board may take immediate action against the Respondent, including lifting the suspension, providing notice and an opportunity to be heard are provided to the Respondent in a reasonable time thereafter. Should the Board receive in good faith information that the Respondent has substantially violated the Act or if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation. The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation/Suspension shall be on the Respondent to demonstrate compliance with the Order or conditions; and be it

ORDERED that, the Respondent shall practice in a competent manner and in accordance with the laws and regulations governing the practice of massage therapy in Maryland; and be it further

ORDERED that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on her license, provided that she can demonstrate compliance with the conditions of this Order. Should the Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary. Should the Respondent fail to petition the Board for reinstatement, her Probation shall continue;

ORDERED that, for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 1999), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.



Jack Murray, D.C., President
State Board of Chiropractic Examiners

CONSENT OF KATHRYN BLAKE, M.T.

I, Kathryn Blake, by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, Arnold S. Kaplan, and have been advised by him of the legal implication of signing this Consent Order;
2. I am aware that without my consent, my certificate to practice massage therapy in this State cannot be limited except pursuant to the provisions of Md. Health Occ. Code Ann. § 3-5A-09 (2000 Repl. Vol.) of the Act and the Administrative Procedure Act (APA) and Md. State Govt. Code Ann. §10-201, et seq., (1999 Repl. Vol.)
3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in §3-315 of the Chiropractic Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 3-316 of the Chiropractic Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and following proper procedures, I may suffer disciplinary action, possibly including revocation, against my certification to practice massage therapy in the State of Maryland.

8/5/02
Date

Kathryn Blake C.M.T.
Kathryn Blake, M.T.


STATE OF MARYLAND

CITY/COUNTY OF Baltimore :

I HEREBY CERTIFY that on this 6th day of August, 2002, before me, Arnold S Kaplan, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Kathryn Blake, Certificate No. M00467, 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.

A Kaplan
Notary Public 

My Commission Expires: 2/19/03