

IN THE MATTER OF

*

BEFORE THE STATE

SUK Y. BLOOME, C.M.T.

*

BOARD OF CHIROPRACTIC

Respondent

*

EXAMINERS

Certificate Number: M01086

*

Case Number: 3-41-M

* * * * *

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., the "Massage Therapists Act," (the "Act") (2000 Repl. Vol.), the Board charged Suk Y. Bloome, C.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 title, 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:

- (2) Fraudulently or deceptively uses a certificate or registration;
- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (20) Engages in conduct that violates the professional code of ethics; or
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations.

The Board further charged the Respondent with a violation of its Code of Ethics, Code of Md. Regs. tit. 10, § 43.18 (October 16, 2000). Specifically the Board charges the Respondent with violating the following subsections:

.05 Professional Boundaries, thereof:

A. A certificate holder or registration holder shall:

(1) Maintain professional boundaries, even when the client initiates crossing the professional boundaries of the professional relationship; and

(2) Respect and maintain professional boundaries and respect the client's reasonable expectation of professional conduct.

B. A certificate holder or registration holder may not:

(1) Exploit a relationship with a client for the certificate holder's or registration holder's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;

(2) Engage in a sexually intimate act with a client; or

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

(a) Therapeutic deception,

(b) Non bona fide treatment, or

(c) A sexually exploitative relationship.

The Respondent was given notice of the issues by letter dated March 1, 2004. Accordingly, a Case Resolution Conference was held on April 15, 2004, and was attended by Jonathan Nu, D.C., Massage Therapy Advisory Committee member, James Vallone, Executive Director, Board of Chiropractic Examiners, and Richard Bloom, Assistant Attorney General, Board Counsel. Also in attendance were the Respondent and her attorney, David Martella, and the Administrative Prosecutor, Roberta Gill, Assistant Attorney General.

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 hereto, the Respondent was certified to practice massage therapy in Maryland. The Respondent was first certified on August 30, 2000. The Respondent's certificate expires on October 31, 2004.

2. At all times relevant hereto, the Respondent ostensibly practiced massage therapy at Ultima, a massage establishment in Germantown, Maryland in Montgomery County.

3. Because of prior illicit activities that occurred at Ultima, the Montgomery County Police Department, Vice and Intelligence Section (the "Section"), set up a surveillance of Ultima on September 24, 2003. Sgt. Rusher of the Section observed a male enter Ultima. When the customer exited Ultima, he was interviewed by Detective Stack of the Section and he agreed to make an oral and written statement.

4. The male customer stated that a friend had told him that he could go to Ultima and receive a massage and a "hand job" or hand-release. Accordingly, the male customer went to Ultima and knocked on the door, which was answered by the Respondent, who took him to a massage room, informing him that an hour massage would cost \$100 and a half-hour one, \$80. The male customer paid for a one-hour massage, after which the Respondent told him to get undressed, which he did. Thereafter, he put on a towel and the Respondent took him to the shower room, where she scrubbed his body while he was

completely naked. Then, the Respondent dried the customer off and took him back to the massage room.

5. The customer lay on his stomach on the massage table, whereupon the Respondent massaged his back for approximately thirty minutes. The Respondent then instructed the customer to turn over which he did. The Respondent took a bottle of oil from the night stand, splashed some into her hand, and then gave the customer a hand release. While doing so, the Respondent pulled down her top, exposing her left breast, and motioned to the customer to touch it. The male customer fondled the Respondent's breast, while she continued to give him a hand release until he ejaculated. The Respondent told the customer that she was going to get a warm towel and left the room. The Respondent returned with a towel and cleaned the customer up, whereupon, the customer got dressed and gave the Respondent an extra \$30 for the hand release. The customer then exited Ultima, where he was met by the Section.

6. During this time, a female exited Ultima, but was stopped by Detective Muollo and asked to return. Thereafter, the Section entered Ultima to identify the female who gave the customer the massage and hand release. All females within Ultima were photographed and the pictures shown to the customer, from which he picked the picture of the Respondent as the individual who gave him the massage and hand release. Detective Stack observed bottles of oil in all of the massage rooms. The Respondent was arrested and charged with one count of prostitution.

7. As set forth above, rubbing a customer's body in the shower while he is completely nude, exposing one's breast and allowing a customer to fondle it, and giving a customer a hand release are violations of the Act and regulations thereunder.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated Md. Health Occ. Code Ann. § 3-5A-09 (a) & (2) (8), (20) and (21). The Respondent also violated Code of Md. Regs. tit. 10, § 43.18.

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 22 day of ~~June~~^{July}, 2004, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice massage therapy is hereby suspended for six months; and be it further

ORDERED that, prior to being allowed to resume practice, the Respondent shall:

1. Take and pass with the requisite score the jurisprudence examination administered by the Board;
2. Take and pass with the requisite score the proficiency examination administered by the Board;
3. Take and pass a record-keeping course approved by the Board and document that completion to the Board.

ORDERED that, following the suspension, if the Respondent can document that she has taken and passed the above examinations/courses, the Respondent shall be placed on **PROBATION** for one year.

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 suspension or revocation, 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 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;

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. 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.



E. Brian Ashton, D.C., P.T., President
State Board of Chiropractic Examiners

Respondent fail to demonstrate compliance, the Board may impose additional terms and conditions of Probation, as it deems necessary;

ORDERED that for purposes of public disclosure, as permitted by Md. State Govt. 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.

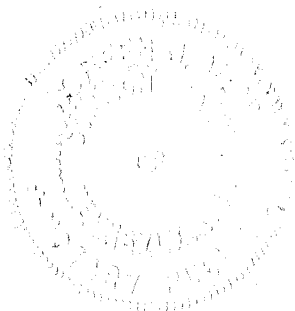
E. Brian Ashton, D.C., P.T., President
State Board of Chiropractic Examiners

Suk yang Bloome
Suk yang BLOOME

Noreen J. Venn
Notary

My Commission expires on Nov. 5, 2007

NOTARIAL SEAL
NOREEN J. VENN
Notary Public
FOSTER TWP, LUZERNE COUNTY
My Commission Expires Nov 5, 2007



CONSENT OF SUK Y. BLOOME, C.M.T.,

I, Suk Y. Bloom, C.M.T., by affixing my signature hereto, acknowledge that:

1. I am represented by an attorney, and have been advised by him of the legal implication of signing this Consent Order;

2. I am aware that without my consent, my license to practice massage therapy in this State cannot be limited except pursuant to the provisions of § 3-5A-09 of the Act and the Administrative Procedure Act (APA) Md. State Govt. Code Ann. §10-201, et seq., (1999 Repl. Vol. and 2003 Supp.)

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 Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 3-316 of the 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 license to practice massage therapy in the State of Maryland.

7 - 14 - 2004

Date

Suk Yung Bloome
Suk Y. Bloome, C.M.T.

STATE OF ~~MARYLAND~~ Pennsylvania

CITY/COUNTY OF Monroe:

I HEREBY CERTIFY that on this 14th day of July, 2004, before me, Noreen J. Venn, a Notary Public of the foregoing State and (City/County),
(Print Name)

personally appeared Suk Y. Bloome, License No. M01086, 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.


Notary Public

My Commission Expires: Nov. 5, 2007

NOTARIAL SEAL
NOREEN J. VENN
Notary Public
FOSTER TWP, LUZERNE COUNTY
My Commission Expires Nov 5, 2007

