

IN THE MATTER OF

JOUNG J. CHANG, M.T.
A/K/A JOUNG J. CHEUNG

Respondent

Certificate Number: M01719

* BEFORE THE

* BOARD OF CHIROPRACTIC

* EXAMINERS

* Case Number: 3-16-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") (2000 Repl. Vol.), the Board charged Joung J. Chang, a/k/a Joung J. Cheung, 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 violating the following subsections of its Code of Ethics, Code Md. Regs. tit. 10, § 43.18 (October 16, 2000):

.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 underlying the Board's charges by letter dated December 11, 2003.¹ Accordingly, a Case Resolution Conference was held on January 15, 2003, which the Respondent failed to attend. The Respondent failed to comply with deadlines for submission of documents in preparation for the hearing. As a result, on February 25, 2004, the Board granted the State's Motion in Limine to Exclude the Respondent's Witnesses and Exhibits.

¹ Because the Respondent failed to notify the Board of her change of address, as required, the Charges and documentation regarding the case, e.g., exhibit and witness lists, were sent to various addresses on several occasions such as, on March 15, 2004, the State's Motion to Amend by Interlineation, was returned to the Office of Attorney General, and on March 17, 2004, the State's Motion in Limine was also returned to the Office of Attorney General.

On March 11, 2004, the Respondent, nonetheless, appeared at the hearing without an attorney, having knowingly and voluntarily waived her right to one. Before the hearing could commence, the State and the Respondent reached an agreement to settle the case, which agreement was presented to a full quorum of the Board, which assented to the settlement.

Accordingly, the following settlement was placed on the record and 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 December 18, 2001. The Respondent's certificate expires on October 31, 2004.

2. At all times relevant hereto, the Respondent worked at the Rockville Health Center (the "Center") in Rockville, Maryland.

3. On or about April 30, 2003, the Montgomery County Police Department, Vice and Intelligence Section (the "Section"), conducted an investigation of the Center, when they observed a male enter the Center and then exit sometime later. The male was interviewed by Detectives Stack and Wiley of the Section.

4. The male customer informed the detectives that he had been told by a friend that he could get a massage and a hand job at the Center. Thereafter, he went to the Center and rang the bell, which was answered by the Respondent, who took him to a

massage room and asked him how long he wanted to stay. The customer told the Respondent a half hour and she told him it would cost \$60. The customer paid the Respondent \$60 and she left the room, while he completely undressed and lay on the massage table on his stomach. The Respondent returned and started to massage the customer's back for several minutes, and then instructed him to flip over, which he did. Thereupon, the Respondent massaged his chest, legs and genitals. The Respondent stopped to put hand lotion in her hand and then continued to give the customer a hand release until he ejaculated.

5. Thereafter the Section entered the Center to identify the female who gave the above customer a massage and hand release. The door was answered by the Respondent who stated that she was the only female in the Center. A Polaroid picture was taken of the Respondent and shown to the customer who made a positive identification that the Respondent was the individual who gave him the massage and hand release.

6. The Respondent admitted to the Section that she gave the customer a massage and a hand release and cleaned him up with tissues, which she discarded in the trash can in the bathroom. The Respondent was arrested and charged with prostitution.

7. A massage therapist who massages a completely nude and undraped customer and gives that customer a hand release is in violation of the Act and regulations thereunder.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 3-5A-09 (a) (2), (8), (20) and (21) of the Act. The Board also finds that the Respondent violated Code Md. Regs. tit. 10, § 43.18.05 A (1) and (2), and, B (1), (2), and (3).

ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 17 day of June, 2004, by a majority of a quorum of the Board,

ORDERED that the Respondent's license to practice massage therapy is hereby **SUSPENDED** for a period of three months.

ORDERED that at the end of the Suspension period, the Respondent may petition for Reinstatement upon the completion of the following:

1. The Respondent shall take and pass with the requisite percentage the Board's jurisprudence examination; and,
2. The Respondent shall take and pass with the requisite percentage the Board's proficiency examination.

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

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

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 Suspension, 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 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 Suspension 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.

 JUN 17 2004

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

CONSENT OF JOUNG J. CHANG, M.T. A/K/A/ JOUNG J. CHEUNG,

I, by affixing my signature hereto, acknowledge that:

1. I am not represented by an attorney, and have knowingly and voluntarily waived my right to legal representation;

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 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 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.

6-15-04
Date

Joung J. Chang
Joung J. Chang, M.T.
A/K/A Joung J. Cheung

STATE OF Virginia
CITY/COUNTY OF Foley:

I HEREBY CERTIFY that on this 15th day of June, 2004, before me, Mike R. Holloman, a Notary Public of the foregoing State and (City/County),
(Print Name)
personally appeared Joung J. Chang, M.T., A/K/A/ Joung J. Cheung, License No. M01719, 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.

Mike R. Holloman
Notary Public

My Commission Expires: COM EXP DATE
3/31/06