

IN THE MATTER OF
DANA FANG, LMT
LICENSE: M04423

* BEFORE THE MARYLAND
* BOARD OF CHIROPRACTIC
* AND MASSAGE THERAPY
* EXAMINERS
* CASE NO: 13-41M

* * * * *

FINAL ORDER OF REVOCATION OF LICENSE TO PRACTICE MASSAGE THERAPY

The State Board of Chiropractic Examiners and Massage Therapy Examiners ("the Board") notified Dana Fang, (the "Respondent"), (D.O.B. 02/21/1987), License Number: M04423, of its intent to revoke her license to practice massage therapy pursuant to the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. ("H. O.") §§ 3-101 *et seq.* (2009 Repl. Vol.) for violating the Board's Final Decision and Order dated August 13, 2013. The pertinent provisions state:

H.O. §3-5A-11 Denials; Suspensions; Revocations

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

- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (9) Is negligent 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.

Code Md. Regs. tit. 10, § 43.18

.03 Standards of Practice.

C. A license holder or registration holder shall:

(2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;

(6) Practice massage therapy or non-therapeutic massage only as defined in the scope of practice set out in Health Occupations Article, §3-5A-01, Annotated Code of Maryland;

D. A license holder or registration holder may not:

(2) Knowingly engage in or condone behavior that:

(a) Is fraudulent;

(b) Is dishonest;

(c) Is deceitful; or

(d) Involves moral turpitude;

(3) Engage in a commercial activity that conflicts with the duties of a licensed massage therapist or registered massage practitioner;

(4) Perform massage therapy or non-therapeutic massage on a client if a contraindication against this treatment exists;

(5) Discriminate against a client or a health care provider based on race, religion, age, gender, sexual orientation, national origin, or disability; or

(6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

FINDINGS OF FACT

The Board finds that:

1. On or about June 16, 2009, the Respondent was licensed to practice massage therapy in the State of Maryland. Her current license is set to expire on October 31, 2014.
2. At all times relevant hereto, the Respondent was the manager of Establishment A, a massage therapy establishment, located in Annapolis, Maryland.¹
3. At all times relevant hereto, approximately four to six individuals were employed at Establishment A. The Respondent hired and supervised the employees that were employed at Establishment A.
4. At all times relevant hereto, the Respondent was the only individual employed at Establishment A, who was either licensed or registered to practice massage therapy in the State of Maryland.
5. In or around May 2013, the Board received a complaint from the Anne Arundel County Police Department ("Anne Arundel Police") that unlicensed individuals were practicing massage at Establishment A.
6. Between April 2013 and May 2013, detectives from the Anne Arundel Police conducted an undercover investigation, after receiving a complaint of sexual activity taking place at Establishment A.

¹Establishment A is owned by members of the Respondent's family.

7. During the course of the investigation of Establishment A, the undercover detective received massage therapy from employees, who were not licensed in Maryland to practice massage therapy.
8. On about August 13 2013, the Board issued a Final Decision and Order ("the Order") following a June 13, 2013 evidentiary hearing.
9. Under the terms and conditions of the Order, the Respondent's license was suspended for twelve (12) months with all but thirty (30) days stayed. The Respondent also received a reprimand and she was placed on probation for a period of three (3) years.
10. The Order also required that the Respondent submit "quarterly reports to the Board detailing her current place of employment, names, addresses and identifying information of all employees, positions, and any activities pertaining to massage therapy".
11. The Respondent's initial quarterly report was due on September 1, 2013. The Respondent failed to submit her September 2013 quarterly reports, or any subsequent reports.
12. The Respondent's conduct as set forth above is a violation of the Act and the regulations thereunder.
13. The Respondent failure to abide by the terms and conditions of the Order is a violation of probation and a basis for revocation of the Respondent's license.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. § 3-5A-11 (a) (8), (20), and (21); Code Md. Regs. tit. 10, § 43.18 C (2) and (6); and D (2)(a)-(d), (3), (4), (5) and (6).07.03 .3 C (1).

ORDER

Based on the foregoing Findings of fact and Conclusions of Law, it on is this day,

5/15 of 2014 that the majority of the Board hereby:

ORDERED that the license of the Respondent to practice massage therapy, under license number: M04423, is hereby **REVOKED**; and it is further

ORDERED that the Board will not accept requests from the Respondent for reinstatement her of license until one (1) year from the date of this Order and the Board has determined that the Respondent has satisfied Board's Order in case number :12-01M dated August 13, 2013 ; and it is further

ORDERED that any license reinstatement request shall be in writing; and it further

ORDERED that the Respondent may file a written petition with the Board to be reinstated without any conditions or restrictions on her certification, 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; and it is further

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

ORDERED that for purposes of public disclosure and as permitted by Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol.), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law, and Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is final and a public document pursuant to Md. State Govt. Code Ann. §§ 10-601 *et seq.* (2009 Repl. Vol.).

5/15/14

Date



Michael Fedorczyk, DC President
State Board of Chiropractic and
Massage Therapy Examiners