

IN THE MATTER OF

*

BEFORE THE STATE

MILDRED HASTINGS, CMT

*

BOARD OF

Respondent

*

CHIROPRACTIC EXAMINERS

License Number: M01170

*

Case Number: 02-93-M

* * * * *

**FINAL ORDER OF REVOCATION
OF MASSAGE THERAPY CERTIFICATE**

FINDINGS OF FACT

The Board bases its decision to revoke the massage therapy certificate of the Respondent on the foregoing reasons which the Board has reason to believe are true:

1. At all times relevant hereto, the Respondent was issued a certificate to practice massage therapy in Maryland. The Respondent was issued Certificate Number M01170 on October 5, 2000.

2. On or about March 30, 1996, the Respondent graduated from the Baltimore School of Massage.

3. On March 23, 1999, the Respondent submitted an application for certification as a massage therapist in Maryland. On her application, the Respondent indicated that she had not passed the National Certification Board for Therapeutic Massage and Bodywork (NCMTMB) examination¹ (A copy of the Respondent's Application for Certification to Practice in Massage Therapy is attached hereto and incorporated herein as Exhibit A).

¹ The NCMTMB is a national organization that administers a national massage therapy examination that is recognized by the Board.

4. On April 27,2000, the Board advised the Respondent that she was required to take and pass the State Exam in order to practice massage therapy in Maryland (The Board's Notice of Mandatory Examination to Continue the Practicing dated April 27,2000, is attached hereto and incorporated herein as **Exhibit B).**²

5. On June 13, 2000, the Respondent took the State Exam.

6. On June 28, 2000, the Board notified the Respondent that she had failed the State Exam. The Board also informed the Respondent that she must cease practicing massage therapy in Maryland (The Board's letter to the Respondent dated June 28,2000, is attached hereto and incorporated herein as **Exhibit C).**

7. On August 1, 2000, the Respondent retook State Exam.

8. On August 4, 2000, the Board notified the Respondent that she had again failed the State Exam. The Respondent was also informed that she was not permitted to practice massage therapy in Maryland (The Board's letter to the Respondent dated August 4, 2000, is attached hereto and incorporated herein as **Exhibit D).**

9. On September 6, 2000, the Board staff erroneously advised the Respondent that she met the requirements for certification as a massage

² The requirements of Code Md. Reg. tit. 10 § 43.17.04A(6) were waived by the Board until the Board developed and adopted the State Exam. The Respondent received a waiver allowing her to practice massage therapy until the State Exam was developed and adopted by the Board. After the State Exam was developed and adopted by the Board, the Respondent was notified that she was required to take the State Exam in order to continue practicing massage therapy.

therapist in Maryland (The Board's notification letter to the Respondent dated September 6, 2000, is attached hereto and incorporated herein as **Exhibit E**).

10. On October 8, 2002, the Respondent submitted her application to renew her massage therapy certificate along with a money order for the application fee. The renewal was granted on or about October 18, 2002. The renewed certificate expires on October 31, 2004.

11. After a subsequent review of the Respondent's original certification file, the Board discovered that the Respondent's original certificate and her 2002 renewal certificate to practice massage therapy were issued in error. The Board learned that the Respondent had not passed the State Exam as required under H.O. § 3-5A-05(b).

12. On November 8, 2002, the Board notified the Respondent that her massage therapy certificate was issued in error. (The Board's letter to the Respondent dated November 8, 2000, is attached hereto and incorporated herein as **Exhibit F**).

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that the Respondent's practice of massage therapy without passing the mandatory state examination, violated the Maryland Massage Therapy Practice Act (the "Act"), Md. Health Occ. Code Ann. ("H.O.") §§ 3-101 et seq. (2000 Repl. Vol. and 2002 Supp.). The Respondent is in violation of H.O. § 3-5A-05(b)(5) and COMAR 10.43.17.04(A)(6).

ORDER

ORDERED, that the certificate issued to Mildred Hastings to practice massage therapy in the State of Maryland is hereby **REVOKED**; and it is further

ORDERED, that the Respondent is prohibited from practicing as a massage therapist in the State of Maryland;

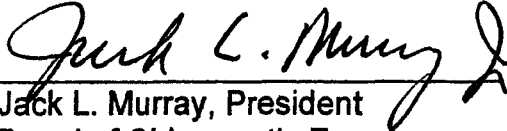
ORDERED, that the Respondent should surrender to the State Board of Chiropractic Examiners the following items regarding Certificate Number M01170, within five (5) days upon receipt of said Order:

1. Wall certificate; and/or
2. Display certificate; and
3. Pocket certificate.

ORDERED, that this Final Order is a public document pursuant to Md. State Gov't. Code Ann. § 10-601 et seq. (2000 Repl. Vol. and 2002 Supp.).

JUN 02 2003

Date



Jack L. Murray, President
Board of Chiropractic Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. § 3-316 (2000 Repl. Vol. and 2002 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of your receipt of the Notice of Denial of Renewal Application for Massage Therapy Certification and shall be made as provided for judicial review of a final decision in the Md. State Gov't.