



STATE OF MARYLAND

DHMH

Board of Chiropractic Examiners

Maryland Department of Health and Mental Hygiene

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Parris N. Glendening, Governor - Georges C. Benjamin, M.D., Secretary

Massage Therapy Advisory Committee

JAN 02 2003

Certified Mail No. 7001 2510 0006 0266 3164

Chung Kang
922 North East Street
Frederick, MD 21701

Re: Final Order of Denial of Massage Therapy Certification

Dear Ms. Yang:

On *NOV. 14*, 2002 the Board sent you notice that unless you requested a hearing, in writing, within 30 days, the Board would sign the Final Order. Because no hearing was requested, enclosed is the Board's Final Order denying your certificate to practice massage therapy.

Sincerely,

James Vallone, Executive Director
Board of Chiropractic Examiners

JV:sm

cc: Timothy J. Paulus, Deputy Counsel
Richard Bloom, Board Counsel
Roberta Gill, Assistant Attorney General
Sheryl L. Mc Donald, Legal Secretary

IN THE MATTER OF

*

BEFORE THE

CHUNG KANG, M.T.

*

STATE BOARD OF

Certificate Number M01241

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CHIROPRACTIC EXAMINERS

APPLICANT

*

* * * * *

FINAL ORDER OF DENIAL OF RENEWAL OF MASSAGE THERAPY CERTIFICATE

BACKGROUND

On August 7, 2002, the State Board of Chiropractic Examiners (the "Board"), received a report from The Virginia Learning Institute that the "official transcript" submitted by Chung Kang, Applicant for renewal, was not valid. Thus, the Applicant's certificate to practice massage therapy in Maryland was void *ab initio*. Accordingly, on October 12, 2002, the Board, by a majority of its full authorized membership, voted to initially deny the Applicant's renewal application for a massage therapy certificate. Accordingly, on _____, 2002, the Board sent the Applicant the Initial Notice of Denial of Massage Therapy Certification, indicating that the Board would sign same if the Applicant failed to request a hearing in writing within 30 days of the date of the notice. More than 30 days have passed since the notice was sent. Therefore, the Board takes the following action.

FINDINGS OF FACT

The Board bases its decision to deny the certificate renewal on the following findings of fact:

1. The Applicant was first certified by the Board on November 6, 2000, based upon submission of an application, dated October 27, 2000, which included a purported transcript from The Virginia Learning Institute.

2. By renewal application dated September 4, 2001, the Applicant re-applied for certification as a massage therapist.

3. By notice dated August 7, 2002, The Virginia Learning Institute informed the Board that the "official transcript" submitted by the Applicant was not valid.

4. The Applicant violated the Act and the regulations thereunder by submitting a "transcript" from The Virginia Learning Institute and by certifying in her initial application that she had graduated from an approved school of massage, when she had not, in fact, graduated from same and when that transcript was, in fact, fraudulent.

5. As set forth above, the Applicant lacks the good moral character to qualify for a renewal of her application for certification as a massage therapist in Maryland.

CONCLUSIONS

Based on the foregoing Findings of Fact, the Board concludes, as a matter of law, that, engaging in the aforesaid activities, violated the Maryland Chiropractors Act (the "Act"), Title 3, Md. Health Occ. Code Ann. (2000 Repl. Vol.) in the following manner: § 3-5A-09 (1) (Fraudulently or deceptively obtains or attempts to obtain a certificate or registration for the applicant or for another); (11) (Has violated any provision of this subtitle); and, (21) (Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations [;]). The Board further denies the Applicant a renewal of her massage therapy certificate on the basis that the Applicant violated § 3-5-A-05: (a) To qualify for a certificate, an applicant shall be an individual who: (1) Is of good moral character [;]. The Board further denies the Applicant a renewal of her massage therapy

certification for violation of the following regulation, Code Md. Regs. tit. 10 § 43.17 (1999):
.05 Application of Certification. (3) Provide evidence that the applicant is: (a) (Of good moral character [;].)

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this day of _____, 2002, hereby **ORDERED** that the (renewal) application for certification as a massage therapist of Chung Kang is hereby **DENIED**.

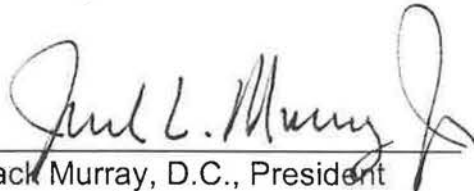
It is further **ORDERED** that this Final Order shall be a public document, pursuant to Md. State Govt. Code Ann. § 10-617(h) (2000 Repl. Vol.).

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 3-316 (2000 Repl. Vol.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2000 Repl. Vol.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the forecited authority.

JAN 02 2003

Date


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