

IN THE MATTER OF * BEFORE THE BOARD OF
IRINA LE CHEMINANT, L.M.T. * CHIROPRACTIC & MASSAGE
RESPONDENT * THERAPY EXAMINERS
LICENSE NO.: M01496 * CASE NO.: 10-06M

* * * * *

FINAL ORDER OF REVOCATION OF LICENSE

The State Board of Chiropractic and Massage Therapy Examiners (the "Board") notified Irina Le Cheminant, L.M.T. (the "Respondent") D.O.B. 5/23/1961, license number: M01496, of the Board's intent to revoke her license to practice massage therapy under the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. ("H. O.") §§3-301 *et seq.* (2009 Repl. Vol.). Specifically, the Board charged the Respondent with violating the following:

H.O. § 3-5A-11. Denials; suspensions; revocations.

(a) *Denial or certification or registration.*-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 license or registration;
- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;

(6) Knowingly does any act that has been determined by the Board, in its regulations, to exceed the scope of practice authorized to the individual under this subtitle;

(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 certificate holder or registration holder shall:

(1) Use professional discretion and integrity in relationships with members of the public and health care community;

(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 certificate holder or registration holder may not:

(2) Knowingly engage in or condone behavior that:

(a) Is fraudulent,

(d) Involves moral turpitude;

.05 Professional Boundaries.

(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.

FINDINGS OF FACT

The Board finds that:

1. At all times relevant hereto, the Respondent was and is licensed to practice massage therapy in the State of Maryland. The Respondent was originally licensed to practice massage therapy in Maryland on June 15, 2001.
2. At all times relevant hereto, the Respondent owned and operated Escape Spa, located at 2430 York Road, Timonium, Maryland.
3. In the fall of 2009, the Baltimore County Police Department received a report that Escape Spa was operating a purported house of prostitution.
4. In January 2010, the police set up visual surveillance at the Escape Spa.
5. While conducting surveillance, the detectives observed several men leaving their cars and going into Escape Spa.
6. During the surveillance, the detectives stopped ST, as he was leaving Escape Spa.¹
7. ST told the detectives that he learned of Escape Spa through a *Baltimore City Paper* advertisement.
8. ST also told the detectives that, when he was inside Escape Spa, he paid one hundred (\$100) for a one hour massage and "hand job".
9. ST informed the detective that a woman named Katya had given him a massage and "hand job".
10. ST stated that he had been to Escape Spa on other occasions and had received "hand jobs" from Katya.

¹ The names of clients or potential clients listed in this document have not been revealed in order to protect their identities.

11. ST described Katya as in being in her late 30s or 40s and having blonde hair and a Russian accent.

12. ST agreed to return to Escape Spa to identify Katya.

13. The Baltimore County Police entered Escape Spa after a search and seizure warrant was issued by Judge Wilson of the District Court of Maryland for Baltimore County, Maryland.

14. After detectives entered Escape Spa, ST identified the Respondent as Katya.

15. Once inside Escape Spa, the detectives also found a naked female employee of Escape Spa in a room with a naked patron.

16. The Respondent admitted to the detectives that she was the owner of Escape Spa.

17. The Respondent also admitted that she employed the women who were in Escape Spa at the time of the execution of the search and seizure warrant.

18. The Respondent also admitted that her employees were not licensed to perform massage therapy.

19. At the conclusion of the execution of the search and seizure warrant, the Respondent was placed under arrest. She was charged by the Baltimore County Police with two (2) counts of Prostitution, in violation of Md. Crim. Law Code Ann. § 11-306.

20. On or about March 30, 2010, the Respondent was found guilty in the District Court for Baltimore County of one (1) count of Prostitution in violation of Md. Crim. Law Code Ann. § 11-306.²

² The Respondent appealed the District Court decision. On August 27, 2010, the Respondent was found guilty in the Circuit Court for Baltimore County of one (1) count of Prostitution, in violation of Md. Crim. Law Code Ann. § 11-306.

21. The Respondent's conduct, as set forth above, is a violation of H.O. § 3-5A-11 (a) §3-313 (2), (4), (6), (20), and (21); Code Md. Regs. tit. 10, § 43.07.03 .3 C (1) and (6); Code Md. Regs. tit. 10, § 43.07.03 .3 D (2) (a) and (d); and Code Md. Regs. tit. 10, § 43.07.03.05 (2) and (3).

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes that the Respondent violated H.O. § 3-5A-11 (a) §3-313 (2), (4), (6), (20), and (21); Code Md. Regs. tit. 10, § 43.07.03 .3 C (1) and (6); Code Md. Regs. tit. 10, § 43.07.03 .3 D (2) (a) and (d); and Code Md. Regs. tit. 10, § 43.07.03.05 (2) and (3).

ORDER


Based on the foregoing Findings of Fact and Conclusions of Law, it on is this day, OCT 25th of 2010 that the majority of the Board hereby:

ORDERED that the license of the Respondent to practice massage therapy, is hereby **REVOKED** and the Board will not accept, from the Respondent, any future application for licensure, certification, and/or registration; 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.).

10-25-2010
Date



Kay B. O'Hara, D.C., President
State Board of Chiropractic and Massage
Therapy Examiners

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Health Occ. Code Ann. § 3-316 (2009 Repl. Vol.), 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 Final Order and shall be made as provided for judicial review of a final decision, in the Md. State Govt. Code Ann. §§ 10-201 *et seq.* (2009 Repl. Vol.), and Title 7, Chapter 200 of the Maryland Rules.