

IN THE MATTER OF * BEFORE THE MARYLAND
 JENNIFER A. ROBERTS * STATE BOARD OF MASSAGE
 Respondent * THERAPY EXAMINERS
 License Number: M00794 *

* * * * *

CONSENT ORDER OF REPRIMAND/ORDER OF PROBATION

On June 26, 2024, and on July 24, 2024, the Maryland State Board of Massage Therapy Examiners (the “Board”) charged the license of **JENNIFER A. ROBERTS** (the “Respondent”), License Number **M00794**, under the Maryland Massage Therapy Act (the “Act”), Md. Code Ann., Health Occ. §§ 6-101 *et seq.* (2021 Repl. Vol & 2023 Supp.). Specifically, the Board based its action on the Respondent’s violation of the following provisions of the Act:

§ 6-308 - License or registration denial, suspension, or revocation

- (a) *In general; grounds.* -- Subject to the hearing provision of § 6-309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a 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;
 - (11) Has violated any provision of this title, *to wit*:

Health Occ. § 6-305.

- (b) At least 1 month before the license or registration expires, the Board shall send to the licensed massage therapist or registered massage practitioner, by electronic means or first-class mail to the last known

electronic or physical address of the licensed massage therapist or registered massage practitioner, a renewal notice that states:

- (1) The date on which the current license or registration expires;
 - (2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license or registration expires; and
 - (3) The amount of the renewal fee.
- (d)(1) Each licensed massage therapist or registered massage practitioner shall notify the Board in writing of any change in the name or address of the licensed massage therapist or registered massage practitioner within 60 days after the change occurred.
- (2) Subject to the hearing provisions of § 6-309 of this subtitle, if a licensed massage therapist or registered massage practitioner fails to notify the Board within the time required under this subsection, the Board may impose an administrative penalty of \$100.

Health Occ. § 6-501

- (a) Except as otherwise provided in this title, an individual may not practice, attempt to practice, or offer to practice massage therapy, massage, myotherapy, or any synonym or derivation of these terms in the State unless licensed or registered by the Board.
 - (b) A person may not aid or abet the unauthorized practice of massage therapy in the State.
- (20) Engages in conduct that violates the professional code of ethics[.]

Violations of the professional code of ethics and Board regulations include:

COMAR 10.65.01.05. Licensure or Registration Required; Exceptions.

An individual shall be licensed by the Board in order to practice massage therapy, and shall be registered by the Board in order to practice massage therapy in a setting that is not a health care setting...[.]

COMAR 10.65.01.08. Registration.

- B. The licensee shall notify the Board of any change in the legal name or address of the licensee, in writing, within 60 days after the change occurs.

COMAR 10.65.03.03. Standards of Practice

- A. The license holder or registration holder shall be concerned primarily with the welfare of the client.
- C. A license holder or registration holder shall:
 - (1) Use professional discretion and integrity in relationships with members of the public and health care community;
 - (2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;
- D. A license holder or registration holder may not:
 - (6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

Md. Code Regs. 10.65.03.07. Education and Training.

- A. A license holder or registration holder shall:
 - (3) Maintain a current license or registration to practice massage therapy.

On August 28, 2024, the Respondent attended a case resolution conference (“CRC”) with members of the Board in an effort to resolve the pending charges in lieu of an evidentiary hearing. The Assistant Attorney General – Administrative Prosecutor, also attended the CRC on behalf of the State. At that CRC, the Respondent and the State agreed

to, and the Board hereby accepts, the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board finds:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was not actively licensed to practice massage therapy in the State of Maryland. The Respondent was originally licensed to practice massage therapy in Maryland on April 10, 2000, under license number M00794. The Respondent's license expired on October 31, 2020.
2. At all times relevant hereto, the Respondent owned and operated her own sports massage company ("Company")¹ that contracts with independent massage therapists and provides services throughout D.C., Maryland, and Virginia.
3. On or about September 29, 2023, the Board received an anonymous complaint ("Complaint") alleging that an Instagram post showed an employee, ("Contractor A") with a revoked license massaging an athlete at a university in Maryland ("University"). The Complaint stated in part:

I was scrolling the app Instagram. Upon scrolling, I saw an individual ([Contractor A]) with a revoked license doing massage. In one photo he has his hand, and elbow, on a [University] football player (clearly working on a player). The post was dated August 15th. The caption is "[University]...Football Training Camp..." The Instagram page... is [Company]. That individual should not be working in the field of massage. The bigger issue is that the individual/company that has him

¹ For confidentiality and privacy purposes, the names of individuals and healthcare facilities involved in this case are not disclosed in this document. The Respondent may obtain the names of all individuals and healthcare facilities referenced in this document by contacting the administrative prosecutor.

working around anyone needs to be investigated considering they are employing an individual with a revoked license. If that was my child being massaged by him I would be highly upset that they employed him.

4. An investigation into the Complaint and the Instagram post revealed that the account responsible for the post was owned by the Respondent.
5. Through investigation of Contractor A's work with the Company, it was discovered that the Respondent was a licensee and that her license was expired.
6. On receipt of the information, the Board initiated a complaint ("Board Complaint") and launched an investigation into the Respondent's licensing status.

II. BOARD INVESTIGATION

License Renewal

7. Addressing the Respondent's licensing status, a review of Board records revealed that the Board sent a total of seven (7) electronic communications to all licensees regarding the 2020 and 2022 License/Registration Renewal cycles.
8. The first email reminder was sent on July 8, 2020, and stated in part: "**Deadline:** All licenses/registrations expire on, and must be renewed by, October 31, 2020." [Emphasis in original] According to the Board's electronic delivery service, the Respondent opened this email, sent to her email address of record [...@comcast.net], a total of three (3) times.
9. The second email reminder was sent on August 7, 2020, and stated in part: "The deadline to renew your Massage Therapy License or Registration is **October 31, 2020.**" [Emphasis in original]

10. A third email blast was sent on October 2, 2020, and explained the Governor's extension to renew:

Massage Licenses and Registrations are due to expire on October 31, 2020. The Maryland State Board of Massage Therapy Examiners will continue to accept and process renewal applications during the Maryland state of emergency, which is still in effect. Under Governor Hogan's Executive Order dated June 19, 2020 regarding Licenses-Permits- Registration, expiration dates may be extended until 30 days after the state of emergency is terminated.

Therefore, a massage therapist/registered massage practitioner with a license/registration that expires on October 31, 2020 and has not renewed by that date, may continue to practice under the current license/registration until 30 days after the state of emergency has terminated. After that period, the license/registration will expire unless the licensee/registrant elects to change to an inactive status or simply allow it to expire.

11. A fourth email blast was sent to all licensees/ registration holders on March 10, 2021, and stated in part:

LMTs and RMPs were scheduled to renew their license/registration by October 31, 2020. If you have not yet renewed your license/registration, **your renewal is due on or before June 30, 2021.**

On March 12, 2020, Governor Larry Hogan issued an Order titled "Extending Certain Licenses, Permits, Registrations, and Authorizing Suspension of Legal Time Requirements." (Amended and Restated on June 19, 2020). The Orders stated in relevant part:

"The expiration date of each Covered Authorization [Licenses and Registrations] is hereby extended to the 30th day after the date by which the state of emergency is terminated and the catastrophic health emergency is rescinded."

The Governor's Executive Order dated March 9, 2021 amended the March 12, 2020 and June 19, 2020 Orders. **Effective immediately**, licenses and registration that were scheduled to be renewed on or before June 30, 2021, have until June 30, 2021 to renew the license.

Consequently, **you must renew your license/registration on or before June 30, 2021.**

If you fail to renew your license/registration by June 30, 2021, your license or registration will revert to a non-renewed status as of July 1, 2021. **You cannot legally practice massage therapy on a non-renewed license/registration.**

You must apply to reinstate your non-renewed license/registration and pay all applicable fees. Additionally, you may be subject to administrative action for practicing massage therapy without a license/registration.

Note that if you were scheduled to renew your license by October 31, 2020, you must renew your license again by October 31, 2022 in the normal course. [Emphasis in original]

12. A fifth email blast was sent out on May 11, 2021, and stated in part:

If your current license/registration reflects an expiration date of 10/31/2020, the deadline to renew is June 30, 2021 . . . All license/registrations not renewed by 11:59 pm on June 30, 2021, will revert to non-renewed status. This means, effective July 1, 2021, you will not be able to legally practice massage therapy in Maryland. [Emphasis in original]

13. During the 2022 renewal cycle, the Board sent email notices on February 24, 2022, and on June 23, 2022, informing all massage professionals of the October 31, 2022, renewal deadline.
14. The Respondent did not renew her license during either the 2020 or 2022 renewal cycles.
15. As of the date of these Amended Charges, the Respondent still has not submitted a renewal application.

Complaint Investigation

16. On November 13, 2023, the Board investigator contacted the athletic director at the University to inquire about Contractor A and Respondent performing massages on student-athletes.
17. On the same day, the athletic director promptly informed the investigator via telephone that both individuals had performed massages on student-athletes in Maryland and provided invoices confirming that the Respondent had performed massages on June 15, 2023, and August 6, 2023, and Contractor A performed massages on August 11, 13, 20, 22, 24, 27, and September 3 and 24, 2023.
18. The Board's Investigator attempted to reach the Respondent by mail sent to her address of record in Westminster, Maryland and to her email of record at [...@comcast.net].
19. On November 29, 2023, and December 15, 2023, the Board's Investigator sent a *subpoena duces tecum* to the Respondent at the business address listed on the invoices provided by the University.
20. On December 1, 2023, the Respondent called the Board investigator and stated that she had just recently become aware of Contractor A's license revocation and that he no longer worked for the Company. The Respondent also admitted that she required all contractors to present their license but has never checked the Board's website to verify the status of the license.
21. On February 6, 2024, a Board investigator conducted a recorded telephone interview with the Respondent.

22. The investigator asked the Respondent to provide her “mailing address.” The Respondent provided an address located in Germantown, Maryland that matched the business address the Investigator had sent the subpoenas to.
23. During the interview, the Respondent told the investigator that she was a “staffer” and had not performed massage services since her license had lapsed. However, the Respondent admitted that when she is training a new therapist, she places her hands on them in order to show them how to perform massages. The Respondent also admitted that she will put her hands on athletes in order for the trainee to see what to do.
24. At the end of the interview, the Respondent stated: “And just use the [Company] team email because I don’t use the other email anymore for Comcast . . . I can still see it but it’s not – I can’t get to it easily. So the one that comes into my phone is [...@icloud.com] for all communication.”
25. On June 26, 2024, the Board sent the Charges Under the Maryland Massage Therapy Act to the Respondent’s address of record (Westminster, Maryland) by first class and certified mail.
26. On July 17, 2024, the Board’s Executive Director received notice that the Notice of Charges sent via certified mail were being “returned to the sender on June 29, 2024 at 10:37 am in WESTMINSTER, MD 21157 because the addressee was not known at the delivery address noted on the package.” The Executive Director reviewed the Investigative File and located the Respondent’s business address in Germantown,

Maryland and the preferred email address the Respondent provided in her interview (which was the email address for her business).

27. On July 17, 2024, the Board re-issued the Charges Under the Maryland Massage Therapy Act to the business address in Germantown, Maryland, and to the [...@icloud.com] email address.
28. On or about July 18, 2024, the Respondent contacted the Board's Executive Director by phone and asked about the reissued Charges Under the Maryland Massage Therapy Act that was sent to her [...@icloud.com] email address. The Executive Director memorialized the conversation in an email and stated that during the conversation, the Respondent "asserted that given the pandemic, and the extension of time granted by the Governor, she was not required to renew her license. [The Respondent] also stated that any information emailed by the Board was not received as [the Board] did not have her updated email address."

CONCLUSIONS OF LAW

In this case, based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ.

§ 6-308 - License or registration denial, suspension, or revocation

(b) *In general; grounds.* -- Subject to the hearing provision of § 6-309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a 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;

(11) Has violated any provision of this title, *to wit*:

Health Occ. § 6-305.

(b) At least 1 month before the license or registration expires, the Board shall send to the licensed massage therapist or registered massage practitioner, by electronic means or first-class mail to the last known electronic or physical address of the licensed massage therapist or registered massage practitioner, a renewal notice that states:

(1) The date on which the current license or registration expires;

(2) The date by which the renewal application must be received by the Board for the renewal to be issued and mailed before the license or registration expires; and

(3) The amount of the renewal fee.

(d)(1) Each licensed massage therapist or registered massage practitioner shall notify the Board in writing of any change in the name or address of the licensed massage therapist or registered massage practitioner within 60 days after the change occurred.

(2) Subject to the hearing provisions of § 6-309 of this subtitle, if a licensed massage therapist or registered massage practitioner fails to notify the Board within the time required under this subsection, the Board may impose an administrative penalty of \$100.

Health Occ. § 6-501

(c) Except as otherwise provided in this title, an individual may not practice, attempt to practice, or offer to practice massage therapy, massage, myotherapy, or any synonym or derivation of these terms in the State unless licensed or registered by the Board.

(d) A person may not aid or abet the unauthorized practice of massage therapy in the State.

- (20) Engages in conduct that violates the professional code of ethics[.]

Violations of the professional code of ethics and Board regulations include:

COMAR 10.65.01.05. Licensure or Registration Required; Exceptions.

An individual shall be licensed by the Board in order to practice massage therapy, and shall be registered by the Board in order to practice massage therapy in a setting that is not a health care setting...[.]

COMAR 10.65.01.08. Registration.

- B. The licensee shall notify the Board of any change in the legal name or address of the licensee, in writing, within 60 days after the change occurs.

COMAR 10.65.03.03. Standards of Practice

- A. The license holder or registration holder shall be concerned primarily with the welfare of the client.
- C. A license holder or registration holder shall:
 - (1) Use professional discretion and integrity in relationships with members of the public and health care community;
 - (2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;
- D. A license holder or registration holder may not:
 - (6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

Md. Code Regs. 10.65.03.07. Education and Training.

- A. A license holder or registration holder shall:
 - (3) Maintain a current license or registration to practice massage therapy.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the license of the Respondent to practice as a licensed massage therapist, License Number **M00794**, is **REPRIMANDED**; and it is further

ORDERED that at such time the Respondent reinstates her license, the Respondent's license is at that time placed on **PROBATION** for a minimum of **TWO (2) YEARS** subject to the following terms and conditions:

1. The Respondent's status as a licensed massage therapist will be listed in the Board's computer records and website as being on "Probation".
2. Within **SIX (6) MONTHS** from the effective date of this Order, the Respondent is required to take and successfully complete one Board-approved course in **ETHICS**. The following terms apply:
 - i. It is the Respondent's responsibility to locate, enroll in, and obtain the Board's approval of the course before the course begins;
 - ii. The Board may accept a course taken in person or online;
 - iii. The course must be a minimum of three (3) credit hours.
 - iv. The Respondent must provide documentation to the Board that the Respondent has successfully completed the course;
 - v. The course may not be used to fulfill the continuing education credits required for license renewal; and
 - vi. The Respondent is responsible for the cost of the courses.
3. The Respondent shall pay a monetary penalty in the amount of **TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500)** to the Board

within **NINETY (90) DAYS** from the effective date of this Order.

4. The Respondent shall comply with the Maryland Massage Therapy Act, Md. Code Ann., Health Occ. §§ 6-101 – 6-602, and all laws and regulations governing the practice of massage therapy in Maryland, and it is further

ORDERED that the Respondent shall at all times cooperate with the Board in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Order. The Respondent's failure to fully cooperate with the Board shall be considered a violation of probation and this Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the Board determines there is a genuine dispute as to a material fact, the Board shall schedule an evidentiary hearing before the Board; and if the Board determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before the Board; and it is further

ORDERED that after the appropriate hearing, if the Board determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the Board may reprimand the Respondent, place the Respondent on additional probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's registration or license, as the case may be, to practice massage therapy in the State of Maryland. The Board may, in addition to one or

more of the sanctions set forth above, impose an additional civil monetary fine on the Respondent; and it is further

ORDERED that no earlier than **TWO (2) YEARS** after the effective date of this Consent Order, the Board will consider a petition for termination of the Respondent's probationary status, provided that the Respondent has been compliant with the probationary terms of this Consent Order; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board; and it is further

ORDERED that for purposes of public disclosure and as permitted by Md. Code Ann., Gen. Prov. § 4-333(b)(6), this document consists 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 a Final Order and, as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. § 4-333(b)(6) and Md. Code Ann., Health Occ. § 1-607.

09/25/2024
Date

Sharon Oliver
Sharon J. Oliver, MBA
Executive Director
Maryland State Board of Massage Therapy Examiners

CONSENT


I, Jennifer A. Roberts, assert that I am aware of my right to consult with and be represented by counsel in considering this Consent Order and in any proceedings that would otherwise result from the charges currently pending. I have chosen to proceed without counsel and I acknowledge that the decision to proceed without counsel is freely and voluntarily made.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the Board will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 6-309 and Md. Code Ann., State Gov't §§ 10-201 *et seq.* I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.



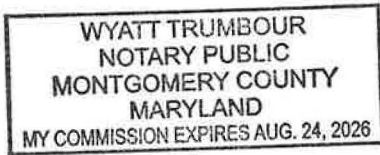
Jennifer A. Roberts

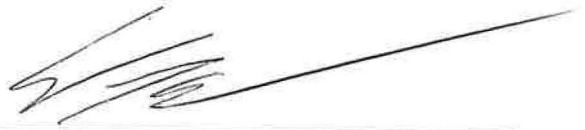
NOTARIZATION

I HEREBY CERTIFY that on this 20th day of September 2024,
before me, Notary Public of the State and City/County aforesaid, Jennifer A. Roberts
personally appeared, and made oath in due form of law that signing the foregoing Consent
Order was the voluntary act and deed of Jennifer A. Roberts.

AS WITNESSETH my hand and notarial seal.

SEAL





Notary Public

My Commission Expires: 8/24/2026