

**IN THE MATTER OF**

**AE SON SCHICK, RMP**

**Registration Number: R01012**

**Respondent**

**\* BEFORE THE STATE**

**\* BOARD OF CHIROPRACTIC**

**\* AND MASSAGE THERAPY**

**\* EXAMINERS**

**\* Case No. 09-31M**

\* \* \* \* \*

**FINAL CONSENT ORDER**

Based on information received and a subsequent investigation by the State Board of Chiropractic and Massage Therapy Examiners (the "Board"), and subject to Md. Health Occ. Ann. § 3-101, et seq., (2009 Repl. Vol.) (the "Act"), the Board charged Ae Son Schick, RMP, (the "Respondent"), with violations of the Act. Specifically, the Board charged the Respondent with violation of the following provisions of § 3-5A-11:

(a) 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:

(3) Is disciplined by a licensing, certifying, or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section;

(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 [;].

The Respondent was given notice of the issues underlying the Board's charges by notice dated July 8, 2010. Accordingly, a Case Resolution Conference was held on August 19, 2010, and was attended by Stephanie Cheney, D.C., Board member, James Vallone,

Executive Director of the Board, and Grant Gerber, Assistant Attorney General, Counsel to the Board. Also in attendance were the Respondent and her attorneys, William Littleton and Joseph Asensio, and the Administrative Prosecutor, Roberta Gill.<sup>1</sup>

Following the Case Resolution Conference, the parties and the Board agreed to resolve the matter by way of settlement. The parties and the Board agreed to the following:

### FINDINGS OF FACT

1. The Respondent was issued a registration to practice massage therapy on June 10, 2009. The Respondent's registration expires on October 31, 2010.

2. The Respondent first submitted her application on September 8, 2009<sup>8 AS</sup> and truthfully answered "no" to question D concerning arrests and criminal history. The Respondent took the Jurisprudence examination on November 24, 2008 and failed it. *JW*

3. On April 27, 2009, the Respondent was charged with second degree assault for hitting an elderly man in the head several times with her hand and ring because he messed in his bed. The Respondent also threatened him with a cane and, in trying to get away, he tripped and fell on the floor. The Respondent, his caregiver, lived with the elderly man, started yelling at him.

4. On May 26, 2009, the Applicant re-took and passed the jurisprudence examination, completed and submitted the documentation needed for issuance of a registration, and was issued a registration on June 10, 2009.

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<sup>1</sup>Britton Gore, Associate Attorney, also was present in an observational capacity.

5. Because there had been such a long interlude between the time that the Respondent had first submitted her application and the time that her application was completed, a routine background check was done and the above criminal charges were discovered. Later, the Board asked the Respondent to answer questions regarding the criminal charges, which the Respondent complied with.

6. On August 21, 2009, in the District Court of Anne Arundel County, the Respondent was sentenced to two days incarceration, fined \$250 and placed on Supervised Probation Before Judgment (PBJ) until August 21, 2010.

7. As set forth above, the Respondent is in violation of the Act.

#### CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the Board finds that Respondent violated § 3-5A-11 (a) (3) and (4).

#### ORDER

Based on the foregoing Findings of Fact, Conclusions of Law and agreement of the parties, it is this 18<sup>th</sup> day of November, 2010, by a majority of a quorum of the Board,

**ORDERED** that the Respondent's registration to practice massage therapy placed on **PROBATION**, for two years, subject to the following conditions:

1. The Respondent shall take and pass, with the requisite percentage,

ONE YEAR AS *AM*

the Board's jurisprudence examination, within ~~six months~~ of the effective date of the Consent Order. Failure to pass will result in a suspension of the registration until passage;

2. The Respondent shall take and pass a Board-pre-approved healthcare ethics course within six months of the effective date of the Consent Order. Failure to pass will result in a suspension of the registration until passage;

3. Take and pass a Board-pre-approved sensitivity/anger management course within six months of the effective date of the Consent Order. Failure to pass will result in a suspension of the registration until passage;

4. Pay a \$500 fine to the Board within six months of the effective date of the Consent Order. Failure to make the payments will result in a suspension of the registration until the payment is made.

**ORDERED** that the Consent Order is effective as of the date of its signing by the Board; and be it

**ORDERED** that, should the Board receive a report that the Respondent has violated the Act or, if the Respondent violates any conditions of this Order or of Probation, after providing the Respondent with notice and an opportunity for a hearing, the Board may take further disciplinary action against the Respondent, including suspension or revocation.

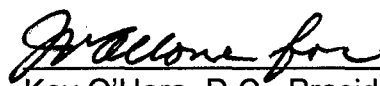
The burden of proof for any action brought against the Respondent as a result of a breach of the conditions of the Order or of Probation shall be on the Respondent to demonstrate

compliance with the Order or conditions; and be it

**ORDERED** that the Respondent shall practice in accordance with the laws and regulations governing the practice of massage therapy in Maryland; and be it further

**ORDERED** that, at the end of the Probationary period, the Respondent may petition the Board to be reinstated without any conditions or restrictions on her registration, 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;

**ORDERED** that for purposes of public disclosure, as permitted by Md. State Gov't. Code Ann. §10-617(h) (Repl. Vol. 2009), this document consists of the contents of the foregoing Findings of Fact, Conclusions of Law and Order, and that the Board may also disclose same to any national reporting data bank that it is mandated to report to.

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

**CONSENT OF AE SON SCHICK, RMP**

I, Ae son Schick, by affixing my signature hereto, acknowledge that:

1. I am represented by attorneys, William Littleton and Joseph Asensio, and have been advised by them of the legal implication of signing this Consent Order;

2. I am aware that, without my consent, my registration to practice massage therapy in this State cannot be limited except pursuant to the provisions of § 3-5A-11 of the Act and the Administrative Procedure Act (APA), Md. State Govt. Code Ann. §10-201, et seq., (2009 Repl. Vol.).

3. I am aware that I am entitled to a formal evidentiary hearing before the Board.

By this Consent Order, I hereby consent and admit to the foregoing Findings of Fact, Conclusions of Law and Order, provided the Board adopts the foregoing Consent Order in its entirety. By doing so, I waive my right to a formal hearing as set forth in § 3-315 of the Act and §10-201, et seq., of the APA, and any right to appeal as set forth in § 3-316 of the Act and §10-201, et seq., of the APA. I acknowledge that my failure to abide by the conditions set forth in this Order and, following proper procedures, I may suffer disciplinary action, possibly including revocation, against my registration to practice massage therapy in the State of Maryland.

11/10/10

Date

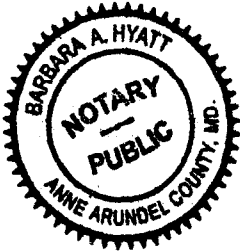
Ae Son Schick  
Ae Son Schick, RMT

STATE OF Maryland :

CITY/COUNTY OF Anne Arundel :

I HEREBY CERTIFY that on this 10 day of November, 2010, before me, BARBARA HYATT, a Notary Public of the foregoing State and (City/County),  
(Print Name)  
personally appeared Ae Son Schick, Registration No. R01012, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed, and the statements made herein are true and correct.

AS WITNESSETH my hand and notarial seal.



Barbara A. Hyatt  
Notary Public

My Commission Expires: 2/20/12