

IN THE MATTER OF * BEFORE THE
EVAN A. STAHLER, RMP * MARYLAND STATE BOARD
Registration No. R03268 * OF MASSAGE THERAPY EXAMINERS
Reactivation Applicant *

PRE-CHARGE CONSENT ORDER OF PROBATION

On or about October 22, 2022, Evan A. Stahler (the “Respondent”) submitted an online application to the Maryland State Board of Massage Therapy Examiners (the “Board”) requesting that his registration to practice as a registered massage practitioner (“RMP”) be made inactive pursuant to Md. Code Ann., § 6-306.2. Subsequently, on or about February 28, 2023, the Respondent submitted an application to reactivate his RMP registration. On that application, the Respondent disclosed that he had a criminal history and he provided a letter explaining the circumstances of that history. Based on the Respondent’s disclosures, on April 27, 2023, the Respondent met with Board representatives and agreed to the following Order.

FINDINGS OF FACT

The Board finds that:

1. On or about October 22, 2022, the Respondent submitted an application to his RMP registration placed on “inactive status” pursuant to Md. Code Ann., Health Occ. § 6-306.2. That application was processed, and the Respondent’s registration was made inactive.
2. On or about February 28, 2023, the Respondent submitted a “Reactivation Application” (the “Application”), requesting that his RMP registration be reactivated.
3. On that Application, the Respondent answered “YES” to Character and Fitness question 4, which asked, “Have you ever pled guilty, nolo contendere, no contest, or been convicted

or received probation before judgment for any criminal act (felony or misdemeanor), including DWI or DUI, in any state of [sic] jurisdiction?"

4. Because the Respondent answered "YES" to the above-referenced question, he also submitted a letter of explanation. In that letter, the Respondent advised that, among other things, on October 26, 2018, in the Circuit Court for Baltimore County, Case No. 03-K-17-006058, he pled guilty to, and was convicted of, Driving While Impaired by Alcohol in violation of Md. Code Ann., Trans. § 21-902(b)(1).

5. In addition, the Respondent stated in his letter that, on January 24, 2023, District Court for Baltimore County, Case No. D-08-CR-22-006491, the Respondent was found guilty of "Threat of Mass Violence" in violation of Md. Code Ann., Crim. Law § 3-1001. The Respondent was sentenced to 10 years with 9 years, 8 months suspended. The Respondent is also on supervised probation for 3 years. Pursuant to that probation, the Respondent is to, among other things, "Totally Abstain from Alcohol and Drugs." According to the Respondent, as part of the probation, he receives regular drug and alcohol testing. The Respondent explained the background of this conviction, stating:

At 12:30 am on 9/20/22 I telephoned the Pikesville Police Precinct with a complaint regarding a Baltimore County Police Officer. I was extremely intoxicated and had no recollection of that conversation the next day. During that conversation I was accused of making threats of harm towards that officer and her family.

6. In his letter of explanation, the Respondent stated that he has "come to the realization that [he is] an alcoholic and can never drink again." Further, he explained that he "could handle social drinking," but now realizes that he has a "disease that needs treatment like any other disease." According to the Respondent he is currently enrolled in outpatient alcohol treatment and is involved in group rehabilitation.

7. Based on these disclosures, the Board finds that the Respondent has very serious issues with alcohol. Further, the Board is deeply troubled that all of the events in question took place during a period when the Respondent's RMP was active. While there is no evidence that the Respondent ever practiced while intoxicated, it does not relieve the Board from its responsibility to protect the public. As such, the Respondent and the Board subsequently agreed to this Order and its terms.

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(a)(17) ("Is habitually intoxicated").

ORDER

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

ORDERED that the registration of the Respondent to practice as a registered massage practitioner, registration number R03268, is **REACTIVATED**; and it is further

ORDERED that the Respondent's registration is hereby placed on **PROBATION** for a minimum of **THREE (3) YEARS** subject to the following terms and conditions:

1. The Respondent's status as a registered massage practitioner will be listed in the Board's computer records and website as being on "Probation";
2. The Respondent shall arrange for the Respondent's supervisor at any location where the Respondent practices massage therapy to submit written quarterly Work-Site reports to the Board evaluating the Respondent's massage therapy practice. If the Respondent's employment terminates at any of the Respondent's locations of employment prior to the due date of a quarterly report, then a final workplace report is due on the last day of employment.

It is the Respondent's responsibility to ensure that such reports are submitted to the Board and to notify the Respondent's supervisor when these reports are due. An unsatisfactory or missed report will be considered a violation of probation and this Consent Order;

3. The Respondent shall submit to the Board written quarterly self-reports describing the Respondent's progress. Failure to provide written self-reports on time shall constitute a violation of probation and this Consent Order;
4. The Respondent shall satisfactorily complete a course approved in advance by the Board in **ANGER MANAGEMENT** and shall provide written proof of successful completion of that course to the Board within **SIXTY (60) DAYS** of the effective date of this Order. The course may be taken in-person or online. Failure to provide written proof of successful completion of this course shall constitute a violation of this Order;
5. The Respondent shall abstain from the ingestion of alcohol.
6. For the entire duration of the Respondent's probationary period until the Board terminates probation, the Respondent shall submit to random Board-ordered alcohol screening tests subject to the following conditions:
 - a. On notification by Board staff that the Respondent is to provide a urine screen to the Board, the Respondent shall, within 24 hours of that notification, submit to a urine screen at a CLIA-certified laboratory.
 - b. The Respondent shall arrange to have the urinalysis results submitted directly to the Board no less than **THREE (3) DAYS** after testing.
 - c. In lieu of submitting to a separate urine screen under subparagraph a.) of this paragraph, the Respondent may provide the Board with urinalysis results that were provided pursuant to any Court-imposed probation, provided that the

urine screen date is dated no more than 30 days of the date of Board's notification that he is required to provide a urine screen.

- d. Notwithstanding any other provision of this Order, the Respondent shall provide any positive Court-ordered urinalysis results to the Board within **THREE (3) DAYS** of those results.
 - e. A positive or missed test shall be considered a violation of probation and of this Order.
 - f. Any tampering with a test sample or other improper attempt to avoid a positive alcohol test result is a violation of probation and of this Order.
8. The Respondent shall obey all state and federal laws. If the Respondent is convicted of, or pleads guilty to, any crimes, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside, the Respondent shall notify the Board, in writing, of any conviction(s) or guilty plea(s) within **TEN (10) DAYS** of the conviction or guilty plea. Failure to report a conviction or guilty plea to the Board in writing within **TEN (10) DAYS** is a violation of probation and this Order; and it is further

ORDERED the Respondent shall sign any written release/consent forms to authorize the Board to exchange with (i.e., disclose to and receive from) outside entities (including all of the Respondent's current therapists and treatment providers) verbal and written information concerning the Respondent and to ensure that the Board is authorized to receive the medical records of the Respondent, including, but not limited to, mental health and drug or alcohol evaluation and treatment records. The Respondent may not withdraw his release/consent; and it is further

ORDERED that the Respondent shall be responsible for paying all costs required to comply with the terms and conditions of this Consent Order;

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 a civil monetary fine on the Respondent; and it is further

ORDERED that no earlier than **THREE (3) 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.

05/24/2023
Date

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

CONSENT

I, Evan A. Stahler, 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.



Evan A. Stahler

NOTARIZATION

I HEREBY CERTIFY that on this 5 day of May 2023,
before me, Notary Public of the State and City/County aforesaid, Evan A. Stahler personally
appeared, and made oath in due form of law that signing the foregoing Consent Order was
the voluntary act and deed of Evan A. Stahler.

AS WITNESSETH my hand and notarial seal.

SEAL





Notary Public

My Commission Expires: 8.26.2023

MAY 09 2023