

IN THE MATTER OF

JESSICA LYNN THOMAS, RMT

Respondent

Registration Number: R-00590

*** BEFORE THE STATE**

*** BOARD OF CHIROPRACTIC**

*** AND MASSAGE THERAPY**

*** EXAMINERS**

*** Case No. 2011-55M**

* * * * *

**FINAL ORDER OF REVOCATION
OF THE RESPONDENT'S MASSAGE THERAPY REGISTRATION**

On 10 - 11 - 2012, the Maryland Board of Chiropractic and Massage Therapy (the "Board"), notified Jessica Thomas, Registered Massage Therapist (RMT), the Respondent, of its Intent to Revoke her Massage Therapy registration. The Notice also informed the Respondent that, unless she requested a hearing in writing within 30 days of receipt of said Notice, the Board would sign the Final Order herein, which was enclosed. More than 30 days has elapsed and the Respondent failed to timely request a hearing. Therefore, this revocation is final.

The basis for the Board's action was pursuant to the Administrative Procedure Act (the "APA"), Md. State Govt. Code Ann. § 10-226(c) (1) (2009 Repl. Vol. and 2011 Supp.) and the Maryland Chiropractic and Massage Therapy Pharmacy Act, codified at Md. Health Occ. Code Ann. § 3-101, et seq., ("the Act") (2009 Repl. Vol. and 2011 Supp.).

The pertinent provision of § 10-226(c) (1) of the APA states:

Revocation of suspension. (sic)— (1) Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation; and,
- (ii) an opportunity to be heard.

The pertinent provisions of the Act states: § 3-5A-11:

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

- (a) Denial of license or registration. -- Subject to the hearing provisions of § 3-315¹ of this title, the Board may deny a license or registration to any applicant, reprimand any 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:
 - (2) Fraudulently or deceptively uses a license or registration;
 - (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;
 - (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
 - (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.

The Board further charges that the Respondent violated its Code of Ethics, Code of Md. Regs. tit. 10, § 43.18 (October 16, 2000). Specifically the Board charges the Respondent with violating the following subsections:

¹If, after a hearing under § 3-315 of this title, the Board finds that there are grounds under subsection (a) of this section to suspend or revoke a license to practice massage therapy or registration to practice non-therapeutic massage, to reprimand a licensee or registration holder, or place a licensee or registration holder on probation, the Board may impose a penalty not exceeding \$ 5,000 in lieu of or in addition to suspending or revoking the license or registration, reprimanding the licensee or registration holder, or placing the licensee or registration holder on probation.

.05 Professional Boundaries, thereof:

A. A certificate holder or registration holder shall:

- (1) Maintain professional boundaries, even when the client initiates crossing the professional boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the client's reasonable expectation of professional conduct.

B. A certificate holder or registration holder may not:

- (1) Exploit a relationship with a client for the certificate holder's or registration holder's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;
- (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.

**FACTS THAT WARRANT THE
REVOCATION OF THE RESPONDENT'S REGISTRATION**

1. At all times relevant hereto, the Respondent was registered to practice massage therapy in Maryland. The Respondent was first registered on December 18, 2006. The Respondent's registration expires October 31, 2012.

2. On or about August 2010, the Respondent advertised her therapeutic mobile massage services on *Craig's List*, an internet advertising website. The Respondent first met Patient A through that list, according to the complaint, although the Respondent says that she first met Patient A at a bar in Annapolis sometime in 2009 and started dating him

then. (Patient A was married.)

3. The Respondent first encountered Patient A in a motel for a massage, and provided services which included a "Happy Ending", which is an industry term for an ejaculation, for which the Respondent was generously compensated by Patient A.

4. Thereafter, the sexual encounters continued until October 2011. The Respondent and "Patient" A moved from various hotels/motels and Patient A entered into a lease for a "business" for the Respondent in Chester, Maryland which was purportedly to be a massage therapy business. "Patient" A introduced the Respondent as his "travelling secretary".

5. The Respondent also provided massages to Patient A at two spas in Annapolis, but there were no SOAP notes.

6. During the 15-month relationship, the Respondent was paid by Patient A over \$140,000, including personal items, such as car repairs, groceries, lavish restaurant meals, airline tickets, home and business furnishings, and monies deposited into her bank account.

7. At the end of the relationship, the Respondent sent threatening emails to "Patient" A.

8. As set forth above, the Respondent violated the Act and regulations thereunder.

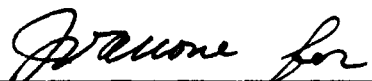
CONCLUSIONS OF LAW

Based upon the foregoing Facts, the Board concludes that the Respondent violated its Act and that the revocation is warranted, pursuant § 3-5A-11 of the Act (2009 Repl. Vol. and 2011 Supp.), and § 10-226 (c) (1) of the APA.

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Health Occ. Code Ann. § 3-316 (2009 Repl. Vol. and 2011 Supp.) and the Administrative Procedure Act, Md. State Govt. Code Ann. § 10-201, *et seq.*, (2009 Repl. Vol. and 2011 Supp.) 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 aforesaid authority.

11-14-12
Date



Stephanie J. Chaney, D.C., President
Board of Chiropractic & Massage Therapy
Examiners