

**IN THE MATTER OF
XIANGJIAO ZHANG, RMP
RESPONDENT**

*** BEFORE THE MARYLAND
* STATE BOARD OF
* MASSAGE THERAPY
* EXAMINERS
* Case Number: 22-06M**

License Number: R03276

* * * * *

CONSENT ORDER

On May 22, 2024, the Maryland State Board of Massage Therapy Examiners (the “Board”) charged **XIANGJIAO ZHANG, RMP** (Registered Massage Practitioner) (the “Respondent”), Registration Number **R03276**, with violating 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:

Health Occ. § 6-308. Denials, reprimands, suspensions, and revocations – Grounds.

- (a) Subject to the hearing provisions 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:

...

- (2) Fraudulently or deceptively uses a license or registration;

...

- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
- (9) Is negligent in the practice of massage therapy;
- (10) Is professionally incompetent;
- ...
- (20) Engages in conduct that violates the professional code of ethics;
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations;

Pursuant to Health Occ. § 6-308(20) and (21), the pertinent provisions of the Code of Maryland Regulations (“COMAR”), provide the following:

COMAR 10.65.03 Code of Ethics

.03 Standards of Practice

...

C. A license holder or registration holder shall:

...

- (2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;

...

- (8) Report to the Board of Massage Therapy Examiners, or other appropriate authority, conduct in the practice of massage therapy that indicates a violation of:

...

- (c) Any other law, including but not limited to aiding or abetting the unauthorized practice of massage therapy[.]

D. A license holder or registration holder may not:

...

- (2) Knowingly engage in or condone behavior that:
 - (a) Is fraudulent;
 - (b) Is dishonest;
 - (c) Is deceitful; or
 - (d) Involves moral turpitude;
- (3) Engage in a commercial activity that conflicts with the duties of a licensed massage therapist or registered massage practitioner;

...

- (6) Aid or abet any individual violating or attempting to violate any provision of law or regulation.

Pursuant to COMAR 10.65.03.C(8)(c) and 10.65.03.D(6), the pertinent provision of the Act provides the following:

Health Occ. § 6-501. Practicing without license.

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.

On June 26, 2024, a Case Resolution Conference ("CRC") was held before a committee of the Board. As a resolution of this matter, the Respondent agreed to enter this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice massage therapy in the State of Maryland. The Respondent was initially registered as a Registered Massage Practitioner in Maryland on October 6, 2020, under License Number R03276. The Respondent's registration expires on October 31, 2024.

2. At all times relevant hereto, the Respondent co-owned a massage therapy business (the "Business")¹ in Anne Arundel County, Maryland with a partner (the "Co-Owner"). The Respondent, the Co-Owner, and an employee (the "Employee") provided massage therapy services at the Business. The Co-Owner and the Employee are not and have never been licensed or registered to practice massage therapy in the State of Maryland.

3. On or about March 11, 2022, the Board received information from the Anne Arundel County Police Department that unlicensed individuals were providing massage therapy services and engaging in sexual activities at the Business.

II. BOARD INVESTIGATION

4. As part of the Board's investigation, the Board obtained Investigative Reports from the Anne Arundel County Police Department, Narcotics and Special Enforcement Section. According to the reports, on March 9, 2022, the Anne Arundel County Police Department – Vice Unit (the "Vice Unit") "received information about suspected prostitution activity at [the Business.]" On March 11, 2022, The Vice Unit conducted surveillance on March 11, 2022, and observed patrons utilizing the back door

¹ In order to maintain confidentiality, names of individuals and entities involved in this matter will not be used in this document but will be provided to the Respondent on request.

of the Business. The Vice Unit noted that “[t]he use of the back door by patrons is not a typical practice for any business” and this practice is used “at illegal and illicit massage business where unlicensed massage therapy and prostitution are occurring.” The Vice Unit determined that the Business was “not operating in a way that is consistent with lawful massage therapy business.”

5. On March 16, 2022, two undercover officers with the Vice Unit entered the business separately and requested massages. The Co-Owner performed massage therapy on one undercover officer, during which the Co-Owner offered to perform a sex act in exchange for money. The Employee performed massage therapy on the other undercover officer, during which the Employee offered to perform a sex act in exchange for money.

6. Following the undercover operation, members of the Vice Unit entered the Business and found the Employee inside a room with a patron and the Respondent inside a different room with a patron. The Vice Unit obtained a Guaranty of Lease document from the landlord of the premises, which identified the Respondent, the Co-Owner, and a third individual as guarantors of the lease for the Business.

7. The Board issued a subpoena duces tecum to the Respondent. The Respondent provided documents, including: the lease for the former tenant of the Business’s premises; an Assignment and Lease Modification agreement, assigning the lease from the former tenant to the Business; an addendum to the Assignment and Lease Modification, requiring all notice required in the lease be addressed to the Co-Owner, the Respondent, and the third guarantor of the lease; and other business records for the

Business including, banking statements, insurance documents, and credit card transaction receipts.

8. On May 5, 2022, the Board conducted an under-oath interview of the Respondent. During the interview, the Respondent stated that she and the Co-Owner were the owners of the Business. The Respondent stated that the Business contained three rooms with one room for the Respondent and one room for the Co-Owner. The Respondent denied knowing who occupied the third room of the Business. The Respondent further stated that she did not know whether the Co-Owner was a licensed massage therapist or was not one. The Respondent stated that she was not involved in the hiring or firing of employees.

9. On May 19, 2022, the Board conducted an under-oath interview of the Co-Owner. During the interview, the Co-Owner stated that the Respondent knew that the Co-Owner massaged clients and that the Co-Owner did not have a license to practice massage therapy in Maryland. The Co-Owner further stated that she and the Respondent each paid half of the rent for the Business.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions constitute: fraudulently or deceptively using a license or registration, in violation of Health Occ. § 6-308(a)(2); doing an act that is inconsistent with generally accepted professional standards in the practice of massage therapy, in violation of Health Occ. § 6-308(a)(8); being negligent in the practice of massage therapy, in violation of Health Occ. § 6-308(a)(9); being professionally incompetent, in violation

of Health Occ. § 6-308(a)(10); engaging in conduct that violates the professional code of ethics, in violation of Health Occ. § 6-308(a)(20) in that the Respondent violated COMAR 10.65.03.C(2), 10.65.03.C(8)(c), 10.65.03.D(2), 10.65.03.D(3), and/or 10.65.03.D(6); and knowingly doing an act that has been determined by the Board to be a violation of the Board's regulations in that the Respondent violated COMAR 10.65.03.C(2), 10.65.03.C(8)(c), 10.65.03.D(2), 10.65.03.D(3), and/or 10.65.03.D(6).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Respondent **XIANGJIAO ZHANG, RMP's** registration to practice massage therapy in the State of Maryland under Registration Number **R03276** be and hereby is **SUSPENDED FOR EIGHTEEN (18) MONTHS** from the effective date of this Consent Order; and it is further

ORDERED that, after eighteen (18) months from the effective date of this Consent Order, the Respondent's suspension shall be **TERMINATED** by operation of this Order and the Respondent's registration shall be placed on **PROBATION** for a minimum period of **TWO (2) YEARS** subject to the following terms and conditions:

1. Within **SIX (6) MONTHS** of the termination of the Respondent's suspension, the Respondent shall pay a fine in the amount of **TWO THOUSAND DOLLARS (\$2,000.00)** by certified check or money order to the Maryland Board of Massage Therapy Examiners.
2. Within **SIX (6) MONTHS** of the termination of the Respondent's suspension, the Respondent is required to take and successfully complete one (1) Board-approved course in **ETHICS**. The following terms apply:

- a. It is the Respondent's responsibility to locate, enroll in, and obtain the Board's approval of the courses before the courses begin;
 - b. The Board may accept courses taken in person or online;
 - c. The Respondent must provide documentation to the Board that the Respondent has successfully completed the courses;
 - d. The courses may not be used to fulfill the continuing education credits required for license renewal; and
 - e. The Respondent is responsible for the costs of the courses.
3. The Respondent shall submit to the Board written quarterly self-reports describing the Respondent's practice, including the Respondent's place of employment with its address.
 4. The Respondent shall at times cooperate with the Board, any of its agents or employees, and with the Board-assigned investigator, in the monitoring, supervision, and investigation of the Respondent's compliance with the terms and conditions of this Order.
 5. The Respondent shall comply with the Maryland Massage Therapy Act, Md. Code Ann., Health Occ. §§ 6-101 and 6-602, and all laws and regulations governing the practice of massage therapy in Maryland; and it is further

ORDERED that after conclusion of the **TWO (2) YEAR** probationary period imposed by this Order, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated through an order of the Board. The Board at its discretion may grant termination if the Respondent has fully and satisfactorily complied with all the terms and conditions of the Order, and there are no pending investigations or complaints against the Respondent, and the Board deems termination of probation appropriate. If the Respondent fails to make any such petition, then the probationary period status may continue indefinitely, subject to the conditions set forth in this Order; and it is further

ORDERED that if the Respondent allegedly fails to comply with any of the terms and conditions of this Order, Respondent shall be given notice and opportunity for a hearing. If, in its sole discretion, the Board determines that there is a genuine dispute as to a material fact, the hearing shall be evidentiary hearing before the Board. If 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 of probation or this Order, the Board may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend or revoke the Respondent's registration to practice massage therapy in Maryland. The Board may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon the Respondent; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Order, and it is further


ORDERED that, unless stated otherwise in the order, any time prescribed in this order begins when the Order goes into effect. The Order goes into effect upon the signature of the Board's Executive Director, who signs on behalf 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 is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019 Repl. Vol. & 2023 Supp.).

7/24/24
Date


Kirsten Bodnarchuk, LMT
Board Chair
Maryland State Board of
Massage Therapy Examiners

CONSENT

I, Xiangjiao Zhang, acknowledge that I am not represented by counsel and have knowingly and voluntarily elected not to consult with counsel prior to entering this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into 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 own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

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

7-18-2024
Date

Xiangjiao Zhang
Xiangjiao Zhang
Respondent

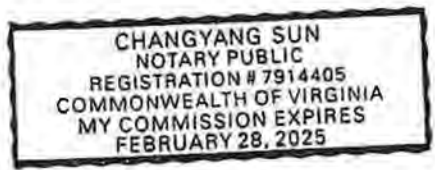
NOTARY

VIRGINIA
STATE OF ~~MARYLAND~~
CITY/COUNTY OF FAIRFAX

I HEREBY CERTIFY that on this 18th day of July, 2024, before me, a Notary Public of the foregoing State and City/County personally appear Xiangjiao Zhang, and made oath in due form of law that signing the foregoing Consent Order was her voluntary act and deed.

AS WITNESSETH my hand and notary seal.

Changyang Sun
Notary Public



My commission expires: 02/28/2025