

IN THE MATTER OF \* BEFORE THE STATE  
 TER-SHON HAYWARD, RMP \* BOARD OF  
 Respondent \* MASSAGE THERAPY EXAMINERS  
 Registration Number: R02060 \* Case Number: 17-33M  
 \*\*\*\*\*

**ORDER FOR SUMMARY SUSPENSION OF REGISTRATION  
 TO PRACTICE MASSAGE THERAPY**

The Maryland State Board of Massage Therapy Examiners (the "Board") hereby **SUMMARILY SUSPENDS** the registration to practice massage therapy in Maryland issued to Ter-Shon Hayward, RMP (the "Respondent"), Registration Number R02060, under the Maryland Massage Therapy Act (the "Act"), Md. Health Occ., Code Ann. § 6-101 et seq. (2017). The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't § 10-226(c)(2)(i) (2014 Repl. Vol. & 2016 Supp.), concluding that the public health, safety, or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board and the Office of the Attorney General, including the instances described below, the Board has reason to believe that the following facts are true:

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<sup>1</sup>The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

## **BACKGROUND**

1. At all times relevant, the Respondent was registered to practice massage therapy in the State of Maryland. The Respondent was initially registered in Maryland on August 6, 2014, and his registration is presently active through October 31, 2018.
2. At all times relevant, the Respondent worked as a massage therapy practitioner without employees at his solo practice located in Crofton, Maryland ("Practice A").<sup>2</sup>
3. On or about August 7, 2017, the Board received a complaint from a former client of the Respondent ("Client A") who alleged that on July 29, 2017, the Respondent had inappropriately touched her in a sexual manner during a scheduled massage.
4. After receiving the complaint, the Board initiated an investigation that included conducting an in-person interview of the Respondent, conducting a telephone interview with Client A, and subpoenaing Client A's file from Practice A. The Board's investigative findings are set forth in pertinent part below.

## **BOARD'S INVESTIGATIVE FINDINGS**

### **Client A**

5. Client A's written statement dated July 31, 2017 stated that she had seen the Respondent for "multiple" massages over the course of the past year,<sup>3</sup> but had never previously experienced a massage as set forth below, that took place on July 29, 2017.
6. Client A's appointment with the Respondent had been scheduled for 5:00 p.m. on July 29, 2017, however, the Respondent re-scheduled Client A's appointment without

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<sup>2</sup> In order to maintain confidentiality, specific identification including names will not be used in this document, but will be provided to the Respondent on request.

<sup>3</sup> Client A produced computer printouts of her appointments with the Respondent on the following dates: October 6, 2016, November 12, 2016, November 19, 2016, July 18, 2017 and July 29, 2017.



her knowledge, for 5:45 p.m.<sup>4</sup>

7. Client A stated in her complaint that on July 29, 2017, when she arrived for her appointment, the Respondent "smelled of booze." According to Client A, the Respondent did not appear intoxicated, but acknowledged he had been drinking gin the night before the appointment.
8. Client A stated that she told the Respondent she had a migraine headache and requested that he provide a relaxing massage for her, instead of the deep tissue massage she usually received from the Respondent.
9. The Respondent told Client A, "if you feel uncomfortable at any point, let me know." According to Client A, the Respondent had never made that statement during any of her prior massages with him.
10. Client A was lying on her back, and was covered by a sheet on the massage table. When the Respondent adjusted the sheet to expose her right leg, she felt the Respondent grab the right side of her labia.
11. After massaging her right leg, Client A stated that the Respondent adjusted the sheet to expose her left leg, and while doing that she stated that the Respondent grabbed the left side of her labia.
12. Client A claimed that when the Respondent was massaging her right foot, he inserted her big toe into his mouth.
13. Client A stated that the Respondent began massaging her left foot, and subsequently felt the Respondent's "beard brushing against my foot" while his hands were on her calf and then inserted her toes into his mouth again.

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<sup>4</sup> Client A did not receive notification of the modified appointment time until 5:39 p.m.

14. Client A stated that she did not consent to the Respondent's conduct described in ¶¶ 10 -- 13.
15. Client A stated that after she left the Respondent's practice, she texted a male friend to alert him about what had occurred, and on Monday, July 31, 2017, she filed a complaint with the Board.
16. On or about September 22, 2017, Client A saw the Respondent at a neighborhood gas station in Glen Burnie. Client A documented her encounter with the Respondent in an email sent to Board staff. She stated that he recognized Client A as one of his clients and said, "You caught me on a bad day" and "now I have to talk to a detective." Client A said that the Respondent apologized to her, saying, "sorry about that."

#### **Respondent's interview**

17. On September 11, 2017, Board staff conducted an interview under oath of the Respondent regarding Client A's allegations.
18. The Respondent stated that he had performed less than five massages on Client A.
19. The Respondent stated that he usually performed deep tissue massages for Client A.
20. In response to Board staff's question as to whether the Respondent recalled that on July 29, 2017, while adjusting Client A's sheet, he exposed her leg and might have grabbed her vagina, the Respondent stated:

That might be a situation, but it was 100 percent unintentional because the way that I drape and the sheet kind of like fumbled. So, it wasn't like a grab, but it was more like a -- trying to grab my sheet to drape the leg, and I did apologize and asked her, if you feel uncomfortable let me know, because I did go to the



drape because she did say she was having -- she was doing more workouts as far as like leg workouts. So, I did want to stretch her legs.

21. The Respondent answered "yes" to the question by Board staff as to whether his (the Respondent's) hand had come into contact with Client A's vagina. As a consequence to his action, the Respondent stated that he apologized to Client A.
22. The Respondent stated that he had gone out with friends the night before Client A's July 29, 2017 appointment, and had been drinking alcohol.
23. The Respondent acknowledged that he "might've still had a substantial amount of alcohol in my system" during Client A's appointment on July 29, 2017.
24. The Respondent acknowledged that he had massaged Client A's feet on July 29, 2017, but denied placing Client A's toes into his mouth or kissing her toes.
25. The Respondent stated that it was possible that he had fallen asleep while massaging Client A's toes which according to the Respondent, would have explained why Client A had felt his facial hair on her foot during the course of her massage.

#### CONCLUSION OF LAW

Based on the foregoing facts, the Board concludes that the public health, safety or welfare imperatively requires emergency action in this case, pursuant to Md. Code Ann., State Gov't. § 10-226 (c)(2)(i) (2014 Repl. Vol. & 2016 Supp.).

#### ORDER

Based on the foregoing, it is therefore this 20<sup>th</sup> day of October, 2017, by a majority vote of a quorum of the State Board of Chiropractic and Massage Therapy Examiners,

**ORDERED** that pursuant to the authority vested by Md. Code Ann., State Gov't § 10-226(c)(2), the registration held by the Respondent to practice registered massage

therapy in Maryland, Registration Number R02060 is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that upon the Board's receipt of a written request from the Respondent, a show cause hearing shall be scheduled within a reasonable time of said request, at which the Respondent will be given an opportunity to be heard as to whether the Summary Suspension should be continued, regarding the Respondent's fitness to practice registered massage therapy and the danger to the public; and be it further

**ORDERED** that the Respondent shall immediately turn over to the Board his wall certificate and wallet sized registration issued by the Board to practice massage therapy; and be it further

**ORDERED**, that this document constitutes a **FINAL ORDER** of the Board and is therefore a public document for purposes of public disclosure, as required by Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2014 & 2016 Supp.).

October 20, 2017  
Date



Laurie Sheffield-James  
Executive Director  
Maryland State Board of Massage Therapy Examiners