

IN THE MATTER OF
XIAORONG LIU, RMP
LICENSE No: R01547
Respondent

*** BEFORE THE BOARD OF**
*** CHIROPRACTIC AND MASSAGE**
*** THERAPY EXAMINERS**
*** CASE No.: 13-77M**

* * * * *

CONSENT ORDER

On October 16, 2014, the Maryland Board of Chiropractic and Massage Therapy Examiners (the "Board") charged **XIAORONG LIU, RMP, LICENSE NUMBER R01547, (the "Respondent")** under the Maryland Chiropractic Act (the "Act") codified at Md. Health Occ. Code Ann. ("H.O.") § 3-5A-01 *et seq.* (2014 Repl. Vol.)

Specifically, the Board charged the Respondent with violating the following provisions of the Act under H.O. § 3-5A-11:

(a) Denial of license or registration. -- Subject to the hearing provisions of § 3-315 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;

The Board also charged the Respondent under the COMAR 10.43.21.01, which provides the following:

A. The license or registration holder shall maintain accurate, legible, and organized client records for every client, regardless of the procedure or modality employed.

B. Sufficient information to be obtained and recorded shall include, at a minimum:

(1) Name, address, and other appropriate contact information;

(2) Summarized client history;

(3) Summarized reason for appointment or referral, including referral documentation, including forwarded reports and correspondence, if applicable;

(4) Billing and insurance documentation, if applicable; and

(5) Massage session summary in standard SOAP format, or its equivalent, which includes, at a minimum:

(a) Initial client assessment, including contraindications noted;

(b) Summarized therapy plan; and

(c) Progress notes, reflecting: summary of techniques used and response to techniques.

On March 12, 2015, a Case Resolution Conference was convened in this matter. Based on negotiations occurring as a result of this Case Resolution Conference, the Respondent agreed to enter into this Consent Order, which consists of Procedural Background, Findings of Fact, Conclusions of Law, Order, Consent and Notary.

FINDINGS OF FACT

1. The Respondent is a registered massage practitioner in the State of Maryland under License Number R01547. The Respondent was first registered on March 9, 2012. The Respondent's license is current and is scheduled to expire on October 31, 2014.

2. On or about November 7, 2013, the Board received information from the Montgomery County Police Department ("MCPD") that two individuals were engaged in the unlicensed practice of massage therapy at Annie's Massage Spa ("Annie's") in Germantown, Maryland. The Respondent is the owner of Annie's and has another location located in Rockville, Maryland.

3. Thereafter the Board initiated an investigation.

4. On or about January 22, 2014, the Board's investigator interviewed the Respondent. According to the Respondent, she opened the Germantown location in September 2013. The Respondent further stated that at the time of the MCPD investigation, she employed two unlicensed individuals, Ying Li Shu and Leah McCaddis.

5. On or about February 25, 2014, the Board issued a subpoena to the Respondent for 10 S.O.A.P. notes for massages performed by the Respondent in November and December 2013 at the Rockville location. In response to the Board's subpoena, the Respondent produced a large file of client intake forms and client waiver forms¹ (the "forms") for massages performed at both the Germantown and Rockville locations.

6. The forms contain waiver and release language, client preferences regarding pressure and areas of massage. The forms also contain the client's name, email address, telephone number and signature.

7. The forms provided by the Respondent do not contain a summarized client history, the reason for appointment or referral, including referral documentation, billing and insurance documentation, initial client assessment, contraindications, therapy plan or progress notes.

8. On or about March 11, 2014, the Board's investigator presented to Annie's in Rockville. He did not identify himself as a representative from the Board. A female employee (later identified as Sunei Zhao) asked if the Board's investigator wanted a massage to which he responded in the affirmative. Ms. Zhao brought the Board's

¹ Both forms contain identical information. The client intake forms are from the Rockville location, and the client waiver forms are from the Germantown location.

investigator to a curtained room where he then identified himself as a representative from the Board. He also asked Ms. Zhao for a valid Maryland massage therapy license. Ms. Zhao pointed to a acupuncture certificate in her name from Washington Institute. Ms. Zhao then contacted the Respondent via cellular telephone.

9. According to the Respondent, Ms. Zhao does not practice massage therapy, only acupuncture.

10. On or about June 3, 2014, the Board's investigator conducted a sworn interview of the Respondent. The Respondent was asked to bring with her a list of "all independent contractors that worked as massage therapists" at both Annie's locations from September 2013 to present.

11. The Respondent disclosed that at the Rockville location, she employed Ms. Zhao at the front desk and Ms. Shu and two other individuals as acupuncture massage therapists. The Respondent stated that Ms. Shu took and passed the Federation of State Massage Therapy Boards ("FSMTB") examination in June 2014.²

12. The Respondent disclosed that at the Germantown location she employed Enqiu Huang³, who passed the FSMTB and had one month of school remaining and "Leah Shi Mc."⁴ The Respondent further disclosed that she employed three licensed massage therapists, in addition to herself, at the Germantown location.

13. The Board contacted the three licensed massage therapists whom the Respondent represented were employed at the Germantown location. One massage

² According to the Board's website, Ms. Shu was licensed as a registered massage practitioner in Maryland on July 2, 2014.

³ According to the Board's website, Ms. Huang was licensed as a registered massage practitioner in Maryland on August 5, 2014.

⁴ Upon information and believe, this individual is Leah McCaddis who was unlicensed and is no longer employed by the Respondent.

therapist stated that he never worked at Annie's, but applied for a job at the Germantown location. The second massage therapist stated that he worked at the Germantown location on four occasions in 2014. The third massage therapist stated that he did a couples massage with another individual named "Helen," and a "four hands massage" at the Germantown location with an unknown Asian woman.

14. The Respondent did not disclose an employee named "Helen."

15. During the Respondent's interview, she stated that she does take S.O.A.P. notes, but she failed to provide them in response to the Board's subpoena.

16. The Respondent's actions, as described above, constitute a violation of the following provision of the Act: H.O § 3-5A-11(a)(2) Fraudulently or deceptively uses a license or registration.

17. The Respondent's actions, as described above, constitute a violation of COMAR 10.43.21.01.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated the following provision of the Act: H.O § 3-5A-11(a)(2). The Board also concludes as a matter of law that the Respondent violated COMAR 10.43.21.01.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is this 14th day of May, 2015, by the affirmative vote of a majority of the quorum of the Board considering this case:

ORDERED that the Respondent's license is **REPRIMANDED**; and it is further

ORDERED that within 30 days of the date of this Consent Order, the Respondent shall pay a monetary fine in the amount of \$500; and it is further

ORDERED that the Respondent's license to practice as a registered massage therapist shall be placed on **PROBATION** for a period of at least **ONE (1) YEAR**, to commence on the date of this Consent Order. During the period of probation, the Respondent shall fully and satisfactorily comply with the following terms and conditions:

1. The Respondent shall enroll in and successfully complete a Board-approved course in professional ethics. The course shall range from one (1) to three (3) days and shall be in addition to any continuing education courses that are required for license renewal. The Respondent shall be solely responsible for providing documentation to the Board of his successful completion of the course.

2. The Respondent shall enroll in and successfully complete a Board approved course in recordkeeping. The course shall range from one (1) to three (3) days and shall be in addition to any continuing education courses that are required for license renewal. The Respondent shall be solely responsible for providing documentation to the Board of his successful completion of the course; and it is further

ORDERED that no earlier than **ONE (1) YEAR** from the date this Consent Order the Respondent may submit a written petition to the Board requesting termination of probation, but only if she has fully and satisfactorily complied with the requirements set forth in the preceding paragraphs and there are no pending complaints against her; and it is further.

ORDERED that The Respondent shall comply with the Act and all laws, statutes and regulations pertaining to the practice of medicine; and it is further


ORDERED that if the Respondent violates any of the terms and conditions of this probation and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing before the Office of Administrative Hearings if there is a genuine dispute as to the underlying material facts, or an opportunity for a show cause hearing before the Board otherwise, may impose any sanction that the Board may have imposed in this case under of the Act, including a reprimand, probation, suspension, and/or revocation, said violation being proved by a preponderance of the evidence; and it is further

ORDERED that the Respondent shall not petition the Board for early termination of her probation and/or the conditions of this Consent Order; and it is further

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

ORDERED that this Consent Order is considered a **PUBLIC DOCUMENT** pursuant to Md. State Gov't. Code Ann. § 10-611 *et seq.* (2014 Repl. Vol.).

5/14/15
Date



Michael Fedorczyk, D.C., President
Maryland Board of Chiropractic and
Massage Therapy Examiners

CONSENT

I, Xiaorong Liu, acknowledge that I have had the opportunity to consult with counsel before signing this document. By this Consent, I accept to be bound by this Consent Order and its conditions and restrictions. I waive any rights I may have had to contest the Findings of Fact and Conclusions of Law.

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 as provided by law. I acknowledge the legal authority and the jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I also affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed any such hearing.

I sign this Consent Order after having had an opportunity to consult with counsel, without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order. I voluntarily sign this Order, and understand its meaning and effect.

05/04/15
Date



Xiaorong Liu

Approved by:



Jonathan Y. Ai, Counsel for Ms. Liu

NOTARY

STATE OF MARYLAND

CITY/COUNTY OF Montgomery :

I HEREBY CERTIFY that on this 4th day of May, 2015,
before me, a Notary Public of the foregoing State personally appeared Xiaorong Liu,
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.



Notary Public

My Commission Expires: _____

MELIHA PEREZ HALPERN
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires **May 24, 2012**
2016

