

IN THE MATTER OF

\* BEFORE THE

STEPHEN LIN, CMT

\* STATE BOARD

Certificate No: M01309

\* OF CHIROPRACTIC EXAMINERS

Respondent

\*

\* \* \* \* \*

**ORDER FOR SUMMARY SUSPENSION**

Pursuant to Md. State Gov't. Code Ann. §10-226(c)(2) (1999), the State Board of Chiropractic Examiners (the "Board") hereby **SUMMARILY SUSPENDS** the certificate to practice massage therapy in Maryland issued to **STEPHEN LIN, CMT**, (the "Respondent"), Certificate No.: M01309, DOB: 02/03/56, under the Maryland Chiropractic Act (the "Act"), Md. Health Occ. Code Ann. §§ 3-5A-01, et seq., (2000).

This Order for Summary Suspension is based on the following investigative facts that the Board has reason to believe are true:

**FACTS THAT SUPPORT THE SUMMARY SUSPENSION**

1. At all times relevant hereto, the Respondent was certified to practice massage therapy in the State of Maryland. The Respondent was originally issued a certificate to practice massage therapy on December 18, 2000.
2. On or about December 11, 2000, the Board received the Respondent's application for certification to practice massage therapy. On his application, the Respondent indicated that he had received his professional massage training at the Virginia Learning Institute, located in Falls Church, Virginia.<sup>1</sup>
3. In addition to his application for certification to practice massage therapy, the Respondent also provided the Board with a transcript that was allegedly from the Virginia

<sup>1</sup> Virginia Learning Institute has various locations throughout Virginia.

Learning Institute. The transcript included the date that the Respondent started and ended his massage therapy program, the courses he took, and the grade that he received for each course. The transcript was not an official certified copy. (A copy of the Respondent's application for certification to practice massage therapy dated December 6, 2000, is attached hereto and incorporated herein as Exhibit A.)

4. In or around the Summer of 2001, the Board learned that Virginia Learning Institute had experienced a burglary and theft in January 2001, at its Falls Church Virginia location and at least one burglary prior to 2001. In the January 2001 incident, the school's computer hard drive was stolen, along with a large number of sealed and printed certificates of completion that were located in the administrative offices. School officials could not determine what, if anything, was stolen from the institution prior to 2001.

5. On or about October 16, 2001, the Board received the Respondent's application for renewal of his certificate to practice massage therapy. A one hundred dollars (\$100) check for the renewal fee was also included with the Respondent's application. (A copy of the Respondent's renewal application for certification to practice massage therapy dated October 10, 2001, is attached hereto and incorporated herein as Exhibit B.)

6. While reviewing the Respondent's licensing file, the Program Manager noticed that the Respondent had indicated on his original licensing application that he was a Virginia Learning Institute graduate. Prompted by the Board's recent discovery of the burglary and thefts at Virginia Learning Institute, the Board Program Manager requested verification from Virginia Learning Institute that the Respondent had graduated from the

ool.

7. On or about December 6, 2001, the Board's Program Manager notified the Respondent by certified mail that his check for the renewal fee was returned by the bank for insufficient funds. The Respondent was told to submit a money order or certified check for the renewal and late fees that were assessed. (A copy of the letter to the Respondent from the Program Manager of the massage therapy program dated December 6, 2001 is attached hereto and incorporated herein as Exhibit C.)

8. On or about December 12, 2001, the Board received verification from the Virginia Learning Institute that the school had no record that the Respondent had even attended the institution and the transcript that the Respondent had submitted with his application for a certificate to practice was not valid. (A copy of the letter to the Board from the Director of the Virginia Learning Institute dated December 11, 2001 is attached hereto and incorporated herein as Exhibit D).

9. Based upon the above investigative facts, the Board has cause to believe that the Respondent has violated provisions of Md. Health Occ. Code Ann. § 3-5A-09. The pertinent provisions of § 3-5A-09 provide as follows:

Subject to the hearing provisions of § 3-315 of this title, the Board may deny a certificate or registration to any applicant, reprimand any certificate holder or registration holder, place any certificate holder or registration holder on probation, or suspend or revoke the certificate of a certificate holder or the registration of a registration holder if the applicant, certificate holder, or registration holder:

- (1) Fraudulently or deceptively obtains or attempts to obtain a certificate or registration for the applicant

or for another;

~~(2) Fraudulently or deceptively uses a certificate or registration;~~

(10) Is professionally incompetent;

(11) Has violated any provision of this subtitle;

(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;

10. Based upon the above investigative facts, the Board has cause to believe that the Respondent violated Md. Health Occ. Code Ann. § 3-5A-11(a) which states:

*Practice without certification.* – Except as otherwise provided in this subtitle, 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 this State unless certified by the Board;

11. Based upon the above investigative facts, the Board has cause to believe that the Respondent violated Code Md. Regs. tit. 10, § 43.18.03(D) which states:

D. A certificate holder or registration holder may not:

(1) Misrepresent professional credentials, qualification, education, or affiliations;

(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 certified massage therapist or registered massage practitioner;

(4) Perform massage therapy or non-therapeutic massage on a client if a contraindication against this treatment

exists; or  
(5) Discriminate against a client or a health care provider  
based on race, religion, age, gender, sexual orientation,  
national origin, or disability.

### CONCLUSIONS OF LAW

Based on the foregoing, the Board finds that the public health, safety, or welfare imperatively requires emergency action, pursuant to Md. State Gov't. Code Ann. §10-226(c)(2) (1999).

### ORDER

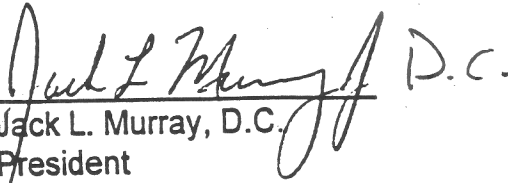
Based on the foregoing, it is therefore this 10<sup>th</sup> day of Jan, 2002, by a majority of the full authorized membership of the Board, by authority granted by Md. State Gov't. Code Ann. § 10-226(c)(2) (1999), Certificate No.: M01309 held by the Respondent to practice massage therapy in Maryland, is hereby **SUMMARILY SUSPENDED**; and be it further

**ORDERED** that upon receiving the request of the Respondent, in writing, within ten (10) days of the issuance of this SUMMARY SUSPENSION, an evidentiary hearing will be scheduled within thirty (30) days after the Respondent's request for a hearing is received by the Board. If a hearing is held, the hearing will be limited to the issues raised in this Order, that is the Respondent's fitness to practice massage therapy and the danger to the public; and be it further

**ORDERED** that upon presentation of this Order for Summary Suspension, the Respondent SHALL immediately surrender to the Board through the Board's Executive Director or other Board designee, his wall certificate and wallet-sized certificate to practice

massage therapy issued by the Board; 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. State Gov't Code  
Ann. § 10-617(h) (1999).

  
Jack L. Murray, D.C.  
President  
Board of Chiropractic Examiners

**NOTICE OF HEARING**

An evidentiary hearing to determine whether the Summary Suspension shall be lifted/terminated will be held before the Board at 4201 Patterson Avenue, Baltimore, Maryland 21215, if the Respondent requests such a hearing. The hearing will be scheduled by the Board within thirty (30) days of receipt of the Respondent's written request for such hearing.