



STATE OF MARYLAND

DHMH

Board of Chiropractic & Massage Therapy Examiners

Maryland Department of Health and Mental Hygiene

4201 Patterson Avenue • Suite 301 • Baltimore, Maryland 21215-2299

Chiropractic: 410.764-4726 • Massage Therapy: 410.764-4738 • FAX: 410.358-1879

Martin O'Malley, Governor – Anthony G. Brown, Lt. Governor – Joshua M. Sharfstein, M.D., Secretary

October 15, 2013

**VIA CERTIFIED AND FIRST CLASS MAIL**

**Cert. # 7011 3500 0000 7160 2067**

Re: Derrick U. Turner, RMP  
Reg. No. R01637  
Case No. 13-58M

Dear Mr. Turner,

On September 12, 2013, the Maryland State Board of Chiropractic & Massage Therapy Examiners ("Board") notified you that the Baltimore City Office of Child Support Enforcement Administration of the MD Dept. of Human Resources ("Administration") directed the Board to suspend and deny your registration to practice massage in the State of Maryland for delinquent child support, pursuant to Maryland Family Law Code Ann. §10-119.3 (2006 Repl. Vol. and 2009 Supp.). With that notification, you were advised that the enclosed unexecuted Order of Suspension would be executed on October 13, 2013 unless you notified the Board in writing that you wish to contest the proposed suspension on the sole basis of mistaken identity.

As of the date of this letter, the Board has not received any such contest as to the suspension of your registration, nor has the Board been informed by the Administration that the child support delinquencies have been resolved. **Accordingly, the enclosed Order for Summary Suspension was executed on October 13, 2013. Your massage therapy registration is hereby SUSPENDED.**

Maryland law requires that your registration remain suspended unless and until the Board receives notification from the Administration that your registration should be reinstated, pursuant to Fam. Law. §10-119.3(k). For questions on resolving your child support delinquency, call the Child Support Enforcement Administration of the MD Dept. of Human Resources at 1-800-332-6347.

James J. Vallone, J.D., Executive Director • Adrienne B. Congo, M.S., Deputy Director

Chiropractic website: [www.dhmh.maryland.gov/chiro](http://www.dhmh.maryland.gov/chiro) • Massage Therapy website: [www.dhmh.maryland.gov/massage](http://www.dhmh.maryland.gov/massage)

Toll Free 1-877-4MD-DHMH • TTY for Disabled – Maryland Relay Service 1-800-735-2258

Sincerely,



J.J. Vallone, JD, CFE  
Exec. Director  
By Direction of the Board

Enclosure: Executed Board Order re: Case No. 13-58M

cc: Baltimore City OCSE, Child Support Enforcement Office, 1 North Charles Street,  
Baltimore, MD 21201  
Grant Gerber, Esq., Board Counsel  
James Vallone, JD, Executive Director  
Adrienne Congo, MS, Deputy Director  
David Ford, CFE, Board Investigator  
Michelle Czarnecki, Esq., Compliance

<b>IN THE MATTER OF</b>	)	<b>MARYLAND BOARD OF</b>
<b>DERRICK TURNER,</b>	)	<b>CHIROPRACTIC &amp; MASSAGE</b>
<b>RESPONDENT</b>	)	<b>THERAPY EXAMINERS</b>
<b>REGISTRATION NO.: R01637</b>	)	
<b>CASE NO:13-58M</b>	)	

**ORDER OF LICENSE or REGISTRATION  
SUSPENSION FOR  
DELINQUENT CHILD SUPPORT**

**BACKGROUND**

On or about July 15, 2013, the MD Board of Chiropractic & Massage Therapy Examiners (Board) received written request from the Child Support Enforcement Administration of the MD Dept of Human Resources (Administration) to suspend the registration of Derrick Turner (Respondent), registration number R01637 for delinquent child support, by authority of the MD Family Law Code Ann., Family Law section 10-119.3(2006 Repl. Vol. and 2009 Supp.) which provides in part:

(e)(2) Except as provided in paragraph 3 of this subsection, upon Notification by the administration under this section, a licensing authority Shall:

(i) suspend an individual's license; or

(ii) deny the license of an individual who is an applicant for a license from the licensing authority...

(h) Right to contest Identity – (1) Except as provided in paragraph (2) of this Subsection, prior to the suspension or denial of a license under subsection (e) Of this section, a licensing authority shall sent written notice of the proposed action to the individual whose license is subject to suspension or denial, including Notice of an individual's right to contest the identity of the individual whose license or application is to be suspended or denied.

(i) Appeal; hearing – (1) (i) Except as provided in paragraph (2) of this Subsection, an individual may appeal a decision of a licensing authority to suspend or deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

(k) Reinstatement of License – Duty of licensing authority – A licensing

Authority shall immediately reinstate any license suspended, or process  
An application for any license denied, under this section if:

(1) notified by the Administration that the licensee should be  
Reinstated; and

(2) the individual otherwise qualifies for the license

On September 12, 2013 the Board sent an unexecuted copy of this Order to Respondent's last known address and to the address on the Administration request. Accompanying the unexecuted Order was a cover letter giving Respondent written notice of the right to contest his identity in writing within thirty (30) days of the date of the letter. In addition, the letter advised Respondent that if he did not submit a written contest of mistaken identity on or before the date, the Board would execute this Order. The Respondent failed to submit a written contest letter of mistaken identity by October 13, 2013.

#### **FINDINGS OF FACT**

1. The Board issued a registration to practice massage therapy to Respondent on July 25, 2012, said registration is active and set to expire on October 31, 2014.
2. On or about July 15, 2013, the Board received a written request from the Office of Child Support Enforcement Administration of the MD Dept of Human Services (Administration), requesting the Board to suspend/deny the registration of Respondent for delinquent child support under legal authority of Family Law section 10-119.3.
3. Family Law section 10-119.3(e)(2) & (h)(1) require that the Board suspend the registration of Respondent upon such notification by the Administration, sending Respondent written notice of the propose suspension and of his to contest his identity.
4. On September 12, 2013 the Board sent Respondent an unexecuted copy of the Order of Suspension to his last known address registered with the Board and listed on the Administration's request form. Included with the Order were specific instructions on

contesting identity by submitting a written letter of contest to the Board within thirty (3) days of the date of the Board letter. The Board letter also specifically advised Respondent that the Suspension would commence should a letter of contest not be received by the deadline date.

5. Respondent did not submit a written contest letter by said deadline date.

6. Having given Respondent the statutory required notice of intent to suspend his registration and the right to contest identity, and having not received a written contest of identity, the Board is statutorily required to suspend the registration in issue pursuant to Family Law section 10-119.3(e)(2).

#### CONCLUSIONS OF LAW

Based on the foregoing, the Board concludes that, pursuant to Family Law section 10-119.(e)(2)(i), it is statutorily required to suspend Respondent's registration.

#### ORDER

Based on the foregoing findings and conclusions of law, this 15<sup>th</sup> day of OCT., 2013, by the MD Board of Chiropractic & Massage Therapy Examiners, it is hereby:

**ORDERED** that the registration of Respondent, Derrick Turner, is **SUSPENDED** and it is further

**ORDERED** that Respondent's registration shall remain suspended until the Board receives notification from the Child Support Enforcement Administration of the MD Dept of Human Resources that Respondent's registration should be reinstated; and it is further

**ORDERED** that this is a Final Order of the Board, and as such, is a PUBLIC DOCUMENT and is reportable to any entity to which the Board is obligated by law to

report, and is otherwise disclosable under the MD Public Information Act, MD State  
Govt. Code Ann. Section 10-611 *et seq* (2009 Repl.Vol.)



J. J. Vallone, JD, CFE  
Exec. Director  
For/By direction of  
Michael Fedorczyk, DC  
Board President

#### **NOTICE OF APPEAL RIGHTS**

Respondent has a right to appeal this Final Order pursuant to Family Law Article, section 10-119.3(i), which provides:

(i) Appeal; hearing – (1)(i) Except as provided in paragraph (2) of this subsection, an individual may appeal a decision of a licensing authority to suspend or to deny the individual's license in accordance with Title 10, Subtitle 2 of the State Government Article.

9ii) At a hearing under this paragraph, the issue shall be limited to whether the Administration has mistaken the identity of the individual whose license has been suspended or denied.