

IN THE MATTER OF * BEFORE THE
HASANI ADAMS, LMT * MARYLAND STATE BOARD
License No. M05761 * OF MASSAGE THERAPY EXAMINERS
* Case No. 21-21M

FINAL DECISION AND ORDER OF REVOCATION

Procedural Background

On or about September 28, 2021, the Maryland State Board of Massage Therapy Examiners (the “Board”) received notification that Hasani Adams, License Number M05761, (the “Respondent”) had been charged criminally after an adult female had reported that the Respondent had allegedly inappropriately touched her during a massage. As a result of this notification, the Board initiated an investigation.

Based on the preliminary findings of that investigation, on or about January 27, 2022, the Board issued to the Respondent an “Order for Summary Suspension of License to Practice Massage Therapy”, which notified the Respondent that the Board was summarily suspending his license to practice massage therapy pursuant to Md. Code Ann., State Gov’t § 10-226(c)(2). The Order for Summary Suspension provided the Respondent with the opportunity to request a hearing before the Board to show cause as to why his license should not remain suspended. The Respondent requested a show cause hearing, which was held on February 23, 2022. After the hearing, on March 8, 2022, the Board and the Respondent entered into an “Interim Consent Order,” which lifted the suspension of the Respondent’s license subject to certain terms and conditions.

On or about July 27, 2022, the Board issued a “Notice of Charges under the Massage Practice [*sic*] Act” to the Respondent, providing the Respondent with notice that the Board was

charging the Respondent with certain violations of the Maryland Massage Therapy Act.

Specifically, the Board alleged that the Respondent violated Md. Code Ann, Health Occ. (“HO”)

§ 6-308(a):

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside;
- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy; and
- (20) Engages in conduct that violates the professional code of ethics.

Specific to the statutory violation of HO § 6-308(a)(20), the Board alleged that the Respondent violated the following provisions of the Code of Maryland Regulations (“COMAR”):

.03 Standards of Practice.

C. A license holder or registration holder shall:

- (1) Use professional discretion and integrity in relationships with members of the public and health care community;
- (2) Engage in professional conduct at all times, with honesty, integrity, self-respect, and fairness;
- ...
- (5) At all times respect the client's dignity, autonomy, and privacy[.]

D. A license hold or registration holder may not:

- ...
- (2) Knowingly engage in or condone behavior that:
 - ...
 - (d) Involves moral turpitude[.]

.05 Professional Boundaries.

A. A license holder or registration holder shall:

- (1) Maintain professional boundaries, even when the client, staff member, or student initiates crossing the professional boundaries of the professional relationship; and
- (2) Respect and maintain professional boundaries and respect the client's, staff member's, or student's reasonable expectation of professional conduct.

B. A license holder or registration holder may not:

- (1) Exploit a relationship with a client, staff member, or student for the license holder's or registration holder's personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship;
- (2) Engage in a sexually intimate act with a client; or
- (3) Engage in sexual misconduct that includes, but is not limited to:
 - (a) Therapeutic deception;
 - (b) Non bona fide treatment; or
 - (c) A sexually exploitative relationship.

The Notice also notified the Respondent that he faced potential licensure sanctions and that he could request a hearing on the merits of the Board's allegations against him. On or about August 22, 2022, the Respondent submitted a timely request for a hearing, and the Board scheduled a hearing for January 25, 2023.

On January 25, 2023, a quorum of the Board was present, and an evidentiary hearing was held virtually via Google Meets. Karen Malinowski, Administrative Prosecutor, was present and presented the State's case against the Respondent. The Respondent appeared and represented himself at the hearing.

Evidentiary Exhibits and Witnesses

State's Exhibits

1. Maryland State Board of Massage Therapy Examiners – Licensing Information (2 pages).
2. E-Mail Complaint, dated September 28, 2021 (1 page).
3.
 - a. Respondent's Employment Information (6 pages).
 - b. Board Subpoena, issued September 30, 2021 (1 page).
4. Anne County Police Department Incident Report, Case No. 21-730815, dated September 28, 2021 (2 pages).
5. Board Investigative Interview Transcripts
 - a. Respondent's Employer (11 pages)
 - b. Victim B (7 pages)
6. Board's Report of Investigation, dated January 6, 2022 (6 pages).
7. Maryland State Board of Massage Therapy Examiners – Order for Summary Suspension, issued January 27, 2022 (10 pages).
8. Respondent's Request for a Hearing on the Merits of the Summary Suspension, dated January 31, 2022 (1 page).
9. Maryland State Board of Massage Therapy Examiners – Interim Consent Order, dated March 8, 2022 (4 pages).
10. Certification of Disposition, Case Summary, and Related Documents, District Court of Maryland for Anne Arundel County, *State v. Adams*, Case No. D-07-CR-008640 (8 pages).
11. Maryland State Board of Massage Therapy Examiners – Notice of Charges under the Massage Practice Act, dated July 27, 2022 (11 pages).
12. Respondent's Request for a Hearing on the Charges, dated August 22, 2022 (1 page).
13. Maryland State Board of Massage Therapy Examiners – Notice of Hearing, dated October 18, 2022 (13 pages).
14. Case Documents, District Court of Maryland for Anne Arundel County, *State v. Adams*, Case No. D-07-CR-008540 (8 pages).

15. Board Emails (4 pages).

State's Witnesses

1. Marc Ware, Board Investigator

The Respondent's Exhibits

1. Cell Phone Video of the Massage Site at the Maryland Renaissance Festival

The Respondent's Witnesses

The Respondent, Hasani Adams, testified on his own behalf.

FINDINGS OF FACT

Based on the totality of record before it, the Board finds that:

1. At all times relevant to this Order, the Respondent was licensed to practice as a licensed massage therapist, license number M05761. (State's Exhibit 1.)

2. On or about September 28, 2021, the Board received an email from a detective with the Anne Arundel County Police Department, Western District Detective Unit. (State's Exhibit 2.) The email stated:

There was an incident with a massage therapist inappropriately touching a client. I have investigated the incident and have criminally charged the massage therapist. I wanted to pass this information along for review. Let me know if there is a different person(s) I should speak to about this:

Anne Arundel County Police Case # 2021-730815
Massage Therapist: Hasani Lori Adams [the Respondent's date of birth]
License # M05761

(*Id.*) Based on this information, the Board initiated an investigation.

3. As part of that investigation, the Board obtained the incident report from the Anne Arundel County Police Department for Police Case No. 21-730815. (State's Exhibit 4.) In

relevant part, the report recounted an investigative interview with a detective from the Anne Arundel County Police Department and Victim A. (*Id.*) In relevant part, the report stated that:

[Victim A] advised on 9/12/21 she was at the Renaissance Festival located at 1821 Crownsville Rd, Annapolis, MD 21401 with her partner []. [Victim A] advised at 1415 hrs, they went to Her Majesty's Healers within the festival to get a neck and back massage. [Victim A] advised that [her partner] had her massage first and had a different massage therapist than her. They advised that there were approximately 3-5 massage therapists working at the time and [Victim A's] therapist was the only male. [Victim A] described her massage therapist as a black male, approximately 6'2" tall, with a skinny build, wearing a black face mask and a durag on his head.

[Victim A] advised she was taken up to a 2nd story room by the male therapist where he told her to take off her shirt, bra, and jewelry. She advised the male left the room and she did as he asked then laid face down on the massage table. [Victim A] advised the male therapist returned to the room and started massaging her back and neck. [Victim A] advised the male therapist then pulled down her pants exposing her entire buttocks and began massaging her buttocks. [Victim A] advised the therapist then asked her to turn over so she pulled her pants up, turned over, and grabbed a small cloth that was next to the table to cover up her breasts as she laid on her back. [Victim A] advised the male therapist then started massaging her shoulders, arms, and stomach. [Victim A] advised the male then pulled her pants down a little bit and began massaging her pelvis and leg area. [Victim A] advised the male therapist made contact with her vagina and she placed her hand on top of his and told him to stop. [Victim A] advised the male had his mask pulled down and when she told him to stop, he smiled and started massaging her next again. [Victim A] advised she pulled her pants back up and he began massaging her torso area. [Victim A] advised the male therapist then massaged her right breast. [Victim A] advised the time for the session was over and the male told her she could take her time getting dressed and then left the room. [Victim A] advised she got dressed and then left the room.

...

[Victim A's partner] advised that she met with the manager [of Her Majesty's Healers]...and told her what happened to [Victim A]. [Victim A's partner] advised that [the manager] stated there was another similar incident earlier in the day with the same massage therapist. [Victim A's partner] advised [the manager] allowed her to take a picture of the message [sic] therapist's license and security showed up to escort the male therapist out. [Victim A's partner] advised the massage license was for [the Respondent] ...

(*Id.*)

4. Based on the incident involving Victim A, on or about September 27, 2021, the Respondent was charged in the District Court of Maryland for Anne Arundel County, Case Number D-07-CR-21-008540, with one count of Assault in the Second Degree in violation of Md. Code Ann., Crim. Law § 3-203 and one count of Sex Offense in the Fourth Degree in violation of Md. Code Ann, Crim. Law § 3-308(b)(1). (State’s Exhibit 14, p. 000086.)

5. On or about November 18, 2021, the Board, through its investigator, interviewed Victim B. (State’s Exhibit 5, pp. 000023-000029.) Victim B stated that she visited the Maryland Renaissance Festival on September 12, 2021 and she visited Her Majesty’s Healers for a massage. (*Id.* at p. 000024.) During that interview, Victim B stated that she was draped, but that the Respondent, during the massage, went under the sheet to touch her breasts “with skin-to-skin contact.” (*Id.* at p. 000027.)

6. Victim B’s statement to the Board investigator was consistent with the statement that she provided to the Anne Arundel County Police. (State’s Exhibit 10, p. 000053.)

7. Based on the incident involving Victim B, on or about October 7, 2021, the Respondent was charged in the District Court of Maryland for Anne Arundel County, Case Number D-07-CR-21-008640, with one count of Assault in the Second Degree in violation of Md. Code Ann., Crim. Law § 3-203 and one count of Sex Offense in the Fourth Degree in violation of Md. Code Ann, Crim. Law § 3-308(b)(1). (State’s Exhibit 10, p. 000054.)

8. Based on the fact that the Respondent had been criminally charged and that those charges aligned with the findings of the Board’s own investigation, on January 27, 2022, the Board issued an “Order for Summary Suspension of License to Practice Massage Therapy.” (State’s Exhibit 7.) That order summarily suspended the Respondent’s license, finding the public health, safety, and welfare required emergency action. (*Id.* at p. 000042.)

9. Pursuant to the summary suspension order, the Respondent requested a hearing to show cause why his license should not remain suspended throughout the pendency of the Board's proceedings. (State's Exhibit 8.)

10. On or about February 23, 2022, the Board held a hearing regarding the Respondent's summary suspension. In light of the fact that the Respondent's criminal cases had yet to be adjudicated and Respondent's consistent denial of those charges, on or about March 8, 2022, the Board and the Respondent entered into an "Interim Consent Order," which lifted the suspension of the Respondent license pending a full evidentiary hearing, but required him, among other things, to promptly inform the Board of the disposition of the criminal charges and required the Respondent to have a Board-approved chaperone during any patient interactions. (State's Exhibit 9.) The interim order also required that the chaperone provide written reports to the Board detailing the Respondent's compliance. (*Id.*)

11. On or about April 26, 2022, in the District Court of Maryland for Anne Arundel County, Case Number D-07-CR-21-008640 (that is, the matter involving Victim B), the Respondent was found guilty and convicted of Sex Offense in the Fourth Degree. (State's Exhibit 10, p. 000055.) The Court sentenced the Respondent to two years of supervised probation (*Id.*) On the charge of Assault in the Second Degree, the Respondent pled not guilty and received a probation before judgment. (*Id.*)

12. On or about November 29, 2022, in the District Court of Maryland for Anne Arundel County, Case Number D-07-CR-21-008540 (that is, the matter involving Victim A), the Respondent pled guilty to Assault in the Second Degree. (State's Exhibit 14, p. 000087.) The Court disposed of the case by giving the Respondent a supervised probation before judgment. (*Id.*) The count of Sex Offense in the Fourth Degree was dismissed. (*Id.*)

Discussion

The Board has the authority to discipline a licensee who “[i]s convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside[.]” HO § 6-308(a)(4). In this case, the Respondent was convicted of Sex Offense in the Fourth Degree on April 26, 2022 in the District Court of Maryland for Anne Arundel County, Case Number D-07-CR-21-008640. In addition, on November 29, 2022, the Respondent pled guilty to Assault in the Second Degree in the District Court of Maryland for Anne Arundel County, Case Number D-07-CR-21-008540. Both offenses are misdemeanors; thus, the Board’s sole inquiry is whether these are “crime[s] involving moral turpitude” within the meaning of HO § 6-308(a)(4). Moreover, the Respondent does not dispute that he possesses this criminal history.

“For the business of professional licensing and public appointments, the expression [moral turpitude] strikes the broader chord of public confidence in the administration of government.” *Burke v. Maryland Board of Physicians*, 250 Md. App. 334, 347 (2021), quoting *Stidwell v. Maryland State Bd. Of Chiropractic Examiners*, 144 Md. App. 613, 618-619 (2001). In this case, given the facts and circumstances leading to the Respondent’s conviction and guilty plea, the Board finds that the Respondent’s conviction for Sex Offense in the Fourth Degree as well as the Respondent’s guilty plea to Assault in the Second Degree constitute crimes involving moral turpitude.

Massage therapy, as its name invokes, is a therapeutic and healing profession. Indeed, the Board’s code of ethics, COMAR 10.65.03 *et seq.*, essentially codify these values by, among other things, mandating respect for patient boundaries and respect for patient dignity. The fact that the Respondent’s above-referenced criminal history is so intertwined with his practice of

massage therapy is disappointing to say the very least. Indeed, based on the Respondent's above-referenced criminal history, the Board simply does not have confidence that the Respondent can continue to practice massage therapy in a safe, effective, or respectful manner. Thus, the Board find that the Respondent has violated HO § 6-408(a)(4) ("Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside"). In its discretion, the Board shall dismiss the balance of the charges against the Respondent.

The Board's sanctioning guidelines provide that someone who has been found to have violated HO § 6-408(a)(4), particularly for a sexual offense, shall be subject to, at minimum, a five (5) years suspension without stay for at least 60 days, and probation for 5 years; or, at a maximum, revocation. COMAR 10.65.09.06.B. Here, given the facts and circumstances, the Board believes that revocation is the appropriate sanction to adequately protect the public.

CONCLUSIONS OF LAW

In this case, based on the foregoing Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 6-308(a) as follows:

- (4) Is convicted of or pleads guilty or nolo contendere to a felony or to a crime involving moral turpitude, whether or not any appeal or other proceeding is pending to have the conviction or plea set aside.

In its discretion, the Board shall dismiss the charges alleging a violation of Md. Code Ann., Health Occ. §§ 6-308(a)(8) and (20).

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, it is hereby:

ORDERED that the charge set forth in the "Notice of Charges under the Massage Practice [*sic*] Act," issued on July 27, 2022 alleging violations of Md. Code Ann., Health Occ.

§§ 6-308(a)(8) and (20) are hereby **DISMISSED**; and it is further

ORDERED that the “Order for Summary Suspension of License to Practice Massage Therapy,” issued on January 27, 2022 is hereby **AFFIRMED**; and it is further

ORDERED that the license of the Respondent to practice massage therapy in the State of Maryland, is hereby **REVOKED**; 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 Order, and is reportable to any entity to whom the Board is obligated to report; and it is further

ORDERED that this Order is a Final Order and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. § 4-333(b)(6) and Md. Code Ann., Health Occ. § 1-607.

02/22/2023
Date



Sharon J. Oliver, MBA
Executive Director
Maryland State Board of Massage Therapy Examiners

NOTICE OF APPEAL RIGHTS

Any person aggrieved by a final decision of the Board under Md. Code Ann., Health Occ. § 6-308(a) may take a direct judicial appeal within thirty (30) days as provided by Md. Code Ann., Health Occ. § 6-310; Maryland Code Ann., State Gov't § 10-222; and Title 7, Chapter 200 of the Maryland Rules, including Md. Rule 7-203 ("Time for Filing Action").