

IN THE MATTER OF
YURIY GORODISKIY, RMP
Respondent

Registration Number: R00238

* BEFORE THE MARYLAND
* STATE BOARD OF
* MASSAGE THERAPY EXAMINERS
* Case Number: 21-06M

* * * * *

FINAL ORDER

On the 9th day of June, 2021, the Maryland State Board of Massage Therapy Examiners (the “Board”) notified **YURIY GORODISKIY, RMP** (Registered Massage Practitioner) (the “Respondent”), Registration Number R00238, of its intent to revoke his registration to practice massage therapy pursuant to the Maryland Massage Therapy Act (the “Act”), Md. Code Ann., Health Occ. §§ 6-101 *et seq.* (2014 Repl. Vol. and 2020 Supp.).

The Board based its action on the Respondent’s violation of the following provisions of the Act and COMAR:

Health Occ. § 6-308. License or registration denial, suspension, or revocation.

- (a) *In general; grounds.* -- Subject to the hearing provision of § 6-309 of this subtitle, the Board may deny a license or registration to an applicant, reprimand a 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:
- (8) Does an act that is inconsistent with generally accepted professional standards in the practice of massage therapy;
 - (11) Has violated any provision of this title;
 - (20) Engages in conduct that violates the professional code of ethics; [and]

- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations[.]

COMAR 10.65.03.02. Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.
 - (2) “Non bona fide treatment” means when a license holder or registration holder treats or examines a client in a way that involves sexual contact, but there is no therapeutic reason for the procedure, or the procedure falls outside of reasonable massage therapy.
 - (4) “Sexually exploitative relationship” means when sexual contact occurs in an existing therapeutic relationship between the massage therapist and the client or between the instructor and the student, or within a period of time after formal termination of the therapeutic or instructor-student relationship where the client or student may still be vulnerable to the power imbalance that exists in the relationship between the license holder or the registration holder and the client or student, even if the relationship may appear to be mutually consensual.

COMAR 10.65.03.03. Standards of Practice.

- A. The license holder or registration holder shall be concerned primarily with the welfare of the client.
- 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[.]

COMAR 10.65.03.04. Relationship with Client.

- A. A license holder or registration holder shall:
- (4) Maintain legible, organized written records of treatment of any client under the care of the license holder or registration holder for at least 5 years after termination of treatment and as provided by applicable provisions of Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland[.]

COMAR 10.65.03.05. 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 sexually intimate act with a client; or
 - (3) Engage in sexual misconduct that includes, but is not limited to:
 - (b) Non bona fide treatment; or
 - (c) A sexually exploitative relationship.

COMAR 10.65.03.06. Records, Confidentiality, and Informed Consent.

A license holder or registration holder shall:

- G. Comply with applicable provisions of Health-General Article, Title 4, Subtitle 3, Annotated Code of Maryland.

COMAR 10.65.06.01. General Requirements.

- 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.

In its Notice, the Board informed the Respondent that he had the opportunity to request a hearing before the Board by submitting a request in writing to the Board's Executive Director within thirty days of service of the Notice. More than thirty days have

elapsed since the service of the Notice on the Respondent, and the Respondent has not requested a hearing.

FINDINGS OF FACT

The Board makes the following findings of fact:

I. BACKGROUND

1. At all times relevant hereto, the Respondent was registered to practice massage therapy in the State of Maryland. The Respondent was initially registered as an RMP in Maryland on December 17, 2004, under Registration Number R00238. The Respondent's RMP registration is active through October 31, 2022.

2. At all times relevant, the Respondent worked as a massage therapy practitioner at a practice he owned and operated in Maryland (the "Practice").

3. On or about March 9, 2021, the Board received a complaint from a client of the Respondent ("Client"), who alleged that on March 1, 2021, the Respondent inappropriately touched her in a sexual manner during a scheduled massage.

4. Based on the information provided in the complaint, the Board initiated an investigation.

II. BOARD INVESTIGATION

5. As part of its investigation, the Board subpoenaed client records from the Practice, obtained copies of conversations between the Respondent and the Client via Instagram, and interviewed the Client and the Respondent.

6. On March 30, 2021, the Board issued a Subpoena Duces Tecum to the Practice commanding the Practice to provide the Board with client records from February

14, 2021 to March 17, 2021. The Practice provided client records to the Board, however, none of the records related to the Client.

7. On April 1, 2021, the Board's investigator interviewed the Client under oath, at which time, the Client reported the following:

- a. On March 1, 2021, she notified the Respondent via Instagram that she was running late to her massage appointment.
- b. She arrived at the Practice at 11:07 a.m.
- c. When she arrived, the Respondent ushered her to the back room. Once there, she removed all clothing except for her underwear, then laid with her back on the massage table and covered herself with a sheet.
- d. The Respondent started the massage with her shoulders and then moved down to her legs. When the Respondent moved to the Client's right leg, the Respondent started massaging the bottom of her leg and moved his way up her leg. When the Respondent worked his way up her leg, he pushed her underwear aside exposing her genitals. Then, the Respondent placed his fingers in the Client's vagina. The Client then sat up and told the Respondent, "no."
- e. When the Client said "no," the Respondent backed up and the Client pulled her underwear back over her private area.
- f. She left the Practice at approximately 12:21 p.m.
- g. After she left the Practice, the Respondent immediately messaged her at 12:36 p.m. on Instagram.
- h. The Client did not respond to the Respondent until the following day.

8. The Respondent and the Client corresponded through Instagram. A review of these correspondences provided by the Client revealed the following:

Jan 4, 12:24 PM

Respondent: It's always nice to see you

Respondent: Please let me know if I'm pushing the boundaries too much

Client: You're amazing! I feel fantastic

Client: That, I think, was one of the best massages I've ever gotten from you lol

Respondent: Thank you baby

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[March 1, 2021] 10:53 AM

Client: Running behind but on my way

[March 1, 2021] 12:36 PM

Respondent: Sorry love I think of radio wrong I hope we still good

[March 2, 2021] 1:22 PM

Client: Hey so I think we should talk about what happened yesterday

Respondent: Yes

Respondent: Would you like to meet?

Respondent: I can come by if you have time

Client: I don't feel comfortable meeting with you. You exposed my vagina through "massage" and put your fingers in and on my vagina. After you already being aware from my appointment in January, that you felt the need to ask me if you were pushing the boundaries. Why would you do that?

Respondent: That, I think, was one of the best massages I've ever gotten from you lol

Respondent: That's what you told me

Respondent: I am really sorry feel so f[***ing] bad I didn't mean to upset you in any way

Client: Yeah, that didn't mean it was an invite to attempt to finger me, I was wearing panties and a pad!

Respondent: What can I do to make this right I really do like you and I wanna [*sic*] be your friend

9. On April 20, 2021, the Board's investigator interviewed the Respondent under oath, at which time, the Respondent stated the following:

- a. He communicated with the Client through Instagram messenger.
- b. He calls the Client "Love or babe."
- c. He admitted that he sent the Client a picture of himself wearing a Playboy costume from his 45th birthday party which was Playboy themed.
- d. He does not have any client records for the Client because she is not a paying customer.
- e. He has provided massages to the Client in exchange for the Client advertising the Respondent's services on social media.
- f. The Client has paid for massages twice – once when she scheduled a massage with someone else in the Practice and once when the Client and her boyfriend came in for massages together.
- g. When asked what the Respondent's message on March 1, 2021, stating "Sorry love I think of radio wrong I hope we still good" meant, the Respondent stated, "Oh, read you wrong, that's what I guess." The Respondent further clarified by stating that it meant he read the Client wrong during the massage and "I thought, kind of like, we're – we're communicating a little bit, like, more – like, more friendly, friends, that's what it was."
- h. The Respondent explained that he felt that responding to the Client by stating "That, I think, was one of the best massages I've ever gotten from you lol . . . That's what you told me" when the Client asked the Respondent why he acted in the manner he had on March 1, 2021, was an appropriate response because "I felt more like a – you know, more of a friendly fight with her. Like, friends' fight with her."

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent's actions constitute violations of Health Occ. § 6-308(a)(8), (11), (20), and/or (21), and/or COMAR 10.65.03.03 and/or COMAR 10.65.03.04 and/or COMAR 10.65.03.05 and/or COMAR 10.65.03.06 and/or COMAR 10.65.06.01.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is, by the affirmative vote of a majority of the Board considering this case:

ORDERED that the Respondent **YURIY GORODISKIY**'s registration to practice massage therapy in the State of Maryland under Registration Number R00238 be and hereby is **REVOKED**; and it is further

ORDERED that the Respondent is prohibited from practicing massage therapy in the State of Maryland; and it is further

ORDERED that this Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019).

12/22/2021

Date



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

NOTICE OF RIGHT TO APPEAL

Pursuant to Md. Code Ann., Health Occ. § 6-310(b) (2014 Repl. Vol. and 2020 Supp.), you have a right to take a direct judicial appeal. A Petition for Judicial Review must be filed within thirty (30) days of service of this Order and shall be made as provided for judicial review of a final decision in the Md. Code Ann., State Gov't §§ 10-201 *et seq.* (2014 Repl. Vol. and 2020 Supp.) and Title 7, Chapter 200 of the Maryland Rules.

IN THE MATTER OF * BEFORE THE
 YURIY GORODISKIY, RMP * MARYLAND STATE BOARD
 Registration No. R00238 * OF MASSAGE THERAPY EXAMINERS
 * Case No. 21-06M

ORDER OF TERMINATION OF SUMMARY SUSPENSION

Pursuant to Maryland Code Ann., State Gov't § 10-226(c), on or about June 9, 2021, the Maryland State Board of Massage Therapy Examiners (the "Board") executed an "Order for Summary Suspension of Registration to Practice Massage Therapy" ("Summary Suspension Order"), which summarily suspended the registration of Yuriy Gorodiskiy (the "Respondent") to practice as a registered massage practitioner in the State of Maryland. The summary suspension of the Respondent's registration was based on the conclusion by the Board that the public health, safety, or welfare imperatively required emergency action. The Summary Suspension Order was sent to the Respondent at his address of record with the Board both by certified mail (No. 7019 0160 0000 6673 8464) and by first-class mail. The cover letter that accompanied the Summary Suspension Order advised the Respondent:

You have the opportunity to appear before the Board for a Show Cause Hearing. This limited appearance is intended to provide you with an opportunity to show cause why the [Summary Suspension] Order should not be continued. At this Show Cause Hearing, you have the opportunity either through counsel, or in person, to address the Board. You must request a Show Cause Hearing in writing **WITHIN THIRTY (30) DAYS** of service of this [Summary Suspension] Order.

(Emphasis in original.) To date, the Respondent has failed to request a show cause hearing.

Concurrent to the Summary Suspension Order being mailed, on or about June 9, 2021, the Board also sent to the Respondent a "Notice of Intent to Revoke Massage Therapy Registration" ("Notice"), which charged the Respondent with several violations of the Maryland Massage Therapy

Act and notified the Respondent that the Board intended to revoke his registration based on those charges. The Notice was accompanied by an unexecuted Final Order of Revocation. The Notice itself stated that the Respondent had an opportunity for a hearing on the Board's charges against him, but that, if the Respondent failed to request a hearing within 30 days of the service of the Notice, the Board would execute the attached Final Order of Revocation. This information was also set forth in the Board's cover letter to the Notice. The Notice, the cover letter, and the unexecuted Final Order of Revocation were sent to the Respondent at his address of record with the Board by both certified mail (No. 7019 0160 0000 6673 8464) and first-class mail. To date, the Respondent failed to request a hearing.

Because the Respondent failed to request a hearing or communicate with the Board in any way, on December 22, 2021, the Board executed the Final Order of Revocation, revoking the Respondent's registration to practice as a Registered Massage Practitioner. Accordingly, the Summary Suspension Order is superseded by function of the Respondent's registration revocation and may be terminated at this time.

Wherefore, it is hereby:

ORDERED that the "Order for Summary Suspension of Registration to Practice Massage Therapy," dated June 9, 2021, is hereby **TERMINATED**; and it is further

ORDERED that this is a Final Decision and Order of the Maryland State Board of Massage Therapy Examiners and as such is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., General Provisions §§ 4-101 *et seq.*

12/22/2021

Date



Sharon J. Oliver, MBA

Executive Director

Maryland State Board of Massage Therapy Examiners