

IN THE MATTER OF * BEFORE THE BOARD
HABTAMU K. GEBRESELASSIE * OF MASAGE THERAPY
RESPONDENT * EXAMINERS
REGISTRATION NO.: R02677 * CASE NO: 17-41M

* * * * *
FINAL ORDER OF REVOCATION OF MASSAGE THERAPY REGISTRATION

On November 2, 2017, the Maryland State Board of Massage Therapy Examiners (the “Board”) summarily suspended the registration to practice massage therapy issued to Habtamu Gebreselassie, RMP (the “Respondent”), Registration Number R02677, under the Maryland Massage Therapy Act (the “Act”), Md. Health Occ., Code Ann. § 6-101 *et seq.* (2016 Supp.), based on the Board’s investigative findings that he engaged in inappropriate touching of a sexual nature during a massage therapy.

On May 9, 2018, the Board notified the of its charges in this matter. On September 26, 2018, the Board held an evidentiary hearing in the matter in accordance with the Maryland Administrative Procedure Act, Md. Code Ann., State Gov’t § 10-201 *et seq.*, and the Board’s regulations, COMAR 10.65.02. The Respondent was served and notified about the matter. The Respondent did not appear and was not represented by counsel. The Board conducted the hearing in the Respondent’s absence as provided for in the Act, Md. Code Ann., Health Occ., § 6-309(f). The State presented witnesses, evidence, and argument. Following the hearing, the Board convened to deliberate and voted to revoke the Respondent’s registration to practice massage therapy for the reasons set forth in this Final Decision and Order.

The basis for the Board's action was pursuant to the Maryland Administrative Procedure Act (the "APA"), Md. Code Ann., State Gov't ("State Gov't") § 10-226(c)(1) (2014 Repl. Vol. & 2016 Supp.) and the Act.

The pertinent provision of State Gov't § 10-226(c)(1) states:

Except as provided in paragraph (2) of this subsection, a unit may not revoke or suspend a license unless the unit first gives the licensee:

- (i) written notice of the facts that warrant suspension or revocation;
- and,
- (ii) an opportunity to be heard.

The pertinent provisions of Health Occ. § 6-308 provide:

(a) In general; grounds. -- Subject to the hearing provisions 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:

...

(3) Is disciplined by a licensing, certifying, or disciplinary authority of any other state or country or convicted or disciplined by a court of any state or country for an act that would be grounds for disciplinary action under this section.

EXHIBITS

The following exhibits were admitted into evidence during the hearing:

STATE'S EXHIBITS

No.	Exhibit Description
1	Notice of Summary Action to Suspend License issued by government of the District of Columbia dated October 4, 2017

2 Order for Summary Suspension and Letter of Procedure re: Case
No. 17-41

3 Notice of Charges and Letter of Procedure under the Maryland
Massage Therapy Act dated May 29, 2018

4 Notice of Evidentiary Hearing dated July 23, 2018

5 Certified Return Receipt # 7014 0150 0000 0252 5842 re: Notice of
Evidentiary Hearing

Mr. David Ford, Board Investigator testified on behalf of the state.

FINDINGS OF FACT

The Board finds:

1. At all times relevant hereto, the Respondent was registered to practice massage therapy in the State of Maryland.
2. The Respondent was originally registered to practice massage therapy in Maryland on or about May 17, 2017.
3. The Respondent's registration expires on May 31, 2018.
4. At all times relevant hereto, Respondent worked as a massage therapist at a massage therapy practice, ("Establishment A")¹, located in the District of Columbia.
5. Establishment A is a national chain that provides massage therapy and skin care to clients.

¹Establishment A is not identified in this document for privacy reasons, but this information will be provided to the Respondent upon request.

6. An investigation by the Board revealed that on or about October 4, 2017, the Department of Health Regulation Licensing Administration for the District of Columbia (“HRLA”) summarily suspended the Respondent’s license to practice massage therapy for sexually assaulting two women, in the District of Columbia between August 2017 and September 2017.

7. The Board’s investigation also revealed that the Respondent during 2017, the Respondent also worked as a massage therapist in Establishment A locations in Maryland.

8. Th facts as set forth above is a violation of H.O. § 6- 308 (3).

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Board concludes that the Respondent violated Md. Code Ann., Health Occ. § 6-308 (3). The Respondent’s license was summarily suspended in Washington, D.C. for sexual assault on two patients. The Respondent’s conduct would violate the Maryland Massage Therapy Act. This disciplinary action by Washington, D.C. and order violates the Maryland Massage Therapy Act.

ORDER

It is hereby:

ORDERED that the registration of Habtamu Gebreselassie, RMP, is **PERMANENTLY REVOKED**; and it is further

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

9/20/19
Date



David A. Cox, L.M.T., Chair
Maryland State Board of Massage Therapy Examiners

NOTICE OF RIGHT OF APPEAL

In accordance with Md. Code Ann., Health Occ. § 6-310 (2017) and the Administrative Procedure Act, Md. Code Ann., State Gov't II § 10-201 *et seq.* (2014 Repl. Vol. & 2016 Supp.) you have a right to a direct judicial appeal of this decision. A petition for appeal of the Final Board Order shall be filed within thirty days from your receipt of this Final Order and shall be made in accordance with the aforecited authority.