

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE MARYLAND</b>
<b>DAVID KUPFERSCHMID, LMT</b>	*	<b>STATE BOARD OF MASSAGE</b>
<b>Respondent</b>	*	<b>THERAPY EXAMINERS</b>
<b>License Number: M04467</b>	*	<b>Case Number: 20-14M</b>
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**ORDER FOR SUMMARY SUSPENSION  
OF LICENSE TO PRACTICE MASSAGE THERAPY**

The Maryland State Board of Massage Therapy Examiners (the “Board”) hereby **SUMMARILY SUSPENDS** the license of **DAVID KUPFERSCHMID** (the “Respondent”), License Number **M04467**, to practice massage therapy in the State of Maryland.

The Board takes such action pursuant to its authority under Md. Code Ann., State Gov’t § 10-226(c) (2014 Repl. Vol. & 2019 Supp.), concluding that the public health, safety or welfare imperatively requires emergency action.

**INVESTIGATIVE FINDINGS**

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:<sup>1</sup>

**I. BACKGROUND**

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<sup>1</sup> The statements regarding the Board’s investigative findings are intended to provide the Respondent with notice of the basis of the suspension. They are not intended as, and do not necessarily represent, a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

1. At all times relevant hereto, the Respondent was and is licensed to practice massage therapy in the State of Maryland. The Respondent was originally licensed to practice massage therapy in Maryland on December 6, 2010, under License Number M04467. The Respondent's license is current through October 31, 2022.

2. At all times relevant hereto, the Respondent was the owner, and solo practitioner at an in-home massage therapy office located in Montgomery County, Maryland (the "Office").

3. On or about October 12, 2020, the Board became aware through a local news release (the "release") that the Respondent had been arrested and charged with second degree rape. The release stated in part:

David Kupferschmid is a licensed massage therapist [who] was arrested last weekend at his home in Silver Spring, Maryland, and charged with second-degree rape.

According to court documents obtained by [local news<sup>2</sup>], the alleged assault happened in July [2020] at [the Office][.]

4. On receipt of the information, the Board initiated an investigation into the allegation.

## **II. BOARD INVESTIGATION**

5. On October 22, 2020, the Board obtained a copy of the Montgomery County Police Department's Incident Report regarding the Respondent's alleged sexual assault. The Incident Report stated the following:

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<sup>2</sup> For confidentiality reasons, the names of all massage facilities, clients or other individuals referenced in this document will not be identified by name. The Respondent may obtain the identity of any facility, client or individual referenced herein by contacting the assigned administrative prosecutor.



On 07/11/2020 [Officer] met with victim (the “Victim”) at the [police station]. [Victim] stated the following:

On 07/08/2020 at approximately 1330hrs, [Victim] went to [Office] for a massage. Massage Therapist David Kupferschmid began the massage as normal. Mr. Kupferschmid began massaging closer to [Victim’s] genital region. [Victim] became uncomfortable and cleared [his/her] throat and readjusted [his/her] body. Mr. Kupferschmid then inserted two fingers into [Victim’s] anus. [Victim] repeatedly said to stop and that wasn’t good. Mr. Kupferschmid repeatedly verbally [tried to] put [Victim] at ease saying it was ok. Mr. Kupferschmid then began to massage [Victim’s] [genitals]. [Victim] again told Mr. Kupferschmid to stop. Mr. Kupferschmid pushed [Victim] back to the massage table when [he/she] tried to get up. Mr. Kupferschmid kissed [Victim] on [his/her] forehead and told [him/her] that he loved [him/her].

[Victim] then got up and showered. Mr. Kupferschmid followed [Victim] to the exit and asked if “we were good.”

Mr. Kupferschmid texted [Victim] later on in the day asking if [they] were ok. [Victim] then explained why [he/she] was not ok in detail. Mr. Kupferschmid responded with being sorry.

[Victim] sent a screenshot of [the] text messages to [the] county email[.]

6. According to court records: On or about October 7, 2020, in the District Court for Montgomery County, Maryland, the Respondent was charged with one count of Rape Second Degree (felony) and one count of Assault-Second Degree (misdemeanor). The case is currently pending.

7. Based on the above investigative facts, the Respondent presents a substantial likelihood of a risk of serious harm to the public health, safety or welfare. One victim has reported that the Respondent sexually assaulted them during a scheduled massage he provided while working in his capacity as a licensed massage therapist. The

Respondent is currently facing felony and misdemeanor criminal charges in connection with the victim's massage.

### CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes as a matter of law that the public health, safety, or welfare imperatively requires emergency action, pursuant to Md. Code Ann., State Gov't § 10-226(c)(2) (2014 Repl. Vol. and 2019 Supp.).

### ORDER

It is, by a majority of the quorum of the Maryland State Board of Massage Therapy Examiners, hereby:

**ORDERED** that pursuant to the authority vested in the Board by Md. Code Ann., State Gov't § 10-226(c)(2), the Respondent's license to practice massage therapy in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

**ORDERED** that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing for a determination of whether the Summary Suspension should be continued. A request for a post-deprivation show cause hearing must be made in writing to the Board and be made **WITHIN TEN (10) CALENDAR DAYS** of the date of this Order; and it is further

**ORDERED** that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear before the Board when the hearing is scheduled, the Respondent's LMT license shall remain **SUSPENDED**; and it is further

**ORDERED** that upon presentation of this Order, the Respondent **SHALL SURRENDER** to the Board his original LMT license, wallet card, and any other official indicia of licensure; and it is further

**ORDERED** that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101 *et seq.* (2014 and 2019 Supp.).

11/04/2020

Date

Sharon Oliver

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