

Caitlin Thompson, Chair
Maryland State Board of Massage Therapy Examiners
4201 Patterson Avenue, Ste. 301
Baltimore, MD 21215-2299

Re: Surrender of Registration to Practice Massage Therapy
David Kupferschmid, LMT
Registration Number: **M04467**
Case Numbers: **20-14M**

Dear Ms. Thompson and Members of the Board,

Please be advised that, pursuant to Md. Code Ann., Health Occ. (“Health Occ.”) § 6-307, I have decided to **PERMANENTLY SURRENDER** my license to practice massage therapy in the State of Maryland, License Number M00641, effective immediately. I understand that upon surrender of my license, I may not practice massage therapy on any individual, with or without compensation or otherwise engage in the practice of massage therapy in the State of Maryland as it is defined in the Maryland Massage Therapy Act (the “Act”), Health Occ. §§ 6-101 *et seq.* and other applicable laws. In other words, as of the effective date of this Letter of Surrender, I understand that the surrender of my license means that I am in the same position as an unlicensed individual in the State of Maryland.

I understand that this Letter of Surrender is a **PUBLIC DOCUMENT**, and upon the Maryland State Board of Massage Therapy Examiners’ (“the Board’s”) acceptance, becomes a **FINAL ORDER** of the Board.

On November 4, 2020, I was summarily suspended from practicing massage therapy in Maryland as a result of criminal charges filed against me on or about October 7, 2020, in the District Court for Montgomery County, Maryland, charging me with one count of Assault-Second Degree (misdemeanor). These charges arose out of treatment of a patient. The case is currently pending.

I agree¹ that the Board has enough evidence to prove by a preponderance of the evidence violations of the Act², including but not limited to: Health Occ. § 6-308(a); (2) (Fraudulently or deceptively uses a license or registration), and (8) (Does an act that is inconsistent with generally accepted standards in the practice of massage therapy), and may sanction my registration accordingly, pursuant to Health Occ. § 6-308 and COMAR 10.65.03.

I wish to make it clear that I have voluntarily, knowingly and freely chosen to submit this Letter of Surrender to avoid further prosecution of the disciplinary charges. I

¹ Any admissions made in this document are equivalent to an Alford plea

² Md. Code Ann., Health Occ. § 1-40i(d)(1) Except as otherwise provided in this section, the proceedings, records, and files of a medical review committee are not discoverable and are not admissible in evidence in any civil action.

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acknowledge that for all purposes related to massage therapy licensure and registration, the charges will be treated as if proven.

I understand that by executing this Letter of Surrender I am waiving my right to a hearing to contest the disciplinary charges. In waiving my right to contest the charges, I am also waiving the right to be represented by counsel at the hearing, to confront witnesses, to give testimony, to call witnesses on my own behalf, and all other substantive and procedural protections provided by law, including the right to appeal to circuit court.

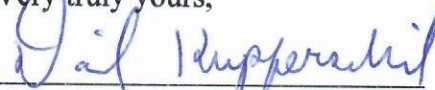
I acknowledge that on or before the effective date of this Letter of Surrender I shall present to the Board my Maryland massage therapy license, including any renewal certificates and wallet-sized renewal cards.

I understand that the Board will advise the Federation of State Massage Therapy Boards, the National Certification Board for Therapeutic Massage and Bodywork, the National Practitioner Data Bank, and the Healthcare Integrity and Protection Data Bank of this Letter of Surrender. I also understand that in the event I would apply for license or licensure in any form in any other state or jurisdiction that this Letter of Surrender may be released or published by the Board to the same extent as a final order that would result from disciplinary action, pursuant to Md. Code Ann., Gen. Prov. §§ 4-101 *et seq.* (2019), and that this Letter of Surrender constitutes a disciplinary action by the Board.

I further recognize and agree that by submitting this Letter of Surrender, my license will remain surrendered permanently and that I will have no right to apply for reinstatement.

I understand that I may not apply for reinstatement or a new Maryland license or registration. I acknowledge that I may not rescind this Letter of Surrender in part or in its entirety for any reason whatsoever. Finally, I wish to make clear that I have been advised of my right to be represented by an attorney of my choice throughout proceedings before the Board, including the right to consult with an attorney prior to signing this Letter of Surrender. I have consulted with an Attorney prior to executing this Letter of Surrender. I understand both the nature of the Boards' actions and this Letter of Surrender fully. I acknowledge that I understand and comprehend the language, meaning and terms and effect of this Letter of Surrender. I make this decision knowingly and voluntarily.

Very truly yours,


David Kupferschmid, LMT

NOTARY

STATE OF Maryland
CITY/COUNTY OF Anne Arundel

I HEREBY CERTIFY that on this 19th day of April, 2021 before me, a Notary Public of the City/County aforesaid, personally appeared **David Kupferschmid, L.M.T.**, and declared and affirmed under the penalties of perjury that the signing of this Letter of Surrender was their voluntary act and deed.

AS WITNESS my hand and Notarial seal.



My commission expires:

1/24/2023

David Kupferschmid
Notary Public

ACCEPTANCE

On behalf of the Board of Examiners of Massage Therapists, on this 4TH day of MAY, 2021, I, Sharon J. Oliver, accept **David Kupferschmid's PUBLIC SURRENDER** of his license to practice massage therapy in the State of Maryland.

Sharon Oliver

Sharon J. Oliver, Executive Director

Maryland Board of Massage Therapy Examiners