

IN THE MATTER OF	*	BEFORE THE MARYLAND STATE
CANDICE D. PARKER, LMT	*	BOARD OF CHIROPRACTIC AND
Respondent	*	MASSAGE THERAPY EXAMINERS
License Number: M05222	*	Case Number: 14-14M
* * * * *	*	* * * * *

**CONSENT ORDER**

On September 16, 2015, the Maryland State Board of Chiropractic and Massage Therapy Examiners (the "Board") charged **CANDICE D. PARKER, LMT**, (the "Respondent"), License Number M05222, with violating the Maryland Chiropractic Act (the "Act"), Md. Code Ann., Health Occ. I ("Health Occ. I") §§ 3-101 *et seq.* (2014 Repl. Vol.) and Md. Code Regs. ("COMAR") 10.43.21.01.

Specifically, the Board charged the Respondent with violating the following provisions of the Act under Health Occ. I § 3-5A-10:

(a) *Denial of License or registration.* -- Subject to the hearing provisions of § 3-315 of this title, the Board may deny a license or registration to any applicant, reprimand any 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:

- (11) Has violated any provision of this subtitle; [and]
- (21) Knowingly does an act that has been determined by the Board to be a violation of the Board's regulations[.]

With respect to Health Occ. I, § 3-5A-10(a)(11), the pertinent provision of this subtitle, which the Respondent violated, provides:

**§ 3-5A-04. License and registration required.**

Except as otherwise provided in this subtitle, an individual shall be:

- (1) Licensed by the Board before the individual may practice massage therapy in this State; or
- (2) Registered by the Board before the individual may practice massage therapy in a setting that is not a health care setting in this State.

With respect to Health Occ. I, § 3-5A-10(a)(21), the pertinent Board regulations, which the Respondent knowingly acted in violation of, provide:

**COMAR 10.43.21.01 General Requirements.**

- A. The licensee 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;
  - (5) Massage session summary in standard SOAP format, or its equivalent, which includes, at minimum:
    - (a) Initial client assessment, including contraindications noted;
    - (b) Summarized therapy plan; and
    - (c) Progress notes, reflecting: summary of techniques used and responses to techniques.

On March 10, 2016, a Case Resolution Conference was held before a panel of the Board. As a resolution of this matter, the Respondent agreed to enter into this public Consent Order consisting of Findings of Fact, Conclusions of Law, and Order.

## FINDINGS OF FACT

The Board makes the following Findings of Fact:

### **BACKGROUND**

1. The Respondent is a licensed massage therapist who was initially licensed to practice massage therapy in the State of Maryland on or about January 8, 2014. The Respondent's license is current through October 31, 2016.

2. At all times relevant, the Respondent was the sole owner and operator of a massage therapy practice located at 8605 Cameron Street, #224, Silver Spring, Maryland 20910.

3. The Board initiated an investigation of the Respondent after receiving a complaint on or about February 20, 2014, in which it was alleged that the Respondent was advertising her massage therapy practice on adult internet websites.

### **BOARD'S INVESTIGATION**

4. In furtherance of the investigation, a Board investigator interviewed the Respondent on or about March 30, 2015, at the Board's offices. During the interview, the Respondent denied having advertised her massage therapy practice on adult internet websites.

5. While being questioned about how long she had maintained a certain trade name, the Respondent admitted that she had performed massages on clients in Maryland without a license for approximately two years prior to her receiving her massage therapy license on January 8, 2014.

6. On or about April 15, 2015, the Board, pursuant to a subpoena, obtained ten client records from the Respondent. A review of the records revealed that four of

the ten client records failed to contain massage session summaries in standard SOAP format or its equivalent.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Board concludes as a matter of law that the Respondent violated Health Occ. I, § 3-5A-04 when she by her own admission performed massages on clients in Maryland without a license or registration for two years prior to August 1, 2014, in violation of Health Occ. I, § 3-5A-10(a)(11). Furthermore, the Respondent knowingly failed to maintain massage summaries in standard SOAP format or its equivalent in four client records, which is an act that has been determined by the Board to be a violation of its regulations under COMAR 10.43.21.01B(5), in violation of Health Occ. I, § 3-5A-10(a)(21).

### ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is this 10th day of March, 2016, by a majority of the Board considering this case:

**ORDERED** that the Respondent is hereby **REPRIMANDED**; and it is further

**ORDERED** that the Respondent is placed on **PROBATION** for a minimum of **ONE (1) YEAR**, subject to the following terms and conditions:

1. Prior to her next license renewal, which ends on October 31, 2016, the Respondent shall take and successfully complete two Board-approved courses in: 1) professional ethics, and 2) record keeping. The Respondent shall submit the course descriptions/syllabus to the Board for approval prior to enrolling in the courses. The Board reserves the right to require the Respondent to provide further information regarding the courses she proposes, and further reserves the right to reject her proposed courses and require submission of an alternative proposals. The Board will approve the courses only if it deems the curriculum and the duration of the

courses adequate to fulfill the Respondent's ethical and record keeping needs. These courses shall be in addition to any courses required to satisfy the continuing education requirements for the applicable 2-year licensure renewal period. The Respondent shall be responsible for all costs incurred in fulfilling the professional ethics course and the record keeping course requirements and for submitting written documentary proof to the Board of her successful completion of the courses. The Respondent is responsible for ensuring that she completes the required courses in a timely manner.

2. The Respondent shall comply with the Maryland Chiropractic Act and all laws, statutes and regulations pertaining to the practice of massage therapy.

**AND BE IT FURTHER ORDERED** that after the conclusion of the **ONE (1) YEAR** probationary period, the Respondent may submit a written petition to the Board requesting termination of probation. After consideration of the petition, the probation may be terminated, through an order of the Board, or a designated Board committee. The Board, or designated Board committee, will grant the termination if the Respondent has fully and satisfactorily complied with all of the probationary terms and conditions and there are no pending complaints related to the charges; and it is further

**ORDERED** that if the Respondent violates any of the terms and conditions of her probation and/or this Consent Order, the Board, in its discretion, after notice and an opportunity for an evidentiary hearing if there is a genuine dispute as to the underlying facts, or an opportunity for a show cause hearing otherwise, may impose any sanction which the Board may have imposed in this case, including probationary terms and conditions, a reprimand, suspension, revocation and/or a monetary penalty; and be it further

**ORDERED** that the Respondent shall be responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

**ORDERED** that this Consent Order is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen. Provisions, §§ 4-101 *et seq.* (2014).



Jonathan Nou, D.C.  
President  
Maryland State Board of Chiropractic  
and Massage Therapy Examiners

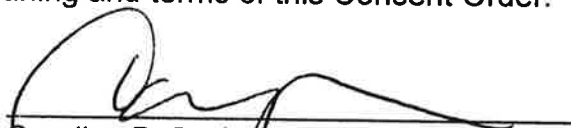
**CONSENT**

I, Candice D. Parker, LMT, acknowledge that I knowingly chose not to be represented by counsel before entering into this Consent Order. By this Consent and for the purpose of resolving the issues raised by the Board, I agree and accept to be bound by the foregoing Consent Order and its conditions.

I acknowledge the validity of this Consent Order as if entered into after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my own behalf, and to all other substantive and procedural protections provided by the law. I agree to forego my opportunity to challenge these allegations. I acknowledge the legal authority and jurisdiction of the Board to initiate these proceedings and to issue and enforce this Consent Order. I affirm that I am waiving my right to appeal any adverse ruling of the Board that might have followed after any such hearing.

I sign this Consent Order voluntarily and without reservation, and I fully understand and comprehend the language, meaning and terms of this Consent Order.

3/30/16  
Date



Candice D. Parker, LMT

**NOTARY**

STATE OF MARYLAND  
CITY/COUNTY OF Montgomery

I HEREBY CERTIFY that on this 30 day of March,  
2016, before me, a Notary Public of the foregoing State and City/County personally  
appear Candice D. Parker, LMT, and made oath in due form of law that signing the  
foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notary seal.



  
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Notary Public

My commission expires:

STEVEN I. BENDER  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires April 7, 2018