

**STATE OF FLORIDA
BOARD OF MASSAGE THERAPY**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2014-21499

CHAO LI, LMT,

RESPONDENT.

_____ /

FIRST AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Massage Therapy against Respondent, Chao Li, LMT, and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of massage therapy pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 480, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed massage therapist or an applicant for licensure as a massage therapist within the state of Florida, having been issued license number MA 76224 on or about May 2, 2014.

3. Respondent's address of record is 9345 Southwest 77th Avenue, Suite 209, Miami, Florida 33156.

4. On or about April 9, 2014, Respondent pled guilty to one count of Disorderly Conduct in Case Number 2014-MM-000205 in the County Court of the Ninth Judicial Circuit in and for Osceola County, Florida.

5. The underlying factual allegations of the case contained in the charging document were that during the course of a massage of an undercover police officer at a massage establishment, Respondent agreed to perform manual masturbation on the officer in exchange for money.

6. On or about April 16, 2014, Respondent submitted an application for a Florida massage therapist license.

7. On her initial application for licensure, when asked "Have you EVER been convicted of, entered a plea of guilty, nolo contendere, or no contest to, a crime in any jurisdiction other than a minor traffic offense? You must include all misdemeanors and felonies, even if adjudication was withheld." Respondent replied "No."

COUNT I

8. Petitioner realleges and incorporates paragraphs one (1) through seven (7) as if fully set forth herein.

9. Section 480.046(1)(p), Florida Statutes (2013), provides that violating any provision of chapter 480 or 456, or any rules adopted pursuant thereto, constitutes grounds for which disciplinary action may be taken by the Board of Massage Therapy.

10. Section 456.072(1)(w), Florida Statutes (2013), subjects a massage therapist to discipline for failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to provide timely updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application.

11. On her initial application for licensure, Respondent stated that she had never been convicted of or entered any pleas to a crime in any jurisdiction other than a minor traffic offense. However, Respondent had pled guilty to Disorderly Conduct approximately a week before submitting her application.

12. Based on the foregoing, Respondent has violated Section 480.046(1)(p), Florida Statutes (2013), through a violation of Section 456.072(1)(w).

COUNT II

13. Petitioner realleges and incorporates paragraphs one (1) through five (5) as if fully set forth herein.

14. Section 456.072(1)(c), Florida Statutes (2013), provides that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession constitutes grounds for which disciplinary action may be taken by the Board of Massage Therapy.

15. On or about April 9, 2014, Respondent pled guilty to one count of Disorderly Conduct where the underlying factual allegations of the case were that during the course of a massage of an undercover police officer at a massage establishment, Respondent agreed to perform manual masturbation on the officer in exchange for money.

16. This crime relates to the practice of, or the ability to practice, massage therapy.

17. Based on the foregoing, Respondent violated Section 456.072(1)(c), Florida Statutes (2013).

WHEREFORE, the Petitioner respectfully requests that the Board of Massage Therapy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this _____ day of _____ 2016.

Celeste Philip, MD, MPH
Surgeon General and Secretary

Carrie B. McNamara
Assistant General Counsel
Fla. Bar No. 0062029
Department of Health
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640
Facsimile: (850) 245-4684
Carrie.McNamara@flhealth.gov

PCP: 11/19/2015

PCP Members: Walker & Davis

Amended PCP:

Amended PCP Members:

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent, in addition to any other discipline imposed.

CONFIDENTIAL AND EXEMPT MATERIALS

**One or more pages have been removed
from this document for security reasons**

**Scroll down to see the available pages or
advance to the next document if all
pages have been removed.**

SOME OR ALL PAGES IN THIS DOCUMENT ARE PATIENT RECORDS
AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be furnished.—

10)(a)All patient records obtained by the department and any other documents maintained by the department which identify the patient by name are confidential and exempt from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The records shall not be available to the public as part of the record of investigation for and prosecution in disciplinary proceedings made available to the public by the department or the appropriate board.

ELECTION OF RIGHTS

DOH v Chao Li, LMT

Case No. 2014-21499

PLEASE SELECT ONLY 1 OF THE FOLLOWING 3 OPTIONS

An Explanation of Rights is attached. If you do not understand these options, please consult with your attorney or contact the attorney for the Prosecution Services Unit at the address/phone number listed at the bottom of this form.

OPTION 1. _____ I do not dispute the allegations in the Administrative Complaint, but do wish to be accorded an "informal" hearing pursuant to section 120.57(2), Florida Statutes, at which time I will be permitted to submit to the Board oral and/or written evidence in mitigation of the complaint.

OPTION 2. _____ I do not dispute the allegations contained in the Administrative Complaint and waive my right to object or to be heard. I understand that the Board will enter a final order in this case pursuant to section 120.57(2), Florida Statutes.

OPTION 3. X I do dispute one or more allegations of material fact in the Administrative Complaint and request a "formal" hearing on the disputed facts pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. I specifically dispute the following paragraphs of the Administrative Complaint, as indicated by paragraph numbers listed below:

I did not intentionally lie to the DOH because I didn't know
a "disorderly conduct" is a "misdemeanor". My English is
limited, the two words are different, and no one explained to me
that they are the same. If the question asked if I had been convicted of
a disorderly conduct, I would have checked "Yes". I specifically
I understand that regardless of the option I have elected, I will be given notice of the time, date, and place when the Board will consider this case for Final Action. Mediation, per section 120.573, Florida Statutes, is not available in this matter.
dispute paragraphs 13, 16, 17.



X CHAO LI
Respondent's signature
Current address: 2237 Shoma Dr.
Royal Palm Beach, FL 33414
Lic. No. MA76224
Phone No. 347-200-1068
Fax No. _____

STATE OF FLORIDA
COUNTY OF Palm Beach

Before me, personally appeared Chao Li whose identity is known to me by
PA Drivers License (type of identification) and who, acknowledges that his/her signature
appears above.

Sworn to or affirmed by Affiant before me this 3rd day of March 2016.

My Commission Expires 1/5/2018

Notary Public - State of Florida
Stephanie Reeves
Type or Print Name

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Oaj Giani, Assistant General Counsel, DOH, PSU, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444, ext. 8178, FAX (850) 245-4684; TDD 1-800-955-8771. NOTE: THIS FORM MUST BE RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF THE DATE THE ADMINISTRATIVE COMPLAINT WAS SERVED OR YOUR RIGHT TO AN ADMINISTRATIVE HEARING IN THIS CASE MAY BE DEEMED WAIVED, PER RULE 28-106.111(4), FLORIDA ADMINISTRATIVE CODE.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

February 10, 2016

Chao Li, LMT
9345 SW 77th Avenue, Suite 209
Miami, FL 33156


RE: Department of Health vs. Chao Li, LMT
Case No. 2014-21499

Dear Ms. Li:

Enclosed please find a copy of an Administrative Complaint that has been filed against your license by the Department of Health. An Election of Rights form, Explanation of Rights form and a Voluntary Relinquishment of License is also provided.

Enclosed is a proposed Voluntary Relinquishment for your consideration. The Voluntary Relinquishment is an offer to resolve this matter without the necessity of further proceedings and the added expenses accompanying further proceedings. Please note, however, that a Voluntary Relinquishment will still constitute discipline. If you choose to accept the Voluntary Relinquishment, please return a signed and notarized copy of the form to my office.

Please review the attached documents and return the Election of Rights form to my attention. You **must** sign the Election of Rights form, with your signature notarized, and return the completed form to my office **within twenty-one (21) days** of the date you received it. Failure to return this form within twenty-one days may result in the entry of a default judgment against you without hearing your side of the case.

Sincerely,

Oaj Gilani
Assistant General Counsel
(850) 245-4444 Ext. 8178

OG/cg

Enclosures: Administrative Complaint
Election of Rights
Explanation of Rights
Voluntary Relinquishment

Florida Department of Health
Office of the General Counsel • Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3562
EXPRESS MAIL ADDRESS: 2585 Merchants Row - Suite 105
PHONE: 850/245-4444 • FAX 850/245-4684

www.FloridasHealth.com
TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fldoh
FLICKR: HealthyFla
PINTEREST: HealthyFla

**STATE OF FLORIDA
BOARD OF MASSAGE THERAPY**

DEPARTMENT OF HEALTH,

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CASE NO. 2014-21499

CHAO LI, LMT,

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2. At all times material to this Complaint, Respondent was a licensed massage therapist or an applicant for licensure as a massage

therapist within the state of Florida, having been issued license number MA 76224.

3. Respondent's address of record is 9345 Southwest 77th Avenue, Suite 209, Miami, Florida 33156.

4. On or about December 17, 2013, members of the Tourism Policing Unit (TPU) with the Osceola County Sherriff's Office began ~~investigating allegations of prostitution at Oriental 2 Massage Spa,~~ located at 3516 West Vine Street, Kissimmee, Florida 34741.

5. As a result of TPU's undercover investigation, the Respondent was arrested and charged with one count of Offering to Commit, Committing, or Engaging in Prostitution, Lewdness, or Assignment and one count of Deriving Proceeds from Prostitution in the County Court of Osceola County, Florida.

6. The State Attorney's office reduced the charges to a single count of Disorderly Conduct on or about January 15, 2014.

7. On or about April 9, 2014, Respondent pled guilty to one count of Disorderly Conduct in Case Number 2014-MM-000205 in the County Court of the Ninth Judicial Circuit in and for Osceola County, Florida.

8. On or about April 16, 2014, Respondent submitted an initial application for licensure (application) as a massage therapist in the State of Florida.

9. On her application, when asked "Have you EVER been convicted of, entered a plea of guilty, nolo contendere, or no contest to, a crime in any jurisdiction other than a minor traffic offense? You must include all misdemeanors and felonies, even if adjudication was withheld." Respondent replied "No."

10. At the end of the application, Respondent signed a statement that included the following language:

I have carefully read the questions in the foregoing application and have answered them completely, without reservation of any kind, and I declare that my answers and all statements made by me herein and in support of this application are true and correct. Should I furnish any false information on or in support of this application, I understand that such action shall constitute cause for denial, suspension, or revocation of any license to practice in the state of Florida in the profession for which I am applying.

11. Based upon the information provided in Respondent's application, the Department issued Respondent a license to practice massage therapy on or about May 2, 2014.

12. Section 480.046(1)(a), Florida Statutes (2013), provides that attempting to procure a license to practice massage by bribery or fraudulent misrepresentation constitutes grounds for which disciplinary action may be taken by the Board of Massage Therapy.

13. On her application, Respondent represented to the Board that she had no criminal history, indicating that she had never been convicted of or entered any pleas to a crime in any jurisdiction other than a minor traffic offense.

14. Respondent signed a statement indicating that she was being truthful on her application.

15. However, Respondent had pled guilty to Disorderly Conduct approximately a week before submitting her application.

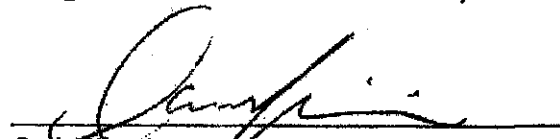
16. The Board relied on Respondent's false representation and issued her a license to practice massage therapy.

17. Based on the foregoing, Respondent has violated Section 480.046(1)(a), Florida Statutes (2013).

WHEREFORE, the Petitioner respectfully requests that the Board of Massage Therapy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23rd day of November 2015.

John H. Armstrong, MD, FACS
Surgeon General and Secretary



Oaj Gilani
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 0099413
(850) 245-4444
(850) 245-4684 FAX

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

BY: *Amel Farraway*

DATE 11-23-15

PCP: 11/19/15

PCP Members: Walker & Davis

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

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ELECTION OF RIGHTS

DOH v Chao Li, LMT

Case No. 2014-21499

PLEASE SELECT ONLY 1 OF THE FOLLOWING 3 OPTIONS

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OPTION 1. _____ I do not dispute the allegations in the Administrative Complaint, but do wish to be accorded an "informal" hearing pursuant to section 120.57(2), Florida Statutes, at which time I will be permitted to submit to the Board oral and/or written evidence in mitigation of the complaint.

OPTION 2. _____ I do not dispute the allegations contained in the Administrative Complaint and waive my right to object or to be heard. I understand that the Board will enter a final order in this case pursuant to section 120.57(2), Florida Statutes.

OPTION 3. _____ I do dispute one or more allegations of material fact in the Administrative Complaint and request a "formal" hearing on the disputed facts pursuant to sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. I specifically dispute the following paragraphs of the Administrative Complaint, as indicated by paragraph numbers listed below:

I understand that regardless of the option I have elected, I will be given notice of the time, date, and place when the Board will consider this case for Final Action. Mediation, per section 120.573, Florida Statutes, is not available in this matter.

Respondent's signature
Current address: _____

Lic. No. _____

Phone No. _____

Fax No. _____

STATE OF FLORIDA
COUNTY OF _____

Before me, personally appeared _____ whose identity is known to me by _____ (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this _____ day of _____ 201__.

Notary Public-State of Florida

My Commission Expires

Type or Print Name

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Oaj Gilani, Assistant General Counsel, DOH, PSU, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444, ext. 8178, FAX (850) 245-4684; TDD 1-800-955-8771. NOTE: THIS FORM MUST BE RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF THE DATE THE ADMINISTRATIVE COMPLAINT WAS SERVED OR YOUR RIGHT TO AN ADMINISTRATIVE HEARING IN THIS CASE MAY BE DEEMED WAIVED, PER RULE 28-106.111(4), FLORIDA ADMINISTRATIVE CODE.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

EXPLANATION OF RIGHTS

In response to the allegations set forth in the Administrative Complaint, you may elect **ONE** of the following three Options. Please make your election on the attached Election of Rights form and return it, fully executed, to the address listed on the form. **THE EXECUTED ELECTION OF RIGHTS FORM MUST BE RECEIVED BY THE DEPARTMENT WITHIN TWENTY-ONE (21) DAYS OF THE DATE OF SERVICE OF THE ADMINISTRATIVE COMPLAINT OR YOU MAY BE DEEMED TO HAVE WAIVED YOUR RIGHT TO BE HEARD ON THE COMPLAINT.**

1. If you do not dispute any material fact alleged in the Administrative Complaint, you may elect an informal proceeding on the issues of penalty and/or law before the appropriate Board, pursuant to section 120.57(2), Florida Statutes. You will be given an opportunity to present both written and oral evidence in mitigation of the complaint. To elect this option, check the appropriate space, marked as **OPTION 1**, on the Election of Rights form.

2. If you do not dispute any material facts alleged in the Administrative Complaint and you do not desire to participate in the disposition of this case, you may elect **OPTION 2** on the Election of Rights form.

3. If you dispute any of the material facts alleged in the Administrative Complaint, you may elect a "formal" hearing on the disputed facts before an Administrative Law Judge appointed by the Division of Administrative Hearings pursuant to section 120.569(2)(a), Florida Statutes. At this hearing, you may present evidence and witness testimony regarding the material facts of the complaint that you specified as disputed on the Election of Rights form. To elect this proceeding, check the appropriate space marked as **OPTION 3** on the Election of Rights form. You must keep the Department informed as to your current mailing address for notifications, orders, and service of administrative pleadings in this hearing.

In addition to securing your rights with one of the three options above, you may also request an opportunity discuss a settlement agreement to resolve this case, pursuant to Section 120.57(4), Florida Statutes. If you and the Department agree to a settlement, the agreement and case file will be presented to the appropriate Board for consideration. If approved, the Board will incorporate the terms of the settlement agreement into a final order resolving the case.. Please be advised that a final order incorporating a settlement agreement is considered disciplinary action and is reported as such. If you elect to voluntarily relinquish your license in lieu of further action, the relinquishment form will be presented to the appropriate Board for consideration. A final order accepting voluntary relinquishment is disciplinary action and is reported as such.

NOTE: If the Department does not receive your election of rights within twenty-one (21) days from the date the Administrative Complaint was served, you may be deemed to have waived of your right to a hearing, pursuant to Rule 28-106.111(4), Florida Administrative Code, and the Department and Board may proceed in this matter without your participation. This does not eliminate the defense of equitable tolling to a failure to timely request an administrative hearing.

CONFIDENTIAL AND EXEMPT MATERIALS

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456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.



STATE OF FLORIDA



DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: Consumer Services Unit	Date of Complaint: 01/07/2015	Case Number: 2014-21499
Subject: CHAO LI 9345 SW 77 TH AVENUE SUITE 209 MIAMI, FL 33156	Source: DEPARTMENT OF HEALTH/CSU	
Profession: Massage Therapist	License Number and Status: 76224/ Clear, Active	
Related Case(s):	Period of Investigation and Type of Report: 01/08/2015-2/27/2015 - FINAL	
Alleged Violation: 456.072(1)(h)(k)(dd), 480.046(1)(a)(c)(p), F.S.		
<p>Synopsis: This investigation is predicated on the receipt of information from Consumer Services Unit (Ex. #1, UCF and attachments) indicating LI was arrested for offering to commit prostitution and benefiting from the proceeds of prostitution in Osceola County, Florida on 12/18/2013. The charge was amended to disorderly conduct and LI pled guilty on 04/09/2014. LI was adjudicated guilty and sentenced to two days in Osceola County Jail with two days credited and ordered to pay \$808.00 in fines/court costs. LI failed to disclose criminal history on initial application to the Board of Massage.</p> <p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject Notification Completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject Responded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Patient Notification Completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Above referenced licensure checked in database/LEIDS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Board certified? Name of Board: Date: Specialty: </p> <p> Law Enforcement <input type="checkbox"/> Notified Date: <input checked="" type="checkbox"/> Involved Agency: Osceola County Sheriff's Office </p> <p> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject represented by an attorney? Attorney information: </p>		
Investigator/Date: <i>Aimee Moon</i> Aimee Moon HA190, Investigation Specialist II	Approved By/Date: <i>Rachel Blam</i> 2/27/2015 Delegated for Donna Howell	
Distribution: HQ/ISU		Page 1

DOH INVESTIGATIVE REPORT

CASE NUMBER: 2014-21499

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2. Copy of Notification letters, dated 01/08/2015 and 02/04/2015 14-17

3. Response from Chao Li, dated 02/19/2015 18-20

*Certified court documents from Osceola County Clerk of Court.

** Exhibits contain information which identifies patient(s) by name and are sealed pursuant to section 456.057(9)(a) Florida Statute.

***This exhibit contains confidential records concerning reports of abuse, neglect or exploitation of the vulnerable adult, including reports made to the central abuse hotline, and is sealed pursuant to section 415.107(1), Florida Statutes

DOH INVESTIGATIVE REPORT

CASE NUMBER: 2014-21499

INVESTIGATIVE DETAILS

Exhibit #1 is the case summary with attachments. The attachments include a letter to Osceola County Clerk of Court and certified court documents.

Exhibit #2 is LI'S notification letters, dated 01/08/2015 and 02/04/2015.

Exhibit #3 is a response from CHAO LI, dated 02/19/2015. LI states Florida originally charged her for violation of 796.07(2)(e), F.S. and the charge was later reduced to disorderly conduct. LI states on the massage license application there is no reference to the original violation of 796.07(2)(e), F.S. or disorderly conduct. LI states because her arrest did not fall under any of the codes and regulations referred to on the application, she did not disclose her arrest history. LI states that she respectfully requests the Florida Department of Health to conclude the investigation in her favor.

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appropriate board.

**STATE OF FLORIDA
BOARD OF MASSAGE THERAPY**

BOARD: Massage Therapy

CASE NUMBER: 2015-16536


COMPLAINT MADE BY: DOH/Board of Massage

COMPLAINT MADE AGAINST: Susana Sala, LMT
205 Washingtonia Ave, Apt. #4
Fort Lauderdale, Florida 33308

SUBJECT'S ATTORNEY: Pro Se

DATE OF COMPLAINT: February 4, 2016

INVESTIGATED BY: Dale Harrison (IS-II)

REVIEWED BY: Oaj Gilani 
Assistant General Counsel

RECOMMENDATION: Dismiss Without Prosecution (4097)

DISMISSAL/CLOSING ORDER ON RECONSIDERATION

ALLEGATION(S): Section 480.046(1)(p), Florida Statutes (2014), violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto; Section 480.041(6), Florida Statutes (2014), massage therapists who were issued a license before July 1, 2014, must submit to the background screening requirements of Section 456.0135 by January 31, 2015.

THE FACTS: On May 16, 2016, an Administrative Complaint was filed against Respondent for failure to submit to the fingerprinting requirement for massage therapists licensed prior to July 1, 2014.

Subsequent to the Administrative Complaint being filed, Respondent contacted the Department Attorney and provided additional information. Respondent states that she never received notification either from the Board office regarding fingerprinting or from the Investigator regarding this Complaint. Respondent states she only became aware of the Administrative Complaint after an attorney sent her solicitation regarding representation in the Complaint filed against her. Respondent states she updated her address with the Board during license renewal in August 2015, but still heard nothing regarding the fingerprinting requirement. Respondent states she annually gets her fingerprints taken for other licenses she carries and would have gladly complied had she known she was also required to get them taken for her massage therapist license.

After speaking to the Department attorney and understanding the circumstances, the Respondent immediately had her fingerprints taken and has provided proof of this to the Department attorney. The Board office has also confirmed that Respondent got her fingerprints taken.

Taking into consideration the potential lack of notice that may have occurred, as well as the fact that Respondent immediately had her fingerprints taken once she became aware of the requirement, the Department recommends closure of this case.

THE LAW: Based on the foregoing facts and circumstances, the Department recommends that this complaint be dismissed with no finding of probable cause for discipline.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this ____ day of _____, 2016.

Chairperson, Probable Cause Panel,
Board of Massage Therapy

**STATE OF FLORIDA
BOARD OF MASSAGE THERAPY**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2015-16536

SUSANA G. SALA, LMT,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Massage Therapy (hereinafter Board) against Susana G. Sala, LMT and alleges:

1. Petitioner is the state agency charged with regulating the practice of Massage Therapy pursuant to section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 480, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed massage therapist in the State of Florida, having been issued license number MA 8313 on or about December 18, 1987.

3. Respondent's mailing address of record is Body Wellness Corp., 957 West Commercial Boulevard, Fort Lauderdale, Florida 33309.

4. Section 480.041(6), Florida Statutes (2014), provides that massage therapists who were issued a license before July 1, 2014, must submit to the background screening requirements of Section 456.0135 by January 31, 2015.

5. Section 456.0135(1), Florida Statutes (2014), provides in relevant part that an application for initial licensure received on or after January 1, 2013, under Chapter 458, Chapter 459, Chapter 460, Chapter 461, Chapter 464, Section 465.022, or Chapter 480 shall include fingerprints pursuant to procedures established by the department through a vendor approved by the Department of Law Enforcement and fees imposed for the initial screening and retention of fingerprints.

6. Respondent failed to submit to the background screening requirements of Section 456.0135 by January 31, 2015.

7. Section 480.046(1)(p), Florida Statutes (2014), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto constitutes grounds for discipline by the Board of Massage Therapy.

8. Respondent did not submit to the background screening requirements of Section 456.0135(1) (2014), Florida Statutes by January 31, 2015, as required by Section 480.041(6), Florida Statutes (2014).

9. Based on the foregoing, Respondent violated Section 480.046(1)(p), Florida Statutes (2014), through a violation of Section 480.041(6), Florida Statutes (2014).

WHEREFORE, the Petitioner respectfully requests that the Board of Massage Therapy enter an order imposing one or more of the following penalties: permanent revocation or suspension of license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, continuing education and/or any other relief that the Board deems appropriate.

SIGNED this 16th **day of** May, **2016.**

Celeste Philip, MD, MPH
Interim State Surgeon General



Oaj Gilani
Assistant General Counsel
DOH Prosecution Services Unit
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FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Ynda Leonard*

DATE: 5/16/16

PCP: 5/12/16

PCP Members: Ms. Phillips and Mr. Brooks

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

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SOME OR ALL PAGES IN THIS DOCUMENT ARE PATIENT RECORDS
AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.



STATE OF FLORIDA



DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: Consumer Services Unit	Date of Complaint: 02/04/2016	Case Number: 2015-16536
Subject: Susana G Sala Body Wellness Corp. 957 West Commercial Blvd. Fort Lauderdale, FL 33309	Source: FLORIDA DEPARTMENT OF HEALTH/BOARD OF MASSAGE	
Profession: Massage Therapist	License Number and Status: 8313, CLEAR, ACTIVE	
Related Case(s):	Period of Investigation and Type of Report: 02/04/2016– 02/04/2016	
Alleged Violation: 456.072(1)(k), 480.041(6), F.S.		
Synopsis: This investigation is predicated on the receipt of information from the FLORIDA DEPARTMENT OF HEALTH/BOARD OF MASSAGE (Ex. #1, Case Summary and attachments) indicating SALA failed to submit fingerprints to the Department for a background check by 1/31/2015.		
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject Notification Completed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject Responded? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Patient Notification Completed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Above referenced licensure checked in database/LEIDS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Board certified? Name of Board: Date: Specialty:		
Law Enforcement <input type="checkbox"/> Notified Date: <input type="checkbox"/> Involved Agency:		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject represented by an attorney? Attorney information:		
Investigator/Date: 02/04/2016 <i>Dale Harrison</i>	Approved By/Date: <i>Donna L. Howell</i>	
Dale Harrison, Investigation Specialist II	Donna Howell, Senior Management Analyst II	
Distribution: CSU/PSU	Page 1	

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DOH INVESTIGATIVE REPORT**CASE NUMBER: 2015-16536****INVESTIGATIVE DETAILS**

Exhibit #1 is the case summary.

Exhibit #2 is SALA's notification letter, dated 02/04/2016.

CONFIDENTIAL AND EXEMPT MATERIALS

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