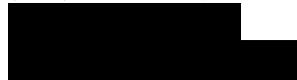




Protecting, maintaining and improving the health of all Minnesotans

May 23, 2018

Mr. Mitchell Le Dac Ho



SUBJECT: MDH File Number: OCC18006

Dear Mr. Ho,

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you performed prohibited conduct as an unlicensed complementary and alternative health care practitioner. Therefore, MDH is hereby indefinitely suspending your right to practice unlicensed complementary and alternative health care, including bodywork, massage therapy, and massage therapy services.

This decision will be made final and effective 30 days from the date it is received by you. During that 30-day period, you have the right to challenge this decision in a contested-case hearing. This right is provided under Minnesota Statutes, Chapter 14. You must make the request for a hearing in writing and include specific grounds for challenging MDH's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of your receipt of this letter to:

Catherine Lloyd
Manager, Health Occupations Program
Minnesota Department of Health
PO Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Ms. Lloyd at (651)201-3839. If you have any questions about this matter, please contact Patricia Forsberg at (651)201-3721.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Winkelmann", is written over a horizontal line.

Susan Winkelmann, Assistant Division Director
Health Regulation Division

cc: Catherine Lloyd, Manager, Health Occupations Program

HEALTH OCCUPATIONS PROGRAM
HEALTH REGULATION DIVISION

**A Determination in the Matter of
Mitchell Le Dac Ho
Unlicensed Complementary and Alternative Health Care Practitioner**

Authority:

1. Minnesota Statute, section 146A.09, subdivision 1, provides that the Office of Unlicensed Complementary and Alternative Health Care Practice (hereinafter “OCAP”) within the Minnesota Department of Health (MDH) has the authority to revoke, suspend, censure, reprimand, or impose limitations or conditions on an unlicensed complementary and alternative health care practitioner when there is a violation of law as defined in Minnesota Statute section 146.08, subdivision 1.
2. Minnesota Statute, section 146A.01, subdivision 4, provides that complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to (17) bodywork, massage therapy, and massage therapy services.
3. Minnesota Statute, section 146A.01, subdivision 6(3) defines a complementary and alternative health care practitioner as a person who is engaging in complementary and alternative health care services.
4. Minnesota Statute, section 146A.08, subdivision 1(c) prohibits the failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.
5. Minnesota Statute, section 146A.08, subdivision 1(d) prohibits sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual.
6. Minnesota Statute, section 146A.08, subdivision 1(f) prohibits conduct likely to harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a client.
7. Minnesota Statute, section 146A.08, subdivision 1(u) permits the revocation, suspension, restriction, limitation, or other disciplinary action against any health license, certificate, registration, or right to practice of the unlicensed complementary and alternative health care practitioner in this or another state or jurisdiction for offenses that would be subject to disciplinary action in this state or failure to report to the office that charges regarding the practitioner’s license, certificate, registration, or right to practice have been brought in this or another state or jurisdiction.

Findings of Fact:

1. From January 1, 2016, through September 25, 2017, Mitchell Le Dac Ho (hereinafter “Practitioner”) was working as an unlicensed complementary and alternative health care practitioner as a massage therapist at [REDACTED] in Eden Prairie, Minnesota.
2. A client reported Practitioner had nonconsensual sexual contact with her during a massage on January 1, 2016.
3. A second client reported Practitioner had nonconsensual sexual contact with her during a massage on March 14, 2016.

4. A juvenile female client reported Practitioner had nonconsensual sexual contact with her during a massage on September 25, 2017.
5. Eden Prairie Police Department referred all three allegations to the Hennepin County Attorney for charges.
6. On December 26, 2017, Practitioner was charged with two counts of Criminal Sexual Conduct in the Third Degree in violation of Minnesota Statute section 609.344, subdivision 1(o).
7. On March 26, 2018, Practitioner was charged with one additional count of Criminal Sexual Conduct in the Third Degree in violation of Minnesota Statute section 609.344, subdivision 1(o).
8. On April 9, 2017, MDH sent Practitioner a "Notice of Investigation" with an interview request regarding the criminal charges.
9. Practitioner did not respond to a request for interview within 30 days.
10. The aforementioned charges are pending disposition with an omnibus hearing set for June 11, 2018.

Conclusion:

Practitioner violated Minnesota Statute, section 146A.08, subdivision 1(c) when he failed to comply with the self-reporting requirements of section 146A.03, subdivision 7. Practitioner violated Minnesota Statute, section 146A.08, subdivision 1(o), when he failed to cooperate with an investigation by MDH.

Determination:

Practitioner's right to engage in unlicensed complementary or alternative health care practices, including massage and bodywork, pursuant to Minnesota Statutes, Chapter 146A is indefinitely suspended. If the Practitioner wishes to be considered for reinstatement to practice unlicensed complementary or alternative health care practices, including massage and bodywork, he must petition the Department for reinstatement in writing and cooperate fully with the Department's investigation. Cooperation may include additional disciplinary actions as provided in Minnesota Statutes, 146A.