

Effective Aug 24, 2006

**BEFORE THE MINNESOTA DEPARTMENT OF HEALTH  
HEALTH OCCUPATIONS PROGRAM**

**STIPULATION AND CONSENT ORDER**

In the Matter of William Kirk Gruman,  
Unlicensed Complementary and Alternative  
Health Care Practitioner

**IT IS HEREBY STIPULATED AND AGREED** by William Kirk Gruman [hereinafter "Practitioner"] and the Health Occupations Programs [hereinafter "HOP"] within the Minnesota Department of Health [hereinafter "Department"], that, without trial or adjudication of any issue of fact or law herein:

1. Except as otherwise specified herein, this Stipulation and Consent Order [hereinafter, "Stipulation"], investigative reports, and related documents shall constitute the entire record upon which this Order is based and shall be filed with the Department. The Stipulation document is public data pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 ("MGDPA") and Minnesota Statutes, § 146A.06, subdivision 2. All other data comprising the record shall not be considered a part of this Stipulation and shall maintain the data classifications to which they are entitled under the MGDPA and Minnesota Statutes, § 146A.06, subdivision 2.
2. Practitioner is, and has been, subject to the jurisdiction of the Department because Practitioner engaged in unlicensed complementary and alternative health care practice as defined in Minnesota Statutes, § 146A.01, after July 1, 2001, when the Department's jurisdiction and legal authority became effective.

3. Practitioner is not now, nor ever has been, licensed or registered by the health-related licensing boards or the commissioner of health in the State of Minnesota.
4. Pursuant to Minnesota Statutes, § 146A.01, subdivision 4, complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (17) body work, massage and massage therapy. Minnesota Statutes, § 146A.01, 6 states that complementary and alternative health care practitioners include persons charging remuneration or holding themselves out as providers.
5. Minnesota Statutes, § 146A.08, subdivision 1(d), prohibits engaging in contact that may be reasonably interpreted by a client or former client as sexual. A "former client" means a person who has obtained services from the practitioner within two years of the misconduct.
6. Minnesota Statutes, § 146A.08, subdivision 1(q), prohibits undertaking or continuing a professional relationship with a client in which the objectivity of the professional would be impaired.
7. Minnesota Statutes, § 146A.08, subdivision 1(r) prohibits failing to provide clients with a Client Bill of Rights or violating any provision of the client bill of rights.
8. Minnesota Statutes, § 146A.08, subdivision 1(k) prohibits revealing a communication relating to a health care client except when otherwise required or permitted by law.
9. When violations of law are found, the Department has authority to revoke or suspend a practitioner's right to practice, pursuant to Minnesota Statutes, § 146A.09, subdivisions 1(1) and (2); to impose a civil penalty not exceeding \$10,000 for each separate violation,

the amount of the civil penalty to be fixed so as to deprive the practitioner of any economic advantage gained by reason of the violation or to reimburse the Department for all costs of the investigation and proceeding, pursuant to Minnesota Statutes, § 146A.09, subdivision 1(4); or to impose a fee on the practitioner to reimburse the Department for all or part of the cost of the proceedings resulting in disciplinary action including, but not limited to, the amount paid by the Department for services from the Office of Administrative Hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by the Department, pursuant to Minnesota Statutes, § 146A.09, subdivision 1(7).

10. The Department alleges, and the Practitioner unconditionally admits, for purposes of these and any future disciplinary proceedings before the Department, the following facts:
  - A. Practitioner practiced a form of massage therapy called Russian Neuromuscular Re-Education (hereinafter "RNRE") in Minnesota from 2001 to the current date. Practitioner stopped the majority of his for-pay business in late 2001 due to a skin condition. Since 2001, Practitioner continues to see friends about once a week for massage therapy in order to keep his RNRE certification skills current.
  - B. Practitioner graduated from the Minneapolis School of Massage and Bodywork in 1999 and stated that he had attended numerous ethics and boundaries classes.
  - C. In his own business, Practitioner did not use the Client Bill of Rights as required by state law.
  - D. Client One was a client of Practitioner's from November of 2000 to

September 2001. Practitioner married Client One in 2005. Practitioner had a friendship with Client One before she became Practitioner's client.

Practitioner admits to socializing with Client One in 2001 and 2002. In early 2003, Practitioner and Client One exchanged e-mails containing explicit sexual jokes.

- E. Practitioner denies having sexual contact with Client One before November 2003 when Practitioner, Client One, and Client One's son lived together in Practitioner's apartment.
- F. Client Two was a client of Practitioner's from October 2000 to December 2001. Practitioner provided Client Two with massages in exchange for energetic healings which Client Two provided.
- G. Client Three was a nurse and massage therapist and Practitioner sublet his St. Louis Park space from Client Three in 2001-2002. Client Three saw Practitioner for massage therapy in January 2002 after she injured her thumb.
- H. In an e-mail dated November 20, 2003, Practitioner wrote Client Two about a conversation he had had with Client Three. In this e-mail, Practitioner also described an explicit sexual encounter Practitioner had with Client Three during a massage. Practitioner denied that sexual contact took place and Practitioner told the Department that he fabricated the events in his e-mail. Practitioner explained that he and Client Two engaged in e-mail sex together and made things up between them.
- I. Practitioner's business calendar showed Practitioner saw massage therapy clients through December 2001. Practitioner stated that he contacted clients in

June 2002 to advise them that he was no longer practicing. Practitioner's income tax records show that he deducted massage therapy business expenses for the 2003 taxable year.

11. Practitioner waives any claim against the Department, the State of Minnesota, or any employee thereof, under the Equal Access to Justice Law, Minnesota Statutes, sections 15.471 to 15.475.
12. For purposes of this Stipulation, Practitioner expressly waives all procedures and proceedings before the Department to which Practitioner may be entitled under the Minnesota and/or United States Constitution, statutes, and rules, and also waives the right to any judicial review or appeal under the Administrative Procedures Act, by writ of certiorari under Minnesota Statutes, section 480A.06, or otherwise from the Order issued by the Division Director pursuant to this Stipulation.
13. Except as otherwise specified herein, this Stipulation, investigative reports, and related documents shall constitute the entire record of the proceedings herein upon which this Stipulation is based and shall be filed with the Department. Any report or other material related to this action and received after the date this Stipulation is executed shall become part of the record and may be considered by the Department in future aspects of this proceeding. These items shall maintain data classification to which they are entitled under the MGDPA and Minnesota Statutes, section 146A.06, subdivision 2. They shall not be considered a part of this Stipulation and shall not, to the extent they are not already public documents, become public merely because they are referenced herein.
14. In the event the Division Director, does not approve this settlement, or a lesser remedy than specified herein, this Stipulation shall be null and void and shall not be used for any

purpose by either party hereto; provided, however, that should this occur and thereafter an administrative contested case is initiated pursuant to the MGDPA, Practitioner agrees not to raise any objections on any administrative level or in any court action to the Department's proceeding and hearing the case on the basis that the Division Director has become disqualified due to the Division Director's review and consideration of this Stipulation and record.

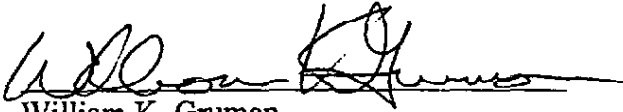
15. This Stipulation shall not in any way or manner limit or affect the authority of the Department to proceed against Practitioner by initiating a contested-case hearing or by other appropriate means on the basis of any act, conduct, or omission of Practitioner justifying action which occurred after the date of this Stipulation and which is not directly related to specific facts and circumstances set forth herein.
16. Any appropriate federal or state court shall, upon application of the Director, enter an order of enforcement of any or all of the terms of this Stipulation.
17. Practitioner hereby acknowledges having read, understood, and agreed to this Stipulation, and has freely and voluntarily signed it. In signing this Stipulation, Practitioner acknowledges full awareness it must be approved by the Division Director. The Division Director may approve the Stipulation as proposed, approve it subject to specific changes, or reject it. If the Division Director approves the Stipulation or makes a change acceptable to the Practitioner, the Division Director will issue the Order and it will take effect. If the changes are unacceptable to Practitioner, or the Division Director rejects the

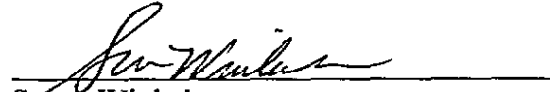
Stipulation, it will be of no effect, except as specified in paragraph 14, above.

18. Practitioner's violation of this Stipulation will be considered a violation of Minnesota Statutes, section 148C.09, subdivision 1(2); and will constitute grounds for further disciplinary action.
19. Upon this Stipulation, and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Practitioner does hereby consent that until further order of the Division Director, made after notice and hearing or after agreement between the Department and Practitioner, the Division Director may make and enter an Order for the following:
  - A. Practitioner's right to engage in unlicensed complementary or alternative health care practices, including massage and bodywork pursuant to Minnesota Statutes, Chapter 146A, is revoked from the effective date of this Stipulation.
  - B. Practitioner shall cooperate fully during the process of the Department's enforcement and monitoring of compliance with this Stipulation and shall respond to the Department's correspondence within the time provided by law or by the deadline of Department staff.
20. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation; and
21. Practitioner agrees that service of this Stipulation by regular mail to the address of [REDACTED] [REDACTED] shall be due and sufficient service on Practitioner.

Date: August 14, 2006

Dated: August 15, 2006

  
William K. Gruman  
Practitioner

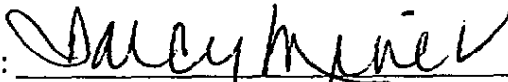
  
Susan Winkelmann  
Investigations and Enforcement Manager  
Health Occupations Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0882

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and

implemented by the Division Director this 16<sup>th</sup> day of August, 2006

MINNESOTA DEPARTMENT OF HEALTH

By:   
Darcy Miner, Director  
Division of Compliance Monitoring