


Effective January 12, 2005



**COPY**

January 7, 2005

*Protecting, maintaining and improving the health of all Minnesotans*

Mr. Jon Templeton  


RE: Revocation of your complementary and alternative health care practice

Dear Mr. Templeton:

Based on my review of the facts and law in this matter, I have determined that you have failed to cooperate with an investigation of the Department, provide a client bill of rights, maintain proper client-therapist boundaries during massage therapy, and you provided false or misleading advertising of your credentials, in violation of Minnesota Statutes, sections 146A.06, subd. 1, 146A.08, subds. 1(o), (r), (d), (e), (q) and section 146A.11. Therefore, I am revoking your right to practice unlicensed complementary and alternative health care practices, including massage therapy and bodywork, in Minnesota. This action is authorized under Minnesota Statutes, section 146A.09.

You have the right to challenge this decision in a contested-case hearing as provided under Minnesota Statutes, chapter 14. Requests for hearing should be made in writing and include specific grounds for challenging the Department'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:

Susan Winkelmann, Investigations and Enforcement Manager  
Minnesota Department of Health  
85 East Seventh Place, Suite 300  
P.O. Box 64882  
St. Paul, MN 55164-0882  
Fax (651) 282-3839

If you have any questions about this matter, contact Ms. Susan Winkelmann, at (651) 282-5623.

Sincerely,

A handwritten signature in dark ink, appearing to read "David J. Giese".

David J. Giese, Director

Health Policy, Information and Compliance Monitoring Division

cc: Tom Hiendlmayr, Director of Health Occupations Program  
Susan Winkelmann, Investigations and Enforcement Manager

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Jon Templeton  
Unlicensed Complementary and Alternative Health Care Practitioner**

**AUTHORITY**

1. Minnesota Statutes, section 146A.09, subd. 1, provides that the Office of Unlicensed Complementary and Alternative Health Care Practice (hereinafter "OCAP") within the Minnesota Department of Health (hereinafter "Department") 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 Statutes, section 146.08, subd. 1.
2. Pursuant to Minnesota Statutes, section 146A.01, subd. 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) bodywork, massage and massage therapy. Minnesota Statutes, section 146A.01, subd. 6 defines practitioners as those who hold themselves out to the public as being a complementary and alternative health care practitioners and does not restrict practitioners to those who provide services for remuneration.
3. Minnesota Statutes, sections 146A.06, subd. 1 and 146A.08, subd. 1(o) require OCAP practitioners to cooperate with investigations by the Department.
4. Minnesota Statutes, sections 146A.11 and 146A.08, subd. 1(r) require all OCAP practitioners to provide a client bill of rights containing information about the practitioner's credentials, fees, client rights, and how to file a complaint with the Department.
5. Minnesota Statutes, section 146A.08, subd. 1(d) prohibits sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual, engaging in verbal behavior that is seductive or sexually demeaning to the client or former client. "Former client" means a person who has obtained services from the practitioner within the past two years.
6. Minnesota Statutes, section 146A.08, subd. 1(e) prohibits advertising that is false or misleading.
7. Minnesota Statutes, section 146A.08, subd. 1(q) prohibits undertaking or continuing a

professional relationship with a client in which the objectivity of the practitioner would be impaired.

### FINDINGS OF FACT

1. Practitioner provided volunteer massage therapy services for a nonprofit organization (hereinafter "Employer 1") from August 2002 to February 2003 when Employer 1 terminated Practitioner's employment after three clients complained to Employer 1 about Practitioner's conduct during massages. Employer 1 is a private social services organization serving clients with HIV and AIDS. Practitioner was volunteering for Employer 1 to work off a community service obligation imposed by a criminal court for his gross misdemeanor conviction for taking a friend's boat without permission and damaging it in Prior Lake, Minnesota.
2. The three clients alleged Practitioner inappropriately touched or massaged them within private areas, did not use proper draping techniques, watched clients disrobe and/or get dressed, and made inappropriate verbal comments to them about their physical appearance.
3. Practitioner states he is not currently practicing massage therapy for remuneration, however Practitioner stated that he does still have a few clients who are close friends and Practitioner barbers for his services or does massages for free. Practitioner has never used the required client bill of rights.
4. Practitioner's business card includes the title of "Licensed Massage Therapist" despite Minnesota not having a state license for massage therapy. Practitioner was a member of the Associated Bodywork & Massage Professionals private certifying organization between January 2002-2003, but let his membership lapse. Practitioner attended school to learn massage therapy between 2001 and 2002 and completed 250 clinical hours and 470 academic hours.
5. In a letter dated October 22, 2004 and served on Practitioner on October 27, 2004, Department staff requested Practitioner to obtain an independent evaluation to determine whether Practitioner can practice massage therapy while maintaining good boundaries or in the alternative, to sign an agreement to cease all massage therapy and bodywork in Minnesota. The Department advised Practitioner that if he did not respond by the deadline of November 24, 2004, the Department would seek to revoke his right to practice massage therapy and bodywork in Minnesota.
6. To date, Practitioner has not responded to the Department's October 22, 2004 letter.

## CONCLUSION

Practitioner did not comply with the requirements under Minnesota Statutes, sections 146A.06, subd. 1, 146A.08, subds. 1 (o), (r), (d), (e), (q), and section 146A.11.

## DETERMINATION

Practitioner's right to practice complementary and alternative health care practice, including massage therapy and any bodywork, in Minnesota is revoked.