

STATE OF IOWA  
BEFORE THE BOARD OF MASSAGE THERAPY EXAMINERS

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**IN THE MATTER OF:** )  
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**ROBERT L. BAEHLER, II,** ) **SETTLEMENT AGREEMENT**  
**License No: 00301** ) **AND FINAL ORDER**  
 )  
**RESPONDENT.** )

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The Iowa Board of Massage Therapy Examiners (Board) and Robert Baehler, II (“Respondent”) enter into this Settlement Agreement and Final Order (“Agreement”) pursuant to Iowa Code Sections 17A.10(2), 272C.3(4) (2003).

1. On July 14, 1994, Respondent was issued license number 00301 to practice massage therapy in the State of Iowa. Respondent’s license expires on July 12, 2004.

2. On May 7, 1996, in the Iowa District Court for Polk County, case number FECR 99139, Respondent plead guilty to the felony offense of Possession of a Controlled Substance in violation of Iowa Code section 124.401(1)(d). Respondent was sentenced to a term of imprisonment not to exceed five years. Respondent’s sentence was suspended. Respondent was discharged from probation in March of 1998.

3. On October 12, 1998, in the Iowa District Court for Polk County, case number FECR 124296, Respondent plead guilty to the felony offense of Possession of a Controlled Substance in violation of Iowa Code section 124.401(1)(d). Respondent was sentenced to a term of imprisonment not to exceed five years. Respondent was discharged from parole in March of 2000.

4. Upon approval of this Agreement by the Board, Respondent’s massage therapy license shall be subject to a two year period of probation. The probationary period shall commence on the execution date of this Agreement. The execution date is that date which accompanies the Board Chairperson’s signature. During the probationary period, Respondent shall comply with the following terms:

a. Respondent shall fully comply with all relevant statutes and administrative rules in the course of his practice as a massage therapist including compliance with all license renewal and continuing education requirements.

b. Within 15 days of the notification of the Board’s approval of this Agreement and on a quarterly basis thereafter, Respondent shall notify the Board in writing as to the status of his employment as a massage therapist in the State of Iowa. All written notifications required by this provision shall include:

1. The period of time covered by the report;
2. The name and address of Respondent's places of employment as a massage therapist including any business or establishment owned or operated by Respondent;
3. The name and title of Respondent's direct supervisor, if applicable;
4. If working under supervision, a narrative written by Respondent's direct supervisor describing Respondent's work habits as observed by the supervisor as well as any complaints regarding Respondent's conduct as a massage therapist received by the supervisor.
5. Each employer's massage therapy license number, if applicable; and,
6. Respondent's date of hire as a massage therapist, and, if applicable, the date his employment terminated.

Respondent shall notify the Board within 15 days of the termination, either voluntarily or involuntarily, of his employment as a massage therapist in the State of Iowa. Failure by Respondent to timely and truthfully notify the Board of his current employment status shall constitute a violation of this Agreement.

c. Respondent shall complete a comprehensive substance abuse evaluation at a Board-approved facility. Respondent shall make an appointment within five days of the date of this agreement and shall complete the evaluation within 30 days of the date of this agreement. Respondent shall comply with all recommendations that result from this evaluation.

d. Not less than twice per year during Respondent's probationary period, Respondent shall participate in a chemical screening program approved by the Board. The timing of the screenings shall be determined by the Board. It is Respondent's responsibility to ensure that authorized personnel witness the collection of his UA samples. UA samples which are not witnessed shall be considered invalid. All confirmed, positive tests shall be presumed valid. Respondent agrees that he has the burden of proof to establish that any positive report is erroneous. Respondent agrees not to consume any food containing poppy seeds. Respondent shall be responsible for all costs of participation in the program.

e. Upon request of the Board, Respondent shall appear before the Board to report on the status of his practice as a massage therapist and to answer any questions or concerns the Board may have regarding his probation. The Board shall provide Respondent with reasonable notice of the date, time, and place for any requested appearance. Respondent agrees that any such appearance would be governed by 645 Iowa Administrative Code rule 9.7 and that he waives any and all objections to the members of the Board both participating in the appearance and later participating as decision makers in a contested case proceeding.

5. Respondent shall obey all federal, state, and local laws, and all rules governing the practice of massage therapy.

6. Upon full compliance with all terms and conditions of the probation prescribed by this Agreement, Respondent's license to practice as a massage therapist in the State of Iowa shall be restored to its full privilege free and clear of all probationary restrictions.

7. In the event Respondent violates or fails to comply with any of the terms or provisions of this Agreement, the Board may initiate appropriate action to revoke or suspend the Respondent's license or to impose other licensee discipline as authorized by Iowa Code section 272C.3(2)(a).

8. This Agreement shall be part of the permanent record of Respondent and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.

9. Respondent voluntarily submits this Agreement to the Board for its consideration. This Agreement, however, is subject to approval by the Board. If the Board fails to approve this Agreement, it shall be of no force or effect on either party.

10. This Agreement is public record pursuant to Iowa Code Sections 272C.3(4) and 272C.6(4) (2001).

11. This Consent Agreement constitutes the resolution of a contested case proceeding.

**WHEREFORE**, the terms of this Consent Agreement are agreed to and accepted by the Iowa Board of Massage Therapy Examiners and Respondent.

**This Settlement Agreement and Final Order is approved by the board on June 3, 2003.**