STATE OF IOWA

BEFORE THE IOWA BOARD OF EXAMINERS FOR MASSAGE THERAPY

IN THE MATTER OF THE APPLICATION FOR REACTIVATION OF LICENSURE OF: Alexander Borisenko APPLICANT	* * * * * * *	AGREEMENT AND CONSENT ORDER

The Iowa Board of Examiners for Massage Therapy (Board) and Alexander Borisenko (Applicant) enter into this Agreement and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10, 152C.3, and 272C.3 (2008).

1. On October 10, 2008, Applicant made application for a reactivation of an Iowa license to practice massage therapy.

2. The applicant previously entered into a signed a settlement agreement, number MT 03-005, with the Board on December 7, 2004. Applicant's license was placed on probation for three years with conditions including: direct supervision, monthly reports to the Board regarding employment, supervision, and a narrative regarding work habits from the applicant and his employer, notification of medical condition to clients and employers, follow-up medical treatment, and quarterly updates from his treating physician regarding his medical treatment and progress. Instead of complying with the terms of his probation, Applicant chose to let his license go inactive. This Agreement shall resolve any pending issues regarding that matter.

3. Any failure by Respondent to comply with the terms and conditions of this Agreement may subject Respondent to licensee disciplinary action which could be initiated by the Board through the filing of a statement of charges with a hearing to be held on the merits.

4. This Agreement is subject to approval by the Board:

a. If the Board fails to approve this Agreement it shall be of no force or effect on either party, and it shall not be admissible for any purpose in further proceedings in this matter;

b. If the Board approves this Agreement, it shall fully dispose of all issues in this matter.

5. This Agreement is a public record available for copying and inspection pursuant to Iowa Code chapters 22 (208) and 272C.

IT IS THEREFORE ORDERED:

6. The applicant shall comply with the following terms:

a. Applicant agrees to submit to a physical and clinical competency evaluation to ensure his current competence to practice. Respondent shall:

1. Within sixty (60) days of the date of Board approval of this consent agreement, contact Gary Schoener, M.Eq., licensed psychologist, A Walk In Counseling Center, 2421 Chicago Ave. S, Minneapolis, MN 55404, Work: 612/870-0574 or 612/870-0565 and schedule an appointment for a comprehensive physical and clinical competency evaluation. This evaluation is to be completed within 90 days of the date of Board approval of this consent agreement. A report is to be submitted to the board within 30 days of the completion of the evaluation.
2. Respondent must sign all necessary releases for Gary Schoener, M.Eq to share information with the Board and provide the Board with a written evaluation report and recommendations for treatment.
3. Provide Gary Schoener, M.Eq., licensed psychologist, a copy of this order prior to the evaluations.
4. Cause a report of the evaluations, including copies of all records produced during the evaluations, to be forwarded to the Board immediately upon the completion of the evaluations.
5. Contact the Board no less than five days prior to the date the above-referenced evaluations are scheduled to begin and advise the Board of the date and time of the evaluations.
6. Sign any authorizations required to secure the release of the report of the evaluations and for free communication between the Board and the evaluator.
7. Cooperate with the Board in obtaining all relevant records.
8. The purpose of the examinations is to determine Respondent's ability to practice massage therapy with reasonable skill and safety without endangering the public's safety and welfare. Respondent's refusal or failure to complete this examination will result in the Board's revocation of this Consent Agreement and denial of Applicant's reactivation application.
9. All objections shall be waived as to the admissibility of the examining evaluator's testimony or examination report on the grounds that they constitute privileged communication. In accordance with Iowa Code section 272C.9(1), the testimony or examination reports shall not be used against Respondent in any proceeding other than proceedings relating to licensure and discipline by the Board, and shall be confidential.
10. Applicant shall comply with licensure conditions set by the Board based on practice recommendations made by Mr. Schoener with such conditions specified in an amendment to this consent agreement if needed.

b. Upon receipt of evaluation report indicating Applicant is currently competent to practice without endangering the public's safety and welfare, and amendment to the consent agreement if needed to implement any additional practice restrictions as identified in the evaluation report, if any, Applicant shall be granted a massage therapy license subject to

compliance with the terms of this agreement. The execution date is that date which accompanies the Board Chairperson or designee's signature.

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

d. In the event the Applicant violates or fails to comply with any of the terms or provisions of this Consent Agreement, the Board may initiate appropriate action to revoke or suspend the applicant's license or to impose on this licensee discipline as authorized in Iowa Code sections 272C.4, 5, 10 (2008) and administrative rules 645 IAC 134.
e. This Consent Agreement is voluntarily submitted by the applicant to the Board for consideration.

e. This consent agreement is a public record available for inspection and copying in accordance with Iowa Code section 272C.3(4).

f. This Agreement 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.

WHEREFORE, the terms of this consent agreement are agreed to and this settlement is entered into by the Iowa Board of Examiners for Massage Therapy and the Applicant.

This agreement and consent order is approved by the board on April 27, 2009.