STATE OF IOWA BEFORE THE BOARD OF EXAMINERS FOR MASSAGE THERAPY

IN THE MATTER OF:	
NICOLE C. PFLUEGER,	AGREEMENT AND CONSENT
;	ORDER REGARDING
	APPLICATION FOR
	LICENSURE
APPLICANT.	

The Iowa Board of Examiners for Massage Therapy (Board) and Nicole C. Pflueger (Applicant) enter into this Agreement and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10, 152C.3, and 272C.3 (2003).

- 1. On August 17, 2004, Applicant made application for a license to practice massage therapy.
- 2. Prior to her application for licensure, the Board received a complaint regarding the unlicensed practice of massage therapy by Applicant. This Agreement shall resolve any pending investigation regarding that matter.
- 3. This Agreement shall be part of the permanent record of Respondent and may be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of future violations.
- 4. 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.
 - 5. 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.
- 6. This Agreement is a public record available for copying and inspection pursuant to Iowa Code chapters 22 (2003) and 272C.
- 7. This Agreement shall not be binding as to any new complaints received by the Board.

IT IS THEREFORE ORDERED:

- 8. Upon approval of this Agreement by the Board, Applicant shall be granted a massage therapy license subject to a one (1) 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 or designee's signature. During the probationary period, Applicant shall comply with the following terms:
- a. Applicant shall fully comply with all relevant statutes and administrative rules in the course of her practice as a licensed massage therapist including compliance with all license renewal and continuing education requirements;
- b. Within six (6) months of the execution of this Agreement, Applicant shall complete four (4) hours of continuing education credits in the area of ethics. Applicant must submit the proposed course(s) to the Board for its approval prior to attending the continuing education course(s). These hours shall be in addition to any continuing education credits required for licensure and shall not be counted towards continuing education credits required for the renewal of Applicant's massage therapy license.
- c. Within fifteen (15) days of the execution of this Agreement and on a quarterly basis thereafter, Applicant shall notify the Board in writing as to the status of her 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 Applicant's places of employment as a massage therapist including any business or establishment owned or operated by Applicant;
- 3. The salon license number of each salon at which Applicant is employed and/or works, if applicable; and
- 4. Applicant's date of hire as a massage therapist, and, if applicable, the date her employment terminated.
- d. Applicant shall notify the Board within 15 days of the termination, either voluntarily or involuntarily, of her employment as a massage therapist in the state of Iowa. Failure by Applicant to timely and truthfully notify the Board of her current employment status shall constitute a violation of this Agreement.
- e. Upon request of the Board, Applicant shall appear before the Board to report on the status of her practice as a massage therapist and to answer any questions or concerns the Board may have regarding her probation. The Board shall provide Applicant with reasonable notice of the date, time, and place for any requested appearance. Applicant agrees that any such appearance would be governed by 645 Iowa

Administrative Code rule 9.7 and that she 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.

- 9. Applicant agrees to pay to the Board a civil monetary penalty of \$600. Respondent shall remit full payment of the civil monetary penalty to the Board within 60 days of the execution date of this Agreement.
- 10. Upon full compliance with all terms and conditions of the probation prescribed by this Agreement, Applicant'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.

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

This Agreement and Consent Order is approved by the Board on December 7, 2004