

STATE OF IOWA
BEFORE THE BOARD OF MASSAGE THERAPY EXAMINERS

IN THE MATTER OF:)	CASE NO. 04-007
)	
Janice G. Hill)	COMBINED STATEMENT OF
License No. 135-00201)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT,
RESPONDENT)	AND CONSENT ORDER

The Iowa Board of Massage Therapy Examiners (Board) and Janice G. Hill (Respondent), enter into this Combined Statement of Charges, Informal Settlement Agreement, and Consent Order (Agreement) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and chapter 645 Iowa Administrative Code (IAC) rule 12.1.

1. Respondent presently possesses license number 135-00201 to practice massage therapy in the state of Iowa. Board records indicate that Respondent was originally licensed on March 31, 1994.

2. The Board has jurisdiction of this matter pursuant to Iowa Code chapters 17A, 152C, and 272C. Licenses issued by the Board are subject to the laws of the State of Iowa and the administrative rules promulgated by the Board. Method of discipline is stated at 645 IAC rule 134.3.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged with practicing massage therapy with a lapsed license in violation of Iowa Code section 152C.5 and 645 IAC rules 131.10(2) and 134.2(25).

CIRCUMSTANCES

4. During an Investigation of Respondent's license status it was determined that her license was lapsed on March 31, 2000 and was not reinstated until May 12, 2004.

5. Respondent nevertheless regularly practiced massage therapy and held herself out as a licensed massage therapist from March 31, 2000 until April 28, 2004 without a valid license.

SETTLEMENT AGREEMENT

6. Respondent has a right to receive notice of the charge and to request a hearing before the Board on the merits of the charge, but waives its right to notice and a hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's actions, by freely and voluntarily entering into this Agreement. This Agreement shall constitute the final order of the Board in this case.

7. Respondent agrees that the State's counsel may present this Agreement to the Board and may have ex parte communications with the Board while presenting it.

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. Any failure by Respondent to comply with the terms and conditions of this Agreement shall subject Respondent to further 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.

10. This Agreement is subject to approval by the Board:
 - (a) If the Board does not 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 case.

11. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4)(2005).

12. This Agreement shall not be binding as to any new complaints received by the Board.

CONSENT ORDER

IT IS THEREFORE ORDERED:

13. Respondent's license to practice massage therapy shall be placed on probation until completion of the continuing education required by paragraph 14.

14. Respondent shall complete four hours of continuing education relating to the ethics of the practice of massage therapy within 12 months of the acceptance of this agreement. The four hours shall be in addition to and not count toward the continuing education requirements for renewal review of a massage therapy license.

15. This Agreement shall not restrict or otherwise limit Respondent's practice of massage therapy. However:

The failure of Respondent to obtain and report the additional four hours of continuing education within the time required shall be a violation of this agreement and subject respondent to additional discipline.

16. Respondent agrees to pay to the Board a civil monetary penalty of \$1000.

Respondent shall remit full payment of the civil monetary penalty to the Board within 30 days of the date this Agreement is executed by the Board.

17. Upon full compliance with the above terms and requirements, Respondent's massage therapy license shall be restored to its full privileges free and clear of all probationary restrictions.

WHEREFORE, the terms of this Statement of Charges, Informal Settlement Agreement, and Consent Order are agreed to and accepted by the Iowa Board for Examiners of Massage Therapy and Respondent.

This Combined Statement of Charges, Informal Settlement Agreement, and Consent Order is approved by the board on June 7, 2005.