

STATE OF IOWA
BEFORE THE BOARD OF MASSAGE THERAPY EXAMINERS

IN THE MATTER OF:)	
)	No. MT 05-007
ROBERT TROY,)	
License No. 135 02283)	SETTLEMENT AGREEMENT
)	AND FINAL ORDER
Respondent.)	

The Iowa Board of Massage Therapy Examiners (Board) and Robert Troy (Respondent) enter into this Settlement Agreement and Final Order (Agreement) pursuant to Iowa Code Sections 17A.10(2) and 272C.3(4)(2005) and 645 Iowa Administrative Code (IAC) 134.3.

1. On October 14, 1999, Respondent was issued license number 135 02283 to practice massage therapy in the State of Iowa.

2. Respondent is subject to a contested case proceeding regarding alleged violations of Iowa Code chapters 147, 152C and 272C and 645 IAC chapter 134. The Statement of Charges containing the alleged violations are on file. The confidential Statement of Matters Asserted in support of the violations are attached to this Agreement and made part of the public record.

3. Count III of the Statement of Charges and paragraph 4 of the Statement of Matters Asserted are dismissed.

4. Respondent admits to prohibited touching of a client but maintains the touching was accidental. He denies the other accusations of Counts I and II but for settlement purposes agrees that his license to practice massage therapy in the State of Iowa shall be subject to the condition that he is Indefinitely Suspended from practicing massage therapy on female clients. The suspension may be removed or modified as hereafter provided.

5. Respondent waives his right to hearing and all attendant rights, including the right to seek judicial review pursuant to Iowa Code chapter 17A, and waives any objections to the terms of this Agreement by knowingly, voluntarily, and intelligently entering this Agreement.

6. The Respondent may apply to the Board to remove the practice restrictions imposed in paragraph 4. Before application for removal of the practice restriction, the Respondent shall obtain, at his own expense, an evaluation by a psychiatrist or psychologist licensed in Iowa as to his fitness to practice massage

therapy in Iowa on female clients. The psychiatrist or psychologist will be provided with the peer review report of Lana Fogue, LMT, plus items the parties deem relevant. The respondent shall propose three psychiatrists or psychologists for this purpose. The Massage Board Chairman shall then approve one or more of the three that the respondent shall propose.

7. Respondent authorizes the Board to transfer any information concerning Respondent for his file to his treating or evaluating psychiatrist or psychologist. Respondent further agrees to provide any release the Board needs authorizing full disclosure of information from these individuals concerning his treatment, progress, prognosis, and ability to return to or remain in active practice and otherwise comply with the terms of this Agreement.

8. On application to remove the restriction, Respondent shall furnish the report of the of the psychiatrist or psychologist and any other relevant information requested by the Board. The burden of proof will be on Respondent to establish that he can safely practice massage therapy on female clients. The Board will consider but is not bound by the recommendation of the psychiatrist or psychologist. The Board may approve or deny the application or may approve the application with conditions including, but not limited to, a practice monitor, further or continuing evaluation or treatment, further professional education, place and setting of practice on female clients, and body area restrictions or clothing requirements for female clients.

9. Respondent shall be responsible for all expenses resulting from the entry of this Agreement, including, but not limited to, any costs associated with medical evaluation or treatment.

10. 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 concerning his practice. 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 IAC 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.

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

12. 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).

13. 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.

14. 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.

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

16. 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 September 5, 2006.