

BEFORE THE IOWA BOARD OF MASSAGE THERAPY

IN THE MATTER OF)	NO. 10-015
)	
)	
Bruce Morgan,)	COMBINED STATEMENT OF
License No. 03616)	CHARGES, INFORMAL
)	SETTLEMENT AGREEMENT,
Respondent.)	AND CONSENT ORDER

The Iowa Board of Massage Therapy (Board) and Bruce Morgan (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 12.1.

1. The Board issued Respondent license number 03616 on May 7, 2004, to practice massage therapy in the State of Iowa. Respondent's license is currently active and expires May 15, 2012.

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 disciplines is stated at 645 IAC chapter 134.3.

STATEMENT OF CHARGES

COUNT I

3. Respondent is charged pursuant to Iowa Code sections 147.55(3) and 272C.10(3) (2009) with violating IAC Chapter 645 - 131.8(3), 133.2, 133.3 for failing to meet the continuing education requirement for licensure.

FACTUAL CIRCUMSTANCES

4. Respondent failed a continuing education audit.

SETTLEMENT AGREEMENT

5. 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 her 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.

6. Respondent is freely and voluntarily entering into this Agreement. 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.

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

8. In the event Respondent violates or fails to comply with any of the terms of this Agreement, the Board may impose other licensee discipline in accordance with Iowa Code §272C.3(2)(a).

9. This Agreement is subject to approval by the Board. 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.

10. This Agreement is a public record pursuant to Iowa Code sections 272C.3(4) and 272C.6(4) (2009).

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

CONSENT ORDER

IT IS THEREFORE ORDERED:

12. Respondent shall be assessed a civil penalty in the amount of \$250. This civil penalty shall be paid within thirty (30) days of the Board's approval of this Agreement, and shall be made payable to the Treasurer of Iowa and mailed to the Board Executive Pierce Wilson, Bureau of Professional Licensure, Lucas State Office Building 5th Floor, 321 E. 12th, Des Moines, Iowa 50319-0075 . All civil penalty payments shall be deposited into the State of Iowa general fund.

13. Respondent shall complete a three (3) hour continuing education course in ethics. Said continuing education shall be completed within six (6) months of Board approval of this Agreement. The continuing education shall be obtained in person and not online. This ethics course requirement cannot be used as part of the continuing education hours Respondent submits for renewal of her massage therapy license.

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

This Combined Statement of Charges, Informal Settlement Agreement, and Consent Order is approved by the Board February 16, 2011.