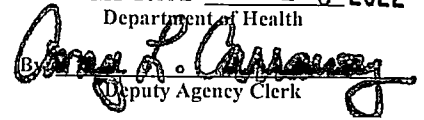


FILED DATE - OCT 13 2022

Department of Health

By 
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

IN RE: The Emergency Restriction of the License of
Leonard Manuel Lopez de la Torre, L.M.T.
License Number: MA 90945
Case Number: 2022-33463

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Joseph A. Ladapo, MD, PhD, State Surgeon General, ORDERS the Emergency Restriction of the license of Leonard Manuel Lopez de la Torre, L.M.T., (Mr. Lopez de la Torre) to practice as a massage therapist in the State of Florida. Mr. Lopez de la Torre holds license number MA 90945. Mr. Lopez de la Torre's address of record is 10022 12th Way North, Apartment 105, St. Petersburg, Florida 33716. The following Findings of Fact and Conclusions of Law support the emergency restriction of Mr. Lopez de la Torre's license to practice as a massage therapist in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating massage therapists in the State of Florida, pursuant to chapters 20, 456, and 480, Florida Statutes (2022). Section 456.073(8), Florida Statutes (2022), authorizes the State Surgeon General to summarily restrict Mr. Lopez de la Torre's license to practice as a massage therapist in

the State of Florida, in accordance with section 120.60(6), Florida Statutes (2022).

2. At all times material to this Order, Mr. Lopez de la Torre was licensed to practice massage therapy in the State of Florida, pursuant to chapter 480.

3. At all times material to this Order, Mr. Lopez de la Torre practiced as a massage therapist at Massage Envy in St. Petersburg, Florida.

4. On or about August 2, 2022, Mr. Lopez de la Torre provided massage therapy services to Patient A.S., a 57-year-old female, at Massage Envy.

5. In preparation for the massage, Patient A.S. disrobed entirely, laid face down on the massage table, and covered herself with the drape provided.

6. Approximately half-way through the massage, Mr. Lopez de la Torre instructed Patient A.S. to turn over onto her back.

7. Mr. Lopez de la Torre massaged Patient A.S.' shoulders.

8. Mr. Lopez de la Torre reached underneath the drape covering Patient A.S.' chest.

9. Mr. Lopez de la Torre cupped Patient A.S.' right breast and pinched her right nipple as he withdrew his hand from underneath the drape.

10. In response, Patient A.S. raised her arms and placed them on top of her breast area, over the drape.

11. Mr. Lopez de la Torre's actions are outside the scope of massage therapy when done without specific informed consent.

12. Patient A.S. did not give specific informed consent for Mr. Lopez de la Torre to touch and/or cup her breast and/or to pinch her nipple.

13. Patient A.S. reported this incident to law enforcement and Massage Envy.

14. The massage therapist-patient relationship is founded on mutual trust. The practice of massage therapy places patients in isolated, vulnerable settings where they can be subject to abuse by their massage therapists. Due to the potential for abuse that is inherent under these circumstances, massage therapists must possess good judgment and good moral character in order to practice massage therapy professionally and within the boundaries of the generally accepted examination or treatment of a patient. Massage therapists must also refrain from engaging in conduct

that harms the patient or places the patient in a situation that violates their safety and welfare.

15. Mr. Lopez de la Torre willfully abused his position as a massage therapist to sexually violate a patient who trusted him to act professionally and within the boundaries of the generally accepted practice of massage therapy. Mr. Lopez de la Torre's deviant actions indicate that Mr. Lopez de la Torre lacks the good judgment and good moral character necessary to safely practice massage therapy, and therefore is a significant danger to female patients.

16. Mr. Lopez de la Torre's lack of good judgment and good moral character, his disregard for the laws and regulations governing massage therapists in this state, his disregard for his patient's physical and emotional well-being, his apparent comfort in behaving outside the bounds of massage therapy, his ability to conceal this behavior from others, and his failure to recognize that his actions were causing his patient distress represent a significant likelihood that Mr. Lopez de la Torre will cause harm to female patients in the future unless his license is restricted. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida.

17. The Department considered various restrictions on Mr. Lopez de la Torre's license, including requiring Mr. Lopez de la Torre to practice with a chaperone. However, a restriction where a chaperone must be present is not feasible due to the intrinsically intimate nature of massage therapy, which involves the delivery of services in a one-on-one manner for an extended period of time. As a result, there are no less restrictive means, other than the terms of this Order, that will adequately protect the public from the dangers created by Mr. Lopez de la Torre's continued, unrestricted practice of massage therapy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to sections 20.43 and 456.073(8) and chapter 480.
2. Section 480.046(1)(p), Florida Statutes (2022), subjects a massage therapist to discipline, including restriction, for violating any provision of chapters 480 or 456 or any rules adopted pursuant thereto.

3. Section 480.0485, Florida Statutes (2022), prohibits sexual misconduct in the practice of massage therapy and defines sexual misconduct, in pertinent part, as a:

[V]iolation of the massage therapist-patient relationship through which the massage therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient.

4. Rule 64B7-23.005, Florida Administrative Code, provides in pertinent part:

(1) "Sexual Activity" means any direct or indirect contact by any person, or between persons, with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, or which is likely to cause such humiliation, harassment, degradation, arousal or sexual gratification:

(a) With or without the consent of either person or persons;

(b) With or without verbal or non-verbal communication that the sexual activity is undesired;

(c) With or without the use of any device or object;

(d) With or without the occurrence of penetration, orgasm or ejaculation;

(e) Including, but not limited to intentional contact with the genitalia, groin, femoral triangle, anus, buttocks, gluteal cleft, breast or nipples, mouth, or tongue; and,

(f) Including, but not limited to the intentional removal of any drape without written specific

informed consent of the patient.

(2) Sexual activity by any massage therapist in the context of massage therapy practice or in a massage therapy establishment is prohibited.

(3) A licensed massage therapist must not use the therapist-client relationship to induce or attempt to induce or engage or attempt to engage in sexual activity with any client. Such attempts or engagements constitute sexual misconduct in the practice of massage therapy.

5. Mr. Lopez de la Torre violated section 480.046(1)(p) by violating section 480.0485 and Rule 64B7-23.005 by using the massage therapist-patient relationship to engage, or attempt to engage, Patient A.S. in sexual activity outside the scope of practice or generally accepted examination and treatment in one or more of the following ways:

- a. By touching and/or cupping Patient A.S.' breast; and/or
- b. By pinching Patient A.S.' nipple.

6. Section 120.60(6) authorizes the State Surgeon General to summarily restrict a massage therapist's license upon a finding that the massage therapist presents an immediate, serious danger to the public health, safety, or welfare.

7. Mr. Lopez de la Torre's continued unrestricted ability to provide massage services to female clients constitutes an immediate, serious danger

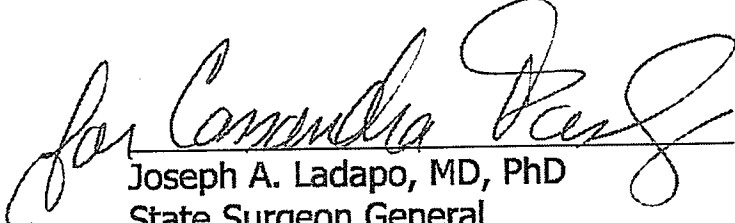
to the health, safety, or welfare of the public and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with section 120.60(6), it is **ORDERED THAT:**

1. The license of Leonard Manuel Lopez de la Torre, L.M.T., license number MA 90945, is hereby immediately restricted to prohibit him from practicing massage therapy on female patients.

2. A proceeding seeking formal discipline of the license of Mr. Lopez de la Torre to practice as a massage therapist will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6), Florida Statutes (2022).

DONE and ORDERED this ^{gh} 13 day of October, 2022.


Joseph A. Ladapo, MD, PhD
State Surgeon General

PREPARED BY:
Elizabeth Tiernan, Esq.
Florida Bar No. 127145
Assistant General Counsel
Emergency Action Unit
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65

In Re: The Emergency Restriction of the License of
Leonard Manuel Lopez de la Torre, L.M.T.
License Number: MA 90945
Case Number: 2022-33463

Tallahassee, Florida 32399-3265
(P) (850) 558-9902
(F) (850) 245-4662
(E) Elizabeth.Tiernan@flhealth.gov

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6) and 120.68, Florida Statutes (2022), this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the Petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.