

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

IN RE: Emergency Suspension of the License of  
Christian Garcia Rodriguez, L.M.T.  
License Number: MA 96331  
Case Number: 2022-41952

**ORDER OF EMERGENCY SUSPENSION OF LICENSE**

Joseph A. Ladapo, MD, PhD, State Surgeon General, ORDERS the emergency suspension of the license of Christian Garcia Rodriguez, L.M.T., (Mr. Garcia Rodriguez) to practice as a massage therapist in the State of Florida. Mr. Garcia Rodriguez holds license number MA 96331. Mr. Garcia Rodriguez's address of record is 525 Leawood Circle, Naples, Florida 34104. The following Findings of Fact and Conclusions of Law support the emergency suspension of Mr. Garcia Rodriguez'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 (2021-2022). Section 456.073(8), Florida Statutes (2021-2022), authorizes the State Surgeon General to summarily suspend Mr. Garcia Rodriguez's license to practice as

a massage therapist in the State of Florida, in accordance with section 120.60(6) and 456.074(5), Florida Statutes (2021-2022).

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

3. At all times material to this Order, Mr. Garcia Rodriguez practiced as a massage therapist at Massage Heights in Naples, Florida.

4. On or about May 5, 2022, Patient J.B., a 34-year-old female, presented to Massage Heights for a massage.

5. Mr. Garcia Rodriguez provided Patient J.B.'s massage services on May 5, 2022.

6. In preparation for the massage, Patient J.B. completely disrobed, laid face-down on the massage table, and covered herself with a sheet.

7. Near the end of the massage, Mr. Garcia Rodriguez massaged Patient J.B.'s upper chest area.

8. Patient J.B. was lying face-up on the massage table, and the sheet was covering Patient J.B.'s body and breasts.

9. Mr. Garcia Rodriguez reached his hands underneath the sheet and massaged and/or rubbed Patient J.B.'s breasts.

10. Mr. Garcia Rodriguez then rubbed and digitally penetrated Patient J.B.'s vagina.

11. At that moment, Patient J.B. sat up on the massage table and stated, "we're done here."

12. At no time did Patient J.B. consent to Mr. Garcia Rodriguez touching her breasts or vagina.

13. On or about October 10, 2022, Mr. Garcia Rodriguez was arrested for sexual battery, for placing his fingers inside of Patient J.B.'s vagina without consent, in violation of section 794.011(5), Florida Statutes (2021-2022).

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. Garcia Rodriguez 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. Garcia Rodriguez's deviant actions indicate that Mr. Garcia Rodriguez lacks the good judgment and good moral character necessary to safely practice massage therapy, and therefore is a significant danger to female patients. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida.

16. Mr. Garcia Rodriguez's lack of good judgment and good moral character, his disregard for his patient's physical and emotional well-being, and his apparent comfort in behaving outside the bounds of massage therapy demonstrate a significant disregard for the laws and rules that govern massage therapists and indicate that there is a significant likelihood that Mr. Garcia Rodriguez's conduct will continue.

### 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 (2021), subjects a massage therapist to discipline, including suspension, for violating any provision of chapters 480 or 456 or any rules adopted pursuant thereto.

3. Section 480.0485, Florida Statutes (2021), 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. Garcia Rodriguez 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 J.B. in sexual activity outside the scope of practice or generally accepted examination and treatment in one or more of the following ways:

- a. By rubbing and/or massaging Patient J.B.'s breasts;
- b. By rubbing Patient J.B.'s vagina; and/or
- c. By digitally penetrating Patient J.B.'s vagina.

6. Section 120.60(6) authorizes the State Surgeon General to summarily suspend 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. Garcia Rodriguez's continued 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.

8. Section 456.074(5)(i), Florida Statutes (2022), states the Department *shall* issue an emergency order suspending the license of any health care practitioner who is arrested for committing or attempting, soliciting, or conspiring to commit any act that would constitute a violation of section 794.011, relating to sexual battery.

9. Section 456.072(1)(ss), Florida Statutes (2022), authorizes discipline, including suspension, for being convicted or found guilty of; entering a plea of guilty or nolo contendere to, regardless of adjudication;

or committing or attempting, soliciting, or conspiring to commit an act that would constitute a violation of any of the offenses listed in section 456.074(5) or a similar offense in another jurisdiction.

10. Mr. Garcia Rodriguez was arrested for committing an act that constitutes a violation of section 794.011, relating to sexual battery against Patient J.B.

11. The Department is mandated to summarily suspend Mr. Garcia Rodriguez's license to practice as a massage therapist in accordance with section 456.074(5)(i).

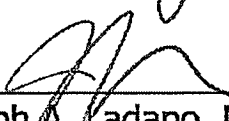
**WHEREFORE**, in accordance with section 120.60(6), it is **ORDERED THAT:**

1. The license of Christian Garcia Rodriguez, L.M.T., license number MA 96331, is hereby immediately suspended.



2. A proceeding seeking formal discipline of the license of Mr. Garcia Rodriguez 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 12 day of January, 2023.

  
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Joseph A. Ladapo, MD, PhD  
State Surgeon General

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**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.