

FILED DATE NOV 14 2023
Department of Health

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

By: *[Signature]*
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2023-02741
License No.: MA 90945

**LEONARD MANUEL LOPEZ DE LA
TORRE, L.M.T.,**

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MASSAGE THERAPY (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, at a duly-noticed meeting on October 26, 2023, in West Palm Beach, Florida, for the purpose of considering a voluntary relinquishment or license (attached hereto as Exhibit B). Upon consideration of the Administrative Complaint (attached as exhibit A), the voluntary relinquishment, the documents submitted in support thereof, and being otherwise fully advised in the premises, it is hereby:

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 8 day of November, 2023.

BOARD OF MASSAGE THERAPY

Allen Hall

Allen Hall
Executive Director for
CHRISTOPHER BROOKS, LMT
Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to: **LEONARD MANUEL LOPEZ DE LA TORRE**, 10022 12th Way N., Apt. 105, Saint Petersburg, FL 33716 and at 6400 Hobson Street NE, Saint Petersburg, FL 33702; and by e-mail to: **Dannie Hart**, Assistant General Counsel, Department of Health Dannie.Hart@flhealth.gov; and **Kara H. Aikens**, Assistant Attorney General, kara.aikens@myfloridalegal.com, this 14 day of November, 2023.

Amy R. Conway

Agency Clerk

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

DEPARTMENT OF HEALTH,

PETITIONER,

v.

DOH Case Nos. 2023-02741
2022-33463
2022-33209

LEONARD MANUEL LOPEZ
DE LA TORRE, L.M.T.,

RESPONDENT.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, **Leonard Manuel Lopez De La Torre, L.M.T.**, license number **MA 90945**, hereby voluntarily relinquishes Respondent's license to practice as a licensed massage therapist in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Massage Therapy (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National

Practitioner Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to never reapply for licensure as a licensed massage therapist in the State of Florida.

3. Respondent agrees to voluntarily cease practicing as a licensed massage therapist immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from practicing as a licensed massage therapist until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of section 456.073(10), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible by the public.

Respondent understands that this waiver of confidentiality is a permanent, non-revocable waiver.

5. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing hereby waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to section 456.073(4), Florida Statutes.

6. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

7. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

8. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the

Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

9. Respondent acknowledges that although his primary language is Spanish, the contents of this Voluntary Relinquishment have been translated from English into Spanish for him and he is aware of and understands the consequences of this document.

[Signature Block on Next Page]

DATED this 1 day of August, 2023.

[Signature]
Leonard Manuel Lopez De La Torre, L.M.T.
Case Nos. 2023-02741, 2022-33463,
2022-33209

STATE OF Florida
COUNTY OF Dinellas

Sworn to (or affirmed) and subscribed before me by means of physical
presence or online notarization, this 1st day of August, 2023, by
Leonard Manuel Lopez De La Torre, L.M.T.



[Signature]

Signature of Notary Public Amanda May Blakeslee
Print, Type or Stamp Commissioned name of Notary Public
My Commission Expires: 12-18-2023

Personally Known _____ OR Produced Identification

Type of Identification Produced Florida Drivers License

**STATE OF FLORIDA
BOARD OF MASSAGE THERAPY**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2023-02741

**LEONARD MANUEL LOPEZ
DE LA TORRE, L.M.T.,**

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW Petitioner, Department of Health, and files this Administrative Complaint before the Board of Massage Therapy ("Board") against Respondent, Leonard Manuel Lopez de la Torre, L.M.T., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of massage therapy pursuant to section 20.43, Florida Statutes; chapter 456, Florida Statutes; and chapter 480, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed massage therapist in the State of Florida, having been issued license number MA 90945.

3. Respondent's mailing address of record is 10022 12th Way N., Apt. 105, St. Petersburg, Florida 33716.

4. On or about December 31, 2021, Patient T.R. presented to Hand and Stone Massage ("Massage") located in St. Petersburg, Florida for a massage.

5. At Massage, Respondent was assigned as Patient T.C.'s massage therapist.

6. Patient T.C. completely undressed for the massage and was draped with a sheet.

7. Patient T.C. requested that Respondent not massage her thighs, legs, and feet.

8. During the course of the massage, Respondent massaged Patient T.C.'s legs and thighs without her consent.

9. Respondent then inserted his finger into Patient T.C.'s mouth.

10. Patient T.C. then bit Respondent to indicate she wanted him to stop.

11. Respondent asked if she lived around the area and if he could have her phone number.

12. Respondent's actions were outside the scope of the practice of massage therapy and/or outside the scope of generally accepted examination or treatment of a patient.

COUNT I

13. Petitioner re-alleges and incorporates paragraphs one (1) through twelve (12) as if fully set forth herein.

14. Section 480.046(1)(p), Florida Statutes (2021), provides that violating any provision of this chapter or chapter 456, or any rules adopted thereto constitutes grounds for discipline.

15. Section 480.0485, Florida Statutes (2021), prohibits sexual misconduct in the practice of massage and specifically provides that:

The massage therapist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of massage therapy means violation 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. Sexual misconduct in the practice of massage therapy is prohibited.

16. Rule 64B7-26.010(1), Florida Administrative Code, provides that sexual activity by any person or persons in any massage establishment is absolutely prohibited.

17. Rule 64B7-26.010(3), Florida Administrative Code, provides that no licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.

18. Rule 64B7-26.010(4), Florida Administrative Code, provides in pertinent part that "sexual activity" means:

[A]ny direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation and includes sexual intercourse, fellatio, cunnilingus, masturbation, or anal intercourse. For purposes of this subsection, masturbation means the manipulation of any body tissue with the intent to cause sexual arousal. As used herein, sexual activity can involve the use of any device or object and is not dependent on whether penetration, orgasm, or ejaculation has occurred.

19. On or about December 31, 2021, Respondent engaged in unlawful sexual activity and engaged or attempted to engage in sexual misconduct outside of the scope of the practice of massage therapy or the scope of generally accepted examination or treatment of massage therapy patients when he:

- a. inserted his finger into Patient T.C.'s mouth; and
- b. asked Patient T.C. if she lived in the area and if he could have her phone number.

20. Based on the foregoing, Respondent violated section 480.046(1)(p) through a violation of section 480.0485 and/or rule 64B7-26.010(1) and/or (3).

COUNT II

21. Petitioner re-alleges and incorporates paragraphs one (1) through twelve (12) as if fully set forth herein.

22. Section 480.046(1)(i), Florida Statutes (2021), provides that gross or repeated malpractice or the failure to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances is grounds for discipline.

23. Respondent failed to meet the minimum standards of performance in massage therapy when he massaged Patient T.C.'s thighs and legs without her consent and/or against her specific directive.

24. Based on the foregoing, Respondent violated section 480.046(1)(i).

WHEREFORE, Petitioner respectfully requests that the Board of Massage Therapy enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license,



restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 18th day of May 2023.

Joseph Ladapo, MD PhD
State Surgeon General



Dannie L. Hart
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 820989
(850) 558-9896
(850) 245-4684 fax
Dannie.Hart@flhealth.gov

FILED

**DEPARTMENT OF HEALTH
DEPUTY CLERK**

CLERK: *Elizabeth Eubanks*

DATE: May 18, 2023

PCP: May 17, 2023

PCP Members: Padgett, Phillips

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.