

FILED DATE NOV 14 2023

Department of Health

*Anna K. Conway*  
Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF MASSAGE THERAPY**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2022-33463

License No.: MA 90945

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

Respondent.

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**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 12<sup>th</sup> Way N., Apt. 105, Saint Petersburg, FL 33716; and by e-mail to: **Dannie Hart**, Assistant General Counsel, Department of Health [Dannie.Hart@flhealth.gov](mailto:Dannie.Hart@flhealth.gov); and **Kara H. Aikens**, Assistant Attorney General, [kara.aikens@myfloridalegal.com](mailto:kara.aikens@myfloridalegal.com), this 14 day of November, 2023.

Amy R. Conway  
Deputy 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.

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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.

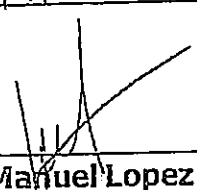
8. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the

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.

  
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 1<sup>st</sup> day of August, 2023, by Leonard Manuel Lopez De La Torre, L.M.T.





Signature of Notary Public Amanda May Blakeslee  
Print, Type or Stamp Commissioned name of Notary Public  
My Commission Expires: 12-10-2023

Personally Known \_\_\_\_\_ OR Produced Identification

Type of Identification Produced Florida Drivers License

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,  
PETITIONER,

v.

Case No.: 2022-33463

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

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**ADMINISTRATIVE COMPLAINT**

**COMES NOW**, Petitioner, Department of Health (Department) 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 (2022), and chapters 456 and 480, Florida Statutes (2022).
2. At all times material to this Complaint, Respondent was licensed to practice massage therapy within the State of Florida, having been issued license number MA 90945.
3. Respondent's address of record is 10022 12th Way North, Apartment 105, St. Petersburg, Florida 33716.



4. At all times material to this Complaint, Respondent practiced as a massage therapist at Massage Envy in St. Petersburg, Florida.

5. On or about August 2, 2022, Respondent provided massage therapy services to Patient A.S., a 57-year-old female, at Massage Envy.

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

7. Approximately half-way through the massage, Respondent instructed Patient A.S. to turn over onto her back.

8. Respondent massaged Patient A.S.' shoulders.

9. Respondent reached underneath the drape covering Patient A.S.' chest.

10. Respondent cupped Patient A.S.' right breast and pinched her right nipple as he withdrew his hand from underneath the drape.

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

12. Respondent's actions are outside the scope of massage therapy when done without specific informed consent.

13. Patient A.S. did not give specific informed consent for Respondent to touch and/or cup her breast and/or to pinch her nipple.

14. Section 480.046(1)(p), Florida Statutes (2022), subjects a massage therapist to discipline for violating any provision of chapters 480 or 456 or any rules adopted pursuant thereto.

15. 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.

16. Rule 64B7-23.005, F.A.C., 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.

17. Respondent used 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.

18. Based upon the foregoing, Respondent violated section 480.046(1)(p), by violating section 480.0485 and/or Rule 64B7-23.005.

**WHEREFORE**, Petitioner respectfully requests that the Board 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 20th day of October, 2022.

Joseph A. Ladapo, MD, PhD  
State Surgeon General

*/s/ Kelly Fox* for:  
Elizabeth Tiernan, Esq.  
Florida Bar No. 127145  
Assistant General Counsel  
Emergency Action Unit  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
(P) (850) 558-9902  
(F) (850) 245-4662  
(E) Elizabeth.Tiernan@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Bridget Coates*  
DATE: OCT 21 2022

PCP Meeting: October 20, 2022  
PCP Members: Wakeman & 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.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

## 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 any other discipline imposed.