

Effective May 23, 2007



Protecting, maintaining and improving the health of all Minnesotans

May 18, 2007

Mr. Jason Ross Brown

SUBJECT: Determination affecting your massage therapy practice.

Dear Mr. Brown:

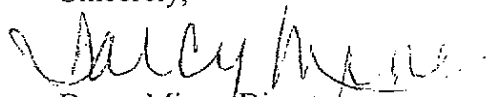
Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (MDH) has determined that you violated Minnesota Statutes, section 146A.08, subdivisions 1(a), (d), (f), and (h) based on your criminal conviction for two counts of criminal sexual conduct in August 2006. Therefore, the Department is revoking your right to practice unlicensed complementary and alternative health care practice, including massage therapy and bodywork, in Minnesota.

This decision will be made final and effective 30 days from the date it is received by you. During that 30-day period, you have the right to challenge this decision in a contested-case hearing, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
P.O. Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Ms. Winkelmann at (651) 201-3839. If you have any questions about this matter, please contact Susan Winkelmann at (651) 201-3722.

Sincerely,


Darcy Miner, Director
Compliance Monitoring Division

cc: Tom Hiendlmayr, Director of the Health Occupations Program

General Information: (651) 201-5000 □ TDD/TTY: (651) 201-5797 □ Minnesota Relay Service: (800) 627-3529 □ www.health.state.mn.us

For directions to any of the MDH locations, call (651) 201-5000 □ An equal opportunity employer

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of
Jason Ross Brown
Unlicensed Complementary and Alternative Health Care Practitioner**

AUTHORITY

1. Minnesota Statutes, section 146A.09, subdivision 1, provides that the Office of Unlicensed Complementary and Alternative Health Care Practice [hereinafter "OCAP"] within the Minnesota Department of Health [hereinafter "Department"] has the authority to revoke, suspend, censure, reprimand, impose limitations or conditions, and impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the practitioner of any economic advantage gained by reason of the violation or to reimburse the office for all costs of the investigation and proceeding when there is a violation of law as defined in Minnesota Statutes, section 146.08, subdivision 1.
2. Pursuant to Minnesota Statutes, section 146A.01, subdivision 4, complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (17) bodywork, massage and massage therapy. Minnesota Statutes, section 146A.01, subdivision 6 defines practitioners as those who hold themselves out to the public as being complementary and alternative health care practitioners and does not restrict practitioners to those who provide services for remuneration.
3. Minnesota Statutes, section 146A.08, subdivision 1(a) prohibits a conviction of any crime against a person, including criminal sexual conduct.
4. Minnesota Statutes, section 146A.08, subdivision 1(d), prohibits sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual, and engaging in verbal behavior that is seductive or sexually demeaning to the client.
5. Minnesota Statutes, section 146A.08, subdivision 1(f), prohibits conduct likely to harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a client.
6. Minnesota Statutes, section 146A.08, subdivision 1(h), prohibits engaging in complementary and alternative health care practices without reasonable safety.

FINDINGS OF FACT

1. Practitioner worked at Spa Bella Casa in Edina, Minnesota, as a massage therapist until his employer terminated his employment on December 21, 2005.
2. Practitioner pled guilty in Hennepin County, Minnesota, to two counts of nonconsensual criminal sexual conduct in the fifth degree on August 29, 2006, for digitally penetrating two massage therapy clients in December 2005, at Spa Bella Casa.
3. Practitioner served four months in jail and was released in May 2007.
4. After Practitioner's release, Practitioner told Department staff that the Hennepin County Judge had told him he could not engage in massage therapy in spa-like settings, but this prohibition is not written into the plea agreement. Practitioner told the Department that after the conviction, he has provided massage therapy to friends and acquaintances and charged a dollar a minute.

CONCLUSION

Practitioner violated Minnesota Statutes, sections 146A.08, subdivisions 1(a), (d), (f), and (h).

DETERMINATION

Practitioner's right to practice complementary and alternative health care practice, including massage therapy and bodywork, in the State of Minnesota is hereby revoked.