



Protecting, Maintaining and Improving the Health of All Minnesotans

May 2, 2018

Mr. John Earl Young II
[REDACTED]
[REDACTED]

SUBJECT: OCC18007

Dear Mr. Young,

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you performed prohibited conduct as an unlicensed complementary and alternative health care practitioner. Therefore, MDH is hereby revoking your right to practice unlicensed complementary and alternative health care, including bodywork, massage therapy, and massage therapy services.

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. This right is provided under Minnesota Statutes, Chapter 14. You must make the request for a hearing in writing and include specific grounds for challenging MDH's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of your receipt of this letter to:

Catherine Lloyd
Manager, Health Occupations Program
Minnesota Department of Health
PO 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. Lloyd at (651) 201-3839. If you have any questions about this matter, please contact Kristin M. Johnson at (651) 201-5468.

Sincerely,

A handwritten signature in black ink, appearing to read 'Susan Winkelmann', written over a white background.

Susan Winkelmann
Assistant Division Director
Health Regulation Division
PO Box 64882
Saint Paul, MN 55164-0882
www.health.state.mn.us

cc: Catherine Lloyd, Manager, Health Occupations Program

**A Determination in the Matter of
John Earl Young II
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 (OCAP) within the Minnesota Department of Health (MDH) has the authority to revoke, suspend, censure, reprimand, or impose limitations or conditions on an unlicensed complementary and alternative health care practitioner when there is a violation of law as defined in Minnesota Statute section 146.08, subdivision 1.
2. Minnesota Statutes, section 146A.01, subdivision 4, provides that 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.
3. Minnesota Statutes, section 146A.01, subdivision 6(3), defines a complementary and alternative health care practitioner as a person who is engaging in complementary and alternative health care services.
4. Minnesota Statutes, section 146A.08, subdivision 1(a), prohibits conviction of a crime reasonably related to engaging in complementary and alternative health care practices.
5. Minnesota Statutes, section 146A.08, subdivision 1(b), prohibits conviction of a crime against a person, including for violation of Minn. Stat. section 609.345.
6. Minnesota Statutes, section 146A.08, subdivision 1(c), prohibits the failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.
7. 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.
8. 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.

Findings of Fact:

1. On June 15, 2013, Practitioner was employed and working as a massage therapist at [REDACTED].
2. On July 28, 2013, Practitioner was employed and working as a massage therapist at [REDACTED].
3. During 2013, Practitioner held an individual license to practice massage therapy in Bloomington as required by city ordinance. That license expired in 2013.
4. Minnetonka does not require individual licenses for massage therapists.
5. On July 28, 2013, a customer of the Bloomington [REDACTED] reported to the Bloomington Police Department that during a massage performed by Practitioner, Practitioner had engaged in nonconsensual sexual contact with her.
6. While investigating the July 28, 2013, incident, Bloomington Police learned that on June 15, 2013, a customer of the Minnetonka [REDACTED] had reported to the manager of that business that during a massage performed by Practitioner, Practitioner had engaged in nonconsensual sexual contact with her.
7. Practitioner's employment was immediately terminated from the Minnetonka location, but that customer did not report that incident to the law enforcement.
8. On December 31, 2013, Practitioner was charged with felony Criminal Sexual Conduct, Fourth Degree, for his perpetration of the Bloomington incident.
9. On December 2, 2015, Practitioner was charged with felony Criminal Sexual Conduct, Fourth Degree, for his perpetration of the Minnetonka incident.
10. On December 7, 2015, Practitioner was convicted in Hennepin County District Court of one count of Criminal Sexual Conduct, Fourth Degree.

Conclusion:

During the relevant periods, Practitioner was an unlicensed complementary and alternative health care practitioner as defined by Minn. Stat., Sections 146A.01 and 146A.09. Practitioner violated Minnesota Statutes, section 146A.08, subd. 1, clauses (a), (b), (c), (d), and (f) when he engaged in nonconsensual sexual conduct while performing massage services on clients and failed to report either incident or the consequent employment and criminal actions to the Minnesota Department of Health.

Determination:

Practitioner's right to engage in unlicensed complementary or alternative health care practices, including massage and bodywork, pursuant to Minnesota Statutes, Chapter 146A is indefinitely revoked. If the Practitioner wishes to be considered for reinstatement to practice unlicensed complementary or alternative health care practices, including massage and bodywork, he must petition the Department for reinstatement in writing and cooperate fully with the Department's investigation. Cooperation may include additional disciplinary actions as provided in Minnesota Statutes, 146A. Practitioner must provide evidence that he is not at risk to reoffend and is fit and competent to practice.

Future petitions by Practitioner for reinstatement to practice Unlicensed Complementary and Alternative Health Care must be accompanied by the following:

1. Results of any court-ordered psychiatric evaluation and treatment;
2. Results of any court-ordered psychological evaluation and treatment;
3. Records of any court-ordered counseling and sex offender treatment if received;
4. Letter from the assigned probation officer showing satisfactory completion of all conditions of probation; and
5. Results of a forensic psychosexual evaluation completed within the 12 months previous to the date of the petition.