

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

IN RE: The Emergency Restriction of the License of
Reisner Brizuela Morales, L.M.T.
License Number: MA 71929
Case Numbers: 2020-29937

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Scott A. Rivkees, M.D., State Surgeon General, ORDERS the Emergency Restriction of the license of Reisner Brizuela Morales, L.M.T., (Mr. Morales) to practice as a massage therapist in the State of Florida. Mr. Morales holds license number MA 71929. His address of record is 13861 Southwest 102nd Terrace, Miami, Florida 33186. The following Findings of Fact and Conclusions of Law support the emergency restriction of Mr. Morales' 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 (2020). Section 456.073(8), Florida Statutes (2020), authorizes the State Surgeon General to summarily restrict Mr. Morales' license to practice as a massage therapist in the State of Florida, in accordance with section 120.60(6), Florida Statutes (2020).

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

3. In September 2020, Mr. Morales was employed as a massage therapist at Massage Envy in Miami, Florida.

4. On September 8, 2020, Patient L.G.S., a 31-year-old woman, presented to Mr. Morales for a ninety-minute massage.

5. Near the end of the massage, Patient L.G.S. was lying on her stomach while Mr. Morales massaged her legs.

6. Mr. Morales moved Patient L.G.S.'s right leg from under the blanket to on top of the blanket and began to massage it.

7. Mr. Morales slightly separated Patient L.G.S.'s legs and massaged Patient L.G.S.'s right upper inner thigh.

8. Mr. Morales moved his hand upward and rubbed Patient L.G.S.'s vaginal area over her undergarment.

9. Mr. Morales moved Patient L.G.S.'s undergarment to the side and rubbed her vagina for approximately thirty seconds to one minute.

10. Mr. Morales moved Patient L.G.S.'s undergarment back to its original position and placed her right leg underneath the blanket.

11. Mr. Morales massaged Patient L.G.S.'s back while Patient L.G.S.'s buttocks and legs were under the blanket.

12. At the end of the massage, Mr. Morales placed his hands on Patient L.G.S.'s back and moved them in a downward motion past Patient L.G.S.'s lower back and under the blanket onto Patient L.G.S.'s buttocks.

13. Mr. Morales then squeezed Patient L.G.S.'s buttocks with both hands.

14. Patient L.G.S. felt that the touch was sexual in nature and was not a routine massage movement.

15. Mr. Morales exited the room while Patient L.G.S. got dressed.

16. L.G.S. reported Mr. Morales' conduct to the Miami Dade Police Department (MDPD) and the manager of Massage Envy that afternoon.

17. On September 16, 2020, Mr. Morales was arrested and charged with one count of battery in Miami Dade County case number B20015646. This charge is currently pending resolution.

18. Clients of massage therapists are placed 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 safely practice massage therapy and must refrain from placing their clients in situations that violate their safety and welfare.

19. Mr. Morales willfully abused his position as a massage therapist to sexually violate a patient who trusted him to act professionally and within the boundaries of generally accepted massage therapy and treatment. Mr. Morales' deviant actions demonstrate that he poses a significant danger to female patients. Mr. Morales' violation of the massage therapist-patient relationship indicates that Mr. Morales lacks the good moral character and judgment necessary to practice massage therapy.

20. Mr. Morales' lack of good judgment and moral character, and his disregard for the laws and regulations governing massage therapists in this state represent a significant likelihood that Mr. Morales will cause harm to clients in the future. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida.

21. The nature of massage therapy involves the delivery of services in a one-on-one manner for an extended period of time. Because of the inherent intimacy of this setting, a restriction where a chaperone must be present for massages is not feasible. Therefore, nothing short of the immediate restriction of Mr. Morales' license to practice as a massage

therapist in the State of Florida will protect the public from the dangers created by Mr. Morales' continued, unrestricted practice of massage therapy with female patients.

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 (2020), subjects a massage therapist to discipline, including restriction, for violating any provision of chapters 480 or 456 or any rules adopted pursuant thereto.
3. Section 480.0485, Florida Statutes (2020), prohibits sexual misconduct in the practice of massage therapy and defines sexual misconduct, in pertinent part, as:

[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 64B7-26.010, Florida Administrative Code, provides in pertinent part:

- (1) Sexual activity by any person or persons in any massage establishment is absolutely prohibited...
- (3) No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client and;
- (4) As used in this rule, "sexual activity" means any 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...

5. Mr. Morales violated section 480.046(1)(p) by violating section 480.0485 and Rule 64B7-26.010 by engaging in unlawful sexual activity and engaging or attempting to engage in sexual misconduct by touching L.G.S.'s genital area and inappropriately squeezing L.G.S.'s buttocks while performing a massage.

6. Section 120.60(6) authorizes the State Surgeon General to summarily restrict 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. Morales' continued unrestricted 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.

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

THAT:

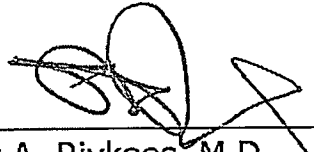
1. The license of Reisner Brizuela Morales, L.M.T., license number MA 71929, is hereby immediately restricted to prohibit him from practicing massage therapy on female patients.

11. A proceeding seeking formal discipline of the license of Reisner Brizuela Morales, L.M.T., 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 (2020).

[Signatures appear on following page]

In Re: The Emergency Restriction of the License of
Reisner Brizuela Morales, L.M.T.
License Number: MA 71929
Case Number: 2020-29937

DONE and ORDERED this 19th day of November, 2020.



Scott A. Rivkees, M.D.
State Surgeon General

PREPARED BY:
Ellen LeGendre Carlos, Esq.
Florida Bar No. 1010931
Assistant General Counsel
Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
(P) 850-558-9906
(F) 850-245-4662
(E) Ellen.Carlos@flhealth.gov

In Re: The Emergency Restriction of the License of
Reisner Brizuela Morales, L.M.T.
License Number: MA 71929
Case Number: 2020-29937

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6), and 120.68, Florida Statutes (2020), 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.