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Department of Health
By: *Amy R. Carraway*
Deputy Agency Clerk**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re: Emergency Restriction of the License of
Thomas Gregory Grasso, L.M.T.
License Number: MA 14343
Case Number: 2020-32693; 2020-32694; 2020-33593

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Scott A. Rivkees, M.D., State Surgeon General, ORDERS the emergency restriction of the license of Thomas Gregory Grasso, L.M.T., (Mr. Grasso) to practice as a licensed massage therapist in the State of Florida. Mr. Grasso holds license number MA 14343. Mr. Grasso's address of record is 4975 Fay Blvd., Cocoa, Florida 32927. The following Findings of Fact and Conclusions of Law support the emergency restriction of Mr. Grasso's 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 the practice of massage therapy pursuant to chapters 20, 456, and 480, Florida Statutes (2020). Section 456.073(8), Florida Statutes (2020), authorizes the Department to summarily restrict Mr. Grasso's 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. Grasso was licensed as a

massage therapist in the State of Florida, having been issued license number MA 14343, pursuant to chapter 480.

3. At all times material to this Order, Mr. Grasso worked as a sub-contractor with Daly Family Chiropractic in Titusville, Florida.

Patient A.L.W.¹

4. Patient A.L.W., a 42-year-old woman, presented to Mr. Grasso at Daly Chiropractic for massage therapy services on multiple occasions in 2020.

5. On June 25, 2020, Patient A.L.W. presented to Mr. Grasso for a full body massage.

6. During the massage, Patient A.L.W. felt Mr. Grasso place something soft in her hands. At the time, A.L.W. was not sure what was put in her hands, but it felt awkward.

7. On July 20, 2020, Patient A.L.W. presented to Mr. Grasso for massage therapy services.

8. During the massage, Patient A.L.W. felt Mr. Grasso place something soft in her hands again.

9. On August 17, 2020, Patient A.L.W. presented to Mr. Grasso for massage therapy services.

¹ Facts related to Patient A.L.W. are incorporated in Department Case Number 2020-33593.

10. During the massage, Mr. Grasso massaged Patient A.L.W.'s buttocks and moved his hands close to Patient A.L.W.'s vagina during each stroke. Mr. Grasso told Patient A.L.W. that her muscles were "super tight."

11. Mr. Grasso continued to massage Patient A.L.W.'s leg, continually moving his hands closer to Patient A.L.W.'s vagina. Mr. Grasso continued to tell Patient A.L.W. that her muscles were "super tight."

12. Mr. Grasso touched on and around Patient A.L.W.'s vaginal area with his hands.

13. During the massage, A.L.W. felt Mr. Grasso place something soft in right her hand.

Patient B.B.²

14. Patient B.B., a 52-year-old female, presented to Mr. Grasso at Daly Chiropractic for massage therapy services for approximately two months.

15. On September 10, 2020, during a massage, Mr. Grasso exposed his penis and placed it in Patient B.B.'s hand.

16. Patient B.B. was "terrified and mortified" by Mr. Grasso's conduct.

17. Patient B.B. reported Mr. Grasso's conduct to the Titusville Police Department (TPD).

² Facts related to Patient B.B. are incorporated in Department Case Number 2020-32694.

Patient L.W.³

18. Beginning in April 2020, Patient L.W., a 59-year-old woman, presented to Mr. Grasso at Daly Chiropractic for massage therapy services.

19. On September 28, 2020, during a massage, Patient L.W. felt Mr. Grasso lightly touch her hand and wrist with something soft. Patient L.W. was suspicious of that touch.

20. On October 7, 2020, Patient L.W. returned to Daly Chiropractic for a massage with Mr. Grasso.

21. During the massage, Mr. Grasso removed his penis from his shorts while massaging Patient L.W. and then rubbed his penis on L.W.

22. Mr. Grasso masturbated while massaging Patient L.W., and then touched Patient L.W.'s back, shoulders, and hair.

23. During the massage, Mr. Grasso requested Patient L.W. turn over and lay on her back.

24. Patient L.W. complied.

25. Mr. Grasso pulled Patient L.W.'s hands and arms over her head and rubbed his penis on her hands and wrists.

26. Patient L.W. felt disturbed and violated by Mr. Grasso's conduct.

³ Facts related to Patient L.W. are incorporated in Department Case Number 2020-32693.

27. Patient L.W. reported Mr. Grasso's conduct to TPD.

28. Mr. Grasso was arrested and charged with battery and exposure of a sexual organ in Brevard County case number 52020-MM-46359A. These charges are currently pending resolution.

29. 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.

30. Mr. Grasso willfully abused his position as a massage therapist to sexually violate at least three women who trusted him to act professionally and within the boundaries of generally accepted massage therapy and treatment. Mr. Grasso's conduct occurred repeatedly over the course of several months. Mr. Grasso's violation of the massage therapist-patient relationship indicates that Mr. Grasso lacks the good moral character and judgment necessary to practice massage therapy.

31. Mr. Grasso's lack of good judgment and moral character, his disregard for the laws and regulations governing massage therapists in this state, and his repeated sexual abuse of female clients during massage therapy sessions

represent a significant likelihood that Mr. Grasso will cause harm to female 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.

32. 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. Grasso's license to practice as a massage therapist in the State of Florida will protect the public from the dangers created by Mr. Grasso's continued, unrestricted practice of massage therapy with female patients.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Department concludes as follows:

1. The Department has jurisdiction over this matter pursuant to sections 20.43 and 456.073(8), and chapter 480, as set forth above.
2. Section 480.046(1)(p), Florida Statutes (2020), authorizes 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 a:

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.

4. Rule 64B7-26.010, Florida Administrative Code (2020), provides in pertinent part:

- (1) Sexual activity by any person or persons in any massage establishment is absolutely prohibited.
- (2) No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner's massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.
- (3) 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.
- (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. Grasso violated section 480.046(1)(p), by violating section 480.0485 and Rule 64B7-26.010, by engaging in sexual activity and committing sexual misconduct in one or more of the following ways:

- a. Exposing his penis during Patient B.B.'s massage;
- b. Placing his exposed penis in Patient B.B.'s hands;
- c. Exposing his penis during Patient L.W.'s massage;
- d. Placing his exposed penis in Patient L.W.'s hands; and
- e. Touching Patient A.L.W.'s vaginal area during Patient A.L.W.'s massage.

6. Section 120.60(6) authorizes the Department 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. Grasso's 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:**

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1. The license of Thomas Gregory Grasso, L.M.T., license number MA 14343, is immediately restricted to prohibit him from practicing massage therapy on female clients.

2. A proceeding seeking formal discipline of the license of Thomas Gregory Grasso, L.M.T., to practice as a massage therapist in the State of Florida will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6).

DONE and ORDERED this 20th day of November, 2020.



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

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6) and 120.68, Florida Statutes (2020), the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, and accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.