

**BEFORE THE MASSAGE THERAPY BOARD OF THE STATE OF IOWA**

<p><b>IN THE MATTER OF</b></p> <p><b>Roy Milligan</b></p> <p>507 Watrous Ave. Des Moines, IA, 50315</p> <p><b>RESPONDENT</b></p>	<p><b>MT CASE NO. 22-0191</b> <b>DIAL NO. 24DBMT0004</b></p> <p><b>SETTLEMENT AGREEMENT AND</b> <b>FINAL ORDER</b></p>
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**COMES NOW** the Iowa Massage Therapy Board (“Board”) and Roy Milligan (“Respondent”), pursuant to Iowa Code sections 17A.10(2), 17A.12(5), 152C.7, 272C.3, 272C.3(4) and Iowa Administrative Code rule 645-12.1 and 645 Iowa Administrative Code chapter 134, and enter into this Settlement Agreement and Final Order (“Settlement Agreement”) to resolve a contested case pending before the Board.

1. **Iowa License.** Respondent was issued Iowa Massage Therapist license 072129 on October 8, 2014. Respondent’s Iowa Massage Therapist license is inactive and expired on October 15, 2022.
2. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 147, 152C, and 272C.

**A. STIPULATIONS**

3. **Practice Setting.** Respondent is an Iowa licensed massage therapist who practiced massage therapy in Des Moines, Iowa during the time relevant to the allegations in this matter. Respondent currently lives in Des Moines, Iowa.
4. **Statement of Charges.** On April 23, 2024, the Iowa Board of Massage Therapy found probable cause to file a Statement of Charges against Respondent and charged Respondent with two counts of violating rules governing the profession. A contested case hearing is currently

scheduled for July 23, 2024.

5. **Factual Circumstances.** The Board alleged Respondent engaged in the following conduct:

- a. Respondent practiced massage therapy at Rebalance massage studio in Des Moines, Iowa under license number 072129. Respondent's license to practice massage therapy expired on or about October 15, 2022.
- b. During a massage appointment on or about July 6, 2022, Respondent massaged the breasts and nipples of a client ("Client 1") without her consent. The Board's investigation revealed that Des Moines police received two additional complaints from Respondent's clients reporting that Respondent massaged their breasts and twisted their nipples during massage appointments.
- c. Respondent was charged with three counts of assault relating to the above-described conduct. Respondent pleaded guilty to two charges and the third was dismissed. *See State of Iowa v. Milligan*, Case no. SMAC401313 (Polk County), SIMPLE MISDEMEANOR ORDER (March 23, 2023); *State of Iowa v. Milligan*, Case no. SMAC401312 (Polk County), SIMPLE MISDEMEANOR ORDER (March 23, 2023).
- d. On April 23, 2024, the Board found probable cause to believe that the allegations against Respondent described in paragraphs A-C violated the Board's disciplinary rules, specifically:
  - unethical conduct, including improper sexual contact with, or making suggestive, lewd, lascivious or improper remarks or advances to a client or coworker, in violation of Iowa Administrative Code rule 645-134.2(28)(b); and

- being convicted of an offense that directly relates to the duties and responsibilities of the profession, in violation of Iowa Administrative Code rule 645-134.2(11).

## **B. SETTLEMENT AGREEMENT**

6. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Settlement Agreement.

7. To resolve this matter without proceeding to hearing, Respondent agrees to the disciplinary sanction(s) ordered by the Board in this Settlement Agreement.

8. In entering this Settlement Agreement, Respondent acknowledges the following:

- a. I agree the Board has jurisdiction over me and the subject matter of this proceeding.
- b. Counsel for the State will present this Settlement Agreement to the Board *ex parte*.
- c. I understand I have the right to be represented by counsel in this matter.
- d. I understand this Settlement Agreement resolves a contested case. I understand I have a right to be heard and to contest the allegations against me in a formal hearing before the Board. By waiving the formal hearing, I waive my right to challenge the allegations against me and all attendant rights, including the right to seek judicial review of the Board's actions.
- e. I understand this Settlement Agreement will be part of my permanent licensure file and may be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.
- f. I am voluntarily entering into this Settlement Agreement.

g. I understand any failure to comply with the terms of this Settlement Agreement shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).

h. I understand the Board is required by federal law to report this Settlement Agreement to the National Practitioner Data Bank. The report to the database will reflect the language included in this Settlement Agreement.

i. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Settlement Agreement.

j. The factual circumstances alleged, by virtue of their incorporation in this Settlement Agreement, are now public and available for inspection and copying in accordance with Iowa Code chapters 22 and 227C.

9. Respondent shall submit a copy of this Settlement Agreement to all licensing boards where Respondent holds a license, whether active or not, within **THIRY DAYS** of the date of the Board approval of this Settlement Agreement.

10. This Settlement Agreement constitutes discipline against Respondent pursuant to and in accordance with Iowa Administrative Code rule 645-134.2 and is the final agency action in a contested case pursuant to Iowa Code section 17A.10 and Iowa Administrative Code rule 645-11.25(1).

11. This Settlement Agreement shall not preclude the Board from taking additional action against Respondent should Respondent violate laws, rules, or standards of practice administered by the Board in the future.

12. Periods in which Respondent fails to comply with the terms of this Settlement Agreement shall not apply to the duration of this Settlement Agreement unless Respondent obtains written approval from the Board.

13. This Settlement Agreement, when fully executed, is a public record available for inspection and copying in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

14. This Settlement Agreement is subject to approval by a majority of the full Board. If the Board fails to approve this Settlement Agreement, it shall be of no force or effect to either party and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Settlement Agreement, it shall be the full and final resolution of this matter.

15. The Board's approval of this Settlement Agreement constitutes a **FINAL ORDER** of the Board.

### **C. FINAL ORDER**

**WHEREFORE**, the terms of this Settlement Agreement are agreed to by the Iowa Board of Massage Therapy and the Respondent.

#### **IT IS THEREFORE ORDERED:**

a. Respondent is **CITED** for engaging in unethical conduct for improper sexual contact with a client and for being convicted of an offense that directly relates to the duties and responsibilities of the profession and **WARNED** that future violations may result in further disciplinary action.

b. The massage license of Respondent is **SUSPENDED** for a minimum of **THREE YEARS**. After that time, Respondent may apply for reinstatement of his license subject to the conditions in this Settlement Agreement and in accordance with the provisions of Iowa Admin. Code r. 11.31. Respondent acknowledges his license shall not be reinstated except upon a showing by Respondent that the basis for the revocation of his license no longer exists and that it is in the public interest for the license to be reinstated. Respondent shall bear the burden of proof establishing these facts. Respondent understands that if an initial

reinstatement request is denied, the Board may establish requirements that must be met prior to considering a subsequent request. If Respondent's license is reinstated, Respondent understands that it may be placed on probation or subject to other terms or conditions established through further order of the Board in conjunction with an order granting reinstatement of Respondent's license.

c. Prior to any reinstatement of his massage therapy license, Respondent must undergo a **PSYCHOSEXUAL EVALUATION**. The evaluation shall be performed by a licensed professional approved by the Board. Respondent shall provide the licensed professional with a copy of this Settlement Agreement prior to the psychosexual evaluation. Respondent shall ensure that the Board receives a copy of the evaluation report from the approved licensed professional within 30 days of the completion of the evaluation. Respondent shall comply with any recommendations for treatment and/or training made as a result of the evaluation and must successfully complete any recommended training. Respondent is responsible for all costs of the evaluation and the costs of any treatment, training, and/or counseling.

d. Within **ONE YEAR** of the date this Settlement Agreement is accepted by the Board and prior to any reinstatement of his massage therapy license, Respondent shall complete the Professional Boundaries, Inc./PBI Education Medical Ethics and Professionalism course (ME-22). Information about the course can be found at: <https://pbieducation.com/courses/me-22/>. These continuing education hours are in addition to the hours required for license renewal and cannot be used to satisfy the continuing education requirement of any license renewal. Respondent shall provide copies of all certificates of completion to the Board as proof of successful completion of this

requirement.

e. Any documents, notifications, or reports required to be submitted to the Board pursuant to this Settlement Agreement should be mailed to the Iowa Department of Inspections, Appeals and Licensing, Iowa Board of Massage Therapy, Division of Professional Licensing and Regulation, Licensing Bureau, 6200 Park Avenue, Suite 100, Des Moines, Iowa 50321, or emailed to PLPublic@idph. iowa.gov.

**FOR THE RESPONDENT:**

This Settlement Agreement and Final Order is voluntarily agreed to and accepted by Roy Milligan on this 22 day of July, 2024.

  
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Roy Milligan, Respondent

**FOR THE IOWA BOARD OF MASSAGE THERAPY:**

Voluntarily agreed to and accepted by the Iowa Board of Massage Therapy on this 23rd day of July, 2024.

/s/ LeAnn Stevens  
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Board Chair  
Board of Massage Therapy

Copy to:

Assistant Attorney General  
Agency Counsel Division  
1305 E. Walnut Street, 2nd Floor  
Des Moines, IA 50319  
ATTORNEY FOR THE STATE

Roy Milligan

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*Also sent via email to brickbybrickbass@gmail.com*