

BEFORE THE IOWA BOARD OF MASSAGE THERAPY

IN THE MATTER OF

RICHARD RASMUSSEN
License number 03303

RESPONDENT.

CASE NO.: 21-0315

**COMBINED STATEMENT OF
CHARGES, SETTLEMENT
AGREEMENT, AND FINAL ORDER**

COME NOW the Iowa Board of Massage Therapy (“Board”) and Richard Rasmussen (“Respondent”) and enter into this combined Statement of Charges and Settlement Agreement and Final Order (“Order”) pursuant to Iowa Code sections 17A.10(2), 272C.3(4), and 272C.10 and 645 Iowa Administrative Code chapter 11.

A. BACKGROUND

1. **Iowa License.** Respondent was issued Iowa massage therapy license 03303 on May 19, 2003. Respondent’s Iowa license to practice massage therapy is inactive and expired on May 15, 2023.
2. **Practice Setting.** Respondent is an Iowa licensed massage therapist who practiced massage therapy in Shenandoah, Iowa during the time relevant to these allegations. Respondent currently lives in Shenandoah, Iowa.
3. **Jurisdiction.** The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A, 152C, 272C, and 645 Iowa Administrative Code chapter 134.
4. **Factual Circumstances.**
 - a. Respondent was issued Iowa massage therapy license 03303 on May 19, 2003.
Respondent practiced massage therapy in Shenandoah, Iowa
 - b. The Board opened a complaint against Respondent on or about November 11,

2021.

- c. During the Board's investigation, it was revealed that Respondent pleaded guilty to operating while intoxicated under Iowa Code § 321J.2(a), a Serious Misdemeanor, on or about December 29, 2021. *State of Iowa v. Rasmussen*, Case no. OWCR106598 (Page County), SENTENCING ORDER (Jan. 5, 2022).
- d. Respondent did not report this criminal conviction to the Board.
- e. During an interview with the Board's investigator on April 23, 2024, Respondent acknowledged this criminal conviction and stated he did not know he was required to report it to the Board. Respondent's failure to report a criminal conviction constituted a violation of Iowa Administrative Code rule 645-134.2(15).

B. STATEMENT OF CHARGES

COUNT I

5. Respondent is charged with failure to notify the board of a criminal conviction within 30 days of the action, regardless of the jurisdiction where it occurred, in violation of Iowa Administrative Code rule 645-134.2(15).

C. 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 Order.

7. To resolve this matter without proceeding to hearing, Respondent agrees to the following conditions:

- a. Respondent agrees to immediately relinquish all right, title, and privilege as a

massage therapist in the State of Iowa by **VOLUNTARILY SURRENDERING** his license to practice. Respondent acknowledges that this surrender, when accepted by the Board, has the same force and effect as an order of revocation under Iowa Administrative Code rule 11.33(5). This agreement shall constitute Respondent's written statement of intention to surrender his license pursuant to Iowa Administrative Code rule 645-11.33(5).

- b. Following surrender, Respondent shall not use any words or titles which imply or represent that he is a licensed massage therapist, engage in the practice of massage therapy for which a license is required in the State of Iowa, or otherwise hold himself out to the public as a licensed massage therapist unless and until his license is reinstated.
- c. Respondent agrees that, should he ever seek reinstatement of his massage therapist license, such application shall be subject to the provisions of Iowa Administrative Code rules 645-11.31 and 645-131.10. Respondent's license shall not be reinstated except upon a showing by Respondent that the basis for 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.

- d. Any documents, notifications, or reports required to be submitted to the Board pursuant to this Order 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.

8. In entering this Order, Respondent acknowledges the following:

- a. This Order is subject to the approval of the Board and will have no force or effect if it is not accepted by the Board.
- b. Counsel for the State will present this Order to the Board *ex parte*.
- c. I have the right to be represented by counsel in this matter.
- d. I understand I have an opportunity to be heard and to contest the allegations against me in a formal hearing before the Board and that, 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 waive my ability to review the investigative file in this case.
- f. I understand this Order 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.
- g. I am voluntarily entering into this Order.
- h. Failure to comply with the provisions of this Order shall be grounds for further disciplinary action pursuant to Iowa Code § 272C.3(2)(a).

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

j. I understand I am responsible for all expenses incurred to comply with the conditions and requirements of this Order.

12. Respondent shall submit a copy of this Order to all licensing boards where Respondent holds a license, whether active or not, within **THIRTY DAYS** of the date of the Board approval of this Order.

13. This Order constitutes discipline against Respondent pursuant to and in accordance with Iowa Administrative Code rule 645-134.2. Execution of this Order constitutes the resolution of a contested case. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

14. This Order 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.

15. This Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22, and 272C.

16. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

D. FINAL ORDER

IT IS THEREFORE ORDERED:

A. CITATION AND WARNING: Respondent is **CITED** for violating Iowa Administrative Code rules 645-134.2(15). Respondent is **WARNED** that engaging in such

conduct in the future may result in further disciplinary action against her license.

B. DISCIPLINE

- a. Respondent agrees to immediately relinquish all right, title, and privilege as a massage therapist in the State of Iowa by **VOLUNTARILY SURRENDERING** his license to practice. Respondent acknowledges that this surrender, when accepted by the Board, has the same force and effect as an order of revocation under Iowa Administrative Code rule 11.33(5). This agreement shall constitute Respondent's written statement of intention to surrender his license pursuant to Iowa Administrative Code rule 645-11.33(5).
- b. Following surrender, Respondent shall not use any words or titles which imply or represent that he is a licensed massage therapist, engage in the practice of massage therapy for which a license is required in the State of Iowa, or otherwise hold himself out to the public as a licensed massage therapist unless and until his license is reinstated.
- c. Respondent agrees that, should he ever seek reinstatement of his massage therapist license, such application shall be subject to the provisions of Iowa Administrative Code rules 645-11.31 and 645-131.10. Respondent's license shall not be reinstated except upon a showing by Respondent that the basis for 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

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- d. Any documents, notifications, or reports required to be submitted to the Board pursuant to this Order 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 Combined Statement of Charges, Settlement Agreement, and Final Order is voluntarily submitted by Respondent to the Board for its consideration on the 4th day of SEPTEMBER 2024.



RICHARD RASMUSSEN
Respondent

FOR THE IOWA BOARD OF MASSAGE THERAPY:

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Massage Therapy on September 10, 2024.

/s/ LeAnn Stevens

Chair
Iowa Board of Massage Therapy

Copy to:

Samantha Wagner, Assistant Attorney General
ATTORNEY FOR THE STATE

Richard Rasmussen
407 W. Valley St. Apt. 103
Shenandoah, Iowa 51601
RESPONDENT