



Effective June 28, 2005

Protecting, maintaining and improving the health of all Minnesotans

May 27, 2005

Mr. Howard Bunce

RE: MDH File Number: OCAP 200361

Dear Mr. Bunce:

Based on my review of the facts and law in this matter, I have determined to revoke your right to provide Unlicensed Complementary and Alternative Health Care services, which includes massage therapy, as you have engaged in prohibited conduct as defined in Minnesota Statutes, section 146A.08, subd. 1(a) conviction of a crime, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to complementary and alternative health care practices; (b) conviction of a crime against a person, including criminal sexual conduct; and (d) engaging in sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual. This action is authorized under Minnesota Statutes, section 146A.09.

You have the right to challenge this decision in a contested-case hearing as provided under Minnesota Statutes, chapter 14. Requests for hearing must be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request by **June 27, 2005** to:

Susan Winkelmann, Investigations and Enforcement Manager
Minnesota Department of Health
85 East Seventh Place, Suite 300
P.O. Box 64882
St. Paul, MN 55164-0882
Fax (651) 282-3839

If you have any questions about this matter, contact Ms. Susan Winkelmann, at (651) 282-5623.

Sincerely,

A handwritten signature in cursive script, appearing to read "David J. Giese".

David J. Giese, Director
Health Policy, Information and Compliance Monitoring Division

cc: Tom Hiendlmayr, Director of Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Howard Arthur Bunce
Unlicensed Complementary and Alternative Health Care Practitioner**

AUTHORITY

1. Minnesota Statutes, section 146A.09, subd. 1, provides that the Office of Unlicensed Complementary and Alternative Health Care Practice (hereinafter "OCAP") within the Minnesota Department of Health (hereinafter "Department") 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 Statutes, section 146.08, subd. 1.
2. Pursuant to Minnesota Statutes, section 146A.01, subd. 4, 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. Minnesota Statutes, section 146A.01, subd. 6 defines practitioners as those who hold themselves out to the public as being complementary and alternative health care practitioners and does not restrict practitioners to those who provide services for remuneration.
3. Minnesota Statutes, section 146A.08, subd. 1(a) prohibits a conviction of crime in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices.
4. Minnesota Statutes, section 146A.08, subd. 1(b) prohibits a conviction of any crime against a person, including criminal sexual conduct.
5. Minnesota Statutes, section 146A.08, subd. 1(d) prohibits sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual, and engaging in verbal behavior that is seductive or sexually demeaning to the client.

FINDINGS OF FACT

1. Practitioner provided massage therapy at Aspire Salon in Rochester, Minnesota between 2002 and 2004.
2. On April 13, 2005, Practitioner entered a plea of guilty relating to four instances of

criminal sexual conduct between 2002 and 2004 during his practice providing massage therapy. Practitioner testified at his plea hearing that he touched these clients inappropriately and with sexual intent.

3. Practitioner was released until the June 29, 2005 sentencing hearing.

CONCLUSION

Practitioner violated Minnesota Statutes, sections 146A.08, subd. 1 (a), (b), and (d).

DETERMINATION

Practitioner's right to practice complementary and alternative health care practice, including massage therapy and any bodywork, in Minnesota is revoked.