

Effective 3/2/2011

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Lawrence Martin Valencour
Unlicensed Complementary and Alternative Health Care Practitioner**

AUTHORITY

1. Minnesota Statutes, section 146A.09, subdivision 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, subdivision 1.
2. Minnesota Statutes, section 146A.01, subdivision 4, provides that 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, subdivision 6(4) defines a complementary and alternative health care practitioner as providing complementary and alternative health care services for remuneration or is holding oneself out to the public as a practitioner of complementary and alternative health care practices.
3. Minnesota Statutes, section 146A.08, subdivision 1(a) defines prohibited conduct as a conviction of a 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, subdivision 1(b) defines prohibited conduct as a conviction of any crime against a person, including criminal sexual conduct in the fourth degree, Minnesota Statutes, 609.345.
5. Minnesota Statutes, section 146A.08, subdivision 1(d) prohibits sexual contact with a client or engaging in contact that may be reasonably interpreted by a client as sexual, engaging in any verbal behavior that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of a client or former client.

FINDINGS OF FACT

1. Practitioner provided massage therapy services in Apple Valley, Minnesota during 2008.

Six clients alleged that the Practitioner engaged in sexual contact during the massage. These clients reported their concerns to the Apple Valley Police Department.

2. Practitioner was charged with six felony counts of criminal sexual conduct in the fourth degree, Minnesota Statute, 609.345. Minnesota Statute 609.345, is defined as a person who engages in sexual contact with another person in the following circumstance: (o), the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual contact occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.
3. In December 2010, a Dakota County Judge found the Practitioner guilty of six felony counts of Criminal Sexual Contact in the Fourth Degree.
4. Practitioner is scheduled for sentencing in February 2011. The judge ordered a pre-sentence investigation and psychosexual evaluation.

CONCLUSION

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

DETERMINATION

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