



*Protecting, maintaining and improving the health of all Minnesotans*

October 10, 2018

Richard Cheung Feung Xiong

[REDACTED]  
Roseville, MN 55113

SUBJECT: OCC19002

Dear Richard Xiong,

Based on the facts and law in this matter as described in the enclosed Determination, the Minnesota Department of Health (MDH) has determined that you performed prohibited conduct as an unlicensed complementary and alternative health care practitioner. MDH is revoking your right to practice unlicensed complementary and alternative health care, including bodywork, massage therapy, and massage therapy services.

This decision will be made final and effective 30 days from the date it is received by you. During that 30-day period, you have the right to challenge this decision in a contested-case hearing. This right is provided under Minnesota Statutes, Chapter 14. You must make the request for a hearing in writing and include specific grounds for challenging MDH's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of your receipt of this letter to:

Catherine Lloyd  
Manager, Health Occupations Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, Saint Paul, MN; or fax it to Ms. Lloyd at (651) 201-3839. If you have any questions about this matter, please call (651) 201-3721.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Winkelmann", is written over a white background.

Susan Winkelmann, Assistant Division Director  
Health Regulation Division

cc: Catherine Lloyd, Manager, Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
HEALTH REGULATION DIVISION**

**A Determination in the Matter of  
Richard Cheung Feung Xiong  
Unlicensed Complementary and Alternative Health Care Practitioner**

**Authority:**

1. Minnesota Statute, 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 (MDH) 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 Statute section 146.08, subdivision 1.
2. Minnesota Statute, 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 therapy, and massage therapy services.
3. Minnesota Statute, section 146A.01, subdivision 6(3) defines a complementary and alternative health care practitioner as a person who is engaging in complementary and alternative health care services.
4. Minnesota Statute, section 146A.08, subdivision 1(c) prohibits the failure to comply with the self-reporting requirements of section 146A.03, subdivision 7.
5. Minnesota Statute, 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.
6. Minnesota Statute, section 146A.08, subdivision 1(f) prohibits conduct likely to harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a client.

**Findings of Fact:**

1. On May 3, 2018, Richard Cheung Feung Xiong (hereinafter "Practitioner") was working as an unlicensed complementary and alternative health care practitioner as a massage therapist at Element Massage, in Roseville, Minnesota.
2. On May 3, 2018, a client reported Practitioner for sexual contact to facility staff. Client told staff about the unwanted sexual contact when she left. Staff relayed the information to the business owner, who called the client. The client confirmed her complaint to the owner.
3. On May 3, 2018, Practitioner was terminated from Element Massage.
4. On August 9, 2018, Practitioner was arrested by Roseville Police Department.
5. On September 11, 2018, Practitioner was charged with Criminal Sexual Conduct in the Fourth Degree in violation of Minnesota Statute 609.345, subdivision 1(o).
6. On August 20, 2018, MDH requested sent Practitioner a Notice of Investigation and requested an in-person interview.
7. On September 19, 2018, Practitioner was interviewed by MDH staff. Practitioner admitted to unwanted sexual contact with the client at Element Massage. Practitioner explained it as

**“massaging the heart chakra.”**

- 8. Practitioner admitted that the contact was not in accordance with his training or company policy.**
- 9. Practitioner admitted he was terminated from a massage therapist position at Massage Retreat & Spa in Woodbury, Minnesota for unwanted sexual contact in 2016.**

**Conclusion:**

**Practitioner knowingly and intentionally violated multiple violations of Minnesota Statutes 146A when he engaged in contact with a complementary and alternative health care client that may be reasonably interpreted by a client as sexual. Practitioner admitted he was terminated from two separate facilities for engaging in unwanted sexual contact with multiple clients.**

**Determination:**

- 1. Practitioner’s right to practice complementary and alternative health care, body work, massage, and massage therapy, is hereby revoked. The revocation will commence on the effective date of this determination. After a period of not less than five years, Practitioner may request to have his right to practice reinstated. To do so, Practitioner must complete all conditions set forth in this Determination. Once all of the conditions are met, Practitioner may submit a written response for the revocation to be lifted to:**

**Director of the Health Occupations Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0882**

- 2. Prior to Practitioner’s request to have his revocation lifted, he will be required to undergo a forensic psychological sexual evaluation by a Minnesota licensed mental health professional within six months of his petition for reinstatement.**
  - a. Practitioner must provide MDH consent to obtain the results of the forensic psychological sexual evaluation and any corresponding treatment plan, if necessary.**
  - b. Practitioner is responsible for all costs incurred with assessment and subsequent treatment.**
  - c. If a treatment plan is created, Practitioner must comply with the terms of the plan set forth between Practitioner and the mental health professional.**
  - d. If Practitioner is required to register as a sex offender, he will not be eligible to petition for reinstatement.**
- 3. Practitioner must comply with and complete all court-ordered conditions prior to his petition for reinstatement.**
- 4. Practitioner will comply with all requirements of Minnesota Statute, Chapter 146A.**