

Effective March 10, 2011



Protecting, maintaining and improving the health of all Minnesotans

January 4, 2011

Ms. Gui Hua Yang

[REDACTED]

SUBJECT: Determination affecting your right to practice unlicensed complementary and alternative health care in Minnesota.

Dear Ms. Yang:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (Department) has determined that you violated Minnesota Statutes, section 146A.08, subdivisions 1(a) and (d), the conviction of a crime reasonably related to complementary and alternative health care practices and engaging in sexual contact with a client. Therefore, the Department is revoking your right to practice unlicensed complementary and alternative health care in Minnesota. Minnesota Statutes, section 146A.09, subdivision 1 authorizes this revocation.

This decision will be 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, as provided under Minnesota Statutes, Chapter 14. Requests for a hearing should be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send a written hearing request, within 30 days of your receipt of this letter to:

Tom Hiendlmayr, Director, Health Occupations Program
Minnesota Department of Health
P.O. Box 64882
Saint Paul, MN 55164-0882

You may also deliver your request to 85 East Seventh Place, Suite 220, St. Paul, Minnesota or fax it to Mr. Hiendlmayr at (651) 201-3839. If you have any questions, please contact Mr. Hiendlmayr at (651) 201-3721.

Sincerely,

A handwritten signature in cursive script that reads "Darcy Miner".

Darcy Miner, Director
Compliance Monitoring Division

cc: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Gui Hua Yang
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(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 offered massage therapy services in Minnetonka, Minnesota d/b/a/ Chinese Health Massage and received a massage business license in October 2009 issued by the city of Minnetonka.
2. Minnetonka police received information from a massage client of Chinese Health

Massage that he believed he was touched inappropriately and offered sexual services for cash. The client reported the matter to the Minnetonka police.

3. The Minnetonka police with assistance from the Minneapolis police sent an undercover police officer into Chinese Health Massage seeking massage services while other officers were nearby observing the business. Marked bills were used to pay cash for massage services. The practitioner provided massage therapy services to the undercover officer and offered to provide sexual services. The practitioner was arrested and charged with prostitution, Minnesota Statute, 609.324(2).
4. The police obtained a search warrant and inventoried items from the location of Chinese Health Massage that included, but were not limited to massage tables, linens, oils and lotions, massage posters, cash, and notes and ledgers.
5. In July 2010, the Practitioner entered an amended plea of guilty to engaging in prostitution, Minnesota Statute, 609.324(2), and was convicted of the charge.

CONCLUSION

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

DETERMINATION

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