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Department of Health

By: *Donald Sanders*
Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

IN RE: The Emergency Restriction of the License of
Carlos Ysrael Ramos, L.M.T.
License Number: MA 68959
Case Numbers: 2016-10957 & 2018-09320

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Celeste Philip, M.D., M.P.H., State Surgeon General, ORDERS the Emergency Restriction of the license of Carlos Ysrael Ramos, L.M.T., (Mr. Ramos) to practice as a massage therapist in the State of Florida. Mr. Ramos holds license number MA 68959. His address of record is 15478 Summit PL Circle, Naples, Florida 34119. He may also be located at 9128 Strada Place, Suite 10105, Naples, Florida 34108. The following Findings of Fact and Conclusions of Law support the emergency restriction of Mr. Ramos's license to practice as a massage therapist in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating massage therapists in the State of Florida, pursuant to Chapters 20, 456, and 480, Florida Statutes (2015-2017). Section 456.073(8), Florida Statutes (2015-2017), authorizes the State Surgeon General to summarily restrict Mr. Ramos's license to practice as a massage

therapist in the State of Florida, in accordance with Section 120.60(6), Florida Statutes (2015-2017).

2. At all times material to this Order, Mr. Ramos was licensed to practice massage therapy in the State of Florida, pursuant to Chapter 480, Florida Statutes.

Facts Pertaining to Case Number 2016-10957

3. In February 2016, Mr. Ramos worked as a massage therapist at Hyatt Stillwater Spa (H.S.S.), located in Bonita Springs, Florida.

4. On or about February 21, 2016, M.H., a 54-year-old female patient, presented to Mr. Ramos at H.S.S. for an upper back massage.

5. M.H. had recently had surgery on her back, and specifically requested that Mr. Ramos focus the massage on her upper back.

6. Prior to the massage beginning, Mr. Ramos instructed M.H. to lie down face up.

7. M.H. undressed completely, laid face up, and covered herself with a sheet up to her neck.

8. Mr. Ramos entered the room and stated to M.H. "you have an amazing body."

9. After massaging M.H. face up, Mr. Ramos pulled the sheet completely off of M.H.'s body, and told her to turn over onto her stomach.

10. Once M.H. was on her stomach, Mr. Ramos covered her with the sheet.

11. During the massage, Mr. Ramos folded the sheet and exposed M.H.'s entire right side, including her right buttock and intergluteal cleft.

12. M.H. did not consent to Mr. Ramos removing the sheet, exposing her right buttock and intergluteal cleft.

13. Mr. Ramos began to rub M.H.'s body, using very fast and vigorous motions from her head to her toes.

14. Mr. Ramos then folded the sheet to exposed M.H.'s entire left side, including her left buttock and intergluteal cleft.

15. M.H. did not consent to Mr. Ramos removing the sheet, exposing her left buttock and intergluteal cleft.

16. Mr. Ramos then pulled the sheet from M.H.'s neck and folded it down to her knees, completely exposing her buttocks.

17. Mr. Ramos then rubbed M.H.'s legs, inner thighs, and buttocks.

18. Mr. Ramos spread M.H.'s buttocks apart with his hands.

19. Mr. Ramos's finger grazed M.H.'s anus, and came close to touching her vagina while he was massaging her inner thighs.

20. After the massage ended, M.H. quickly got dressed and tried to leave without seeing Mr. Ramos on her way out.

21. M.H. was embarrassed and told her fiancé what had happened and reported Mr. Ramos's actions to the manager of H.S.S.

Facts Pertaining to Case Number 2018-09320

22. In April 2018, Mr. Ramos worked at Hand & Stone Massage and Facial Spa (Hand & Stone), located in Naples, Florida.

23. On or about April 8, 2018, Patient V.B., a female, presented to Mr. Ramos at Hand & Stone for a massage.

24. The massage began with V.B. lying on her back, covered with a blanket. From this position, Mr. Ramos massaged V.B.'s arms and neck and began to massage her legs.

25. V.B. fell asleep while Mr. Ramos was massaging her legs.

26. V.B. woke up to find Mr. Ramos rubbing her groin area, with his fingers on or near her vagina. When V.B. moved, Mr. Ramos left her groin area and began massaging her legs again.

27. V.B. then turned to lay on her stomach. From this position, Mr.

Ramos began massaging her neck and back.

28. V.B. fell asleep while Mr. Ramos was massaging her neck and back.

29. V.B. woke up to find that she was completely uncovered and Mr. Ramos was massaging in between her buttocks with his fingers.

30. When V.B. woke up and moved around, Mr. Ramos returned to massaging her legs.

31. V.B. reported the incident to the Collier County Sheriffs' Office, where the investigation is ongoing.

Comprehensive Findings of Fact

32. Clients of massage therapists are placed in isolated, vulnerable settings where they can be subject to abuse by their massage therapists. Due to the potential for abuse that is inherent under these circumstances, massage therapists must possess good judgment and good moral character in order to safely practice massage therapy and must refrain from placing their clients in situations that violate their safety and welfare.

33. Mr. Ramos willfully abused his position as a massage therapist to sexually violate two women who trusted him to act professionally and within the boundaries of generally accepted massage therapy and treatment.

Mr. Ramos's deviant actions demonstrate that he poses a significant danger to female patients. Mr. Ramos's violation of the massage therapist-patient relationship indicates that Mr. Ramos lacks the good moral character and judgment necessary to practice massage therapy.

34. Mr. Ramos's multiple instances of violating women over a 2-year period of time, illustrates that he lacks good judgment and moral character and that his conduct is likely to continue. Mr. Ramos's disregard for the laws and regulations governing massage therapists in this state on multiple occasions represents a significant likelihood that Mr. Ramos will cause harm to clients in the future. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida. Nothing short of the immediate restriction of Mr. Ramos's license to practice as a massage therapist in the State of Florida will protect the public from the dangers created by Mr. Ramos's continued, unrestricted practice of massage therapy.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2015-2017), and Chapter 480, Florida Statutes (2015-2017).

2. Section 480.046(1)(p), Florida Statutes (2015-2017), subjects a massage therapist to discipline, including restriction, for violating any provision of Chapters 480 or 456, Florida Statutes, or any rules adopted pursuant thereto.

3. Section 480.0485, Florida Statutes (2015-2017), prohibits sexual misconduct in the practice of massage therapy and defines sexual misconduct, in pertinent part, as:

Violation of the massage therapist-patient relationship through which the massage therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient.

4. Rule 64B7-26.010, Florida Administrative Code, provides in pertinent part:

- (1) Sexual activity by any person or persons in any massage establishment is absolutely prohibited...
- (3) No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client and;

(4) As used in this rule, "sexual activity" means any direct or indirect physical contact by any person or between persons which is intended to erotically stimulate either person or both or which is likely to cause such stimulation...

5. Mr. Ramos violated Section 480.046(1)(p), Florida Statutes (2015-2017), by violating Section 480.0485 Florida Statutes (2015-2017), and Rule 64B7-26.010, Florida Administrative Code, by engaging in unlawful sexual activity, and engaging or attempting to engage in sexual misconduct by:

- a. making inappropriate comments regarding M.H.'s physical appearance;
- b. spreading M.H.'s buttocks;
- c. touching M.H.'s anus;
- d. touching M.H.'s vaginal area;
- e. exposing M.H.'s buttocks without specific informed consent;
- f. touching V.B.'s vaginal area;
- g. exposing V.B.'s buttocks and breasts without specific informed consent; and
- h. touching in between V.B.'s buttocks with his fingers.

6. Rule 64B7-30.001(4) provides in pertinent part:

The following acts shall constitute the failure to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent similar massage therapist as being acceptable under similar conditions and circumstances:

(5) Failure to appropriately drape a client. Appropriate draping of a client shall include draping of the buttocks and genitalia of all clients, and breasts of female clients, unless the client gives specific informed consent to be undraped.

7. Mr. Ramos violated Section 480.046(1)(p), Florida Statutes (2015-2017), by violating Rule 64B7-30.001(5), Florida Administrative Code, through the following conduct:

- a. failing to appropriately drape M.H.'s buttocks and/or genitalia by exposing V.B.'s buttocks and/or genitalia without informed consent;
- b. failing to appropriately drape M.H.'s entire body while she turned from the face down position to the face up position without informed consent; and
- c. failing to appropriately drape V.B.'s buttocks and/or genitalia by exposing V.B.'s buttocks and/or genitalia without informed consent.

8. Section 120.60(6), Florida Statutes (2015-2017), authorizes the State Surgeon General to summarily restrict a massage therapist's license upon a finding that the massage therapist presents an immediate, serious danger to the public health, safety, or welfare.

9. Mr. Ramos's continued unrestricted ability to provide massage services to female clients constitutes an immediate, serious danger to the health, safety, or welfare of the public and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2015-2017), it is **ORDERED THAT**:

1. The license of Carlos Ysrael Ramos, L.M.T., license number MA 68959, is hereby immediately restricted to prohibit him from practicing massage therapy on female patients.

2. A proceeding seeking formal discipline of the license of Carlos Ysrael Ramos, L.M.T., to practice as a massage therapist will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2015-2017).

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DONE and ORDERED this 7 day of May, 2018.



Ar _____
Celeste Philip, M.D., M.P.H.
Surgeon General and Secretary

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the Petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.