

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re: Emergency Restriction of the License of
William Daniel Corley, L.M.T.
License Number: MA 92274
Case Number: MT 2021-20119

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Joseph A. Ladapo, MD, PhD, State Surgeon General, ORDERS the emergency restriction of the license of William Daniel Corley, L.M.T., (Mr. Corley) to practice as a licensed massage therapist in the State of Florida. Mr. Corley holds license number MA 92274. Mr. Corley's address of record is 2553 State Road A1A, Apartment 205, Jacksonville, Florida 32233. The following Findings of Fact and Conclusions of Law support the emergency restriction of Mr. Corley'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 the practice of massage therapy pursuant to chapters 20, 456, and 480, Florida Statutes (2021). Section 456.073(8), Florida Statutes (2021), authorizes the State Surgeon General to summarily restrict Mr. Corley's license to practice as a massage therapist in the State of Florida, in accordance with section 120.60(6), Florida Statutes (2021).

2. At all times material to this Order, Mr. Corley was licensed as a massage therapist in the State of Florida, having been issued license number MA 92274, pursuant to chapter 480.

3. At all times material to this Order, Mr. Corley was employed as a massage therapist at Essential Massage in Jacksonville Beach, Florida.

4. On July 5, 2021, Mr. Corley provided a massage to P.D., a woman.

5. Mr. Corley asked P.D. if she had any "problem areas."

6. P.D. told Mr. Corley that she recently pulled her hamstring.

7. In preparation for the massage, P.D. disrobed entirely, laid face down on the massage table, and draped herself with a sheet.

8. Mr. Corley began massaging P.D.'s neck, shoulder, and back area.

9. Mr. Corley then moved the draping to cover P.D.'s neck, shoulder, and back area, exposing P.D.'s legs.

10. Mr. Corley began massaging the inside of P.D.'s thighs.

11. Mr. Corley touched the outside of P.D.'s vagina with his finger.

12. Mr. Corley then massaged P.D.'s opposite leg and touched P.D.'s vagina again with his finger.

13. Mr. Corley removed the draping sheet, exposing P.D.'s buttocks.

14. Mr. Corley rubbed P.D.'s buttocks in a circular motion.

15. Mr. Corley then spread P.D.'s buttocks which exposed her anus and vagina.

16. Mr. Corley placed his hand on P.D.'s vagina in a cupping fashion.

17. P.D. did not give Mr. Corley permission to touch her vagina, remove her draping, spread her buttocks, or expose her anus or vagina.

18. Touching P.D.'s vagina, removing her draping, spreading her buttocks, and/or exposing her anus or vagina is outside the scope of massage therapy and constitutes sexual misconduct.

19. 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.

20. Mr. Corley willfully abused his position as a massage therapist to sexually violate a woman who trusted him to act professionally and within the boundaries of generally accepted massage therapy and treatment. Mr. Corley's violation of the massage therapist-patient relationship indicates that Mr. Corley lacks the good moral character and judgment necessary to safely practice massage therapy.

21. Mr. Corley's lack of good judgment and moral character, his disregard for the laws and regulations governing massage therapists in this state, and his sexual assault of a female client in the course of massage therapy represent a significant likelihood that Mr. Corley will cause harm to female clients in the future. This likelihood constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida.

22. The nature of massage therapy involves the delivery of services in a one-on-one manner for an extended period of time. Because of the inherent intimacy of this setting, a restriction where a chaperone must be present for massages is not feasible. The Department considered various restrictions on Mr. Corley's license, including requiring Mr. Corley to practice under direct supervision. However, the Department determined that even a direct supervisor would be insufficient to prevent future sexual activity or sexual misconduct, as direct supervision does not require a supervisor to be physically present with Mr. Corley at all times. Direct supervision alone cannot ensure that Mr. Corley's sexual activity or sexual misconduct would not continue.

23. Therefore, nothing short of the immediate restriction of Mr. Corley's license to practice as a massage therapist in the State of Florida will protect the public from the dangers created by Mr. Corley's continued, unrestricted practice

of massage therapy with female patients. Mr. Corley's continued unrestricted practice as a licensed massage therapist with female patients presents an immediate, serious danger to the health, welfare, and safety of the public.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Department concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to sections 20.43 and 456.073(8) and chapter 480, as set forth above.

2. Section 480.046(1)(p), Florida Statutes (2021), authorizes discipline, including restriction, for violating any provision of chapters 480 or 456, or any rules adopted pursuant thereto.

3. Section 480.0485, Florida Statutes (2021), prohibits sexual misconduct in the practice of massage therapy and defines sexual misconduct, in pertinent part, as a:

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 (2021), provides in pertinent part:

(1) Sexual activity by any person or persons in any massage establishment is absolutely prohibited.

(2) No massage establishment owner shall engage in or permit any person or persons to engage in sexual activity in such owner's massage establishment or use such establishment to make arrangements to engage in sexual activity in any other place.

(3) No licensed massage therapist shall use the therapist-client relationship to engage in sexual activity with any client or to make arrangements to engage in sexual activity with any client.

(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. Corley violated section 480.046(1)(p), by violating section 480.0485 and Rule 64B7-26.010, by engaging in sexual activity and committing sexual misconduct:

- a. by touching P.D.'s vagina with his finger(s);
 - b. by rubbing P.D.'s exposed buttocks;
 - c. by spreading P.D.'s buttocks and exposing her anus and/or vagina;
and/or
6. by placing his hand on P.D.'s vagina in a cupping fashion.

7. Section 480.046(1)(i), Florida Statutes (2021), authorizes discipline, including restriction, for gross or repeated malpractice or the failure to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances.

8. Rule 64B7-30.001(5), Florida Administrative Code (2021), provides that failure to appropriately drape a client constitutes 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.

9. Rule 64B7-30.001(5) provides that 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.

10. Mr. Corley violated section 480.046(1)(i) by failing to practice massage therapy with that level of care, skill, and treatment which is recognized by a reasonably prudent massage therapist as being acceptable under similar conditions and circumstances by failing to appropriately drape P.D. by removing the sheet/drape and exposing her buttocks, anus, and/or vagina.

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11. Section 120.60(6) authorizes the Department 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.

12. Mr. Corley'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.

[SIGNATURE APPEARS ON NEXT PAGE]

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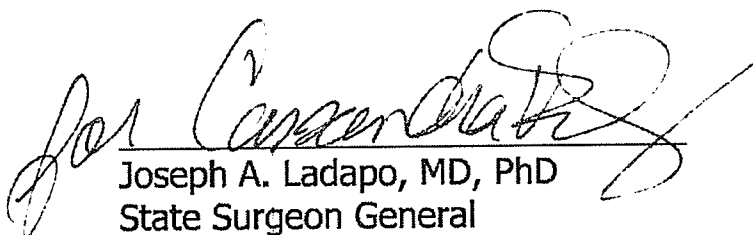
WHEREFORE, in accordance with section 120.60(6), it is **ORDERED**

THAT:

1. The license of William Daniel Corley L.M.T., license number MA 92274, is immediately restricted to prohibit him from practicing massage therapy on female clients.

2. A proceeding seeking formal discipline of the license of William Daniel Corley, L.M.T., to practice as a massage therapist in the State of Florida will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6), Florida Statutes (2021).

DONE and ORDERED this 3rd day of December, 2021.


Joseph A. Ladapo, MD, PhD
State Surgeon General

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6) and 120.68, Florida Statutes (2021), the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, and accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.

**DELEGATION OF AUTHORITY
TO
DEPUTY SECRETARIES, ASSISTANT DEPUTY
SECRETARY (IES) AND CHIEF OF STAFF**

This Delegation supersedes all prior signed Delegations of Authority to the Chief of Staff, Deputy Secretaries and Assistant Deputy Secretary (ies) and takes effect upon filing with the Agency Clerk. All pre-dated Delegations are hereby rescinded, wheresoever situate.¹ This Delegation remains in force until rescinded or modified in a writing by the State Surgeon General (or successor) and filed with the Agency Clerk. A copy of the signed delegation must be provided to the Bureau of Personnel and Human Resource Management.


- A. Under the authority vested in the State Surgeon General as Agency Head of the Department of Health and pursuant to sections 20.05(1)(a), (b), and 20.43, Florida Statutes, the following authority is delegated to the individual deputy secretaries:
1. To take all actions required for the effective direction and administration of the Department of Health in accordance with applicable federal laws, rules, and grants; Florida Statutes (F.S.); Florida Administrative Code (F.A.C.); directives of the Department of Financial Services; and department policies and guidelines
 2. In the absence of the State Surgeon General, the authority to sign on behalf of the Agency Head or to represent and speak on behalf of the State Surgeon General at meetings within their respective substantive areas, and the authority to act as hearing officer in proceedings required by section 120.54(3)(c), F.S., and to enter orders in connection therewith; but may not give notice of rulemaking or approve final rules, section 120.54(1)(k), F.S.
 3. The authority to render orders and final orders in matters relating to sections 120.565 (declaratory statements), 120.543 (variances and waivers), and 120.569(1)-(2)(n), and 120.57, F.S., (administrative hearings).
 4. Delegation of authority required for the effective administration and operation of that respective area in the absence of a deputy secretary, unless there is a specific delegation of authority which controls.
 5. Authorize policies and procedures within your respective areas; however, all department-wide policy and procedure changes that affect or have an impact on other areas such as information technology, statewide computer systems, standard audit practices, and workload for the Division of Administration, shall be coordinated with the appropriate division director/division director comparable.
 6. Approve Emergency Suspension Orders and Emergency Restriction Orders during the absence of the State Surgeon General.
 7. Approve core contracts under Chapter 154, F.S., with the local Board of County Commissioners.
 8. Designate a safety coordinator in accordance with Section 284.50, F.S., (delegated to the

¹ Any official or appointee of the Department may petition for ratification of such a pre-dated delegation of authority by filing same with the Agency Clerk.

Deputy Secretary for Operations).

9. Approve or deny exemptions under Section 435.07, F.S., for persons disqualified from employment under Chapter 435, F.S.
 10. Approve all travel (including in-state, other states, and foreign travel conferences, staff training activities, or other administrative functions) that the Surgeon General has determined is critical to the agency's mission in accordance with the Travel Justification and Authorization procedure.
- B. Under the authority vested in the State Surgeon General as Agency Head of the Department of Health and pursuant to sections 20.05(1)(b), and 20.43, Florida Statutes, the following authority is delegated to the chief of staff:
1. Attend, represent and speak on behalf of the State Surgeon General as directed by him or her.
 2. To sign as Agency Head in internal Departmental administrative matters not already delegated in A., above.
 3. Approve all travel (including in-state, other states, and foreign travel conferences, staff training activities, or other administrative functions) that the Surgeon General has determined is critical to the agency's mission in accordance with the Travel Justification and Authorization procedure.
- C. Exceptions to all the foregoing authorities, which require the specific approval by the State Surgeon General, are:
1. All changes to organization structure, functions, and programs involving the moving of positions or units between budget entities and divisions.
 2. Appointment or dismissal of all Senior Management Service (SMS) employees.
- D. These delegations may be modified for specified periods of time by order of the State Surgeon General. Such temporary modifications must be captioned as such and filed with the Agency Clerk to take effect. A copy of the signed modification must be provided to the Bureau of Personnel and Human Resource Management.

6/27/17
Effective Date



Celeste Philip, MD, MPH
Surgeon General and Secretary
Florida Department of Health