

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

IN RE: The Emergency Restriction of the License of
Salim Baghdadi, L.M.T.
License Number MA 95296
Case Number 2021-38581

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Joseph A. Ladapo, MD, PhD, State Surgeon General, ORDERS the Emergency Restriction of the license of Salim Baghdadi, L.M.T., (Mr. Baghdadi) to practice as a massage therapist in the State of Florida. Mr. Baghdadi holds license number MA 95296. His address of record is 6011 North Bayshore Drive, Apartment 2, Miami, Florida 33137. An alternate address is 2201 Collins Avenue, Miami Beach, Florida 33139. The following Findings of Fact and Conclusions of Law support the emergency restriction of Mr. Baghdadi'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 (2021). Section 456.073(8), Florida Statutes (2021), authorizes the State Surgeon General to summarily

restrict Mr. Baghdadi'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. Baghdadi was licensed to practice massage therapy in the State of Florida, pursuant to chapter 480.

3. At all times material to this Order, Mr. Baghdadi practiced massage therapy at Away Spa W South Beach (Away Spa), a massage establishment in Miami Beach, Florida.

4. Patient S.N., a 39-year-old man, presented to Mr. Baghdadi at Away Spa for a massage on November 15, 2021.

5. In preparation for his massage, S.N. disrobed entirely, laid facedown, and covered himself with the provided drape.

6. Mr. Baghdadi entered the massage room and proceeded to massage S.N.

7. During the course of the massage, Mr. Baghdadi placed his hands underneath the draping and made skin-to-skin contact while massaging S.N.

8. While S.N. was still face down, Mr. Baghdadi massaged S.N.'s inner thigh, underneath the draping, and repeatedly made contact with S.N.'s testicles with the side of his hand and/or his wrist.

9. Mr. Baghdadi repeated this contact while standing on each side of S.N.

10. S.N. initially assumed this contact was accidental.

11. During the massage and after S.N. rotated to a faceup position, Mr. Baghdadi informed S.N. that his pelvic area was his "trouble area."

12. While positioned at the head of the table, in one long movement, Mr. Baghdadi repeatedly stretched his arms from S.N.'s shoulders down the length of S.N.'s body until his hands reached S.N.'s genital area. Mr. Baghdadi rubbed his hands against S.N.'s testicles and touched and grabbed S.N.'s penis.

13. Mr. Baghdadi repeated this motion while standing below S.N.'s feet beginning at his ankles and stretching his arms up the length of S.N.'s body until his hands reached S.N.'s genital area.

14. S.M. pushed Mr. Baghdadi's hands away from his genital area approximately four times. Mr. Baghdadi responded to S.N.'s action by saying that this was S.N.'s "trouble area" and resumed his inappropriate contact with S.N.'s testicles and/or penis.

15. Toward the end of the massage, Mr. Baghdadi stood to the side of S.N., reached under the draping, and masturbated S.N. S.N. was not

aroused. Mr. Baghdadi continued masturbating S.N. even though S.N. tried to squirm away from his touch.

16. Mr. Baghdadi's actions caused S.N. to have friction burns in and around his genital area which required medical treatment.

17. S.N. was in shock.

18. S.N. did not provide specific informed consent for Mr. Baghdadi to touch and grab his testicles and penis.

19. S.N. reported this incident to spa and hotel staff and to law enforcement.

20. The massage therapist-patient relationship is founded on mutual trust. The practice of massage therapy places patients 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 practice massage therapy professionally and within the boundaries of the generally accepted examination or treatment of a patient. Massage therapists must also refrain from engaging in conduct that harms the patient or placing the patient in a situation that violates their safety and welfare.

21. Mr. Baghdadi willfully abused his position as a massage therapist to sexually violate a patient who trusted him to act professionally and within the boundaries of generally accepted massage therapy and treatment. Mr. Baghdadi's deviant actions demonstrate that he poses a significant danger to male patients. Mr. Baghdadi's violation of the massage therapist-patient relationship indicates that Mr. Baghdadi lacks the good judgment and good moral character necessary to safely practice massage therapy, and therefore is a significant danger to male patients.

22. Mr. Baghdadi's lack of good judgment and good moral character, his disregard for the laws and regulations governing massage therapists in this state, his disregard for his patient's physical and emotional well-being, and his actions in flagrantly ignoring the desires of his patient represent a significant likelihood that Mr. Baghdadi will cause harm to male patients in the future unless his license is restricted. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida.

23. 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. Therefore, nothing short of the immediate restriction of Mr. Baghdadi's license to practice as a massage therapist in the State of Florida will protect the public from the dangers created by Mr. Baghdadi'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 (2021), and chapter 480.

2. Section 480.046(1)(p), Florida Statutes (2021), subjects a massage therapist to 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:

[V]iolation 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" means any direct or indirect contact by any person, or between persons, with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, or which is likely to cause such humiliation, harassment, degradation, arousal or sexual gratification:
 - a. With or without the consent of either person or persons;
 - b. With or without verbal or non-verbal communication that the sexual activity is undesired;
 - c. With or without the use of any device or object;
 - d. With or without the occurrence of penetration, orgasm or ejaculation;
 - e. Including, but not limited to intentional contact with the genitalia, groin, femoral triangle, anus, buttocks, gluteal cleft, breast or nipples, mouth, or tongue; and
 - f. Including, but not limited to the intentional removal of any drape without written specific informed consent of the patient.
- (2) Sexual activity in any massage establishment is absolutely prohibited.
- (3) ...
- (4) No establishment owner or employee of the massage therapy establishment shall engage in

or permit any person or persons to engage in sexual activity in the massage therapy establishment or use the establishment to make arrangements to engage in sexual activity in an other place.

5. Mr. Baghdadi violated section 480.046(1)(p) by violating section 480.0485 and/or Rule 64B7-26.010 by:

- a. using the massage therapist-patient relationship to engage, or attempt to engage, S.N. in sexual activity outside the scope of practice or generally accepted examination and treatment by touching and/or massaging and/or by grabbing S.N.'s testicles and/or penis;
- b. by engaging in sexual activity in a massage establishment;
- c. by engaging in sexual activity as an employee of a massage establishment.

6. Section 120.60(6) 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.

7. Mr. Baghdadi's continued unrestricted ability to provide massage services constitutes an immediate, serious danger to the health, safety, or

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welfare of the public and this summary procedure is fair under the
circumstances to adequately protect the public.

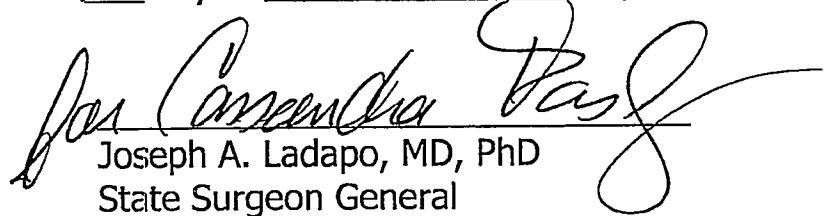
WHEREFORE, in accordance with section 120.60(6), it is **ORDERED**

THAT:

1. The license of Salim Baghdadi, L.M.T., license number MA 95296,
is hereby immediately restricted to prohibit him from practicing massage
therapy on male patients.

2. A proceeding seeking formal discipline of the license of Salim
Baghdadi, 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 (2021).

DONE and ORDERED this 25th day of March, 2022.


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), 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.