

Effective December 9, 2005

**BEFORE THE MINNESOTA DEPARTMENT OF HEALTH  
HEALTH OCCUPATIONS PROGRAM**

In the Matter of Deborah M. Imdieke,  
Unlicensed Complementary and Alternative  
Health Care Practitioner

**STIPULATION AND  
CONSENT ORDER**

**IT IS HEREBY STIPULATED AND AGREED** by Deborah Imdieke [hereinafter "Practitioner"] and the Health Occupations Programs [hereinafter "HOP"] within the Minnesota Department of Health [hereinafter "Department"], that, without trial or adjudication of any issue of fact or law herein, and without any evidence or admission by any party with respect to any issue or fact herein:

1. Except as otherwise specified herein, this Stipulation and Consent Order [hereinafter, "Stipulation"], investigative reports, and related documents shall constitute the entire record upon which this Order is based and shall be filed with the Department. The Stipulation document is public data pursuant to the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 ("MGDPA") and Minnesota Statutes, section 146A.06, subd. 2. All other data comprising the record shall not be considered a part of this Stipulation and shall maintain the data classifications to which they are entitled under the MGDPA and Minnesota Statutes, section 146A.06, subd. 2.
2. Practitioner has been and is subject to the jurisdiction of the Department because Practitioner engaged in unlicensed complementary and alternative health care practice as defined in Minnesota Statutes, section 146A.01 after July 1, 2001 when the Department's

jurisdiction and legal authority became effective.

3. Practitioner is not now, nor has she ever been licensed or registered by the Minnesota health-related licensing boards or the commissioner of health in Minnesota.
4. Pursuant to Minnesota Statutes, section 146A.01, subd. 4, complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including but not limited to: (11) healing practices utilizing the physical forces of heat, cold, water, touch and light; and (17) body work, massage and massage therapy.
5. Minnesota Statutes, Section 146A.08 subd. 1 (d) prohibits engaging in sexual contact with a complementary and alternative health care client or former client, and engaging in contact that may be reasonably interpreted by a client as sexual. A "former client" means a person who has obtained services from the practitioner within two years of the misconduct.
6. Minnesota Statutes, Section 146A.08 subd. 1 (q) prohibits undertaking or continuing a professional relationship with a client in which the objectivity of the professional would be impaired.
7. Minnesota Statutes, Section 146A.08, subd. 1 (r) prohibits failing to provide clients with a Client Bill of Rights or violating any provision of the client bill of rights.
8. When violations of law are found, the Department has authority to revoke or suspend a practitioner's right to practice (Minnesota Statutes, sections 146A.09, subd. 1(1) and (2)), to impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed as to deprive the practitioner of any economic advantage

gained by reason of the violation or to reimburse the office for all costs of the investigation and proceeding (Minnesota Statutes, section 146A.09, subd.1(4)), or to impose a fee on the practitioner to reimburse the office for all or part of the cost of the proceedings resulting in disciplinary action including, but not limited to, the amount paid by the office for services from the office of administrative hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by the Department. (Minnesota Statutes, section 146A.09, subd. 1(7)).

9. The Department alleges, and the Practitioner unconditionally admits, for purposes of these and any future disciplinary proceedings before the Department, the following facts:
- A. Practitioner owned and operated a business called "Healthy Waves" in Willmar, Minnesota, as a massage therapist from July 2001 to July 2003 when the business closed. Practitioner ceased the business due to her own health problems. Practitioner is no longer working as a massage therapist or doing any complementary or alternative health care work.
  - B. Practitioner has a high school diploma. Practitioner did not attend a school for massage therapy, but took classes on her own to learn about different techniques. Practitioner is not a member of any private certifying massage therapy organization. Practitioner stated in her November 30, 2004, interview with Department staff that she did not have boundaries training related to practicing massage therapy.
  - C. Practitioner described her practice as including deep tissue massage, sports injury massages, infant massages, trigger point therapy, and general wellness massage.
  - D. In a grand opening invitation for Healthy Waves in December 2001, Practitioner's

title was "Certified Therapeutic Massage Therapist" even though Practitioner was not certified. Practitioner stated that she did not design or proofread the invitations prior to mailing, but she did address the stuffed envelopes. Aside from these invitations, Practitioner denied having ever represented herself as being certified.

E. Practitioner never used a Client Bill of Rights as required by Minnesota State law. Practitioner said that her business associate handled the business end of things and she did not know about the requirement. Practitioner did provide each client with a "Client Interactions Policies" statement describing scheduling and cancellation policies, boundaries information, and confidentiality, but this document did not comply with the Client Bill of Rights requirement.

F. Practitioner stated that her business was a sole proprietorship.

G. Practitioner saw between three and five clients a day and charged between twenty-five dollars and forty-five dollars per massage. Practitioner occasionally referred clients to their own physicians or to a chiropractor.

H. Each client filled out a health questionnaire. In the beginning, Practitioner kept records on clients, but as things got busier, Practitioner stopped keeping records.

I. In addition to massage therapy, Practitioner did ear candling for clients that is a modality to extract wax from the ear. Practitioner stated that she took classes on the technique over a weekend. Practitioner's brochure about ear candling states "The benefits of ear candling: - stimulates and detoxifies the lymph system. -helps remove excessive wax and allows better hearing, usually immediately. -clears 'swimmer ear', where ear wax stops water clearing from the ear, allowing bacteria to fester. - relieves

pain and pressure from mucous, blown into the ear from the Eustachian tube. – helps clear itching mold caused by candid [sic] yeast allergy. – helps remove parasites in the ear”. Practitioner stated she obtained health claims information in her brochure from a book, but she did not reference any health sources in her brochure:

J. Practitioner first met Client One because he rented space in the same office building. Client One had about three massages from Practitioner after Practitioner’s grand opening in December 2001. Client One’s son also had a massage from Practitioner and Client One paid for it.

K. Client One’s wife also was a client of Practitioner twice for a foot massage, and an ear candling treatment.

L. Practitioner and Client One socialized right from the beginning of their relationship.

M. Practitioner and Client One entered into a sexual relationship between January 2002 and June 2002.

N. Between January and June 2002, Practitioner received several gifts from Client One including a necklace, a window air conditioner and a bike for her son.

O. In a letter dated May 5, 2005, to Practitioner, the Department requested that Practitioner respond to a Stipulation and Consent Order. The letter and information was returned to the Department on June 2, 2005, by the United States Postal Service as “unclaimed”. On July 29, 2005, the Department mailed the above information to Practitioner both via certified mail and regular mail, and advised Practitioner that if she did not cooperate, additional disciplinary action could result. The certified mail was returned to the Department on August 25, 2005, by the United States Postal Service as

"unclaimed" and the regular mail was not returned to the Department. On September 14, 2005, the Department mailed a Determination Order to the Practitioner both through certified mail and regular mail. On September 27, 2005, Practitioner received the certified mail. Practitioner explained in a letter dated October 10, 2005, to the Department that her mail had "gone missing" several times over the last few months and she had filed reports with the Willmar Police Department and the U.S. Post Office. Practitioner did not supply any supporting documents though Practitioner stated that she requested documents from both the US Postal Service and the Willmar Police Department. In the same letter, Practitioner provided her current post office box and stated she does not have a permanent residence.

10. Practitioner waives any claim that she may have against the Department, the State of Minnesota, or any employee thereof, under the Equal Access to Justice Law, Minnesota Statutes, sections 15.471-15.475.
11. For purposes of this Stipulation, Practitioner expressly waives all procedures and proceedings before the Department to which Practitioner may be entitled under the Minnesota and/or United States Constitution, statutes, rules, and also waives the right to any judicial review or appeal under the Administrative Procedures Act, by writ of certiorari under Minnesota Statutes, section 480A.06, or otherwise from the Order issued by the Division Director pursuant to this Stipulation.
12. Except as otherwise specified herein, this Stipulation, investigative reports, and related documents shall constitute the entire record of the proceedings herein upon which this Stipulation is based and shall be filed with the Department. Any report or other material

related to this action and received after the date this Stipulation is executed shall become part of the record and may be considered by the Department in future aspects of this proceeding. These items shall maintain data classification to which they are entitled under the Minnesota Government Data Practices Act, Minnesota Statutes, Chapter 13 and Minnesota Statutes, section 146A.06, subd. 2. They shall not be considered a part of this Stipulation and shall not, to the extent they are not already public documents, become public merely because they are referenced herein.

13. In the event the Division Director, in his discretion, does not approve this settlement, or a lesser remedy than specified herein, this Stipulation shall be null and void and shall not be used for any purpose by either party hereto; provided, however, that should this occur and thereafter an administrative contested case is initiated pursuant to Minnesota Statutes, Chapter 14, Practitioner agrees she will not raise any objections on any administrative level or in any court action to the Department's proceeding and hearing the case on the basis that the Division Director has become disqualified due to the Division Director's review and consideration of this Stipulation and record.
14. This Stipulation shall not in any way or manner limit or affect the authority of the Department to proceed against Practitioner by initiating a contested-case hearing or by other appropriate means on the basis of any act, conduct, or omission of Practitioner justifying action which occurred after the date of this Stipulation and which is not directly related to specific facts and circumstances set forth herein.
15. Any appropriate federal or state court shall, upon application of the Director, enter an order of enforcement of any or all of the terms of this Stipulation.

16. Practitioner hereby acknowledges that she has read, understood, and agreed to this Stipulation, and has freely and voluntarily signed it. In signing this Stipulation, Practitioner acknowledges that she is fully aware that it must be approved by the Division Director. The Division Director may either approve the Stipulation as proposed, approve it subject to specific changes, or reject it. If the Division Director approves the Stipulation or makes a change acceptable to the Practitioner, the Division Director will issue the Order and it will take effect. If the changes are unacceptable to Practitioner, or the Division Director rejects the Stipulation, it will be of no effect, except as specified in paragraph 13, above.
17. Practitioner's violation of this Stipulation will be considered a violation of Minnesota Statutes, section 148C:09, subdivision 1(2); and will constitute grounds for further disciplinary action;
18. Upon this Stipulation, and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Practitioner does hereby consent that until further order of the Division Director, made after notice and hearing or after agreement between the Department and Practitioner, the Division Director may make and enter an Order for the following:
- A. Practitioner's right to engage in unlicensed complementary or alternative health care practices, including massage, bodywork and ear candling pursuant to Minnesota Statutes, Chapter 146A is revoked from the effective date of this Stipulation.
  - B. Practitioner shall cooperate fully during the process of the Department's enforcement and monitoring of compliance with this Stipulation and shall respond to the Department's





correspondence within the time provided by law or by the deadline of Department staff.

19. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation; and
20. Practitioner agrees that service of this Stipulation by regular mail to her post office box of  
shall be due and sufficient service on Practitioner.

Date: November 25<sup>th</sup>, 2005


Dated: 12/11, 2005

  
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Deborah M. Indieke  
Practitioner

  
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SUSAN WINKELMANN, Manager  
Investigations and Enforcement  
Health Occupations Program  
P.O. Box 64882  
Saint Paul, MN 55164-0882

Upon consideration of this stipulation and all the files, records, and proceedings herein,  
IT IS HEREBY ORDERED that the terms of this stipulation are adopted and  
implemented by the Division Director this 2<sup>nd</sup> day of December, 2005.

MINNESOTA DEPARTMENT OF HEALTH

By:   
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David J. Giese, Director  
Division of Compliance Monitoring