



*Protecting, maintaining and improving the health of all Minnesotans*

October 28, 2015

Roy G Marquiss



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

Dear Mr. Marquiss:

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

This decision will be made 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 must be made in writing and include specific grounds for challenging the Department's decision. If you wish to request a hearing, please send, deliver, or fax a written hearing request, within 30 days of your receipt of this letter to:

Anne Kukowski, MS, JD  
Acting Manager, Health Occupations Program  
Minnesota Department of Health  
PO Box 64882  
Saint Paul, MN 55164-0882  
Fax: 651/201-3839

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

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", is written over the typed name.

Darcy Miner, Director  
Health Regulation Division

cc: Anne Kukowski, Acting Manager

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of  
Roy G. Marquiss  
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 "MDH") 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(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.
4. Minnesota Statutes, section 146A.08 subdivision 1(f) prohibits conduct that is likely to deceive, defraud, or harm the public or that demonstrates a willful or careless disregard for the health, welfare, or safety of a complementary and alternative health care client.

**FINDINGS OF FACT**

1. Roy Marquiss (hereinafter "Practitioner") is and has been subject to the jurisdiction of the Minnesota Department of Health (hereinafter "MDH") because Practitioner engaged in an unlicensed complementary and alternative health care practice as defined in Minnesota Statute, section 146A.01. Practitioner is not licensed or registered by the health related

licensing boards or the commissioner of health in the State of Minnesota. Practitioner is licensed by the City of Maple Grove to provide personal service.

2. Practitioner was employed by Massage Retreat and Spa in Maple Grove, Minnesota from November 19, 2013 to April 7, 2015 when he was terminated. Practitioner was employed as a massage therapist and provided massage services to clients.
3. On March 17, 2015, MDH received a complaint from Client 1. The complaint states that on December 16, 2014, Client 1 received a massage from Practitioner. During the massage, Practitioner ran his hands down Client's sides, along the outside of her breasts and along her hips under her underpants. Practitioner also "skimmed his hands" under her underpants while she was lying on her back. Practitioner had Client roll onto her stomach. While working on Client's back, Practitioner put his hands in her underpants, and moved them down her backside and underneath her buttocks, around her thighs, and then penetrated Client's vagina with his fingers. Practitioner asked Client to turn over; Client complied and put her hand up to indicate she had had enough.
4. On April 7, 2015, MDH sent Practitioner a notice of investigation and request for information related to his practice as a massage therapist, his training, his client bill of rights, and whether he had training in professional boundaries. MDH asked Practitioner if he had ever engaged in activity that was sexual in nature while performing massage therapy on a client. Practitioner was also asked to respond to specific questions about Client 1.
5. On May 6, 2015, Practitioner responded to MDH's request for information.
  - a. Practitioner provided a certificate of graduation from Center Point Massage & Shiatsu Therapy School & Clinic, dated August 19, 2014. Practitioner's transcript included 60 hours of training in communication and ethics.
  - b. Practitioner responded "no" to the question, "Has there ever been a complaint filed against you and your practice as a massage therapist?"
  - c. Regarding Client 1, Practitioner stated, "It wasn't until the aforementioned occasion that I somehow lost my way and gave in to a forbidden temptation that I'm sure all therapists are faced with at one time or another, but make a conscious decision based on their education of ethics, or more values, or whatever the case may be, to resist that temptation. I feel thoroughly ashamed, embarrassed and sincerely humbled before God over this experience...If I had a chance to speak to [Client 1], I would express my deepest and sincerest apology to her and her

family for causing so much pain and humiliation...I will accept whatever punishment I receive, be it from God, or from this earth.”

6. On May 7, 2015, MDH asked Practitioner to sign a records release and authorization form for his employment records. MDH received the signed release form on May 26, 2015.
7. By letters dated May 27, 2015, July 16, 2015 and August 14, 2015, MDH asked Massage Retreat and Spa to submit a copy of Practitioner’s employment records, including copies of complaints and action taken if they received any complaints, disciplinary records, a client list, and performance reviews.
8. On October 5, 2015, MDH received Massage Retreat and Spa’s response. According to the records:
  - a. On February 1, 2015, Practitioner received a Personal Service License, under license number 2015-51 from the City of Maple Grove. The license expires January 31, 2016.
  - b. On February 25, 2015, Massage Retreat and Spa at Maple Grove received a complaint from Client 2 regarding Practitioner. According to the complaint, during a February 21, 2015 massage, Practitioner’s “...his hands went so low as to touch the top of her nipple.” He then went into “Leg Work”, Client 2 states Practitioner “...went a little too high for comfort.” and “any higher he would have touched her vagina.” The manager informed Client 2, “we do not take this kind of information lightly” and advised Client 2 a report would be made to management.
  - c. On March 28, 2015, Client 3 made a complaint regarding Practitioner’s behavior during a massage. According to the complaint, Practitioner, “crossed the line and went a little too far during the neck and shoulder’s portion of her massage...he proceeded to massage on the sides of the breasts and under as well....after that, he proceeded to massage the chest area and ended up going so low as to touch the nipples.” Client 3 stated that Practitioner “reached under the sheets and massaged my chest area, under the breasts, the sides, and then on top where he went down and touch my nipples.”
  - d. Practitioner received performance evaluations in May and June of 2014. No other performance evaluations were included in the personal records regarding Practitioner’s employment or practice as a massage therapist.

## CONCLUSION

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

**DETERMINATION**

Practitioner's right to provide complementary and alternative health care services in Minnesota, including, but not limited to massage therapy and bodywork, is revoked.