



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

June 6, 2011

Mr. Elias A. Murdock

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

Dear Mr. Murdock:

Based on the facts and law in this matter as described in the enclosed Staff Determination, the Minnesota Department of Health (Department) has determined that you violated Minnesota Statutes, section 146A.08, subdivision 1(o), by failing to cooperate with an investigation. Therefore, the Department is indefinitely suspending your right to practice unlicensed complementary and alternative health care in Minnesota. Minnesota Statutes, section 146A.09, subdivision 1 authorizes this suspension.

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

Tom Hiendlmayr, Director, Health Occupations Program  
Minnesota Department of Health  
P.O. Box 64882  
Saint Paul, MN 55164-0882

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

Sincerely,

A handwritten signature in black ink, appearing to read "Darcy Miner", is written over a horizontal line.

Darcy Miner, Director  
Compliance Monitoring Division

Enclosure

cc: Tom Hiendlmayr, Director of the Health Occupations Program

**HEALTH OCCUPATIONS PROGRAM  
MINNESOTA DEPARTMENT OF HEALTH**

**A Determination In the Matter of Elias A. Murdock  
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 "Department") 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(a), defines prohibited conduct as a conviction of a crime in any court in Minnesota or any other jurisdiction in the United States, reasonably related to engaging in complementary and alternative health care practices.
4. 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.
5. Minnesota Statutes, section 146A.06, subdivision 1, provides that an unlicensed complementary and alternative health care practitioner who is the subject of an investigation, or questioned in connection with an investigation by or on behalf of the OCAP, shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any question raised by or on behalf of the OCAP, including appearing at interviews, conferences or hearings.

**FINDINGS OF FACT**

1. During a 2007 massage performed by the Practitioner for a client in Saint Paul,

Minnesota, it was alleged the Practitioner ejaculated on a blanket. The Practitioner was charged with Indecent Exposure-Public Place Willfully/Lewdly and practicing massage without a [Saint Paul] city license. Both charges are misdemeanors. The practitioner initially pled not guilty to both charges.

2. On 09/10/2008, a judicial order was issued requiring the practitioner to provide a DNA sample.
3. In January 2009, the practitioner entered an amended plea of guilty to Indecent Exposure-Public Place Willfully/Lewdly. On 03/10/2009, the practitioner was adjudicated guilty of violating Minnesota Statutes 617.23.
4. In May 2009, the OCAP sent a notice of complaint by regular and certified mail via the United States Postal Service (hereafter USPS) to the practitioner at the address provided in the Ramsey County Register of Actions. The certified letter was returned to the Department as unclaimed. The notice sent by regular mail was not returned to the Department. The practitioner did not respond to the notice of complaint.
5. In April 2011, the OCAP sent another notice of complaint investigation by regular mail via USPS to the practitioner at the address provided by the Minnesota Driver and Vehicle Services. This mailing was not returned to the Department. The practitioner did not respond to the notice of complaint.

### **CONCLUSION**

Practitioner violated Minnesota Statutes, section 146A.08, subdivision 1(o), Failure to cooperate with an investigation.

### **DETERMINATION**

Practitioner's right to engage in unlicensed complementary or alternative health care practices, including massage and bodywork, pursuant to Minnesota Statutes, Chapter 146A is indefinitely suspended. If the Practitioner wishes to be considered for reinstatement to practice unlicensed complementary or alternative health care practices, including massage and bodywork, he must petition the Department for reinstatement in writing and cooperate fully with the Department's investigation. Cooperation may include additional disciplinary actions as provided in Minnesota Statutes, 146A.