

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

**STIPULATION AND CONSENT ORDER**

In the Matter of Devrie Bryce Reiling  
Unlicensed Complementary and Alternative Health Care Practitioner

*[Handwritten signature]*

**IT IS HEREBY STIPULATED AND AGREED** by Devrie Bryce Reiling [hereinafter "Practitioner"] and the Health Occupations Programs within the Minnesota Department of Health [hereinafter "Department"], that, without trial or adjudication of any issue of fact or law 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, subdivision 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, subdivision 2.
2. Practitioner is, and has been, 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 ever has been, licensed or registered by the health-related licensing boards or the Commissioner of Health in the State of Minnesota.

4. Pursuant to Minnesota Statutes, section 146A.01, subdivision 4, complementary and alternative health care practices include the broad domain of complementary and alternative healing methods and treatments, including, but not limited to: (17) body work, massage, and massage therapy.
5. Minnesota Statutes, section 146A.08, subdivision 1(d) prohibits a practitioner from engaging in sexual contact with a complementary and alternative health care client.
6. Minnesota Statutes, section 146A.08, subdivision 1(q) prohibits a practitioner from undertaking or continuing a professional relationship with a client in which the objectivity of the practitioner would be impaired.
7. Minnesota Statutes, section 146A.08, subdivision 1(f) prohibits a practitioner from demonstrating a willful or careless disregard for the health, welfare, or safety of a complementary and alternative health care client; or any other practice that may create danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established.
8. Minnesota Statutes, section 146A.08, subdivision 1(r) prohibits failing to provide each client with a client bill of rights or violating any provision of the client bill of rights.
9. When violations of law are found, the Department has authority to revoke or suspend a practitioner's right to practice, pursuant to Minnesota Statutes, section 146A.09, subdivision 1(1)(2); to impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the practitioner of any economic advantage gained by reason of the violation or to reimburse the Department

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

10. 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 completed a certificate course consisting of 186 hours of basic massage training. Ethics and boundaries were discussed in this course. Practitioners received additional training in sports massage but did not complete the program.
  - B. Practitioner was employed as a massage therapist and provided massage services as an independent contractor in the 1990s.
  - C. Practitioner and his wife opened and incorporated a spa/salon business in 2000. Practitioner worked as a massage therapist in the spa/salon business from 2000 through early December 2007.
  - D. Client One received and paid for massage therapy sessions from Practitioner on six occasions during 2007. During five of those sessions, Practitioner engaged in intimate sexual contact with Client One during the session.
  - E. Prior to initiating sexual contact with Client One, Practitioner did not discuss his intent to sexually touch Client One. Subsequently, Practitioner and Client

One did discuss their sexual contact and there was no objection by either party to the continuance of the sexual contact.

F. Practitioner states that he has never engaged in sexual contact with any client other than Client One.

G. Practitioner failed to use a client bill of rights.

11. Practitioner waives any claim against the Department, the State of Minnesota, or any employee thereof, under the Equal Access to Justice Law, Minnesota Statutes, sections 15.471 to 15.474.
12. 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, and 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 Commissioner or her designee [hereinafter "Division Director"], pursuant to this Stipulation.
13. 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 MGDPA and Minnesota Statutes, section 146A.06, subdivision 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.

14. In the event the Division Director 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 the MGDPA, Practitioner agrees not to 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.
15. 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.
16. Any appropriate federal or state court shall, upon application of the Commissioner or Division Director, enter an order of enforcement of any or all terms of this Stipulation.
17. Practitioner hereby acknowledges having read, understood, and agreed to this Stipulation, and has freely and voluntarily signed it. In signing this Stipulation, Practitioner acknowledges full awareness it must be approved by the Division Director. The Division Director may 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 14, above.

18. Practitioner's violation of this Stipulation will be considered a violation of Minnesota Statutes, section 146A.08, subdivision 1(s); and will constitute grounds for further disciplinary action.
19. 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 and alternative health care practices, including, but not limited to, massage and bodywork, pursuant to Minnesota Statutes, Chapter 146A, is revoked from the effective date of this Stipulation.
  - B. Practitioner shall pay a civil penalty by check or money order in the amount of \$628 payable to the Treasurer, State of Minnesota, within sixty (60) days from the effective date of this Stipulation.
  - C. Practitioner shall pay \$585 by check or money order to Client One representing fees Client One paid to Practitioner for massage therapy services within sixty (60) days from

the effective date of this Stipulation.

D. 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.

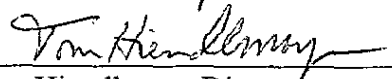
20. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

21. Practitioner agrees that service of this Stipulation by regular mail to his attorney, Ms. Susan E. Gustad, Bassford Remele, P.A., 33 South Sixth Street, Suite 3800, Minneapolis, MN 55402-3707 is due and sufficient service on Practitioner.

Date: 4/20, 2008

  
Devrie Bryce Reiling  
Practitioner

Date: May 2, 2008

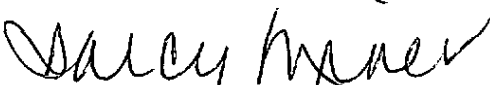
  
Tom Hiendlmayr, Director  
Health Occupations Program  
P.O. Box 64882  
Saint Paul, MN 55164-0882

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 12<sup>th</sup> day of May, 2008.

MINNESOTA DEPARTMENT OF HEALTH

By:   
Darcy Miner, Division Director  
Division of Compliance Monitoring