

BEFORE THE STATE OF OREGON
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of

Case No. **1454**

SNYDER, SARAH B
LMT #16644

STIPULATED FINAL ORDER

Licensee

1.

Pursuant to ORS chapter 687, the Oregon Board of Massage Therapists (*Board*) is the agency responsible for licensing, disciplining and regulating massage therapists in the State of Oregon.

2.

Sarah B. Snyder (*Licensee*) is currently licensed to practice as a massage therapist in the State of Oregon and is subject to the jurisdiction of the Board. Licensee's last known address is PO BOX 4375, MEDFORD, OR 97501.

FINDINGS OF FACTS

3.

On 08/09/2012, the Board received a complaint alleging that Licensee engaged in unprofessional or dishonorable conduct as a massage therapist. Interviews were conducted. Statements were obtained and Licensee was found to be in violation.

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1.1 On 08/09/2012, the Board received a complaint indicating that Licensee had engaged in unprofessional conduct. The allegations included the Licensee making statements about a co-worker getting "fake breasts" and informing a male client (HC) that she had nude photographs on the internet while the client's wife (WC) was known to be out of town.

1.2 The investigator contacted the complainant by telephone and obtained additional detail and the names of witnesses, as well as screen shots of a Facebook conversation between the Licensee and WC. The conversation starts with WC asking Licensee if HC has ever hit on Licensee or if Licensee has ever hit on HC. WC confronted Licensee about the conversation which occurred while WC was out of town, and told Licensee that it was also inappropriate to tell HC about the co-workers breast implants.

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3 Licensee responded that HC did not hit on her and she did not hit on him. She replied that I obviously
4 was going through a mental breakdown by getting a divorce. I don't know why I told him that about DD
5 finding that out, I should have kept that in and told you instead... Licensee was referring to her employer
6 discovering the nude photographs on the internet.

7 1.3 The investigator met with DD on 08/31/2012 and was provided with a copy of
8 Licensee's employment discipline record. Licensee was employed as an independent contractor on 06/
9 30/2010 and was terminated on 12/02/2011. DD explained that he was forced to terminate Licensee's
10 contract position after multiple issues and warnings pertaining to dress code, arriving to work hung
11 over, accepting alcohol as a tip from a client and speaking inappropriately to clients. Additionally, it was
12 discovered that Licensee had gone on a date with a client after she posted about it on Facebook.

13 1.4 The investigator met with witness AA on 08/31/2012. AA explained that she recalled a
14 client coming to her with a claim that Licensee had "hit on" her boyfriend during session. AA reported that
15 she had been called in to cover for Licensee because of her inappropriate dress or behavior.

16 1.5 The investigator met with and interviewed HC and WC on 09/02/2012. WC stated
17 that Licensee gossiped during her massage session about another employee's breast implants. WC
18 confirmed that this occurred during his session as well. WC stated that Licensee told her, during a
19 massage session, that she had given her employer a massage and she talked about his body to WC.
20 WC also said that Licensee shared a great amount of detail about Licensee's divorce and her feelings
21 around her divorce during massage sessions. HC confirmed these statements. WC reported that
22 during her very first session with Licensee, Licensee attempted to get WC to become part of a multi-
23 level marketing company that Licensee's then-husband was affiliated with. This attempted recruitment
24 occurred during session, while WC was on the massage table receiving treatment. WC also reported that
25 Licensee talked to HC during his session, about Licensee's nude photos on the internet. Both WC and
26 HC found this to be completely inappropriate and feel that this was an attempt to entice HC into engaging
in inappropriate conduct with Licensee.

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3 1.6 On 09/11/2012, Licensee interviewed Witness OM by telephone. Witness OM, worked
4 with and was often responsible for responding to issues with Licensee, provided the following information
5 about the following disciplinary reports:

- 6
- 7 a. On 11/13/2010, OM addressed with Licensee, the issue of Licensee discussing
8 another employee's breast implants with clients. OM reported that Licensee's
9 response was that her clients never indicated that it was an issue.
 - 10 b. In December 2012 (exact date not provided), a client complained that OM had made
11 a pass at her boyfriend. OM explained that Licensee was counseled on appropriate
12 conversation with clients, and Licensee's response was to express shock that
13 someone told on her.
 - 14 c. OM and the investigator reviewed multiple warnings and issues regarding improper
15 attire, which included spaghetti strap tops with excessive amount of cleavage showing,
16 leggings and high heels.
 - 17 d. On 12.02.2011 OM explained that DD became aware of nude photographs of
18 Licensee on the internet, which included information where she worked. OM reports
19 that Licensee seemed to be in disbelief over the termination.

20 1.7 On 09/05/2012, the Board investigator issued a subpoena for Licensee to appear at the
21 Board office for an interview on 09/26/2012. Licensee did not appear for the interview. On 11/02/2012,
22 Licensee called the Board office and said that she had been out of the state when the subpoena arrived,
23 and that she was just on her way out of the country. She asked to reschedule the meeting. The Board
24 investigator allowed a reschedule for 11/29/2012.

25 1.8 On the morning of 11/29/2012, Licensee called the Board office crying, saying that her
26 father had a heart attack and she couldn't make the interview. The Board investigator told Licensee to
contact her to reschedule as soon as possible. Licensee did not return a call or attempt to reschedule.

1.9 On 12/27/2012, the Board investigator called Licensee and left a voicemail stating
that Licensee needed to contact the investigator because her complaint was going before the Board in

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3 January, and it was important that Licensee have the opportunity to include her statement for the record.
4 Licensee did not return the call. A check of Licensee's Facebook page indicates that her father had been
5 ill in September, there was little activity in October and November and Licensee has since been out and
6 about in December, including spending time in Las Vegas.

7 1.10 On 01/14/2013, the Board reviewed the complaint and the statements provided in this
8 matter. The Board finds the Licensee to be in violation and voted to issue a Notice of Proposed Action.

9 **CONCLUSIONS OF LAW**

10 5.

11 Based on the acts and conduct described above, the Board finds that Licensee committed the
12 following violations of Board Rules and Statutes:

13 1.1 One violation of OAR 334-010-0025(7), All licensed massage therapists must notify the
14 Board office in writing of any change of residence, business, email or mailing address within 30 days of
15 change of address;

16 1.2 One violation of OAR 334-030-0005(1)(b)and(g), Standard I: Responsibility -- the
17 relationship between the LMT and the profession. The LMT must: Act within the context of professional
18 practice standards, codes of ethics, and relevant statutes and regulations; and Be accountable for his or
19 her actions and commitments and assume personal and professional responsibility to do his or her best;

20 1.3 One violation of OAR 334-030-0005(2)(a)and(c), Standard II: Therapeutic Relationship -
21 - the relationship between the LMT and the client. The LMT must: Be accountable to his or her clients for
22 the quality and effectiveness of care and services and for creating the basic conditions and boundaries
23 necessary to foster safety and trust in the client-professional relationship; and Ensure that their
24 actions with a client are based on understanding and implementing the core values of caring, respect,
25 compassion, appropriate boundaries, and appropriate use of personal power;

26 1.4 One violation of OAR 334-030-0005(3)(a)(b)(c), Standard III: Critical Reflection --
the relationship of LMT to self. The LMT must: Use critical reflection in the assessment of professional
and clinical situations for the development and provision of care and services; Evaluate the quality and
effectiveness of his or her professional practice activities; and Modify and adapt professional practice

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3 activities, consistent with current professional standards and practices, in response to client needs,
4 advancing knowledge and research, and social expectations;

5 1.5 One violation of OAR 334-040-0010(17)(c), Failing to cooperate with the Board in any
6 licensing action or disciplinary proceeding, including but not limited to: Failure to respond to subpoenas
7 issued by the Board whether or not the recipient is accused in the proceeding; and

8 1.6 One violation of OAR 334-040-0010(19)(g), Exercising undue influence on a client,
9 including promotion or sale of services, goods, or appliances in such a manner as to exploit the client for
10 the financial gain or self-gratification of the massage therapist.

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12 **STIPULATIONS & FINAL ORDER**

13 **6.**

14 The parties desire to settle this matter and, pursuant to ORS 183.415(5), stipulate and agree as
15 follows in full and final settlement:

- 16 1.1 The Board has jurisdiction over Licensee, and over the subject matter of this proceeding;
- 17 1.2 The Board may issue and enter the Final Order;
- 18 1.3 Licensee has been advised of her right to request a hearing in this matter pursuant to ORS
19 183.415(2)(a), and to be represented at a hearing pursuant to ORS 183.415(3);
- 20 1.4 Licensee waives any and all rights to a hearing and waives any right to appeal or
21 otherwise challenge the Final Order;
- 22 1.5 The Board has the right to take further action against Licensee for any violation of the
23 terms of the Final Order or any violation of ORS Chapter 687 or OAR Chapter 334.
24 Further violations shall be grounds for prosecution and the full penalties of this case will be
25 enacted; and
- 26 1.6 This document is a public document.
- 1.7 Licensee shall comply with all laws and ordinances;
- 1.8 Licensee will be on probation for two years from the date this order becomes final.
Licensee shall be suspended for 2 year period and all of that suspension will be stayed
by the Board. Licensee is required to abide by the terms of the order fully. Licensee
agrees to the sanction of stipulation if she violates this order. If the Board becomes aware
of any violations of this agreement, then the Board will revoke the stay of the suspension

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and with notification to Licensee, the suspension will begin to occur. Licensee would be entitled to a contested case on the terms of whether or not she violated the stipulated agreement, but agrees if she did that the remainder of the suspension is the appropriate sanction. If Licensee commits any new violations during this time period that relate to her requirements of this order, the Board may consider those and consider whether that warrants reactivation of the suspension in this agreement.

- 1.9 Licensee shall complete 25 hours of board approved community service in the Klamath Falls area and provide verification of that to have occurred within 6 months.
- 1.10 Licensee shall be reprimanded.
- 1.11 Licensee shall pay a civil penalty in the sum of \$2500.00 to the Board in monthly installments of \$208.33 for 12 months.
- 1.12 Licensee will complete a minimum of 8 hours of continuing education credits on ethics and appropriate professional boundaries to be completed within 6 months; these credits are to be in person and in addition to those required for licensure;
- 1.13 Licensee will be on peer supervision during the 2 year probation and will meet with board approved peer supervisor at a minimum of 1 hour per month at a cost to Licensee.

IT IS SO STIPULATED AND AGREED TO BY:

Signature on File

Dated: 5/30/13

U U

BOARD OF MASSAGE THERAPISTS

Signature on File

d: 6/10/13

BEFORE THE STATE OF OREGON
BOARD OF MASSAGE THERAPISTS

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SNYDER, SARAH B
LMT #16644

NOTICE OF PROPOSED ACTION
(Suspension & Civil Penalties)
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NOTICE OF RIGHT TO HEARING

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8 5.6 One violation of OAR 334-040-0010(19)(g), Exercising undue influence on a client,
9 including promotion or sale of services, goods, or appliances in such a manner as to exploit the client for
10 the financial gain or self-gratification of the massage therapist.

11
12 6.

13 Based on the foregoing, the Board proposes to:

14 6.1 Pursuant to ORS 687.250(2), issue a total civil penalty in the amount of \$5,500;
15 and

16 6.2 Licensee's massage license is suspended for **two years** from the date of the
17 Order;

18 6.3 Should Licensee move outside of the State of Oregon, this suspension period shall
19 be tolled. Licensee will then be required to complete the suspension period and any subsequent
20 requirements upon her return to the State of Oregon;

21 6.4 It shall be Licensee's responsibility to track and maintain the renewal of her
22 massage license through the suspension status. Failure to do so will result in a lapsed license at the
23 conclusion of the suspension period and Licensee will be required to complete all requirements for
24 reinstatement of a lapsed license per Oregon Administrative Rule.

25 6.5 Licensee is assessed costs of this disciplinary proceeding, including attorney fees.
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2 **NOTICE OF RIGHT TO HEARING**

3 7.

4 You have the right, if you so request, to have a formal hearing to contest the matter set out above,
5 as provided by the Administrative Procedures Act (Chapter 183), Oregon Revised Statutes. You may be
6 represented by an attorney at the hearing. Your request for hearing must be made in writing to the Board
7 and ***received by the Board*** within 21 days from the date of mailing of this notice (or if not mailed, the
8 date of personal service).
9

10 8.

11 If you request a hearing, before commencement of that hearing, you will be notified of the date,
12 time, and location of the hearing, and you will be given information on the procedures, rights of
13 representation, and other rights of the parties relating to the conduct of the hearing.
14

15 9.

16 If you fail to timely request a hearing, withdraw a hearing request, or fail to appear at a scheduled
17 hearing, you shall have waived your right to a hearing and the Board may issue a Final Order by Default
18 and impose against you the above sanctions. If the Board issues a Final Order by Default, it designates
19 its file on this matter as the record for the purposes of proving a *prima facie* case.

20 DATED AND SERVED upon the above-named Respondent by regular and certified mail,
21 addressed to Respondent at last known address, this 1st day of February, 2013.
22

23 **BOARD OF MASSAGE THERAPISTS**
24 State of Oregon

25 **Signature on File**
26