

FILED DATE - **MAY 21 2018**

Department of Health

By: Bridget Coates
Deputy Agency ClerkSTATE OF FLORIDA
BOARD OF MASSAGE THERAPYIN RE: THE PETITION
FOR DECLARATORY
STATEMENT OF
ELENA GOURNELOS

FINAL ORDER

THIS CAUSE came before the Board of Massage Therapy (hereinafter Board) pursuant to §120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code, at a duly-noticed meeting in Tallahassee, Florida on April 20, 2018, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A) filed on behalf of ELENA GOURNELOS (hereinafter Petitioner). Having considered the petition, the arguments submitted by counsel for Petitioner, and being otherwise fully advised in the premises, the Board makes the following findings and conclusions.

FINDINGS OF FACT

1. This petition was noticed by the Board in Vol. 43, No. 227, dated November 27, 2017 of the Florida Administrative Register.
2. Petitioner, ELENA GOURNELOS, is a massage therapist licensed to practice in the State of Florida, having license number MA 79195.
3. Petitioner inquires whether myofascial release of the soft tissues of the pelvic floor is within the scope of her practice as a massage therapist.
4. Petitioner has been trained in the John F. Barnes Myofascial Release Approach, having completed the following courses: Myofascial Release 1, Myofascial Release 2, Fascial Pelvis, Myofascial Cervical Thoracic, Myofascial Unwinding, Myofascial Rebounding, Myofascial Women's Health, Myofascial Quantum Leap,

Pediatric Myofascial Release, Myofascial Release Therapy for the Therapist and Myofascial Skill Enhancement Seminar.

5. Petitioner proposes to perform myofascial release to relieve myofascial pain, tension and restriction in the pelvic floor.

6. Petitioner is not qualified to assess or diagnose the conditions for which myofascial release of the pelvic floor is appropriate.

7. Subjective reports of a client are not a sufficient basis for determining whether myofascial release is appropriate.

8. Petitioner does not recognize the need for a prescription from a qualified medical professional who diagnosed the condition for which the treatment is provided.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

2. The petition filed in this cause is in substantial compliance with the provisions of Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

WHEREFORE, the Board hereby finds that under the specific facts of the petition, as set forth above, myofascial release of the pelvic floor is not within the scope of Petitioner's practice as a massage therapist.

DONE AND ORDERED this 18th day of May
, 2018.

BOARD OF MASSAGE THERAPY

William C. Spooner
Kama Monroe, Executive Director
for Robyn Dohn Havard, Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been furnished by U.S. Mail to Petitioner ELENA GOURNELOS, 735 Arlington Avenue North, Suite 115, St. Petersburg FL 33701, and by email to Donna Oxford, Paralegal Specialist, Donna.Oxford@myfloridalegal.com this 21st day of May
, 2018.

Bridget Coates

Deputy Agency Clerk

1401/84603
1402/37271

727-95

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE NOV 21 2017

1. Petition for Declaratory Statement Before the Board of Massage Therapy

2. Elena Gournelos, LMT

735 Arlington Ave North Suite 115
St Petersburg, Fl 33701
240-381-7262
MA#79195 MM#36479

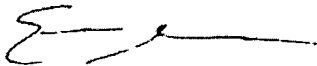
3. Scope of massage as defined in Section 480.033 (3), Florida Statutes

4. I have been trained extensively in the John F. Barnes Myofascial Release Approach, and have earned standing as an advanced level myofascial release therapist by completing the following courses: Myofascial Release 1, Myofascial Release 2, Fascial Pelvis, Myofascial Cervical Thoracic, Myofascial Unwinding, Myofascial Rebounding, Myofascial Women's Health, Myofascial Quantum Leap, Pediatric Myofascial Release, Myofascial Release Therapy for the Therapist, and Myofascial Skill Enhancement Seminar. Part of this training has been myofascial release for the soft tissue of the pelvic floor.

Myofascial release techniques for the pelvic floor are a type of massage therapy where myofascial release techniques are applied to the muscles and soft tissue of the pelvic floor in humans for the purpose of releasing restricted fascia surrounding muscles, tendons and ligaments in the pelvis. These techniques focus solely on the release of soft tissue restrictions; osseous manipulation is not performed. These techniques are indicated when releases of the deep lateral rotators of the coxal joint, gluteals, hamstrings, quadriceps, iliopsoas and adductors are not sufficient to relieve myofascial pain, tension and restriction in the pelvic floor.

Because myofascial release is a form of massage therapy, and the muscles of the pelvic floor are soft tissues of the human body, I am requesting the Florida Board of Massage Therapy include myofascial release of the pelvic floor as part of the scope of my massage therapy practice MA79195.

5. Elena Gournelos, LMT



6. November 18, 2017



STATE OF FLORIDA

PAM BONDI
ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
Administrative Law Bureau

LEE ANN GUSTAFSON
Senior Assistant Attorney General
PL01 The Capitol
Tallahassee, Florida 32399-1050
Telephone (850) 414-3300
Fax (850) 922-6425
LeeAnn.Gustafson@myfloridalegal.com

January 29, 2018

1401/84603
335 9827

Elena Gournelos
735 Arlington Avenue North, Suite 115
St. Petersburg, Florida 33701

Re: Petition for Declaratory Statement

Dear Ms. Gournelos:

Your petition was reviewed by the Board of Massage Therapy at its meeting on January 25, 2018. The Board members had a number of questions before they rule on your petition.

Who has made the diagnosis that myofascial release on the pelvic floor is needed? Does the patient have a prescription for the treatment? Do you have a consent form for the patient? In what facility would you perform the treatment? Please provide more detailed information about your proposed procedures. You may provide those in writing, or attend the April meeting of the Board to respond to the Board members' concerns.

Sincerely,

Lee Ann Gustafson
Senior Assistant Attorney General
Attorney for the Board

cc: William Spooner
Donna Oxford

Whole Healing Myofascial Release

Where the Art and Science of Healing Meet



3359838

March 25, 2018

Department of Health
Florida Board of Massage Therapy
4052 Bald Cypress Way Bin C-06
Tallahassee, FL 32399-3257

OSTEOPATHIC UNIT

APR 09 2018

RECEIVED

Dear Board Members:

Thank you for your review of my petition. I regret not being able to appear in person at the meeting on January 25, 2018, and I will do my best to answer all your questions for the upcoming meeting. I would also like to explain my reasons for learning myofascial pelvic floor release and the passion I have for this much needed and underrepresented type of massage therapy.

My Story

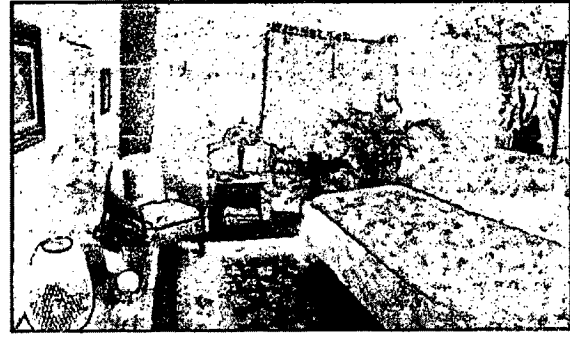
Like many women, I have suffered from chronic pelvic pain for many years. It is a silent epidemic that quietly wrecks havoc on our lives, affecting our happiness, our relationships and even whether we choose to have children. For decades, I sought an explanation and a viable treatment plan from gynecologists, acupuncturists and psychologists but always came up empty handed. No one knew how to help me. Finally, I discovered myofascial pelvic floor release, and it changed my life; it is the only thing I have found which gives me relief. In fact, this inspired me to become a myofascial massage therapist myself. My life would have turned out very differently if I had had access to this type of massage therapy years ago. I think of all the women out there who need help but don't know where to turn, simply because they don't know that myofascial pelvic floor release exists.

My Massage Practice

My massage therapy practice is predominantly based on the Myofascial Release techniques taught by John F. Barnes. I have also been trained in Cranio-Somatic therapy by Dallas Hancock. Since these methods complement and support each other, I combine them to maximize the therapeutic potential of each session. In addition, I have an undergraduate degree in Endocrinology and Women's Health from the University of Maryland (1997) and had experience working in gynecological clinics during the early days of my career.

Question 1: Facility

My massage therapy establishment is located in a professional office building in downtown St. Petersburg, FL. There are a number of health care providers in the building, including acupuncturists, physical therapists, naturopaths, psychotherapists, yoga, pilates and even a medical lab. There are also some other professional offices in the building, such as attorneys and real estate brokers. I have my own establishment license for my facility (MM#36479) and do not have employees. I want my clients to feel safe and comfortable, so I have put significant effort into creating an attractive and professional office space. Here are photos of the building exterior as well as my massage therapy room:



Question 2: Diagnosis

As a massage therapist, it is not within my scope of practice to diagnosis clients with any particular disease or condition. Rather, I perform an assessment to determine areas of soft tissue hypertonicity and restriction. The assessment is based on visual observation of posture and gait as well as physical palpation of soft tissue. Often, clients have already received a diagnosis from their physician (e.g. fibromyalgia, premenstrual syndrome) which they share with me. I make note of this information, but I am not treating the particular condition or disease they have. Rather, the client's subjective reporting of pain and related symptoms is considered by me in detail. I explain to clients that massage therapy, including myofascial release, is not considered a treatment or cure for any disease; it is simply a way to manage painful symptoms and improve daily functioning.

Question 3: Prescription

Although a prescription from a medical doctor is always good, it is not required to receive massage therapy in the state of Florida. In some cases, it may be required for reimbursement by health insurance companies. Unfortunately, many physicians are not even aware that myofascial release exists and consequently do not discuss this drug free pain management option with their patients. I plan to actively reach out to medical doctors and alternative healthcare practitioners to increase awareness around this important issue and build positive relationships with the healthcare practitioners in my community.

Question 4: Consent Form

I have two distinct consent forms which I have enclosed. The first is my own and required of all patients for the very first session. The second is taken from my training with John F. Barnes and is specific for pelvic floor release. This form will only be given to clients if/when they elect to receive pelvic work; pelvic work will only be done after it is discussed with the client in detail, and after at least one regular session has been completed. This will allow both myself and the client to see how they respond to myofascial release before deciding to proceed with pelvic floor work. Sometimes, a client may find that her symptoms resolve and pelvic work is not necessary, while other women may find they need the extra pelvic work to manage their symptoms.

I hope that I have adequately answered your questions and given you more background about myself and my reasons for pursuing this type of specialized work. Thank you so much for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Elena Gournelos'.

Elena Gournelos, BS, LMT

Massage Therapy Consent Form

- I understand that the massage session provided to me by Elena Gournelos, BS, LMT, is for the purpose of stress reduction, pain reduction, and relief from muscular and fascial tension.
- I understand that the massage therapist does not diagnose illness or disease and does not prescribe medical treatment or pharmaceuticals, nor are spinal manipulations part of massage therapy.
- I understand that massage therapy is not a substitute for medical examination, diagnosis, or treatment, and that it is recommended that I work with my primary caregiver for any physical or mental condition I may have.
- I have accurately stated all my known physical conditions and medications, and I will keep the massage therapist updated on any changes.
- I understand that the massage therapist reserves the right to refuse or terminate massage session to anyone whom she considers to have a condition for which massage is contraindicated.
- I also understand that any illicit or sexually suggestive remarks, advances or behavior made by me will result in immediate termination of the session.
- I understand that I am responsible for payment in full at the end of each session, and I am prepared to make this payment by cash or check.
- I have been advised of potential risks and side effects of massage and Myofascial Release and I freely and voluntarily consent to treatment.
- I hereby agree to hold Elena Gournelos, BS, LMT, harmless for any claims and liabilities associated with treatment.

Client's name (print) _____

Client's signature _____ Date _____

Therapist's signature _____ Date _____

Whole Healing Myofascial Release
735 Arlington Ave North Suite 115
St Petersburg, Fl 33701

wholehealingmfr@gmail.com
(240) 381-7262
MA# 79195 MM#36479

Informed Consent for Assessment and Treatment of the Pelvic Floor

- I understand that it may be beneficial for my therapist to perform assessment and manipulation of the soft tissues of the pelvic floor. Palpation of this area is most direct and accessible if done via the vagina and/or rectum.
- Pelvic floor dysfunctions include pelvic pain, urinary or fecal incontinence, dyspareunia (painful intercourse), pain from episiotomy or scarring, vulvodynia, vestibulitis, or other similar conditions. I understand that the massage therapist does not diagnose illness or disease, and that myofascial release is not a substitute for medical examination, diagnosis, or treatment.
- This direct pelvic floor release procedure utilizes myofascial release principles entailing the relaxation and lengthening of muscles, fascia and other soft tissue structures within the areas of the pelvic floor, sacrum, coccyx, and the sacroiliac, hip and pubic joints. Osseous structures (bones) are not directly manipulated or adjusted. Light pressure may be applied to the area of the coccyx to release the surrounding soft tissue.
- Our experience has demonstrated that this direct pelvic floor release is helpful, often facilitating consistent therapeutic results. As with any area of the body, most people require a series of these specific treatments. This is determined by your initial physical assessment as well as the results obtained during the session.
- I understand that the benefits of this procedure will be explained to me. I understand that, if I am uncomfortable with this procedure AT ANY TIME, I will inform my therapist and the procedure will be discontinued immediately and alternatives will be discussed with me.
- I understand that the massage therapist reserves the right to refuse or terminate the pelvic floor myofascial release session for anyone whom she considers to have a condition for which the procedure is contraindicated.
- I also understand that any illicit or sexually suggestive remarks or advances made by me will result in immediate termination of the session. If the therapist feels uncomfortable at any time, she reserves the right to terminate the session immediately.
- If I am pregnant, have infections of any kind, have vaginal dryness, are less than 6 weeks postpartum or post-surgery, have severe pelvic pain, sensitivity to KY jelly, vaginal creams or latex, I will inform the therapist prior to the procedure.
- I have read and understand fully the above procedure, and I have been advised of potential risks and side effects of the procedure. I fully, freely and voluntarily consent to this procedure being performed on me by Elena Gournelos, LMT at Whole Healing Myofascial Release.
- I hereby agree to hold Elena Gournelos, BS, LMT, harmless for any claims and liabilities associated with treatment.

Client's name (print) _____

Client's signature _____ Date _____

Therapist's signature _____ Date _____

Whole Healing Myofascial Release
735 Arlington Ave North Suite 115
St Petersburg, Fl 33701

wholehealingmfr@gmail.com
(240) 381-7262
MA# 79195 MM#36479

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.

**Rick Scott**

Governor

Celeste Philip, MD, MPH

Surgeon General and Secretary

Vision: To be the Healthiest State in the Nation

INTEROFFICE MEMORANDUM

DATE: Friday, May 18, 2018

TO: Adrienne Rodgers, J.D., Bureau Chief
Bureau of Health Care Practitioner Regulation

FROM: Kama Monroe, J.D., Executive Director
Boards of Acupuncture, Massage Therapy, Osteopathic Medicine, Speech-Language Pathology & Audiology and the Council of Licensed Midwifery

SUBJECT: Delegation of Authority

This is to advise that while I am out of the office Friday, May 18, 2018, William Spooner has delegated authority to serve as Acting Executive Director for the Boards of Acupuncture, Massage Therapy, Osteopathic Medicine, Speech-Language Pathology & Audiology and the Council of Licensed Midwifery. Mr. Spooner can be reached at 850-245-4586.

KM/dg

Florida Department of Health

Division of Medical Quality Assurance
4052 Bald Cypress Way, Bin C-00 • Tallahassee, FL 32399
PHONE: (850) 245-4224 • FAX (850) 414-8209

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