

STATE OF FLORIDA
BOARD OF MASSAGE THERAPY

IN RE: THE PETITION
FOR DECLARATORY
STATEMENT OF
LYNDA I. SOTO

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 LYNDA I. SOTO (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. 44, No. 26, dated February 7, 2018 of the Florida Administrative Register.
2. Petitioner, LYNDA I. SOTO, is a massage therapist licensed to practice in the State of Florida, having license number MA 50254.
3. Petitioner inquires whether it is within the scope of practice of a massage therapist to provide lipo laser treatment to her clients.
4. The laser device is approved by the FDA as spa grade equipment.
5. The purpose of the lipo laser treatment is to rid the body of cellulite and fatty tissue and lessen the appearance of stretch marks on her clients.
6. Lipo laser treatment involves placing plastic paddles on the client's body.

Upon activation the paddles emit low levels of laser energy causing a chemical reaction that breaks down stored triglycerides.

7. Advertisements from a massage therapy establishment in Oklahoma advertises lipo laser treatment as a weight loss method.

8. Other advertisements submitted by Petitioner advertise lipo laser treatment as "body contouring."

9. It appears that lipo laser treatment changes the structure of the skin, and reduces the cellular or corporeal volume of the client.

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.

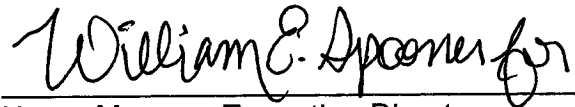
3. Massage is defined in Section 480.033(3), Florida Statutes, as the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical device; or the application to the human body of a chemical or herbal preparation.

WHEREFORE, the Board hereby finds that under the specific facts of the petition, as set forth above, lipo laser treatment to change the structure of the body of a client is not within the scope of the practice of massage therapy in Florida.

DONE AND ORDERED this 18th day of May

, 2018.

BOARD OF MASSAGE THERAPY



Kama Monroe, Executive Director
for Robyn Dohn Havard, Chair

NOTICE OF APPEAL RIGHTS

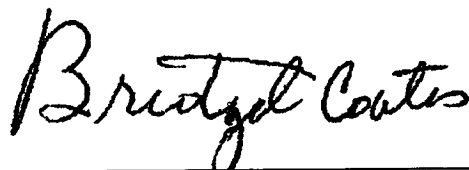
Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty 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 LYNDA I. SOTO, 813 Oranole Road, Maitland FL 32751 and Sushrut K. Pandya, Esquire, 5401 S. Kirkman Road, Suite 310, Orlando FL 32818, and by email to Donna Oxford, Paralegal Specialist,

Donna.Oxford@myfloridalegal.com this 21st day of May

, 2018.



Deputy Agency Clerk

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE FEB 02 2018

**PETITION FOR THE DECLARATORY STATEMENT
BEFORE THE FLORIDA BOARD OF MASSAGE THERAPY**

Petitioner: LYNDA I. SOTO
Having her address at 813 Oranole Road,
Maitland, FL 32751.
Massage Therapist License Number: MA50254 (2007)
Phone No.: 407-252-1540

Petitioner's Attorney: PANDYA LAW, P.A.
Sushrut K. Pandya, Esq.
5401 S. Kirkman Road, Suite 310
Orlando, FL 32819
Phone: 407-926-0345
Fax No.: 888-254-1078
E-Mail: sushrut@skplaws.com

RECEIVED

FEB 2 2018

DEPARTMENT OF HEALTH
LEGAL OFFICE

Regarding

The Petitioner Lynda I. Soto, by and through her attorney, Pandya Law, P.A., submitting this petition for a Declaratory Statement before the Florida Board of Massage Therapy to clarify whether the licensee can use a Lipo Laser Treatment by using the FDA approved spa grade equipment to her patrons under her captioned license of Massage Therapist as defined under §480.033 (3) and (4) of Florida of Chapter 480 (Massage Therapy) of Title XXXII.

How the Rule Substantially affect Petitioner

As a licensed Massage Therapist, the petitioner is providing massage therapy to her clients in Florida. Now, the petitioner would like to **additionally use a lipo laser treatment**, a low level, and non-invasive treatment, to get rid of cellulite and fatty tissue, and lessen the appearance of stretch marks of her patrons. Thus, in addition to manipulation of soft tissues of the human body with hand, leg, arm and elbow, the petitioner is intending to use the FDA approved spa grade electrical laser device to aid her massage and would like to administer massage for compensation. The petitioner's proposed act would fall under the definition of Massage as stated above. However, petitioner would like to have a formal confirmation and/or guidance to that effect.

The Section 480.033 (3) of Chapter 480 (Massage Therapy) of Title XXXII defines massage as follows:

“Massage” means the manipulation of the soft tissues of the human body with the hand, foot, arm, or elbow, **whether or not such manipulation is aided by hydrotherapy, including colonic irrigation, or thermal therapy; any electrical or mechanical**

device; or the application to the human body of a chemical or herbal preparation" (*Emphasis added*).

The Section 480.033 (4) of Chapter 480 (Massage Therapy) of Title XXXII defines massage therapist follows:

"**Massage therapist**" means a person licensed as required by this act, who administers massage for compensation.

Further Comments

See attached.

Prior Submission

Earlier on July 18, 2017, the petitioner had submitted a petition for a similar relief. However, no testamentary and other evidences were adduced therein. Hence, this re-submission.

Relief

Please declare that the petitioner's physical manipulation aided by an electrical device, more particularly, the FDA approved spa grade electrical laser device, would fall under the definition of Massage as stated above.

Th petitioner would like to have a formal confirmation and/or guidance to that effect.

Please advise.

Respectfully,



Sushrut K. Pandya, Esq.
Attorney for the Petitioner, Lynda I. Soto
Pandya Law, P.A.
Dated: January 23, 2018

**PETITION FOR THE DECLARATORY STATEMENT
BEFORE THE FLORIDA BOARD OF MASSAGE THERAPY**

Petitioner: LYNDA I. SOTO
Having her address at 813 Oranole Road,
Maitland, FL 32751.
Massage Therapist License Number: MA50254 (2007)
Phone No.: 407-252-1540

Petitioner's Attorney: PANDYA LAW, P.A.
Sushrut K. Pandya, Esq.
5401 S. Kirkman Road, Suite 310
Orlando, FL 32819
Phone: 407-926-0345
Fax No.: 888-254-1078
E-Mail: sushrut@skplaws.com

AFFIDAVIT IN SUPPORT

I, LYNDA I. SOTO, aged over 18 years and residing at 813 Oranole Road, Maitland, FL 32751 do hereby state as follows under the penalty of perjury:

1. I have the Florida state-issued Massage Therapist License bearing license Number: MA50254 (2007).
 2. Earlier on July 18, 2017, I have submitted a petition for a Declaratory Statement before the Florida Board of Massage Therapy to clarify whether I can use, in addition to my routine manual massage, an electrical device (the FDA approved spa grade electrical equipment) for a Lipo Laser Treatment for my patrons under my massage therapist license.
 3. However, no evidence was adduced along with that earlier submission. Hence, submitting this affidavit along with other evidence herewith.
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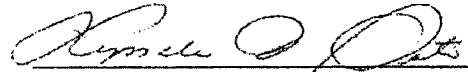
4. As a licensed Massage Therapist, I am providing massage therapy to my clients in Florida. In my daily practice, I normally use my arms, hands, and/or elbows to manipulate soft tissues of human body.

5. Now, with the advent of new, safe and effective technology in the market, I would like to use, in addition to manual manipulation and to aid my above referred physical manipulation, an electrical device. This device additionally helps to eliminate cellulite and fatty tissue and lessen the appearance of stretch marks on my patrons. This procedure is normally known as a lipo laser treatment.

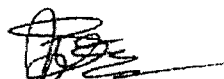
6. In the above-referred procedure, few small plastic paddles are placed on a human body, where treatment is intended to be given and secured with Velcro straps. This brush like devices stimulates the skin to firm it up. Upon activating the electrical equipment, paddles emit very low levels of laser energy, which creates a chemical signal in the fat cells, breaking down the stored triglycerides into free fatty acids and glycerol, and releasing them through channels in the cell membranes.

7. During the above process and immediately thereafter, physical manipulation of human tissues and massaging massage will be administered to the human tissues of the covered body area for effective results.
8. Based on the information and knowledge, this process does not cause any harm to the skin. Moreover, the process neither creates any unnatural reaction in the body, nor does it damage or alter any surrounding structures such as skin, blood vessels, and peripheral nerves. This does not affect the neighboring structures, vessels, and peripheral nerves.
9. Thus, my intended purpose and use are in consonance with the Section 480.033 (3) of Chapter 480 (Massage Therapy) of Title XXXII.
10. I have also learned that licensed massage therapist in Oklahoma, Texas, and Utah are utilizing similar lipo laser treatment (*see, attached*) in their day-to-day massage therapist practice.
11. Thus, please allow Petitioner to use such device, as stated above, for my practice of massage therapist.

Dated this 01/16/2018


Lynda Soto

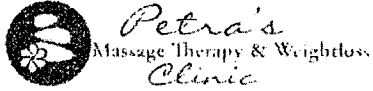
Sworn to before me
on 01/16/2018


Notary Public



Sushrut K. Pandya
Commission # GG066725
Expires: Jan. 26, 2021
Bonded thru Aaron Notary

(405) 205-4876



READERS CHOICE AWARDS

2014, 2015, 2016
Winners

Make an Appointment!
(405) 205-4876

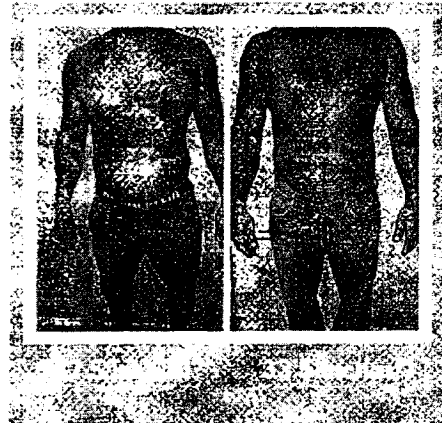


Petra's Massage Therapy & Weightloss Clinic

HOME ABOUT WEIGHTLOSS MASSAGE SERVICES POSITION DETOX SAUNA SPECIALS
GALLERY CONTACT

Choose the Weight Loss Service That Works

OKLAHOMA CITY, OK:
WE'LL HELP YOU GET RID
OF ROLLS AND CELLULITE



We're all familiar with those
stubborn, cottage cheese-like patches of cellulite. But you can get rid of

them with green cellulite paddles. These brush-like devices stimulate the skin to firm it up, thus reducing the appearance of stubborn cellulite. When you schedule a cellulite removal service at Petras Massage Therapy, our technicians will apply the paddles to your affected areas. You'll have to see the results to believe them.

When diet and exercise doesn't work to remove your cellulite, call Petras Massage Therapy at 405-205-4876 to schedule a cellulite removal treatment in Oklahoma City, OK.



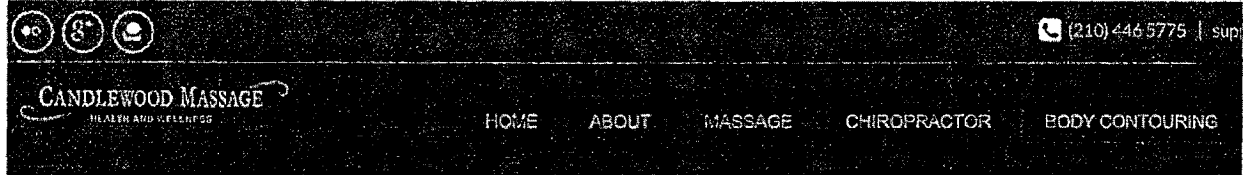
REMOVE WRINKLES AND FAT WITH INFRARED LASER LIPO IN OKLAHOMA CITY, OK

Petras Massage Therapy also employs an advanced liposuction treatment that uses infrared lighting to reduce fat and wrinkles. Smooth your skin and appear younger in as little as one

treatment!

To learn more about how you can tighten your skin and reduce fat cells with infrared laser lipo, call 405-205-4876.

lose 2-8 pants or dress sizes in 42 days. individual results may vary.



BODY CONTOURING

—San Antonio Body Contouring Lipo Laser—

Have problem areas? Shed them with Lipo Laser!!*

*Results may vary from person to person.

LASER BODY CONTOURING

Lipo Laser non-invasive treatment is the latest body sculpting - the most innovative methods to treat stubborn areas of fat that exercise. It emits low levels laser energy and fat cell membrane intra-cellular fat. This causes the cell to lose its round shape by the cell membrane. This does not affect the neighboring structural vessels, and peripheral nerves. (Note: Results vary). Whether belly fat or remove excess fat from other parts of your body. It's a reducing system that will help reduce fat and contour body shape surgery.

Note: Results may vary person to person.

CANDLEWOOD MASSAGE
HEALTH AND WELLNESS

[Testimonials](#) [Our Gallery](#) [Find Us And Say Hi!](#) [New & Prom](#)

This was a great massage that I wished I had bought for 50 min. The bed was clean on only need covered and HEATED. Atmosphere was really nice and my therapist was very professional. It's not chiropractic office but amazing. Loved it!

Samira L.

Everyone was so wonderful! Great place for a massage!

Sahar H.

Excellent service, superb
in-hospital staff. They had no
issue accommodating me even
though I was a little late and got lost
finding the place. Will visit again!

Serenity K.

So relaxing and comfortable I enjoyed
every minute of the massage I did I
will definitely be returning

Jamie R.

I did the cold laser and I didn't
feel anything, and lost about 1/2
inch it was very relaxing, clean, and
professional. I would definitely go
back.

Patricia A.

Very relaxing environment with
educated pleasant employees. Will
be returning for future services

Jennifer K.

Cold laser service was very low
moment I walked through the door.
Also the best deep tissue massage
I've had in San Antonio.

Christopher M.

Was given a complimentary massage
for a massage from Candace

massage. It was such a relaxing and
enjoyable treat I will certainly return
to this establishment. Evelyn was
friendly I am glad that I was able to
enjoy the services of this vendor.
The customer and staff were very
welcoming and made for an even
better personal experience.

Mark R.

Great customer service! Was
greeted immediately, given
instructions and introduced to the
therapist. Great analysis and
for long with my concerns. I'm
definitely going back.

Bonnie B.

Candlewood massage

16616 San Pedro Avenue
San Antonio, TX 78258
1016 South Bond US
251 across rd off
Thousand Oaks Rd

Email:
candlewoodmassage.com

11/28/2017

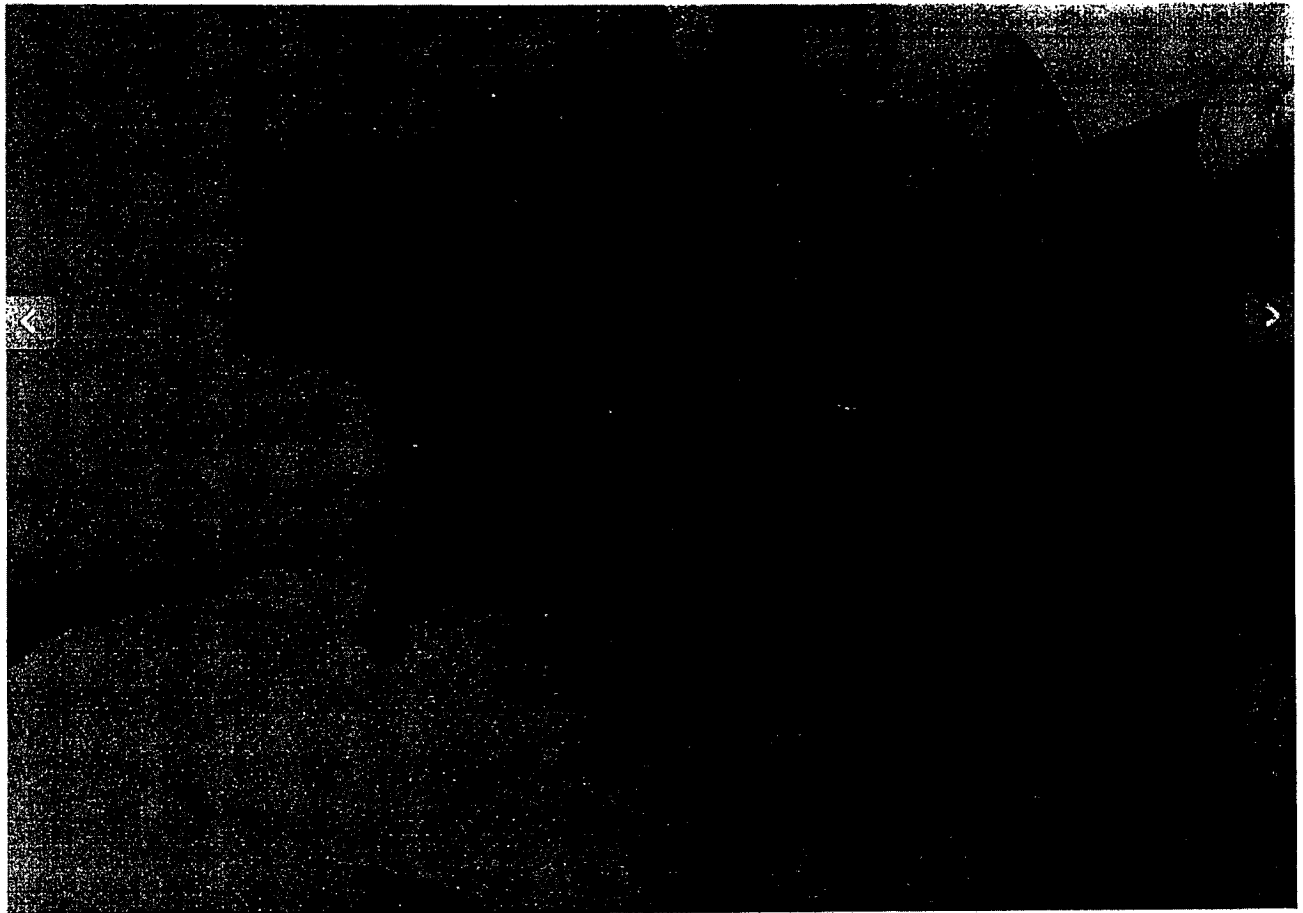
Lipo Laser San Antonio Body Contouring Slimming Figure Shed Inches



Reblume Spa & Massage

Welcome to the NEW YOU!

[Home](#) [Non Surgical Laser Lipo Therapy](#) [Light Therapy](#) [Massage](#) [Aromat](#)



HOME

Rejuvenate Mind, Body and Spirit at Reblume Spa & Massage
Located at : 189 East Fort Union Blvd Suite 103
Midvale, UT 84047

Reblume Spa has built a reputation based on competence, kindness and professionalism.
Customer satisfaction is our top priority.

We are open 7 days a week 10AM until 8PM appointment recommended. Massage Walk ins Welcome but appointments take priority.

Are you looking for a place where you can Become a better you? Then you need to visit Reblume Spa. With 5 treatment rooms specializing in Advanced Technology Therapies and Massage. Our Therapists will work hard to assist you with obtaining the LOOK or RELAXATION you desire.

BOOK NOW

Reblume Spa & Massage

Welcome to the NEW YOU!

Home Non Surgical Laser Lipo Therapy Light Therapy Massage Aromatt

NON SURGICAL LASER LIPO THERAPY

ABOUT OUR NON- SURGICAL LIPOLASER THERAPY

BOOK NOW

LipoLaser is a new revolutionary system that uses low level lasers for smoothing cellulite, fat reduction, and body shaping treatments. The advanced LipoLaser Light we use stimulates the targeted to 120 degrees causing the cells to be eliminated from the treated area. Every day, the human body is storing excess calories from your diet in the fat tissue. The brain is in control of when the contents are released, and then metabolized into energy. The LipoLaser puts you in charge of where and when to remove the fat cells. LipoLaser is used to trigger the release of the contents, and is able to target the precise stubborn areas where you want to reduce regardless of current body composition. LipoLaser is non-invasive with no pain, no needles, and no downtime. Patients can expect results of losing 1-2 dress sizes or more during their course of 12 treatments. LipoLaser is best paired with with a change in lifestyle to maintain your results, typically just following a simple diet and exercise program.



The LipoLaser treatment is quick and simple, being completed in less than 35 minutes. The course of treatment should be 12 sessions, performed twice or three times a week so body reshaping can be complete in 4 to 6 weeks. Only one area is treated per day in order to maximize the burning off of the eliminated fat cells. If you want to treat more than one area at a time you can do each area twice or three times a week. Each treatment area would require a total of 12 treatments. **CAUTION:** If there is an excess of content in need of being burned off then there is a risk that it will be stored back as fat again. This is why some exercise after each treatment is so important. Once a patient has completed a course of treatments they need to maintain a healthy lifestyle to keep their results. After LipoLaser treatment nutritional supplements are also used to maintain and encourage metabolic activity and to support a healthier lifestyle.

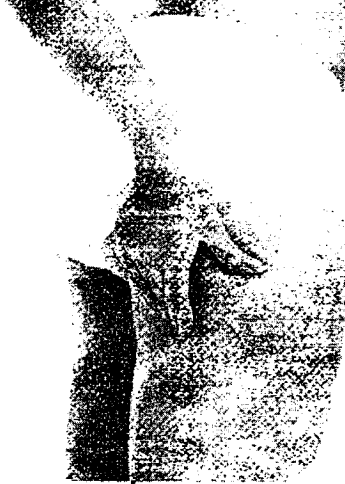
Possible Treatment Areas:

- Waistline
- Mid & Lower Abdomen
- Upper, Mid & Lower Back
- Chin and Neck
- Buttocks & Thigh Areas

BOOK NOW

LipoLaser Prices:

Normal Price per session	\$125
2 Sessions	\$200
4 Sessions	\$360
6 Sessions	\$560
12 Sessions	\$1020



Laser Body Contouring Rates

1 treatment: Price \$399

3 treatments: Price \$1,039

6 treatments: Price \$1,849

In a hurry, treat multiple areas in one session

1 treatment and whole body vibration on 2 areas: \$799

1 treatment and whole-body vibration for 3 areas: \$1,197

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

**Accredited Health Department**
Public Health Accreditation Board