

STATE OF FLORIDA
BOARD OF MASSAGE THERAPYIN RE: THE PETITION
FOR DECLARATORY
STATEMENT OF
ANGELA LIND1401/47091
MA45645**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 Orlando, Florida on July 28, 2017, for the purpose of considering the Petition for Declaratory Statement (attached as Exhibit A) filed on behalf of ANGELA LIND (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. 93, dated May 11, 2017 of the Florida Administrative Register.
2. Petitioner is a massage therapist licensed to practice in the State of Florida, having license number MA 45645.
3. Petitioner offers manual lymphatic drainage in her practice.
4. Manual lymphatic drainage alleviates the swelling and bruising that occur after surgery.
5. The majority of Petitioner's clients who request manual lymphatic drainage are individuals recovering from cosmetic surgery.

6. Petitioner inquires whether it is within the scope of her practice to force or push blood and body fluids out of open wounds and surgical incisions.

7. Forcing or pushing fluids out of the body creates exudate.

8. Section 480.033(3) defines "massage" 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.

9. The definition of massage does not include exuding fluids from open wounds.

CONCLUSIONS OF LAW

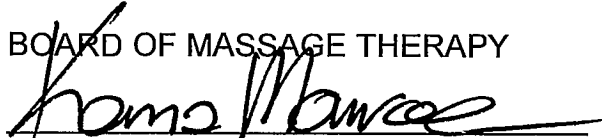
1. The Board has jurisdiction over this matter pursuant to Section 120.565, Florida Statutes, and Rule 28-105, Florida Administrative Code.

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, it is not within the scope of Petitioner's practice to force body fluids out of open wounds or surgical incisions.

DONE AND ORDERED this 20th day of November
, 2017.

BOARD OF MASSAGE THERAPY


Kama Monroe, Executive Director
for Lydia Nixon, 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 ANGELA LIND, P.O. Box 451896, Ft.

Lauderdale FL 33345-9998, and by email to Donna Oxford, Paralegal Specialist,

Donna.Oxford@myfloridalegal.com this 20th day of November

, 2017.

Amber Greene
Deputy Agency Clerk

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

PETITION FOR DECLARATORY STATEMENT

CLERK: *Angel Sanders*

BEFORE THE FLORIDA BOARD OF MASSAGE THERAPY DATE: MAY 08 2017

RECEIVED

MAY 10 2017

DEPARTMENT OF HEALTH
LEGAL OFFICE

Information of the Petitioner:

Angela Lind

Licensed Massage Therapist

Florida License Number # MA45645

Phone number: (786) 290-7055

E-mail: angela@therapeutic-hands.com

P.O. Box 451896

Fort Lauderdale, FL 33345-9998

Statutory provision on which declaratory statement is sought:

Section 480.033 (3). Fla. Stat.

May 4th, 2017

Florida Department of Health

4052 Bald Cypress Way

Tallahassee, FL 32399

Dear Sir or Madam:

Pursuant to 120.565, Florida Statutes, and Rule Chapter 28-105, as a Massage Therapist licensed in the State of Florida under Chapter 480 F.S., I respectfully request that the Florida Department of Health, through the Florida Board of Massage Therapy, grant my Petition for Declaratory Statement and provide their opinion as to the applicability of Florida Statute 480.033 (3).

Description of how the statutes affect the petitioner:

As a Licensed Massage Therapist and a health care provider in the state of Florida, I seek a declaratory statement with regard to section 480.033 (3) of the Florida Statutes as they pertain to apply to my profession and personal set of circumstances. I declare myself a substantially affected person due to the fact the failure to comply section 480.033 (3) of Florida Statutes, may result in disciplinary action by the board.

I offer Manual Lymphatic Drainage in my professional practice. This manual therapy alleviate the swelling and bruising that occur after a surgery. The majority of clients who request my services had cosmetic surgeries such as liposuction, tummy tuck and breast augmentation.

As a massage therapist, I would like to know if it's within my scope of practice to force or push blood and body fluids out of the open wounds and surgical incisions on a person that had a cosmetic surgery.

Thank you for your attention to this petition.

Respectfully submitted,

A handwritten signature in cursive script that reads "Angela Lind".

Angela Lind, LMT
Lic # MA45645

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL



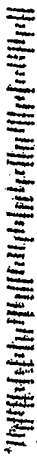
7017 0530 0530 0428 5792

ANGELA LIND
P.O. BOX 451896
Fort Lauderdale, FL
33345-9998

FLORIDA DEPARTMENT OF HEALTH
4052 BALD CYPRESS WAY
TALLAHASSEE, FL 32399-1703
BIN # A02

PAID
\$3.84
MAY 04 17
AMOUNT

32399-170399



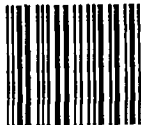
RECEIVED

MAY 08 2017

DEPARTMENT OF HEALTH
LEGAL OFFICE



1000



32399

U.S. POSTAGE
PAID
FORT LAUDERDALE, FL
33345
MAY 04 17
AMOUNT

\$3.84

R2305H126331-15