

FILED DATE - MAR 18 2025
Department of HealthBy: Shymna Carter
Deputy Agency Clerk**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

IN RE: Emergency Suspension of the License of
Ronel Michael Gutierrez Galvis, L.M.T.
License Number: MA 103125
Case Number: 2024-48729

ORDER OF EMERGENCY SUSPENSION OF LICENSE

Joseph A. Ladapo, MD, PhD, State Surgeon General, ORDERS the emergency suspension of the license of Ronel Michael Gutierrez Galvis, L.M.T., (Mr. Gutierrez Galvis) to practice as a massage therapist in the State of Florida. Mr. Gutierrez Galvis holds license number MA 103125. Mr. Gutierrez Galvis' address of record is 4177 North Orange Blossom Trail, Unit 604, Orlando, Florida 32804. The following Findings of Fact and Conclusions of Law support the emergency suspension of Mr. Gutierrez Galvis' license to practice as a massage therapist in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating massage therapists in the State of Florida, pursuant to chapters 20, 456, and 480, Florida Statutes (2024). Section 456.073(8), Florida Statutes (2024), authorizes the State Surgeon General to summarily suspend Mr. Gutierrez Galvis' license to practice as a massage therapist in

In Re: The Emergency Suspension of the License of
Ronel Michael Gutierrez Galvis, L.M.T.
License Number: MA 103125
Case Number: 2024-48729

the State of Florida, in accordance with section 120.60(6) and 456.074(7),
Florida Statutes (2024).

2. At all times material to this Order, Mr. Gutierrez Galvis was
licensed to practice massage therapy in the State of Florida, pursuant to
chapter 480.

3. At all times material to this Order, Mr. Gutierrez Galvis practiced
as a massage therapist at Romich Enterprises, LLC.

4. On or about September 20, 2024, Mr. Gutierrez Galvis provided
massage therapy services to Patient B.F., a 24-year-old male patient, at
Romich Enterprises, LLC.

5. In preparation for the massage, Patient B.F. disrobed to his
lower undergarments and laid face-down on the massage table.

6. Approximately thirty minutes into the massage, Mr. Gutierrez
Galvis slipped his hands under Patient B.F.'s undergarments and touched
Patient B.F.'s pubic area.

7. Mr. Gutierrez Galvis repositioned Patient B.F.'s hands from next
to Patient B.F.'s sides to up near Patient B.F.'s head.

8. Mr. Gutierrez Galvis then rubbed his groin area against Patient
B.F.'s hands.

9. Mr. Gutierrez Galvis slid Patient B.F.'s underwear down and off his body. While doing so, Mr. Gutierrez Galvis grabbed and/or cupped Patient B.F.'s penis and/or testicles.

10. Patient B.F. wanted to confront Mr. Gutierrez Galvis but was afraid of how Mr. Gutierrez Galvis might react.

11. Mr. Gutierrez Galvis proceeded to massage Patient B.F.'s buttocks for a few minutes.

12. Mr. Gutierrez Galvis then digitally penetrated Patient B.F.'s anus.

13. At that point, Patient B.F. asked Mr. Gutierrez Galvis what he was doing and said that he was uncomfortable. Mr. Gutierrez Galvis then ceased the inappropriate behavior.

14. Mr. Gutierrez Galvis continued the massage for a short period of time and then ended it.

15. The massage therapist-patient relationship is founded on mutual trust. The practice of massage therapy places patients in isolated, vulnerable settings where they can be subject to abuse by their massage therapists. Due to the potential for abuse that is inherent under these circumstances, massage therapists must possess good judgment and good moral character in order to practice massage therapy professionally and

within the boundaries of the generally accepted examination or treatment of a patient. Massage therapists must also refrain from engaging in conduct that harms the patient or places the patient in a situation that violates their safety and welfare.

16. Mr. Gutierrez Galvis willfully abused his position as a massage therapist to sexually violate a patient who trusted him to act professionally and within the boundaries of the generally accepted practice of massage therapy. Mr. Gutierrez Galvis' predatory actions indicate that Mr. Gutierrez Galvis lacks the good judgment and good moral character necessary to safely practice massage therapy, and therefore is a significant danger to patients. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the people of the State of Florida.

17. Mr. Gutierrez Galvis' conduct of engaging in nonconsensual sexual activity with his patient indicates that he lacks the good judgment and good moral character required of a massage therapist. Mr. Gutierrez Galvis' disregard for his patient's well-being and his apparent comfort in behaving outside the bounds of massage therapy demonstrate a significant disregard for the laws and rules that govern massage therapists and indicate that there is a significant likelihood that Mr. Gutierrez Galvis' conduct will continue.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to section 20.43, Florida Statutes (2024), and chapters 456 and 480 as set forth above.

2. Section 456.072(1)(v), Florida Statutes (2024), authorizes discipline against a massage therapist for engaging or attempting to engage in sexual misconduct as defined and prohibited in section 456.063(1), Florida Statutes (2024).

3. Section 456.063(1) states that:

Sexual misconduct in the practice of a health care profession means violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member, guardian, or representative of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited.

In Re: The Emergency Suspension of the License of
Ronel Michael Gutierrez Galvis, L.M.T.
License Number: MA 103125
Case Number: 2024-48729

4. Section 480.046(1)(p), Florida Statutes (2024), subjects a massage therapist to discipline, including suspension, for violating any provision of chapters 480 or 456 or any rules adopted pursuant thereto.

5. Section 480.0485, Florida Statutes (2024), prohibits sexual misconduct in the practice of massage therapy and defines sexual misconduct, in pertinent part, as a:

[V]iolation of the massage therapist-patient relationship through which the massage therapist uses that relationship to induce or attempt to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of practice or the scope of generally accepted examination or treatment of the patient.

6. Rule 64B7-23.005, Florida Administrative Code, provides in pertinent part:

(1) "Sexual Activity" means any direct or indirect contact by any person, or between persons, with the intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person, or which is likely to cause such humiliation, harassment, degradation, arousal or sexual gratification:

(a) With or without the consent of either person or persons;

(b) With or without verbal or non-verbal communication that the sexual activity is undesired;

(c) With or without the use of any device or object;

(d) With or without the occurrence of penetration, orgasm or ejaculation;

(e) Including, but not limited to intentional contact with the genitalia, groin, femoral triangle, anus, buttocks, gluteal cleft, breast or nipples, mouth, or tongue; and,

(f) Including, but not limited to the intentional removal of any drape without written specific informed consent of the patient.

(2) Sexual activity by any massage therapist in the context of massage therapy practice or in a massage therapy establishment is prohibited.

(3) A licensed massage therapist must not use the therapist-client relationship to induce or attempt to induce or engage or attempt to engage in sexual activity with any client. Such attempts or engagements constitute sexual misconduct in the practice of massage therapy.

7. Mr. Gutierrez Galvis violated section 456.072(1)(v) as defined and prohibited in section 456.063(1) and/or violated 480.046(1)(p) through a violation of section 480.0485 and/or Rule 64B7-23.005 by using the massage therapist-patient relationship to engage, or attempt to engage, Patient B.F. in sexual activity outside the scope of practice or generally accepted examination and treatment in one or more of the following ways:

- a. By reaching under Patient B.F.'s undergarments and touching his pubic area;
- b. By rubbing his groin on Patient B.F.'s hands;

In Re: The Emergency Suspension of the License of
Ronel Michael Gutierrez Galvis, L.M.T.
License Number: MA 103125
Case Number: 2024-48729

- c. By massaging Patient B.F.'s buttocks without specific, informed consent;
- d. By removing Patient B.F.'s underwear without specific, informed consent;
- e. By grabbing and/or cupping Patient B.F.'s penis and/or testicles;
- f. By digitally penetrating Patient B.F.'s anus.

8. Section 456.074(7), Florida Statutes (2024), mandates the Department issue an emergency order suspending the license of any licensee upon a finding of the State Surgeon General that probable cause exists to believe that the licensee has committed sexual misconduct as defined and prohibited in section 456.063(1), Florida Statutes, or the applicable practice act, and that such action constitutes an immediate serious danger to the public.

9. Mr. Gutierrez Galvis' continued practice of massage therapy constitutes an immediate, serious danger to the health, safety, or welfare of the public and this summary procedure is fair under the circumstances to adequately protect the public.

In Re: The Emergency Suspension of the License of
Ronel Michael Gutierrez Galvis, L.M.T.
License Number: MA 103125
Case Number: 2024-48729

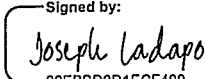
10. The Department is mandated to summarily suspend Mr. Gutierrez Galvis' license to practice as a massage therapist in accordance with section 456.074(7).

WHEREFORE, in accordance with sections 456.074(7) and 120.60(6), it is **ORDERED THAT**:

1. The license of Ronel Michael Gutierrez Galvis, L.M.T., license number MA 103125, is hereby immediately suspended.

2. A proceeding seeking formal discipline of the license of Mr. Gutierrez Galvis to practice as a massage therapist will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6), Florida Statutes (2024).

DONE and ORDERED on 3/17/2025.

Signed by:

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Joseph A. Ladapo, MD, PhD
State Surgeon General

In Re: The Emergency Suspension of the License of
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License Number: MA 103125
Case Number: 2024-48729

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In Re: The Emergency Suspension of the License of
Ronel Michael Gutierrez Galvis, L.M.T.
License Number: MA 103125
Case Number: 2024-48729

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6) and 120.68, Florida Statutes (2024), this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the Petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.