

Louisiana Board of Massage Therapy
State of Louisiana

365161

JOHN BEL EDWARDS
GOVERNOR



May 25, 2018

Mr. William E. Passman
42119 Sweeney Lane
Ponchatoula, LA. 70454

Certified Mail R.R.R.

Re: License: LA8187 – Notice of Decision and revocation

Dear Mr. Passman:

Find attached at this time the Notice of Decision from the Louisiana Board of Massage Therapy regarding the disciplinary matter which was heard on May 11, 2018. In accordance with the decision rendered by the board, your Massage Therapist License, LA 8187, has been suspended for a period of 90 days, with the suspension commencing as of the date of this letter, May 25, 2018, and extending through August 22, 2018. Accordingly, unless you take steps to appeal and suspend this ruling, you are not legally entitled to engage in the practice of massage therapy during the suspension period. This suspension also means that you cannot advertise that you are providing massage services. At the conclusion of the suspension period, you will be eligible to apply to have your license reinstated upon your compliance with the other conditions set forth in the board's decision.

If it is found that you have engaged in the practice of massage therapy, which includes advertising massage services, during the suspension period and before your license is reinstated, you will be subject to further disciplinary action which might seek a further period of suspension or a permanent revocation of your license.

Should you have any questions regarding this matter or pertaining to the requirements needed to have your license reinstated, feel free to contact the board office.

Regards,

Louisiana Board of Massage Therapy

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Notice of Decision

Establishment Name: Concierge Massage Therapy
License or Registration: E3591
Address: 134 N. Broad Street, Suite B & C
New Orleans, LA. 70119

Therapist Name: William E. Passman
License: LA8187
Address: 42119 Sweeney Lane
Ponchatoula, LA. 70454

A disciplinary hearing held on May 11, 2018, addressed a number of claims against William E. Passman alleging unprofessional conduct, violation of draping requirements, suggesting a breast massage, straddling the client's back, touching of the client's breasts and discussions of a sexual nature, and other actions which caused the client to feel uncomfortable during the session. It was further shown that the establishment license for Concierge Massage Therapy expired on March 31, 2018 and has not been renewed. Mr. Passman was present at the hearing and presented testimony.

Findings of Fact:

William Passman ("Passman") previously held an establishment license, E3591, for Concierge Massage Therapy, LLC which expired March 31, 2018 and has not been renewed. He also has a current Massage Therapist license, LA8187.

A former client (initials C.C.) testified that on October 24, 2016, she has an initial appointment with Passman for treatment of TMJ and during the initial session, he placed his hand on her stomach and moved it lower until it was below her underwear. During a second session which took place in February of 2017, C.C. indicated that the therapist straddled her while massaging her back and later in the session, he intentionally uncovered and massaged her breasts advising her that it was a recognized form of massage treatment. Being that it was her first time to receive a massage, she believed that massage of the breast was a normal practice. After the session was completed, she found information on Passman's Facebook page detailing the therapeutic advantages of breast massage (Exhibit 12). She later became aware that touching of the female breasts during a massage session is a prohibited practice under Louisiana law and it was for that

reason that she filed a formal complaint with the board office (Exhibit 3). Passman filed a response to the written complaint denying any breast massage or improper draping (Exhibit 5).

A former client (initials A.M.), who is also a massage therapist, testified that on September 14, 2017, she had a session with Passman where he administered chiropractic type of procedures, straddled her and had his pelvis against her buttocks while massaging her back and engaged in procedures that caused excessive shaking of her breasts and was condescending when she insisted on keeping her breasts covered by the draping. She filed a complaint with the board office alleging unprofessional conduct (Exhibit 7). Passman filed a response to the written complaint denying that he straddled the client's back or that he performed any chiropractic maneuvers (Exhibit 8).

A former client (initials A.D.), testified that on September 19, 2017, she had a session with Passman where he made her feel uncomfortable to the point that she filed a complaint with the board (Exhibit 11). She stated that he asked her to allow him to massage her breasts and when she refused he used off-color stories which embarrassed her. She was totally nude during the session and stated that she felt exposed when Passman lifted the draping very high when he told her to roll over. She also testified that when he tucked the draping around her hips, he used his hand to insert the sheet into her gluteal cleft. Although Passman did not touch her breasts, he did engage in procedures which caused her breasts to shake under the draping.

There was also evidence presented about another client who filed a complaint regarding a massage session that was held on 7/7/2017 (Exhibit 9). In the written complaint, the female client stated that Passman told her she had to be totally nude for him to be effective in the massage. The complaint also stated that he straddled her while massaging her back and he exposed her breasts when performing a lymph node massage. Passman filed a response to the complaint where he denied doing anything improper during the massage session (Exhibit 10).

Passman testified at the hearing and presented a copy of the consent form which he has clients sign prior to receiving massage services. (Exhibits D1 and D2). He stated that he always advises clients to only remove the amount of clothing that makes them comfortable, but he acknowledged that the consent form he uses does not contain that statement. He also displayed during the hearing (but did not introduce as an exhibit) the type of draping sheet he uses during massage sessions and demonstrated the manner in which he lifts the sheet when the client needs to change positions. He denied that he ever exposes the breasts of a female client during a massage session and stated that he does not perform breasts massages. Passman also testified that the posting of the materials on Facebook regarding breast massage (Exhibit 12) was intended to highlight the advantages of self-massage, but acknowledged that the photograph in the materials showed the massage being administered by another person and the text of the posting does not reference self-massage. Passman also testified that he did not renew the establishment license of Concierge Massage Therapy, LLC in 2018 because the business has ceased operations.

Conclusions of Law:

After reviewing the evidence presented at the hearing, the board determined that the bulk of the testimony provided by the former clients and contained in the record was credible and that events occurred during several of the massage sessions which violated the rules and statutes which govern the practice of massage therapy. Specifically, the actions of William E. Passman, as demonstrated by the testimony and exhibits, violated the following sections of Title 46, Part XLIV:

1. Chapter 53§5301(2) - false, deceptive or misleading advertising (Exhibit 12);
2. Chapter 53§5301(4) – engaging in or attempting or offering to engage a client in sexual activity (Exhibits 2, 3 & 9; testimony of Witness C.C. and A.D.);
3. Chapter 53§5301 (5) – making deceptive, untrue or fraudulent representations in the practice of massage (Exhibit 12);
4. Chapter 53§5301(16) – failure to practice massage with that level of care, skill and treatment which is recognized by a reasonably prudent similar massage therapist as being acceptable under similar conditions and circumstances (Exhibit 7);
5. Chapter 31 §3101(C) – No massage therapist shall engage in sexual activity with a current client of the therapist, which includes the “purposeful touching of the . . . female breast; (Exhibit 9; testimony of Witness C.C.)
6. Chapter 25 §2501(B) – At all times during a massage session, reasonable efforts must be made to keep covered the . . . breasts, the gluteal cleft, and genitalia for female clients (Exhibits 7 and 9; and testimony of Witnesses C.C.).

As a result of the above determined violations, under the authority of Chapter 55§5501, the board rendered a decision as follows:

1. Individual therapist license LA 8187 issued to William E. Passman is suspended for a period of 90 days, said period of suspension is to commence as of the date of this Notice of Decision;
2. Imposition of an administrative fine in the amount of \$1,000.00, which fine must be paid in full before the individual therapist license of William E. Passman may be activated;
3. As a condition of having his license reinstated, William E. Passman must present to the board evidence of having completed four hours of training in a massage ethics course approved by the board office;
4. William E. Passman will provide the board with a list of the names and addresses of all clients (obtained from Health Data/“SOAP” reports) to whom he provided services since October of 2016 through the date of this Notice of Decision. This information must be provided to the board office within 45 days of the date of this Notice of Decision;
5. The establishment license of Concierge Massage Therapy, LLC shall not be eligible for renewal until the above conditions imposed on William E. Passman have been satisfied.

This decision by the board shall be final unless a judicial review or appeal is filed as governed by Louisiana Revised Statutes 49:964-965.

Decision rendered on May 11, 2018 and signed this 21st Day of May, 2018.

Louisiana Board of Massage Therapy

By: 

Robin R. Alexander, Board Chair