

STATE OF RHODE ISLAND

**DEPARTMENT OF HEALTH
DIVISION OF CUSTOMER SERVICES
CENTER FOR PROFESSIONAL BOARDS AND LICENSING**

**IN THE MATTER OF: MARK CLAYTON DE BINDER, SR.
LICENSEE NO.: MT02104
COMPLAINT ID #: C20-1478**

CONSENT ORDER

Pursuant to R. I. Gen. Laws §§ 23-20.8 *et seq.* The Rhode Island Massage Therapy Practice Act and the Rules and Regulations promulgated thereunder, 216-RICR-40-05-10, The Rhode Island Massage Therapy Regulations, the Rhode Island Department of Health (“RIDOH”) has investigated Complaint No. C20-1478 (the “Complaint”) charging Mark Clayton Debinder, Sr., Massage Therapy License Number MT02104 (“Respondent”) with violations of The Rhode Island Massage Therapy Practice Act, the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) Code of Ethics (October 2008), and the NCBTMB Standards of Practice (October 2009), these last two documents incorporated by reference in the Rhode Island Massage Therapy Regulations.

After review and consideration by RIDOH with respect to the allegations of unprofessional conduct of Respondent, the following are and shall constitute

FINDINGS OF FACT AND CONCLUSIONS OF LAW

That Respondent is a Massage Therapist licensed to practice in the State of Rhode Island under Massage Therapist License Number MT02104.

That at all times relevant hereto, Respondent was employed at Providence Massage II, Hope Artiste Village, 1005 Main St. #1201, Pawtucket, RI 02860.

That on or about October 1, 2020, Respondent touched a patient (Patient A)’s breasts and gluteal muscles without the patient’s consent during a massage.

That the conduct described in the Complaint and in Paragraph 3 above constitutes unprofessional conduct pursuant to the Rhode Island Massage Therapy Practice Act, #XII and XVI of the NCBTMB Code of Ethics (Oct. 2008) and Standard 1J of the NCBTMB Standards of Practice (Oct. 2009) incorporated by reference in the Rhode Island Massage Therapy Regulations because Respondent did not provide draping and treatment in a way that ensured the safety and physical and emotional privacy of the patient and did not respect the client’s boundaries with regard to privacy, exposure, and the patient’s reasonable expectations of professional behavior.

That Respondent admits to the jurisdiction of RIDOH and hereby agrees to remain under the jurisdiction of RIDOH.

That Respondent has read this Consent Order and understands this Consent Order shall become binding once signed by Respondent and RIDOH.

That Respondent understands the purpose of this Consent Order is solely to resolve the Complaint.

That Respondent hereby acknowledges and waives:

The right to have an administrative hearing on this matter;

- a) The right to represent himself or be represented by an attorney of his own choosing at said hearing;

The right to present testimony, evidence and witnesses on his behalf;

The right to cross-examine witnesses presented by RIDOH;

The right to further procedural steps except for those specifically contained herein;

The right to take an appeal from the terms of this Consent Order; and

Any objection that this Consent Order will (i) be reported to the National Practitioner Data Bank, (ii) become a permanent part of Respondent's record maintained by RIDOH and a part of the public record of this proceeding, or (iii) be posted on RIDOH's public website.

ACCORDINGLY, AND BASED ON THE FOREGOING

RIDOH and Respondent hereby agree to the following disposition of this Complaint:

Respondent is hereby issued the sanction of a Probation, starting the day this Consent Order is last executed (the "Effective Date").

Commencing with the Effective Date:

Respondent shall complete the courses 'Creating Healthy Boundaries' through the American Massage Therapy Association for 3 Continuing Education Units (CEUs) and 'Ethics: Preventing Sexual Misconduct in Massage Therapy' for 1 CEU. These CEUs shall be completed in addition to those required for renewal of Respondent's Massage Therapy license. Respondent shall submit evidence to RIDOH via DOH.PRCOMPLIANCE@HEALTH.RI.GOV that the above courses have been completed no later than 6 months after the Effective Date.

Respondent's Massage Therapy license will be subject to a 1-year period of probation and Respondent's license shall reflect the status "Active Probation."

The probationary period will abate for the duration of any period in which Respondent ceases to be employed as a Massage Therapist.

Respondent will notify RIDOH of any lapse in employment and the probation period will be extended until the required employment as a Massage Therapist is completed.


Respondent must provide RIDOH with the name and address of the new employer(s) and the reason for said change.

When Respondent complies with the laws and regulations governing the practice of Massage Therapy during the period of probation and with the requirements of this Consent Order, Respondent may apply to RIDOH for an unrestricted license to practice as a Massage Therapist.

Respondent acknowledges that:
this Consent Order is an agreement between Respondent and RIDOH;
RIDOH is relying upon Respondent's compliance with these terms and conditions as an inducement to enter into this Consent Order; and
any violation or failure to adhere to the terms of this Consent Order shall constitute unprofessional conduct and subject Respondent to further disciplinary action at the discretion of RIDOH, including but not limited to Suspension or Revocation.

This Consent Order shall become a permanent part of Respondent's record maintained by RIDOH and a part of a public record of this proceeding.


MARK CLAYTON DE BINDER, SR.
LICENSEE NO.: MT02104


ELLEN R. BALASCO, ESQ., CHIEF
CENTER FOR PROFESSIONAL BOARDS AND
LICENSING

Date Signed:

3.24.2021

Date Signed:

4/21/21