



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
Olympia, Washington 98504

RE: Juan P. Ochoa  
Master Case No.: M2012-788  
Document: Summary Action Order

Regarding your request for information about the above-named practitioner; attached is a true and correct copy of the document on file with the State of Washington, Department of Health, Adjudicative Clerk Office. These records are considered Certified by the Department of Health.

Certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center  
P.O. Box 47865  
Olympia, WA 98504-7865  
Phone: (360) 236-4700  
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
ADJUDICATE SERVICE UNIT**

In the Matter of:

JUAN P. OCHOA,  
Credential No. MASS.MA.00024826,

Respondent.

Master Case No. M2012-788

EX PARTE ORDER OF  
SUMMARY ACTION

**PRESIDING OFFICER:** Frank Lockhart, Health Law Judge

This matter came before the Presiding Officer, Health Law Judge Frank Lockhart, on delegation from the Secretary, on August 7, 2012, on an Ex Parte Motion for Order of Summary Action (Ex Parte Motion) brought by the Massage Practitioner Program of the Department of Health (Program) through the Office of the Attorney General. The Program issued a Statement of Charges alleging Respondent violated RCW 18.130.180(1), (7), (24) and WAC 246-16-100(1)(a-c), (e-f), (k-l) and (p-r). The Presiding Officer, after reviewing the Statement of Charges, Ex Parte Motion, and supporting evidence, grants the motion. CREDENTIAL SUSPENDED pending further action.

**I. FINDINGS OF FACT**

1.1 Respondent is a massage practitioner, credentialed by the state of Washington at all times applicable to this matter.

1.2 The Program issued a Statement of Charges alleging Respondent violated RCW 18.130.180(1), (7), (24), and WAC 246-16-100(1). The Statement of Charges was accompanied by all other documents required by WAC 246-10-201.

EX PARTE ORDER OF  
SUMMARY ACTION

Page 1 of 3

Master Case No. M2012-788

1.3 The Statement of Charges, the Ex Parte Motion, and accompanying exhibits allege that the Respondent initiated nonconsensual sexual contact with two patients during massage sessions. The Respondent has been charged with Rape in the Second Degree for sexually assaulting Patient A, and is awaiting trial in Benton County. The Ex Parte Motion further alleges that Patient A suffered physical injury because of the sexual assault. Because the Respondent is not in custody, and his massage practitioner credential is unencumbered, he is free to practice massage without oversight. The Ex Parte Motion and accompanying exhibits allege a pattern of sexual misconduct that, if proven at hearing, would constitute an imminent danger to the public. There is no alternative, short of a summary suspension, to protect the public from the risk of sexual exploitation.

1.4 The above allegations, supported by the declaration of James Hays and the accompanying exhibits, along with the fact that Respondent is able to continue practicing one-to-one massage, justifies a determination of immediate danger and a decision to immediately suspend Respondent's credential until a hearing on the matter can be held. There is no less restrictive disciplinary action that would adequately safeguard the public.

## II. CONCLUSIONS OF LAW

2.1 The Secretary of Health, and by designated authority the Presiding Officer, has jurisdiction over Respondent's credential to practice as a massage practitioner. RCW 18.130.040.

2.2 The Secretary of Health has authority to take emergency adjudicative action to address an immediate danger to the public health, safety, or welfare. RCW 34.05.422(4); RCW 34.05.479; RCW 18.130.050(8); and WAC 246-10-301.

2.3 The Findings of Fact establish the existence of an immediate danger to the public health, safety, or welfare if Respondent has an unrestricted credential. The Findings of Fact establish that the requested summary action is necessary and adequately addresses the danger to the public health, safety, or welfare.

### III. ORDER

3.1 Based on the Findings of Fact and Conclusions of Law, it is ORDERED that Respondent's credential to practice as a massage practitioner is SUMMARILY SUSPENDED pending further disciplinary proceedings by the Secretary of Health. Respondent shall immediately deliver all credentials, including wall, display, and/or wallet, if any, to the Program.

3.2 It is HEREBY ORDERED that a protective order in this case is GRANTED. All healthcare information and nonconviction data contained in the Ex Parte Motion, Declaration, and attached exhibits shall not be released except as provided in Chapter 70.02 RCW and Chapter 10.97 RCW. RCW 34.05.446(1), WAC 246-10-405(2), and WAC 246-10-405(5).

Dated this 7 day of August, 2012.

  
FRANK LOCKHART, Health Law Judge  
Presiding Officer

For more information, visit our website at:  
<http://www.doh.wa.gov/PublicHealthandHealthcareProviders/HealthcareProfessionsandFacilities/Hearings.aspx>