

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING MINUTES
JANUARY 10, 2011**

A regular meeting of the Kentucky Board of Licensure for Massage Therapy was held at the Office of Occupation and Professions 911 Leawood Drive, Frankfort Kentucky, on January 10, 2011.

MEMBERS PRESENT

Theresa Crisler-Board Chair
Cheryl Turner, Vice- Chair
Laurie Bond Horsford, Secretary
Holly Barnhill, LMT

OCCUPATIONS AND PROFESSIONS STAFF

Jeff Boler, Resource Management Analyst
Adriana Lang, Board Administrator

OTHERS

Michael West, Board Attorney
Julie Harper, AMTA
Rachel Foltz
Charles Watson, AMT

MEMBERS ABSENT

Michael Mansfield, LMT
Denise Logsdon, LMT
Max Maxwell, Citizen at large

CALL TO ORDER

Ms. Crisler, Board Chair, called the meeting to order at 10:30 a.m.

MINUTES

A motion was made by Ms. Horsford to approve the minutes, as amended, of the November 8, 2010 meeting. Motion, seconded by Ms. Turner, carried unanimously.

A motion was made by Ms. Horsford to approve the minutes, as presented, of the December 3, 2010 special meeting. Motion, seconded by Ms. Turner, carried unanimously.

FINANCIAL STATEMENTS

A motion was made by Ms. Barnhill to accept the financial statements ending November 30, 2010 and December 31, 2010, as presented. Motion seconded by Ms. Turner, carried unanimously.

LICENSURE STATUS REPORT

A Licensure Status Report ending January 6, 2011, was presented to the Board for review. A motion was made by Ms. Barnhill to approve the report. Motion, seconded by Ms. Turner, carried unanimously.

A report showing new licenses issued from November 1, 2010 to January 6, 2011 was presented to the Board for review. A motion was made by Ms. Barnhill to ratify the new licenses issued. Motion, seconded by Ms. Turner, carried unanimously.

A report showing licenses expired month ending November and December 2010, was presented to the Board for review. A motion was made by Ms. Barnhill to approve licenses expired. Motion, seconded by Ms. Turner, carried unanimously.

DIRECTOR'S REPORT

Jeff Boler provided the following report on behalf of David Garr.

- 1) Ms. Short is no longer with the Office of Occupations and Professions, she transferred to the Labor Cabinet.
- 2) Memorandum of Agreement (Memo) from the Governor's Office regarding Conflict of Interest Disclosure Statement and Executive Order 2008-454. The Board reviewed both documents. Ms Barnhill asked if there were any conflict of interest with her being a marketing director of a massage therapy school. Mr. West clarified the Memo and the Executive Order 2008-454, and recommended that Board members should recuse themselves from voting if they see a situation where there may be a conflict of interest.
- 3) The Office of Occupations and Professions is in transition of hiring two new employees to assist with processing backlog, scan and index documents, and other duties as assigned.

ATTORNEY'S REPORT

Mr. West provided the following report:

- 1) Did not receive required documents from Tracie Squires' attorney. Case is pending indefinitely. Remove this item from the agenda. Application continues in a denial status.
- 2) New cease and desist letter for licensees that fails to renew licenses. Ms. Barnhill made a motion to approve the new cease and desist letter. The motion, seconded by Ms. Turner, carried unanimously.
- 3) E-mail from Collette Garrett regarding clarification on procedure. Ms. Horsford made a motion for Mr. West send a response stating that application of hot/cold packs by a massage therapist is okay. Request additional information regarding administering electrical stimulation, and a copy of the certification.

CHAIRPERSON'S REPORT

Ms. Crisler provided the following report:

- 1) E-mail regarding directions to the YMCA Richmond Kentucky, 2011 Continuing Education Class.
- 2) E-mails from Jean Robinson regarding Kentucky Rules Comments.
- 3) E-mail from Holly Barnhill regarding current statutes. Ms. Turner made a motion for the Office of Occupations and Professions to revise the current laws and regulations booklet and add new law that was approved July 2010, House Bill 180, and to place the current revised booklet on the Board's website. The motion, seconded by Ms. Barnhill, carried unanimously.
- 4) Everything is as scheduled for the 2011 Continuing Education Class. Michael Mansfield has worked out with the YMCA, parking availability for the attendees.

CHAIRPERSON'S REPORT CONTINUED

5) E-mail and 2011 CE Class postcard sample. Ms. Turner made a motion to approve the postcard and to send it to all licensees by mail. The motion, seconded by Ms. Barnhill, carried unanimously.

6) Correspondence from the Associated Bodywork & Massage Professionals regarding 201 KAR 42:080. Ms. Turner made a motion for Mr. West to send a courtesy letter in response. The motion, seconded by Ms. Barnhill, carried unanimously.

7) E-mail from Holly Barnhill regarding statutes.

8) E-mail regarding the FSMTB Government Relations.

OLD BUSINESS

The Board reviewed e-mails from Denise Logsdon regarding pending proposed regulations. Mr. West provided the Board the suggested amendments from the Legislative Research Commission (LRC). Ms. Horsford made a motion to accept all suggested amendments by the LRC. The motion, seconded by Ms. Turner, carried unanimously. Mr. West stated that Ms. Logsdon's concerns were addressed.

The Board discussed KRS 329.357 Fees.

The Board reviewed informational correspondence from Randall Wells regarding Daymar Colleges Group, LLC.

The Board reviewed informational correspondence from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

The Board agreed to allow the NCBTMB to provide a presentation during the February 14, 2011 meeting.

NEW BUSINESS

The Board reviewed an e-mail from Lonnie Winters regarding Massage Therapy Vendor's permit. The Board asked staff members to send an e-mail in response stating that the issue is not a Board matter.

The Board reviewed an e-mail from Lorna Maughan. The Board requested staff members to send an e-mail in response, stating that the KBLMT will accept Spanish translated exams from the NCBTMB for initial applicants and MBLEX for endorsements. Once the new regulation is approved, they will accept the MBLEX for initial applicants as well.

The Board reviewed a correspondence from the Federation of Associations of Regulatory Boards (FARB) regarding the 2011 membership renewal. Ms. Horsford made a motion to renew the 2011 FARB membership. The motion, seconded by Ms. Turner, carried unanimously.

The Board reviewed informational correspondence from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

NEW BUSINESS CONTINUED

The Board reviewed informational e-mail from the Commission on Massage Therapy Accreditation regarding by laws, standards, policies and procedures.

The Board reviewed an e-mail from Kally Fellers regarding Instructor Qualification question. Ms. Turner made a motion for Mr. West to send a letter to Ms. Fellers requested more information related to the transcript, job description, syllabus, and course description.

The Board reviewed an e-mail from Holly McCoy-Johnson stating that the mileage reimbursement rate beginning January 1, 2011 through March 31, 2011 is 44¢ per mile.

The Board reviewed an e-mail from Peggy Wheeler regarding massage for cancer patients. Ms. Horsford made a motion for Mr. West to send a letter to Ms. Wheeler in response. The motion, seconded by Ms. Turner, carried unanimously.

The Board reviewed an e-mail from Debra Persinger. The Board asked staff members to send an e-mail in response and copy the Chair.

The Board reviewed a correspondence from Southwestern College regarding name change. Effective January 1, 2011, the new name is Lincoln College of Technology 8095 Connector Drive, Florence, Kentucky. The Board asked Jeff Boler to update the information on the website.

The Board reviewed an e-mail from Julie Harper regarding AMTA letter regarding Board matters. Mr. West addressed a couple of misinformation listed on the letter, and advised that the Board cannot sign or approve the letter or any correspondences that are from professional associations.

Charles Watson was present. Mr. Watson asked the Board why the Board was requesting proof of passing exam for initial applicants. Staff members explained that the exam result is sent by NCBTMB electronically via a website which requires specific data listed on the result given to the applicant, and since the application for licensure does not have an option for the applicant to enter the data, the Board currently requires each applicant to provide proof of passing exam, so the Board can verify it through the website. They further explained that when the new regulation is approved, that item may no longer be required, unless that an applicant does not request the NCBTMB to send the result electronically. Furthermore, when the applicant provides all requirements including proof of passing exam, the license has a much faster process time.

Mr. Watson provided the Board a copy of the February 8, 2010, July 12, 2010 and September 13, 2010 approved minutes. He expressed concerns about language regarding the acceptance of the MBLEX exam on the February 8, 2010 minutes. Ms. Crisler explained that the language was an error, and clarified that the MBLEX will be accepted for initial applicants only after the new regulation is approved by the Legislative Research Commission (LRC). She further explained that the regulations have been delayed due to an enormous amount of public comments received by massage therapy schools and professionals associations.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met on January 10, 2011 at 8:30 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

COMPLAINT COMMITTEE REPORT CONTINUED

2010-08- Serve cease and desist letter. Case is ongoing.

2010-09- Cheryl Turner will follow up with the Office of Inspector General (OIG). Case is ongoing.

2010- 12- Michael West will send letter to school. Case is ongoing.

2010-14- Michael West send letter/subpoena to get last known address. Case is ongoing.

2010-15- Dismiss for lack of violation.

2010-16- Dismiss for lack of violation. Any further actions, to be taken by the Application Review Committee.

2010-17- Reopen case and authorize the OIG to conduct investigation.

2010-18- Authorize the OIG to conduct investigation.

2010-19- Authorize the OIG to conduct investigation.

2010-20- Authorize the OIG to conduct investigation.

2010-21- Authorize the OIG to conduct investigation.

Ms. Turner made a motion to approve the Complaint Committee recommendations, as presented. The motion, seconded by Ms. Horsford, carried unanimously.

APPLICATION COMMITTEE REPORT

The Applications Committee met on December 7, 2010 and January 4, 2011, 10:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

Initial Applications Reviewed December 7, 2010

Approved: *Lane Alexander, Cherish Bullis, Eric Cook, Elisa Couch, Pamela Gillman, John Harris, Shelly Johnson, Joyce Jones, Jennifer Knepfle, Rebecca Phelps, Mandy Potter, Sharron Smith and Brady Taylor.*

Approved pending additional requirements: *Annie Dickey, Melodie Hoff, Stacie Maze, David Medina, Diana Sabillon and Holly Stone.*

Deferred to provide additional requirements: *Timothy Browing, Jessica Cebe, Yon Choi, Tiffany Clark, Kyra Drake-Finn, Lillian Findley, Candice Hampton, Brittany Hudson, Tia Jones, Nikolas Lewis, Jian Fang Li, Rachel Parker, Evelyn Pitsenbarger and Jeronda Watson.*

Endorsements Reviewed December 7, 2010

Approved: *Laura Dulin, Kimberly Holmes, Sandra Lamb and Elizabeth Sachs.*

Approved pending additional requirements: *Evette McClure, Jamie Piper, Lorraine Scott and James Vices.*

Deferred to provide additional requirements: *Lindsay Buffkin, Jeannine Corey, Sarah Griffin, Ying Li, Gary Vernatter and Jennifer Young.*

Renewals Reviewed December 7, 2010

Approved: *Elaine Cassidy, Sandra Chumbler, Erin DeHart, Rachel Foltz, Darla Jordan, Laura Schroerlucke, Gregory Thompson and Angela Walker.*

Approved pending additional requirements: *Karen Carver, Jennifer Helton, Debbie Joplin, Tracy Jordan and Catherine Williams.*

Deferred to provide additional requirements: *Mary Muchmore.*

Ms. Horsford moved to accept the report from the applications Committee. Ms. Turner seconded, carried unanimously.

Initial Applications Reviewed January 4, 2011

Approved: *Annie Dickey, Lillian Findley, Erin Grigsby, Brittany Hudson, Jennifer Kerns and JaRonda Watson.*

Approved pending additional requirements: *Melodie Hoff, Tia Jones, Jian Li, Ai Lin, David Medina, Rachel Parker, Diana Sabillon and Holly Stone.*

Deferred to provide additional requirements: *Timothy Browning, Jessica Cebe, Yon Choi, Tiffany Clark, Kyra-Drake-Finn, Nikolas Lewis, Evelyn Pitsenbarger and Jeanifer Young.*

Endorsements Reviewed January 4, 2011

Approved: *Lindsay Buffkin, Katherine Burchett, Jeanine Corey, Lorraine Scott, Gary Vernatter and Katherine Willis.*

Approved Pending: *Erin Gallagher, Evette McClure, Jamie Piper, Mark Swanson and James Vices.*

Deferred to provide additional requirements: *Sarah Griffin and Ying Li.*

Renewals Reviewed January 4, 2011

Approved: *Kathi Amerine, Vernon Baber, Sharon Davenport and, John Hibberd, Brandon Morrison, Joy Richardson, Alicia Soper and Margalena Walker*

Approved pending additional requirements: *Luis Acevedo, Karen Carver, Sun Fetter, Jennifer Helton, Rebecca Heuser, Diana Hughes, Debbie Joplin, Tracy Jordan, Mary Muchmore, Bernadette Murphy, Sherry Nalley, Bryan Purvis, Teresa Stine, Jennifer Thomas and Catherine Williams.*

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Renewals Reviewed January 4, 2011 Continued

Deferred to provide additional requirements: *Timothy Black, Valerie Brooks, Deedra Farmer, and Catherine Simmons.*

Ms. Horsford moved to accept the report from the applications Committee. Ms. Turner seconded, carried unanimously.

Ms. Barnhill advised the Board that Legal Counsel made her aware that the new statute overwrites the current regulation. She stated that she was previously advised that the Board could not act on the new statute until the regulation was approved. Due to the circumstances, Ms. Barnhill asked the Board to accept the renewals that are expired over ninety days at today's meeting. Mr. West quoted KRS 309.357 Section 6 (a). Ms. Barnhill made a motion to approve the renewals that expired after ninety days, at today's meeting, and to approve similar renewals for the next two months. The Motion, seconded by Ms. Horsford, carried unanimously.

TRAVEL AND PER DIEM

Ms. Horsford made a motion to approve the travel and per diem for members attending today's meeting. The motion, seconded by Ms. Turner, carried unanimously.

NEXT MEETING

The next meeting is scheduled for February 14, 2011 at the Office of Occupations and Professions 911 Leawood Drive Frankfort, Kentucky.

ADJOURN

Ms. Turner made a motion to adjourn at 2:34 p.m., having no further items of discussion. The motion, seconded by Ms. Horsford, carried unanimously.



Theresa Crisler, Chair