

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING MINUTES
June 20, 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 June 20, 2011.

MEMBERS PRESENT

Theresa Crisler, ND, Board Chair
Cheryl Turner, ND, Vice- Chair
Laurie Bond Horsford, Secretary
Holly Barnhill, LMT
Denise Logsdon, LMT
Michael Mansfield, LMT

MEMBERS ABSENT

Max Maxwell, Citizen at large

OFFICE OF THE ATTORNEY GENERAL

Michael West, Board Attorney

OCCUPATIONS AND PROFESSIONS STAFF

Shannon Tivitt, Executive Director
Jeremy Horton, Deputy Executive Director
Carolyn Benedict, Board Administrator

OTHERS

Tom Hauser, NCBTMB
Eric Byrd, AMTA
Kally Fellers, Genesis Career College
Tabitha Miniard, Genesis Career College
Jennifer Wagley, NCBTMB
Charles Watson, Advanced Massage
Dan Cetrullo, Daymar College
Mark Swanson, Daymar College
Crystal Menear, Daymar College
Terri Sloan, Bluegrass Professional School of Massage
Therapy
Katherine Williams, Louisville School of Massage
Brent Williams, Louisville School of Massage
Chrissy Prather, Louisville School of Massage
Chris Thomas, Daymar College
Lisa Ledford, Lexington Healing Arts
Bill Booker, Lexington Healing Arts
Donald Ashley, Lexington Healing Arts

CALL TO ORDER

Ms. Crisler, Board Chair, called the meeting to order at 10:13 a.m. Upon calling the Board to order Ms. Crisler recognized Ms. Turner for having received her appointment as a Kentucky Colonel, as well as a Senate Proclamation recognizing her achievements.

MINUTES

A motion was made by Ms. Turner to approve the minutes, as amended, of the May 16, 2011 meeting. Motion, seconded by Ms. Barnhill, carried unanimously.

FINANCIAL STATEMENT

A motion was made by Ms. Logsdon to accept the financial statement ending May 31, 2011, as presented. Motion seconded by Ms. Turner, carried unanimously.

LICENSURE STATUS REPORT

A Licensure Status Report ending June 20, 2011 and report showing licensed expired May 2011, was presented to the Board for review. A motion was made by Ms. Logsdon to approve the report. Motion, seconded by Ms. Horsford, carried unanimously.

A report showing licenses issued since last meeting was presented to the board for review. A motion was made by Ms. Logsdon to approve the report. Motion, seconded by Ms. Turner, carried unanimously.

DIRECTOR'S REPORT

Ms. Tivitt introduced Carolyn Benedict to the Board and explained that she was filling in for Adriana Lang as board administrator at today's meeting. She stated that she appreciated Ms. Benedict filling in on such short notice.

Ms. Tivitt informed the Board that the office had sent the letter requested to Pat Donohue. The requested paperwork was received and has now been processed.

Ms. Tivitt reported that she and Mr. Horton would be attending budget training. Because the fiscal office is currently one person short she and Mr. Horton would be taking an active role in submission of the upcoming biennial budget. She discussed the email that had recently been sent to all boards regarding attempts to balance the budget. As always, she stated that any ideas and suggestions with regard to cost cutting were welcomed.

The Office of Occupations and Professions, in conjunction with the Office of the Attorney General, are continuing to work on revised model language for the Memorandum's of Agreement between the Board and the Office of Occupations and Professions.

The Board was informed that a restructuring of the Office of Occupations and Professions had been approved. Ms. Tivitt stated that two administrative section supervisor positions had been created. One would supervise the board administrators and the other would supervise the operations section. She hopes that the supervisors will be hired and working by August. Ms. Tivitt also stated that she was continuing to work on processes in hopes of making many of them uniform across all boards.

CHAIRPERSON'S REPORT

Ms. Crisler reported that the letter inviting Directors of Massage Therapy Schools was mailed and that the schools would be in attendance at the meeting beginning at 1:00 p.m.

Based upon recent information regarding the upcoming biennial budget and efforts to be more fiscally responsible, Ms. Crisler proposed not holding the board's retreat at Barren River State Park. She recommended they consider holding the retreat at the Office of Occupations and Professions. Based upon her suggestion Ms. Logsdon made a motion that the location for the board meeting and retreat, previously scheduled for August 8-9, 2011 at Barren River State Park, be changed to the Office of Occupations and Professions. Motion, seconded by Ms. Barnhill, carried unanimously. Ms. Turner and Ms. Horsford stated that they would not be in attendance for that meeting.

Ms. Crisler told board members that the postcard informing licensee's of recent changes in the laws and regulations had gone to the printer. Upon receipt they will be sent to all licensees.

Email relating to yoga massage classes being offered by the Lexington Healing Arts Academy was reviewed. In it, the question was asked if the KBLMT had a problem with the classes being offered and if it was okay for yoga teachers to perform this type of bodywork and not be a licensed massage therapist. Following discussion, Ms. Logsdon made a

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motion that Ms. Benedict respond to the email on behalf of the Board informing them that if people were learning yoga massage for self-care or use on immediate family that the Board had no problem with it. The motion also stated that the yoga massage instructors could not perform any type yoga massage on students or clients, or hold themselves out to be massage therapists or do massage therapy unless they hold a massage therapy license from the board. Motion, seconded by Ms. Turner, carried unanimously.

Email from FSMTB WV was reviewed. Ms. Crisler reported that she had contacted Dr. Bruce Hocking and was waiting for a response. She asked that this be tabled for discussion at the August 8-9, 2011 board meeting/work session.

ATTORNEY'S REPORT

Mr. West stated that most of his comments would be covered in the committee reports. However, he stated that he had filed the amendment to 201 KAR 42:035.

OLD BUSINESS

Email correspondence regarding KBLMT's response to questions regarding carry-over of continuing education hours was reviewed. Following discussion, Ms. Barnhill made a motion that her responses to these questions be added to the online instructions for filling out the renewal form. Motion, seconded by Ms. Horsford, carried unanimously. Ms. Benedict was asked to make certain the information was added. Carry-over instructions (Cover Sheet, Renewal Forms, Website Instructions, FAQ for the website) will be discussed in more detail during the August 9, 2011 meeting.

Additional emails from Carlos Cordova were reviewed. Mr. Cordova has been working with the board to get his documentation in order before applying. Following discussion Ms. Barnhill made a motion that Ms. Benedict sent Mr. Cordova a response informing him that his application would remain deferred and held open. The motion further stated that he keep the board updated regarding their requests of April 22, 2011 (a copy of the official transcript mailed directly from the school to the Board or the appropriate government agency if the school is no longer in business and a statement from the company who completed the transcription of the transcript verification the accuracy of the transcript on that company's letterhead.) Motion, seconded by Ms. Turner, carried unanimously.

NEW BUSINESS

Email correspondence from Ms. Logsdon regarding NCBTMB was reviewed for informational purposes. This brought forth a discussion regarding information from Mr. Mansfield with regard to human trafficking. Mr. Mansfield brought information regarding this ever increasing problem in the United States. Following review of the information he provided Mr. Mansfield made a motion that the KBLMT begin working to research and develop new legislation to hinder the efforts of human trafficking perpetuated as legitimate massage. Motion, seconded by Ms. Turner, carried unanimously. Ms. Crisler also stated that the board would discuss the topic at their upcoming retreat. Ms. Tivitt discussed placing a statement and links on the KBLMT website.

Email correspondence from Robert Wang was reviewed. Mr. Wang had several questions with regard to statistical information related to the passing ratio and complaints of Louisville schools with massage therapy programs. Following discussion Ms. Logsdon made a motion that Ms. Benedict respond to Mr. Wang's email informing him that schools maintained passing ratio information themselves and he could contact them directly for it. The motion further stated that to obtain information regarding school complaints he would need to file an open record request with the Kentucky State Board for Proprietary Education. Motion, seconded by Ms. Turner, carried unanimously.

Information regarding free state government employee care clinics was distributed to the board for informational purposes.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met on June 20, 2011 at 8:30 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky. Ms. Turner provided the following recommendations:

- 2010-09 and 2011-03- Administrative Complaint is ongoing.
- 2010-17- Settlement Agreement accepted by the Board. Closed.
- 2010-18- Settlement parameters agreed upon. Ongoing.
- 2010-19- Administrative Complaint is ongoing.
- 2010-20- Injunction is ongoing. Service of complaint pending.
- 2010-21- Administrative Complaint is ongoing.
- 2011-01 – Ongoing. Civil complaint filed.
- 2011-02- Injunction is ongoing. Service of complaint pending.
- 2011-04 – Pending OIG investigative report. Complaint is ongoing.
- 2011-05 – Pending OIG investigative report. Complaint is ongoing.
- 2011-07 – Pending OIG investigative report. Complaint is ongoing.
- 2011-08 – Settlement parameters agreed upon. Ongoing.
- 2011-09 – Pending OIG investigative report. Complaint is ongoing.

Ms. Logsdon 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 June 14, 2011 at 10:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

Initial Applications

Approved: *Jennifer Bastin, Diane Broaddus, Ginger Curry, Shannon Cribbs, Ann Dodd, Jeremiah Feather, Samantha Griffin, Amanda Lundy, Deidra McAdoo, Ashanta Murphy-Chaffin, Leslie Rich, Lawanna Robinson, Heather Simmerman, Tonya Smith, Lisa Webster*

Approved pending additional requirements: *Kelly Devine, Honey Dozier, Larisa Ellis, Phillip Najjar, Evelyn PitsenBarger, Haley Thomas*

Preliminary Denial: *None*

Deferred: *Xiang Ling Cheng, Fenxian Cui, Lisa Draslovick-Long, Jonathan Eisenhauer, Anthony Faulkner, Yanru Geary, Pamela Hausgen, Nina Kuskie, Lilia Linton, Linda Margolin and William McIlwain.*

Deferred after Board Review: *Hong Yang Li, Jian Ping Wang*

Endorsements

Approved: *Carina Miller.*

Approved pending additional requirements: *George Owens.*

Deferred to provide additional requirements: *Michael Gadberry, Hamrawit Tsegaye, Mary Vanover and Sine Venable.*

Online Renewals

Approved: *Jennifer Cormley and Cheryl Wiesemann.*

Approved pending additional requirements: *Jennifer Pinedo and Victoria Snelling.*

Preliminary Determination of Denial: *Lauren Rector*

Renewals

Approved: *Keri Abney, Jamie Haley, Heidi Rostampour, Shannon Ziegler.*

Preliminary Determination of Denial: *Kimberly Guffey and Clyde Rogers.*

Deferred After Board Review – *Kari Fogle*

No Action Required – *Patricia Hodges*

Approved \$200.00 refund to Serenity Fitzer. Renewal application received more than 90 days after the date of expiration.

Appeals

Dismiss and Approve: *Timothy Browning*

Ms. Logsdon moved to accept the report from the applications Committee. The motion, seconded by Ms. Turner, carried unanimously.

Ms. Crisler brought forth the discussion with regard to expenses. After getting a breakdown from Ms. Tivitt regarding miscellaneous expenses it was her recommendation the board stop having lunch catered on board meeting days. It was the consensus of the board that it would be more fiscally responsible to take a break and go to lunch on their own than to continue having lunch catered.

ADDITIONAL NEW BUSINESS

The KBLMT had issued an invitation to the directors of massage therapy programs in Kentucky. The purpose of the session was to provide them with clarification with regard to the 2011 changes in statutes and regulations. Among items discussed today were: application process; qualifications for licensure including conviction histories; renewals; teacher qualifications; and, application for certificate in good standing. Following the board's presentation there was a brief questions and answer period. Daily Activities of board staff and committee activities were also addressed; explaining why responses from the board office may be delayed at times. Fourteen school representatives were in attendance, two members from MCBTBM and one member in attendance from AMTA. Schools were encouraged to educate the students on the State laws and regulations and it was reconfirmed that the board office does not give licensure information or application status to schools or third-part persons, and that the office deals only with the licensee. Ms. Crisler expressed her appreciation to them for attending.

TRAVEL AND PER DIEM

Ms. Logsdon 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 July 11, 2011 at the Office of Occupations and Professions 911 Leewood Drive, Frankfort, Kentucky.

ADJOURN

With no further business to be brought before the Board Ms. Turner made a motion that the meeting be adjourned at 3:10 p.m.. The motion, seconded by Ms. Barnhill, carried unanimously.