

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING MINUTES
March 21, 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 March 21, 2011.

MEMBERS PRESENT

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

OCCUPATIONS AND PROFESSIONS STAFF

Shannon Tivitt, Executive Director
Adriana Lang, Board Administrator

MEMBER ABSENT

Max Maxwell, Citizen at large

OTHERS

Michael West, Board Attorney
Peter Erwin, EECPPC Attorney
Latasha Buckner, EECPPC Attorney
Julie Harper, AMTA
Tom Hansen, NCBTMB
Eric Byrd, AMTA
Holly Young

CALL TO ORDER

Ms. Crisler, Board Chair, called the meeting to order at 10:15 a.m.

MINUTES

A motion was made by Ms. Logsdon to approve the minutes, as amended, of the February 14, 2011 meeting. Motion, seconded by Ms. Barnhill, carried unanimously.

FINANCIAL STATEMENT

A motion was made by Ms. Horsford to accept the financial statement ending March 21, 2011, as presented. Motion seconded by Ms. Turner, carried unanimously.

LICENSURE STATUS REPORT

A Licensure Status Report ending March 17, 2011, was presented to the Board for review. A motion was made by Ms. Turner to approve the report. Motion, seconded by Ms. Horsford, carried unanimously.

A report showing new licenses issued from February 14, 2011 to March 17, 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. Horsford, carried unanimously.

LICENSURE STATUS REPORT CONTINUED

A report showing licenses expired month ending February 28, 2011, was presented to the Board for review. A motion was made by Ms. Turner to approve licenses expired report. Motion seconded by Ms. Horsford, carried unanimously.

DIRECTOR'S REPORT

Ms. Tivitt introduced herself as the New Executive Director of the Office of Occupations and Professions. She provided the following report:

- 1) Discussed the current procedures for Board Minutes and asked the Board to advise what procedures staff members should follow. The Board agreed that the Board administrator will draft the minutes send it via e-mail, one week prior to each Board meeting, to the Board Secretary and the person in charge of the Application Review Committee for review and corrections. The Board Secretary will e-mail the final draft back to the Administrator so she/he can send the final draft to all members of the Board by the Thursday prior to each Board meeting. The full Board will vote to approve the minutes during the following Board meeting.
- 2) State Auditor update- Once the report is received she will look at it as a based map for all Boards under the Office of Occupations and Professions. She is currently looking into the operating procedures in order to develop a proactive and uniform way to handle a day to day administrative work.
- 3) Clarified Executive Order 2008-454. She informed the Board the Disclosure of Conflict of Interest Statement form will be available at each Board meeting for members that wish to recuse from voting. Forms are to be completed, signed by the Chair and returned to staff members.
- 4) Explained that the delay on the issuance of the ID cards due to a contact renewal has been addressed and all cards has been issued and mailed. She stated that the Fiscal Section has been advised to assure that all contracts are renewed in a timely manner to avoid this issue in the future.
- 5) Discussed postcards for new regulations and hearing procedures. She recommended for the Board to issue letters versus ordering postcards for the reason being that letter can be draft and mailed to licensees much quicker than ordering postcards. She stated the will notify the Board which is more cost effective. The Board authorized Ms. Tivitt to draft language regarding the new regulations to send to all licensees and to place on the website. Ms. Crisler asked to be copied on Ms. Tivitt's draft.

ATTORNEY'S REPORT

Michael West provided the following report:

- 1) Sent e-mail in response to Betty Barker.
- 2) 2010-08 Cease and desist letter has been served. Remove from the agenda.
- 3) 2010-17 Sent correspondences to licensee and non-licensed individuals involved. Case is ongoing.
- 4) 2010-20 Injunction is prepared to be filed. Case is ongoing.

ATTORNEY'S REPORT CONTINUED

5) 2010-21 Administrative Complaint has been filed- Case is ongoing.

CHAIRPERSON'S REPORT

Ms. Crisler provided the following report:

- 1) She will check with Jeff Boler the status of the e-mail problem.
- 2) Ms. Crisler stated that there isn't a deadline to register for the 2011 CE class and that class is available to individuals that are not licensed with the KBLMT. Ms. Barnhill and Mr. Mansfield expressed concerns as to allowing individuals other than licensees register and attend the 2011 CE Class. Ms. Barnhill stated that the free class should only be offered to licensee and that a deadline to register should be set.
- 3) E-mail regarding purchase of drinks and snacks for the 2011 CE Class. Ms. Barnhill made a motion to approve the purchase of drinks and snacks for the 2011 CE class, not to exceed \$200.00. The motion, seconded by Mr. Mansfield, carried unanimously.
- 4) Ms. Crisler provided an update on the AMTA conference. She stated that several licensees brought to her attention that they had not received their ID cards. She stated they also discussed what the Board is doing regarding unlicensed practice, website updates and the KBLMT acceptance of CPR classes as continuing education. Ms. Barnhill made a motion to accept CPR classes as continuing education as long as the class is from a recognized organization. The motion seconded by Mr. Mansfield, carried unanimously.
- 5) E-mail from Debra Persinger, PhD. regarding the MBLEX exam. Ms. Horsford made a motion to invite the FSMTB to the May 16, 2011 meeting to provide an information session regarding the MBLEX exam.

OLD BUSINESS

The Board discussed creating a packet for county attorneys. Ms. Crisler stated that she communicated with an investigator from the Office of Inspector General and the investigator told her that he will go with her to the county attorneys. Ms. Crisler stated that she did not recall the name of the investigator but she was going to look on her notes and let the Board know.

Staff members informed the Board that they were notified by the Administrator of the Proprietary Education Board that the cease and desist letter that was mailed to the Kentucky Academy of Medical Massage (KAMM) was issued while she was out of the office by a staff member in error. Mr. West stated that the KBLMT took action based on the information received from the PE Board and if that was an error the PE Board needs to correct the error. The Board requested to receive the information from the PPE Board in writing. Ms. Tivitt stated that she is going to draft and apology letter to the KAMM on behalf of the Office of Occupations and Professions and that she will have the PE Board Administrator send the information in writing to the KBLMT.

NEW BUSINESS

The Board reviewed an e-mail from Kim Guffey. Ms. Logsdon made a motion for Mr. West to send a letter in response stating that she is required to submit a renewal form, pay \$200.00 late renewal fee and provide proof of continuing education. The motion seconded by Ms. Turner, carried unanimously.

The Board reviewed an informational e-mail from the Commission on Massage Therapy Accreditation (COMTA).

The Board reviewed a correspondence from AMTA. The Board responded that 1) disciplinary actions are available via Open Records Requests 2) Ms. Tivitt will look to see if disciplinary actions are posted online 3) Ms. Turner will draft procedures on how to file the Unlicensed Activity Complaint Form and will bring and will bring it to the next scheduled meeting 4) Check with Mr. Boler if cover letters can be attached to the complaint form.

The Board reviewed an e-mail from Candace Brunk. Ms. Barnhill made a motion for Mr. West to send an e-mail in response stating that "Pursuant to 201 KAR 42:080 (4) (1), a student shall not receive compensation for completing a clinical experience or externship. Regarding your specific questions, the Board's position is that proceeds from your event shall not be used to pay the tuition of the students who work the event. Nor shall the proceeds go into the general scholarship fund open to all students. The Board views these arrangements as an example of direct (in the former instance) and indirect (in the latter instance) compensation". The motion seconded by Ms. Turner, carried unanimously.

The Board reviewed an e-mail from Kally Fellers. Ms. Logsdon made a motion for Mr. West to send an e-mail in response stating that "Lymphatic, Neuromuscular, Myofascial, Pre-Natal, Accupressure Massage Integration, Stone Massage, Deep Tissue and Ethics are all massage courses. Reiki, Reflexology and Aromatherapy are all adjunctive. Business Management, Law and Professional Development are classes that might fall in one category or the other depending on specific information contained with the curriculum and course description of the course. The Board cannot offer an opinion on those courses without being supplied with more information". The motion seconded by Ms. Turner, carried unanimously.

Ms. Barnhill discussed with the Board KRS 309.363 and 201 KAR 42:080 (2).

At 12:25 p.m. Ms Logsdon made a motion to go into Closed Session to discuss of personnel matters pursuant to KRS 61.810 (c) (f). The motion seconded by Ms. Turner, carried unanimously.

At 12:43 p.m. Mr. Mansfield made a motion to go out of Closed Session. The motion seconded by Ms. Barnhill, carried unanimously.

Mr. Mansfield left the meeting at 12:50 p.m.

Ms. Tivitt left the meeting at 1:00 p.m.

The Board discussed that a massage therapy online school needs to provide all documents as required by regulation.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met on March 21, 2011 at 8:30 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky. Ms. Turner provided the following recommendations:

2010-08 Cease and desist letter has been served. Case resolved.

2010-09 Authorize Attorney to initiate Administrative Complaint pursuant to KRS 309.362 Section 19 (c) (d) (g) and 201 KAR 42:060 Section 4 (11) (14). Case is ongoing.

2010-12 Letter has been sent to school. Case resolved.

2010-14 Case is ongoing.

2010-17 Attorney sent correspondences to licensee and non-licensed individuals involved. Case is ongoing.

2010-18 Injunction action has been prepared to be filed. Case is ongoing.

2010-19 Authorize Attorney to initiate Administrative Complaint pursuant to KRS 309.362 Section 1(d) and KRS 309.353 Section 1.

2010-20 Attorney Injunction is prepared to be filed. Case is ongoing.

2010-21 Attorney prepared and filed Administrative Complaint - Case is ongoing.

2011-01 Pending investigation report. Case is ongoing.

2011-02 Authorize Attorney to file an injunction Court against Barbara Prichard and Ebony Gray in Jefferson County Circuit Court. Case is ongoing.

2011-03 Combined with complaint 2010-09.

2011-04 Authorize the Office of Inspector General (OIG) to conduct further investigation. Case 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 March 15, 2011 at 10:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

Initial Applications

Approved: *Thomas Bordas, Samantha Cambron, Paul Carney, Rachel Parker, Sonya Pinkston, Tabatha Stroizer-Mort and Holly Young.*

Approved pending additional requirements: *David Medina, Brandi Mundo and Evelyn Pitsenberger.*

Deferred to provide additional requirements: *Jessica Cebe, Larisa Ellis, Jaycee Guillaume, Pamela Hausgen, Brittany Hudson, Michelle Johnson, Shery Maile, Myra Mullins, Desiray Salchow, Holly Stone, and Jacqueline Wolf.*

Denied Must Reapply as a Renewal: *Krista Wilhelmi.*

Endorsements

Approved: *Rene Aderson, Ruiliang Cao, Jama Tapp, Michelle Van, Wen Xian Wang and Sara Wright.*

Approved pending additional requirements: *Bo Ping Zou.*

Deferred to provide additional requirements: *Luther Bond, Kammaleathahh Linvinstone and Li Ying.*

Denied: *Sarah Griffin, Ebony Harris-Minor, and James Vices.*

Renewals

Approved: *Shirley Calhoun, Sun Fetter, Barbara Gann, Wayman Hart, Susan Healy-Kessinger, Lauren Howard, Mary Jezreel, Deborah Lueke, Chrystal Metcalfe, Kimberly Mundy, Amanda O'Brian, Kathleen Oswald, Charlotte Rachford, Rosemary Strauss, Kathleen Summers, Kevin Taylor and Tracie Wilkes.*

Approved pending additional requirements: *Andrea Dowell, Sarah Harris, Audrey Murphy, N. Lucky Prince, Tami Stoecker, Nathan Thornsby and Pamela Yenawine.*

Deferred to provide additional requirements: *Nancy Brown, Robin Jones and Brittany Napier.*

Denied: *Timothy Black, Valerie Brooks, Catherine Simmons and Ashley Thurman.*
The Board referred Ashley Thurman to the Complaint Committee.

Appeals: *Timothy Browning and Tiffany Clark.*

Continuing Education

Approved: *Bindegewesmassage-CTM Basic Series, March 24 and 25, 2011.*

Letter of Good Standing

Deferred: *Milan Institute.*

Ms. Logsdon moved to accept the report from the applications Committee. Ms. Barnhill recused herself from Thomas Bordas and Lauren Howard. Ms. Horsford seconded the motion. Motion carried.

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 April 11, 2011 at the Office of Occupations and Professions 911 Leawood Drive Frankfort, Kentucky.

ADJOURN

Ms. Logsdon made a motion to adjourn at 3:05 p.m., having no further items of discussion. The motion, seconded by Ms. Turner, carried unanimously.

APPROVED



Theresa Crisler, Chair