

KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY

BOARD MEETING MINUTES

May 16, 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 May 16, 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

OCCUPATIONS AND PROFESSIONS STAFF

Shannon Tivitt, Executive Director

Jeremy Horton, Deputy Executive Director

Adriana Lang, Board Administrator

OTHERS

Michael West, Board Attorney

Lori Ohlmann, NCBTMB

Julie Harper, AMTA

Shellie Patterson, AMTA

Nick Hansen

Candy Brunk

Shannon Brunk

CALL TO ORDER

Ms. Crisler, Board Chair, called the meeting to order at 10:08 a.m.

MINUTES

A motion was made by Ms. Barnhill to approve the minutes, as amended, of the April 11, 2011 meeting. Motion, seconded by Mr. Mansfield, carried unanimously.

FINANCIAL STATEMENT

A motion was made by Ms. Logsdon to accept the financial statement ending April 30, 2011, as presented. Motion seconded by Ms. Turner, carried unanimously.

Licensure status Report

A Licensure Status Report ending May 12, 2011, 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.

A report showing licenses expired April, 2011, was presented to the Board for review. A motion was made by Ms. Logsdon to approve licenses expired report. Motion seconded by Ms. Turner, carried unanimously.

DIRECTOR'S REPORT

Ms. Tivitt provided the following report:

- 1) The allotment request is approved for the amount \$9,400.00. The increase will be listed on the next Financial Statement.
- 2) Sent a letter and travel voucher to Pat Donahue and no response has been received. The Board requested Ms. Tivitt to send a second letter to Ms. Donahue informing her that she needs to respond by June 15, 2011. Ms. Tivitt stated that she will keep the Board informed.
- 3) The Memorandum of Agreement (MOA) between the Kentucky Board of Licensure for Massage Therapy and the Office of Occupations and Professions should be back from the Public Protection Cabinet by July, 2011. Ms. Tivitt stated that the goal is to give a copy of the MOA to the members of the Board prior to the meeting for a review.
- 4) Beginning July 1, 2011 a mandatory budget reduction of 1.5% across the Boards under the Office of Occupations and Professions for the fiscal years of 2011 and 2012. The 2012 to 2014 budget will be created this coming fall.
- 5) Mr. Garr accepted another position with the Finance Cabinet. He will leave mid June 2011. The office of Occupations and Professions hired Jeremy Horton as the new Deputy Executive Director. Ms. Tivitt introduced Mr. Horton to the Board.
- 6) The Kentucky State Board for Proprietary Education (KSBPE) sent a letter to the Kentucky Board of Licensure for Massage Therapy (KBLMT) explaining that the Kentucky Academy of Medical Massage (KAMM) school received a cease and desist letter from the KSBPE by administrative error and that the KAMM is in good standing until June 30, 2011. It was noted that there were no mistakes made by this board.
- 7) Ms. Tivitt asked the Board to clarify what applications require a notary. The Board clarified that the Endorsement Application is not required to be notarized and that the Application for Initial Licensure will be required to be notarized once the new form is approved by regulation.

CHAIRPERSON'S REPORT

Ms. Crisler provided the following report:

- 1) Based on the results from the Continuing Education training, the Board should file a complaint with the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). Ms. Logsdon made a motion for Ms. Crisler to file a complaint against Pat Donahue with the NCBTMB. The motion, seconded by Ms. Barnhill, carried unanimously.
- 2) Suggested to have a meeting with the Kentucky Massage Therapy Approved Schools. The Board agreed to invite all approved schools to attend the next meeting on June 20, 2011. The Board asked staff members to send an invitation to the schools and asked them to RSVP by June 8, 2011. The Board stated that they will address the schools at 1:00 pm. Ms. Logsdon agreed to draft language for the invitation letter.

ATTORNEY'S REPORT

Michael West provided the following report:

- 1) E-mail from Marilyn Gossett. Mr. Mansfield made a motion for Mr. West to send a letter in response defining KRS 309.358 Section 7 (1). The motion, seconded by Ms. Horsford, carried unanimously.
- 2) Informational e-mail and pamphlet from the NCBTMB regarding Human Trafficking Awareness Effort. The Board requested Mr. Mansfield to write a letter regarding the matter for all cities and a press release. Ms. Crisler stated that she will gather the addresses. Mr. Mansfield stated that he will bring the draft for a full Board review at the next scheduled meeting.
- 3) E-mail regarding the Office of Attorney General Ethics Training. Ms. Crisler asked Ms. Tivitt to check rates and schedule for the Ethics Training. Ms. Tivitt stated that she already made the contact, and she is waiting for a response. Ms. Crisler stated that she would like for the training to be in the Office of Occupations and Professions.
- 4) Appeal request from Timothy Browning is ongoing.
- 5) Recommended approval for Tiffany Clark license. Ms. Logsdon made a motion to approve Tiffany Clark. The motion, seconded by Ms. Horsford, carried unanimously.
- 6) Discussed with the Board the process for renewal denials.
- 7) At 12:26 p.m. Ms. Turner made a motion to go into Closed Session to discuss matter of potential litigation pursuant to KRS 61.810(1) (c) (j). The motion seconded by Ms. Barnhill. Motion carried. Ms. Logsdon recused herself and left the room.
- 8) At 12:50 p.m. Ms. Turner made a motion to go out of Closed Session. The motion seconded by Ms. Barnhill. Motion carried. Ms. Logsdon came back to the room.

9) Ms. Turner made a motion to approve settlement parameters for the Settlement Agreement for Ashley Thurman. The motion was seconded by Ms. Horsford. Motion carried. Ms. Logsdon recused herself.

OLD BUSINESS

Mr. Mansfield left the meeting at 12:51 p.m.

Michael Mansfield e-mail statement tabled to next meeting.

The Board reviewed follow up correspondence from Carlos Cordova. The Board decided to wait until next month for Mr. Cordova's response to the Board letter dated April 22, 2011.

The Board reviewed follow up correspondences from Nick Hansen. Mr. Hansen was present. Ms. Logsdon made a motion to approve Mr. Hansen's Continuing Education. The motion, seconded by Ms. Horsford, carried unanimously.

The Board reviewed an e-mail from Denise Logsdon regarding the Basic list of Requirements, 201 KAR 42:040.

The Board reviewed correspondences from Lynn Corwin regarding renewal of massage therapy license. Ms. Corwin was present. The Complaint Committee requested to speak with Ms. Corwin in private. The Board approved the request. The Complaint Committee, Mr. West and Ms. Corwin left the room at approximately 1:55 p.m. They returned to the Board Meeting approximately 2:05 pm.

At 2:08 p.m. Ms. Turner made a motion to go into Closed Session to discuss matter of potential litigation pursuant to KRS 61.810(1) (c) (j). The motion, seconded by Ms. Logsdon, carried unanimously.

At 2:20 p.m. Ms. Horsford made a motion to go out of Closed Session. The motion, seconded by Ms. Logsdon, carried unanimously.

Ms. Logsdon made a motion to issue a letter of good standing for the KAMM. The motion, seconded by Ms. Turner, carried unanimously.

NEW BUSINESS

The Board reviewed an e-mail from Shannon Brunk regarding KAMM.

The Board reviewed an e-mail from Trina Caba regarding KAMM.

The Board reviewed an e-mail from Dan Cetrullo regarding the NESL exam. The Board requested a staff member to send an e-mail in response stating that, 1) The KBLMT will issue licenses based on the NESL exam, 2) Official transcript is required at the time an application is submitted.

The Board reviewed an email from Celia Peters regarding massage establishments. The Board requested a staff member to send an e-mail in response stating that The KBLMT does not regulate establishments and refer her to her local health department. The Board also referred the matter to the Complaint Committee.

The Board reviewed an e-mail from Mary O'Reilly regarding the Federation of State Massage Therapy Board (FSTB) membership application renewal. Ms. Barnhill made a motion to renew the FSMTB membership. The motion, seconded by Ms. Turner, carried unanimously.

The Board reviewed e-mails from Ada Spencer regarding the business question. The Board requested a staff member to send an e-mail in response stating that based on the information provided no permits are required by the KBLMT.

The Board reviewed an e-mail from Allie Franco regarding website resource suggestion. The Board requested a staff member to send an e-mail in response thanking her for the information and advising that the KBLMT does not exchange web links.

The Board reviewed an e-mail from Jerriann McClaurin regarding Colon Hydrotherapy. The Board requested a staff member to send an e-mail in response stating that the information provided on her e-mail is within the massage therapy scope of practice and conflict of interest is not found in the KBLMT laws and regulations.

The Board reviewed an e-mail and correspondences from Kally Fellers regarding a program revision from the Genesis Career College. The Board requested staff members to place the information in the school file.

Michael Mansfield discussion of unlicensed activity massage parlors is tabled until the next meeting.

Ms. Logsdon moved for Ms. Barnhill to review carry over hours for Nancy Brown and to allow renewal pursuant to KRS 329A.057 (6) (A). The motion, seconded by Ms. Turner, carried unanimously.

Ms. Barnhill stated that based on recently applicant interviews by the Application Committee, it was discovered that massage therapy schools are informing MT students that if they have a felony there is no problem when applying for licensure. She expressed concerns and recommended the Board to address the matter with the schools on June 20, 2011.

Ms. Barnhill informed the Board that the Application Committee is in need of help. The Board discussed creating a policy where the full Board reviews applications on the day of a Board meeting. Mr. West recommend for the Board to come in early on Board meeting days so they entire Board can review all applications prior to the meeting. The Board agreed to continue the discussion at the next scheduled meeting.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met on May 16, 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 combined- Case is ongoing.

2010-17- Case is ongoing.

2010-18- Case is ongoing.

2010-19- Case is ongoing.

2010-20-Civil Complaint filed. Sheriff's office in process of serving the document. Case is ongoing.

2010-21- Case is ongoing.

2011-01- Under investigation, civil suit. Case is ongoing.

2011-02- Sheriff's office has been having difficulty serving injunction, will keep trying. Case is ongoing.

2011-04- OIG is conducting further investigation. Case is ongoing.

2011-05- Authorize the OIG to conduct investigation. Case is ongoing.

2011-06- Signed Settlement Agreement. Case is closed.

2011-07- OIG is investigating. Case is ongoing.

2011-08- Authorize further investigation by the OIG. Case is Ongoing.

Ms. Logsdon made a motion to approve the Complaint Committee recommendations. The motion, seconded by Ms. Barnhill, carried unanimously.

CONTINUING EDUCATION REQUESTS

Ms. Logsdon made a motion to approve Reiki I, II & III Workshop. The motion, seconded by Ms. Horsford, carried unanimously. The Board requested a staff member to state on the approved letter that future requests must be submitted to the Board office 60 days prior to the class.

Ms. Logsdon made a motion to approve Ethics: Protecting Human Research Participants. The motion, seconded by Ms. Barnhill, carried unanimously.

APPLICATION COMMITTEE REPORT

The Applications Committee met on May 10, 2011 at 10:00 a.m. at the Office of Occupations and Professions 911 Leewood Drive, Frankfort Kentucky.

Initial Applications

Approved: Angela Allen, Micheal Anderson, Grace Ballard, Jessie Boardman, Jennifer Boothe, Abigail Brelage, Candace Brunk, Yon Choi, Tiffany Clark, Anne Dwyer, Marie Geary, Ashley Geary, Rachel Grigsby, Josie Harmon, Teewana Hodges, Tiffany Jacobson, Peggy Johnson, Michelle Johnson, Linda Leidlich, Brandee Lewis, Kirsten Lowery, Nicole McClinnaham, Ashley McMahan, Joshua Nance, Matthew O'Daniel, Shannon Presley, Desiray Salchow, Dawn Schartz, Ashley Spanton, Jason Van Steenberg and Jacqueline Wolf.

Approved pending additional requirements: *Kelly Devine, Larisa Ellis, Phillip Najjar, Evelyn Pitsenbarger, and Lisa Webster.*

Deferred to provide additional requirements: *Shannon Cribbs, Fexian Cui, Honey Dozier, Pamela Hausgen, Lilia Linton, Amanda Lundy and Deidra McAdoo.*

Endorsements

Approved: *Monica Boes, Mary Lynn Corwin, Peter Messina, Jr., Corinna Murray, Penelope Smith, James Viles and Joseph Weger.*

Approved pending additional requirements: *Carina Miller and George Owens,*

Deferred to provide additional requirements: *Hamrawit Tsegaye.*

Denied: *Ying Li and Bo Ping Zou.*

Referred to the Board: *Sine Venable and Mary Vanover. The Board requested Mr. West to send letters to both applicants to ask them if they still want to request licensure*

Online Renewals

Approved: *Whitney Fryman, Dudley King, Audrey Murphy and Tami Stoecker.*

Approved pending additional requirements: *Amanda Graves, Angela Hall, Lauren Hector and Cheryl Wiesemann.*

Renewals

Approved: *LaDona Abney, Connie Argier, Kelly Barp, Christina Hilton Broady, Amber Broabent, Nancy Brown, Joshua Castlen, Deborah Claywell, Jayne Cline, Bonnie Davis, Lucarroll Craig, Cynthia Dunn, Julianne Edmonds-Ench, Gail Elliott, Gregory Fox, Timothy Grady, E, Jacqueline Groenewegen, Sarah Harris, Mary Haselkoester, Ella Hatton, Mary Jezreel, Robin Jones, Tim Kelty, Kimberly Krueger, Corinne LaReau, Heidi Lyn-Hall, Lilian Martin, Candace Mason, Angela McCaslin,, Kathy Norris, Rose Mary Nowitzki, Patricia Pastor, Pamela Pike-Pendergrass, Amy Perry, Rica Ricketts, Tanya Robinson-Beauchamp, Nancy Smith, Carol Quinn, Leverna Upton, Glenda Waits, David Wirth, Khari Woodcock and Sandra Wright.*

Approved Inactive: *Vicki Anderson, Elizabeth Martin and Erin Rogers, Casie Wagner*

Approved Pending: *Patricia Hodges*

Deferred: *Keri Abney (reapply as initial applicant), Shannon Ziegler*

Denied: *Andrea Dowell, Catherine Simmons*

TRAVEL AND PER DIEM

Mr. Maxwell 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 June 20, 2011 at the Office of Occupations and Professions 911 Leawood Drive, Frankfort, Kentucky.

ADJOURN

Mr. Maxwell made a motion to adjourn at 1:29 p.m. having no further items of discussion. The motion, seconded by Ms. Turner, carried unanimously.

Approved
June 20, 2011