

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING MINUTES
October 18, 2010**

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 October 18, 2010.

MEMBERS PRESENT

Theresa Crisler-Board Chair
Cheryl Turner, Vice- Chair
Laurie Bond Horsford, Secretary
Holly Anne Barnhill, LMT
Michael Mansfield, LMT
Max Maxwell, Citizen at large

OCCUPATIONS AND PROFESSIONS STAFF

Frances Short, Executive Director
David Garr, Deputy Executive Director
Jim Grawe, Board Attorney
Adriana Lang, Board Administrator
Jeff Boler, Resource Management Analyst

OTHERS

Julie Harper, AMTA
Charles Watson, AMT

MEMBER ABSENT

Denise Logsdon, LMT

CALL TO ORDER

Ms. Crisler, Board Chair, called the special meeting to order at 12:04 p.m.

ELECTION OF OFFICERS

The Board held its annual election of officers. Ms. Crisler was re-elected as the Chairman, Ms. Turner as re-elected as the Vice- Chairman, and Ms. Horsford was elected as the Secretary.

2011 BOARD MEETING SCHEDULE

The Board deferred scheduling the 2011 meetings until the Office of Occupations and Professions calendar reflects the state holidays for the year of 2011. Mr. Mansfield made a motion to defer the schedule for 2011 meetings until November 2010. The motion, carried unanimously.

MINUTES

A motion was made by Mr. Maxwell to approve the minutes, as amended, of the September 13, 2010 meeting. Motion, seconded by Mr. Mansfield, carried unanimously.

Julie Harper inquired about approved minutes that aren't posted on the website. Mr. Boler stated that he would follow up with the Public Protection Cabinet.

FINANCIAL STATEMENT

A motion was made by Mr. Mansfield to accept the financial statement, as presented. Motion seconded by Ms. Barnhill, carried unanimously.

LICENSURE STATUS REPORT

A Licensure Status Report for the month ending October 15, 2010 was presented to the Board for review. A motion was made by Ms. Barnhill to approve the report. Motion, seconded by Mr. Mansfield, carried unanimously.

A report showing licenses expired month ending September 30, 2010 was presented to the Board for review. A motion was made by Ms. Barnhill to approve licenses expired. Motion, seconded by Mr. Mansfield, carried unanimously.

A report showing new licenses issued month August, September and October 2010 was presented to the Board for review. A motion was made by Ms. Barnhill to approve the new licenses issued. Motion, seconded by Mr. Mansfield, carried unanimously.

Ms. Harper asked the Board if they could place the Licensure Status Report on the website. Mr. Boler stated that he would look into that matter.

Ms. Crisler stated that in the past the Board conducted random audits on expired licensees. Ms. Barnhill made a motion to authorize Ms. Crisler to work with Mr. Boler to obtain a query of expired licensees. The motion, seconded by Ms. Turner, carried unanimously.

DIRECTOR'S REPORT

Ms. Short provided the following report:

- 1) The Newsletter should be finalized within a couple of days. Once the final draft is complete, she will send an electronic copy for the members of the Board for a review. The deadline for comments on the final draft is one week from the day the e-mail is sent.
- 2) 2011 Special Meeting/Retreat is formally scheduled for August 8-9, 2011. Ms. Barnhill made a motion to accept the dates as scheduled. The motion, seconded by Mr. Mansfield, carried unanimously. Ms. Short further explained that Board and staff members can check in the day before the meeting and check out the day after the meeting.
- 3) Discussed procedures of draft minutes. The Board authorized the Board Administrator to send a draft of the minutes to all members for a review, and for members of the Board to bring any suggestions for amendments to the Board meeting for a full Board approval.
- 4) E-mail from Holly Johnson-McCoy stating that the mileage reimbursement rate beginning October 1, 2010 through December 31, 2010 is .43 cents per mile.
- 5) Memorandum of Agreement (MOA) between the Office of Occupations and Professions and The Kentucky Board of Licensure for Massage Therapy, has been sent to the Public Protection Cabinet's legal counsel for a review. Once she receives it back, she will forward it to the Board Chair so she can sign it.

CHAIRPERSON'S REPORT

Ms. Crisler provided the following report:

- 1) E-mail regarding the FSMTB 2010 Board report. The Board reviewed the report.
- 2) E-mail regarding the NCBTMB school compliance and certification revocation dated October 1, 2010. The Board reviewed the documents.
- 3) 2011 continuing education update. Ms. Short suggested for the Board to work directly with Janet Cox regarding the 2011 Continuing Education Training. The Board discussed the possibility to have the training at the Transportation building. Mr. Mansfield suggested for the Board to check Eastern Kentucky University (EKU) or Kentucky State University (KSU). Ms. Turner made a motion to authorize Mr. Mansfield to check on prices and availability at EKU, and Mr. Maxwell check prices and availability at KSU, and send the information to Ms. Cox. The motion, seconded by Ms. Turner, carried unanimously.

ATTORNEY'S REPORT

Mr. Grawe provided the following report:

- 1) Update on the proposed regulations and explained the regulatory public comments and hearing process.
- 2) The Board inquired about the reciprocity language instead of endorsement language on KRS 329.359. Mr. Grawe stated that he would follow up with Mr. West.
- 3) The Board requested Mr. Grawe to follow up with Mr. West the status of Tracie Squires hearing.

NEW BUSINESS

The Board reviewed an e-mail from Julie Harper requesting to speak with the Board. Ms. Harper was present. She provided the Board with a document with questions regarding current laws and regulations and renewal process. 1) Clarification on Application Committee Meeting. The Board deferred the question for a legal opinion. 2) Question about late renewal process. The Board clarified that only the Application Committee is authorized to review late or audit renewals. After the review, the Application Committee has to provide the full Board a report and recommendations, so the Board can vote on the Application Committee recommendations. 3) The Board and staff members clarified that if a licensee fails to renew within their renewal date, the license is expired and the licensee shall cease and desist. In addition, staff members will update and send cease and desist letters as soon as possible as time permits. 4) The Board and staff members clarified that courtesy postcards regarding the renewals deadlines, are mailed to all licensees within 30 to 60 days prior to the expiration date. And that the Office of Occupations and Professions keep records of the renewals. The Board emphasized that renewal forms and electronic renewals are available online at <http://bmt.ky.gov>. Ms. Harper suggested several changes to the current website. Mr. Boler stated that he would check with the Public Protection Cabinet to see if the changes could be made, however, he could not guaranty it. Mr. Harper advised the Board that the current cease and desist letter is not clear. The Board requested staff members to forward a copy of the current cease and desist letter to Ms. Barnhill so she can change the language on the letter and make it clear. The Board requested Ms. Barnhill to bring a copy of the final cease and desist letter to the next Board meeting for a review.

NEW BUSINESS CONTINUED

Furthermore, Ms. Harper expressed concerns with the current proposed regulations and stated that she will send written comments on behalf of AMTA.

Mr. Maxwell made a motion to authorize the Office of Occupations and Professions to place on the website a list of names of individuals that are approved, deferred or denied each Board meeting, within three business days after the meeting day. The motion seconded by Mr. Mansfield. Ms. Barnhill opposed to the motion. Motion carried.

Mr. Maxwell made a motion to list all applicant names on the minutes. The motion seconded by Mr. Mansfield. Ms. Barnhill opposed to the motion. Motion carried.

The Board reviewed correspondences from Katie Stewart regarding the AMTA Brunch Business Meeting on March 6, 2011. Ms. Barnhill made a motion to approve travel for any member of the Board and to authorize Ms. Crisler to speak on behalf of the KBLMT. The motion, seconded by Mr. Mansfield, carried unanimously. Ms. Harper stated that AMTA will pay for the Board members lunch.

The Board reviewed an e-mail from Genevieve First regarding accepting insurance. The Board authorized Ms. Crisler to send an e-mail in response to Ms. First.

The Board reviewed correspondence from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB). The Board requested staff members to contact the NCBTMB and advise them that they are allowed to provide a presentation at the next scheduled Board meeting.

The Board reviewed a correspondence from the Fiscal Section indicating returned renewal payment for Linda Taylor. Ms. Barnhill made a motion to terminate Ms. Taylor license and send her a cease and desist letter. The Motion, seconded by Mr. Mansfield, carried unanimously.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met on October 18, 2010 at 8:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

2010-07- Dismissed without prejudice for lack of violation of KRS 329.

2010-08- Mr. West send cease and desist letter to business and to Ebony Gray. This complaint is ongoing.

2010-09- Follow up with Mr. West. This Complaint is ongoing.

2010-14- Revise letter advising of KRS 309.353 (3). This complaint is ongoing.

2010-15- Mr. West send letter requesting additional information. This complaint is ongoing.

COMPLAINT COMMITTEE REPORT CONTINUED

2010-16- Refer to Office of Inspector General for further investigation. This complaint is ongoing.

2010-17- Dismissed for lack of information.

Ms. Barnhill made a motion to accept the Complaint Committee's recommendations. The motion, seconded by Mr. Mansfield, carried unanimously.

APPLICATION COMMITTEE REPORT

The Applications Committee met on October 14, 2010 at 12:00 p.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

Initial Applications

Approved: *Samantha Glass, Tyrome Migliore and Charita Woodward.*

Approved with stipulation that there are no further criminal charges and/or violations of probation terms or action may be taken against licenses: *Robin Chadwell and Amos Tyree.*

Approved pending additional requirements: *Lillian Findley, Ann Maxted, Elizabeth Peden. and Evelyn Pitsenbarren.*

Deferred to provide additional requirements: *Timothy Browning, Jessica Cebe, Yon Choi, Tiffany Clark, Elisa Couch, Kyra Drake-Flynn, Erik Cook, Pamela Gillman, Brittany Hudson, Tia Jones, Nikolas Lewis, Stacie Maze, Antonio Medina, Rachel Parker and Sharron Smith.*

Deferred to appear before the Applications Review Committee: *Candice Hampton.*

Deferred to provide additional requirements and to provide job description of what they have been doing at their current place of employment: *Rachel Parker.*

Endorsements

Approved: *Teanita Franco, Maggie Hall, Margaret Lemen, Mathew Steinbach, Victoria Vicary.*

Approved pending additional requirements: *Kimberly Holmes, Elizabeth Sachs, Lorraine Scott, and Leah Swift.*

Deferred to provide additional requirements: *Lindsay Buffkin, Jeannine Cory, Sandea Lamb and Ying Li.*

Denied for failure to provide 1) National background check, 2) Provide proof of completion of 100 hours of continuing education since became licensure in her jurisdiction: *Ebony Harris-Minor.*

Application withdrawn: *Ok Ruiz.*

Renewals

Approved: *Ruth Betts, Paul Brosky, Laura Collins, Ashley Crutcher, Julie Durrett, Claudia Estell, Ester Foster, James Foster, Aaron Girhan, Betty Greaver, Stephanie Grothaus, Anne Hagan, Jeff Hart, Mary Hedgespeth, Cynthia Hutchinson, Erin LStarza, Theresa Meehan, Catherine Phipps, Parinda Pierce, Dixie Pifer, Kimberly Proctor,*

Bridget Reynolds, Jacqueline Rosen, Rita Snow, LyAnn surface, Alonda Tall Chief, Jennifer Thomas, Anne Tsmas, Chesney Turner, Jessica Wilder and Cathy Whitaker.

Approved pending additional requirements: *Mary Muchmore and Anne Pafford .*

Deferred to provide additional requirements: *Rachel Foltz and Roetta Farthing.*

Denied for failure to provide additional requirements: *Erin Grigsby and James Guyette.*

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

TRAVEL AND PER DIEM

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

NEXT MEETING

The next regular meeting is scheduled for November 8, 2010 at the Office of Occupations and Professions 911 Leawood Drive Frankfort, Kentucky.

ADJOURN

Mr. Maxwell made a motion to adjourn at 3:55 p.m., having no further items of discussion. The motion, seconded by Ms. Turner, carried unanimously.



Theresa Crisler, Chair