

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING MINUTES
SEPTEMBER 13, 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 September 13, 2010.

MEMBERS PRESENT

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

OCCUPATIONS AND PROFESSIONS STAFF

Frances Short, Executive Director
Michael West, Board Attorney
Adriana Lang, Board Administrator
Jeff Boler, Resource Management Analyst

OTHERS

Julie Harper, AMTA
Pam Jenkins, AMTA

MEMBER ABSENT

Max Maxwell

CALL TO ORDER

Ms. Crisler, Board Chair, called the special meeting to order at 10:04 a.m.

ELECTION OF OFFICERS

Mr. Mansfield made a motion to table the Annual Election for Chairman, Vice-Chairman and Secretary to the next scheduled meeting. The Motion, seconded by Ms. Horsford, carried unanimously.

MINUTES

A motion was made by Ms. Turner to approve amended the minutes, as amended, of the August 13-14, 2010 meeting. Motion, seconded by Ms. Logsdon, carried unanimously.

FINANCIAL STATEMENT

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

CHAIRPERSON'S REPORT

Ms. Crisler provided the following report:

1) E-mail from Denise Logsdon regarding letter of clarification about externship supervision to the Kentucky State Board for Proprietary Education. Ms. Logsdon clarified that this request came from the Director of Spencerian College. Mr. Mansfield made a motion for Mr. West to draft a response clarifying KRS 309.363 (1) (c) to Buddy Hoskinson. The motion, seconded by Ms. Turner, carried unanimously.

CHAIRPERSON'S REPORT CONTINUED

- 2) E-mail regarding the draft Newsletter including House Bill (HB-180) - summary of changes. The Board accepted the Newsletter letter as amended and requested Ms. Crisler to forward the final draft to Mr. Boler so he could put it on proper format.
- 3) Informational e-mail regarding the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) school compliance 9/01/2010 and Certificate revocations 9/01/2010.
- 4) Informational e-mail regarding the NCBTMB State Compliance Communication.
- 5) Ms. Crisler asked for an update on the 2011 Special Meeting/Retreat at Barren River State Park. Staff members stated that the request was sent to the Fiscal Section. Mr. Crisler requested another update at the next scheduled meeting.
- 6) Ms. Crisler asked staff members to bring to the Office of Occupations and Professions calendar to the next scheduled meeting, so the Board can schedule the 2011 Board meetings.

DIRECTOR'S REPORT

Ms. Short provided the following report:

- 1) The final draft of the Memorandum of Agreement (MOA) between the Office of Occupations and Professions and the Kentucky Board of Licensure for Massage Therapy. Mr. Mansfield made a motion to accept the MOA, as presented. The motion, seconded by Ms. Turner, carried unanimously.
- 2) Mr. Boler informed that Board that the Facebook page request is approved by the Public Protection Cabinet. He also emphasized that it will have the same policy and procedures as the Board's website. Mr. Mansfield made a motion for Mr. Boler to create and maintain a Facebook page for the KBLMT. The motion, seconded by Ms. Turner, carried unanimously. The Board requested Mr. Boler to bring a status update on three months.
- 3) Ms. Short informed the Board of a telephone communication she had with Charles Watson, Director of Advanced Massage Therapeutics. She explained that the communication was regarding miscommunication given to students from the school regarding House Bill 180 and the acceptance of the MBLEX exam before the new regulation is approved by the Legislative Research Commission. Ms. Short stated that she provided the correct information to Mr. Watson and instructed him to use the Board's website as well as the LRC website to follow the status of the new regulations. She stated that she further informed him that the MBLEX exam will not be acceptable from initial applicants until the Board has the regulatory authority to do so. Ms. Short stated that Mr. Watson response to the matter was that his source may have misinformed him. And when she asked who his source was, he refused to say. In addition, Ms. Short stated that she made Mr. Watson aware of her request to have a Board meet with the school directors so the Board can answer questions and inform the schools of new regulations and clarify any miscommunication that has been given to schools. Ms. Crisler asked if any Board member had been speaking with Mr. Watson. Ms. Logsdon replied that she had previous communications with Mr. Watson; however, she declined providing any misinformation to him.

DIRECTOR'S REPORT CONTINUED

4) Ms. Short informed the Board and expressed concerns about a lot of incoming calls from callers being hostile toward O&P staff members. She stated that the callers claimed that they are students of Daymar College. She also stated that after speaking with several angry callers, she discovered that the students were misinformed. When she questioned where the students got their incorrect information from, they replied from a Board member but they refused to say the person's name. Ms. Barnhill expressed concerns about any Board member speaking on behalf of the Board without Board's approval and providing misinformation to the public.

5) Ms. Logsdon stated that Ms. Short previously stated that the Office of Occupations and Professions throw away licensee files. She also stated that since the Applications Review Committee has a new process, a lot of applicants have been denied. Ms. Barnhill and Mr. Mansfield responded that any denied applicant is because they did not meet the licensure statutory requirements. Ms. Short responded that she has never told the Board nor Board member that the Office of Occupations and Professions throw away or destroy any licensee files. Mr. Mansfield made a motion for him to draft a letter to all approved school's administrators clarifying the application process, directing them to the website and online Board meeting information. The motion, seconded by Ms. Turner, carried unanimously.

6) Ms. Short clarified the administrative process and encouraged the Board to have applicants use the website to obtain general information regarding licensure, administrative process, laws and regulations, and official license verifications. Ms Short expressed concerns about information given to applicants from entities and individuals other than the full Board or O&P staff members.

ATTORNEY'S REPORT

Mr. West provided the following report:

- 1) E-mail dated August 25, 2010 stating that all legal tasks since the last meeting are complete.
- 2) Mr. West stated that he is currently working on legal formats for the following new regulations and will file them with the Legislative Research Commission (LRC) prior to the next scheduled meeting. The regulations are: 201 KAR 40:010, 201 KAR 42:020, 201 KAR 42:030, 201 KAR 42:035, 201 KAR 42:040, 201 KAR 42:050, 201 KAR 42:060, 201 KAR 42:070, 201 KAR 42:080 and 201 KAR 42:110. Mr. West requested staff member to send him electronic copies of the final forms so he can file them with the new regulations. Mr. Boler stated that he would do so.

OLD BUSINESS

The Board reviewed and clarified e-mails from Denise Logsdon regarding KRS 309.359, 201 KAR 42:070 (1) and (2).

The Board reviewed an e-mail from Denise Logsdon regarding new regulation that addresses externship. The Board agreed to maintain the same standards related to externship.

The Board reviewed and accepted the final draft of the Application for Licensure as a Massage Therapist.

OLD BUSINESS CONTINUED

The Board reviewed and accepted the final draft of the Application for Renewal.

The Board reviewed and accepted the final draft of the Letter of Good Standing Application.

The Board reviewed and accepted the final draft of the Renewal of a Letter of Good Standing Application.

The Board reviewed and accepted the final draft of the Formal Complaint Form.

NEW BUSINESS

The Board reviewed e-mails regarding student massage from Lisa Bozarth. Ms. Short stated that she sent a response to Ms. Bozarth thanking her for the information and instructed her to file a formal complaint as required by 201 KAR 42.050. Ms. Short stated that as of today, she has not received a response from Ms. Bozarth.

The Board reviewed an e-mail from Eric Dotson regarding Energy Healing. Mr. Mansfield made a motion for Mr. West to send an e-mail in response stating that pursuant to KRS 309.352 (6), touch limited to that necessary effect the human energy system is excepted from licensure requirements for massage therapy. It is the opinion of the Board that "quantum touch" falls within this exception. Therefore, licensure is not required in order to engage in this practice. The motion, seconded by Ms. Turner, carried unanimously.

The Board reviewed an e-mail from Lisa Ledford regarding the acceptance of the MBLEX exam for initial applicants. The Board requested staff members to send an e-mail in response stating the KBLMT met today and discussed the verbiage in the proposed new regulations. MBLEX exams do not have to be taken after the new regulations are official. Acceptance of the MBLEX will only take place after the new regulations are in effect.

The Board reviewed correspondence from Theresa Mullins regarding Janice Bell. The Board requested staff member to place the information in Ms. Bell's file.

The Board reviewed letter of admonishment from the Kentucky Board for Proprietary Education. No action was taken.

APPLICATION COMMITTEE REPORT

The Applications Committee met on September 7, 2010 at 12:00 p.m. at the Division of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

Initial Applications

15 Total

4 Approved

6 Approved pending additional requirements

4 Deferred to provide additional requirements

1 Denied pursuant to KRS 309.358 Section 2 (e)

APPLICATION COMMITTEE REPORT CONTINUED

Endorsements

9 Total
3 Approved
2 Approved pending
4 Deferred to provide additional documentation

Renewals

30 Total
23 Approved (2 approved for inactive status)
6 Approved pending additional documentation
1 Deferred to provide additional documentation

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

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 regular meeting is scheduled for October 18, 2010 at the Office of Occupations and Professions 911 Leawood Drive Frankfort, Kentucky.

ADJOURN

Ms. Turner made a motion to adjourn at 2:32 p.m., having no further items of discussion. The motion, seconded by Ms. Barnhill, carried unanimously.



Theresa Crisler, Chair