

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY**

**BOARD MEETING MINUTES**

**April 11, 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 April 11, 2011.

**MEMBERS PRESENT**

Theresa Crisler, ND, Board Chair

Cheryl Turner, ND, Vice- Chair

Laurie Bond Horsford, Secretary

Holly Barnhill, LMT

Denise Logsdon, LMT

Max Maxwell, Citizen at large

**MEMBERS ABSENT**

Michael Mansfield, LMT

**OCCUPATIONS AND PROFESSIONS STAFF**

Shannon Tivitt, Executive Director

Adriana Lang, Board Administrator

Marcia Egbert, Board Administrator

**OTHERS**

Michael West, Board Attorney

Jim Grawe, Attorney

Tom Hansen, NCBTMB

Eric Byrd, AMTA

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**CALL TO ORDER**

Ms. Crisler, Board Chair, called the meeting to order at 10:16 a.m.

**MINUTES**

A motion was made by Ms. Barnhill to approve the minutes, as amended, of the March 21, 2011 meeting. Motion, seconded by Ms. Turner, carried unanimously.

**FINANCIAL STATEMENT**

A motion was made by Ms. Horsford to accept the financial statement ending March 31, 2011, as presented. Motion seconded by Ms. Turner, carried unanimously. Ms. Logsdon asked staff members for an update on the

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Board's request for an allotment increase. The Board tabled the discussion until Ms. Tivitt is present at the meeting.

### **Licensure status Report**

A Licensure Status Report ending April 7, 2011, was presented to the Board for review. A motion was made by Ms. Barnhill to approve the report. Motion, seconded by Ms. Turner, carried unanimously.

A report showing new licenses issued from March 17, 2011 to April 7, 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. Turner, carried unanimously.

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

### **CLOSED SESSION**

At 10:22 a.m. Ms. Turner made a motion to go into Closed Session for discussion of a recommended order of dismissal of appeal request. The motion was seconded by Mr. Maxwell. Motion carried. Ms. Logsdon and Ms. Barnhill recused themselves and left the room. Mr. West left room and Mr. Grawe was available for legal counseling.

At 10:25 a.m. Ms. Turner made a motion to come out of Closed Session. The motion was seconded by Mr. Maxwell. Motion carried. Mr. West, Ms. Barnhill and Ms. Logsdon came back to the room.

### **CHAIRPERSON'S REPORT**

Ms. Crisler provided the following report:

1) Informed the Board that Pat Donahue sent the travel voucher to her home address instead of to the Office of Occupations and Professions. The Board reviewed Ms. Donahue's travel vouchers and authorized Ms. Tivitt to send a letter to Ms. Donahue stating that the Board will reimburse for her travel as follows:

<b>Amount</b>	<b>Description</b>
\$766.48	Mileage-to/From Melbourne, FL/Richmond, KY (state rate)
\$330.044	Hotel- Expenses for 2 rooms, 3 nights at hotel in Richmond, KY and 1 room, 1 night at hotel in Durham, NC
<u>\$86.55</u>	Meals-expenses for 4 days (2 people)
\$1,183.47	Total

2) Informational e-mail from the FSMTB regarding the Model Act Task Force.

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3) Informational e-mail from the FSMTB regarding the Continuing Education Approval Program.

4) E-mail from Marilyn Gossett regarding Student Contract. The Board requested Mr. West to send a response to Ms. Gossett.

### **ATTORNEY'S REPORT**

Michael West provided the following report:

1) E-mail regarding the HIV/AIDS Discrimination in Occupational Training and State Licensing.

2) 2011-02 Civil Complaint draft for Chair to sign.

3) Stated that he is currently working on 4 administrative matters, 4 injunctive matters and 2 appeals on behalf of the Complaint Committee.

### **DIRECTOR'S REPORT**

Ms. Tivitt provided the following report:

1) She is working on a plan to get travel reimbursement caught up and she will find out the state travel reimbursement status before she leaves today. She stated that she will send a follow up e-mail to the members of the Board.

2) Ms. Logsdon asked the status of the allotment request. Ms. Tivitt stated that she will check and will send an e-mail to the members of the Board.

3) E-mail update on sending postcards vs correspondences. She stated that although the postcards are a little bit less expensive, official letters are done much faster than the prep time for postcards. In addition, some notices may have larger amounts of text that can be incorporated to postcards.

4) Ms. Tivitt clarified to the Board that the renewal application must be signed by a Board member and approved by the entire Board in order to comply with the Auditor's office and the laws and regulations. She also explained that the Board Administrator can no longer approve applications because only the Board is legally authorized to approve applications and renewals. Furthermore, she informed the Board that she is currently working on the Policy and Procedures that will apply to all Boards under the Office of Occupations and Professions. The Board administrator will no longer approve applications and renewals instead she will process applications according to the checklist approved by the Board.

### **OLD BUSINESS**

Mr. Mansfield's e-mail statement is tabled until the next meeting because he is not present at today's meeting due to illness.

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The Board reviewed a response from Carlos Cordova. Mr. Logsdon made a motion for Mr. West to send a letter requesting, 1) a copy of the official transcript, 2) 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, 3) a statement from the company who completed the translation of the transcript verifying the transcript's accuracy on that company's letterhead. The motion seconded by Mr. Maxwell, carried unanimously.

Mr. Boler clarified that the current database system cannot be updated. The new database system should be complete by this coming fall.

### **NEW BUSINESS**

The Board reviewed an e-mail from Julie Harper regarding the List Basic Requirements. Ms. Logsdon made a motion to authorize Mr. West to amend forms incorporated into 201 KAR 42:035 Section 5 (1). The motion, seconded by Ms. Barnhill, carried unanimously. The amendment to the applications is to reflect that applications are to be notarized.

Ms. Barnhill made a motion to authorize staff members to remove the notary requirement from the Basic Requirements for Licensure checklist. The motion, seconded by Ms. Logsdon, carried unanimously.

The Board reviewed an e-mail from Julie Harper regarding continuing carry over questions. Ms. Logsdon volunteered to draft a coversheet and will bring it next month for a Board review.

The Board reviewed an e-mail from Nancy Brown regarding massage therapy inactive renewal after ninety days of its expiration date. Ms. Barnhill made a motion to approve pending Ms. Brown's renewal pursuant to KRS 329.357 section 6 (a). The motion, seconded by Ms. Turner, carried unanimously.

The Board reviewed an e-mail from Katie Stewart regarding approval for ethics course. Ms. Logsdon made a motion to for staff members to send an e-mail in response requesting Ms. Stewart to complete the continuing education approval form and follow the proper procedures. The motion, seconded by Ms. Turner, carried unanimously.

The Board reviewed an e-mail from Cathy Newton regarding usage of Repechage Skin Care. The Board requested staff members send a response stating that based on the information provided, the answer is yes, as long as it is not a massage.

The Board reviewed an e-mail from Nick Hansen regarding massage therapy continuing education. The Board requested staff members to send a response requesting Ms. Hansen to provide the school official transcript showing clock hours and class description.

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The Board reviewed an e-mail from Holly McCoy-Johnson stating that the mileage reimbursement rate beginning April 1, 2011 through June 30, 2011 is 47¢ per mile.

Ms. Barnhill made a motion for the full Board to review all Applications for Letter of Good Standing from schools. The motion, seconded by Ms. Logsdon, carried unanimously.

Ms. Barnhill made a motion for the full Board to review all Continuing Education Applications. Ms. Logsdon voted no. The motion was seconded by Ms. Turner. Motion carried.

Mr. West suggested for the members of the Board to come in early on the meeting days so the entire Board can review the requests prior to the meeting.

The Board discussed the returned mail procedures. Ms. Crisler stated that she is creating a list of returned mail list resulting from the 2011 CE notifications returned.

#### **COMPLAINT COMMITTEE REPORT**

The Complaint Committee met on April 11, 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.

2010-14- Dismissed without prejudice.

2010-17- Administrative Complaint is ongoing.

2010-18- Injunction is ongoing.

2010-19- Administrative Complaint is ongoing.

2010-20- Injunction is ongoing.

2010-21- Administrative Complaint is ongoing.

2011-01 – Request further investigation by the OIG. Complaint is ongoing

2011-02- Injunction is ongoing.

2011-04 – 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.

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## **APPLICATION COMMITTEE REPORT**

The Applications Committee met on April 5, 2011 at 10:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

### **Initial Applications**

Approved: *Heather Betsworth, Alia Carroll, Sharon Frasure, Jacqueline Galarza, Cynthia Grace, Jaycee Guillaume, Colleen Hall, Lauren Hodges, Michael Hopper, Brittany Hudson, Melanie Johnson, Tara Johnson, Adam Kelsey, Lexy Lain, Christine Lowe, Sherry Maile, Stephanie Meredith, Myra Mullins, Allison Roberts-Toomer, Robert Schaefer, Angela Smothers, Ada Spencer, Johnnetta Stokes, Jason Waller, Bao Guo Yu and Ying Yu Zheng.*

Approved with conditions: *Jessica Cebe.*

Approved pending additional requirements: *Rose Marie Abell, Joy Carl, Angela Cornett, Fenxian Cui, Matthew Johann, Brandee Lewis, Glorimar Rivera, Benjamin Thomas,*

Approved pending by the Board: *Larisa Ellis.*

Deferred to provide additional requirements: *Michael Anderson, Candance Brunk, Pamela Hausgen, Teewana Hodges, Michelle Johnson, Amanda Lundy Sherry, Evelyn Pitsenberger and Desiray Salchow, Jason Van Steenberg, Jacqueline Wolf.*

Denied: *Holly Stone.*

### **Endorsements**

Approved: *Kammaleathahh Livingstone.*

Approved pending additional requirements: *Vickie Rabon and Bo Ping Zou.*

Deferred to provide additional requirements: *Ying Li.*

### **Online Renewals**

Approved: *Tami Stoecker.*

Approved pending additional requirements: *Virnal Ballard, Holly Cherry, Audrey Murphy, N. Lucky Prince-Mendel and Cheryl Wiesemann.*

### **Renewals**

Approved: *Timothy Black, Margo Boylan, Tracy Byrd, Tracy Dozier, Maureen Gerrity, Katie Hedden, Valerie Humphrey-Watson, Kellie Kern, Michael Ketterer, Jill Lewis, Barbara Mason, Brittany Napier, Harold Nowlin, M. Ellen O'Bryan, Marylee Schreiber, Joseph Sidell, Kenneth Swisher, Mesha Thompson, Katie Wright and Bethany Young.*

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Approved Inactive: *Naydu Osorio and Linda Roe.*

Approved pending additional requirements: *Valerie Brooks, Nancy Brown and Patricia Hodges.*

Deferred to provide additional requirements: *Andrea Dowell, Ella Sue Hatton and Shannon Ziegler.*

Denied: *Janet Baxter, Serenity Fitzner, Sarah Harris, Nathan Thornsbury and Martha Williams.*

The Board referred Ashley Thurman to the Complaint Committee.

**Appeals:** *Timothy Browning and Tiffany Clark.*

### **Continuing Education**

Approved: 4 hours James Paul O'Dell for Traditional Chinese Tuina.

Deferred: Ethics: Protecting Human Research Participants.

### **Letter of Good Standing**

Deferred: *Kentucky Academy of Medical Massage and Milan Institute.*

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

### **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 May 16, 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**



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Theresa Crisler, Chair