

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY  
BOARD MEETING MINUTES**

**APRIL 28, 2009**

A regular meeting of the Kentucky Board of Licensure for Massage Therapy was held at the Division of Occupations and Professions, Frankfort, KY on April 28, 2009.

**MEMBERS PRESENT**

Theresa Crisler – Board Chair  
Sarah Hart – Vice Chair  
Denise Logsdon – Secretary  
Max Maxwell  
Cheryl Turner  
Michael Mansfield

**OCCUPATIONS AND PROFESSIONS STAFF**

Dana Hockensmith, Board Administrator  
Jeff Boler, Occupations & Professions  
Frances Short, Director, Occupations & Professions

**MEMBERS ABSENT**

Jeff Shipp

**OTHERS**

Michael West, Board Attorney  
Gerald Clemons, Board Investigator  
Katherine Warner, KY AMTA  
Pam Jenkins, KY AMTA  
Kim Guenthner, KY AMTA  
Pat Sazy, KY ABMP  
Sandra Gadd, KY AMTA  
Diana Mansfield, LMT

**Call to Order**

Theresa Crisler, Board Chair, called the meeting to order at 10:04 AM.

**Approval of Minutes**

Minutes of the March 24, 2009 meeting were presented for the Board's review. Ms. Logsdon made a motion to approve the minutes as amended. The motion, seconded by Mr. Mansfield, carried unanimously.

**Financial Statement**

Financial statements for the months ending March 31, 2009 were presented for the board's review. Ms. Logsdon made a motion to approve the statement as presented. The motion, seconded by Ms. Turner, carried unanimously.

**Director's Report**

Ms. Short, Director, again reported the website will be changed over to Public Protection Cabinet the second week of May. Then updates can be done in house.

Ms. Short, Director, informed the Board to have all information that needs to be put on the agenda to the Board Administrator no later than a week before each regularly scheduled Board meeting.

Ms. Short, Director, reported that Secretary Bob Vance has been prompt in working on updating the technology and phone system.

The Division is hosting meetings quarterly so all Board Chairs can unite and share information.

### **Chairperson's Report**

Ms. Crisler, Chair, reported that applicants can send an application to the National Certification of Therapeutic Massage and Bodywork to request special accommodations to be made in special circumstances when taking the exam.

Mr. Mansfield made a motion for the removal of the terminated list from the website. The motion, seconded by Ms. Logsdon, carried unanimously.

### **Licensure Status Report**

An update was given and there were 1,972 active licensees. 24 licensees were terminated in March.

### **New Business**

Correspondence from PSC regarding the terminated list on the website was presented. Ms. Hockensmith will correspond to PSC and let the licensee know the list is being removed.

Correspondence regarding approval of an application for TB was presented. No approval can be given until application is made. Ms. Hockensmith will correspond.

Ms. Logsdon made a motion to pay the greater of either \$500 or 1/3 of the expenses for Mr. West, Board Attorney to attend the Federation of Association of Regulatory Boards (F.A.R.B.) training. Two other Boards are to split the rest of the cost. The motion, seconded by Mr. Maxwell, carried unanimously.

Information was presented regarding the 2009 Annual Conference for the Council on Licensure, Enforcement and Regulation (C.L.E.A.R.).

The records retention schedule from Kentucky Department of Libraries and Archives (KDLA) was presented for informational purposes.

Information was presented regarding the Regulatory Management of Chemically Dependent Healthcare Practitioners Conference.

A discussion took place concerning the requirement that licensees display their license, with expiration date, in public. The matter was referred to the adhoc legislative committee for further review.

Procedures for video teleconferencing were discussed and the Board decided not to participate due to any potential logistical and technical issues may arise.

Mr. Mansfield made a motion to continue to use the current investigator's services and the investigative services of the Office of the Inspector General (OIG) for complaints. The motion, seconded by Mr. Maxwell, carried with the majority vote of 5 to 1. Ms. Hart was in opposition.

Information was presented on the MBLEx exam for informational purposes.

The licensing procedure for approval will remain the same with the Board Administrator having the authority to review initial applications for approval and the Board will continue to review and approve all endorsements applications and ones that have violations.

Ms. Crisler, Chair, will find a place for the retreat for June 10 – 12, 2009 and will report back to the Board.

### **Complaints Committee**

There are seventeen (17) complaints having three new and seven pending. Pending cases are 08-08, 08-33, 08-36, 08-38 and 08-41. Pending court action are 08-42, 08-46 and 08-47.

Ms. Hart made a motion to dismiss 08-25 without prejudice but the Board reserves the right to reinstitute administrative action if the respondent chooses to renew their license. The motion, seconded by Ms. Logsdon, carried unanimously.

Ms. Hart made a motion to dismiss 07-09 without prejudice but the Board reserves the right to reinstitute administrative action if the respondent decides to become licensed and depending upon court action results.

Ms. Hart made a motion to send the investigator to the site for 08-33 and if there are unlicensed individuals practicing massage then the attorney will draft a letter to the mall manager requesting names and contact information for the individuals. The motion, seconded by Ms. Turner, carried unanimously.

Ms. Hart made a motion for Ms. Hockensmith, Board Administrator, to contact the sheriff to serve a cease and desist letter to respondent for 08-44 and to cover the costs for this service. The motion, seconded by Ms. Logsdon, carried unanimously.

In cases 08-49 and 08-50, the committee reconsidered its previous recommendation to investigate. Ms. Hart made a motion to refer these complaints to the local Commonwealth Attorney and for the Complaints Committee to consider whether further action of investigation is needed at the next meeting. The motion, seconded by Ms. Logsdon, carried unanimously.

Ms. Hart made a motion for Ms. Hockensmith, Board Administrator, to send a letter requesting further information for case 09-01. The motion, seconded by Ms. Turner, carried unanimously.

Ms. Hart made a motion for Ms. Hockensmith, Board Administrator, to send a cease and desist letter for case 09-02. The motion, seconded by Ms. Turner, carried unanimously.

Ms. Hart made a motion for Ms. Hockensmith, Board Administrator, to send a proposed agreed order to SL imposing a \$500 fine in order to be licensed and a cease and desist letter to JO for case 09-03. The motion, seconded by Ms. Turner, carried unanimously.

It is noted by Mr. West, Board Attorney that all suspected prostitution cases will be sent to the local Commonwealth Attorney.

## **Application Committee**

Mr. Mansfield made a motion to approve 19 renewals and one pending fee, 10 initial applications and 1 pending breakdown of hours. The motion, seconded by Ms. Turner, carried unanimously.

Mr. Mansfield made a motion to approve 11 initial applications with one pending breakdown of hours and 2 endorsement applications. The motion, seconded by Ms. Hart, carried unanimously.

## **Travel and Per-Diem**

Ms. Logsdon made a motion to approve travel and per-diem for today's meeting. The motion, seconded by Ms. Hart, carried unanimously.

Mr. Mansfield made a motion to adjourn the meeting at 11:33 PM. The motion, seconded by Mr. Maxwell, carried unanimously.

Approved by the Board,

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Theresa M. Crisler, Board Chair