

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING MINUTES
December 14, 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 December 12, 2011.

MEMBERS PRESENT

Theresa Crisler, ND, Board Chair
Denise Logsdon, LMT
Cheryl Turner, ND, Vice-Chair
Holly Barnhill, LMT
Laurie Bond Horsford, Secretary
Max Maxwell, Citizen-at-Large

OCCUPATIONS AND PROFESSIONS STAFF

Jeremy Horton, Deputy Executive Director
Carolyn Benedict, Board Administrator

OTHERS

Eric Byrd, AMTA-KY Laws and Legislation
Tom Hansen, NCBTMB
LaTasha Buckner, PPR Cabinet General Counsel

MEMBERS ABSENT

OFFICE OF THE ATTORNEY GENERAL

Michael West, Board Attorney

CALL TO ORDER

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

MINUTES

November 14, 2011 minutes were reviewed. A motion was made by Ms. Logsdon to approve the minutes with amendments. Motion, seconded by Ms. Horsford, carried unanimously.

FINANCIAL STATEMENT

The financial statement was reviewed.

LICENSURE STATUS REPORT

A Licensure Status Report ending November 30, 2011 and report showing licensed expired in November 2011, was presented to the Board for review.

REPORT FROM O&P

Mr. Horton presented the Board with the finalized version of the Memorandum of Agreement (MOA) to be entered into between the Board and the Office of Occupations and Professions. Following review and discussion Ms. Barnhill made a motion to accept the MOA. Motion, seconded by Ms. Turner, carried unanimously. The MOA will be effective until June 30, 2012 at which time a new one will be signed that will be effective for fiscal year 2012-2014.

In compliance with the audit performed on the Kentucky State Board for Proprietary Education board members are to fill out all of expenses on the travel voucher themselves. It is vitally important that all receipts are turned in and that they have been itemized. The procedures for approval of travel have not changed.

The Request for Proposal (RFP) to hire an investigator has been completed and should be posted on the website soon. It is anticipated that all bids received can be reviewed at the January meeting.

CHAIRPERSON'S REPORT

Ms. Crisler reported that massage chairs have been set up in Kentucky Oaks Mall. She stated that the Board had dealt with a similar issue with Kentucky Oaks Mall in the past. Following discussion, Mr. West stated that he would contact the McCracken County Attorney regarding the matter.

Ms. Logsdon made a motion that Ms. Crisler be allowed to attend the FARB conference in Sarasota, Florida, on behalf of the board, from January 27-29, 2012, and that all of her expenses, registration, and travel costs be reimbursed to her from the Board. Motion, seconded by Ms. Turner, carried unanimously.

Ms. Logsdon made a motion that Mr. West be allowed to attend the FARB conference in Sarasota, Florida, and that the Board pay a proportionate share of Mr. West's expenses. Motion, seconded by Ms. Turner, carried unanimously.

Discussion regarding the discontinuance of wallet cards has been discussed at length for the past several months. Following a brief discussion at this meeting Ms. Crisler requested a motion that the Board discontinue issuing wallet cards and that an emergency regulation be filed changing 201 KAR 42:050 Section 5 (a) and 2. Ms. Barnhill made the motion. Motion, seconded by Ms. Horsford, carried unanimously. Ms. Logsdon agreed to work on the suggested language for the regulation change.

Ms. Crisler continued the discussion with regard to the continuing education program the Board was attempting to offer. Because of underlying controversy regarding the Board's efforts Ms Barnhill withdrew Lexington Healing Arts Academy (LHAA) as the location to hold the program. She stated that LHAA was trying to do a good deed by making the space available to the Board and licensee's but that AMTA's controversial stance regarding the training was making it necessary for them withdraw the offer.

Ms. Crisler wanted the record to reflect that the Board's goal in offering continuing education programs was to help the licensees by "giving back." She felt there was a need for licensees to feel that their renewal fees provided them with something in return. Additionally, Mr. West stated that the Board was within its legal authority to do so. Based upon the fact that LHAA had withdrawn their offer Ms. Crisler stated that the Board would continue exploring other locations for the training to be held. Mr. Hansen, NCBTMB representative, agreed to provide the Board with a list of qualified instructors. Ms. Benedict agreed to contact the Kentucky Transportation Cabinet and the Civic Center in Frankfort for available dates in March.

The subject of Gua Sha was again brought forth for discussion. It was determined that a person does not have to be licensed as a Massage Therapist in order to practice the modality of Gua Sha.

Discussion regarding a person initially grandfathered into licensure but had allowed their license to lapse continued. It was determined that all applicants for licensure must meet the current requirements for licensing. Hours of continuing education may not be used to fill in any gaps in the requirements the applicant must have in order to be licensed.

ATTORNEY'S REPORT

Mr. West stated that his report will be covered during the complaint portion of the meeting.

OLD BUSINESS

NEW BUSINESS

Email correspondence from "Lindsay" was reviewed. She was asking if she needed to be licensed to practice Acupressure in Kentucky. Ms. Benedict was asked to reply to the email stating that in accordance with KRS 309.352(6) she did not need a license to perform Accupressure in Kentucky.

Email correspondence from Ms. Logsdon was reviewed. Ms. Logsdon expressed her concerns with regard to record keeping by the Office of Occupations and Professions. Record retention and record keeping was discussed. She also stated that Aimee Osborn was complaining because her license had still not been issued. Ms. Benedict reported that the license had been approved pending receipt of passing exam scores. To date the scores have not been received.

Email correspondence from Mateo Bernal was discussed. Mr. Bernal had several questions with regard to a prospective applicant from Hungary. Ms. Benedict was asked to respond to his email stating that the program of instruction must be in compliance with KRS 309.363(1)(a) and that the school should submit an application for a school in good standing and submit it to the Board for review and approval.

Ms. Crisler distributed information regarding the FSTMB officers that had recently been elected for informational purposes.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met on December 12, 2011 at 8:30 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky. Ms. Turner provided the following recommendations:

2011-05 – Cease and Desist letter pending. Ongoing.

2011-07 – Civil action seeking injunction signed by chair. Ongoing

2011-12 – Hearing Scheduled for February 14, 2012 to be heard by a panel of the Board. Ongoing.

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

APPLICATION COMMITTEE REPORT

The Applications Committee met on December 6, 2011, 2011 at 10:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

Initial Applications

Approved (18): *Maggie Carter, Heather Clark, Crystal Daugherty, LaKesha Ferguson, Robert Frye, Kristi Goad, Paul Hall, Krista Hisle, Amber Huff, Amanda Mattingly, Cathryn Nowlin, Melinda Peeno, Jaye Popplewell, Destiny Ritchie, Sarah Rodriguez, Deborah Seely, Megan Schmidt, Agnes Wilson*

Approved Pending (3): *Dina Estrella, Lyn Le, Jonathan Smith*

Deferred (3): *Perry Burns, Elsa Underhill, Shuyi Wang*

Endorsements

Approved (1): *Lindsey Thomas*

Approved pending (1): *Holly Steinberg*

Deferred (3): *Yan Ru Geary, Sonja Joiner, Jinyu Zhou*

Online Renewals

Approved (25): *Yvette Boggs, Gregory Brown, Victoria Bryant, Vicki Collins, Shannon Davidson, Mary Downs, Elizabeth Eickholtz, Mitzi Finn, Ina Girdler, Lisa Graves, Crystal Gregg, Leticia Hargis-Brown, Aleshia Hutt, Kimberlee Jerles, Kenneth Lawson, Amanda McCardle, Sara McDaniel, Stacie Mitchell, Barbara Maloney, Cheryl Nesselroade, Julie Robertson, Jenifer Smith, Teri Sweeney, Manuel Urquilla, Carmeline Willoughby*

Approved pending additional requirements (6): *Karen DiGirolamo, Deana Hall, Kenneth Hatfield, Carol Krueger, Julie Lakes, Shelly Slocum*

Renewals

Approved (10): *Marty Bertoni, Amy Brunstetter, Daniel Frakes, Kandi Green, Lisa Hudson, Sara Maum, Robert Prince, Beverly Snead, Joan Guest, Suzanne Gude*

Approved pending additional requirements (2): *Virginia Edwards, Desiree Parker*

Approved request for inactive status (1): *Heidi Ludwig*

Deferred (2): *Brandi Branham, Cai Quianshun*

Continuing Education

Approved (2): *Ethics: A Focus on Boundaries – approved for 3 hours of continuing education credit; Introduction to Biodynamic Craniosacral Therapy – approved for 15 hours of continuing education credit*

Ms. Horsford moved to accept the report from the applications Committee. The motion, seconded by Ms. Turner, 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.

ADJOURN

With no further business to be brought before the board Mr. Maxwell made a motion that the meeting be adjourned at 1:15 p.m. on Monday, December 12, 2011. The motion, seconded by Ms. Horsford, carried unanimously.

Approved January 27, 2012