

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

February 8, 2010

A regular meeting of the Kentucky Board of Licensure for Massage Therapy was held at the Office of Occupations and Professions on February 8, 2010.

MEMBERS PRESENT

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

OCCUPATIONS AND PROFESSIONS STAFF

Frances Short, Director
David Garr, Deputy Executive Director
Lucie Duvall, Board Administrator
Jeff Boler, Resource Management Analyst

MEMBERS ABSENT

Michael Mansfield

OTHERS

Pat Sazy, KY ABMP
Pam Jenkins, AMTA
Michael West, Board Attorney

Call to Order

Theresa Crisler, Board Chair called the meeting to order at 10:12 a.m.

Approval of Minutes

Minutes from the January 11, 2010 meeting were presented for the Board's review. Denise Logsdon made a motion to approve the minutes as amended. The motion, seconded by Laurie Bond Horsford, carried unanimously.

Financial Statement

The Financial Statement for the month ending January 31, 2010 was presented for the board's review. Ms. Logsdon made a motion to approve the statement pending amendments. Motion seconded, by Cheryl Turner, carried unanimously.

Director's Report

Frances Short, Director, reviewed the Administrative Procedures with the board. Ms. Short shared the agenda and minutes for the board meetings were considered draft documents up until the meeting and during the meetings for review by the board members. The agenda may be given out at the meetings, but not before and further stated that the board minutes, once finalized and approved are posted on the website for public viewing. Ms. Short also stated that board packets are for the review by board members and staff only. Packets are not to be entrusted at any time to the public for review. Should someone wish to obtain a copy of the packet, they must do so through an open records request with redacting as necessary. Ms. Short revealed opens records requests can be made on-line at our website. Ms. Short suggested the board consider adding an "Administrative Procedures" section in their SOP. In addition, Ms. Short discussed requests to be heard at board meetings

should be submitted in writing two business days prior to the meeting. Once received, the person will be added to the agenda to be heard. Lastly, Ms. Short addressed sign in sheets and explained they are set up outside the door before every meeting and are voluntary only.

Chairperson's Report

Theresa Crisler, Board Chair, presented the board, letters of appreciation written to the Association for the member's committee work during preparation of the 2010 Legislation. Letters were sent to AMTA for the work of Kim Guenther, Debbie Joplin, and AMTA Lobbyist Pam Jenkins. ABMP was sent a letter expressing appreciation for the work of Pat Sazy and a letter was given to the Division Director of Occupations and Professions for the work of Jeff Boler. Ms. Crisler also presented a letter of appreciation to Kellie Hale former Board Administrator for her service and commitment to the board from October 2009-December 2009.

License Status Report

The Licensure Status Report for the month ending January 31, 2010 was presented for the board's review. The report indicates 2008 active licensees and 57 inactive licenses. Ms. Horsford made a motion to add the Licensure Status Report to the website beginning January 2010. Motion, seconded by Ms. Turner, carried unanimously.

Old Business

Ms. Crisler reported on the FARB meeting in Las Vegas. Ms. Crisler shared with the board that Mr. Maxwell and herself attended the National meeting along with Board Attorney Michael West. Ms. Crisler shared with the board that Boards are required to revoke a license until child support is caught up. Ms. Crisler suggested the board enforce this in our future statute. Ms. Crisler also reported on the need for grounds of discipline in regards to the exam process. It is a matter of public protection when licensure exam is exposed. Ms. Crisler mentioned that FARB suggested when revoking a, that the board let the public know.

Mr. Maxwell reported on his attendance at the FARB meeting. He shared with the board there were break out meetings where groups were given an exercise to come up with a list of Patients Bill of Rights. After about 1 ½-2 hours, they were able to draft one although not all agreed with the draft. Mr. Maxwell also shared he found listening to the legal cases interesting.

Theresa Crisler reported that she too found the Client's Bill of Rights exercise valuable. Ms. Crisler noted more states are adding fingerprinting as part of application for license and boards are considering a previous charge of forged checks to be a character issue. Ms. Crisler also heard a presentation dealing with revocation of licensure, noting that an LMT could re-apply and be denied if issue is still of concern.

Michael West, Board Attorney also reported on his experience at the FARB meeting. Mr. West reported that every state seems to be going through similar issues with the boards regarding budget sweeps, complaint procedures. Mr. West also shared it was valuable to see different perspectives from other professionals from the other states and it was interesting to learn and understand how other states work. Mr. West also noted the Clients Bill of Rights was a good exercise. No further action was required.

Ms. Crisler briefly discussed getting the postcards out as soon as possible for the free CE class in April. A motion was made by Ms. Turner to approve the design and layout of the postcard with minor changes. Motion, seconded by Ms. Barnhill, carried unanimously.

Pam Jenkins, KY AMTA-KY lobbyist, reported on the Legislative update on House Bill 180. Ms. Jenkins referred to page 4, line 27 of the bill, where the addition “knowingly allows, aids, or abets a person in practicing massage therapy without a license will be guilty of a Class A misdemeanor” has been questioned in regards to the responsibility of landlords renting to massage businesses. Ms. Jenkins stated that “knowingly” allowing the illegal practice if they had received a certified letter from the board notifying them of the violation and requiring them to cease and desist. After someone in the business has signed for the letter, the landlord would be held accountable for their continuous support of the practice. This applies to landlords, or companies who hire MT’s without checking their license status. Ms. Jenkins stated the letter puts them on notice and lets them know the board is watching them. No further action was required.

Ms. Crisler briefly discussed the handling of MBLEx in regards to the House Bill 180. Ms. Crisler informed the board MBLEx applicants are not qualified for licensure under the current Laws & Regulations. Ms. Crisler stated once the House Bill 180 is passed in mid-July it would allow MBLEx to be accepted and approved for initial applicants. No further action was required.

Pat Sazy, KY ABMP inquired if an emergency bill could be passed to help MBLEx applicants before the Bill is passed. Pam Jenkins, AMTA stated an emergency bill would not be ideal, but thought it could be done and it would be expensive. No further action was required.

Ms. Crisler discussed briefly the Lease Agreement for the CE class and securing a location. Ms. Crisler requested research on locations and cost. No further action was required.

Ms. Crisler briefly discussed the retreat scheduled for August 12, 13 and 14 at General Butler Resort in order to verify times and dates. Ms. Crisler also suggested developing a Patient Bill of Rights for a future statute. Ms. Logsdon suggested keeping it to a one page document and simple. Mr. West advised the board if they chose to create a Patient Bill of Rights the board would need to get the statute passed to make it part of the law. No further action was required.

Ms. Crisler discussed the October 8-10 Federation Meeting in Puerto Rico and travel requests. Ms. Crisler asked who would be attending the meeting. Cheryl Turner, Max Maxwell, Frances Short, Denise Logsdon and Michael West, Board Attorney, are said to be attending with Ms. Crisler as delegate. Those attending the meeting were told to obtain the estimated expense forms from the accounting department and submit them at least 30 days in advance. No further action was required.

Ms. Crisler asked the board members if there were any comments or changes for the MBTOK report so the board could let the Federation know. Ms. Logsdon discussed her concern over the language written on page eleven, line 326 and 327. Ms. Logsdon suggested replacing “soft tissue” with superficial and deep tissues. No further action was required.

Committee Reports

Ms. Logsdon made a motion to approve VMM as a CE provider for 3 courses submitted. Motion, seconded by Maxwell, carried unanimously.

Ms. Logsdon made a motion to approve AKM, KLD, JA and GAL for renewals. Motion, seconded by Ms. Turner, carried unanimously.

Ms. Logsdon made a motion to approve LBH and JM for applications by initial licensure. Motion, seconded by Ms. Turner, carried unanimously.

Ms. Logsdon made a motion to approve ML, GL and JF applications by endorsement. Motion, seconded by Ms. Turner, carried unanimously.

Ms. Logsdon made a motion to approve CD renewal to return to active status. Motion, seconded by Ms. Turner, carried unanimously.

Ms. Logsdon made a motion to deny KS renewal, needs to re-apply under current criteria of licensure. Motion, seconded by Ms. Turner, carried unanimously.

Ms. Logsdon made a motion to send letters requesting proof of CE's from DRS and CRH for renewals. Motion, seconded by Ms. Turner, carried unanimously.

Ms. Logsdon made a motion to send a letter to EP requesting proof of passing the NCBTMB or proof of Colorado license for application. Motion, seconded by Ms. Horsford carried unanimously.

Ms. Turner made a motion to forward BE complaint, case #2010-03, to the Louisville Metro Police Department for any action they may want to take. Motion, seconded by Mr. Maxwell, carried unanimously.

Ms. Turner made a motion regarding DM, complaint #2010-04, to seek to file injunction with Franklin Circuit Court and to send a letter of referral to the Daviess County Attorney. Motion, seconded by Ms. Logsdon, carried unanimously.

Ms. Turner made a motion to send CG, complaint #2010-02, an e-mail to Cease and Desist notice. Motion, seconded by Ms. Horsford, carried unanimously.

Cheryl Turner recused at 11:27

Mr. Maxwell made a motion case #2009-05 remain pending until Michael Mansfield, board member, can review. Motion, seconded by Holly Anne Barnhill, carried unanimously.

Cheryl Turner returned at 11:29

Approval of Travel and Per Diem

Ms. Logsdon made a motion to approve travel and per diem. Motion, seconded by Ms. Turner, carried unanimously.

Adjournment

Mr. Maxwell made a motion to adjourn at 11:56. Motion, seconded by Ms. Turner, carried unanimously.



Theresa Crisler, Chair

