

KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
MEETING MINUTES
June 14, 2010

A meeting of the Kentucky Board of Licensure for Massage Therapy was held at the Frankfort office on June 14, 2010.

MEMBERS PRESENT

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

OCCUPATIONS AND PROFESSIONS STAFF

Frances Short, Executive Director
David Garr, Deputy Executive Director
Michael West, Board Attorney
Ryan Halloran, Board Attorney
Adriana Lang, Board Administrator

OTHERS

Kim Guenthner, AMTA, KY
Pam Jenkins, AMTA, KY
Katie Stewart, AMTA, KY

CALL TO ORDER

Ms. Crisler, Board Chair, called the meeting to order at 10:19 a.m.

MINUTES

Motion was made by Mr. Mansfield to approve as amended the minutes of the May 17, 2010 meeting. Motion, seconded by Ms. Logsdon, carried unanimously.

FINANCIAL STATEMENT

Ms. Crisler asked about a Board member breakdown. Ms. Short provided a detailed explanation of the Financial Statement and stated that she will check with Ms. Cox and bring a report to the next scheduled Board meeting. Mr. Garr informed the Board that due to staff changes within the Fiscal Section, Ms. Cox has been taking care of a two person's job.

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

DIRECTOR'S REPORT

Ms. Short provided the following report:

1) E-mail from Dick Brown regarding The PPC News Release- Recently passed legislation mean changes for licensed Massage Therapists in Kentucky. Ms. Barnhill made a motion to place the PPC News Release on the Board's website. The motion seconded by Ms. Horsford, carried unanimously. Ms. Short Reminded the Board that although the new law goes in effect in July 15, 2010, the Board shall promulgate regulations in order to enforce the new law.

DIRECTOR'S REPORT CONTINUED

- 2) The Office of Occupations and Professions hired Jennifer Smith to work in the Fiscal Section. Her start date is June 16, 2010.
- 3) Waiting for Attorney General's response regarding the application approval procedures.
- 4) Discussed current Financial Statement, administrative fees. Ms. Short informed the Board that the Public Protection Cabinet is working on a new Memorandum of Agreement between the Office of Occupations and Professions and the Kentucky Board of Licensure for Massage Therapy. She stated that the MOA should be finalized for a Board review by the July meeting.
- 5) Reminded anyone that wants to go to Puerto Rico to submit their travel request to the Fiscal Section at least 30 days prior to the conference day.

CHAIRPERSON'S REPORT

Ms. Crisler provided the following report:

- 1) Inquired about a letter that was supposed to be draft to the Massage Therapy Schools. Ms. Logsdon stated that she would draft the letter. The Board further discussed the current approved school list and requested staff members to send a current list via e-mail to the members of the Board.
- 2) The Board discussed that the Kentucky Academy of Medical Massage does not have a telephone number available on the contact list, and asked staff member to see if there is any contact number for them.
- 3) Discussed schools invitation to attend a Board meeting. Ms. Barnhill made a motion to postpone the invitation until after the Board's retreat. The motion, seconded by Ms. Turner, carried unanimously.

LICENSURE STATUS REPORT

A Licensure Status Report for the month ending April 30, 2010 was presented to the Board for review. A motion was made by Ms. Barnhill to approve the report. Motion, seconded by Ms. Tuner, carried unanimously.

A report showing licenses expired month ending May 30, 2010 was presented to the Board for review. A motion was made by Ms. Barnhill to approve licenses expired. Motion, seconded by Mr. Turner, carried unanimously.

A report showing new licenses issued month May, 2010 was presented to the Board for review. A motion was made by Ms. Barnhill to approve the new licenses issued. Motion, seconded by Mr. Mansfield, carried unanimously.

NEW BUSINESS

The Board reviewed an e-mail from Scott Myers. The asked staff members to send a response advising that individual should apply for licensure via endorsement provide \$125.00 application and licensure fee, official transcript showing breakdown hours, copy of his MBLEX exam score report, and a letter of good standing from state (s) which individual holds licensure.

The Board reviewed an e-mail from Kristina Beaman. Michael West advised a follow-up e-mail from Ms. Lang with assistance from Mr. Boler, stating that chair massage is a practice requiring a massage therapy license.

The Board reviewed an e-mail from Dawne Ferland. The Board asked staff member to send a response to Ms. Ferland stating that the matter is not under the Board's jurisdiction, no statute or regulation speaks specifically to this matter. The Board views that the issue is private matter between Ms. Ferland and the massage establishment. Board referred the letter to the complaints committee to investigate unlicensed practice.

The Board reviewed correspondence from Bev Plested. Mr. Mansfield made a motion for Ms. Logsdon to draft the letter with the following: 1) There is nothing in our statutes or regulations that allows you to "read books" to meet CE requirements. Books are not an option pursuant to 201 KAR 42:110 Section 3. 2) For the Intro to Psychology class, the Board needs more information to accept this higher education experience. Please send immediately a copy of the syllabus and a letter from the professor documenting how many hours of the class were spent in discussion of Ethical Issues that pertain to Massage Therapy. 3) For the Web Design class, please submit a copy of the syllabus and a letter from the instructor or college showing clock hours of the course and your explanation of how the class was relevant to your practice. 4) For both Psychology and web Design classes, please submit proof of completion of the courses in the form of a copy a transcript (unofficial copy is fine for this). The motion, seconded by Ms. Barnhill, carried unanimously.

OLD BUSINESS

The Board discussed new regulations. Ms. Crisler asked Ms. Logsdon to draft the new regulations and bring a paper copy to the next scheduled Board meeting for a review. The Board requested Ms. Logsdon send copies of draft regulation via e-mail to only members of the Board for review prior to their discussion at the next board meeting.

The Board reviewed the new Application Checklist.

The Board reviewed the new Application Checklist for Licensure as a Massage Therapist.

The Board reviewed the new Application for Renewal. Ms. Logsdon moved to approve the forms reviewed, Mr. Mansfield seconded, motion carried.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met at 9:30 a.m. Mr. Mansfield provided the following recommendations:

2009-04 - Case closed, with a permanent injunction to cease and desist practice from the circuit court.

2009-05- Ms. Turner recused herself at 11:31 am and left the room. Mr. Mansfield stated that he communicated with the Investigator from the Office of Inspector General (OIG) and a response from the OIG should be received by the next Board meeting. This case is ongoing. At 11:32, Ms Turner was returned to the board room.

2010-07- Refer case to the OIG for further investigation. This case is ongoing.

2010-08- Refer case to the OIG for further investigation. This case is ongoing.

2010-09- Refer case to the OIG for further investigation. This case is ongoing. Mr. Mansfield recommended referring this matter to Louisville Metro Police.

2010-10- Mr. Mansfield recommended a cease and desist letter be sent. This case is ongoing.

Mr. Mansfield made a motion to accept the Complaint Committee's recommendations as presented. The motion, seconded by Ms. Logsdon, carried unanimously.

APPLICATION COMMITTEE REPORT

Mr. Mansfield informed the Board that in order to avoid confusion when providing the Applications Committee Report and to protect applicants; the Applications Committee changed the procedures by provided the number of applicants versus their initials. He further provided the following report:

Initial Applications

4 approved.
3 deferred to provide additional documentation
1 deferred to provide a transcript showing breakdown hours
3 denied because applicants listed on the forms that they did not take the NCBTMB exam
1 deferred for an incomplete application.

Endorsements

6 Approved, 2 pending receipt of \$75 fee; 1 pending TN license information
4 deferred to provide additional documentation

Renewals

13 Approved
9 deferred to provide additional documentation or fee.
2 denied because applicants requested inactive status after the licenses are expired
1 denied because applicant must reapply for licensure and meet current requirements
1 denied because licensee failed to respond to a Board letter and provide proof of continuing education

Ms. Turner moved to refund the \$70 inactive licensing fee to each of the 2 applicants denied inactive status. Mr. Mansfield seconded. Motion carried.

Ms. Barnhill moved to accept the report from the applications Committee. Mr. Maxwell seconded. Motion carried.

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 July 12, 2010 at the Frankfort office at 10:00 a.m.

ADJOURN

Mr. Maxwell made a motion to adjourn at 2:40 p.m., having no further items of discussion. The motion, seconded by Mr. Mansfield, carried unanimously.

A handwritten signature in cursive script, appearing to read "Theresa Crisler".

Theresa Crisler, Chair