

**KENTUCKY BOARD OF LICENSURE FOR MASSAGE THERAPY
BOARD MEETING AND RETREAT MINUTES
September 19-21, 2013**

A regular meeting and Retreat for the Kentucky Board of Licensure for Massage Therapy was held at General Butler State Resort Park, on September 19-21, 2013.

MEMBERS PRESENT

Tom Hansen, LMT Chair
Cheryl Turner, ND, Vice Chair
Eric Byrd, LMT
Denise Logsdon, LMT, Secretary
Laurie Bond Horsford, Citizen-at-Large
Katherine Warner, LMT

MEMBERS ABSENT

None

OCCUPATIONS AND PROFESSIONS STAFF

Marcia Egbert, Board Administrator substituting for
Carolyn Benedict

OFFICE OF THE ATTORNEY GENERAL

Michael West, Assistant Attorney General

OTHERS

Cynthia Thornburg Schnell, AMTA L&L Chair on
9/20/2013

CALL TO ORDER

Mr. Hansen, Chair, called the Retreat to order at 2:00 p.m. on Thursday, September 19, 2013. Mr. Hansen did an ice breaker called "Two Truths and a Lie" which allowed all members of the Board to learn something new about each other. Mr. Hansen then did an overview of what the remainder of the Retreat would entail.

The meeting recessed at 4:30 p.m. on Thursday, September 19, 2013.

The Meeting of the Massage Therapy Board reconvened at 9:37 a.m. on Friday, September 20, 2013

MINUTES

Ms. Logsdon requested a change in the New Business. She stated that there should have been a motion made on the result of the discussion of whether or not Trigger Point Dry Needling was within the scope of practice for Kentucky LMT's. Katherine Warner made a motion that the puncture of the skin is outside the MT's scope of practice. Laurie Horsford seconded the motion. The motion carried unanimously. Denise Logsdon made a motion to approve the minutes from August with the amendment of the motion made by Ms. Warner. Ms. Horsford seconded the motion. The motion carried unanimously.

FINANCIAL STATEMENT

Ms. Warner made a motion to accept the financial statement as submitted. Mr. Byrd seconded the motion. The motion carried unanimously.

ATTORNEY REPORT

Mr. West stated he will not attend the Federal Associations of Regulatory Boards (FARB) that he had asked the Board to pay one-third of costs. The remainder of his report will be covered in the complaint committee report.

REPORT FROM O&P

On behalf of the Office of Occupations and Professions Ms. Egbert reported that Mr. Matt Osborne has resigned as Executive Director from the O&P effective October 1, 2013. Gordon R. Slone will be replacing him as Executive Director beginning 10/16/2013. A new Board Administrator had been hired and began on

September 3, 2013. Ms. Egbert stated that the database revisions are continuing. The Department of Revenue will continue to send additional notices to delinquent tax payers in an effort to collect the due taxes. Mr. Osborne had asked the Revenue Department to have someone present the law, timeline and intentions to all of the Boards that O&P provides service to. The work order on installing the wireless internet for the meeting rooms at O&P has been submitted. The Board Administrator will be able to provide the login information once the installation is completed.

OLD BUSINESS

Mr. Hansen tabled the reports on the Policies and Procedures Manual Revision until the end of the regular meeting.

The regulation revisions regarding the school issue of how to get students licensed was discussed. Prepare packets for these people that will be sent. Michael West is still working to complete the wording.

Human Massage Therapy was discussed. Statutes give the definition but does it need to be clarified in the regulations? Mr. West will work on this and send the revisions to the Board Members for review.

Ms. Logsdon had a question in regard to the revision of KAR 42:080, Section 4(7). Externship sites shall have a licensed massage therapist or other licensed healthcare professional onsite to be available for emergencies or consultation. The consensus of the Board was "No."

KRS 309:355, Section 1 & 2 was discussed in regard to the reporting of misdemeanors and felonies. The Board will discuss further when additional applications are received. Mr. West will write language to be used in the renewal section of the regulations in regard to this for the Board's review.

NEW BUSINESS

A letter from Fonda Priser regarding Licensing Eligibility (background checks) and whether or not she would be eligible to take the exam was discussed. The Board's response was "The Board does not issue advisory opinions on potential applications. The Board will review your application upon receiving it."

Discussion was held on the Inter-Board Cooperation regarding unlicensed PT and Chiropractic Assistants performing Massage Therapy. Mr. West stated that the Board could initiate a complaint if they knew a PT or Chiropractic Assistant was performing massages stating that it is not part of their profession. Ms. Logsdon made a motion for Michael West to do a refresher letter to PT and Chiropractic Assistants. Ms. Turner seconded the motion. The motion passed unanimously. Michael West will write the letter.

The application of Justin Roethlingshoefer, who is on a student visa, was discussed. Michael West stated that he meets the requirements for licensure and should be issued a license.

The Board discussed correspondence from Jennifer Bastin regarding whether or not she needs certification to do Kinesiology Taping. The Board stated that she does not need certification.

The Board discussed the number of investigative hours that are on Mike Scanlan's current contract as the investigator for the Board. He informed the Board that he will be exceeding the number of hours allowed on his current contract at the rate his investigations are going. The Board discussed the request and Denise Logsdon made a motion to submit an allotment increase of 300 hours at \$50/hour and increase the allotment for this contract to \$15,000 if our budget allows. Katherine Warner seconded the motion. The motion passed unanimously.

Correspondence was received from Marilyn Gossett regarding students who have misdemeanor's and the question of if they could apply for a ruling on whether they would be accepted before they go to school and then possibly be denied and also if there were guidelines on this question for school owners. The Board stated

“The Board does not issue advisory opinions on potential applications. The Board will review each application upon receiving it.” Michael West will write an article on background checks and confer with Katherine Warner.

Katherine Warner made a motion that the Board pay per diem, registration, travel, meals and lodging for Eric Byrd to attend the Federal Associations of Regulatory Boards (FARB) Conference January 24-26, 2014. Cheryl Turner seconded the motion. The motion was passed unanimously.

COMPLAINT COMMITTEE REPORT

Mr. Byrd made the following recommendations and report on behalf of the Complaint Committee:

2011-05 – Filed Civil Suit for Injunction – Request additional investigation – Investigator to follow-up

2012-01 – Ongoing

2012-10 – Ongoing

2012-12 – Ongoing

2012-17 – Ongoing

2012-18A }
2012-18B } Ongoing - Formal administrative charges filed

2013-01 – Ongoing

2013-03 – Ongoing

2013-07 – Ongoing

2013-08 – Ongoing

2013-10 – Ongoing

2013-11 – Ongoing

2013-12 – Ongoing

2013-13 – Ongoing

2013-14 – Ongoing

2013-15 - Recommended that a Board Initiated Complaint be Filed – Has not been filed. Ms. Benedict requested additional information months ago but never received a response.

Ms. Logsdon made a motion to accept the recommendation of the complaint committee. Ms. Warner seconded the motion. The motion carried unanimously.

AMTA-KY Chapter has requested an explanation on the delays in the progress of complaints. Eric Byrd and Cheryl Turner will write an article for the AMTA-KY Chapter newsletter with an explanation of the procedure of complaints. Michael West will review.

APPLICATION COMMITTEE REPORT

The Application Committee met yesterday at General Butler State Resort Park. All members, Ms. Egbert and Mr. West were present with three interviews being done. On behalf of the Committee Ms. Warner made the following recommendation:

Initial Applications (24)

Approved (22): *Jennifer Adams, Jessica Allen, Latrice Anderson, Hollie Bertram, Chandra Binkley, Lauren Crouch, James Cummins, Shelliss Cunningham, Stephanie Franz, Viemma Givens, Stephanie Jefferson, Sandra Johnson-Harrell, Byron Lemberg, Alisha Lindsey, Angela Lockhart, Fredrick Mager, Roy Messer, Dedra Neff, Leslie Riley, Briann Robinson, Courtney Toon, Justin Roethlingshoefer*

Pending (2): *Megan Coker, Amber Tucker*

Endorsements (6)

Approved (6): *Anthony Bentley, Amanda Clark, Pedro Curbelo, Joan Gustin, Stefanie Hoffman, April Vale.*

Renewals (73)

Approved (60): *Rebecca E. Baird-Johnston, Heather Bernard, Karla D. Boggs, Becki L. Bower, Matthew G. Branstetter, Maryalis Brindley, Heather A. Bullock, Charley Caudill, Rachel J. Caudill, Sherrie Contreras, Amy D. Cottrell, Brian A. Dell, Holly Doss, Kathleen Downs, Angel Doyle, Gina N. Duffy, Mary G. Dunn, Lynzie B. Embry, Pedro Emilio Garcia, Molly A. Griffee, Melinda G. Hall, Kendal S. Harden, Teri Hartley, Eric Hatfield, Brittany N. Havener, Laura Henson, Marlana A. Henson, Veronica L. Hewlett, Lisa M. Hudson, Lindsay P. Jagers, Megan R. Lester, Amanda Lewis, Jennifer M. Manning, Rebecca Lynn Matthews, Christian K. Mills, Jennifer Oliver, Ashley Patterson, Tommi J. Paulson, Christopher P. Ping, Jenny Pisano, Allison L. Reschke, Tony L. Rhineheimer, Jennifer R. Romero, Jacqueline M. Segura, Cassandra L. Sellers, Megan Slaughterback, Derek Spencer, Hamrawit Tsegaye, Whitney Walden, Pamela Ward, Peggy Wells, Julie Wilber, Richard K. Wilson, Angie L. Wolf, Jessica L. Woods, Rhonda Yelton, Hyong N. Yu, Diane Bryant, Roberta O'Shaughnessy, Faucie Ferguson*

Pending (7): *Katherine E. Blevins, Polly Courter, Jaime Devine, James D. Duff, Bonnie M. Marshall, Nataliya McAfee (Yarnall), Jim J. Nobbe*

Deferred (6): *Dawn R. Harmon, Tim Hollon, Clinton Langley, Tonya R. Leger, Rosonna Taylor, Megan N. Wilson*

Ms. Turner made a motion to accept the recommendation of the committee. Mr. Byrd seconded the motion. The motion carried unanimously.

EDUCATION COMMITTEE REPORT

Application for Renewal of School in Good Standing (1):

Approved (1): *Sun Touch Massage Therapy School*

Deferred (1): *Advanced Massage Therapeutics*

Application for Continuing Education (1):

Approved (1): *Great Lakes Seminars: An Orthopedic Approach to Myofascial Release – 16.0 Hours*

Mr. Byrd made a motion to accept the recommendation of the Education Committee. Ms. Turner seconded the motion. The motion carried unanimously.

TRAVEL AND PER DIEM

Ms. Turner made a motion that all board members in attendance be reimbursed travel and per diem for attending the meeting and retreat. Mr. Byrd seconded the motion. The motion carried unanimously.

NEXT MEETING

The next meeting of the Application Committee is scheduled for October 28, 2013 at 10:00 a.m. The Board Meeting will be called to order at 1:00 p.m. following lunch. All committees and the Board meeting will be held at 911 Leawood Drive, Frankfort, KY 40601.

The Board recessed at 11:55 a.m. for lunch.

The Board reconvened at 1:03 p.m.

Upon return to the meeting, the Board began discussions on the Policies and Procedures Manual Revision.

Mr. Hansen explained that he would call on each Committee and the Board would go through each section, and discuss any changes to be made.

These minutes do not reflect all the discussions and changes to each section as each Committee made the changes on their handouts and submitted them to Denise Logsdon to make the changes and compilation of all information. Several items were discussed and motions were made and new policies were created. They will be posted below.

Auditing of Renewals:

Cheryl Turner made a motion to audit 15% (chosen randomly from the database) of renewal applications received each month. Failure to respond within 30 days may result in the revocation of the license. Denise Logsdon seconded the motion. The motion carried unanimously. Ms. Benedict will send out letters after the fact to those chosen by the database to be audited.

Customer Service:

Discussion was held on communication to licensees. The Board discussed creating a Facebook page and putting a link on the website. Need procedures on how to get information placed on the Facebook page approved prior to placing it on the page.

Board Providing CE's:

The over-all reaction to the Board providing CE's was negative. The reasons were due to timing, i.e. the Board giving them for free and AMTA charging for the same trainings. Some comments made were that those that paid dues felt that they were paying for other people that didn't pay dues. Michael West suggested that maybe the Board could ask AMTA if they would allow space at their conference for the Board to present CE's on laws/regulations updates. Katherine Warner made a motion that KBLMT volunteer to fulfill a three hour spot at one of the AMTA Education Meetings to review and discuss Kentucky Statutes/Regulations at no cost to AMTA. Denise Logsdon seconded the motion. The motion carried unanimously. A formal letter will be sent to the President of AMTA.

Powers and Duties of the Board:

Discussion was held of the duties of all Board Members. Each officer on the Board, and each committee member's duties were discussed.

Discussion of KRS 309:355 Section 1 & 2 in regard to misdemeanor and felonies was held and the Board stated that they don't review until we have an application. Michael will come up with the language to relate to misdemeanors and felonies for the Renewal section of the board Policies and Procedures Manual.

Approved Schools on Website:

Discussion resulted in removing Daymar and Lincoln College of Technology from approved schools. There was a question mark on Natural Healing Institute. Need to check into that school. Mr. Hansen asked Ms. Logsdon what the Board can do with the schools to make it easier to get qualified.

Bad Weather:

In case of bad weather on the day of the meeting, Mr. Hansen will contact Ms. Benedict to check the weather in Frankfort. If the weather merits cancelling a meeting, Mr. Hansen will contact Ms. Benedict and between them, they will call the remaining Board members. Protocol will be posted in the Handbook.

Website Goes Down:

If the website goes down, the Board must be notified immediately. If it is down four (4) consecutive hours or to the end of the business day, the Board must be notified.

How to remove someone from the Board for lack of attendance:

Cheryl Turner made a motion that if a board member misses more than three (3) meetings in the previous twelve (12) months, the Board "may" make a recommendation to the Governor for removal from the Board. Laurie Bond Horsford seconded the motion. The motion carried unanimously.

Application Process:

Define Approved and Approved Pending and Deferred in board Policies and Procedures Manual.
Add section on conversion of hours.

Forms:

Add a place to change your e-mail address on the Name/Address Change Form.

Inform Justin Turner that Eric Byrd has volunteered to be the "Beta Tester" for the O&P Office IT and COT for new database.

Recess at 4:30 p.m. Will reconvene Saturday morning at 9:30 a.m.

Reconvened 9/21/2013 at 9:30 a.m.

Eric Byrd requested to revisit the topic of endorsement. He stated that the minimum requirements of other states are usually less than Kentucky. There has much dialogue inside and outside the Conferences pertaining to this. Students are wrestling with accreditation required when they come in from out of state. In Kentucky, teachers must have three years of experience and other schools only require teachers to have two years of experience. This results in the penalization of students. After discussion, the Board recommended that the licensee get licensed in their home state first and then get licensed in Kentucky.

The Facebook page was discussed again at length. The Board questioned if we could recruit someone that has experience in setting up a Facebook page, such as the open citizen-at-large position on the Board, and recommend that person to the Governor's Office for appointment. Katherine Warner suggested that we make a list of items that could be addressed on Facebook. Within a few minutes the Board members had over 30 suggestions of ideas to address. Eric Byrd volunteered to input information if the page could be set up by someone. He stated that he would check with a friend of his about helping him set up the page. The Board felt that there is only one person that had access to the page to make changes, add and delete, etc. There must be approval from COT to have a Facebook. The Board does not want the ability for return comments. Used as an informational tool only.

Chair Tom Hansen set up a timeframe to complete the project of the Policies and Procedures Manual Revisions:

- Electronic changes to what we wrote during this retreat to Katherine Warner by September 27, 2013.
- Katherine Warner will send completed sections to Tom Hansen and Eric Byrd for review as she completes a section.
- Updates as a result of the review by Mr. Hansen and Mr. Byrd back to Katherine Warner by October 18, 2013.
- Final updates due to Katherine Warner by October 23, 2013
- Ms. Warner to have final draft by October 28, 2013 meeting.

Ms. Egbert was informed by several members of the Board that the list of Board Members Addresses/Phone Numbers/Etc. had some discrepancies on it. Ms. Egbert had the members correct their information and will update the form upon return to the office.

Mr. Hansen reminded the Board members that were to write articles to AMTA to be sure to send them.

A new goal for the Board was established. They would like to streamline the meetings and have the application reviews on the same day as the meeting. They would like for Ms. Benedict to choose the day that works best for her for the 2014 meetings and reviews. Add this as an agenda item for the October 28, 2013

Board meeting under New Business. The remaining meetings of 2013 are November 25, 2013 and December 30, 2013 with application reviews in the morning and the meeting in the afternoon.

Cheryl Turner made a motion to adjourn the meeting at 10:18 a.m. Eric Byrd seconded the motion. The motion passed unanimously.

Unanimously Approved
October 28, 2013