

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

MEMBERS PRESENT

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

OCCUPATIONS AND PROFESSIONS STAFF

David Garr, Deputy Executive Director
Adriana Lang, Board Administrator
Jeff Boler, Resource Management Specialist

OTHERS

Michael West, Board Attorney
Jennifer Wagley, NCBTMB
Angela Baskes, NCBTMB
Lori Ohlmann, NCBTMB
Julie Harper, AMTA
Collette Wilson, AMTA

CALL TO ORDER

Ms. Crisler, Board Chair, called the meeting to order at 10:14 a.m.

MINUTES

A motion was made by Ms. Barnhill to approve the minutes, as amended, of the January 10, 2011 meeting. Motion, seconded by Ms. Turner, carried unanimously.

FINANCIAL STATEMENT

A motion was made by Ms. Logsdon to accept the financial statement ending January 31, 2011, as presented. Motion seconded by Ms. Barnhill, carried unanimously.

Mr. Garr discussed with the Board the current procedures to request an allotment increase. Mr. West clarified the Attorney General's fees. Ms. Logsdon made a motion to authorize Mr. Garr to apply for an allotment increase for a total amount of \$9,500.00. The motion, seconded by Mr. Maxwell, carried unanimously.

LICENSURE STATUS REPORT

A Licensure Status Report ending February 14, 2011, was presented to the Board for review. A motion was made by Ms. Barnhill to approve the report. Motion, seconded by Ms. Turner, carried unanimously.

LICENSURE STATUS REPORT CONTINUED

A report showing new licenses issued from January 10, 2010 to February 14, 2011 was presented to the Board for review. A motion was made by Ms. Barnhill to ratify the new licenses issued. Motion, seconded by Ms. Turner, carried unanimously.

A report showing licenses expired month ending January 31, 2011, was presented to the Board for review. A motion was made by Ms. Barnhill to approve licenses expired report. Motion, seconded by Ms. Turner, carried unanimously.

DIRECTOR'S REPORT

David Garr Provided the flowing report:

- 1) Governor Steven Beshear appointed Shannon Tivitt as the new Executive Director for the Office of Occupations and Professions. He explained that Ms. Tivitt was not able to attend today's meeting due to another meeting she is attending at Capitol.
- 2) The Proprietary Education Board is being audited. Based on the auditor's requests he recommended that all Boards should have a) a well defined platform for procedures b) a training manual, in case an audit occurs. Mr. Garr provided the Board a copy of the documents regarding Recommendations to Public and Nonprofit Boards.

ATTORNEY'S REPORT

Michael West provided the following report:

- 1) E-mail from Betty Barker regarding professional questions. Mr. Mansfield made a motion for Mr. West to send an e-mail in response stating that massage therapists in the Commonwealth of Kentucky can do exfoliations, mineral baths, and massage therapy as long as it relates to relaxation, and to remind her that massage therapists are not able to treat or diagnose skin conditions within the practice of massage therapy. The motion, seconded by Ms. Turner, carried unanimously.
- 2) Spoke with the Legislative Research Commission (LRC) and according to them, the regulations should be in effect March 4, 2011. The Board requested Mr. West to send an e-mail to members of the Board to notify them when the regulations are approved. The Board also requested Mr. Boler to place a notice regarding the new regulations on the website. The Board discussed sending postcards to the licensees and posting on the website the language regarding the new regulations once the regulations are approved.

CHAIRPERSON'S REPORT

Ms. Crisler provided the following report:

- 1) Discussed current procedures for Board minutes and requested staff members to submit minutes to Board members prior to the meeting for a review. A staff member stated that draft minutes will be sent to Board members prior to the Board meetings for review and corrections. Staff members requested the members of the Board to send the final amended draft of the minutes back to the Board administrator via e-mail prior to the meeting day.

CHAIRPERSON'S REPORT CONTINUED

- 2) Mr. Crisler requested the Board to approve travel expenses for the 2011 Continue Education instructor. Ms. Barnhill made a motion to approve travel expenses including hotel and meals for Pat Donahue. The motion, seconded by Ms. Horsford, carried unanimously.
- 3) Mr. Crisler requested the Board to approve travel expenses for an additional person that will assist Ms. Donahue with the 2011 CE Class. Ms. Horsford made a motion to approve travel expenses including hotel and meals to an extra person to assist Ms. Donahue. The motion, seconded by Ms. Turner, carried unanimously.
- 4) Ms. Crisler asked how many members of the Board will attend the 2011 CE Class. Ms. Turner, Mr. Mansfield and Ms. Crisler stated that they will attend the 2011 CE Class. Ms. Logsdon made a motion to approve travel expenses for Ms. Crisler, Ms Turner and Mr. Mansfield. The motion, seconded by Mr. Maxwell, carried unanimously.
- 5) Ms. Crisler asked staff members how many licensees applied for the 2011 CE Class. A staff member stated that 70 licensees registered as of today. Ms. Crisler clarified that the class limit is 300 and the deadline is March 10, 2011. The Board discussed sending confirmation postcards to all licensees that register for the 2011 CE class after the registration deadline March 10, 2011.
- 6) Ms. Crisler provided the Board an e-mail regarding the NCBTMB 02/01/2011 School Compliance and Certification Revocations.
- 7) The Board discussed the current investigative process by the Office of Inspector General (OIG). Staff members clarified that 1) the OIG does not charge any fees to conduct investigations for the KBLMT 2) has access to Law Enforcement databases that an individual member of the public does not have 3) conduct background checks. The Board agreed to continue to use the OIG to conduct investigations on their behalf.
- 8) Ms. Crisler stated that she was notified by the AMTA that she will be allowed to speak for 10 minutes during their upcoming conference. She stated that the topic will be unlicensed practice. She stated that AMTA will have a booth for the KBLMT so she will have additional time to communicate with the AMTA members regarding past newsletters, frequently asked questions, renewal dates. Mr. West stated that past complaints information are listed on the Board's approved minutes. Ms. Turner made a motion to approve Ms. Crisler travel expenses for the AMTA 2011 conference. The motion, seconded by Ms. Horsford, carried unanimously.

OLD BUSINESS

Ms. Wagley, Ms. Ohlmann and Ms. Baskes representatives of the NCBTMB were present. They provided a PowerPoint presentation regarding the NCBTMB. They also provided informational booklets and answered multiple questions related to the NCBTMB national exams and certification. The Board discussed that electronic results could be submitted to the Board Administrator in order to facilitate the licensure process. Ms. Ohlmann stated that she will research the matter and get a response to the Board. The Board thanked the NCBTMB representatives for providing the presentation and answering questions.

OLD BUSINESS CONTINUED

The Board reviewed several e-mails regarding licensure clarification. Staff members informed that Board that Legal Counsel clarified the regulations regarding that matter. The Board authorized staff members to change the Application Coversheet based on the Legal Counsel's interpretation. Ms. Barnhill made a list clarifying the licensure requirements as follows:

Basic List of Requirements for Licensure in the State of Kentucky

As of 2-9-11, subject to change with revision of regulations

Endorsements:

201 KAR 42:070

States with Equal or Higher Standards (Section 1)

1. Application Form
2. Proof of Current Licensure in Another State
3. Certificate of Good Standing from Other State
4. Fee

Less Stringent Standards (Section 2)

1. Application Form
2. Proof of Current License in Another State
3. Certificate of Good Standing from Other State
4. Fee
5. Other documents where applicable:
 - a) Passage of NCE or other Accepted Exam
 - b) Transcript with Breakdown of Hours
 - c) Copies of CE Certificates
 - d) Certified Transcript and Healthcare Related Academic Coursework
 - e) Proof of Teaching Massage Therapy Relevant Curriculum
 - f) Proof of Research, Clinical Internships, Publications and Massage Therapy Leadership Positions
 - g) Proof of Working as a Massage Therapist in Another State

Initial Licensure

201 KAR 42:035

1. Complete Signed, Dated and Notarized Application
2. Fee
3. Transcript with Breakdown of Clock Hours
4. Proof of Passage of Approved Exam

Renewal Licensure

201 KAR 42:040

1. Complete Signed, Dated and Notarized Application
2. Fee
3. Documentation of Completion of CEs if Audited or Renewing Late
4. Other Documentation if Applicable:
 - a) Documentation Related to Conviction of a Felony
 - b) Documentation Related to Disciplinary Action in Another State
 - c) Documentation of Having Defaulted on a Student Loan

NEW BUSINESS

The Board reviewed an e-mail from Ms. Logsdon regarding 1) Per diem for January 9, 2011. Mr. Mansfield made a motion to approve Ms. Logsdon travel and per diem for January 9, 2011 Regulation Subcommittee Meeting. The motion, seconded by Ms. Barnhill, carried unanimously. 2) Mr. Logsdon withdrew her request to go into Closed Session.

The Board reviewed an e-mail from Katherine Willis. The Board requested the Board Administrator to send a response to Ms. Willis stating that National Certification is not required in order to maintain state licensure.

The Board reviewed an e-mail from Brandi Crompton. The Board requested the Board Administrator to send a response stating that her question is not a Board matter and to refer her to a tax professional.

The Board reviewed a correspondence from Carlos Cordova. The Board requested the Board Administrator to send a response requesting him to provide a school transcript showing clock hours and to list how many hours he spent on each subject matter.

Ms. Logsdon made a motion for the Board Administrator to send responses to the first three businesses under New Business. The motion, seconded by Mr. Maxwell, carried unanimously.

The Board reviewed informational correspondences from the NCBTMB.

The Board reviewed an e-mail from Charles Watson requesting to speak with the Board. Mr. Watson was not present.

The Board reviewed an e-mail from Denise Logsdon regarding Louisvillebackpage.com. Ms. Turner clarified that this is already in process with the Complaints Committee.

Julie Harper provided the Board a massage therapy coupon regarding possible unlicensed practice. The Board discussed the complaint procedures. Staff members clarified that the Office of Occupations and Professions procedures and stated that all correspondence are to be delivered to the Fiscal Section so they can stamp received and give the information to the Board Administrator for further process.

NEW BUSINESS CONTINUED

Staff members also explained that any complaints need to be checked administratively to see if the complaint is against a licensee, then brought before the Complaint Committee for a Review. Ms. Crisler stated that since the Board is aware of the information it is not necessary to follow the Administrative procedures. Ms. Turner made a motion to authorize the OIG to conduct investigation and to forward the information to the Complaint Committee for further review. The motion seconded by Ms. Logsdon. Ms. Barnhill opposed. Motion carried.

Michael Mansfield provided the Board a copy of a news article regarding "Police raid massage parlors, six women arrested". Mr. Mansfield expressed concerns about the KBLMT not being able to take actions against human trafficking. Mr. Mansfield suggested to members of the Board to conduct online researches regarding unlicensed activities or providing erotic massage and bring a report to the Board so actions can be taken and refer criminal cases to Kentucky State Police. Members of the Board responded that human trafficking was not an area of authority of this board, and referred him to non-profits that have been established to work against this problem. Mr. Mansfield stated that he feels that the KBLMT has failed to protect the public. Ms. Crisler stated that the Board does take actions against unlicensed activities within the Board's authority.

COMPLAINT COMMITTEE REPORT

The Complaint Committee met on February 14, 2011 at 8:30 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

2010-08- Mailed payment to the Sheriff's office so they can serve the cease and desist letter. Case is ongoing.

2010-09- Ms. Turner spoke with the OIG investigators and requested further information. Case is ongoing.

2010-12- Michael West will send a letter to the school. Case is ongoing.

2010-14- Michael West will send letter/Subpoena. Case is ongoing.

2010-17- Michael West will file an administrative complaint against Xiang Baojian for violation of KRS 309.362 Section 1 (f) and (1) (g), and KAR 42:060 (4), (10) and (13) and send cease and desist letters to Yun Hong Yue and Ms. Lei for practicing without a license. Cease and Desist letters are to be copied to Florence Mall and Green Spa. Case is ongoing.

2010-18- Michael West will file an injunction action against Barbara Jean Embry.

2010-19- Waiting for OIG's investigative report. Case is ongoing.

2010-20- Michael West will file an injunction action against Theresa Lawrence.

2010-21- Administrative complaint pursuant to KRS 309.362 Section 1 (d) and 309.353 Section 1, Settlement Agreement authorized.

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 February 8, 2010 at 10:00 a.m. at the Office of Occupations and Professions 911 Leawood Drive, Frankfort Kentucky.

Initial Applications

Approved: *Megan Gibson, Autumn King, Asheley FlanFleet and Yuping Xing.,*

Approved pending additional requirements: *Hannah Braudis, Kelly Devine, Greg Graf, Valerie Grigsby, Melanie Hoff, Gabriel Quant and Kendra Wien.*

Deferred to provide additional requirements: *Jessica Cebe, Jaycee Guillaume, Brittany Hudson, David Medina, Myra Mullins, Rachel Parker, Evelyn Pitsenbarger, Desiray Salchow, Holly Stone, Tabitha Stroizer-Mort and Holly Young.*

Denied: *Rhonda Barron, Timothy Browning, Yon Choi, Tiffany Clark, Kyra Drake-Finn, Nikolas Lewis and Jeanifer Young.*

Endorsements

Approved: *Katherine Burchett, Erin Gallagher, Christine Garrison, Tia Jones, Ermil Johnson, Jamie Piper, Michael Sierchula, Lorraine Scott, Mark Swanson and Jinjie Yuan.*

Approved pending additional requirements: *Tina Ellis, Evette McClure, Alexa Osborne and Paula Smith.*

Deferred to provide additional requirements: *Luther Bond, Ying Li, Kammaleathahh Livingstone, James Vices and Sara Wright.*

Denied: *Sarah Griffin.*

Renewals

Approved: *Luis Acevedo, Willow Cappola, Deedra Farmer, Mary Fredette, Jennifer Helton, Diana Hughes, Debbie Joplin, Ollie Layne, Mary Muchmore, Bernadette Murphy, Lisa O'Bryan, Tish Platt, Goran Posvandzic, Debra Simcoe, Teresa Stine, Jennifer Stone, Rachel Waddle and Danielle Weakland.*

Approved pending additional requirements: *Brenda Graham and Rebecca Heuser.*

Deferred to provide additional requirements: *Timothy Black, Valerie Brooks, Andrea Dowell, Sun Fetter, Sarah Harris, Wayman Hart, Robin Jones, Deborah Lueke, Crystal Metcalfe, Brittany Napier, Kathleen Oswald, Bryan Purvis, Charlotte Rachford, Catherine Simmons, Rosemary Strauss, Jennifer Thomas and Nathan Thornsby.*

Denied: *Ashley Crouch and Kathleen Summers.*

Ms. Logsdon moved to accept the report from the applications Committee. Mr. Maxwell seconded, carried unanimously.

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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. Horsford, carried unanimously.

NEXT MEETING

The next meeting is scheduled for March 21, 2011 at the Office of Occupations and Professions 911 Leawood Drive Frankfort, Kentucky.

ADJOURN

Mr. Maxwell made a motion to adjourn at 2:50 p.m., having no further items of discussion. The motion, seconded by Ms. Turner, carried unanimously.

APPROVED



Theresa Crisler, Chair