

DEPARTMENT OF HEALTH
DIVISION OF MEDICAL QUALITY ASSURANCE
BOARD OF MASSAGE THERAPY

MINUTES
GENERAL BUSINESS MEETING
TELEPHONE CONFERENCE CALL
MARCH 13, 2013

1 The meeting was called to order by Ms. Karen Ford, LMT, Chair, approximately 8:30 a.m. Those present for
2 all or part of the meeting included the following:

MEMBERS PRESENT:

Karen Ford, LMT, Chair
Bridget Burke-Wammack, LMT, V-Chair
Joy Buckley, LMT
Lydia Nixon, LMT
Sharon Phillips, LMT, AP, DOM
Robert Tuttle, Consumer Member

STAFF PRESENT:

Anthony Jusevitch, Executive Director
Paula Mask, Program Operations Administrator
Matthew Thompson, Regulatory Specialist II

COURT REPORTER:

For The Record
Office: 850.222-5491

BOARD COUNSEL:

Lee Ann Gustafson, Esquire
Senior Assistant Attorney General

DEPARTMENT PROSECUTING ATTORNEY

Cecilie Sykes, Assistant General Counsel

3 ***Please note that the meeting minutes reflect the actual order agenda items were discussed during***
4 ***the meeting and may differ from the agenda outline.***

5 ***An audio of this meeting can be found by clicking on "Audio Files" at***
6 ***http://www.doh.state.fl.us/mqa/massage/ma_meeting.html***

7 **NEW BUSINESS**

8 **Legislation**

9 **HB7005/SB500 (Amendments)**

10 The Board discussed the recent amendments to the bill and its impacts.

11 **SB 1334 – An Act Relating to the Department of Health**

12 The Board discussed the bill and its impacts

13 **Informational**

14 **SB 160: Licensure Fees for Military Veterans**

1 This proposed legislation requires the Department to waive certain licensure fees for veterans.

2 **ADMINISTRATIVE PROCEEDINGS**

3 **Massage Therapist Applicants**

4 **1. Roberta Barnes – exam**

5 Applicant was present without counsel.

6 **Action Taken:** After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Ms.
7 Buckley seconded the motion, which passed unanimously.

8 **2. Kristian Cecchini – exam**

9 Applicant was present without counsel.

10 **Action Taken:** After discussion Ms. Burke-Wammack moved to grant the license with conditions:

- 11 • The applicant provides documents to the Board detailing proof that his previous record was
12 expunged within 90 days. The Board delegates to the Executive Director the authority to grant
13 licensure once the documents have been received by the board office and reviewed.

14 Mr. Tuttle seconded the motion, which passed 5-1, with Ms. Ford opposing the motion

15 **3. Jessica Coxwell – exam**

16 Applicant was present without counsel.

17 **Action Taken:** After discussion, Ms. Nixon moved to grant the license unencumbered. Ms. Burke-Wammack
18 seconded the motion, which passed unanimously.

19 **4. Michael Ernst – exam**

20 Applicant was not present without counsel.

21 **Action Taken:** After discussion, Ms. Nixon moved to grant the license unencumbered. Ms. Buckley seconded
22 the motion, which failed unanimously.

23 **Additional Action Taken:** After discussion, Ms. Burke-Wammack moved to grant the license with
24 conditions:

- 25 • The applicant undergoes an evaluation coordinated by the Professionals Resource Network (PRN),
26 and complies with any and all terms and conditions imposed by PRN as a result of said evaluation. It
27 is the duty of the applicant to contact the PRN within 30 days of the filed final order. If a contract is
28 recommended, the applicant must sign a contract within 120 days of the filed final order. The Board
29 delegates to the Executive Director the authority to accept the recommendation of PRN.

30 Mr. Tuttle seconded the motion, which passed unanimously.

1 **5. Christian Hanson – exam**

2 Applicant was present without counsel.

3 **Action Taken:** After discussion, Ms. Burke-Wammack moved to grant the license with conditions:

- 4
- 5 • Probation shall run concurrent with the probation imposed by the Court; the applicant shall submit
 - 6 documentation that the Court-ordered probation has terminated; and after submission of the
 - 7 documentation, the Executive Director is delegated the authority to lift the probation.

8 Ms. Buckley seconded the motion, which passed unanimously.

9 **6. Mark Lobban – exam**

10 Applicant was present without counsel.

11 **Action Taken:** Ms. Buckley moved to deny the application on grounds of public safety. Mr. Tuttle seconded

12 the motion. Board counsel advised public safety is not one of the grounds for denial.

13

14 Discussion was held on how the motion should read. Ms. Buckley advised she would amend her motion. At

15 this point Ms. Buckley was inadvertently deleted from the conference call of which the board was unaware

16 and she was unable to follow through with her amended motion.

17 Ms. Ford moved to deny the license as the applicant's multiple convictions related to the practice of massage

18 therapy or the ability to practice massage safely, and impairment would interfere with the practice of safe

19 massage therapy. Ms. Phillips seconded the motion, which failed unanimously.

20 **Additional Action Taken:** After further discussion, Ms Ford moved to grant the license with conditions:

- 21 • The applicant undergoes an evaluation coordinated by the Professionals Resource Network (PRN),
- 22 and complies with any and all terms and conditions imposed by PRN as a result of said evaluation. It
- 23 is the duty of the applicant to contact the PRN within 30 days of the filed final order. If a contract is
- 24 recommended, the applicant must sign a contract within 120 days of the filed final order. The Board
- 25 delegates to the Executive Director the authority to accept the recommendation of PRN.

26 Ms. Burke-Wammack seconded the motion, which passed 5/0.

27 Ms. Ford requested board counsel to include in the order for PRN to evaluate anger management, the issue

28 of boundaries and addiction impairment.

29 **7. Guilian Wang – exam**

30 Applicant was present with counsel, Mr. David Silverstone, Esq.

31 **Action Taken:** After discussion, Ms. Ford moved to deny the license on the grounds of prior discipline, the

32 school attended was not an approved massage therapy school in its jurisdiction, and the course work

33 completed was insufficient as per the laws and rules of massage therapy in the State of Florida. Ms. Burke-

34 Wammack seconded the motion, which passed 5/0.

35

1 **8. Yanyun Wei – exam**

2 Applicant was present with counsel, Mr. David Silverstone, Esq.

3 **Action Taken:** After discussion, Ms. Ford moved to deny the license on the grounds of prior discipline and
4 the coursework taken cannot be determined to have been completed in the timeframe as mandated by the
5 laws and rules of the State of Florida, and which 300 hours of transfer credit accepted cannot be determined.
6 Ms. Burke-Wammack seconded the motion, which passed 5/0.

Ms. Buckley returned to the call.

7 *(Break)*

8 **Applicant Informal Hearings**

9 **1. Jason Gordon**

10 **COURSES**

11 **20-350372 Introduction to Medical QiGong & Self-Cultivation**
12 **20-350373 Introduction to Medical QiGong Treatment Protocol**
13 **20-350374 Clinical Foundations of Medical QiGong Therapy**

14 Applicant was present and was not represented by counsel.

15 The applicant requested an informal hearing of his continuing education provider application which was
16 denied at the September 11, 2012 conference call meeting. He submitted corrections as to the technical
17 issues with the courses which were presented at the January 25, 2013 board meeting. The board tabled this
18 item until the March 13, 2013 conference call meeting allowing him an opportunity to submit additional
19 information.

20 **Action Taken:** After discussion, Ms. Ford moved to issue an amended Notice of Intent to Deny detailing the
21 issues with courses presented on the continuing education application. Ms. Phillips seconded the motion
22 which carried unanimously.

23 **3. Thomas Smith**

24 Mr. Smith was present without counsel.

25 Mr. Smith requested a reconsideration of his application for licensure. The board reviewed his petition and
26 application on January 25, 2013. The board determined the applicant had not established eligibility for
27 licensure based on section 480.041, F.S., as he did not demonstrate he completed a course of study at a
28 board-approved massage school.

29 **Action Taken:** After further review, Ms Burke Wammack made a motion to uphold the Notice of Intent to
30 Deny based on Section 480.041, F.S., which dictates the education requirements, and, as a statute, cannot
31 be waived. Mr. Tuttle seconded the motion which carried unanimously.

32 **2. Tierney Segda**

33 Applicant was not present and without counsel.

1 Ms. Segda's application was reviewed at the August 9, 2012 telephone conference call and the board
2 determined her application was approved subject to obtaining an evaluation by PRN. Ms. Segda requested
3 an informal hearing based on PRN's recommendation.

4 **Action Taken:** As the request was submitted in an untimely manner, Ms. Gustafson requested the case be
5 moved to the April board meeting. Ms. Ford so moved the request and Ms. Burke-Wammack seconded,
6 which passed unanimously.

7 **Continuing Education Providers**

8 **Shin Wellness**

9 **COURSES:**

10 **20-370281 Tui Na & Qi Gong 1**

11 **20-370282 Tui Na & Qi Gong 2**

12 **20-370283 Tui Na & Qi Gong 3**

13 Chad Bailey, instructor, was present on behalf of the provider. The provider was not represented by counsel

14 **Action Taken:** After discussion, Ms. Ford moved to have the applicant submit corrections to their course
15 applications for review by the Board. Ms. Phillips seconded the motion and passed unanimously.

16 **REVIEW AND APPROVAL OF MINUTES**

17 **January 24-25 2013 Board of Massage Therapy General Business Meeting Minutes**

18 Ms. Ford made a motion to approve the minutes as written. Ms. Philips seconded the motion which carried
19 unanimously.

20 **RULES DISCUSSION**

None.

21 **OLD BUSINESS**

None

22 **NEW BUSINESS**

23 **Petition for Declaratory Statement**

24 **Ms. Diana Richardson, LMT**

25 Ms. Richardson sought clarification as to whether skin beautification services and body wrapping services
26 are within the scope of practice for a licensed massage therapist.

- 1 **Action Taken:** After discussion, Ms. Ford moved to deny the petition as the licensee had not provided
- 2 sufficient information concerning the services being provided to address the petition in respect to discipline
- 3 under 480.046 F.S.

- 4 Ms. Burke-Wammack seconded the motion which carried unanimously.

- 5 **Meeting adjourned approximately 11:50 a.m.**