

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

GENERAL BUSINESS MEETING
TELEPHONE CONFERENCE CALL
SEPTEMBER 18, 2013

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

MEMBERS PRESENT:

Karen Ford, M.S., LMT, Chair
Bridget Burke-Wammack, LMT, CLT, V-Chair
Lydia Nixon, LMT
Sharon Phillips, LMT, AP, DOM
Jonathan Walker, LMT

STAFF PRESENT:

Paula Mask, Program Operations Administrator
Matthew Thompson, Regulatory Specialist II

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Senior Assistant Attorney General

COURT REPORTER:

For The Record
Phone: 850.222-5491

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

An AUDIO of this meeting can be found by clicking on "Audio Files" at <http://ww10.doh.state.fl.us/pub/osteo/Massage/2013%20Meetings/>

BOARD CHAIR DISCUSSION

1. Action on Recommended Orders from July 2013 Board of Massage Therapy Meeting

Ms. Gustafson advised the board that the Department of Health is filing appeals to the Recommended Orders presented at the July 2013 Board of Massage Therapy meeting. The Board discussed the matter.

INFORMATIONAL

2. FSMTB 2013 Annual Meeting

October 10-12, 2013
Baltimore, MD

The Board discussed the upcoming meeting. Ms. Ford was selected as the delegate to the meeting by the Board.

ADMINISTRATIVE PROCEEDINGS

Massage Therapist Applicants with History

1. Nicole Sauvageau – exam

Applicant was present without counsel.

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

2. Tanya Bouffard– endorsement

Applicant was present without counsel.

Action Taken: After discussion, Ms Phillips moved to grant the license with conditions:

- 1. The applicant undergoes an evaluation coordinated by the Professionals Resource Network (PRN), and complies with any and all terms and conditions imposed by PRN as a result of said evaluation. It is the duty of the applicant to contact the PRN within 30 days of the filed final order. If a contract is recommended, the applicant must sign a contract within 120 days of the filed final order. The Board delegates to the Executive Director the authority to accept the recommendation of PRN.
- 2. The applicant must submit documentation to the board of successful completion of continuing education as follows: Florida Laws and Rules — 2 hours; Prevention of medical errors — 2 hours; and Professional Ethics - 2 hours.

Ms. Ford seconded the motion, which passed unanimously.

At this time, Mr. Walker's line disconnected and attempts to restore him to the call were started.

3. Andrew Jeanpierre – exam

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license with conditions:

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

Ms Burke-Wammack seconded the motion, which passed 4-0.

4. Mei Lu – exam

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Ms. Nixon seconded the motion, which passed 4-0.

5. Elizabeth Santos – exam

Applicant was present without counsel.

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

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

Ms. Ford seconded the motion, which passed 3-1 with Ms. Burke-Wammack opposing the motion.

6. Melissa Serafica – exam

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license with conditions:

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

Ms. Ford seconded the motion, which failed 3-1 with Ms. Ford, Ms. Burke-Wammack, and Ms. Nixon opposing the motion.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to grant the unencumbered. Ms. Ford seconded the motion, which passed 3-1 with Ms. Phillips opposing the motion.

At this time, Mr. Walker rejoined the conference call.

7. Lino Tapias – exam

Applicant was present without counsel.

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

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

Ms. Phillips seconded the motion, which passed unanimously.

8. Douglas Walker – exam

Applicant was present without counsel.

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

9. Sonia Zambrana – exam

Applicant was present without counsel.

Action Taken: After discussion, Ms. Ford moved to grant the license with conditions:

- The applicant obtains a monitor for one year to ensure accountability and compliance with the laws and rules of massage therapy under Chapter 480, F.S. and rule 64B7, F.A.C.

Ms. Nixon seconded the motion, which failed 3-2 with Ms. Burke-Wammack, Ms. Phillips, and Mr. Walker opposing the motion.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Ms. Nixon seconded the motion, which passed 3-2 with Ms. Ford and Ms. Phillips opposing the motion.

At this time, Ms. Nixon requested to be excused from the conference call. As quorum was still met, Ms. Ford granted Ms. Nixon' request.

Massage Therapist Applicants with Foreign Education

1. Florence Tenet – exam - France

Applicant was present without counsel.

Action Taken: After discussion, Ms. Ford moved to deny based on the following reasons:

- The applicant has not established eligibility for licensure pursuant to Section 480.041, Florida Statutes, because she did not demonstrate that she completed a massage therapy program that meets the minimum standards for training and curriculum set forth in Rule 64B7-32.003, Florida Administrative Code.

Mr. Walker seconded the motion, which tied 2-2, with Ms. Ford and Mr. Walker for the motion, and Ms. Burke-Wammack and Ms. Phillips against.

Additional Action Taken: After discussion, Ms. Ford moved to deny based on the following reasons:

- The applicant has not established eligibility for licensure pursuant to Section 480.041, Florida Statutes, because she did not demonstrate that she completed a massage therapy program that meets the minimum standards for training and curriculum set forth in Rule 64B7-32.003, Florida Administrative Code.

Ms. Burke-Wammack second the motion which passed 4-0.

2. Kai Myrbakk – exam – Norway

Applicant was present without counsel.

Action Taken: After discussion, Ms Burke-Wammack moved to deny based on the following reasons:

- The applicant has not established eligibility for licensure pursuant to Section 480.041, Florida Statutes, because he did not demonstrate that he completed a massage therapy program that meets the minimum standards for training and curriculum set forth in Rule 64B7-32.003, Florida Administrative Code.

Ms. Phillips seconded the motion, which passed 4-0.

Massage Therapist Applicants with Education Requiring Review

1. Zhenzi Paio – endorsement Attended Body Concepts and Wellness Institute (NJ)

Applicant was present without counsel.

Action Taken: After discussion, Ms. Ford moved to deny based on the following reasons:

- The applicant has not established eligibility for licensure pursuant to Section 480.041, Florida Statutes, because he did not demonstrate that he completed a massage therapy program that meets the minimum standards for training and curriculum set forth in Rule 64B7-32.003, Florida Administrative Code.

Mr. Walker seconded the motion, which passed 4-0.

2. Yuhua Wargo – exam Attended East-West Institute of Hand Therapy (NJ)

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny based on the following reasons:

- The applicant has not established eligibility for licensure pursuant to Section 480.041, Florida Statutes, because he did not demonstrate that he completed a massage therapy program that meets the minimum standards for training and curriculum set forth in Rule 64B7-32.003, Florida Administrative Code.

Mr. Walker seconded the motion, which passed 4-0.

3. Yin Zhang – exam Attended Georgia Academy of Massage (GA)

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Ford moved to deny based on the following reasons:

- The applicant has not established eligibility for licensure pursuant to Section 480.041, Florida Statutes, because she did not demonstrate that she completed a massage therapy program that meets the minimum standards for training and curriculum set forth in Rule 64B7-32.003, Florida Administrative Code.

Ms. Burke-Wammack seconded the motion, which passed 4-0.

4. Zhiping Zheng – exam Attended East-West Institute of Hand Therapy (NJ)

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny based on the following reasons:

- The applicant has not established eligibility for licensure pursuant to Section 480.041, Florida Statutes, because he did not demonstrate that he completed a massage therapy program that meets the minimum standards for training and curriculum set forth in Rule 64B7-32.003, Florida Administrative Code.

Mr. Walker seconded the motion, which passed 4-0.

Petition for Variance or Waiver before the Board of Massage Therapy

1. Stephanie Narbeth

Ms. Narbeth was present without counsel.

Ms. Narbeth requested a waiver of rule 64B7-32.003, F.A.C., regarding hydrotherapy theory and practice requirements.

Action Taken: Motion made and seconded to deny the petition based on the applicant had not demonstrated sufficient grounds for substantial hardship . Motion passed 3/1 with Ms. Burke-Wammack opposing the motion.

REVIEW AND APPROVAL OF MINUTES

1. July 24-26, 2013 Board of Massage Therapy General Business Meeting Minutes

Ms. Burke-Wammack made a motion to approve the minutes as amended. Motion was seconded and carried unanimously.

RULES DISCUSSION

1. Out-of-State Approved Continuing Education Providers/Courses

Discussion was held on this topic, as to whether or not licensees could submit CEs for renewal from providers approved by other state boards. The Board's response was in the negative and advised licensees may file a petition for variance or waiver from a rule.

INFORMATIONAL

1. SB 248

Discussion was held on this topic.

Meeting adjourned approximately 11 a.m.