

**DRAFT
MINUTES**

**BOARD OF MASSAGE THERAPY
TELEPHONE CONFERENCE CALL
DECEMBER 11, 2013**

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

MEMBERS PRESENT:

Karen Ford, M.S., LMT, Chair
Lydia Nixon, LMT
Sharon Phillips, LMT, AP, DOM
Jonathan Walker, LMT

STAFF PRESENT:

Anthony Jusevitch, Executive Director
Alexandra Alday, Program Operations Administrator
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

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

5 ***An audio recording of this meeting can be found by visiting the "Meetings" web page on***
6 ***www.floridasmassagetherapy.gov.***

7 **DISCIPLINARY PROCEEDINGS**

8 **Voluntary Relinquishment**

9 **1. Michael McIntosh DOH Case # 2013-12108 PCP: WAIVED**

10 Licensee was not present nor represented by counsel. The case was presented Ms. Adrienne Rogers
11 on behalf of the Department. The complainant, L.S. and Mr. Mark Douglas, WFLA, were present and
12 addressed the board.

13 **Action Taken:** After discussion, a motion was made to accept the following voluntary relinquishment,
14 by Ms. Phillips. The motion was seconded and passed unanimously.

15 **ADMINISTRATIVE PROCEEDINGS**

16 **Petition for Variance or Waiver**

17 **2. Milagos Ibarra – Rule 64B7-28.009 F.A.C, Continuing Education**

18 Licensee was present without counsel.

19 Licensee requested a variance or waiver of Rule 64B7-28.009, F.A.C., which requires continuing
20 education courses for renewal be with approved providers by the Florida Board of Massage Therapy.
21 She currently resides in France, and is unable to complete the live hour requirement with a Florida
22 Board of Massage Therapy approved provider.

23 **Action Taken:** Motion made, seconded, and passed unanimously to grant waiver of the rule.

1 **Applicant Informal Hearings**

2 **1. Kai Myrrbak**

3 Applicant was present with his attorney, Mr. Mark Soss, Esq.

4 **Action Taken:** After discussion, Ms. Phillips made a motion to grant a continuance to allow the
5 applicant to provide clarification on his education and provide an appropriate petition for variance or
6 waiver. Ms. Ford seconded the motion, which passed unanimously.

7 **Massage Therapist Applicants with History**

8 **1. Jerry Astienza**

9 Applicant was present without counsel.

10 **Action Taken:** After discussion, Mr. Walker moved to grant the license unencumbered. Motion failed
11 for lack of second.

12 **Additional Action Taken:** After discussion, Ms. Ford moved to grant the license with the following
13 condition that his license be placed on probation to run concurrent with the probation imposed by the
14 Court; the applicant shall submit documentation that the Court-ordered probation has terminated; and
15 after submission of the documentation, the Executive Director is delegated the authority to lift the
16 probation. Ms. Nixon seconded the motion, which passed unanimously.

17 **15. Shaomin Yun**

18 Applicant was present without counsel.

19 **Action Taken:** After discussion, motion made, seconded, and passed unanimously to accept the
20 licensee's request to waive their 90 day requirement.

21 **Additional Action Taken:** Ms. Phillips made a motion to grant a continuance to allow the applicant to
22 either present to board staff a corrected transcript or to bring said transcript before the board for
23 review; and granted board staff the authority to approve licensure upon receipt of said transcript. Ms.
24 Ford seconded the motion which passed unanimously.

25 **2. Robert Bradley**

26 Applicant was present without counsel.

27 **Action Taken:** After discussion, Ms. Phillips moved to deny the application due to ineligibility under
28 Section 456.0635, F.S., and prior discipline. Ms. Nixon seconded the motion, which passed
29 unanimously.

30 **3. Natalie Coridan**

31 Applicant was present without counsel.

32 **Action Taken:** After discussion, Ms. Nixon moved to grant the license unencumbered. Mr. Walker
33 seconded the motion, which passed unanimously.

1 **4. Steven Fulton**

2 Applicant was present without counsel.

3 **Action Taken:** After discussion, Ms. Nixon moved to grant the license unencumbered. Mr. Walker
4 seconded the motion, which passed unanimously.

5 **5. Alyssa Harvey**

6 Applicant was present without counsel.

7 **Action Taken:** After discussion, Mr. Walker moved to grant the license unencumbered. Ms. Phillips
8 seconded the motion, which passed 3-1, with Ms. Nixon dissenting.

9 **6. Laura Holland**

10 Applicant was present without counsel.

11 **Action Taken:** After discussion Ms. Phillips moved to grant the license with the following conditions:
12 The applicant undergoes an evaluation coordinated by the Professionals Resource Network (PRN),
13 and complies with any and all terms and conditions imposed by PRN as a result of said evaluation. It is
14 the duty of the applicant to contact the PRN within 30 days of the filed final order. If a contract is
15 recommended, the applicant must sign a contract within 120 days of the filed final order. The Board
16 delegates to the Executive Director the authority to accept the recommendation of PRN. Ms. Ford
17 seconded the motion, which failed 1-3, with Ms. Ford, Ms. Nixon, and Mr. Walker dissenting.

18 **Additional Action Taken:** After discussion, Ms. Nixon moved to grant the license with the following
19 conditions: Probation shall run concurrent with the probation imposed by the Court; the applicant shall
20 submit documentation that the Court-ordered probation has terminated; and after submission of the
21 documentation, the Executive Director is delegated the authority to lift the probation. Ms. Ford
22 seconded the motion, which passed 3-1, with Ms. Phillips dissenting.

23 **7. Lijing Gu**

24 Applicant was present without counsel.

25 **Action Taken:** After discussion, Ms. Ford moved to deny the license due to prior discipline and
26 applicant does not have sufficient hours of the following educational requirements for licensure: Theory
27 and History, Clinical Practicum, and Business. Mr. Walker seconded the motion which passed
28 unanimously.

29 **8. Meiyang Pan**

30 Applicant was not present nor represented by counsel.

31 **Action Taken:** After discussion, Ms. Ford moved to grant the license unencumbered. Ms. Nixon
32 seconded the motion which passed unanimously.

1 **9. Sun Tok Park**

2 Applicant was present with attorney Allison Mitchell, Esq.

3 **Action Taken:** After discussion, Ms. Ford moved to accept the applicant's verbal withdrawal of their
4 application. Ms. Nixon seconded the motion, which passed unanimously.

5 **10. Hongjie Su**

6 Applicant was present with attorney Qian Wen, Esq.

7 **Action Taken:** After discussion, the licensee waived their 90 day rights. Ms. Ford made a motion to
8 grant a continuance to allow the applicant to either present to the board staff a corrected transcript to
9 or to bring said transcript before the board for review; and granted the board the authority to approve
10 licensure upon receipt of said transcript. Ms. Nixon seconded the motion which passed unanimously.

11 **11. Pengfen Sun**

12 Applicant was present with attorney Qian Wen, Esq.

13 **Action Taken:** After discussion, the licensee waived their 90 day rights. Ms. Ford made a motion to
14 grant a continuance to allow the applicant to either present to the board staff a corrected transcript to
15 issue the license or to bring said transcript before the board for review; and granted the board the
16 authority to approve licensure upon receipt of said transcript. Ms. Phillips seconded the motion, which
17 passed unanimously.

18 **12. Mark Wardner**

19 Applicant was present without counsel.

20 **Action Taken:** After discussion, Ms. Ford moved to grant the license unencumbered. Ms. Nixon
21 seconded the motion which passed unanimously.

22 **13. Kyle Williamson**

23 Applicant was present without counsel.

24 **Action Taken:** After discussion, Mr. Walker moved to grant the license unencumbered. Ms. Ford
25 seconded the motion, which tied 2-2, with Ms. Phillips and Mr. Walker dissenting.

26 **Additional Action Taken:** After further discussion, Ms. Ford moved to grant the license
27 unencumbered. Ms. Nixon seconded the motion, which passed unanimously.

28 **14. Ruijun Yang**

29 Applicant was present with interpreter, Ms. Li Wen Williams.

30 **Action Taken:** After discussion, Ms. Ford moved to deny the application as the Department of
31 Education does not recognize the institution attended, and the previous education presented cannot
32 be proved to meet the requirements for education per 64B7-32.003. Ms. Nixon seconded the motion,
33 which passed unanimously.

1 **Massage Therapist Applicants with Foreign Education**

2 **1. Nichola Lake – England**

3 Applicant was present without counsel.

4 **Action Taken:** After discussion, Ms Ford made a motion to grant a continuance to allow the applicant
5 to provide clarification on his education. Ms. Nixon seconded the motion, which passed unanimously.

6 **Massage Establishment Applicants with History**

7 **1. Asian Garden Massage**

8 Applicant was present with husband, Howard Holzberg.

9 **Action Taken:** After further discussion, Ms. Nixon moved to grand the license unencumbered. Ms.
10 Nixon seconded the motion, which passed unanimously.

11 **Informal Hearings**

12 **3. Xiaohe Zhao**

13 Applicant was present with husband, Charles Rogers.

14 **Action Taken:** After discussion, Ms. Ford moved to grant the license with the following condicions:

15 The school, Pro Nails & Beauty School, provide the board office with either a complete transcript, or a
16 letter indicating the use of only pages 2 and 3 of their current transcript and after submission of the
17 documentation, the board staff is delegated the authority to approve licensure.

18 Ms. Nixon seconded the motion, which passed unanimously.

19 **Consideration of Supplemental Information**

20 **1. Stephanie Narbeth**

21 Applicant was present without counsel.

22 **Action Taken:** After discussion, Ms Ford made a motion to grant a continuance to allow the applicant
23 to provide clarification on his education. Ms. Phillips seconded the motion, which passed
24 unanimously.

25 **Petition for Variance or Waiver before the Board of Massage Therapy**

26 **1. Tammy Cobb**

27 Ms. Cobb was seeking a variance or waiver of Rule 64B7-32.002, F.A.C., which requires an applicant
28 submit proof of graduation. After discussion, Ms. Cobb waived her 90 day rights to allow the Executive
29 Director to contact the Board of Massage Therapy in Illinois to obtain a copy of a transcript from their
30 office for review and licensure.

1 **3. Angelic Tough Massage Therapy**

2 **Action Taken:** After discussion, Ms. Ford moved to deny the petition as the requirement for a late fee
3 to be paid for late renewal of license is set by statute, which cannot be waived by the Board. Ms.
4 Phillips seconded the motion, which passed unanimously.

5 **Massage Therapist Applicants with History**

6 **16. Min Zheng**

7 Applicant was not present nor represented by counsel.

8 **Action Taken:** After discussion, Ms. Ford moved to deny the application as the applicant did not meet
9 the requirement for education in 64B7-32.003, F.A.C., missing hours in Business and Hydrotherapy.

10 Ms. Phillips seconded the motion, which passed unanimously.

11 **Massage Therapist Applicants with Education Requiring Review**

12 **1. Mingi McBride**

13 Applicant was not present nor represented by counsel.

14 **Action Taken:** After discussion, Ms. Ford moved to deny the license due to prior discipline and
15 applicant does not have sufficient hours of the following educational requirements for licensure:
16 Anatomy and Physiology, Hydrotherapy, Theory and History, Clinical Practicum, and Business. Ms.
17 Phillips seconded the motion, which passed unanimously.

18 **Informal Hearings**

19 **2. Florence Tenet**

20 Applicant was not present nor represented by counsel.

21 **Action Taken:** After discussion, Ms. Ford moved to deny the application as the applicant did not meet
22 the requirement for education in 64B7-32.003, missing hours in Theory and History, Clinical Practicum,
23 21 hours in Allied Modalities, Business and Hydrotherapy. Ms. Phillips seconded the motion, which
24 passed unanimously.

25 **OLD BUSINESS**

26 **1. FSMTA Proposed Legislation**

27 Discussion was had regarding legislative changes being proposed to the 2014 Florida Legislature by
28 FSMTA.

Meeting adjourned approximately 2:30 p.m.