

FLORIDA | Board *of* Massage Therapy

DRAFT MINUTES

June 18, 2014

Meet Me #: (888) 670-3525

Participation Code: 431.949.1106



Bridget Burke-Wammack, LMT, CLT
Chair

Lydia Nixon, LMT
Vice-Chair

Christy Robinson
Acting Executive Director

The meeting was called to order by Ms. Burke-Wammack, Chair, at approximately 8:35 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Bridget Burke-Wammack, LMT, CLT, Chair
Lydia Nixon, LMT, Vice-Chair
Sharon Phillips, LMT, AP, DOM
Jonathan Walker, LMT
Robyn Dohn Havard, PLCS
Guery Davis, PhD

STAFF PRESENT:

Alexandra Alday, Program Operations Administrator
Marci Poston, Regulatory Specialist II

COURT REPORTER:

Dempsey Berryhill
Phone: 813.229.8225

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Senior Assistant Attorney General

Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this meeting can be found online: <http://floridasmassagetherapy.gov/meeting-information/past-meetings/>

ADMINISTRATIVE PROCEEDINGS

Applicants with History

1. Arnette Baker

Applicant was present without counsel.

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

2. Deborah Barry

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered. Motion seconded by Ms. Phillips, which passed unanimously.

3. Min Deng

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny the license as the transcript does not indicate clinical practicum hours as required by Rule Title 64B7-32.003, F.A.C. The applicant may withdraw the application in writing within 60 days of filed final order. Motion seconded by Ms. Phillips, which passed unanimously.

4. Eva Gordon

Applicant was present with counsel, Chen Wen, Esq.

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

5. Xianglan Li

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Motion seconded by Mr. Walker, which passed unanimously.

6. Zhu Ping Madaio

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license unencumbered. Motion seconded by Ms. Burke-Wammack, which passed 5/1 with Mr. Walker in opposition.

7. Brad A. Napolitan

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license with the condition that the applicant complete a 15 hours Business course and 4 hour Ethics course with an approved provider and 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. Motion seconded by Ms. Nixon, which passed unanimously.

9. Beibei Qin

Applicant was present without counsel.

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

10. Cindy Kay Temple

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Motion seconded by Mr. Walker, which passed 5/1 with Ms. Nixon in opposition.

11. Guilian Wang

Applicant was present with counsel, Chen Wen, Esq.

Action Taken: After discussion, the applicant verbally waived the 90 day requirement for board action in order to update her application to include the previously relinquished licensed. Ms. Burke-Wammack moved to grant the license with the condition that a corrected application is submitted to the board office within 60 days. The Board delegates to the Executive Director the authority to lift the condition. Motion seconded by Dr. Davis, which passed unanimously.

12. Dervin Webb

Applicant was not present nor represented by counsel.

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

13. Xinxin Zhao

Applicant was present without counsel.

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

Applicants with Foreign Education

1. Carine F. Lachat

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered. Motion seconded by Dr. Davis, which passed unanimously.

2. Patrice L. Lachat

Applicant was not present nor represented by counsel.

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

3. Priscilla Israel

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license with the condition that the applicant complete 15 hours of hydrotherapy and 15 hours of business within 60 days of filed final order. The Board delegates to the Executive Director the authority to lift the condition. Motion seconded by Ms. Phillips, which passed unanimously.

(break)

4. Meilyn A. Soler

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny the license as applicant does not have sufficient hours of the following educational requirements for licensure as required by Rule Title 64B7-32.003, F.A.C.: 90 hours of Theory and History of Massage and 5 hours of Clinical Practicum. Motion seconded by Ms. Dohn Havard, which passed unanimously.

Applicants with Out of State Education

1. Young Chul Kim

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny the license as applicant does not have sufficient hours of the following educational requirements for licensure as required by Rule Title 64B7-32.003, F.A.C.: 15 hours of Hydrotherapy and 76 hours of Allied Modalities. Motion seconded by Ms. Nixon, which passed unanimously.

2. Myung Nieves

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the condition that the licensee complete 15 hours of Business and 15 hours of Hydrotherapy with an approved provider within 60 days. The Board delegates to the Executive Director the authority to lift the condition. Motion seconded by Ms. Burke-Wammack, which passed unanimously.

3. Esti Sa

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to deny the license as applicant is deficient in the following hours that are required by Rule Title 64B7-32.003, F.A.C.: 22 hours of Anatomy and Physiology, 11 hours of Hydrotherapy, 11 hours of Clinical Practicum, and 2 hours of Business. Motion seconded by Mr. Walker, which passed unanimously.

4. Mengni Wu

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny the license as applicant is deficient 80 hours in Clinical Practicum required by Rule Title 64B7-32.003, F.A.C. Motion seconded by Mr. Walker, which passed 5/1 with Ms. Dohn Havard in opposition.

5. Zheng Zhang

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to deny the license as applicant does not have sufficient hours of the following educational requirements for licensure: 105 hours of Clinical Practicum and 5 hours of Business. Motion seconded by Mr. Walker, which passed unanimously.

Applicants with History

8. Sun T. Park

Applicant was present with counsel, Alison P. Mitchell, Esq.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license with the condition that the licensee be under the supervision of a monitor for one year and the licensee submit to the board office the name and license number of the establishment the licensee is employed with. Motion seconded by Mr. Walker, which passed 5/0 with Ms. Nixon excused.

Applicant Informal Hearings

1. Sophie Gauthier

Applicant was present without counsel.

Ms. Gauthier requested an informal hearing after being issued a Notice of Intent to Deny at the February 2014 general business meeting.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Motion seconded by Ms. Dohn Havard, which passed 5/1 with Ms. Phillips in opposition.

Applicants with Out of State Education

1. Young Chul Kim

Applicant was present without counsel.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to reopen the agenda item for reconsideration.

Additional Action Taken: After discussion, the applicant has verbally waived the 90 day requirement for board action on their application to submit further information to the board for reconsideration at a later date.

*REVIEW AND APPROVAL OF MINUTES

1. May 1-2, 2014, General Business Meeting Minutes

Ms. Burke-Wammack moved to approve the minutes as written. Motion seconded by Ms. Nixon, which passed unanimously.

*NEW BUSINESS

Application Updates

1. Massage Therapist Licensure Application

Action Taken: After discussion, Ms. Burke-Wammack moved to accept the application with corrections. Motion seconded by Ms. Nixon, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to accept the proposed draft rule language for Rule 64B7-25.001 Examination Requirements. Motion seconded by Ms. Nixon, which passed unanimously.

Additional Action Taken: After discussion, Ms. Phillips moved to amend Rule 64B7-25.001 Examination Requirements. Motion seconded by Ms. Burke-Wammack, which passed unanimously.

2. Massage Apprenticeship Application

Action Taken: After discussion, Ms. Burke-Wammack moved to accept the application. Motion seconded by Ms. Dohn Havard, which passed unanimously.

Additional Action Taken: After discussion, Ms. Phillips moved to accept the proposed draft rule language for Rule 64B7-29.002 Qualification. Motion seconded by Ms. Nixon, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to amend Rule 64B7-29.002 Qualification. Motion seconded by Ms. Nixon, which passed unanimously.

3. Massage Establishment Licensure Application

Action Taken: After discussion, Ms. Burke-Wammack moved to accept the application with corrections. Motion seconded by Ms. Phillips, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to accept the proposed draft rule language with corrections for Rule 64B7-26.002 Licensure of Massage Establishments. Motion seconded by Ms. Phillips, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to amend Rule 64B726.002 Licensure of Massage Establishments. Motion seconded by Ms. Phillips, which passed unanimously.

4. Massage Establishment Change of Name and/or Location Application

Action Taken: After discussion, Ms. Burke-Wammack moved to accept the application. Motion seconded by Ms. Nixon, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to accept the proposed draft rule language for Rule 64B7-26.007 Transfer of Massage Establishment License. Motion seconded by Ms. Phillips, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to amend Rule 64B7-26.007 Transfer of Massage Establishment License. Motion seconded by Ms. Nixon, which passed unanimously.

2014-2015 Annual Regulatory Plan

Action Taken: Motion made by Ms. Burke-Wammack, to approve the 2014-2015 annual regulatory plan as discussed. Motion seconded by Ms. Nixon, which passed unanimously.

2015 Proposed Legislative Changes

The Board discussed statutory changes they would like to propose for next session.

Action Taken: After discussion, Ms. Burke-Wammack moved to approve the proposed language from last year with the removal of the change to 480.035(5), F.S. regarding board quorum. Motion seconded by Ms. Phillips, which passed 5/1 with Ms. Nixon in opposition.

The meeting adjourned at approximately 1:03 p.m.