

FLORIDA | Board *of* Massage Therapy

DRAFT MINUTES

March 11, 2015

Meet Me #: (888) 670-3525

Participation Code: 428.436.4155



Bridget Burke-Wammack, LMT, CLT
Chair

Lydia Nixon, LMT
Vice-Chair

Christy Robinson
Executive Director

WEDNESDAY, March 11, 2015

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
Guery Davis, PhD

STAFF PRESENT:

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

COURT REPORTER:

For the Record
Phone: 850.224.0728

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Senior Assistant Attorney General

MEMBERS ABSENT:

Robyn Dohn Havard, PLCS

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. Zhongli Gu

Applicant was present with counsel Bernard Cassidy, Esq.

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

- Completion of 5 hours Clinical Practicum, 5 hours Business and 15 hours Hydrotherapy courses
- Courses must be taken with a Florida board approved school or continuing education provider.
- Courses must be taken within 6 months of the filed final order or the application for licensure will be denied.

The Executive Director is delegated the authority to issue the license once proof of completion of courses has been received by board staff. Motion seconded by Ms. Phillips, which passed unanimously.

2. Robert Travis Johnson

Applicant was present without counsel, and with Mr. Pete Whitridge.

Mr. Whitridge addressed the board and gave a verbal recommendation for Mr. Johnson.

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

- Letter of concern
- \$500 administrative fine

The Executive Director is delegated the authority to issue the license once the fine has been paid. Motion seconded by Mr. Walker, which passed unanimously.

9. Betty Jean Walker

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to deny the license for failure to comply with terms of a previous final order and misrepresentation on the application. Motion seconded by Ms. Burke-Wammack, which failed 1/4 with Ms. Burke-Wammack, Ms. Nixon, Mr. Walker and Dr. Davis opposing the motion.

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

- Letter of concern
- \$500 administrative fine
- 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 and payment of the fine. Motion seconded by Mr. Walker, which passed unanimously.

Applicants with Out of State Education

3. Gary Gregory

Applicant was present without counsel.

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

- Letter of concern
- \$500 administrative fine
- Completion of 45 hours Clinical Practicum coursework with a Florida board approved massage therapy school or continuing education provider.

The Executive Director is delegated the authority to issue the license once the fine and proof of completion of the required course has been received by board staff. Motion seconded by Mr. Walker, which passed unanimously.

4. Shufang Liu

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to require an appearance before the board at one of the next two upcoming board meetings. Motion seconded by Mr. Walker, which passed unanimously.

5. Jesse Massaro

Applicant was present without counsel.

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

- Completion of 24 hours Clinical Practicum coursework with a Florida board approved massage therapy school, continuing education provider, or the applicant's previous school.

The Executive Director is delegated the authority to issue the license once proof of completion of the required course has been received by board staff. Motion seconded by Ms. Nixon, which passed unanimously.

(short break)

6. Rolando Montero

Applicant was present without counsel.

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

- Completion of 31 hours Clinical Practicum and 3 hours Business with a Florida board approved massage therapy school or continuing education provider.

The Executive Director is delegated the authority to issue the license once proof of completion of the required courses have been received by board staff. Motion seconded by Ms. Burke-Wammack, which passed unanimously.

Petition for Variance or Waiver

7. Gayle Harris

Applicant was present without counsel.

Action Taken: Burke-Wammack made a motion to approve the application once the following conditions have been satisfied:

- Completion of 60 hours Clinical Practicum and 5 hours of hydrotherapy coursework with a Florida board approved school, continuing education provider, or the applicant's previous school.
- Proof of completion of these courses must be submitted on counterfeit proof paper in accordance with Rule 64B7-32.002, F.A.C.

The Executive Director is delegated authority to issue the license once proof of completion of the required courses has been received by board staff. Motion seconded by Mr. Walker, which passed unanimously.

Additional Action Taken: Ms. Phillips made a motion to deny the Petition for Variance or Waiver as the school should be able to provide the transcript on counterfeit proof paper since the administrative office is located in Colorado; 191 University Bld. #249 Denver, CO 80206 USA. Motion seconded by Mr. Walker which passed 4/1 with Ms. Burke-Wammack opposing the motion.

Petition for Declaratory Statement

10. Janet Hardy

Applicant was present without counsel.

Action Taken: After lengthy discussion, Ms. Phillips moved to find that myofascial release applied to the muscles of the pelvic floor is within the scope of massage as defined in Section 480.033, Florida Statutes. Motion seconded by Ms. Burke-Wammack, which passed unanimously.

***REVIEW AND APPROVAL OF MINUTES**

8. January 22-23, 2015 General Business Meeting Minutes

Ms. Burke-Wammack made a motion to approve the minutes with corrections, motion seconded by Ms. Phillips, which passed unanimously.

***GENERAL BUSINESS DISCUSSION**

Ms. Burke-Wammack requested current compliance numbers for fingerprinting with massage therapists and massage establishments. Ms. Alday presented estimated totals from the previous week's report. Currently, massage therapists are at approximately 75% compliance, with an estimated 10,000 fingerprint results having not been received. Massage establishments are at approximately 30% compliance, with an estimated 5,000 plus massage establishment's fingerprints and/or other required forms having not been received.

Ms. Alday also informed the Board that staff has encountered numerous fingerprint results which were taken, but submitted by Livescan providers with transposed social security numbers, thus affecting the fingerprint results linking to the licensure file.

Ms. Glenda Eady joined the conference call to enquire about her fingerprint results. Ms. Alday requested the contact information for Ms. Eady so that board staff could contact her once the meeting had adjourned.

***OLD BUSINESS**

None

***NEW BUSINESS**

Ms. Alday led discussion on the increase in upcoming probable cause panel meetings and explained further the calendar sent to board members with the dates of these meetings and panel member availability. Ms.

Alday expressed the importance of notifying board staff promptly of availabilities for any of the meeting dates. Ms. Burke-Wammack noted that during the school year her participation would be limited to meetings held after 3:30 pm until school is released for summer break.

***INFORMATIONAL**

None

The meeting adjourned approximately 10:25 a.m.