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

MINUTES PUBLIC PORTION OF THE PROBABLE CAUSE PANEL MEETING March 3, 2016

CALL TO ORDER

The Chair, Pete Whitridge, called the Probable Cause Panel meeting to order at approximately 3:10p.m. Those present for all or part of the meeting include the following:

MEMBERS PRESENT

Pete Whitridge, Chair Robyn Havard, Panel Member (current board member)

BOARD COUNSEL

Lee Ann Gustafson, Esq. Assistant Attorney General & Board Counsel

STAFF PRESENT

Gerry Nielsen, Regulatory Specialist II

COURT REPORTER

For the Record Telephone: (850) 222-5491 Fax: (850) 224-5316 Ray Convery

PROSCECUTION SERVICES UNIT:

Cecilie D. Sykes, Esq. – Assistant General Counsel Oaj Gilani, Esq. – Assistant General Counsel Carrie McNamara, Esq. – Assistant General Counsel Christopher Dierlam, Esq. – Assistant General Counsel

Ms. Gustafson made her opening statements and gave instructions to the panel. Ms. Sykes stated for the record the materials which were provided to the panel members: the administrative complaints along with the complete case files, which include the investigative reports with the exhibits, any supplemental reports, patient medical records and expert opinions if any, any materials supplied by the licensee or their counsel and draft of amended or corrected administrative complaints and any amended reconsideration orders. Ms. Gustafson confirmed with each member the receipt of the materials and that no pages were missing.

RECONSIDERATIONS

R-01 Eli Medical Center, Inc.

Case# 2013-07996

Respondent was not present. Carrie McNamara represented the department and advised the case be dismissed, as the license was voluntarily relinquished.

ACTION TAKEN: After discussion, Mr. Whitridge made motion to dismiss the case. Motion carries unanimously.

R-02 Lori C. Cromer, LMT

Case# 2015-05877

Respondent was not present. Cecilie D. Sykes represented the department and advised the case be dismissed, as the respondent is deceased.

ACTION TAKEN: After discussion, Mr. Whitridge made motion to dismiss the case. Motion carries unanimously.

R-03 Lifeng Liu, LMT Case# 2012-07077

Respondent was not present. Cecilie D. Sykes represented the department and advised the case be dismissed with no further prosecution.

ACTION TAKEN: After discussion, Mr. Whitridge made motion to dismiss the case. Motion carries unanimously.

R-04 Jian H. Ye, LMT

Case# 2012-16009

Respondent was not present. Cecilie D. Sykes represented the department and advised the case be dismissed with no further prosecution.

ACTION TAKEN: After discussion, Mr. Whitridge made motion to dismiss the case. Motion carries unanimously.

R-05 Xianshu Zhang, LMT

Case# 2015-03317

Respondent was not present. Qualified Representative Jamison Jessup was present. Oaj Gilani represented the department and advised that the panel find probable cause and file an amended administrative complaint.

Mr. Jessup stated that the department failed to timely file the request for hearing (45 days). Board counsel stated that there was no grounds to grant Mr. Jessup's motion to dismiss.

ACTION TAKEN: After discussion, Mr. Whitridge made motion to find probable cause. Motion carries unanimously.

R-06 Meie Crisp, LMT

Case# 2012-17248

Respondent was not present. Qualified Representative Mr. Tom Sommerville was present. Oaj Gilani represented the department and advised that the panel find probable cause and file the first amended administrative complaint.

Mr. Sommerville requested that the panel not find probable cause due to the duration of prosecution. Mr. Sommerville stated that a second case was previously dismissed.

Board Counsel advised the panel concerning Mr. Sommerville's statements. Assistant counsel stated that the previous case was likely dismissed because it was duplicitous, not because probable cause was not found; the previous charges would have been private.

ACTION TAKEN: After discussion, Mr. Whitridge made motion to find probable cause. Motion carries unanimously.

Meeting adjourned approximately 3:25.