



DRAFT MEETING MINUTES

**Board of Massage Therapy
General Business Meeting
Conference Call
December 14, 2016
8:30 a.m., ET**

**Meet Me # (888) 670-3525
Participation Code: 259-770-9961**

Call to Order:

The meeting was called to order by Ms. Nixon, Chair, at 8:40 am. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Lydia Nixon, LMT, Chair
Robyn Dohn Havard, PLCS, Vice-Chair
Sharon Phillips, LMT, AP, DOM
Jennifer Wasylina, LMT
Christopher Brooks, LMT

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Assistant Attorney General

STAFF PRESENT:

Kama Monroe, Executive Director, *Florida Board of Massage Therapy*
William E. Spooner, Program Operations Administrator, *Florida Board of Massage Therapy*
Gerry Nielsen, Regulatory Specialist II, *Florida Board of Massage Therapy*

COURT REPORTER:

For The Record
(850) 224-0728
Ray Convery

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. Chauntelle M. Acol

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the conditions that the applicant pay an administrative fine of \$500.00 within 6 months of licensure and complete a 10 hours Florida Laws and Rules course within 1 year of the issued license.

Motion was seconded by Ms. Wasylyna, which passed unanimously.

2. Rachelle Crosby

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the conditions that the applicant pay an administrative fine of \$500.00 within 6 months of licensure and complete a 10 hour Florida Laws and Rules course within 1 year of the issued license.

Motion was seconded by Ms. Wasylyna, which passed unanimously.

3. Janis Lynn Johnson

Applicant was present without counsel.

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

Motion was seconded by Ms. Nixon, which passed unanimously.

4. Kristi Kilfeather

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered.

Motion was seconded by Ms. Nixon, which passed unanimously.

5. Joneli Lindsay

Applicant was not present nor represented by counsel.

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

Motion was seconded by Ms. Nixon, which passed unanimously.

6. Li Yan Ma

Applicant was present with an interpreter.

Action Taken: After discussion, Ms. Phillips moved to deny the application based on previous criminal history related to the practice.

Motion was seconded by Ms. Nixon, which passed unanimously.

7. Amirsalar Madani

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered.

Motion was seconded by Ms. Phillips, which passed unanimously.

8. Elizabeth Moore

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license with the conditions that the applicant pay an administrative fine of \$500.00 within 6 months of licensure and complete a 10 hour Florida Laws and Rules course within 1 year of the issued license.

Motion was seconded by Ms. Nixon, which passed unanimously.

9. Minzhu Piao

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to deny the application based on failure to disclose and crimes related to the practice.

Motion was seconded by Ms. Phillips, which passed unanimously.

10. Alicia Jean Tonjuk

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the conditions that the applicant pay an administrative fine of \$500.00 within 6 months of licensure and complete a 10 hour Florida Laws and Rules course within 1 year of the issued license.

Motion was seconded by Mr. Brooks, which passed unanimously.

11. Manuel Angel Valdez

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license with the conditions that the applicant pay an administrative fine of \$500 within 6 months of licensure and complete a 10 hour Florida Laws and Rules course within 1 year of the issued license.

Motion was seconded by Ms. Nixon, which passed unanimously.

12. Shuying Whitmore

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to deny the application based on previous disciplinary action.

Motion was seconded by Ms. Phillips, which passed unanimously.

13. Kimberly Costin

Applicant was not present nor represented by counsel.

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

Motion was seconded by Ms. Nixon, which passed unanimously.

14. Shaun Howell

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered.

Motion was seconded by Mr. Brooks, which passed unanimously.

Applicants with Foreign Education

15. Angela Chin

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to deny the application per rule 64B7-32.003(1)(b), as the submitted transcript was deficient 70 clock hours, with the option for Ms. Chin to withdraw the application within 60 days of the date the filed order.

Motion was seconded by Mr. Brooks, which passed unanimously.

Petition for Variance or Waiver

16. Carlotta Coleman Andrews

Applicant was present without counsel.

Action Taken: Petition for Variance/Waiver was verbally withdrawn by Ms. Andrews.

Additional Action Taken: After discussion, Ms. Phillips moved to grant the license unencumbered.

Motion was seconded by Ms. Nixon, which passed unanimously.

17. Debra Kay Spears

Applicant was present without counsel.

Action Taken: Ms. Phillips moved to deny the petition, as the Board does not have the authority to waive statutory requirements.

Motion was seconded by Ms. Nixon, which passed unanimously.

Board Approved Massage Schools

18. Advantage Beauty Institute

Applicant, Rodrigo Uran, was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to approve the application with the condition that curriculum materials be amended to accurately reflect examination requirements for licensure in Florida. Authority to approve the application was delegated to the Executive Director once the amended curriculum is submitted.

Motion was seconded by Ms. Nixon, which passed unanimously.

19. Florida Career School of Massage and Bodywork

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to deny based on incomplete submission, continued use of inadequate curriculum during a change of ownership, and course descriptions and clock-hours that do not meet requirements as outlined in 64B7-32.003(1)(b), F.A.C.

Motion seconded by Ms. Nixon, which passed unanimously.

20. Florida Institute of Complementary and Alternative Health

Applicant, Rosario Nunez, was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to deny based on course descriptions that do not meet curriculum requirements as outlined in 64B7-32.003(1)(b), F.A.C.

Motion seconded by Mr. Brooks, which passed unanimously.

GENERAL BUSINESS DISCUSSION

21. 2017 Legislative Proposal

480.033(10) - Discussion

Ms. Phillips indicated her concern that proposed language in subsection would eliminate additional accrediting bodies which may be of use in approving schools, as follows:

- a. "United States" would block out applicants with FE
- b. "specializing in massage" would block other accrediting bodies (COMTA would be one of the few organizations that qualify under this language) – accrediting bodies, such as:
 - COE (Council on Occupational Education)
 - ADVANCED (Southern Colleges)
 - NCAAS
 - Accrediting / Career Schools and Colleges)
 - Accrediting Bureau of Health Education and Schools

would not be acceptable if the proposed language is accepted as drafted.

Action Taken: After discussion, Ms. Phillips motioned to eliminate "United States"; "specialized massage therapy"; and add "or a foreign institution that is accredited" or similar to the proposed language in proposed subsection 10.

Motion seconded by Ms. Wasylyna, which passed unanimously.

480.041(1)(b)(2) - Discussion

Ms. Phillips indicated concern that proposed language in subsection (1)(b)(2) would require the Board to determine equivalence of a 'program' rather than school.

Action Taken: After discussion, Ms. Phillips motioned to change "program" to "school."

Motion seconded by Mr. Brooks, which passed unanimously.

480.041 - Discussion

Ms. Phillips indicated that language "given by the department" is inaccurate, given the use of a national exam, and proposed language "authorized by the Board by rule."

Action Taken: After discussion, Ms. Phillips motioned to amend language "given by the department" to "authorized by the Board by rule" or similar.

Motion seconded by Mr. Brooks, which passed unanimously.

480.04(s) - Discussion

Ms. Phillips proposed revising language and justification to reflect recordkeeping that is not insurance-specific, and that language be amended to allow documentation of all massage treatments. Ms. Phillips read portions of the American Massage Therapy Association (AMTA) Massage Profession Report into the record, concerning documentation, the expansion of massage as a medical practice, and relevance of recordkeeping in massage practice.

Based on the information read into the record, Ms. Phillips indicated that undocumented treatments may become insurance related in the future, and that the definition of recordkeeping should be broadened beyond insurance.

Mr. Brooks raised concerns about recordkeeping and HIPPA standards.

Action Taken: After discussion, Ms. Phillips moved to keep the language as proposed in 480.04(s), and continue development of rules in keeping with statutory provisions.

Motion seconded by Mr. Brooks, which passed unanimously.

Apprenticeships -

Board members provided clarification concerning the proposed strike of language throughout the proposal concerning apprenticeships.

Board counsel provided information concerning how striking language concerning apprenticeships would affect current apprenticeships.

The Board reached a general consensus about reasons to end the massage apprenticeship program in Florida, which included the following:

- **Mr. Brooks** – Quality of education is inconsistent with apprenticeships.
- **Ms. Nixon** – The Board is moving education requirements toward higher education.
- **Ms. Phillips** – Traditionally, apprenticeships were used, but this framework has changed. Possibility that apprentices are being used to create free labor for sponsors.

22. Federation of State Massage Therapy Boards

Dr. Debra Persinger, Executive Director for the Federation of State Massage Therapy Boards, was present to address general concerns concerning the Massage and Bodywork Licensing Examination (MBLEx). A synopsis of this discussion is as follows:

Is advanced massage theory included on the MBLEx?

There are no advanced massage theory questions on the exam. Theory/practical questions are validated via examination blueprint, and regulatory board/processes when exam is reviewed to ensure that it is entry level.

How are questions selected for the exam?

Item writers submit information to FSMTB which are collected by psychometricians, then reviewed by subject matter experts.

Are bibliographic references provided for each question? What happens if there is a conflict in references?

All items are referenced to at least 2 English language reference books. Items that have contradictory information in reference materials are eliminated.

Information from students seems to indicate that questions are orthopedic in nature. What can be done?

These items can be reviewed again; 21 to 22 reviews are completed per item, and candidate data for

individual questions is used to determine whether questions are more difficult.

Why have test scores gone down nationwide?

Multiple factors contribute to changing test scores. More resources have been directed toward eliminating fraud; unauthorized access has been more limited. The current cohort may be also be contributing; student ability may have shifted. Premature testing is an option to students. However, pass rate has hovered at approximately 72%, plus or minus about 2%.

Can the look-back feature be restored?

Computer Adaptive Testing (CAT) adjusts the exam based on candidate ability; look-back cannot be added back because this testing mechanism would be ineffective. Research suggests that changing previous answers does not improve test scores.

How are passing scores on MBLEx achieved without apparent language proficiency?

Language competencies are being addressed by FSMTB when possible, and action, including legal action, is taken when unauthorized access or other fraudulent activity has occurred. The FSMTB is exploring the option of language assessment as part of the process. Multiple factors contribute to this issue, including fraudulent schooling, as causative. The FSMTB is working with state Boards to authenticate schools.

Based on study guide, it is difficult to determine depth of knowledge tested. The MBLEx is supposed to be more equitable than its predecessor. It seems that the MBLEx has become equally difficult/non-equitable to its predecessor. Is this perception accurate?

The previous examination (NCBTMB) was a certification exam; pass-rates for this exam were incredibly low. While it is understood that this may be a perception, the exam is an entry level examination.

Revisions of the test in 2014 to adjust content caused issues with pass rates. This seems to be related to the revisions made as the result of a survey of states in the Federation. Is this survey available?

The survey (Job Task Analysis) is available to the schools – in fact, schools, school faculties, etc. can participate in the survey. The next survey is 2017. Regulatory Boards are also encouraged to participate. Florida has historically been involved in these surveys. Results are provided about 12 months prior to revision. Content areas were weighted differently, but content of the test did not change as the result of the last survey.

Is CPR/First Aid covered on the examination?

Content outline is available on the FSMTB website.

23. Massage Establishment Inspection – Process Clarification

Mr. Scott Flowers was present to answer the Boards questions concerning whether inspectors in the field were interpreting rules. Mr. Flowers indicated that in response to concerns, additional training has been provided to inspectors across the state. Board members indicated that, based on the information provided, concerns were addressed adequately.

OLD BUSINESS

NEW BUSINESS

ADJOURN

There being no further business, the meeting adjourned at 12:39 pm.