

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

**MINUTES
GENERAL BUSINESS MEETING
TELEPHONE CONFERENCE CALL
September 11, 2012**

The meeting was called to order by Ms. Karen Ford, LMT, Chair, approximately 9:00 a.m. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Karen Ford, LMT, Chair
Bridget Burke-Wammack, LMT, V-Chair
Joy Buckley, LMT
Lydia Nixon, LMT

STAFF PRESENT:

Anthony Jusevitch, Executive Director
Paula Mask, Program Operations Administrator

BOARD COUNSEL:

Lee Ann Gustafson, Esquire
Assistant Attorney General

COURT REPORTER:

American Court Reporters
Telephone: 850.421.0058
Fax: 954.467.8214

DEPARTMENT PROSECUTING ATTORNEY:

S. J. DiConcilio, Esquire
Assistant General Counsel

DISCIPLINARY PROCEEDINGS

Voluntary Relinquishments

Respondents were not present nor represented by counsel. Ms. DiConcilio represented the Department.

Voluntary Relinquishment cases, tabs 1 through 13 listed below, were voted on en masse.

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|---------------|---------------------------------------|--------------------------|-----------------------------------|
| Tab 1 | YIDA M. BELLO, LMT | CASE # 2012-05365 | PCP: Waived |
| Tab 2 | A & A MASSAGE | CASE # 2011-02284 | PCP: Harrison & Stoehs |
| Tab 3 | SERRET MARISELA, LMT | CASE # 2008-22114 | PCP: Harrison & Stoehs |
| Tab 4 | BRICK CITY HEALTH FITNESS | CASE # 2012-06381 | PCP: Waived |
| Tab 5 | RICHARD CONNER, LMT | CASE # 2011-02219 | PCP: Harrison & Oliver |
| Tab 6 | CLAUDIA M. SANCHEZ, LMT | CASE # 2011-03453 | PCP: Waived |
| Tab 7 | BARBARA M. GIANANTI, LMT | CASE # 2012-02775 | PCP: Waived |
| Tab 8 | CARLO ALBERTO LAZZARI, LMT | CASE # 2012-02742 | PCP: Waived |
| Tab 9 | JONATHAN DUNNICLIFF, LMT | CASE # 2012-04009 | PCP: Waived |
| Tab 10 | CHRISTOPHER JA'VON THORPE, LMT | CASE # 2012-05420 | PCP: Waived |
| Tab 11 | SUGEIDI JOHANA SERRANO, LMT | CASE # 2010-19629 | PCP: Waived |
| Tab 12 | ANDRES BLANCO, LMT | CASE # 2012-06641 | PCP: Waived |
| Tab 13 | AURELIANO DIAZ, LMT | CASE # 2012-05348 | PCP: Waived |

Action Taken: Ms. Burke-Wammack moved to accept the voluntary relinquishments of licensure for the above listed cases. Ms. Nixon seconded the motion which passed unanimously.

Miscellaneous - Steven Glenn Greye, LMT, Case # 2008-20221

Tab 14 Information on Boundaries Course Attended by Stephen Greye

Respondent was not present but was represented by counsel, George F. Indest, III, Esq., who spoke on respondent's behalf.

Action Taken: Ms. Burke-Wammack moved to accept the boundaries course, "Full body Presence: Ethics in Action." Ms. Ford seconded the motion which passed unanimously. The Settlement Agreement case will be presented at the October meeting.

ADMINISTRATIVE PROCEEDINGS

Massage Therapist Applicants

Tab 15 Ginger Battah

Applicant was present without counsel.

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

Tab 16 Sharon Carey

Applicant was present without counsel.

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

Tab 17 Neil Jensen

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license with the condition to obtain a PRN evaluation to determine if the applicant is safe to practice and accept the recommendation of PRN and if recommended for contract and licensure, the Executive Director may issue the license based on PRN's recommendation. Ms. Nixon seconded the motion which passed unanimously.

Tab 18 Maria Natera

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to issue the license in a probationary status, which probation shall run concurrent with the probation imposed by the Court; the applicant shall submit documentation that the Court-ordered probation has terminated; and after submission of the documentation, the Executive Director is delegated the authority to lift the probation. Ms. Buckley seconded the motion, which passed unanimously.

Tab 19 Scott Nyht

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to deny his application for licensure based on sections 480.046(1)(c) and 456.072(1)(c), F.S. Ms. Burke-Wammack seconded the motion which passed unanimously

Tab 20 Mary Renner

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license with the condition to obtain a PRN evaluation to determine if the applicant is safe to practice and accept the recommendation of PRN and if recommended for contract and licensure, the Executive Director may issue the license based on PRN's recommendation. Ms. Ford seconded the motion which passed 4/0.

Tab 21 Bennett Searles

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the condition to obtain a PRN evaluation to determine if the applicant is safe to practice and accept the recommendation of PRN and if recommended for contract and licensure, the Executive Director may issue the license based on PRN's recommendation. Ms. Buckley seconded the motion which passed unanimously.

Tab 22 Genna Walters

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license with the condition to obtain a PRN evaluation to determine if the applicant is safe to practice and accept the recommendation of PRN and if recommended for contract and licensure, the Executive Director may issue the license based on PRN's recommendation. Ms. Nixon seconded the motion which passed unanimously.

Tab 23 Sara Warren

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the condition to obtain a PRN evaluation to determine if the applicant is safe to practice and accept the recommendation of PRN and if recommended for contract and licensure, the Executive Director may issue the license based on PRN's recommendation. Ms. Burke-Wammack seconded the motion which passed unanimously.

Tab 24 James Winters

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to deny his application for licensure based on sections 480.046(2) and 456.072(2), F.S. Ms. Burke-Wammack seconded the motion which passed unanimously.

Tab 25 Shuyun You

Applicant was present without counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny her application for licensure based on sections 480.046(2) and 456.072(2), F.S. Ms. Ford seconded the motion which passed unanimously

Section 456.0635(2) Applicants

Tab 26 Amanda Dailey

Applicant was present without counsel.

ACTION TAKEN: After discussion, Ms. Burke-Wammack moved to deny the application as applicant is ineligible for licensure pursuant to s. 456.0635, F.S., based on a felony conviction under Chapter 893, F.S., and to allow withdrawal of her application within 30 days of receipt of the Notice of Intent to Deny. Ms. Nixon seconded the motion which passed.

Tab 27 Howard Levy

Applicant was present without counsel.

ACTION TAKEN: After discussion, the board determined he was not ineligible for licensure under section 456.0635, F.S. Ms. Ford moved to **approve** the application for licensure. Ms. Burke-Wammack seconded the motion which passed unanimously.

Tab 28 Ameer Mcduffie

Applicant was present without counsel.

ACTION TAKEN: After discussion, the applicant waived the 90 day requirement for licensure. The Board reached a consensus to **table** his application until the October 2012 Board meeting. Mr. Mcduffie advised he had been enrolled at the Bradenton Beauty and Barber Academy in 2007. He was requested to furnish to the Board office a copy of his transcript and information from that school.

Tab 29 Lili Nahoom

Applicant was present without counsel.

ACTION TAKEN: After discussion, Ms. Burke-Wammack moved to deny the application as applicant is ineligible for licensure pursuant to s. 456.0635, F.S., based on a felony conviction under Chapter 817, F.S., and to allow withdrawal of her application within 30 days of receipt of the Notice of Intent to Deny. Ms. Ford seconded the motion which passed unanimously.

Tab 30 Cuong Tran

Applicant was present without counsel.

ACTION TAKEN: After discussion, Ms. Burke-Wammack moved to deny the application as applicant is ineligible for licensure pursuant to s. 456.0635, F.S., based on a felony conviction of 21USC sections 841 and 846 and to allow withdrawal of the application within 30 days of receipt of the Notice of Intent to Deny. Ms. Buckley seconded the motion which passed unanimously.

Tab 31 Dervin Webb

Applicant was present without counsel.

ACTION TAKEN: After discussion, Ms. Ford moved to deny the application as applicant is ineligible for licensure pursuant to s. 456.0635, F.S., based on a felony conviction under Chapter 817, F.S., and to allow withdrawal of his application within 30 days of receipt of the Notice of Intent to Deny. Ms. Nixon seconded the motion, which passed unanimously 4/0.

Continuing Education Provider Applicants

Tab 32 Jason Gordon

COURSES

20-350372 Introduction to Medical QiGong & Self-Cultivation
20-350373 Introduction to Medical QiGong Treatment Protocol
20-350374 Clinical Foundations of Medical QiGong Therapy

Action Taken: Ms. Ford moved to deny the courses as they are not relative to massage therapy. Ms. Burke-Wammack seconded the motion and passed unanimously.

Tab 33 University of Miami, School of Medicine

COURSES

20-299211 META ENERGETICS 2011
20-339541 ENTERING THE VESSELS
20-342182 - 5 PHASE TYPOLOGY

Action Taken: Ms. Burke-Wammack moved to deny the courses as they are beyond the scope of practice of massage therapy and the provider applied on a Board of Acupuncture form. Ms. Buckley seconded the motion which passed unanimously.

Tab 34 Well Being Association

COURSES

20-357941 TAI CHI & QIGONG FOR WELLNESS
20-357942 TAI CHI & QIGONG FOR NECK AND BACK PAIN
20-357943 INTRODUCTION TO QIGONG FOR ARTHRITIS. INCLUDES MERIDIANS, FIVE ELEMENTS, AND QIGONG FORMS.

Applicant was present for the meeting.

Action Taken: Ms. Burke-Wammack moved to deny the courses as the courses are for teaching methods of exercises for breathing and healthcare. Ms. Ford seconded the motion which passed unanimously.

Compliance and Probation Review

Tab 35 Michael Jordan

Respondent was present without counsel.

The Respondent's presence was required based on the requirement from his settlement agreement that he appear before the board at the first board meeting after probation commences. The July meeting was cancelled; therefore, he was scheduled for this meeting. This matter was heard at the April 19, 2012 board meeting. The final order was filed May 7, 2012.

Action Taken: After discussion, Ms. Ford made a motion to find him in compliance with the settlement agreement. Ms. Burke-Wammack seconded the motion which carried unanimously.

Tab 36 Chong Kim

Respondent was present without counsel. Ms. Diaz, Respondent's temporarily approved monitor, was present also. John Lee was also present on behalf of Ms. Kim.

The Respondent's presence was required based on the settlement agreement that Respondent appear before the board at the first board meeting after probation commences. The July meeting was cancelled; therefore, Respondent was scheduled for this meeting. This matter was heard at the January 2010 board meeting. The final order was filed April 6, 2010.

Action Taken: After discussion, Ms. Ford made a motion to find the Respondent in compliance with the settlement agreement. Ms. Burke-Wammack seconded the motion which passed unanimously. Ms. Kim and Ms. Diaz are to furnish the compliance officer where she will be practicing, the name of the establishment and the license number of the establishment.

Applicant Informal Hearings

Tab 37 Julio Pelayo

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

Tab 38 Mia Phillips

Applicant was present without counsel.

Applicant requested an informal hearing since she was issued a Notice of Intent to Deny at the April 2012 meeting. The applicant had not demonstrated she meets the educational requirements of Florida as determined in Rule 64B7-32.003; F.A.C. Her application had originally been heard at the March 13, 2012 conference call.

Action Taken: After discussion, Ms. Ford moved to uphold the Notice of Intent to Deny. Ms. Burke-Wammack seconded the motion. Discussion was held.

Ms. Phillips addressed the board. Ms. Phillips requested to withdraw her application. Motion and second were withdrawn. Ms. Gustafson requested Ms. Phillips to send her request for withdrawal to her. Ms. Gustafson will then enter an order to Vacate the Notice of Intent to Deny and be permitted to withdraw her application.

Action Taken: Ms. Burke-Wammack moved to delegate authority to the Chair to review her transcript and information to advise Ms. Phillips the courses she lacks to be approved for licensure in Florida. Ms. Nixon seconded the motion which passed unanimously.

Action Taken: Ms. Ford moved to allow Ms. Phillips to withdraw her application. Ms. Nixon seconded the motion which carried unanimously.

Ms. Phillips is to send an updated transcript to the board office to forward to the Chair for comparison with the information the board currently has.

Action Taken: Ms. Burke-Wammack moved to delegate authority to Ms. Ford to advise what courses she needs to complete her education. Ms. Nixon seconded the motion which carried unanimously.

Note: Ms. Gustafson will provide information to Ms. Phillips regarding filing a petition for variance or waiver of the education rule.

Tab 39 Sun Tok Park

Ms. Park was present with counsel, Robert Sauerheber, Esq.

Ms. Park's application was presented to the board at its April 20, 2012 meeting. She was denied licensure based on previous discipline by the Board of Massage Therapy.

Action Taken: After discussion, Ms. Ford moved to deny the request for a hearing pursuant to section 120.57(1), Florida Statutes. Ms. Burke-Wammack seconded the motion which carried unanimously.

Mr. Sauerheber addressed the board. Discussion was held.

Action Taken: Ms. Ford moved to uphold the Notice of Intent to Deny, seconded by Ms. Burke-Wammack and carried unanimously.

***REVIEW AND APPROVAL OF MINUTES**

Tab 40 April 19-20, 2012, General Business Meeting

Tab 41 August 9, 2012, General Business Meeting Conference Call

The board tabled review of the minutes for the October 2012 meeting.

***REPORTS**

School Liaison Report – Karen Ford

Tab 42 Approved Schools 03/22/2012 to 08/07/2012

Action taken: Ms. Ford moved to ratify the approved massage therapy schools list except for the Arlington School (which had already been approved). Ms. Burke-Wammack seconded the motion which carried unanimously.

Continuing Education Liaison Report – Bridget Burke-Wammack

Tab 43 Approved CE Providers 03/22/2012 to 08/07/2012

Action taken: Ms. Ford moved to ratify the continuing education providers list. Ms. Burke-Wammack seconded the motion which carried unanimously.

Tab 44 Approved Pro Bono Requests 03/22/2012 to 08/07/2012

Action Taken: Ms. Burke-Wammack moved to ratify the pro bono requests. Ms. Nixon seconded the motion which carried unanimously.

Executive Director's Report – Anthony Jusevitch

Tab 45 Ratification of Licensure - Massage Therapists 03/22/2012 to 08/07/2012

Action taken: Ms. Ford moved to ratify the approved massage therapist licensure list. Ms. Nixon seconded the motion which carried unanimously.

Budget Liaison Report

Tab 46 Board of Massage Therapy Expenditures for Period Ending 03/31/2012

Informational.

***NEW BUSINESS**

Tab 47 Delegated Authority

Ms. Ford moved to accept the delegated authority designations as revised regarding section 456.0635, F.S. Ms. Burke-Wammack seconded the motion which carried unanimously.

Tab 48 Massage Therapist Licensure Application Form

Action Taken: Ms. Ford moved to approve the massage therapist application with the noted correction. Ms. Burke-Wammack seconded the motion which carried unanimously.

Tab 49 Colon Hydrotherapy Upgrade Application Form

Action Taken: Ms. Ford moved to approve the colon hydrotherapy upgrade application with the noted correction. Ms. Burke-Wammack seconded the motion which carried unanimously.

Tab 50 Massage Establishment Licensure Application Form

Action Taken: Ms. Ford moved to approve the massage establishment application with the noted correction. Ms. Burke-Wammack seconded the motion which carried unanimously.

Tab 51 Massage Establishment Change of Location/Name Application Form

Action Taken: Ms. Ford moved to approve the massage establishment change of location/name application with the noted correction. Ms. Nixon seconded the motion which carried unanimously.

Tab 52 Massage Therapy School Approval Application Form

Action Taken: Ms. Burke-Wammack moved to approve the massage therapy school approval application and to add another column to the course worksheet entitled "Number of Hours Counted Toward Required Course Hours". Ms. Nixon seconded the motion which carried unanimously.

Ms. Burke-Wammack moved to delegate authority to the Chair to review and approve the application after amendment has been made. Ms. Nixon seconded the motion which carried unanimously.

Tab 53 Apprenticeship Certification Application Form

Action Taken: Ms. Burke-Wammack moved to approve the apprenticeship certification application with the noted correction and Ms. Nixon seconded the motion which carried unanimously.

Tab 54 2013 Conference Call Schedule

Action Taken: Consensus by board to schedule the following 2013 telephone conference calls:

- March 13, 2013, Wednesday, @ 8:00 a.m. E.S.T.
- June 12, 2013, Wednesday, @ 8:00 a.m. E.S.T.
- September 11, 2013, Wednesday, @ 8:00 a.m. E.S.T.
- December 11, 2013, Wednesday, @ 8:00 a.m. E.S.T.

The meeting adjourned approximately 12:25 p.m.