

FLORIDA | Board *of* Massage Therapy

DRAFT MINUTES
September 16, 2014



Bridget Burke-Wammack, LMT, CLT
Chair

Lydia Nixon, LMT
Vice-Chair

Christy Robinson
Executive Director

TUESDAY, September 16, 2014

The meeting was called to order by Ms. Burke-Wammack, Chair, at approximately 8:30 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:

Christy Robinson, Executive Director
Marci Poston, Regulatory Specialist II

COURT REPORTER:

For the Record
Phone: 850.224.0728

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://floridasmassage.com/meeting-information/past-meetings/>

ADMINISTRATIVE PROCEEDINGS

Applicants with Foreign Education

1. Michelle Bester

Applicant was present without counsel.

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

Applicants with History

2. Alanna Afton

Applicant was present without counsel.

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

3. AQ Medical & Rehab, Inc.

This item was pulled from the agenda.

4. Mikala L. Bauman

Applicant was present without counsel.

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

Additional Action Taken: Ms. Burke-Wammack moved to open the item back up for discussion as Ms. Bauman called in to the conference call. Motion seconded by Ms. Nixon, which passed unanimously.

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

5. Jun He

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. Christopher M. Karlecke

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the following condition: 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. Motion seconded by Ms. Havard, which passed unanimously.

7. Shulan Ma

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny the license as applicant is deficient in 15 hours of hydrotherapy. Motion seconded by Ms. Phillips, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to reopen the item for discussion. Motion seconded by Ms. Phillips, which passed unanimously.

Additional Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Motion seconded by Ms. Havard, and passed 5/1 with Ms. Phillips opposing.

8. Billie C. Robertson

Applicant was not present nor represented by counsel.

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

9. Zijng C. Short

Applicant was present with counsel, Jiao Nguyen, Esq. Applicant was sworn in by the court reporter.

Action Taken: After discussion, Ms. Burke-Wammack moved to grant the license with the condition that applicant submit documentation of successful completion of the deficiencies in her education: 27 classroom hours in history and theory of massage and four classroom hours in professional ethics. The Board delegates to the Executive Director the authority to review and approve the documentation. Motion seconded by Ms. Nixon, which passed unanimously.

10. Shu Yuan Sun

Applicant was present. Counsel of record, Stephen Worgul, Esq., was not present.

Action Taken: After discussion, Ms. Phillips moved to deny licensure based on prior discipline. Motion seconded by Ms. Nixon, which passed unanimously.

11. Juying Wu

Applicant was not present nor represented by counsel.

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

12. Wei Zhao

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 5/1 with Ms. Phillips opposing the motion.

Petition for Variance or Waiver

13. Kathryn J. Cark

Applicant was present without counsel.

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

Applicant Informal Hearings

14. EZ Skincare & Wellness Center

Applicant was present without counsel. Applicant was present with Education Consultant, Christina Grand.

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

Action Taken: After lengthy discussion, Ms. Burke-Wammack moved to approve the provider. Motion seconded by Ms. Nixon, which carried 5/1 with Ms. Phillips opposing the motion.

15. Stuart Friedman- exam

Applicant was present without counsel.

Mr. Friedman requested an informal hearing after being issued a Notice of Intent to Deny at the May 2014 general business meeting.

Action Taken: After discussion, Ms. Nixon moved to vacate the Notice of Intent to Deny filed on June 17, 2014 and approve the licensed on the condition that he complies with the fingerprint requirement and his background check contains no evidence that he was convicted of or entered a plea to any criminal charge. The Board delegates to the Executive Director the authority to review the background check to determine if there is any such evidence and approve the a issuance of the license. If the background check is positive for a criminal history, the application will be presented to the Board for further consideration. Motion seconded by Ms. Havard, which passed unanimously.

***REVIEW AND APPROVAL OF MINUTES**

16. July 24-25, 2014, General Business Meeting Minutes

Action Taken: Ms. Phillips made a motion to approve the minutes as written, motion seconded by Ms. Burke-Wammack and passed 6/0.

***REPORTS**

Board Counsel's Report – Lee Ann Gustafson

17. August 2014 Rules Report (Informational)

20. September 2014 Rules Report (Informational)

RULES DISCUSSION

21. 64B7-30.002 Disciplinary Guidelines

Action Taken: Ms. Burke-Wammack moved to approve the language as written and open the rule for development. Motion seconded by Ms. Phillips, which passed unanimously.

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Executive Director's Report – Christy Robinson

18. Approval of Executive Director

Action Taken: Ms. Burke-Wammack moved to approve Ms. Christy Robinson as Executive Director. Motion seconded by Ms. Havard, which passed unanimously.

19. FSMTB Reaches Settlement in AOT Litigation

Action Taken: Moved to October 23-24 board meeting for further discussion.

The meeting adjourned approximately 12:10 p.m.