

FLORIDA | Board *of* Massage Therapy

MINUTES October 23-24, 2014

Rosen Plaza
9700 International Drive
Orlando, FL 32819



Bridget Burke-Wammack, LMT, CLT
Chair

Lydia Nixon, LMT
Vice-Chair

Christy Robinson
Executive Director

* Items with an asterisk are untimed items and may be taken up on either day of the meeting.

The meeting was called to order by Ms. Burke-Wammack, Chair, at approximately 9:02 a.m. Those present for all or part of the meeting included the following

MEMBERS PRESENT:

Bridget Burke-Wammack, LMT, CLT, Chair
Sharon Phillips, LMT, AP, DOM
Jonathan Walker, LMT
Robyn Dohn Havard, PLCS
Guery Davis, PhD

BOARD COUNSEL:

Rachel Clark, Esq. Assistant Attorney General

MEMBERS EXCUSED:

Lydia Nixon, LMT, Vice-Chair

STAFF PRESENT:

Christy Robinson, Executive Director
Alexandra Alday, Program Operations Administrator
Marci Poston, Regulatory Specialist II

DEPARTMENT PROSECUTING ATTORNEYS:

Sharmin Hibbert, Esq., Assistant General Counsel
Oaj Gillani, Esq., Assistant General Counsel

COURT REPORTER:

Dempsey Berryhill
Phone: 813.229.8225

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: www.floridasmassage.com/meeting-information.

DISCIPLINARY PROCEEDINGS

Informal Hearings

If the Respondent **was present** the board, as appropriate, accepted unanimously the following motions:

1) The Department asks that you find the Respondent was properly served and that an informal hearing was requested. **2)** The Department asks that you adopt the findings of fact as set forth in the Administrative Complaint; **3)** The Department asks that you adopt the conclusions of law as set forth in the Administrative Complaint; **4)** The Department asks that you accept the case materials and any materials in the addendum into evidence as a part of the record and find that this constitutes a violation of the practice act.

If the Respondent **was not present**, the board, as appropriate, accepted unanimously the following motion: **1)** The Department asks that you accept the investigative report into evidence for the purpose of imposing a penalty. **2)** The Department asks you find the Respondent was properly served and an informal hearing was requested. **3)** The Department asks that you adopt the findings of fact and conclusions of law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.

1. JESSINA F. SOTOMAYOR, LMT, CASE # 2014-01354

PCP: Harrison & Havard

Respondent was not present nor represented by counsel.

Ms. Hibbert represented the Department and presented the case to the board. Ms. Havard was recused due to participation on the probable cause panel.

23 Allegations of the Administrative Complaint: Sections 480.046(1)(p) through 480.047(1)(a), F.S.

24 **Action Taken:** Ms. Burke-Wammack made a motion to impose the following penalty:

- 25 • Reprimand
- 26 • Pay \$400 fine within 90 days of the filed final order
- 27 • Pay \$1,021.99 costs within 90 days of the filed final order

28 Motion seconded by Mr. Walker, which passed 5/0.

29 Settlement Agreements

30 **2. RELAX MASSAGE, CASE # 2013-11415**

PCP: Harrison & Walker

31 Respondent was not present nor represented by counsel.

32 Ms. Gillani represented the Department and presented the case to the board. Mr. Walker was recused due to
33 participation on the probable cause panel.

34 Allegations of Administrative Complaint: Sections 480.046(1)(p), through 480.047(1)(c) F.S.

35 **Action Taken:** Ms. Burke-Wammack made a motion to reject the Settlement Agreement. Motion seconded
36 by Ms. Phillips which passed 3/1 with Ms. Havard opposing the motion and Mr. Walker recused. The motion
37 was rescinded and the following final action was taken.

38 **Final Action Taken:** Ms. Havard made a motion to accept the Settlement Agreement and impose
39 investigative costs totaling \$1,413.95. Motion seconded by Mr. Davis and passed unanimously with Mr.
40 Walker recused.

41 **3. FANG FANG ESSENTIAL MASSAGE DAY SPA,** 42 **CASE # 2014-06554**

PCP: Smallwood & Havard

43 Respondent was not present nor represented by counsel.

44 Ms. Gillani represented the Department and presented the case to the board. Ms. Havard was recused due to
45 participation on the probable cause panel.

46 Allegations of Administrative Complaint: Sections 480.046(1)(o), and 480.047(1)(c) F.S.

47 **Action Taken:** Ms. Burke-Wammack made a motion to accept the Settlement Agreement and impose
48 investigative costs in the amount of \$407.45 to be paid within 1 year. Motion seconded by Mr. Walker and
49 passed unanimously with Ms. Havard recused.

50 Notice of Withdrawal of Settlement Agreement

51 **73. WEI HAO, LMT, CASE # 2012-11915**

PCP: Haynes & Buckley

52 Respondent was not present, counsel Allen Grossman, Esq. was present.

53 **Action Taken:** Ms. Phillips made a motion to reconsider the Settlement Agreement. Motion seconded by Ms.
54 Havard and passed unanimously.

55 **Additional Action Taken:** Ms. Phillips made a motion to dismiss the case. Motion seconded by Ms. Havard
56 and passed unanimously.

57 **Voluntary Relinquishments**

58 Ms. Burke-Wammack made a motion to accept the following voluntary relinquishments items 4 through 14.
59 Motion seconded by Mr. Walker and passed unanimously

- | | | |
|----|---|--------------------|
| 60 | 4. DIEGO VILA, LMT CASE # 2013-17210 | PCP: Waived |
| 61 | 5. ARTISTIC EXPRESSIONS DAY SPA, INC., CASE # 2014-00156 | PCP: Waived |
| 62 | 6. DAYLEANN M. VALLEJO, LMT, CASE # 2013-13017 | PCP: Waived |
| 63 | 7. EMILIO GOMEZ, LMT, CASE # 2013-11411 | PCP: Waived |
| 64 | 8. JHONNATHAN A. BLAIR, LMT, CASE# 2014-01388 | PCP: Waived |
| 65 | 9. BRANDI M. ZEIGLER, LMT, CASE # 2014-00042 | PCP: Waived |
| 66 | 10. BOHUA ZHANG, LMT, CASE # 2013-01434 | PCP: Waived |
| 67 | 11. XIAOLI CONG, LMT, CASE # 2013-00074 | PCP: Waived |
| 68 | 12. SHAWN F. CHACO, LMT, CASE # 2013-19676 | PCP: Waived |
| 69 | 13. XIANHUI LIU, LMT, CASE# 2013-00399 | PCP: Waived |
| 70 | 14. TERESA ZHANG, LMT, CASE # 2013-01459 | PCP: Waived |

71 **15. MADELAINE OSORIA, LMT, CASE # 2013-01219** **PCP: Smallwood & Burke-Wammack**

72 Respondent was not present, nor represented by counsel.

73 **Action Taken:** After discussion, Ms. Havard made a motion to accept the voluntary relinquishment. Motion
74 seconded by Mr. Walker which passed unanimously and Ms. Burke-Wammack recused.

75 **16. WELL-CARE REHAB SERVICES, INC., CASE # 2013-1237** **PCP: Smallwood & Burke-Wammack**

76 Respondent was not present, nor represented by counsel.

77 **Action Taken:** After discussion, Ms. Havard made a motion to accept the voluntary relinquishment. Motion
78 seconded by Mr. Walker which passed unanimously and Ms. Burke-Wammack recused.

79 **17. DAYLEANN M. VALLEJO, LMT, CASE # 2013-09250** **PCP: Smallwood & Phillips**

80 Respondent was not present, nor represented by counsel.

81 **Action Taken:** After discussion, Ms. Burke-Wammack made a motion to accept the voluntary relinquishment.
82 Motion seconded by Mr. Walker which passed unanimously and Ms. Phillips recused.

83 **18. MARCUS G. MCCARTY-TOWERS, LMT,** **PCP: Smallwood & Walker**
84 **CASE # 2014-00610**

85 Respondent was not present, nor represented by counsel.

86 **Action Taken:** After discussion, Ms. Phillips made a motion to accept the voluntary relinquishment. Motion
87 seconded by Ms. Burke-Wammack which passed unanimously and Mr. Walker recused.

88 **19. BRANDY M. VINEY, LMT, CASE # 2013-20239** **PCP: Harrison & Havard**

89 Respondent was not present, nor represented by counsel.

90 **Action Taken:** After discussion, Ms. Burke-Wammack made a motion to accept the voluntary relinquishment.
91 Motion seconded by Mr. Walker which passed unanimously and Ms. Havard recused.

92 **20. ASHLEY N. GONZALEZ, LMT, CASE # 2013-17248** **PCP: Harrison & Havard**

93 Respondent was not present, nor represented by counsel.

94 **Action Taken:** After discussion, Ms. Burke-Wammack made a motion to accept the voluntary relinquishment.
95 Motion seconded by Mr. Walker which passed unanimously and Ms. Havard recused.

96 **74. MEI YING XUE, LMT, CASE # 2012-13996** **PCP: Harrison & Nixon**

97 Respondent was not present, nor represented by counsel.

98 **Action Taken:** After discussion, Ms. Burke-Wammack made a motion to accept the voluntary relinquishment.
99 Motion seconded by Mr. Walker which passed unanimously.

100 **Determination of Waivers**

101 **21. COURTENAY J. MADSEN, LMT, CASE # 2014-01419** **PCP: Harrison & Havard**

102 Respondent was not present nor represented by counsel.

103 Ms. Gillani represented the Department and presented the case to the Board. Ms. Havard was recused due to
104 participation on the probable cause panel.

105 Allegations of Administrative Complaint: Sections 480.046(1)(p), 480.047(1)(a), and 480.046(1)(n) F.S.

106 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
107 purpose of imposing a penalty. Ms. Burke-Wammack moved on the Department's request. Motion seconded
108 by Mr. Walker and passed unanimously.

109 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
110 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Burke-Wammack moved
111 on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

112 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
113 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
114 Ms. Burke-Wammack moved on the Department's request. Motion seconded by Mr. Walker and passed
115 unanimously.

116 **Final Action Taken:** Ms. Burke-Wammack made a motion to impose the following penalty:

- 117 • Reprimand
- 118 • Pay \$400 fine within 1 year of the filed final order
- 119 • Pay \$660.06 costs within 1 year of the filed final order

120 Motion seconded by Mr. Walker which passed unanimously and Ms. Havard recused.

121 **22. RONALD D. BRUINIUS, LMT, CASE # 2013-20200**
122 **& CASE # 2013-19495**

PCP: Harrison & Phillips

123 Respondent was not present nor represented by counsel.

124 Ms. Gillani represented the Department and presented the case to the Board. Ms. Phillips was recused due to
125 participation on the probable cause panel.

126 Allegations of Administrative Complaint: Sections 480.046(1)(o), and 480.0485 F.S., and Rule 64B7-
127 26.010(1)(3) and (4), F.A.C.

128 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
129 purpose of imposing a penalty. Ms. Havard moved on the Department's request. Motion seconded by Mr.
130 Walker and passed unanimously.

131 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
132 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Havard moved on the
133 Department's request. Motion seconded by Mr. Walker and passed unanimously.

134 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
135 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
136 Ms. Havard moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

137 **Final Action Taken:** Ms. Burke-Wammack made a motion to impose the following penalty:

- 138 • Revocation
- 139 • Pay \$2,500 fine
- 140 • Pay \$1,711.91 costs

141 Motion seconded by Mr. Walker which passed unanimously and Ms. Phillips recused.

142 **23. NAPHTHALIE R. NARCISSE, LMT, CASE # 2014-01709**
143 **& CASE # 2014-02443**

PCP: Harrison & Walker

144 Respondent was not present nor represented by counsel.

145 Ms. Gillani represented the Department and presented the case to the Board. Mr. Walker was recused due to
146 participation on the probable cause panel.

147 Allegations of Administrative Complaint: Sections 480.046(1)(o), 480.046(1)(p) F.S.

148 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
149 purpose of imposing a penalty. Ms. Burke-Wammack moved on the Department's request. Motion seconded
150 by Ms. Phillips and passed unanimously.

151 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
152 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Havard moved on the
153 Department's request. Motion seconded by Ms. Burke-Wammack and passed unanimously.

154 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
155 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.

156 Ms. Burke-Wammack moved on the Department's request. Motion seconded by Ms. Havard and passed
157 unanimously.

158 **Final Action Taken:** Ms. Havard made a motion to impose the following penalty:

- 159 • Revocation
- 160 • Pay \$2500 fine
- 161 • Pay \$2,899.27 costs

162 Motion seconded by Mr. Davis which passed unanimously and Mr. Walker recused.

163 **24. LIXIA YANG, LMT, CASE # 2014-04060**

PCP: Harrison & Walker

164 Respondent was not present nor represented by counsel.

165 Ms. Gillani represented the Department and presented the case to the Board. Mr. Walker was recused due to
166 participation on the probable cause panel.

167 Allegations of Administrative Complaint: Sections 480.046(1)(o), 480.0485 F.S.

168 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
169 purpose of imposing a penalty. Ms. Burke-Wammack moved on the Department's request. Motion seconded
170 by Ms. Havard and passed unanimously.

171 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
172 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Havard moved on the
173 Department's request. Motion seconded by Ms. Phillips and passed unanimously.

174 **Additional Action Taken:** The Department asked the board to the findings of fact and conclusions of law as
175 set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act. Ms.
176 Havard moved on the Department's request. Motion seconded by Ms. Phillips and passed unanimously.

177 **Final Action Taken:** Ms. Havard made a motion to impose the following penalty:

- 178 • Revocation
- 179 • Pay \$2500 fine
- 180 • Pay \$2,899.27 costs

181 Motion seconded by Mr. Davis which passed unanimously and Mr. Walker recused.

182 **25. FABIAN P. CHANOS, LMT, CASE # 2013-09369**

PCP: Harrison & Walker

183 Respondent was not present nor represented by counsel.

184 Ms. Hibbert represented the Department and presented the case to the Board. Mr. Walker was recused due to
185 participation on the probable cause panel.

186 Allegations of Administrative Complaint: Sections 480.046(1)(k) F.S.

187 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
188 purpose of imposing a penalty. Ms. Burke-Wammack moved on the Department's request. Motion seconded
189 by Ms. Phillips and passed unanimously.

190 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
191 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Burke-Wammack moved
192 on the Department's request. Motion seconded by Ms. Phillips and passed unanimously.

193 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
194 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
195 Ms. Havard moved on the Department's request. Motion seconded by Ms. Phillips and passed unanimously.

196 **Final Action Taken:** Ms. Havard made a motion to impose the following penalty:

- 197 • Suspension of license until costs of previous order are paid to date
- 198 • Pay \$137.25 costs within 1 year of the filed final order

199 Motion seconded by Ms. Burke-Wammack which passed unanimously and Mr. Walker recused.

200 **26. DUSTIN P. DUNCAN, LMT, CASE # 2014-03710** **PCP: Smallwood & Havard**

201 This item was previously pulled from the agenda.

202 **27. CARLOS I. VICTORIA, LMT, CASE # 2013-16131** **PCP: Smallwood & Phillips**

203 Respondent was not present nor represented by counsel.

204 Ms. Hibbert represented the Department and presented the case to the Board. Ms. Phillips was recused due
205 to participation on the probable cause panel.

206 Allegations of Administrative Complaint: Sections 480.046(1)(k), F.S.

207 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
208 purpose of imposing a penalty. Ms. Burke-Wammack moved on the Department's request. Motion seconded
209 by Mr. Walker and passed unanimously.

210 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
211 waived the right to a formal hearing (either by failing to respond at all or timely). Mr. Walker moved on the
212 Department's request. Motion seconded by Ms. Havard and passed unanimously.

213 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
214 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
215 Ms. Havard moved on the Department's request. Motion seconded by Mr. Davis and passed unanimously.

216 **Final Action Taken:** Ms. Havard made a motion to impose the following penalty:

- 217 • Suspension of license until costs of previous order are paid to date
- 218 • Pay \$896.24 costs within 1 year of the filed final order

219 Motion seconded by Mr. Walker which passed unanimously and Ms. Phillips recused.

221 **28. KETTY D. GONZALEZ, LMT, CASE # 2012-06363**

PCP: Smallwood & Burke-Wammack

222 Respondent was not present nor represented by counsel.

223 Ms. Hibbert represented the Department and presented the case to the Board. Ms. Burke-Wammack was
224 recused due to participation on the probable cause panel.

225 Allegations of Administrative Complaint: Sections 480.046(1)(o), 456.072(1)(II) F.S.

226 **Action Taken:** Ms. Phillips made a motion to hear this case as a waiver. Motion seconded by Mr. Walker and
227 passed unanimously.

228 **Action Taken:** Ms. Phillips made a motion to find that the Respondent was properly served. Motion seconded
229 by Mr. Walker and passed unanimously.

230 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
231 purpose of imposing a penalty. Ms. Phillips moved on the Department's request. Motion seconded by Mr.
232 Walker and passed unanimously.

233 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
234 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Phillips moved on the
235 Department's request. Motion seconded by Mr. Walker and passed unanimously.

236 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
237 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
238 Ms. Phillips moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

239 **Final Action Taken:** Ms. Phillips made a motion to impose the following penalty:

- 240 • Revocation
- 241 • Pay \$985.83 costs

242 Motion seconded by Mr. Walker which passed unanimously with Ms. Burke-Wammack recused.

243 **29. CATHERINE M. GEITNER, LMT, CASE # 2013-10593**

PCP: Smallwood & Burke-Wammack

244 Respondent was not present nor represented by counsel.

245 Ms. Gillani represented the Department and presented the case to the Board. Ms. Burke-Wammack was
246 recused due to participation on the probable cause panel.

247 Allegations of Administrative Complaint: Sections 480.046(1)(k), F.S.

248 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
249 purpose of imposing a penalty. Ms. Phillips moved on the Department's request. Motion seconded by Mr.
250 Walker and passed unanimously.

251 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
252 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Phillips moved on the
253 Department's request. Motion seconded by Mr. Walker and passed unanimously.

254 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
255 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
256 Ms. Phillips moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

257 **Final Action Taken:** Ms. Phillips made a motion to impose the following penalty:

- 258 • Suspension of license until costs of previous order are paid to date
- 259 • Pay \$305.72 costs

260 Motion seconded by Mr. Walker which passed unanimously and Ms. Burke-Wammack recused.

261 **30. MYONG N. GATES, LMT, CASE # 2013-09379**

PCP: Smallwood & Burke-Wammack

262 Respondent was not present nor represented by counsel.

263 Ms. Gillani represented the Department and presented the case to the Board. Ms. Burke-Wammack was
264 recused due to participation on the probable cause panel.

265 Allegations of Administrative Complaint: Sections 480.046(1)(a), F.S.

266 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
267 purpose of imposing a penalty. Mr. Walker moved on the Department's request. Motion seconded by Ms.
268 Phillips and passed unanimously.

269 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
270 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Havard moved on the
271 Department's request. Motion seconded by Mr. Walker and passed unanimously.

272 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
273 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
274 Ms. Phillips moved on the Department's request. Motion seconded by Ms. Havard and passed unanimously.

275 **Action Taken:** Mr. Walker made a motion to impose the following penalty:

- 276 • Revocation

277 Motion seconded by Ms. Havard which passed unanimously and Ms. Burke-Wammack recused.

278 **75. XIA LIU, LMT, CASE # 2012-12934**

PCP: Haynes & Buckley

279 Respondent was not present nor represented by counsel.

280 Ms. Gillani represented the Department and presented the case to the Board.

281 Allegations of Administrative Complaint: Sections 480.046(1)(o), 456.072(1)(h), and 456.072(1)(w) F.S.

282 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
283 purpose of imposing a penalty. Ms. Phillips moved on the Department's request. Motion seconded by Mr.
284 Walker and passed unanimously.

285 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
286 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Havard moved on the
287 Department's request. Motion seconded by Mr. Walker and passed unanimously.

288 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
289 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
290 Ms. Havard moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

291 **Final Action Taken:** Mr. Walker made a motion to impose the following penalty:

- Revocation

292
293 Motion seconded by Ms. Burke-Wammack which passed unanimously.

294 **76. LIJUAN FANG, LMT, CASE # 2012-11858**

PCP: Haynes & Buckley

295 Respondent was not present nor represented by counsel.

296 Ms. Gillani represented the Department and presented the case to the Board.

297 Allegations of Administrative Complaint: Sections 480.046(1)(o), 456.072(1)(h), 456.072(1)(w), 480.041(1)(b),
298 F.S.

299 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
300 purpose of imposing a penalty. Ms. Havard moved on the Department's request. Motion seconded by Ms.
301 Phillips and passed unanimously.

302 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
303 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Havard moved on the
304 Department's request. Motion seconded by Mr. Walker and passed unanimously.

305 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
306 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
307 Ms. Havard moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

308 **Final Action Taken:** Ms. Havard made a motion to impose the following penalty:

- Revocation
- Pay \$2,254.50 costs

309
310
311 Motion seconded by Mr. Walker which passed unanimously.

312 **77. GUOZHEN SHANG, LMT, CASE # 2012-13667**

PCP: Harrison & Nixon

313 Respondent was not present nor represented by counsel.

314 Ms. Hibbert represented the Department and presented the case to the Board. Ms. Nixon was recused due to
315 participation on the probable cause panel.

316 Allegations of Administrative Complaint: Sections 480.046(1)(o), 456.072(1)(h), 456.072(1)(w), F.S.

317 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
318 purpose of imposing a penalty. Ms. Phillips moved on the Department's request. Motion seconded by Mr.
319 Walker and passed unanimously.

320 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
321 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Burke-Wammack moved
322 on the Department's request. Motion seconded by Ms. Havard and passed unanimously.

323 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
324 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
325 Ms. Havard moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

326 **Final Action Taken:** Ms. Phillips made a motion to impose the following penalty:

- 327 • Revocation
- 328 • Pay \$1,422.07 costs

329 Motion seconded by Ms. Havard which passed unanimously.

330 **78. YAN YANG-GONZALEZ, LMT, CASE # 2012-14000** **PCP: Harrison & Nixon**

331 Respondent was not present nor represented by counsel.

332 Ms. Hibbert represented the Department and presented the case to the Board. Ms. Nixon was recused due to
333 participation on the probable cause panel.

334 Allegations of Administrative Complaint: Sections 480.046(1)(o), 456.072(1)(h), 456.072(1)(w), 480.041(1)(b),
335 F.S.

336 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
337 purpose of imposing a penalty. Ms. Burke-Wammack moved on the Department's request. Motion seconded
338 by Mr. Walker and passed unanimously.

339 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
340 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Phillips moved on the
341 Department's request. Motion seconded by Ms. Havard and passed unanimously.

342 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
343 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
344 Ms. Havard moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

345 **Final Action Taken:** Ms. Burke-Wammack made a motion to impose the following penalty:

- 346 • Revocation
- 347 • Pay \$398.66 costs

348 Motion seconded by Ms. Havard which passed unanimously.

349 **79. XIONG ZHEN TANG, LMT, CASE # 2012-13781** **PCP: Harrison & Nixon**

350 Respondent was not present nor represented by counsel.

351 Ms. Hibbert represented the Department and presented the case to the Board. Ms. Nixon was recused due to
352 participation on the probable cause panel.

353 Allegations of Administrative Complaint: Sections 480.046(1)(o), 456.072(1)(h), 456.072(1)(w), 480.041(1)(b),
354 F.S.

355 **Action Taken:** The Department asked the board to accept the investigative report into evidence for the
356 purpose of imposing a penalty. Ms. Phillips moved on the Department's request. Motion seconded by Mr.
357 Walker and passed unanimously.

358 **Additional Action Taken:** The Department asked the board to find the Respondent was properly served and
359 waived the right to a formal hearing (either by failing to respond at all or timely). Ms. Havard moved on the
360 Department's request. Motion seconded by Mr. Walker and passed unanimously.

361 **Additional Action Taken:** The Department asked the board to adopt the findings of fact and conclusions of
362 law as set forth in the Administrative Complaint, and find that this constitutes a violation of the practice act.
363 Ms. Havard moved on the Department's request. Motion seconded by Mr. Walker and passed unanimously.

364 **Final Action Taken:** Ms. Phillips made a motion to impose the following penalty:

- 365 • Revocation
- 366 • Pay \$402.54 costs

367 Motion seconded by Ms. Havard which passed unanimously.

368 Recommended Order

369 **80. HONG YANG, LMT, CASE # 2013-19668**
370 **DOAH CASE# 14-3041 PL**

PCP: Smallwood & Phillips

371 Respondent was not present, counsel of record Alex Yu, Esq., was not present. The Department was
372 represented by Ms. Hibbert, Esq., Assistant General Counsel. Ms. Clark explained the Recommended Order
373 was before the Board for final action and explained the process for reviewing the Recommended Order.

374 Ms. Hibbert presented the case to the Board for final action in consideration of the DOAH recommended order.
375 The department filed a three count administrative complaint alleging in:

- 376 • Count I violation of sections 480.046(1)(o) and 480.0485, F.S.;
- 377 • Count II violation of sections 480.046(1) (p), 456.072(1) (v) and 456.063(1), F.S.
- 378 • Count III violation of section 480.046(1)(p), F.S., and Rule 64B7-28.008(1), F.A.C.

379 Ms. Hibbert advised the Division of Administrative Hearings (DOAH) recommended the Board of Massage
380 Therapy enter a final order finding Respondent not guilty of the offenses charged in the administrative
381 complaint.

382 **Final Action Taken:** After discussion, a motion was made by Mr. Walker to accept the Findings of Fact and
383 the Conclusions of Law in the Recommended Order, and impose revocation and \$2,500 fine. Motion
384 seconded by Ms. Havard, which passed unanimously.

385 ***(recess at 5:22 p.m.)***

387 **ADMINISTRATIVE PROCEEDINGS**

388 Applicants with History

389 **31. Adriana Delgado Rocero**

390 Applicant was present without counsel. Applicant was sworn in by the court reporter.

391 **Action Taken:** After discussion, Ms. Phillips moved to grant the license unencumbered. Motion seconded by
392 Ms. Havard, which passed unanimously.

393 **32. Stacy Renee Delisa**

394 Applicant was present without counsel. Applicant was sworn in by the court reporter.

395 **Action Taken:** After discussion, Ms. Havard moved to grant the license unencumbered. Motion seconded by
396 Mr. Walker, which passed 4/1 with Ms. Burke-Wammack opposing the motion.

397 **33. Harold Rodolfo Espinosa Perez**

398 Applicant was not present, nor represented by counsel.

399 **Action Taken:** After discussion, Ms. Phillips moved to grant the license unencumbered. Motion seconded by
400 Ms. Havard, which passed unanimously.

401 **34. David Gagne**

402 Applicant was not present nor represented by counsel.

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

405 **35. Zhongli Gu**

406 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.

407 **36. Robert T. Johnson**

408 Applicant was not present nor represented by counsel.

409 **Action Taken:** After discussion, Ms. Burke-Wammack moved to require an appearance before the board at
410 one of the next two upcoming board meetings. Motion seconded by Ms. Phillips, which passed unanimously.

411 **37. Hak Woo Lee**

412 Applicant was present without counsel. Applicant was sworn in by the court reporter.

413 **Action Taken:** After discussion, Ms. Burke-Wammack moved to deny the license for public safety concerns
414 with cupping and heat lamps. Motion seconded by Mr. Walker and failed with Ms. Havard, Ms. Phillips and Mr.
415 Davis opposing the motion.

416 **Additional Action Taken:** After discussion, Ms. Phillips moved to grant the license on probationary status
417 with the terms of no cupping or heat lamps for two years. Motion seconded by Ms. Burke-Wammack, which
418 passed unanimously.

419 **38. Hui Lin**

420 Applicant was present without counsel. Applicant was sworn in by the court reporter.

421 **Action Taken:** After discussion, Ms. Burke-Wammack moved to deny the application as the transcript having
422 been identified as fraudulent. Motion seconded by Mr. Walker which passed 3/2, with Ms. Havard and Ms.
423 Phillips opposing the motion.

424 **39. Cai Zhu Mei**

425 Applicant was present without counsel. Applicant was sworn in by the court reporter.

426 **Action Taken:** After discussion, Ms. Burke-Wammack moved to grant the license unencumbered. Motion
427 seconded by Ms. Phillips, which passed unanimously.

428 **40. Heng Bin Sun**

429 Applicant was present with interpreter, Bin Liang. Applicant and interpreter were sworn in by the court reporter.

430 **Action Taken:** After discussion, Ms. Burke-Wammack moved to table the item for the applicant to provide a
431 self-explanation. Motion seconded by Mr. Walker, which passed unanimously.

432 **41. Mikal Temkin**

433 Applicant was present without counsel. Applicant was sworn in by the court reporter.

434 **Action Taken:** After discussion, Mr. Temkin requested to withdraw the application and be issued a refund.

435 **42. Yafeng Yu**

436 Applicant was present with counsel, June Zhao, Esq. Applicant was sworn in by the court reporter.

437 **Action Taken:** After discussion, Ms. Havard moved to grant the license unencumbered. Motion seconded by
438 Ms. Phillips, which passed 4/1 with Ms. Burke-Wammack opposing the motion.

439 **43. Jingfang Zhou**

440 Applicant was not present nor represented by counsel.

441 **Action Taken:** After discussion, Ms. Burke-Wammack moved to deny the license as the applicant does not
442 have sufficient hours of the following educational requirements for licensure: Transcript must be on
443 counterfeit-proof paper. 76 hours Allied Modalities, 15 hours Anatomy & Physiology, 15 hours Business and
444 15 hours Hydrotherapy. Motion seconded by Ms. Phillips, which passed unanimously.

445 Applicants with Foreign Education

446 **44. Mary M. Walker**

447 Applicant was not present nor represented by counsel.

448 **Action Taken:** After discussion, Ms. Burke-Wammack moved to issue the license unencumbered. Motion
449 seconded by Ms. Phillips, which passed unanimously.

450 Applicants with Out of State Education

451 **45. Wenxian Guo Reynolds**

452 This item was previously pulled from the agenda.

453 Applicant Informal Hearings

454 **46. Clifford David Johnson**

455 Applicant was present without counsel.

456 Mr. Johnson requested an informal hearing after being issued a Notice of Intent to Deny at the July 2014
457 general business meeting.

458 **Action Taken:** After discussion, Ms. Burke-Wammack moved to deny the petition for having not met the
459 requirements set forth in Chapter 120 F.S. Motion seconded by Mr. Walker, which passed unanimously.

460 **Action Taken:** After discussion, Ms. Burke-Wammack moved to grant the license after determining the
461 Informal Hearing meets the requirements for licensure. Motion seconded by Ms. Havard which passed
462 unanimously.

463 Petition for Variance or Waiver

464 **47. Deborah Sue Mule**

465 Applicant was not present nor represented by counsel.

466 **Action Taken:** After discussion, Ms. Burke-Wammack made a motion to approve the Petition for Variance or
467 Waiver based on undue hardship endured with the applicant's massage therapy school attended being closed,
468 and satisfying requirements for Petitions for Variance or Waiver being met as established in Chapter 120, F.S.
469 Motion seconded by Mr. Walker which passed unanimously.

470 **Additional Action Taken:** After discussion, Ms. Burke-Wammack made a motion to approve the application.
471 Motion seconded by Ms. Havard which passed unanimously.

472 Petition for Declaratory Statement

473 **48. Janet Jean Hardy**

474 This item was previously pulled from the agenda.

475 **49. Keith Nassetta (The Foot Rest Inc.)**

476 **Action Taken:** After discussion, Ms. Burke-Wammack moved to deny the petition after citing the definition of
477 massage therapy and determining a license would be required. Motion seconded by Mr. Walker, which passed
478 unanimously.

479 **Massage School Review**

480 **50. VIP Beauty School**

481 Director Gloria St. Germaine, and Ms. Maria were present without counsel.

482 **Action Taken:** After discussion, Ms. Burke-Wammack made a motion to require a copy of the updated
483 transcript that is compliant with the board of massage therapy, commission for independent education and
484 meets the requirements set forth in Rule 64B7-32.003, F.A.C. Motion seconded by Mr. Walker, which passed
485 unanimously.

486 ***REVIEW AND APPROVAL OF MINUTES**

487 **51. September 16, 2014, Telephone Conference Call Meeting Minutes**

488 Ms. Burke-Wammack made a motion to approve the minutes as written with previously discussed corrections.
489 Motion seconded by Ms. Phillips, which passed unanimously.

490 ***REPORTS**

491 **Chair Report – Bridget Burke-Wammack**

492 **81. FSMTB Annual Meeting**

493 Ms. Burke-Wammack presented a summary to the board with information from the FSMTB Annual Meeting.
494 Discussion was held regarding online education with statistics comparing online education and in class
495 education. Ms. Iris Burman, Educating Hands School of Massage, and Ms. Sally Hacking, FSMTB
496 Government Relations Representative, addressed the board.

497 **2014 FSMTB Annual Report**

498 Ms. Sally Hacking, FSMTB Government Relations Representative, addressed the board and provided a
499 current report.

500 **2014 Model Practice Act-Massage Therapy**

501 Ms. Sally Hacking, FSMTB Government Relations Representative, and Michael McGillicuddy, Central
502 Florida School of Massage Therapy, addressed the board on the Massage Therapy Model Practice Act.

503 **82. NCBTMB Agreement with FSMTB**

504 Ms. Sally Hacking, FSMTB Government Relations Representative, addressed the board on new changes
505 between FSMTB and NCBTMB. The board requested of FSMTB to create a report that will display the pass
506 rate differences before CAT testing was implemented and after.

507 **Legislative Liaison Report – Bridget Burke-Wammack**

508 No report at this time.

509 **Public Relations Liaison Report - Bridget Burke-Wammack**

510 No report at this time.

511 **Vice Chair Report – Lydia Nixon**

512 In Ms. Lydia Nixon, Board of Massage Therapy Vice Chair, absence, Ms. Burke-Wammack spoke about the
513 chair and vice chair meeting and topics discussed.

514 **Rules Liaison Report – Lydia Nixon and Sharon Phillips**

515 No report at this time.

516 **(lunch break)**

517 **Executive Director's Report – Christy Robinson, Executive Director**

518 **52. Massage Therapy House Bill 1065 Update**

519 Ms. Robinson provided an update to HB 1065. Mail outs to licensees and massage establishments pertaining
520 to the new fingerprinting requirement were discussed. The board requested Ms. Robinson to reach out to
521 AMTA and ABMP on the new requirement in an attempt to reach a larger licensee base before the January 31,
522 2015 deadline.

523 **53. Ratification of Licensure - Massage Therapists 07/03/2014 to 09/29/2014**

524 **Action taken:** Ms. Burke-Wammack made a motion to ratify the massage therapist licenses. Motion seconded
525 by Ms. Phillips which passed unanimously.

526 **83. Human Trafficking Summit**

527 Ms. Burke-Wammack provided information from the Human Trafficking Summit attended. The board members
528 requested investigators attend the Human Trafficking Summit in the future.

529 **School Liaison Report – Jonathan Walker**

530 **54. Massage Therapy Program Approval 07/03/2014 to 09/29/2014**

531 **Action taken:** Mr. Walker made a motion to ratify the massage therapy programs. Motion seconded by Ms.
532 Burke-Wammack, which passed unanimously.

533 **Continuing Education Liaison Report – Sharon Phillips**

534 **55. Approved Pro Bono Requests 07/03/2014 to 09/29/2014**

535 None at this time.

536 **56. Approved CE Providers 07/03/2014 to 09/29/2014**

537 **Action taken:** Ms. Burke-Wammack made a motion to ratify the Approved CE Providers. Motion seconded by
538 Mr. Walker, which passed unanimously.

539 **84. Continuing Education Report**
540 Ms. Phillips provided an updated continuing education report.

541 **57. Review of Continuing Education Courses**
542 This item was previously pulled from the agenda.

543 **Budget Liaison Report – Robyn Havard**

544 **58. Board Expenditures, period ending March 31, 2014**
545 Ms. Havard provided an updated Board Expenditures report. Board staff will be providing budget office
546 information in the future.

547 **Unlicensed Activity Report – Lydia Nixon**
548 No report at this time.

549 **Healthy Weight Liaison Report – Jonathan Walker**
550 No report at this time.

551 **RULES DISCUSSION**

552 **59. Clinical Practicum Hours**
553 Mr. Michael Garcia, Alpha School of Massage, addressed the board and stated that is should be at the
554 instructor’s discretion whether or not a student is deemed fit to begin practicing on the public for the purpose of
555 obtaining clinical practicum education hours.

556 **85. Clinical Practicum Hours suggestion by Board Member Sharon Phillips**

557 It was the consensus of the board that the hours students practice massage therapy on the public at the
558 approved school, under the supervision of the instructor do count toward meeting clinical practicum hours.

559 It was the consensus of the board that schools may receive compensation for the above mentioned hours
560 practiced by students.

561 It was the consensus of the board that the instructor, or school, should determine when students have
562 completed enough hours of training before beginning practicing on the public.

563 **60. Proposal for Florida State Massage Therapy License Requirements**

564 Discussion was held on the below items.

565 **Rule Title 64B7-32.003, F.A.C., Minimum Requirements for Board Approved Massage Schools**

566 Mr. Michael McGillicuddy, Central Florida School of Massage Therapy, Pete Whitridge, AMTE, Sally Hacking,
567 FSMTB Government Relations Representative, Iris Burman, Educating Hands School of Massage and Cheryl
568 Plack, Palm Beach State College, each addressed the board and discussion was held on the below items. The
569 Board tabled this item to the following meeting.

570 **61. Rule Title 64B7-32.003, F.A.C., 5/8/2012**

571 **62. Massage State Regulation Guide, March 2014**

572 **63. DOE Curriculum Framework – Massage Therapy**

573 **86. DOE Curriculum Framework-Massage Therapy, revised 06/2014**

574 **64. History of Massage Education Requirements prior to 1998**

575 **65. Rule Title 64B7-32.003, F.A.C., 8/16/1998**

576 **Rule Title 64B7-28.009, F.A.C., Continuing Education**

577 **66. Draft 64B7-28.009, F.A.C. – Lydia Nixon**

578 Ms. Burke-Wammack made a motion to approve with the removal of “Board Approved Instructors” and
579 “demonstration to be changed to “hands on”, in addition to opening Rule 64B7-32.009, F.A.C. for
580 development, and delegate Ms. Phillips to draft rule language. Motion seconded by Ms. Havard,
581 which passed unanimously. Ms. Iris Burman, Educating Hands School of Massage Therapy and Ms.
582 Marlene Alderman, LMT, addressed the board.

583 **Action on SERC Questions:** Ms. Burke-Wammack moved to find that the proposed changes would not
584 have an adverse impact on small business. Ms. Phillips seconded the motion, which passed
585 unanimously. Ms. Burke-Wammack moved to find that the proposed changes would not have a direct
586 or indirect impact on regulatory costs. Ms. Phillips seconded the motion, which passed unanimously.
587 Ms. Burke-Wammack moved the proposed changes would not directly or indirectly increase regulatory
588 costs to any entity in excess of \$200,000 in the aggregate within one year after implementation, no
589 SERC was needed and legislative ratification was not required. Ms. Phillips seconded the motion,
590 which passed unanimously.

591 **87. Rule Title 64B7-32.009, F.A.C., Continuing Education, rule suggestion from Board Member**
592 **Sharon Phillips**

593 Board members held discussion on board member Sharon Phillips suggestions to Rule Title 64B7-32.009,
594 F.A.C.

595 **Rule Title 64B7-28.010, F.A.C., Requirements for Board Approval of Continuing Education Programs**

596 **67. Rule Title 64B7-28.010, F.A.C**

597 **88. Rule Title 64B7-28.010, F.A.C., Requirements for Board Approval of Continuing Education**
598 **Programs, rule suggestion from Board Member Sharon Phillips**

599 Discussion was held on board member Sharon Phillips suggestions to Rule Title 64B7-28.10, F.A.C.
600 No action taken at this time.

601 **68. NCBTMB Approved Providers Emailed Information**

602 Mr. Michael McGillicuddy, Central Florida School of Massage, addressed the board and advised that he
603 currently is on the panel with NCBTMB, to look at continuing education courses NCBTMB approves.
604 Mr. Greg Neely, FSMTA convention chairman addressed the board and advised that a publication will
605 be coming soon, and review on instructor qualifications is being done. Discussion was held by the
606 board on this, and items 69 and 70.

607 **69. NCBTMB Approved Providers Website Information**

608 **70. AMTA Continuing Education Website Information**

609 ***GENERAL BUSINESS DISCUSSION**

610 **89. Correspondence from Dr. Guery Davis, Human Trafficking as possible addition to Massage**
611 **Therapy curriculum**

612 Dr. Davis was asked at the May 2014 General Business Meeting to research information on adding human
613 trafficking as part of the massage therapy curriculum. Dr. Davis presented this information to the board.

614 ***OLD BUSINESS**

615 **71. FSMTB Reaches Settlement in AOT Litigation**

616 Ms. Sally Hacking, FSMTB Government Relations Representative, addressed the board and provided
617 information on the settlement in AOT litigation.

618 ***NEW BUSINESS**

619 Discussion was held regarding board member travel.

620 ***INFORMATIONAL**

621 **72. Comments from Karen Roth, AMTA Florida Chapter President**

622 This item was tabled to the January 2015 General Business Meeting.

623 Ms. Dar Mikula, LMT, and Mr. Michael Garcia, Alpha School of Massage addressed the board on questions
624 regarding requirements set forth in HB 1065.

625 **The meeting adjourned approximately 11:35 a.m.**