



DRAFT MEETING MINUTES

**Board of Massage Therapy
General Business Meeting
July 16-17, 2015
9:00 a.m., EST**

**Embassy Suites Orlando
Lake Buena Vista South
4955 Kyns Heath Road
Kissimmee, FL 34746
(407) 239-1144**

Call to Order:

The meeting was called to order by Ms. Burke-Wammack, Chair, at 9:00 am. 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
Dr. Guery Davis, PhD

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Senior Assistant Attorney General

STAFF PRESENT:

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

DEPARTMENT PROSECUTING ATTORNEYS:

Oaj Gilani, Esq., Assistant General Counsel
Bridget McDonnell, Esq., Assistant General Counsel
Louise St. Laurent, Esq., Assistant General Counsel
Lindsay Wells Grogan, Esq., Assistant General Counsel

COURT REPORTER:

Murray & Associates Court Reporting
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: <http://floridasmassage.com/meeting-information/past-meetings/>

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. YUANYUAN ZHOU, LMT, CASE # 2014-10123

PCP: Smallwood & Phillips

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(f), F.S.

Action Taken: Ms. Burke-Wammack moved to impose the following penalty:

- Suspension, 6 months
- Pay \$1,000 fine within 90 days of the filed final order

Motion seconded by Mr. Walker, which passed unanimously.

Additional Action Taken: Ms. Havard moved to assess costs in the amount of \$546.11, payable within 90 days of the filed final order. Motion seconded by Mr. Walker, which passed 5/0.

2. DUSTIN PERRY DUNCAN, LMT, CASE # 2014-03710

PCP: Smallwood & Havard

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(p), F.S., and 456.072(1)(x), F.S.

Action Taken: Ms. Nixon moved to impose the following penalty:

- Reprimand

- Pay \$250 fine within 90 days of the filed final order

Motion seconded by Ms. Burke-Wammack, which passed unanimously.

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$241.38, payable within 90 days of the filed final order. Motion seconded by Mr. Walker, which passed 5/0.

3. KYONG SEON CHOI DEKAT, LMT, CASE # 2014-05970

PCP: Harrison & Nixon

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(o), F.S.

Action Taken: Ms. Phillips moved to impose the following penalty:

- Reprimand
- Pay \$500 fine within 90 days of the filed final order
- Pay \$383.80 costs within 90 days of the filed final order

Motion seconded by Ms. Havard, which passed 4/1 with Ms. Burke-Wammack opposing the motion.

Settlement Agreements

4. MIYAKO SPA, CASE # 2012-07531

PCP: Harrison & Burke-Wammack

This case was withdrawn from the agenda.

5. SADI S. OSORIO, LMT, CASE# 2014-04705

PCP: Harrison & Phillips

Respondent was present without counsel. Respondent was sworn in by the court reporter.

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

Allegation of Administrative Complaint: Sections 480.046(1)(p), F.S., through 456.072(1)(l), F.S.

Action Taken: Ms. Burke-Wammack made a motion to accept the Settlement Agreement and impose the following penalty:

- Pay \$10,000 fine within 24 months of the filed final order
- Pay \$1,596.64 costs within 24 months of the filed final order

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

6. CARLOS A. AITA, LMT, CASE# 2014-06553

PCP: Harrison & Nixon

Respondent was not present nor represented by counsel.

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

Allegation of Administrative Complaint: Sections 480.046(1)(o), F.S.

Action Taken: Ms. Burke-Wammack made a motion to accept the Settlement Agreement and impose the following penalty:

- Reprimand
- Pay \$500 fine within 90 days of the filed final order
- Pay \$1,217.58 costs within 90 days of the filed final order

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

7. THOMAS M. OGRODNIK, LMT, CASE # 2014-15825

PCP: Nixon & Phillips

Respondent was not present nor represented by counsel.

Ms. McDonnell represented the Department and presented the case to the board. Ms. Nixon and Ms. Phillips were recused due to participation on the probable cause panel.

Allegation of Administrative Complaint: Sections 480.046(1)(o), F.S., through 456.072(1)(w), F.S., and Sections 480.046(1)(o), F.S., through 456.072(1)(x), F.S.

Action Taken: Ms. Burke-Wammack made a motion to reject the Settlement Agreement. Motion seconded by Dr. Davis, which passed unanimously.

Final Action Taken: Ms. Burke-Wammack made a motion to accept the settlement agreement with changes and impose the following penalty:

- Reprimand
- Pay \$500 fine within 1 year of the filed final order
- Pay \$400 costs within 1 year of the filed final order
- Complete 10 live hours of Florida Laws and Rules continuing education course with a board approved provider within 1 year of the filed final order.

Motion seconded by Dr. Davis, which passed 4/0.

8. VENCHI DAY SPA, INC., CASE # 2013-17261

PCP: Smallwood & Havard

Respondent was not present, Counsel, Lance Leider, Esq., was present.

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

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

Action Taken: Ms. Burke-Wammack made a motion to accept the settlement agreement with changes and impose the following penalty:

- Reprimand
- Pay \$1,000 fine within 90 days of the filed final order
- Pay \$721.34 costs within 90 days of the filed final order

Motion seconded by Mr. Walker, which passed 4/1 with Ms. Phillips opposing the motion.

Voluntary Relinquishments

9. SUNSHINE MASSAGE, CASE # 2014-08616

PCP: Smallwood & Phillips

Respondent was not present nor represented by counsel.

Ms. Phillips was recused due to participation on the probable cause panel.

Action Taken: After discussion, Ms. Nixon made a motion to accept the voluntary relinquishment. Motion seconded by Ms. Burke-Wammack, which passed 5/0.

10. MELISSA NISSEN, LMT, CASE # 2015-03837

PCP: Waived

Respondent was not present nor represented by counsel.

Action Taken: After discussion, Ms. Havard made a motion to accept the voluntary relinquishment. Motion seconded by Ms. Nixon, which passed unanimously.

Determination of Waivers

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

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 waived the right to a formal hearing (either by failing to respond at all or timely). **3)** The Department asks you adopt the findings of fact as set forth in the Administrative Complaint. **4)** The Department asks you adopt the conclusions of law as set forth in the Administrative Complaint, 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 motions: **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 waived the right to a formal hearing (either by failing to respond at all or timely). **3)** The Department asks 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.*

11. JING CAI, LMT, CASE # 2014-16405

PCP: Smallwood & Walker

This item was previously pulled from the agenda.

12. YAN HONG LIU, LMT, CASE # 2014-16403

PCP: Smallwood & Walker

This item was previously pulled from the agenda.

13. YOSHI SWEDISH, CASE # 2014-01462

PCP: Smallwood & Phillips

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: Sections 480.046(1)(f) (k) and (p), F.S.

Action Taken: Ms. Nixon moved to impose the following penalty:

- Revocation
- Pay \$10,000 fine within 90 days of the filed final order
- Pay \$784.95 costs within 90 days of the filed final order

Motion seconded by Ms. Burke-Wammack, which passed 5/0.

(break)

**14. FANG FANG ESSENTIAL DAY SPA CORP., CASE # 2014-14305 PCP: Smallwood & Phillips
D/B/A: EMPIRE SPA**

This item was previously pulled from the agenda.

**15. FANG FANG ESSENTIAL MASSAGE DAY SPA, PCP: Smallwood & Phillips
CASE # 2014-10629**

This item was previously pulled from the agenda.

16. YANKIEL CORDERO, LMT, CASE # 2012-11134 PCP: Smallwood & Phillips

This item was withdrawn from the agenda.

17. JESUS MARTINEZ, LMT, CASE # 2014-19324 PCP: Phillips & Nixon

Respondent was not present nor represented by counsel.

Ms. Phillips and Ms. Nixon were recused due to participation on the probable cause panel. Ms. McDonnell represented the Department and presented the case to the Board.

Allegations of Administrative Complaint: Sections 480.046(1)(c) and 480.046(1)(p) through 456.072(1)(x), F.S.

Action Taken: Ms. Burke-Wammack moved to impose the following penalty:

- Revocation
- Pay \$712.92 costs within 90 days of the filed final order

Motion seconded by Mr. Walker, which passed 4/0.

18. LUCKY BUTTERFLY SPA, CASE # 2014-13756 PCP: Phillips & Nixon

Respondent was not present nor represented by counsel.

Ms. Phillips and Ms. Nixon were recused due to participation on the probable cause panel. Ms. Gilani represented the Department and presented the case to the Board.

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

Action Taken: Ms. Havard moved to impose the following penalty:

- Suspension, 6 months
- Pay \$1,000 fine within 30 days of the filed final order

Motion seconded by Ms. Burke-Wammack, which passed 4/0.

Additional Action Taken: Ms. Havard moved to assess costs in the amount of \$123.97 to be paid within 30 days of the filed Final Order. Motion seconded by Mr. Walker, which passed 4/0.

19. CYNTHIA PEREZ, LMT, CASE # 2014-07859

PCP: Harrison & Phillips

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: Section 480.046(1)(c), F.S.

Action Taken: Ms. Nixon moved to impose the following penalty:

- Revocation
- Pay \$5,000 fine within 90 days of the filed final order

Motion seconded by Ms. Burke-Wammack, which passed 5/0.

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$1017.64 within 90 days of the filed final order. Motion seconded by Ms. Burke-Wammack, which passed 5/0.

20. KATHLEEN CONNER, LMT, CASE # 2013-00102

PCP: Harrison & Havard

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: Sections 480.046(1)(p), F.S. and 480.0485, F.S.

Action Taken: Ms. Nixon moved to impose the following penalty:

- Revocation
- Pay \$5,000 fine within 30 days of the filed final order

Motion seconded by Ms. Burke-Wammack, which passed 5/0.

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$1,418.23 within 90 days of the filed final order. Motion seconded by Ms. Burke-Wammack, which passed 5/0.

21. THOMAS D. MURPHY, LMT, CASE # 2013-17243

PCP: Harrison & Havard

This item was previously pulled from the agenda.

Recommended Order

33. JOHN D. NIELSEN-COLLINS, LMT, CASE # 2014-15663

PCP: Smallwood & Phillips

Respondent was not present. The Department was represented by Ms. St. Laurent, Esq., Assistant General Counsel. Ms. Gustafson explained the Recommended Order was before the Board for final action and explained the process for reviewing the Recommended Order. Ms. Phillips was recused due to participation on the probable cause panel.

Ms. St. Laurent presented the case to the Board for final action in consideration of the DOAH recommended order. The department filed a one count administrative complaint alleging:

- Violation of Section 480.046(1)(p), FS., through 480.0485, FS.

Ms. St. Laurent advised the Division of Administrative Hearings (DOAH) recommended the Board of Massage Therapy enter a final order imposing a \$2500 fine and revocation of license.

Action Taken: A motion was made by Ms. Nixon to accept the Findings of Fact and the Conclusions of Law in the Recommended Order. The motion was seconded by Ms. Havard, which passed unanimously.

Final Action Taken: Ms. Nixon moved to follow the disciplinary guidelines and impose the following penalty:

- \$5,000 fine
- Revocation

Motion seconded by Ms. Burke-Wammack, which passed 5/0.

Additional Action Taken: Ms. Havard moved to approve the Department's request to bifurcate costs and retain jurisdiction. The motion was seconded by Mr. Walker, which passed 5/0.

Motion for Reconsideration

34. ALEJANDRA TOBON, LMT, CASE # 2014- 06004

PCP: Harrison & Nixon

Respondent was not present nor represented by counsel.

Ms. Nixon was recused due to participation on the probable cause panel. Ms. St. Laurent represented the Department and presented the request to the Board.

No action was taken.

PROSECUTOR'S REPORT

Ms. Gilani provided the Board with an overview of the current caseload statistics.

Action Taken: Ms. Burke-Wammack moved to direct the Department to continue to prosecute the cases over a year old. Motion seconded by Mr. Walker, which passed unanimously.

UNLICENSED ACTIVITY PRESENTATION, Ms. Monique Bryan, Esq.

Ms. Bryan presented the status of unlicensed activity cases, investigators in the state, and challenges facing the ULA unit. Ms. Bryan was available for Board questions. Ms. Burke-Wammack indicated a desire to write to state attorneys to let them know this is a health and welfare issue for Florida's citizens. The board also discussed adding a Florida laws and rules course prior to issuing massage establishment applicants a license, which would require a statutory change. No action was taken.

(lunch break)

***REVIEW AND APPROVAL OF MINUTES**

25. June 10, 2015, Telephone Conference Call Meeting Minutes

Action Taken: Ms. Burke-Wammack moved to approve the minutes. Ms. Phillips seconded the motion, which passed unanimously.

***REPORTS**

Vice Chair Report – Lydia Nixon

No report at this time.

Rules Liaison Report – Lydia Nixon and Sharon Phillips

26. Rule 64B7-28.010, F.A.C., Requirements for Board Approval of Continuing Education Programs and Continuing Education Providers, Revision Submission by Ms. Phillips

Action Taken: After discussion, Ms. Burke-Wammack moved to open the rule and notice for rule development. The motion was seconded by Ms. Phillips, which passed unanimously.

Ms. Gustafson will work with Ms. Phillips on draft rule language and bring back before the board for discussion.

Executive Director's Report – Christy Robinson, Executive Director

27. Ratification of Licensure - Massage Therapists 04/04/2015 to 06/23/2015

Action taken: Ms. Nixon moved to ratify the massage therapist licenses. Motion seconded by Ms. Havard, which passed unanimously.

46. Continuing Education Board Memorandum

Ms. Robinson encouraged everyone to review their CE course history well before renewing their license.

School Liaison Report – Jonathan Walker

29. Massage Therapy Program Approval 04/04/2015 to 06/23/2015

Action Taken: Ms. Burke-Wammack moved to ratify the massage therapy programs. Motion seconded by Ms. Phillips, which passed unanimously.

Executive Director's Report – Christy Robinson, Executive Director

28. Strategic Planning

Ms. Robinson addressed the board and indicated that the Department, in preparation for the upcoming September Strategic Planning Meeting with board Chairs and Vice-Chairs, has asked all Boards to perform a SWOT analysis and provide feedback for discussion at the meeting. Ms. Robinson asked all board members to review the agenda material on this topic and email her their feedback for inclusion in the Department's meeting.

Continuing Education Liaison Report – Sharon Phillips

30. Approved Pro Bono Requests 04/04/2015 to 06/23/2015

Action Taken: Ms. Burke-Wammack moved to ratify the pro bono requests. Motion seconded by Ms. Nixon, which passed unanimously.

31. Approved CE Providers 04/04/2015 to 06/23/2015

Action Taken: Ms. Burke-Wammack moved to ratify the continuing education providers. Motion seconded by Mr. Walker, which passed unanimously.

Ms. Phillips provided the following continuing education provider applications report:

- **Reviewed 62 course applications**
- **41 awaiting board review**

Budget Liaison Report – Robyn Havard

32. Board Expenditures Report, period ending March 31, 2015

Ms. Havard presented the Expenditures report to the Board.

The Board briefly discussed a one-time fee assessment, but no action was taken.

Ms. Robinson indicated that as of the meeting, 20% of massage therapists and 30% of massage establishments have renewed their licenses.

Unlicensed Activity Report – Lydia Nixon

No report at this time.

Healthy Weight Liaison Report – Jonathan Walker

No report at this time.

***GENERAL BUSINESS DISCUSSION**

51. Correspondence from board member, Guery Davis, Ph.D.

No action taken at this time.

***RULES DISCUSSION**

47. 2015 Rules amendments by Board Counsel, Lee-Ann Gustafson, Esq.

Ms. Gustafson presented the following rules before the board for repeal or change:

64B7-24.008, FAC

Action Taken: Ms. Phillips moved to approve the language as written and to move forward with promulgation. Ms. Burke-Wammack seconded the motion, which passed unanimously.

64B7-25.001, FAC

Action Taken: Ms. Burke-Wammack moved to approve the language with spelling correction and to move forward with promulgation. Ms. Phillips seconded the motion, which passed unanimously.

64B7-26.002, FAC

Action Taken: Ms. Phillips moved to approve the repeal of this rule. Ms. Burke-Wammack seconded the motion, which passed unanimously.

64B7-28.001, FAC

Action Taken: Ms. Phillips moved to approve the repeal of this rule. Mr. Walker seconded the motion, which passed unanimously.

64B7-28.0015, FAC

Action Taken: Ms. Havard moved to approve the repeal of this rule. Ms. Nixon seconded the motion, which passed unanimously.

64B7-28.0041, FAC

Action Taken: Ms. Havard moved to approve the repeal of this rule. Ms. Phillips seconded the motion, which passed unanimously.

64B7-29.005, FAC

Action Taken: Ms. Havard moved to approve the repeal of this rule. Ms. Nixon seconded the motion, which passed unanimously.

64B7-31.001, FAC

Action Taken: Ms. Phillips moved to approve the repeal of this rule. Ms. Burke-Wammack seconded the motion, which passed unanimously.

Action on SERC Questions: Ms. Burke-Wammack moved to find that the proposed changes would not have an adverse impact on small business; that the proposed changes would not have a direct or indirect impact on regulatory costs; and the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year of implementation, no SERC was needed and legislative ratification required. Motion seconded by Ms. Nixon, which passed unanimously.

48. Rule 64B7-25.001, F.A.C., Examination Requirements.

Action Taken: Ms. Burke-Wammack moved to approve the language and promulgate the rule. Ms. Havard seconded the motion, which passed unanimously.

49. Rule 64B7-28.009, F.A.C., Continuing Education.

Action Taken: Ms. Burke-Wammack moved to approve the language and promulgate the rule. Ms. Havard seconded the motion, which passed unanimously.

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

50. Rule 64B7-30.004, F.A.C., Citations.

This item was pulled from the agenda.

(Recess)

ADMINISTRATIVE PROCEEDINGS

FRIDAY, July 17, 2015

Applicants with Out of State Education

22. Sergey Krupnov

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant the license unencumbered. Dr. Davis seconded the motion, which passed unanimously.

23. Meghan Levi

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to deny the license because applicant has not demonstrated that a massage therapy program was completed. Ms. Burke-Wammack seconded the motion, which passed unanimously.

Petition for Variance or Waiver

24. Caitlin Davis

Applicant was present without counsel.

Action Taken: Ms. Burke-Wammack moved to grant the waiver. Motion seconded by Ms. Nixon, which passed unanimously.

Action Taken: After further discussion, Ms. Burke-Wammack moved to grant the license with the following conditions: letter of concern and a \$500 administrative fine to be paid within 120 days of the filed Final Order for misrepresentation on the licensure application. The Executive Director is delegated authority to lift the conditions once the fine has been paid. Ms. Nixon seconded the motion which passed unanimously.

37. Ana Flavia Freitas De Souza

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the petition. The petition demonstrated substantial hardship in the licensee's inability to obtain an official transcript on counterfeit proof paper. Ms. Havard seconded the motion, which carried 4/2 with Ms. Burke-Wammack and Ms. Phillips opposing the motion.

Action Taken: After discussion, Ms. Burke-Wammack moved to deny the license as applicant has not demonstrated that education requirements were met. Mr. Walker seconded the motion, which passed unanimously.

38. Sarah Garay

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the petition as the petition satisfactorily demonstrated a substantial hardship for this renewal period. Ms. Burke-Wammack seconded the motion, which passed unanimously.

(Break)

39. Wenyan Ma

Applicant was not present nor represented by counsel. Husband, Mr. Bill Stewart, was present and represented the applicant.

Action Taken: Ms. Burke-Wammack moved to approve Mr. Stewart as the applicant's qualified representative. Ms. Phillips seconded the motion, which passed unanimously.

Action Taken: After discussion, Ms. Havard moved to grant the petition as the petition satisfactorily demonstrated a substantial hardship to obtain an official transcript on counterfeit proof paper. Mr. Walker seconded the motion, which carried 4/2 with Ms. Phillips and Ms. Burke-Wammack opposing the motion.

Additional Action Taken: Ms. Havard moved to approve the license with the condition that the applicant submit a corrected application. Ms. Burke-Wammack seconded the motion, which passed unanimously.

Petition for Declaratory Statement

40. William Bracey

Applicant was not present nor represented by counsel.

Action Taken: Ms. Nixon moved to dismiss the declaratory statement as it does not meet statutory requirements. Ms. Phillips seconded the motion, which passed unanimously.

41. Angela Lind

Applicant was not present nor represented by counsel.

Action Taken: Ms. Burke-Wammack moved to dismiss the declaratory statement as it does not provide enough information. Ms. Nixon seconded the motion, which passed unanimously.

Request for Reconsideration

35. Debra Paulk

Applicant was present without counsel. No action taken.

36. Betty Walker

Applicant was not present nor represented by counsel. No action taken.

Continuing Education Provider Applications

42. Get a Balanced Body, LLC

Applicant was present without counsel.

Action Taken: Ms. Burke-Wammack moved to approve the continuing education provider and three courses presented. Ms. Nixon seconded the motion, which passed 5/1 with Ms. Phillips in opposition.

43. Healthy and Beautiful, LLC

Applicant was present without counsel.

Action Taken: Ms. Burke-Wammack moved to approve the continuing education provider and three courses presented. Ms. Nixon seconded the motion, which passed 5/1 with Ms. Phillips in opposition.

44. Peak Fitness University

Applicant was present without counsel.

Action Taken: Ms. Burke-Wammack moved to deny the continuing education provider and three courses presented as out of the scope of practice of massage therapy. Mr. Walker seconded the motion, which passed 5/1 with Ms. Phillips in opposition.

45. Lauren Rosenberg

Applicant was not present nor represented by counsel.

Action Taken: Ms. Burke-Wammack moved to deny the continuing education provider and three courses presented as no teaching method and applicant is missing references. Mr. Walker seconded the motion, which passed 5/1 with Ms. Phillips in opposition.

RULES DISCUSSION

Rule Title 64B7-24.01

Ms. Havard was not present at this time.

Action Taken: After discussion, Ms. Nixon moved to repeal this rule. Ms. Burke-Wammack seconded the motion, which carried 5/0.

Action on SERC Questions: Ms. Burke-Wammack moved to find that the proposed changes would not have an adverse impact on small business; that the proposed changes would not have a direct or indirect impact on regulatory costs; and the proposed changes would not directly or indirectly increase regulatory costs to any entity in excess of \$200,000 in the aggregate within one year of implementation, no SERC was needed and legislative ratification required. Motion seconded by Ms. Nixon, which passed unanimously.

REPORTS

Chair Report – Bridget Burke-Wammack
Public Relations Report – Bridget Burke-Wammack

Ms. Burke-Wammack attended the Florida State Massage Therapy Association (FSMTA) annual convention. There were 200 students present at the Successful Start Program at which Ms. Burke-Wammack presented. Ms. Burke-Wammack also attended the round table discussion regarding legislation. The FSMTA called members to be active in the legislative process and provided talking points for board members.

Legislative Liaison Report – Bridget Burke-Wammack

Ms. Burke-Wammack indicated that legislative session would begin in January 2016.

NEW BUSINESS

Mr. Bob Harris, Esq., attorney representing massage therapy schools belonging to FLAME 2, inquired on the status of the rules workshop. Ms. Robinsons indicated that the minutes and audio form that workshop would be made available on the board's website and that no action was taken at the workshop.

ADJOURN

There being no further business, the meeting adjourned at 11:24 a.m.