



MEETING MINUTES
Board of Massage Therapy
General Business Meeting
July 28-29, 2016

St. Petersburg Marriott Clearwater
12600 Roosevelt Blvd N
St. Petersburg, Florida 33716
(727) 572-7800

Call to Order:

Ms. Nixon, Chair, called the meeting to order at 9:00 am. Those present for all or part of the meeting included the following:

MEMBERS PRESENT:

Lydia Nixon, LMT, Chair
Robyn Dohn Havard, PLCS, Vice Chair
Sharon Phillips, LMT, AP, DOM
Jennifer Wasylyna, LMT
Christopher Brooks, LMT
Victoria Drago, LMT

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Assistant Attorney General

STAFF PRESENT:

Adrienne Rodgers, JD, Bureau Chief
Alexandra Alday, Program Operations Administrator
Samantha Jenkins, Regulatory Specialist II

DEPARTMENT PROSECUTING ATTORNEYS:

Nicole Geary, General Counsel
Candace Rochester, Esq., Assistant General Counsel
Oaj Gilani, Esq., Assistant General Counsel

COURT REPORTER:

Integra Reporting Group, LLC
Cynthia Cianciolo
(813) 868-5131

Please note the minutes reflect the actual order agenda items were discussed and may differ from the agenda outline. AUDIO from this meeting can be found online: <http://floridasmassagetherapy.gov/meeting-information/past-meetings/>

PROSECUTOR'S REPORT

General Counsel, Nicole Geary, presented the prosecutor's report to the board. Ms. Geary thanked the board members for the service and dedication to the profession. She stated that the Department's Prosecution Services Unit is committed to the board, their time, and to the efficiency of board's business.

The Board of Massage Therapy has 1397 currently open cases with another estimated 3400 cases that have not yet been turned over to the Prosecution Services Unit from the Bureau of Enforcement. With this in mind, Ms. Geary asked that the Board consider holding one Probable Cause Panel meeting per month, at minimum.

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. BRIAN W. TUCKER, L.M.T., CASE # 2015-00579

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

Ms. Gilani represented the Department and presented the case to the board. Ms. Phillips and Mr. Brooks were recused due to their participation on the probable cause panel.

Allegations of the Administrative Complaint: Section 480.046(1)(o), FS through Section 456.072(1)(w), FS

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

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 500 fine within 90 days of the filed final order
- Pay \$ 20.83 costs within 90 days of the filed final order

Motion seconded by Ms. Nixon, which passed 4/0.

2. FENXIAN CUI, L.M.T., CASE # 2014-17392

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

Ms. Gilani represented the Department and presented the case to the board. Ms. Phillips and Mr. Brooks were recused due to their participation on the probable cause panel.

Allegations of the Administrative Complaint:

Count I: Section 480.046(1)(c), FS

Count II: Section 480.046(1)(p), FS through Section 456.072(1)(x), FS

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

- Revocation

Motion seconded by Ms. Nixon, which passed 4/0.

3. STACEY L. MOORE, L.M.T., CASE # 2015-06201

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

Ms. Gilani represented the Department and presented the case to the board. Ms. Phillips and Mr. Brooks were recused due to their participation on the probable cause panel.

Allegations of the Administrative Complaint:

Count I: Section 480.046(1)(o), FS through Section 456.072(1)(x), FS

Count II: Section 480.046(1)(k), FS through Section 455.624(1)(w), FS

Action Taken: Ms. Nixon made a motion to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 2000 fine within 1 year of the filed final order
- Pay \$ 8.06 costs within 1 year of the filed final order

Motion seconded by Ms. Havard, which passed 4/0.

4. BENNY L. BALL, L.M.T., CASE # 2014-22557

PCP: Phillips & Whitridge

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(o), FS through Section 456.072(1)(w), FS

Action Taken: Mr. Brooks made a motion to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 500 fine within 90 days of the filed final order
- Pay \$ 24.85 costs within 90 days of the filed final order

Motion seconded by Ms. Nixon, which passed 5/0.

5. KATELYN K. SCHROEDER, L.M.T., CASE # 2015-06208

PCP: Havard & Whitridge

Respondent was present without counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(o), FS through Section 456.072(1)(x), FS

Action Taken: Ms. Nixon made a motion to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 500 fine within 6 months of the filed final order
- Pay \$ 14.78 costs within 6 months of the filed final order

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

6. DIANE SLOSBERG, L.M.T., CASE # 2015-02436

PCP: Havard & Whitridge

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(o), FS through Section 456.072(1)(w), FS

Action Taken: Ms. Nixon made a motion to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 500 fine within 180 days of the filed final order
- Pay \$ 79.26 costs within 90 days of the filed final order

Motion seconded by Ms. Wasylyna, which passed 5/1 with Ms. Phillips opposing the motion.

7. STEPHAN NORCROSS SHAMBACH, LMT, CASE # 2015-08486

PCP: Havard & Whitridge

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(o), FS through Section 456.072(1)(w), FS

Action Taken: Ms. Nixon made a motion to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 1000 fine within 1 year of the filed final order
- Pay \$ 47.66 costs within 1 year of the filed final order

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

8. KYUNG H. MAHAFFEY, L.M.T., CASE # 2014-22520

PCP: Havard & Whitridge

Respondent was not present. Counsel, Steven D. Brownlee, Esq. was present.

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

Allegations of the Administrative Complaint:

Count I: Section 480.046(1)(c), FS

Count II: Section 480.046(1)(o), FS through Section 456.072(1)(x), FS.

Action Taken: Ms. Nixon moved to take action on Count I only. Motion seconded by Ms. Phillips, which passed 5/0.

Additional Action Taken: Ms. Nixon made a motion to impose the following penalty:

- Revocation

Motion seconded by Ms. Wasylyna, which passed 5/0.

9. LENNON GAEL BOGGS, L.M.T., CASE # 2015-03354

PCP: Havard & Whitridge

Respondent was present with counsel, Steven D. Brownlee, Esq.

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

Allegations of the Administrative Complaint:

Count I: Section 480.046(1)(p), FS through Section 456.072(1)(x), FS.

Count II: Section 480.046(1)(p), FS through Section 456.072(1)(x), FS.

Action Taken: Ms. Nixon made a motion to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 1000 fine within 1 year of the filed final order
- Pay \$ 533.76 costs within 1 year of the filed final order

Motion seconded by Ms. Wasylyna, which passed 3/2 with Mr. Brooks and Ms. Phillips opposing the motion.

10. PATRICIA D. LEBRON, L.M.T., CASE # 2015-05041

PCP: Havard & Whitridge

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(o), FS through Section 456.072(1)(x), FS.

Action Taken: Ms. Nixon made a motion to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed final order
- Pay \$ 1000 fine within 90 days of the filed final order

- Pay \$ 210.30 costs within 90 days of the filed final order

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

11. MARILYN L. GUESS-REED, LMT, CASE # 2015-00983

PCP: Havard & Whitridge

Respondent was present without counsel.

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

Allegations of the Administrative Complaint:

Count I: Section 480.046(1)(c), FS

Count II: Section 480.046(1)(o), FS through Section 456.072(1)(x), FS

Action Taken: Ms. Nixon made a motion to impose the following penalty:

- 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.
- Pay \$ 1000 fine within 18 months of the filed final order
- Pay \$ 32.23 costs within 18 months of the filed final order

Motion seconded by Ms. Phillips, which passed 5/0.

12. JENNIFER XIAO, L.M.T., CASE # 2014-22022

PCP: Harrison & Nixon

This item was pulled from the agenda.

13. BEATRIZ P. DOVAL, L.M.T., CASE # 2014-20807

PCP: Harrison & Nixon

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint:

Count I: Section 480.046(1)(a), FS

Count II: Section 480.046(1)(o) through 456.072(1)(x), FS

Count III: Section 480.046(1)(o)(p) through 456.072(1)(w), FS

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

- Revocation

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

Settlement Agreements

14. BODY KEY INC. D/B/A/ SPRING MASSAGE, CASE # 2015-02461

PCP: Walker & Burke-Wammack

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the Board.

Allegations of Administrative Complaint: Section 480.046(1)(f), FS

Action Taken: Ms. Nixon moved to reject the settlement agreement. Motion seconded by Ms. Wasylyna, which passed 5/1 with Ms. Havard opposing the motion.

Additional Action Taken: Ms. Nixon moved to counteroffer the settlement agreement and impose the following penalty:

- Revocation
- Respondent has 30 days to accept or reject the counteroffer

Motion seconded by Mr. Brooks, passed 5/1 with Ms. Havard opposing the motion.

15. THOMAS GRASSO, L.M.T., CASE # 2015-10517

PCP: Walker & Davis

Respondent was not present nor represented by counsel.

Ms. Gilani represented the Department and presented the case to the Board.

Allegations of Administrative Complaint:

Count I: Section 480.046(1)(k) and 455.624(1)(w), FS

Count II: Section 480.046(1)(o) and 456.072(1)(x), FS

Action Taken: Ms. Nixon moved to waive the Respondent's required appearance. Motion seconded by Mr. Brooks, which passed unanimously.

Additional Action Taken: Ms. Wasylyna moved to accept the settlement agreement and impose the following penalty:

- Letter of Concern
- 10 hour Florida Laws and Rules course within 6 months of the filed Final Order
- \$1000 fine within 90 days of the filed Final Order
- \$278.80 costs within 90 days of the filed Final Order

Motion seconded by Ms. Havard, which passed unanimously.

17. MARY E. LONG, L.M.T., CASE # 2015-00427

PCP: Whitridge & Havard

Respondent was present with counsel, Steven Brownlee, M. D., Esq.

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

Allegations of Administrative Complaint: Section 455.624(1)(w), FS

Action Taken: Ms. Nixon moved to reject the settlement agreement. Motion seconded by Mr. Brooks, which passed 5/0.

Additional Action Taken: Ms. Nixon moved to counteroffer the settlement agreement and impose the following penalty:

- Reprimand
- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- \$1000 fine within 90 days of the filed Final Order
- \$251.43 costs within 90 days of the filed Final Order

Motion seconded by Ms. Phillips, passed 5/0.

Respondent verbally accepted the counter offered settlement agreement.

18. JESSICA EMILUT, L.M.T., CASE # 2015-03261

PCP: Whitridge & Havard

Respondent was present without counsel.

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

Allegations of Administrative Complaint: Section 480.046(1)(o)(p) through 456.072(1)(x), FS

Action Taken: Ms. Nixon moved to accept the settlement agreement and impose the following penalty:

- Reprimand
- \$1000 fine within 18 months of the filed Final Order
- \$1605.22 costs within 18 months of the filed Final Order

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

Additional Action Taken: Ms. Phillips moved to reduce the fine to \$500. Motion seconded by Mr. Brooks, which failed 2/3 with Ms. Nixon, Ms. Wasylyna, and Ms. Drago opposing the motion.

25. KAREN M. MACKENZIE, L.M.T., CASE # 2015-09468

PCP: Phillips & Brooks

Respondent was present without counsel.

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

Allegations of Administrative Complaint:

Count I: Section 480.046(1)(o) and 456.072(1)(w), FS

Count II: Section 480.046(1)(o) and 456.072(1)(x), FS

Action Taken: Ms. Havard moved to accept the settlement agreement and impose the following penalty:

- Letter of Concern
- 10 hour Florida Laws and Rules course within 6 months of the filed Final Order
- \$1000 fine within 180 days of the filed Final Order
- \$370.90 costs within 180 days of the filed Final Order

Motion seconded by Ms. Nixon, which passed 4/0.

(lunch break)

19. RENEE A. GODBY, L.M.T., CASE # 2015-05727

PCP: Whitridge & Havard

Respondent was not present nor represented by counsel. Counsel of record is Mark Fromang, Esq.

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

Allegations of Administrative Complaint: Section 480.046(1)(o)(p) through 456.072(1)(x) and(2), FS

Action Taken: Ms. Nixon moved to reject the settlement agreement. Motion seconded by Mr. Brooks, which passed 5/0.

Additional Action Taken: Ms. Nixon moved to counteroffer the settlement agreement and impose the following penalty:

- Reprimand
- 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.
- \$2000 fine within 1 year of the filed Final Order
- \$1070.90 costs within 1 year of the filed Final Order
- 10 hour Laws and Rules course

Motion seconded by Ms. Wasylyna, passed 5/0.

16. XIANSHU ZHANG, LMT, CASE # 2015-03317

PCP: Walker & Davis

Respondent was not present. Qualified representative, Jamison Jessup, was present.

Ms. Gilani represented the Department and presented the case to the Board.

Allegations of Administrative Complaint: Section 480.046(1)(o) and 456.072(1)(w), FS

Action Taken: After lengthy discussion, Ms. Nixon moved to send this case back to the probable cause panel. Motion seconded by Ms. Phillips, which passed unanimously.

20. MIN YUAN, L.M.T., CASE # 2014-21993

PCP: Whitridge & Havard

Respondent was not present nor represented by counsel. Counsel of record is Lance Leider, Esq.

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

Allegations of Administrative Complaint: Section 480.046(1)(o) through 456.072(1)(w), FS

Action Taken: After lengthy discussion, Ms. Nixon moved to send this case back to the probable cause panel. Motion seconded by Ms. Phillips, which passed unanimously.

21. LYNDA SUE COLT, L.M.T., CASE # 2015-26241

PCP: Whitridge & Havard

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: Section 480.046(1)(l), FS

Action Taken: Ms. Nixon moved to accept the settlement agreement and impose the following penalty:

- Suspension is lifted
- \$1000 fine within 90 days of the filed Final Order
- \$530.20 costs within 90 days of the filed Final Order

Motion seconded by Ms. Wasylyna, which passed 5/0.

22. JEREMIAH G. NEWTON, LMT, CASE # 2014-20982

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: Section 480.046(1)(o) through 456.072(1)(w), FS

Action Taken: Ms. Nixon moved to reject the settlement agreement. Motion seconded by Ms. Wasylyna, which passed 3/1 with Ms. Havard opposing the motion.

Additional Action Taken: Ms. Nixon moved to counteroffer the settlement agreement and impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- \$1000 fine within 90 days of the filed Final Order
- \$1200 costs within 90 days of the filed Final Order

Motion seconded by Ms. Wasylyna, passed 4/0.

23. TOD C. VANAMAN, L.M.T, CASE # 2014-21450

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: Section 480.046(1)(o) through 456.072(1)(w)(x), FS

Action Taken: Ms. Nixon moved to reject the settlement agreement. Motion seconded by Ms. Havard, which passed 4/0.

Additional Action Taken: Ms. Nixon moved to counteroffer the settlement agreement and impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- \$1500 fine within 1 year of the filed Final Order
- \$311.82 costs within 1 year of the filed Final Order

Motion seconded by Ms. Havard, passed 4/0.

24. GARTH L. CARTER, L.M.T., CASE # 2014-18475

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: Section 480.046(1)(o) through 456.072(1)(w), FS

Action Taken: Ms. Nixon moved to reject the settlement agreement. Motion seconded by Ms. Wasylyna, which passed 5/0.

Additional Action Taken: Ms. Havard moved to counteroffer the settlement agreement and impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- \$2000 fine within 1 year of the filed Final Order
- \$1600 costs within 1 year of the filed Final Order

Motion seconded by Ms. Nixon, passed 4/0.

26. WENPING FAN, L.M.T., CASE # 2015-10517

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the Board. Ms. Phillips and Mr. Brooks were recused due to their participation on the probable cause panel.

Allegations of Administrative Complaint: Section 480.046(1)(o) through 456.072(1)(w), FS

Action Taken: After lengthy discussion, Ms. Nixon moved to send this case back to the probable cause panel. Motion seconded by Ms. Wasylyna, which passed unanimously.

27. HEALING ARTS CENTER FOR MASSAGE, L.M.T., CASE # 2015-01919

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the Board. Ms. Phillips and Mr. Brooks were recused due to their participation on the probable cause panel.

Allegations of Administrative Complaint: Section 480.046(1)(o) and 456.072(1)(v), FS

Action Taken: Ms. Nixon moved to waive the required appearance, accept the settlement agreement, and impose the following penalty:

- Letter of Concern
- \$500 fine within 180 days of the filed Final Order
- \$458.24 costs within 180 days of the filed Final Order

Motion seconded by Ms. Havard, which passed 5/0.

28. JACKIE L. BEATTEAY, LMT, CASE # 2014-22428

PCP: Nixon & Davis

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the Board. Ms. Nixon was recused due to her participation on the probable cause panel.

Allegations of Administrative Complaint: Section 480.046(1)(o) through 456.072(1)(x), FS

Action Taken: Ms. Phillips moved to reject the settlement agreement. Motion seconded by Ms. Wasylyna, which passed 5/0.

Additional Action Taken: Ms. Phillips moved to counteroffer the settlement agreement and impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- \$500 fine within 1 year of the filed Final Order
- \$1500 costs within 1 year of the filed Final Order
- Remove required appearance

Motion seconded by Ms. Havard, passed 4/0.

Voluntary Relinquishments

Ms. Nixon moved to continue the following voluntary relinquishments items 29, 32, and 33. Motion seconded by Ms. Phillips, which passed unanimously.

29. RYAN KEITH GWALTNEY, L.M.T., CASE # 2015-24314

PCP: Waived

32. TAMARA ESPONDA, L.M.T., CASE # 2015-19732

PCP: Waived

33. NIRANIA YANET GONZALEZ AGUILA, L.M.T., CASE # 2016-11006

PCP: Waived

Ms. Nixon moved to accept the following voluntary relinquishments items 31, 31, and 34 through 36. Motion seconded by Ms. Havard, which passed unanimously.

30. KEVIN JAMES LUNION, L.M.T., CASE # 2015-17318

PCP: Waived

31. JOHN HOLCY, III, L.M.T., CASE # 2015-25516

PCP: Waived

34. JESSIE J. DE LA PENA, LMT, CASE # 2015-26466

PCP: Waived

35. RAYMOND L. SMITH JR., L.M.T., CASE # 2015-00698

PCP: Waived

36. MONICA MOSTAJO, L.M.T., CASE # 2015-17934

PCP: Waived

Ms. Nixon moved to accept the following voluntary relinquishments items 37 and 38. Motion seconded by Mr. Brooks, which passed 5/0.

37. ZHENGREN JIN, L.M.T., CASE # 2014-17094

PCP: Whitridge & Havard

38. CESAR GUERRERO, L.M.T., CASE # 2015-19092

PCP: Whitridge & Havard

39. MR. JOHNSON, L.M.T., CASE # 2014-21438

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

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

Ms. Nixon moved to accept the following voluntary relinquishment. Motion seconded by Ms. Havard, 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.*

40. AMALIA A. RIVERA, LMT, CASE # 2015-06057

PCP: Walker & Davis

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the Board.

Allegations of Administrative Complaint: Section 480.046(1)(o) and 456.072(1)(x), FS

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

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- Pay \$500 fine within 90 days of the filed final order
- Pay \$47.49 costs within 90 days of the filed final order

Motion seconded by Ms. Havard, which passed unanimously.

41. FELIX A. CAMBARA, L.M.T., CASE # 2015-07194

PCP: Whitridge & Havard

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint:

Count I: Section 480.046(1)(o) through 456.072(1)(II), F.S.

Count II: Section 480.046(1)(o) through 456.072(1)(x), F.S.

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

- Revocation

Motion seconded by Ms. Phillips, which passed 5/0.

42. JASON VIEIRA ALBUQUERQUE, L.M.T., CASE # 2015-03609

PCP: Whitridge & Havard

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint:

Count I: Section 480.046(1)(p) through 456.072(1)(x), F.S.

Count II: Section 480.046(1)(p) through 456.072(1)(x), F.S.

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

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- Pay \$1000 fine within 6 months of the filed final order
- Pay \$143.73 costs within 6 months of the filed final order

Motion seconded by Ms. Wasylyna, which passed 5/0.

43. KRISTINE F. BRAND L.M.T., CASE # 2014-16706

PCP: Phillips & Whitridge

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint:

Count I: Section 480.046(1)(o) through 456.072(1)(x), F.S.

Count II: Section 480.046(1)(o) through 456.072(1)(c), F.S.

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

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- 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.
- Pay \$1000 fine within 6 months of the filed final order
- Pay \$40.30 costs within 6 months of the filed final order

Motion seconded by Ms. Havard, which passed 5/0.

44. CAROLINE MARIE BRAZEAU, L.M.T., CASE # 2015-21341

PCP: Phillips & Havard

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the Board. Ms. Phillips and Ms. Havard were recused due to their participation on the probable cause panel.

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

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

- 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.
- License is suspended until Respondent complies with PRN evaluation terms above
- Pay \$1000 fine within 1 year of the filed final order
- Pay \$1024.83 costs within 1 year of the filed final order

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

***REPORTS**

Chair Report – Lydia Nixon

45. FSMTB Human Trafficking Task Force

- **POLARIS Presentation**

Ms. Nixon serves on the FSMTB Human Trafficking Task Force and presented the items discussed at the recent FSMTB Human Trafficking Task Force meeting she attended.

The task force has been charged with:

1. Determining the prevalence and impact of human trafficking on the massage therapy profession,
2. Identifying areas within the jurisdiction of the FSMTB to combat human trafficking, and
3. Identifying measures that could be pursued by individual member boards.

Budget Liaison Report – Robyn Havard

46. Expenditures by Function for Period Ending March 31, 2016

Informational.

Board Counsel’s Report – Lee Ann Gustafson, Esq.

47. June 2016 Rules Report

Informational.

48. Antitrust Litigation Update

- ***Colindres v. Battle, et al.*, Complaint**
- ***Colindres v. Battle, et al.*, Order**
- **“Freedom to Whiten: Teeth-Whitener’s Antitrust Suit Against Georgia Board of Dentistry**

Allowed to Proceed”

Ms. Gustafson, Esq., presented the recent case against the Georgia Board of Dentistry to the board. Afterwards, the board members did not have questions.

49. Rule 64B7-26.007, FAC Transfer of Massage Establishment License

- **Correspondence from Marjorie Holladay, JAPC, dated April 26, 2016**
- **Response from Lee Ann Gustafson, Esq., Board Counsel, dated April 20, 2016**
- **Correspondence from Marjorie Holladay, JAPC, dated March 7, 2016**
- **Notice of Proposed Rule Making**
- **Rule 64B7-26.007, FAC Transfer of Massage Establishment License**
- **DH-MQA 1264, 11/15, Massage Establishment Change of Location/Name Application**

Ms. Gustafson, Esq., presented the correspondence from Marjorie Holladay, JAPC, regarding concerns with collecting the SSN/FEID of the owner on the Massage Establishment Change of Location/Name Application.

Ms. Alday explained that the SSN/FEID of the owners are collected so board staff can identify if a change of ownership has occurred. Because massage establishment licenses are not transferrable between owners, a change of ownership requires a new licensure application be completed.

Legislative Liaison Report – Lydia Nixon

110. 2017 Legislative Proposal

The Board had no changes to the 2017 legislative proposal.

Ms. Phillips asked board staff to gather data on what states require the TOEFL for licensure. Board staff will bring this and language from the Board of Nursing and Board of Acupuncture to a future meeting in preparation for the 2018 legislative session.

111. 2017 FSMTA Legislative Proposal

Those present during the discussion and who addressed the Board:

- Deborah Karlan, FSMTA
- Adam Levine, Esq., FSMTA
- Alex R. Spasoff, LMT, FSMTA
- Karen Roth, AMTA Chapter President
- Bridget Burke-Wammack, Lively Tech

Mr. Levine and Mr. Spasoff presented the Florida State Massage Therapy Association’s legislative proposal.

Ms. Phillips voiced concerns about using the terms “light therapy” and “cosmetic and prescription drugs” in the definition of massage.

Ms. Burke-Wammack voiced concerns about school training as a result of the FSMTA’s proposed language.

Mr. Levine invited board members to submit their concerns or comments to him.

(break)

Executive Director's Report – Kama Monroe, Executive Director

50. Ratification of Licensure - Massage Therapists 04/05/2016 – 06/30/2016

In Ms. Monroe's absence, Ms. Alday presented the list of licenses approved between April 5, 2016 and June 30, 2016 and asked that the board members ratify the licenses.

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

112. Annual Delegation of Authority, revised

- **Correspondence from Sharon Phillips, board member, for consideration**

Ms. Alday presented an updated Delegation of Authority for the board's consideration and asked that the Board consider a systematic approach to reviewing the education credentials of massage therapist coming from another state.

Action Taken: After discussion, Ms. Nixon moved to approve the addition of the following language to the Delegation of Authority:

"4. GUIDELINES FOR APPLICANTS WITH OUT OF STATE EDUCATION

a. Any applicant whose massage therapy education was completed in a state other than Florida:

i. Staff may clear if applicant completed, at minimum, a 500 hour massage program and holds an active license to practice massage therapy in another state without any adverse actions."

Ms. Havard seconded the motion, which passed 5/1 with Ms. Phillips opposing the motion.

School Liaison Report – Jennifer Wasylina

51. Massage Therapy Program Approval 04/05/2016 – 06/30/2016

Action taken: Ms. Nixon made a motion to ratify the massage therapy program approvals. Motion seconded by Ms. Havard, which passed unanimously.

Continuing Education Liaison Report – Christopher Brooks

52. Approved Pro Bono Requests 04/05/2016 – 06/30/2016

Action taken: Mr. Brooks made a motion to ratify the pro bono requests. Motion seconded by Mr. Havard, which passed unanimously.

53. Approved CE Providers 04/05/2016 – 06/30/2016

Action taken: Mr. Brooks made a motion to ratify the approved CE providers. Motion seconded

by Ms. Havard, which passed unanimously.

Unlicensed Activity Report – Sharon Phillips

No report.

Healthy Weight Liaison Report – Victoria Drago

No report.

(moved to Executive Director's Report)

112. Annual Delegation of Authority, revised

This item was reopened for discussion and Ms. Alday addressed questions put forth by the Board members.

Action Taken: After further discussion, Ms. Nixon moved to modify the Delegation of Authority to reflect the following language change in regards to out of state licensure education requirements:

“4. GUIDELINES FOR APPLICANTS WITH OUT OF STATE EDUCATION

a. Any applicant whose massage therapy education was completed in a state other than Florida:

i. Staff may clear if applicant completed, at minimum, a 500 hour massage program at a program approved by the equivalent licensing authority of another state.”

Ms. Havard seconded the motion, which passed unanimously.

***REVIEW AND APPROVAL OF MINUTES**

54. April 21-22, 2016, General Business Meeting Minutes

Action Taken: Ms. Nixon moved to approve the minutes as written, which was seconded and carried unanimously.

55. June 8, 2016, Telephone Conference Call Meeting Minutes

Action Taken: Ms. Nixon moved to approve the minutes as written, which was seconded and carried unanimously.

(Recess at 5:37pm)

ADMINISTRATIVE PROCEEDINGS

Applicants with Out of State Education

89. Yanbo Liu

This item was withdrawn from the agenda.

The following applicants, items 64-74, 77-88, and 90-132, were voted on en masse.

- 68. Julie Adam**
- 69. Jacqueline Alquiza**
- 70. Molly Balderston**
- 71. Sean Bowsher**
- 72. Kristie Davis**
- 73. Esmeralda Diaz**
- 74. Robert Dunn**
- 77. Claudia Goicoechea**
- 78. Xiaoyue Hu**
- 79. Geng Hui Hui**
- 80. Irean Jones**
- 81. Young Kim**
- 82. Robin Lednicky**
- 83. Hun Lee**
- 84. Randall Lewis**
- 85. Yan Li**
- 86. Huijin Lin**
- 87. Rong Lin**
- 88. Guimei Liu**
- 90. Sierra Majors**
- 91. Taisha Martinez**
- 92. Dawn Mentzer**
- 93. Kevin Munley**
- 94. Brynne Nowroozi**
- 95. Ru Smith**

FRIDAY, July 29, 2016

- 96. Cynthia Suarez**
- 97. Aaliyah Svenson**
- 98. Yalin Xiang**
- 99. Ying Zhang**
- 118. Kefu Cai**
- 119. Trinity Songha**
- 120. Clinton Stallard**
- 131. Carol Montelione**
- 132. Angelia Hunt**

Action Taken: Ms. Nixon moved to issue the licenses unencumbered. Motion seconded by Ms. Havard, which passed unanimously.

Petition for Informal Administrative Proceeding

56. Royce Williams, MA 76305

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant a continuance to the next meeting. Motion was seconded by Ms. Wasylyna, which passed unanimously.

Additional Action Taken: Ms. Nixon moved to that no further continuances would be granted. Motion was seconded by Ms. Havard, which passed unanimously.

Applicant Informal Hearing

57. Yunying Liu

Applicant was not present nor represented by counsel. Qualified representative with Power of Attorney, David Ling, was present. Ms. Gustafson explained that Mr. Ling did not meet the requirements of a qualified representative.

Action Taken: After discussion, Ms. Nixon moved to vacate the Notice of Intent to Deny. Motion seconded by Ms. Phillips, which passed unanimously.

58. Connie Thomas

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to vacate the Notice of Intent to Deny. Motion seconded by Ms. Havard, which passed unanimously.

59. Xiuchun Zhang

Applicant was present with character witness, Mark Eggy.

Action Taken: After discussion, Ms. Nixon moved to uphold the Notice of Intent to Deny. Motion seconded by Ms. Havard, which passed unanimously.

113. Angel Li Zhang

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to vacate the Notice of Intent to Deny. Motion seconded by Ms. Havard, which passed unanimously.

Applicants with History

60. Alexander Aden

Applicant was present without counsel.

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

61. Jennifer Gerth

Applicant was present without counsel.

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

62. Eric Jones

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license with the condition that the applicant receive a letter of concern and pay an administrative fine of \$1500 within 12 months of the filed final order. The Executive Director is delegated the authority to review and approve the documentation and approve the issuance of the applicant's license. Motion seconded by Ms. Nixon, which passed unanimously.

63. Anabel Mashburn

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the condition that the applicant receive a letter of concern and pay an administrative fine of \$1500 within 12 months of the filed final order. The Executive Director is delegated the authority to review and approve the documentation and approve the issuance of the applicant's license. Motion seconded by Ms. Havard, which passed unanimously.

64. Glenn Moore

Applicant was present without counsel.

Action Taken: After discussion, Ms. Havard moved to grant the license with the condition that the applicant pay any outstanding fines imposed from previous discipline. Motion seconded by Mr. Brooks, which passed unanimously.

65. David Perry

Applicant was not present nor represented by counsel.

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

66. Esti Sa

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the condition that the applicant pay an administrative fine of \$500 within 6 months of the filed final order. The Executive Director is delegated the authority to review and approve the documentation and approve the issuance of the applicant's license. Motion seconded by Ms. Havard, which passed unanimously.

67. Mary Younger

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon 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 Executive Director is delegated the authority to accept the recommendation of PRN issue the license once the conditions have been met. Motion seconded by Ms. Wasylyna, which passed unanimously.

114. Judith Austin

Applicant was present without counsel.

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

115. Tara Blackburn

Applicant was present without counsel.

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

116. Augusto Hernandez

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to accept the applicant's verbal withdrawal of application. Motion seconded by Ms. Wasylyna, which passed unanimously.

117. Domenic Luci

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon 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 Executive Director is delegated the authority to accept the recommendation of PRN issue the license once the conditions have been met. Motion seconded by Ms. Wasylyna, which passed unanimously.

(break)

Applicants with Out of State Education

76. Jianmei Gao

Applicant was present without counsel.

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

75. Chunlian Gao

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to waive the required appearance and grant the license unencumbered. Motion seconded by Ms. Nixon, which passed unanimously.

133. Billy Ray

Applicant was present without counsel.

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

Applicants with Foreign Education

100. Alanna Brewer

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to waive the required appearance and grant the license unencumbered. Motion seconded by Ms. Havard, which passed unanimously.

101. Alanda Bulger

Applicant was present without counsel.

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

102. Allison Wallace

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license with the condition that the applicant pay an administrative fine of \$500 within 6 months of the filed final order. The Executive Director is delegated the authority to review and approve the documentation and approve the issuance of the applicant's license. Motion seconded by Ms. Havard, which passed unanimously.

121. Joseph Brown

Applicant was present without counsel.

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

Petitions for Variance or Waiver

122. Dong Geer

Applicant was not present nor represented by counsel.

Action Taken: Ms. Phillips moved to deny the petition as moot. Motion seconded by Mr. Brooks, which passed unanimously.

123. Elida Gonnella

Applicant was not present nor represented by counsel.

Action Taken: Ms. Havard moved to grant the petition. Motion seconded by Ms. Nixon, which passed unanimously.

124. Linda Lovato

Applicant was not present nor represented by counsel.

Action Taken: Ms. Phillips moved to deny the petition. Motion seconded by Mr. Brooks, which passed unanimously.

125. Staci McSweeney

Applicant was present without counsel.

Action Taken: Ms. Nixon moved to grant the petition. Motion seconded by Mr. Brooks, which passed unanimously.

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

126. Patricia Jean Pape

Applicant was not present nor represented by counsel.

Action Taken: Ms. Nixon moved to grant the petition. Motion seconded by Mr. Brooks, which passed unanimously.

127. Misha Payant

Applicant was not present nor represented by counsel.

Action Taken: Ms. Phillips moved to deny the petition. Motion seconded by Ms. Nixon, which passed unanimously.

128. Arlene Rimolo

Applicant was present without counsel.

Action Taken: Ms. Havard moved to grant the petition. Motion seconded by Ms. Nixon, which passed unanimously.

Petitions for Declaratory Statement

129. Angela Lind

Ms. Lind was not present nor represented by counsel.

Ms. Bridget Burke-Wammack, CLT, addressed the board and answered questions regarding lymphatic drainage techniques.

Action Taken on Petition for DS on 480.033(3), FS: After discussion, it was a consensus of the board that performing bandaging on patients with lymphedema was within the petitioner's scope of practice as a Certified Lymphedema Therapist trained in Complete Decongestive Therapy.

Action Taken on Petition for DS on 456.054 and 817.505(1)(a)(b), FS: After discussion Ms. Wasylyna moved that under the specific facts of the petition, as set forth above, Petitioner's business model does not violate Section 456.054, Florida Statutes. Motion seconded by Ms. Nixon, which passed unanimously.

RULES DISCUSSION

House Bill 941

- **103. CS/CS/HB941**
- **104. HB941 and Board Rules**
- **105. Rule Title 64B7-25.001 Examination Requirements and 25.004 Endorsements**
 - **Section 456.033, FS, Requirement for instruction for certain licensees on HIV and AIDS**
 - **Rule Title 64B7-32.003 Minimum Requirements for Board Approved Massage Schools**
 - **DH-MQA 1115, 7/16 “Massage Therapist Licensure Application”**

Ms. Alday presented items 103 – 105 to the board. Ms. Alday explained the affects of HB 941 on the board’s rules and applications, answering any questions from board members.

Action Taken: After discussion, Ms. Nixon moved to open Rule Title 64B7-25.001 and 64B7-25.004, FAC for development, approve the draft rule language as presented, and the changes proposed to form DH-MQA 1115, “Massage Therapist Licensure Application”. Motion was seconded by Ms. Phillips, which passed unanimously.

Action on SERC Questions: Ms. Nixon moved to find that the proposed changes would not have an adverse impact on small business. Ms. Phillips seconded the motion, which passed unanimously. Ms. Nixon moved to find that the proposed changes would not have a direct or indirect impact on regulatory costs. Ms. Phillips seconded the motion, which passed unanimously. Ms. Nixon moved 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 after implementation, no SERC was needed and legislative ratification was not required. Ms. Phillips seconded the motion, which passed unanimously.

- **106. Rule Title 64B7-26.002 License of Massage Establishments**
 - **DH-MQA 1263, 7/16 “Massage Establishment Licensure Application”**

Ms. Alday presented item 106 to the board. Ms. Alday explained the affects of HB 941 on the boards rule and application, answering any questions from board members.

Action Taken: After discussion, Ms. Nixon moved to open Rule Title 64B7-26.002, FAC for development and approve the draft rule language as presented. Motion was seconded by Mr. Brooks, which passed unanimously.

Additional Action Taken: After discussion, Ms. Phillips moved to approve the changes as discussed on the proposed form DH-MQA 1263, “Massage Establishment Licensure Application”. Motion was seconded by Mr. Brooks, which passed unanimously.

Action on SERC Questions: Ms. Nixon moved to find that the proposed changes would not have an adverse impact on small business. Ms. Phillips seconded the motion, which passed unanimously. Ms. Nixon moved to find that the proposed changes would not have a direct or indirect impact on regulatory costs. Ms. Phillips seconded the motion, which passed unanimously. Ms. Nixon moved 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 after implementation, no SERC was needed and legislative ratification was not required. Ms. Phillips seconded the motion, which passed unanimously.

- **107. Rule Title 64B7-26.007 Transfer of Massage Establishment License**
 - **DH-MQA 1264, 7/16 “Massage Establishment Change of Location/Name Application”**

Ms. Alday presented item 107 to the board. Ms. Alday explained the affects of HB 941 on the boards rule and application, answering any questions from board members.

Action Taken: After discussion, Ms. Nixon moved to open Rule Title 64B7-26.007, FAC for development, approve the draft rule language as presented, approve the changes as discussed on the proposed form DH-MQA 1264, “Massage Establishment Change of Location/Name Application”. Motion was seconded by Mr. Brooks, which passed unanimously.

Action on SERC Questions: Ms. Nixon moved to find that the proposed changes would not have an adverse impact on small business. Ms. Phillips seconded the motion, which passed unanimously. Ms. Nixon moved to find that the proposed changes would not have a direct or indirect impact on regulatory costs. Ms. Phillips seconded the motion, which passed unanimously. Ms. Nixon moved 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 after implementation, no SERC was needed and legislative ratification was not required. Ms. Phillips seconded the motion, which passed unanimously.

- **108. Rule Title 64B7-29.002 Qualifications and 29.007 Colonics Training through Apprenticeship**
 - **DH-MQA 1265, 7/16 “Massage Apprentice Application”**

Ms. Alday presented item 107 to the board. Ms. Alday explained the affects of HB 941 on the boards rule and application, answering any questions from board members.

Action Taken: After discussion, Ms. Nixon moved to open Rule Title 64B7-26.007, FAC for development, approve the draft rule language as presented, approve the changes as discussed on the proposed form DH-MQA 1264, “Massage Establishment Change of Location/Name Application”. Motion was seconded by Mr. Brooks, which passed unanimously.

Action on SERC Questions: Ms. Nixon moved to find that the proposed changes would not have an adverse impact on small business. Mr. Brooks seconded the motion, which passed unanimously. Ms. Nixon moved to find that the proposed changes would not have a direct or indirect impact on regulatory costs. Mr. Brooks seconded the motion, which passed unanimously. Ms. Nixon moved 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 after implementation, no SERC was needed and legislative ratification was not required. Mr. Brooks seconded the motion, which passed unanimously.

***GENERAL BUSINESS DISCUSSION**

109. 2017 Proposed Board Meeting Dates

It was the consensus of the board to set the following dates as tentative meeting dates for 2017:

Face-to-face Meetings

January 26-27, 2017
April 20-21, 2017
July 27-28, 2017
October 19-20, 2017

The Board advised Ms. Alday that they would like to meet in Pensacola, Jacksonville, Naples, Panama City, and/or Tampa for their face-to-face meetings.

Conference Calls

March 8, 2017
June 7, 2017
September 6, 2017
December 13, 2017

Probable Cause Panel Meetings

After discussion the board requested that one PCP meeting be scheduled per month for 2017 to accommodate the large volume of cases indicated by Ms. Geary during Thursday's meeting.

***INFORMATIONAL**

130. DOE Curriculum Frameworks Review Committee

- **2017-2018 Proposed Massage Therapy Course Structure**
- **Sharon Phillip's Recommendations for 2017-2018 Proposed Massage Therapy Course Structure**
- **Meeting Follow-Up Email**
 - **Massage Therapy Curriculum Framework Review, revised 5/24/2016**
- **May 24, 2016 Committee Meeting #2 Agenda**
 - **Massage Therapy Curriculum Framework Review, revised 5/11/2016**
 - **Massage Therapy Health Core Revision, revised 5/11/2016**
- **Meeting Follow-Up Email**
 - **Massage Therapy Curriculum Framework Review, revised 3/31/2016**
 - **Massage Therapy Health Core Revision**
- **March 31, 2016 Committee Meeting #1 Agenda**
 - **Massage Therapy Curriculum Framework Review, revised 3/21/2016**
 - **Massage Therapy Health Science Core and Benchmarks**

Ms. Phillips urged board members and educators in the audience to send their proposals to the Department of Education.

***OLD BUSINESS**

None at this time

***NEW BUSINESS**

None at this time

ADJOURN

There being no further business, the meeting adjourned at 1:17 pm.