



SHELL MEETING MINUTES

**Board of Massage Therapy
General Business Meeting
Conference Call
September 14, 2016
9:00 a.m., ET**

**Meet Me # (888) 670-3525
Participation Code: 259-770-9961**

Call to Order:

The meeting was called to order by Ms. Nixon, Chair, at 9:03 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 Wasylina, LMT
Christopher Brooks, LMT
Victoria Drago, LMT

BOARD COUNSEL:

Lee Ann Gustafson, Esq.
Assistant Attorney General

STAFF PRESENT:

Kama Monroe, Executive Director
Alexandra Alday, Program Operations Administrator
Gerry Nielsen, Regulatory Specialist II

COURT REPORTER:

For The Record
(850) 224-0728

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/>

ADMINISTRATIVE PROCEEDINGS

Applicants Informal Hearings

1. Zehong Wang

Applicant was present without counsel.

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

Applicants with History

2. Hongfang Cai

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered. Motion seconded by Mr. Brooks, which passed 5/1 with Ms. Phillips opposing the motion.

3. Haiyue Cui

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Havard moved to deny the application based on previous revocation of licensure by Final Order in case number 2010-20563 and misrepresentation on the application by failure to disclose a plea of nolo contendere to a crime in any jurisdiction which directly relates to the practice of massage therapy or the ability to practice massage therapy. Motion seconded by Ms. Phillips, which passed unanimously.

4. Margaret Harry

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to grant the license with the condition that the applicant pay an administrative fine of \$500 prior to the issuance of her license. Motion seconded by Ms. Havard, which passed unanimously.

5. Tim Hinkle

Applicant was present without counsel.

Action Taken: After discussion, Ms. Phillips 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 90 days of the filed final order. If a contract is recommended, the applicant must sign a contract and must comply with all conditions of the PRN Advocacy Contract. The Board delegates to the Executive Director the authority to accept the recommendation of PRN. Additionally, the license is issued with the condition that the licensee must pay an administrative fine of \$1000 within one year after the date the filed final order. Motion seconded by Ms. Nixon, which passed unanimously.

6. David Anthony Mackert

Applicant was not present nor represented by counsel.

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

7. Joe Maruca

Applicant was present without counsel.

Action Taken: After discussion, Ms. Nixon moved to grant the license unencumbered and issue a letter of concern. Motion seconded by Ms. Mr. Brown, which passed unanimously.

8. Shijia Quan

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to deny the application based on a 2011 conviction of a crime relating to the practice of massage therapy or the ability to practice massage therapy. Motion seconded by Ms. Havard, which passed unanimously.

9. Shelly Steele

Applicant was present without counsel.

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

10. Yuexia Wang

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to deny the application, based on previous disciplinary history resulting in voluntary relinquishment of licensure as accepted in Final Order in case number 2012-13868 and on conviction for a crime related to the practice of massage therapy to which the applicant plead guilty. Motion seconded by Ms. Phillips, which passed unanimously.

16. Steve Brown

Applicant was not present, nor represented by counsel.

Action Taken: After discussion, the Board required the applicant to appear at a future Board meeting.

Action Taken: Ms. Phillips motioned to reopen this agenda item, as the applicant was able to join the meeting in progress. Motion seconded by Mr. Brooks, which passed unanimously.

Action Taken: Mr. Brown indicated that he would like to withdraw his application. Ms. Nixon motioned that the verbal request to withdraw the application be granted. Motion seconded by Mr. Brooks, which passed unanimously.

17. Shawn Maxwell

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 a \$1000 administrative fine within 180 days of the filed final order. Motion seconded by Mr. Brown, which passed unanimously.

Applicants with Foreign Education

11. Helio Oliveira Wanderley Sobrinho

Applicant was present without counsel.

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

Petition for Variance or Waiver

12. Tiera Baize

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.

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

13. Jessica Kumar

Applicant was not present nor represented by counsel.

Action Taken: Ms. Nixon moved to deny the petition as it is not required to grant the license. Motion seconded by Ms. Phillips, which passed unanimously.

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

14. Dennett Renea Parham-Shilov

Applicant was not present nor represented by counsel.

Action Taken: Mr. Brooks moved to grant the petition. Motion seconded by Ms. Havard, which passes with Ms. Phillips opposing the motion.

Approved Massage Therapy Program

18. Florida Career School of Massage and Bodywork

Information was presented by Board staff concerning a change in ownership of this school and the continued receipt of transcripts without further information. Based on the information provided by Board staff, counsel advised that the school is not currently Board-approved, per rule provision in 64B7-32 concerning changes of ownership and information.

Mr. Brooks requested additional information from Board staff concerning passage rates on examination for licensure, prior to and after the ownership change. Information will be provided by Board staff.

Action Taken: After discussion, Ms. Phillips motioned to rescind the approval of Florida Career School of Massage and Bodywork. Motion seconded by Mr. Brooks, which passed unanimously.

GENERAL BUSINESS DISCUSSION

Federation of State Massage Therapy Boards 2016 Resolutions

The Board was in general consensus concerning their approval of the resolution put forth by the Georgia Board of Massage Therapy that will be heard at the Federation of State Massage Therapy Board's annual meeting in October.

Former Board Chair Ms. Burke-Wammack presented her previous experiences with the resolution process, and offered information concerning the MBLEx as it was reported in previous years.

The Board discussed at length the issue of fraud as it relates to the number of times an applicant may sit for the examination. General consensus was that an unlimited number of attempts was too permissive, and that the number of attempts should be limited to reduce fraudulent activity, and identify applicants who may be in need of remediation. The Board discussed the necessary reporting from the testing agency for this remediation to take place, and noted that this was standard practice with previous examinations.

The Board indicated issues with other proposed resolutions, as they rely on the applicant for examination to provide verification of their education history as part of the means to become exam eligible.

The following indications were made for individual resolutions:

Resolution 1

1. Ms. Nixon – approve
2. Ms. Phillips – approve
3. Ms. Wasylyna – approve
4. Mr. Brooks – approve
5. Ms. Drago was not present for this portion of the discussion.

Resolutions 2-5 were not approved by the Board. The Board members had concerns that these resolutions put forth by other state boards allowed the applicant to submit their own proof of education history. Board members indicated that schools should directly submit the proper documentation to the FSMTB to alleviate concerns with fraud.

Mr. Brooks will draft a letter concerning the resolutions addressed to the Federation of State Massage Therapy Boards.

OLD BUSINESS

NEW BUSINESS

Counsel indicated that the Annual Regulatory Report is due.

Action Taken: Ms. Phillips moved to delegate to the Chair to work with counsel and approve the Annual Regulatory Report. Motion seconded by Ms. Nixon, which passed unanimously.

ADJOURN

There being no further business, the meeting adjourned at 11:36 am.