



SHELL MEETING MINUTES

**Board of Massage Therapy
General Business Meeting
October 20-21, 2016**

**Renaissance Orlando at SeaWorld
6677 Sea Harbour Drive
Orlando, Florida 3281
(407) 351-5555**

Call to Order:

Ms. Nixon, Chair, called the meeting to order at 9:28 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, JD, Executive Director
Alexandra Alday, Program Operations Administrator

DEPARTMENT PROSECUTING ATTORNEYS:

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/>

Executive Director Introduction

Ms. Kama Monroe, JD, introduced herself to the board and expressed her excitement to work alongside the members in the future.

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. YUANFENG CUI, L.M.T., CASE # 2014-15810

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 the Administrative Complaint:

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

Count II: Section 456.072(1)(w), FS

Action Taken: Ms. Havard 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

Motion seconded by Mr. Brooks, which passed unanimously.

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$50.66 to be paid within 90 days of the filed final order. Motion seconded by Mr. Brooks, which passed unanimously.

2. ERIN MORCOM, L.M.T., CASE # 2014-21713

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

Ms. Gilani represented the Department and presented the case to the board. Ms. Drago and Ms. Wasylyna 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)(v), 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 \$1500 fine within 6 months of the filed Final Order

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

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$28.21 to be paid within 90 days of the filed final order. Motion seconded by Mr. Brooks, which passed unanimously.

3. JEANNE PRICE, LMT, CASE # 2014-20829

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint:

- Count I: Section 456.072(1)(x), FS
- Count II: Section 456.072(1)(x), FS
- Count III: Section 456.072(1)(x), FS

Action Taken: Mr. Brooks moved to impose the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- Pay \$1500 fine within 6 months of the filed Final Order

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

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$30.89 to be paid within 90 days of the filed final order. Motion seconded by Mr. Brooks, which passed unanimously.

4. YEN GE REN, L.M.T., CASE # 2014-18043

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 the Administrative Complaint:

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

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

- Revocation

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

5. ANTOINE PRESCOD, L.M.T., CASE # 2015-00703

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)(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

Motion seconded by Ms. Wasylyna, which passed unanimously.

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$13.43 to be paid within 90 days of the filed final order. Motion seconded by Ms. Havard, which passed unanimously.

6. SHANZI JIANG, L.M.T., CASE # 2014-21628

PCP: Phillips & Walker

Respondent was present with counsel, Brian Hugo, Esq. Respondent's interpreter, Sung Mun, was also present.

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:

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

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

The Board heard testimony from Respondent and counsel.

Action Taken: After hearing from Respondent and counsel, Ms. Havard made a motion to reconsider this case and send to the Division of Administrative Hearings for factual determinations on mitigation. Motion seconded by Ms. Wasylyna, which passed 5/0.

7. LUX SPA, INC. CASE # 2014-14349

PCP: Phillips & Nixon

Respondent was not present nor represented by counsel.

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

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

Action Taken: Mr. Brooks moved to impose the following penalty:

- Pay \$1000 fine within 90 days of the filed Final Order

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

Additional Action Taken: Mr. Brooks moved to assess costs in the amount of \$65.59 to be paid within 90 days of the filed final order. Motion seconded by Ms. Havard, which passed 4/0.

8. FUNU WEN, L.M.T., CASE # 2014-17391

PCP: Harrison & Nixon

Respondent was not present. Counsel, Ryan Yadav, Esq. was present.

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 II: Section 480.046(1)(c), FS through Section 456.072(1)(c), FS.

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

Action Taken: Mr. Brooks moved to continue this case to the next board meeting and to allow no further continuances. Motion seconded by Ms. Phillips, which passed 5/0.

9. JUNCHAO FANG, L.M.T., CASE # 2014-16726

PCP: Phillips & Nixon

Respondent was not present nor represented by counsel.

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

Allegations of the Administrative Complaint: Section 480.046(1)(p), FS through Section 480.0535(1)(2), FS

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

- Pay \$750 fine within 180 days of the filed Final Order
- Suspension until valid identification is provided

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

Additional Action Taken: Mr. Brooks moved to assess costs in the amount of \$337.29 to be paid within 180 days of the filed final order. Motion seconded by Ms. Wasylyna, which passed 4/0.

(break)

4. YEN GE REN, L.M.T., CASE # 2014-18043

PCP: Phillips & Brooks

Action Taken: Ms. Nixon moved to reopen this matter as Respondent is present along with interpreter, Yingqing Xeng. Motion seconded by Ms. Havard, which passed 4/0.

The Board heard testimony from the Respondent.

No further action was taken.

Settlement Agreements

10. GABRIEL ANGEL GONZALEZ, L.M.T., CASE # 2015-05283

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the board. Ms. Drago and Ms. Wasylyna were recused due to their participation on the probable cause panel.

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

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

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- Pay \$500 fine within 1 year of the filed Final Order
- No Letter of Concern
- \$505.34 costs within 1 year of the filed Final Order

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

11. SHANNON HUNTER, L.M.T., CASE # 2015-04415

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

Ms. Gilani represented the Department and presented the case to the board. Ms. Drago and Ms. Wasylyna 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)(v), FS

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

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- Pay \$500 fine within 1 year of the filed Final Order
- No Letter of Concern
- \$368.90 costs within 1 year of the filed Final Order

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

12. LISA MARIE JACKSON, LMT, CASE # 2014-17813

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the board. Ms. Drago and Ms. Wasylyna were recused due to their participation on the probable cause panel.

Allegations of the Administrative Complaint:

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

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

Action Taken: Ms. Phillips moved to approve the settlement agreement and 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 \$750 fine within 180 days of the filed Final Order

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

13. LASHAWNTE McCRAW, L.M.T., CASE # 2015-04485

PCP: Drago & Wasylyna

Respondent was present without counsel.

Ms. Rochester represented the Department and presented the case to the board. Ms. Drago and Ms. Wasylyna 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)(v), FS

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

Action Taken: Ms. Nixon moved to approve the settlement agreement and 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
- \$326.27 costs within 1 year of the filed Final Order

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

14. VICTOR PACHECO, L.M.T, CASE # 2014-17652

PCP: Drago & Wasylyna

Respondent was present with counsel, Christopher Brown, Esq.

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

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

Action Taken: Ms. Nixon moved to accept 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 180 days of the filed Final Order

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

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$593.01 to be paid within 180 days of the filed final order. Motion seconded by Mr. Brooks, which passed 4/0.

15. ROBERT COLES, L.M.T., CASE # 2014-20672

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

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

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

Action Taken: Ms. Nixon moved to accept 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 180 days of the filed Final Order
- \$255.65 costs within 1 year of the filed Final Order

Motion seconded by Mr. Brooks, which passed 3/1 with Ms. Phillips opposing the motion.

16. JASON SEAY, L.M.T., CASE # 2015-03502

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint:

Count I: Section 456.072(1)(x), FS

Count II: Section 456.072(1)(x), FS

Action Taken: Ms. Nixon moved to accept 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 1 year of the filed Final Order
- \$236.29 costs within 1 year of the filed Final Order

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

17. JAMIE A. JONES, L.M.T., CASE # 2014-20868

PCP: Phillips & Brooks

Respondent was present without 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), FS through Section 456.072(1)(w)(x), FS

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

- \$1500 fine within 15 months of the filed Final Order
- \$490.28 costs within 15 months of the filed Final Order

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

Respondent verbally agreed to the changes to the payment deadlines in the Settlement Agreement.

18. CARLA THOMAS, L.M.T., CASE # 2015-16371

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)(p), FS through Section 480.041(6), FS

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

- Suspension until complies with fingerprinting requirement
- \$250 fine within 90 days of the filed Final Order
- \$197.57 costs within 90 days of the filed Final Order

Motion seconded by Ms. Wasylyna, which passed 3/1 with Ms. Nixon opposing the motion.

Additional Action Taken: Ms. Havard moved to remove the requirement to petition the board to lift suspension. Motion seconded by Ms. Wasylyna, which passed 4/0.

19. KIMBERLY WIESNER, L.M.T., CASE # 2014-20451

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) through 456.072(1)(x), FS

Action Taken: Ms. Nixon moved to reject the settlement agreement and counteroffer a settlement agreement imposing the following penalty:

- 10 hour Florida Laws and Rules course within 1 year of the filed Final Order
- \$1000 fine within 180 days of the filed Final Order
- \$403.58 costs within 180 days of the filed Final Order

Motion seconded by Mr. Brooks, passed unanimously.

Voluntary Relinquishments

Ms. Nixon moved to accept the following voluntary relinquishments items 20-22. Motion seconded by Ms. Havard, which passed unanimously.

20. KEILA RIVERA, L.M.T., CASE # 2015-04196

PCP: Waived

21. GLADIS NELSON, L.M.T., CASE # 2015-11101

PCP: Waived

22. YUSNIEL AGUERO, L.M.T., CASE # 2015-30195

PCP: Waived

23. OKSUN HUGHES, L.M.T., CASE # 2015-03335

PCP: Drago & Wasylyna

Respondent was not present nor represented by counsel.

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

Action Taken: Ms. Nixon moved to accept the following voluntary relinquishment. Motion seconded by Mr. Brooks, which passed unanimously.

24. BRITTANY BUTLER, L.M.T., CASE # 2014-12285

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.

Action Taken: Ms. Nixon moved to accept the following voluntary relinquishment. Motion seconded by Ms. Phillips, 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.*

25. JAMES F. DUKES, L.M.T., CASE # 2015-04982

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

Ms. Rochester represented the Department and presented the case to the Board. Ms. Philips 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)(w), FS

Action Taken: Ms. Nixon moved to send this case back to the probable cause panel. Motion seconded by Ms. Havard, which passed 4/0.

26. ALPHONSO WILLIAMS, L.M.T., CASE # 2015-01142

PCP: Phillips & Brooks

Respondent was not present nor represented by counsel.

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

Allegations of Administrative Complaint: 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 \$500 fine within 90 days of the filed Final Order

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

Additional Action Taken: Ms. Nixon moved to assess costs in the amount of \$61.80 to be paid within 90 days of the filed final order. Motion seconded by Ms. Wasylyna, which passed 4/0.

28. ANDREW WHITE, L.M.T., CASE # 2014-21475

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)(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 \$2000 fine within 180 days of the filed Final Order

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

Additional Action Taken: Ms. Phillips moved to send this case back to the probable cause panel. Motion seconded by Ms. Wasylyna, which passed unanimously.

29. NUVIA ISABEL QUEIPO FERNANDEZ, L.M.T., CASE # 2014-14324 PCP: Walker & Burke-Wammack

Respondent was not present nor represented by counsel.

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

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

Action Taken: Ms. Nixon moved to dismiss case # 2014-14324. Motion seconded by Ms. Phillips, which passed 5/0.

27. ZHENHUA HAN, L.M.T., CASE # 2014-21005

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: Sections 480.046(1)(p) through Section 456.072(1)(w), F.S.

Action Taken: Ms. Waslynya moved to send this case back to the probable cause panel. Motion seconded by Ms. Phillips, which passed 5/0.

PROSECUTOR'S REPORT

30. Prosecution Services Unit Performance Plan

Ms. Rochester addressed the board and gave an update on the status of disciplinary cases in progress. She also asked that the board consider increasing their frequency of probable cause panel meetings in order to review the increased volume in caseload expeditiously.

It was the consensus of the board that two probable cause panel meetings would be held each month beginning in 2017, one of which would only hear cases related directly to the background screening requirement of HB1065 (2014).

(lunch break)

*REVIEW AND APPROVAL OF MINUTES

31. July 28-29, 2016, General Business Meeting Minutes

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

32. September 14, 2016, Telephone Conference Call Meeting Minutes

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

*REPORTS

Chair Report – Lydia Nixon

Legislative Liaison Report – Lydia Nixon

Board Chairs/Vice-Chairs Long-Range Planning Meeting

Ms. Nixon and Ms. Havard attended the Board Chairs/Vice-Chairs Long-Range Planning Meeting last month. Some highlights from Ms. Nixon were:

- The removal of HIV/AIDS and the Prevention of Medical Errors course requirements prior to initial licensure for health care practitioners.
- That Quarterly Performance Report for the Division of Medical Quality Assurance are published online if other board members were interested in reviewing the data.

FSMTB Annual Meeting

Ms. Nixon, Ms. Monroe, and Ms. Alday all attended the FSMTB Annual Meeting in early October. Some highlights from Ms. Nixon and Ms. Alday were:

- As of July 1, 2016, all candidates for the MBLEx must substantiate they have completed their education with an education program approved by the state board in which it is located. Board office staff will work closely with FSMTB to provide current approved school information on a regular basis.
- The Massage Therapy Licensure Database (MTLD) will begin its beta testing phase later this year with an anticipated launch in the spring of 2017.
- The resolution put forth by the Georgia Board of Massage Therapy “Eligibility criteria for access to MBLEx: Substantiating documentation” was voted on by the assembly and passed. All other resolutions presented did not pass.

Budget Liaison Report – Robyn Havard

33. Expenditures by Function for Period Ending June 30, 2016

Informational.

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

34. August 2016 Rules Report

35. September 2016 Rules Report

Informational.

36. Rule 64B7-30.003, FAC., Disciplinary Guidelines

Ms. Gustafson, Esq., presented revisions to Rule 64B7-30.003, FAC, for the board’s consideration. These revisions would align the board’s disciplinary guidelines with the other professions regulated by the Department by providing a range of disciplinary actions. She asked that board members review the language and provide her with feedback so that she can bring the draft to the next board meeting to finalize prior to opening the rule for development.

Rules Liaison Report – Sharon Phillips, Chris Brooks

Ms. Phillips asked Ms. Gustafson to provide the board with an update of the outcome of the September 30, 2016 Rules Committee meeting. Ms. Gustafson advised the committee to not undertake discussion on Rule 64B7-28.010, FAC at this time as the Attorney General’s office is in discussion with the Joint Administrative Procedures Committee regarding delegating approval to national associations.

Executive Director's Report – Kama Monroe, Executive Director

37. Ratification of Licensure - Massage Therapists 06/30/2016 – 09/27/2016

Ms. Monroe presented the list of licenses approved between June 30, 2016 and September 27, 2016 and asked that the board members ratify the licenses.

Action Taken: Ms. Nixon moved to ratify the massage therapist licenses. Motion seconded Ms.

Havard, which passed unanimously.

Additional Action Taken: Ms. Nixon moved to approve Ms. Kama Monroe, JD, as Executive Director. Motion seconded Ms. Phillips, which passed unanimously.

School Liaison Report – Sharon Phillips

38. Massage Therapy Program Approval 06/30/2016 – 09/27/2016

No programs approved during this time.

Continuing Education Liaison Report – Christopher Brooks

39. Approved Pro Bono Requests 06/30/2016 – 09/27/2016

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

40. Approved CE Providers 06/30/2016 – 09/27/2016

Action taken: Mr. Brooks made a motion to ratify the approved CE providers. Motion seconded by Ms. Nixon, which passed unanimously.

Healthy Weight Liaison Report – Victoria Drago Public Relations Liaison Report – Victoria Drago

No report.

***GENERAL BUSINESS DISCUSSION**

41. Correspondence from Sharon Phillips, dated September 30, 2016

- **Current Rule Language for 64B7-26.003, FAC**
- **Massage Establishment Inspection Form**

Ms. Phillips has received a number of complaints regarding the interpretation of board rule by Department inspectors.

After discussion, it was the consensus of the board that a letter would be drafted to the Department's inspection unit by Ms. Phillips.

42. Correspondence from Sharon Phillips regarding 64B7-32.003, FAC

No action taken.

43. DOE Curriculum Frameworks Review Committee, Massage Therapy Program Revision, dated

September 14, 2016

This is the final version of the DOE Curriculum Frameworks as approved by the Review Committee. It will go through the approval process at the Department of Education and will be effective August 2017.

44. Massage Therapy Applications Fee Projections

The board agreed that option 4 was the most fair and fiscally responsible, but asked to see the fee projections include fees for CE Providers before taking any action.

45. 2018 Legislative Proposal

Action Taken: After reviewing the proposed language for the 2018 legislative session, Ms. Nixon moved that the proposal be amended as discussed and brought back before the board for final discussion. Motion seconded by Mr. Brooks, which passed unanimously.

The board asked to include language regarding an English proficiency requirement and requiring accreditation of massage therapy schools.

They also asked board staff to gather data from states that require have an English proficiency requirement as to how that requirement is enforced. Board staff will bring this and information from the Board of Nursing to a future meeting in preparation for the 2018 legislative session.

46. September 30, 2016 Rules Committee Meeting

This item was discussed during the Rules Liaison Report.

(Recess at 3:54pm)

FRIDAY, October 21, 2016

ADMINISTRATIVE PROCEEDINGS

Petition for Informal Administrative Proceeding

47. Royce Williams, MA 76305

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to grant the renewal. Motion was seconded by Ms. Wasylina, which passed unanimously.

Applicant Informal Hearing

48. Stevina Brascom

Applicant was not present nor represented by counsel.

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

Additional Action Taken: Ms. Nixon moved to issue the license unencumbered. Motion seconded by Ms. Drago, which passed unanimously.

49. Misha Payant

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Phillips moved to continue this item to the next board meeting. Motion seconded by Ms. Wasylyna, which passed unanimously.

Applicants with History

50. Brianna Alexander

Applicant was present without counsel.

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

51. Adrian Duron

Applicant was not present nor represented by counsel.

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

52. Dominick Giordano

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.

53. Miranda Mills

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 and complete a 10 hour continuing education course on Florida Laws and Rules within 1 year of the filed final order. Motion seconded by Ms. Wasylyna, which passed unanimously.

54. David Perez

Applicant was not present nor represented by counsel.

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

55. Violeta Castaneda

Applicant was present without 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 and complete a 10 hour continuing education course on Florida Laws and Rules within 1 year of the filed final order. Motion seconded by Ms. Wasylyna, which passed unanimously.

56. Mehwish Riaz

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to deny the application and allow the applicant 30 days after receipt of filed order to submit a request to withdraw the application. Motion seconded by Ms. Wasylyna, which passed unanimously.

57. Lijie Wang

Applicant was not present nor represented by counsel.

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

58. Steven Davis

Applicant was not present nor represented by counsel.

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

59. Vladimir Zhadanov

Applicant was present without 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 and complete a 10 hour continuing education course on Florida Laws and Rules within 1 year of the filed final order. Motion seconded by Ms. Phillips, which passed unanimously.

60. Jiping Zhu

Applicant was not present nor represented by counsel.

Action Taken: After discussion, Ms. Nixon moved to deny the application based on previous disciplinary action. Motion seconded by Ms. Wasylyna, which passed unanimously.

61. James Brown

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.

(break)

62. Heather Wilson

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.

Petitions for Variance or Waiver

63. Mary Lewinski

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.

64. Valerie Weilmuenster

Applicant was not present nor represented by counsel.

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

Massage Therapy Program Approvals

65. Florida Career School of Massage & Bodywork

Academic Director, John Lesser, was present without counsel.

Action Taken: After lengthy discussion, Ms. Phillips moved to rescind school approval. Motion seconded by Ms. Wasylyna, which passed unanimously.

66. Advantage Beauty Institute

Operations Manager, Rodrigo Uran, was present without counsel.

Action Taken: After discussion, Ms. Phillips moved to continue this item to the next meeting. Motion seconded by Ms. Havard, which passed unanimously.

***OLD BUSINESS**

None at this time

***NEW BUSINESS**

Florida Laws and Rules Course Requirement for Licensure

Ms. Alday addressed the board and asked if the board would like to set a time limit on the Florida laws and rules course requirement for licensure. Currently, a Florida laws and rules course taken at any time would be acceptable for licensure. She explained that in some cases, they have seen an applicant who has completed this course more than 10 years ago.

The board agreed that a time limit should be in place and asked that this be brought to the next board meeting for discussion.

Out of Scope Continuing Education Courses

Ms. Alday addressed the board and asked if the board would like to have staff bring forth CE courses outside of our scope of practice to the next meeting for review by the full board.

The board asked that these courses be brought to the next board meeting for discussion and action.

ADJOURN

There being no further business, the meeting adjourned at 11:03 am.