



General Business Meeting

Conference Call
June 19, 2019
9:00 a.m., ET

Meet Me # (888) 585-9008
Participation Code: 508-909-666

MEETING MINUTES

CALL TO ORDER

The meeting was called to order by Mr. Brooks, Chair, at 9:00 am. Those present for all or part of the meeting included the following:

MEMBERS PRESENT

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

BOARD COUNSEL

Diane Guillemette, Esq., *Assistant Attorney General*

STAFF PRESENT

Kama Monroe, *Executive Director*
Gerry Nielsen, *Program Operations Administrator*
Austin Conlon, *Regulatory Specialist III*

DEPARTMENT PROSECUTING ATTORNEYS

Zachary Bell, Esq. *Assistant General Counsel*

COURT REPORTER

For the Record Reporting
(850) 222-5491

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://www.floridasmassagetherapy.gov/meeting-information/>

Wednesday, June 19, 2019

I. DISCIPLINARY PROCEEDINGS

01. MERLOT COLLECTION, LLC (INFORMAL) Case # 2018-04327 PCP: BROOKS/WHITRIDGE

Respondent was present without counsel. Mr. Bell represented the Department and presented the case to the Board.

Action Taken: After discussion, Ms. Havard moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and requested an informal hearing, to accept the findings of fact and conclusions of law as set forth in the administrative complaint, and to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Havard, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to reprimand the license, to impose an administrative fine in the amount of \$500.00 to be paid within 1 year of the entry of the final order and moved to assess costs in the amount of \$219.72 to be paid within 1 year of the entry of the final order. Motion seconded by Ms. Wakeman, which carried unanimously.

02. SHOSHANA LYNN RICHARDSON (REINSTATE) Case # 2017-17659 PCP: WAKEMAN/WHITRIDGE

Action Taken: After discussion, Ms. Drago moved to reinstate the license. Motion seconded by Mr. Brooks, which carried unanimously.

II. ADMINISTRATIVE PROCEEDINGS

A. Applicants with History

03. Bernabe Rodriguez, David File # 98938

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license unencumbered. Motion seconded by Ms. Drago, which carried unanimously.

04. Chance, Jacquetta File # 97116

Applicant was not present.

Action Taken: After discussion, Dr. Phillips moved to issue the license with the following conditions:

- Pay an administrative fine in the amount of \$500.00 within 90 days of the entry of the final order
- Complete a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 90 days of the entry of the final order

Motion seconded by Mr. Brooks, which carried 5/1 with Ms. Havard in opposition.

05. Collins, Marcus

File # 99276

Applicant was present without counsel.

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

06. Elebute, Olayinka

File # 98756

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license unencumbered. Motion seconded by Ms. Drago, which carried 5/1 with Dr. Phillips in opposition.

07. Estrada, Shannon

File # 98994

Applicant was present without counsel.

Action Taken: After discussion, Dr. Phillips moved to issue the license unencumbered. Motion seconded by Ms. Wakeman, which carried unanimously.

08. Godoy, Yudit

File # 98553

Applicant was present without counsel.

The applicant verbally withdrew her application.

09. Jiang, Ying

File # 98731

Applicant was not present.

Action Taken: After discussion, Dr. Phillips moved to deny the license for the following reasons:

- Failure to disclose criminal history
- Crime related to the practice of massage therapy

Motion seconded by Mr. Brooks, which carried unanimously.

10. Ma, Qiu Ju

File # 99014

Applicant was not present.

Action Taken: After discussion, Mr. Brooks moved to issue the license unencumbered. Motion seconded by Ms. Drago, which carried unanimously.

11. McKinney, Sophia

File # 98959

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license with the following conditions:

- Pay a \$500.00 administrative fine within 1 year of the entry of the final order
- Complete a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 90 days of the entry of the final order.

Motion seconded by Ms. Wakeman, which carried unanimously.

12. Nieves, Mary

File # 91492

Applicant was present without counsel.

Action Taken: After discussion, Ms. Wakeman moved to issue the license unencumbered. Motion seconded by Ms. Drago, which carried unanimously.

13. Ortiz, Anny

File # 99489

Applicant was present without counsel.

Action Taken: After discussion, Dr. Phillips moved to issue the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the entry of the final order
- Complete a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 180 days of the entry of the final order.

Motion seconded by Ms. Wakeman, which carried unanimously.

14. Parker, Kristin

File # 99110

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the entry of the final order
- Complete a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 180 days of the entry of the final order.

Motion seconded by Ms. Drago, which carried unanimously.

15. Pereira, Ludovico Adriano

File # 98947

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the entry of the final order
- Complete a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 90 days of the entry of the final order.

Motion seconded by Dr. Phillips, which carried unanimously.

16. Scholes, Jodi

File # 97946

Action Taken: After discussion, Mr. Brooks moved to issue the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the entry of the final order
- Complete a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 90 days of the entry of the final order.

Motion seconded by Dr. Phillips, which carried unanimously.

17. Suarez, Christina

File # 99401

Applicant was present without counsel.

Action Taken: After discussion, Dr. Phillips moved to issue the license with the following conditions:

- Pay a \$500.00 administrative fine within 180 days of the entry of the final order
- Complete a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 90 days of the entry of the final order.

Motion seconded by Mr. Brooks, which carried unanimously.

B. Applicants with Foreign Education

18. Carratala, Javier

File # 97394

Applicant was present without counsel.

Action Taken: After discussion, Dr. Phillips moved to issue the license unencumbered. Motion seconded by Ms. Wakeman, which carried unanimously.

19. Rowe-Johnson, Nicolette

File # 96495

Applicant was not present.

Action Taken: After discussion, Dr. Phillips moved to deny the license because the education presented is not equivalent to or exceeding the course of study requirements in Florida. Motion seconded by Ms. Havard, which carried unanimously.

III. RULES DISCUSSION

A. 64B7-26.001, F.A.C. – Definitions

Dr. Phillips recommended adding “massage” to the definition in sub (2), for the purposes of clarifying the rule.

Action Taken: After discussion, Dr. Phillips moved to accept the rule language as presented with the proposed amendments on the record. Motion seconded by Mr. Brooks, which carried unanimously.

SERC Questions:

Action Taken: After discussion, Mr. Brooks moved to answer the SERC question regarding cost to small businesses in the negative, as the cost increase is statutory. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to answer the SERC question regarding consideration of minor violations in the negative. Motion seconded by Mr. Brooks, which carried unanimously.

B. 64B7-26.002, F.A.C. – Licensure of Massage Establishments

Dr. Phillips recommended adding “massage” to subsections (1) and (3), for the purposes of clarifying the rule.

Action Taken: After discussion, Ms. Wakeman moved to accept the rule language and draft form incorporated therein with the proposed amendments on the record. Motion seconded by Dr. Phillips, which carried unanimously.

SERC Questions:

Action Taken: After discussion, Mr. Brooks moved to answer the SERC question regarding cost to small businesses in the negative, as the cost increase is statutory. Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to answer the SERC question regarding consideration of minor violations in the negative. Motion seconded by Ms. Wakeman, which carried unanimously.

C. 64B7-26.006, F.A.C. – Designated Establishment Manager (Proposed)

SP add “massage” to etc.

Action Taken: After discussion, Dr. Phillips moved to accept the rule language and draft form incorporated therein with the proposed amendments on the record. Motion seconded by Mr. Brooks, which carried unanimously.

SERC Questions:

Action Taken: After discussion, Mr. Brooks moved to answer the SERC question regarding cost to small businesses in the negative, as the cost increase is statutory. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to answer the SERC question regarding consideration of minor violations in the negative. Motion seconded by Dr. Phillips, which carried unanimously.

D. 64B7-26.007, F.A.C. – Transfer of Massage Establishment License

SP make new sub (3) to itemize change of name, change of location, and change of name and location as separate provisions.

Action Taken: After discussion, Mr. Brooks moved to accept the rule language with and the draft form incorporated therein with the proposed amendments on the record. Motion seconded by Ms. Havard, which carried unanimously

SERC Questions:

Action Taken: After discussion, Mr. Brooks moved to answer the SERC question regarding cost to small businesses in the negative, as the cost increase is statutory. Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Ms. Drago moved to answer the SERC question regarding consideration of minor violations in the negative. Motion seconded by Mr. Brooks, which carried

IV. GENERAL BUSINESS DISCUSSION

A. OLD BUSINESS

B. NEW BUSINESS

Dr. Phillips proposed revising rule 64B7-28.010, F.A.C. concerning continuing education in Florida. Ms. Guillemette advised that that should be taken up after implementation of HB851 and any rulemaking associated with implementing the pending statutory changes.

V. ADJOURN (12:20 pm)