



General Business Meeting

Conference Call
April 8-9, 2021
9:00 am

Meet-Me Number: (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*
Victoria Drago, LMT
Jennifer Wakeman, LMT
Sandra Atkinson, LMT
Dotti Groover-Skipper

BOARD COUNSEL

Diane Guillemette, Esq., *Assistant Attorney General*

STAFF PRESENT

Kama Monroe, *Executive Director*
Gerry Nielsen, *Program Operations Administrator*

DEPARTMENT PROSECUTING ATTORNEYS

Ann Prescott, Esq. *Assistant General Counsel*
Reginald Howard; *Qualified Representative*

COURT REPORTER

For the Record
(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/>

I. DISCIPLINARY PROCEEDINGS

A. Voluntary Relinquishments

VR-01. Zhengai Piao, L.M.T.	Case # 2018-18006	PCP: Nixon/Spasoff
VR-02. Jose L. Grajales, L.M.T.	Case # 2019-39252	PCP: Waived
VR-03. Michael P. Brechtel, L.M.T.	Case # 2020-28852	
VR-04. Thomas G. Grasso, L.M.T.	Case # 2020-32693	PCP: Waived
VR-05. Thomas G. Grasso, L.M.T.	Case # 2020-32694	PCP: Waived
VR-06. Levie V. Mena, L.M.T.	Case # 2020-35335	
VR-07. Rafael Falcon, L.M.T.	Case # 2020-36594	PCP: Waived

These items were heard en masse.

Action Taken: After discussion, Mr. Brooks moved to accept the voluntary relinquishments. Motion seconded by Ms. Wakeman, which carried unanimously.

B. Informal Hearings

IN-08. Kristie Mathis, L.M.T. Case # 2019-50120 PCP: Harvard/Whitridge

Respondent was not present. Ms. Prescott represented the Department and presented the case to the board.

Action Taken: After discussion, Mr. Brooks 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 and to accept the findings of fact as set forth in the administrative complaint. Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to accept the conclusions of law as set forth in the administrative complaint and find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Drago, which carried unanimously.

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

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$933.98 to be paid within 90 days of the entry of the final order. Motion seconded by Dr. Phillips, which carried unanimously.

IN-09. Blue Sky Massage Inc. Case # 2020-00127 PCP: Harvard/Whitridge

The department requested a motion be made to accept Mr. Howard to serve as a qualified representative.

Action Taken: Ms. Wakeman moved that Mr. Howard could serve as a qualified representative. Motion seconded by Dr. Phillips, which carried unanimously.

Respondent was not present. Mr. Howard represented the department and presented the case to the board.

Action Taken: After discussion, Mr. Brooks 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 and to accept the findings of fact as set forth in the administrative complaint. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to accept the conclusions of law as set forth in the administrative complaint and find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Drago, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to revoke the license and to impose an administrative fine in the amount of \$5,000 to be paid within 2 years of the entry of the final order. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Ms. Wakeman moved to assess costs in the amount of \$629.31 to be paid within 90 days of the entry of the final order. Motion seconded by Mr. Brooks, which carried unanimously.

C. Determination of Waivers

DW-10. Xiaojuan Yu, L.M.T.

Case # 2017-09999

PCP: Harvard/Whitridge

Respondent was not present. Ms. Prescott represented the Department and presented the case to the board.

Action Taken: After discussion, Ms. Drago moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, and to accept the findings of fact as set forth in the administrative complaint. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Ms. Wakeman moved to accept the conclusions of law as set forth in the administrative complaint and find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Ms. Drago, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to revoke the license and to impose an administrative fine in the amount of \$10,000.00 to be paid within 1 year of the entry of the final order with aggravating factors on the record (danger to public, length of time, actual or potential harm, deterrent effect, efforts to rehabilitate, actual knowledge, actual negligence, damage to the profession). Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks to impose an administrative fine in the amount of \$280.01 to be paid within 90 days of the entry of the final order. Motion seconded by Ms. Wakeman, which carried unanimously.

DW-11. Rachelia Cara Leone, L.M.T.

Case # 2019-11727

PCP: Harvard/Whitridge

Respondent was not present. Ms. Prescott represented the Department and presented the case to the board.

Action Taken: After discussion, Mr. Brooks moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, and to accept the findings of fact as set forth in the administrative complaint. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to accept the conclusions of law as set forth in the administrative complaint and find that the findings of fact and conclusions of law constitute a violation of the practice act. Motion seconded by Mr. Brooks, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to revoke the license and to impose an administrative fine in the amount of \$5,000 to be paid within 2 years of the entry of the final order with aggravating factors on the record (danger to the public, length of time, actual or potential harm, deterrent effect, efforts to rehabilitate, actual knowledge, actual negligence, damage to the profession). Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to assess costs in the amount of \$920.26 to be paid within 90 days of the entry of the final order. Motion seconded by Ms. Wakeman, which carried unanimously.

DW-12. Xiangju Zhao, L.M.T.

Case # 2019-24576

PCP: Harvard/Whitridge

Respondent was not present. Mr. Howard represented the Department and presented the case to the board.

Action Taken: After discussion, Ms. Wakeman moved to accept the investigative report into evidence for the purpose of imposing discipline, to find that the respondent was properly served and waived their right to an informal hearing, and to accept the findings of fact as set forth in the administrative complaint. Motion seconded by Mr. Brooks, which carried unanimously.

Action Taken: After discussion, Ms. Wakeman moved to accept the conclusions of law as set forth in the administrative complaint and 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 revoke the license. Motion seconded by Ms. Wakeman, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved to assess costs in the amount of \$1,246.11 to be paid within 90 days of the entry of the final order. Motion seconded by Dr. Phillips, which carried unanimously.

II. REPORTS

A. Prosecutor's Report

Ms. Prescott presented the prosecutor's report.

Action Taken: After discussion, Mr. Brooks moved to direct prosecution services to continue litigation of year-and-older cases. Motion seconded by Dr. Phillips, which carried unanimously.

B. Board Chair Report – Chris Brooks, L.M.T.

Mr. Brooks welcomed the new members appointed to serve, Ms. Atkinson and Ms. Groover-Skipper.

C. Vice Chair Report – Dr. Sharon Phillips, L.M.T., A.P., D.O.M.

Dr. Phillips expressed that ELI was helpful, and that she has been using it in the classroom setting.

D. Board Council Report – Diane Guillemette, Esq.

Ms. Guillemette provided that Melissa Tully is now her paralegal, and will be working with rulemaking and filing for the Board of Massage Therapy.

E. Executive Director Report – Kama Monroe, J.D.

Ms. Monroe provided a list of bills being tracked this year. She also provided that HB245 passed to messages in Senate and that the Senate Bill companion was in Appropriations committee. She stated that this posture may indicate that the bill is positioned to pass.

Ratification of Licensure (01/13/2021 – 03/22/2021)

Action Taken: Ms. Wakeman moved to ratify the licenses issued as presented. Motion seconded by Mr. Brooks, which carried unanimously.

F. Education Programs Liaison Report – Dr. Sharon Phillips, L.M.T., A.P., D.O.M.

Dr. Phillips indicated a few reviews in school are moving through the process.

G. Legislation and Rules Liaison Report

Nothing at this time.

H. ULA and HT Awareness Liaison Report

Ms. Wakeman provided that she has been doing some community work/outreach, specifically working with Sumter and Hernando County.

I. Public Relations Liaison Report

Ms. Drago provided that she anticipates resuming school visits as things reopen.

RECESS 10:42 am – 11:10 am

III. RULES DISCUSSION

A. Standardized Application – Massage Therapists

1. 64B7-25.001, .004, F.A.C. (Massage Therapists) – Examination, Endorsement

DH-MQA 1115 – Application for Massage Therapist License

DH-MQA 1247 – Application for Colonic Irrigation Certification

B. Standardized Application – Massage Establishments

1. 64B7-26.002, F.A.C. (Licensure of Massage Establishments)

DH-MQA 1263 – Application for Massage Establishment Licensure

2. 64B7-26.006, F.A.C. (Change of Corporate Officers, Interested Parties, Designated Establishment Managers)

DH-MQA 5040 – Massage Establishment Change of Corporate Officer/Interested Party/Designated Establishment Manager

3. 64B7-26.007, F.A.C. (Establishment Change of Name/Location)

DH-MQA 1264 – Application for Massage Establishment Change of Name/Location

C. Standardized Application – Massage Colonic Irrigation Apprentices

1. 64B7-29.007, F.A.C. (Colonic Irrigation Apprenticeship Training Program)

DH-MQA 1265 (Application for Colonic Irrigation Apprenticeship)

Action Taken: After discussion, Mr. Brooks moved to accept the changes to 64B7-25.001, .004, 64B7-26.002, .006, and .007, and 64B7-29.007, F.A.C. as presented and to incorporate new forms. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved that SERC 1. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved that SERC 2. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved that the rule should not sunset. Motion seconded by Dr. Phillips, which carried unanimously.

D. 64B7-30 F.A.C. (Disciplinary Guidelines, Citations)

1. 64B7-30.002, F.A.C. (Disciplinary Guidelines)

Action Taken: After discussion, Dr. Phillips moved to accept the changes to 64B7-30.002, F.A.C. as presented. Motion seconded by Mr. Brooks, which carried unanimously.

2. 64B7-30.004, F.A.C. (Citations)

The following changes were proposed by the board to the presented rule text for the purposes of clarity:

- Replace the term “instrument” with document or similar.
- Revise language in (g) concerning reinstatement.

Action Taken: After discussion, Mr. Brooks moved to accept the changes to 64B7-30.004, F.A.C. with amendments made on the record. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved that SERC 1. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved that SERC 2. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved that the rule should not sunset. Motion seconded by Dr. Phillips, which carried unanimously.

RECESS 12:20 pm

IV. ADMINISTRATIVE PROCEEDINGS

A. Reconsideration of Notice of Intent to Deny

AD-13. Ren, Yan

F:100211

Applicant was present with counsel, Mr. John Strohsahl, Esq. Ms. Sasha Yang was present to translate from Mandarin to English.

Action Taken: After discussion, Mr. Brooks moved to issue the license with the conditions of probation with required reporting within 6 months, which may terminate early on the receipt of a good report from the practitioner completing the report. Motion seconded by Dr. Phillips, which carried unanimously.

Applicants, Petitioners in Attendance

AD-33. Zhang, Qing

File: 103017

Applicant was present without counsel. Ms. Sasha Yang was present to translate from Mandarin to English.

Action Taken: After discussion, Mr. Brooks moved to deny the license based on education discrepancies observed in the application and supporting documents. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Dr. Phillips moved to re-open the item for consideration. Motion seconded by Ms. Drago, which carried 3/1 with Mr. Brooks in opposition.

Applicant verbally withdrew her application on the record.

AD-15. Amanda Turner, L.M.T.

MA82104

Petitioner was present without counsel.

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

AD-17. Melissa L. Sleister, L.M.T.

MA63860

Petitioner was present without counsel.

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

AD-20. Haines, Robert Patrick

File: 104184

Applicant was present without counsel.

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

AD-22. James, Julizza

File: 87408

Applicant was present without counsel.

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

AD-25. Mejia, Ivan

File: 104413

Applicant was present without counsel.

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

AD-26. O'Baker, Ashleigh

File: 99310

Applicant was present without counsel.

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

AD-27. Padgett, Misty

File: 104031

Applicant was present without counsel.

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

AD-29. Roberts, Danielle

File: 103992

Applicant was present without counsel.

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

AD-30. Spargur, Amber

File: 103332

Applicant was present without counsel.

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

AD-32. Yerushalmy, Angie Rae

File: 103218

Applicant was present without counsel.

Applicant amended her application responses on the record to reflect prior disciplinary history.

Action Taken: After discussion, Dr. Phillips moved to issue license contingent on payment of outstanding fines and costs in case 2015-16166. Motion seconded by Ms. Wakeman, which carried unanimously.

AD-24. Love, Matthew

File: 104195

Applicant was present without counsel.

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

B. Petitions for Variance or Waiver

AD-14. Jessica Pomaes, L.M.T. **MA64386**

Petitioner was not present.

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

~~**AD-15. Amanda Turner, L.M.T.** **MA82104**~~

~~Petitioner was present without counsel.~~

AD-16. Sandra J. Murray, L.M.T. **MA77950**

Petitioner was not present.

Action Taken: After discussion, Mr. Brooks moved to grant the petition. Motion seconded by Dr. Phillips, which carried unanimously.

~~**AD-17. Melissa L. Sleister, L.M.T.** **MA63860**~~

~~Petitioner was present without counsel.~~

C. Applicants with Foreign Education

AD-18. Butler, Juliette **File: 104411**

Applicant was not present.

Action Taken: After discussion, Mr. Brooks determined that the education presented did not meet or exceed licensing requirements in Florida, and to deny certification for the MBLEX examination as not equivalent to the education required for the purposes of licensure.

D. Applicants with History

AD-19. Chase, Jacqueline **File: 103132**

Applicant was not present.

Action Taken: After discussion, Ms. Wakeman moved to issue the license contingent on amendment to criminal history question and disclosure of a prior health care license held. Motion seconded by Dr. Phillips, which carried unanimously.

RECESS 12:05 pm / RECONVENE: 2:03 pm

~~**AD-20. Haines, Robert Patrick** **File: 104184**~~

~~Applicant was present without counsel.~~

AD-21. Helley, Shannan Nichole **File: 104150**

Applicant was not present.

Action Taken: After discussion, Mr. Brooks issue the license contingent on amendment to application to disclose criminal history, made within 60 days of the entry of the final order. Motion seconded by Ms. Wakeman, which carried unanimously.

AD-22. James, Julizza File: 87408

Applicant was present without counsel.

AD-23. Lin, Hui File: 81642

Applicant was not present.

Action Taken: After discussion, Dr. Phillips moved to issue the license contingent on amendment to application to disclose criminal history within 60 days of the entry of the final order and amending the massage therapy education history reported on the application for the purposes of licensure. Motion seconded by Ms. Wakeman, which carried unanimously.

AD-24. Love, Matthew File: 104195

Applicant was present without counsel.

AD-25. Mejia, Ivan File: 104413

Applicant was present without counsel.

AD-26. O'Baker, Ashleigh File: 99310

Applicant was present without counsel.

AD-27. Padgett, Misty File: 104031

Applicant was present without counsel.

AD-28. Quan, Shijia File: 104116

Applicant was not present.

Action Taken: After discussion, Dr. Phillips moved to deny the application for crime related to the practice of massage therapy, prior denial, and failure to disclose prior denial. Motion seconded by Ms. Wakeman, which carried unanimously.

AD-29. Roberts, Danielle File: 103992

Applicant was present without counsel.

AD-30. Spargur, Amber File: 103332

Applicant was present without counsel.

AD-31. Wang, Tracy Wei File: 103580

Applicant was not present.

Action Taken: After discussion, Dr. Phillips deny for the unlicensed practice of the profession in another jurisdiction and subsequent denial entered in Tennessee. Motion seconded by Ms. Wakeman, which carried unanimously.

~~AD-32. Yerushalmy, Angie Rae~~ File: 103218

~~Applicant was present without counsel.~~

~~AD-33. Zhang, Qing~~ File: 103017

~~Applicant was present without counsel.~~

D. Board Approved Massage Schools (Notice of Violations)

AD-34. Progressive Training Centers

Representative for Progressive Training Centers was not present.

Action Taken: After discussion, Dr. Phillips moved to rescind approval. Motion seconded by Mr. Brooks, which carried unanimously.

V. GENERAL BUSINESS DISCUSSION

A. OLD BUSINESS

B. NEW BUSINESS

Dr. Phillips raised a question about telehealth and reporting.

Mr. Brooks addressed SOAP notes or other means of assessment, should a bill pass this year, and indicated future discussion will be necessary in that event.

VIII. ADJOURN 2:51 pm