



General Business Meeting

Conference Call
December 2, 2020
9:00 am

(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

MEMBERS ABSENT

Robyn Dohn Havard, PLCS

BOARD COUNSEL

Diane Guillemette, Esq., *Assistant Attorney General*

STAFF PRESENT

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

COURT REPORTER

For the Record Reporting
(850) 222-5491
Clara Rotruck – Court Reporter

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.floridasmassage therapy.gov/meeting-information/>

Applicants in Attendance

AD-10. Ren, Yange

File # 100211

Applicant was present with counsel, John Strohsahl, Esq. Mr. Zeng was also present to assist Ms. Ren.

Action Taken: After discussion, Dr. Phillips moved to deny the application due to prior discipline and criminal history. Motion seconded by Mr. Brooks, which carried unanimously.

AD-02. Almonte-Garcia, Ariadne

File # 102656

Applicant was present without counsel.

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

AD-05. Byrd, Thomas Dabney

File # 102976

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license with the condition of a \$500.00 administrative fine within one year and completion of 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.

AD-06. Gil, Yenisel

File # 102875

Applicant was present without counsel.

Action Taken: After discussion, Dr. Phillips moved to issue the license with the condition of a \$500.00 administrative fine within one year and completion of 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.

RECESS: 10:10 am / RECONVENE: 10:18 am

AD-04. Brown, Delarius Carnell

File # 102510

Applicant was present without counsel. Ms. Pate (Fortis Institute) was present.

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

AD-08. Kraeling, Marian

File # 102723

Applicant was present without counsel.

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

AD-09. Latorre, Anais

File # 102625

Applicant was present without counsel.

Applicant withdrew her application on the record.

AD-11. Ricardo, Eric

File # 83873

Applicant was present without counsel.

Action Taken: After discussion, Mr. Brooks moved to issue the license with the conditions of a \$500.00 administrative fine within one year and completion of 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.

AD-12. Antonacci, Angela M.

Petitioner was present without counsel.

Action Taken: After discussion, Dr. Phillips moved to deny the petition for variance or waiver, as the underlying purposes of statute are not met. Motion seconded by Mr. Brooks, which carried unanimously.

AD-13. Joines, Julia

Petitioner was present without counsel.

Action Taken: After discussion, Dr. Phillips moved to deny the petition for variance or waiver, as the underlying purposes of statute are not met. Motion seconded by Mr. Brooks, which carried unanimously.

AD-14. McKinney, Sophia Brooker

MA92913

Licensee was present without counsel.

Action Taken: After reconsideration, Dr. Phillips moved to uphold the Notice of Intent to Approve with Conditions. Motion seconded by Mr. Brooks, which carried unanimously.

RECESS: 11:29 am / RECONVENE: 11:39 am

New Business

The board discussed the possibility of an addition to standards of practice regarding specific contraindications. After discussion, the board agreed to allow staff, counsel, and the chair to explore this issue.

An applicant for CE providership expressed that she was in favor of these kinds of education requirements. She indicated that she was a cosmetologist and asked if the board worked with the Board of Cosmetology. Staff provided additional information about the course approval process and general requirements for courses to be approved. The Board directed staff to provide additional documentation for the applicant on request.

A. Applicants with Foreign Education

AD-01. Knight, Craig

File # 102766

Applicant was not present.

Action Taken: After discussion, Dr. Phillips moved that the education is equivalent to that which is required in Florida. Motion seconded by Ms. Wakeman, which carried unanimously.

B. Applicants with History

AD-02. Almonte-Garcia, Ariadne

File # 102656

Item was heard earlier in the meeting.

AD-03. Bolduc, James

File # 102222

Applicant was not present.

Action Taken: After discussion, Mr. Brooks moved to issue the license contingent on contact with PRN within 30 days, an evaluation by PRN within 60 days, and compliance with any required contract within 90 days, and with the conditions of a \$1,500.00 administrative fine within 2 years and completion of a 10-hour Florida Laws and Rules course above and beyond renewal requirements within 90 days of the issuance of the license. Motion seconded by Dr. Phillips, which carried unanimously.

~~**AD-04. Brown, Delarius Carnell**~~ **File # 102510**

Item was heard earlier in the meeting.

~~**AD-05. Byrd, Thomas Dabney**~~ **File # 102976**

Item was heard earlier in the meeting.

~~**AD-06. Gil, Yenisel**~~ **File # 102875**

Item was heard earlier in the meeting.

AD-07. Guzman, Julio **File # 102790**

Applicant was not present.

Action Taken: After discussion, Mr. Brooks moved to require the appearance of the applicant. Motion seconded by Ms. Wakeman, which carried unanimously.

~~**AD-08. Kraeling, Marian**~~ **File # 102723**

Item was heard earlier in the meeting.

~~**AD-09. Latorre, Anais**~~ **File # 102625**

Item was heard earlier in the meeting.

~~**AD-10. Ren, Yange**~~ **File # 100211**

Item was heard earlier in the meeting.

~~**AD-11. Ricardo, Eric**~~ **File # 83873**

Item was heard earlier in the meeting.

C. Petition for Variance or Waiver

~~**AD-12. Antonacci, Angela M.**~~

Item was heard earlier in the meeting.

~~AD-13. Joines, Julia~~

Item was heard earlier in the meeting.

D. Request for Reconsideration

~~AD-14. McKinney, Sophia Brooker~~ MA92913

Item was heard earlier in the meeting.

II. RULES DISCUSSION

64B7-30.002, F.A.C. – Disciplinary Guidelines

The Board discussed the statutes applicable to discipline for telehealth registrants. The Board indicated that violations related to emotional support animals should be brought back in revision to this rule and to 64B7-30.004, F.A.C. - Citations.

64B7-26.003, F.A.C. – Massage Establishment Operations

Action Taken: After discussion, the Board moved to amend (3)(b) to change “pets” to “pests,” to add “clothes” to (4)(e), to amend (1)(b)1 to read “One functioning toilet and one functioning sink,” to correct (4)(c) to “surface,” and to strike “fixture” in (1)(d)1.

Action Taken: After discussion, Mr. Brooks moved that the rule amendment would not increase regulatory costs in excess of \$250,000.00 within one year of the implementation of the rule. Motion seconded by Dr. Phillips, which carried unanimously.

Action Taken: After discussion, Mr. Brooks moved that the rule should not be considered a minor violation.

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

III. GENERAL BUSINESS DISCUSSION

A. OLD BUSINESS

Staff provided general updates about DEM compliance and Human Trafficking Awareness course completion, and website updates.

Dr. Phillips requested some information about whether complaints could be filed by the board with the CIE. Staff provided a rule citation that would allow the board to notify the CIE of non-compliance with board rules.

B. NEW BUSINESS

Dr. Phillips requested that a rule be drafted concerning patient records.

Ms. Drago provided some insight as to her experience taking the SOAR course – she indicated that the course was comprehensive and useful. She noted that the one shortcoming of the course is the absence of numbers to connect the issue with the scope of the issue.

IV. ADJOURN 1:06 pm

INFORMATIONAL