

## STATE BOARD OF MASSAGE THERAPY

October 21, 2013

### MINUTES

#### I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Ann Botka called the meeting to order at 10:11 a.m. in Room W064 of the Indiana Professional Licensing Agency, Indiana Government Center South, 402 W. Washington Street, Indianapolis, IN 46204. A quorum was established.

**Members Present:**

Ann Botka, Chair  
Todd Hubbard, Member  
Barbara Lis, Member  
Adam Elkins, Vice Chair

**Members Absent:**

None

**State Officials Present:**

Tasha Coleman, Board Director, Indiana Professional Licensing Agency  
Phil Thompson, Board Advisory Council, Office of the Attorney General

#### II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the Agenda, as amended.

Elkins/Lis  
4/0/0 Motion carried

#### III. ADOPTION OF THE MINUTES FROM THE AUGUST 12, 2013 MEETING OF THE BOARD

A motion was made and seconded to adopt the Minutes from the August 12, 2013 meeting of the Board, as amended.

Elkins/Lis  
4/0/0 Motion carried

#### IV. PERSONAL APPEARANCES

**A. Kellie Webb**

Re: Positive Response Application

Ms. Webb called to indicate that she would not be able to appear due to a prior court appearance. A motion was made and seconded to table the application until February 2014.

Hubbard/Elkins  
4/0/0 Motion carried

**B. Shekinah Voss**  
Re: Positive Response Application

Ms. Voss did personally appear before the Board to answer questions regarding her positive response application. She reported multiple charges of OWI and completed all court ordered requirements. A motion was made and seconded to approve the application with no stipulation.

Lis/Botka  
4/0/0 Motion carried

**C. Wing Fan**  
Re: Positive Response Application

Ms. Fan did personally appear before the Board to answer questions as to why she failed to report that she had been charged with prostitution and practicing massage therapy without a license in the State of Illinois. A motion was made and seconded to deny the application based on the false application and require a new application where she answers the questions correctly to report the charge of prostitution, as well as the discipline for unlicensed practice of massage therapy in the state of Illinois.

Elkins/Lis  
4/0/0 Motion carried

**D. Terra DeVeaux**  
Re: Application

Ms. DeVeaux did personally appear before the Board to answer questions regarding her application. She reported a charge of prostitution and having a previous massage therapist application in Indiana denied. In addition to the positive response application the OAG has filed a Cease and Desist and the hearing will be held at the next meeting. A motion was made and seconded to table the application until after the hearing in February 2014.

Lis/Hubbard  
4/0/0 Motion carried

**E. Ronald Hamilton**  
Re: Positive Response Application

Mr. Hamilton did personally appear before the Board to answer questions regarding his positive response application where he reported multiple OWI convictions. He has been involved in AA and has successfully completed all court ordered requirements. After hearing testimony and reviewing the file a motion was made and seconded to approve the application and to issue an unrestricted certification.

Lis/Botka  
4/0/0 Motion carried

**F. Baoyu Lu**  
Re: CBC

Ms. Lu did not appear before the Board as requested; she submitted a statement regarding her failure to answer yes to the question regarding a charge of prostitution. She was able to demonstrate that the record was expunged. A motion was made and seconded to approve the application without stipulations.

Hubbard/Lis  
4/0/0 Motion carried

**G. Lesley Hutchens**  
Re: Application

Ms. Hutchens did personally appear before the Board to answer questions regarding her application. She failed to report that she had been arrested for public intoxication which was reported on her CBC. While the precedent is to deny the application based on a false application, based on the fact that she did not intend to falsify the application and has successfully completed her education and examination a motion was made and seconded to approve the application and issue the certification without stipulations.

Lis/Botka  
4/0/0 Motion carried

**V. ADMINISTRATIVE HEARINGS**

**A. In the matter of the unlicensed practice of Anthony Turner**  
Cause No.: 2013 SBMT 0009  
Re: Order to Show Cause

**Parties and Counsel Present:**  
Amanda R. Elizondo, Deputy Attorney General

**Resolution:** Based on the Respondent's failure to appear a motion was made and seconded to issue a notice of proposed default.

Hubbard/Elkins  
4/0/0 Motion carried

**B. In the matter of the certification of Katie Rawn, Certification Number: MT20902507**  
Cause No.: 2013 SBMT 0017  
Re: Petition to Review Denial of Renewal

**Parties and Counsel Present:**  
Phil Thompson, DAG, Board Counsel  
Katie Rawn, MT

**Witnesses:**  
Katie Rawn, MT

**Participating Board Members:**

Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**

Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Hubbard/Elkins  
4/0/0 Motion carried

- C. **In the matter of the certification of Josette Sheets, Certification Number: MT20902549**  
Cause No.: 2013 SBMT 0014  
Re: Petition to Review Denial of Renewal

**Parties and Counsel Present:**

Phil Thompson, DAG, Board Counsel  
Josette Sheets, MT

**Witnesses:**

Josette Sheets, MT

**Participating Board Members:**

Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**

Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Lis/Botka  
4/0/0 Motion carried

- D. **In the matter of the certification of Emily Moore, Certificate Number: MT20903025**  
Cause No.: 2013 SBMT 0016  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**

Phil Thompson, DAG, Board Counsel  
Emily Moore, MT

**Witnesses:**

Emily Moore, MT

**Participating Board Members:**

Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**

Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Lis/Elkins  
4/0/0 Motion carried

- E. **In the matter of the certification of Amanda Naatz, Certificate Number: MT20902442**  
Cause No.: 2013 SBMT 0015  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**

Phil Thompson, DAG, Board Counsel  
Amanda Naatz, MT

**Witnesses:**

Amanda Naatz, MT

**Participating Board Members:**

Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**

Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Lis/Elkins  
4/0/0 Motion carried

- F. **In the matter of the certification of Brandy Johnsten, Certificate Number: MT20901230**  
Cause No.: 2013 SBMT 0012  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**  
Phil Thompson, DAG, Board Counsel

**Witnesses:**  
None

**Participating Board Members:**  
Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**  
Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** In the absence of the Respondent and/or her attorney or representative, Phil Thompson, Board Advisory Council, instructed the board that in light of her unique circumstances they were able to continue with the hearing in her absence. A motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Lis/Elkins  
4/0/0 Motion carried

- G. **In the matter of the certification of Shanna Rowe, Certificate Number: MT20903099**  
Cause No.: 2013 SBMT 0013  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**  
Phil Thompson, DAG, Board Counsel  
Shanna Rowe, MT

**Witnesses:**  
Shanna Rowe, MT

**Participating Board Members:**  
Ann Botka  
Todd Hubbard  
Barbara Lis

Adam Elkins

**Court Reporter:**  
Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Lis/Hubbard  
4/0/0 Motion carried

- H. **In the matter of the certification of Stacy VanCour, Certificate Number: MT20902711**  
Cause No.: 2013 SBMT 0018  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**  
Phil Thompson, DAG, Board Counsel  
Stacy VanCour, MT

**Witnesses:**  
Stacy VanCour, MT

**Participating Board Members:**  
Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**  
Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Botka/Lis  
4/0/0 Motion carried

- I. **In the matter of the certification of Daniel Underwood, Certification Number: MT20902712**  
Cause No.: 2013 SBMT 0021  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**  
Phil Thompson, DAG, Board Counsel  
Daniel Underwood, MT

**Witnesses:**

Daniel Underwood, MT

**Participating Board Members:**

Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**

Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that he submitted insurance.

Botka/Lis  
4/0/0 Motion carried

**J. In the matter of the certification of Julie C. Johnson, Certification Number:**

**MT21104021**

Cause No.: 2013 SBMT 0019

Re: Petition for Review Denial of Renewal

**Resolution:** Based on the Respondent's failure to appear a motion was made and seconded to issue a notice of proposed dismissal.

Hubbard/Elkins  
4/0/0 Motion carried

**K. In the matter of the certification of Amanda Burton, Certification Number:**

**MT21204324**

Cause No.: 2013 SBMT 0020

Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**

Phil Thompson, DAG, Board Counsel  
Amanda Burton, MT

**Witnesses:**

Amanda Burton, MT

**Participating Board Members:**

Ann Botka  
Todd Hubbard  
Barbara Lis  
Adam Elkins

**Court Reporter:**

Lindey Meyer



**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Hubbard/Elkins  
4/0/0 Motion carried

*Adam Elkins left the meeting at 1:30 p.m.*

- L. In the matter of the unlicensed practice of Teri Steigerwald**  
Cause No.: 2013 SBMT 0025  
Re: Order to Show Cause

**Parties and Counsel Present:**  
Amanda Elizondo, DAG

**Resolution:** Based on the Respondent's failure to appear a motion was made and seconded to issue a notice of proposed default.

Hubbard/Botka  
3/0/0 Motion carried

- M. In the matter of the certification of Annie Mininger, Certification Number: MT20902367**  
Cause No.: 2013 SBMT 0023  
Re: Petition for Review of Denial of Renewal

**Resolution:** Based on the Respondent's failure to appear a motion was made and seconded to issue a notice of proposed dismissal.

Botka/Hubbard  
3/0/0 Motion carried

- N. In the matter of the certification of Megan Walsh, Certification Number: MT20903084**  
Cause No.: 2013 SBMT 0022  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**  
Phil Thompson, DAG, Board Counsel  
Megan Walsh, MT

**Witnesses:**  
Megan Walsh, MT

**Participating Board Members:**  
Ann Botka  
Todd Hubbard  
Barbara Lis

**Court Reporter:**  
Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Hubbard/Botka  
3/0/0 Motion carried

- O. **In the matter of the certification of Kari Everhart, Certification Number: MT21204522**  
Cause No.: 2012 SBMT 0021  
Re: Petition to Reinstate Suspended License

**Parties and Counsel Present:**  
Amanda R. Elizondo, Deputy Attorney General  
Kari Everhart, MT

**Witnesses:**  
Kari Everhart, MT

**Participating Board Members:**  
Ann Botka  
Todd Hubbard  
Barbara Lis

**Court Reporter:**  
Lindey Meyer

**Case Summary:** The Board issued an order to show cause to the Respondent after she failed to abide by the terms in her probation letter. The Respondent was placed on probation in October 2012 following a personal appearance. On August 12, 2013, after hearing testimony and reviewing the file a motion was made and seconded to suspend the Respondent's certification for 45 days and in that time she shall be required to obtain a standing order for random urine drug screens. Upon receipt of the standing order she will be contacted to have a random screen completed. She may not request termination of the suspension order until she has satisfied all requirements of the suspension order.

**Resolution:** After hearing testimony and reviewing the file a motion was made and seconded to reinstate probation. The terms of the probationary order will change in that her employer will need to submit reports quarterly, her probation will be extended for 18 months from the date of the new order, and the board will call the respondent for random drug screens twice annually. All other requirements of the previous order will remain the same.

Lis/Botka  
3/0/0 Motion carried

- P. **In the matter of the certification of Nadia Musser, Certification Number: MT20902387**  
Cause No.: 2013 SBMT 0024  
Re: Petition for Review of Denial of Renewal

**Parties and Counsel Present:**

Phil Thompson, DAG, Board Counsel  
Nadia Musser, MT

**Witnesses:**

Nadia Musser, MT

**Participating Board Members:**

Ann Botka  
Todd Hubbard  
Barbara Lis

**Court Reporter:**

Lindey Meyer

**Case Summary:** On August 12, 2013 the Board denied Respondent's renewal application based on failure to submit proof of professional liability insurance at renewal.

**Resolution:** Motion was made and seconded to grant the license renewal based on the fact that she submitted insurance.

Botka/Hubbard  
4/0/0 Motion carried

**VI. DISCUSSION**

- A. **FSMTB** – Barb Lis attended the annual FSMTB conference and has submitted a report. The report is attached to the minutes ad Exhibit A.
- B. **Letter from Jennifer Otte**  
Re: Petition to be granted certification by Grandfathering

A motion was made and seconded to deny the request of Ms. Otte to grandfather her as a certified massage therapist based on the fact that the grandfathering period has expired.

Botka/Lis  
3/0/0 Motion carried

**VIII. ADJOURNMENT**

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Massage Therapy adjourned at 2:45 p.m.

  
Ann Botka, MT, Chair

# Federation of State Massage Therapy Boards

## October 10-13, 2013 Annual report

Barbara Lis, Indiana Delegate

### Projects in the works:

- **Entry Level Analysis Project / creating a standard curriculum**  
Excellent work is being done to create a standard curriculum due to be completed January 2014. The research has found the standard entry level of massage training in the country, how it is being taught, what teaching tools are needed, what skill level the instructor(s) have and their needs. etc. The information will be made available for states to create a standard curriculum for school to adhere to.
- **Model Practice Act**  
Massage Therapy Practice Act / Massage-Bodywork practice Act research is being done to give it the right title This has been a 5 year process to be complete by 11/13 to states and to the public by 2014. Document release date, Dec.1st 2013.
- **Massage Licensing Database**  
A database has been created and is now ready to be filled with each state's data on regulate massage therapist. This is similar to the database that Indiana already is participating in for the accounting profession.  
It will compile all information on an individual. It can be search by name(s) with as many changes to a person, any address changes are saved, nicknames, birth dates, country, education, school(s), continuing education, license(s) held (any and every where and when), status of each license held, disciplinary action in detail, etc This will help cut down time for our staff, making it easier to verify individuals when processing new application, renewing, check the status of any one holding a license(s) in other states, multiple license holders and/ or may have a question about disciplinary actions. Etc. There will be no charge to states that are members of FSMTB to use it. A security form with consent to release might need to be added to our application forms if we participate in this.
- **License Renewal- Ethics and Professional Practice / Professional Development Activities and Continuing Education / License Renewal Standards**  
Boards wanted education for public safety. Per year -6 hours ceus -3 must be public safety. Education categories will be Professional Development Activity (pda) and Ethics and Professional Practice (epp) courses. Pda will be ready to see in early 2014. Epp will be based on state board direction and will be ready shortly after.

EXHIBIT "A"

Online courses will be through FSMTB. Boundary violations, disciplinary topics could be used as a discipline by the state. To take a course –individual will pay, etc. If face to face training is required epp instructor training will be available. On line storage of data of CEUs will be called REACH-Regulatory Education And Competence Hub. Completion reports will be available. Launch Jan 2014. No charge for states that are members of FSMTB.

- **MBLEx – Fraudulent Licensing Exam applications / Exam Security**  
Only 6 states are unregulated now, 2 states do not use exam, 20,000 took test this year so far, exam changes patterns every test, questions renew every 2 months.  
Security is very strict. People have been found wearing camera on a pair of glasses etc. All efforts are made to make it difficult to memorize the order of the questions (patterns). Some cultures are natural taught to learn by memory so patterns are changed with each test. Finger and palm printing plus photos are used at test centers to prevent switching people.  
Help is needed to write new questions for the test. If anyone has questions they can submit them for consideration to be use in future tests.
- **New task force on Human Trafficking**  
Delegates voted to create a task force, to gather information on human trafficking in the country and to provide that information to the states. The intention is to help states with the big increase with human trafficking across the country, look for patterns and provide information for legislation or whatever help can be provide with this growing problem.
- **Next meetings**  
October 2-5, 2014, Tucson, Arizona  
October 8-10, 2015, Albuquerque, New Mexico --- 10<sup>th</sup> Anniversary