

STATE BOARD OF MASSAGE THERAPY

FEBRUARY 18, 2013

MINUTES

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Ann Botka called the meeting to order at 10:06 a.m. in Conference 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, Vice Chair
Todd Hubbard, Member
Barbara Lis, Member

Members Absent:

Adam Elkins, Member

State Officials Present:

Tasha Coleman, Board Director, Indiana Professional Licensing Agency
Crystal Smith, Assistant Board Director, Indiana Professional Licensing Agency
Kristen Garn, Board Advisory Council, Office of the Attorney General

I. ADOPTION OF THE AGENDA

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

Hubbard/Lis
3/0/0 Motion carried

II. ADOPTION OF THE MINUTES FROM THE OCTOBER 15, 2012 MEETING OF THE BOARD

A motion was made and seconded to adopt the Minutes from the October 15, 2012 meeting of the Board, as amended.

Hubbard/Lis
3/0/0 Motion carried

III. PERSONAL APPEARANCES

A. Rachel Rodriguez

Re: Non-Compliance with probationary order

Ms. Rodriguez did personally appear before the Board to answer questions as to why she has not complied with her probationary order. She reported that she is working independently at this time and is seeing her probation officer. The Board received one report from her probation officer. Moving forward, Ms. Rodriguez will submit her personal reports and request that her probationary reports be sent by the 28th of the month (March,

June, September). Should she miss submitting one report she will be sent an Order to Show Cause Notice.

B. Jennifer Trowbridge

Re: Non-Compliance with probationary order

A motion was made and seconded to issue an Order to Show Cause for her failure to appear as requested by the Board to answer questions as to why she has not complied with the terms of her probationary order.

Botka/Hubbard
3/0/0 Motion carried

C. Brandon Cockrell

Re: Positive Response Application

Mr. Cockrell did personally appear before the Board to answer questions regarding his positive response application for certification as a massage therapist. He reported four (4) convictions: 199: reckless possession of paraphernalia, 2001: fraud on a financial institution, 2007: DUI, 2008: public intoxication and 2011: DUI. He attends AA every Sunday and Wednesday as of his second DUI, and is staying at home with his children until he finds employment as a massage therapist. A motion was made and seconded to issue the certification on probation for not less than one year from the date of the final order. The terms of probation shall include: keeping the Board abreast of his address, mailing address, email address, and phone number. Should he be employed as a massage therapist he shall request his employer to submit quarterly reports (March, June, and September); in the event that he is not employed as a massage therapist he shall submit monthly self reflection reports detailing his current status, progress in recovery, issues or problems he is experiencing, and the value he has gained from continued participation in AA meetings.

Hubbard/Lis
3/0/0 Motion carried

D. Tong Hui Lu

Re: CBC

Ms. Lu did personally appear before the Board to answer questions regarding her application where she failed to report that she had been arrested for and charged with prostitution and promotion of prostitution. Ms. Lu's attorney and translator informed the Board that she did not understand that she was charged with the offense, she believed that since she had not been convicted of prostitution she did not need to answer yes to the question on the application. A motion was made and seconded to accept an amended application on which Ms. Lu will answer the questions correctly and to table the new application until the criminal case has been decided on.

Botka/Lis
3/0/0 Motion carried

E. Tara Henderson
Re: Probation Status

A motion was made and seconded to issue an Order to Show Cause for her failure to appear as requested by the Board to answer questions as to why she has not complied with the terms of her probationary order.

Botka/Hubbard
3/0/0 Motion carried

IV. ADMINISTRATIVE HEARINGS

A. In the matter of the certification of Barry Hearin, M.T., Certificate No.: MT20902140
Administrative Cause Number: 2012 SBMT 0022
Re: Complaint
Continued until 4/15/13

B. In the matter of Karen Buckner
Administrative Cause Number: 2012 SBMT 0023
Re: Order to Show Cause

Parties and Counsel Present:

Darren R. Covington, Deputy Attorney General
Karen Buckner

Witnesses:

Karen Buckner
E. James O'Donnell

Participating Board Members:

Ann Botka
Todd Hubbard
Barbara Lis

Court Reporter:

Sherri Rutledge

Case Summary: The Board received a Motion for Order to Cease and Desist on December 3, 2012. It was reported that Respondent was calling herself a certified massage therapist; the title "certified massage therapist" is restricted to individuals that have been issued their certification from the Board.

Resolution: Based on the information presented in the hearing a motion was made and seconded to issue the cease and desist order.

Lis/Hubbard
3/0/0 Motion carried

- C. In the matter of the certification of Tausha Luttrell, M.T., Certificate No.: MT20903175**
Administrative Cause Number: 2009 SBMT 0022
Re: Petition to Withdraw Probation

Parties and Counsel Present:

Amanda Elizondo, Deputy Attorney General
Tausha Luttrell, MT

Witnesses:

Tausha Luttrell, MT

Participating Board Members:

Ann Botka
Todd Hubbard
Barbara Lis

Court Reporter:

Sherri Rutledge

Case Summary: The Respondent's massage therapist certification was placed on probation following a personal appearance in November 2009 due to Respondent's reporting six (6) incidents of misdemeanor criminal convictions.

Resolution: After reviewing the information presented in the hearing which indicates that Ms. Luttrell failed to comply with the terms of her probationary order following the completion of her criminal probation, a motion was made and seconded to deny the petition for termination of probation and to maintain the probationary status for not less than a year from the date of the new order. During this extended time Ms. Luttrell shall comply with the terms of her original probationary order.

Lis/Hubbard
3/0/0 Motion carried

VI. DISCUSSION

A. Renewals: Tasha Coleman gave the Board an update on the upcoming renewal which shall begin on March 15, 2013 for the May 15, 2013 expiration. The Board will be sent an advance copy of the renewal notice for review purposes only so as to make sure that the notice is correct with this being their first renewal.

B. FSMTB: Barb Lis gave the Board an update on what is happening with the FSMTB including information pertaining to the new exam for NCTMB which shall replace the certification exam.

C. SB 573: Massage Therapy Licensure Bill: The massage licensure bill will be reviewed and if passed by the senate will require that all massage therapists practicing in the State of Indiana be licensed. It will do away with title protection only and the practice of massage therapy will be protected.

E. Gov. Pence: Gov. Pence has placed a moratorium on rules at this time; the Board was concerned with how this will affect them. At this time all agencies and boards are waiting to see

how the moratorium will affect them and taking into consideration that each rule will be looked at on a case by case basis.

G. Newsletter: Tasha Coleman explained that the newsletter is going out quarterly and she is accepting articles that are relevant at the time the newsletter is being issued. She also informed the Board that there is a MT Facebook page that information can be posted on by members between newsletters. All responses to Facebook posts by the public should come from either Tasha or Crystal so that responses are consistent and accurate.

H. Exams: National certification credential exam will be phased out by 2016. Exams will stay the same and will be used for the purpose of licensure for some states. The new credential will be identified as “board certified” and will have a new test and requirements. The new credential will be a two year renewal and will require a CBC.

I. New application changes: Tasha Coleman informed the Board that she is still planning on updating the application as previously reported; however she is waiting on authorization to proceed by the new executive director.

VI. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Massage Therapy adjourned at 1:44 p.m.

Ann Botka, MT