

STATE BOARD OF MASSAGE THERAPY

August 12, 2013

MINUTES

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Ms. Ann Botka called the meeting to order at 10:19 a.m. in Conference Center Room 6 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
Crystal Smith, Assistant Board Director, Indiana Professional Licensing Agency
Kristen Garn, 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.

Botka/Lis
4/0/0 Motion carried

III. ADOPTION OF THE MINUTES FROM THE JUNE 17, 2013 MEETING OF THE BOARD

A motion was made and seconded to adopt the Minutes from the June 17, 2013 meeting of the Board, as amended.

Lis/Hubbard
4/0/0 Motion carried

IV. ADOPTION OF ALJ RECOMMENDATIONS FROM THE JULY 11 & 25, 2013

A motion was made and seconded to adopt the recommendations from the July 11 & 25, 2013 Administrative Law Judge.

V. **PERSONAL APPEARANCES**

- A. **Jin Gao** did not appear to answer questions regarding her positive response renewal. Based on that fact a motion was made and seconded to deny the renewal.

Botka/Lis
3/0/0 Motion carried

- B. **Stephani Rivera** did personally appear before the board to answer questions regarding her positive response application for certification as a massage therapist. She reported that she had been disciplined in the State of Kentucky for working without a license; she reported that the school informed her that she was able to practice. Based on the fact that she is on probation in Kentucky her Indiana certification will be issued on probation. She shall submit quarterly written reports regarding her personal and professional status.

Lis/Hubbard
4/0/0 Motion carried

- C. **Amy Walters** did personally appear before the board to request that the board waive the exam requirement based on the fact that she had been licensed in Hawaii and had taken the Hawaii licensure examination. A motion was made and seconded to deny the request to waive the exam and require her to sit for one of the four acceptable examinations.

Lis/Botka
3/1/0 (Elkins opposed) Motion carried

Based on further discussion a motion was made and seconded to accept the application and the Hawaii exam based on her 10 years of licensed experience in Hawaii and Pennsylvania.

Elkins/Hubbard
3/1/0 (Lis opposed) Motion carried

- D. **Sirley Salazar** did personally appear before the board to answer questions regarding her positive response renewal. She failed to report an OWI on her initial application and after having reported it to the Indiana Nursing Board she contacted this board to report the omission; she reported that she had not intended to falsify her initial application. A motion was made and seconded to approve the renewal application.

Lis/Botka
4/0/0 Motion carried

- E. **Shanelle Norman** did personally appear before the Board to answer questions regarding her positive response application. She reported that she had a criminal history that she was not proud of. Based on the fact that she had made steps towards a better future and her last offense was over two years ago a motion was made and seconded to approve the application.

Hubbard/Botka
4/0/0 Motion carried

- F. Kellie Webb** did personally appear before the board to answer questions regarding her positive response application. Based on the fact that she has open cases and a warrant from...tabled until October she should bring additional information regarding the pending and closed cases, proof of addiction counseling, statement from attorney regarding the disposition of all cases.

Botka/Lis
4/0/0 Motion carried

- G. Tanya Glick** did personally appear before the board to discuss her positive response renewal application. Based on the information reviewed and testimony a motion was made and seconded to renew the certificate on probation with the following terms: keep the Board updated on all personal and professional contact information, quarterly personal and employer reports to start in November 2013, and updates on the status of criminal her proceedings and personal wellbeing

Lis/Botka
4/0/0 Motion carried

- H. Rebecca Ransome** did personally appear before the board to request that the board accept her online education as having met the educational requirements for certification as a massage therapist. A motion was made and seconded to approve the application pending receipt of verification of the supervision of her online education and results of the MBlex.

Hubbard/Elkins
4/0/0 Motion carried

- I. Cuiping Li** did appear and presented the appropriate insurance for renewal of her massage therapy certification. A motion was made and seconded to approve.

Botka/Hubbard
4/0/0 Motion carried

- J. Donita Stone** did personally appear before the board and is still missing her late fee. A motion was made and seconded to approve the renewal pending receipt of late fee

Lis/Botka
4/0/0 Motion carried

- K.** A motion was made and seconded to deny the following massage therapy renewal applications based on the fact that they did not appear before the Board as requested or submit the insurance required to renew:

Jennifer Lewis
Stacy VanCour
Neeley Webb
Kelly Barker
Julie Johnson
Graham Hayden
Amanda Burton

Botka/Elkins
4/0/0 Motion carried

VI. ADMINISTRATIVE HEARINGS

A. In the matter of Justin Peters

Administrative Cause Number: 2013 SBMT 0006
Re: Appeal of Denial

Parties and Counsel Present:

Justin Peters

Witnesses:

Justin Peters

Participating Board Members:

Ann Botka
Todd Hubbard
Barbara Lis
Adam Elkins

Court Reporter:

Sherri Rutledge

Case Summary: The Board reviewed and denied the massage therapist certification application of the Respondent on April 15, 2013. The denial was based on the fact that his degree in massage therapy had not been conferred, wherefore he did not meet the educational requirements for certification.

Resolution: motion to overturn denial and approve the application pending receipt of official transcripts that confer his degree.

Botka/Elkins
4/0/0 Motion carried

B. In the matter of Charles Foster

Administrative Cause Number: 2013 SBMT 0004
Re: Order to Show Cause/Motion for Cease and Desist

Parties and Counsel Present:

Amanda R. Elizondo, Deputy Attorney General

Witnesses:

None

Participating Board Members:

Ann Botka
Todd Hubbard
Barbara Lis
Adam Elkins

Court Reporter:

Sherri Rutledge

Case Summary: The board filed a motion for order to cease and desist in May 2013 which alleged that the Respondent had engaged in activities for which a license or certification was required in that he had represented himself as a licensed massage therapist when in fact he is not licensed or certified as a massage therapist in the State of Indiana.

Resolution: Based on Mr. Foster's failure to appear or answer to the notice of proposed default a motion was made and seconded to find Mr. Foster in default.

Botka/Hubbard
4/0/0 Motion carried

Based on the information presented by the State which indicates that Mr. Foster had practiced in the State of Indiana without holding the required certification a motion was made and seconded to issue the order to cease and desist.

Elkins/Lis
4/0/0 Motion carried

C. In the matter of the certification of Kari Everhart, MT, Certificate No: MT21204522

Administrative Cause Number: 2012 SBMT 0021

Re: Order to Show Cause

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
Adam Elkins

Court Reporter:

Sherri Rutledge

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.

Resolution: After hearing testimony and reviewing the file a motion was made and seconded to suspend the 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.

Botka/Hubbard
4/0/0 Motion carried

VI. PERSONAL APPEARANCES

A. **Jing Shu Chen** Re. Positive Response Renewal

Ms. Chen did not appear to answer questions regarding her positive response renewal. Based on that fact a motion was made and seconded to deny the renewal.

Botka/Elkins
3/0/0 Motion carried

Todd Hubbard left the meeting at 2:47 p.m.

B. **Chung Kai Wang** Re. Positive Response Renewal

Did appear, answered yes on his application that a license had been denied in another state. Did not understand the question and answered yes in error. Motion made and seconded to approve the renewal.

Lis/Botka
3/0/0 Motion carried

C. A motion was made and seconded to deny the following massage therapy renewal applications based on the fact that they did not appear before the Board as requested, and did not submit the required insurance and/or late fee:

Emily Moore
Shanna Rowe
Megan Burcham
Amber Rogers
Melodie Dale
Rebecca Campbell
Erica Evans
Penny Campbell
Janelle Miller

Botka/Lis
3/0/0 Motion carried

VII. PERSONAL APPEARANCES

A motion was made and seconded to deny the following massage therapy renewal applications based on the fact that they failed to appear or submit proof of having professional liability insurances in the timeframe designated by the Board to continue to practice:

Deanne Klasser
Tami Rhodes
Lori Robertson
Brandy Johnsten
Lin Li
Shi-Shin Chow
Patricia Christie
Judith Clark
Sirenia Deantes
Michelle Green
Connie Gulley
Amanda Naatz
Margaret Carpenter
Megan Walsh
April Brake
Ronald Brake
Annie Carmean
Cristen Cowan
Mary Driskill
Xi Duan
Kara Dumas
Andrea Dunn
Patricia Everman
Kimberly Freitzsche
Huanyu Hua
Stacy Hufnagel
Roger Jones
Floyd Kibiloski
Leah Kercheval
Janel Jones
Nadia Musser
Allison Yacks
Jeremiah Wright
Daniel Underwood
Tara Teibel
Kelin Story
Chung Wang
Bernadette Stackhouse
Dannielle Snellenberger
Jian Shi
Josette Sheets
Katie Rawn
Micayla Pollard
Annie Mininger
Jami Littler-Myers
Blaine Lowery
Crystal Lovell
Natalie Gross

Elkins/Botka
3/0/0 Motion carried

The following massage therapist did appear before the board and brought proof of acceptable insurance for the renewal of their certification,

Ashley Edmonds
Mariah Carr
Emily Shown
Erin Arnett
Kathleen O'Shea
Gabrielle Bates
Nancy Clement
Christina Diaz
Patricia Gately
Trudy Guenther
Tracy Reincke
Catherine Cofer-Hines
Christina Smith
Sarah Evans
Shari Flanders
Quincy Henderson
Rachel Kimbro
Alicia Oskay
Delanie Wooden
Sandy Sreng
Shannon Simpson
Ashley Redd
Jennifer Proffitt

Botka/Elkins
3/0/0 Motion carried

The following massage therapist did appear before the board as requested, however they did not present appropriate insurance. A motion was made and seconded to approve their renewal upon receipt of the appropriate insurance, if received prior to August 13, 2013 and 4:30 p.m.

Cheryl Riggins
Yoshiko Motoyama

Lis/Botka
3/0/0 Motion carried

VIII. DISCUSSION

- A. Titles:** The Board discussed the use of titles (i.e. licensed vs. certified); it was again pointed out that the board can only advise and instruct massage therapist to make sure that they do not misrepresent themselves as license. Board staff will continue to file consumer complaints on behalf of the Board when we find that someone who is not certified is advertising themselves as licensed; however we have to take into consideration that for the most part it is a misunderstanding and as long as the individual holds the Indiana State issued certification to practice we will not police.

VIII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Massage Therapy adjourned at 3:45 p.m.

Ann Botka, MT, Chair