

LOUISIANA BOARD OF MASSAGE THERAPY
MINUTES of the May 13, 2016
Open Board Meeting

PLACE: Louisiana State Archives
3851 Essen Lane
Baton Rouge, LA 70809

TIME: 10:00 AM

CALL TO ORDER – Time: 10:02 AM By: Linda Strickland

ROLL CALL - P = Present A= Absent

Sallye Raymond, CIO: P

Faith Miller, Treasurer: P

Colleen Curran, Board Member: P

Linda Strickland, Chair: P

Robin Alexander, Secretary: P

Shari Harter, Vice Chair: A

Motion to shift item under Old Business #3 House Bill 792 to the end of the agenda made by Faith Miller and seconded by Sallye Raymond. Motion carried unanimously.

APPROVE MINUTES – February 19, 2016

Motion to approve the minutes and make a part of the LBMT's permanent records made by Faith Miller and seconded by Sallye Raymond. Motion carried unanimously.

APPROVE MINUTES – March 15, 2016 (Special Board Meeting)

Motion to approve the minutes and make a part of the LBMT's permanent records made by Colleen Curran and seconded by Faith Miller. Motion carried unanimously.

TREASURER REPORT

Financials – Treasurer – Faith Miller

Report discussed and reviewed. Appreciation expressed to staff for financial acumen. Deferred outflows of resources include Laser payments for staff retirement fund.

EXECUTIVE DIRECTOR REPORT – Rhonda McManus

Renewal season was successful yet very busy. Over 2000 of renewals came in during the month of March.

Board policy is not to waive late fees. A written request was made to do so during this renewal period. Motion to decline the therapist's (Shirley Brown) request to waive late fee made by Colleen Curran and seconded by Faith Miller. Motion carried unanimously.

A written request was made to refund establishment license fee to therapist (Sherry Earl) who erroneously paid for a license instead of just registering her private practice. Motion to place this issue on the agenda at this point made by Colleen Curran and seconded by Faith Miller. Motion carried unanimously.

Motion to place the request to waive late fees made by therapist (Shirley Brown) to the agenda made by Colleen Curran and seconded by Faith Miller. Motion carried unanimously. For the purpose of clarity and order the earlier motion on this agenda item is restated.

Motion to not reimburse therapist (Sherry Earl) for previous paid establishment license renewal fees made by Colleen Curran and seconded by Faith Miller. Executive Director made comments to explain difference between establishment license and establishment registration for the benefit of the audience in attendance. A discussion to explain the process of notifying therapists of the changes in the renewal process ensued. Motion carried.

Motion to decline the refund of previously paid establishment license fees to therapist (Sherry Earl) made by Colleen Curran and seconded by Faith Miller. Motion carried unanimously.

There were thirteen complaints that have been addressed. Inspections are back on schedule. Everyone must work together, know the law and file complaints when there are concerns. Inspections require multiple resources and must be completed according to a set protocol. The time it requires makes it difficult with the limited staff to do both inspections and renewals concurrently.

Costs will be increasing for some of the Boards ongoing expenses. Effective July 2016 contract rate for the Department of Justice is \$125 per hour and for Special Counsel it is \$225 per hour. Funds set aside for computer upgrades will need to be used now. The implementation of the software upgrade will begin soon but some hardware requires replacement now and that will be taken care of immediately. As always the staff appreciates the LBMT board members' support and thanks them for all they do.

OLD BUSINESS:

LBMT Chair acknowledges that the LBMT will need to enter Executive Session at this time. An open call to the public in attendance is made. No one responds that they are present for any of the issues to be covered during the session.

Motion to go into Executive Session at 10:49 AM made by Colleen Curran and seconded by Robin Alexander. Motion carried unanimously.

Motion to end Executive Session at 11:09 AM made by Sallye Raymond and seconded by Colleen Curran. Motion carried unanimously.

1. Legal*

A. Injunction Settlement-Redland 639,255 19th Judicial District Court

Motion to allow legal counsel to handle further issues dealing with Redland made by Robin Alexander and seconded by Sallye Raymond. Motion carried unanimously.

Motion to allow legal counsel to make any financial settlement based on input from the Board with Redland made by Robin Alexander and seconded by Sallye Raymond. Motion carried 4-0 with one abstention.

2. Litigation Discussion*

C608065 Section: 22 19th Judicial District Court

Louisiana Board of Massage Therapy vs. Kayla Perkins Aymond

Motion to accept legal counsel's advice on the issue made by Sallye Raymond and seconded by Colleen Curran. Motion carried unanimously.

Motion to rescind New Business item #3 from agenda and table to the next business meeting made by Faith Miller and seconded Colleen Curran. Motion carried unanimously.

NEW BUSINESS:

1. FSMTB

A. Membership

Motion to renew membership for LBMT made by Colleen Curran and seconded by Faith Miller. Motion carried unanimously.

A representative from FSMTB, Sonja Kramer in Government Relations will be visiting LBMT for the August meeting.

B. Annual Meeting

Motion to send Linda Strickland, President as the Board delegate representative (the vote and voice) made by Faith Miller and seconded by Colleen Curran. Motion carried unanimously.

Motion to send Rhonda McManus, Executive Director to attend as a Board representative made by Colleen Curran and seconded by Faith Miler. Motion carried unanimously.

Motion to send Robin Alexander, Secretary to attend as a Board representative and if unable to attend then Colleen Curran will substitute made by Faith Miller and seconded by Sallye Raymond.

Motion to shift New Business agenda item #2 B Consideration of Applicant – Background Check to be discussed forthwith made by Robin Alexander and seconded by Faith Miller. Motion carried unanimously.

2. Applications for Licensure

B. Consideration of Applicant – Background Check*

Call for any public comment. Since there are interested parties in attendance the motion must be restated.

Motion to shift New Business agenda item #2B Consideration of Applicant – Background Check to be current Agenda item being discussed made by Robin Alexander and seconded by Faith Miller. Motion carried unanimously.

Motion to go into Executive Session made by Faith Miller and seconded by Colleen Curran. Motion carried unanimously.

Motion to end Executive Session made by Faith Miller and seconded by Colleen Curran. Motion carried unanimously.

Motion to approve applicant for licensure made by Colleen Curran and seconded by Sallye Raymond. Motion carried unanimously.

Motion to go to recess for 45 minutes made at 11:51 AM by Faith Miller and seconded by Sallye Raymond. Motion carried unanimously.

Meeting called back into Session at 12:35 by the Board Chair, Linda Strickland.

Motion to move Old Business item #3 House Bill 792 back up on the Agenda to be discussed forthwith made by Faith Miller and seconded by Colleen Curran. Motion carried unanimously.

Old Business

3. House Bill 792

FSMTB representative Sonja Kramer in Governmental Relations joined in discussion via conference call. The Bill is expected to be on the Legislative floor next week. A clean copy is shared with the Board since changes have been made to the original presented a few months ago. The Board does not lobby for/against the Bill. Legal Counsel explains potential ramifications from the passage of the Bill.

New Business

2. Application for Licensure

A. License

1. Cynthia Murphy

Motion to accept the application based on the information provided made by Sallye Raymond and seconded by Colleen Curran. Motion carried by a 4-1 vote.

3. Complaint

A. Disciplinary Action*

4. Continuing Education Programs

A. Program Appeal

1. International Alliance of Healthcare Educators

a. Neural Manipulation: Peripheral Nerve Manipulation; Lower Body (NM3)

Motion to deny application for CE course in accordance with the law on scope of practice for massage therapists made by Sallye Raymond and seconded by Faith Miller. Motion carried on a 4-0 vote with one abstention.

5. Attendance Records – Out of State Schools

Motion to accept documentation from out of state schools attesting to attendance under the same procedure established for in-state schools made by Robin Alexander and seconded by Faith Miller. Motion carried unanimously.

Motion to require out of state applicants to obtain 90% attendance in courses where it was not met by retaking the courses made by Faith Miller and seconded by Colleen Curran. Motion carried unanimously.

6. Consideration of Expense Report

Motion to approve three expense reports submitted outside of the required time frame made by Sallye Raymond and seconded by Faith Miller. Motion carried unanimously.

7. Budget Suggestions

Suggestions made included more funding to establishment and license verifications by physical investigations, education/training for both Board members as well as staff, and public awareness support for the profession. No action taken.

8. Continuing Education Provider Requirements

Board looked at the law and comments from providers who had concerns about how the requirements are currently stated. No action taken.

9. Suggestions for Rule Revision and Committee Appointment

Motion to table issue until next Board meeting made by Faith Miller and seconded by Sallye Raymond. Motion carried unanimously.

PUBLIC COMMENT

None.

ADJOURNMENT

Motion to adjourn the meeting at 2:26 PM made by Robin Alexander and seconded by Colleen Curran.
Motion carried unanimously.

*The Louisiana Board of Massage Therapy reserves the right to enter into Executive Session, if needed, in accordance with La. R.S. 42:16, the Open Meeting Law.

Respectfully submitted by:



Robin R. Alexander, Secretary for LBMT