

Louisiana Board of Massage Therapy, November 4, 2011 Board Meeting

Call to Order at 10:06 AM

Roll Call – Faith Miller, Tina Elwood, Suzanne Schwing, Mary Donker-Syvertsen, Donna Laseter, Francis Johnson, Dr. Tim Hobbs.

The Oath of Office was administered to the board by Mary Donker-Syvertsen, chair.

Approval of board minutes from August 19, 2011, board meeting – Ms. Schwing motioned to dispense with the reading of the minutes and adopt them as written. Ms. Elwood seconded, all approved.

Guest Speakers:

Melissa Pearson with NCBTMB – Ms. Pearson explained that the NCBTMB is a 19 year old no-profit organization that defines and advances the highest standards for massage therapists. They offer certification and licensing examinations that are accredited by NCCA. NCBTMB offers the NESL (National Exam for State Licensure) exam for therapists who do not wish to be certified. The student may take the NESL while they are still in school. The exam costs \$175.00. The new licensing exam will help streamline the licensing process for students and they will be allowed to pay \$50.00 within 6 months to upgrade to national certification. The NCBTMB will begin offering the NCAP (National Certification for Advanced Practitioner) exam in the spring of 2012. The NCAP will allow create a “split level of massage competence” for massage practitioners. It requires additional testing and training for those who work in the medical and healthcare profession. Applications for the NESL are available on the NCBTMB website. They also list school and certification revocations.

Dr. Joanitt Montano and Dakenya Douglas with Blue Cliff College – Dr. Montano and Ms. Douglas addressed the board about federal changes within the Department of Education effecting Title 4 funding. On July 1, 2011, the federal government mandated that state clock hour programs not be treated as clock hours. Dr. Montano and Ms. Douglas asked the board to change their law to include credit hours so students will not lose federal funding.

Ms. Carol Marabella with the Board of Regents – Ms. Marabella stated that it is the responsibility of the schools to notify the Board of Regents as to whether they operate in clock or credit hours. She stated that law is very complicated but the Board of Regents is working with the schools. The federal government is working with the Board of Regents and honoring “good faith efforts” of schools that are working with local boards to incorporate the credit hours.

The board went into executive session at 10:36 AM. The motion was made by Ms. Elwood, seconded by Ms. Miller and all approved.

Ms. Elwood motioned to return to the open board meeting. Ms. Laseter seconded, all approved.

A vote was taken to allow Ms. Kasey Rice to sit for the oral examination for licensure with the board. All board members voted to allow Ms. Rice to take the exam.

Ms. Elwood motioned to come out of executive session and to take a break. Ms. Schwing seconded, all approved.

The board returned for the open meeting at 12:30 PM.

CIO Report – Ms. Schwing stated that all CIO reports will be given in February of each year.

Treasurer's Report – Ms. Elwood gave the treasurers report. The board had \$125,000 in income for the quarter of July-September. Expenses are where they should be for this time of year. However, several rent checks have not been cashed by the building manager. The board ended the month of September with \$167,000 in the account. The board is in order, balanced and in good shape.

Mr. Stephen Yost – Mr. Yost conducted the Legislative Audit for the board and gave his report. He noted that the board's total assets were approximately \$80,000 higher than last year even though revenues were down from 2010. The board has saved \$114,000 in expenses. The total revenue for the last fiscal year was \$463,000. He noted that he followed all government regulations for the audit and that internal compliance from the staff was favorable. He brought a Letter of Communication to Boards to complete the audit report and submitted it to the board. He stated that board appears to be in good shape.

Executive Director Report by Rhonda McManus - Ms. McManus noted that the 2012 renewal season was underway and that Phase II of the website/database was uploaded. The IRS has assigned a revenue officer to the board. All documentation requested by the Revenue Officer was collected and submitted by the due date. The information was reviewed and as a result of the examination, \$12,481.20 of the penalty failure to file W-2's for 2006 was removed. For the 2005 civil penalty for failure to file W-2's, the board had a penalty decrease of \$12,677.67 plus interest of \$330.69 totaling \$13,008.36. Once credited to the outstanding balance, it reflected an overpayment of \$9,743.21 which \$5,730.36 was applied to 941's for 2004, 2006 and 2007. The remainder of the funds (\$4,343.74) was refunded to LBMT along with \$15.04 (941 refund for 2006) and it has been deposited to the checking account. The 2007 W-2's, W-3's and the 941's did not add up; therefore, no civil penalty adjustments could be made. The only choice the board has since there were no proper payroll records kept prior to June 2010 is to have it reviewed by a CPA to see if that information can be verified with the W-2's and 941's to be corrected and presented to the revenue officer by November 15, 2011, along with a letter asking for abatement of the penalty. If this cannot be done, the board's only choice is to pay the \$18,382.49 penalty.

Ms. McManus gave the testing report for the last quarter of students who tested with the board. She noted that the board is still sending our information emails to the therapist and will continue to do so. Ms. McManus reported on the Federation of State Massage Therapy Board's annual meeting that she and Ms. Donker-Syvertsen attended in October. Ms. McManus felt that being a member of the Federation is beneficial to the board and that they should retain that membership in the future.

The agenda was amended by Ms. Elwood to give permission to Ms. McManus to attend to the matters of the IRS and pay civil penalties. Ms. Laseter seconded, all approved.

Felony Matters – Mr. Jack Miller addressed the board regarding non-violent felony applicants who were convicted five years ago or longer. This will help eliminate matters brought to the board due to statutory regulations. The law provides that one cannot give credence to felonies greater than 5 years old unless it is directly related to the practice of massage therapy. Ms. Elwood motioned to allow staff to accept applications from licensing applicants with felonies greater than five years old unless the felony is directly related to the practice of massage therapy. Mr. Johnson seconded, all approved.

Dr. Hobbs was appointed as interim secretary by Ms. Donker-Syvertsen.

The board chose meeting dates for 2012. They are February 10, June 1, August 17, and November 16. Ms. Schwing motioned to accept the 2012 meeting dates. Ms. Elwood seconded, all approved.

Ms. Miller motioned to amend the agenda to allow Mr. Belsom to discuss the board office building lease. Ms. Elwood seconded, all approved.

Mr. Belsom stated that the board does not have a current written lease and is unable to obtain an existing signed copy. Ms. McRight has been asked by Mr. Belsom and Ms. McManus for over a year to produce a lease and she has never done so. Furthermore, she has not cashed all of the rent checks that have been sent to her via certified mail, return receipt requested. Mr. Belsom advised the board that they should prepare to move out within the next year. Ms. McManus stated that Property Management would have to remove some items and that testing room for exams would have to be considered.

Compensation for committee members – The board asked to pay Ms. Pam Little for expenditures while she serves as the chair of the Rules and Regulations committee. Ms. Elwood motion to pay Ms. Little a \$50.00 per diem plus mileage using board member record keeping documents. Ms. Laseter seconded, all approved.

Expand authority of rules committee – The Rules and Regulations committee needs to work on the Practice Act in conjunction with its current duties to ensure that the laws coincide. The

committee needs to have their authority expanded in order to do this. Ms. Schwing motioned to allow the committee to also work on the Practice Act. Ms. Elwood seconded, all approved.

Contract labor, temp staff and security – The board reviewed contract labor, temp and security staff. Discussion was held about previous approval for the executive director to hire temp staff and security. Ms. Elwood motioned to allow Ms. McManus to hire temp staff as needed at her discretion. Ms. Schwing seconded, all approved.

Adopt policy of expense reports and recording – Reimbursement for expenses and per diems should be submitted within 30 days of board business and submitted on board furnished documents. Ms. Elwood motioned to adopt the expense reimbursement policy requiring board members to submit their expense reports on board furnished documents within 30 days of board business in order to be reimbursed. Ms. Miller seconded, all approved. A record retention schedule was provided to the board with a retention schedule policy. The form was provided from the Secretary of State and is required to be completed every five years and housed with the Records Retention department at the Secretary of State. Board members reviewed the form. Ms. Schwing motions to alter the Financial Records on the form to read 7 calendar years as opposed to 3 calendar years, and accept the retention schedule. Ms. Elwood seconded, all approved.

CEU Renewal date – this item was tabled.

Ms. Elwood motioned to adjourn the meeting. Ms. Laseter seconded. All approved. The meeting was adjourned at 1:49 PM.