

IDAHO BOARD OF MASSAGE THERAPY
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 10/24/2016

BOARD MEMBERS PRESENT: Paul J Weston - Chair
Gail L King
Linda A Chatburn
Deborah A Karren

BOARD MEMBERS ABSENT: Carla Steen

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Dicsie Gullick, Board Specialist
Debbie Toncray, Technical Records Specialist

OTHERS PRESENT: Randy Young
Dave Armstrong
Travis Eaton

The meeting was called to order at 8:31 AM MDT by Paul J Weston.

Ms. Cory introduced Ms. Gullick as the new Board Specialist.

APPROVAL OF MINUTES

Ms. King had a question from the 7/18/16 minutes regarding the school registration and compliance with curriculum requirements. Ms. Hall was to research the question and get back to the Board.

Ms. Hall reported back to the Board regarding the 7/18/2016 minutes. The Board reviewed the minutes.

Ms. King made a motion to approve the minutes of 7/18/2016 and 8/22/2016 as amended. It was seconded by Ms. Chatburn. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the proposed law and rule changes have been approved by the Governor's Office and posted on the Board's website.

\$\$FINANCIAL REPORT\$\$

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$247,938.53 as of 9/30/2016.

DISCIPLINE

Ms. Uranga presented a memorandum regarding case numbers MAS-2017-2, and MAS-2017-3. After discussion, the Board gave recommendations for appropriate discipline.

Ms. Uranga presented a Stipulation and Consent Order in case MAS-2016-7. Ms. Karren made a motion to approve the Consent Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. King. Motion carried.

Ms. Uranga presented a Findings of Fact, Conclusions of Law and Final Order in case MAS-2016-4. Ms. Karren made a motion to approve the Order and allow the Board Chair to sign on behalf of the Board. It was seconded by Ms. Chatburn. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Peel presented the CEU Settlement Order in case number MAS-2016-5. Ms. Karren made a motion to approve the Order and authorize the Board Chair to sign in case MAS-2016-6. It was seconded by Ms. King. Motion carried.

Ms. Karren made a motion to approve the Bureau's recommendation and authorize closure in case MAS-2017-5. It was seconded by Ms. Chatburn. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list and discussed changes in the FAQ on the Board's website. Ms. Chatburn made a motion to accept the FAQs with the recommended changes. It was seconded by Ms. King. Motion carried.

NEW BUSINESS

NEXT MEETING was scheduled for December 12, 2016 8:30 a.m. MST.

PUBLIC COMMENT

A question was raised regarding a particular case under investigation. Ms. Cory directed those who asked the questions to meet with Ms. Peel.

NOTIFICATION TO LICENSEES

Mr. Toryanski discussed the draft of the postcard to send to licensees regarding the proposed laws and rules that will be presented to the 2017 Legislature. There was discussion regarding the proposed law requiring fingerprints and background checks and how best to handle the process

Ms. Karren made a motion to approve the expenses to send postcards as amended to all current licensees notifying them of the proposed changes. It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to approve expenses related to sending postcards to other agencies and interested parties. It was seconded by Ms. Chatburn. Motion carried.

CORRESPONDENCE

The Board discussed correspondence from Ms. Devenberg regarding if providing infrared sauna services falls under the scope of practice. The Board agreed that it was not within the scope of practice. Ms. King made a motion to respond to Ms Devenberg citing Idaho Code § 54-4004. It was seconded by Ms. Karren. Motion carried.

The Board discussed correspondence from Mr. Kurtz regarding laser light therapy. The Board agreed that light therapy is prohibited under the scope of practice in Idaho Code § 54-4003 and 54-4004. Ms. King made a motion to send a response to Mr. Kurtz which restates Idaho Code § 54-4004 and to consult with his legal counsel if he has further questions. It was seconded by Ms. Karren. Motion carried.

The Board discussed correspondence from Ms. Singleton regarding the acceptance of endorsement applications from California. The Board has not changed its laws or rules and will not accept endorsement applications from California, as the application form currently states. Ms. King made a motion to send a response to Ms. Singleton which states that the Board is choosing not to make any changes at this time and continues to evaluate individual applicants based on its current law. It was seconded by Ms. Chatburn. Motion carried.

FURTHER PUBLIC COMMENT

There was further public discussion regarding the proposed law requiring fingerprints and background checks and the implementation process and timeline for completion.

FEDERATION OF STATE MASSAGE THERAPY BOARDS – CONFERENCE UPDATE

Ms. Chatburn provided the Board with a report regarding her attendance at the FSMTB Conference and a flash drive with the presentations.

FSMTB – CORRESPONDENCE

The Board reviewed the correspondence and no action was taken.

EXECUTIVE SESSION

Ms. King made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Ms. Karren. The vote was: Mr. Weston, aye; Ms. King, aye; Ms. Chatburn, aye; and Ms. Karren, aye. Motion carried.

Ms. King made a motion to come out of executive session. It was seconded by Ms. Karren. The vote was: Mr. Weston, aye; Ms. King, aye; and Ms. Karren, aye. Motion carried.

APPLICATIONS

Ms. Chatburn made a motion to approve the following for licensure:

MAS-3015 Krista Leigh Antram
MAS-2862 Xue Hua Yan
MAS-2979 Deborah A Payne
MAS-3001 Mindy Staub
MAS-2987 Jacqueline Cecile Day
MAS-3011 William Addington
MAS-2988 Tiffany S Haven Martinez
MAS-3004 Brian Leppert
MAS-3018 Emily Lehman
MAS-2994 Krystal Jensen
MAS-3014 Aydee Gonzalez
MAS-3019 Shannon Lee McGarvie
MAS-3017 Hannah Marie Berscheid
MAS-3012 Sondra Sharlee McKinley
MAS-2996 Heather Anne Randall

MAS-3009 Sarah Marie Whiteside
MAS-3003 Carrie Ann Snider
MAS-3000 Laurence V Montignac-Carter

It was seconded by Ms. King. Motion carried.

Ms. Chatburn made a motion to approve the following applicants for licensure:

MAS-3005 Chelsee Dee Allen
MAS-3013 Michael David Johnson
MAS-3006 Andrea Jane Griggs

It was seconded by Mr. Weston. Motion carried. Ms. King recused herself from voting and discussion.

Ms. Karren made a motion to table the following applications:

#901147510
#901145603
#901148066

It was seconded by Ms. King. Motion carried.

Ms. Karren made a motion to approve the following for licensure pending receipt of additional information:

#901148205
#901148195
#901148132
#901147841
#901148206
#901147719
#901147146

It was seconded by Ms. King. Motion carried.

Ms. King made a motion to approve the following for licensure pending receipt of additional information and Board Chair review:

#901148180
#901147867
#901143098
#901144449
#901147768
#901145334
#901144592

#901148074
#901147220
#901148207

It was seconded by Ms. Karren. Motion carried.

Ms. King made a motion to deny the following for licensure:

Baoyu Liu
Chunling Wu
Monica Kay Johnson

It was seconded by Ms. Chatburn. Motion carried.

WAIVER REQUESTS

Ms. King made a motion to approve the hardship request based on a health issue. It was seconded by Ms. Chatburn. Motion carried.

Ms. King made a motion to approve the hardship request based on a health issue pending additional documents. It was seconded by Ms. Karren. Motion carried.

ADJOURNMENT

Ms. King made a motion to adjourn the meeting at 4:31 p.m. It was seconded by Ms. Karren. Motion carried.

Paul J Weston, Chair

Gail L King

Linda A Chatburn

Deborah A Karren

Carla Steen

Tana Cory, Bureau Chief