

MASSAGE THERAPY BOARD

Livestock Board
300 San Mateo NE, Suite 1000
Albuquerque, New Mexico
January 29, 2004 – 1:00 p.m.

AGENDA

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April 16, 2004 – Santa Fe – 10:00 a.m.
August 20, 2004 – Santa Fe – 10:00 a.m.
November 19, 2004 – Albuquerque – 10:00 a.m.

(Locations may change based on meeting location availability)

NEW BUSINESS – ACTION ITEMS

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- B. Student Clinic After Completion of Program Page 3
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OLD BUSINESS – ACTION ITEMS

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- C. Consumer-Based Frequently Asked Questions and Answers (Tabled: June 03)
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- A. Complaints
 - 1. Case No. 02-11-18
- B. Matters Related to the Issuance, Suspension, Renewal, or Revocation
of Licenses
 - 1. Case No. 99-04-02
 - 2. Case No. 01-11-09
 - 3. Case No. 02-04-01

- C. Pending or Threatened Litigation
- D. Updates
 - 1. Case No. 01-02-007
 - 2. Case No. 02-09-012
 - 3. Case No. 03-02-002
- E. Other
 - 1. QwestDex Advertising – Licensure Required

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ADJOURNMENT

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MASSAGE THERAPY BOARD

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Albuquerque, New Mexico
January 29, 2004 – 1:00 p.m.

MINUTES

MEMBERS PRESENT:

Kathleen McCafferty, Chair
Randy Barnes, Vice Chair
W.D."Peter" Lane
Edward Kaul
Quinn Lopez

OTHERS PRESENT:

Geraldine Mascarenas, Program Manager
Mona Valicenti, Assistant AG, Civil

GUESTS:

See Attached Sign-in Sheet **(Attachment 1)**

CALL TO ORDER

Kathleen McCafferty called the meeting to order at 1:07p.m. A quorum was present with at least one member being a public member.

APPROVAL OF AGENDA

MOTION was made by Edward Kaul, SECONDED by Quinn Lopez, to accept the agenda as presented. MOTION CARRIED UNANIMOUSLY.

PROPOSED DATE(s) & PLACE(s) OF NEXT MEETING(s)

April 16, 2004 – Santa Fe – 10:00 a.m.
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November 19, 2004 – Albuquerque – 10:00 a.m.

(Locations may change based on meeting location availability)

NEW BUSINESS – ACTION ITEMS

A. Minutes of 10/24/03

MOTION was made by Quinn Lopez, SECONDED by Edward Kaul, to approve the minutes of October 24, 2003 as presented. MOTION CARRIED UNANIMOUSLY.

B. Student Clinic After Completion of Program

Alison Owens from the NM School of Natural Therapeutics requested for clarification from the Board regarding students who would like to continue practicing in their student clinic after they graduate. Ms. Owens stated that these students will not be staying in New Mexico and will not be applying for a New Mexico license that they will remain in New Mexico for a short period because they will be taking continuing education courses, and therefore want to practice while they are attending the continuing education courses.

Alison Owens suggested that the students obtain a temporary massage therapy license during the period of time that they will be in New Mexico taking the continuing education courses, and thereafter not continue with obtaining a license.

Geraldine Mascarenas stated that the temporary license is for those applying for a New Mexico license, and who plan to practice in New Mexico.

After a lengthy discussion the Board agreed that there is no provision in the statute and/or rules that would allow for graduates to practice massage therapy in New Mexico for a limited period without applying for and pursuing full licensure.

C. Continuing Education Requirement – Failure to Meet Requirement

MOTION was made by Edward Kaul, SECONDED by Quinn Lopez, that if the Board Office determines that if any of the continuing education audit provides that the licensee failed to fulfill the requirements that they be: (1) sent a letter requiring the licensee to obtain the continuing education within 30 days; and (2) requiring the licensee to pay a penalty fee of \$150. Failure to fulfill the requirements will result in the licensee automatically being referred to the Attorney General's Office for the issuance of a Notice of Contemplated Action. MOTION CARRIED UNANIMOUSLY.

OLD BUSINESS – ACTION ITEMS

**A. Status – Health Insurance Portability & Accountability Act (HIPAA)
(Kathleen McCafferty)**

Kathleen McCafferty stated that she did not have the final document ready for the Board's review.

B. Status – Massage Therapy Licensure Required? (Geraldine Mascarenas)
1. Shirodhara
2. Energy Healing

Geraldine Mascarenas stated that she started working on the letter and determined that there are a number of parameters that need to be incorporated into the standard letter, stating that she does not have a final letter ready for the Board's review.

**C. Consumer-Based Frequently Asked Questions and Answers (Tabled: June 03)
(Kathleen McCafferty)**

Kathleen McCafferty stated that she did not have the final document ready for the Board's review.

FOR YOUR INFORMATION

COMMITTEE REPORT – ACTION ITEMS

A. Schools & Businesses Inspection Committee
1. Committee Assignment

Geraldine Mascarenas stated that she will inform the B&C Director that the Board wants this task assigned to the new position that was requested for and authorized during the last legislative session.

B. Rules & Statute Committee (Kathleen McCafferty & Quinn Lopez)

Quinn Lopez stated that the Rules & Statute Committee was scheduled to meet on February 20, 2004.

**C. Education, Examination & Licensing Compliance Committee
(Randy Barnes & Quinn Lopez)**

There were no matters to consider.

D. Complaints Committee (Peter Lane & Edward Kaul)

Edward Kaul stated that the Complaint Committee was scheduled to meet on January 30, 2004.

EXECUTIVE SESSION pursuant to § 10-15-1.H (1) and (3) of the Open Meetings Act

MOTION was made by Edward Kaul, SECONDED by Randy Barnes to enter into Executive Session pursuant to Sections 10-15-1.H (1) and (3) of the Open Meetings Act, to discuss: (1) Complaints; (2) Matters Related to the Issuance, Suspension, Renewal, or Revocation of Licenses; and (3) Pending or Threatened Litigation.

The vote was: Quinn Lopez, yes; Peter Lane, yes; Randy Barnes, yes; Edward Kaul, yes; and Kathleen McCafferty, yes.

MOTION CARRIED UNANIMOUSLY.

EXECUTIVE SESSION – ACTION ITEMS

Chair, Kathleen McCafferty stated for the record that those items discussed in Executive Session were limited to the items listed in the motion for Executive Session.

- A. Complaints
 - 1. **Case No. 02-11-18** – MOTION was made by Edward Kaul, SECONDED by Randy Barnes, to dismiss the complaint because the allegations were unsubstantiated. MOTION CARRIED UNANIMOUSLY.

- B. Matters Related to the Issuance, Suspension, Renewal, or Revocation of Licenses
 - 1. **Case No. 99-04-02** – MOTION was made by Edward Kaul, SECONDED by Randy Barnes, to dismiss the complaint because the license is now deceased. MOTION CARRIED UNANIMOUSLY.

 - 2. **Case No. 01-11-09** – MOTION was made by Quinn Lopez, SECONDED by Edward Kaul, to dismiss the complaint because the Board is unable to determine what statute/rule is being alleged to have been violated. MOTION CARRIED UNANIMOUSLY.

 - 3. **Case No. 02-04-01** – MOTION was made by Edward Kaul, SECONDED by Quinn Lopez, to offer the licensee a settlement in lieu of referring the case to the Attorney General's Office for the issuance of a Notice of Contemplated Action, to include in the offer:
 - a. Licensee take a four-hour ethics course; and
 - b. Licensee pay a fine of \$150.Failure to accept the Boards offer of settlement or to accept it within 30 days of the Board's request will result in an automatic referral to the Attorney General's Office for the issuance of a Notice of Contemplated Action. MOTION CARRIED UNANIMOUSLY.

- C. Pending or Threatened Litigation

There were no pending or threatened litigation matters for the Board to consider.

- D. Updates
 - 1. Case No. 01-02-007
 - 2. Case No. 02-09-012
 - 3. Case No. 03-02-002

The Board was provided with the current status of the above cases. This was provided for the Board information purposes only.

- E. Other
 - 1. QwestDex Advertising – Licensure Required

This matter was previously referred to the Complaint Committee.

ADJOURNMENT

There being no further business before the Board, MOTION was made by Randy Barnes, SECONDED by Edward Kaul, to adjourn the meeting.

SUBMITTED BY:

Geraldine Mascarenas, Program Manager

Date

APPROVED ON BEHALF OF THE BOARD BY:

Chair, Kathleen McCafferty

Date