

**MASSAGE THERAPY BOARD**  
**REGULAR MEETING**  
**Friday, February 2, 2007**  
**10:30 A.M.**  
**Rio Grande Conference Room**  
**Toney Anaya Building - West Capitol Complex**  
**2550 Cerrillos Road**  
**Santa Fe, New Mexico**

**MINUTES**

**1. CALL TO ORDER/ROLL CALL/INTRODUCTIONS:**

Kathleen Egenes, Board Chair, called the meeting to order at 10:30 a.m. and a quorum was determined present.

**MEMBERS PESENT:** Kathleen Egenes, LMT, RMTI and Chair  
Randy Barnes, Vice Chair, LMT, RMTI  
W.D. "Peter" Lane, LMT, RMTI  
Margo Bryson, Public Member

**MEMBERS ABSENT:** Claudio "Quinn" Lopez, Public Member

**OTHERS PRESENT:** Jackie Holmes, Board Administrator  
Cynthia Graystone, Administrative Assistant  
Mona Valicenti, Assistant Attorney General  
Patrick Stewart, Compliance Section

*(For others present, refer to Sign-In Sheet)*

**2. APPROVAL OF AGENDA:**

**MOTION** was made by Mr. Lane to approve the Agenda as presented.

**SECONDED** by Mr. Barnes, **MOTION CARRIED UNANIMOUSLY.**

**3. APPROVAL OF MINUTES:**

**MOTION** was made by Mr. Lane to approve the Minutes from October 27, 2006, as distributed. **SECONDED** by Mr. Barnes and Ms. Bryson. **MOTION CARRIED.**

**4. NEXT MEETING DATE:**

The next meeting will be held in on Friday, April 13, 2007 in Santa Fe at the Regulation and Licensing Department at 10:00 am.

5. **OLD BUSINESS:**

There was no old business.

6. **NEW BUSINESS:**

A. Continuing Education renewal requirements for instructors:

The board received a letter from Lonnie Howard, requesting clarification of the number of hours required for RMTI renewal and LMT renewal on behalf of a licensee who had taken 42 hours of continuing education.

The board discussed this issue and concluded that the licensee had completed the required number of hours to renew both licenses and approved said renewals. Ms. Holmes was asked to communicate the board's response to the licensee.

B. CPT Codes LMT's are allowed to use in billing insurance companies:

The board received an e-mail from Joel Stafford of BCBS, asking if it is proper for an LMT to use CPT code 97140 for billing purposes.

After discussion of the e-mail, the board stated that CPT code 97140 is not an unusual code and is uniformly used by licensed massage therapist. Ms. Holmes was asked to communicate with Mr. Stafford and advise him of this fact.

C. American Institute of Holistic Theology – review the MT on-line program.

The course description for this program has not yet been received. Mr. Lane **MOVED** to table this item until the board can review the course description. Mr. Barnes **SECONDED** the motion, **MOTION** passed.

D. Review ITEC diploma

The board did not have enough time to review the International Therapy Examination Council diploma and attached paperwork. Mr. Lane **MOVED** to table this item until the board had ample time to review all paperwork. Ms. Bryson **SECONDED** the motion. The **MOTION PASSED**.

E. Judah Botzer – CE renewal requirements

Mr. Botzer requested to address the board. He introduced himself to board members and gave a synopsis of his life and career as a massage therapist.

7. **STANDING AGENDA ITEMS:**

A. **Chair's Report**

The Chair did not have any items to report for this meeting.

B. **Rules and Statute Committee**

No report from the rules committee

C. **Education, Exam & Licensing Compliance Committee Report**

No report for this meeting.

#### **D. Complaint Committee**

Mr. Lane reported that the board has an interesting array of complaints.

**E.** Ms. Holmes reported that there is a bill before the legislature pertaining to the massage therapy board that she may be asked to write a bill analysis for and if so, asked the board members for their help with that task.

#### **8. EXECUTIVE SESSION AND ACTION:**

**MOTION** was made by Mr. Lane to go into closed session pursuant to Section 10-15-(H)(1) of the Open Meetings Act to discuss matters pertaining to the issuance, suspension, renewal or revocation of a license in the following cases: 06-12-08; 06-12-22; 06-12-26; 04-04-11; 05-01-01; 05-02-02; 05-03-07; 05-09-23; 05-09-27; 06-03-16 #1; 06-03-16 A through H (**items #s 10-17**)\*; 06-04-20; 06-04-27; 06-05-11; 06-07-07; 06-08-15; 06-12-13; 06-12-27 and 06-12-28.

The **Motion** was **SECONDED** by Ms. Bryson. Roll call vote as follows: Kathleen Egenes in favor; Randy Barnes in favor; Peter Lane in favor; and Margo Bryson in favor; **MOTION CARRIED.**

**MOTION** was made by Ms. Bryson to return to open session.

The matters discussed during the closed meeting were limited only to those specified in the motion for closure. **SECONDED** by Mr. Lane.

Roll call vote as follows: Kathleen Egenes in favor; Randy Barnes in favor; Peter Lane in favor; and Margo Bryson in favor. **MOTION CARRIED.**

As the Board's Complaint Committee Chair, Mr. Lane recused himself from voting on all items discussed during Executive Session.

#### Complaints:

(1) Case No. 106-12-08

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's recommendation to send the respondent a cease and desist letter and levy a fine of \$1,000.00; **SECONDED** by MS. Bryson. **MOTION CARRIED.**

(2) Case No. 06-12-22

**MOTION** was made by Mr. Barnes to re-work this complaint to make the maximum amount of the fine \$1,000.00 per the ULA, and to conduct further investigation. **SECONDED** by Ms. Bryson, **MOTION CARRIED.**

(3) Case No. 06-12-26

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's cease and desist letters. **SECONDED** by Ms. Bryson, **MOTION CARRIED** recommendation to offer the respondent as well as the institute a pre-settlement agreement as follows: a \$5,000 fine each and.

(4) Case No. 04-04-11

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's

recommendation to dismiss as an unsubstantiated complaint. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(5) Case No. 05-01-01

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss, as an unsubstantiated complaint. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(6) Case No. 05-02-02 & 05-03-07

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss for lack of jurisdiction. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(7) Case No. 05-09-23

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss as the respondent has complied with the board's Order. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(8) Case No. 05-09-27

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(9) Case No. 06-03-16 #1

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss as the complaint is unfounded and unsubstantiated. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(10) Case No. 06-03-16 A through H (item #s 10-17) \*

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's recommendations to dismiss as these complaints are frivolous and the board lacks jurisdiction. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(18) Case No. 06-04-20

**MOTION** was made by Ms. Bryson to accept the Complaint Committee's recommendation to dismiss as no violation was found. **SECONDED** by Mr. Barnes, **MOTION CARRIED**.

(19) Case No. 06-04-27

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's Recommendation to dismiss. The respondent has complied with the board's request and corrected the billing invoices. **SECONDED** by Ms. Bryson, **MOTION CARRIED**.

(20) Case No. 06-05-11

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's recommendation to dismiss. The complaint is unsubstantiated. **SECONDED** by Ms. Bryson, **MOTION CARRIED**.

(21) Case No. 06-07-07

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's recommendation to dismiss. The respondent has complied with the board's request. **SECONDED** by Ms. Bryson, **MOTION CARRIED.**

(22) Case No. 06-08-15

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's recommendation to dismiss. The respondent has moved out of state. **SECONDED** by Ms. Bryson, **MOTION CARRIED.**

(23) Case No. 06-12-13

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's recommendation to dismiss. **SECONDED** by Ms. Bryson, **MOTION CARRIED**

(24) Case No. 06-12-27

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's recommendation to dismiss as there was no violation of Act or Rule. **SECONDED** by Ms. Bryson, **MOTION CARRIED.**

(28) Case No. 06-12-28

**MOTION** was made by Mr. Barnes to accept the Complaint Committee's recommendation to dismiss. The complaint is unsubstantiated. **SECONDED** by Ms. Bryson, **MOTION CARRIED.**

#### **ADJOURNMENT**

There being no further business, **MOTION** was made by Ms. Egenes to adjourn the meeting at 12:30 p.m. **SECONDED** by Mr. Lane. **MOTION CARRIED UNANIMOUSLY.**

**SUBMITTED BY:** \_\_\_\_\_  
**Jackie Holmes Board Administrator**

**APPROVED BY:** \_\_\_\_\_  
**Kathleen Egenes, LMT, RMTI, Board Chair**

**DATE APPROVED:** \_\_\_\_\_