

**MASSAGE THERAPY BOARD
REGULAR MEETING
Friday, July 20, 2007
10:00 A.M.
State Capitol Building – Room 311
Santa Fe, New Mexico 87505**

Minutes

1. CALL TO ORDER/ROLL CALL/INTRODUCTIONS:

Kathleen Egenes, Board Chair, called the meeting to order at 10:00 a.m. and a quorum was determined present.

MEMBERS PRESENT:

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
Pam Barrone, Compliance Section
Francine Chavez, Attorney General's Office
(For others present, refer to sign-in sheet)

2. APPROVAL OF AGENDA:

MOTION was made by Mr. Lane to approve the agenda as written and amended
SECONDED by Mr. Barnes. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF BOARD MINUTES:

MOTION was made by Mr. Lane to approve the minutes from May 2, 2007 as written/amended. **SECONDED** by Ms. Bryson. **MOTION** Passed.

4. NEXT MEETING DATE:

The next meeting will be held on Friday October 19, 2007 in Las Cruces at the Las Cruces City Hall at 10:00 a.m.

5. OLD BUSINESS: (None)

6. NEW BUSINESS:

A. Letter from Wanita Thompson, LMT Asking for clarification on CE, etc.
Ms. Engnes stated that clarification of the rules credentialing of the CE credits section is not spelled out very clearly and this is something for the rules committee to clarify. Ms.

Bryson reported that she was unable to reach Mr. Lopez, member of the rules committee, to discuss Ms. Thompson's questions. Ms. Engnes suggested that the next board meeting be held in Las Cruces; taking into consideration Ms. Thompson's request for the meetings to be held in the southern part of the state sometimes. Ms. Engnes asked Ms. Holmes to look into using a state airplane to fly board members and staff to Las Cruces for the next board meeting. **MOTION** was made by Ms. Bryson to table this matter until the next regular meeting in Las Cruces. **SECONDED** by Mr. Lane. **MOTION** Passed.

B. FSMTB- Correspondence and exam content outline.

Ms. Engnes addressed the board and brought everyone up to date on what the Federation of State Massage Therapy Boards has been working on. The FSMTB has submitted a request that our State adopt the Massage & Bodywork Licensing Examination (MBLEx) as part of New Mexico's licensure requirements. The exam outline was reviewed by the board and was favorably accepted by all. Mr. Lane and Ms. Holmes will be attending the Standard Setting meeting in Chicago August 17-19, 2007 to meet with subject matter experts and State Board representatives to discuss the outcome of pilot tests for the (MBLEx) and examination questions.

Ms. Engnes stated that when Mr. Lane and Ms. Holmes returned from the Chicago meeting, the board will meet to make a decision based on whether or not to accept this exam. Mr. Lane asked if the FSMTB exam is accepted by the Board would it be the only test used. Ms. Engnes replied, that when the board finds out the cost, how the exam is administered, and what the turn around time will be from application to test results, the board can make a more informed decision

C. Lori Healy-State of Oregon Examination approval in lieu of the NCETMB.

Discussion was held by the board and it was determined that the Oregon State Board exam is acceptable and equal to the NCETMB exam. **MOTION** was made by Mr. Barnes to accept the Oregon Board Exam in Lieu of the NCETMB. **SECONDED** by Ms. Bryson. **MOTION** Passed.

D. Board member Code of Conduct –Adoption

MOTION was made by Mr. Lane to adopt 2007/2008 board code of conduct resolution. **SECONDED** by Mr. Barnes. **MOTION** Passed.

E. Massage Therapy board Open Meetings Resolution- adoption

MOTION was made by Mr. Lane to adopt the New Mexico Open Meetings resolution. **SECONDED** by Ms. Bryson **MOTION** Passed.

F. FY08 Budget

Mr. Lane expressed some concern regarding staffing for the massage boards compliance section and help for the board administrative staff. Ms. Holmes reported that she had checked into another full time position for the massage board and learned that the position has been granted to this board in the FY07 budget, the massage board now has 3 full time employees.

G. Motion for Reconsideration – Laun Smith

Ms Valicenti, Assistant Attorney General reported that Mr. Smith has made payment to the board. The check was \$4.08 over, so the board took a collection of \$4.08. Ms. Holmes will write a letter to Ms. Smith and let him know that the board will hold his \$4.08 at the board office.

7. STANDING AGENDA ITEMS

A. Chairs Report/ Kathleen Engens - No discussion.

B. Rules Committee / Quinn Lopez, Ms. Bryson - No discussion.

C. Education, exam & Licensing Compliance committee/ Mr. Barnes No discussion.

D. Compliance Committee / Peter Lane - Discussion to be held in Executive Session.

E. Board Administrator's Report

Ms. Holmes reported that the board receives several calls a day from applicants who are told by there school that if they hand-deliver their application it may be processed the same day. Ms. Holmes explained to the board, that board staff reviews applications in order received. Steve Buckley of Pima Medical Institute asked the board what he could tell his students who are anxious to get to work in order to support themselves, pay school loans, etc. Ms. Graystone explained to Mr. Buckley that the turn around time depends on the volume of applications received, but the applicants do receive a checklist letter advising them of the status of the application within 7 to 14 days.

Ms. Egenes feels that the board needs to put together a letter to all Massage schools educating them on the licensure process, and that board staff put together a presentation to present to the Massage Therapy Schools and students. Board members were in agreement.

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 related to the issuance, suspension, renewal or revocation and pending or threatened litigation. The Motion was **SECONDED** by Mr. Barnes.

(Roll call was taken)

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. Barnes. **(Roll call was taken)**

As the chair of the complaint committee Mr. Lane rescued himself from voting on all items discussed during executive session.

A. Settlement Agreement – Pima Medical Institute - **MOTION** was made by Mr. Barnes to send cease and deist letter and a fine of \$5,000.00 to Pima Medical Institute. **SECONDED** by Ms. Bryson. **MOTION** Passed.

B. Settlement Agreement, tentative – Robert Reid - MOTION was made by Mr. Barnes to counter offer \$2,000.00 and 2yrs. probation **SECONDED** by Ms. Bryson. **MOTOION** Passed.

C. Rory Armstrong- application review for license request- **MOTION** was made by Ms. Bryson to deny this request and a letter be sent to Mr. Armstrong informing him of the board's decision. **SECONDED** by Mr. Barnes. **MOTION** Passed.

D. Grant Good- Alberta Canada exam- review for approval in lieu of NCBTMB – **MOTION** was made by Ms. Bryson to deny request for approval of Canada exam in lieu of NCBTMB. **SECONDED** by Mr. Barnes. **MOTION** Passed.

E. Melaney Flaniken- application for temporary license- **MOTION** was made by Ms. Bryson to accept application for temporary license. **SECONDED** by Mr. Barnes. **MOTION** Passed.

F. Tami Proctor- application for temporary license- MOTION was made by Ms. Bryson to accept temporary license. **SECONDED** by Mr. Barnes. **MOTION** Passed.

G. James Watson- application for temporary license.**MOTION** was made by Ms. Bryson to accept temporary license. **SECONDED** by Mr. Barnes. **MOTION** Passed.

H. Debbie Bristow – application review for licensure - MOTION was made by Mr. Barnes to deny this application and advise the applicant that she must get her GED. **SECONDED** by Ms. Bryson. **MOTION** Passed.

I. Complaints:

(1) Case No. 06-11-16, 06-11-16A, 06-12-08 **MOTION** was made by Mr. Barnes to combine these cases and offer mediation. The board Chair asked Mr. Barnes to handle the mediation. **SECONDED** by Ms Bryson. **MOTION** Passed.

(2) Case No. 05-02-05, 05-02-06 **MOTION** was made by Ms. Bryson to send a registered cease and desist letter levying a \$1,000.00 fine for unlicensed practice, and give the respondent six month to pay. **SECONDED** by Mr. Barnes. **MOTION** Passed.

(3) Case No. 07-04-13 **MOTION** was made by Mr. Barnes to issue a Pre-NCA for unlicensed practice and a cease and desist letter and a \$1,000.00. **SECONDED** by Ms. Bryson. **MOTION** Passed.

(4) Case No. 07-04-14 **MOTION** was made by Ms. Bryson to issue a Pre NCA, cease and desist and a \$1,000.00 fine for unlicensed practice. **SECONDED** by Mr. Barnes **MOTION** Passed.

(5) Case No. 07-04-15 **MOTION** was made by Ms. Bryson to issue a Pre Settlement Agreement; advising to cease and desist and a \$1,000.00 fine for unlicensed practice. **SECONDED** by Mr. Barnes. **MOTION** Passed.

(6) Case No. 017-04-16 **MOTION** was made by Mr. Barnes to send a letter to the respondent requesting a response. **SECONDED** by Ms. Bryson **MOTION** Passed.

(7) Case No. 07-04-17 **MOTION** was made by Mr. Barnes to issue letter requesting more information. **SECONDED** by Mr. Bryson **MOTION** Passed.

(8) Case No. 07-04-27 **MOTION** was made by Ms. Bryson to accept the recommendation of the complaint committee that this case be dismissed. **SECONDED** by Mr. Barnes **MOTION** Passed.

(9) Case No. 07-05-03 **MOTION** was made by Ms. Bryson to table this complaint until further investigation can be made. **SECONDED** by Mr. Barnes. **MOTION** Passed.

(10) Case No. 07-05-30 **MOTION** was made by Ms. Bryson to dismiss the case on the grounds that no violations were committed. **SECONDED** by Mr. Barnes **MOTION** passed.

(11) Case No. 07-06-09 **MOTION** was made by Ms. Bryson to table this complaint until further investigation can be made. **SECONDED** by Mr. Barnes. **MOTION** Passed.

9. ELECTION OF OFFICERS:

MOTION was made by Mr. Lane That Ms. Egenes remain Chair **SECONDED** by Mr. Barnes. **MOTION** Passed.

10. ADJOURN:

There being no further business, **MOTION** was made by Ms. Bryson to adjourn the meeting at 1:05p.m. **SECONDED** by Mr. Lane. **MOTION** Passed.

SUBMITTED BY: _____

Cynthia Graystone
Administrative Assistant

Jackie Holmes
Board Administrator

APPROVED BY: _____

Kathleen Egenes, LMT, RMTI, Board Chair

DATE APPROVED: _____