

MESSAGE THERAPY BOARD

REGULAR MEETING

Friday, December 2, 2005 at 10:00 a.m.

Hearing Room Two

Toney Anaya Building - West Capitol Complex

2550 Cerrillos Road

Santa Fe, New Mexico

FINAL AGENDA

- I. CALL TO ORDER**
- II. APPROVAL OF AGENDA**
- III. INTRODUCTION OF NEW PUBLIC MEMBER**
- IV. APPROVAL OF MEETING MINUTES**
 - A. August 29, 2005 Meeting**
- V. OLD BUSINESS**
 - A. UMTI Transcript Reporting Letter For Board Review Follow-up**
 - B. Clarification on Statute Section 61-12C-24.B (11) - Re: "Conviction"**
- VI. NEW BUSINESS**
 - A. Request For Consideration of On-line or Home Study Courses for CE's**
 - B. NCBTMB Letter Re: Displaced Katrina LMT Professionals**
 - C. Board Member Training - Report by Attendees**
- VII. STANDING AGENDA ITEMS**
 - A. Chair's Report (K. Egenes)**
 - B. Rules and Statute Committee (K. Egenes/Q. Lopez)**
 - C. Education, Exam & Licensing Compliance Committee Report (R. Barnes)**
 - D. Complaint Committee (P. Lane)**
- VIII. BOARD ADMINISTRATORS REPORT**
 - A. 2005 Renewal Cycle - Progress Report, & Licensing Statistics**
 - B. FY06 Budget Status Report**
 - C. Upcoming Medical Leave**
- IX. SCHEDULE FUTURE MEETINGS**
- X. EXECUTIVE SESSION AND ACTION - Pursuant to §10-15-1.H (1) and (3)**
 - A. Complaints**
 - 1. MT Case #02-04-04**
 - 2. MT Case #03-04-006**
 - 3. MT Case #03-09-013**
 - 4. MT Case #04-06-17**
 - 5. MT Case #05-02-05**
 - 6. MT Case #05-02-06**
 - 7. MT Case #05-03-08**
 - 8. MT Case #05-04-09**
 - 9. MT Case #05-05-10**
 - 10. MT Case #05-09-25**

B. Pre-NCA and NCA Cases

1. MT Case 04-06-18 (A)
2. MT Case 04-11-027
3. MT Case #'s 03-06-008 and 05-05-11 - David Haskins' Default Order
4. MT Case #'s 02-07-08, 03-01-01, and 03-03-04 - Michel C. Cartegena's Decision & Order
5. MT Case #04-05-015 NCA Referral Follow-up
6. MT Case #04-06-18 (B) Non-Compliance to Pre-NCA Settlement Agreement
7. MT 05-06-02 PRA Non-Compliance

C. Application Reviews

1. Jeffrey D. Birnbaum - Education Review
2. Rose L. Harrison - Education Review

XI. ADJOURNMENT

MASSAGE THERAPY BOARD

REGULAR MEETING

Friday, December 2, 2005 at 10:00 a.m.

Hearing Room Two

Toney Anaya Building - West Capitol Complex

2550 Cerrillos Road

Santa Fe, New Mexico

MEETING MINUTES

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

MEMBERS ABSENT: Claudio "Quinn" Lopez, Public Member

STAFF PRESENT: Carmen E. Payne, Board Director
Pam Barrone, BCS Compliance Liaison
Patrick Stewart, BCS Investigator
Kathleen O'Dea, BCS Director

OTHERS PRESENT: Connie McCoy, LMT, RMTI
Virginia Anthony-Barrow, LMT, RMTI
Dan R. Barrow, LMT, RMTI
Jennifer Thomas, LMT
Linda Delker, LMT, RMTI

I. **CALL TO ORDER**

At 10:10 a.m., the Board Chair, Kathleen Egenes, called the December 2, 2005 meeting of the New Mexico Massage Therapy Board, to order. The meeting had been properly noticed and there was a quorum present to conduct business.

II. **APPROVAL OF AGENDA**

Mr. Lane **MOVED** for the Board to approve the meeting agenda as presented. Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

III. **INTRODUCTION OF NEW PUBLIC MEMBER**

The Chair introduced Ms. Margo Bryson, from Aztec New Mexico. Governor Richardson appointed Ms. Bryson to the Board on September 15, 2005. Ms. Bryson will complete the public member position formerly held by Edward Kaul. The term of the appointment expires on September 30, 2006.

IV. **APPROVAL OF MEETING MINUTES**

A. **August 29, 2005 Meeting**

Mr. Lane **MOVED** for the Board to approve the minutes of the August 29, 2005 meeting as presented. Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

V. **OLD BUSINESS**

A. **UMTI Transcript Reporting Letter For Board Review Follow-up**

Ms. Payne reported that she did not receive the draft letter from Universal Massage Therapy Institute regarding transcript reporting as requested by the Board at the August 29, 2005 meeting (see page 8 of the 8/29/05 meeting minutes). Ms. Payne stated she had not heard a thing

from UTMI even after today's agenda was sent to them. Therefore, this agenda item was **TABLED**.

- B. Clarification on Statute Section 61-12C-24.B (11) - Re: "Conviction"**
AAG Valicenti was not present, and the item was **TABLED**.

VI. NEW BUSINESS

A. Request For Consideration of On-line or Home Study Courses for CE's

The Board received a letter from Robert Lilly, DC and Continuing Education Chair at the Adawehi Institute located in Columbus, North Carolina and an NCBTMB approved provider (Approval number 396607-00). The letter specifically referred to the Board's regulation that requires that continuing education must be taken in the "physical presence" and under the tutelage of an instructor (16.7.11.7.A NMAC).

Mr. Lilly stated that the Institute *"offers several online courses in a chat room-based format. The course participant interacts in real-time discussions with other students and an instructor on their computer. The participant get even more time in direct dialogue with the instructor due to smaller class sizes (4-8 participants per class) than a standard live workshop or class requiring larger numbers to meet overhead costs."*

Mr. Lilly asked the Board to consider approving this format as an alternative to courses taught only in the physical presence of an instructor.

Mr. Barnes agreed that distance learning is great for all the theory-type programs, but, he said, this is a hands-on profession and it is difficult to learn hands-on procedures without being directly involved in the process. Theory classes such as ethics, anatomy and physiology, business, and certain other theory classes could be accrued via distance learning but not classes that require actual practice.

Chair Egenes agreed, but added that the Board has to consider that much of New Mexico is rural and it is a long way to travel to Santa Fe or Albuquerque where most of the continuing education is offered. She recommended that the Board keep an open mind about on-line or distance learning classes for theory courses. She said it has been her experience when she has taken on-line offerings that these courses have been regulated well.

Mr. Lane asked what the NCBTMB's position is regarding on-line or distance learning education and was told that the NCBTMB actually approves these types of courses for providers after a stringent review process.

Future Regulation Change Proposal #1

The Board agreed that the next time it amends any of its rules, it will amend the rule on continuing education to allow licensees to take theory courses through distance learning or online method.

Mr. Lane remarked that one type of classroom environment that he foresees will evolve in the near future is live-satellite feeds where an instructor will be in a classroom setting and there will be tables set up with students participating in the class at the broadcast's point of origin. When that scenario becomes a reality, the Board will have to consider whether this type of offering will be acceptable for continuing education if a licensee attends the class on-line.

Future Regulation Change Proposal #2

Linda Delker asked the Board to also consider allowing online or distance learning for the core curriculum theory courses for the initial licensure educational requirement, and the Board agreed to consider it.

B. NCBTMB Letter Re: Displaced Katrina LMT Professionals

The Board received a letter from the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) dated September 9, 2005. The subject of the letter was "Assistance to State Boards reviewing credentials for displaced therapeutic massage and bodywork professionals."

The letter stated that the NCBTMB might be able to provide archived eligibility requirement documents for license applicants displaced by the recent Gulf Coast disasters. If necessary and if documentation is available, the NCBTMB is ready to assist state agencies in determining education completion for *current* NCBTMB certificants in situations where transcripts from the Gulf area massage programs may no longer be available.

The Chair explained that the Board was asked by the Boards and Commissions Director to immediately adopt an emergency rule for licensing massage therapists displaced by Hurricane Katrina. The Chair said that promulgation of an emergency rule for the Massage Board did not appear to be necessary because 1) the Louisiana Board and the National Certification Board have already made provisions to expedite verifications of licensure and certification to licensing boards that have received applications from displaced massage therapists; and 2) to date, the Board has received only one application from a New Orleans massage therapist and the application process is going well.

Mr. Lane explained that the requested emergency rule was a substantial change to the rules and the Board had just completed amending its rules. It was not prudent to attempt to hastily promulgate a regulation without careful consideration and thought, particularly since the Board already has a regulation that allows the Board to accept other types of documentation if the school is no longer available to provide transcripts and other necessary documentation.

C. Board Member Training - Report by Attendees

The Regulation and Licensing Department, the Governor's Office, and the Attorney General's Office conducted "Board Member Training" on October 27, 2005 in Santa Fe. Ms. Bryson, Ms. Egenes, Mr. Lane, and Mr. Lopez represented the Massage Board at the training. These attendees each briefly reported on the highlights that most impressed them about the training.

VII. STANDING AGENDA ITEMS

A. Chair's Report (K. Egenes)

The Chair stated that the Federation of State Massage Therapy Boards (FSMTB) is going to be more and more important to the states because the national board exam (NCE) is taking up to twelve weeks to process applications and these delays are very detrimental to the students. This situation developed after the Board amended the rule to decrease the temporary license from six-months to three months.

Future Regulation Change Proposal #3

A member of the audience requested that the Board consider changing the temporary license back to a six-month limit.

Ms. Payne reported that a warning notice is included in the application packet regarding the delays being experienced with the NCE. Students are encouraged to apply to take the national immediately upon graduation, but unfortunately few students act on the notice.

The Board received e-mail from a license applicant regarding the extremely long time it is taking for him to take the exam. A lengthy discussion was held regarding the National exam delays and the Board agreed that the delays are inexcusable. It was decided that Mr. Lane and the Chair would contact the NCBTMB immediately to voice the Board's concern.

- B. Rules and Statute Committee** (K. Egenes/Q. Lopez)
The Rules and Statute Committee had nothing to report. However, the Committee said it would consider drafting rule amendment proposals as suggested earlier in the meeting:
- C. Education, Exam & Licensing Compliance Committee Report** (R. Barnes)
The Education Committee had nothing to report.
- D. Complaint Committee** (P. Lane)
Mr. Lane introduced Patrick Stewart, Chief Investigator for Boards and Commission's Compliance Section, and Pam Barrone, the Board's new Compliance Office.

VIII. BOARD ADMINISTRATORS REPORT

A. 2005 Renewal Cycle - Progress Report, & Licensing Statistics

For the record, Ms. Payne reported the results of the 2005 renewal cycle as follows:

	Notices Mailed	Renewed	Pending Renewal
LMT	1042	794	248
RMTI-Independent	34	23	11
RMTI-School Based	29	17	12
RMT Schools	18	13	5
TOTALS:	1123	847	276

Ms. Payne reported that the Board's rules allow practice during the grace period, which ends on December 30, 2005. However, practice is prohibited after December 30, 2005, if the licensee has not renewed on or before the end of the grace period.

Schools pending renewal

Ms. Payne said school renewals must be reviewed carefully to ensure that the curriculum and the course syllabi agree. She said she notified five remaining non-renewed schools about the grace period deadline and encouraged them to submit their renewals as soon as possible in order to ensure renewal before the end of the grace period, since the rules specifically state that the school cannot be open without a valid registration.

Following the notice, she said, Apollo College of New Mexico, Inc. and Southwest Health Career Institute, Inc. submitted their renewals, which are yet to be reviewed. The Medicine Wheel School of Holistic Therapies (1200 Hours) notified the Board that it would not be renewing. Body Dynamics will also not be renewing because Pima Medical Institute purchased it. So the only school still outstanding is Eastern New Mexico School of Massage Therapy.

Licensing Statistics

Ms. Payne reported that the Board started the fiscal year with 2,981 licensees and as of November 21, 2005, the Board has 3,196 active licensees and registrants. However, this figure does not include the 68 temporary permits that just expired on November 30. The status has to be changed to *null and void* leaving 3,128 actives. In addition, after December 30, the status of licensees and registrants that do not renew will also be changed to *Inactive*. Even though the Board issues licenses at a steady pace, there is usually 250-275 attrition rate every renewal.

A discussion was held on the licensee attrition rate, the question was whether this is and industry standard for all the states. The Chair said this was a topic of discussion by the Federation of State Massage Therapy Boards (FSMTB) and it appears the State of New Mexico is in better shape than the other states because many of them only have advisory

boards and don't even have good tracking systems; many have no compliance processes, and don't even have licensure yet.

Mr. Lane remarked that there were also discussions at the FSMTB about moving the massage therapy industry out of the vocation field into the professional orientation, but that requires more education. So, he said, he had to come back to a theme he has been promoting for some time and that is increasing educational standards. He said there is no better way of taking care of licensee attrition than by increasing educational standards. In so doing, moving massage therapy from a vocational profession into the professional orientation and better blending this type of therapy with the allopathic model. This will develop a better cash-flow model for practicing licensees that will in turn lower the numbers leaving the profession. It is all about the money and making a decent living, and education and better standards, he concluded, are the answer.

Chair Egenes said that the FSMTB is going to be setting up a member system and the Board will use some of its funds to join the Federation.

Dan Barrow commented that active participation by the Board in the FSMTB is probably the strongest chance of taking back control from the NCBTMB. Instead of the NCB setting the standards for licensure, the FSMTB will do so.

B. FY06 Budget Status Report

Ms. Payne reported that as of November 21, 2005, the Board's operating expenses total \$41,464. There is currently \$7,138 encumbered, leaving an unencumbered balance of \$155,198 in the Board's FY06 operating budget.

Revenues

Ms. Payne reminded the Board that budgeted revenue projections for FY06 were \$203,200. As of November 17, 2005, the Board has received \$138,197 in revenues. The Board has until June 30, 2006, to reach the revenue projections for FY06.

C. Upcoming Medical Leave

Ms. Payne told the Board that beginning December 7, 2005, she was taking medical leave to have total hip replacement surgery. This surgery has been in the works and announced to Boards and Commissions management since the April 2005. Two temporary employees have been hired to assist with the Massage Board's licensing functions to replace Anita Villegas, who was recently promoted. Fortunately, Ms. Payne added, Ms. Villegas and Angel Roybal still work for Boards and Commissions and are still in close proximity, so they will be available if the new staff requires assistance. Chair Egenes offered to be on call and to review the remaining school renewal application when it comes in.

IX. SCHEDULE FUTURE MEETINGS

The Board tentatively scheduled its next meetings in Santa Fe at 10:00 a.m. on February 10, 2006, April 7, 2006, and June 30, 2006. Mr. Stewart stated that the Complaint Committee would be meeting with the Compliance Section whenever the number of complaints reaches a certain level, and in Ms. Payne's absence, if the Complaint Committee feels that a Board meeting is warranted to address compliance issues, the Compliance Section will make arrangements for a Board meeting.

Virginia Anthony-Barrow expressed her gratitude for all the Board has accomplished and continues to do and for Ms. Payne who, she stated, is a great administrator. She said the Board is doing a magnificent job - one of the best boards she's seen in the twelve years she's been in the State of New Mexico. She also welcomed Ms. Bryson to the Board and thanked her for agreeing to serve.

X. EXECUTIVE SESSION AND ACTION - Pursuant to §10-15-1.H (1) and (3)

Mr. Lane **MOVED** for the Board to close the meeting in order to enter into Executive Session to discuss the items listed in the agenda items X. A, B and C, pursuant to Sections 10-15-1.H (1) and (3) of the Open Meetings Act authorizing closed sessions for matters related to issuance, suspension, revocation, and pending or threatened litigation.

Ms. Bryson **SECONDED** the motion, and upon a roll call vote, Mr. Lane, Mr. Barnes, Ms. Bryson and Ms. Egenes voted **AYE** to enter into Executive Session, and the motion was **PASSED** by **UNANIMOUS APPROVAL**. The recorder was turned off at 11:05 a.m.

The Board took a fifteen-minute recess before going into Executive Session.

Back in Open Session

At 1:30 p.m., the Board came out of Executive Session and the recorder was turned back on. Chair Egenes stated for the record that during Executive Session the only matters discussed were limited to the items listed in the motion to enter into Executive Session. The Chair also stated for the record that action on the items discussed was being taken in open session.

As the Board's Complaint Committee, Mr. Lane recused himself from voting on all the Executive Session agenda items except the following:

Item X.B.4: MT Case #'s 02-07-08, 03-01-01 and 03-03-04;
Item X.B.7, MT Case #05-06-02 PRA; and
Items X.C 1 and 2.

A. Complaints

1. MT Case #02-04-04

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to refer MT Case #02-04-04 to the Attorney General's Office **for issuance of an NCA** for non-compliance with the Stipulated Agreement issued on September 21, 2004 and for violations of § 61-12C-24.B (6) and (12); 16.7.2.8.B NMAC; and Paragraphs (1), (2), and (4) of 16.7.2.C NMAC. Mr. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**. (Note: This respondent in this case is the respondent in MT Case #'s 03-04-006; 05-04-09; and 05-09-25.)

2. MT Case #03-04-006

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to refer MT Case #03-04-006 to the Attorney General's Office **for issuance of an NCA** for non-compliance with the Stipulated Agreement issued on September 21, 2004 and for violations of § 61-12C-24.B (6) and (12); 16.7.2.8.B NMAC; and Paragraphs (1), (2), and (4) of 16.7.2.C NMAC. Ms. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**. (Note: This is the same respondent in MT Case #'s 02-04-04; 05-04-09; and 05-09-25.)

3. MT Case #03-09-013

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to **DISMISS AND CLOSE** MT Case #03-09-13 because the AGO notified the Board that there was insufficient evidence to support the allegations of unprofessional conduct. Mr. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**.

4. MT Case #04-06-17

Mr. Barnes **MOVED** for the Board to accept the Complaint Committee's recommendation to **DISMISS** MT Case #04-06-17 because neither the Vice Unit of the Albuquerque Police Department or the Compliance Section investigator were able to obtain evidence

to substantiate the complaint's allegations of unlicensed practice of massage therapy. Mr. Lane **SECONDED** the motion, and upon a vote the motion was **PASSED**.

5. MT Case #05-02-05

The respondent failed to comply with the Board's order to Cease and Desist for the unlicensed practice of massage therapy and the Board has recently received additional complaints that the respondent is still providing massage therapy in New Mexico without a license. Therefore, Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to refer MT Case #05-02-05 to the Attorney General's Office **for issuance of an NCA** for violations of § 61-12C-5.A and § 61-12C-27.B of the Massage Therapy Practice Act; and 16.7.4.8.A NMAC. Mr. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**.

6. MT Case #05-02-06

The respondent in this case, MT #05-02-06, is the same respondent in the previous case, #05-02-05. Therefore, Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to refer MT Case #05-02-05 to the Attorney General's Office **for issuance of an NCA** for violations of § 61-12C-5.A and § 61-12C-27.B of the Massage Therapy Practice Act; and 16.7.4.8.A NMAC. Mr. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**.

Mr. Lane **MOVED** for MT Case #'s 05-02-05 and 05-02-06, which are against the same respondent, be combined and sent over for NCA together. Mr. Barnes **SECONDED** the motion, which was **PASSED**.

7. MT Case #05-03-08

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to **DISMISS** MT Case #05-03-08 because there were no violations of the Board's Statute or Rules and Regulations identified and the matter appears to be a domestic issue. Ms. Bryson **SECONDED** the motion, and upon a vote the motion was **PASSED**.

8. MT Case #05-04-09

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to refer MT Case #05-04-09 to the Attorney General's Office **for issuance of an NCA** for violations of §61-12C-24.B (6) and (12); 16.7.2.8.B NMAC; and Paragraphs (1), (2), and (4) of 16.7.2.C NMAC. Ms. Bryson **SECONDED** the motion, and upon a vote the motion was **PASSED**. (Note: This is the same respondent in MT Case #'s 02-04-04; 03-04-006; and 05-09-25.)

9. MT Case #05-05-10

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to **DISMISS** MT Case #05-05-10 because there were no violations of the Board's Statute or Rules and Regulations identified. Mr. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**.

10. MT Case #05-09-25

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to refer MT Case #05-09-25 to the Attorney General's Office **for issuance of an NCA** for violations of § 61-12C-24.B (6) and (12); 16.7.2.8.B NMAC; and Paragraphs (1), (2), and (4) of 16.7.2.C NMAC. Mr. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**. (Note: This is the same respondent in MT Case #'s 02-04-04; 03-04-006; and 05-04-09.)

Mr. Lane **MOVED** for the Board to accept the Complaint Committee's recommendation to combine MT Case #'s 02-04-04, 03-04-006; 05-04-09, and 05-09-25 and refer them

together to the Attorney General's Office for a Notice of Contemplated Action. Ms. Bryson **SECONDED** the motion, which was **PASSED**.

B. Pre-NCA and NCA Cases

1. MT Case 04-06-18 (A)

MT Case # 04-06-18 (A) had been referred to the Attorney General's Office as specified in the action taken by the Board at its April 29, 2005 meeting because the respondent failed to accept the Board's Pre-NCA Settlement offer received by the respondent on June 16, 2005.

Mr. Lane **MOVED** for the Board to request that the AAG add language in the NCA to include, but not be limited to, denial of the respondent's second application for licensure, which was submitted to the Board in November 2004. Mr. Barnes **SECONDED** the motion, and upon a vote the motion was **PASSED**.

2. MT Case 04-11-027

The respondent in MT Case #04-11-027 failed to accept the Board's Pre-NCA Settlement offer and the complaint had already been referred to the Attorney General's Office for an NCA as specified in the action taken by the Board at its April 29, 2005 meeting.

Mr. Lane **MOVED** for the Board to recommend that the Attorney General's Office also **include in the previously requested NCA**, action against the respondent's massage therapy instructor registration as well as his massage therapy license, including, but not limited to revocation of the registration and/or license. Ms. Bryson **SECONDED** the motion, and upon a vote the motion was **PASSED**.

Mr. Lane **MOVED** for the Board to recommend that the Attorney General's Office also include in the **NCA** or prepare a separate NCA if necessary, to take action against the registration of the massage therapy school of which the respondent is the owner, because the school should also be held responsible for the unprofessional conduct of its massage therapy instructors. Ms. Bryson **SECONDED** the motion, and upon a vote the motion was **PASSED**.

3. MT Case #'s 03-06-008 and 05-05-11 - David Haskins' Default Order

The Board attempted to deliver the executed Default Order against respondent David Haskins in the matter of MT Case #'s 03-06-008 and 05-05-11 to the address on file with the Board and again to the forwarding address received from the U.S. Postmaster. Both attempts failed.

Mr. Lane **MOVED** to accept the Default Order. Mr. Barnes **SECONDED** the motion, which was **PASSED**. The license is therefore revoked by default and the disciplinary action shall be reported to the national disciplinary databank.

4. MT Case #'s 02-07-08, 03-01-01, and 03-03-04 - Michel C. Cartegena's Decision & Order

Mr. Lane **MOVED** that the Board refer this matter to the Compliance Section to monitor and verify that respondent is in compliance with the Board's Order. Ms. Bryson **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

5. MT Case #04-05-015 NCA Referral Follow-up

This matter was only a follow-up report to the Board and required no action. No action taken.

6. **MT Case #04-06-18 (B) - Non-Compliance to Pre-NCA Settlement Agreement**
At the Board's April 29, 2005 meeting, the Board's action on MT Case #04-06-18 (B) included a provision that if the respondent did not accept the Pre-NCA Settlement Agreement, the complaint was to be referred to the AGO for an NCA. The respondent did not accept the Agreement, therefore, Mr. Lane **MOVED** for the Board to proceed with the **NCA**. Mr. Barnes **SECONDED** the motion, which was **PASSED**.
 7. **MT 05-06-02 PRA Non-Compliance**
Mr. Lane **MOVED** for the Board to execute and issue the NCA for violation of the Parental Responsibility Act. Ms. Bryson **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.
- C. Application Reviews**
1. **Jeffrey D. Birnbaum - Education Review**
The Board requested additional information related to Mr. Jeffrey D. Birnbaum's education. For instance, copies of his continuing education and what he has been doing the last years because there is insufficient documentation included in the application to make an educated decision. Additional documentation received is to be referred to the Education Committee for final determination.
 2. **Rose L. Harrison - Education Review**
The Board requested that Ms. Harrison submit all of the continuing education for final review by the Education Committee.

XI. ADJOURNMENT

There being no other business to come before the Board, Mr. Lane **MOVED** for adjournment at 1:45 p.m. Mr. Barnes **SECONDED** the motion, which was **PASSED** by **UNANIMOUS APPROVAL**.

Respectfully Submitted by Carmen E. Payne, Board Director on 4/28/2006
Approved by the Board on 4/28/06
Accepted by Kathleen Egenes, LMT and Board Chair on 4/28/06