

“Board Beat”

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The 347th General Business Meeting of the Florida Board of Massage Therapy was held on July 24 & 25, 2008 at the Tampa Airport Marriott, in Tampa, Florida.

Board members present included: Dave Quiring LMT, Chair; Lynda Solien Wolfe, LMT, Vice Chair; Andrea Vala, LMT; Jacqueline Kelly, LMT; Lorena Haynes LMT and consumer member, Irene Andriole. Representing the Board staff were Pamela King, Executive Director; Christy Robinson, Program Administrator; and Chelisa (Lisa) Kirkland, Regulatory Specialist II. Board counsel for this meeting was Carol Cherry, ESQ. Prosecuting attorney Sam DiConcilio, ESQ. was also present.

Two of the four scheduled Informal Hearings were withdrawn from the agenda. One remaining case involved an LMT who was disciplined for practicing at an unlicensed establishment, and one was for violating a previous Final order of the Board. Both of the LMTs involved in these 2 cases face expenses of over \$1,300.00

There were 21 scheduled settlement agreements. These are cases that the LMT or establishment owner and the state attorney's office have already agreed on the discipline for the offenses. The board members have the right to accept the agreements as written or to deny them. They may also suggest alternative discipline, which the state attorney's office will then have to present to the involved parties. In this meeting, all settlement agreements were accepted by the board.

Seven voluntary relinquishment cases were originally scheduled, one was withdrawn and one was added. The board accepted all of the voluntary relinquishment cases. These are cases where individual licensed therapists or establishment owners are voluntarily giving up their licenses.

Six cases for determination of waiver were scheduled, with one being moved to a voluntary relinquishment status, and one moved to an informal hearing. Of the remaining 4 cases, 3 had their licenses revoked by the board.

There were approximately 37 history applicants reviewed by the board. Only a few applicants had their applications denied. Two of the denials for licensure were due to the fact that the applicant had been required to appear before the board at 3 meetings and failed to appear. Sixteen applicants were issued their licenses unencumbered [they do not have to meet any special or additional requirements/conditions]. Three applicants were ordered to appear at the next meeting. The other applicants were issued their licenses conditionally [they must meet additional requirements in order to receive their licenses]. Most of these applicants were approved with the condition that they be evaluated by P.R.N., and then follow the recommendations of P.R.N.

Ten applications for massage establishment licenses were reviewed. Three applicants were ordered to appear at the next board meeting. Two applicants were issued their massage establishment licenses unencumbered. Five applicants were approved conditionally [pending payment of fines].

One massage school license was reviewed and the board voted to withdraw their approval for the school. This decision was based on the fact that the school did not meet the minimum requirements for approval as a Florida approved school.

One continuing education application was approved and one failed to be approved.

The board members and staff discussed/reviewed a matrix proposal that would provide guidelines for the staff to assist them in deciding when to send applications to the board for review, when to send the applicant directly to P.R.N., and when they might take other actions. Once a matrix is finalized and approved (when and if it is approved) it may prove beneficial for prospective massage therapy students and schools, as well as for the board staff.

There was discussion about possibly approving a national exam for colon hydrotherapy to replace the exam currently administered by the state. No decision was made at this meeting.

Even though the board previously voted to approve the new MBLex as the accepted test for licensure in Florida, the scheduled implementation date of August 1, 2008 will be delayed. The rule change has been challenged by the NCBTMB. Representatives from the NCBTMB were at the meeting and stated their alleged reasons for the challenge. The rule permitting use of the new exam will not take effect until (and if) the Division of Administrative Hearings rules in favor of the board of massage supporting their authority to make the change.

The NCBTMB based their challenge on a Florida statute (Section 120.56(2), F.S.) that provides that any substantially affected person may seek an administrative determination of the invalidity of any proposed rule by filing a petition seeking such determination, and such petition shall state with particularity the objections to the proposed rule, and the reasons that the proposed rule is an invalid exercise of delegated authority.

The FSMTA issued a formal statement for support as follows: “FSMTA supports and respects the authority of the BOMT to be able to select an entry level examination for the Massage Profession that they deem appropriate.”

This information should be shared with all Florida licensed massage schools and students preparing to take the licensure exam. There is still only one test approved for licensure in Florida, and that is the NCETMB. This is the same exam that has been used for the past several years. This test does include detailed questions on Eastern modalities (chakras, meridians, acupuncture points, etc).

There was discussion on the subject of Distance Education relating to massage therapy training, including a proposed language change to 64B7-32.003 Minimum Requirements for Board of Massage Therapy approval. This proposed rule change is still in the discussion stage. The rule proposes to permit up to 200 hours of distance education be accepted from a board approved school with an accredited distance education course approved by a DOE-recognized accrediting agency for the academic portion of the program.

There is also a proposed language change regarding endorsement applications. The suggested wording is “Endorsement applicants may take the initial 10 hour Florida laws course, 4 hour ethics, 3 hour HIV/AIDS and a 2 hour medical error prevention course through distance education from a board approved provider”. Remember, these are only proposed changes, they are not approved or in effect at this time.

Stay well, practice safely within the law, and always remember the following 3 quotes:

“Ignorance of the Law is no excuse!”

“Education cures ignorance!”

“It is your responsibility to know your Laws!”

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Disclaimer: This information is not the official transcript or minutes of the Board of Massage Therapy. The office minutes can be found on the Board’s website at www.doh.state.fl.us/mqa.