

FSMTA Report - Board of Massage Therapy Meeting - July 28-29, 2011
by Maureen Gilbert, FSMTA BOMT Liaison

The July 28-29, 2011 General Business Meeting of the Florida Board of Massage Therapy was held at the Hyatt Regency Jacksonville Riverfront, Jacksonville, FL

Members Present: Karen Ford LMT- Chair, Bridget Burke-Wammack LMT- Vice Chair, Lydia Nixon LMT, Robert Smallwood LMT, Lisa Oliver, Consumer Member.

Member Absent: William Stoehs, Consumer Member.

Staff Present: Anthony Jusevitch-Executive Director, Paula Mask- Program Operations Administrator.

Board Counsel: Lee Ann Gustafson, Esquire

Department Prosecuting Attorneys: Sam DiConcilio, Esq. and Manshi Shah, Esq.

The Florida State Massage Therapy Association was represented by Ralph Russ (State President), Scott Hartsfield (FSMTA Legislative Chair), Leiah Carr (First Coast Chapter President), Ron Stephens (Liability Insurance Liaison) and Maureen Gilbert (BOMT Liaison).

Also represented: NCBTMB (*National Certification Board for Therapeutic Massage and Bodywork*); FSMTB (*Federation of State Massage Therapy Boards*); AFMTE (*Alliance for Massage Therapy Education*). Several massage therapy schools were represented including instructors and/or owners and FLAME (*Florida Association of Massage Educators*).

To view the Minutes of the July 28-29, 2011 BOMT Meeting, please follow this link:

http://www.doh.state.fl.us/MQA/massage/ma_minutes.html

General Business Meeting Dates and Conference Call dates have been proposed for **2012**.

General Business Meetings:

January 26-27, 2012 - Ft. Lauderdale

April 19-20, 2012 - Tampa

July 25th (afternoon for long range planning) 26th and 27th, 2012 - Orlando

October 25-26, 2012 - Naples

Conference Calls:

March 12, 2012, Monday – 11:00 a.m.

June 11, 2012, Monday – 11:00 a.m.

September 10, 2012, Monday – 11:00 a.m.

December 10, 2012, Monday – 11:00 a.m.

A Few Points of Interest...

- The Board warmly welcomed Lee Ann Gustafson as Board Counsel at this meeting. Ms. Gustafson previously served as Board Counsel for the BOMT.
- Rules Discussion: Several rule changes were drafted, redrafted or tabled until the October meeting. Board Counsel will review each rule prior to October 2011 board meeting. A Rules Workshop has been scheduled for October 19, 2011.
- FSMTA reported previously that on January 4th Governor Rick Scott issued an Executive Order freezing all new regulations and suspending all rule making activities. Our BOMT made the necessary adjustments and have been complying with the executive order. On August 16, 2011 that order was ruled unconstitutional by the Florida Supreme Court. Not sure exactly how this will impact the BOMT rulemaking; it will probably be explained at the October BOMT meeting.
- There was much discussion on exam candidates from other States. A motion was made, seconded and approved to repeal the Transfer of Credit Rule 64B7-32.004. The Board reached a consensus for the Board to review all out-of-state exam application.
- Legislative Report: The Board voted not to propose legislative amendments to Chapter 480 during the 2012 legislative session. *However*, this ruling may be reversed at the October meeting due to unforeseen actions by the Senate (*see details below) and the introduction of a new Human Trafficking Bill - SB 80 by Senator Arthenia Joyner.

**A memo was circulated, Subject: Bill Referencing from Senate President Haridopolos stating that "a new process has been approved relating to bill referencing. Any bill that passed the Senate during the 2011 Session and died in the House may be eligible to be expedited by being referred to only one committee." Temporary Permits fall into that category - the same issue we fought so hard to defeat during the 2011. No plan of action has been formulated by our Legislative Team. We will keep you informed. FSMTA State & Chapter Legislative Committees Chairs have contacted our Legislators and informed them that we stand firm in our position. FSMTA opposes Temporary Permits for massage therapy student and supports the Human Trafficking bills.*

Disciplinary & Administrative Proceedings:

All actions are recorded and listed in the BOMT Minutes found on line at:

http://www.doh.state.fl.us/MQA/massage/ma_minutes.html

Compliance & Probation Review: Probation was lifted for the first LMT to successfully complete the newly created Monitoring Program with the guidance of an FSMTA LMT Monitor.

Massage Therapist Applications- *these are applicants who have something in their history that the Board needs further clarification on in order to make an informed decision as to whether or not to issue a license.* Many cases are heard at each meeting - most applicants are issued licenses unencumbered, some are denied and others require probation or monitoring.

Settlement Agreements / Informal Hearings / Determination of Waivers: Fines, costs and disciplinary actions are imposed with these cases. Suspension, probation or revocation may also occur. All receive a reprimand on their license. Fines ranged from \$100 to \$4,450; costs were as high as \$2,274.00! The combination of fines and costs are very expensive... stay within your scope of practice and this will not happen to YOU. Please keep in mind that it is your responsibility to know the rules and laws pertaining to the massage profession. Ignorance of law is no excuse!

Next BOMT Meeting Date:

October 19, 2011 Rules Workshop

October 20-21, 2011

Holiday Inn & Suites

2725 Graves Road

Tallahassee, FL 32303

Respectfully submitted by Maureen Gilbert, FSMTA/BOMT Liaison

Disclaimer: This information is not the official transcript or minutes of the Board of Massage Therapy. The official minutes can be found on the BOMT website at http://www.doh.state.fl.us/MQA/massage/ma_minutes.html