

STATE BOARD OF MASSAGE THERAPY
Meeting Minutes
May 3, 2021 at 9:00 a.m.

****TO BE HELD THROUGH TELEPHONIC AND VIDEO CONFERENCING****
JOIN VIA TELEPHONE AT: 1-240-454-0887
MEETING CODE: 610915440
OR JOIN BY VIDEO AT: <https://IndianaEnhanced.Webex.com/join/PLAWebex>

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM: 9:00 A.M.

Board Members Present:
Matthew Brannon, Chair
Barbara Lis, Vice Chair
Laurie Hardin
Charles Peebles

Staff Present:
Michael Minglin Interim Board Director
Toby Snell Board Director
Claire Dyer, Advisory Counsel

II. ADOPTION OF THE AGENDA

A motion was made by Laurie Harden and seconded by Charles Peebles to adopt the agenda Motion carried 3-0-0

III. ADOPTION OF THE MINUTES

A motion was made by Laurie Harden and seconded by Charles Peebles to adopt the minutes after Amended to reflect Amend 15 Hours of CE to include Ethics and Boundaries
Motion Carried 4-0-0

IV. REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

Report given by Hillary Egan

V. DELIBERATION AND POSSIBLE ISSUANCE OF FINAL ORDERS

In the matter of: Terry Gemmecke, MT21806394

Cause Number: 2019 SBMT 0009

Re: Proposed Findings of Fact, Conclusions of Law and Order

State and Mr. Gemmecke Came to the agreement that the license will be revoked in an agreement

Motion was made by Laurie Hardin and Seconded by Charles Peebles to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carries 4-0-0

A. In the matter of: Xiao Jiao Zhou

Cause Number: 2020 SBMT 0005

Re: Motion for Voluntary Dismissal Without Prejudice

Motion was made by Laurie Hardin and seconded by Charles Peebles to accept the State's dismissal without prejudice

Motion carries 4-0-0

VI. ADMINISTRATIVE HEARINGS

Court Reporter: Lindy Meyer

A. In the matter of: Melody Kay Skeens, MT20902973

Cause Number: 2020 SBMT 0002

Re: Default Hearing

Kiely Keesler for State present

No representation for Melody Skeens

Motion was made to accept the states proposal to find Melody Skeens in default

Motion was made Laurie Hardin seconded by Charles Peebles to accept the motion

Motion Carries 4-0-0

State presents case

Presented in February of 2020 has a massage with husband that was inappropriate

During the investigation of those allegations Mrs. Skeens did have multiple

Convictions that she did not disclose. Battery charges, OWI and

possession of marijuana. In addition, working on an expired Massage

Therapy License.

States Exhibit A certified court documents presented and

Board accepts Exhibit A without prejudice

Melody Skeens found guilty on OWI and endangering a person 08/09/2016

States Exhibit B certified court documents presented and

Board accepts Exhibit B without prejudice

Melody Skeens found guilty of level B possession of Marijuana on 09/23/2014

States Exhibit C Certified Court documents presented and

Board Accepts Exhibit C without prejudice

Count 1 Lewd and Immoral Conduct. A motion was made by Laura Hardin

seconded by Barbara lis. Motion Carries 4-0-0

Count 2 Expired License. A motion was made by Laura Hardin seconded by

Barba lis. Motion Carries 4-0-0

Count 3 and 4 Failure to disclose previous misdemeanor criminal convictions to the Board within Thirty (30) days. A motion was made by Laura Hardin and seconded Barbara Lis. Motion Carries 4-0-0
State requests Mrs. Skeens be permanently revoked and pay \$1000.00 per each count
Motion was made by Laurie Hardin and seconded by Charlie Peebles to accept states motion to revoke and pay fines of \$4000.00
Motion Carries 4-0-0-

B. In the matter of: Jessica Dougherty, MT21304750

Cause Number: 2019 SBMT 0005

Re: Administrative Complaint

Hillary Egan for State

Jessica Dougherty Present No Counsel waives right to counsel

Witness sworn in

State makes opening statement

Allowed her license to expire and was still practicing MT

Respondent states did not renew since there was no license involved since it is a certificate and rectified it immediately after finding out she needed to renew.

License is renewed

Marie, OAG, Case analyst consumer complaint filed with the OAG

State Submits Exhibit A and Board accepts Exhibit A

States submits Exhibit B and Board accepts Exhibit B

No questions for the state by the board

Respondent presents case stating she called the board and asked on what to do once she realized her license expired and states Indiana was not a licensing

state until 2019 and did not need to renew her license

Respondent calls witness

States closing argument

One count practicing on expired license

Respondent closing argument

Not disputing the expired license

Count 1 State did not meet the burden of proof

Should sanctions be imposed

Motion was made to no sanctions count 1

Motion was made by Laurie Harden and seconded by Charles Peebles

Motion carried 4-0-0

Violation per statute IC 25-1-2-6 Definitions; application of section; notice to licensee of need to renew; license expiration Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code

Motion was made by Laurie Hardin and seconded by Charles Peebles on violation per statute
Motion carries 4-0-0

C. In the matter of: Hong Yan Wang, MT 21304614

Cause Number: 2020 SBMT 0010

Re: Administrative Complaint

For State Kelsey McKnight
Hong Yan Wang not present

States asks boards to issue a notice of proposed default
Motion made by Laure Hardin and Charles Peebles second proposed default
Motion carries 4-0-0

D. In the matter of: Lydia Jin, MT20903098 and Wen J. Liu, Sr., MT20902301

Cause Number: 2020 SMBT 0011

Re: Administrative Complaint

For State Kelsey McKnight
Y. Jason Huang Attorney for Hong Yan Wang

States opens

Respondent's counsel objects and makes motion to reject states motion
Under advisement of Advisory council preceding with hearing
Swearing in of interpreter Jason Huang for respondent
Respondent waives opening statement

State calls first witness
Attorney for respondent cross examines

State calls Second witness Natalie Christy OAG investigator
States Exhibit A presented
Attorney for representative does not object
Board enters Exhibit A
States Exhibit B presented
Attorney for representative does not object
Board enters Exhibit B

Attorney for respondent cross examines

State calls third witness

States rests

Attorney for respondent calls Lydia Jin
State cross examines
State rests
Laurie Hardin questions witness

Attorney for respondent calls Wen Liu
State does not cross examine
Charles Peebles questions witness

Respondents' attorney rest

Closing statement from the State

Respondents employed an unlicensed individual and resulted in a person
being harmed and was not in a safe environment
No files on employees or customers
Jin has been disciplined before

State asks they be found guilty of all 10 counts and pay fines and fees up to \$5000.00
Also ask to revoke license

Count 1-6 Respondents as co-owners and/or managers of Home Spa have
knowingly violated a state statute or rule or federal statute or regulations
regulating the profession for which they are licensed

Count 7-8 respondent have each continued to practice although they have
become unfit to practice due to their failure to keep abreast of current
professional theory or practice, as evidenced by employing an unlicensed
individual and not keeping any employment records for that individual

Count 9-10 Respondents have each allowed their license to be used in
connection with an individual who rendered services beyond the scope
of that individual's training, experience, or competence.

Respondent's attorney gives closing statement

Motion was made to accept counts 1-6 made by Laurie Hardin and seconded by Barb Lis. Motion Carries 4-0-0

Motion was made to accept Counts 7-8 made by Laurie Hardin and seconded by Barb Lis. Motion Carries 4-0-0

Motion was made to accept Counts 9-10 by Laurie Hardin and seconded by Barb Lis
Motion carries 4-0-0

Motion made for indefinite probation for at least 1 year, complete
9 additional CE hours to include Business, Ethical Boundaries,
Cultural Competency by an approved provider by the Board
indefinite probation for 1 year

5.00 health records fee

250.00 per count (2500.00) to IPLA

Cost of proceedings,

quarterly reports for client intake and reports for employee records

consumer restitution for cost of massage

Motion was made by Barb Lis and seconded by Laurie Hardin
motion carries 4-0-0

VII. PERSONAL APPEARANCES

1. Courtney Gant – Initial Application

Did not show board motion to table again until next meeting

Motion made by Laurie Hardin and second Charles Peebles

Motion carries 4-0-0

2. Robin Crandall – Renewal

Robin Crandall present

In 2012 illegal consumption of alcohol case was dismissed 10/29/2012

2012 arrested for possession of marijuana and paraphernalia

2012 arrested Domestic Battery. Ex attacked her and she punched him in self defense and went to trial and was found not guilty

Answered No to being convicted of a crime. Thought the background check would not go back that far and was told by people that she would be fine to answer no to the questions on the application.

Motion made to accept application for licensure by Charlie Peebles and seconded by Barb Lis

Motion carries 4-0-0

3. Yaohua Duan – Initial Application

Yaohua Duan present

2009 Prostitution charges answered No to being arrested

Background check came back being arrested and charged. Charges were dismissed.

Motion was made to accept application for licensure by Charles Peebles and seconded by Laurie Hardin

Motion carries 4-0-0

4. Autumn Fay Eagan – Initial Application (Amended Not Renewal)

Autumn Eagan present

Charge was minor in consumption of alcohol

Graduated in 2020 for MT school

Motion made by Barb Lis second Matthew Brannon to accept application for licensure

Motion carries 4-0-0

5. Melissa Rachels – Renewal

Melissa Rachels Not present

Table until August 2nd Meeting

Motion to table made by Barb Lis and seconded Laurie Hardin

Motion carries 4-0-0

6. Ping Yuan – Renewal

Ping Yuan present

Answered yes to being arrested, entered into a diversion agreement, was convicted and pled guilty

Charges were expunged. Provided signed order.

Must provide current address to board

Motion made by Charles Peebles and seconded Barb Lis seconded to renew license

Motion Carries 4-0-0

7. Terry Lee Fletcher – Probation

Mr Fletcher present

Settlement agreement stated Mr Fletcher will make a personal appearance so that the board can ask any questions. Charles asks if he has been working
He has been working for himself. Sports related. Fulfilled his obligation to the board and will not be required to appear before the board until he has met the remaining requirements of his probation terms.

8. Jade Deane – Initial Application

Jade Deane present

Working at a chiropractor's office. Motion by Barb Lis and seconded Charles Peebles to approve application for licensure

Motion carries 4-0-0

VIII. DISCUSSION ITEM

1. FSMTB Election

October 7-9th in Charlotte NC and needs to elect State Delegate

Charles Peebles makes a motion to nominate Barb Lis, Matthew Brannon

seconds motion

Motion Carries 3-0-1

IX. ADJOURNMENT 2:14 P.M.

Next Scheduled Meeting:

August 2, 2021

Matthew Brannon

Matthew Brannon, Chair