

STATE BOARD OF MASSAGE THERAPY

Meeting Minutes

February 1, 2021 at 9:00 a.m.

**** HELD THROUGH TELEPHONIC AND VIDEO CONFERENCING****

VIA TELEPHONE AT: 1-240-454-0887

MEETING CODE: 610915440

OR BY VIDEO AT: <https://IndianaEnhanced.Webex.com/join/PLAWebex>

CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Matthew Brannon of the State Board of Massage Therapy, called the meeting to order at 9:07 a.m. and declared a quorum in accordance with IC § 25-2.1-2-8.

Board Members Present:

Matthew Brannon, Chair

Barbara Lis, Vice Chair

Laurie Hardin

Charles Peebles arrived at 10:12a.m.

State Officials Present:

Rae Harman, Board Director

Claire Dyer, Advisory Counsel

ADOPTION OF THE AGENDA

A motion was made by Member Hardin and seconded by Chair Brannon to adopt the amended agenda.

3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis

Absent: Charles Peebles

ADOPTION OF THE MINUTES

A motion was made by Member Lis and seconded by Member Hardin to adopt the minutes.

3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis

Absent: Charles Peebles

REPORT FROM THE OFFICE OF THE ATTORNEY GENERAL

The Office of the Attorney General provided the Board with a report per IC 25-1-7-13. Derek Peterson, Deputy Attorney General – Deputy Director, introduced himself to the Board.

CONSIDERATION OF PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

In the matter of: Johnny Jack Sharpe, MT21003312

Cause Number: 2019 SBMT 0003

A motion was made by Member Hardin and seconded by Member Lis to approve the Proposed Findings of Fact, Conclusions of Law and Order in the matter of Johnny Jack Sharpe.
3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis
Absent: Charles Peebles

In the matter of: Hong Ying Smith, MT21405165

Cause Number: 2020 SBMT 0008

A motion was made by Member Hardin and seconded by Chair Brannon to approve the Proposed Findings of Fact, Conclusions of Law and Order in the matter of Hong Ying Smith.

3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis
Absent: Charles Peebles

ADMINISTRATIVE HEARINGS

Court Reporter: Margie Addington

In the matter of: Melody Kay Skeens, MT20902973

Cause Number: 2020 SBMT 0002

Re: Administrative Complaint

Kiely Keesler, Deputy Attorney General, appeared on behalf of the State of Indiana. The Respondent failed to appear, nor appearance of counsel on her behalf. The State asked that a Notice of Proposed Default be issued to Respondent due to failure to appear.

A motion was made by Member Hardin and seconded by Member Lis to issue a Notice of Proposed Default in the matter of Melody Kay Skeens.

3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis
Absent: Charles Peebles

In the matter of: Hailin He, MT21405342

Cause Number: 2019 SBMT 0007

Re: Default Hearing

Hillary Egan, Deputy Attorney General, appeared on behalf of the State of Indiana. The State asked that the Board find Respondent in default due to failure to appear at the November hearing and failure to provide written response to the Notice of Proposed Default.

A motion was made by Member Hardin and seconded by Chair Brannon to find in Respondent in default.

3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis
Absent: Charles Peebles

Ms. Egan read the history of this matter, as well as reminded the Board that Respondent was found guilty of promoting prostitution. The State explained that Respondent should not be able to practice massage therapy in the future and this criminal conduct wasn't separate from her practice. The State called Natalie Christy, Case Analyst for the Office of the Attorney General, as witness to this matter. Ms. Christy explained that this case started due to a consumer complaint being filed. The State entered Exhibits A, B, and C, which were admitted into evidence by the Board. The State believed the Respondent presents a clear and immediate danger to the public if allowed to practice. The State asked for revocation, \$1000 per violation, and the \$5 Health and Records fee.

A motion was made by Member Hardin and seconded by Member Lis that the State proved counts 1- 13.

3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis

Absent: Charles Peebles

A motion was made by Chair Brannon and seconded by Member Hardin to revoke Respondent's massage therapy certification, assess payment of \$1000.00 civil penalty per count for a total of \$13,000.00, and payment of the \$5.00 health and records fee.

3-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, and Barbara Lis

Absent: Charles Peebles

Member Charles Peebles joined the meeting.

PERSONAL APPEARANCES

Cheryl Quinones – Initial Application

Cheryl Quinones appeared via telephone to answer questions and concerns. Ms. Quinones disclosed a criminal background on her initial application. Ms. Quinones failed to provide statements and documents for all arrests/convictions. She doesn't believe she has the charges indicated on her criminal background check. As she spoke, she started providing additional information about possible arrests. She explained that nothing new has happened and she doesn't think she has this criminal background. Member Lis indicated that she is uncomfortable with not having enough information.

A motion was made by Member Brannon and seconded by Member Hardin to deny this application.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

Samantha Wardlow – Reinstatement

Samantha Wardlow participated via video reinstatement to answer questions and concerns. The Board reviewed her reinstatement documentation. Ms. Wardlow explained that she has been working in Maine since 2017.

A motion was made by Member Hardin and seconded by Member Peebles to approve this reinstatement.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

Michelle Byrd – Reinstatement

Michelle Byrd participated via telephone to answer questions and concerns. Ms. Byrd's certification expired in 2013. She worked for a Chiropractor, then IU for 6 years with sports health. She recently has worked mostly from home, due to family issues.

A motion was made by Chair Brannon and seconded by Member Hardin to table for additional information requested for reinstatement.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

Rachel Duckwall – Reinstatement

Rachel Duckwall participated via telephone to answer questions and concerns. Ms. Duckwall explained that she hasn't been licensed in another state and has been working in a factory. She hasn't been charging for massage but has been working on family and friends.

A motion was made by Member Hardin and seconded by Member Peebles to reinstate this certificate contingent upon completion of 15 hours of CE courses by an approved provider in the following topics: Ethics & boundaries, Swedish and deep tissue to enhance her specialized modality.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

Adrienne Moss – Reinstatement

Adrienne Moss participated via telephone to answer questions and concerns. Ms. Moss explained that her certification expired 5/15/2017. She did provide her work history, and proof of insurance. She has been working on an expired license. Ms. Moss worked on the casino floor, which required gaming licensure. She gave chair massages, but then because of COVID she moved into the spa.

A motion was made by Member Hardin and seconded by Member Peebles reinstate this certificate contingent upon completion of 15 hours CE courses by an approved provider in the following topics: Ethics & boundaries.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

Courtney Gant – Initial Application

A motion was made by Member Peebles and seconded by Member Lis to table for an appearance at the May meeting.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

Brittany Shobe – Initial Application

Brittany Shobe appeared via telephone to answer questions and concerns. Ms. Shobe explained that she was arrested in 2011 for theft. She didn't know until later that she would need to do a criminal background. She has completed all requirements of her criminal matter.

A motion was made by Member Hardin and seconded by Member Peebles to accept this application.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

Mable-Gene Louise – Initial Application

Mable-Gene Louise participated via telephone to answer questions and concerns. Ms. Louise apologized for not being transparent. The case was in 2014 and was dismissed. She explained that this incident has not come up for background checks for work. She now understands why the Board should know.

A motion was made by Member Hardin and seconded by Member Peebles to approve this application.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

APPLICATION REVIEW

Benito Garcon

Benito Garcon's initial application was reviewed by the Board. Member Lis spoke about the requirement for New York, such as 1000 hours and their own state examination. Member Lis explained that the state of New York is more than substantially equivalent, and she is satisfied with this application.

A motion was made by Member Hardin and seconded by Member Lis to approve this application.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

DISCUSSION

Online/Paper Renewal Process

Rae Harman, Board Director, reported the following in regard to HEA1289: The draft rules were submitted for pre-approval to IPLA, OMB, and the Governor's Office. The pre-approval has been approved by those listed herein. However, there are other documents and steps that require review and approval. As soon as Director Harman has any updates, she will share that information with the Board, also to those that have reached out directly to me along the way, as well as updates to the website.

Director Harman reported that Massage Therapists certifications expire 5/15/2021. The renewal notifications will go out via email/mail once the renewal window opens in a week or so.

Director Harman is working with the Communications Director to post information to the

website to give Massage therapists helpful information. Information has been on the Massage Therapy website for some time notifying MT's that an individual will not be required to hold a license to practice massage therapy in Indiana until 183 days after the effective date of additional rules to be promulgated and adopted by the Board for Massage Therapy.

Until the effective date of the rules adopted by the board for licensure, the Board of Massage Therapy shall continue to issue and renew massage therapy certifications. Director Harman reported that the online renewal process will now allow certificate holders to upload their Certificate of Insurance (COI) document online. Also, the COI is able to be submitted by the certificate holder via email, mail, or using the upload document feature online.

Election of Officers

A motion was made by Member Lis and seconded by Member Peebles to elect Matthew Brannon as Chair.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

A motion was made by Member Hardin and seconded by Member Peebles to elect Barbara Lis as Vice Chair.

4-0-0, Motion carried.

Voting in favor: Matthew Brannon, Laurie Hardin, Barbara Lis, and Charles Peebles

ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the State Board of Massage Therapy adjourned at 12:10p.m.

Matthew Brannon

Matthew Brannon, Chair

7 May, 2021

Date