

LOUISIANA STATE BOARD OF MASSAGE THERAPY

Open Board Meeting - Special Session

March 19, 2010

The special session of the Louisiana State Board of Massage Therapy was called to order at 2:17 PM on Thursday 3/04/2010 at 12022 Plank Road, Baton Rouge, Louisiana 70811.

Call to order was made by Mary Donker Syvertsen.

Roll call by the Chairman showed the following members were present: Suzanne Schwing, Keith Thompson, Julianne Menn, Pam Little, Janeth DeBenedetto. Members absent were Bruce Evans.

OLD BUSINESS:

Keith move to ratify Donnie Floyd's contract for legal services from the period of July 22, 2009 through March 18, 2010. It was explained by special legal counsel Jimmy Faircloth that Mr. Floyd's contract had never gone through the state required approval process. Suzanne Schwing seconded the motion. All approved except for Jan DeBenedetto.

Keith moved to ratify or if necessary write a contract for services rendered from July 22, 2009 through March 18, 2010 by legal counsel Susan Hebert. In response to Board questions, Mr. Faircloth explained no contract was found in the LSBMT offices for Ms. Hebert. Julianne Menn seconded the motion. All approved except Jan DeBenedetto.

NEW BUSINESS:

Jimmy Faircloth, special legal counsel, reported progress of his operational audit of the LSBMT after stating a summary of his employment background. He has been asked by LSBMT to support the Board's development in following Administrative Procedures Act (APA), Open Meetings law, processing public complaints, and maintaining accountability in financial affairs. He stated he has no relationship with anyone on the LSBMT.

Mr. Faircloth began his report of findings of his initial evaluation of the LSBMT files and available records. His report includes the following:

He observes a history of an under appreciation for order, and sloppiness, as reflected by records and documentation management.

He gave examples of multiple files in the LSBMT office containing loose, unattached documents that are in no discernable order, with no record of dates received or actions processed. Regular license documentation and complaint/investiation documentation are blended into single files.

Complaint and regular business files should always be maintained separately. Complaint files should be separate and confidential with one paper in the licensing file noting complaints and

general response process. Original file documentation should always be located in the Board office. Copies stamped with a "COPY" stamp could be taken out of the office if warranted.

A date stamp "LSBMT Received" needs to be ordered.

Outcomes in some complaint files are not documented. In some files, case outcomes are documented on a sticky note, unsigned or dated.

There are loose, unprocessed checks, in multiple files. There is an unexplained duplication of some files.

Mr. Faircloth reported that Kayla Ayman Perkins brought a box of complaint files into the LSBMT office from outside the building on Friday, March 12, 2010. He and several Board members voiced concern regarding inability to know if other files exist outside of the office.

Mr. Faircloth emphasized the members of the Board, not the Executive Director or staff, hold responsibility for all business of the LSBMT.

The differences between the Inspector General and Attorney General Offices were explained by Mr. Faircloth and Mr. Belsom. In the future, Board process or compliance questions should be asked of the AG's office.

Proper process of Complaint and Investigations as well as CIO role were discussed.

Mr. Faircloth explained Board members are not informed of investigation details, only the CIO is involved in knowledge of case details during the investigation, to prevent need for Board members to be recused from hearings. Situations that require Board member recusal from an investigative hearing include family relationships, business relationships and contracts between Board member and party under investigation/hearing.

Board members have a duty to hear cases and should not recuse themselves unless a clear indication for this exists.

Mr. Faircloth advised the Board to develop a fee schedule for minor violations. LSBMT should not have excessive, multiple fines for one event.

Mr. Faircloth explained that the extent the Board delegates to the CIO is by current Board decision. Unless the Board delegates to staff, minor violations are to be handled by CIO. If delegated to staff, CIO still reports cases to the Board during meetings.

Mr. Faircloth explained the LSBMT cannot act over people never licensed by the Board. We can send a letter and notify DA's office regarding people practicing without a license history.

In summary, Mr. Faircloth advised the Board needs to develop institutional knowledge of our responsibilities, statutes, correct processes.

Camp Morrison, investigator, was introduced by Mr. Faircloth. Both advised the Board to develop a search committee to address hiring of Executive Director and staff as quickly and efficiently as possible.

Mr. Morrison explained how the investigation process in various Boards has been approached. He reported the LSBMT has not been using the proper process for background checks.

Camp Morrison presented a proposal to provide services for the LSBMT. See proposal in records. He proposed to provide a 4 person team to organize approximately 5000 files in the LSBMT office. Estimated costs were discussed.

Mr. Faircloth proposed the Board should meet to focus on understanding of state of the Board's finances.

Julianne Menn motioned and Keith Thompson seconded to establish a short term contract with Mr. Morrison to assist the Board in developing centralized filing system and assist with daily office management for the next 1-2 weeks.

Pam proposed a fiscal meeting be held on 3/26/2010 at 2PM. Ms. DeBenedetto will contact the Board's CPA to bring books, discuss cash flow, annual budget.

Joa Montana presented a list of Blue Cliff's concerns for their Board processed needs..

Lola Summers presented issues of instructor renewals, and questioned the legal requirement of CE class for law/ethics by Board. Pam Little addressed the history of the committee developing a briefing for instructors so they would teach within scope of practice and according to curriculum, ethics.

The Board agreed on need to make sure person who teaches course must be knowledgeable. This may be made into a formal policy or bylaw.

In the interest of enabling instructors to teach while this issue is correctly resolved, Suzanne Schwing motioned and Julianne Menn seconded that the Board's requirement of LSBMT CEU class re: law and scope (6 hour mandatory instructor inservice) is suspended. All approved.

Mr. Morrison's contract proposal was reviewed by Billy Belsom and signed by Mary Syvertsen, and the correct process for state related contracts is to be initiated.

The meeting adjourned at 5:19pm.