



Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Director

BOARD OF THERAPEUTIC MASSAGE  
3605 Missouri Boulevard  
P.O. Box 1335  
Jefferson City, MO 65102-1335  
Telephone: 573/522-6277  
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800-735-2966 TTY Relay Missouri  
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[massagether@pr.mo.gov](mailto:massagether@pr.mo.gov)

Loree V. Kessler, MPA  
Executive Director

**Meeting Notice**  
**Missouri Board of Therapeutic Massage**  
**August 8, 2010 – 9:00 a.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard – Jefferson City, Missouri**

Notification of special needs as addressed by the Americans with Disabilities Act should be forwarded to the Board of Therapeutic Massage, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling (573) 522-6277 to ensure available accommodations. The text telephone for the deaf or hard of hearing is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

Except to the extent disclosure is otherwise required by law, the Missouri Board of Therapeutic Massage is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13), (14), and Chapter 324.001.8 and 324.001.9 RSMo.

The Board may convene in closed session at any time during the meeting. If the meeting is closed, the appropriate section will be announced to the public, with the motion and vote recorded in open session minutes.

Anyone requiring additional detail regarding the telephone conference call should contact the Missouri Board of Therapeutic Massage, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, Missouri 65102 or by calling Loree Kessler, Executive Director at (573) 522-6277. The TTY number for Relay Missouri is 800/735-2966 or 800/735-2466 for Voice Relay Missouri.

Please see attached agenda for this meeting.

**Tentative Open Session Agenda  
 Missouri Board of Therapeutic Massage  
 August 8, 2010 – 9:00 a.m.  
 Division of Professional Registration  
 3605 Missouri Boulevard – Jefferson City, Missouri**

Call to Order	Kevin Snedden, Chairperson
Roll Call	Executive Director
Approval of Agenda	
1. Approval of Open Session Minutes	
<ul style="list-style-type: none"> <li>• June 13, 2010 Conference Call</li> <li>• June 16, 2010 Mail Ballot</li> </ul>	
2. Financial Report	
MBLEx Update (No materials)	Kevin Snedden
3. Missouri Board of Therapeutic Massage v Lance Kelley	
<ul style="list-style-type: none"> <li>• Disciplinary Hearing at 12:00 noon</li> </ul>	
4. Kansas College of Chinese Medicine	
Meeting Schedule	

**Motions to Close**

Section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the licensee or applicant section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes of action or litigation and any confidential or privileged communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meetings under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings.



**OPEN SESSION MINUTES**  
**Missouri Board of Therapeutic Massage**  
**June 13, 2010 – 11:30 a.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard – Jefferson City, Missouri**

At 11:32 a.m., the Missouri Board of Therapeutic Massage telephone conference call meeting was called to order by Kevin Snedden, Chairperson, at the Missouri Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. Roll call was facilitated by the executive director.

**Board members present:**

Kevin Snedden, Chairperson  
Renate Brodecker  
Dawn Standley  
Carl Nelson

**Staff present:**

Loree Kessler, Executive Director  
Jeanette Wilde, Executive I  
Greg Roach, Licensure Technician II  
Greg Mitchell, Counsel

Mr. Snedden indicated he would be voting in open and closed sessions.

A motion was made by Ms. Brodecker and seconded by Ms. Standley to approve the open session agenda. Board members voting aye: Mr. Snedden, Ms. Brodecker, Ms. Standley, and Mr. Nelson. Motion carried unanimously.

A motion was made by Mr. Nelson and seconded by Ms. Standley to approve the open session minutes of the April 19, 2010 meeting. Board members voting aye: Mr. Snedden, Ms. Brodecker, Ms. Standley, and Mr. Nelson. Motion carried unanimously.

**Financial Report**

The board reviewed the financial report and the executive director explained she would be meeting with the division at the end of June to determine if the renewal fee could be reduced. No official action by the board.

The disciplinary hearing regarding Lance Kelley, LMT and Kansas College of Chinese Medicine massage program review were tabled until the next face to face meeting of the board.

**Meeting Schedule**

The board tentatively scheduled a face to face meeting for August 2, 2010 in Jefferson City.

At 11:40 a.m. a motion was made by Ms. Standley and seconded by Ms. Brodecker to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or

audits and/or other information pertaining to the license or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes or action or litigation, and any confidential or privilege communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meeting under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Mr. Snedden, Mr. Nelson, Ms. Brodecker, and Ms. Standley. Motion carried unanimously.

At 12:31 p.m., a motion was made by Mr. Nelson and seconded by Ms. Brodecker to convene in open session and adjourn the conference call meeting. Board members voting aye: Mr. Snedden, Mr. Nelson, Ms. Brodecker, and Ms. Standley. Motion was carried unanimously.



Executive Director

Approved by Board on

**OPEN MINUTES**  
**Missouri State Board of Therapeutic Massage**  
**Division of Professional Registration**  
**3605 Missouri Boulevard - Jefferson City, Missouri**  
**Mail Ballot June 16, 2010**

On this date, a closed mail ballot was sent to the members of the Missouri Board of Therapeutic Massage pursuant to section 610.021(14) RSMo.

**Mail Ballots Sent to:**

Kevin Snedden, Chairperson  
Renate Brodecker  
Carl Nelson  
Dawn Standley

The Missouri Board of Therapeutic Massage is authorized to close meetings, records and votes, to the extent they relate to the following: Chapter 610.021 subsections (1), (3), (5), (7), (13) and (14), RSMo, and Sections 324.001.85 and 324.001.9 RSMo.



Executive Director

Approved by Board on



	FY 2010 Actual												FY 2010 Projections				
	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
	July	August	September	October	November	December	January	February	March	April	May	June	Lapsed July	YTD Total	Projected	Remaining (Projected - YTD Total)	
1	Message Therapy - 0084																
2	FY 2010 Monthly Fund Balance Sheet																
3																	
4	Beginning Fund Balance	845,314.50	833,859.24	829,383.75	821,895.34	810,055.45	796,898.91	784,389.54	772,900.71	762,701.90	747,225.95	733,078.58	722,810.03	136,868.25	103,175.00	(33,693.25)	
5	Revenue	11,867.60	11,992.60	12,578.40	11,617.60	11,338.20	10,998.00	9,977.20	14,103.45	10,506.95	10,778.25	12,418.75	0.00	136,868.25	103,175.00	(33,693.25)	
6	Total Funds Available	856,882.10	845,851.84	841,962.15	833,512.94	821,392.65	807,896.91	794,366.74	787,004.16	773,208.85	758,004.20	745,497.33	722,810.03	136,868.25	103,175.00	(33,693.25)	
7																	
8																	
9	Appropriation Costs:																
10	Expense and Equipment	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
11	Personal Service and Per Diem	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
12	Total Appropriation Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
13																	
14	Transfer Costs:																
15	Rent	0.00	0.00	1,285.32	0.00	0.00	0.00	0.00	642.66	0.00	0.00	5.44	0.00	2,576.08	2,576.08	(5.39)	
16	Workers Compensation	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
17	Board Staff Fringe Benefits	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
18	DJP Department Cost Allocation	803.96	0.00	0.00	802.21	0.00	182.14	0.00	542.18	0.00	0.00	(4.14)	0.00	2,326.35	3,222.82	896.47	
19	Licensee Refunds	0.00	0.00	460.00	0.00	0.00	50.00	0.00	100.00	0.00	0.00	114.25	0.00	724.25	2,500.00	1,775.75	
20	Biennium Sweep	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
21																	
22	PR Transfer:																
23	Division-Wide Costs	0.00	2,045.77	2,054.85	1,896.70	1,701.15	3,173.96	1,651.14	1,515.79	1,518.79	1,780.09	2,874.40	0.00	21,881.25	38,009.89	14,128.64	
24	Purchasing Staff	0.00	36.90	39.81	40.22	35.92	40.19	39.83	40.02	39.14	40.56	35.99	0.00	428.50	451.76	23.26	
25	PR/JT Staff	0.00	88.85	181.52	137.14	135.34	127.08	155.71	85.72	117.12	33.82	56.68	0.00	1,164.02	1,596.98	432.84	
26	Legal Team	0.00	4.55	4.34	7.66	8.01	14.29	9.55	8.67	2.61	2.49	4.97	0.00	74.45	71.29	637.84	
27	CRR Staff	0.00	79.94	264.74	159.40	158.41	155.80	163.36	161.32	179.09	165.97	163.80	0.00	1,844.70	2,087.08	242.38	
28	Board Specific:																
29	Expense/Equipment	0.00	2,330.77	7,232.83	8,550.85	8,028.36	5,399.67	4,819.68	4,545.68	11,791.73	10,736.04	11,476.09	0.00	76,948.67	84,487.60	7,538.93	
30	Start-up Loan Costs	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
31	Personal Services	0.00	5,156.74	5,471.74	5,156.74	6,696.74	5,716.74	5,156.74	4,941.74	3,760.16	3,934.20	3,549.20	0.00	53,068.94	88,268.38	15,178.45	
32	Fringe Benefits	0.00	3,029.64	3,053.77	3,018.15	3,089.85	2,980.21	2,699.82	2,471.80	1,416.76	1,346.26	1,260.34	0.00	25,739.91	33,376.91	7,636.51	
33	Technical Support Staff	0.00	52.93	82.92	48.80	47.91	57.82	34.25	30.61	50.95	81.44	91.11	0.00	696.76	1,188.14	491.38	
34	Central Mail Processing	0.00	371.88	419.23	418.96	504.90	460.78	393.90	448.33	448.33	429.73	403.39	0.00	4,751.99	4,817.33	65.34	
35	CIU Investigations	0.00	3,004.12	2,399.87	2,164.16	4,286.55	4,750.52	4,485.24	4,457.46	3,161.60	2,911.62	2,449.55	0.00	37,152.66	40,282.90	3,130.30	
36	Total PR Transfer	0.00	16,202.09	21,205.62	21,598.78	24,693.74	22,877.12	19,698.92	18,306.44	13,230.75	21,462.12	22,365.52	0.00	223,772.85	273,278.72	49,505.87	
37																	
38	OA Cost Allocation Transfer:																
39	OA Cost Allocation - Board Cost	764.00	0.00	0.00	764.00	0.00	0.00	764.00	0.00	764.00	0.00	0.00	0.00	3,056.00	3,056.31	0.31	
40	OA Cost Allocation - PR Cost	126.29	0.00	126.29	0.00	0.00	126.29	0.00	0.00	126.29	0.00	0.00	0.00	505.16	505.16	0.00	
41	Total OA Cost Allocation Transfer	890.29	0.00	126.29	764.00	0.00	890.29	0.00	890.29	890.29	0.00	0.00	0.00	3,561.16	3,561.47	0.31	
42																	
43	GR Transfer:																
44	Attorney General	0.00	0.00	1,123.32	0.00	0.00	611.16	614.16	0.00	1,586.02	3,354.25	134.98	0.00	7,423.91	11,000.00	3,576.09	
45	Administrative Hearing Comm.	0.00	266.00	9.50	294.50	0.00	420.25	123.50	389.50	0.00	109.25	71.25	0.00	1,702.75	5,000.00	3,297.25	
46	Total GR Transfer	0.00	266.00	1,132.82	294.50	0.00	420.25	734.66	389.50	1,586.02	3,463.50	206.23	0.00	9,126.66	16,000.00	6,873.34	
47																	
48	FY 2009 Transfers Carried Over:																
49	FY 2009 June PR Transfer (E&E)	8,038.98	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8,038.98	8,038.98	0.00	
50	FY 2009 June PR Transfer (PS)	13,360.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,360.13	13,360.13	0.00	
51	FY 2009 July Lapse PR Transfer	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	
52	FY 2009 PR Transfer Adjustment	0.00	0.00	(5,995.20)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	(5,995.20)	(5,995.20)	0.00	
53	FY 2009 AG - June	0.00	0.00	1,851.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,851.96	1,851.96	0.00	
54	FY 2009 AHC - June	9.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.50	9.50	0.00	
55	Total FY 2009 Transfers Carried Over	21,428.61	0.00	(4,143.24)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,285.37	17,285.37	0.00	
56	Total Transfers	23,122.86	16,468.09	20,066.81	23,459.49	24,693.74	23,297.37	21,466.03	14,262.91	25,982.90	24,925.62	22,687.30	0.00	259,372.72	318,419.07	59,046.35	
57	Total Appropriation Costs and Transfers	23,122.86	16,468.09	20,066.81	23,459.49	24,693.74	23,297.37	21,466.03	14,262.91	25,982.90	24,925.62	22,687.30	0.00	259,372.72	318,419.07	59,046.35	
58	Ending Fund Balance	833,859.24	829,383.75	821,895.34	810,055.45	796,898.91	784,389.54	772,900.71	762,701.90	747,225.95	733,078.58	722,810.03	722,810.03				

**FY 2010 YTD Expenses by Budget Class Code - Appropriation 2207**

*As of June 30, 2010*

*Massage Therapists*

*Activity Code: LR51*

	<i>YTD Expended</i>	<i>Appropriation</i>	<i>Remaining Appropriation</i>	<i>Percentage Remaining</i>
<i>Budget Class Code: 140 TRAVEL, IN-STATE</i>	\$2,535.13	\$4,500.00	\$1,964.87	43.66%
<i>Budget Class Code: 160 TRAVEL, OUT-OF-STATE</i>	\$714.70	\$2,000.00	\$1,285.30	64.27%
<i>Budget Class Code: 180 FUEL &amp; UTILITIES</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 190 SUPPLIES</i>	\$5,238.57	\$9,000.00	\$3,761.43	41.79%
<i>Budget Class Code: 320 PROFESSIONAL DEVELOPMENT</i>	\$2,714.76	\$3,000.00	\$285.24	9.51%
<i>Budget Class Code: 340 COMMUNICATION SERV &amp; SUPP</i>	\$1,331.75	\$1,200.00	(\$131.75)	-10.98%
<i>Budget Class Code: 400 PROFESSIONAL SERVICES</i>	\$65,207.41	\$65,500.00	\$292.59	0.45%
<i>Budget Class Code: 420 HOUSEKEEP &amp; JANITOR SERV</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 430 M&amp;R SERVICES</i>	\$477.92	\$700.00	\$222.08	31.73%
<i>Budget Class Code: 480 COMPUTER EQUIPMENT</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 560 MOTORIZED EQUIPMENT</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 580 OFFICE EQUIPMENT</i>	\$4.36	\$4,000.00	\$3,995.64	99.89%
<i>Budget Class Code: 590 OTHER EQUIPMENT</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 640 PROPERTY &amp; IMPROVEMENTS</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 680 BUILDING LEASE PAYMENTS</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 690 EQUIPMENT RENTAL &amp; LEASES</i>	\$0.00	\$0.00	\$0.00	
<i>Budget Class Code: 740 MISCELLANEOUS EXPENSES</i>	\$357.54	\$1,600.00	\$1,242.46	77.65%
<i>Budget Class Code: 760 REBILLABLE EXPENSES</i>	\$0.00	\$0.00	\$0.00	
<b>TOTAL</b> <i>Massage Therapists</i>	<b>\$78,582.14</b>	<b>\$91,500.00</b>	<b>\$12,917.86</b>	<b>14.12%</b>





State of Missouri

Jeremiah W. (Jay) Nixon, Governor

**Administrative Hearing Commission**  
Truman State Office Building, Room 640  
301 West High Street P.O. Box 1557  
Jefferson City, Missouri 65102  
Telephone 573/751-2422  
Facsimile 573/751-5018  
[www.aa.mo.gov/ahc](http://www.aa.mo.gov/ahc)

February 16, 2010

Ms. Loree Kessler  
Executive Director  
Board of Therapeutic Massage  
3605 Missouri Blvd.  
P.O. Box 1335  
Jefferson City, MO 65102-1335

Re: Board of Therapeutic Massage vs. Lance W. Kelley  
No. 09-1134 TM

Dear Ms. Kessler:

Pursuant to § 621.110, RSMo 2000, please find enclosed the record of proceedings in the above-named cause before the Administrative Hearing Commission.

For purposes of review, the action of this Commission and your order, if any, will be treated as one decision. (See § 621.145, RSMo.) Therefore, in the event of an appeal, these enclosures plus your order will need to be certified by you, pursuant to § 536.130, RSMo 2000, to the reviewing court.

Sincerely,

A handwritten signature in cursive script that reads "Suzanne Hager".

Suzanne Hager  
Paralegal

Enclosure

c: Edwin Frownfelter  
Lance Kelley

Before the  
Administrative Hearing Commission  
State of Missouri



BOARD OF THERAPEUTIC MASSAGE, )

Petitioner, )

vs. )

LANCE W. KELLEY, )

Respondent. )

No. 09-1134 TM

**CERTIFICATION**

COMES NOW Suzanne Hager, Paralegal, Administrative Hearing Commission, and certifies to this Agency that the following list of items comprises the record of proceedings before the Administrative Hearing Commission in the above-named cause:

1. Copy of Complaint, filed August 12, 2009.
2. Copy of Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law and Waiver of Hearing Before the Administrative Hearing Commission, filed February 4, 2010.
3. Copy of Consent Order, issued February 16, 2010.

Respectfully submitted,

A handwritten signature in cursive script that reads "Suzanne Hager".

Suzanne Hager  
Paralegal

Enclosures

BEFORE THE  
ADMINISTRATIVE HEARING COMMISSION  
STATE OF MISSOURI

Missouri Board of Therapeutic Massage )  
3605 Missouri Boulevard )  
P.O. Box 1335 )  
Jefferson City, Missouri 65102-1335 )

Petitioner, )

v. )

Lance W. Kelley )  
P.O. Box 46844 )  
Kansas City, Missouri 64119 )

Respondent. )

**FILED**

AUG 14 2009

ADMINISTRATIVE HEARING  
COMMISSION

Case #: 09-1134 TM

Received at  
Administrative Hearing Commission

AUG 14 2009

Filed by Certified / Registered Mail  
8/12/09

**COMPLAINT**

Petitioner, Missouri Board of Therapeutic Massage, by and through the Attorney General of the State of Missouri, and for its cause of action against Respondent, Lance W. Kelley, states the following:

1. The Missouri Board of Therapeutic Massage ("Board") is an agency of the State of Missouri, created and established pursuant to Section 324.243, RSMo,<sup>1</sup> for the purpose of

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<sup>1</sup> All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

executing and enforcing the provisions of Chapter 324, RSMo, Occupations and Professions.

2. Respondent, Lance W. Kelley (“Kelley”), is an adult individual whose registered address is P.O. Box 46844, Kansas City, Missouri 64119, and who holds a Missouri license as Massage Therapist, License No. 2001010779, which is and was current and active at all times material herein.

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to § 621.045, RSMo, and § 324.243, RSMo.

#### APPLICABLE LAW

4. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to Section 621.045, RSMo, and Section 324.262.2, RSMo.

5. Section 324.247.2, RSMo (Cum.Supp.2007), provides that:

A person desiring to receive a license to operate a massage business in the state of Missouri shall file a written application with the board on a form prescribed by the division and pay the appropriate required fee. It shall be unlawful for a business to employ or contract with any person in this state to provide massage therapy as defined in subdivision (7) of section 324.240 unless such person has obtained a license as provided by this chapter. Failure to comply with the provisions of this section shall be cause to discipline the licensee.

6. Section 324.262.2, RSMo, provides that,

The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license issued pursuant to sections 324.240 to 324.275

. . . for any one or any combination of the following causes:

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.240 to 324.275;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to 324.275, including providing massage therapy under subdivision (7) of section 324.240 at a massage business as defined in subdivision (5) of section 324.240 that is not licensed under this chapter . . .

7. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.010(2)(A)(4)

stated:

(2) Dual Relationships.

(A) No massage therapist shall: . . . 4. Take unfair advantage of the client for financial gain . . .

8. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.010(3)(A) stated

in part:

(A) Each massage therapist shall: . . .

2. Maintain professional liability insurance coverage;

3. Obtain and document written client assessment information, prior to performing initial massage therapy services, which shall include but not be limited to the following:

A. Purpose for visit;

B. Presence of pain and the location;

C. Allergies;

D. Currently under the care of any health or mental healthcare professional;

E. Current medication use and the purpose;

- F. Recent surgeries;
- G. Preexisting conditions;
- H. Written consent for treatment and date signed; and
- I. The massage therapist's signature and date of service;
- 4. Update, at each session, the client record which shall include:
  - A. Client assessment information updated, if any changes or additions;
  - B. The date massage therapy services were performed;
  - C. Type of services performed;
  - D. Length of treatment;
  - E. Outcome assessment (may not apply to on-site/chair massage); and
  - F. The massage therapist's signature or initials;
- 5. Maintain client records for at least three (3) years; . . .
- 12. Maintain all equipment used to perform massage therapy services in a safe and sanitary condition, which shall include but not be limited to:
  - C. Cleansing all equipment coming in contact with a client, including hydrotherapy equipment, combs, brushes, showercaps, showers, tubs, and basins with an antibacterial agent between each client usage; . . .
  - E. Face cradles and arm rests on all massage chairs and tables must be cleaned with an antibacterial agent between each client regardless of whether or not a single service material was used . . .

9. From August 28, 2006, until February 29, 2008, 20 CSR 2197-5.010(1) stated in part:

- (A) Each massage therapist shall: . . .
- 2. Include in any advertisement for massage:
  - A. His/her name and license number . . .
  - (B) No massage therapist shall: . . .
- 3. Advertise massage therapy services or instruction which contain a false, fraudulent, misleading or deceptive statement . . .

10. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.010(5)(A) stated in part:

- (1) Each massage therapy business owner or manager shall:
  - (A) Employ or permit to practice on the premises only licensed or provisionally licensed massage therapists to perform massage therapy;
  - (C) Maintain in the records a copy of the massage therapist's license, any certifications or advanced training, individual liability insurance and subsequent renewed licenses by documentation;
  - (G) Be responsible for maintaining client records for at least three (3) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order, or authorized by the client. Client records for massage therapy services not provided at a licensed massage therapy business shall be maintained by the licensed massage therapist;
  - (H) Shall maintain proof that the massage therapy business location or premises has current general liability insurance . . .

11. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.020(2)

stated:

(2) A massage therapist may not practice massage therapy at a site, location, or place which is not duly licensed as a massage therapy business, except at the residence or location provided by the client, at a health fair, sports event, trade show or healthcare facility.

**MISCONDUCT**

12. Kelley maintains or maintained a massage therapy business operated under the name of Stress Mechanix out of his home at 8701 Harrison St., Kansas City, Missouri.

13. Stress Mechanix is not licensed by the Board under the terms of Section 324.247.2, RSMo (Cum.Supp.2006).

14. For a period of time prior to January, 2008, Kelley performed chair massage services on a weekly basis at the site of the law firm of Shook, Hardy, and Bacon, LLP (“SHB”), at 2555 Grand Boulevard, Kansas City, Missouri 64108.

15. Kelley’s wife, Angelique Kelley, is not a licensed massage therapist.

16. Angelique Kelley accompanied Kelley to his massage sessions at SHB on several occasions, and performed massages on clients with Lance Kelley’s knowledge on multiple occasions.

17. D.S.2 was a regular weekly customer of Kelley’s massage service at SHB.

18. Although D.S. received more than 50 massage sessions from Lance and Angelique Kelley, she never filled out a client intake form.

19. On the occasions when D.S. received massages from Kelley, he never used antibacterial wipes on the chair, but only covered it with a paper towel.

20. D.S. received massages from Angelique Kelley on at least two occasions when she came to Kelley for massages.

21. On January 7, 2008, D.S. met Kelley at SHB for her weekly massage, but did not have cash or a check to pay for the massage.

22. Kelley told D.S. he could take her credit card information and run a charge later.

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<sup>2</sup> Initials are used in place of the patient’s real name in order to protect Personal Health Information (PHI) protected by the United States Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. § 164.500 *et seq.*

23. D.S. provided her credit/debit card information to Kelley, who wrote it on a piece of paper and put it into his pocket.

24. D.S. checked her credit/debit card information on January 8, 2008, and found that in addition to a charge for the massage, a charge of \$1.00 for CIC Credit Report appeared on her account.

25. D.S. called the telephone number listed for CIC Credit Report on the statement, and was informed that the transaction in question was for a credit report on Angelique Kelley, and that a full charge of \$29.95 would appear on her credit card if the subscription to the credit service was not cancelled.

26. Kelley used or allowed Angelique Kelley to use D.S.'s credit card information without her permission to order a credit report for Angelique Kelley's purposes.

27. D.S. reported her concerns to the management of SHB, which cancelled its arrangement allowing Kelley to offer massage services at its site.

28. On February 25, 2008, Kevan Lager, an investigator for the Board, conducted a site visit at Kelley's home and place of business at 8701 N. Harrison Street, Kansas City, Missouri.

29. A yard sign in front of Kelley's residence advertised Stress Mechanix, a massage business which is not licensed by the Board.

30. Kelley also advertised his massage business, Stress Mechanix, in a local newspaper and on a website which listed his home address as a place of business.

31. Kelley, through Stress Mechanix, offered an advertisement in the form of a coupon at [www.kcvalumail.com](http://www.kcvalumail.com) which stated that the firm offered "licensed massage therapists." This was false as Kelley was the only licensed massage therapist associated with Stress Mechanix. The advertisement did not state Kelley's name and license number.

32. Kelley's place of business in the basement of his home had chairs set up for massage and signs advertising various massage services.

33. The City of Kansas City, Missouri, requires a home occupancy license for any home business.

34. Kelley did not have a home occupancy license for a massage business.

35. Kelly did not maintain liability insurance for a massage business.

36. Kelley did not maintain written client assessment information or updated records for his massage business.

37. Kelley allowed Angelique Kelley, a person who was not licensed to perform therapeutic massage, to perform massages under the scope of his business, and offered couple massage as one of the services of his business.

38. By failing to maintain a client assessment form and updated records of treatment, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197.3.010 (3) (A) (3), (4), and (5), and 20 CSR 197-5.010(1) (G), as were in effect as of February 29, 2008.

39. By failing to maintain personal liability insurance, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197.3.010(2) and 20 CSR 2197-5.010(1) (C) and (H), as were in effect as of February 29, 2008.

40. By allowing, assisting, and facilitating Angelique Kelley, an unlicensed person, to perform therapeutic massage services under the scope of his personal and business contacts, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197-5.010(1) (A), as was in effect as of February 29, 2008.

41. By performing or allowing another to perform unauthorized use of a client's credit card information for personal gain, Kelley violated Section 324.262.2(3), (4), and (5), RSMo, and 20 CSR 2197-3.010(2)(A)(4), as were in effect as of February 29, 2008.

42. By failing to cleanse massage areas with antibacterial agent between each client usage, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197-3.010 (3) (A) (12) (C) (D) (E), and 20 CSR 2197-5.010(1) (J), as were in effect as of February 29, 2008.

43. By operating an unlicensed massage business, Kelley violated Sections 324.247 and 324.262.2(5), RSMo, and 20 CSR 2197-5.020(2), as were in effect as of February 29, 2008.

44. By working at an unlicensed massage business, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197-5.020(2), as were in effect as of February 29, 2008.

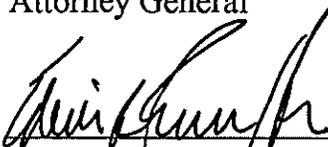
45. By advertising his business as offering "licensed massage therapists" and failing to list his name and license number, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197-3.010(5) (A) (2) (A) and (B) (3).

46. Based on the violations of Section 324.247, RSMo (Cum Supp.2007) and 324.262.2(5), RSMo, stated above, the Board has cause to discipline Kelley's license as a Massage Therapist.

WHEREFORE, Petitioner prays this Administrative Hearing Commission to conduct a hearing in this case pursuant to sections 621.015 to 621.205, RSMo, and thereafter issue its findings of fact and conclusions of law that the Petitioner may discipline Respondent Lance W. Kelley's Massage Therapist license under the relevant provisions of Chapter 324, RSMo, and the regulations promulgated thereunder.

Respectfully submitted,

CHRIS KOSTER  
Attorney General

  
Edwin R. Frownfelter  
Assistant Attorney General  
Missouri Bar No. 59477  
615 East 13<sup>th</sup> St., Suite 401

Kansas City, MO 64106  
Telephone (816) 889-5019  
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Attorneys for Petitioner



the Commission, and jointly stipulate and agree that this matter may be certified to the Board for hearing on the discipline to be imposed.

Respondent acknowledges that he is aware of and understands the various rights and privileges afforded him by law, including: 1) the right to a hearing of the charges against him; 2) the right to appear and be represented by legal counsel; 3) the right to have all charges against him proven upon the record by competent and substantial evidence; 4) the right to cross-examine any witness appearing at the hearing against him; 5) the right to present evidence on his behalf at the hearing; 6) the right to a decision upon the record of the hearing by a fair and impartial administrative hearing commissioner concerning the complaint pending against him; 7) the right to a ruling on questions of law by the Commission; and 8) the right to a claim for attorneys' fees and expenses. Being aware of these rights provided Respondent by operation of law, Respondent knowingly and voluntarily waives each and every one of these rights and freely enters into this Joint Stipulation. Respondent further agrees to abide by the terms of this document as they pertain to Respondent.

Respondent acknowledges that he received a copy of the Complaint in this case, which was filed with the Commission on August 12, 2009. Respondent stipulates that the factual allegations contained in this Joint Stipulation are true and stipulates with the Board that his license as a Massage Therapist, License No. 2001010779, is subject to disciplinary action by the Board in accordance with the provisions of Chapter 621, RSMo, and § 339.100, RSMo. (as amended).

## I. JOINT STIPULATION

Based upon the foregoing, the Board and Respondent jointly stipulate to the following findings of fact and conclusions of law in lieu of the facts and conclusions of law as alleged in the Complaint filed in this case, and request that the Commission adopt the Joint Proposed Findings of Fact and the Joint Proposed Conclusions of Law as the Commission's Findings of Fact and Conclusions of Law.

### Joint Stipulation of Facts and Conclusions of Law

1. The Missouri Board of Therapeutic Massage (“Board”) is an agency of the State of Missouri, created and established pursuant to Section 324.243, RSMo,<sup>2</sup> for the purpose of executing and enforcing the provisions of Chapter 324, RSMo, Occupations and Professions.

2. Respondent, Lance W. Kelley (“Kelley”), is an adult individual whose registered address is P.O. Box 46844, Kansas City, Missouri 64119, and who holds a Missouri license as Massage Therapist, License No. 2001010779, which is and was current and active at all times material herein.

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<sup>2</sup> All statutory citations are to the 2000 Revised Statutes of Missouri unless otherwise noted.

**Applicable Law**

3. Jurisdiction and venue are proper before the Administrative Hearing Commission pursuant to Section 621.045, RSMo, and Section 324.262.2, RSMo.

4. As of January 2008, Section 324.247.2, RSMo (Cum.Supp.2007), provided that:

A person desiring to receive a license to operate a massage business in the state of Missouri shall file a written application with the division on a form prescribed by the division and pay the appropriate required fee. It shall be unlawful for a business to employ or contract with any person in this state to provide massage therapy as defined in subdivision (7) of section 324.240 unless such person has obtained a license as provided by this chapter. Failure to comply with the provisions of this section shall be cause to discipline the licensee.

5. Section 324.262.2, RSMo, provides that,

The board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any license issued pursuant to sections 324.240 to 324.275 . . . for any one or any combination of the following causes:

(3) Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation;

(4) Incompetency, misconduct, gross negligence, fraud, misrepresentation or dishonesty in the performance of the functions or duties of the profession regulated by sections 324.240 to 324.275;

(5) Violation of, or assisting or enabling any person to violate, any provision of sections 324.240 to 324.275, or of any lawful rule or regulation adopted pursuant to sections 324.240 to 324.275, including providing massage therapy under subdivision (7) of section 324.240 at a massage business as defined in subdivision (5) of section 324.240 that is not licensed under this chapter . . .

6. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.010(2)(A)(4)

stated:

(2) Dual Relationships.

(A) No massage therapist shall: . . . 4. Take unfair advantage of the client for financial gain . . .

7. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.010(3)(A) stated

in part:

- (A) Each massage therapist shall: . . .
2. Maintain professional liability insurance coverage;
  3. Obtain and document written client assessment information, prior to performing initial massage therapy services, which shall include but not be limited to the following:
    - A. Purpose for visit;
    - B. Presence of pain and the location;
    - C. Allergies;
    - D. Currently under the care of any health or mental healthcare professional;
    - E. Current medication use and the purpose;
    - F. Recent surgeries;
    - G. Preexisting conditions;
    - H. Written consent for treatment and date signed; and
    - I. The massage therapist's signature and date of service;
  4. Update, at each session, the client record which shall include:
    - A. Client assessment information updated, if any changes or additions;
    - B. The date massage therapy services were performed;
    - C. Type of services performed;
    - D. Length of treatment;
    - E. Outcome assessment (may not apply to on-site/chair massage); and
    - F. The massage therapist's signature or initials;
  5. Maintain client records for at least three (3) years; . . .

12. Maintain all equipment used to perform massage therapy services in a safe and sanitary condition, which shall include but not be limited to:

- C. Cleansing all equipment coming in contact with a client, including hydrotherapy equipment, combs, brushes, showercaps, showers, tubs, and basins with an antibacterial agent between each client usage; . . .
- E. Face cradles and arm rests on all massage chairs and tables must be cleaned with an antibacterial agent between each client regardless of whether or not a single service material was used . . .

8. From August 28, 2006, until February 29, 2008, 20 CSR 2197-5.010(1) stated in part:

- (A) Each massage therapist shall: . . .
  - 2. Include in any advertisement for massage:
    - A. His/her name and license number . . .
    - (B) No massage therapist shall: . . .
  - 3. Advertise massage therapy services or instruction which contain a false, fraudulent, misleading or deceptive statement . . .

9. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.010(5)(A) stated in part:

- (1) Each massage therapy business owner or manager shall:
  - (A) Employ or permit to practice on the premises only licensed or provisionally licensed massage therapists to perform massage therapy;
  - (C) Maintain in the records a copy of the massage therapist's license, any certifications or advanced training, individual liability insurance and subsequent renewed licenses by documentation;
  - (G) Be responsible for maintaining client records for at least three (3) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order, or authorized by the client. Client records for massage therapy services not provided at a licensed massage therapy business shall be maintained by the licensed massage therapist;

(H) Shall maintain proof that the massage therapy business location or premises has current general liability insurance . . .

10. From August 28, 2006, until February 29, 2008, 20 CSR 2197-3.020(2) stated:

(2) A massage therapist may not practice massage therapy at a site, location, or place which is not duly licensed as a massage therapy business, except at the residence or location provided by the client, at a health fair, sports event, trade show or healthcare facility.

### **Stipulated Facts**

11. Kelley maintains a massage therapy business operated under the name of Stress Mechanix out of his home at 8701 Harrison St., Kansas City, Missouri.

12. Stress Mechanix is not licensed by the Board under the terms of Section 324.247.2, RSMo (Cum.Supp.2009).

13. For a period of time prior to January, 2008, Kelley performed chair massage services on a weekly basis at the site of the law firm of Shook, Hardy, and Bacon, LLP (“SHB”), at 2555 Grand Boulevard, Kansas City, Missouri 64108.

14. Kelley’s wife, Angelique Kelley, is not a licensed massage therapist.

15. Angelique Kelley accompanied Kelley to his massage sessions at SHB on several occasions, and performed massages on clients with Lance Kelley’s knowledge on multiple occasions.

16. D.S.<sup>3</sup> was a regular weekly customer of Kelley's massage service at SHB.
17. Although D.S. received more than 50 massage sessions from Lance and Angelique Kelley, she never filled out a client intake form.
18. D.S. received massages from Angelique Kelley on at least two occasions when she came to Kelley for massages.
19. On January 7, 2008, D.S. met Kelley at SHB for her weekly massage, but did not have cash or a check to pay for the massage.
20. Kelley told D.S. he could take her credit card information and run a charge later.
21. D.S. provided her credit/debit card information to Kelley, who wrote it on a piece of paper and put it into his pocket.
22. D.S. checked her credit/debit card information on January 8, 2008, and found that in addition to a charge for the massage, a charge of \$1.00 for CIC Credit Report appeared on her account.
23. D.S. called the telephone number listed for CIC Credit Report on the statement, and was informed that the transaction in question was for a credit report on Angelique Kelley, and that a full charge of \$29.95 would appear on her credit card if the subscription to the credit service was not cancelled. D.S. then cancelled the transaction.

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<sup>3</sup> Initials are used in place of the patient's real name in order to protect Personal Health Information (PHI) protected by the United States Health Insurance Portability and Accountability Act (HIPAA), 45 C.F.R. § 164.500 *et seq.*

24. Kelley used D.S.'s credit card information without her permission to order a credit report on Angelique Kelley. Kelley intended to use a number of his own, but used D.S.'s credit card information by mistake.

25. Within five (5) days Kelley called CIC Credit Report intending to cancel the transaction, but was informed it had already been canceled.

26. The charge to D.S.'s account was reversed by CIC Credit Report due to the cancellation.

27. On February 25, 2008, Kevan Lager, an investigator for the Board, conducted a site visit at Kelley's home and place of business at 8701 N. Harrison Street, Kansas City, Missouri.

28. A yard sign in front of Kelley's residence advertised Stress Mechanix, a massage business which is not licensed by the Board. Kelley subsequently removed the sign.

29. Kelley also advertised his massage business, Stress Mechanix, in a local newspaper and on a website which listed his home address as a place of business.

30. Kelley, through Stress Mechanix, offered an advertisement in the form of a coupon at [www.kcvalumail.com](http://www.kcvalumail.com) which stated that the firm offered "licensed massage therapists." The advertisement did not state Kelley's name and license number, as Kelley was unaware of the requirement of doing so.

31. Kelley's place of business in the basement of his home had massage tables set up for massage and brochures advertising various massage services.

32. The City of Kansas City, Missouri, requires a home occupancy license for any home business.

33. Kelley did not have a home occupancy license for a massage business at the time of the inspection. He subsequently obtained a home occupancy license.

34. Kelly did not have liability insurance for a massage business at the time of the inspection as he was not aware of the requirement. He subsequently obtained insurance.

35. Kelley did not maintain written client assessment information or updated records for his massage business at the time of the inspection. He was not aware of the requirement to do so. He subsequently adopted a practice of maintaining these records.

36. Kelley allowed Angelique Kelley, his wife at the time, who was not licensed to perform therapeutic massage, to perform massages under the scope of his business. Kelley is now divorced from Angelique Kelley, and she no longer works in connection with his business.

37. Kelley has applied to the Board for a business license, which application is pending at the time of this stipulation.

38. An inspection of Kelley's business by Investigator Lager in connection with his application for a business license found that Kelley was in compliance with all requirements other than the requirement of a license itself.

### **Proposed Conclusions of Law**

39. As of the time of the inspection, Kelley had failed to maintain a client assessment form and updated records of treatment, and thereby violated Section 324.262.2(5), RSMo, and 20 CSR 2197.3.010 (3) (A) (3), (4), and (5), and 20 CSR 197-5.010(1) (G), as were in effect as of February 29, 2008.

40. As of the time of the inspection, Kelley had failed to maintain personal liability insurance, and thereby violated Section 324.262.2(5), RSMo, and 20 CSR 2197.3.010(2) and 20 CSR 2197-5.010(1) (C) and (H), as were in effect as of February 29, 2008.

41. By allowing, assisting, and facilitating Angelique Kelley, an unlicensed person, to perform therapeutic massage services under the scope of his personal and business contacts, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197-5.010(1) (A), as were in effect as of February 29, 2008.

42. By performing or allowing another to perform unauthorized use of a client's credit card information for personal gain, Kelley violated Section 324.262.2(3), (4), and (5), RSMo, and 20 CSR 2197-3.010(2)(A)(4), as were in effect as of February 29, 2008.

43. As of the time of the inspection, Kelley was operating a massage business not licensed by the Board, and thereby violated Sections 324.247 and 324.262.2(5),

RSMo, and 20 CSR 2197-5.020(2), as were in effect as of February 29, 2008. At the time Kelley was unaware of this requirement.

44. By working at an massage business not licensed by the Board, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197-5.020(2), as were in effect as of February 29, 2008. At the time Kelley was unaware of this requirement.

45. By failing to list his name and license number in advertisements, Kelley violated Section 324.262.2(5), RSMo, and 20 CSR 2197-5.010(1)(A)(2).

46. Based on the violations of Section 324.247, RSMo (Cum Supp.2007) and 324.262.2(3), (4), and (5), RSMo, stated above, the Board has cause to discipline Kelley's license as a Massage Therapist.

### **PROPOSED CONSENT ORDER**

Based upon the foregoing Joint Stipulations of Fact and Conclusions of Law, the parties agree and stipulate that the Commission may enter an order adopting the Proposed Findings of Fact and Conclusions of Law, determining that the Board has cause to discipline the license of Kelley as a Massage Therapist, and certifying the record to the Board for disciplinary hearing as provided by Sections 324.262.4, 536.060, and 621.135, RSMo.

RESPONDENT

Lance Kelley  
Lance W. Kelley Date 2-3-2010

PETITIONER  
Missouri Board of Therapeutic Massage

By: Loree Kessler  
Loree Kessler Date 2/10/2010  
Executive Director

CHRIS KOSTER  
Attorney General

Edwin R. Frownfelter  
Edwin R. Frownfelter  
Assistant Attorney General  
Missouri Bar No. 59477  
615 East 13<sup>th</sup> St., Suite 401  
Kansas City, MO 64106  
Telephone (816) 889-5019  
Facsimile No. (816) 889-5006  
Email: edwin.frownfelter@ago.mo.gov  
Attorneys for Petitioner

Before the  
Administrative Hearing Commission  
State of Missouri



BOARD OF THERAPEUTIC MASSAGE,	)	
	)	
Petitioner,	)	
	)	
vs.	)	No. 09-1134 TM
	)	
LANCE W. KELLEY,	)	
	)	
Respondent.	)	

**CONSENT ORDER**

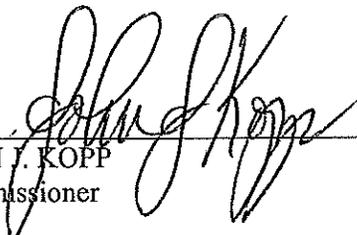
The licensing authority filed a complaint. Section 621.045, RSMo Supp. 2009, gives us jurisdiction.

On February 4, 2010, the parties filed a "Joint Motion for Consent Order, Joint Stipulation of Facts and Conclusions of Law and Waiver of Hearing Before the Administrative Hearing Commission." Our review of the document shows that the parties have stipulated to certain facts and waived their right to a hearing before us. Because the parties have agreed to these facts, we incorporate them into this order and adopt them as stipulated. *Buckner v. Buckner*, 912 S.W. 2d 65, 70 (Mo. App., W.D. 1995). We conclude that the licensee is subject to discipline under § 324.247.2, RSMo Supp. 2007, and § 324.262.2(3), (4) and (5), RSMo 2000. We incorporate the parties' proposed findings of fact and conclusions of law into this Consent Order. We certify the record to the licensing agency under § 621.110, RSMo Supp. 2009.

The only issue before this Commission is whether the stipulated conduct constitutes cause to discipline the license. The appropriate disciplinary action is not within our power to decide; that is subject to the licensing authority's decision or the parties' agreement. Section 621.110, RSMo Supp. 2009.

No statute authorizes us to determine whether the agency has complied with the provisions of § 621.045.4. RSMo Supp. 2009. We have no power to superintend agency compliance with statutory procedures. *Missouri Health Facilities Review Comm. v. Administrative Hearing Comm'n*, 700 S.W. 2d 445, 450 (Mo. banc 1985). Therefore, we do not determine whether the agency complied with such procedures.

SO ORDERED on February 16, 2010.

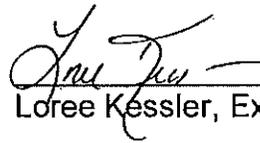
  
\_\_\_\_\_  
JOHN J. KOPP  
Commissioner



the Division of Professional Registration main conference room, 3605 Missouri Boulevard, Jefferson City, Missouri.

All parties will have the right to appear and be represented by legal counsel and to a full, fair, and open hearing as provided for in Chapter 536, RSMo. 2000 and Section 621.110, RSMo Supp. 2009.

MISSOURI BOARD OF  
THERAPEUTIC MASSAGE



---

Loree Kessler, Executive Director

Dated June 29, 2010





Jeremiah W. (Jay) Nixon  
Governor  
State of Missouri

Jane A. Rackers, Division Director  
DIVISION OF PROFESSIONAL REGISTRATION

Department of Insurance  
Financial Institutions  
and Professional Registration  
John M. Huff, Director

BOARD OF THERAPEUTIC MASSAGE  
3605 Missouri Boulevard  
P.O. Box 1335  
Jefferson City, MO 65102-1335  
Telephone: 573/522-6277  
Fax: 573/751-0735  
800-735-2966 TTY Relay Missouri  
800-735-2466 Voice Relay Missouri  
[massagether@pr.mo.gov](mailto:massagether@pr.mo.gov)

Loree V. Kessler, MPA  
Executive Director

## Memo

To: Board Members

From: Loree Kessler

A handwritten signature in black ink that reads "Loree Kessler".

CC: File

Date: May 3, 2010

Re: Kansas College of Chinese Medicine

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On April 26<sup>th</sup> I attended the Kansas College of Chinese Medicine open house and met Qizhi Gao, DOM and Missouri licensed acupuncturist, who is the school's president and founder. Dr Gao plans to offer a massage therapy/bodywork program at the Overland Park, Kansas location. I explained the licensure requirements for Missouri and informed Dr. Gao the board would review both programs to make sure a graduate will meet Missouri's educational requirements for licensure in massage.

Attached is information regarding both the school, 600 hour and associate's massage therapy programs to be reviewed by the board.

Please be prepared to discuss during the June board meeting.

## ACCREDITATION AND LICENSURE

### State Certification

The Kansas Board of Education first certified KCCM as a Proprietary College in 1997. Subsequent to the Higher Education Reorganization Act of 1999, oversight of the College and its operations now rests with the Kansas Board of Regents.

### Degree Granting Authority

The Kansas Board of Regents awarded Degree granting authority for the KCCM Associates of Applied Science in Oriental Bodywork and Master of Science in Oriental Medicine Programs in 2008.

### Accreditation

The Master of Science in Oriental Medicine Program of the Kansas College of Chinese Medicine is a candidate for accreditation with the Accreditation Commission for Acupuncture and Oriental Medicine (ACAOM) and is in the process of seeking accreditation. ACAOM is the recognized accrediting agency for the approval of programs preparing acupuncture and Oriental Medicine Practitioners. ACAOM is located in the Maryland Trade Center Bldg. #3, 7501 Greenway Center Drive, Ste. 760, Greenbelt, MD 20770; 301/313-0855; FAX 301/313-0912.

### State Licensure

KCCM strongly supports licensure as an important element of public health safety. Forty-three states and the District of Columbia license, certify, register acupuncturists or officially recognize the independent practice of Acupuncture and Oriental Medicine. Kansas allows the practice of Acupuncture through a ruling by the Board of Medical Examiners but does not presently license Acupuncturists, Oriental Medicine Practitioners or Massage Therapists.

*Laws governing Massage Therapists, Acupuncturists, and Herbal Medicine practitioners differ from state to state. Please check your local/state requirements for practice guidelines.*

Kansas College of Chinese Medicine is approved for

1. Post 9/11 GI Bill Program and other GI Bill, VA benefits.
2. New Mexico Board of Acupuncture & OM for taking their State licensure examination to obtain Doctor of Oriental Medicine (D. O. M.)
3. KS Workforce: To retrain displaced workers
4. NCCAOM: To take their examinations for obtaining Diplomate Status certification.



## COURSE OUTLINE – ASSOCIATES OF APPLIED SCIENCE-ORIENTAL BODYWORK

The following course outlines are designed to acquaint students and applicants with the academic structure of the program. However, some variations in the content may occur from time to time in specific courses, course sequences or degree requirements. KCCM reserves the right to make appropriate changes as necessary.

Course #	Title	Hours	Credits
101 MW	Classic Western Massage I .....	30	2
105 GE	English Compositions .....	45	3
107 GE	History of Chinese Medicine .....	45	3
109 WM	Human Anatomy & Physiology I .....	45	3
111 HS	Medical Terminology.....	15	1
115 HS	CPR & First Aid .....	15	1
121 HS	General Psychology .....	45	3
123 OB	Shiatsu .....	15	1
	<b>TOTALS</b>	<b>255</b>	<b>17</b>

### SEMESTER 1

Course #	Title	Hours	Credits
151 MW	Classic Western Massage II .....	30	2
153 GE*	Chinese Language I .....	45	3
159 WM	Human Anatomy & Physiology II .....	45	3
160 CL	Massage Clinic I .....	60	2
162 HS	Pathology.....	45	3
164 HS	Introduction to Nutrition .....	15	1
174 OB	Energetics.....	30	2
199 MG	Ethics and Practice Management .....	15	1
	<b>TOTALS</b>	<b>285</b>	<b>17</b>

### SEMESTER 2

COURSE OUTLINE - ASSOCIATES OF APPLIED SCIENCE-ORIENTAL BODYWORK

SEMESTER 3

Course #	Title	Hours	Credits
201 OB	Tuina Anmo I.....	45	3
205 GE	English Writing .....	45	3
206 CL	Massage Clinic II .....	60	2
215 OB	Advanced Massage Techniques .....	30	2
225 GE	Computer Skills .....	45	3
235 GE*	Chinese Language II .....	45	3
Select from one of the following:			
248 HS	General Chemistry.....	45	3
249 HS	Physics .....	45	3
TOTALS		315	19

SEMESTER 4

Course #	Title	Hours	Credits
251 OB	Tuina Anmo II .....	45	3
253 GE	Chinese Culture.....	45	3
259 WM	Anatomy & Physiology Review.....	15	1
260 CL	Massage Clinic III .....	60	2
280 OB	Reflexology.....	15	1
289 HS	General Biology .....	45	3
299 OB	Bodywork Review.....	15	1
TOTALS		240	14

## COURSE OUTLINE - 600-HOUR-ORIENTAL BODYWORK

The following course outlines are designed to acquaint students and applicants with the academic structure of the program. However, some variations in the content may occur from time to time in specific courses, course sequences or diploma requirements. KCCM reserves the right to make appropriate changes as necessary.

Course #	Title	Hours	Credits
109 WM	Human Anatomy and Physiology I .....	45	3
111 HS	Medical Terminology .....	15	1
115 HS	CPR & First Aid .....	15	1
159 WM	Human Anatomy and Physiology II.....	45	3
162 HS	Pathology.....	45	3
164 HS	Introduction to Nutrition .....	15	1
	<b>Total Health Sciences</b>	<b>180</b>	<b>12</b>

### HEALTH SCIENCES

Course #	Title	Hours	Credits
101 MW	Classic Western Massage I.....	30	2
151MW	Classic Western Massage II.....	30	2
	<b>Total Western Massage</b>	<b>60</b>	<b>4</b>

### WESTERN MASSAGE

Course #	Title	Hours	Credits
199 MG	Ethics and Practice Management .....	15	1
	<b>Total Business Management</b>	<b>15</b>	<b>1</b>

### BUSINESS MANAGEMENT

Course #	Title	Hours	Credits
123 OB*	Shiatsu.....	15	1
174 OB*	Energetics .....	30	2
201 OB	Tuina Anmo I .....	45	3
215 OB*	Advanced Massage Techniques .....	30	2
251 OB	Tuina Anmo II .....	45	3
280 OB*	Reflexology .....	15	1
	<b>Total Oriental Bodywork</b>	<b>180</b>	<b>12</b>

### ORIENTAL BODYWORK

Course #	Title	Hours	Credits
160 CL	Massage Clinic I .....	60	2
206 CL	Massage Clinic II .....	60	2
260 CL	Massage Clinic III .....	60	2
	<b>Total Clinic Practicum</b>	<b>180</b>	<b>6</b>

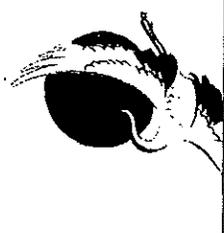
### CLINIC PRACTICUM\*\*

\*\*1 Credit Hour=30 Clinic Practicum Hours

Course #	Title	Hours	Credits
259 HS	Anatomy & Physiology Review .....	15	1
299 OB	Bodywork Review .....	15	1
	<b>Total Review</b>	<b>30</b>	<b>2</b>

### NATIONAL EXAM REVIEW

\* Elective Courses - Choose 3 credit hours



### 600-Hour Oriental Bodywork Program (*continued*)

#### 101 (2), 151 (2) MW\*\* Classic Western Massage I, II (4)

This set of courses presents a series of studies on Classic Western Massage for the beginning student. The courses educate students on the Theory and Practice of the ancient art of Swedish Massage, history of massage, essential information regarding function and structure of the human body as it pertains to massage, the basic techniques of massage, body mechanics, massage manipulation techniques, assessment procedures, indications and contraindications and preparation for application of these techniques in the Student Clinic environment.

*(Prerequisites: None, Courses are completed consecutively)*

#### 109(3), 159 (3) WM\*\* Human Anatomy &, Physiology I, II (6)

These courses present a systemic approach to the structure and function of the human body. Major emphasis is placed on the skeletal, muscular, digestive, respiratory, cardiac, reproductive, endocrine, nervous and urinary systems.

*(Prerequisites: None, Courses are completed consecutively)*

#### 111 WM Medical Terminology (1)

This course provides a key to understanding the accepted language of the medical sciences. Students will learn how to speak, write and understand scientific language and maintain client records effectively. The course provides an outline of the medical terminology most often encountered by the massage professional, particularly as it relates to charting and record-keeping procedures.

*(Prerequisites: None)*

#### 115 HS CPR and First Aid (1)

This course is an American Heart Association Lifeline approved instruction in first aid and CPR (cardiopulmonary resuscitation), using mannequins as training aids. Students will learn what to do and how to respond to an emergency situation before the victim can receive professional medical care. Additionally, the course emphasizes the value of a safe and healthy life-style. Behavior and situations that contribute to risk of injury and/or illness are discussed along with precautions to encourage necessary life-style change. Upon successful completion of the course, students will receive an American Heart Association HealthCare Provider certificate for Adult, Child and Infant CPR and First Aid/Safety.

*(Prerequisites: None)*

#### 123 OB Shiatsu (1)

This course provides an introduction to the basic techniques of practical Shiatsu treatment. Students will gain an overall understanding of the physiological aspects of health and sickness and the basis for establishing the functional connection between physiology and the Shiatsu pressure points located throughout the body.

*(Prerequisites: None)*

#### 151 MW Classic Western Massage II (2)

*(Please see 101 MW)*

#### 160 (2), 206 (2), 260 (2) CL\*\* Massage: Clinic Practicum I, II, III (6)

These courses provide a supervised clinic experience in which students individually perform massage on clients from the community. Focus is placed on practical application and development of massage technique, body positioning, draping, charting and treatment planning.

*(Prerequisites: 101 MW, Courses are completed consecutively)*

### 162 HS Pathology (3)

This course is an introduction to disease disorders. Indications and contraindications for oriental bodywork therapy are discussed accompanied with guidelines for decision-making. Case studies to model the decision-making process are presented. A general awareness of common prescription medications and possible interactions are also included. Students learn proper hygiene and sanitation practices utilized in a professional setting.

*(Prerequisites: None)*

### 164 HS Introduction to Nutrition (1)

This course provides a concise overview of basic nutrients without being overwhelmed with biochemistry. The course also includes a general view of how nutrition affects the various body systems. Case studies and critical thinking exercises promote the application of course content.

*(Prerequisites: None)*

### 174 OB Energetics (2)

This course familiarizes the student with issues and concepts related to various aspects of energy healing. Students are exposed to the universal principles of energy healing, the nature of the energy system and mindfulness. Students will explore the methods of Qi development and sensitivity to personal Qi as well as sensitivity to the Qi of others. Students are introduced to issues arising in the actual practice of energy healing with clients and will learn and apply concepts that assist in their personal development as therapists.

*(Prerequisites: None)*

### 199 MG Ethics and Practice Management (1)

This course assists the student in developing the level of professionalism essential to the successful practice of therapeutic massage. Students will identify the types of professional services a massage practitioner legally and ethically can provide and will present guidelines for conduct in the professional setting. The course also presents specific information for those who want to develop a massage business and provides a review of business planning, marketing and goal setting practices.

*(Prerequisites: None)*

### 201 (3), 251 (3) OB\*\* Tuina Anmo I, II (6)

These courses provide an introduction to the principles of medical massage and the relationship between the various theories of Traditional Chinese Medicine. Students are introduced to the Eight Traditional Methods of Massage and simple techniques utilized by the massage practitioner for treatment of headache, neck pain, arm, shoulder and back pain. Additionally, students learn basic Traditional Chinese Medicine Theory on Diagnosis, physical check-up techniques and utilize these methods to develop treatment planning and individualize client care. Students are also introduced to the field of client rehabilitation, rehabilitation plan development and the application of Tuina for rehabilitation.

*(Prerequisites: 101, 151 MW)*

### 215 OB Advanced Massage Techniques (2)

This course is a study of advanced and specialized massage techniques. Topics may include geriatric, injury, myofascial, pediatric, prenatal, sports and special needs massage.

*(Prerequisites: 101, 151 MW)*

### 251 OB Tuina Anmo II (3)

*(Please see 201 OB)*

*Monja Wood-Barney, RM, MT*, is a Reiki Master Teacher and a graduate of the Kansas College of Chinese Medicine Oriental Bodywork Program. Monja is certified in Reiki, Tuina-Anmo, Neuromuscular massage and is an instructor in the Oriental Bodywork Program. Monja has a private practice in Wichita, KS.

*Linda Beyer, NCTMB, CPMT, CPTA*, is a graduate of the Kansas College of Chinese Medicine Oriental Bodywork Program. Linda is a certified Physical Therapist Assistant and is Nationally Certified by the Board of Therapeutic Massage and Bodywork specializing in Tuina-Anmo and Swedish Massage.

*Kathleen Coleton, L. Ac, LMT, BS*, is a graduate of Mid West College for the Study of Oriental Medicine in 1994. She holds a Bachelor of Science in Journalism from University of Kansas, Lawrence, KS (1972). She is an active member of professional organizations such as Missouri Acupuncture Association, Illinois Acupuncture Association and Iyengar Yoga Association. She is a licensed acupuncturist in Missouri and is a member on the Missouri State Acupuncture Licensing Committee. She is also a licensed massage therapist, a certified Iyengar Yoga teacher, T'ai Chi Ch'uan instructor and a Reiki and Qi Gong practitioner.

*Qizhi Gao, D.O.M., Dipl. OM*, President and Founder of the Kansas College of Chinese Medicine, has been practicing Traditional Chinese Medicine since 1980. Dr. Gao specializes in Acupuncture, Herbal Medicine and Qi Gong. He is a licensed Doctor of Oriental Medicine and holds a Diplomate of Oriental Medicine certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). Dr. Gao is the former President of the Acupuncture Association of Kansas, is a member of the KCCM Faculty, and is President of the College Board of Directors. Dr. Gao is the former Director of Integrative Medicine, Wesley Rehabilitation Hospital, Wichita, KS where he was responsible for development and direction of the stroke rehabilitation research and treatment program.

*Mei Gong, TCMD (China), C.M.D. and Dr. Ac. (Canada), Dipl. Ac, (NCCAOM)*, is a graduate of the Institute of Traditional Chinese Medicine and Pharmacy, Beijing Union University and has been practicing TCM in the United States, Canada and China since 1991. Dr. Gong is on active medical status at Wesley Rehabilitation Hospital, Wichita, KS and is the College Medical Director. Dr. Gong is an Instructor in both the Oriental Bodywork and Oriental Medicine Programs and holds a Diplomate of Acupuncture certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). Dr. Gong is the former Vice President of the Kansas Acupuncture Association and serves on the College Advisory Board.

## FACULTY

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*Alaina Green, NCTMB*, is a graduate of the Utah College of Massage Therapy with an emphasis in patient assessment, structural bodywork, Trigger Point Therapy, Sports Massage and Cranial Sacral Therapy. Alaina also attended Wichita State University, Wichita, KS where she pursued a Bachelor of Arts in Music and Performing Arts. Alaina has a private practice in Wichita, KS.

*Diana Guthrie, PhD*, holds a Doctor of Philosophy in Social Change with concentration in Behavioral Sciences from Walden University, Minneapolis, MN. Additionally, Dr. Guthrie holds a Bachelor of Science in Nursing and a Masters of Science in Public Health from the University of Missouri, Columbia, Missouri. She received her Education Specialist in Counseling from Wichita State University, Wichita, KS and has a lengthy teaching career with her most recent assignment as Professor, Department of Pediatrics, at The University of Kansas School of Medicine, Wichita, KS. Dr. Guthrie serves as a member of the KCCM Faculty and is Vice Chairperson of the College Advisory Board.

*Sudhir Kudesia, MD*, holds a Medical degree from the University of Lucknow, India and has twenty years experience in Internal Medicine, Family Medicine and Administration in both India and the United States. Dr. Kudesia also holds a Bachelor of Science in Chemistry, Botany & Zoology from University of Allahabad, India. He has Post Baccalaureate Teaching Education from the University of Texas of the Permian Basin in Odessa, Texas and taught medical and biological science courses for a number of schools and colleges prior to his appointment as Academic Dean at the Dallas College of Oriental Medicine, Dallas, Texas. Most recently Dr. Kudesia held the position of Academic Dean at the Dragon Rises College of Oriental Medicine in Gainesville, Florida. Dr. Kudesia is a member of the KCCM faculty and serves in the position of Academic Dean.

*Monica Mild, MOM, ND, Dipl. OM, BSN*, is a Master in Oriental Medicine from OCOM, Portland, OR (2004), Doctorate in Naturopathic Medicine from NCNM, Portland, OR (2001) and Bachelor in Science of Nursing from Rockhurst College (1988), Kansas City, Missouri. She holds active certifications in BLS, ACLS, PALS, TNCC and NIHSS. She is also a Diplomate in Oriental Medicine certified by NCCAOM. She was the Secretary of Acupuncture Association of Missouri (AAM) in 2008 and now continues as a member of AAM. She worked as Medical/Surgical Staff RN in WA, OR and MO since 1988. Currently she works as ER staff RN at St Like's East, Lee's Summit, MO.

*Mark Perido, B.A., MHCL, MSOM*, holds a Bachelor of Arts in Psychology from Boston University, Boston, MA and a Certificate in Surgical Technology from Seward County Community College, Liberal, KS, a Master of Health Care Leadership from Friends University and a Master of Science in Oriental Medicine from the Kansas College of Chinese Medicine, Wichita, KS. Prior to KCCM, Mark was a graduate assistant instructor at Wichita State University teaching Microbiology, Mammalian Physiology and Anatomy and Physiology laboratory courses. Mark is a member of Phi Kappa Phi at Wichita State University, where he also pursued a Master of Science in Biological Sciences.

*Mandana Shamsa, D.C.*, attended the University of Alabama where she majored in biology from the School of Social Sciences and Liberal Arts. Subsequently, Dr. Shamsa attended Logan College of Chiropractic where she received her Doctorate of Chiropractic. Dr. Shamsa also holds a Certificate from the International Institute of Oriental Medicine where she received 100 hours of Acupuncture and Oriental Medicine training for Physicians. Dr. Shamsa has a private practice in Andover, KS.

*Danny R. Spoon, B.S., B.A., Dipl. Ac. (NCCAOM)*, holds a Bachelor of Science in Community Services, a Bachelor of Arts in Business Administration both from William Carey College in Gulfport, MS, a Diploma of Oriental Bodywork and Diploma of Acupuncture from the Kansas College of Chinese Medicine. Danny is an Instructor in both the Oriental Bodywork and Oriental Medicine Programs, is a Personal Fitness Trainer and holds a Diplomate of Acupuncture certified by the National Certification Commission for Acupuncture and Oriental Medicine (NCCAOM). Danny is President of the Kansas Acupuncture Association and serves on the College Advisory Board.

*Jan SteGermaine, BA, MSOM, Dipl.Ac, CH, ABT (NCCAOM), and LAc (MO)* graduated with a Master of Science in Oriental Medicine from Midwest College of Oriental Medicine in 1999. She is a certified Diplomate in Acupuncture, Chinese Herbology, and Asian Bodywork Therapy from the National Commission for the Certification of Acupuncture and Oriental Medicine (NCCAOM). After completing training in Shiatsu from the Kushi Institute (1985-1987) and the New England Shiatsu Center (1990) both of Boston, Massachusetts, she opened a private practice in Shiatsu in 1987 in Kansas City, Missouri.



## FACULTY

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*Sarah Wagner Yost, CMT*, holds a Bachelor of Arts in Creative Writing from Wichita State University and graduated from Paragon Natural Health Center with her Diploma in Massage Therapy specializing in Swedish Massage, Deep Tissue Therapy and Prenatal and Infant Massage. Sarah has eleven years experience in the field of Massage Therapy business management and clinical practice and has taught English and History in the public school environment. Sarah is an accomplished Yoga practitioner and has a private practice in Wichita, KS.

*Racine Zackula, MLS*, holds a Bachelor of Arts with literature emphasis from Wichita State University and a Masters of Library Science from Emporia State University where she concentrated her studies in reference, online searching skills and instruction. Racine is currently employed at the Wichita Public Library as Reference Librarian. She is the former Branch Manager of the Alford Regional Branch Library and former Youth Services Librarian at the Rockwell Branch Library. Prior to her appointment in Wichita, Racine worked in the Community College and University environment. Racine is a member of the American Library Association.

**OPEN SESSION MINUTES**  
**Missouri Board of Therapeutic Massage**  
**August 8, 2010 - 9:00 a.m.**  
**Division of Professional Registration**  
**3605 Missouri Boulevard – Jefferson City, Missouri**

At 9:02 a.m., the Missouri Board of Therapeutic Massage meeting was called to order by Kevin Snedden, Chairperson, at the Missouri Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri. Roll call was facilitated by the executive director.

**Board members present**

Kevin Snedden, Chairperson  
Renate Brodecker  
Dawn Standley  
Carl Nelson

**Staff present:**

Loree Kessler, Executive Director  
Jeanette Wilde, Executive I  
Greg Roach, Licensure Technician II  
Greg Mitchell, Counsel

**Visitor**

Edwin Frownfelter, Assistant Attorney General (11:40 a.m. until 12:04 p.m.)

Mr. Snedden stated he would be voting in open and closed sessions.

A motion was made by Ms. Brodecker and seconded by Ms. Standley to approve the open session agenda adding a discussion regarding Florida licensure and renewal fees. Motion carried unanimously.

A motion was made by Ms. Brodecker and seconded by Ms. Standley to approve the open minutes of the June 13 conference call and June 16 mail ballot. Motion carried unanimously.

**Financial Report**

The executive director provided an overview of the board's fund balance noting that revenues from applications have remained fairly steady through fiscal year 2010. In reviewing the end of the year costs, it was noted that the board spent approximately eight-six percent of its appropriation and it was projected that it would remain nearly the same for fiscal year 2011. The income from applications since the last renewal cycle and not spending the entire appropriation resulted in a fund balance that nears the limit imposed by the statute. Therefore, the board recommended the fund balance be reduced to decrease the potential for a fund sweep and provide adequate revenue to cover operational costs.

The executive director reported that a regulatory amendment has been drafted along with a request for rulemaking authorizing a one time decrease in the renewal fee for massage

therapists to \$35 for the 2011-2013 renewal year. The board agreed with the recommendation and authorized the executive director to proceed with filing the regulatory amendment.

The executive director stated the regulation and request for rulemaking would be included on the agenda for the August conference call. A motion was made by Ms. Brodecker and seconded by Mr. Nelson to approve the financial report. Motion carried unanimously.

### **MBLEx Update**

Mr. Snedden provided an update concerning the utilization of the examination noting the Puerto Rico requires the licensure examination be provided in Spanish. Mr. Snedden noted that Texas had indicated an interest in a Spanish version of the MBLEx as well. The board determined additional information was needed regarding acceptance of a Spanish version of the examination and instructed the executive director to obtain information from the Federation regarding the process for determining statistical validity of the examination and how other states are addressing this issue. The executive director stated she would survey the boards within the division to obtain information on other professions and the availability or restriction relating to national examinations offered in a foreign language.

### **Kansas College of Chinese Medicine**

The board determined that graduates of the massage program would be eligible to apply for licensure based upon completing a program at this school.

### **Florida Licensure Requirements**

The executive director explained that multiple attempts had been made to contact the Florida licensure board regarding educational requirements for massage programs located in another state. The Missouri board had received applications for licensure by reciprocity from individuals that completed a course of study in massage that was not in compliance with Missouri's requirements, however, the applicants were licensed by the State of Florida.

The executive director further explained that in an email from Anthony Jusevitch, Executive Director for the Florida board, there is a provision in the Florida law that allows and a Florida approved program to perform a "transfer of credit" from a school that has not been approved by the State of Florida. Therefore, if a person started or completed a program in another state, s/he could apply to a Florida school, transfer credits, complete a program from a Florida approved school and be eligible for licensure in that state.

The executive director noted, that a similar transfer of credits is allowed by CBHE for Missouri schools to transfer course work in massage. However, there is a limit as to the percentage of hours that can be transferred into a Missouri school.

Based upon this detail, the board determined that when an application for licensure by reciprocity was received based upon a Florida license, staff must verify the whether the applicant transferred credit from another program into a Florida approved school or completed an entire course of study at a Florida school. This detail is available on the Missouri application for licensure. If it appears the applicant transferred into a Florida program, the applicant must request both massage programs provide a transcript.

## **Meeting Schedule**

The board scheduled a conference call for 10:30 a.m., August 23, 2010.

At 9:50 a.m., the board took a recess and reconvened at 9:59 a.m.

At 9:59 a.m. a motion was made by Ms. Brodecker and seconded by Mr. Nelson to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the license or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes or action or litigation, and any confidential or privilege communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meeting under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Mr. Snedden, Mr. Nelson, Ms. Brodecker, and Ms. Standley. Motion carried unanimously.

At 11:39 a.m. a motion was made by Mr. Nelson and seconded by Ms. Brodecker to convene in open session. Board members voting aye: Ms. Brodecker, Ms. Standley, Mr. Nelson, and Mr. Snedden. Motion carried unanimously.

## **Disciplinary Hearing Lance Kelley**

At 11:40 a.m. the board conducted a disciplinary hearing regarding Lance Kelley, LMT.

At 12:04 p.m., a motion was made by Ms. Standley and seconded by Ms. Brodecker to convene in closed session pursuant to section 610.021 subsections (14), 324.001.8 and 324.001.9 RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to the license or applicant, section 610.021 subsection (1) RSMo for the purpose of discussing general legal action, causes or action or litigation, and any confidential or privilege communication between this agency and its attorney, and for the purpose of reviewing and approving closed meeting minutes of one or more previous meeting under the subsection 610.021 RSMo which authorizes this agency to go into closed session during those meetings. Board members voting aye: Mr. Snedden, Mr. Nelson, Ms. Brodecker, and Ms. Standley. Motion carried unanimously.

At 4:39 p.m., a motion was made by Mr. Nelson and seconded by Mr. Standley to convene in open session. Board members voting aye: Mr. Snedden, Mr. Nelson, Ms. Brodecker, and Ms. Standley. Motion carried unanimously.

At 4:40 p.m. Juliet Mee, Director of Professional Massage Training Center, met with the board to provide information regarding recent changes in ADA requirements relating to screening potential students for massage therapy programs. Additionally, Ms. Mee highlighted requirements for schools whose students receive federal loans or grants. Mr. Snedden commented that this area would be of interest to all schools and would discuss this topic with the Federation board.

At 4:56 p.m. a motion was made by Mr. Nelson and seconded by Ms. Brodecker to adjourn the meeting. Board members voting aye: Mr. Snedden, Mr. Nelson, Ms. Brodecker, and Ms. Standley. Motion carried unanimously.



Executive Director

Approved by Board on August 30, 2010