



State of Louisiana

OFFICE OF

STATE INSPECTOR GENERAL

LOUISIANA BOARD OF

MASSAGE THERAPY

Report by

Inspector General Bill Lynch

Prepared for

Governor M.J. "Mike" Foster, Jr.

June 18, 1998

File No. 1-98-0030



State of Louisiana

**OFFICE OF
STATE INSPECTOR GENERAL**

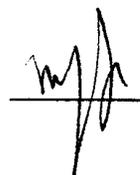
**LOUISIANA BOARD OF
MASSAGE THERAPY**

MAY 8, 1998

Report by

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File No. 1-98- 0030

Louisiana Board of Massage Therapy

Kayla Aymond, executive director of the Louisiana Board of Massage Therapy, a full-time salaried employee, received additional compensation totaling \$28,360 under a contract with the agency to do investigations and inspections, a possible violation of the state Code of Ethics. Of this amount, there is no supporting documentation for more than \$22,000 for the period which covered March, 1995, through June, 1997. She also lacked documentation for \$2,500 in expenses connected to her regular duties.

Records of the agency were in such disarray as to make it impossible to determine the validity of the claims by Ms. Aymond under the contract. Ms. Aymond's duties included maintaining the agency's records.

A number of therapists listed as having been investigated or inspected by Ms. Aymond said they had never been contacted by her.

Reports of investigations and inspections on file in the office of the Massage Therapy Board located in Zachary were less than half the number for which the executive director was paid.

The Board does not have an adequate internal control system over revenue collections.

The Board allowed the executive director to hire her husband, children, and sister despite ethics law prohibitions on nepotism. This issue is presently under review by the Board of Ethics.

The vice chairman of the Board, Vernon Smith, may have a conflict of interest by his affiliation with a massage therapy school which is regulated by the Board.

Background

The Louisiana Board of Massage Therapy was created by La R.S. 37:3551 to test, license and register massage therapists, regulate massage establishments, and investigate violations of the Louisiana Massage Therapists and Massage Establishments Act. Licensing, registration, and advertising constraints became effective Jan. 1, 1995. Board revenue is self-generated, raised through license and testing fees and violation fines.

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The Board currently licenses 885 massage therapists and 556 massage establishments. Fiscal year 1997 activity generated \$129,781 in revenue and the Board spent \$117,377.

Appointed by the governor to serve two-year terms, the Board comprises seven members, five of whom are licensed massage therapists. The staff presently consists of an executive director and a part-time secretary. The Board members are Beverly Rafael, chairman, Mandeville; Vernon Smith, vice chairman, Baton Rouge; Becky Click-Rex, Lafayette; Lena Holden, Sulphur; Ben Melanson, Baton Rouge; Gayle Poret, Baton Rouge; and Wendy Whitehurst, Opelousas. Their terms expire Oct. 27, 1998.

The statute requires that five members of the Board be licensed therapists and two be laymen. Mr. Melanson and Ms. Holden are the laymen on the Board. The executive director is appointed by the Board.

Ms. Aymond was hired Jan. 3, 1995, as a part-time executive secretary and became full-time in March, 1995. She was promoted July 7, 1995, to the unclassified position of executive director at an annual salary of \$39,000. She also separately contracted with the Board to perform investigations and inspections.

The Board also employed Carlton B. Coreil, now deceased, as an unclassified, full-time administrative assistant from May 2, 1997, until he was fired Aug. 19, 1997. Mr. Coreil also had a contract with the Board to perform inspections/investigations.

The Board is under the umbrella of the Department of Health and Hospitals.

Investigations

The Board contracted with Ms. Aymond to perform random, periodic inspections and conduct investigations at \$50 each plus reimbursement of travel related expenses in accordance with the Division of Administration Policy and Procedures Manual No. 49, Travel Rules and Regulations.

Board records show that from March 10, 1995, through June 30, 1997, Ms. Aymond was paid \$28,360 in both fees and expenses for conducting contract inspections and investigations for which \$22,060 is not supported by vouchers, receipts or other documentation.

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The Board's check register shows Ms. Aymond received the following seven checks for contract fees and expenses.

1995		1996		1997	
Check Date:	Amount:	Check Date:	Amount:	Check Date:	Amount:
10/19/95	\$3,864.76	06/10/96	\$4,869.26	05/16/97	\$3,618.24
12/08/95	\$3,429.74	09/30/96	\$3,829.12	06/30/97	\$3,535.59
Total:	\$7,294.50	12/13/96	\$5,214.92	Total:	\$7,153.83
		Total:	\$13,913.30		

A review of the \$28,360 of contract payments made to Ms. Aymond was conducted. Because of the lack of documentation, it could not be determined how much of the \$28,360 paid represented expense reimbursements and what amount was attributable to the fee paid for investigations/inspections. The Board's accounting system does not segregate amounts paid to Ms. Aymond for travel from amounts paid for inspections.

Ms. Aymond said that Mr. Coreil's and her travel vouchers and receipts are missing, somehow lost after this inquiry began. However, the travel vouchers for Board members are available for review.

Massage therapist files contained documentation supporting 110 inspections/investigations by Ms. Aymond: 31 for calendar year 1995, 48 for 1996 and 31 for Jan. 1, 1997, through June 30, 1997. At \$50 per inspection for 110 inspections, Ms. Aymond should have been paid \$5,500, leaving a balance of \$22,860 for travel expenses, which appears to be unreasonable for the number made.

A sample test of the 110 inspection reports in the records indicated that those records were accurate.

Ms. Aymond's 1099 tax form for 1996 shows she was paid \$5,850 in fees for inspections/investigations. The Board's CPA prepared the 1099 based on her travel expense voucher before support documents became missing. By dividing the \$50 contract fee into \$5,850, we determined that Ms. Aymond was paid to perform 117 inspections/investigations

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during the 1996 calendar year. However, Board records for 1996 contained only 48 inspection/investigation reports, 69 less than the 117 for which Ms. Aymond was paid.

Ms. Aymond asserted that many of the inspection/ investigation reports are lost.

She said all of the inspections/ investigations were properly documented on her travel and expense vouchers, forms reviewed and approved prior to payment by the Board's treasurer, Ben Melanson. Mr. Melanson confirmed that he reviewed Ms. Aymond's travel claims and attached receipts before approving her reimbursement. Mr. Melanson also approved Mr. Coreil's expense claims, even though the claims requested reimbursement for meal expenses in excess of the amount permitted by state travel regulations.

Ms. Aymond provided an IG investigator copies of part of Mr. Coreil's expense vouchers on the first day of this investigation. However, the records for Ms. Aymond and him disappeared after that initial contact.

Although Ms. Aymond provided her tax form 1099 for 1996, she declined to do so for 1995. The Board's accountant stated that Ms. Aymond estimated her fees and expenses to him for preparation of the 1997 form 1099, but had no documentation to substantiate it.

Ms. Aymond provided a detailed list containing additional inspections/ investigations which she purported to have performed during 1996 and 1997 but for which no record was found in the files. Except for those under active investigation, an attempt was made to telephone everyone on Ms. Aymond's list to verify that an inspection or investigation had taken place. The results of the telephone inquiries are depicted in the following table.

	1996		1997	
	Number	Percent	Number	Percent
Yes (was inspected)	7	7%	9	15%
No (was not inspected)	11	12%	15	24%
Did not recall	7	7%	3	5%
Couldn't Contact	69	73%	18	30%
Did not call	1	1%	16	26%
Total:	95		61	

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For those that couldn't be contacted, the Board either did not have telephone numbers or the telephone numbers were inaccurate or no longer in service.

Those on the list saying no inspection occurred supported their response with calendar records or personal recollections. For instance, one therapist said she had moved out of state, returning after the date she was supposedly inspected. A manager of a men's club on her list said his business has never offered massage therapy and, because of its male only policy, Ms. Aymond would have been refused admission. Many therapists stated they did not have facilities to inspect.

Of the \$28,360 Ms. Aymond received in contract payments, only \$6,300 was supported by 110 reports in the files and telephone verification of 16 other visits, a total of 126 inspections/investigations. At a rate of \$50 per inspection/investigation, Ms. Aymond should only have collected \$6,300 in fees, plus documented expenses complying with state travel regulations. Available information shows Ms. Aymond received a total of \$22,060 which cannot be supported by Board records or receipts.

Under advice of personal legal counsel, Ms. Aymond now refuses to explain her receipt of apparent overpayments and unexplained travel or answer questions concerning her other job-related activities. Ms. Rafael, the chairman, also failed to cooperate with this investigation by not returning repeated phone calls.

Employee Travel Expense

In addition to the unsupported payments for performing inspections and investigations, Ms. Aymond also received travel reimbursement for her duties as executive director. She received \$1,162 on May 30, 1995, for attendance at a convention in Florida and \$1,355 for undocumented travel from June 30, 1995, through May 12, 1997.

Employee Contracts

Despite prohibitions in the State Code of Ethics, the Board contracted with Ms. Aymond and Mr. Coreil to perform random, periodic inspections and conduct investigations. The contracts to conduct inspections/investigations were in addition to their full-time salaries with the Board.

The Code of Ethics for Governmental Employees, La R.S. 42:1113A, generally prohibits a public employee from entering into any contract with the agency where the employee works.

In addition, La R.S. 39:1498 prohibits state employees from entering into consulting services contracts with any state agency. The contracts to perform inspections/investigations are consulting services contracts.

The contracts were drafted by the Board's attorney, Donnie Floyd.

Ms. Aymond entered into two contracts with the Board. The first began March 10, 1995, and was signed by Ms. Rafael as the Board's vice chairperson. The contract had no stated ending date. A second contract was entered into by Ms. Aymond effective July 1, 1997, to March 1, 1998. This contract was also signed by Ms. Rafael.

Mr. Coreil likewise contracted during his employment. Although records show he did not sign his contract, travel and expense vouchers submitted by Mr. Coreil on June 30, 1997, show his request for payment of contract fees and related expenses.

Ms. Aymond rationalized the contracts saying the heavy workload prevented employees from performing inspections and investigations during business hours. She said the contracts facilitated the Board's efforts by providing monetary incentives for employees to conduct inspections and investigations during their time off and during weekends.

Available Board records confirm most inspections and investigations were conducted on Fridays and Saturdays. The Board office is closed Friday through Sunday. Ms. Aymond stated that employees worked 10 hour shifts to attain a 40 hour work week. The office is open to the public from 8 a.m. to 4 p.m. Monday through Thursday.

Failure to Maintain Public Records

According to La R.S. 44:36 public records must be preserved and maintained for at least three years. In addition to previously mentioned missing records, Ms. Aymond reported the loss of 12 active investigation files. Ms. Aymond said each file contained the record of an ongoing major investigation

Internal Control

The Board does not have adequate control over the receipt of revenue providing reasonable assurances that all revenue is accounted for properly.

There is a lack of segregation of duties for the following functions: collection of funds, preparation of bank deposits, bank deposits and reconciliation of checking accounts. All of these functions are performed by the executive director.

The majority of the Board's funds are generated from licensing fees. However, there is a lack of control over the issuance of licenses. A weakness noted in the licensing process is that licenses are generated on the computer with the Board staff entering the license number on the document, rather than using licenses with preprinted sequential numbers. By not using sequential pre-numbered licenses in conjunction with an inventory control system and a reconciliation of revenue collected to deposits the Board exposes itself to greater risk of a theft occurring in the revenue collection process. For example the staff person who collects the license fee, if paid in cash, can simply assign a number to the computer generated license, issue the license, delete the license from the computer and pocket the cash with little risk of detection.

There is no assurance that the revenue collected by the agency is accurately reported by the staff.

Nepotism

Agency heads are prohibited by the ethics code from hiring their immediate family members to work in their agency. This includes children, spouses and siblings.

Ms. Aymond's husband, two sons, and sister were paid from Board funds to perform various functions. John Aymond, her husband, was paid \$250 on Oct. 25, 1996, to help move the Board office to another location. Her sons, Cainan and Noah Baker, were hired under Board contracts to perform secretarial work. Her sister, Brenda Holiday, was paid \$100 on Aug. 1, 1997 to monitor testing of license applicants.

Cainan Baker was paid \$10,184 for 860 hours of contract labor as an administrative assistant/secretary from July 5, 1996, through July 15, 1997. The agreement was signed by Ms. Rafael, then Board chairperson, July 5, 1996.

From July 1, 1997, through Sept. 15, 1997, Noah Baker was paid \$1,060 for 212 hours of clerical work under terms of an undated agreement signed by Ms Rafael and Ms Aymond.

Ms. Aymond said she received approval from every Board member to contract with her sons for clerical work. Ms. Rafael confirmed signing the contracts fully aware that Cainan and Noah Baker are Ms. Aymond's sons.

This is currently under review by the State Board of Ethics.

Conflict of Interest

The Code of Governmental Ethics generally prohibits board members from having business interests that are financially impacted by the board's actions.

The Board establishes basic and continuing education requirements for those seeking to become massage therapists, and approves education providers. Although the law states that instruction may be provided by a proprietary school licensed by the state Department of Education, the board could allow educational requirements to be met in other ways, too. The law requires a minimum of 500 hours of training for licensure, but the board could require more hours. The board has unlimited authority to establish continuing education

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requirements for licensed massage therapists and decides whose continuing education courses are acceptable.

Board president Vernon Smith is president and owner of Massage Therapists Association of Louisiana, Inc., doing business as Blue Cliff School of Therapeutic Massage, a licensed proprietary school providing basic massage therapy training in Kenner, Lafayette and Shreveport and also approved to provide continuing education. Mr. Smith has been a board member since 1995.

According to Board minutes, on November 1, 1996 the Board went into executive session to consider a complaint concerning Blue Cliff. The minutes show the board concluded the matter was outside its jurisdiction, but do not show who voted. Mr. Smith was present at this meeting.

On Feb. 7, 1997 Mr. Smith was present when the board considered whether to approve a video course for meeting basic educational requirements. The minutes show the Board disapproved the particular video course in question. Board minutes do not show how members voted.

Conclusions:

1. Ms. Aymond, executive director, is unable to substantiate from Board records the receipt of \$22,060 in fees and expenses for conducting investigations and inspections and \$2,517 in additional unsupported travel expenses for her regular duties.
2. The Board entered into contracts with two of its employees, its executive director and administrative assistant, which may violate Ethics Code prohibitions preventing employees from contracting with their own agencies.
3. The Board has failed to preserve and maintain its public records as required by statute. Even though as executive director Ms. Aymond was responsible for maintenance of public records, she continues to place blame for their absence on a former employee.
4. Twenty-six therapists who were listed as having been inspected or investigated by Ms. Aymond, deny having been visited by her.

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5. Board licenses are not issued on consecutively pre-numbered documents, preventing proper Board accountability.
6. The executive director employed members of her immediate family with full knowledge and approval of the Board.
7. Ms. Aymond may have violated the Code of Governmental Ethics when she hired her family members to work for the Board.
8. Mr. Smith, vice chairman, may have a conflict of interest in the ownership of a massage therapy school and his membership on the Board.

Recommendations:

1. This report is being referred to the East Baton Rouge Parish District Attorney and the State Board of Ethics.
2. The Board should seek reimbursement from the executive director for \$24,560, which is the total amount of undocumented fees and expenses.
3. As an unclassified employee, Ms. Aymond should be removed from office immediately because of the large amount of travel expenses for which documentation is now missing and her claims to have inspected numerous individuals who were never contacted by her, combined with her refusal to meet with the Inspector General's Office to answer questions about these matters.
4. The Board should adopt an adequate system for safeguarding, controlling and documenting revenues collected and expenses paid.
5. The Board assure that its records are adequately safeguarded.

IG Comments:

In reviewing responses to this report, it is apparent that the board's inability or unwillingness to understand the seriousness of the missing records, false inspection claims, nepotism and conflicts of interest raises even more serious question as to the ability of the board, the staff

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and its attorney to serve the best interests of the state. The respondents, in attempting to write off the problem of missing records by blaming a deceased employee, are not dealing with the problem. The board's acceptance of Ms. Aymond's steadfast refusal to cooperate in this investigation, is a strong indicator of its indifference to apparent violations of the law, rules and regulations.

BL/RL/fs

File No. 1-98-0030



HILLAR C. MOORE, III
Attorney at Law

PHONE 504-757-0100

April 27, 1998

VIA FAX: 342-1947

Bill Lynch
Inspector General
P.O. Box 94095
State Capitol Annex
Baton Rouge, LA 70804-9095

Re: **Kayla Amond**
Louisiana Board of Massage Therapy
Our File: 0178

Dear Mr. Lynch:

I am in receipt of your letter dated April 17, 1998 with the accompanying request. Since your office has implicated criminal wrongdoing against Ms. Amond, I have advised her not to respond to your request.

Sincerely,

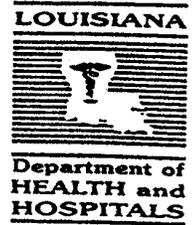
Hillar C. Moore, III

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M. J. "Mike" Foster, Jr.
GOVERNOR

STATE OF LOUISIANA
DEPARTMENT OF HEALTH AND HOSPITALS



Bobby P. Jindal
SECRETARY

May 05, 1998

Office of State Inspector General
Attention: Mr. Lynch
P.O. Box 94095
Baton Rouge, Louisiana

Dear Mr. Lynch:

We are in receipt of your letter dated April 17, 1998 and through this letter the Board of Massage Therapy is responding to your report.

Ms. Kayla Aymond is employed as the executive director of the Louisiana Board of Massage Therapy (the "Board") including the period March 1995 through June 1997. In addition to these duties Ms. Aymond was also the investigative officer for the Board. She was under contract with the Board to perform various investigations and inspections at the Board's direction. Upon review of this contract, the Board received no indication of any problems from the Department of Health and Hospitals nor the legislative auditor.

The investigations and inspections were performed, as much as practical, during non-office hours so as not to interfere with her other duties. The Board and Ms. Aymond attempted to follow the guidelines as set out in La. R.S. 39: 1498 et seq which provides guidelines for contracting with employees.

Ms. Aymond, during this period of time, was paid a fee for each inspection performed of a massage establishment and/or therapist; plus out of pocket expenses. These inspections as required by statute are to ensure that the licenses required have been obtained and records are being properly kept.

Another aspect of Ms. Aymond's contract is to perform investigations of complaints against specific therapists raised by the general public.

Ms. Aymond's contract provides for payment at the rate of \$ 50.00 per inspection which will normally require one visit per location. The investigations of complaints are reimbursed at a similar rate, however, the one visit criteria may not be true of investigations. For example, the investigations of one " massage parlor " resulting in its eventual closing, extended over several months and over a dozen investigative "visits" although only one file was open.

Ms. Aymond's compensation and expenses were reported and approved by the Board. These expense vouchers contained the number of per diems Ms. Aymond was reimbursed as well as any out of pocket expenses incurred by her during the particular reimbursement period.

The financial records of the Board have been the subject of independent audits. These audits do not state that the expense reports were undocumented as alleged by the Inspector General's report.

The investigation files are opened upon receipt of a complaint by the agency. This complaint is reviewed and the individual making the allegations is interviewed to determine the validity of such complaint. The complaint is forwarded to the appropriate Board member for review and a determination is made to investigate further or dismiss the complaint. Whether the complaint is investigated further or dismissed, the person or therapist has no knowledge that an investigation has been opened and if dismissed, may never know. Although the Inspector General's report says a number of therapists said they had no contact with Ms. Aymond, the report also states that the sample test of 110 inspections proved those records were accurate.

The Inspector General's report claims that reports of investigations and inspections were missing from the agency's office. The Inspector General's

agent, on the first day of their investigation of the Agency, was informed that a former employee of the Board had these files. This former employee was attempting to input data from those files into a data base for future use. The Inspector General's agent made no attempt to secure these records.

The agency's staff consisted of one full-time and one part-time employee. The segregation of duties are as extensive as they can be with a staff of two. The revenue collected, by and large, is by check. A copy of each check is placed into the licensee's file before depositing the check into the checking account. Another copy of each check along with the deposit slip is kept in a separate file for the CPA and audit. The accounts of the agency are reviewed quarterly by an outside CPA and are audited on a regular basis. No defalcations or shortages have been uncovered as a result of these reviews. Further, the Inspector General's report seems to imply that funds are missing although simple multiplication of the number of licenses issued times the license fee would support the fact that all receipts are deposited. The Board has received no internal control weakness comments from its auditors, and in fact, no recommendations or comments were made by the auditors following the last audit.

Ms. Aymond's husband was hired to move the office furniture, equipment, and remodel the office to meet ADA requirements for the sum of \$ 250.00. A moving company's lowest bid for just moving the furniture and equipment was approximately \$800.00. Her sons performed various secretarial duties on a part-time basis. The hiring was done by the Board's Chairman with the Board's knowledge as the most economically feasible course of action at the time. The prohibition from nepotism appears to prohibit Ms. Aymond from hiring her relatives but does not prohibit the Board from hiring Ms. Aymond's relatives.

We do not understand why Vernon Smith was cited for potential conflict of interest as a consequence of the Inspector General's review of the Board. It is correct that Mr. Smith, is president of Massage Therapists Association of Louisiana, Inc., d.b.a. Blue Cliff School of Therapeutic Massage but it is not correct that the Louisiana Board of Massage Therapy regulates Massage

Therapy Schools. This function is accomplished by the Louisiana Proprietary School Commission.

It is correct however that the Board establishes basic and continuing education requirements for those seeking licensure and approves education providers. It is our opinion that there is an insufficient number of Board approved CEU providers in Louisiana to offer the breadth and scope of continuing education opportunities needed in our newly licensed profession. It can be easily documented that in his position as a Board member, he has consistently urged that CEU classes approved by the National Certification Board of Therapeutic Massage and Bodywork also be approved for Louisiana CEU credit. If this were adopted it would surely impact the status of Blue Cliff School as the leading CEU provider in Louisiana, and greatly increase competition.

Mr. Smith has been responsible for and has only been responsible for the Board Newsletter and Chairmanship of the Rules and Regulations Committee. Sections of the Rules and Regulations dealing with CEU requirements and faculty requirements have specially been delegated to other Board members in order to avoid conflict of interest. You may be referring to the CEU committee but Mr. Smith has never been a member of that committee.

The Inspector General's agent somehow incorrectly attributed to the Board the setting of requirements for attendance in a 500 hour basic massage therapy course as a prerequisite for license application. This is required by statute, not the Board. The Board has the responsibility to ensure that applicants have met this requirement.

Also, this 500 hour standard is in some measure an industry standard required by the "Commission on Massage Training Accreditation" for massage therapy programs that it might accredit. It is somewhat the norm nationally as a minimum requirement for states requiring licensure although there is of course some variation from state to state. Applicants for licensure are certainly able to attend other schools, in and out of the state,

with any number of hours as long as the program is at least 500 hours in length.

For purposes of information, Mr. Smith voted to deny approval of the video course mentioned in the February 7, 1997 minutes. This course did not require supervision as required by the statute for the basic courses.

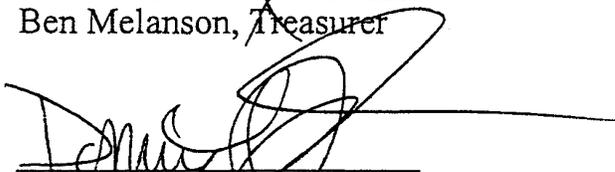
The complaint mentioned in the November 1, 1996 minutes was not directed at one of Mr. Smith's schools, rather it was directed at him personally. The complaint was clearly out of the jurisdiction of the Board.

The real issue here is the potential for conflict of interest. The massage therapy licensure law does not preclude school owners from sitting on the Board and Mr. Smith has served our state and the public faithfully and well as a member of the Board.

The Board and its attorney request that you incorporate this response into any report submitted to any person or entity, whether public or private.


Beverly Rafael, Chairman


Ben Melanson, Treasurer


Donnie Floyd, Attorney



File # 1-98-0030

April 22, 1998

Bill Lynch, Inspector General
Office of State Inspector General
Post Office Box 94095
Baton Rouge, LA 70804-9095

Dear Mr. Lynch

I do not understand why I was cited for potential conflict of interest as a consequence of your review of the Louisiana Board of Massage Therapy.

It is correct that I am president of Massage Therapists Association of Louisiana, Inc., d.b.a. Blue Cliff School of Therapeutic Massage but it is not correct that the Louisiana Board of Massage Therapy regulates Massage Therapy Schools. This function is accomplished by the Louisiana Proprietary School Commission.

It is correct however that the Board establishes basic and continuing education requirements for those seeking licensure and approves education providers. It is my opinion that there is an insufficient number of Board approved CEU providers in Louisiana to offer the breadth and scope of continuing education opportunities needed in our newly licensed Profession. It can be easily documented that in my position as a Board Member I have consistently urged that CEU classes approved by the National Certification Board for Therapeutic Massage and Bodywork also be approved for Louisiana CEU credit. If this were adopted it would surely impact the status of Blue Cliff School as the leading CEU provider in Louisiana and greatly increase competition.

I am not sure of your source of information relative to Board minutes from January 1995 to May 1997. I would assume the minutes were actually read. I am responsible for and have only been responsible for the Board Newsletter and Chairmanship of the Rules and Regulations Committee. Sections of the Rules and Regulations dealing with CEU requirements and Faculty requirements have specifically been delegated to other Board Members in order to avoid conflict-of interest. There has never been an educational committee to my knowledge. You may be referring to the CEU Committee but I have never been a member of that committee and I referred to CEU activities in the above paragraph.

You somehow incorrectly attribute to the Board the setting of the requirement for attendance in a 500 hour basic massage therapy course as a prerequisite for licence application. This is required by law, not by the Board. The Board has the responsibility to ensure that applicants have met this requirement.

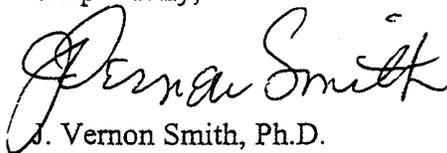
Also, this 500 hour standard is in some measure an industry standard required by the "Commission on Massage Training Accreditation" for Massage Therapy Programs that it might accredit. It is somewhat the norm Nationally as a minimum requirement for States requiring Licensure although there is of course some variation from State to State. Applicants for Licensure are certainly able to attend other schools, in and out of State, with any number of hours as long as the program is at least 500 hours in length.

For purposes of information, I voted to deny approval of the video course mentioned in the February 7, 1997 minutes. Despite my demonstrated interest in expanding the CEU offering available in Louisiana, this course did not require an examination as a condition for completion. An examination for video classes is a stated requirement for video/home study CEU classes.

The complaint mentioned in the November 1, 1996 minutes was not directed at one of my schools. Rather, it was directed at me personally and I abstained from whatever vote took place on the issue. Should you have the opportunity to listen to the audio recording of this meeting, you will agree that the complaint was clearly outside the jurisdiction of the Board.

The real issue here is the potential for conflict of interest. The Massage Therapy Licensure Law does not preclude School Owners from sitting on the Board and I have served our State and the Public faithfully and well as a member of the Board. I hope I have addressed your concerns and request deletion of any reference to me in your final report.

Respectfully,

A handwritten signature in cursive script that reads "J. Vernon Smith".

J. Vernon Smith, Ph.D.
President