

MINUTES

UTAH BOARD OF MASSAGE THERAPY MEETING

July 21st, 2009

ROOM 474 – 9:00 A.M.
Heber M. Wells Building
Salt Lake City, Utah

CONVENED: 9:05 a.m.

ADJOURNED: 12:27 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

Board Members Present:

Craig M. Sauer, Chairman
Carolyn M. Redington
Sharon Muir
Richard C. Engar, DDS
Jenifer Pruetz

DOPL Staff Present:

Connie Call, Compliance Specialist
Kent Barnes, Compliance Manager

DOPL Staff Excused:

n/a

Guests:

Craig Anderson, Ogden Institute of Massage
Roger Olbrot, Myotherapy College of Utah
Regan Smith, massage apprentice
Christal Williams, supervisor
Betsy Hurty, Mother of Timothy Hurty
Wally Bugden, Attorney

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from May 26th, 2009 were reviewed. A motion was made by Sharon Muir, seconded by Dr. Engar, to approve the minutes with one correction. Motion carried unanimously.

NOMINATION OF CHAIRPERSON

A nomination was made by Dr. Engar to nominate Carolyn Redington as Chairperson. Ms. Redington declined the position and Dr. Engar withdrew his nomination. Ms. Muir nominated Craig Sauer to remain Chairperson, seconded by Dr. Engar. A motion was made by Ms. Pruetz to close the nominations. Mr. Sauer was elected unanimously to remain Chairperson

**COMPLIANCE REPORT:
Connie Call**

Ms. Call reported the current compliance status of the probationers scheduled for interviews today.

**PROBATION INTERVIEWS:
Penny H. Anderson**

Ms. Anderson was interviewed by Carolyn Redington. Ms. Anderson's license has not been renewed as she has no funds. She has been borrowing funds to drug test. The Board recommended Ms. Anderson continue to call Compass Vision daily and contact Ms. Trujillo if selected to see if she can be excused. Ms. Anderson is actively seeking employment and Ms. Muir agreed to review her resume. Ms. Pruetz stated she was aware of a company by the name of Extend Health that is doing a massive hiring. She will return September 15th, 2009. **Non-Compliant** for failure to renew her license.

Lisa Ann Bouvier

Mr. Sauer conducted the interview with Ms. Bouvier. She stated she is feeling strong and has been attending several AA meetings. She stated her desire to increase her clientele. Having a private clientele is her hope for the future; hoping to have her own business when her probation is over. She has been offered a job working under the supervision of a Massage Therapist. The Board felt she could pursue this offer but stated she must have a supervisor. She needs to have an employee/ employer relationship. Ms. Bouvier agreed to submit supervisor reports if she does decide to work under a Massage Therapist. Her employment status will be a factor considered if she requests early release from probation. She will return September 15th, 2009. **Compliant**

Julieta Hernandez

Ms. Redington conducted the interview with Ms. Hernandez. All employees are currently licensed. She was reminded to fulfill and submit her CE requirements. She had an online course approved by the Division and is currently working on it. She has requested early release of her probation but was told by the Board she must complete her CE before it will be considered. The Board suggested that if Ms. Hernandez completes her CE before November 1st she may submit a request for early termination.

Ms. Hernandez expressed her concern over Reiki being practiced and asked what was being done about it. Ms. Stewart explained to the Board and Ms.

Hernandez that Reiki is not a regulated modality of massage. Ms. Hernandez then asked the Board how she can help protect the industry. Ms. Stewart explained she must file a complaint with DOPL Investigations Department and they will be looked in to. It was restated that the investigators need specific information to take any type of action. She will return November 17th, 2009. **Compliant**

Michael Parley Baker

Ms. Muir interviewed Mr. Baker. She recommended that he show respect to the Board in his attire and appearance. She discussed his employer report with him. There was concern due to the reports going “down-hill”. He stated it was resulting from his being late to his appointments. He is still doing volunteer work with Real Salt Lake. He will be seen September 15th, 2009. **Compliant**

Melissa Anne Rasmussen

Ms. Muir conducted the interview with Ms. Rasmussen. This is her **last meeting** with the Board. She stated the experience has been trying and humbling. She also expressed it has been a positive experience. A motion was made by Ms. Muir, seconded by Ms. Pruetz, that upon receipt of Ms. Rasmussen’s final paperwork she be released from probation and granted an active license. Motion passed unanimously. **Compliant**

Ryan Tyler Holland

Ms. Pruetz conducted the interview with Mr. Holland. She asked him to discuss his most recent charge. He has submitted paperwork of completion of an anger management course. He is employed at Massage Envy, scheduled approximately 24 hours a week. He was provided with a form to be completed by his supervisor stating he has read the MOU. Ms. Pruetz was concerned about his completion of an anger management course yet still having a recent disturbing the peace charge. He explained there were personal issues that made him act out before completing the class, which occurred after the most recent charge. He learned from the class that he needs to step back and re-think that type of situation. He was given a date of July 30, 2009 to submit his paperwork. He will return September 15th, 2009. **Compliant**

John Anthony Totaro

Excused – he will be seen September 15th, 2009.

Mathew Monroe Putman

Mr. Putman was interviewed by Mr. Sauer. Work has been a little slow. He was given a “shift lead” position by Massage Envy. He feels he has his priorities straight and requested early release from his probation. Mr. Sauer explained the Board declines his request for early release as they feel it is too soon in the probationary duration. He was told to revisit this possibility around this time next year. He will return November 17th, 2009. **Compliant**
Meeting resumed 11:00 a.m.

BREAK

**DISCUSSION ITEM:
CHAPERONE LOG**

The Compliance Unit designed a form to be used as the Chaperone Log. This will be used by the probationers when seeing clients. This log will then be submitted to DOPL. This form will make the process uniform for all probationers involved.

**PROBATION INTERVIEWS (CONT):
Jaclyn Heather Jones**

Excused – she will be seen September 15th, 2009.

**NEW STIPULATIONS:
Timothy William Hurty**

Mr. Hurty was interviewed by Ms. Pruetz. He is currently working in another profession. He would like to get back into massage therapy. He is working with Compass Vision but not fully signed up. He was asked if he had any questions and stated he had none. His Attorney and mother were present for the interview. His criminal record came about after he realized he needed help with a drug addiction problem. He has also had an additional occurrence. The Board asked for documentation from the Courts for his file. His Attorney was informed the Board will need to be notified of any issues relating to this matter. Mr. Sauer discussed that the Board is here for support and strength and went on to explain the Board’s responsibility to protect the public. Mr. Hurty was instructed to submit the report form stating he is not working in the field. He was given a form to be completed by his supervisor that he has read the MOU. He is voluntarily attending Day Spring and may submit reports. The Board questioned the terms and conditions of the MOU for Mr. Hurty. Ms. Stewart discussed the manner in which MOUs are issued. She suggested if the Board feels more stringent MOUs should be offered in the future they discuss it with DOPL. **Non-Compliant** for failure to complete drug test sign-up and relapse in criminal behavior.

Dr. Engar interviewed Ms. Rose. She is here to review her new stipulation. She is currently employed as a teaching assistant and seeking employment in the massage therapy field. She is presently attending an Anger Management Course. Dr. Engar verified with her that she understands her MOU. Ms. Rose will return September 15th, 2009. **Compliant**

**DISCUSSION ITEM:
CURRICULUM UPDATE APPROVALS**

Ms. Stewart asked the Board how frequently they wanted an apprenticeship curriculum for the same supervisor to be reviewed for approval. A motion was made by Dr. Engar, seconded by Ms. Redington, to approve the curriculum when the bibliography has been updated. Motion passed unanimously.

**APPROVAL OF CURRICULUM:
Jennifer Yates, Apprentice applicant
Andrea Gardner, Apprentice applicant**

Sharon Muir, a Board member, submitted her curriculum as Supervisor for Jennifer Yates and Andrea Gardner. It was noted newer versions of some of the textbooks were available. A motion was made by Mr. Sauer, seconded by Dr. Engar, to approve the curriculum upon receipt of the updated bibliography. The motion passed unanimously.

**Kimberly R. Smith, Apprentice applicant
Christal Williams, Supervisor**

Both Ms. Smith and Ms. Williams attended the meeting. A motion was made by Dr. Engar, seconded by Ms. Redington, to approve both apprenticeship curriculums (including Ms. Muir's and Ms. Williams') pending receipt of the updated bibliographies. The motion was unanimously approved by the Board with the caution that the textbooks be editions published in the last four years.

**DISCUSSION ITEM:
FOREIGN EDUCATION EVALUATORS**

Ms. Stewart discussed that DOPL has had a few complaints from foreign-trained applicants concerning their experiences with the Foreign Education Evaluators listed in the applications. These evaluators are chosen by the Division. It was suggested that DOPL consider adding at least two more evaluators as additional choices. A list of Foreign Education Evaluators available was provided to the Board. This discussion is for the Board's information only. Ms. Stewart will research this further and suggest some changes at a future time.

DISCUSSION OF RULES

The possible changes to the Massage Rule are still in an early discussion stage. There are several "clean up"

items and changes that need to be considered. Ms. Stewart discussed a few items that she feels need to be revisited. The Board asked that at the next meeting they discuss such issues and possibly agree to possible language.

SB 81

Ms. Stewart explained SB81 requirements to the Board. The requirement is an Affidavit of United States Citizenship or Qualified Alien who is lawfully present. The text of the form has been added to all applications as July 1st, 2009. It requires that a licensee have a valid social security number.

APPLICATIONS

A new form has been added into the Massage Therapy Application. It is called the Massage School Curriculum Standards Education and Training-Class/Contact Hours form. This should help DOPL determine the class hours in the evaluation of transcripts. It will be required from the schools with the official transcript.

ADJOURN:

12:27 p.m. (No motion required)

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

September 15th, 2009
Date Approved

(ss) Craig M. Sauer, Chairperson
Massage Therapy Licensing Board

September 15th, 2009
Date Approved

(ss) Sally A. Stewart, Bureau Manager
Division of Occupational & Professional Licensing