

MINUTES

UTAH BOARD OF MASSAGE THERAPY MEETING

September 15th, 2009

ROOM 401 – 9:00 A.M.
Heber M. Wells Building
Salt Lake City, Utah

CONVENED: 9:06 a.m.

ADJOURNED: 1:10 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

DOPL Staff Present:

Ronda Trujillo, Compliance Specialist
Mark B. Steinagel, Division Director

Board Members Present:

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

Board Members Excused:

Sharon Muir (called and will arrive shortly)

Guests:

Craig Anderson, Ogden Institute of Massage
Roger Olbrot, Myotherapy College of Utah

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

INTRODUCTION:

Ms. Stewart introduced Mr. Steinagel to the Board. He expressed his appreciation for the members of the Board and stated his goal is to make government run smoothly.

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from July 21st, 2009 were reviewed. A motion was made by Dr. Engar, seconded by Ms. Redington, to approve the minutes with a correction. Motion carried unanimously.

COMPLIANCE REPORT:

Ronda Trujillo

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

PROBATION INTERVIEWS:

Penny H. Anderson

Ms. Anderson was interviewed by Ms. Redington. She has now renewed her license and is employed in the massage profession. Ms. Anderson is very happy with her employment and stated she is doing very well. Ms. Anderson is required to call each day and submit employer reports. She will be seen November 17th, 2009. **Compliant**

Ms. Muir arrived at 9:45 a.m.

Lisa Ann Bouvier

Ms. Bouvier was interviewed by Mr. Sauer. She is still working for a chiropractor and expanding her individual clientele. She stated she looks forward to completing her probation and then plans to open her own business. Ms. Bouvier feels she has learned a lot and has met a lot of people within her current employment that will be of help with her business plans. She will be seen January 19th, 2010.

Compliant

Kevin L. Rock

Mr. Rock was interviewed by Dr. Engar. He stated he has three remaining clients. He was asked again to submit this in writing to Ms. Trujillo. He stated he is working for a new employer. When asked, it was stated early release from his probation would require a letter be submitted to the Board. He will be seen March 16th, 2010. Mr. Rock is **Non-compliant** at this time due to his not notifying the Board of changes in his clientele.

Michael Parley Baker

Excused due to school schedule.

Ryan Tyler Holland

Mr. Holland was interviewed by Ms. Perutz. He is working about 30 hours a week at Massage Envy. He stated there were no changes in his life and things are going well. He will be seen on November 17th, 2009.

Compliant

Jaclyn Heather Jones

Ms. Jones was interviewed by Ms. Redington. Mr. Sauer recused himself. She has made the decision to surrender her license. Ms. Stewart will prepare the documentation. It was explained to her that she may not be able to apply for a number of years depending upon the terms set in the surrender. She feels it would be difficult to meet the terms of her probation because she would rather spend the time with her son than trying to fulfill the terms of her probation. Ms. Stewart will prepare the Surrender Stipulation and Order per her request of the Board.

John Anthony Totaro

Mr. Totaro was interviewed by Ms. Pruetz. He is no longer working the massage profession in Utah. He is a drummer in a traveling band and working in the film industry in California. He left employment at Beyond Spa around June 15th, 2009. His Memorandum of

Understanding states that time not practicing will not count towards completion because he is not working and it has been more than 60 days since he did. He stated he also has a Cosmetology license in New York and “will keep his licenses”.

Mr. Totaro went on to express his feelings to the Board about the licensing in Utah. He questioned why he was not issued a “regular license” like he was told at his first meeting with the Board. Ms. Stewart explained to Mr. Totaro that the Rule provided for a probationary license in consideration of his qualifications and character. She also reminded him that he must report to other states that he is on probation in this state. Mr. Totaro feels the Board should notify the schools on the policy of a student having a felony and how they affect licensure. He feels the laws in Utah are very stringent. He feels he is being black-balled in Utah. He stated he does not want to surrender his license and he plans to leave the state. He was instructed to notify the Board in writing if he does leave the state for more than 60 days. He also needs to notify the Board if he will not be practicing massage in Utah. If this is the path he chooses to take his probation will halt until he returns. Mr. Totaro stated he will either write the letter or e-mail Ms. Trujillo. Mr. Totaro was extremely agitated and disruptive in addressing the Board. He was asked several times to calm down. He will be seen on November 17th, 2009. **Compliant**

Timothy William Hurty

Mr. Hurty was excused from the meeting today as he was unable to attend due to incarceration. A motion for an Order to Show Cause was made by Dr. Engar, seconded by Ms. Pruetz. The vote was unanimous.

April Lavaun Rose

Ms. Rose was interviewed by Dr. Engar. She stated she is doing massage about 30 hours a week for the Utah School of Massage Therapy. The employer has read the MOU. She stated she was told her criminal charges will be dismissed after one year. Ms. Stewart stated that in order for the charges to be expunged she must contact the court. She will be seen on November 17th, 2009. **Compliant**

Francisco Javi Velasquez

Mr. Velasquez did not appear for his appointment today and it was decided by the Board to invite him to

Ryan K. Yakiwchuk

the November 17th, 2009, meeting. He will be sent a non-compliance letter. **Non-compliant**
Mr. Yakiwchuk was interviewed by Ms. Muir. He is still working for the Jazz. Mr. Yakiwchuk mentioned he would like to request early termination. If his written request is received this could possibly be his last meeting with the Board. Mr. Yakiwchuk stated he felt that being on probation taught him responsibility and he also felt it was a positive experience. He will be seen on January 19th, 2010. (He is not compliant at this time due to the fact that he is missing an employer report. He stated that he was sure the report had been faxed and received by DOPL. Documentation was provided by Mr. Yakiwchuk showing that his employer report was received by DOPL in adequate time to be found compliant for this meeting.) The non-compliant determination was reversed.

Compliant

Mathew Putman
Discussion of relief of probation status

Mr. Putman is not attending the meeting but has requested his probationary license be placed “on hold” so he does not lose the time he has already completed. He has been offered a job in Wyoming with a Chiropractor who will also pay for him to go to school. He plans to move at the end of the month. He stated he would eventually like to come back to Utah. The discussion of the Board was to have Mathew Putman be subject to the terms of the MOU in that if he leaves the state for more than 60 days his probation period would stop. When he returns he must notify the Board and the period of his probation will resume. A motion was made by Ms. Pruetz, seconded by Dr. Engar, stating Mr. Putman’s license will remain “Active on Probation” status and the probation period will resume when he returns to Utah.

Break
DISCUSSION ITEMS:

Resumed 11:55 a.m.

The question was asked concerning Kevin K. Russon regarding the status of an Order to Show Cause memorandum. Ms. Stewart stated she had sent the Order to Investigations on March 17th, 2009, and checked on it again in August but has heard nothing. She stated she will notify the Board when she has any information for them.

The Board discussed drafting a letter to the Massage

Therapy schools making them aware that a student with criminal history may not qualify to become licensed or may be issued a probationary license. Ms. Stewart discussed that a few other Licensing Boards have approved the addition of a Section to their individual Rule pursuant to DOPL Umbrella Rule, UAC R156-1 302. on good moral character and unlawful and unprofessional conduct. Ms Stewart stated that if the Board of Massage Therapy were to become involved in having DOPL notify the schools they would be moving out side their realm of responsibility. The notice would really need to be sent by the Division of Consumer Protection.

Memorandum of Understanding Language

There is a list of terms and conditions used by DOPL in the writing of Memorandums of Understanding. Ms. Stewart would like to discuss and clarify several items with the Attorney General' office. One such item is that of someone working outside the state of Utah for 60 days or more. This was originally aimed toward those leaving the state on a permanent or semi-permanent basis. There appears to be a need to change something for those who leave periodically and come back. The current verbiage is very broad and Ms. Stewart would like to have a clearer guideline. Another item is the requirement of minimum and maximum number of hours worked. She requested Board support on requiring that a probationer be actively seeking employment in their licensed profession and removing the minimum number of hours. The Board was in agreement to support Ms. Stewart in her effort to make these changes.

Proposed Rule Changes: Education requirement w/endorsement, Katia Ammannati, Applicant

Ms. Ammannati has applied for licensure in Utah. She has practiced as a licensed Massage Therapist in Florida for 6 ½ years but only has 500 hours of schooling. Utah requires 600 hours of schooling. At the present time her work experience does not mitigate that requirement. There has been discussion that work experience should, along with lesser schooling hours, be considered as another pathway to licensure. In this situation, Ms. Ammannati was told she had to go back to school for the additional 100 hours. Ms. Stewart is suggesting the Board consider a change in the rule to offer licensure by including work experience with lesser education as an option. The necessary rule changes could take possibly 90-120 days. Draft

proposed changes will be presented for approval by the Board at the November meeting and the formal process to a public meeting will be taken thereafter.

Copies of current draft of proposed Rule Changes were provided to Board members. Ms. Stewart discussed these proposed changes with the Board members opening it up for their suggestions. Ms. Stewart will make the changes agreed upon today and e-mail the updated draft to Board members.

Information:

Cheryl L. Peterson surrendered her license, with the stipulation not to apply for relicensure for a minimum of 5 years.

ADJOURN:1:10 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.

November 17th, 2009
Date Approved

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

November 17th, 2009
Date Approved

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