

MINUTES
UTAH
MASSAGE THERAPY LICENSING BOARD
MEETING

July 15, 2008

Room 474 – 4th Floor – 9:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111

CONVENED: 9:10 a.m.

ADJOURNED: 12:16 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

Board Members Present:

Craig M. Sauer, Chairman
Richard Engar, DDS, Public Member
Carolyn M. Redington, Board Member

Board Members Absent:

Jenifer Pruetz

Guests:

Roger Olbrot
Dave Hunter, AMTA Utah Chapter Press

DOPL Staff Present:

F. David Stanley, Division Director
Connie S. Call, Compliance Specialist
Wayne Holman, Investigations
Sally Canavan, Licensing Technician

TOPICS FOR DISCUSSION

DECISIONS AND RECOMMENDATIONS

ADMINISTRATIVE BUSINESS:
MINUTES:

The minutes from the 05/20/2008 meeting were discussed. A motion was made by Carolyn M. Redington and seconded by Richard Engar to approve the minutes with corrections. The motion passed unanimously.

DISCUSSION:
INTRODUCTION:

Ms. Vogeler introduced Ms. Sally A. Stewart to the Board. Ms. Stewart will be the new Bureau Manager over the Massage Therapy profession. Ms. Stewart gave a brief statement and the Board welcomed her to the profession.

PROBATION REPORT:

Ms. Call presented the disciplinary report for this month and updated the members of the Board on the progress of the probationers being seen today. She had handouts for each Board member in attendance.

PROBATION INTERVIEWS:

Troy Allen Bever

Troy Allen Bever came before the Board and was interviewed by Mr. Sauer. He stated things are going well. He stated he is working with a law firm to promote his use of colon therapy. He stated he knows he needs to be careful with doing the holistic medicine. He is working on setting up a massage school. At this time he is not submitting employer reports and was not required to per his stipulation. His stipulation does not state if he is not working his probation stops until he does return to work. He has not worked as a Massage Therapist since October of 2007. He is receiving Social Security Disability Benefits.

Mr. Sauer and the rest of the Board were not comfortable with releasing him at this time but there was no recourse for an extension of his probation. He was asked to send in a copy of the NTCBME. His probation ends on 08/07/2008. He was also asked to also send in a letter that he has not been employed. Ms. Stewart will amend his order and mail this to Mr. Bever. Mr. Bever plans to teach Massage at the school when it opens. He is **in compliance** with the terms of his order.

New Stipulation: Lisa Bouvier

Ms. Bouvier came before the Board to review her stipulation. She was asked to tell the Board why she is here. She has not practiced Massage for 10 years and had been working construction. She made some bad choices in the past ten years. Her last DUI was four years ago. About four years ago she decided to make a change in her life. She is attending AA and stated she has been sober for 2 and half years. She is working for Heber Valley Physical Therapy. She is seeking licensure as a Massage Therapist and the Division has granted her a probationary license. She is under a court order until October, 2008. She stated she understands her probation but wanted to know if she could work under the supervision of a Physical Therapist as an aide but still have it count towards her

probation since that requires direct supervision. It was the decision of the Board to allow the supervision of the Physical Therapist. She had some concerns about the frequency of her drug testing and if the Board can change this frequency. She stated she has not signed up for Compass Vision at this time and still needs to have an alcohol and drug evaluation, as she had been given an incorrect list of approved providers. Ms. Call suggested she be given a little leeway under the circumstances. She has now been given an approved list. Ms. Bouvier will be invited to attend the September meeting and have all reports in prior to the meeting.

Joseph Babbie

Mr. Babbie was interviewed by Dr. Engar. He stated the last two months have been a little difficult. He stated he had some odd clients. It has been difficult being monitored by the state. He may want to pursue the issue in another state at a later date. He has decided he no longer wishes to be a massage therapist in Utah. He is attending Valley Mental Health for therapy and will continue for the next four months. He feels it is a matter of freedom and he is not comfortable with adhering to the stipulation at this time. He discussed his MOU and the fact that he had taken a few drinks. He feels he cannot make this commitment to the Board. He feels his drinking has never affected his massage therapy but his record has. He has given notice at his place of probation.

The Board advised him that going to another state may not be the answer. Mr. Babbie plans to leave Utah in January and has set some goals for the future. It was suggested he obtain a copy of the Massage Magazine. He stated he would like to voluntarily surrender his license. His main focus is his recovery and he does not want the stress of the MOU. Ms. Stewart will prepare the surrender document and Ms. Call will contact Compass Vision.

Mr. Olbrot discussed the issue of how a therapist can protect himself from allegations. Mr. Babbie was told to have professional liability insurance once he has a practice. The Board felt he could benefit from an ethics course. He was advised to get some legal counsel before he makes the decision to surrender his license. He stated this was not a snap decision and he

has given it a lot of thought. He honestly feels this is the right decision for him. Ms. Call will contact Compass Vision and deactivate his account. Ms. Stewart will instigate a surrender of licensure order.

New Application: John Anthony Totaro

Mr. Totaro has submitted an application as a Massage Therapist. There were “yes” answers given on his application and court documents were required. Mr. Totaro was asked to come before the Board to discuss the information found in these reports. Ms. Stewart wanted to hear Mr. Totaro’s response and discuss the discrepancies with the police report and court information. Mr. Totaro stated he is not now nor has he ever been abusive. The options available to the Board are the issuance of a probationary license, denial of the license or issuance of the license. Mr. Totaro was reminded that his personal life comes into play with his professional life due to the alleged charges. Anytime a professional applies for a license and has any type of criminal history, the situation is looked into by the Division. After some discussion it was decided by the Board to have Mr. Totaro return to the next meeting in September, 2008. A motion was made by Dr. Engar and seconded by Ms. Redington stating that if Mr. Totaro can provide documentation that the incident in question has been resolved for over three years the Board will issue him a license. The motion passed unanimously. If not, he will attend the September meeting where an MOU will be presented.

Penny Anderson

Ms. Anderson was not present. She called during the meeting to ask if she could meet later that day. She was told that would not be possible. The Board determined it was necessary for the Division to issue an Order to Show Cause for Ms. Anderson.

New Stipulation: Heather Jones

Ms. Redington conducted the interview with Ms. Jones. Ms. Jones submitted a chemical evaluation from Court Supportive Services. The Board accepted this evaluation. It was reviewed by the Board and determined she may not use another testing service, other than the one contracted with the Division. She was concerned about the fees of the testing. She is not currently working. She does not have a Drivers License. She stated she understands all the terms of her probation. She asked about cooking with alcohol and was told the alcohol will burn off and this would

not be a problem. Ms. Jones will be seen at the September 2008 meeting.

Kristi Olsen

Ms. Olsen submitted a letter to the Board requesting early release from the terms of her probation. A motion was made by Mr. Engar and seconded by Carolyn to terminate her probation. The motion passed unanimously. Ms. Stewart will request the order be amended and mail a new license to Ms. Olsen.

**APPRENTICESHIP CURRICULUM:
Angela Beachley/ Janece Hoopes**

A curriculum was presented to the Board by Janece Hoopes of Therapeutic Massage and Wellness Center Inc. It was suggested that she change her curriculum to include a syllabus for each class set. She may contact Mr. Sauer for guidance. Mr. Sauer also suggested Ms. Hoopes prepare a contract between herself and Ms. Beachley. The purpose of this contract is to eliminate confusion. This contract may be submitted to the Division to go into the file. She was given an outline curriculum worksheet and a syllabus worksheet. A motion was made by Dr .Engar and seconded by Ms. Redington to approve the curriculum for Ms. Hoopes. The motion passed unanimously. Ms. Hoopes will get everything put together and submit it to the Division for her file.

Stephanie Anne Stoker

Stephanie Anne Stoker's curriculum was brought before the Board to be reevaluated. It was the decision of the Board to ask her to submit a broader scoped curriculum and to vary the books used in her program. It was advised she check the book list for the MBLEx. Ms. Stewart will send a letter, as well as a copy of the syllabus worksheet and the curriculum worksheet. The Board discussed the fact that all previously approved curriculums should be looked at due to the changes in the law in regards to the MBLEx.

NEXT MEETING:

The next meeting has been scheduled for Tuesday, September 16th, 2008, at 9:00 a.m. on the fourth floor of the Heber M. Wells Building, Salt Lake City, Utah.

ADJOURN: 12:16 p.m. (moved by Dr. Engar, although 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.

09/16/2008 (ss) Craig M. Sauer
Date Approved Chairperson, Utah Massage Therapy Licensing Board

09/16/2008 (ss) Sally A. Stewart
Date Approved Bureau Manager, Division of Occupational and Professional
Licensing