

MINUTES

**UTAH
MESSAGE THERAPY LICENSING BOARD
MEETING**

SEPTEMBER 16, 2008

**Room 474 - 4th Floor – 9:00 a.m.
Heber M. Wells Building
160 East 300 South; Salt Lake City, UT 84111**

CONVENED: 9:02 a.m.

ADJOURNED: 12:52 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Penny Vogeler

DOPL Staff Present:

F. David Stanley, Division Director
Rhonda Trujillo, Compliance Specialist
Wayne Holman, Investigations

Board Members Present:

Craig M. Sauer, Chairman
Richard Engar, DDS, Public Member
Carolyn M. Redington
Jenifer H. Pruetz

Board Members Absent:

Vacancy (New Appointee unable to attend)

Guests:

Roger M. Olbrot, Myotherapy College of Utah

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from the July 15th, 2008 meeting were approved with corrections. The motion was made by Richard Engar and seconded by Carolyn Redington. The motion passed unanimously.

BUSINESS FROM PREVIOUS MEETING:

Current status of Probationer: Joseph Babbie

Ms. Stewart reported that the license for Joseph Babbie has been surrendered.

New Probationer: John Totaro

She also reported that John Totaro has signed his Memorandum of Understanding and will be meeting with the Board this morning.

Ms. Stewart suggested that since the Massage Therapy Board meets every two months, while the probation interviews are set on a quarterly schedule, the Board

should have the probationers meet every other meeting. This way they will be divided with approximately the same number of probationers being seen at each meeting. This was agreed to by the Board and will be used.

Introduction of Wayne Holman

Mr. Stanley introduced Mr. Wayne Holman, Chief Investigator. He has made Mr. Holman some additional responsibilities, including overseeing the Division's daily operations and attending Board meetings. This adjustment of responsibility will allow Mr. Stanley to become more involved with the Legislature.

NEW BUSINESS:

Ronda Trujillo, Compliance Specialist:

Ms. Trujillo gave her report on today's scheduled probationers.

Melissa Rasmussen's probation was discussed and a question of whether her ethics course offered by her therapist was approved. The Board did not recall approving the course at the previous meeting. A motion was made to amend the minutes for the May 20th, 2008 meeting to read that the Board had approved the subject matter of the ethics course, but had asked Ms. Rasmussen to ask her therapist for additional information. The information would include a breakdown into hours acceptable to the Board. They also indicated either an essay or test would be required to determine that Ms. Rasmussen had met the terms of course requirements in her Memorandum of Understanding.

DISCUSSION ITEM:

Citation Authority

Ms. Stewart provided information on the question of citation authority availability for Massage Therapists. Roger M. Olbrot of Myotherapy College of Utah stated the Massage Therapy Association does not wish to nor intend to open the law at this time.

PROBATION INTERVIEWS:

Lisa Bouvier

Ms. Bouvier was interviewed by Mr. Sauer. Lisa asked if her supervisor's report/evaluation satisfied the Board. She is current on all reports and attending a 12-step program while looking for a sponsor. She questioned the reasons for her probationary license status and was informed her skills were not in question, but rather the Division felt she should be monitored. She asked the Board if she can do massage

at her current place of employment if she is supervised by either her actual supervisor or the office manager. After discussion, the Board stated this would be acceptable. The supervisor report may be signed by either her supervisor or the office manager. Ms. Bouvier was asked to submit the name of her prescribing physician and the pharmacy that she will be using to Ms. Trujillo. Her probation with her DUI will be terminated in October 2008. She stated she has family support in Price, Utah and help is a phone call away. Ms. Bouvier is **in compliance**. She will meet with the Board in January 2009.

Heather Jones

Ms. Jones was interviewed by Ms. Redington. She is not working as a massage therapist at this time but is currently seeking employment in her profession. Her probation on her criminal charges was discussed. She stated she needs to pay her fine and then will be released from the criminal probation. She feels she is handling things as well as can be expected. She is currently employed doing phone surveys about 30 hours a week. The Board had some concern about her Memorandum of Understanding stating she must work between 16-48 hours a week in the field of massage therapy. Ms. Stewart reminded the Board they may modify the MOU. A motion was made by Dr. Engar and seconded by Ms. Redington to amend the order to read: "Respondent may work no more than 48 hours a week or make a good faith effort to become employed as a massage therapist." Motion passed unanimously. Ms. Jones is **in compliance**. She will meet with the Board in January 2009.

Julieta Hernandez

Ms. Hernandez was interviewed by Ms. Pruetz. Ms. Hernandez stated she has completed a small business course. She submitted copies of the licenses for two of her employees, as requested by the Board. She stated she is not currently considering opening a school. Ms. Hernandez is **in compliance** and was asked to submit the copy of her diploma from her business course when she receives it. She will meet with the Board in January 2009.

Ryan K. Yakiwchuk

Mr. Yakiwchuk was interviewed by Dr. Engar. He is currently working about 20 hours a week for a Chiropractor involved with the Utah Jazz Basketball Program. He expects this to become full time when

the Jazz's season starts. He also submitted a supervisor report. It was noted that he had not been calling CVI daily and the importance of that was stressed by Dr. Engar. Mr. Yakiwchuk feels working with athletes is the area of the profession he has always wanted to be involved in. He is no longer working in Park City as it was seasonal work. He has been submitting monthly reports which the Board agreed could now be quarterly. Mr. Yakiwchuk is **in compliance**. He will meet with the Board in November 2008.

Kevin L. Rock

Mr. Rock was interviewed by Dr. Engar. He provided information he has a new employer. His stipulation does not require him to submit supervisor reports. A motion was made by Dr. Engar and seconded by Ms. Redington that the stipulation be amended to require he "notify the Board if his current clientele changes". The motion passed unanimously. Mr. Rock is **in compliance**. He will meet with the Board in March 2009.

Francisco Javi Velasquez

Mr. Velasquez was interviewed by Ms. Redington. He asked to be called 'Javi'. He is still employed at Segó Lilly; averaging three massages a day with five on the weekends. His employer reports are excellent and he stated he has no boundary issues at work and had no other questions for the Board. He also presented comment cards from his clients. Mr. Velasquez is **in compliance** and will meet with the Board in January 2009.

Sid Dale Napper

Did not appear. (Ms. Vogeler had a voice mail from Mr. Napper, left during the meeting, stating he was too ill to make it in and apologized for the inconvenience. He has been rescheduled to meet with the Board in November 2008.)

Matthew M. Putman

Mr. Putman was interviewed by Craig Sauer. It was noted to Ms Trujillo that his missing test was due to illness and she informed the Board that had not yet been recorded but would be. Mr. Putman is working at Draper Massage Envy, Tuesday thru Saturday, averaging 25- 40 massages. He is now the designated driver for his friends and is not having any issue with sobriety. He plans to move to Reno, Nevada but wants to first finish his probation in Utah. He stated he has little stress at this time. He is not currently using any medications for his back pain. Mr. Putman

is **in compliance** and will next meet with the Board in November 2008.

Melissa Anne Rasmussen

Ms. Rasmussen was interviewed by Ms. Pruetz. She is working at Creative Massage, averaging 20 massages a week. Ms. Rasmussen was upset as she felt there was confusion about her proposed ethics course and the requirements of the Board, as well as miscommunication between her therapist and the Division. The proposed course was discussed by the Board earlier in the meeting. She was informed it needed to be broken down into credit hours for consideration and that the Board wanted more information on the course. The Board stated they need to be able to measure her learning. Dr. Engar suggested possibilities that could be submitted to the Board.

Ms. Pruetz stated the subjects of the course are fine. Ms. Trujillo will be in contact with Ms. Rasmussen's therapist to discuss what the Board is requesting. This additional information will be required to be submitted to DOPL by November 1st for review. Ms. Rasmussen is **in compliance**. She will next meet with the Board in November 2008.

John Anthony Totaro, Initial Interview

Mr. Totaro was interviewed by Ms. Pruetz. He submitted a letter to DOPL advising who his employer is currently and confirming that the employer has read the Memorandum of Understanding. He provided verification of having completed a 52 week course approved by the Board to satisfy the anger management portion of the MOU. The Board reviewed the course completed and was in agreement it met the requirements of the MOU. Mr. Totaro will next meet with the Board in November 2008.

DISCUSSION ITEM:

Animal Massage/Animal Massage Curriculum

Cindy Wilde, a currently licensed Massage Therapist, came before the Board to discuss this. She requested the Board accept her 1000 hours of home study to cover the sixty hours of training called for by Rule. This would add to her qualifications on her personal license. She was advised to provide letters from the individuals supervising her quadruped massage experience for further documentation. Ms. Wilde received the Board's approval to practice animal massage. The Board's approval will be noted in the

“Remarks” section on licensing information
maintained by DOPL.

NEXT MEETING:

The next meeting has been scheduled for Tuesday,
November 18th, 2008, at 9:00 a.m. on the fourth floor
of the Heber M. Wells Building, Salt Lake City, Utah.

ADJOURN:12:52 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.

January 20, 2009
Date Approved

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

January 20, 2009
Date Approved

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