

MINUTES

**UTAH MASSAGE THERAPY
LICENSING BOARD
MEETING**

MARCH 17th, 2009

**ROOM 402– 9:00 A.M.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:06 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
Jennifer H. Pruetz
Sharon Muir
Richard C. Engar

DOPL Staff Present:

F. David Stanley, Division Director
Ronda Trujillo, Compliance specialist
Kent Barnes, Compliance Unit Manager

DOPL Staff Excused:

Wayne Holman, Chief Investigator

Guests:

Roger Olbrot, Myotherapy College of Utah
Craig Anderson, Ogden Institute Massage
Dave Hunter, Utah Massage Therapy Association
Marie E. Camo, with Carlos Fernandez
Aaron Jones, with Jaclyn Heather Jones
Sherry Totaro Ruben, with John Totaro

TOPICS FOR DISCUSSION

ADMINISTRATIVE BUSINESS:

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from the January 20th, 2009 meeting were reviewed. A motion to approve as written was made by Ms. Muir and seconded by Dr. Engar. Motion carried unanimously.

APPOINTMENTS:

Carlos Fernandez

Ms. Stewart introduced Mr. Fernandez situation and his application for Massage Therapist. Mr. Fernandez

met with the Massage Therapy Education Peer Review Committee a few weeks ago. He has applied for a Massage Therapy License and was denied. He is here to appeal the denial. He is a foreign-trained applicant from Spain who took the MBLEx examination rather than the NCETMB. He applied for licensure under Educational Equivalency, which requires NCBTMB certification.

Mr. Olbrot discussed Mr. Fernandez's qualifications and stated his education was not an issue. He is more than qualified by education to meet the licensing requirements in Utah. The suggestion of the Education Peer Review Committee was to issue a Temporary Massage Therapy license while allowing him to study for the NCBTMB.

It was also the opinion of the Committee that there should be a Rule change regarding Foreign Education Equivalency and required certification. If that change is made, Mr. Fernandez would be licensed. The Board also appeared to be in favor of changing the Rule in that way, as well as other changes that may need to be made. A motion was made by Ms. Muir and seconded by Dr. Engar to issue a Temporary Massage Therapist license to Mr. Fernandez for one year. There will be no restrictions placed on the license. Motion passed unanimously. Within the one year duration of the license, it is possible the Rule change will be made, allowing full licensure.

**COMPLIANCE REPORT:
Ronda Trujillo**

Ms. Trujillo addressed the Board, emphasizing that if a change is made to amend an existing Order it must be noted in the minutes. She advised that the Board members also need to ask probationers where they stand on their criminal charges during the interview. It was suggested that the date of licensure be added to the tracking sheet. She then proceeded to report on the probationers being seen today.

**PROBATION INTERVIEWS:
Penny Anderson**

Ms. Redington interviewed Ms. Anderson. Ms. Anderson missed calling CVI five days in February and it was stressed to her that this is not acceptable. She explained she missed five days in February due to phone problems. She also stated she was depressed and admitted to a positive test. She was asked where she was with her criminal charges and stated she

would fax paperwork to Ms. Trujillo today. It was explained that the Board's and DOPL's responsibility is the protection of the public. Mr. Sauer coached Ms. Anderson on getting her personal life in order. He recommended she consider changing friends.

A motion made by Ms. Muir and seconded by Dr. Engar was to allow Ms. Anderson "one more chance" and have her attend the next meeting on May 19, 2009. She must be compliant at that time or the Board will recommend DOPL pursue an Order to Show Cause. Motion passed with 4 in favor, one opposed (Jennifer H. Pruetz). **Non-compliant.**

Michael Baker

Ms. Muir interviewed Mr. Baker. He stated he is waiting until April to sign up for an approved anger management course. It is an eight week course that does not start until then. He is still working at Beyond Spa. All reports are current. It was suggested he look at other management courses in case this one does not come together for him. He needs to have the course completed by June 17th, 2009. Mr. Baker will next meet with the Board on May 19th, 2009. **Compliant.**

Lisa Bouvier

Ms. Bouvier was interviewed by Mr. Sauer. He discussed the dilute test. She stated she had been doing a "cleanser" and drank a lot of water. There were also several days in February when she missed calling CVI. She claimed not to be aware of having failed to make any calls. The Board stressed she must make changes to become more aware of calling. She stated she felt she was doing great. She has become active in parenting groups within her community. Ms. Bouvier was made aware the Board only sees the paper trail that is provided to them. She has just moved and provided the new address. She was requested to submit paperwork documenting completion of any and all criminal penalties and to continue to submit her 12-step cards. She will next meet with the Board on May 19th, 2009. **Non-compliant.**

Ryan Tyler Holland

Ms. Pruetz interviewed Mr. Holland. He stated he has completed his criminal charges with complete documentation submitted to DOPL. It could not be located in his file so he will look for the documentation and resubmit it to Ms. Trujillo as soon as possible. He is working at Massage Envy

approximately 20 hours per week. Mr. Holland was asked to submit a letter from his employer stating that the employer has read his Memorandum of Understanding and Order. He is also still working 40 hours per week as a welder. Mr. Holland will next meet with the Board on May 19th, 2009. **Compliant.**

Jaclyn Heather Jones

Ms. Redington conducted the interview with Ms. Jones. All reports are current. She is still paying a fine from her criminal charges. She is not working as a massage therapist nor is she currently being tested. She received a second 90 day chip through AA. Ms. Jones intends to get back into the Massage profession in the future, following the birth of her baby. Her next meeting with the Board will be on May 19th, 2009. A motion was made by Dr. Engar, seconded by Ms. Muir, to amend her MOU to relieve her from seeking employment for the next six months. The motion to amend the MOU passed unanimously with Mr. Sauer having recused himself from the discussion and vote. **Compliant.**

Mathew Putman

Mr. Putman was interviewed by Ms. Muir. He stated he feels he does not need to continue with out-patient treatment. He has been sober for over a year. He is working at Massage Envy as the Shift Lead. He was asked to submit documentation of completion of his criminal charges. Ms. Muir made a motion, seconded by Dr. Engar, to modify 5 (b) of the MOU stating he no longer needs to participate in follow-up appointments. Motion carried unanimously. Mr. Putman will next meet with the Board on July 21st, 2009. **Compliant.**

Marisa Kay Martell

Ms. Stewart discussed Ms. Martell with the Board. She had submitted a letter stating she was moving out of state. A motion was made by Dr. Engar, seconded by Ms. Redington, to suspend her probation period at this time and reactivate her MOU if she returns to Utah. Motion carried unanimously. **Compliant** (per terms of discussion).

Melissa Rasmussen

Failed to appear. A letter of non compliance will be sent. **Non-compliant.**

DISCUSSION ITEM

Ms. Stewart informed the Board of a change needed in the Massage Therapy Act brought to her attention

regarding Utah Code Annotated 58-47b-302(2)(e)(ii) which states a massage therapist apprentice must complete a massage apprenticeship program consisting of a minimum of 1,000 hours of supervised training over a **minimum of 12 months** and in accordance with standards established by the division rule made in collaboration with the Board. This should read over a **maximum of 12 months**. Ms. Stewart, therefore, sent 17 letters to the apprentices changing the expiration date on their licenses to May 30th, 2011. The updated expiration date should allow sufficient time to complete the apprenticeship program hours of training required in accordance with the current Massage Therapy Licensing Act Utah Code Annotated 58-47b and the current Massage Therapy Licensing Act Rule Utah Administration Code R156-47b.

Kevin Russon

Failed to appear. A motion was made by Ms. Muir, seconded by Dr. Engar, to refer Mr. Russon to investigations to pursue an Order To Show Cause. Motion carried unanimously.

John Totaro

Mr. Totaro was interviewed by Ms. Pruetz. He is working at Beyond Spa. His supervisor reports are excellent. Mr. Totaro will next meet with the Board on July 21st, 2009. **Compliant.**

Kevin Rock

Failed to appear. **Non compliant.**

Ryan Yakiwchuk

Excused. His notification letter was received too late to make arrangements with his employer to attend. **Compliant.**

Tanya Rodriguez

Ms. Rodriguez was interviewed by Dr. Engar. Ms. Rodriguez is currently receiving unemployment. Her license is active but restricted. She is not nationally certified. As soon as she is working she will register with CVI, however she has completed a drug program with Weber County. She was asked to submit documentation to DOPL that the criminal charges have been completed. She will also inform the Board when employed. She stated she does want to be a Massage Therapist. She views Massage Therapy as a supplemental source of income. She was encouraged by Mr. Sauer not to give up. The Board agreed. Ms. Rodriguez requested to meet with the Board on May 19th, 2009. **Non-compliant.**

Fitlife Wellness Spa/Glenna Peterson

Ms. Glenna Peterson submitted a curriculum for approval of her Massage Therapy Apprentice Program. She had previously presented her program to the Massage Therapy Education Peer Committee and was asked to make some revisions before the program could be approved. Mr. Olbrot reviewed the revisions and stated all changes had been made. The Board felt the curriculum was superior. All members felt it was a great program and all Board members were in agreement to recommend approval of the curriculum and apprentice program.

DISCUSSION ITEM:

Ms. Muir noted for the record she will be out of town and therefore unavailable for the May 19th, 2009 meeting. She would like to be involved in re-writing of the Rule. Ms. Stewart asked that if Ms. Muir had any suggestions of changes they should be submitted as soon as possible.

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.

May 26, 2009
Date Approved

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

May 26, 2009
Date Approved

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