

MINUTES

**UTAH
BOARD OF MASSAGE THERAPY
Meeting**

March 15th, 2011

**Room 464 – Fourth Floor – 9:00 a.m.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED: 9:00 a.m.

ADJOURNED: 12:12 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Sharon Muir, Chairperson
Hal Morrell
Jennifer H. Pruetz
Carolyn Redington arrived at (9:10)
Craig Sauer

Board Members Excused:

N/A

Guests:

Dave Hunter, Broadview University
Roger Olbrot, Myotherapy College of Utah
Ron Findlay, American Massage Therapy Assoc.
Kirk Jorgensen, American Massage Therapy Assoc.
Byron Sterling, spouse of Aimee Lynn Henriod
Jesse Dolci, Utah College of Massage Therapy

DOPL Staff Present:

Neena Bowen, Compliance Specialist

**ADMINISTRATIVE BUSINESS:
MINUTES:**

DECISIONS AND RECOMMENDATIONS

The minutes from the January 18th, 2011 meeting were reviewed and corrections noted. Ms. Redington made a motion, seconded by Mr. Morrell, to approve the minutes with corrections. The motion passed unanimously.

**COMPLIANCE REPORT:
Neena Bowen, Compliance Specialist**

Ms. Bowen gave the report on the probationers being seen today.

**PROBATION INTERVIEWS:
Corinne Kay Odekirk**

Ms. Muir interviewed Ms. Odekirk. She stated she is doing well at her job. She is still the most requested Therapist at her work. The Board noted her employment report will now be due on a quarterly basis. The next one will be due by the 1st of the month

Corinne Kay Odekirk (Continued)

each quarter, beginning June 1st 2011. The Board noted everything is in order. The Board requested to see her at the May 17th, 2011 meeting. **Compliant**

Lisa Ann Bouvier

Mr. Sauer interviewed Ms. Bouvier. She stated her father is receiving cancer treatments and she will be very busy. She also noted it is hard to have her parents so far away. She stated she is being careful with the testing; that it is a looming feeling. She was pleased to have it confirmed she did not miss any calls. She stated the responsibility had shifted at work so she was not doing as much clerical work. She stated she has developed a fun rhythm in her life and she stays in contact with her sponsor. She also stated she is a completely different person now from who she was at the beginning of probation. With all the struggles, she stated she finally feels like there is light on her path. The Board noted they enjoyed hearing Ms. Bouvier talk positively about her life. Ms. Bouvier stated she had been on probation for 3 years. She would love to write something for the Board, of what she has learned. She stated she has found the tools to help her with her addiction. The Board suggested she continue to use the tools to keep the positive attitude. The Board requested to see her at the May 17th, 2011 meeting. **Compliant**

Jennifer Anna Boley

Ms. Redington interviewed Ms. Boley. She stated she is working in the field and the work is going good. She stated they are getting more couples massages, which they wanted. Her next employment report will be due June 1st 2011. She is getting to know more therapists and enjoys seeing what they are doing and learning from them. The Board requested to see her at the May 17th, 2011 meeting. **Compliant**

Aimee Lynn Henriod

Mr. Morrell interviewed Ms. Henriod. She stated she went through school and graduated to try and get her life together. She stated there has been so much stress from being on probation, trying to meet all the requirements of her MOU and losing her job, that her doctor has put her on anti-anxiety medication. She stated she feels the Board is being unduly hard on her. She said she had done her time; she had paid her dues. She is a good person and she is helping others. The Board noted she had signed the MOU with its terms and conditions. She stated she was not told she could have an attorney look at it or ask questions about

Aimee Lynn Henriod (Continued)

before she signed it. She wanted to go to work and so she signed the MOU. She stated the schools should tell perspective students about the possibilities if they have any charges. The Board told her she had two choices; she may agree to a voluntary surrender of her license or she may meet the terms and conditions in her MOU. She stated she wanted to keep her license but it was just too much. The Board explained they were here to help her get through probation. She was very distraught and it was agreed that she and her spouse will talk with Ms. Stewart after she has been able to calm down. She will be seen at the May 17th, 2011 meeting unless she surrenders her license before then.

Non-compliant

Aaron Thomas Keefe

Mr. Morrell interviewed Mr. Keefe. He stated he was still working at Kimberly-Clark. He stated things are going well where he is working. He indicated the original plan was for him to go to work where he had gone to school, but he has been unable to get insurance and he can't go to work until he gets insurance. The Board suggested he continue to contact the insurance providers they had provided names for and not give in. His probation officer faxed his drug test to Ms. Bowen. He stated he is trying to find a massage therapy job closer to home. He is thinking about full-time at Kimberly-Clark because of the benefits to his family. The Board requested to see him at the May 17th, 2011 meeting. **Compliant**

Roger Lee Newcomb (Non-disciplinary Order)

Ms. Pruetz interviewed Mr. Newcomb. He stated he is still working doing medical massages and he is doing about 10-15 massages per week. The Board asked him if he had any questions or concerns; he stated that 'no, he was fine'. The Board noted he is just 'checking in with them' since this is a non-disciplinary MOU. The Board recommended Mr. Newcomb to come into some Board meetings and see what goes on at these meetings with other people during their probation interviews. The Board requested to see him at the May 17th, 2011 meeting. **Compliant**

Michael Parley Baker

Mr. Baker did not appear for his appointment with the Board. There has previously been an Order to Show Cause Hearing at which he convinced the Board to let him try again. Ms. Redington made a motion, seconded by Mr. Sauer, to request a voluntary

Michael Parley Baker (continued)

surrender and that if he doesn't comply that DOPL seek an Order to Show Cause. The motion passed unanimously. **Non-compliant**

Caroline Cluff Hanlin

Ms. Pruetz-Hannah interviewed Ms. Hanlin. She stated she is working in the field doing 24-30 massages a week at work. Her employer reports state they are very pleased with her at work. She stated previously she would get to the AA meetings and she made it. She has been keeping really busy helping a friend do some work on her house. Sometimes she calls the testing agency more than once a day; to make sure she doesn't miss a test. She stated she is keeping busy. The Board noted they were impressed. The Board suggested she keep up the networking. The Board requested to see her at the May 17th, 2011 meeting. **Compliant**

NEW STIPULATIONS:

Charla Michele Tuttle

Ms. Tuttle did not come in for her appointment with the Board. The Compliance Unit made it clear during her initial interview she was to come in to the Board. The Board requested Ms. Bowen contact Ms. Tuttle with the Board's request to see her in person at the May 17th, 2011 meeting. **Non-compliant**

Hearing for Michael Beidler

Judge Eklund informed the Board he would let them know when Mr. Beidler appeared. He did not come for his hearing.

DISCUSSION ITEMS:

Proposed Rule Change

The Board discussed H.B. 243. There are two sections that pertained to the Massage Therapy Practice Act. One was the definition of the practice of massage therapy in section 58- 47b-102(6). It deleted the word "therapeutic" and added an additional purpose. This change seems to have caused a national ripple. The Division explained we were attempting to close a legal loophole. Citation authority for unlawful conduct was also grant in that bill. The penalties are addressed also but should be address in the Rule. These changes will have some effect on any changes made to the Rule. The new laws would be enacted May 10th 2011.

The Board may want to wait to make the proposed Rule changes until after the effective date of the changes to the Act. The only currently proposed Rule changes are the same changes that were discussed at the last Board meeting. The restrictions of the two apprentices per supervisor still apply. The addition of

penalties for citations will be considered at the next Board meeting. The Board requested Ms. Stewart draft some language, possibly referencing the section in the Cosmetology and related licensing Rule.

Salt Lake Tribune Article

There was an article in the Salt Lake Tribune on Saturday, March 12th, 2011, concerning Massage Therapy and the licensing thereof. It called attention to two areas; one to show licensing and referenced a second website people can check for licensure beside the DOPL website. The other site is www.utahsright.com. The article appeared to be very favorable. It is available online. Anyone wanting to see it can go to www.sltrib.com, searching for Massage Therapy. The byline was Christopher Smart and Tony Semerad. Mr. Steinagel, Sharon Muir and Roger Olbrot were all quoted.

Mr. Steinagel noted DOPL was not trying to cause trouble in changing the definition of the practice of massage therapy but was trying to fix a problem. The Board discussed that the negative comments are just an education issue. The Board noted again that often they hear from probationers who claim to have had no idea their criminal history will affect their licenses. The schools that were present commented they told students there could be a problem including one school printing off the section of the Rule on good moral character and having the students read it and sign it. The Board also noted people can pull there own criminal history report or go the BCI if they have questions about their record. The rule states in part that the division “shall consider” certain criminal history in licensing. DOPL cannot give true consideration beforehand as there is no relationship with the individual until they apply for licensure. If an applicant meets the other requirements for licensure, DOPL will then look at a person’s criminal history. Some of the school stated through out the school year the students are reminded if a student participates in criminal activity, depending on their charges they may be put on probation and come before the board. The Board discussed the option of students coming in and sitting through a Board meeting before they graduate.

NEXT SCHEUDLED MEETING: Tuesday, May 17th, 2011

ADJOURN: **12:12 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 17th, 2011
Date Approved

(ss) Sharon Muir, Chairperson
Board of Massage Therapy

May 17th, 2011
Date Approved

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