

MINUTES

UTAH
BOARD OF MASSAGE THERAPY
Meeting

November 19th, 2013
Room 475 – Fourth Floor – 9:00 a.m.
Heber M. Wells Building
Salt Lake City, UT 84111

CONVENED: 9:00 a.m.

ADJOURNED: 11:10 a.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Sharon Muir, Chairperson
Carolyn M. Redington
Hal Morrell
Micheal Black

Board Members Excused:

Craig Sauer - absent

Guests:

Roger Olbrot, President, American Massage Therapy
Association – Utah Chapter AMTA
Kirk Jorgensen AMTA
Don Liufau, UCMT
Jennifer Jones, UCMT
Randi Mears, Massage Envy

DOPL Staff Present:

Mark Steinagel, Director
Debra Troxel, Compliance Specialist
Allyson Pettley, Investigator

ADMINISTRATIVE BUSINESS:

MINUTES:

The minutes from the September 17th, 2013 meeting were reviewed. Ms. Redington made a motion, seconded by Mr. Black to approve the minutes as written. The motion passed unanimously.

Compliance Report

Ms. Troxel reviewed the report on the probationers being seen today.

PROBATION INTERVIEWS:

Jennifer Richins

Ms. Richins did not come in for her appointment today. The Board noted she had a \$50.00 fine that had not been paid. The Division noted the fine could be held on DOPL's accounting books for 50 days; then it must go to debt collections. There are alternatives but we are not getting any response from Ms. Richins. A fine amount of \$300.00 was recommended by the Board to

Jason Meinhart

Ms. Pettley, the investigator. The Board noted it is in the massage therapy code of ethics to report on others for working without a valid license. **Non-compliant**

Mr. Black interviewed Mr. Meinhart. He turned in his employer report today. Ms. Troxel stated she had talked to Dr. Conger that he is doing well, except for the tardiness. He is doing better with that now. He had to revamp his schedule to get kids to school. The Board suggested he try a form of carpooling with the mothers that may have children going to school. He is trying to figure out ICD 9 coding. He has emailed Roger Olbrot looking for possible solutions. The State needs more codes for massage therapist services. Dr. Conger stated "If you're early, you're on time; if you're on time, you're late." Mr. Meinhart stated he is creative. He launders the towels for clients and in some situations they use disposal towels. The Division and Mr. Black recommended he did not need to meet with the Board again until the March 2014 meeting. **Compliant**

Heather Welch

Mr. Morrell interview Ms. Welch. At the last Board meeting she was working and spaced the appointment. She says she is the only therapist at that location. She stated she was let go because she was not up front about her probationary license. The work was very hard because she was the only therapist there. There was lots and lots of work. It was 5 days a week. She stated she has been very busy with family. The Board stated she needs a supervisor and cannot have a private practice. She is getting a car for Christmas. The Board stated she had ten missed check-ins and missed two tests. She has not paid the fine. The Board stated the fine should have been paid in September. The Board stated any probation violations were grounds for writing citations. The fine was \$100.00, the second citation will be from \$251.00 to \$500.00. There will be no third citation it will be moving to revoke the license. If the fine is not paid it will be referred to debt collection. She will get calls from the debt collection agency. Ms. Troxel stated she had sent her the employer forms and has talked to her a couple of times. The Board stated they are here to help. The Board suggested she re-read her MOU. She stated she is not getting mail. The Board suggested she get a P. O. Box. She needs to find a way to get her mail. The Board requested to see her at the January 2014 Board

meeting, and in compliance. The Board stated if she is not-compliant they may move to revoke her license. She was told she must be compliant to make time count towards probation. The Board also stated she should reach out to her resources. **Non-compliant**

NEW STIPULATIONS:

None

DISCUSSION ITEMS:

Garet Ammon Bevan – Informal Agency Action

The Division requested the Board's decision on an informal agency action. The Division noted that notice was sent to him of this action. Garet Ammon Bevan was originally licensed on November 5th, 2012. He was licensed with a Memorandum of Understanding and Order at that time but has failed to abide by those terms and conditions. He has failed to meet with the Board. He failed to submit a 3-5 page essay documenting the Anger Management Course required by his criminal sanctions. He failed to practice the required number of hours in the profession. He has failed to notify the Division of his employment status, or submit any employer reports. The Board has never met him. The Division assumes he is receiving notification as mail is not being returned and the certified mail return card was signed by someone at that address. It appears there has been no effort on his part. Mr. Morrell made a motion, seconded by Mr. Black, to recommend the Division revoke his license and not permit his to reapply for five years. The voting was unanimous.

FSMTB – Sharon Muir

The FSMTB sent an e-mail to Mr. Steinagel, stating it was important to have a delegate from Utah attend their meeting. Ms. Muir was requested to attend. She stated the FSMTB goals and the NCBTMB goals are different. The NCBTMB works on a certification process. The FSMTB is an organization that works with member Boards. They are working on compiling a curriculum template, so the training would all be the same across the Board. She noted there was a lot of passion for the profession within the group. Ms. Muir stated she learned a lot. The Division has determined it is an important organization to belong to so DOPL pays organizational dues to the FSMTB. They hold annual meetings and workshops often.

Sunset Review – Licensing Review Committee

Mr. Jorgensen from the AMTA Chapter met with the Board and stated to the Board that the Massage

Therapy Practice Act is set for automatic repeal (sunset) this year. The criteria for reinstating the law changed last year. It now requires demonstrating a compelling reason to protect the public against a present and recognizable and significant harm. Kirk Jorgensen and Roger Olbrot testified before the Legislative Committee as to how the education and exam requirements helped prepare students in a way so that they can work without harming the clients. Ron Findlay testified about how the licensing act and rule also helps protect massage therapist. There was a lot of research presented. The result of this was that a motion was made by the Committee to send a recommendation to the Legislature to reinstate the Act. The Board requested a copy of the list Mr. Jorgensen and Mr. Olbrot had compiled to be electronically sent to Board members. The Board commented on how well the massage therapists are represented and thanked Mr. Jorgensen and Mr. Olbrot. The Board stated they know some changes are coming. The Division will be happy to disperse the information when they get a copy.

Possible changes to the Massage Therapy Practice Act.

The Board discussed the handout showing there has been a reduction in the number of massage therapists going to school. They determined it has to do with the economy and not having as many federal dollars being available for schooling. The Association did a survey on how people felt about continuing education (CE) being required and how many hours should be required. The survey suggested 7-10 hours per year with 14-24 being required for a renewal cycle. The Board discussed how CE gives the Massage Therapy profession an additional legitimate reason for a licensing. They discussed that CPR requirements should be separate from CE so the hours for CPR could be revised easier; with maybe some test-out options etc. They also discussed re-wording the advertising section in the scope of practice and considered a display of the Massage Therapist licenses which will make it easier for inspections. The Board also discussed when an employer “knowingly hires” an unlicensed individual or the individual performs an illegal act. The employer states he did not know they were not licensed, what they were performing they were private contractors or doing booth rental. The “umbrella” Act, UCA 58-1, requires the Division to

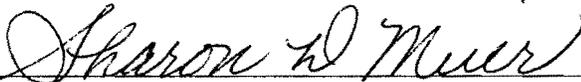
prove the employer knew. The Board noted AMTA has a lobbyist for this sort of changes. DOPL does not have a lobbyist as we stay neutral as much as possible since we administer the law.

ADJOURN: 11:10 a.m.

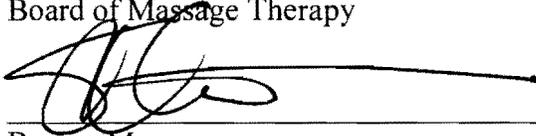
No motion required

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.

1-21-2014
Date Approved


Chairperson
Board of Massage Therapy

01/21/2014
Date Approved


Bureau Manager
Division of Occupational & Professional Licensing