

MINUTES
BOARD OF MASSAGE THERAPY
JULY 18, 2023 • 9:00 A.M

Hybrid Meeting

Convened: 9:03 a.m.

Adjourned: 2:45 p.m.

BOARD MEMBERS PRESENT:

Maile Tau'a-Roberts, Board Chair
Roger Olbrot
Anita Egbert
Gloria Miley
Benjamin Smith

DOPL STAFF PRESENT:

Bobbie Loy, Bureau Manager
Tynisha Lutz, Board Secretary
Bernice Palama, Compliance Specialist
Jenna Mayne, Testing Program Manager

Jack Guenon, Investigator
Mark Baca, Investigator
Allyson Pettley, Bureau Manager

GUESTS:

Jeremy Gull	Randall Nikola	Kirk Jorgensen	Ashley Hernandez
Christe Bomber	Christine Hooper	David O'Brien	Kendall Little
Tara Kolojejchick	Wynette VanAusdal	Jeff McGrath	Peggy Layton
Libiann Tangreen	Jadine Hausen		

NOTE: OTHER GUESTS MAY HAVE BEEN IN ATTENDENCE ELECTRONICALLY BUT WERE NOT IDENTIFIED

ADMINISTRATIVE BUSINESS: (00:02:27)

Minutes: (00:02:28)

Mr. Olbrot motioned to approve minutes with minor changes from the May 16, 2023, meeting. The motion, seconded by Ms. Tau'a-Roberts, passed unanimously.

Investigation Update: (00:04:05)

Mr. Baca provided the Board with an investigation update.

Ms. Loy let the board know that instead of a board meeting there more than likely be a formal hearing on November 14, 2023.

Mr. Guenon discussed the type of complaints that are submitted to the division.

DOPL Social Media Accounts: (00:10:36)

Ms. Loy discussed the newly created social media accounts for DOPL. The Facebook page is Utah Division of Professional Licensing. The Instagram page is Utah DOPL.

INTERVIEWS AND COMPLIANCE UPDATE: (00:12:55)

Ms. Palama provided the compliance report.

Tyler Cheatwood: (00:13:40)

Mr. Cheatwood attended his appointment with the Board. Mr. Cheatwood answered questions from the Board and DOPL regarding his compliance and probationary order.

The Board discussed changing Mr. Cheatwood's attendance from all board meetings to every other meeting. Ms. Tau'a-Roberts motioned to move him to meeting with the board on a quarterly basis. The motion, seconded by Ms. Egbert, passed unanimously.

Mr. Olbrot motioned to find Mr. Cheatwood in compliance. The motion, seconded by Ms. Tau'a-Roberts, passed unanimously.

Jeremy Gull: (00:22:05)

Ms. Palama discussed the compliance report for Mr. Gull. As of the date of this meeting, Ms. Palama has not received a confirmed appointment nor has the Division approved a licensed mental health professional to complete the fitness for duty evaluation and is now past due. Mr. Gull had set up an appointment with a physician assistant, however it was denied by the Division. Mr. Gull must complete the evaluation with a licensed mental health professional. As of the date of this meeting, no CEs have been received. Ms. Palama noted the board will need to motion on compliance and a discussion about fit for duty evaluation appointment that is now past due.

Mr. Gull answered questions from the Board regarding his probation order and compliance issues. Ms. Loy discussed the CE requirements, as discussed at the May 16, 2023, meeting.

Ms. Tau'a-Roberts motioned to find Mr. Gull non-compliant with probation with a \$0 fine. The motion, seconded by Mr. Smith, passed unanimously.

Mr. Olbrot stated he would like to see Mr. Gull providing prompt responses to the Board and Ms. Palama.

Ms. Tau'a-Roberts stated Mr. Gull's fitness for duty needs to be completed before he can start work. Mr. Gull has let his deadline expire and will have 30 days to get the appointment set.

Kendall Little (00:38:43)

Ms. Palama discussed the compliance report for Mr. Little. Mr. Little was placed on probation on June 29, 2023, with an open ended probation date. Ms. Palama indicated that the board will need to motion if Mr. Little is in compliance today.

Meeting Closed to Public (00:41:12)

At approximately 9:44 AM the Board meeting was closed to the public in accordance with Utah Code Annotated: 52-4-205(1)(a) to discuss the character, professional competence, or physical or mental health of an individual.

Meeting Opened to Public (00:41:30)

At approximately 9:59 AM the board went back on public record.

Mr. Olbrot motioned to amend the order to include 4 hours of ethics pertaining to boundaries, and no breast massage. The motion, seconded by Ms. Tau'a-Roberts, passed unanimously.

Mr. Olbrot motioned to find Mr. Little in compliance. The motion, seconded by Ms. Tau'a-Roberts, passed unanimously.

CURRICULUM REVIEW: (00:49:46)

MPower Career Training- Curriculum Review (00:50:05)

Attendees reviewed and discussed MPower Career Trainings curriculum and recommendations for change from Mr. Olbrot. Representatives for MPower included: Tara Kolejchick, Christe Bomber, Jeff McGrath, and David O'Brien. The Board answered questions from MPower representatives about the curriculum changes recommended by Mr. Olbrot.

Ms. Tau'a-Roberts noted MPower will have until August 18, 2023, to submit the corrected curriculum to Ms. Lutz. If a corrected curriculum is received by the date specified, then MPower will be asked to attend the September meeting.

Health Effects: Thelma Wynette VanAusdal- Curriculum Review (01:21:20)

Attendees reviewed and discussed the Health Effects massage therapy curriculum and recommendations for change from Mr. Olbrot.

It was explained to Ms. VanAusdal that she needs to go through the curriculum guideline and submit the curriculum in the format provided by DOPL.

The board advised Ms. VanAusdal to review the guidelines and submit the curriculum with a syllabus for each and every class. They asked that she does not submit the curriculum with any strike throughs and instead submit a clean, new curriculum in the format outlined in the guidelines. Ms. Lutz noted that the first review of the curriculum was at the January massage education peer committee meeting. The second review of the curriculum was at the March massage education peer committee meeting. Ms. Loy noted that at the March meeting, Ms. VanAusdal's curriculum did not meet the curriculum submission guidelines or approved format. Ms. Loy reiterated the discrepancies in her curriculum that were explained at the massage education peer review committee meetings.

Ms. Tau'a-Roberts noted Ms. VanAusdal will have until August 18, 2023, to submit the corrected curriculum to Ms. Lutz. If a corrected curriculum is received by the date specified, then MPower will be asked to attend the September meeting.

DISCUSSION AND ACTION ITEMS: (01:54:50)

Spectrum: (01:54:51)

Ms. Palama discussed Spectrum and how it is used to review compliance reports. Within Spectrum, board members can view the compliance report, each individual report, the interview sheet, and other associated documents. The purpose is to provide additional security and replace paper documents.

Ms. Loy asked if board members would like to use spectrum for future meetings.

Ms. Tau'a Roberts noted she would like to use spectrum. Mr. Olbrot agreed.

Massage Apprenticeship Exam: (02:05:40)

Ms. Loy discussed the apprenticeship exam requirement as mentioned in the Massage Therapy Practice Act, 58-47b-302(3)(e) She asked the board to decide on what that exam would be, if this requirement would need to be removed from statute, or what the best course of action would need to be moving forward.

Mr. Olbrot noted that he would like to see an individual take and pass a law and rule exam before an apprenticeship license is issued. Ms. Egbert agreed that it should be done before licensure as an apprentice. Ms. Loy clarified that it would be a requirement to pass a law and rule exam before becoming an apprentice, not after.

Ms. Mayne noted that all exams are now computer based and that DOPL would start gathering subject matter experts who would help narrow down what the requirements would be. The process takes about 90 days to develop the exam and get the rules changed for it.

Ms. Loy noted that this requirement would be applicable just for apprentices.

Mr. Olbrot moved to develop a Utah law and rules exam to be taken prior to obtaining an apprenticeship license. The motion, seconded by Ms. Tau'a-Roberts, passed unanimously.

BREAK FOR LUNCH: (02:20:45)

Attendees paused the meeting and took a lunch at 11:49 am. Board meeting resumed at 12:33 pm.

R156-47b Rule Review: (02:21:41)

Attendees discussed proposed changes to the Massage Therapy Practice Act Rule R156-47b.

Ms. Loy shared her screen and made revisions and suggested changes as per the discussion.

Ms. Tau'a-Roberts motioned to approve the rules as revised at today's meeting, The motion, seconded by Mr. Olbrot, passed unanimously.

The revised draft of R156-47b will be submitted to Deborah Blackburn the Associate Director of DOPL for review.

TENTATIVELY SCHEDULED MEETINGS

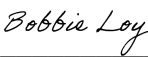
September 19, 2023

November 14, 2023

ADJOURN: 2:45 P.M.

09/12/2023 
[Maile Tau'a-Roberts \(Sep 12, 2023 07:55 MDT\)](#)

Date Approved Board Chair – Board of Massage Therapy

09/12/2023 

Date Approved Bureau Manager – Division of Professional Licensing

Note: These minutes are not intended to be a verbatim transcript but are intended to record a summary of the business conducted in this meeting. Discussed items are not necessary shown in the chronological order they occurred.