

Meeting Minutes
Iowa Board of Massage Therapy
June 5, 2012
Lucas State Office Building, 5th Floor Conference Room #526
Des Moines, Iowa

Call to Order: 10:01am

Roll Call:

Members Present:

Dallenbach

Ellsworth

Clark

Reif

Belieu

Members Absent:

Staff Present:

Wilson

Hidlebaugh

Huey

Christiansen

Gavin

Guests Present:

Jeff Cook, Intern at AAG

Review Agenda:

Approval of Minutes:

March 7, 2012 Correction: MBLEX not ABLEX Dallenbach/Reif All ayes

March 29, 2012 Ellsworth/Reif All Ayes

Election of Officers:

Nominations for Chair: Mary Dallenbach/Ellsworth

Nominations for Vice-Chair: Larry Ellsworth/Reif

Public Comment: No Report

Reports:

Chair: No Report

Board Executive: Pierce asked the members to the march 29th add \$50 per diem to your travel payment forms for that meeting conference call.

Bureau Chief – Barb Huey updated the board members on the new software system that is now in the testing process.

AAG: Meghan Gavin gave members an update on the legislative session and how it affected the board. Meghan introduced Jeff Cook, Intern for the summer in the AAG office.

New Business:

Law and Rules and Board Response related to Unlicensed individuals: The Board discussed the issue of unlicensed individuals who have been reported to the Board as practicing. Pierce summarized that the Board has given administrative authority to staff to issue a cease and desist letter to the individual as well as to send copies of the complaint and cease and desist letter to the county attorney's office as well as any other entity as their employer or mall management if they are working in a mall. The Board is able to share this information because unlicensed individuals are not protected under confidentiality laws. While the Board has not pursued fines, this board can actually fine an unlicensed individual. In the past the AAG office has not advised the board do this because there is no way to force the unlicensed individual to pay the fine. Members would like to look into the Iowa Off-Set program which would flag the individual that has been fined and if the fine is not paid to the State it will be subtracted from any tax refund owed to the individual. Meghan will research this issue to report back to the Board at its next meeting.

Iowa Administrative Rules Discussion

Pierce distributed a handout to members regarding program hours and continuing education hours. Some years ago the Board increased the number of continuing education hours required. The extra hours were to provide licensees to take courses that may enhance the massage services they provide but were not core hands-on massage therapy training. It is being suggested that the Board consider reducing the number of hours back to the core 12 hours since licensees can take any additional hours they choose but just couldn't get credit for them. This provides licensees more flexibility and addresses some of the past complaints the Board has received regarding the required number of hours and cost of continuing education. Reducing it to 12 hours keeps the Board in compliance with the stipulations of the Iowa Code. Rhonda suggested that ethics should be added to the continuing education requirement. This will be discussed further at the next Board meeting.

Board took a 10 minute break at 10:53am

Board Responsibilities Review:

Complaints:

Closed Session:

Case # 11-018 – Hong Chinese Massage. Board approves the Statement of charges.

Case #11-020 sent combined charges and settlement by Meghan. She had medical issues and intended to voluntarily surrender her license but the AAG is now not able to get in touch with her and she has still not complied with the audit. Board decided to go forward with the SOC.

Meghan will draft the SOC and Pierce will have members approve them at the next conference call.

Case #11-022 Signed Combined SOC citation of warning.

Case #11-023 Signed combined SOC citation and warning.

Case 11-024 Meghan sent combined SOC and she has not responded. Will go forward with SOC.

Case 11-026 Proposed SOC. Charged and convicted of simple assault during a massage session. Meghan suggests two charges on this case. Suggesting SOC with conditions for a settlement if licensee agrees to settle. Board agrees to go straight to hearing

Case # 11-029 signed combined citation and warning.

Case #11-030 complaint male client claims that he has a sexual addiction that the massage therapist was aware of. Male is claiming the massage therapist exploited his sexual addiction. DIA investigated this case talked with both parties, this is she said he said case, no evidence of circumstances. Massage therapist is working on an expired license (2008). Pierce suggests that the board does not rush through this case, it needs more review. The public is not at immediate risk at this time.

Rhonda Reif left the meeting at 1:47pm.

11-031 failed audit – Offered a combined, she claims she never received the audit letter. She has since sent in all of her continuing education. Close case with a letter of warning.

12-002 – combined not signed. No response from licensee. Go forward with SOC.

12-003 will have a combined SOC to sign soon.

12-004 – Meghan suggests the board table this complaint until the next meeting so there is plenty of time for members to review this case.

12-005 table this till next meeting

12-006 – 010, 011, 012, 013, 016 failed audit – no response. Offer of combined SOC.

12-014 Ethical and more of an employee/employer issue. Close no probable cause.

Return to open at 2:04pm dallenbach/mary

Open session at 2:04pm

Motion to approve comb 11-022 maryjill

Motion to approve 11-023 larry/coy

Motion to 11-029 approve comb jill/coy

Motion to 11-018 to file SOC for Shuling Liu mary/jill

Motion to 11-018 to file SOC for Jingyin Bai larry/coy

Motion to close 12-014 jill/mary

Motion to file SOC 11-026 mary/coy

Application Jordan Brown. Applied to renew his license and answered yes to conviction of disciplined by another licensing board. Meghan recommends doing a licensure by consent serving probation on his license. Meghan will contact Brown to work towards this resolution.

Motion made to adjourn the meeting at 2:14 mary/larry

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