Meeting Minutes

IOWA BOARD OF MASSAGE THERAPY

December 13, 2011

Lucas State Office Building 5th Floor Conference Room #526

Des Moines, Iowa

Call to Order:
Mary Belieu, Chair called the meeting to order at 9:03am.

Roll Call:
Members Present: Mary Belieu, Larry Dallenbach, Jill Ellsworth, Adam Schweers.

Staff Present: Tammy Hidelbaugh, Marvin Firch, Barb Huey, Pierce Wilson, Barb Christiansen, Meaghan Gavin.

Public Present: None

Review Agenda:

Approval of Minutes:
A motion was made to approve the minutes of the September 6, 2011 meeting. MSC: Schweers/Dallenbach. Unanimous

Public Comments: None

Reports:
Chair – Mary reported she was not able to attend the Annual Meeting in California because of a family emergency. Mary noted that Kathy Jensen, past chairperson of the Iowa Massage Therapy Board, was elected president of the Federation of State Massage Therapy Boards.

Board Executive – Pierce reported he is still receiving questions regarding the code change requiring 600 hours for a training program. The Board approved noticing a rule change to make the rules consistent with the Code. As discussed in earlier meetings the Governor has made the creation of jobs a State priority. In line with that priority, the Governor's office staff now reviews all rule changes for job impact. It has been determined that the change in hours may result in impacting jobs which requires an impact statement on Iowa jobs to be submitted with the noticed rule. The noticed rule was sent back requiring a jobs benefit analysis be done prior to rule submittal. The analysis has not been done yet and will be completed as time permits given other Board projects with higher priorities. Since Code requirements pre-empts rule requirements there isn't as much of a mandate to make the change in rules since it is in effect already.

AAG: Meghan Gavin – Meghan attended the Governor's Orientation Training in October and offered to make copies of the materials that were presented at this training available to the board members who did not attend. Governor's office is interested in doing a 5 year rolling sunset on administrative rules. Meghan stated that this means that IDPH will examine all of its rules making sure that they are compliant with the code whenever the Department is placed on the agenda for rules review. There was no specific timeframe provided but Meghan indicated it would be sometime in the next five years.

New Business:
Massage Therapy brochures –Marvin Firch drafted several public education papers in response to a Board request. The tri fold brochure is designed for the general public. The brochure will be posted on the web. Marvin mentioned that this would be a prototype for each professional board within the bureau. Marvin also prepared a fact sheet, one page, color, it also will be post on the web, This fact sheet is geared more to public and private entities such as Shopping Malls where there may be people who are not licensed but practicing. Another one page document was presented the board regarding enforcement of Cease and Desist orders. The document will be sent along with the Cease and Desist order when a case is sent to the County Attorney's Office. Pierce asked the massage therapists on the board to find articles or information about the public who may have been injured by getting a massage from someone who is not licensed. Could use this information for articles written to protect and educate the public. Marvin also asked about any trade organizations that would publish an article. Mary Belieu suggested the Iowa Bar Association, or Sheriffs Offices.

Break at 9:56am to prepare for the hearing.

Applications:
The Board discussed one application…….

A motion was made to go into closed session at 11:11am. MSC: Ellsworth/Schweers. Unanimous.

Returned to open session at 11:50am

New Business Continued:
Unauthorized practice without a license: This case can be discussed in open session since person is not licensed.
#11-019 – Individual practicing without a license. Board will close the case with a Cease and Desist letter to the and County Attorney's Office. The complainant will also receive a copy of

the cease and desist. After sending the letter the case will be closed. The question was raised whether the spa owner /manager is a licensed individual. If so the owner could be referred to the board they were licensed with and then disciplined appropriately for hiring unlicensed individuals.

Finalize actions from closed session.
#11-019 – Motion made to send Cease and Desist letter. MSC: Ellsworth/Schweers. Unanimous

#11-005 - A motion was made to approve Combined Statement of Charges as discussed in closed session. MSC: Dallenbach/Belieu. Unanimous

#11-013 – A motion was made to approve Combined Statement of Charges as discussed in closed session. MSC: Schweers/Belieu. Unanimous

#11-014 – A motion was made to approve Combined Statement of Charges as discussed in closed session. MSC: Dallenbach/Belieu. Unanimous

#11-015 – A motion was made to approve Combined Statement of Charges as discussed in closed session. MSC: Schweers/ Belieu. Unanimous

Meghan will draft other documents and bring them back to the board for formal action.

The hearing scheduled for 1:00pm today has been continued.

A motion was made to go into closed session at 12:13pm. MSC: Schweers/Ellsworth Unanimous

Board returned to open session at 12:19pm.

A motion was made by the board to dismiss the Statement of Charges brought against individual for non- payment of fines. MSC: Schweers/Ellsworth.
Roll call taken:
Belieu – Nay
Schweers – Aye
Ellsworth – Aye
Dallenbach – Aye

A motion was made to adjourn the meeting at 12:20pm. MSC: Schweers/Ellsworth. Unanimous.