BEFORE THE STATE OF OREGON
BOARD OF MASSAGE THERAPISTS

In the Matter of the licensure of **PERISHO, KARI A** LMT #10257 Licensee	Case No. **1475** **FINAL STIPULATED ORDER** *(Civil Penalties)*

1.

Pursuant to ORS chapter 687, the Oregon Board of Massage Therapists (*Board*) is the agency responsible for licensing, disciplining and regulating massage therapists in the State of Oregon.

2.

Kari A. Perisho (*Licensee*) is currently licensed to practice as a massage therapist in the State of Oregon and is subject to the jurisdiction of the Board. Licensee's last known address is 290 Warner Milne Road #27, Oregon City OR 97045.

FINDINGS OF FACTS

3.

On 10/11/2012, the Board received a complaint alleging that Licensee was engaging in unprofessional conversation during session. Interviews were conducted, records were obtained and the Licensee was found to be in violation.

4.

4.1 On 10/11/2012, the Board received a complaint alleging various violations of unprofessional or dishonorable conduct. The Board investigator met with the complainant to discuss the complaint further. Among the allegations include arriving late to session; inappropriate conversation with a client during session which included disparaging comments about other health professions; failure to respond to client's discomfort regarding pressure and pain level; physically assaulting the client when the client attempted to leave; and calling the client a "bitch". The complainant alleged that the session lasted

only twenty minutes before it was ended by the Licensee, citing that their energy wasn't right and that she was going to have to stop and reschedule for another time. The Complainant stated that she would not return and that she wanted a refund, as she had pre-paid for the service through a third party. The Complainant stated that the Licensee refused to leave the room so that she could dress, and instead stepped behind a partition. The Complainant reported that as she left, she heard the Licensee yell after her, calling her a "bitch". She then turned back to tell her not to talk to a client that way, and alleges that the Licensee then physically grabbed her arm and roughly shoved her outside. The Complainant alleged that the Licensee was mentally unstable.

4.2 The Board investigator met with Licensee on 11/06/2012. At that time, she discussed the allegations of the Complainant. Licensee admitted to having issues with the client. When asked to explain the issues with the client, Licensee provided a statement that she was dealing with difficult personal issues that was of no relevance to this investigation. She then explained she found that she was unable to provide a pressure which pleased the client, and she thought it would be unprofessional to continue, so she ended the massage. Licensee attempted to get complainant to focus on something positive during the massage. The Licensee said that the client started calling her names and that at that point Licensee admitted to telling the client to "Get the fuck out" and admitted that after the client went outside her business and was bad mouthing her business loudly, that under her breath she called the client a "bitch." Licensee stated that the client came at her so she restrained her and pushed her out the door and locked it, so she couldn't come back in. She claims that she did not grab the client hard or shove her hard, but that it was just enough to get her out the door. Licensee states she did not hold tight enough to bruise the client.

4.3 Licensee then said that she was dealing with difficult personal issues and advertising issues with her business at the same time. Licensee was overwhelmed with results in an advertisement she had run and explained that her inability to be contacted by clients was due to dealing with these personal issues.

CONCLUSIONS OF LAW

5.

Based on the acts and conduct described above, the Board finds that Licensee committed the following vioaltions of Board Rules and Laws:

5.1 One violation of OAR 334-030-0005(1)(b)and(g), Standard I: Responsibility -- the relationship between the LMT and the profession. The LMT must: Act within the context of professional practice standards, codes of ethics, and relevant statutes and regulations; and Be accountable for his or her actions and commitments and assume personal and professional responsibility to do his or her best;

5.2 One violation of OAR 334-030-0005(2)(a)(b)(c)(f)and(h), Standard II: Therapeutic Relationship -- the relationship between the LMT and the client. The LMT must: Be accountable to his or her clients for the quality and effectiveness of care and services and for creating the basic conditions and boundaries necessary to foster safety and trust in the client-professional relationship; Plan and provide care and services to the best of his or her abilities, in partnership with the client, based on client needs; Ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries, and appropriate use of personal power; Act as an advocate for client and client's needs; and Base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice; and

CONCLUSIONS OF LAW

6.

Based on the foregoing, the Board finds pursuant to ORS 687.250(2), issue a civil penalty for:

6.1 One violation of OAR 334-030-0005(1)(b)and(g);

6.2 One violation of OAR 334-030-0005(2)(a)(b)(c)(f)and(h); and

6.3 For a total civil penalty of $250; and

STIPULATIONS AND FINAL ORDER

7.

7.1 The parties desire to settle this matter and, pursuant to ORS 183.415(5) stipulate and agree as follows in full and final settlement.

7.2 The Board has jurisdiction over Licensee, and over the subject matter of this proceeding.

7.3 The Board may issue and enter the Final Order.

7.4 Licensee has been advised of her right to request a hearing in this matter pursuant to ORS 183.415(2)(a) and to be represented at a hearing pursuant to ORS 183.415(3).

7.5 Licensee waives any and all rights to a hearing and waives any right to appeal or otherwise challenge the Final Order.

7.6 Licensee shall pay a civil penalty of $250.00 payable to the Board in monthly payments of $125.00 due by the 25th of January and February 2014. The fine will be paid in total by Licensee's next renewal due date. However, if timely minimum payments are not made within 60 days of the order date or the scheduled payment date, the agency deems the full civil penalties will be enacted and will be accelerated and due and payable immediately. Collection of the amount owed may, in the discretion of the agency, be referred to collection or a lien may be filed for recovery against your assets.

7.7 This document is a public document.

DATED AND SERVED upon the above-named Licensee by regular and certified mail, addressed to Licensee at last known address, this 12th day of November, 2013.

BOARD OF MASSAGE THERAPISTS
State of Oregon

Signature on File

Signature on File