



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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OBMT Board Meeting Minutes July 22, 2013 Board Office

Attendance

Board Members:

David Fredrickson, LMT, Chair
Kathy Calise, Public Member, Vice Chair
Jon Grossart, LMT
Melanie Morin, LMT
Steven Foster-Wexler, LAc, Public Health Member

Staff:

Kate Coffey, Executive Director
Crystal Quatier, Examination Coordinator
Bryanna Beauchamp, Student Intern
Lori Lindley, AAG

Public:	Pam Pennington	Erika Baern	Diane Whiffin	Michael Cline
	Dale Kaplan	Christopher Hamilton	Perla Estrada	Chris Wallace
	LiHong Guan	Lynne Marshall	Waiming Sam	Holly Rudrick

Call to order

Fredrickson called the meeting to order at 9:06 am. Roll call was performed. **Calise, Grossart, Morin, Foster-Wexler** and **Fredrickson** were present, as well as **Kate Coffey**, Executive Director, **Lori Lindley**, Assistant Attorney General and **Crystal Quatier** and **Bryanna Beauchamp**, Board staff. **McMillin** and **Rothenberger** were excused.

Fredrickson asked each Board member, staff and members of the public to introduce themselves. Public present at this time were Pam Pennington, Erika Baern, Diane Whiffin.

1) **Approve Agenda** – Calise moved to approve the agenda. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**

2) **Approve Minutes of May 17-18, 2013** – Foster-Wexler moved to approve the minutes. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**

3) Directors Report

1) **Finances** – Coffey reported on the status of the Board budget through June 2013. For the month of June, the Board received \$14,000 less revenue than budgeted and spent \$16,000 more than budgeted for expenses. To date, for the biennium, the Board has received \$13,000 more revenue than was budgeted and has under spent in expenses by approximately \$114,000. The majority of the under expenditure is in the area of payroll. The Board has under spent in legal fees by \$22,000, however there are four contested cases scheduled for hearing which could exceed that current savings. The line item of Examiner payments is under spent by \$16,000.

Peer Supervision - Coffey updated the Board on the training for the Peer Supervisors that will occur on August 9th at University of Western States. Notification went out in the BOARDerline announcing the free training and each recipient will receive 6 CE's for attending. At the conclusion of the training there will be Peer Supervisor applications handed out for those who want to apply and these Supervisors will be placed in a pool of trained peer supervisors for the Board to utilize.

Current Peer Supervisors are being encouraged to attend and will be reimbursed mileage and lodging if they are required to travel over 80 miles.

Preferred Names on Licenses – Coffey spoke that the LMT Licenses are being issued with preferred name. The preferred name will print on the license instead of the licensee's legal name. This practice can cause confusion and mislead the public as the licensee online verification will only verify a licensee's legal name. It is recommended that the Board discontinue allowing a massage license to be issued with preferred names. The Board agreed that this practice will be discontinued immediately.

Massage Facility Licensing – Coffey updated the Board that SB 387 was signed into law and has become Chapter 409, 2013 Oregon Law. This law will require the board to issue licenses to massage facilities. The Board will be working with the Assistant Attorney General's (AAG) office to draft the Oregon Administrative Rules and will provide the Rules Committee this draft during their meeting in July 2013.

The bill exempts career schools and facilities owned or operated by a person who is a licensed health professional. In addition, the Board previously approved student clinics of all message programs to be exempt from facilities licensing. Does the Board have other exemptions they would like included? The Board did not have additional groups they felt should be exempt. There was discussion on a proposed communication plan to inform facilities of the need to become licensed.

2) Compliance Update - Coffey provided the Board with a Compliance Report from May 1, 2013 through June 30, 2013. The report includes information such as: complaints open at start date (53); active cases at start date (40), number of new complaints received (28); number of cases opened (17); number of complaints closed (4); number of cases closed (11); and number of cases closed with disciplinary action (5).

Coffey updated the Board of the tentative settlement agreement for SEIU salaries – compensation for staff will be the elimination of furlough dates, step increases at employee salary eligibility date, 1.5% increase on December 2013 and 2% increase on December 2014, 5% insurance, 6% PERS contribution. This is most likely to apply to Executive, Management and Non-represented staff and is effective on July 1, 2013. The Board usually follows DAS guidelines. **Calise moved** to approve the salary package for all Board employees, If the salary package is significantly different for Management, **Coffey** will bring this back during the September Board meeting. **Second the Motion: Fredrickson. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**

4) Committee Updates

1) Education Committee – Calise reported on updates from the May and June meetings on behalf of Lisa, who apologized for not being present. To the understanding of the committee their primary tasks assigned by the Board is – 1.) Should the Board accept only Board approved Continuing Education (CE) classes and if so what CE topics should be approved by the Board; and 2.) Should the Board set standards for CE providers and if so what should the credentials and standards be for those approved providers. The committee discussed the approval of CE providers first and looked at outside professional entities as best to approve CE providers. The committee was left asking why add another layer of regulation and LMTs should use their own best judgment in seeking providers best suited for courses taken. The second question was why add more duties to staff workload, and committee recommended not adding more duties. Committee recommends that the Board not regulate, approve, or set standards for CE providers for Oregon licensing renewal.

The committee is in agreement the topics of CE classes should be more closely defined than they currently are in Oregon Administrative Rules (OAR) 334-010-0050 (7). One member of the committee felt the Board should use standards set by National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) and others felt the list provided by Rick Rosen's paper "CE Alternative to Regulation" would work. Others felt the model curriculum considered the Boards report

of common compliance areas of concern or the NCBTMB task force analysis. The committee did decide to define 12 contact CE hours separately from 13 non-contact CE hours. It does understand that the Board staff would also like a list of CE courses that do not qualify. The committee recommends the 12 contact CE hours are six hours be in professional conduct skills as outlined in the model curriculum and six hours in advancing massage skills. The committee recommends the 13 non-contact required be defined areas related to the practice of massage/bodywork. This does not include the topics of attendance to Board/Committee meetings or examiners. The committee will continue discussions of these areas at the next meeting scheduled for August 9, 2013.

Questions for the Board: Does the Board want a list of the topics that do not qualify for CE hours in the OARs or post a list to the Board website? Should the Board put the model curriculum on website? Can the Board define professional conduct? Again, all of these topics will be discussed at the next meeting in August.

Additional requests have been made to provide specific answers for definition of professional conduct. **Fredrickson** directed **Calise** to the OARs. The other question was for instructors teaching same material every year and being paid for it at the same time and claiming as CE, is this fair? Board had discussion amongst themselves about teaching.

2) **Scope of Practice Committee** – No update - not meeting at this time.

3) **Rules Committee** – **Coffey** updated the Board on behalf of Michael Jordan that the committee has been working on proposed rules. The rules have been submitted to the AAG for review and the Board will see a finalized version at their next meeting in September 2013.

5) **Board Business**

1) **2nd Quarter Exam Statistics** – The Board reviewed the second quarter practical examination statistics for 2013. A discussion ensued regarding the 64% total pass rate and 48% of that is for the other category and that all the fails were in the area of kinesiology. It was mentioned to review examiner protocol.

2) **Demographics Report** – The Board received a quarterly demographics report of licensees. This includes information on gender, ethnicity, years in practice and modalities practiced.

3) **Breema** – Exemption requested and it does not meet the definition. **Foster-Wexler** moved to deny the exemption of Breema. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**

4) **Asian Bodywork** – American Association for Bodywork of Asia requested exemption. It is found to not be in the best interest of the public to exempt an entire organization that includes over 20 modalities. The Board agreed with staff recommendation to deny the exemption. **Calise** moved to deny the exemption of Asian Bodywork. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**

5) **Dale Kaplan Presents State of Oregon Impaired Provider's Program – Reliant Behavioral Health**

- a) Value of Monitoring Programs
- b) Fact Sheet HPSP Rev 09.12.2012
- c) Skipper PHP Care Addiction Recovery

Fredrickson welcomed public members present –Dale Kaplan, Christopher Hamilton (state contact), Perla Sloane, LMSW from the State of Oregon Impaired Provider's Program.

Dale Kaplan spoke in generalities – licensees find the program a shock. This is a highly monitored program. Physician health programs have had a high success rate of 85%, up from 45%. At the five year mark found that the outcome showed success outweighed those that fell back into the same patterns. It is a benefit that the professionals were able to continue in their lives. Multiple agencies utilize the program currently. 290 licensees in total and 150 nurses, 106 physicians, 17 dentists, 17 pharmacists. How to get into program – 1.) DSM diagnosis; 2.) Have a license in state. Individuals can be Board referral or self referrals – without Board referral. Once signed for enrollment, they are admitted. Self referral will be reported to Board if licensee chooses to remove themselves from the program. A safe investigation is conducted on self referral. Individuals must have mental health and substance evaluation from approved list. The evaluators list is on their

website. Licensee pays for all costs. Board pays for safe investigation evaluation. Costs are high for self-referrals. Medtox is the laboratory of use. Misuse of prescription drugs is high and the Medical Director, Dr. Jessica Gregg, reviews those files and approval of all those entering into program. Board gives approval of excused missed collections. Monitoring information returned to program.

Christopher Hamilton is the state contact. He offered an overview of how the Legislature started the Oregon Impaired Provider's Program. He further explained how the authority given to the Oregon Health Authority was to administer a service to allow the licensee to maintain their license through tracking and monitoring that leads to public safety. Additional explanation was given how they administer the contract between themselves and Reliant Behavioral Health. He confirmed that the cost is approximately \$74,000 per year.

Perla Sloane spoke on the toxicology process. Oregon Impaired Provider's Program requires a minimum of 24 – 36 tests per year. Panels are set by Medical Director based on diagnosis. Input information into system and indicate which panel and frequency requested. Information is directly submitted to Medtox. Then lab requests are submitted to appropriate collection sites throughout US. Card issued to client and collections are observed. Chain of custody updates are provided of where sample in transit or if missed test.

Fredrickson spoke to the fact that this is cost prohibited for our licensees and the Board is seeking a means to obtain substance abuse assessment. He thanked them for their time and declined their services. Further he requested that **Coffey** continue with her efforts in finding a more cost effective means of monitoring.

Fredrickson moved to take a brief recess. **Second the Motion: Calise. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.** The Board took a break from 10:45 am to 10:55 am.

Fredrickson directed **Coffey** to continue to research organizations that perform in-house assessments and monitoring.

6) **Strategic Plan – Fredrickson** welcomed **Chris Wallace**, Strategic Planner. **Wallace** provided documents and requested changes. She put items in a true order. Some tasks would need to happen prior to others. Executive Summary is used to indicate how the Board determined the topics for the plan and **Wallace** refined overarching ideas. Planning Foundation was affirmed in planning process. Overview of the remaining document was done by **Wallace**. She took liberties to combine wording that was duplicated. **Grossart** asked about item #5 on page 11 of 19 table. **Coffey** – asked about changing the verbiage and combination of items from item #2 on page 15 of 19 table. **Grossart** provided alternate thoughts. **Fredrickson** pointed out that a new category for licensing facilities should be added. **Calise** found typo on page 17 #3(c).

Many positive comments were provided to **Wallace** of materials presented.

Wallace inquired if the materials presented were acceptable in the format submitted. It was requested to submit the information in both a bound document and electronic for upload to website and Board staff will update information as tasks are completed. A verbal exchange of updates was provided to **Wallace**. Her continuing role will be to continue to work with **Coffey** to meet to finalize the plan.

Coffey addressed results of communication with Federation of State Massage Therapy Boards (FSMTB) of additional testing locations for the written examination in Oregon. Currently there are only four. She encouraged the Board to continue to press the issue and submit a proposal to FSMTB. Would the Board like for her to prepare the resolution? Overall response was for **Coffey** to continue with her efforts for allowing other approved testing sites for written examination and send the proposal to the FSMTB.

7) **Board Correspondence** – Comments provided to Board in written correspondence from Rose Jade requesting

review. **Calise** suggested a shortened email be sent to Licensees to expect additional correspondence from our agency.

6) **BOARDerline** – **Coffey** indicated that no additional articles were submitted. The response to the Peer Supervision request was great and felt it was directly correlated to mailing to all Licensed Massage Therapists (LMTs). There was discussion of the costs of sending the BOARDerline hard copy. **Calise** commented that this was a cost of doing business. Articles that were suggested for future issues was Strategic plan update. Also, it was decided that the BOARDerline will be completed twice a year with delivery via mail and electronic.

7) **Public Comments** – Opportunity for the public to address the board

Diane Whiffin spoke regarding the CE requirements. She mentioned how costly courses are and how that has impacted her during the recession. Health conditions have an impact as well in her ability to obtain CE hours. It is requested that the BOARDerline provide information of courses or options. She attended this meeting to obtain her last credit needed to complete her renewal process.

Fredrickson clarified if she is wishing that the Board be an information resource of ways to obtain CE hours. This is what she is seeking. **Calise** offered suggestions. **Coffey** explained that the agency is a licensing organization and cannot provide recommendations on specific vendors.

Second subject was regarding her discipline and wanted to make comments regarding her case. She is requesting to be able to make comments and have them published. She is requesting in writing from **Lindley** about what she was inconsistent about. **Lindley** responded of how the process works and when that request should have been made during the process and now that her case is closed the document is a public record.

Grossart recommended the board modify the Administrative Rule to delay contact CE requirements – once every decade for hardship. **Calise** will present the question to the Education Committee.

Michael Cline is here as an observer.

Fredrickson called to take a short break prior to Executive Session. The time is 11:48 am and will resume at 12:00 pm to enter executive session.

EXECUTIVE SESSION

The Board may enter into Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection, ORS 192.501(4) to review test questions, scoring keys and other data used to administer a licensing examination, ORS 192.660(2)(h) consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed, ORS 192.660(2)(k) to consider information obtained as part of an investigation of a licensee or applicant by a health professional regulatory board and ORS 192.660(2)(i) To review and evaluate the job performance of the Executive Director or staff. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.

8) **Executive Session**

- 1) **Practical Exam (192.501(4))**
- 2) **Compliance (192.660(2)(k))**

The Board returned to Public Session at 4:26 pm.

9) **Action on Executive Session Items**

- a) **Case 1392** – **Calise** moved to revoke licensee's massage license for: One violation of ORS 687.051(2), an applicant must be a person of good moral character. For purposes of this section, the lack of good moral character may be established by reference to acts or conduct reflecting moral turpitude or to acts or conduct that would cause a

reasonable person to have substantial doubts about the applicant's ability to practice massage in accordance with ORS 687.011 to 687.250, 687.895 and 687.991 and rules of the board; One violation of ORS 687.081(1)(a), the State Board of Massage Therapists may discipline a licensee, deny, suspend, revoke or refuse to renew a license, issue a reprimand, censure a licensee or place a licensee on probation if the licensee; violated any provision of ORS 687.011 to 687.250, 687.895 and 687.991 or any rule of the board adopted under ORS 687.121; One violation of ORS 687.081(1)(l), The State Board of Massage Therapists may discipline a licensee, deny, suspend, revoke or refuse to renew a license, issue a reprimand, censure a licensee or place a licensee on probation if the licensee; Engages in unprofessional or dishonorable conduct; One violation of OAR 334-010-0025 (3)(a)(A)(B)(C)(D), A massage therapist must use safe and functional coverage/draping practices during the practice of massage when the client is disrobed. Safe and functional coverage/draping means: LMT explains, maintains and respects coverage/draping boundaries; Client gives informed consent; Genitals and gluteal cleft of male and female clients and the breast area of female clients are not exposed; Massage or movement of the body does not expose genitals, gluteal cleft or breast area; One violation of OAR 334-030-0005(1)(b)(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; be accountable for his or her actions and commitments and assume personal and professional responsibility to do his or her best; One violation of OAR 334-030-0005(2)(a)(c), 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; 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; One violation of OAR 334-040-0010(21)(a)(A), Unprofessional or dishonorable conduct which includes but is not limited to: any conduct involving inappropriate physical contact or sexual misconduct which includes: sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465; and One violation of OAR 334-040-0010(21)(a)(C)(i)(iii), sexual impropriety which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including, but not limited to: disrobing or draping practices that reflect a lack of respect for the client's privacy, deliberately watching a client dress or undress instead of providing privacy for disrobing; an examination or touching of genitals. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries**

- b) **Case 1473 – Morin moved to issue a letter of concern. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- c) **Case 1485 – The Board took no action on this case.**
- d) **Case 1504 – Morin moved to submit counter offer to include \$1,000 civil penalty and counsel's offer. Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- e) **Case 1505 – Calise moved to issue a letter of concern and forward to NICB. Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- f) **Case 1509 – Morin moved to issue a Notice of Proposed Action for: Two violations of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license; and Six violations of ORS 687.021(2)(a), advertising for massage without a license; For a total civil penalty of \$6,500. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- g) **Case 1519 – Calise moved to close as no violation found. Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- h) **Case 1526 – Grossart moved to close as no violation found. Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- i) **Case 1530 – Morin moved to issue a Notice of Proposed Action for: One violation of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license; For a total civil penalty of \$1,000. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- j) **Case 1537 – Calise moved to issue a Notice of Proposed Action for: One violation of ORS 687.021(1), engaging in or**

- purporting to be in the practice of massage without a license; For a total civil penalty of \$1,000. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- k) **Case 1538 – Morin moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license; and Three violations of ORS 687.021(2)(a), advertising for massage without a license; For a total civil penalty of \$3,500. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- l) **Case 1540 – Grossart moved** to issue a Notice of Proposed Action for: One violation of OAR 34-040-0010(12), assisting, employing, or permitting an unlicensed person to practice massage; for a total civil penalty of \$500. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- m) **Case 1541 – Morin moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license; For a total civil penalty of \$500. **Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- n) **Case 1542 – Calise moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license, For a total civil penalty of \$500; and Forward to the Oregon Board of Chiropractic Examiners. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- o) **Case 1547 – Foster-Wexler moved** to issue a Notice of Proposed Action for: Two violations of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license; For a total civil penalty of \$2,000. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- p) **Case 1549 – Calise moved** to rescind the motion from to suspend from the May 17, 2013 Board meeting. **Second the Motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- q) **Case 1550 – Calise moved** to rescind the motion from to suspend from the May 17, 2013 Board meeting. **Second the Motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- r) **Case 1551 – Calise moved** to issue a Notice of Proposed Action for: Two violations of ORS 687.081(1)(i), unprofessional or dishonorable conduct; One violation of ORS 687.081(1)(e), misrepresentation to any patron, any service rendered; One violation of OAR 334-010-0025(4), a licensed massage therapist must not perform or offer to perform any services for clients other than those connected with giving massage therapy treatments as defined in ORS 687, unless the LMT has additional training and/or licensure; One violation of OAR 334-020-0055(1), all therapists must always practice communicable disease prevention and control; One violation of OAR 334-030-0005(1)(d), the LMT must represent all aspects of his or her professional capabilities and services honestly and accurately; One violation of OAR 334-030-0005(1)(g), the LMT must be accountable for his or her actions and commitments and assume personal and professional responsibility to do his or her best; One violation of OAR 334-030-0005(2)(a), the LMT must be accountable to his or her clients for the quality and effectiveness of care and services for creating the basic conditions and boundaries necessary to foster safety and trust in the client-professional relationship; One violation of OAR 334-040-0010(14), practicing or offering to practice beyond the scope permitted by law; One violation of OAR 334-040-0010(21)(a)(C)(iv), sexual impropriety by making inappropriate comments about or to a client; One violation of OAR 334-040-0010(21)(j), practicing a modality or technique without adequate training or licensure; For a total civil penalty of \$3,000 or voluntary surrender of massage license. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Morin and Fredrickson. Recused: Grossart. Motion carries.**
- s) **Case 1553 – Morin moved** to issue a Notice of Proposed Action for: One violation of OAR 334-040-0010(19)(a), failure to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to failure to furnish any requested papers or documents; For a total civil penalty of \$500; and Suspend Licensee's massage license until she has complied with all continuing education requirements. **Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**

- t) **Case 1556 – Calise moved** to issue a Notice of Proposed Action for: Two violations of ORS 587.021(2), engaging in or purporting to be in the practice of massage without a license; For a total civil penalty of \$2,000. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- u) **Case 1557 – Morin moved** to issue a Notice of Proposed Action for: One violations of ORS 687.021(2), engaging in or purporting to be in the practice of massage without a license; For a total civil penalty of \$1,000. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- v) **Case 1558 – Calise moved** to issue a Notice of Proposed Action for: One violation of ORS 687.081(1)(b), made any false representation or statement to the Board in order to induce or prevent action by the Board; One violation of OAR 334-040-0010, knowingly or recklessly making a false statement to the Board; One violation of OAR 334-040-0010(19)(a), failure to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to failure to furnish any requested papers or documents; One violation of OAR 334-040-0010(20), failing to comply with an order issued by the Board; For a total civil penalty of \$2,000; and Suspend Licensee's massage license until she has complied with all continuing education requirements. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- w) **Case 1559 – Calise moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(2), engaging in or purporting to be in the practice of massage without a license; For a total civil penalty of \$1,000. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- x) **Case 1571 – Morin moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(2), engaging in or purporting to be in the practice of massage without a license; For a total civil penalty of \$500; and Forward to the Gresham Police Department; and Release report to Psychiatric Review Board when requested. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- y) **Case 1572 – Calise moved** to Issue a Notice of Proposed Action for: One violation of ORS 687.021(2), engaging in or purporting to be in the practice of massage without a license: For a total civil penalty of \$1,000; and Forward to DOJ Civil Enforcement to issue an injunction. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- z) **Case 1577 – Calise moved** to issue a Notice of Suspension pursuant to ORS 25.750 through 25.783. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- aa) **Case 1413 – Grossart moved** to issue a probationary license with the following stipulations: The probation shall mirror the PT order; Licensee shall be placed on probation through 6/30/2015; Licensee shall be placed on Peer Supervision, at a cost to LMT, through 6/30/2015; whereby Licensee shall meet with her Peer Supervisor at a minimum of one hour per month, for the duration of the probationary period. The Licensee may, as part of the Peer Supervision and the determination of the Peer Supervisor, conduct up to one supervised massage session per calendar quarter during the supervision period. The Peer Supervisor will observe the massage session(s) for draping practices, client communication, sanitation, massage knowledge and business practices. During non-session meetings, the Peer Supervisor may discuss business practices and trends, client communication, ethics, boundaries and other matters pertaining to the Licensee's practice of massage and other matters of concern to the licensee, her sobriety and her success as a massage therapist; and Licensee agrees not to engage in any conduct that would or could impact her ability to safely and competently conduct her massage practice, or compromise the health and safety of the clients served. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- bb) **Case 1516 – Calise moved** to issue a Letter of Concern. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**
- cc) **Case 1561 – Calise moved** to deny issuance of massage license pursuant to ORS 687.081(1) for continued and repeated violations of: ORS 687.081(1)(a), violated any provisions, of ORS 687.250, 687.895 and 687.991 or any rule of the Board adopted under ORS 687.121; ORS 687.021(2)(a), advertising for massage without a license; ORS 334-040-0010(7), the use of false, misleading or deceptive advertising; OAR 334-040-0010(12), assisting, employing or

permitting an unlicensed person to practice massage; OAR 334-040-0010(19)(a), failure to cooperate with the Board in any licensing action or disciplinary proceeding including but not limited to failure to furnish requested papers or documents; OAR 334-040-0010(19)(b), violating a client's rights of privacy and confidentiality; OAR 334-040-0010(2), knowingly or recklessly making a false statement to the Board; and OAR 334-040-0010(5), knowingly or recklessly falsifying an application. **Second the motion: Morin. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.**

dd) Executive Session Closed Case Report – Morin moved to accept the executive session closed case report as submitted in Exhibit A. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.

Case No. 89

Allegation: Unprofessional/Dishonorable conduct

Closed: Board lacks jurisdiction

Case No. 109

Allegation: Unlicensed practice

Closed: Allegations withdrawn

Case No. 1478

Allegation: Unlicensed practice

Closed: No violation found

Case No. 1498

Allegation: Noncompliance with an existing Board order

Closed: Compliance met

Case No. 1500

Allegation: Noncompliance with an existing Board order

Closed: Compliance met

Case No. 1510

Allegation: Sexual impropriety

Closed: Unable to substantiate

Case No. 1521

Allegation: Failure to provide documents to Board

Closed: Compliance met

Case No. 1523

Allegation: Professional misconduct

Closed: Letter of concern

Case No. 1524

Allegation: Unprofessional/dishonorable conduct

Closed: Compliance met

Case No. 1535

Allegation: Unlicensed practice

Closed: Respondent unreachable

Case No. 1536

Allegation: No license number in ad

Closed: Compliance met

Case No. 1543

Allegation: Unlicensed practice

Closed: Respondent unreachable

Case No. 1548

Allegation: Unlicensed practice

Closed: Respondent unreachable

Case No. 1550**Allegation:** Failure to pay child support – ordered suspension **Closed:** Compliance met**Case No. 1554****Allegation:** Failure to provide documents to Board **Closed:** Compliance met**Case No. 1555****Allegation:** Failure to provide documents to Board **Closed:** Compliance met**Case No. 1564****Allegation:** Unlicensed practice **Closed:** Respondent unreachable**Case No. 1566****Allegation:** Failure to provide documents to Board **Closed:** Compliance met**Case No. 1567****Allegation:** No license number in ad **Closed:** Compliance met**ee) Practical Exam****(1) Appeal Candidate AA – Grossart moved to grant a forward of the re-examination fee. Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.****10) Public Compliance Action****a) Public Session Closed Case Report – Morin moved to accept the Public Session closed case report as submitted in exhibits 1-6. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson. Opposed: None. Motion carries.****Case No. 96****Allegation:** Unlicensed practice **Rebecca Williams**
Closed: Stipulated agreement**Case No. 106****Allegation:** Unlicensed practice **Sarah Hoffman**
Closed: Final default order**Case No. 116****Allegation:** Unlicensed practice of massage **Kyle Cook**
Closed: Civil penalty assessed**Case No. 118****Allegation:** Unlicensed practice of massage **Anneka Van Olphen**
Closed: Final default order**Case No. 127****Allegation:** Unlicensed practice of massage **Ronson "Mic" Holden**
Closed: Stipulated agreement**Case No. 143****Allegation:** Unlicensed practice of massage **Tod Carrig**
Closed: Civil penalty assessed & paid**Case No. 1406****Allegation:** Unprofessional/dishonorable Conduct **Lisa Harper**
Closed: Stipulated agreement issued

Case No. 1418 Allegation: Unlicensed practice of massage	Kelsey Schreiner Closed: Final default order
Case No. 1445 Allegation: Failure to provide documents to Board	Brett Goetz Closed: Suspended
Case No. 1454 Allegation: Unprofessional/dishonorable conduct	Sarah Snyder Closed: Stipulated agreement issued
Case No. 1481 Allegation: Unlicensed practice of massage	Alena Buttars Closed: Final default order

11) **Public Forum** – Opportunity to share thoughts that pertain to agenda items – There were no members of the public present.

12) **Announcements**

FSMTB is having their annual meeting in October 2013. **Coffey** proposed the new Board Members attend – **Grossart, Foster-Wexler** and **Rothenberger**. It was agreed that was a reasonable request. **Fredrickson** would attend as a delegate.

The Chair/Vice Chair positions will be ending in December 2013. This topic will be added to the November 2013 Board meeting agenda.

Calise requested to be excused from the September 2013 Board Meeting as she would be traveling. It was mentioned that **McMillin** would not be in attendance as well.

13) **Adjourn Meeting** – **Morin** moved to adjourn the meeting. **Second the motion: Calise** **In favor: Calise, Foster-Wexler, Grossart, Morin and Fredrickson.** **Opposed: None.** **Motion carries.** The meeting was adjourned at 4:50 pm.