



Oregon

Kate Brown, Governor

Board of Massage Therapists

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www.oregon.gov/OBMT

OBMT Board Meeting Minutes

July 18, 2016

Board Office

Attendance

Board Members:

David Fredrickson, LMT, Chair
Jon Grossart, LMT, Vice Chair
Meng Chen, Public Member
Christa Rodriguez, LMT
Carol Ann Kirby, Public Member
Kelley Rothenberger, LMT
Steven Foster-Wexler, LAc, Public Health Member

Staff:

Kate Coffey, Executive Director
Ekaette Udosenata-Harruna, Policy Analyst
Bob Ruark, Compliance Manager
Lori Lindley, AAG

Public: Shan Wilcox Ray McLaughlin Aaron Denhu Adela Basayne

Call to order at 9:00am

Fredrickson called the meeting to order at 9:00 am. Roll call was performed. **Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger** and **Fredrickson** were present, as well as **Coffey**, Executive Director, **Lindley**, AAG, **Udosenata-Harruna**, Policy Analyst and **Bob Ruark**, Compliance Manager.

Fredrickson asked members of the public to introduce themselves. Public present at this time were: **Wilcox, McLaughlin, Denhu, and Basayne**.

1) **Approve Agenda:** Rothenberger moved to approve the Agenda. **Second the motion: Chen.** In favor: **Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger** and **Fredrickson.** **Opposed: None.** Motion carries.

2) **Approve Minutes for May 20-21, 2016:** Foster-Wexler moved to approve the minutes. **Second the motion: Chen.** In favor: **Chen, Fredrickson, Foster-Wexler, Grossart, Kirby, Rodriguez** and **Rothenberger.** **Opposed: None.** Motion carries.

3) **Directors Report:** Coffey updated the Board on the Budget Status for the 1st year of the 2015-17 Biennium. The Board's actual revenue is \$16k less than the revenue projection for the first year of the 2015-17 Biennium. The revenue deficit is due primarily to the discontinuance of the Practical Exam. The Board underspent expenses by \$100k for the 2015-17 Biennium. The majority of the under expenditure are in the examiner Expense, Payroll Expense and Computer Expense categories. With the discontinuance of the practical exam expenses will remain under budget. The Board over spent in the following categories: State Assessments – Secretary of State and DAS assessments were paid. Investigation Expense – Complexity of Cases. Fingerprint Processing – Increased number of initial license applications. Office Furniture - Office furniture was received and paid for in the 2015-17 biennium.

Database Update: Udosenata-Harruna updated the Board on the status of the licensing database. **Udosenata-Harruna** informed the Board that the database conversion is progressing and much of the work is complete. The Board members were presented with a demonstration of the portal and the online renewal portion of the database.

The conversion is scheduled to occur mid-month in either July or August 2016.

The Board discussed the database in length and made some recommendation for improving the database.

1. Add option for "other" modalities.
2. The Board would like language added to the modalities section with a disclaimer stating "this information is provided by the licensee and the board has not verified its accuracy" or "this modality is reported by the licensee, you are attesting and confirming that you are qualified to practice the modalities listed and you are responsible for all liability of your claims".
3. Include board's email address, address and fax number for people sending documents that was not submitted at time of renewal
4. The board would like the "find a massage therapist" tab removed as this may lead to the assumption that the board is advertising
5. Change postal code to zip code
6. Add FAQs to the new Board website
7. Alphabetize the quick links
8. Include a link to allow anyone to subscribe to the newsletter
9. Add online law exam

Compliance Update: Ruark updated the Board that the compliance section received seventeen (17) new complaints since the May 2016 Board Meeting and closed 18 cases.

The Board has one (1) contested case that is pending at the Office of Administrative Hearings and one (1) contested case at the Court of Appeals. Since the May Board meeting four (4) contested cases was settled prior to hearing.

The Board continues to work with the Oregon Department of Justice (DOJ) regarding obtaining an injunction against an unlicensed facility and unlicensed practitioner.

Foster-Wexler moved for a short break. **Second the motion: Chen. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries**

4) Board Business

a) Correspondence – Coffey shared details of correspondence received at the Board office.

1. **Letter to the Board from Banerjee** – Licensee submitted her renewal and indicated that she does not have a current CPR at the time of renewal and by rule; one must have a current CPR at the time of renewal. She is urging the Board to consider and reevaluate her issue of not having a current CPR at the time of her renewal as she was planning to take the course after renewal period and would like to be refunded \$25 that she paid for late fee.

The Board discussed the inquiry and directed the ED to respond informing her that the board will not be refunding the late fee.

2. **Letter to the Board from Lambert**– Missed the deadline and was charged \$100 for the renewal of inactive status and would like to request that the board consider refunding her the late fee.

The Board discussed the inquiry and directed the ED to respond informing her that the board will not be refunding

the late fee.

3. **Letter to the Board from Sternberg** – Requesting late fee to be refunded as he did not realized that he needed to renew before the first of his birth month.

The Board discussed the inquiry and directed the ED to respond informing her that the board will not be refunding the late fee.

b) **All School Meeting** – The Board discussed the dates, agenda and locations for the 2016 All School Meeting. Board concluded that the all school meeting will be held on August 26, 2016 to discuss the recent changes in law and rules. This will be a platform for the Board to find out the impact of the discontinuation of the practical exam, and schools having to adjust their curriculum as a result of the increase in education hours on schools. The location is to be determined.

Basayne noted that from her school's point of view, the all schools meeting is invaluable and necessary. The dialogue that happens between the schools and the board at the last all schools meeting was really great.

c) **FSMTB Meeting** – The board chose board member **Fredrickson** as the board delegate for the FSMTB meeting in October 2016. The board also agreed to send **Grossart** and **Rodriguez** to the meeting as representatives.

d) **Proposed 2017 Calendar** - The board reviewed the proposed board meeting calendar for 2017 and approved the proposed 2017 Board meeting dates. See the Board's website at <http://www.oregon.gov/OBMT/Pages/meetings.aspx> for the Approved 2017 Board Meeting Dates.

e) **Action plan** – **Coffey updated** the Board on all the action plans and went over the action plan strategic planning objectives.

1. The board approved the content of the Board Member Handbook
2. Write a recusal policy
3. The board will no longer list any additional exempt modalities in Rules
4. Pacific Highlanders study
5. FAQs in multiple languages
6. Insurance rules
7. Pursuing unlicensed facilities
8. Update the travel policy

Grossart moved for a short break. **Second the motion: Chen. In favor: Chen, Foster-Wexler, Kirby, Grossart, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries**

The Board returned to Public Session at 11:05am.

5) **Public Record Policy** - **Coffey** updated the board that Governor Brown is concerned with transparency therefore in her executive order #1606, she has required DAS to issue a rule and come up with a model Public Record Management Policy. DAS model rule is enclosed in the E-Packet and the model policy has been adapted to the board and a copy has been sent to the secretary of state archivist for review. Comments from the archivist will be incorporated in the policy and presented to the board at the September 2016 board meeting.

6) **Proposed Rules:**

- a) **Insurance Rules – Coffey** updated the Board on the DOJ approved rule language for insurance billing and fee splitting added to 334-040-0010 (23-24):

(23) Misrepresentation or fraud in any aspect of the profession, including but not limited to charging for unnecessary services, charging for services not provided, failing to provide services that are paid in full, or failure to comply with Oregon insurance billing laws and rules.

(24) Splitting fees or giving or receiving a commission in the referral of patients for services.

Foster-Wexler moved to accept the proposed insurance rules and send it to a rules hearing for effective date of January 1, 2017. Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Kirby, Grossart, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries

- b) **Mid –Cycle to active renewal Fees, class certification, definition to change**

334-001-0060 (9)(b) – Definition

(9)"Certified Class or program" means a class or program that is approved by the Board and is offered:

(a)By a person or institution licensed as a career school under ORS 345.010 to 345.450; or

(b)By a community college or university approved by the ~~Department of Education~~ **Higher Education Coordinating Commission**; or

(c)In another state and licensed or approved by the appropriate agency in that state.

c) **334-010-0046(1)(a)(B) – Class Certification**

(1) A class or program certified under ORS 687.051 must be offered by:

(a) In State Schools:

(A) A person or institution licensed as a private vocational school under ORS 345.010 to 345.074 or the equivalent licensing authority of another jurisdiction; or

(B) By a community college or university and approved by the Division of Vocational Education or the ~~Department of Education~~ **Higher Education Coordinating Commission**, or the appropriate agency of another jurisdiction; or

(C) By a college accredited either by the Northwest Accreditation Commission or a like regional association or by a college in Oregon approved by the Oregon Office of Educational Policy and Planning for the purpose of granting degrees; and or

(D) Approved by the Board.

d) **334-010-0033 – Fees**

(1) The fees are:

(a) \$100 per biennial renewal for initial license;

(b) \$50 for initial license under 12 months;

(c) \$155 per biennial renewal for active license;

(d) \$75 per biennial renewal for inactive license;

(e) \$100 mid-cycle inactive to active renewal

(e f) \$25 per week, up to a maximum of \$100, for any late renewal;

(f g) \$100 application processing;

(g h) \$150 for each practical examination;

(h i) \$100 for mailing list;

(i j) \$10 for license reprint;

(j k) \$10 for license verification;

(k l) \$250 Credentialing Review;

(l m) Current Oregon State Police Criminal Background Check Fee;

- (m n) \$50 initial facility permit;
- (n o) \$250 facility permit transfer;
- (o p) \$10 facility permit reprint and
- (p q) other administrative fees as allowed by law.

Grossart moved to accept rules changes for Mid-Cycle to active renewal Fees, class certification, and definition and move the rules to rules hearing for effective date of January 1, 2017. **Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Kirby, Grossart, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries**

7) Proposed Fall 2016 BOARDerline Topics – Coffey updated The Board on the BOARDerline topics for Fall 2016 Issue.

- 2016 Rules Update highlighting the insurance changes – Coffey.
- Article from Linda Sanderlin – Study of the evolution of massage practice in Oregon over 20 years.
- Topical Use Policy – Coffey.
- Database Update – Coffey
- Introduction of New Staff Member – Coffey/New Staff Member.
- Farewell Article – Rothenberger

8) Public Comments – Opportunity for the public to address the Board

McLaughlin with Geico Insurance stated that, the purpose of his visit to the board, is in regards to the issues of massage therapist over billing for services. Even though the board provided information to LMTs in the past advising them to adhere to the laws on billing. LMTs continue to excessively change for services. **McLaughlin** noted that he is happy to see that the board has taken steps to address the matter with the proposed rules on insurance billing and fee splitting that is to go into effect January 1, 2017.

The board discussed the issue of excessive billing and concluded that overbilling is unethical. The board reiterated that its mission is to protect the public and the issue of excessive billing may have financial harm to the public. The board concluded that with the proposed language added in rule for insurance billing and fee splitting, the board will be equipped with the necessary tool to address the issue. The board added that there will be an article published in the Fall BOARDerline addressing the issue as well.

Kirby moved to take a short break. **Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

The Board returned to Public Session at 11:30pm.

Public present: None Present

Fredrickson called the Board into Executive Session at 11:39 am.

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.

9) Executive Session

a. Compliance (192.660(2)(k))

The Board returned to Public Session at 3:31pm.

10) Action on Executive Session Items**Compliance Cases**

- i. **Case 1867 – Foster-Wexler moved to adopt the Ruling on Motion for Summary Determination and Final Order to Licensee. Second the motion: Kirby. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger, and Fredrickson. Opposed: None. Motion carries**
- ii. **Case 1874 – Rothenberger moved to accept the Voluntary Surrender of Licensure. Second the motion: Grossart. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, and Fredrickson. Rothenberger was not present in the room at time of voting. Opposed: None. Motion carries**
- iii. **Case 1946 – Rothenberger moved to Issue a Notice of Proposed Action (Denial of Licensure). Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Morin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- iv. **Case 1872 – Foster-Wexler moved to Adopt and issue the Ruling on Motion for Summary Determination and Final Order. Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- v. **Case 1910 – Foster-Wexler moved to accept the Stipulated Agreement and Final Order negotiated by Board staff. Second the motion: Grossart. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- vi. **Case 1920 – Kirby moved to accept the Stipulated Agreement and Final Order negotiated by Board staff. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: Grossart. Motion carries.**
- vii. **Case 1857 – Foster-Wexler moved to Review EBAS results; and Amend previous Notice of Proposed Action (Civil Penalties) to a Notice of Proposed Action (Revocation) for: One violation of ORS 687.081 (1) (j) engaging in unprofessional or dishonorable conduct One violation of OAR 334-020-0050 (1) (2) (3), and One violation of OAR 334-020-0015 (1) (c), and One violation of OAR 334-030-0005 (20) (a) One violation each of OAR 334-040-0010 (7) (23) (C) (i). Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: Grossart. Motion carries.**
- viii. **Case 1927 – Kirby moved to issue a Notice of Proposed Action for: One violation of ORS 687.081 (1) (a) violating a rule of the Board, and: One violation of OAR 334-010-0025 (9) failure to put license number in advertising, and One violation of OAR 334-40-0010 (12) Employing unlicensed persons to practice massage For a total civil penalty of \$3000. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- ix. **Case 1929 – Foster-Wexler moved to issue a Notice of Proposed Action (Revocation) for: violations of ORS 687.081 (1)(a)(j) unprofessional or dishonorable conduct and one violation of OAR 334-040-0010 (23) (a) (A) (iv) (C) (i) (iii). Second the motion: Grossart. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- x. **Case 1925 – Grossart moved to Issue a Notice of Proposed Action for: violation ORS 687.021(1)(a) Practicing Massage without a license ORS 687.021 (1)(C) Advertise for massage without a license. For a total civil penalty of \$2000. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xi. **Case 1880 – Grossart moved to accept Stipulated Agreement and Final Order Negotiated by DOJ. Second the motion: Foster-Wexler. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xii. **Case 1935 – Grossart moved to issue a License with no stipulations. Second the motion: Chen. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger, and Fredrickson. Opposed: None. Motion carries.**

- xiii. **Case 1924 – Rothenberger moved to close case no violation found and issue a letter of concern for unprofessional conduct. Second the motion: Kirby. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xiv. **Case 1916 – Foster-Wexler moved to Accept stipulated Agreement and Final Order Negotiated by Board staff. Second the motion: Kirby. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xv. **Case 1933 – Chen moved to close case, no violation observed. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xvi. **Case 1936 – Grossart moved to issue a Notice of Proposed Action for: violating ORS 687.081 (1) (a) for violation of OAR 334-040-0010 (12) permitting an unlicensed person to practice massage. For a total civil penalty of \$1000. Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xvii. **Case 1949 – Rothenberger moved to Issue a Notice of Proposed Action for: One violation of ORS 687.081 (1) (a) for violation of OAR 334-040-0010 (12) Employing an unlicensed person to practice massage. For a total civil penalty of \$1000. Second the motion: Grossart. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xviii. **Case 1921 – Chen moved to issue a Notice of Proposed Action for: One violation of ORS 687.021(1)(a) Advertising Massage without a license One violation of ORS 687.021 (1) (a) purporting to engage in the practice of massage without a massage therapist license. For a total civil penalty of \$2000. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xix. **Case 1930 – Kirby moved to issue a Notice of Proposed Action for: One violation of ORS 687.081 (1) (a) for violation of OAR 334-040-0010 (12) Employing an unlicensed person to practice massage. For a total civil penalty of \$1000. Second the motion: Grossart. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xx. **Case 1950 – Kirby moved to issue a Notice of Proposed Action for: One violation of ORS 687.081 (1) (a) for violation of OAR 334-040-0010 (12) permitting an unlicensed person to practice massage. For a total civil penalty of \$1000. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxi. **Case 1951 – Kirby moved to issue a Notice of Proposed Action for: One violation of ORS 687.081 (1) (a) for violation of OAR 334-040-0010 (12) permitting an unlicensed person to practice massage. For a total civil penalty of \$1000. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxii. **Case 1953 – Kirby moved to issue a Notice of Proposed Action for: One violation of ORS 687.081 (1) (a) for violation of OAR 334-040-0010 (12) permitting an unlicensed person to practice massage. For a total civil penalty of \$1000. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxiii. **Case 1931 – Rothenberger moved Issue a Notice of Proposed Action for: One violation of ORS 687.021(1)(c) Advertising Massage without a license One violation of ORS 687.021 (1) (b) operating a massage facility without a facility permit For a total civil penalty of \$2000. Second the motion: Grossart. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxiv. **Case 1952 – Rothenberger moved Issue a Notice of Proposed Action for: One violation of ORS 687.021 (1) (a) engaging in the practice of massage without a license. For a total civil penalty of \$1000. Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxv. **Case 1923 – Grossart moved Issue a Notice of Proposed Action for: One violation of ORS 687.021(1)(c) Advertising Massage without a license. One violation of ORS 687.021 (1) (a) engaging in the practice of massage without a license. For a total civil penalty of \$2000. Second the motion: Chen. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxvi. **Case 1922 – Foster-Wexler moved to Close Case, No Violation found. Second the motion: Grossart. In favor:**

Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.

- xxvii. **Case 1944 – Grossart moved Issue a Notice of Proposed Action for One violation of OAR 334-040-0010(19)(a) failure to cooperate with the board by not furnishing any requested paper or documents; and to suspend the licensees massage therapists license until the licensee comes into compliance. For a total civil penalty of \$1,000. Second the motion: Kirby. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxviii. **Case 1945 – Grossart moved Issue a Notice of Proposed Action for One violation of OAR 334-040-0010(19)(a) failure to cooperate with the board by not furnishing any requested paper or documents; and to suspend the licensees massage therapists license until the licensee comes into compliance. For a total civil penalty of \$1,000. Second the motion: Kirby. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxix. **Case 1934 – Grossart moved to issue a Notice of Proposed Action (Suspension) for Violation of ORS 25.250 through 25.783. Second the motion: Chen. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxx. **Case 1938 – Chen moved to issue a Notice of Proposed Action for: One violation of ORS 687.021 (1) (a) engaging in the practice of massage without a license for a total civil penalty of \$1000. Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxi. **Case 1947 – Foster-Wexler moved to issue a license with no stipulations. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxii. **Case 1932 – Foster-Wexler moved to issue a Notice of Proposed Action (Civil Penalties) for violation of ORS 687.081 (1) (a) (b) and OAR 334-040-0010 (2) Knowing or recklessly making any false statement to the Board; For a total civil penalty of \$1000. Second the motion: Kirby. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

Supplemental Packet

- xxxiii. **Case 1902 – Kirby moved to Issue a Notice of Proposed Action (Revocation) for one violation each of: ORS 687.081 (1) (a) (j) (5) (a-e) and OAR 334-040-0010 (23) (a) (B) (i) (h). Second the motion: Foster-wexler. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxiv. **Case 1953 – Rothenberger moved to issue a Notice of Proposed Action (Denial of Licensure). Second the motion: Chen. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxv. **Case 1954 – Grossart moved to issue a Notice of Proposed Action for: One violation of OAR 334-040-0010 (19)(a) failure to cooperate with the board by not furnishing any requested paper or documents; and To suspend the licensees massage therapists license until the licensee comes into compliance For a total civil penalty of \$1000. Second the motion: Chen. In favor: Chen, Foster-Wexler, Kirby, Rodriguez, Rothenberger, Fredrickson and Grossart abstain. Opposed: None. Motion carries.**
- xxxvi. **Case 1955 – Rotthenberger moved to issue license with no stipulation. Second the motion: Foster-Wexler. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxvii. **Case 1956 – Foster-Wexler moved to issue a Notice of Proposed Action (Suspension), for one violation of: ORS 687.081 (1)(a) and OAR 334/040/0010 (20) Failure to Comply with Board Order. And to suspend license's Massage Therapist License until Licensee complies with the Board Order. Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxviii. **Case 1894 – Foster-Wexler moved to close the case, unable to substantiate allegations. Second the motion: Rothenberger. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

xxxix. **Executive Session Closed Case Report – Chen** moved to accept the executive session closed case dated July 18, 2016 containing cases as submitted in Exhibit 1 consisting of 2 page. **Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

Case No. 1852

Allegation: Unlicensed Practice

Closed: Respondent Unreachable

Case No. 1849

Allegation: Unlicensed Practice/Advertising

Closed: Unable to Substantiate

Fredrickson moved the Board meeting back to public session at 3:28

11) Public Compliance Action

xl. **Public Session Closed Case Report – Chen** moved to accept the public session closed case dated January 25, 2016 submitted in Exhibit 2 consisting of 2 pages. **Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

a)

Case No. 1858

Allegation: Conviction of a Crime

Closed: Stipulated Agreement Issued

Case No. 1766

Allegation: Unlicensed Practice/Advertising

Closed: Civil Penalty Assessed

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

13) Announcements

Next meeting will be on September 12, 2016 at 9am at the board office in Salem, Oregon.

14) Adjourn Meeting – Grossart moved to adjourn the meeting. **Second the motion: Rodriguez. In favor: Chen, Foster-Wexler, Grossart, Kirby, Rodriguez, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

The meeting was adjourned at 3:56 pm.