



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

748 Hawthorne Ave NE

Salem, OR 97301

Phone: (503) 365-8657

Fax: (503) 385-4465

www.oregon.gov/OBMT

OBMT Board Meeting Minutes

July 21, 2014

Board Office

Attendance

Board Members:

David Fredrickson, LMT, Chair

Kathy Calise, Vice Chair

Jon Grossart, LMT

Melanie Morin, LMT (Excused)

R. Craig McMillin, Public Member

Kelley Rothenberger, LMT

Steven Foster-Wexler, LAc, Public Health Member

Staff:

Kate Coffey, Executive Director

Ekaette Udosenata, Policy Analyst

Robert (Bob) Ruark Compliance Manager

Lori Lindley AAG

| | | | | |
|---------|---------------|--------------|-----------------|-----------------|
| Public: | Lisa Garofalo | Suzanne Getz | Neil Pinholster | Wendy Hodsdon |
| | Mary Seamster | Erica Baern | Sharla May | Regina Callahan |

Call to order

Fredrickson called the meeting to order at 9:08 am. Roll call was performed. Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson were present, as well as Coffey, Executive Director, Lindley, AAG, Ruark, Compliance Manager and Udosenata-Harruna, Board staff. Morin was excused.

Fredrickson asked members of the public to introduce themselves. Public present at this time were Baern, Callahan, Garofalo, Getz, Hodsdon, May, Pinholster, and Seamster.

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

2) Approve Amended Minutes for May 16 & 17, 2014: Grossart moved to approve the minutes with amendment of adding Calise to the Board Member in attendance at both days at the traveling Board meeting. Second the motion: Rothenberger. In favor: Calise, Fredrickson, Foster-Wexler, Grossart, McMillin and Rothenberger. Opposed: None. Motion carries.

3) Directors Report

Finances – Coffey reported on the status of the Board Budget Status for the first year of the 2013-15 Biennium. The board's actual revenue for June 2014 was within a 1% deviation from the revenue projection. The board experienced \$5k in deficit spending for the month of June 2014. The board spent \$1k less than was budgeted for the month of June 2014. The majority of the under expenditure was in the category of legal expenses. The board overspent in the

category of computer expense services by \$3,500 as an IT contractor became current on billing for IT services. The category of Travel Expenses is overspent by \$2,700 as some of the traveling board meeting expenses were paid for during the month of June 2014 and the board prepaid the airfare for a board member to attend the MBLEx meeting.

1st Year of the 2013-15 Biennium, the board received \$20k less revenue than was budgeted for the first twelve months of the 2013-15 biennium. The board underspent expenses by \$54k for the first year of the biennium. The majority of the under expenditure is in the category of Payroll Expenses. The board is \$7k over budget in computer expenses as the board did not budget for a facilities database. The board is \$4k over budget in the category of contract/professional services due to the printing of the newsletter. The board is \$4k over budget in the category of travel expenses as the board has expanded their participation in FSMTB activities and the Compliance Manager is performing additional investigations. The board is slightly over budget in the categories of Exam Supplies, Postage, and Bank Charges.

The board completed the first year of the biennium with a savings of \$56k. This savings will be used to fund the office move and continue with the implementation of facilities licensing as well as hiring an intern through Portland State University to conduct a study on the compliance issues with the Asian Pacific community (why this group are not obtaining licensure and what the board will need to do to address this issues). The board is actively working with the Attorney General's office to close those facilities who habitually do not hire licensed massage therapists.

2015 Board Meeting Calendar – Coffey updated the board on the draft board meeting calendar for 2015 which is included in the E-packet. The board was invited to Hood River, OR for the May 2015 traveling board meeting. **Foster-Wexler** requested that the May traveling board meeting be moved to a different date. The board discussed this and moved the May board meeting to May 29 & 30, 2015. A motion to approve the amended 2015 Board Meeting Calendar and to have the traveling Board Meeting in Hood River, OR was made and approved by the board.

Survey Preliminary Results – Coffey updated the board on the preliminary survey results. The board has received 72 responses to the survey as of July 7, 2014. The ratings indicate that 70% of respondents provided a rating in the category of good or excellent. The Board request to keep the survey open and utilize the BOARDerline to request licensees to take the survey.

Compliance Update – Ruark updated the Board that the Compliance section received over 30 new complaints from May 19, 2014 to July 2, 2014. 25 new cases were opened based on those complaints and of those 25 cases, 15 of the complaints are unlicensed individuals and or facilities. The compliance section is actively pursuing enforcement of facilities that are not hiring LMT's.

Ruark noted that there are currently three contested case hearings:

- Facilities case - AAG is filing a motion for summary determination and the hearing is scheduled for September 24, 2014.
- Non-compliance with a CEU audit - The licensee has contested the case; however, the licensee has not provided proof of continuing education. This case should be settled prior to hearing.
- Unlicensed practice and this case will hopefully be settled without a hearing.

Affirmative Action plan – Coffey directed the Board's attention to the supplemental packet to review the affirmative action plan for 2015-2017 which is due on August 29, 2014. She directed the board attention to page 10 of the action plan on one of the goals. "The board will strive for diversity and inclusion of all ethnic groups who want to practice massage and work with this group to legally obtain licensure." Coffey noted that it is her hope to have the Portland State University intern to work on determining why they are not obtaining licensure. Coffey explained that the affirmative action plan will be sent to the governor's office by the end of August for review and approval.

4) Task Force Updates

- a) **CE Task Force – Barck Garofalo reported** on the progress of the task force and updated the Board on the changes made to the CE recommendation at the June, 31 2014 CE Task Force Meeting. **Barck Garofalo** provided to the board a summary document detailing the tasks that the Task Force completed. The CE Task Force recommended that contact hours include “in the physical presence of an instructor or an interactive distance learning course with instructor and other students” and created a definition for noncontact hours. The task force concluded that energy work falls within the category of bodywork techniques. Task force recommends Bodywork definition be changed to the ELAP definition of “forms, methods, and styles including massage, that positively influence the body through various methods that may or may not include soft-tissue deformation, energy manipulation, movement reeducation, and postural reeducation.”

In addition, the task force defined interactive distance learning as “interactive distance learning requires interaction with instructors and other students.” This is to be added as part of number 14 “Contact Hours” in definitions. Licensure section modified to reflect the changes for electronic fingerprints. To reactivate a license, the CE Task Force recommended 4 contact hours in ethics. The late fee has been modified to cap at \$100 for late fees. Continue education, list the topics and must be from the listed topics and cultural competency was also added to the list. **Barck Garofalo** The task force recommended that the Board create a method for individual providers to become OBMT registered CE providers. **Coffey requested** the Board to make a decision on what action the Board would like to take.

May recommends that the Board give the LMT sometime to look for and take the required Ethic classes. She believes that it will take more time for LMT to meet this requirement.

The Board discussed and approved everything on the proposed rules change. Per May’s recommendation, the board set the effective date for March 1, 2015 instead of the initial January 1, 2015 effective date. The board wanted to provide LMT’s sufficient time to obtain the required Ethic hours.

Grossart moved to approve all of the proposed rules changes: **Second the motion: Rothenberger. In favor: Fredrickson, Foster-Wexler, Grossart, McMillin and Rothenberger. Opposed: None. Motion carries.**

Foster-Wexler moved to approve the new rules as amended and the effective date to be March 1, 2015: **Second the motion: Calise. In favor: Foster-Wexler, Grossart, McMillin and Rothenberger. Opposed: None. Motion carries.** **Fredrickson** abstains from voting; disclose that he has a potential conflict of interest as a CE provider.

Draft OAR Continuing Education Division
Board Approved 7/21/14

334-001-0060

Definitions

- (1) "Advantageous" means in the Board’s best interests, as assessed according to the judgment of the Board.
- (2) "Award" means either the act or occurrence of the Board's identification of the Person with whom the Board will enter into a Contract.
- (3) "Barter" means partial or complete trade or exchange of massage or bodywork services for any other type of goods or service other than money.
- (4) "Board" means the State Board of Massage Therapists or its authorized representatives as provided by ORS 687.115.
- (5) "Bodywork" means **forms, methods, and styles including massage, that positively influence the body through various methods that may or may not include soft-tissue deformation, energy manipulation, movement reeducation, and**

~~postural reeducation. the use on the human body, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition of:~~

- ~~(a) Pressure, friction, stroking, tapping, kneading, vibration or stretching by manual or mechanical means or gymnastics;~~
 - ~~(b) Appliances, tools or devices;~~
 - ~~(c) Topical preparations; or~~
 - ~~(d) Hot and cold applications.~~
- (6) "Boundary" means the limits in a professional relationship which create safety based on the needs of the client.
 - (7) "Boundary violation" means an alteration or shift in the limits of a professional relationship so that what is allowed in the relationship becomes ambiguous and/or may not be based on the needs of the client.
 - (8) "Caring" means acting in a manner in which things, events, people or relationships matter.
 - (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; or
 - (c) In another state and licensed or approved by the appropriate agency in that state.
 - (10) "Client" means any individual, group of individuals, or organization to whom an LMT provides massage
 - (11) "Client vulnerability" means factors which diminish a client's ability to be self-determining.
 - (12) "Compensation" means something given or received as payment including but not limited to bartering, tips, monies, donations, or services.
 - (13) "Conflict of interest" means any action or decision or recommendation by an LMT at the detriment of a client.
 - (14) "Contact hours" means actual hours in class under the instruction of and in the **physical** presence of an instructor; **or an interactive distance learning course. Interactive distance learning requires interaction with instructors and other students.**
 - (15) "Contract" means an agreement for purchase, lease, rental or other acquisition or sale or other disposal by the Board of Goods or Services.
 - (16) "Contract Price" means, as the context requires:
 - (a) The maximum payments that the Board will make under a Contract if the Contractor fully performs under the Contract;
 - (b) The maximum not-to-exceed amount of payments specified in the Contract; or
 - (c) The unit prices for Goods and Services set forth in the Contract.
 - (17) "Contractor" means the Person with whom the Board enters into a Contract.
 - (18) "Critical Reflection" means a process whereby knowledge and action are connected to each other through the application of careful, conscious, deliberate reflection on:
 - (a) Personal practice (perceptions, assumptions, motivations, values, behaviors).
 - (b) Assessment and understanding of a situation.
 - (c) Likely or actual consequences or impact of one's actions.
 - (19) "Dual Relationship" means any relationship of a personal or business nature with a client that is in addition to or concurrent with a professional relationship in which the LMT is providing or has provided massage or bodywork services to that same client.
 - (20) "Ethics" means a system of valued societal beliefs and behaviors that may be used to guide and evaluate conduct to ensure the protection of an individual's person and rights.
 - (21) "Emergency" means circumstances that:
 - (a) Could not have been reasonably foreseen;
 - (b) Require prompt execution of a Contract to remedy the condition; and
 - (c) The circumstances create a substantial risk of loss or revenue, damage or interruption of services or substantial threat to property, public health, welfare or safety when the circumstances could not have been reasonably foreseen;
 - (22) Equivalent Credit Hours: are those credit hours as determined by the respective educational institution or its certified classes or programs
 - (23) "Goods and Services" or "Goods or Services" means supplies, equipment, materials and services including Personal Services and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto, that the Board is authorized by law to procure.

- (24) "Indorsement" means:
- (a) the process of evaluating and recognizing the credentials of a person licensed in Oregon in another health care specialty that includes in its scope of practice, acts defined as massage: or
 - (b) the process of evaluating and recognizing the credentials of a massage or bodywork practitioner authorized to practice massage or bodywork in another jurisdiction.
- (25) "Informed consent" means a process wherein clients have knowledge of what will occur, that participation is voluntary, and that the client is competent to give consent.
- (26) "Licensee" means any person holding a license, permit, or certificate issued by this Board; an LMT
- (27) "LMT" means a Licensed Massage Therapist.
- (28) "Massage" or "massage therapy" is defined in ORS 687.011.
- (29) "Non-Contact hours" means education hours independently acquired outside the presence of an instructor.**
- (30) ~~(29)~~ "Offer" means a response to a request for price quote or response to a Solicitation Document.
- (31) ~~(30)~~ "Offeror" means a Person who submits an Offer.
- (32) ~~(31)~~ "Personal power" means recognizing and taking personal responsibility for the inherent power differential between the LMT and the client and recognizing and taking personal responsibility for the impact of professional decisions, actions and behavior on the client.
- (33) ~~(32)~~ "Power differential" means the basic inequality inherent in the professional relationship between an LMT and a client in terms of who has the advantage in the relationship. The LMT is presumed to have the advantage by virtue of the authority which emerges from the role of professional and the vulnerability which is automatically part of the role of client.
- (34) ~~(33)~~ "Practical Work Experience" means experience gained while employed or self-employed providing legal massage/bodywork to the public within the last five (5) years, in another state or jurisdiction.
- (35) ~~(34)~~ "Practice of massage" is defined in ORS 687.011.
- (36) ~~(35)~~ "Professional authority" means the power inherent in the professional role and which is derived from a combination of an LMT's specialized or expert knowledge, societal expectations, stated and unstated client expectations, and an LMT's personal power.
- (37) ~~(36)~~ "Professional relationship" means the relationship established when a LMT contracts with a client, verbally or in writing, to provide any service associated with the practice of massage or bodywork.
- (38) ~~(37)~~ "Professional role" means assuming the demands and responsibilities of professional authority by taking charge of the conditions which create and maintain client safety and trust in the professional-client relationship.
- (39) ~~(38)~~ "Scope" means the range and attributes of the Goods or Services described in the applicable Solicitation Document, or if no Solicitation Document, in the Contract.
- (40) ~~(39)~~ "Solicitation Document" means an Invitation to Bid, Request for Proposal or other document issued to invite Offers from prospective Contractors.
- (41) ~~(40)~~ "Specification" means any description of the physical or functional characteristics or of the nature of Goods or Services, including any requirement for inspecting, testing or preparing Goods or Services for delivery and the quantities of materials to be furnished under a Contract. Specifications generally will state the result to be obtained.
- (42) ~~(41)~~ "Successful Completion" means the written receipt of credit from classes taken at a community college or university or the written receipt of a certificate from a program or private career school.
- (43) ~~(42)~~ "Written" or "Writing" means conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words. It also includes electronic transmissions or facsimile documents when required by applicable law or permitted by a Solicitation Document or Contract.

Stat. Auth.: ORS 687.011 & 687.121

Stats. Implemented: ORS 687.011

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 2-2011, f. 6-29-11, cert. ef. 7-1-11; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0015

Licensure

- (1) An applicant for an initial license or renewal of a license must complete, in its entirety, an original application furnished by the Board.
- (2) An applicant for an initial license and all lapsed and inactive licensees applying for reactivation must submit a completed fingerprint cards **or electronic fingerprints** for a criminal background check.
- (3) All applications for licensure must be accompanied by proof of current certification in cardiopulmonary resuscitation (CPR).
- (4) An applicant must provide written explanation and copies of all related documentation as requested by the board if:
 - (a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country;
 - (b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country;
 - (c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country;
 - (d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or
 - (e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage.
- (5) Applicants for initial licensure must apply within one year of the successful completion of the practical examination.
 - (a) If an applicant does not apply within one year, the applicant must retake the practical examination.
 - (b) At the time of re-examination, the applicant must meet all current licensing requirements and submit original documents as required by the Board.
- (6) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delinquent fee must be paid if the completed application and all requirements are not received by the due date.
- (7) Applicants for the renewal of an active license must sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours.
- (8) Applications for renewal of an active license must be accompanied by:
 - (a) Current licensing fee;
 - (b) Any applicable late fees;
 - (c) Proof of current certification in cardiopulmonary resuscitation (CPR);
 - (d) Proof of 25 hours of continuing education; and
 - (e) Any additional documentation required by the Board.
- (9) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read, understand, and must comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board.
- (10) Licenses issued by the Board must not be transferable.
- (11) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon.
- (12) An application to reactivate an inactive license:
 - (a) must be accompanied by:
 - (A) Current licensing fee;
 - (B) Verification of current cardiopulmonary resuscitation (CPR);
 - (C) Verification of 25 hours of continuing education for each biennium or fraction of the biennium the license was inactive, up to 50 hours; ~~and~~
 - (D) Verification of 4 contact hours in Professional Ethics, Boundaries and/or Communication; and**
 - (E) ~~(D)~~ Completed fingerprint card or electronic fingerprints for criminal background check.**
 - (b) An individual who has been inactive or a combination of lapsed/inactive for 6 consecutive years or greater must, in addition, successfully pass the practical examination.

Stat. Auth.: ORS 687.121 & 687.051

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0006; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2006(Temp), f. & cert. ef. 2-16-06 thru 8-7-06; Administrative correction 8-22-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0017

Lapsed License

- (1) The massage therapist license is considered lapsed if an individual fails to complete the renewal process prior to the expiration of license.
- (2) During the lapsed status, no such person shall practice massage in the State of Oregon.
- (3) An applicant whose license is lapsed may return to active status by including the following with the completed application.
 - (a) Payment of the current fee for activation of the license;
 - (b) Payment of the licensing fee applicable for the period of the lapsed license;
 - (c) Late fee payment;
 - (d) Proof of 25 hours of continuing education for each biennium the license was lapsed and for the current licensing period;
 - (e) **Proof of 4 contact hours in Professional Ethics, Boundaries and/or Communication.**
 - (f) ~~(e)~~-Proof of current certification in cardiopulmonary resuscitation (CPR);
 - (g) ~~(f)~~ A statement indicating whether the applicant has engaged in the practice of massage and bodywork in another jurisdiction during the period of lapsed status; and
 - (h) ~~(g)~~ Applicants must submit a completed fingerprint card **or electronic fingerprints** for criminal background check.
- (4) All information required for restoring a lapsed license must be received within 3 years of the date of lapsing. Thereafter, one must apply as a new applicant.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0050

Continuing Education

- (1) The intent of Continuing Education is to protect the public by maintaining **knowledge and skills of massage and/or bodywork**, ~~and enhancing competencies as defined in OAR 334-010-0047.~~ Each licensee must complete 25 hours of continuing education ~~in the competencies~~ each renewal period. **The continuing education hours must be from the following topics:**
 - (A) Massage and bodywork techniques;
 - (B) Use of thermal modalities, topical preparations, mechanical assistive; devices/appliances;
 - (C) Stretching and gymnastics that lengthen and shorten soft tissues;
 - (D) Posture and movement assessment;
 - (E) Massage and bodywork business practices;
 - (F) Anatomy and physiology of the human body;
 - (G) Kinesiology of the human body;
 - (H) Pathology of the human body;
 - (I) Professional Ethics, Boundaries and/or Communication;
 - (J) Cultural competency
 - (K) Body mechanics;
 - (L) Somatic education;
 - (M) CPR/First Aid;
 - (a) At renewal time, each licensee must sign and submit a Board supplied CE form indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.

- (a) ~~At least 12 contact hours of continuing education training or Board approved activities (Board or Committee meeting/Peer Supervisor/Examiner of Practical Exam/Board Investigator).~~
- (b) ~~The remaining 13 hours may be contact hours or in areas as defined on the Board supplied CE form.~~
- (2) ~~The continuing education requirement does not apply to a licensee's first license renewal.~~
- (3) ~~Continuing education must be completed within the renewal period. Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.~~
- (a) ~~First renewal CE are not required to be submitted at the time of renewal, CE may be submitted with second renewal.~~
- (4) ~~Continuing education records must be maintained by each licensee for a minimum of five years.~~
- (5) ~~If the Board finds indications of fraud or falsification of records, investigative action must be instituted. Findings may result in disciplinary action up to and including revocation of the licensee's license.~~
- (6) ~~Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.~~
- (7) ~~Continuing education must be in areas related to the practice of massage or bodywork including theory, research, technique or business development.~~
- (b) Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 of 25 hours maybe contact or noncontact hours.
- (2) The methods of obtaining continuing education contact hours *shall* include:
- (a) Attendance of courses, seminars, and workshops sponsored, certified by a licensed or accredited massage and bodywork training program;
 - (b) Attendance of courses or activities for continuing education offered by a provider recognized by a massage and bodywork professional organization;
 - (c) Attendance of courses provided by an accredited institution of higher education if *topics are listed* in OAR 334-010-0050(1)(a)(A-M).
 - (d) Attendance of courses, seminars, and workshops provided by OBMT registered CE provider.
 - (e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(a)(E-J).
 - (f) Courses in cardiopulmonary resuscitation/first aid if taken in the presence of an instructor;
 - (g) Providing Board requested peer supervision or Board exam proctoring; One hour of CE contact credit will be given for each meeting/day.
 - (h) Attendance at an Oregon Board of Massage Therapists board meeting, board committee meeting, board task force or serving on these committees/task forces. One hour of CE contact credit will be given for each meeting.
- (3) The methods of obtaining continuing education non-contact hours shall include:
- (a) Publishing an article relating to massage and bodywork;
 - (b) Self-study based on media (i.e. book/video, periodical, *web based*, DVD);
 - (c) Courses or lectures on massage and bodywork which a licensee presents. A licensee may receive credit for presenting a course or lecture only one time per renewal period regardless of how many times the licensee presents the course or lecture.
- (4) If the Continuing Education subject matter is not listed under OAR 334-010-0050(1) it will not be accepted for continuing education.
- (5) The Oregon Board of Massage Therapists randomly selects a minimum of 10 percent of received monthly renewals for an audit.
- a. If selected for an audit you will have 30 days to complete the audit form and submit copies (not originals) of your Continuing Education certificates.
 - b. If you fail to provide the requested information to the Board, within the 30 days, the Board may issue discipline per ORS 687.081 and 687.250.
- (6) The continuing education requirement does not apply to a licensee's first license renewal.

- (7) Continuing education must be completed within the renewal period. Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.
- (a) First renewal CE are not required to be submitted at the time of renewal, CE taken during the first renewal period may be submitted with second renewal.
- (8) Continuing education records must be maintained by each licensee for a minimum of five years.
- (9) If the Board finds indications of fraud or falsification of records, investigative action shall be taken. Findings may result in disciplinary action up to and including revocation of the licensee's license.
- (10) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.

Stat. Auth.: ORS 687.081, 687.121 & 687.122

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 1-1998(Temp), f. & cert. ef. 2-3-98 thru 7-31-98; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 2-2004(Temp), f. & cert. ef. 3-16-04 thru 9-7-04; Administrative correction, 9-28-04; BMT 3-2004(Temp), f. & cert. ef. 10-22-04 thru 4-19-05; BMT 1-2005, f. & cert. ef. 2-23-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

5) Board Business

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

- **Letter by Pearson** to the Board in regards to dropping the practical exam and strongly disagree with the action because even though the written exam is good, but our profession is very hands on. The only way to ensure the candidate has the necessary skills to SAFELY practice is to have this practical exam. Anyone can memorize questions; the proof of skill is hands on testing. For example, and I believe this is a perfect analogy, a physician that wants to be a surgeon has to prove they can do the necessary work before they get their certification. Our profession is no less important, massage in the hands of a less skilled person can result in severe injury. This would keep us consistent within OUR STATE. OUR STATE has other professions that have to demonstrate application of practical skills too, such as plumbers, steam fitters, physicians, nurses, etc. I strongly urge the board to deny the removal of this portion of licensure exam it is in the consumer's best interest and it validates the safety of the therapist in question.
- **Letter to the Education committee by Dunham** regarding the subjectivity of the practical examination and in order for the exam to be fair, the subjectivity of the practical exam needs to be removed.
- **Letter to the Board by McCullough** to the Board in regards to the question of whether or not Oregon should continue to require a practical exam. "I don't believe the practical exam is necessary to protect the public or the profession. Massage training itself should be offered in a context that allows more interactions with the public under the guidance of experienced teachers. From my perspective as a recently licensed LMT, the profession would be better prepared if there were a tiered system of certification that allowed massage students to gradually enter the work force, gaining experience alongside book knowledge, and with the advantage of tutors to offer guidance as real life situations arise."
- **Letter to the Board by Bonnen** in hopes that, the board would do away with the state required practical exam.
- **Letter to the Board by Heisler** in regards to hindrance of the practical exam on practitioner coming from another state.
- **Letter to the Board by Shrum** in regards to the definition of contact and noncontact hours and where Ethics courses would fall into.

After the Board reviewed all the correspondences, the Board agreed that Coffey should respond to the correspondences respectively.

- b) **Legislative Concept for 2015** – The Board discussed the matter of the increase in education hours and agreed to change the hours from 500 to 750.

Baern noted that if ELAP is what other programs across the country are looking for, does it make sense to look at ELAP with a 625 as the standard she asked. On the other hand in her experience, 625 hours is not enough. When looking at other schools around the country and even going up to Canada where school are going, 750 seem to be the target as other schools are on their way to getting up to 1000 hours. So, she feels in both direction and wishes that ELAP had come in a little bit higher.

Fredrickson expressed that those in the field can understand the need for basic level education to start and the Canadian model would be somewhat preferable. Looking at the legislator point of view as to what is the justification for wanting to increase the education hour requirement and is it going to be considered risk to the private businesses by impacting them negatively financially by asking them to do more?

Coffey noted that one of the governor's driving forces in Oregon is jobs creation and as the Board moves forward to increase the education hour requirement it could be perceived as a barrier to employment as it would require the student to remain in school for a longer duration of time.

McMillin expressed that the most important thing to ask is, what does this bill do to the board's infrastructure, what added responsibility are there, and is the board ready for these changes? In addition, has the board discuss the matter with the people that may be in opposition including the disciplines that may identify with the word "Bodywork." Before the board goes to the legislature, rather than take up legislature's time with the massage board. The concern and question here is one of timing and cost to the board.

Coffey explained that the fiscal impact to the board will be minimal. It will require the board to change signage and any type of database to add Bodyworkers to the name. With the lobbying effort, the group that was most opposed this concept last session was the Physical Therapists Association (PTA) and no, we have not been in contact with the Physical Therapists Association at this time.

Fredrickson noted that the board does have an option to go to the PTA after the board adopts the draft Legislative Concept and go to them and say that this is the bodywork definition that is being used nationally; this is what we are going to be using in Oregon and ask for their support.

- c) **2nd Quarter Exam Statistics** – The Board reviewed the exam statics. **Coffey** noted that the board is at a 79% pass rate and what is pulling them down is the out of state is at 63% pass rate. The Oregon schools are doing quite well.
- d) **All Schools Meeting** – **Coffey** noted that the meeting will be held at the University of Western States, Chemeketa Community College Salem campus. The board has received RSVP from almost all the Oregon massage schools that they will be in attendance at the meeting in September. The board also discussed and agreed on inviting neighboring state massage schools and programs to also attend the all school meeting in September.
- e) **FSMTB Meeting – October 2-4** – the board discussed the matter of selecting a delegation to send to the FSMTB meeting in Arizona. The board decided to send **Ruark, Calise, Fredrickson** and **Rothenberger**. The board agreed that **Calise** will attend the meeting in Arizona as the Board delegate and **Rothenberger** as an alternate delegate.

Fredrickson called to take a short break 10:30a.m.

Grossart moved to take a short break and to observe a scope of work demonstration by both the Milne Visionary and Bio Dynamic Craniosacral therapy; Second the motion: **Foster-Wexler**. In favor: **Calise, Fredrickson, Foster-Wexler,**

Grossart, McMillin and Rothenberger. Opposed: None. Motion carries.

Fredrickson reconvene the meeting at 11:34am after the board observation of the scope of work demonstration by both the Milne Visionary and Bio Dynamic Craniosacral therapy.

- f) Scope of work: The board observes the scope of work demonstration by both Milne Visionary Craniosacral Therapy and Bio Dynamic Craniosacral Therapy for the purpose of exemption.

Rothenberger expressed that she does not agree with the reflexology being exempt. If there is a state entity to take on that focus of regulating this modality is one thing, but when the patrons have questions and do not know where to go to or whom to complain to, it becomes problematic if this modality is exempt.

Calise showed concern with the confusion that will arise if the board was to exempt just these two types of Craniosacral. This will set precedence, thus creating a platform for other modalities to seek exemption following suite. The public does not know how Bio dynamic or Milne Visionary Craniosacral therapy vs the others differ, to the public, it is all massage. **Calise** begs the question, how do we exempt one or two type of Craniosacral and not all? What is there to say that all the other types of Craniosacral will not seek exemption?

Getz believes that an answer to this question would be for other Craniosacral therapists would have to show their demonstration to the board for the board to determine whether they should be exempted from being regulated by the board of massage.

McMillin suggest that he believes there should be an exemption but strongly believe that there should be a definition of the activity that is being exempt rather than the modality seeking exemption with only a demonstration. The board needs to know what Bio dynamic and Milne Visionary Craniosacral therapy entailed. **McMillin** ask if the representative will be interested in working on a definition of the actives that they are engaging in and present it to the board.

Hodsdon – noted that in the rule when the board is saying that polarity is exempt, polarity is not defined.

Fredrickson – explained that the exempt practices in rules do have brief definitions given with example of the specific modality that fits those definitions. It would be appropriate following this protocol to have a definition in place and your practices, if we choose one or both to be example of that. So a definition is pertinent. He further noted that there are three categories in statute which defines specifically what this are. **Fredrickson** reiterated that, both the Bio dynamic and Milne Visionary Craniosacral therapists seeking exemption need to submit to the board a definition that encompasses the three categories or criteria set forth in statutes.

Grossart agrees that Craniosacral is minimal touch. But the bigger problem is looking again at the scope of the board of whether or not it is truly just regulate massage therapy. This is because, when the board was created many years ago, it was essentially just Swedish massage therapy and that is not the case anymore, it is a lot more than that today. In some level, the language have not been brought up to date and so the question is, if we are the massage and bodyworkers board, Craniosacral will fall under this board whether it is licensed under some form of generic bodyworker title or the board create a special designation of Craniosacral therapist or something that is different than massage. All the groups seeking exemption does not consider themselves massage which is part of the problem with the terminology of “we cannot define ourselves as massage therapists”. **Grossart** questions if the representatives can define themselves as something that is different from the scope of the board?

Foster-Wexler inquired as to what state board would regulate the practice, its coming to the board right now as the board of massage therapist, are we the most appropriate board to oversee it? When we get this definition and if we the board become the massage therapists and bodyworkers board, maybe we are the appropriate board. If we are not and remain

just the board of massage therapists, what board would oversee it; does a board need to oversee it? Foster-Wexler further explained that in his field of acupuncture, there are different styles of acupuncture as well, nonetheless, in Oregon; one has to be an acupuncturist to do just the five protocols whereas, in other state, one can be any specific protocol. In Oregon, anything that looks like, feels like acupuncture is regulated by the acupuncture board.

The Board discussed and concluded that the Board cannot exempt any modality that uses any form of touch. The Board agreed to give the representatives time to submit to the board a definition of the activities that they are engaging in by both Bio dynamic and Milne Visionary Craniosacral therapists in addition of demonstrating their work and will be given due process and consideration at the September, 2014 Board meeting.

- g) **January 2015 proposed rules changes** – Coffey updated the board on the propose rules changes. Coffey noted that the list encapsulate what the board wanted to go forth with and with an effective date of January 1, 2015 however, if the Board wants to have other rules effective in March of 2015 instead, the board would want to put them at the same time. The list does also incorporate the CE recommendation by the CE Task Force. The AAG definition of good moral character and professional fitness which is the same information that the board approved at the May board meeting. Coffey further added that the board has to go to electronic fingerprint, which was a law that was passed last year. As a result of the new law, we are changing the fingerprint card to electronic fingerprint and card. Because of the out of state applicants, we will still accept hard copy fingerprint. In addition, Coffey noted that the board will also include the \$100 cap for late fees. Coffey also noted that the requirement to have the hand washing sign has been removed from rule. In regards to the standards and objective of professional conduct, having an understanding of bill client and insurance when appropriate was added.

Calise moved to send the proposed rules changes to the Rules Committee for review with the exception of the continue education section which is approved by the board as recommended by the CE Task Force. **Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

- 6) **BOARDerline** – the Board discussed possible topics for the BOARDerline. Rules modification and the 2015 legislation proposals effective March 1, 2015. Update on facility permit, a reminder that the survey is still open until the end of the year. An article of the FSMTB and Outgoing board member, Renewal due dates, Compliance Information/data, and 2015 Legislative Proposal. The next BOARDerline will be published in October or November of 2014.
- 7) **Public Comments** – Opportunity for the public to address the Board

Baern noted that as she listens to the continued request for exemptions, she believes that this is something that is going to continue to be an issues and it is going to increase based on the number of people that she has coming to East West College saying that they are trained as one modality or another and cannot work in Oregon because they have to take additional courses regardless of the fact that it has nothing to do with their scope of practice and how long they have been practicing. Baern is concerned about the splintering of the bodywork profession and thinks that the board needs to continue to take action to encourage that to not happen. She is glad to see that there is something going to the legislature to change the title because she hopes that it will change that concerns that people have. Furthermore, the other things that the board is looking at, is changing the number of hours and in those numbers of hours, have the board considered for bodywork what that would mean and what it is that the board is looking for. If the board is looking for 700, 800 or even 625 hours, as much as ELAP is great, she does not know that curriculum requirement of ELAP would be a good match for Craniosacral therapy. While Baern believes that Craniosacral therapy is a part of bodywork and would feel more comfortable if they were not exempt because there are a variety of players in this filed and would be more entrusted in taking a look at what does the board have as a requirement that would truly welcome in other forms of bodywork. The board needs to come up with a more comprehensive way of

encouraging the inclusion of other modality rather than exclusion. **Baern** further noted that as for the examination, the board needs to make this more inclusive. **Baern** desire is to see the board come up with ways that would be supportive of people that do not consider their practice to be massage therapist but practitioners of other modalities and so they would be able to practice in Oregon. **Baern** suggested that perhaps, the board could look into having different categories of licensure that have different requirements and designation.

Hodsdon noted that it is really important that the board comes up with ways that are inclusive of other modality of massage that is not necessarily massage because, her concern is taking the exam and having to learn things that she never practice. **Hodsdon** noted that having her take the exam would not make it easy to evaluate her practice and she wants a board that knows what she is doing to oversee things.

Seamster, a teacher of aquatic therapy noted that her first option would be to have a Craniosacral therapist come to her class to demonstrate to the students because; they have a quality of touch, an intuition of presence and ethical boundary that she does not always see in a massage therapist.

Fredrickson thanked and excused the members of the public

Fredrickson called to enter into Executive Session at 12:30pm.

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.

1. Executive Session

- a. Practical Exam Appeal (192.501(4))
- b. Compliance (192.660(2)(k))

The Board returned to Public Session at 4:53 pm.

2. Action on Executive Session Items

Practical Exam Appeal

- i. Exam Appeal AA – **McMillin** moved to grant the applicant an opportunity to retake the examination at no cost. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

Compliance Cases

- i. Case 1650 – **Calise** moved Grant license with stipulations outlined in the Stipulated Agreement and Final Order of case 1391: Pay civil penalty payments of \$166.66 by the 5th of each month, until paid in full. Licensee shall be placed on probation and Peer Supervision for two years from the date of reactivation. Licensee agrees not to engage in any conduct which would or could impact his ability to safely and competently conduct his massage practice or compromise the health and safety of the clients served. **Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: McMillin. Motion carries**
- ii. Case 1674 – **Foster-Wexler** moved issue license without restrictions. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- iii. Case 1681 – **Rothenberger** moved to issue license to applicant without stipulations. **Second the motion: Grossart. In**

- favor: Calise, Foster-Wexler, Grossart, McMillin, Morin, Rothenberger and Fredrickson. **Opposed: None.**
Motion carries.
- iv. **Case 1673 – Rothenberger moved** to renew license with the following restrictions: Licensee will be on probation for the duration of the criminal probation ordered per their criminal conviction. Licensee must report any criminal probation violations, if they occur, to the OBMT within 10 days. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Fredrickson, Grossart, McMillin and Rothenberger. Opposed: None. Motion carries.**
- v. **Case 1685 – McMillin moved** to move this case to the September 22, 2014 Board meeting for further investigation. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Fredrickson, Grossart, McMillin, Rothenberger. Opposed: None. Motion carries.**
- vi. **Case 1691 – Foster-Wexler moved** to issue license without restrictions. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- vii. **Case 9-03-245 – Calise moved** to deny respondents request to waive the remaining civil penalty amount. **Second the motion: McMillin. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- viii. **Case 1656 - Foster-Wexler moved** to issue a Notice of Proposed Action for: one violation of ORS 687.021(1)(a) Engaging in or purporting to engage in the practice of massage without a massage therapists license; and one violation of ORS 687.021(1)(b) Operating a Massage Facility without a permit for a total civil penalty of \$2000. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- ix. **Case 1653 - Grossart moved** to issue a Notice of Proposed Action for One Violation of ORS 687.021(1)(a) Engaging in or Purporting to engage in the practice of massage without a massage therapists license, and, four violation of ORS 687.021(1)(c) Unlawful advertising for Massage without a license for a total civil penalty of \$5000. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- x. **Case 1665 - Calise moved** to close case, unable to Substantiate. **Second the motion: McMillin. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xi. **Case 1647 - McMillin moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(1) (a) Engaging in or purport to engage in the practice of massage without a massage therapist license for a total civil penalty of \$1000. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xii. **Case 1659 - Foster-Wexler moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021 (1)(a), engaging in or purporting to be in the practice of massage without a license; and; One Violation of ORS 687.021 (1) (c) Advertising massage without a license for a total civil penalty of \$2000. **Second the motion: Grossart. In favor: Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xiii. **Case 1652 – McMillin moved** to conduct further investigation. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xiv. **Case 1657 – Foster-Wexler moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021 (1)(a) Engaging in or purporting to engage in the practice of massage without a massage therapists license, and; One violation of ORS 687.021 (1)(c) Advertising massage without a license for a total civil penalty of \$2000. **Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xv. **Case 1672 – Foster-Wexler moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(1)(b) Failure to Obtain a Facility Permit, and; One violation of ORS 687.021 (1)(c) Advertising massage without a license; One violation of OAR34-040-0010 (12) Employing unlicensed persons for a total civil penalty of \$3000. **Second the motion: McMillin. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xvi. **Case 1668 – Foster-Wexler moved** to issue a Notice of Proposed Action for: One Violation of ORS 687.021 (1) (a) Engaging in or purporting to engage in the practice of massage without a massage therapists license, and; One violation of ORS 687.021 (1)(b) Failure to Obtain a Facility Permit; One Violation of ORS 687.021 (1)(c) Advertising massage without a license; One violation of ORS 687.021(1)(d) Using the word “massage” in a business name without

- a license for a civil penalty of \$4000. **Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xvii. **Case 1662 – Calise moved to issue a Notice of Proposed Action for: One Violation of ORS 687.021(1) (a) Engaging in or purporting to engage in the practice of massage without a massage therapists license, and; One Violation of ORS 687.021(1)(c) Advertising massage without a license for a civil penalty of \$2000. Second the motion: McMillin. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xviii. **Case 1664 – Calise moved to close case no violation found and issue a letter. Second the motion: McMillin. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xix. **Case 1636 – McMillin moved to accept the Stipulated Agreement and Final Order negotiated by the ED. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xx. **Case 1680 – Grossart moved to issue a Notice of Proposed Action for: One violation of ORS.021 (1)(a) Engaging in or purporting to engage in the practice of massage without a massage therapists license; One violation of ORS 687.021(1)(b) Unlawful advertising for a total civil penalty of \$2000. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxi. **Case 1645 – McMillin moved to accept the Stipulated Agreement and Final Order negotiated by the ED. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxii. **Case 1646 – McMillin moved to accept the Stipulated Agreement and Final Order negotiated by the ED. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxiii. **Case 1669 – Calise moved to close case, unfounded. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxiv. **Case 1679 – Calise moved to issue a Notice of Proposed Action for: One violation of ORS.021(1)(a) Engaging in or purporting to engage in the practice of massage without a massage therapists license; One violation of ORS 687.021(1)(b) Unlawful advertising for a total civil penalty of \$2000. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxv. **Case 1663 – Foster-Wexler moved to issue a Notice of Proposed Action for: One violation of ORS 687.021 (1)(a) Engaging in or purporting to engage in the practice of massage without a massage therapists license for a total civil penalty of \$1000. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxvi. **Case 1683 McMillin moved to issue a Notice of Proposed Action for: One violation of ORS.021 (1)(b) failure to obtain a facility permit, and; One violation of OAR 334-040-0010 (12) employing unlicensed person for a total civil penalty of \$2000 and request the AG to seek an injunction on the Facility. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxvii. **Case 1671 – Rothenberger moved to issue a letter of concern to licensee regarding proper draping. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxviii. **Case 1655 – Calise moved to close case, unfounded. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxix. **Case 1666 – Calise moved to close, unable to substantiate. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxx. **Case 1661 – Calise moved to issue a letter of concern on the use of massage in her advertisement and wait on expert opinion. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxi. **Case 1654 – Calise moved to close, unable to substantiate. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxxii. **Case 1678 – Foster-Wexler moved to Issue a Notice of Proposed Action for: One violation of ORS.021(1)(a) Engaging in**

or purporting to engage in the practice of massage without a massage therapists license; One violation of ORS.021(1)(b) Unlawful advertising for a total civil penalty of \$2000. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

xxxiii. **Case 1413 – Grossart moved to grant respondent’s request to be released from probation effective 07/30/2014. Second the motion: McMillin. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

xxxiv. **Case 1676 – Calise moved to issue a Notice of Proposed Action (Suspension) pursuant to ORS 25.750 THROUGH 25.783. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

xxxv. **Case 1628 – McMillin moved to withdraw the Notice of Proposed Action issued in this case. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

xxxvi. **Case 373 – Calise moved to accept the Stipulated Agreement and Final Order negotiated by the ED. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

xxxvii. **Case 1689 – McMillin moved to issue a Notice of Proposed Action (Suspension) for: One violation of OAR 334-040-0010 (19)(a) Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to: Failure to furnish requested papers or documents, pursuant to ORS 687.250(2). For a total civil penalty of \$1000 and to suspend licensee’s massage therapist license until such time as licensee comes into compliance with the continuing education requirements of the board. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

xxxviii. **Case 1690 – McMillin moved to issue a Notice of Proposed Action (Suspension) for: One violation of OAR 334-040-0010 (19)(a) Failing to cooperate with Board in any licensing action or disciplinary proceeding, including but not limited to: Failure to furnish requested papers or documents, pursuant to ORS687.250(2). For a total civil penalty of \$1000 and to suspend licensee’s massage therapist license until such time as licensee comes into compliance with the continuing education requirements of the board. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

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

Case No. 1644

Allegation: Failure to pay child support

Closed: Compliance Met

Case No. 1677

Allegation: Failure to pay child support

Closed: Compliance Met

3. Public Compliance Action

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

Case No. 1608

Allegation: Unlicensed Practice

Closed: Final Default Order

Case No. 1609

Allegation: Unlicensed Practice and Advertising

Closed: Final Default Order

Case No. 1610

Allegation: Unlicensed Practice

Closed: Final Default Order

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

4. Announcements

Next meeting will be on September 22, 2014 in Salem, Oregon.

12) **Adjourn Meeting** – Calise moved to adjourn the meeting. **Second the motion:** Rothenberger. **In favor:** Calise, Foster-Wexler, Grossart, McMillin, Morin, Rothenberger and Fredrickson. **Opposed:** None. **Motion carries.**

The meeting was adjourned at 5:34 pm.