



BOARD MEETING MINUTES
Wednesday, January 3, 2001
Morrow Building
3218 Pringle Rd SE Salem, Oregon 97302

Attendance

Board Members:

Lisa Oxman, L.M.T., Chair
David Frostad, L.M.T.
Judy Basker

Michael Jordan, L.M.T.
Jacqueline Kern
Jennifer Knight

Staff: Bev Holzman, Executive Director

Public:

Nick Chrones
Lisa Barck-Garafalo

Pam Baer
Paul Gerhards

- 1) Executive Session – 12:00 PM
 - a) Lunch

Oxman announced that pursuant to ORS 192.660 (1)(f) and ORS 192.660 (1)(h) the Oregon Board of Massage Therapists will now meet in Executive Session for the purpose of considering records that are exempt by law from public inspection. These records are relevant to test questions, scoring keys, and other examination data used to administer the qualifying examinations and consultation with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Representatives of the news media and designated staff shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session except to state the general subject of the session as previously announced. No decision may be made in Executive Session. At the end of the Executive Session the Board will return to open meeting and welcome the audience back into the room. The Executive Session convened at 12:20 PM. Ended at 1:15 PM.

- 2) Call to Order
Oxman called the public meeting to order at 1:35
- 3) Approval of Agenda
Add 9)b) Proposed rules hearing. **Kern moved** to approve the agenda as amended. **The motion carried.**
- 4) Approval of minutes; November 3, 2000
Knight moved to approve the November 3, 2000 minutes as written. **The motion carried.**
- 5) Report of the Executive Director
 - a) Correspondence report
The Board reviewed the report and had no comments or revisions.

b) Report on Newspaper Advertisements

Holzman stated that the ads are costly and the Board might consider some other way to reach the public. David talked with the Licensed Clinical Social Worker's (LCSW) board staff. The Board has a flier that provides information on LCSW and the flier is sent to licensees to display and have available to their clients. The initial goal is to educate the public. How do we get to the public who don't generally use the services of an LMT? Ask for help from the professional organizations. Holzman will investigate the cost of brochures in bulk and research what other boards do to educate the public.

c) Report on LMTs included as Health Professionals under ORS 124.050(5)(k) – Holzman.

ORS 124.050(5)(k) is the statute that requires certain agencies and health officials to report abuse of senior citizens. Most health professionals are specifically listed in the statute; however, massage therapists are not on that list. Based on a telephone conversation that Holzman had with a representative from Senior and Disabled Services, this was an apparent oversight. The Board's legal counsel recommended that the Board put a note in the next Newsletter to encourage LMTs to comply with the statute even though they are not required to do so.

Frostad moved for Holzman to pursue the necessary steps to have LMTs added to the statute and to follow the recommendation of the Board's legal counsel. **The motion carried.**

d) Stipend information from other Boards

Oxman recommended to leave the stipend amount at \$100 and to pay for attendance at board meetings (any meetings which require public notice), committee meetings and work sessions/retreats. Board members will also be paid a stipend each day for serving as an examiner for the written or practical exams. Frostad asked about attendance at those meetings when a board member serves as a liaison. Such as those David went to for the DOE/school meetings. Oxman stated that if the board member spends more than half a day traveling to attend those meetings, a stipend should be paid. However, those will be considered on case-by-case basis.

e) Financial Report

The Board reviewed the report and had no questions or comments.

f) Presentation of Proposed Budget for the 2001-2003 biennium

Holzman pointed out the following significant increases over the current biennium:

- An increase in rent to allow Holzman to research the opportunity of acquiring more office space for the board staff.
- The increase of stipends from \$30 to \$100.
- An increase in the provision of health benefits. Health care costs are skyrocketing for everyone and this includes the costs to employers providing health benefits to their employees

Frostad moved to adopt the proposed budget for the 2001-2003 biennium. **The motion carried.**

6) Committee Reports

a) Education Committee – Chair, Lisa Barck-Garafalo [GC20074]

Barck-Garafalo stated the committee requests two action steps from the Board. The action steps include revisions to OAR 334-010-0047; Entry Level Competencies.

Proposed rule changes from Barck Garofalo and Frostad:

Note: Deletions are in brackets []; revisions are in **bold,underlined**.

Revisions to:

334-010-0047

Entry Level Competency Requirements

At the completion of the educational program, the beginning massage and bodywork practitioner shall [be able to]:

- 1) [Demonstrate knowledge of anatomy, physiology, kinesiology and pathology as outlined in the current Occupation Analysis.] **Act in a professional manner as defined by the massage and bodywork professional organizations;**
- 2) [Demonstrate palpation skills by:
 - a) locating origin, insertion, and belly of major muscles,
 - b) demonstrating lengthening, shortening, and
 - c) demonstrating rudimentary knowledge of energy systems and pathways.] **Be competent in the knowledge and skills of soft tissue manipulation and treatment;**
- 3) [In developing a treatment plan for a client, identify indications for, contraindications to, risks, and benefits of all treatment options and use that knowledge to develop an appropriate age specific treatment plan.] **Utilize the knowledge of Anatomy and Physiology, Kinesiology and Pathology in order to recognize the signs and symptoms of a body in health and when something is abnormal;**
- 4) [Establish a client database consistent with the type of client concern or problem, type of services required, and level of services required by:
 - a) obtaining client history, either verbal or written;
 - b) conducting physical assessment;
 - c) conducting energy assessment.] **Operate skillfully in the business environment.**

(All of the following are to be deleted)

- 5) [Establishing a treatment approach or plan taking into consideration the presenting concern/problem, client profile, client preferences for treatment, and treatment effectiveness/outcome.
- 6) Reassess and update client database and treatment approach/plan as indicated.
- 7) Inform client of outcome of assessment, treatment options, alternatives, risks, benefits, side effects and expected treatment outcomes as indicated.
- 8) Obtain verbal or written informed consent for treatment.
- 9) Consult, collaborate with, or refer clients to other health care providers when indicated by client condition or if desired by client.
- 10) Establish and maintain competence in basic techniques of soft tissue manipulation and treatment.
- 11) Apply passive, active, and resistive movement safely within normal range of client's capabilities.
- 12) When indicated, safely utilize external applications of heat, cold, topical preparations, and other preparations available to the public.
- 13) When indicated, safely utilize mechanical assistive devices for massage/bodywork.
- 14) Practice effective interpersonal communications that take into consideration client's capabilities, boundaries and background and which demonstrate courtesy and respect.
- 15) Track nonverbal communication of client and, if needed, use it to enhance communication and adjust treatment plan.

- 16) Demonstrate knowledge base of professional and business records that might be needed for practice.
- 17) Establish and maintain an environment for practice that provides for the client's safety and comfort and meets basic requirements and occupational health standards in regard to sanitation, prevention of communicable disease, prevention of accidents, privacy, and sensory needs of client (temperature, sound, light, etc.).
- 18) Demonstrate basic knowledge of legal and business requirements for practice of massage and bodywork.
- 19) Demonstrate basic knowledge of ethical principles and decision-making relevant to practice of massage and bodywork.
- 20) Demonstrate ability to apply massage and bodywork techniques in a manner congruent with basic principles of body mechanics for self and client.
- 21) Demonstrate basic knowledge of CPR by holding current CPR certificate
- 22) Demonstrate awareness of a variety of massage and bodywork theories and techniques.
- 23) Implement the principles outlined in Division 30, Ethics.]

Stat. Auth: ORS Ch. 687.121

Frostad moved to adopt the proposed changes to OAR 334-010-0047 as provided above. Discussion followed. Knight verified for the record that the proposed changes would reduce the rule to the first four components. Frostad stated that in discussion it was determined that the 23 components were difficult for the schools to meet and understand. With only four components, DOE and schools can submit a "model curriculum" on how to measure LMT applicants/examinees. Oxman stated relevant parties will be notified of the hearing date and opportunities when the Board will allow public comment on all proposed rule changes and the proposed budget. After the hearing, the Board considers proposals, reflects on comments and goes on the record to adopt rule changes. **The motion carried.**

Frostad moved that the education and exam committees work together to implement the changes to OAR 334-010-0047, particularly component four and create a model curriculum. Oxman asked if all schools would participate in creating a "model curriculum". Barck Garofalo stated the schools have not had an opportunity to discuss the report. She also stated it is not the committee's intent to dictate the schools' curriculum or how it should be set. **The motion carried.**

Frostad moved to consider the proposed rule changes that were presented at the Focus group meetings. Frostad's motion was not clear. **The motion did not carry.**

b) Scope of Practice Committee – Chair, Nick Chrones

Chrones asked the Board to consider the three questions presented at the bottom of the report. He also stated that some of the responsibilities for this committee would require work with other committees. Chrones thought it might be more appropriate for the development of CEUs to be assigned to the education committee.

Oxman asked the Board if there was a need for continued work from the Scope of Practice Committee. Knight agreed that the CEUs should go to other committees. Jordan asked Chrones if the committee felt it was wasting its time. Chrones feels the committee has already addressed some important issues especially regarding the Occupational Profile; those recommendations will be presented at next board meeting. The Board and Chrones reviewed the 5 tasks presented in the report.

Chrones does not feel the committee should be disbanded until completion of number 1. The committee will drop number 3 and look at number 4 in conjunction with the education committee. Basker stated the Board should not disband the Scope of Practice committee, but should utilize it when needed.

Frostad recommended the following amendment to the five tasks as presented in Chrones report:

Item number 3 - should reference ORS 687.123 instead of 687.121(2). Item number 4 – The Scope of Practice Committee will confer with the Education Committee. Item number 5 – the Board cannot develop a code of ethics; it can adopt a code of ethics as stated in ORS 687.081(7).

As a result of the discussion, Chrones understands the committee is to continue to work on the following:

- (1) Finish task number 1
- (2) Begin work on number 2
- (3) Start the “framework” for number 3
- (4) The Board will make a decision on the Scope of Practice and Education committees working together on CEUs.
- (5) This will be the next item for the committee to report on.

c) Examination Committee – Chair, Jacqueline McCal
Holzman presented a written report on behalf of McCal. The committee has made some minor adjustments to the structure of the practical exam and reviewed and revised the written exam as necessary.

7) Action on Executive Session matter(s)

a) Examination Appeals

Jordan moved to deny appeal of

- i) **Jordan moved to deny appeal of Examinee #18-no discussion. The motion carried.**
- ii) **Jordan moved to deny appeal of Examinee #631 no discussion. The motion carried.**
- iii) **Jordan moved to deny appeal of Examinee #196 no discussion. The motion carried.**
- iv) **Jordan moved to deny appeal of Examinee #188 no discussion. The motion carried.**

8) Old Business

a) Discussion on NASMTB by-laws

Oxman stated that Jordan would take her place as the Board’s representative for National Alliance. The Board had no discussion on the by-laws. Any future questions or concerns are to be directed to Jordan. Frostad asked if he could pass on the information received from Kyle Martin, the Board’s legal counsel? Holzman stated yes that information could be shared. Oxman opened discussion on whether Frostad or Jordan should attend as full members of the upcoming CLEAR conference or just attend. DF would like more info on CLEAR. Holzman will check on CLEAR conference, including the cost of attending.

b) Discussion on OBMT Focus Group meetings

Frostad: The practitioners expressed the most concern on the following items:

- They would like the board to express its requirements in more general terms and not be so “nit-picky”
- Set clear standards for CEUs and let the educators teach.
- More concerns with the board processes.

Oxman asked the board to consider the proposed changes to OARs as presented to the focus groups. **Knight moved to adopt the proposed changes, with the exception of OAR 334-010-0047 and move forward with the hearing process. The motion carried.**

9) New Business

a) Review renewal application of G. Davisson

Frostad moved to deny the renewal of application to active status until such time as she provides verification she has completed required steps: 50 hours refresher courses and 18 hours of CEU. Discussion: Jordan stated the Board needs to let her know if the courses she presented meet board approval or not and she needs a decision now as the classes begin soon. Jordan stated the flower essence course would not qualify for a refresher course but could apply towards CEU. Holzman was directed to call Davisson and have her contact a school of her choice to work on completing the necessary requirements to reactive her license. **The motion carried.**

b) Frostad requested that the Board add the proposed rule changes regarding facilities to the upcoming rules hearing. **Jordan moved** to add those proposed changes to those already voted on. **The motion carried.**

10) Public Comment

Barck-Garafalo asked when the rules hearing would be. That is to be determined; notices will be placed in the Secretary of State's bulletin and mailed to all active LMT's as part of the upcoming newsletter.

Chrones stated the Board has created 3 good committees and encourages the board to provide mission statements and framework for the committees; as membership will change. Oxman suggested that the committees set their own ground rules for operation, like the board does.

11) Announcements

Frostad stated a survey was distributed at a recent ABMP meeting. There was also discussion on the benefits of regulation such as safety and assurance of competency. Frostad feels the board is moving forward in that direction.

12) Oxman adjourned the meeting at 4:10 PM

Addendum to minutes:

Education Committee Report

Scope of Practice Committee Report

Exam Committee Report

Suggested Rule Changes (Division 20)

Rule Comparison Chart (section 334-010-0047 has been deleted)