



Oregon Board of Massage Therapists

MORROW CRANE BUILDING SUITE 250 3218 Pringle RD SE Salem OR 97302
(503) 365-8657 fax (503) 378-3575

BOARD MEETING MINUTES

Monday, July 23, 2001

Morrow Building

Large Conference Room

3218 Pringle Rd SE Salem, Oregon 97302

Attendance

Board Members:

Lisa Oxman, L.M.T., Chair

Judy Basker

David Frostad, L.M.T

Stephanie Manriquez, L.M.T.

Michael Jordan, L.M.T.

Jacqueline Kern

Jennifer Knight

Staff:

Bev Holzman, Executive Director

Michelle Sherman, Office Manager

John Pounds, Exam Coordinator

Jacqueline McCal, Administrative Assistant

Public:

Susan Braithwaite; Oregon School of Massage

Elizabeth Hart; Oregon School of Massage

Patty Glenn; Ashmead College

Kim Fuller; Ashmead College

Siri M. Elliott; Ashmead College

Tracy Wise; Cascade Institute Of Massage

Erica Anderson; Cascade Institute of Massage

Jason Cooper

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 10:10 AM; ended at 1:45 PM.

1) Executive Session

a) Lunch

2) Call to order

Oxman called the public meeting to order at 2:07 PM

- 3) Approve Agenda
Knight moved to approve the agenda with minor changes. **The motion carried.**
- 4) Approve May 7, 2001 Board meeting minutes
Jordan moved to approve the minutes as written. **The motion carried.**
- 5) Report of Executive Director
 - Financial Statement
Board members reviewed the report and had no comments.
 - Correspondence
Board members reviewed the correspondence report and had no comments.
- 6) Committee Reports
 - a) Examination Committee – Chair: Jacqueline McCal
 - i) Written report
McCal stated the committee was continuing its work on the written exam.
 - b) Education Committee – Chair: Lisa Barck-Garofalo
 - i) Written report
Barck-Garofalo was not in attendance. Frostad opened discussion on the questions presented in her report. Manriquez commented that the development of a model curriculum would be an ongoing project that would need to be continually monitored and revised. She felt this would cause more backlog than progress. It was stated that a model curriculum would need to be developed to implement an alliance between the Board and the Department of Education. Oxman stated that the Board's response to the questions presented in the report could change if the Board adopts a national exam. Frostad stated that whether the Board adopts a national or not it still needs to maintain entry-level competencies and requirements.
 - c) Scope of Practice Committee - Chair: Nicholas Chrones
 - i) Not in attendance. No report
- 7) Action on Executive Session Matter(s)
 - a) Arrest Records
I.K.; application for renewal
Jordan moved to change the status of her licensure renewal from provisional active to active.
The motion carried.

S.M.; application for examination
Basker moved to accept the application. **The motion carried.**

A.H.; application for examination
Jordan moved to accept the application. **The motion carried.**

J.L.; application for examination
Kern moved to accept the application. **The motion carried.**

L.B.; application for examination
Jordan moved to accept the application. Frostad abstained. **The motion carried.**

b) Law Enforcement Cases

- i) **Case 10-97-025:** Unlicensed practice of or offer to practice massage.
Manriquez moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$500 per violation of ORS 687.021. Jordan abstained. **The motion carried.**
- ii) **Case 01-98-029:** Unlicensed practice of or offer to practice massage.
Kern moved to close the case with a code of C21; Respondent Unreachable. **The motion carried.**
- iii) **Case 01-99-036:** Unprofessional or dishonorable conduct by an LMT.
Basker moved to close the case with a code of C13; issue a letter of concern regarding communication with client. Jordan abstained. Manriquez voted no. **The motion carried.**
- iv) **Case 02-99-041:** Unlicensed practice of or offer to practice massage.
Frostad moved to close the case with a code of C21; Respondent Unreachable. Jordan abstained. **The motion carried.**
- v) **Case 03-99-043:** Sexual impropriety with a client by an LMT.
Manriquez moved to close the case with a code of C12; Insufficient Evidence. Jordan abstained. Frostad voted no. **The motion carried.**
- vi) **Case 05-99-045 & 6-99-049:** Unlicensed practice of or offer to practice massage.
Jordan moved to close the cases with a code of C01; Compliance Met. Frostad abstained. **The motion carried.**
- vii) **Case 06-99-047:** Unlicensed practice of or offer to practice massage.
Kern moved to close the case with a code of C21; Respondent Unreachable. Jordan abstained. **The motion carried.**
- viii) **Case 07-99-052:** Unlicensed practice of or offer to practice massage.
Basker moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021 and to refer the case to the Cosmetology Board. Jordan abstained. **The motion carried.**
- ix) **Case 08-99-061:** Unlicensed practice of or offer to practice massage.
Kern moved to close the case with a code of C01; Compliance Met. Jordan abstained. **The motion carried.**
- x) **Case 08-99-062:** Unlicensed practice of or offer to practice massage.
Manriquez moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$500 per violation of ORS 687.021. Jordan abstained. **The motion carried.**
- xi) **Case 10-99-064:** Unlicensed practice of or offer to practice massage.
Manriquez moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$500 per violation of ORS 687.021. Jordan abstained. **The motion carried.**
- xii) **Case 10-99-066:** Unlicensed practice of or offer to practice massage.
Basker moved to close the case with a code of C21; Respondent Unreachable. **The motion carried.**
- xiii) **Case 04-00-077:** Unlicensed practice of or offer to practice massage.
Kern moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**
- xiv) **Case 06-00-090:** Unlicensed practice of or offer to practice massage.
Kern moved to close the case with a code of C01; Compliance met. **The motion carried.**
- xv) **Case 06-00-091:** Unlicensed practice of or offer to practice massage.
Frostad moved to close the case with a code of C01; Compliance Met. **The motion carried.**
- xvi) **Case 09-00-097:** Unlicensed practice of or offer to practice massage.
Frostad moved to close the case with a code of C04; Allegations Unfounded. **The motion carried.**
- xvii) **Case 03-01-101:** Unprofessional or dishonorable conduct by an LMT.
Jordan moved to request psychological evaluation as per ORS 687.051(3). **The motion carried**
- xviii) **Case 04-01-103:** Sexual abuse of a client and sexual impropriety with a client by an LMT.

Manriquez moved to issue a Notice of Intent to revoke a license for violation of ORS 687.081 and OAR 334-030-0025. Four in favor, two abstained one no vote. **The motion carried.**

xix) **Case 02-01-104 & 02-01-107:**

Basker moved to close the cases with a code of C19; Respondent Deceased. **The motion carried.**

xx) **Case 01-01-105:** Unlicensed practice of or offer to practice massage.

Kern moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxi) **Case 05-01-108:** Unlicensed practice of or offer to practice massage.

Manriquez moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxii) **Case 03-01-109:** Unlicensed practice of or offer to practice massage.

Basker moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxiii) **Case 03-01-114:** Unlicensed practice of or offer to practice massage.

Basker moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxiv) **Case 03-01-115:** Unlicensed practice of or offer to practice massage.

Basker moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxv) **Case 03-01-110:** Unlicensed practice of or offer to practice massage.

Kern moved to close the case with a code of C04; Allegations Unfounded. **The motion carried.**

xxvi) **Case 05-01-111:** Sexual abuse of a client by an LMT.

Manriquez moved to issue a Notice of Intent to revoke a license for violation of ORS 687.081. Jordan abstained. **The motion carried.**

xxvii) **Case 06-01-116:** Unlicensed practice of or offer to practice massage.

Basker moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxviii) **Case 05-01-118:** Unlicensed practice of or offer to practice massage.

Manriquez moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxix) **Case 06-01-120:** Unlicensed practice of or offer to practice massage.

Knight moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxx) **Case 06-01-122:** Unlicensed practice of or offer to practice massage.

Manriquez moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxxi) **Case 06-01-123:** Sexual violation (sex between LMT and a client).

Manriquez moved to issue a Notice of Intent to revoke a license for violation of ORS 687.081. Jordan abstained. **The motion carried.**

xxxii) **Case 06-01-124:** Unlicensed practice of or offer to practice massage.

Basker moved to issue a Notice of Intent to assess civil penal(ies) not to exceed \$1000 per violation of ORS 687.021. Jordan abstained. **The motion carried.**

xxxiii) **Case 08-00-092:** Discuss proposed Stipulated Agreement.

Jordan moved to enter into a Stipulated Agreement and Final Order for LMT to relinquish his license and to pay the costs of the Board's action. **The motion carried.**

c) Denied CEUs

CEU verification sent ON TIME but:

- They didn't have the required 12 hours. Worst offense since the person signed a statement that he/she had completed the requirement prior to renewal. Recommendation: Issue a Notice

- of Intent to suspend license for three months.
- ❑ Didn't complete an evaluation. Recommendation: Issue a Notice of Intent to assess a \$50 civil penalty.
- ❑ Didn't submit the supporting documentation. Recommendation: Issue a Notice of Intent to assess \$50 civil penalty.
- ❑ Didn't have hours in the appropriate time frame (ex. Not within the 24 months prior to renewal). Recommendation: Issue a Notice of Intent to assess \$50 civil penalty.
- ❑ Did not attend an approved course. Recommendation: Issue a Notice of Intent to assess \$50 civil penalty.
- ❑ Didn't attend an organized event. Recommendation: Issue a Notice of Intent to assess \$50 civil penalty.

CEU verification sent AFTER THE DEADLINE but:

- ❑ The CEU submittal met all requirements. Recommendation: Issue a Notice of Intent to assess \$75 penalty.
- ❑ Didn't have the required 12 hours. Recommendation: Issue a Notice of Intent to suspend license for three months.
- ❑ Didn't have hours in the appropriate time frame. Recommendation: Issue a Notice of Intent to assess \$75 penalty.
- ❑ Didn't submit supporting documentation. Recommendation: Issue a Notice of Intent to assess \$75 penalty.
- ❑ Unable to determine number of hours. Recommendation: Issue a Notice of Intent to assess \$75 penalty.
- ❑ Evaluation too brief. Recommendation: Issue a Notice of Intent to assess \$75 penalty.

Did not respond at all:

- ❑ Recommendation: Issue a Notice of Intent to suspend license for six months.

Basker moved to set forth the disciplinary actions as outlined above. The motion carried.

8) Old Business
None

9) New Business

a) Tracy Wise/CIM regarding National Certification Exam [GC01022]

Wise addressed the Board and introduced his administrator, Lisa Anderson. He pointed out the hardship caused by Board's decision to give the exam only twice a year. Based on information from students, the exam is now unfair, has duplicate and obtuse questions, and the schools cannot tell students what the exam will test for. Wise stated the Board's current exam is legally indefensible, and could result in a lawsuit for the Board. The National Certification Board does an Occupational Analysis every five years, is legally defensible, and every question has gone through a pre-test analysis. Wise would also like to see the massage profession move towards reciprocity. He feels adopting the National Certification Exam and encouraging reciprocity would be in the best interest of Board members; agency money could be spent on better things. Basker: do you encourage reciprocity with only those states that accept the National? Yes. Discussion: The National exam is available at any time; however, Oregon has only one exam site in Springfield. The National Certification Board is an independent non-profit organization. Basker: would adopting the National exam change the school curriculum? No. McCal stated National exam does have question items that are not on the Oregon exam. Oxman stated Board would discuss this in depth at the November retreat. Jordan: what about the practical? Keep the practical and use the extra resources to improve the practical. Frostad: if the practical tested for key elements could it be given in the schools at the time when students graduate. Manriquez: did not feel it was a good idea to give the practical in the schools. Wise: his school requires students to take practical exams to move to next level of educational courses. Oxman: if the Board adopted the National exam it

might consider administering a small 50-question exam for Oregon specifics and laws to be administered with the practical. Regarding requirements for National exam: The National exam eligibility requirement is only 100 hours of A&P as opposed to the Board's requirement of 200 hours of health sciences to include A&P, Pathology and Kinesiology. Wise encouraged Board to discuss these issues with the National Board.

- b) Stephanie Manriquez regarding National Certification Exam [GC01023]
Maanriquez agreed with most of the material presented by Wise. Consideration of the National exam will be the number one agenda item at the November retreat.
- c) Review indorsement request by Jason Cooper (Lisa Oxman)
Oxman reviewed Cooper's file prior to the board meeting. Cooper addressed the Board. He introduced himself and gave a brief background with his qualifications. He is currently licensed in Arkansas. Oxman stated she had reviewed Cooper's file and invited questions from board members. Frostad: does Arkansas require a practical? Yes. Cooper has taken two written exams (one National) and one practical exam; he has been licensed for two years. Oxman recommended that the Board waive the written and require the practical. Discussion: Frostad stated Arkansas' practical is very similar to Oregon's and he didn't feel an additional practical is necessary. Manriquez agreed. Discussion on Oregon statutes and rules followed. **Frostad moved** to grant Jason Cooper a license by indorsement for meeting the minimal requirements of Oregon. Discussion followed: Jordan voiced his concern about our rules regarding reciprocity and potential failure to recognize reciprocity in the future. Oxman: there is no reciprocal agreement with Arkansas at this time-therefore application by indorsement is the only option. **The motion carried.** Jordan and Oxman opposed. Cooper was granted a license by indorsement and is required to pay the appropriate fees to gain active license and begin practice.
- d) Review indorsement request by Jeffery Huntington (paramedic)
Oxman presented case; Huntington asking to waive the written and take practical. Jordan expressed concern if the Board were to make a "blanket" approval for all paramedics/EMTs vs. this one individual. There was a large discussion on the general requirements and qualifications for an EMT. **Manriquez moved** to grant indorsement for Huntington to waive the written and take the practical. **The motion carried.** Jordan and Oxman opposed.
- e) Letter from B. Wyrwitzke regarding reciprocity/indorsement [GC01027]
The Board discussed the information provided in Wyrwitzke's letter. Based on that information, it was determined she did not meet the requirements for indorsement. Should Wyrwitzke wish to provide supporting documentation to the Board, her request could be reconsidered. **Jordan moved** to deny her request. **The motion carried.**
- f) Letter from A. Draper; approval of marathon work as a CEU requirement [G01025]
The Board stated that providing service in a marathon does not constitute additional massage education. **Jordan moved** to deny her request. **The motion carried.**
- g) Letter from J. Ellicott regarding Board consideration of her *School of Reflexology* [GC01026]
Oxman stated reflexology is considered to be the practice of massage in Oregon and therefore practitioners must hold an active LMT license. The school does not qualify for our "List of Schools with Certified Programs" because it doesn't meet our minimum requirements. The Board has no authority over whether she opens a school or not.
- h) Discussion on the November retreat
First order of business will be discussion on the adoption of a national exam. The Board will also consider: indorsement/reciprocity issues; CEUs; massage modalities – which ones are considered to be the practice of massage; and more meetings next year to accomplish what needs to be done.

- i) Meeting dates/times for 2002
Discuss in November – Board members are to send the dates they CANNOT attend to Oxman. Holzman will send calendars to board members to fill out and send to Oxman.

10) Public Comments

- a) Siri M. Elliott from Ashmead – Manriquez had requested a copy of Washington’s state exam application packet for review. Elliott asked if all of the board members would like a copy. The response was yes.
- b) McCal stated the exam committee members were disappointed the board did not approve CEUs for work on the exam; yet examiners can get CEUs for administering the practical exams. The committee members have spent a large amount of voluntary hours to do the work. Board members agreed to re-visit the issue at the next board meeting.
- c) FYI: Copy of letter Glenath Moyle, LMT, sent to Quest Dex [GC01024]
The Board expressed gratitude to Moyle for her continued interest in the massage profession and for writing a letter of concern to Qwest..

11) Announcements

- a) The next meeting will be in Ashland at 2:00 PM on September 5, 2001.
[Holzman’s note: the meeting will be at the Windmill Inn in Ashland]

Frostad moved to establish contact with the Health boards (cosmetology, pedicures, etc.) to determine what massage services they are allowed to provide within their scope of practice. **The motion carried.** Manriquez agreed to serve as liaison.

12) The meeting adjourned at 4:25 PM.

Addendum to minutes:

- Executive Director’s Report
- Exam Committee Report
- Education Committee Report
- Letter from Tracy Wise
- Proposal from Stephanie Manriquez
- Glen Moyle’s letter to Qwest