



Oregon Board of Massage Therapists

MORROW CRANE BUILDING SUITE 250 3218 Pringle RD SE Salem OR 97302

(503) 365-8657 fax (503) 385-4465

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SPECIAL MEETING MINUTES
Monday November 19, 2001, 9:00 AM
Morrow Building
3218 Pringle Rd SE, Suite 250
Salem, Oregon 97302

Attendance

Board Members:

Lisa Oxman, L.M.T. (via telephone)
Judy Basker, Public Member

Michael Jordan, L.M.T.
Jacqueline Kern, Public Member
Stephanie Manriquez, L.M.T.

[Note: David Frostad was not in attendance; all other Board members attended by telephone.]

Staff:

Bev Holzman, Executive Director
John Pounds, Administrative Assistant

Public:

Meridith Musick

- 1) Call to order
The meeting was called to order by Chair Oxman at 9:05 A.M.
- 2) Quorum and voting requirements to pass a motion.
Oxman asked that the following pages from *The Standard Code of Parliamentary Procedure (Sturgis)* be referenced for the record: Pages 129 and 243.
 - a) **Jordan moved** that the board adopt the following policy: For the Oregon Board of Massage Therapists a quorum for purposes of holding a meeting is the majority of board members based on membership requirements stated in ORS 687.115. **The motion carried.**

Oxman took this opportunity to remind board members that they should notify her at the earliest convenience if he/she is unable to attend a meeting or if unable to stay for an entire meeting. Basker stated she would be available for this meeting until 10:00 A.M.

- b) **Kern moved** that a majority of the board members present at a meeting can carry a motion. **The motion carried.**

- c) All members of the board shall vote unless there is a noted conflict of interest. Oxman stated that according to *Sturgis* the Presiding Officer cannot be required to vote. It was noted that due to the small number of board members, all members would vote unless there is a conflict to interest. Oxman stated that would be her intent in most circumstances.
- d) Oxman added item (d), regarding whether a “second” is required on motions. She referenced *Sturgis* that states seconds to motions, resolutions or ordinances cannot be required in governmental bodies and no proposal can be ruled out of order for want of a second.

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 9:23 AM and ended at 9:50 AM.

3) Law Enforcement Cases:

- a) **Case # 5-00-088**; Professional misconduct of a sexual nature
Basker moved to deny the proposed settlement agreement and move forward with revocation of license. **The motion carried.** Jordan abstained from voting.
- b) **Case # 8-00-095**; Unlicensed practice of massage
Manriquez moved to issue a Notice of Intent to assess civil penalties in an amount not to exceed \$1000 per violation of ORS 687.021. **The motion carried.** Jordan abstained from voting.
- c) **Case # 7-01-128**; Unlicensed practice of massage
Kern moved to issue a Notice of Intent to assess civil penalties in an amount not to exceed \$1000 per violation of ORS 687.021. **The motion carried.** Jordan abstained from voting.
- d) **Case # 7-01-131**; Unlicensed practice of massage
Basker moved to close the case C02, Board Lacks Authority, and refer the case to the Chiropractic Board.. **The motion carried.** Jordan abstained from voting.

- e) **Case # 7-01-132**; Unlicensed practice of massage
Manriquez moved to issue a Notice of Intent to assess civil penalties in an amount not to exceed \$1000 per violation of ORS 687.021. **The motion carried.** Jordan abstained from voting.
 - f) **Case # 8-01-135**; Unlicensed practice of massage
Manriquez moved to issue a Notice of Intent to assess civil penalties in an amount not to exceed \$1000 per violation of ORS 687.021. **The motion carried.** Jordan abstained from voting.
 - g) **Case # 9-01-137**; Unlicensed practice of massage
Kern moved close the case, C01, Compliance Met. Manriquez stated for the record she is acquainted with the Respondent but could maintain objectivity in her vote. **The motion carried.** Jordan abstained from voting.
 - h) **Case # 7-01-138**; Unlicensed practice of massage
Manriquez moved to issue a Notice of Intent to assess civil penalties in an amount not to exceed \$1000 per violation of ORS 687.021. **The motion carried.** Jordan abstained from voting.
- 4) Selection of a qualifying date for verification of passage of the NCBTMB exam.
Manriquez moved to accept verification of NCBTMB certification as meeting the Oregon written exam requirement as long as the certificate is current and has been in uninterrupted status since the date of initial certification. **The motion carried.**
- 5) M. Musick – application for indorsement.
Because Musick was in attendance, the Chair placed her before item 4) on the agenda. Discussion: Oxman verified that Musick is currently licensed in Florida. Jordan stated based on the material received, Musick appears to meet Oregon’s educational requirements. Musick agreed to review and read the Oregon Revised Statutes and the Oregon Administrative Rules. **Jordan moved** to accept Musick’s out-of-state transcripts, educational background and NCBTMB certification and to require Musick to take and pass the practical to obtain her Oregon licensure, the exam may be taken prior to the March 2002 with consideration of the administrative requirements to do so and based on OAR 334-010-0010(8). **The motion carried.** Holzman will work with Musick to schedule an exam outside of the regularly scheduled exam times.

Oxman announced the next meeting is scheduled for January 8, 2002 at 10:00 A.M. in Salem.

The meeting adjourned at 10:20 A.M.

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