



Oregon Board of Massage Therapists

748 Hawthorne Ave NE, Salem OR 97301
(503) 365-8657 fax (503) 385-4465

BOARD MEETING MINUTES
Thursday, September 11, 2003
748 Hawthorne Ave NE
Salem OR 97301

Attendance

Board Members:

Michael Jordan, L.M.T., Chair
Jacqueline Kern
David Frostad, L.M.T.

Cathy Law
Lisa Oxman, L.M.T.
Brad Welker, D.C.

[Board members Cathy Law, Lisa Oxman and Brad Welker attended the meeting by telephone]

Stephanie Manriquez, L.M.T-Excused

Counsel: Robyn McGinnity, Assistant Attorney General

Investigator: Helen Bicart

Staff: Bev Holzman, Executive Director
Michelle Sherman, Office Manager

Public: There was no public in attendance.

- 1) Call to order
Jordan called the Executive Meeting to Order at 9:05 A.M.
- 2) Approve the Agenda
Jordan submitted the agenda for approval.
The following items were added:
 - Change of Director Audit
 - Discussion on October 2003 public meeting

Oxman moved to approve the agenda as revised. The motion carried.

Jordan called the Executive Session to order at 9:07 A.M.

Pursuant to ORS 192.660 (1)(f) and ORS 192.660 (1)(h) the Oregon Board of Massage Therapists met 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 are 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 returned to open meeting.

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Jordan called the Public Meeting to order at 10:30 A.M.

- 3) Action on Executive Session Matter(s)
 - a) Law Enforcement Cases

Case No. 8-02-188

Allegation: Unlicensed practice of or offer to practice massage. The person who placed the ad in question is a licensed LMT. **Law moved** to close the case C04, Allegations Unfounded. Jordan abstained. **The motion carried.** Holzman will send a letter regarding the rule that requires an LMT to place his/her license number on advertisements.

Case No. 12-02-204

Allegation: Unlicensed practice of or offer to practice massage. Respondent has offered to settle the case and make payments on the civil penalty. **Oxman moved** to accept the Settlement Agreement and sign the Final Order. Jordan abstained. **The motion carried.**

Case No. 2-03-206

Allegation: Unlicensed practice of or offer to practice massage. Respondent did not request a hearing as required by service of the Notice to impose civil penalties. **Kern moved** to issue a Final Default Order. **The motion carried.**

Case No. 4-03-215

Allegation: Unprofessional Conduct. Licensee's attorney submitted a request to depose the Board's investigator. **Frostad moved** to deny the request for deposition. Jordan abstained. **The motion carried.**

Case No. 5-03-218

Allegation: (a) Sexual Misconduct. **Manriquez moved** to close this portion, C12, Insufficient Evidence. **The motion carried.**

Allegation: (b) Unprofessional conduct. **Manriquez moved** to issue a Letter of Concern for unprofessional conduct. **The motion carried.**

Case No. 5-03-219

Allegation: Unlicensed practice of or offer to practice massage. Investigation revealed the business owner is not licensed, but does employ an actively licensed massage therapist. **Law moved** to close the case C04, Allegations Unfounded. **The motion carried.**

The following cases were discussed and acted upon during Public Session:

Case No. 6-01-121; Klamath Falls File

Allegation: Unlicensed practice of or offer to practice massage. This file contains several ads for (possibly) unlicensed therapists. The relevant cases have been extracted and opened as individual cases. **Law moved** to close the case C20, Based on Further Review. **The motion carried.**

Case No. 5-03-216; Hot Oil Massage - "Susie"

Allegation: Unlicensed practice of or offer to practice massage. **Welker moved** to close the case C21, Unable to Locate. **The motion carried.**

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Case No. 4-03-217; Daniel Forest

Allegation: Unlicensed practice of or offer to practice massage. **Manriquez moved** to issue a Notice of Proposed Action to assess a civil penalty in the amount of \$500 for a first violation of ORS 687.021 (2), advertising to practice massage when unlicensed and to assess civil penalties in the amount of \$1000 for each for two violations of ORS 687.021 (1), practicing massage while unlicensed; for a total civil penalty assessment of \$2500. **The motion carried.**

- 4) Discussion on hiring a new Executive Director
 - a) Audit The state requires a Change of Director Audit. Jordan stated he would work with the staff on this.
 - b) Stipends The recruitment process will require a lot of extra time for some of the board members. Jordan explained the recruitment process will require a lot of additional time for reviewing applications, interviewing applicants and so forth. **Oxman moved** to allow excess stipends for board members relating to recruitment of an Executive Director. **The motion carried.**
- 5) October 9, 2003 board meeting. Jordan will not be able to attend. Welker agreed to serve as Chair in his absence.

Kern moved to adjourn the meeting at 10:49 A.M. **The motion carried.**

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