



# Oregon Board of Massage Therapists

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## BOARD MEETING MINUTES

Thursday, October 9, 2003

748 Hawthorne Ave NE

Salem OR 97301

### Attendance

#### Board Members:

Brad Welker, D.C. Chair  
David Frostad, L.M.T.  
Jacqueline Kern

Cathy Law  
Stephanie Manriquez, L.M.T.  
Lisa Oxman, L.M.T.

Board Chair Michael Jordan was excused; Welker served as Chair in his absence.

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

#### Public:

Jolie Griffin; OSM  
Tony Archer  
Sharon Brim  
Jenn Hodges  
Suzanne Burt  
Dan Shea  
Glenath Moyle; AMTA-Oregon

Jill Stanard; OSM  
David Knett  
Elizabeth Sereda  
Rebecca Pelletier  
Marcella Arnold  
Stephanie Lesman  
Diana Nott

William Fleming  
Colin Shin  
Maya Dinzdrel  
Ernesto Maestas  
Keith Kademan  
Sandi Fitts-Freeman

- 1) Call to order– 9:00 AM  
Welker called the meeting to order at 9:12 a.m.
- 2) Approve Agenda  
Holzman asked to add Item 7 b) under Old Business; Indorsement Applicant A. Mullican.  
Holzman asked to add a brief Executive Session. The Executive Session would be added after agenda item 3. **Manriquez moved** to approve the agenda as revised. **The motion carried.**
- 3) Public Forum - An opportunity for the public to address the Board and ask questions  
Jill Stanard/OSM – The National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) now offers two new credentials, one for massage therapy and one for advanced practice in massage therapy. Stanard asked how will the board address this new credentials and how they will apply to meeting Oregon’s written exam requirement. The Board will review the programs. Oxman recommended that the Board discuss this during a work session. Holzman will request a current Government relation’s packet from the NCBTMB.

Law asked if the agenda could be amended to hold the Executive Session after agenda item 9. That way the public would not have to be excused until the end of the meeting. **Manriquez moved** to place the Executive Session after agenda item 9. **The motion carried.**

Suzanne Burt: Burt addressed the Board regarding her application for indorsement. Burt has 118 of the required 200 science hours and her application was denied for that reason. Manriquez verified that Burt was not licensed in another state because California does not have a state licensing system for massage therapists. Burt stated she felt her 18 years of experience should make up for the hours she is lacking. Frostad stated it would be beneficial for her to provide documentation, from the relevant school, that would verify she was a teacher and describe the courses she taught. Burt stated she had already requested that information and it was enroute to the board office.

- 4) Approve minutes of the July 10, 2003, August 14, 2003 and September 11, 2003 meeting minutes July 10, 2003 minutes – Oxman presented agenda item 4)a): She stated proper action was not taken because a motion was not made. **Oxman moved** that the action that took place be considered invalid until a proper motion is introduced. Discussion followed. **The motion carried. Manriquez moved** to allow a Respondent to address the Board before the legal hearing allowed for in the contested case procedures. Discussion followed. Oxman and Manriquez were in favor; all others opposed. **The motion did not carry. Oxman moved** to approve July 10 minutes as revised. **The motion carried.**

August 14, 2003 minutes - Oxman stated that under item 4-she would like the statement “According to Sturgis.....” to be deleted. Discussion followed. **Oxman moved** to delete that statement. **The motion carried. Law moved** to approve the minutes as revised. **The motion carried.**

September 11, 2003 minutes - **Oxman moved** to approve those minutes as presented. Manriquez stated the minutes needed to be corrected to reflect she was not in attendance. Holzman will make that correction. **The motion carried.**

- 5) Report of Executive Director
- a) Financial Report – No discussion.
  - b) Correspondence Report – No discussion.
  - c) Moving expenses – No discussion.
- Holzman took a moment to thank the Board for its support and encouragement during her service as Executive Director. November 28, 2003 will be her last day of employment.
- 6) Committee Reports
- a) Examination Committee report - There was discussion on the Oregon take-home law exam. Jacqueline McCal submitted her resignation as Chair of the Exam Committee. Her report stated the committee had completed all required tasks and there would not be another meeting until such time as the Board provides new tasks for the committee. Frostad asked if anyone wanted to be Chair; there were no volunteers. Frostad clarified a Chair is needed and the Board should determine something for the committee to do.
- 7) Old Business
- a) Rule Changes: Note: Bold items are to be added; Bracketed/bold items are to be deleted.

334-010-0005 Delete **[(3) All application materials shall be filed with the Board office or postmarked on or before the scheduled deadline date set by the Board for the intended next available examination date set by the Board.]**

With the new exam schedule, there is no longer a need for an application deadline. **Oxman moved** to amend as stated. **The motion carried.**

334-010-0010 (2): The applicant shall be notified of the time and place to appear for the examination when all required application materials have been reviewed **and approved. [and within two weeks of the examination date].**

Changes proposed due to new exam schedule. **Oxman moved** to amend as stated. **The motion**

carried.

334-010-0010 (3): Applicants who request an extension in writing to the Board postmarked **7 [14]** days in advance for the practical examination may have their examination fees applied to a subsequent examination so long as the applicant sits for the examination within a year of the date of the extension. Only one extension shall be permitted. Exceptions will be reviewed on a case-by-case basis by the Board. Refund of the examination fee will be granted should the applicant **request a [a request]** refund in writing **postmarked** at least **7 [14]** days **[postdated]** prior to the exam. Discussion, the Board added the word “scheduled” at end of rule (... prior to the “scheduled” exam.) **Oxman moved** to amend as stated. Discussion: Frostad opened discussion on the timeline of when a notice of scheduled examination is mailed. **Oxman moved** to close the discussion. **The motion (to close the discussion) carried. The original motion carried.**

334-010-0015(4): Delete **[Applicants for license renewal shall furnish a copy of a current certificate in cardiopulmonary resuscitation.]** Law asked for clarification as to why this change was being considered. This change would allow a different method of obtaining CE hours. **Oxman moved** to amend as stated. **Frostad moved** to amend the motion to include: 334-010-0017(4)(d) Delete **proof of current CPR // 334-010-0017(5)(d) Delete **proof of current CPR // 334-010-0017(7)(d) Delete **proof of current CPR** **The motion carried.******

334-010-0025 (3): **[Any person who represents himself or herself as a massage therapist when the person adopts or uses the word massage or any derivation of the word massage or any other word that implies a massage technique or method.] A person represents himself or herself as a massage therapist when the person adopts or uses any word(s) that implies a massage technique(s) or method(s).** **Oxman moved** to amend as stated. Discussion: Frostad – the Board keeps saying it doesn’t regulate techniques, can another word be used instead of “technique”? The Board will replace “technique” with “skill or application as defined by statute 687.011”. Oxman amended the motion to incorporate Frostad’s recommendation **The motion carried.**

334-010-0050 (1): At the biennial renewal time, each licensee shall sign a statement and provide proof that they have completed 25 hours of continuing education. **[not to include CPR]** **Frostad moved** to amend as stated. Discussion: Manriquez - will there be a method for how to review CEUs? Holzman was directed to place this item on January 2004 agenda. **The motion carried, one opposed.**

334-010-0050 (11) (b): Attendance at **Board approved** seminars, workshops, or institutes—may claim 1 hour per direct hour of contact **[(up to 25 hours)] up to a total of 25 hours for the biennium;** **Oxman moved** to amend as stated. Discussion: **Frostad moved** to amend the motion to include 334-010-0050 (11) (c) Attendance at **Board approved** telecommunication presentations of educational courses, seminars, workshops—may claim 1 hour per direct hour **[(up to 12 hours)] up to a total of 12 hours for the biennium;** and 334-010-0050 (11) (d) Completion of a **Board approved** self-study course **[sponsored and credited by an agency or organization approved by the Board]**—may claim 1 hour of credit per unit. **Oxman withdrew her motion** and made a motion to move forward to item 12 first. **The motion carried.**

334-010-0050 (12): **A continuing education class, seminar, workshop or institute that is not approved by an outside professional accrediting agency or the Oregon Department of Education, must meet the following. Providers must submit the documents listed below and receive written verification of approval from the Board:**

- a) Resume and qualifications or licenses in subject area;**
- b) Course applicability to massage and bodywork;**
- c) Course syllabus and content outline;**
- d) Course objectives;**
- e) Methods of evaluation; and,**

**f) Sample of certificate or proof of credit.**

**Oxman moved** to add rule 334-010-0050(12). **The motion carried.**

334-010-0050 (11) Categories: The required 25 hours of continuing education per biennium shall be selected from one of the following categories however, 12 of the continuing education hours must be in activities that involve attendance at organized events involving other massage and bodywork practitioners unless otherwise specified in the rules. **The Board accepts any CE class that is approved by a national credentialing program and any class presented by a school that has Oregon Department of Education approval.**

**Oxman moved** to amend as stated. **The motion carried.**

334-010-0050 (11) (c): Attendance at **Board approved** telecommunication presentations of educational courses, seminars, workshops—may claim 1 hour per direct hour **[(up to 12 hours)] up to a total of 12 hours for the biennium; AND 334-010-0050 (11) (d)** Completion of a **Board approved** self-study course **[sponsored and credited by an agency or organization approved by the Board]**—may claim 1 hour of credit per unit.

**Oxman moved** to amend as stated. **The motion carried, Oxman opposed.**

334-010-0050 (11) (k): Participation as an examiner for a state or national practical examination for licensure or certification—may **[claim up to 12 hours of credit] claim 6 hours of credit for every year up to 12 hours of credit for the biennium;**

**Oxman moved** to amend as stated. **The motion carried.**

334-010-0050 (11)(m): **Serving as a Committee member for the Oregon Board—may claim 6 hours of credit for every year served up to a total of 12 hours of credit for the biennium; Law moved** to amend as stated and to include 334-010-0050 (11) (n): **Volunteer work at an organized event—may claim 2 hours of credit for every year up to a total of 4 hours of credit for the biennium; The motion carried.**

334-010-0050 (11) (o): **Attendance at video-taped presentations of educational courses, seminars, workshops—may claim 1 hour per direct hour of viewing up to a total of 12 hours; and,**

**Frostad moved** to not add this rule. **The motion carried.**

334-010-0050 (11) (p): **Independent reading or study in massage or bodywork topic or related field from professional journals or books—may claim 1 hour of credit for every two hours of reading up to a total of 6 hours of credit.**

Sherman explained a lot of people have called in to complain because this is not allowed. **Oxman moved** to not add this rule. Discussion: Law thinks that should be allowed. The majority of board members stated it should not be a CE option. **The motion carried; Oxman and Law opposed.**

Frostad asked to reopen discussion on 334-010-0010 (2): The applicant shall be notified of the time and place to appear for the examination when all required application materials have been reviewed **and approved. [and within two weeks of the examination date].**

**Frostad moved** to amend the motion as follows: “The applicant shall be notified by mail, postmarked at least two weeks before the scheduled exam, unless otherwise waived by the applicant, of the time and place...” **Oxman moved** to close the discussion. **The motion (to close the discussion) carried. The original motion carried, Manriquez opposed.**

b) Indorsement Applicant A. Mullican

Oxman had reviewed the file and spoke with Mullican on the telephone. The Board discussed her qualifications; the school she attended is no longer in business. **Oxman moved** to deny Mullican’s application for indorsement. **The motion carried. Law moved** to recommend that she apply for and take the NCE as a strategy and reapply to the Board after successful completion of that exam. **The motion carried.**

8) New Business

a) Jennifer Hodges – asked to address the Board regarding facility inspections:

Hodges referred to the Notice in the July 2003 *Boarderline*. She challenges the Board's authority to do random inspections. She asked the Board to identify which law allows it to do random inspections. There is a law that allows inspections upon complaint. Frostad cited ORS 687.122. Welker stated there is not a statute or rule that denies the Board the ability to conduct random inspections. Manriquez stated the board wants to be proactive. Holzman stated that in a prior law case- a random inspection revealed may violations, the violations were corrected in an acceptable time frame and the case was closed, compliance met, no penalties issued. Hodges is concerned that when these laws and rules are carried out by a different board in the future – there might not be the same clarity as is now in place. Frostad clarified the board doesn't make money from complaints/civil penalties; any penalties collected are applied to investigator and legal counsel fees. Hodges asked the Board to consider a rule to cover the investigative process.

Keith Kademan: His concern is with the original statute, ORS 687.122 which states "Upon the complaint of any citizen of this state, or upon its own motion...".

Sandi Fitts-Freeman: What is the procedure if the LMT has a client at the time of the inspection. Holzman stated the Investigator would take that into consideration and return at a more appropriate time.

Oxman asked that this item be put on the next work session.

Sharon Broom: She had more questions on the procedure. Her questions were not accepted as the item has been referred to a work session.

**Oxman moved** to put this topic as a work session item in the beginning of the year. **The motion carried.**

b) Fitts-Freeman – asked to address the Board regarding CE requirements. She expressed concern over the increased hours and asked why did the Board increase the hours. Manriquez stated the Board has already made the decision and it is not up for discussion at this time. The Board members gave ideas and clarification on how to get CE's affordably. Frostad stated in the last *Boarderline* different ways of getting self-study were provided

Glen Moyle: What about going to a hospital for a class? Would that be approved? Frostad stated the class would need to present official validation and certification.

Fitts-Freeman : She had cancer last year.....does the board have any kind of waiver system if someone has a health or some other type of problem that prevents that person from getting CE hours? Not at this time.

c) Set Board meeting dates for 2004

Members will bring calendars to the next meeting and have recommended dates for a work session. [Editor's Note: After the meeting, Jordan recommended the second Thursday of each month and Frostad recommended Thursday mornings.]

Sherman stated she had tentatively scheduled the rules hearing on January 7, 2004 followed by a board meeting on January 8, 2004.

9) Public Comments

Glen Moyle/AMTA – RE: OAR 334-010-0025(9): Practice of massage....Would the board be willing to clarify or make a statement as to why LMTs are now required to place their license numbers on all advertisements.

Manriquez stated it is part of the Board's goal to be proactive and to help the public know that the person giving the massage has met the minimum standard of care for the massage profession by taking the

necessary steps to obtain a license.

Rebecca Pelletier: She works for a spa, a lot of the people don't have their own cards. Those LMT's could write their license number on the back of the card when necessary.

Moyle: She expressed the AMTA's appreciation for the working relationship with Holzman and her integrity and professionalism.

Frostad presented the following question: If an LMT sent a birthday card to a client, would he need to put his license number on the card? If the card were sent through the business or office, and not personally, then the LMT would need to put his number on the card.

**Oxman moved** to enter into Executive Session. **The motion carried.**

Welker called the Executive Session to order at 12:01 p.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.

**Oxman moved** to close the Executive Session. **The motion carried.**

Welker called the Public Meeting to order at 12:38 p.m.

Case No. 7-03-223

Allegation: Unlicensed practice of or offer to practice massage while license is expired and unprofessional conduct. **Law moved** to issue a Notice of Proposed Action to deny Licensee's application for renewal until she completes the following five requirements:

Verification from the victims that they received refunds for services not provided.

Verification of completion of a Board approved course in sanitation.

Verification of completion of a Board approved course in ethics.

Verification of completion of a Board approved course in business.

Take and pass the Oregon take-home exam. **The motion carried.**

Exam Appeal, Applicant 10550:

**Frostad moved** to deny the appeal of applicant 10550. **The motion carried.**

10) Announcements  
No announcements.

11) Adjourn  
**Frostad moved** to adjourn at 12:39 p.m. **The motion carried.**

Approved