



Oregon Board of Massage Therapists

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BOARD MEETING MINUTES

Thursday, May 19, 2005

Attendance

Board Members:

Michael Jordan, LMT, Chair
Lisa Oxman, LMT

Jackie Kern
Stephanie Manriquez, LMT

Jacqueline McCal, LMT, and Cathy Law attended by telephone

Brad Welker, DC, excused.

Staff: Patty Glenn, Executive Director
Michelle Sherman, Office Manager
Diana Nott, Administrative Specialist

Public: Lisa Barck-Garofalo, LMT Michael Blackmore, LMT John Combe, LMT

1) Call to order

Jordan called the public meeting to order at 9:05 AM.

2) Approve Agenda

Oxman moved to have Item 8 SOS Management letter to Item 5. The Board recessed briefly to review the minutes. Back into session at 9:14. **Oxman** moved to approve the agenda as amended. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

Add draping policy to old business.

3) Approve minutes from March 10, 2005 and April 14, 2005 Kern moved to approve both. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

4) Public Forum - Opportunity for the public to address the board and ask questions.

Lisa Garofalo. Hoped to see the draping policy on this agenda, also NCE exam.

5) Report of Executive Director

a) Financial Report—discuss during budget discussion.

b) Legislative Update—**SB97** has passed both house and senate. A discussion ensued around the renewal process but was tabled until the July meeting. **SB405**—Allows us to enter into purchasing building. Hearing is this morning at 8:30am. **HB2029**—has passed both the Senate and House. This bill changes the annual reporting for semi-independent board's and agencies. **HB2027A** Removes the requirement of performing a change of director audit and

allows us to enter into an agreement with the Secretary of State that will allow us to be on an audit cycle that best address our needs. This agency has paid \$16,000 in audits in the last year. **SB2105**—went to hearing on May 11th. Testimonies from AAG, McGinnity, D. Nott and J. Stanard raised awareness but did not change the outcome. The Bill passed House without the –2 Amendment. There are concerns with AMTA Oregon Chapter’s roll but the Chapter does not have a response to Lobbyist Leonard’s testimony. An article will be going in the Boarderline.

- c) **Correspondence—Received** an appeal from candidate that felt racial prejudice affected the outcome of exam. Review indicated no substantiation, Glenn will send letter. **Discussed** letter from SOS-Audit Division. **The** Board’s current intern will be answering phones and forwarding calls to the appropriate staff member within the office so that callers are being helped in a personal manner. List of most commonly asked questions will be drafted to better aide the intern. The intern’s current task is compiling subject matter and dates of discussion through reviewing past meeting minutes so that the Board has one place to review policies and procedures previously voted on.

6) Committee Report

- a) **Scope of Practice Committee – December 18, 2004**—Blackmore resigned from the Scope of Practice committee, as he is the Exam committee chair. Discussion regarding report from December meeting. Kern had concerns about Question 7 “statement on product selling practices & undue influence to be placed in OAR 334-010-0025”. Believes that there is a dual relationship between performing a massage and selling products and that the boundaries often become crossed. Kern stated that the Educated Heart Book is a good reference. Kern would rather it say that it applies only as far as the rules were concerned.

The Board feels that it is time to “re-energize” the Scope of Practice committee therefore will call for new members to be on the committee in the next Boarderline.

Oxman in favor of extending the board meetings to include the work session on the agenda.

Take a 5-minute recess.

Back at 10:09am.

The Board reviewed the Scope of Practice minutes line by line. Below are the results. Minutes attached.

OAR 334-010-0047 **Oxman** moved to change “At the completion of the educational program” to “Upon licensure” and refer to Rules committee. **In favor: None. Opposed: Jordan, Kern, Law, Manriquez, and Oxman. The motion failed. Manriquez** moved to include “At the completion of the educational program and upon licensure” then refer to Rules committee. **In favor, Law, Kern, Manriquez and Jordan. Opposed: Oxman. The motion carried.**

OAR 334-010-0047(4) **Oxman** moved to accept “For the purpose of establishing short- and long-term goals and determining the need for referral to health care providers, the massage therapist shall establish a client database by obtaining client history, written and/or oral, and conducting an assessment of said client” and refer to rules committee. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

334-010-0047(24) **Manriquez** moved to require that LMT's maintain written records as per HIPPA requirements when applicable. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

334-010-0025 (10) All therapists shall maintain skills related to the practice of massage or bodywork including theory, research, technique, or practice. **Manriquez** moved to add as an entry under practice of massage. Refer to rules committee. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

334-001-0060 **Oxman** moved to adopt the definitions for screening and referral and refer to rules committee. *Screening* means gathering health information about the client through written or oral means to develop an assessment of the client's needs, an evaluation of safety concerns of the massage session, or a need for referral. *Referral* means the act of sending the client to another health care provider when the screening process or subsequent session indicates the possible need for further treatment outside the scope or skill of the referring massage therapist. **Manriquez** believes that these definitions fall within the school's purview. **In favor: Law, Kern, Oxman, Jordan. Opposed: Manriquez. The motion carried.**

b) **The Board reviewed the Education Committee minutes line by line.** Below are the results. Minutes attached.

1 Draping policy

The Committee has addressed draping in the Model Curriculum, the OAR's and as a separate policy. *Model Curriculum* Add to Section A. Boundaries/Ethics: Content: 3. Draping/coverage practices: Objectives: 4. Demonstrate draping/coverage practices that address function and safety. Add to Section B. Soft tissue: Objectives: 3. Demonstrate safe and functional positioning and draping/coverage practices. Add to Section D. Oregon Massage Law: Content: 3. Policy statements. **Oxman** moved to adopt all three changes. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None The motion carried.**

OAR's insert 334-010-0047 (3) Demonstrate draping/coverage practices that address both function and safety. **Oxman** moved to refer Rules committee. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

The Education Committee drafted the following Draping/Coverage Policy statement:

The purpose of coverage/draping is to establish comfort, protect privacy, and to give safe access to areas being addressed. The Oregon Board of Massage expects LMTs to use safe and functional coverage/draping practices on their client during the practice of massage. Safe coverage/draping means:

*client gives informed consent

*LMT maintains and respects coverage/draping boundaries

- *genitals and gluteal cleft are not exposed
- *breast tissue is covered except when massaging area.

Functional coverage/draping means:

- *massage or movement of body doesn't expose genitals, gluteal cleft or breast tissue Exception to this policy may be made for advanced LMTs who can document training in specific modalities that require variations in coverage/draping.

Oxman moved to accept policy with minor changes. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

4 Other

The Committee suggests the following clarification be made to the Model Curriculum:

Revise Section B. Soft tissue to read: Objectives: 2. Understand the safe application and contraindications of the items listed in Content. **Manriquez** moved to accept changes. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None The motion carried.**

The Education committee requests that the Rules committee remove "*Occupational Analysis*" from OARs and insert "*Model Curriculum*" where necessary. **Oxman** moved to accept request. **In favor: Jordan, Kern, Law, Manriquez, and Oxman. Opposed: None. The motion carried.**

- c) **Exam Committee** – Met February 28, 2005, April 4, 2005 and April 25, 2005 to discuss processes, training, and other issues surrounding the exam(s). The committee took a deeper look at exams at the April 25th meeting. A representative from Lippincott, Williams, and Wilkins donated the current textbooks used in the massage programs. Manriquez suggested video taping the exam. Oxman suggested looking into the cost of videotaping.

7) New Business

- a) **Denver Meeting sponsored by ABMP**—Jordan explained about the induction of the Federation of State Massage Therapy Boards (FSMTB). There were 9 states represented. Goals were set for the interim board. ABMP will donate \$120,000 seed money. There was an equal representation of ABMP and AMTA members in attendance. Minutes will be available in a couple of week.
- b) **2003-2005 Budget – Review and Amend**—Glenn explained what items caused the budget to be over. **Manriquez** moved to revise 334-001-0012 to reflect that the 2003-2005 budget changed from \$696,183.00 to \$790,606.00. **In favor: Jordan, Kern, Law, Manriquez, McCal and Oxman. Opposed: None. The motion carried.**
- c) **2005-2007 Budget – Review and Adopt**—Glenn reviewed budget line by line. **McCal** moved adopt 334-001-0012 to reflect that the 2005-2007 budget is \$931,768. **In favor: Jordan, Kern, Manriquez, McCal and Oxman. Opposed: None. The motion carried.**

Break at 12:45

Back at 1:35

- d) **Personnel policy – Review and Adopt**—Manriquez moved to adopt the personnel policy as a working document. All in favor: Jordan, Kern, Manriquez, McCal and Oxman. **Manriquez** moved that the OBMT adopt its own personnel policy effective July 1, 2005. **All in favor: Jordan, Kern, Manriquez, McCal and Oxman. Opposed: None. The motion carried.**
- e) **Bylaws**—Discussion will be moved to the July meeting.
- f) **Purpose of Committees – Reference the June 28, 2000 meeting minutes**—To be addressed at a later date after the Board staff has compiled a listing of all topics areas discussed throughout past meetings.
- g) **Stipends and Board member reimbursements**—There is a need to create an internal policy for board members so that there is clarity on stipends, lunch, mileage and other reimbursements. Move discussion to the July meeting. Oxman requested travel reimbursement for Board liaisons to cover gas cost for attending committee meetings. The Board denied request. Oxman resigned from the Exam committee. Jordan will replace her.
- h) **National Exam**—The NCETM exam tests in Swedish massage only and the NCETMB exam tests Swedish theory and techniques as well as eastern theory and modalities. A temporary rule is needed as these exams are currently being used. **Manriquez** moved to allow the NCETMB and NCETM to be used as acceptable exams. A hearing will be scheduled. **In favor: Jordan, Kern, Manriquez, McCal and Oxman. Opposed: None. The motion carried.**

8) Old Business

- a) **SOS (Secretary of State) Management Letter**—Discussion moved under Report of the Executive Director--Item #5. Jordan reviewed the letter with the Board members present. Glenn is working on a reply to send to Secretary of State. The management letter stated that the Board did not observe the state wage freeze and suggests that the merit increases be recovered from employees. As a semi-independent agency we are not required to comply with the pay freeze. Department of Administrative Services (DAS) and Attorney General's (AG) office confirmed this. Jordan states that the remaining items have been addressed and formal training has been initiated.
- b) **Goals**—About half of the goals have already been met. Discussed position classifications.
- c) **Draping Policy**—Item was discussed during item 6 Committee Reports.

- 9) **Public Comments** – Opportunity to share thoughts that pertain to agenda items. Law will be attending the June Board meeting by phone. Jordan will be absent.

10) EXECUTIVE SESSION – Law Enforcement and Attorney /Client Correspondence

[Executive session is held pursuant to ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection (legal counsel), ORS 192.660(2)(h) consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and ORS 192.660(2) (k) to consider information obtained as part of an investigation of a licensee or applicant by a health professional regulatory board.]

11) PUBLIC SESSION - Law Enforcement – discussion re: law enforcement cases against unlicensed individuals. There were no cases to discuss.

12) Announcements—The hearing for the budget and personnel policy will start at 9am on June 23rd at the Board office. The Board meeting will start at 10am by conference call. The July Board meeting will be held on the 16th in Grants Pass at Rogue Community College.

13) Adjourn Meeting--Kern moved to adjourn meeting. **In favor: Jordan, Kern, Manriquez, McCal, and Oxman. Opposed: None. The motion carried.** Meeting adjourned at 3:08pm.