



# Oregon Board of Massage Therapists

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

## BOARD MEETING MINUTES Thursday, July 16, 2005

### Attendance

#### Board Members:

Michael Jordan, LMT, Chair  
Jackie Kern  
Brad Welker, DC

Stephanie Manriquez, LMT  
Cathy Law  
Jacqueline McCal, LMT

Lisa Oxman, LMT, absent

#### Staff:

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

#### Public:

Tina Haemmerlein  
Julia Bloom  
Mandi Feetham

Laura Stille  
Cindra Kellogg  
Diane Burr

Patricia Gordon  
Leslie Hooker  
Louise Davies

- 1) **Call to order**— **Jordan** called the public meeting to order at 10:24 am.
- 2) **Approve Agenda**  
Add to item 11), e) Continuing Education and f) Aqua Massage. **Law** moved to approve agenda as amended. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**
- 3) **Public Forum** - An opportunity for the public to address the Board and ask questions  
No questions
- 4) **Approve minutes** of the May 19 and June 23 meeting minutes.  
Glenn asked that the May 19 minutes be tabled until such time as research can be completed. Welker stated that he wasn't in attendance at the June 23rd meeting and the minutes should reflect this under all voting matters. **McCal** moved to approve minutes as amended. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**
- 5) **Report of Executive Director**
  - a) **Reassignment of Counsel**—Glenn spoke about AAG replacement Lori Lindley.  
FSMTB update—At this point in time the Federation is looking for funding sources as they are a non-profit organization. Their hope is to create some national guidelines with individual state regulatory boards having direct input. Glenn will be attending the meeting in Albuquerque on September 19<sup>th</sup> and 20<sup>th</sup>. Another representative is needed to go forward as the Oregon delegate. **McCal** moved that Manriquez fill this position. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**
  - b) **Financial Report**—The 2003-2005 budget ended 6-30-05 and closed under the amended budget amount of \$790,606.
  - c) **Legislative Update**—**SB405**, lending agreements for semi-independent Boards and Agencies, passed the House/Senate but was vetoed by the Governor. **SB97**, changes our renewal cycle, passed both House/Senate and was signed by the Governor. To be discussed at the September meeting. **SB2029**, reporting requirements of semi-independent Boards and Agencies to Legislature, passed both House/Senate and was signed by the Governor.
  - d) **Correspondence**—Letter from AMMA (American Medical Massage Association) in response to the AMTA statement on definition of medical massage. For further information contact the Board office.

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**6) Committee Report**

No committee reports, however, the exam committee will be performing a mock exam before the instigation of the new format, effective in January 2006.

**7) Public Session**—Board reviewed the law enforcement cases that the board staff closed. Manriquez asked to have these cases included in the Boarderline. Discussion and actions took place on the following cases:

**Cases that the Board office has closed.**

**Case #3-05-322** Closed C03 Allegations Withdrawn. Respondent is an LMT that hasn't changed last name with the Board.

**Case #3-05-321** Closed C02 Board Lacks Authority. Contract issues between LMT and Owner.

**Case #5-05-351** Closed C02 Board Lacks Authority. Respondent is licensed in OR.

**Case #3-05-318** Closed C01/C03 Compliance Met and Allegations Withdrawn. Site inspection passed. Dispute between Chiropractor and LMT.

**Case #3-05-317** Nadera Hopper Closed C12 Insufficient Evidence. Respondent is not practicing massage.

**Case #3-05-330** ParkView Chiropractic Center Closed C11 Compliance Met, Warning Issued. Advised owners that an LMT is needed.

**Case #3-05-324** Juan Chavez Closed C02 Board Lacks Authority. Is licensed in WA where this incident took place.

**Case #3-05-339** Betty Duer Closed C02 Board Lacks Authority. Dispute between LMT and Salon owner.

**Case #1-05-308** Leah Valdrow Closed C02 Board Lacks Authority & C12 Insufficient Evidence. This is an issue between the Spa owners and the Respondent (LMT).

**Case #10-04-300** Amber Closed C02 Board Lacks Authority. Dispute between husband and wife and 3<sup>rd</sup> party.

**Case #3-05-314** Mr. Sweet Closed C21 Unable to Locate & C02 Board Lacks Authority. Complainant stated there was inappropriate draping and possible inappropriate touch.

**Case #6-05-366** Blue Mountain Remedies Closed C04 Allegations Unfounded. Respondent's are teaching a class. There is no violation.

**Case #1-05-308** Larry Cottingworth Closed C13 Letter of Concern. Providing massage for barter.

**Cases reviewed by the Board**

**Case #3-05-320 Raku Loren Mayers Allegation:** Engaged in the unlicensed practice of massage and advertising massage without a license. **Recommendation: Law** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1) performing or purporting to perform massage without a license for \$500 and 2 violations of ORS 687.021(2) advertising massage without a license for \$1000 each for a total civil penalty of \$2500. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

**Case No. 3-05-334 Kathryn C. Baker Allegation:** Engaged in the unlicensed practice of massage and advertising massage without a license. **Recommendation: McCal** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1) performing or purporting to perform massage without a license for \$500 and 1 violation of ORS 687.021(2) advertising massage without a license for \$1000 each for a total civil penalty of \$1500. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

**Case No. 3-05-340 Rachele Rice Allegation:** Engaged in the unlicensed practice of massage and advertising massage without a license. **Recommendation: Manriquez** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1) performing or purporting to perform massage without a license for \$500 and 1 violation of ORS 687.021(2) advertising massage without a license for \$1000 for a total civil penalty of \$1500. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

**Case No. 3-05-341 Joe Montes Allegation:** Engaged in the unlicensed practice of massage and advertising massage without a license. **Recommendation: Kern** moved to issue a Notice of Proposed Action for 4 violations of ORS 687.021(2) advertising massage without a license for \$500 for the 1<sup>st</sup> violation and \$1000 for 3 violations for a total civil penalty of \$3500. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed**

**Case No. 3-05-344 Nikola Anders Allegation:** Engaged in the unlicensed practice of massage and advertising massage without a license. Respondent was licensed by OBMT on 6/2/94. License auto-expired 12/31/04. **Recommendation: Welker** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1) performing or purporting to perform massage without a license for \$500 and 2 violations of ORS 687.021(2) advertising massage without a license for \$1000 for a total civil penalty of \$2500. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

**10) New Business**

- a) **Office Remodel**—Glenn explained to the Board that we’re extending our lease for 3 years and remodeling the space. Rates are still being honored from the original lease agreement.

11:35 lunch break.  
Back at 12:51

**8) Executive Session**—Law Enforcement, Attorney/Client Correspondence, Employment Related

**Performance and information or records.** 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 right and duties regarding current litigation or litigation likely to be filed, 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, and, ORS 192.660(2)(i) to review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

Back at 2:10

**9) Public Session—Action on Executive session matters**

**a) McCal** moved to adopt Executive Director position as Principal Executive F. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

**b) Case #03-05-335**—Issue a Notice of Proposed Action for 1 violation of OAR 334-030-0002(1) hold paramount the safety, health and welfare of the public, adhere to the Standard of Professional Conduct and uphold the highest practices of ethical conduct and integrity for \$500; 1 violation of OAR 334-030-0025(19)(a)(B) sexual violation for \$1000; 1 violation of OAR 334-030-0025(19)(d) any conduct or practice which could endanger the health or safety of a client or the public for \$1000; and, 1 violation of OAR 334-030-0025(19)(g) practicing in an incompetent manner for \$1000 for a total civil penalty of \$3500 plus reimbursement of Board costs related to this case. Licensee’s license is to be suspended until such time as he completes the following: \*\*pay penalties in full \*\*take and pass a 20-hour in-class course in ethics and boundaries \*\*20 individual counseling sessions of at least 50 minutes each in length. The following stipulations apply to counseling: Licensee consents to allow the Board to notify the mental health professional of specific charges listed on the investigative report, the mental health professional is to have expertise in areas related to these charges, the mental health professional is to provide the Board with a report which states that Licensee is competent to practice massage therapy according to the rules and laws of the state of Oregon. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

**Case #03-05-323**—Uprofessional or dishonorable conduct and violation of fundamental canons. **Manriquez** moved to close case Insufficient Evidence. **In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

**10) New Business**

**b) SAIF Corporation**—The Board obtained documents from SAIF Corporation which details whether or not an LMT is considered to provide medical services and therefore, be reimbursed for massage services. It is the SAIF Corporation’s opinion that a massage therapist does not provide medical services.

**11) Old Business/Work Session**

**a) Committee Duties and Assignments**—Table to the August meeting.

**b) Bylaws**

**i.** After an in-depth discussion it was decided that board positions would be served on a one-year term beginning January 1<sup>st</sup> and ending December 31<sup>st</sup>. Election for vice-chair and liaison assignments will take place by the November board meeting. It was also decided that each board member would hold an assignment with the structure as follows; Chair, Vice-Chair, Past Chair, remaining board members will serve as committee liaisons. **Jordan** moved to nominate Jacqueline McCal as Vice Chair. **In favor: Kern, Law, Manriquez, Jordan, Welder, McCal. Opposed: None. The motion passed.** Based on

the afore mentioned nomination, the roles of the board members will be as follows: Jordan, Chair; McCal, Vice-Chair; Oxman, Past Chair; Kern, Rules Liaison; Manriquez, Education Liaison; Law, Scope of Practice Liaison; Welker, Exam Liaison. Liaison responsibilities include assuring written reports are submitted and presented to the board, serving as a conduit for communication between the board and committee/committee chair. Committee chairs length of term to be one year as vice-chair, one year as chair and one year as past chair. Further discussion on requirements for chair and size of committee to be discussed at the August board meeting.

ii. **Mission Statement**—Tabled to August meeting.

Break at 3:23  
Back in session at 3:38

iii. **Stipends and Board Member Reimbursements**—Meals are paid per diem with the exception of one-day meetings. If it's a working lunch then meals will be reimbursed. Overnight travel is either per diem or actual. Mileage/meals will not be paid for committee participation. To qualify for overnight stay a minimum of 100 miles, one way is required. Mileage will be paid based on the most direct route as determined by staff. **Manriquez moved. In favor: Kern, Welker, Manriquez, Jordan and McCal Opposed: Law. The motion passed.** Stipends are \$100 and will be paid per month 12 times a year provided that the expectations established by the Governor and the Board was met. **Law moved. In favor: Kern, Law, Manriquez, Jordan, Welker, McCal. Opposed: None. The motion passed.**

c) **Exam Recording (video/audio)**—The Practical exam is currently audio taped using a cassette. It is proposed that the exam be video and audio taped. A bid was presented to members. **Welker** moved to audio and videotape the Practical exam effective January 2006. **In favor: Kern, Law, Manriquez, Welker, McCal. Opposed: None. Abstained: Jordan. The motion passed.**

d) **Revised Renewal Process**—Discussion took place concerning the new renewal process, which is to be effective January 2006. The new format is still renewable every two years, however, it will now be distributed monthly by licensee's birth month and year. If you were born July of 1967 then renewal would be due by July 1<sup>st</sup> of odd years. Your license would expire July 31<sup>st</sup>. Licensee will be provided the renewal form and further explanation of conversion.

e) **Animal Massage**—Is an acceptable CE course based on current regulations.

f) **Aqua Massage**—Discussion about whether or not a massage therapist needs to operate the aqua massage machine. **McCal** moved to inform respondent/owner/operator that client has to have complete control of the machine. **In favor: Kern, Law, Manriquez, McCal. Opposed: Welker and Jordan. The motion passed.**

12) **Public Comments**—No comments.

13) **Announcements**—August 11<sup>th</sup> is the next board meeting. Manriquez will verify that the lodging for the meeting in October is ADA compliant. The CE class at the August board meeting will begin at 9am and will be an open forum for the public to interact with the Board.

14) **Adjourn meeting**—Meeting adjourned at 4:47pm.