



# Oregon Board of Massage Therapists

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## BOARD MEETING MINUTES February 9, 2006

### Attendance

#### Board Members:

Jacqueline McCal, LMT, Chair  
Cathy Law  
Brad Welker, DC  
Lisa Oxman, LMT  
Stephanie Manriquez, LMT

#### Staff:

Patty Glenn, Executive Director  
Michelle Sherman, Office Manager  
Diana Nott, Law Enforcement Coordinator

#### Public:

James Templin	Nolan Swlazar	Jenn Hodges
Haley Watkins	Jason Winkel	Rachael Abee
Nadyn Hase	Name Unreadable	Jill Stanard, ND

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#### 1) Call to order

**McCal** called the public meeting to order at 10:02 am. Role call performed. All were present except Kern and Jordan who were excused.

#### 2) Approve Agenda

**Oxman** moved to approve agenda. **In favor: McCal, Law, Welker, Manriquez and Oxman.**  
**Opposed: None. Motion carried.**

#### 3) Approve minutes

Table CPR discussion until March to give staff time to review prior minutes for clarification. **In favor: McCal, Law, Welker, Manriquez, and Oxman. Opposed: None. The motion carried.**

#### 4) Report of Executive Director

- Financial Report**—Board asked clarifying questions about the budget layout to which Glenn responded. 27% of the budget has been used.
- Correspondence**—Glenn attended the FARB (Federation of Associations of Regulatory Boards) conference, which was a great opportunity to meet with directors from other state Regulatory Boards.

Glenn informed the Board of personal issues and thanked staff for their efforts of maintaining workflow.

Conversion renewal notices have been delayed due to programming issues, therefore, the deadline has been rescheduled to April 1, 2006 and will include those born in April of even numbered years.

#### 5) Committee Report—

**Rules Committee**—Jill Stanard presented the committee report and addressed questions as asked by Board as the statutes were read into record. The main areas of discussion were manual therapies definition, temporary permit, and student advertising. A copy of the proposed statute changes is available upon request; however, they are still under revision until the April 2006 Legislative deadline.

**Oxman** moved to accept the rules committee proposed statute changes with the exception of 687.011 and including adding or removing the word State where appropriate. **In favor: McCal, Welker, Manriquez and Oxman. Opposed: Law. Motion carried.** **Law** moved to accept the committee's recommendations and include the two amendments. **In favor: McCal, Law, Welker, Manriquez and Oxman. Opposed: None. Motion carried.**

#### 6) Public Forum

Nadyn Hase asked about budget reserves. Jenn Hodges asked about CPR being part of the renewal process, agenda item 9)d) School administrator/instructor boundaries, and the executive session

placement on the agenda.

**7) EXECUTIVE SESSION – Law Enforcement**

Executive session is held pursuant to ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, 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.

**8) Public Session—Law Enforcement—discussion re: law enforcement cases against unlicensed individuals and to take action against all law enforcement cases.**

- a) **Case 6-05-370** At the January 2006 meeting the Board voted to issue a Notice of Proposed Action against respondent for violation of ORS 687.021 advertising massage without a license; however, the violation of record should be OAR 334-010-0025(9) All licensed massage therapists are required to include their license number in all advertisements, including but not limited to: written, electronic, televised and audio. **Oxman** moved to amend the original motion to show the violation of record as OAR 334-010-0025(9). **In favor: McCal, Law, Welker, Manriquez and Oxman. Opposed: None. Motion carried.**
- b) **Civil Penalty Cap** was moved to the April 2006 meeting.
- c) **Fine for Failure to Post LMT Number**—In January 2003 the OBMT began requiring LMT's to post their license number on all forms of advertisement. The Board has given a significant grace period to allow LMT's to bring all advertising into compliance. The board will now start issuing civil penalties for non-compliance. Those in violation will receive a 30-day to come into compliance letter which, if not met, will be followed by a Notice of Proposed action to issue civil penalty. Staff will draft a procedure for this implementation and present to the Board at the March meeting.

**9) New Business**

- a) **Board Member Telephone Attendance**—this discussion has been tabled until the March meeting.
- b) **Q&A with Erinn Kelley-Siel, Governors' Health & Human Services Policy Advisor**—Ms. Kelley-Siel introduced herself and gave an overview on the perspective of boards and commissions from the Governor's point of view. She thanked the Board for their diversity, willingness to travel, different perspectives, and for the work they do. The main items of discussion were: Protection of the public, Legislative Sessions, Individuals coming from out-of-state who are wanting Oregon licensure, and relationships between government agencies.
- c) **Board Member Candidate Applications**—All applications for the upcoming Board position are LMTs; the position needs to be filled by a public member.
- d) **School administrator/instructor boundaries**—The board discussed student/teacher relations, as they are concerned about the potential effects this will have on the student's business ethics and boundaries as well as the perceived advantage or disadvantage of the student. It was decided that the education committee will review the policy in the model curriculum and a letter be sent to schools inquiring about their fraternization policy.
- e) **Licensee Database**—Glenn introduced Steve Dodd, our new database programmer, and explained the need for upgrading the software as well as the integrity of the data. The Board asked that research be conducted to determine the cost of implementing these changes and present them at the March board meeting.

**10) Old Business**

- a) **Statute Changes**—Discussed during the Rules committee report.
- b) **Student Advertising**—The question of whether a student can create a business card which states that they are a student of massage. Would this be considered advertising? The card would then be used as part of the business plan training and for clinic practice. After deliberation, the Board determined that the answer is no, a student may not create a card with their name on it. However, it would not be considered advertising if the school made a generic card with the schools

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information and then students use that card to present to potential clients in the interest of completing clinic hours.

- c) **FSMTB—Elect Annual Meeting Attendee**— The policy is that we send two members to the annual meeting. One member is the delegate and is paid by the Federation and the second member is vice-delegate that may be paid by the Federation. **Oxman** moved to send 2 delegates from the Board: one as the main delegate and one as the vice-delegate. **In favor: Oxman, McCal, Law, and Manriquez. Absent: Welker. Motion carried.** **Law** moved that the delegate is Manriquez. **In favor: Oxman, McCal, Law, and Manriquez. Absent: Welker. Motion carried.** The vice-delegate will be decided at the March meeting.

**11) Public Comments**—There were no public comments.

**12) Announcements and Other Business**— No announcements.

**13) Adjourn Meeting**—**Manriquez** moved to adjourn. **In favor: Oxman, McCal, Law, and Manriquez. Absent: Welker. Motion carried.** Meeting adjourned at 2:19pm.

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Note from Michelle Sherman about the minutes. This meeting was not discussed in the order listed on the agenda; however, it does not affect the integrity. Item 9)b) was discussed at 10:30 due to Ms. Kelley-Siel's schedule. Brad Welker left the meeting at 1:32