



Oregon Board of Massage Therapists

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APPROVED
7/13/06 MS

BOARD MEETING MINUTES June 8, 2006

Board Members:

Jacqueline McCal, LMT, Chair
Stephanie Manriquez, LMT
Sheree Fields

Jackie Kern
Brad Welker, DC

Staff: Patty Glenn, Executive Director
Diana Nott, Law Enforcement Coordinator

Public: Vincent Stone Marcea Wiggins Dr. Mark Olson Betsy Earls

Call to order

McCal called the public meeting to order at 10:02am. All Board members were in attendance with the exception of Oxman. Welker attended by phone.

Welcome new public Board member Sheree Fields from King City, Oregon. Fields said that it was an honor to serve in this capacity. She is originally from Akron, Ohio but has been in Oregon for 11 years. She has worked as a management consultant and with organizations and boards in a variety of capacities. She was nominated by her massage therapist and is committed to naturopathic methods of wellness.

1) Approve Agenda

Glenn explained that the Board would meet candidates for the open Board position throughout the day, as they were able to attend. **Manriquez** moved to approve agenda. **In favor:** Manriquez, McCal, Kern, Fields and Welker. **Opposed: None. Motion carried.**

2) **Approve minutes** of the May 11, 2006 minutes. **Fields** moved to approve. **In favor:** Fields, McCal, Kern, Manriquez, and Welker. **Opposed: None. Motion carried.**

3) Director's Report

a) **Financial Report:** **Glenn** said that the overall budget is trending well. Added expenses for the database development are being absorbed. Travel is high but there will be incoming reimbursements from the Federation. Investigation is also running high. McCal asked if the budget should be revised for the travel. Glenn stated that could be done but is not necessary unless it affects total budget. Glenn also mentioned that number of candidates for the Practical exam is higher than projected for income. With Michael Jordan's resignation the Board needs to assign a new person to review finances. Manriquez asked why government is so high. Glenn said it is due to increase in AAG expenses for LE cases and several hearings.

b) Updates

i) **Semi-Independent Biennial Audit:** Merina & Company performed this audit. Glenn believes the audit went well; there were no significant areas of concern. Glenn was impressed with this audit company as they were thorough and detail oriented in their questions. There were some misunderstandings around the creation of the financial reports but it's being resolved.

ii) **Dynatronic Letter:** In April 2005 and again in January 2006 the Board voted that Synergie AMS and similar equipment fall within the definition of massage. Glenn and Lori Lindley (AAG) met with Jona Maukonen (Atty for Dynatronics). Since then HLA has responded to an inquiry by Danny Morgan,

regional sales manager of Synergie. Patty Glenn was copied on the response. When asked for a copy of the correspondence from Mr. Morgan to the HLA Tricia Albritton told us that there was no written communication. The letter went out in response to telephone communications from Mr. Morgan.

Glenn stated concerns that while the questions were specific to the OBMT no inquiry of us was made before a response. A meeting with HLA is scheduled for early July.

4) Committee Report

- a) **Education/Scope of Practice Committee** – No meetings to report
- b) **Exam Committee** – The exam committee discussed skills calibration, 1/1/2007 score requirements of 70% across the board and examiner evaluations.
- c) **Rules Committee** – Glenn said that there's been great involvement. The rules committee is taking sections of the rules for each meeting and working through it to verify applicability, content and statutory authority. There have been good outcomes and we expect recommended changes to be coming back to the Board in the near future. A lot of housekeeping changes have been made. Discussed progress of 2007 LC and recommended changes to language to provide additional clarity. Glenn shared that David Frostad was interested in participating on the Rules committee. The staff is excited at the prospect of his joining.

5) Public Forum – Opportunity for the public to address the Board.

Marcea Wiggins, Director of Education at Pioneer Pacific College brought their new Clinical Director, Dr. Mark Olson, to meet the Board. The Board shared that there is an opening coming up for the health related Board member position. Dr. Olson has a PhD in Neuroscience from the University of Illinois, as well as a Masters of Education. He just moved to Oregon two months ago from Hawaii, where he had been teaching massage.

6) 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.

7) Public Session—Law Enforcement Action

Case #6-06-476 Allegation: Professional misconduct. **Welker** moved to issue a Notice of Proposed Action for one violation of OAR 334-030-0025 (10) assisting, employing or permitting an unlicensed person to practice massage and one violation of OAR 334-03-0002(1) failure to report to the Board for a **total civil penalty of \$1,500. In favor:** Welker, McCal, Fields, Manriquez, and Kern **Opposed:** none. **Motion Carried.**

Case #1-06-254 Matthew Jones, a.k.a. Puna Allegation: Unlicensed advertising and practice. **Manriquez** moved to issue a Notice of Proposed Action for fourteen violations of ORS 687.021 (2)(a) advertising without a license and twenty-three violations of ORS 687.021(1) engaging or purporting to be in the practice of massage without a license for a **total civil penalty of \$23,000 and report to the state of Hawaii. In favor:** Manriquez, McCal, Fields, Welker, and Kern. **Opposed:** none. **Motion carries.**

Case #8-05-425 Amy Bodine Allegation: Unlicensed advertising and practice. **Kern** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1) performing massage without a license and one violation of ORS 687.021(2)(a) advertising massage without a license for a **total civil penalty of \$1,500. In favor:** Kern, McCal, Welker, Fields, and Manriquez. **Opposed:** None. **Motion carried.**

Welker left the meeting.

8) Working lunch – departing board member appreciation

9) New Business

- a) **LMT Board Member candidate presentations**
Applicants included; Joann Wonders, Devery Broddie, Christa Caputa and Jordan Barton.

b) New Website

The web site has been updated with October Board meeting in The Dalles which will be proceeded by a breakfast Q&A with the attendees. There is information on the web site about the conversion renewal.

Manriquez asked about the law enforcement on the web page. Glenn stated that it's not ready, but it's being worked on with the revamp. Notice of Proposed Action information will be in the meeting minutes, but once the case goes to Final Order it will be published to the web. There was discussion on web sites: what the plans are and staff updating the site.

c) Sensual Massage

There have been issues brought to the Board about sensual massage. There was discussion around Sensual vs Sexual massage. The Board determined that sensual equals sexual. Glenn suggested creating a policy statement around sensual massage. **Manriquez moved** to have the Education/Scope of Practice committee create a policy statement around sensual massage both in practice and advertisement. **In favor:** Manriquez, McCal, Kern, and Fields. **Opposed:** None **Motion carried.**

Discussed students doing trades for massages and that it is a violation of ORS/OAR's. Glenn will place on the agenda for the next all-schools meeting. The Board discussed that this information needs to be addressed when students first start school so that there is immediate clarity. The Board is seeing an increasing number of student-related issues, both unlicensed practice and sensual/sexual massage.

10) Old Business

a) Board Member Training: Board members will participate in training on the Friday night of the October meeting in The Dalles. Fields will attend the Governor's training in September and may have information to share.

b) Conversion Renewal Update: There have been some minor challenges with the conversion, but it is going great. The Board staff is going to be sending out postcard reminders for those who have not renewed. The late fee for the conversion renewal has been capped at \$125 provided that it is taken care of by December 31, 2006.

11) Public Comments – opportunity to share thoughts that pertain to agenda items

No public

12) Announcements

The Board members will prepare the annual review of Executive Director, Patty Glenn by the July meeting.

13) Adjourn Meeting— Kern moved to adjourned. **In favor:** Kern, McCal, Fields and Manriquez. **Opposed:** None. **Motion carried.** Meeting adjourned at 3:15pm.