



Oregon Board of Massage Therapists

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APPROVED
10/21/06 MS

Board Meeting Minutes August 10, 2006

Board Members:

Jackie Kern, Public Member
Lisa Oxman, LMT

Sheree Fields, Public Member
Stephanie Manriquez, LMT

Staff:

Patty Glenn, Executive Director
Diana Nott, Law Enforcement Coordinator

Michelle Sherman, Office Manager

Public: Ahlyn Bodhi, LCC MT Student; Jona Maukonen, Dynatronics; Michael Jordan, LMT

Call to order

Kern called the public meeting to order at 10:05 am. All Board members were in attendance with the exception of **McCal**, who was excused.

1) Approve Agenda

Manriquez moved to approve agenda. **In favor: Oxman, Fields, Kern, and Manriquez.**
Opposed: None. Motion carried.

2) Approve Minutes of July 13, 2006

Oxman moved to approve minutes. **In favor: Oxman, Fields, Kern, and Manriquez. Opposed: None. Motion carried.**

3) Directors Report

a) Financial Report

Budget remains on-track at 60% revenue and 70% expenses. Government charges are over budget due to the number of law enforcement hearings.

b) Updates

1) **September Schedule**—Nott and Glenn will be attending the CLEAR (Council on Licensure, Enforcement and Regulation) conference the week of September 11, 2006. Glenn, McCal, and Manriquez will be attending the FSMTB annual meeting the following week. The board meeting scheduled on September 14th would therefore need to be rescheduled. Upon deliberation the September telephone meeting will be rescheduled to September 7, 2006. **In favor: Oxman, Fields, Kern, and Manriquez. Opposed: None. Motion carried.**

2) **Audit**—The audit process was completed. The Secretary of State will send the audit report to the Board when completed.

3) **Dynatronics Presentation and Joint Task Force w/Cosmetology Board**—Jacqueline McCal, Sheree Fields and Patty Glenn attended the first meeting of the joint task force with the Cosmetology Board. During this meeting Dynatronics demonstrated the Synergie AMS machine. After the demonstration the Board of Cosmetology reaffirmed their position that the use of the machine is within the scope of practice of an esthetician. The OBMT still had significant concerns but no substantive dialog transpired and no future task force meetings were set. The OBMT Board members asked Jona Maukonen, Counsel for Dynatronics, if another demonstration of the equipment could be arranged. (see 5) Public Forum)

4) **Investigator**—Glenn introduced Mindy Tucker as the new investigator for law enforcement. Ms. Tucker comes from a background of law enforcement.

- 4) **Committee Report**—The Rules committee is continuing to work on reviewing Division 010 of OAR Chapter 334. The Committee plans on having a draft version of Division 001 and 010 to the Board for discussion at the October board meeting. The Education Committee will be meeting August 11, 2006. The Exam Committee does not have a meeting scheduled.
- 5) **Public Forum**—After the last meeting, Jona Maukonen believes that we're closer to a resolution with Dynatronics. She would be happy to organize a demonstration of the Vacuumassage system at the October meeting. Michael Jordan asked what hotel the Board will be staying at in October.
- 6) **Executive Session**
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.
- 7) **Law Enforcement Actions**

Case #3-06-454: Allegation: Unprofessional and dishonorable conduct. **Recommendation:** Issue a Notice of Proposed Action for 4 violations of OAR 334-030-0005(2)(a) The LMT is accountable for the quality and effectiveness of care and services; 3 violations of OAR 334-030-0005(5)(b) The LMT acts within the context of professional practice standards; 2 violations of OAR 334-030-0025(19)(a)(A) Sexual abuse...by the professional; 4 violations of OAR 334-030-0025(19)(a)(B) Sexual violation...touching breasts or genitals or other sexualized body part; 4 violations of OAR 334-030-0025(19)(a)(C) Sexual impropriety; and 3 violations of OAR 334-020-0085 Housekeeping. The premises of all massage business shall be kept clean and free of litter and rubbish. The massage business shall be maintained in a neat and orderly manner; for a total civil penalty of \$14,500 and revocation of license. **Manriquez** so moved. **In favor: Oxman, Fields, Kern, and Manriquez. Opposed: None. Motion carried.**

Case #8-05-399: Allegation: The Board previously issued a Notice of Proposed Action for two violations of ORS 687.081(1)(b) by making false statements to the Board in order to induce or prevent action by the Board and seven violations of OAR 334-030-0025(10) by assisting, employing, or permitting an unlicensed person to practice massage. The Licensee settled for a \$4000 civil penalty and has only made one payment on March 10, 2006. Non-payment constitutes a violation of the Final Order and therefore, the Board deems the full amount \$48,500 to be accelerated and due and payable immediately. **Recommendation:** Suspend Licensee's license until final collection of the civil penalty per ORS 687.081. **Fields** so moved. **In favor: Oxman, Fields, Kern, and Manriquez. Opposed: None. Motion carried.**

Case #7784 Kim Schaffer: Allegation: Unlicensed advertising and the sale of massage packages, which the individuals purchased but had not received, while in a lapsed status. A hearing was held on May 26, 2006. The Administrative Law Judge upheld the decision of the Board to deny renewal of license. **Recommendation:** Approve the Final Order as the Administrative Law Judge has proposed. **Oxman** so moved. **In favor: Oxman, Fields, Kern, and Manriquez. Opposed: None. Motion carried.**

Case #5-05-365 Jenelle Jansik: The Board authorized Glenn to settle for the costs of attorney fees with any further violation resulting in full penalties of this case being enforced.

8) New Business

- a) **Conference Calls**—Table discussion until the September meeting.
- b) **American Red Cross change to FA/CPR requirements**—Send to the Education Committee.

9) Old Business

- a) **Portfolio Review**—Forward to the Education Committee to create a portfolio review application and qualifications for practical examination.
- b) **2006 Goals**
 - 1) **Tiered Licensing**—Not discussed in detail.
 - 2) **Reflexology License**—Not discussed in detail.
 - 3) **Increase in Core Hours**—Discussed in detail the training applicants are expected to have after completing 500 hours in school. Are the needs of the public and LMT being met? Areas of concern are business, ethics, and boundaries as they are increasingly being violated once in practice. Should the core curriculum hours be increased to provide more training or should it be required as ongoing continuing education classes?
- c) **Correspondence**—Fields will be the liaison for public correspondence received in the board office. Glenn to create a process.

10) Public Comments

At this time, there were no public in attendance.

- 11) Announcements**—Fields suggested a calendar to act as a reminder for addressing strategic planning. Fields has been assigned to the Scope of Practice/Education Committee. Oxman will review financial statements. A structured review process needs to be implemented in order to aid future members with this task.

- 12) Adjourn Meeting**—**Manriquez** moved to adjourn the meeting. **In favor: Oxman, Fields, Kern, and Manriquez. Opposed: None. Motion carried.** Meeting adjourned at 3:10pm.