



Oregon Board of Massage Therapists

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BOARD MEETING MINUTES

March 9, 2007

Attendance

Board Members:

Stephanie Manriquez, LMT, Chair
Jackie Kern, Public, Vice-Chair
Jacqueline McCal, LMT
Jordan Barton, LMT
R. Craig McMillin, Public
Lisa Oxman, LMT

Staff:

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

Public:

Hannah Cook
Lara Welford
Ann Marie Maurer
Laurel Miller
Wendy Loren, LMT
Penta Swanson
Rose Jade
Garret (name illegible)

Jennifer Locke
Elizabeth Land
Corena Culhane
Jenn Hodges
Laura Robson
Cliff Stenquist
Alison Lord

David Zunno
Kristina Massey
Lynne Schwartz
Rachel Steinmetz
Amber Morison
John Berg
Jill Stanard

Call to order

Manriquez called the public meeting to order at 10:00 am. Role call performed. All were present with the exception of Fields.

- 1) Approve Agenda**—Kern moved to approve agenda. **In favor: McCal, Barton, McMillin, Kern, Manriquez and Oxman. Opposed: None. Motion carried.**
- 2) Approve February 9, 2007 Minutes**—Oxman expressed concern of Item 4 Director's Report and suggested that the minutes reflect the following: "Oxman voiced her concerns about our current system of board member review of the Board's financial documents. She had volunteered to review the documents mid-year for 2006 when Jordon resigned. She thanked McCal for her willingness to complete the review and brought up the question of what the review procedures include and who will be active with this board service. McCall will continue as past-chair to review the financial records; this includes a thorough review of the accounts for 2007. Manriquez stated that she will arrive early for the 2008 Board meetings to take over those duties when her tenure as chair expires."

Oxman stated that the current wording for Item 9(b)(ii) does not clarify the intent of the Board's position. Discussion ensued and the language was amended.

Kern moved to approve the minutes as amended. **In favor: McCal, Barton, McMillin, Kern, Manriquez, and Oxman. Opposed: None. The motion carried.**

- 3) Public Forum**—Jade Rose thanked the Board for the opportunity to attend the Board meeting.

4) Report of Executive Director

a) Updates

The April 2007 board meeting will be in Ashland at the Ashland Institute of Massage on April 13th starting at noon with a Q&A period. The meeting will be from 1pm to 6pm. There will be a board member training on Saturday, the 14th.

Each board member received a username and password which will enable them to log onto LINUS in order to keep apprised of the Legislative process.

Due to the change of daylight savings time the current server software will be out of sync by one hour for the next two weeks.

The new database is almost complete and once initial testing is finished conversion and implementation will begin. Staff is very excited as it will increase productivity by offering new and easier processes.

5) Committee Report

- a) **Rules Committee**—The Board started a thorough review of the suggested changes, however, **McMillin** moved to table the discussion to the April meeting and that the members provide written comments to the board office by Monday morning, March 12, 2007. **In Favor: McMillin, Kern, Manriquez, and Barton. Opposed: McCal and Oxman. The motion carried.**

The committee will be meeting on Monday, March 12, 2007 at 10am at the OSM Salem campus. Questions and comments previous to being tabled at the Board meeting will be discussed. Divisions 10, 20 and 30 will be addressed in a work session beginning at 10:00am on April 13, 2007.

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) Action on Executive Session

- a) **Applicant AB—McCal** moved to accept Applicant AB's application for state endorsement and allow applicant to take the Practical exam. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**
- b) **Applicant DF—Oxman** moved to deny Applicant DF. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**
- c) **Law Enforcement**
Case #1-07-504 Allegation: Unprofessional or dishonorable conduct. **Recommendation:** **Barton** moved to issue a Notice of Proposed Action for 1 violation of OAR 334-010-0025(8) failure to display license at place of business, 2 violations of OAR 334-010-0025(9) failure to include license number in advertising, 1 violation of OAR 334-030-0025(10) allowing the practice of massage by an unlicensed individual, 1 violation of OAR 334-030-0005(2)(a) failure to foster safety and trust, and, 1 violation of OAR 334-020-0050(4) failure to place all soiled linens in a covered receptacle. Assess a civil penalty of \$5,500 and refer the complaint to the Oregon Board of Medical Examiners. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**

Case #2-07-530 Allegation: Unlicensed Advertising of Massage. **Recommendation:** **McCal** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(2)(a) advertising for massage without an active Oregon massage license and 1 violation of OAR 334-030-0025(11) using or attempting to use a license that has been revoked or suspended, lapsed or inactive. Assess a civil penalty of \$1,500. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**

Case #7-04-288 McMillin moved to approve the Final Order as amended. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**

Action on Public Session Law Enforcement

Case #11-06-503 Yong Qiang Zhang Allegation: Unlicensed Practice of Massage **Recommendation:** **McMillin** moved to issue a Notice of Proposed Action for 6 violations of ORS 687.021(1) engaging in the practice of massage without a license. Assess a total civil penalty of \$5,500. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**

Case #1-07-521 Bryan Miller Allegation: Unlicensed Advertising of Massage. **Recommendation:** **Barton** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(2)(a). Assess a civil penalty of \$1,000. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**

Case #2-07-526 Aaron Wartena Allegation: Unlicensed Practice of Massage. **Recommendation:** **McMillin** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1) engaging in the practice of massage without a license. Assess a civil penalty of \$1,000. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**

Case #2-07-528 Dawn Shreves Allegation: Unlicensed Advertising of Massage. **Recommendation:** **Oxman** moved to issue a Notice of Proposed Action for 1 violation of ORS 687.021(2)(a) advertising for massage without a license. Assess a civil penalty of \$500. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**

8) New Business

- a) **CE Issue**—Cuddle Parties for CE. The Board received an email from the AMTA concerning Cuddle Parties and continuing education. An excerpt from their website states: “Cuddle Parties are a structured, safe workshop on boundaries, communication, intimacy and affection; a drug and alcohol-free way to meet fascinating people in a relaxing environment”. The AMTA has announced that they do not endorse cuddle parties for CE. After extensive discussion **McCal** moved to notify Cuddle Party that OBMT will not accept Cuddle Party or related events for continuing education. **All in Favor: McCal, Manriquez, Barton, McMillin, Oxman, and Kern Opposed: None. The motion carried.**
- b) **February 2007 All Schools Meeting**—**Nott** presented the board with a summarization of the meeting. She recapped the items in the school’s binders, discussed the overall content and stated that the feedback, participation and interaction was excellent.

9) Old Business

- a) **FSMTB Meeting**—**Oxman and Glenn** attended the meeting on February 21st thru the 23rd in Dallas Texas. Oxman recounted key points of the 3 day meeting. The board worked on the job task analysis and reviewed the career planning results, discuss common issues including eligibility requirements for the exam, and discussed the proposed test content outline. At this time, October 2007, is the projected date to initiate administering the Federation’s test.

b) Legislative Updates:

- i) SB170—OBMT Bill.** Glenn is corresponding with Legislative Counsel in order to be prepared for when the Bill comes up for hearing. There are changes to the Bill since submitting it in January; one of which returns the word “human” to the definition of massage; the other slightly changes the exemption verbiage. The Board hasn’t received any other concerns or opposition.
- ii) SB399—Exempts Reflexology.** At this point in time a hearing date has not yet been set for this bill. The Board has received a call from a Reflexologist who voiced concerns with this exemption. The Board urges the LMT community to get involved with the process as your voice is heard especially when testifying in front of the Committee. After discussion the Board is going to take a neutral position; however, we will provide the Committee with information related to Reflexology.
- iii) SB70A—Secretary of State Audits.** This amended bill passed out of Senate Committee and should be moving to the House.
- iv) SB493—Medical Professional’s Personal Information Exemption.** This bill has not been presented to the Senate at this time. There seems to be some confusion as to the origin of this bill.
- v) SB2528—Investigative Process.** This bill has not had a hearing.

The Board office has a list of current Representatives and Senators for the Board members in the event contact is needed. You can watch the Legislative process by logging onto www.leg.state.or.us.

10) Public Comments:

Rose Jade voiced concerns surrounding SB170 and random inspections, the complaint/investigation process and client safety. *Penta Swanson* commented about the board investigators inspecting a premise. *Garret* commented about government rule making processes, client safety and security being left to the public to decide, and the process to abolish the Board. *Lara Welford* remarked about the proposed random inspections. *Jenn Hodges* suggested looking at alternative wording for random inspections. *Ann Marie Maurer* appreciated the board for its efforts in working with different entities and expressed support for random inspections based on her experiences. *Hannah Cook* inquired about external baths.

11) Announcements

McMillin acknowledges that the proposed rules need to be carefully reviewed and stated that the Rules committee is dedicated and is working very hard.

The Board members and staff will arrive on Thursday evening; meet at 9:30 am on Friday and work til noon; enjoy a lunch Q&A with the public in attendance; start the board meeting at 1pm; adjourn no later than 6pm; and attend a board member training on Saturday morning from 10am until 2pm. The meetings will be held at the Ashland Institute of Massage.

McMillin departed.

Barton inquired about the order of the Executive session on the agenda.

Glenn will not be in attendance for the May meeting. After discussing alternatives it was decided that the May meeting would be moved to the following week, May 18, 2007. The May meeting has been moved from May 11, 2007 to May 18, 2007 due to scheduling conflicts.

12) Adjourn Meeting—Barton moved to adjourn. **In favor: Oxman, McCal, Barton, Kern, and Manriquez. Absent: McMillin. Motion carried.** Meeting adjourned at 2:20pm.