



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

November 30, 2007

Attendance

Board Members:

Stephanie Manriquez, LMT, Chair
Jackie Kern, Public, Vice-Chair
Jacqueline McCal, LMT
Jordan Barton, LMT
R. Craig McMillin, Public Member
Kathy Calise, Public Member

Staff:

Patty Glenn, Executive Director
Diana Nott, Enforcement Coordinator

Public: No public in attendance

Call to order

Manriquez called the public meeting to order at 10:00 am. Role Call was performed. **Manriquez, Barton, Kern and Calise were present. Oxman was excused.**

- 1) **Approve Agenda - Kern moved** to approve agenda. **In favor: Kern, Calise, Barton, and Manriquez**
Opposed: None. Motion carried.
- 2) **Approve October 19, 2007 Minutes – Calise moved** to approve the October 19, 2007 meeting minutes.
In favor: Kern, Calise, Barton, and Manriquez Opposed: None. Motion carried.
- 3) **Public Forum** – Opportunity for the public to address the Board. No public present.
- 4) **Report of Executive Director -**
 - a) **Finances: Glenn** shared that the finances are tracking as expected. She provided the Board with a report.
 - b) **SIBA Meeting: Glenn** explained the Semi-Independent Boards and Agencies group. They met November 14, 2007 and were pleased to share that it looked as though they would be able to present during the new legislative training. The health-related licensing boards have asked to help educate the legislative body and the SIBA group has piggy-backed that effort. There was discussion on what a presentation might look like and it was apparent there is a need to clarify the difference between a regulatory body and a professional association.
 - c) **Audits:** As of November 14th, none of the SIBA agencies had heard from the audit team. However, on November 29, 2007 the Board did receive notification of an audit scheduled for January 14, 2008. **Glenn** will update the Board once it is completed.

- d) **Health Related Boards:** The health related boards group will meet again on January 14th. **Glenn** stated that it has been very informative as she has listened to the successes and challenges of other boards.
- e) **Travel Policy:** Discussion on actuals with receipts verses per diem. Board members must choose either actuals or per diem not a combination. **Manriquez** requested a sheet explaining the break down and how it worked. **Glenn** said that she would provide that information to the Board. She also shared that mileage reimbursement would increase to 50.5 cents per mile effective January 1, 2008.
- f) **Business Continuity Plan:** A business continuity plan is a plan that is in place to guide the organization in the event of a major catastrophe such as a fire, earthquake or terrorism event. **Glenn** attended a meeting held on November 13th that provided a lot of interesting and valuable information. There was discussion on the types of plans and the deadlines for having those plans finished. **Barton** asked what types of issues would affect our agency. **Glenn** said that it would be mainly exam and licensure issues.
- g) **Computers:** Our new IT support provider, Confuzer Inc. has come in and reconfigured the entire system. In addition to taking over our local support they also provide backup data support in a secure facility in Chicago. This is a critical piece of our business continuity plan. **Glenn** said it was a time-consuming yet amazing process. She stated that both the IT and database support are working well together to assure that the system is running smoothly.
- h) **2009 Legislative Session:** The Rules Committee will need to meet by January at the latest to make sure that everything is set for submission by April 4, 2008. The board plans to resubmit last session concept incorporating the amendments.
- i) **Web Site:** Website redevelopment has been placed on hold for the moment. The office is focusing on the IT changes. We are still in the process of determining whether to rebuild our own website or migrate to Oregon.gov. One of the concerns with the Oregon.gov site is the associated charges. In addition to the IT and website changes the staff will be getting state.or.us e-mail addresses in the near future. As we make these changes they are being done with the consideration of making online renewals available.

McMillin arrived at 10:45 am.

5) Committee Updates –

- a) **Exam Committee - Glenn** provided information on the progress of the Exam Committee. There was a discussion on the pending proposed changes and the reasons for those changes. **Glenn** stated that the new exam is a better tool to effectively access the scope of practice in Oregon. The next meeting will be held December 17, 2007 at 10:00 am. **Manriquez** stated that she was pleased with what she's heard thus far on the changes.
- b) **Rules Committee** – Needs to meet in January to get everything submitted for the 2009 session ready by April 4th.
- c) **Education/Scope of Practice Committee** –**Glenn** will follow up with Paul.

EXECUTIVE SESSION -

The Board may enter into Executive Session to discuss certain matters on the agenda 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, 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 job performance of the Executive Director or staff. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.

The Board entered into Executive Session at 10:58 am and returned to Public Session at 11:10 am.

6) **Action on Executive Session Items**

- a) **Applicant AB** – Calise moved to allow applicant to sit for the Oregon Practical Exam. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- b) **Case 524** – Barton moved to close case with a letter of concern. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**

7) **Law Enforcement – Public**

- a) **Case 374 “Stormy” Dale Allen Vigil** – McMillin moved to issue a notice of proposed action for 71 violations of ORS 687.021(2)(a) unlicensed advertising of massage and 1 violation of ORS 687.021(1) unlicensed practice of massage for a total civil penalty of \$40,500 and forward to the District Attorney. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- b) **Case 586 Anthony Dinsmore** – Kern moved to issue a notice of proposed action for 2 violations of ORS 687.021(2)(a) unlicensed advertising of massage and for 1 violation of ORS 687.021(1) unlicensed practice of massage for a total civil penalty of \$2,500. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- c) **Case 587 Jason “Tito” Anders** – Kern moved to issue a notice of proposed action for 3 violations of ORS 687.021(2)(a) advertising massage without a license and for 1 violation of ORS 687.021(1) purporting to be in the practice of massage without a license for a total civil penalty of \$3,500. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- d) **Case 588 Jacqueline Marie** – Kern moved to issue a notice of proposed action for 35 violations of ORS 687.021(2)(a) advertising massage without a massage license for a total civil penalty of \$22,000. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- e) **Case 589 Scott Williams** – Mcmillin moved to issue a notice of proposed action for 5 violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$4,500. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- f) **Case 590 Sarah Meckel** – Kern moved to issue a notice of proposed action for 1 violation of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$500. **In favor: Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**

McCal arrived at 12:00 pm.

8) **FSMTB Updates**

- a) **Glenn** shared that there are now 12 states which accept the MBLEx. Currently most of these states accept both the MBLEx and one or both NCB exam(s). The feedback we have received on the MBLEx has been great both in process and content. The Board discussed the pros and cons of accepting only one written exam and discussed a date in which to implement that requirement. **Barton** asked what the process would be to allow us to only accept the MBLEx. **Manriquez** stated that it would be a simple rules change. **Barton** asked if there was a good date to make the transition. **Glenn** stated that first there would need to be a motion and board vote. Then it would go through the rules process, which takes about 3 months. **Manriquez** asked for discussion about a date in which to move over to only the MBLEx. Discussion ensued. **McCal** moved to change Rule 334-010-0010 (4) to read: Effective July 1, 2008, applicants are required to take and pass the MBLEx written exam, Oregon practical examination and Oregon jurisprudence exam in addition to the other requirements established by the board. Applicants who passed a written exam previously accepted by the board prior to July 1, 2008 may submit proof of passing in lieu of the MBLEx requirement. **In favor: Kern, Barton, Calise, McMillin, McCal and Manriquez. Opposed: None. Motion carried**

9) Board Business

- a) **April 2008 Meeting Location** –The board has received feedback that we may not get sufficient turnout of we go further east than Hood River or The Dalles for the April 2008 meeting. **Glenn** will look into having the April 2008 meeting at Western States Chiropractic College in Portland. The July 2008 meeting will be held in Portland at East West College of Healing Arts. **Glenn** will contact the Washington Board about our Portland meetings in case there are any practitioners on the border that would like to know more about Oregon licensing. Finally, the October 2008 meeting will be held in Eugene at Lane Community College.
- b) **Board Member Applicants** – There was discussion on the two applicants that have applied for the LMT position that is being vacated by Lisa Oxman. **Glenn** will contact the Governor’s office with the input from the Board. There was a discussion on how to get more interest in Board positions.
- c) **Board Elections** – **McMillin** moved to have **Manriquez** remain as Board Chair with **Barton** as Vice Chair and **Kern** as alternate Vice Chair. **McCal** to remain in the Past Chair position. **In Favor: Kern, Barton, Calise, McMillin, McCal and Manriquez. Opposed: None. Motion Carries**
- d) **Distance Education & Instructor Certification** – **Glenn** met with Lyn Fleming with the Department of Education. They discussed roles of the Board versus a School Advisory Council. Ms. Fleming also requested clarification from the Board regarding distance learning and self study. She also inquired as to the possibility of licensing or certifying massage instructors to address some of the concerns noted by the Oregon Board of Massage and the Department of Education. There was a very in-depth discussion on what that would look like and what the pros and cons might be to certifying instructors. **Glenn** said these are issues that would most likely be looked at by the Federation. There was discussion on refining language in Rules regarding programs and pass rates. It was suggested that the Board establish a School Review committee that would be in charge of reviewing curriculum and serve as an Advisory Committee. **McMillin** suggested contacting the schools with sub-standard pass rates. **Barton** asked how the Board would regulate without micro-managing. **McCal** stated that just because a school is on our list as meeting the core curriculum requirements, doesn’t guarantee a quality education. **McMillin** feels that the Board fails in a way if they sit by and schools don’t produce quality practitioners. **Glenn** will speak with the Department of Education to see if they have the authority to require that schools provide pass/fail rates for both the Written and Practical Exams to everyone interested in their program.

McCal asked why the Board doesn’t publish the statistics in the newspapers. She said that providing both pass rates and licensure requirements to the general public helps the Board in their charge of protecting the public. There was discussion on what kind of information could be provided and how often. **Nott** said that she could provide a report on pass rates for one full year that adjusts each quarter. There was also a suggestion of e-mail and fax blasts to stakeholders. It was suggested that schools be required to submit instructor information to the Board on an annual basis and notify those instructors of the pass/fail statistics as well. **Baron** said that the Board members should submit writings to magazines and local publications about requirements for massage in Oregon. There was a discussion on what types of advertising would benefit the Board for doing public service announcements on massage. **McCal** said that she believed radio was a more reasonable option. **Glenn** will research the various avenues and find where the Board resources would be most effective.

McMillin said that before the Board gets too proactive with advertising and PSA’s, we should put more information out on the web site and other places. **McCal** suggested just stating what constitutes massage in Oregon, what to expect from a massage, where to go with issues and so on. She also suggested providing information on licensure versus certification, as the general public may not know the difference.

Getting back to the subject of distance learning and self study, **Manriquez** clarified that distance learning involves some sort of interaction between student and instructor. **McCal** shared her experiences with distance learning and the variability between each instructor and how interactive they are with the students. However, the major point was that the instructor was always available to help the students if it was needed. Self study has no instructor interaction and there is no instructor available to help if problems arise.

NCB put out a press release that 300 of the 500 hours required may be done through distance learning, which was causing a bit of confusion between certification and the regulatory body. **McCal** asked how the Board would know if something was approved distance learning from out-of-state. **Calise** said that it was her understanding that state schools in Oregon may be reimbursed for classes, so online classes are not necessarily state reimbursable if the school cannot provide verification of oversight, so a lot of schools don't bother with it. **Glenn** stated that unless the program has Department of Education or some state oversight, we wouldn't accept those hours anyway. There was the question of if the quality of applicants would diminish if more people took distance learning courses. **Glenn** asked if it's something that should be sent to the education/scope of practice committee. **Manriquez** said definitely. **Glenn** will have the committee work with the schools like an advisory committee and it should help the issue. **Manriquez** noted that the Oregon Department of Education has requirements available on their web site if the committee needs to do research. **Glenn** asked for clarification on self study – the Board is not accepting self study toward core curriculum requirements, correct? **Manriquez** said that is correct. Self study does not meet the Oregon requirements for certified class and will not be accepted. **McCal** confirmed that the issue of distance learning will be passed to the education/scope of practice committee.

Glenn told the Board that there is an increase in on-line CPR courses being taken by licensees for renewal so staff would like clarification on whether on-line CPR courses were acceptable for the exam application. **Calise** would like to see the Board require the healthcare professionals 2-year CPR. **Manriquez** believes that the first CPR course should be an in-person one, but that renewals can be done on-line. There was discussion among the Board on how important it was to actually have the experience of using the CPR dummy and getting a feel for what it might be like. **Calise** shared that a local LMT had a client have a heart attack on their table and it was a real eye-opener for the LMT and anyone who has heard the story. It further illustrated the point of someone actually knowing what they are doing in practice as opposed to the theory behind an on-line course. **McCal** agreed that the first year should be face-to-face. It was determined that the CPR that comes with the initial application to the Board needs to be a face-to-face course, but that if the person wishes to renew on-line then they are free to do it that way. The Board discussed the possibility of offering CPR along with the traveling meetings.

10) Public Comments – There were no public present.

11) Announcements – No announcements

12) Adjourn Meeting – **Barton** moved to adjourn the meeting. **In Favor: Kern, Barton, Calise, McMillin, McCal and Manriquez. Opposed: None. Motion Carries** Meeting adjourned at 1:51 pm.