2013 Legislative Update

An odd numbered year means the start of the Legislative Session. There were over 1,200 bills introduced on the first day of session. The Oregon Board of Massage has two bills they are supporting. The first is SB 387, sponsored by Senator Bates, that would provide the board with authority over Massage Facilities. The bill does exempt a person authorized to practice a profession by a health professional regulatory board, as defined in ORS 676.160. This would exempt all Massage Therapists, Chiropractors, Acupuncturists, and the other health professionals. This bill is necessary as there are an increased number of compliance cases with massage facilities who employ no licensed massage therapists. SB 387 will provide the board with the statutory authority to issue an injunction and close the facility. This bill has passed out of the Senate and is assigned to the House Health Care Committee.

SB 111 is a bill proposed by the Board of Massage Therapists to add the word Bodywork to the board’s name and allow the board to issue specialty endorsements to a license. This bill received a public hearing and must have the legal definition of Bodywork redefined or it will not pass out of the committee. The broad definition of Bodywork has bumped into other health professionals.

HB 2611 and SB 530 will require all LMT’s to take CE hours in the topic of Cultural Competency as part of their continuing education requirements. Currently, the board allows LMT’s to choose what CE topics they will take as part of the renewal process.

New Board Members

The Governor appointed and the Senate confirmed two new Board Members effective in April 2013.

Jonathan Grossart, LMT was appointed to a four year term beginning April 1, 2013. Jon is a Certified Rolfer™ by the Rolf Institute of Structural Integration and a Professional Structural Integrator by the IASI. He trained at the Rolf Institute of Structural Integration in 2006 and lives in Portland, OR.

Dr. Steven Foster-Wexler, Licensed Acupunctured was appointed to a four year term beginning April 15, 2013. Dr. Foster-Wexler, LAc received a Master of Acupuncture and Oriental Medicine degree from the Oregon College of Oriental Medicine. In addition to maintaining a private practice in Bend and seeing hospice patients through the Redmond-Sisters Hospice. He is a part-time instructor at Central Oregon Community College where he teaches Qigong classes through the Community Learning Program.
Combining massage and sauna treatments can make a "regular" massage have a much more "high-end" feel to the experience. Add in the health benefits of both treatments and you can have clients leaving happy, relaxed, and in a better physical state than when they arrived.

But is sauna use and/or recommendations within your scope of practice? What limitations or precautions would go along with this type of treatment?

As a broad generality, recommending sauna usage is within the scope of practice of an LMT. However, as with any treatment, self-care, or home regimen that an LMT recommends, you should have a good knowledge of the physiological effects as to what you are recommending, the current health state of the client you are recommending this to, and whether the combination of those two things is reasonable or whether they should consult with another health professional first.

There are other considerations for saunas as well. If you work in a facility where your clients have access to a sauna, make sure you are aware of any facility requirements for people in the sauna—whether they are co-ed, what clothing is (or is not) required, and any sanitation requirements (for example, in clothing optional sauna settings, a towel is required to sit on). Be familiar with the setting so that you do not inadvertently send someone in to an environment which may be socially uncomfortable for them (in addition to the physical considerations).

If you own or manage the sauna, it is also important that you maintain compliance with all local ordinances for sanitation. Frequently this will include the use of a shower—which may have additional sanitation requirements by the city or county since it will be for "public" usage.

Regardless of gender(s), it is inappropriate to be in an area with a client changing, so for entering/exiting the sauna environment, it is important that you continue to recognize these boundaries. There may be specific exceptions for certain situations (for example, a client needing physical assistance), but even in these cases, it is wise for the LMT to have an additional party present (with the consent of the client). This could be a spouse or caregiver of the client, or an additional healthcare provider. This separation from your client may seem like a restrictive burden, but it is for their protection and modesty as well as for your own professionalism. Many female LMTs will attest that they have a certain population of female clients who--despite being covered by a drape during a treatment and possibly even refusing glute massage--insist on keeping their underwear on. This portion of the client population may not be interested in a sauna treatment. It is safer for the LMT to NOT make assumptions that a client would be "fine with" having the LMT in the sauna and for clear communication to occur about the following pieces:

1) Why the sauna treatment is recommended.
2) How the treatment should affect them and what to be aware of (i.e., how long to be in the sauna and what physical signs would indicate they should exit earlier than planned)
3) What kind of post-sauna care they might need (for example, limiting certain types of exercise and ensuring adequate hydration)
4) What interaction the LMT may have with the client regarding the sauna treatment (for example, "If you have not exited within 15 minutes, I will stop by to check on you"--or have someone of the same gender do so if you are the opposite gender of the client).

As with any treatments an LMT provides, the LMT must have training in the techniques they are using or recommending and have a good awareness of indications, contraindications, and any other special considerations.
If you're considering participating in a fee-splitting arrangement (as discussed in the December 2012 issue of BOARDerline), it is important to consider the ramifications this type of advertising may have on your business. For the purposes of this article, it is assumed that you run your own business as a sole proprietor; some of the content may apply if you are an employee or an employer as well. It is your responsibility to determine what the entirety of a fee-splitting arrangement will mean for you, both legally and professionally.

In a fee-splitting arrangement, an ad is emailed to people who have signed up to receive discount coupons. Typically people sign up for something like this only because they are looking for steep discounts to try new things. Since most fee-splitting companies offer about a 50% (or more) discount from the regular price of services, many consumers perceive this as an excellent deal.

That said, many of those consumers do not purchase a massage from Groupon (or another fee-splitting company) because they’ve heard great things about you and they are looking for their new perfect lifetime massage therapist. They buy it because it was cheap and probably because it is local to them (or a friend for a gift). When the next massage therapy ad comes out, they’ll buy their next massage from another LMT.

Unfortunately, many of these ads reach deal-seekers. Many of the fee-splitting customers are very money-savvy but not always quality-savvy when it comes to the services massage therapists provide. To impress this type of clientele enough for them to return, you either need to be phenomenal in the type of treatment you provide and/or excellent at marketing yourself. The other option is to continue to offer your services at a discounted rate to individuals who find you through a fee-splitting service. This can then bring up the ethical question of having one group of clients at one rate and another at a lower rate.

What you need to ask yourself is how much of a deal-seeking clientele you can afford to retain and stay in business. You also may want to consider the philosophy of many professionals: when you discount your services, you are lowering the value of you as well. Clients are less likely to return if they do not value the person behind the professional services.

You may earn a few new loyal clients, but this is often a small minority of who your ads reach. Some of the deal-seeker clientele may also try to redeem the same voucher more than once, if there is not a form of online tracking for your vouchers, make sure you keep excellent records.

If your business is struggling and you’re shown a sample of the type of income you can bring in, it can be tempting to seek one of these as a short-term solution. However, honoring those can end up being a greater burden on your business. Whether it’s a one-time ad or an ongoing deal, keep in mind how much it will cost you to honor those massages (especially if you pay an employee to do them), and how it could cut into the income from regular-price paying customers. If you know you can’t afford to keep a business running by charging $20 for a one-hour massage, it doesn’t make sense to sell hundreds of massages at that price or lower just because it could bring people in the door. There’s a reason you charge more—and value yourself more—in the first place.

As with any marketing option, it’s important that you understand the bottom line for your business, who your target market is, and weigh your decisions against what’s best for your business long-term.
Spring is in the air!
The days are getting longer, temperatures are warming and flowers are blooming. It's time to start cleaning baseboards, window sills, replacing screens, air filters, doing landscaping and many other improvements to welcome a new season. In addition to the thorough cleansing of our homes and workspaces, some of us may choose to include an internal ‘cleanse’ to help rid ourselves of unwanted toxins and impurities. The following is a list of natural remedies that can be used for your home, office and self. Have a beautifully successful spring! Don't forget to take time to stop and smell the roses.

Blessings,
Melanie Morin, L.M.T.

Natural Disinfectants – The Safer Alternative

- **Spray hydrogen peroxide** – which whitens like bleach but much more safely – followed by spraying vinegar on surfaces.

- **Simmering cloves and cinnamon** on the stove is an effective air freshener and baking soda absorbs odors in carpets, trash cans and inside your fridge and freezer. The best air fresher is to find the problem, fix it and open the windows for fresh air.

- **Baking soda mixed with apple cider vinegar** does a better job – and is far less toxic – than other bathroom scrubbing powders. Perfect for toilets and tubs.

- **Vinegar** used alone is safe and effective on counters, floors and windows. One cup of vinegar to three cups of water is strong enough to clean even the grimy outsides of your windows.

- **Baking soda** added to your rinse cycle is an effective fabric softener.

- **Club soda** in a spray bottle also works well on windows and mirrors.

- **Lavender and tea tree oils** are antiseptic and naturally antibacterial – in much lower doses – and leave behind a pleasant smell when added to baking soda or hydrogen peroxide.

**Natural Insect Repellent Recipe:**

- 10-25 drops (total) of essential oils
- 2 tablespoons of a carrier oil or alcohol

**The essential oils that work well against biting insects (mosquitoes, flies, ticks, fleas) are:**

- cinnamon oil (mosquitoes)
- lemon eucalyptus or regular eucalyptus oil (mosquitoes, ticks, and lice)
- citronella oil (mosquitoes and biting flies)
- castor oil (mosquitoes)
- orange oil (fleas)
- rose geranium (ticks and lice)

**Safe carrier oils and alcohols include:**

- olive oil
- sunflower oil
- any other cooking oil
- witch hazel
- Vodka

Mix the essential oil with the carrier oil or alcohol. Rub or spray the natural insect repellent onto skin or clothing, using care to avoid the sensitive eye area. You'll need to re-apply the natural product after about an hour or after swimming or exercise. Unused natural insect repellent may be stored in a dark bottle, away from heat or sunlight. If you wish, you may combine the oil with aloe vera gel to change the consistency of the product.

Try planting peppermint or spearmint around the perimeter of your house or in pots near your entry way will help to repel ants. They also dislike cinnamon, citronella, and garlic which you can place in cracks, openings, or anywhere along their trail. Washing away their scent along their trail with equal parts water and white distilled vinegar has also been quite effective in confusing them.

Con’t. on page 5
Health and Wellness con’t. from page 4

**Juices & Cleanses:**

Organic ALKALINE Powerhouse! (makes over 1 quart/ 32 ounces)

- 1 large (unwaxed) Cucumber (English)
- 2 Limes peeled
- 1 cup Spinach
- 1 cup Parsley
- 1 Green Apple
- 6 ribs Celery
- 1 inch Fresh Ginger Root

If you drink a tonic like this DAILY, in 30 days you will notice a big difference in your skin, in your daily challenges with swollen fingers, hands and your digestion will improve. 90 days of juicing this way, the chronic inflammation you may be experiencing WILL significantly decrease. Granted, you need to also mirror your food habits by eating Alkalizing foods as well.

**ANTI-INFLAMMATORY DRINK RECIPE**

*(makes one portion)*:

- 1/2 pineapple
- 1 lime
- 1/2 inch ginger

Combine first 3 ingredients in blender or juicer

- Stir in 1 tablespoon of honey

**Make Your Own Vitamin Water:**

Supplies Needed:

- **fruit** -- whatever kind you like (except no bananas); make sure it’s good and ripe for maximum sweetness and flavor. I like to use all kinds of citrus and berries. I also found pineapple and watermelon to work well for flavoring water. If you don’t want to buy whole ones, many grocery stores sell small containers of pre-cut fruit.
- **herbs** -- these are optional, but many herbs are a surprising complement to fruit flavors; almost any herb will work depending on your personal preference.
- **jars or pitchers** -- I use 2 quart mason jars primarily, but any 2 quart pitcher will do.
- **fruit infusion pitcher**--I recently purchased one of these--it's another option if you think you'll be making infused waters regularly; a very easy, tidy way to strain fruit from water.
- **fruit infusion water bottle**--I love using this for a portable, on-the-go option.
- **muddler or wooden spoon** for mashing fruit and herbs
- **water** -- I use filtered water, but regular tap water is fine if yours tastes good to you.

Sources:

Natural Disinfectants - [http://undergroundhealthreporter.com](http://undergroundhealthreporter.com)
Insect repellents - [http://chemistry.about.com/od/healthbeautyprojects/a/naturalinsectrepellent.htm](http://chemistry.about.com/od/healthbeautyprojects/a/naturalinsectrepellent.htm)
Juices & cleanses -- [rawforbeauty.com](http://rawforbeauty.com)
Vitamin water - [http://www.theyummylife.com](http://www.theyummylife.com)
Oregon Board of Massage
Licensee Demographics
As of 2/28/2013

The Board office often receives inquiries regarding various massage demographics for the State of Oregon. Here are some interesting facts about licensee demographics of the Oregon Board of Massage Therapists. We have provided information by Gender, Age, Ethnicity, and duration of a license held.

Demographics by Gender

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Demographics by License Duration

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2012 Compliance Information

The following is complaint/case information for the year 2012:

**Number of complaints and cases actively open at start date of reporting period:** 70

**Number of new complaints received:** 217
- Allegations of unlicensed practice: 53
- Allegations of unprofessional conduct (not of a sexual nature): 46
- No license in advertisement: 90
- Allegations of sexual misconduct: 11
- Other: 17

**Closed without Board Action:** 151
- Allegations Withdrawn: 4
- Based on Further Review: 3
- Board Lacks Jurisdiction: 1
- Compliance Met: 93
- Letter of Concern: 10
- License Granted After Board Review: 8
- No Violation Found: 13
- Respondent Unreachable: 10
- Unable to Substantiate: 9

**Closed with Board Action:** 52
- Unlicensed: 26
- Unprofessional Conduct (not of a sexual nature): 9
- Sexual Violation: 9
- Other: 8

The Board took action on 26 cases of unlicensed practice of massage. 3 of those cases involved individuals practicing massage while their license was lapsed, inactive, suspended or revoked.

Of the remaining 23 unlicensed cases, 14 were closed as Final Default Order, 7 entered into Stipulated Agreements with the Board and 5 paid their full negotiated civil penalty immediately.

14 LMTs have entered into Stipulated Agreements with the Board as a condition to receiving or renewing their massage license. Of these 14 licensees: 11 were placed on probation, 7 are under Peer Supervision, 7 are required to complete ethics training, 2 were suspended for a period of time, and 1 was required to obtain continuing education on draping. (some stipulations may require multiple conditions)

In addition to the above actions, the Board has suspended 2 licenses, revoked 5 licenses, accepted the surrender of 3 licenses, denied 1 renewal of a massage license, issued 1 civil penalty by default order, and issued an injunction for repeated unlicensed practice of massage by one individual.

Con’t. on page 8
2012 Compliance Information con’t. from page 7

Case Details for LMTs:

Case 1138: Ray Drlik – LMT was found to have violated OAR 334-010-0025(3), a massage therapist shall use safe and functional coverage/draping during the practice of massage when the client is disrobed; OAR 334-030-0005(2)(c), ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries, and appropriate use of personal power; OAR 334-040-0010(19)(a)(C)(i) sexual impropriety, which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including but not limited to: disrobing or draping practices that reflect a lack of respect for the client’s privacy. LMT’s massage license was REVOKED for 60 days; LMT was placed on probation through his next renewal; LMT was required to attend 10 hours of continuing education on draping and 6 hours of continuing education on ethics; LMT was placed under peer supervision; and LMT was required to reimburse the Board for costs of the disciplinary proceedings.

Case 1223: Clayton Lawhead – LMT’s massage license was REVOKED for violations of: ORS 687.081(1)(f), conviction of a crime that bears a demonstrable relationship to the practice of massage; ORS 687.081(1)(i), unprofessional or dishonorable conduct; OAR 334-040-0010(19)(a)(A), unprofessional or dishonorable conduct, which includes but is not limited to any conduct involving inappropriate physical contact or sexual misconduct which includes sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465; OAR 334-040-0010(19)(a)(C)(i), unprofessional or dishonorable conduct, which includes but is not limited to any conduct involving inappropriate physical contact or sexual misconduct which includes sexual impropriety, which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including but not limited to disrobing or draping practices that reflect a lack of respect for the client’s privacy, deliberately watching a client dress or undress for self gratification instead of providing privacy for disrobing; and OAR 334-010-0025(3), a massage therapist shall use safe and functional coverage/draping practices during the practice of massage when the client is disrobed.

Case 1231: Aaron Hess – LMT was found to have violated the following: ORS 687.081(1)(i), and OAR 334-040-0010(19)(a)(C), Unprofessional or dishonorable conduct; OAR 334-030-0005(2)(c), the LMT shall ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries and appropriate use of personal power; and OAR 334-030-0005(2)(h), the LMT shall base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice. LMT’s massage license was SUSPENDED for 6 months; LMT was ordered to complete 12 hours of CE on ethics; and LMT was required to be placed under Peer Supervision.

Case 1246: Eleonore Witterland – LMT was found to have violated the following: ORS 687.081(1)(i), Unprofessional or dishonorable conduct; OAR 334-030-0005(2)(a), the LMT shall be accountable to his or her clients for the quality and effectiveness of care and services and for creating the basic conditions and boundaries necessary to foster safety and trust in the client-professional relationship; OAR 334-030-0005(2)(c), the LMT shall ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries and appropriate use of personal power; and OAR 334-030-0005(2)(h), the LMT shall base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice. LMT was assessed a civil penalty in the amount of $500.00 and required to complete a Board-approved ethics and boundaries course within 12 months.

Case 1258: Sara Champion – LMT was found to have violated: ORS 687.042(2) and OAR 334-010-0015(2)(c), for failure to report an arrest as required; and OAR 334-040-0010(2), knowingly and recklessly making a false statement to the Board. LMT placed on probation and placed under peer supervision.

Case 1259: Rachel Boyer-Thomas – The Board issued a Notice of Proposed Action for revocation of LMT’s massage license for the following violations: ORS 687.081(1)(f), conviction of a crime that bears a demonstrable relationship to the practice of massage; OAR 334-030-0005(2)(c), a massage therapist shall use safe and functional coverage/draping practices during the practice of massage when the client is disrobed.

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Case 1264: Pingxiu Leard – LMT was issued a civil penalty in the amount of $500.00 for one violation of OAR 334-040-0010(10), assisting, employing or permitting an unlicensed person to practice massage.

Case 1265: Patrick Riggs – LMT was placed on probation with the following conditions for licensure: LMT shall be considered to be on probationary status at the discretion of the Board and shall have no other violations of rules, laws, or ordinances during the licensure period, which will be valid through 05/31/2015; Upon renewal of his massage license in 2015, the Board shall review this matter for determination if any or all of the conditions shall be continued or stayed for any further renewal period; LMT shall not, at any time, provide any massage therapy treatment, practices or modalities to minors; LMT shall not, at any time, provide any massage therapy treatment, practices or modalities to family, friends or relatives; LMT shall maintain compliance at all times with his sex offender registration requirements; LMT shall enter into a Board Peer Supervision contract, at a cost to the Licensee. The peer supervisor may be responsible for reviewing the quality of work performed by the Licensee until further notice. The peer supervisor shall notify the Board immediately of any concerns involving the Licensee; LMT shall seek and hold employment only at a facility or business that facilitates a group practice setting. In doing so, the Licensee shall disclose to the employer, his mandated sex offender registration requirement and the conditions of licensure; LMT agrees that anytime that he engages in the practice of massage, it will be in a manner that facilitates a group practice setting and that Licensee shall disclose to the employer, organizer, manager or individual responsible for the event, his mandated sex offender registration requirement and the conditions of licensure; LMT agrees to not engage in any conduct that would impact the Licensee’s ability to safely and competently conduct his massage practice, or compromise the health and safety of the clients served; LMT agrees to complete a Board-approved continuing education course, to include subject matter in ethics, communication, draping practices and boundaries. This course may be applied towards the continuing education requirements for renewal and must be completed by 05/01/2013; and LMT agrees to the aforementioned limitations and requirements and agrees to entry of this Stipulated Agreement and Final Order.

Case 1266: Charles Lang – LMT’s massage license was Emergency Suspended for the following violations: ORS 687.081(1)(i), unprofessional or dishonorable conduct; OAR 334-040-0010(19)(a)(A), unprofessional or dishonorable conduct which includes but is not limited to any conduct involving inappropriate physical contact or sexual misconduct which includes sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465; OAR 334-040-0010(19)(a)(C)(i), unprofessional or dishonorable conduct which includes but is not limited to any conduct involving inappropriate physical contact or sexual misconduct which includes sexual impropriety which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including but not limited to disrobing or draping practices that reflect a lack of respect for the client’s privacy, deliberately watching a client dress or undress for self gratification instead of providing privacy for disrobing; and OAR 334-010-0025(3), a massage therapist shall use safe and functional coverage/draping practices during the practice of massage when the client is disrobed. The license was subsequently REVOKED by the Board for the same violations.

Case 1273: Adam Roberts – The Board REVOKED LMT’s Oregon massage license for the following violations: ORS 687.081(1)(i), unprofessional or dishonorable conduct; OAR 334-010-0025(3)(a)(A)(B)(C)(i)(D), a massage therapist shall use safe and functional coverage/draping practices during the practice of massage when the client is disrobed. Safe and functional coverage/draping means: LMT explains, maintains and respects coverage/draping boundaries, client gives informed consent, genitals and gluteal cleft of male and female clients and the breast area of female clients are not exposed and massage or movement of the body does not expose genitals, gluteal cleft or breast area; OAR 334-030-0005(2)(a), the LMT shall be accountable to his or her clients for the quality and effectiveness of care and services and for creating the basic conditions and boundaries necessary to foster safety and trust in the client professional relationship; OAR 334-030-0005(2)(h), the LMT shall ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries and appropriate use of personal power; OAR 334-040-0010(19)(a)(B)(iv), unprofessional or dishonorable conduct which includes but is not limited to: any conduct involving inappropriate physical contact or sexual misconduct which includes: sexual violation which is sex between the LMT and the client, whether initiated by the client or not, engaging in any conduct with a client that is sexual, or may be reasonably interpreted as sexual, including but not limited to: oral to oral contact except cardiopulmonary resuscitation;
touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment or where the client has refused or withdrawn consent; and OAR 334-040-0010(19)(a)(C)((iii), unprofessional or dishonorable conduct which includes but is not limited to: sexual impropriety which is any behavior, gestures or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including but not limited to: an examination or touching of genitals.

Case 1274: Mark Jones – LMT was issued a civil penalty of $500.00 and required to complete 12 hours of continuing education in ethics, boundaries and communication for the following violations: OAR 334-040-0010(19)(a)(C)((i), unprofessional or dishonorable conduct which includes but is not limited to: sexual impropriety which is any behavior, gestures or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including, but not limited to: disrobing or draping practices that reflect a lack of respect for the client’s privacy, deliberately watching a client dress or undress for self gratification instead of providing privacy for disrobing; and OAR 334-040-0010(19)(a)(C)((iii), unprofessional or dishonorable conduct which includes but it not limited to: sexual impropriety which is any behavior, gestures or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including, but not limited to: an examination or touching of genitals.

Case 1275: Michael Wade – LMT voluntarily SURRENDERED his Oregon massage license while being investigated for allegations of unprofessional conduct.

Case 1277: Steven Rolland - The Board received a Notice to Suspend from the Oregon Department of Justice, Child Support Program. The Notice indicated that Licensee had not entered into an agreement with respect to the child support obligation and that per ORS 25.750 through 25.783, the Board must suspend his massage license. The Board subsequently SUSPENDED LMT’s massage license.

Case 1280: Yuri Feitser – LMT’s license was SUSPENDED for violating OAR 334-040-0010(18), failure to comply with an order issued by the Board.

Case 1287: Paul Pozorski – LMT was issued a civil penalty in the amount of $500.00 for one violation of ORS 687.081 (1)(i) and OAR 334-040-0010(19)(a)(C)(4), making inappropriate comments about or to a client and was required to successfully complete a Board-approved ethics class, in addition to the 25 hours of continuing education required for licensure renewal, within one year of the date of the Order and provide verification to the Board. Additionally, LMT was assessed costs of the disciplinary proceeding.

Case 1296: Philip Aust – The Board found LMT to have violated the following: ORS 687.081(1)(i) and OAR 334-040-0010(19)(a)(B)(iv), unprofessional or dishonorable conduct which includes but is not limited to: any conduct involving inappropriate physical contact or sexual misconduct which includes: oral to oral contact except cardiopulmonary resuscitation; touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment or where the client has refused or withdrawn consent; and OAR 334-010-0025(3), a massage therapist shall use safe and functional coverage/drapping practices during the practice of massage when the client is disrobed. LMT voluntarily SURRENDERED his Oregon massage license, in lieu of revocation.

Case 1310: Jenna Sanders – LMT’s license was REVOKED for the following violations: ORS 687.081(1)(i), Engaging in unprofessional or dishonorable conduct; OAR 334-040-0010 (17)(a); Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to: failure to furnish requested papers or documents; OAR 334-040-0010(17)(c); Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to: failure to respond to subpoenas issued by the Board whether or not the recipient is accused in the proceeding; OAR 334-040-0010(18); failing to comply with a Board Order; and OAR 334-040-0010(19)(c), failure to disclose or release information about a client if required by law or on written consent of a client.

Case 1390: Jennifer Reeves – LMT was issued a civil penalty in the amount of $500.00 for one violation of ORS 687.081(1)(i) and OAR 334-040-0010(19)(a)(B), unprofessional or dishonorable conduct which includes but is not limited to: any conduct involving inappropriate physical contact or sexual misconduct which includes: sexual violation which is sex between the LMT and the client, whether initiated by the client or not. LMT was required to complete the Board approved Ethics Protocol – Licensee is to read approximately one chapter per month of The Ethics of Touch by Ben E. Benjamin, PH.D., and Cherie Sohnen-Moe; Licensee will meet with her Board approved Peer Mentor at the end of each chapter for no less than one hour per session, and to discuss at least three of the Discussion

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Questions and Activities at the end of each chapter; and at the conclusion of the book, write an 1,800 word report (approximately 5 pages, double-spaced) about what the Licensee learned in the process.

Case 1413: Lynn Marshall-Brook – The Board received information that it has grounds to take disciplinary action for licensee being habitually intemperate in the use of alcohol or addiction to habit forming drugs in violation of ORS 687.081(d). LMT entered into a voluntary consent order whereby she agreed to temporarily SURRENDER her massage license, pending the outcome of any further investigation and Board decision.

Case 1419: Robert Gebarowski – LMT’s massage license renewal was DENIED, pursuant to ORS 687.081.