



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

748 Hawthorne Ave NE

Salem, OR 97301

Phone: (503) 365-8657

Fax: (503) 385-4465

www.oregon.gov/OBMT

BOARD MEETING MINUTES

June 11, 2012

Attendance

Board Members:

David Fredrickson, LMT, Chair

Heather Bennouri, LMT Vice Chair

Melanie Morin, LMT

Kathy Calise, Public Member

Craig McMillin, Public Member

Staff:

Kate Coffey, Executive Director

Diana Nott, Compliance Coordinator

Lori Lindley, Assistant Attorney General

Public: Pam Pennington Leah Bowder Michael Jordan Jill Fessenden Melissa Cerrillo

Call to Order

Fredrickson called the meeting to order at 10:03 am. Role call was performed. **Bennouri, Calise, McMillin and Fredrickson** were present, as well as Kate **Coffey**, Executive Director and Lori **Lindley**, Assistant Attorney General, and Diana **Nott**, Compliance Coordinator. **Morin** arrived later in the meeting. **Chapman** was excused.

Fredrickson asked each member of the public to introduce themselves. Present at this time were Pam Pennington, Leah Bowder and Michael Jordan.

1) **Approve Agenda – Calise moved** to approve the agenda as presented. **Second the Motion: McMillin In favor: Bennouri, Calise, McMillin and Fredrickson Opposed: None. Motion carries.**

2) **Approve Minutes of May 14, 2012 – Bennouri moved** to approve the minutes of May 14, 2012 as presented. **Second the Motion: Calise In favor: Bennouri, Calise, McMillin and Fredrickson Opposed: None. Motion carries.**

3) **Director's Report –**

a) **Finances – Coffey** reported on the status of the Board budget. The budget status report reflects actual revenues and expenditures through May 2012. **Coffey** indicated that the Board exceeded revenue, and that most of that excess was due to the fingerprinting fee that was not a budgeted revenue item when the Board initially approved the biennial budget. It was further explained that this is a pass-through cost, which is later applied to the fingerprinting fees, which are recorded under the expense category titled investigation. However, there is a slight lag in the billing. This also explains why there is over-expenditure in the investigations category, as this is where the background checks are categorized. The Board was under budget in expenses for the month of May. The Board is currently under budget for examiner payments and the exams are scheduling at about one month out.

b) **Board Action Log –** The Board action log was updated to reflect any outstanding items. **Coffey** reported that a new database will cost the Board approximately \$65,000. **McMillin** inquired as to the benefit and justification for such an expense. **Coffey** stated that it is still considered a fragile database and if it were to fail, the Board would lose a vital function to the infrastructure of internal operations. **McMillin** inquired about criminal history correspondence. Was there anything going out proactively to provide information as to why the Board is conducting criminal history checks? He would like to see something that is as clear as possible, friendly and with simple language that provides information on the justification. **Coffey** provided the Board with a draft Affirmative Action Plan. **McMillin** stated that it looked like a good document with nice values and goals. The Board agreed it was acceptable.

c) **Compliance Update – Nott** provided the Board with a Compliance Report from April 30, 2012 to March 31, 2012. The report includes information such as: complaints open at start date (45); active cases at start date (37), number of new complaints received (7); number of cases opened (3); number of complaints closed (4); number of cases closed (5); and number of cases closed with disciplinary action (1).

d) **Rules Timeline Scenario – Coffey** provided the Board with a timeline, should they want to implement any rules for January 1, 2013. **McMillin** was concerned with the lack of interest and inquired about ways in which to garner interest in the rules process and Board activities. **Calise** believes this is why the all-schools meetings are important to be held annually. **Lindley** stated that the OBCE holds a new doctor orientated with two Board members and two staff members. They provide information on rules and laws and answer questions. **Calise** indicated that some schools are considering an alumni group or already have an alumni group. **McMillin** asked what is available to get students involved. The consensus was that students are overwhelmed with school and everything that they are learning and that Board involvement at such an early stage might be overwhelming for them. **Coffey** stated that she has received feedback that the Board meeting day and time is challenging for some practitioners. It is difficult for many to take a full day from work to attend a Board meeting. The Board will consider this item at a later date.

e) **FSMTB Delegates –** The annual Federation of State Massage Therapy Boards meeting is scheduled for September 27-29, 2012. Membership covers the cost of sending one delegate to the meeting. In the past, the Board has also sent an alternate delegate, though not in recent years due to budgetary issues. **Bennouri** moved to appoint **Fredrickson** as the delegate and **Calise** as the alternate delegate for the 2012 FSMTB meeting. **Second the Motion: Morin In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: None. Motion carries.**

4) Committee Updates

a) **Education Committee – Pennington** reported that the committee continues to work on the model curriculum. They will meet again at the end of June. **Calise** reported that they continue to move forward. **Fredrickson** reported that the committee is merging educational language with regulatory language that will be acceptable to the Department of Education. **Calise** and Lisa Garofalo will meet with the Department of Education soon.

b) **Scope of Practice Committee – Coffey** attended the prior meeting. The committee reviewed the proposed legislative concept and approved the proposed language. They were particularly interested in the endorsements. There is no meeting scheduled again until August. They will then consider what types of endorsements they might like to see or recommend to the Board.

5) Board Business

a) **Request for Exemption: Breema –** The Board received a request for exemption from The Breema Center. The Board discussed the definition of massage and consideration of public safety. **Bennouri** explained that there are varying considerations to safety other than whether the client is clothed or not; ethical considerations, sanitation issues, touch safety issues and more. **McMillin** stated that the Board will need to prove why a practice should or should not be exempt. The Board has the ability to revoke an exemption, should the practice expand beyond what the Board agreed as the exempted practice. **McMillin** moved to send this exemption to the rules committee to be placed in current exemption rules for consideration of exemption with an implementation date of January 1, 2013. **Second the Motion: Morin In favor: Bennouri, Calise, McMillin, and Morin Opposed: Fredrickson. Motion carries.** **Calise** stated that though the Board is seeing requests for exemptions nearly every meeting, she believes that it is because this law is new and that in time the Board will not see as many requests. She does not feel that granting some of the exemptions should be seen as a public safety issue. The exempted practitioners will need to educate the public about the benefits of their particular practice. This may, unfortunately, be hindered by the fact that they cannot call themselves massage therapists and they cannot bill insurance for their services. Additionally, as all schools are struggling with enrollment during these tough economic times, the exempted practices that envisioned opening schools or training centers may see smaller enrollment as well, which would minimize the number of practitioners over all. She stated that she does not believe that many current LMTs will part with their massage license to strictly focus on an exempted practice. She believes that the success of any massage and bodywork practitioner is market driven. If a practitioner is good at promoting themselves and their practice, they will be successful.

- b) **Rules Vote – Coffey** reported that the rules hearing was held prior to the Board meeting. There was one written comment about the internal cavity rule. **Bennouri** stated that one individual felt that it did not reflect intra-oral or intra-nasal work, which she would agree. However, to appropriately address the matter would have been a substantive change, which would prevent the rules from moving forward. As such, it is recommended to move the rules forward as amended and presented to the Board and this matter can be addressed by the Rules Committee for a January 1, 2013 implementation date. **Bennouri moved** to adopt the rules as amended. **Second the Motion: Morin In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries.**

334-010-0009

Credentialing Review

- (1) The Board may grant a license to applicants who are or have legally practiced ~~ds~~ massage and/or bodywork ~~outside of the State of Oregon~~ after successful completion of the practical and jurisprudence examinations, the written examination and upon a credentialing review.
- (a) Credentialing review must be submitted on the approved Board of Massage forms (Credentialing Review), submitted with official transcripts and/or certificates as proof of completion.
- (A) Of the 200 Anatomy & Physiology, Pathology and Kinesiology hours required, 120 hours minimum must be from certified class instruction. Of the 200 hours required, up to 80 contact hours of prior continuing education in subject areas may apply.
- (i) Official Transcripts or Certificates of Completion must be documented on the approved Board of Massage form: Credentialing Review.
- (B) Of the 300 Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation hours required, 140 hours minimum must be from certified class instruction. Of the 300 hours required up to 120 contact hours of prior continuing education in subject areas may apply. Of the 300 hours required, up to 40 hours of practical work experience may apply.
- (i) Practical Work Experience must be documented on the approved Board of Massage forms: Credentialing Review and Work Experience Verification Worksheet.
- (2) Credentialing Review applications must be accompanied by:
- (a) Current Credentialing Review fee and
- (b) Any additional documentation required by the Board.

334-010-0015

Licensure

- (1) An applicant for an initial license or renewal of a license must complete, in its entirety, an original application furnished by the Board.
- (2) An applicant must provide written explanation and copies of all related documentation as requested by the board if:
- (a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country;
- (b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country;
- (c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country;
- (d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or
- (e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage.
- (3) Applicants for initial licensure must apply within one year of the successful completion of the practical examination.
- (a) If an applicant does not apply within one year, the applicant must retake the practical examination.
- (b) At the time of re-examination, the applicant must meet all current licensing requirements and submit original documents as required by the Board.
- (4) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every

other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delinquent fee must be paid if the completed application and all requirements are not received by the due date.

- (5) Applicants for the renewal of an active license must sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours.
- (6) Applications for renewal of an active license must be accompanied by:
 - (a) Current licensing fee;
 - (b) Any applicable late fees;
 - (c) Proof of current certification in cardiopulmonary resuscitation (CPR);
 - (d) Proof of 25 hours of continuing education; and
 - (e) Any additional documentation required by the Board.
- (7) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read, understand, and must comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board.
- (8) Licenses issued by the Board must not be transferable.
- (9) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon.
- (10) An application to reactivate an inactive license:
 - (a) must be accompanied by:
 - (A) Current licensing fee;
 - (B) ~~Proof~~ **Verification** of current cardiopulmonary resuscitation (CPR);
 - (C) ~~Proof~~ **Verification** of 25 hours of continuing education for each biennium or fraction of the biennium the license was inactive, up to 50 hours; and
 - (D) Completed fingerprint card for criminal background check.
 - (b) An individual who has been inactive or a combination of lapsed/inactive for 6 consecutive years or greater must, in addition, successfully pass the practical examination.

334-010-0018

Criminal Background Checks, Fitness Determinations

- (1) The Board requires a criminal background check of all applicants for a massage therapist license to determine the professional fitness of an applicant. These must be provided on prescribed forms provided by the Board. Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the Board. The Board must submit fingerprints to the Oregon Department of State Police for checks against state law enforcement data systems and national data sources. Any original fingerprint cards **and any electronic fingerprint records** must subsequently be destroyed by the Oregon Department of State Police.
 - (a) The Board requires ~~a criminal background check~~ **completed fingerprint cards** of all applicants for an initial license; licensees applying to reinstate a lapsed license or licensees applying to reactivate an inactive license; and licensees under investigation to determine the professional fitness of an applicant or licensee.
- (2) These rules are to be applied when evaluating the criminal background of all licensees and applicants for a massage therapist license and conducting professional fitness determinations based upon such history. The fact that the applicant has cleared the criminal background check does not guarantee the granting of a license.
- (3) The Board may require fingerprints of any Oregon licensed massage therapist who is the subject of a complaint or investigation for the purpose of requesting a state or nationwide criminal background check.
- (4) All criminal background checks must include, but not be limited to, all available state law enforcement data systems and national data sources, unless obtaining one or the other is an acceptable alternative.
- (5) Additional information required. In order to conduct the Oregon and National Criminal Background Check and professional fitness determination, the Board may require additional information from the licensee/applicant as necessary, including but not limited to, proof of identity; residential history; names used while living at each residence; or additional criminal, judicial or other background information.

- (6) Criminal offender information is confidential. Dissemination of information received under ORS 181.534 is only to people with a demonstrated and legitimate need to know the information. The information is part of the investigation of an applicant or licensee and as such is confidential pursuant to ORS 676.175(1).
- (7) The Board must determine whether an individual is professionally fit to be granted a license. If an individual is determined to be unfit, then the individual may not be granted a license. The Board may make professional fitness determinations conditional upon applicant's acceptance of probation, conditions, limitations, or other restrictions upon licensure. Except as otherwise provided in section (1), in making the professional fitness determination the Board must consider:
 - (a) Criminal background check;
 - (b) The nature of the crime;
 - (c) The facts that support the conviction or pending indictment or that indicates the making of any false statement;
 - (d) The relevancy, if any, of the crime or the false statement to the specific requirements of applicant's or licensee's present or proposed license, services, employment, position, or permit;
 - (e) Any refusal to submit or consent to a criminal background check including, but not limited to, fingerprint identification;
 - (f) Any other pertinent information requested or obtained as a part of an investigation;
 - (g) Intervening circumstances relevant to the responsibilities and circumstances of the position, services, employment, license, or permit. Intervening circumstances include but are not limited to:
 - (A) The passage of time since the commission of the crime;
 - (B) The age of the subject individual at the time of the crime;
 - (C) The likelihood of a repetition of offenses or of the commission of another crime;
 - (D) The subsequent commission of another relevant crime;
 - (E) Whether the conviction was set aside and the legal effect of setting aside the conviction; and
 - (F) A recommendation of an employer.
- (8) The Board may consider any conviction of any violation of the law for which the court could impose a punishment and in compliance with ORS 670.280. The Board may also consider any arrests, court records, Department of Motor Vehicle records, or other information that may be indicative of a person's inability to perform as a licensee with care and safety to the public.
- (9) If an applicant or licensee is determined not to be professionally fit for a license, the applicant or licensee is entitled to a contested case process pursuant to ORS 183.413-470. Challenges to the accuracy or completeness of information provided by the Oregon Department of State Police, Federal Bureau of Investigation and agencies reporting information must be made through the Oregon Department of State Police, Federal Bureau of Investigation, or reporting agency and not through the contested case process pursuant to ORS 183.
 - (a) If an individual successfully contests the accuracy or completeness of information provided by the Oregon State Police, the FBI or other reporting agency, the Board must conduct a new criminal background check upon submission of a new request.
- (10) If the applicant discontinues the application process or fails to cooperate with the criminal background check process, the application is considered incomplete

334-010-0028

Breast Massage

- (1) Prior to performing breast massage to treat certain medical conditions, a LMT must:
 - a) be able to present evidence of the completion of specialized contact hours as training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, expected outcomes, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to breast massage;
 - b) be able to articulate a therapeutic rationale which is acknowledged by the client; rationale may include a medical prescription and/or permission to consult with the clients health care provider(s).
 - c) acquire prior written and verbal consent before proceeding; the written consent must include clients' option to accept or decline to provide a witness, in addition to the client and LMT.

(2) While performing these procedures a LMT must use appropriate draping techniques at all times. Any temporary exposure of the breast area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the breast area must be covered again.

(3) Additional prior written consent and the actual presence of a parent or legal guardian is required when treating individuals under 18 years of age.

334-010-0029

Internal Cavity Massage

(1) An internal cavity massage must be performed using gloves and utilizing universal precautions for communicable disease control.

(2) Prior to performing internal cavity massage to treat certain medical conditions, a LMT must:

- a) be able to present evidence of the completion of specialized contact hours as training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, expected outcomes, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to internal cavity massage;
- b) be able to articulate a therapeutic rationale which is acknowledged by the client; rationale may include a medical prescription and/or permission to consult with the clients health care provider(s).
- c) acquire prior written and verbal consent before proceeding; written consent must include clients' option to accept or decline to provide a witness, in addition to the client and LMT.

(3) While performing these procedures a LMT must use appropriate draping techniques at all times. Any temporary exposure of the genital area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the genital area must be covered again.

(4) Under no circumstances will intravaginal or intra-anal techniques be performed on individuals under 18 years of age.

334-010-0033

Fees

(1) The fees are:

- (a) \$100 per biennial renewal for initial license;
- (b) \$50 per biennial renewal for initial license under 12 months;**
- ~~(b)~~**(c)** \$150 per biennial renewal for active license;
- ~~(c)~~**(d)** \$50 per biennial renewal for inactive license;
- ~~(d)~~**(e)** \$25 per week, up to a maximum of \$250, for any late renewal;
- ~~(e)~~**(f)** \$50 for exam/endorsement application processing;
- ~~(f)~~**(g)** \$150 for each practical examination;
- ~~(g)~~**(h)** \$100 for mailing list;
- ~~(h)~~**(i)** \$10 for license reprint;
- ~~(i)~~**(j)** \$10 for license verification;
- ~~(j)~~**(k)** \$250 Credentialing Review;
- ~~(k)~~**(l)** Current Oregon State Police Criminal Background Check Fee; and
- ~~(l)~~**(m)** other administrative fees as allowed by law.

(2) Application and licensure fees are not refundable

(3) Examination fees are refunded only when requested in writing and either:

- (a) the applicant is unqualified by Oregon statutes, or
- (b) applicant requests refund postmarked at least 7 days prior to the exam.

6) BOARDerline – The Board reviewed feedback regarding the most recent publication of the newsletter. The Board discussed subjects and articles that they would like to see in future publications. **Bennouri** will write articles on the following topics: License numbers in advertising, providing supplements to clients, liability insurance, board calendar and CE credits. **Collier** had agreed to submit an outgoing Board member article. **Chapman** agreed to submit a new Board

member article. **Coffey** will write an article on regional liaisons. **Morin** will write an article on water sports and skin care. **Bennouri** and **Morin** agreed that an article on recent body art would be good. **Nott** will provide **Bennouri** with information on frequently asked scope of practice questions. **Morin** will send a photograph to Kathryn **Watson** to include with an article.

7) Public Comments – Opportunity for the public to address the Board.

Leah **Bowder** thanked the Board for providing handouts. She enjoyed being able to follow along with the information. She wanted to be sure to preface her statements today with the statement that she is speaking as an individual LMT on her own behalf. She then shared a recent contact that she had, in which a woman had been assaulted by her massage therapist. The massage therapist subsequently relinquished his license and was criminally convicted for the actions. The former client had a very difficult time with the incident and chose to undergo therapy to try to address those issues. Therapy is quite costly. She contacted **Bowder** asking if there was a way that she could get help finding out about insurance information for the former LMT, so that she might get assistance with her therapy bills. It was learned that the LMT had insurance in school as a student, but did not carry insurance as a licensed professional, which is not required in the State of Oregon. It really brought home to **Bowder** that as a member of the public, if they visit a LMT that harms them in some way and that LMT has no insurance or assets, that client is stuck without any assistance. She feels that it reflects negatively on the profession as a whole and she would encourage the Board to explore the option of requiring insurance. **Bennouri** inquired if such an act would be covered by insurance. **McMillin** indicated that he was unaware if an insurance policy would pay out for a practitioner engaging in criminal conduct. **Bowder** stated that she contacted her own insurance company and asked them if she were to assault her client, would they be covered by her insurance. The insurance provider told her that the client would be covered. The Board discussed the cost of insurance. The rates that Board members were aware of ranged between \$99 per year to \$300 per year, depending on the range of coverage. **Fredrickson** asked if the AMTA advocates for requirement of insurance coverage. **Bowder** said that they did not. If it were to be brought forward, she would not know if they would support it. **Fredrickson** stated that his personal feelings are that all LMTs should be insured. **Morin** stated that it's good business practice in general. The Board would like to have this considered for future rules.

The Board entered Executive Session at 11:32 am and returned to Public Session at 2:18 pm.

8) Executive Session

- a) Practical Exam (192.501(4))
- b) Compliance (192.660(2)(k))

The Board will now meet in 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, 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, applicant, or other persons alleged to be practicing in violation of law pursuant to ORS 676.175 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.

Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced. No decision may be made in executive session. At the end of executive session, the Board will return to open session and welcome the audience back into the room.

9) Action on Executive Session Items

- a) **Case 1410 – Calise moved** to grant the applicant's license to practice massage, with the following stipulations: Applicant shall be considered on probationary status through 11/30/2013, after which the Board may review her application for renewal to determine if the probationary period shall be extended; Applicant agrees not to engage in any conduct that would or could impact her ability to safely and competently conduct her massage practice, or compromise the health and safety of the clients served; Applicant shall work only at a facility or business that facilitates a group practice

setting; Applicant agrees that any time she engages in the practice of massage, it will be in a manner that facilitates a group practice setting; Applicant shall disclose to her employer, or in the case of other settings, organizer, manager or individual responsible for the event, her stipulates for licensure. **Second the Motion: McMillin In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries.**

b) Case 1411 – McMillin moved to grant Applicant's license to practice massage with the following stipulations: Applicant shall be considered on probationary status through 03/31/2014, after which the Board may review her application for renewal to determine if the probationary period shall be extended; Applicant agrees not to engage in any conduct that would or could impact her ability to safely and competently conduct her massage practice, or compromise the health and safety of the clients served; Applicant shall seek and hold employment only at a facility or business that facilitates a group practice setting; Applicant agrees that any time she engages in the practice of massage, it will be in a manner that facilitates a group practice setting; Applicant shall appear before the Board at the November 2012 Board meeting for a status conference. **Second the Motion: Calise In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries.**

c) Case 1390 – Bennouri moved to issue a Notice of Proposed Action for one violation of ORS 687.081(1)(i) and OAR 334-040-0010(19)(a)(B), unprofessional or dishonorable conduct for sex between the LMT and client; for a total civil penalty of \$1,000; and place Licensee on probation for one year from the date of the order; and require the Licensee to complete the Board Ethics Protocol with their Peer Supervisor; and require the LMT to complete a minimum of 30 contact hours from a Board-approved course to cover the subjects of ethics, communication and boundaries. **Second the Motion: Morin In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries.**

d) Case 1174 – Bennouri moved to issue a letter of concern with the strong recommendation that the LMT complete a minimum of 12 contact hours of ethics and communications. **Second the Motion: Morin In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries**

e) Case 1294 – Morin moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), engaging in the practice of massage without a license; and twelve violations of ORS 687.021(2)(a), advertising for massage without a license; for a total civil penalty of \$10,500. **Second the Motion: Calise In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries.**

f) Case 1296 – Morin moved to revoke licensee's massage license for three violations of ORS 687.081(1)(i) and OAR 334-010-0010(19)(a)(B)(iv), *unprofessional or dishonorable conduct* which includes but is not limited to: 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 one violation of OAR 334-010-0025(3)(a)(A)(B)(C)((i)(D), a massage therapist must use safe and functional coverage/draping practices during the practice of massage when the client is disrobed. Safe and functional 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; with voluntary and informed consent of the client, the gluteal cleft and breast drapes may be temporarily moved in order to perform therapeutic treatment of the area; massage or movement of the body does not expose genitals, gluteal cleft or breast area. **Second the Motion: Bennouri In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries.**

g) Case 1400 – Calise moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), engaging in the practice of massage without a license; and sixteen violations of ORS 687.021(2)(a), advertising for massage without a license; for a total civil penalty of \$13,000; and refer to the District Attorney for prosecution consideration. **Second the Motion: Bennouri In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries**

h) Case 1413 – McMillin moved to ratify the consent order for voluntary surrender. **Second the Motion: Calise In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries**

i) Executive Session Closed Case Report – Morin moved to accept the Executive Session closed case report as submitted in exhibits 1-6. **Second the Motion: Calise In favor: Bennouri, Calise, McMillin, Morin and Fredrickson Opposed: none. Motion carries.**

Case No. 1238	
Allegation: Noncompliance with a Board order	Closed: Based on further review
Case No. 1244	
Allegation: Unlicensed practice	Closed: Respondent unreachable
Case No. 1245	
Allegation: Unlicensed practice	Closed: Respondent unreachable
Case No. 1290	
Allegation: Unprofessional or dishonorable conduct	Closed: Letter of concern
Case No. 1313	
Allegation: Unprofessional or dishonorable conduct	Closed: No violation found
Case No. 1331	
Allegation: No license number in ad	Closed: Compliance met
Case No. 1352	
Allegation: Unlicensed practice	Closed: Respondent unreachable
Case No. 1354	
Allegation: Sexual violation	Closed: Unable to substantiate
Case No. 1369	
Allegation: Unlicensed practice	Closed: Unable to substantiate
Case No. 1394	
Allegation: Sanitation	Closed: No violation found
Case No. 1405	
Allegation: Failure to provide documents to Board	Closed: Compliance met

j) **Practical Exam** – The Board took no action on this matter.

10) Public Session Compliance Action –

a) **Public Session Closed Case Report – Morin** moved to accept the Public Session closed case report as submitted in exhibits 1- 4 **Second the Motion: Calise In favor: Bennouri, Calise, McMillin, Morin and Fredrickson**
Opposed: none. Motion carries.

Case No. 1105	Rebecca Noel
Allegation: Unlicensed practice	Closed: Stipulated agreement issued
Case No. 1223	Clayton Lawhead
Allegation: Sexual abuse of a client	Closed: Revoked
Case No. 1276	Min Xu
Allegation: Unlicensed advertising	Closed: Final default order

Case No. 1280

Yuri Feitser

Allegation: Noncompliance with a Board Order

Closed: Suspended

Case No. 1284

Suna Zhang

Allegation: Unlicensed practice

Closed: Final default order

11) **Public Forum** – Opportunity to share thoughts that pertain to agenda items – There was no public in attendance at this time.

12) **Announcements** – **Bennouri** will not be in attendance at the September meeting. There is no meeting in July.

13) **Adjourn Meeting** – **Bennouri** moved to adjourn the meeting. **Second the Motion: Calise** **In favor: Bennouri, Calise, McMillin, Morin and Fredrickson** **Opposed: None.** **Motion carries.** The meeting was adjourned at 2:27 pm.