



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

July 17, 2009

Attendance

Board Members:

Jordan Barton, LMT, Chair
Kathy Calise, Public Member, Vice Chair
Jeanna Catalano, LMT
Crystal Collier, LMT
Heather Bennouri, LMT
Craig McMillin, Public Member

Staff:

Diana Nott, Enforcement Coordinator

Public: Morgan Tennant Michael Wolk Michelle Wheeler Gary Schultz
 Deborah Skell Sabra Marcroft Jim Brown

Call to Order

Barton called the meeting to order at 10:05am. Role call was performed. **Barton, Bennouri, Catalano, Collier, McMillin and Calise** were in attendance. **Driscoll** was excused.

1) Approve Agenda - Bennouri moved to amend the agenda to allow public comments prior to entering into executive session and table Directors Report, Committee updates, FSMTB updates and Review and adopt agency LEDS rules until August. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.**

2) Public Comments - Michael Wolk is a LMT, PT and Feldenkrais practitioner. He voiced that it was his understanding that the massage board was trying to regulate Feldenkrais and he feels that Feldenkrais is not massage. He is concerned that if the Board regulates Feldenkrais as massage, then they will try to mandate what the educational requirements are. **McMillin** explained that the legislative body sets the statutory definition of massage and that any concerns with that definition would need to be addressed with the legislative body. He further explained that the Board simply does what the legislature has directed them to do. When asked where one would start to address this issue, **Barton** explained that it may be best to start with an individual's own Senator or Representative and that those parties would be able to assist or direct someone on where they need to go.

Deborah Skell stated that as a representative of Feldenkrais, they are aware that change needs to come through the legislative body. It was her hope that the Feldenkrais practitioners and the Board could work together as peers to address the issue as a group.

Barton thanked them for their comments.

3) EXECUTIVE SESSION

The Oregon Board of Massage Therapists will now meet in executive session, pursuant to ORS 192.660(2)(f) to review, discuss, and consider mediation communications that are confidential and exempt from disclosure, pursuant to ORS 192.502(9), 36.224(6), 36.220(1)(a), and OAR 334-001-0051(6). The Board may also consider and discuss in executive session information obtained as part of an investigation of a licensee or applicant, pursuant to ORS 192.660(2)(k). The Board may also review, consider, and discuss written legal advice provided by the Department of Justice that is confidential or privileged and exempt from disclosure under ORS 192.502(9) and ORS 40.225 and other applicable authority.

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.

McMillin moved to enter into executive session at 10:20 am. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.**

The Board returned from Executive Session at 12:50 pm.

4) Executive Session Action

a) Applicant AB - McMillin moved to approve application for licensure and add certain conditions that are as follows: Applicant shall have no further criminal activity, arrests or convictions; that applicant shall contact the Executive Director or designee of the Board once every 30 days by telephone for 6 months; licensee shall have designated sponsor of 12-step program make contact with the Executive Director once every 60 days to assure continued participation; and that licensee shall review the Rules and Laws for maintaining a license. All items are to be completed to the satisfaction of the Executive Director and the requirements shall be maintained for a period of 6 months. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.**

b) Case 824 - Bennouri moved to send a copy of the complaint to the Oregon Board of Chiropractic Examiners. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.**

c) Closed Case Report, Executive - Calise moved to close the following cases. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.**

Case No. 735

Allegation: Unprofessional Conduct **Closed:** Compliance met

Case No. 738

Allegation: Sexual impropriety **Closed:** Unable to substantiate

Case No. 784

Allegation: No license number in ad **Closed:** Compliance met

Case No. 796

Allegation: No license number in ad **Closed:** Compliance met

Case No. 798

Allegation: Injury **Closed:** Not a Board issue

Case No. 799**Allegation:** Unprofessional conduct **Closed:** Letter of concern**Case No. 803****Allegation:** No license number in ad **Closed:** Compliance met**Case No. 809****Allegation:** Unprofessional conduct **Closed:** No action taken**Case No. 812****Allegation:** No license number in ad **Closed:** Compliance met**Case No. 813****Allegation:** No license number in ad **Closed:** Compliance met**Case No. 814****Allegation:** No license number in ad **Closed:** Compliance met**Case No. 816****Allegation:** Unprofessional conduct **Closed:** Not a Board issue**Case No. 817****Allegation:** No license number in ad **Closed:** Compliance met**Case No. 832****Allegation:** No license number in ad **Closed:** Compliance met**Bennouri moved** to amend the agenda to include case number 850. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.****d) Case 850 - Bennouri moved** to refer the case to an independent investigator to be handled through the Board Chair and AAG Kyle Martin. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.****5) Public Session Action****a) Closed Case Report, Public – Collier moved** to close the following cases. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.****Case No. 123****Allegation:** Unprofessional Conduct **Don Weter**
Closed: Stipulated agreement issued**Case No. 181****Allegation:** Unlicensed Practice **Mark Fultz**
Closed: Final default order**Case No. 499****Allegation:** Unprofessional Conduct **Nishan VanAtta**
Closed: Final default order (case in appeals)**Case No. 663****Allegation:** Unlicensed Practice **DeAndrea Ward**
Closed: Stipulated agreement issued**Case No. 681****Allegation:** Sanitation Issue **Eric Hartman**
Closed: Board lacks jurisdiction

Case No. 697	Jim McPherson
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 698	Kevin McAllister
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 699	Jeff Hays
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 700	Jon Guidone
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 713	Myron Goldsby
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 721	Desert Springs Health Spa
Allegation: Unlicensed Practice	Closed: Unable to substantiate
Case No. 727	Roxanne Grey
Allegation: Unlicensed Practice	Closed: Stipulated agreement issued
Case No. 728	Shaundel O Knights
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 729	Daniel Carpenter
Allegation: Unlicensed Practice	Closed: Stipulated agreement issued
Case No. 731	Jean Greenfield
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 734	Joe Cherepanov
Allegation: Sexual Impropriety	Closed: Revoked
Case No. 741	Rebecca Magnuson
Allegation: Failure to pay fees	Closed: Suspended
Case No. 742	Shea Unknown
Allegation: Unlicensed Practice	Closed: Respondent unreachable
Case No. 760	Joleen Reece
Allegation: Unlicensed Practice	Closed: Unable to substantiate
Case No. 763	BrandyPfeiffer
Allegation: Unlicensed Practice	Closed: Final default order
Case No. 764	Yvette Kelley
Allegation: Unlicensed Practice	Closed: Stipulated agreement issued
Case No. 772	Pauline Hernandez
Allegation: Unlicensed Practice	Closed: Unable to substantiate
Case No. 773	Candice Covington
Allegation: Unlicensed Practice	Closed: Letter of concern

Case No. 779	Beckie Schmidt
Allegation: Unlicensed Practice	Closed: Unable to substantiate
Case No. 780	Ashley Unknown
Allegation: Unlicensed Practice	Closed: Respondent unreachable
Case No. 797	Luzita Unknown
Allegation: Unlicensed Practice	Closed: Respondent unreachable
Case No. 825	Marie Hartman
Allegation: Unlicensed Practice	Closed: Letter of concern

- 6) **Approve minutes of June 19, 2009 - Bennouri moved** to approve the minutes as amended. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.**
- 7) **Director's Report**
- a) **Finances** - Tabled until August
 - b) **2009 Legislative Session** - Tabled until August
 - c) **Health-Related Boards**
 - i) **Governor's Letter** - The Board reviewed a letter that the Governor sent to the legislative Body. The letter contained a list of Boards for suggested elimination, suspension and consolidation. The Board may discuss this more in-depth at the August meeting.
 - d) **SIBA Update** - Tabled until August
- 8) **Committee Updates** - Tabled until August
- a) **Education Committee**
 - b) **Scope of Practice Committee**
 - c) **Multiple Discipline Task Force**
- 9) **FSMTB Updates** - Tabled until August
- 10) **Board Business**
- a) **Review and adopt agency LEDS rules** - Tabled until August
- 11) **Public Comment** - Opportunity for the public to address the Board. There was no public in attendance at this time.
- 12) **Announcements** - No announcements.
- 13) **Adjourn Meeting - Bennouri Moved** to adjourn the meeting at 1:05 pm. **In favor: Barton, Bennouri, Catalano, Collier, McMillin and Calise. Opposed: None. Motion carries.**