



# Oregon

John A. Kitzhaber, MD, Governor

## Board of Massage Therapists

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## BOARD MEETING MINUTES

February 13, 2012

### Attendance

#### Board Members:

David Fredrickson, LMT, Chair  
Heather Bennouri, LMT Vice Chair  
Crystal Collier, LMT  
Kathy Calise, Public Member  
Craig McMillin, Public Member

#### Staff:

Kate Coffey, Executive Director  
Diana Nott, Compliance Coordinator  
Lori Lindley, Assistant Attorney General

#### Public:

Leah Bowder	Pam Pennington	Todd Pennington	Glenath Moyle
Debra Persinger	Lisa Garofalo	Susan Zahn	Mark Cohen
Donald Loomis	Robbie Bianchi		

### Call to Order

**Fredrickson** called the meeting to order at 9:08 am. Role call was performed. **Bennouri, Calise, Collier, McMillin,** and **Fredrickson** were present, as well as Kate **Coffey**, Executive Director and Lori **Lindley**, Assistant Attorney General. **Morin** was excused.

**Fredrickson** asked each member of the public to introduce themselves. Present at this time were Glenath Moyle, Leah Bowder, Debra Persinger, Lisa Garofalo, Todd Pennington and Pam Pennington.

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

**2) Approve Minutes of January 9, 2012 –** There was discussion on minor corrections. Additionally, there was a discussion on clarification on the CPT code discussion. **Calise moved** to have the minutes include the statement “For clarification purposes: The OBMT does not regulate or approve CPT codes. This particular topic was brought forth by an insurance company asking if the practices classified under these CPT codes are within the scope of practice for a massage therapist in the State of Oregon. While the motion was for the codes, it truly covers the practice that each code stands for. 97012: application of a modality to one or more areas, traction, mechanical; 97034: application of a modality to one or more areas; contrast baths; 97001: Physical therapy evaluation; 97002: Physical therapy re-evaluation; 95831: Muscle testing, manual with report; extremity \*excluding hand\* or trunk; 95851: Range of motion measurements and report (separate procedure); each extremity (excluding hand) or each trunk section (spine); 97535: Self-care/home management training (eg activities of daily living (ADL) and compensatory training, meal preparation, safety procedures, and instructions in use of adaptive equipment) direct one on one by provider. Additionally, massage therapists have always been able to bill insurance for anything that they do as a medical professional (LMT) that is within 1) the scope of practice 2) their personal scope of training and 3) does not violate any restrictions they may have on their license.” **Second the Motion: Bennouri In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries. Bennouri moved** to approve the minutes of January 9, 2012 as amended. **Second the Motion: Calise In favor: Bennouri, Calise, Collier, 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 January 2012. The Board realized \$3,000 less in expenditures than forecasted. The Board exceeded the revenue forecast by \$15,000.
- b) **Board Action Log** – The Board action log was updated to reflect any outstanding items. AAG Lindley will present to the Board at the March meeting regarding public meetings laws. Schools will be reviewed for approval upon adoption of the revised model curriculum. The revised bylaws will be presented to the Board in March. The All-Schools meeting is scheduled for March 9, 2012 at the Salem campus of Oregon School of Massage. **Coffey** is working on the HR policy. Staff is researching alternatives and costs for the database replacement.

**Coffey** provided the Board with a copy of the Peer Review Audit. The audit found that the Board functions well and had four recommendations for consideration: The Board should consider bi-monthly Board meetings (every-other month) as an alternative to meeting monthly. This has the potential to increase staff productivity and efficiency. The OBMT should adopt Key Performance Measures similar to other health professional licensing boards. The OBMT should adopt a policy goal of striving for consistency in disciplinary actions. The OBMT should place their complaint form in a more recognizable place on their web page. The peer review audit will be added to the March agenda for feedback and discussion.

c) **Compliance Update – Coffey** provided the Board with a Compliance Report from January 1, 2012 to January 31, 2012. The report includes information such as: complaints open at start date (39); active cases at start date (35), number of new complaints received (9); number of cases opened (10); number of complaints closed (2); number of cases closed (2); and number of cases closed with disciplinary action (1).

d) **All Schools Meeting** – There was a discussion regarding the purpose and agenda for the All Schools Meeting. The Board stated that the purpose is to inform and update the schools of Board activities. The Model Curriculum will be provided to the schools at the All Schools Meeting. The Board received the Model Curriculum in their Board packet and comments from Teresa Greene, with the Oregon Department of Education were also provided.

### 4) Legislative Items

- a) **HB 4009** – This bill would make a modification to the current monitoring system which was put in place the prior legislative session. The current system in place was too costly for many agencies to utilize, including the OBMT. There have been some revisions, which may reduce the cost of the program. The bill has passed the House and is now with the Senate.
- b) **HB4116** – This would require all agencies to utilize services provided by the Department of Administrative Services. It appears that this bill may have died.
- c) **SB 1509** – This bill had the massage facilities licensing included. **Coffey** testified before the committee last week on the need for that portion of the bill. However, there was significant opposition. There was an attempt to reach a resolution with all concerned parties, but that attempt failed. The massage facilities licensing portion has been removed from the bill.

There was discussion by Board members on becoming more aware of the parties that may be impacted by proposed legislation and working with all potentially impacted entities. The Board will continue to move in this direction and will reach out and work with those parties.

### 5) Committee Updates

a) **Education Committee** – Garofalo reported to the Board on the status of the Model Curriculum. The Board has received the first draft of the Model Curriculum. The committee is currently working on the list of muscles and the list of pathologies. There was discussion on when the appropriate time would be for schools to provide feedback. It is expected that schools will be provided a 30-day comment period, once the committee is ready. They will then take those comments for review and make any revisions as a result of those comments. **Coffey** will contact Department of Education and put them in contact with Garofalo for continued discussion on meeting the Department of Education desires.

**b) Rules Committee – Bennouri** reported that the committee looked at the following rules for changes. Licensure: changes proof of CE to verification of CE. There are two possible versions of the background checks for consideration for the Board. There discussion on if the Board wants to fingerprint all LMTs or only LMTs outside of the State of Oregon, or of the Board wants to continue with the practice of fingerprinting only new applicants, individuals returning to active status from lapsed or inactive and individuals under investigation. There was a change made to fees for an initial license less than 12 months. The breast massage was taken from policy and placed into rule. The internal cavity massage policy was taken from policy and placed into rule. **Collier** provided the recommendation that on specialized training, it should include “in internal massage” or “in breast massage” to make it as specific as possible. Bennouri will take the feedback to the committee.

**i) Licensure**

334-010-0015

- (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.

## ii) Background Checks (version 1)

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~~ **fingerprints** 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;~~ **and licensees with a residence or working address outside of Oregon during the current renewal period.**
- (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 of 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 ~~will~~ 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.

### iii) Background Checks (version 2)

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 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 ~~will~~ 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.

**iv) Fees –**

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.

**v) Breast Massage –**

334-010-0026(?)

## Breast Massage

(1) Prior to performing breast massage to treat certain medical conditions, an LMT must:

- a) be able to present evidence of the completion of advanced specialized training beyond the minimum competencies;
- b) articulate a therapeutic rationale which is acknowledged by the client; and
  - A) which 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;
  - B) 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 an 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 female individuals under 18 years of age.

### **vi) Internal Cavity Massage –**

334-010-0027(?)

#### Internal Cavity

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

(2) Prior to performing these special procedures, an LMT must:

- a) be able to present evidence of the completion of advanced specialized training beyond the minimum competencies;
- b) articulate a therapeutic rationale which is acknowledged by the client; and
  - A) which 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;
  - B) the 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 an 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 shall intravaginal or intra-anal techniques be performed on individuals under 18 years of age.

## **6) Board Business**

a) **“Sensual Massage”** – In 2006 the Board stated that they considered sensual to equal sexual. They directed the matter to be sent to committee for a policy statement. A recent Administrative Hearing brought up this issue, and it was discovered that it was never referred to committee. There was discussion on free speech and the various perceptions of “sensual” within the community. It was determined that given other issues with a more immediate impact to the Board, this is an issue that will be tabled.

7) **BOARDerline** – The January 2012 issue of the newsletter has been sent out. **Coffey** requested article suggestions from the Board members. **Calise** would like to see a Model Curriculum update. Garofalo will write it. There will be an update on the All-Schools Meeting. **Collier** would like an article on scope of practice and tools. **Calise** would like to see an article on LMTs ability to recommend vs. prescribing. It was suggested that the newsletter have a standing Scope of Practice Corner. LMTs can submit questions about scope of practice to the Board, which can be answered in the newsletter. It was also suggested to invite LMTs to submit articles for consideration, and note that the Board has editorial control to amend articles as they need to. **Bennouri** will write an article on the use of goniometers.

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

Garofalo asked if there is expected to be a rules hearing soon. There has been no date set. The effective date is expected to be July 1, 2012. **Coffey** stated that the rules hearing would either be in May 2012 or June 2012. **Bennouri** reported that the committee will meet once more prior to that.

Persinger expressed her gratitude to the Board for their work in addressing the larger issues of public protection and to thank them, on behalf of the FSMTB and the massage community, for their enormous contributions in the goal of public protection.

Moyle stated that she felt that the Board had a great morning and had great interaction. She would highly recommend that someone from the Board always attend legislative hearings, because it is difficult for the Executive Director to carry a bill, and Board members carry more authority at the legislature. She felt the Board had great interaction and feels that there are good things coming in the future.

**Calise moved** to take a brief recess. **Second the Motion: Collier In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**

The Board took a break from 10:40 am to 11:00 am.

The Board entered Executive Session at 11:01 am and returned to Public Session at 1:48 pm.

#### 9) 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.

#### 10) Action on Executive Session Items

- a) **Appeal AA – Collier moved** to have Board staff review the transcript and provide the applicant with information on what she needs to become licensed. **Second the Motion: Bennouri In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**
- b) **Appeal AB – McMillin moved** to defer this to a future Board meeting to provide counsel time to discuss legalities. **Second the Motion: Calise In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**
- c) **Case 1138 – Bennouri moved** to allow the AAG to continue working on the Order and negotiations with Licensee's attorney. **Second the Motion: Collier In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**
- d) **Case 1258 – No action taken.**
- e) **Case 1265 – Collier moved** to defer this case for additional investigation. **Second the Motion: Calise In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**
- f) **Case 1272 – Collier moved** to issue a letter of concern regarding the definition of massage and the scope of practice of massage in the State of Oregon and refer to the Oregon Health Licensing Agency Athletic Trainer Board and

the Oregon Physical Therapy Board. **Second the Motion: Calise In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**

**g) Case 1277 – Bennouri moved** to suspend Licensee’s massage license for failure to pay child support per ORS 25.750 through 25.783. **Second the Motion: Calise In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**

**h) Case 1306 – Bennouri moved** to renew Licensee’s massage license with no restrictions or other conditions. **Second the Motion: Calise In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**

**i) Executive Session Closed Case Report – Calise moved** to accept the Executive Session closed case report as submitted in exhibits 1-5. **Second the Motion: Bennouri In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**

**Case No. 1210**

**Allegation:** Failure to disclose **Closed:** Compliance met

**Case No. 1218**

**Allegation:** Unlicensed practice of massage **Closed:** Respondent unreachable

**Case No. 1261**

**Allegation:** Noncompliance **Closed:** Allegations withdrawn

**Case No. 1279**

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

**Case No. 1281**

**Allegation:** Other **Closed:** No action taken

**Case No. 1282**

**Allegation:** Unlicensed practice **Closed:** Compliance met

**Case No. 1285**

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

**Case No. 1288**

**Allegation:** Unlicensed practice **Closed:** Board lacks jurisdiction

**11) Public Session Compliance Action –**

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

**Case No. 1211**

**Allegation:** Unlicensed practice **Sara Sasse**  
**Closed:** Stipulated agreement issued

**Case No. 1236**

**Allegation:** Unlicensed practice **Katherine Stauffer**  
**Closed:** Stipulated agreement issued

**Case No. 1252**

**Allegation:** Unlicensed practice **Yuan Chu**  
**Closed:** Stipulated agreement issued

**Calise moved** to take a break **Second the Motion: Collier In favor: Bennouri, Calise, Collier, McMillin and Fredrickson. Opposed: None. Motion carries.**

The Board took a recess from 1:53 pm to 2:03 pm.

The Board returned to Executive Session at 2:03 pm per 192.51(4).

**Bennouri** was excused at 3:26 pm.

**McMillin** was excused at 3:47 pm.

The Board returned to public session at 4:08 pm.

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

**13) Announcements** – There were no announcements.

**14) Adjourn Meeting** – The meeting was adjourned at 4:10 pm.