



# Oregon

Kate Brown, Governor

## Board of Massage Therapists

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## OBMT Board Meeting Minutes

March 9, 2015

Board Office

### Attendance

#### Board Members:

David Fredrickson, LMT, Chair

Jon Grossart, Vice Chair

Kathy Calise, Public Member

Melanie Morin, LMT (excused)

Kelley Rothenberger, LMT

Steven Foster-Wexler, LAc, Public Health Member

Meng Chen, Public Member

#### Staff:

Kate Coffey, Executive Director

Ekaette Udosenata, Policy Analyst

Robert (Bob) Ruark, Compliance Manager

Lori Lindley AAG

#### Public:

Mike Blackmore

Jennifer Parrish Taylor

Jamin Rak

Dee Dee Schneider

Eric Polgar

Beeara Edmonds

Chad Ravent

Aneta Molenda

Todd Pennington

### Call to order at 9:10am

**Fredrickson** called the meeting to order at 9:10 am. Roll call was performed. **Chen, Foster-Wexler, Grossart, Rothenberger** and **Fredrickson** were present, as well as **Coffey**, Executive Director, **Lindley**, AAG, **Ruark**, Compliance Manager and **Udosenata-Harruna**, Board staff.

**Fredrickson** asked members of the public to introduce themselves. Public present at this time were: **Blackmore, Schneider, Edmonds, Molenda, Parrish Taylor, Polgar, Ravent and Rak.**

1) **Approve Amended Agenda:** **Grossart** moved to approve the modified agenda which moves the Insurance Task Force update to item number three (3) on the agenda. **Second the motion: Calise. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

2) **Approve Minutes for January 12, 2014:** **Foster-Wexler** moved to approve the minutes. **Second the motion: Calise. In favor: Calise, Chen, Fredrickson, Foster-Wexler, Grossart and Rothenberger. Opposed: None. Motion carries.**

3) **Insurance Task Force Update:** **Blackmore** updated the board on the proposed Rules that the task force put together.

All licensed massage therapists shall work within the standards of ethics for all licensed healthcare providers of the state of Oregon, including, but not limited to:

- Being insured with professional liability insurance against malpractice and injury towards ones clients and property.
- To only working within one's scope of practices as well as only providing services to the public that one has been thoroughly trained to provide through either a state credentialed school and/or has received professional training from another licensed health care provider, also to include on the job training by another licensed healthcare provider.
- To not split or share fees with another licensed healthcare provider that one is not in a legal and professional partnership with.
- To only charge for services provided and not to engage in any sort of fraudulent billing practices
- To not make claims or recommend products that are proved to be fraudulent and/or unfounded by the general medical community and the public.

The **Board** discussed the Task Force update and concluded that the AAG will work with the Executive Director on the language provided by the Task Force. The revised verbiage will be redistributed to the Task Force finalization and the board will review during the May Board Meeting.

#### 4) Directors Report

**Finances – Coffey reported** on the status of the Board Budget for the first eighteen months of the 2013-15 Biennium. The board's actual revenue board's actual revenue is within a 1% deviation from the revenue projection. The board spent \$4k more than was budgeted for the month of February 2015. The over expenditure is a result of paying 50% of the new telephone system as the current system is not functioning well and replacement parts are no longer being manufactured for it.

The board's actual revenue is within a 1% deviation from the revenue projection for the first twenty months of the 2013-15 bienniums. The board underspent expenses by \$59k for the first twenty months of the 2013-15 biennium. The majority of the under expenditure is in the category of Payroll Expenses. The board is \$31k over budget in Contract/Professional services as the board has increased the utilization of consultants/contractors. The board is \$5k over budget in the category of Investigation Expense as the board is actively implementing facilities licensing. The board is \$6k over budget in the category of Exam Supplies as we are having the vendor pick-up linens weekly and cameras have been replaced. The board is \$6k over budget in the category of travel expenses as the board has expanded their participation in FSMTB activities and the Compliance Manager is performing additional investigations.

The board will use the biennium to date savings to fund the office move and continue with the implementation of facilities licensing enforcement.

#### **Facilities Move:**

The negotiations were not successful for the proposed Front Street property. The board discussed two properties that the Board Staff recommended as suitable office space; Market Street and Hawthorne Street. The board reviewed the Pro's and Con's regarding the two properties and decided on the Hawthorne Street property as it is least cost, allows staff access to HVAC controls, and does not contain an escalation clause for the rent.

#### **Compliance Update:**

The Compliance section received 14 new cases for the month of February 2015. There are three contested that are pending at the Office of Administrative Hearings. There are active settlement negotiations occurring regarding these cases.

#### **Committee Updates:**

#### **Rules Hearing update:**

**Coffey noted** that there was no public member present at the Rules Hearing on March 6, 2015. The board reviewed and discussed the comments from the rules hearing.

**Scheiner** noted that there is a need for further explanation of what “interactive distance learning” is.

**The Board discussed** the proposed rules:

**Oregon Board of Massage Therapists OAR 334  
Effective July 1, 2015**

**PROCEDURAL RULES**

**334-001-0012**

**Budget**

The Oregon Board of Massage Therapists hereby adopts, and fully incorporates herein, the Oregon Board of Massage Therapists' ~~2013-2015~~ **2015-2017** Biennium budget of ~~\$1,746,000~~ **\$1,865,000**.

Stat. Auth.: SB 1127, ORS 183 & 687.121

Stats. Implemented: Section 6, (1) & (2)

Hist.: BMT 2-1999(Temp), f. & cert. ef. 9-17-99 thru 3-15-00; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2000, f. & cert. ef. 8-3-00; BMT 1-2001, f. & cert. ef. 5-29-01; BMT 2-2003, f. & cert. ef. 6-17-03; BMT 2-2005(Temp), f. & cert. ef. 6-24-05 thru 6-30-05; BMT 3-2005, f. 6-24-05, cert. ef. 7-1-05; BMT 1-2007, f. & cert. ef. 6-29-07; BMT 2-2007, f. & cert. ef. 7-3-07; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2010, f. 12-22-10, cert. ef. 1-1-11, cert. ef. 7-1-11

**334-001-0055**

**Board Member Stipend**

- 1) The Oregon Board of Massage Therapists hereby adopts a board member stipend of ~~\$100.00~~ **\$200.00** per month for each month a board member serves in their appointment
- 2) The Oregon Board of Massage Therapists hereby adopts an additional board chair **and vice chair** stipend of \$375.00 per month for each month that a member serves as board chair.

Stat. Auth.: ORS 182.460 & 687.121

Stats. Implemented: ORS 182.460 & 687.121

Hist.: BMT 1-2010, f. & cert. ef. 4-12-10; BMT 2-2010, f. 7-23-10, cert. ef. 7-26-10; BMT 3-2010, f. 12-22-10, cert. ef. 1-1-11

**334-001-0060**

**Definitions**

- (1) "Advantageous" means in the Board's best interests, as assessed according to the judgment of the Board.
- (2) "Award" means either the act or occurrence of the Board's identification of the Person with whom the Board will enter into a Contract.
- (3) "Barter" means partial or complete trade or exchange of massage or bodywork services for any other type of goods or service other than money.
- (4) "Board" means the State Board of Massage Therapists or its authorized representatives as provided by ORS 687.115.
- (5) "Bodywork" means **forms, methods, and styles including massage, that positively influence the body through various methods that may or may not include soft-tissue deformation, energy manipulation, movement reeducation, and postural reeducation.** ~~the use on the human body, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition of:~~
  - ~~(a) Pressure, friction, stroking, tapping, kneading, vibration or stretching by manual or mechanical means or gymnastics;~~
  - ~~(b) Appliances, tools or devices;~~
  - ~~(c) Topical preparations; or~~
  - ~~(d) Hot and cold applications.~~

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  - (a) Pressure, friction, stroking, tapping, kneading, vibration or stretching by manual or mechanical means or gymnastics; 8
  - (b) Appliances, tools or devices;

- (c) Topical preparations; or
- (d) Hot and cold applications.
- (6) "Boundary" means the limits in a professional relationship which create safety based on the needs of the client.
- (7) "Boundary violation" means an alteration or shift in the limits of a professional relationship so that what is allowed in the relationship becomes ambiguous and/or may not be based on the needs of the client.
- (8) "Caring" means acting in a manner in which things, events, people or relationships matter.
- (9) "Certified Class or program" means a class or program that is approved by the Board and is offered:
  - (a) By a person or institution licensed as a career school under ORS 345.010 to 345.450; or
  - (b) By a community college or university approved by the Department of Education; or
  - (c) In another state and licensed or approved by the appropriate agency in that state.
- (10) "Client" means any individual, group of individuals, or organization to whom an LMT provides massage
- (11) "Client vulnerability" means factors which diminish a client's ability to be self-determining.
- (12) "Compensation" means something given or received as payment including but not limited to bartering, tips, monies, donations, or services.
- (13) "Conflict of interest" means any action or decision or recommendation by an LMT at the detriment of a client.
- (14) "Contact hours" means actual hours in class under the instruction of and in the **physical** presence of an instructor; **or an interactive distance learning course.**
- (15) "Contract" means an agreement for purchase, lease, rental or other acquisition or sale or other disposal by the Board of Goods or Services.
- (16) "Contract Price" means, as the context requires;
  - (a) The maximum payments that the Board will make under a Contract if the Contractor fully performs under the Contract;
  - (b) The maximum not-to-exceed amount of payments specified in the Contract; or
  - (c) The unit prices for Goods and Services set forth in the Contract.
- (17) "Contractor" means the Person with whom the Board enters into a Contract.
- (18) "Critical Reflection" means a process whereby knowledge and action are connected to each other through the application of careful, conscious, deliberate reflection on:
  - (a) Personal practice (perceptions, assumptions, motivations, values, behaviors).
  - (b) Assessment and understanding of a situation.
  - (c) Likely or actual consequences or impact of one's actions.
- (19) "Dual Relationship" means any relationship of a personal or business nature with a client that is in addition to or concurrent with a professional relationship in which the LMT is providing or has provided massage or bodywork services to that same client.
- (20) "Ethics" means a system of valued societal beliefs and behaviors that may be used to guide and evaluate conduct to ensure the protection of an individual's person and rights.
- (21) "Emergency" means circumstances that:
  - (a) Could not have been reasonably foreseen;
  - (b) Require prompt execution of a Contract to remedy the condition; and
  - (c) The circumstances create a substantial risk of loss or revenue, damage or interruption of services or substantial threat to property, public health, welfare or safety when the circumstances could not have been reasonably foreseen;
- (22) Equivalent Credit Hours: are those credit hours as determined by the respective educational institution or its certified classes or programs
- (23) Good moral character means**
  - (a) an applicant has not ever before the date of application, been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, required to be a registered sex offender and other similar offense which has a reasonable relationship to the practice of massage;**
  - (b) has not ever before the date of application, been convicted of an act involving dishonest, fraud misrepresentation, gross negligence or incompetence or is not currently incarcerated or on community supervision after a period of incarceration in a local, state or federal penal institution for such an act;**

- (c) ***has not ever before the date of application, had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily surrendered a professional license in lieu of disciplinary action;***
- (d) ***has not ever before the date of the application, had a massage therapy license revoked or suspended by any state or national massage certifying agency.***
- (243) "Goods and Services" or "Goods or Services" means supplies, equipment, materials and services including Personal Services and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto, that the Board is authorized by law to procure.
- (254) "Indorsement" means:
- (a) the process of evaluating and recognizing the credentials of a person licensed in Oregon in another health care specialty that includes in its scope of practice, acts defined as massage; or
- (b) the process of evaluating and recognizing the credentials of a massage or bodywork practitioner authorized to practice massage or bodywork in another jurisdiction.
- (265) "Informed consent" means a process wherein clients have knowledge of what will occur, that participation is voluntary, and that the client is competent to give consent.
- (276) "Licensee" means any person holding a license, permit, or certificate issued by this Board; an LMT
- (287) "LMT" means a Licensed Massage Therapist.
- (298) "Massage" or "massage therapy" is defined in ORS 687.011.
- (3029) **"Non-Contact hours" means education hours independently acquired outside the presence of an instructor.**
- (310) "Offer" means a response to a request for price quote or response to a Solicitation Document.
- (324) "Offeror" means a Person who submits an Offer.
- (33) **Professional fitness means**
- (a) ***an applicant has not ever before the date of application, been convicted of a felony or an offense involving moral turpitude or prostitution, solicitation, required to be a registered sex offender and other similar offense which has a reasonable relationship to the practice of massage;***
- (b) ***has not ever before the date of application, been convicted of an act involving dishonest, fraud misrepresentation, gross negligence or incompetence or is not currently incarcerated or on community supervision after a period of incarceration in a local, state or federal penal institution for such an act;***
- (c) ***has not ever before the date of application, had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily surrendered a professional license in lieu of disciplinary action;***
- (d) ***has not ever before the date of the application, had a massage therapy license revoked or suspended by any state or national massage certifying agency.***
- (341) "Personal power" means recognizing and taking personal responsibility for the inherent power differential between the LMT and the client and recognizing and taking personal responsibility for the impact of professional decisions, actions and behavior on the client.
- (352) "Power differential" means the basic inequality inherent in the professional relationship between an LMT and a client in terms of who has the advantage in the relationship. The LMT is presumed to have the advantage by virtue of the authority which emerges from the role of professional and the vulnerability which is automatically part of the role of client.
- (363) "Practical Work Experience" means experience gained while employed or self-employed providing legal massage/bodywork to the public within the last five (5) years, in another state or jurisdiction.
- (374) "Practice of massage" is defined in ORS 687.011.
- (385) "Professional authority" means the power inherent in the professional role and which is derived from a combination of an LMT's specialized or expert knowledge, societal expectations, stated and unstated client expectations, and an LMT's personal power.
- (396) "Professional relationship" means the relationship established when a LMT contracts with a client, verbally or in writing, to provide any service associated with the practice of massage or bodywork.

- ~~(4037)~~ "Professional role" means assuming the demands and responsibilities of professional authority by taking charge of the conditions which create and maintain client safety and trust in the professional-client relationship.
- ~~(4138)~~ "Scope" means the range and attributes of the Goods or Services described in the applicable Solicitation Document, or if no Solicitation Document, in the Contract.
- ~~(4239)~~ "Solicitation Document" means an Invitation to Bid, Request for Proposal or other document issued to invite Offers from prospective Contractors.
- ~~(4340)~~ "Specification" means any description of the physical or functional characteristics or of the nature of Goods or Services, including any requirement for inspecting, testing or preparing Goods or Services for delivery and the quantities of materials to be furnished under a Contract. Specifications generally will state the result to be obtained.
- (44) "Split Fee" means giving or receiving a commission or payment, either monetary or otherwise, for the referral of patients.
- (45) "Successful Completion" means the written receipt of credit from classes taken at a community college or university or the written receipt of a certificate from a program or private career school.
- (46) "Written" or "Writing" means conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words. It also includes electronic transmissions or facsimile documents when required by applicable law or permitted by a Solicitation Document or Contract.

Stat. Auth.: ORS 687.011 & 687.121

Stats. Implemented: ORS 687.011

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 2-2011, f. 6-29-11, cert. ef. 7-1-11; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

## MESSAGE LICENSING

### 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/or~~ any electronic fingerprint records must subsequently be destroyed by the Oregon Department of State Police.
  - (a) The Board requires completed fingerprint cards **or any submitted electronic fingerprint** 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.

Stat. Auth.: ORS 687, 676

Stats. Implemented: ORS 181, 183, 687.041, 687.051, 687.081, 670.280

Hist.: BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

**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;
  - (c) \$150 per biennial renewal for active license;
  - (d) \$50 per biennial renewal for inactive license;
  - (e) \$25 per week, up to a maximum of ~~\$250~~ **\$100**, for any late renewal;
  - (f) \$50 for exam/endorsement application processing;
  - (g) \$150 for each practical examination;
  - (h) \$100 for mailing list;
  - (i) \$10 for license reprint;
  - (j) \$10 for license verification;

- (k) \$250 Credentialing Review;
  - (l) Current Oregon State Police Criminal Background Check Fee;
  - (m) \$50 initial facility permit;
  - (n) \$250 facility permit transfer;
  - (o) \$10 facility permit reprint and
  - (p) 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.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1986, f. & ef. 1-29-86; MTB 1-1989(Temp), f. & cert. ef. 7-27-89; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92 (and corrected 8-6-92); BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 4-2004, f. 10-22-04, cert. ef. 1-1-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 3-2010, f. 12-22-10, cert. ef. 1-1-11; BMT 1-2011, f. & cert. ef. 4-21-11; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

## SANITATION, FACILITY AND BUILDING REQUIREMENTS

### 334-020-0005

#### Facilities and Sanitation

- (1) Permanent and Mobile structures:
- (a) All permanent structures and mobile facilities where a LMT routinely conducts massage and bodywork must:
    - (A) Be established and maintained in accordance with all local, state and federal laws, rules & regulations;
    - (B) Obtain a facility permit to operate;
      - (i) notify the Board office in writing, within 30 days of relocating the facility;
      - (ii) keep posted and visible to the public, the facility permit with the correct location address;
    - (C) Facilities exempted from the permit process:
      - (i) clinic or facility owned or operated by a person authorized to practice a profession by a health professional regulatory board, as defined in ORS 676.160;
      - (ii) a career school licensed under ORS 345.010 to 345.450; and
      - (iii) clinics of a board approved massage therapy program.
    - (D) Provide a finished lavatory that
      - (i) Is well maintained,
      - (ii) Provides a system for sanitary disposal of waste products,
      - (iii) Is capable of being fully closed and locked from the inside,
      - (iv) Supplies hot and cold running water,
      - (v) Is supplied with liquid soap and single use towels,
      - (vi) Is supplied with toilet paper at each toilet, and
      - ~~(vii) Has a sign prominently displayed encouraging hand washing;~~
    - (E) Dispose of refuse sewage in a manner described by local and state law; and
    - (F) Follow applicable laws pertaining to public spas, pools, baths and showers.
  - (b) All treatment spaces must:
    - (A) Provide for client privacy, both in-house and on-site;
    - (B) Be designated as used only for massage at the time of services;
    - (C) Provide for sufficient heating, cooling and ventilation for client comfort; and
    - (D) Provide illumination during cleaning.
  - (c) The facility and treatment space must be:
    - (A) Cleaned regularly and kept free of clutter, garbage or rubbish;

- (B) Maintained in a sanitary manner; and
- (C) Maintained free from flies, insects, rodents and all other types of pests.
- (2) Outcall/On-site
  - (a) Any temporary location where the LMT conducts massage and bodywork, the LMT must provide and utilize:
    - (A) Safe, sanitized and well-maintained equipment, tools and preparations;
    - (B) Sanitary linen practices; and
    - (C) Client privacy practices.

Stat. Auth.: ORS 687.121 Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121 Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0012; MTB 2-1985, f. & ef. 1-23-85; MTB 1-1986, f. & ef. 1-29-86; Renumbered from 334-010-0030; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

## COMPLIANTS AND DISCIPLINE

### 334-040-0010

#### Discipline

The Board may deny, conditionally grant, restrict, suspend or revoke a license or permit, impose probation, reprimand, censure, impose remedial education or corrective actions, and/or impose a civil penalty for any of the following reasons:

- (1) Practicing massage or representing one's self as a massage therapist without a current active license issued by the Board;
- (2) Knowingly or recklessly making any false statement to the Board;
- (3) Has been the subject of disciplinary action as a licensed healthcare professional by this or any other state or territory of the United States or by a foreign country and the Board determines that the cause of the disciplinary action would be a violation under ORS 687.011 to 687.250, 687.895 and 687.991 or OAR Chapter 334;
- (4) Suspension or revocation of a license to practice massage in another jurisdiction based upon acts by the licensee similar to acts described in this section;
- (5) Knowingly or recklessly falsifying an application or continuing education statement or documentation;
- (6) Conviction of a crime in any state or jurisdiction;
- (7) The use of false, deceptive, or misleading advertising, which includes but is not limited to, advertising massage using the term "massage" or any other term that implies a massage technique or method in any private or public communication or publication by a person licensed or not licensed by the Board as a massage therapist;
- (8) Allowing the use of a license by an unlicensed person;
- (9) Presenting as one's own license, the license of another;
- (10) Practicing massage under a false or assumed name without notification to the Board;
- (11) Impersonating another massage therapist;
- (12) Assisting, employing, or permitting an unlicensed person to practice massage;
- (13) Practicing or purporting to practice massage when the license has been revoked or suspended, lapsed or inactive;
- (14) Practicing or offering to practice massage beyond the scope permitted by law;
- (15) The use of intoxicants, drugs, controlled substances, or mind altering substances to such an extent as to impair or potentially impair the licensee's abilities to perform professional duties in a safe manner;
- (16) Practicing massage with a physical or mental impairment that renders the therapist unable or potentially unable to safely conduct the practice of massage;
- (17) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition as required by rules of the Board;
- (18) Refusing to permit the Board or its representatives to inspect the business premises of the licensee during regular business hours;
- (19) Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to:
  - (a) Failure to furnish any requested papers or documents,
  - (b) Failure to provide in writing a full and complete explanation covering the matter contained in the complaint filed with the Board,
  - (c) Failure to respond to subpoenas issued by the Board whether or not the recipient is accused in the proceeding;

- (20) Failing to comply with an order issued by the Board;
- (21) Failure to obtain the required permits for facilities or in violation of OAR 334-010-0010.
- (22) Failure to report to the Board information that a licensee has engaged in prohibited or unprofessional conduct as required in ORS 676.150.
- (23) Unprofessional or dishonorable conduct which includes but is not limited to:
- (a) Any conduct involving inappropriate physical contact or sexual misconduct which includes:
- (A) Sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465;
- (B) 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:
- (i) Sexual intercourse;
- (ii) Genital to genital contact;
- (iii) Oral to genital contact; oral to anal contact;
- (iv) 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; or
- (v) Encouraging the client to masturbate in the presence of the LMT or masturbation by the LMT while the client is present.
- (C) 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,
- (i) Disrobing or draping practices that reflect a lack of respect for the client's privacy, deliberately watching a client dress or undress instead of providing privacy for disrobing;
- (ii) Subjecting a client to an examination in the presence of students, assistants, or other parties without the explicit consent of the client or when consent has been withdrawn;
- (iii) An examination or touching of genitals;
- (iv) Inappropriate comments about or to the client, including but not limited to, making sexual comments about a client's body or clothing, making sexualized or sexually-demeaning comments to a client, comments on the client's or LMT's sexual orientation and making a request to date;
- (v) Initiation by the LMT of conversation regarding the sexual problems, preferences or fantasies of the LMT; or
- (vi) Kissing.
- (b) Violating the client's rights of privacy, and confidentiality.
- (c) photographing or filming the body or any body part or pose of a client without consent.**
- (de)** Failure to disclose or release information about a client if required by law or on written consent of client.
- (ed)** Intentionally harassing, abusing, or intimidating a client either physically or verbally.
- (fe)** Any conduct or practice which could endanger the health or safety of a client or the public.
- (gf)** Any conduct or practice which impairs the massage therapist's ability to safely and skillfully practice massage.
- (hg)** Exercising undue influence on a client, including promotion or sale of services, goods, or appliances in such a manner as to exploit the client for the financial gain or self-gratification of the massage therapist.
- (ih)** Routinely practicing in an incompetent manner.
- (ji)** Conduct which would also constitute a violation of the Oregon Unlawful Trade Practices Act.
- (kj)** Practicing a modality or technique without adequate training or licensure.

Stat. Auth.: ORS 687.081 & 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; Sections (6) - (20)(h) Renumbered from 334-030-0020; BMT 2-1998, f. & cert. ef. 7-22-98; Renumbered from 334-030-0025 by BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

**Foster-Wexler** moved that the board accept the proposed rules changes. Second the motion: **Rothenberger**. **In favor: Calise, Chen, Fredrickson, Foster-Wexler, and Rothenberger**, **Grossart** recused himself from voting. **Opposed: None.**  
**Motion carries.**

Proposed Rules to go into effect July 1, 2015

- 334-001-0060 Definitions

- 334-010-0018 Criminal Background Check, Fitness Determinations
- 334-010-0033 Fees
- 344-040-0010 Discipline
- 334-020-0005 Sanitation

## 5) Board Business

### a) Correspondence – Coffey shared details of correspondence received at the Board office.

- **Letter to the Board by Edmonds** expressed her concerns in regards to the possibility of changes to the Continuing Education requirements, requiring CE providers to register before they can qualify to give CE courses. Edmonds does not consider it necessary to take Ethics and Communication and believes that her time and money would be more effectively utilized in studies that support her growing tool box of techniques for working with her clients. Edmonds recommended that instead of requiring Ethics and Communication as contact hours, perhaps it could effectively be obtain as noncontact hours and does not find it necessary to increase the contact hours from what it is now.
- **Letter to the Board from the Governor's Office** approving the Board's affirmative action plan.
- **Letter to the Board from Zenith** education group informing the Board on change of ownership from Everest to Zenith.
- **Letter to the Board by McCullough** expressed that she does not consider it necessary to take Ethics and Communications course for Continuing Education as this course were and integral part of her required training. **McCullough** believes that only those who have been out of compliance should be required to take Ethics and Communication as well as new LMTs at their first year of renewal. **McCullough** also finds difficulty with the possible need to require CE providers to be registered with the board before their classes would be considered legitimate CE courses. **McCullough** believes this requirement would limit the choices of trainings. **McCullough** recommend that perhaps the board should have a list of requirements for a CE provider and training so that there is more clarity about what is and isn't legitimate.
- **Letter to the Board by Phillips** expressing concerns with the up-coming changes to the Continuing Education requirement that will be voted on in March requiring more Ethics and Communication is not necessary as this was an integral part of LMT courses. **Phillips** feels that this should still be considered a non-contact CE option. **Phillips** noted that it is important for the board to ensure that all LMTs are on the same page when it comes to Ethics and Communication issues. The board should only require those who are found to have ventured out of compliance with legal regulations, should be required to take extra Ethics and Communication contact hours, rather than all of the LMT being subjected to retake them.
- **Letter to the Board by Pruitt** noted that she has been a massage therapist in Oregon for 19 years and does not find it necessary to take Ethics and Communications courses as part of continuing education every two years. **Pruitt** noted that it would behoove the board to ensure that schools offers and require Ethics and Communication. Perhaps require new LMT as part of their first CE requirement to take Ethics and Communication. **Pruitt** is also concerned with the proposed CE changes that require CE providers to register with the board before offering CE courses. **Pruitt** believes that having this requirement is unrealistic, time consuming and ineffective.
- **Letter to the Board by Lintner** expressing that, she does not believe that Oregon should exclude LMTs from the National community of massage therapists.

- **Letter to the Board by Zeigler** believes that even though the licensure in Oregon is very difficult, and even though the high standards are very good as it drives the wages for massage therapist up, it comes at the expense of those who cannot pass the practical exam for one reason or another. A solution to this problem would be for the board to look at the possibility of Multi-tiered approach to licensure.

The board agreed that the Board Chair should contact Mr. **Zeigler** to thank him for his input.

**BOARDerline Topics – Coffey** updated the Board on the BOARDerline topics. Marijuana and impairment (**Ruark** will write an article clarifying the rules on the matter of practicing while impaired), Office move, Legislative update, New Rules effective July 1, 2015 and Clarify interactive distance learning. The board requested two additional articles 1) Board Responsibilities – Grossart; 2) New board member introduction – Meng Chen.

#### 6) **Public Comments** – Opportunity for the public to address the Board

Public present:

**Eric Polgar informed the Board** that he is attending the Board meeting today, to introduce himself to the board as the new Massage Therapy Program Director of University of Western States.

**Schneider (11425) noted that she** has been practicing massage for 28 years. Of the 28 years, 10 years has been in Oregon. She is here to talk about the proposed CE rules changes especially, Ethics requirement, provider registration with the board before teaching CEs and the concept of distance learning. **Schneider** noted that the State of Idaho requires 4 hours of ethics per renewal period as well as the State of Washington and New Mexico required only 1 hour of Ethics per renewal period. **Schneider** noted that the CE requirement is going to be costly to LMTs if the additional requirement of contact hours is approved. **Schneider** noted that there will always be people out of compliance but the rest of the LMTs should not be penalized for that. **Schneider** added that the concept of distance learning needs to be clarified.

**Fredrickson** noted that the board has no oversight over the schools. **Fredrickson** also added that currently, there is no statutory requirement for schools to teach specific hours of Ethics.

**Ravent** questioned the recommendation from the Insurance Task Force regarding recommendation of products.

The board discussed the matter on recommending products to clients and clarified the intent of the Insurance Task Force.

**Rothenberger moved** to take a short break; Second the motion: **Calise**. In favor: **Calise, Chen, Fredrickson, Foster-Wexler, Grossart, McMillin and Rothenberger**. Opposed: **None**. Motion carries.

**Fredrickson** thanked and excused the members of the public.

**Fredrickson called** the board into Executive Session at 11:12am.

#### EXECUTIVE SESSION

The Board may enter into Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection, ORS 192.501(4) to review test questions, scoring keys and other data used to administer a licensing examination, ORS 192.660(2)(h) consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed, ORS 192.660(2)(k) to consider information obtained as part of an investigation of a licensee or applicant by a health professional regulatory Board and ORS 192.660(2)(i) To review and evaluate the job performance of

the Executive Director or staff. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.

1. **Executive Session**  
a. **Compliance (192.660(2)(k))**

The Board returned to Public Session at 2:23pm.

2. **Action on Executive Session Items**

**Compliance Cases**

- i. **Case 945 – Foster-Wexler moved** to accept the Stipulated Agreement and Final Order negotiated by the ED. **Second the motion: Calise. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries**
- ii. **Case 1515 – Grossart moved** to accept the Stipulated Agreement and Final Order negotiated by the ED. **Second the motion: Chen. In favor: Calise, Chen, Foster-Wexler, Fredrickson, Grossart and Rothenberger. Opposed: None. Motion carries.**
- iii. **Case 1557 – Calise moved** to accept the Stipulated Agreement and Final Order negotiated by the ED. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- iv. **Case 1577 – Calise moved** to rescind the previous order. **Second the motion: Grossart. In favor: Calise, Chen, Foster-Wexler, Fredrickson, Grossart and Rothenberger. Opposed: None. Motion carries.**
- v. **Case 1600 – Foster-Wexler moved** to accept the order issued by the office of Administrative hearings. **Second the motion: Calise. In favor: Calise, Foster-Wexler, Fredrickson, Grossart and Rothenberger. Chen** recused herself from voting. **Opposed: None. Motion carries.**
- vi. **Case 1698 – Calise moved** to accept the Stipulated Agreement and Final Order negotiated by the Department of Justice. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- vii. **Case 1710 – Rothenberger moved** to accept the Stipulated Agreement and Final Order negotiated by the ED. **Second the motion: Calise. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- viii. **Case 1717 – Rothenberger moved** to issue a letter of concerns. **Second the motion: Foster-Wexler. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- ix. **Case 1731 – Calise moved** to issue a Notice of Proposed Action for: One violation of ORS 687.081(10)(a)(j) engages in Professional Misconduct and Has violated a rule of the Board and; One violation each of OAR334-040-0010(23)(a)(B)(i)(ii)(v)(vi) engages in unprofessional or dishonorable conduct. For a total civil penalty of \$5000 and to revoke licensee's Massage Therapist License. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- x. **Case 1733 – Foster-Wexler moved** to issue a Notice of Proposed Action for: One violation of 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. For a total civil penalty of \$1000 and a minimum of 60 day suspension of Licensee's Massage Therapist License with the need to take an Ethics class approved by the board. **Second the motion: Calise. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xi. **Case 1735 – Grossart moved** to accept the Stipulated Agreement and Final Order negotiated by the ED. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xii. **Case 1736 – Foster-wexler moved** to Issue a Notice of Proposed Action for: one violations of ORS 687.021(1)(a) practicing massage without a massage therapists license for a total civil penalty of \$1000 and refer to the chiropractic

board. **Second the motion: Grossart. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

- xiii. **Case 1743 – Calise moved** to issue a Notice of Proposed Action for: Two violations of ORS 687.021 (1)(a) for practicing massage without a massage therapists license for a total civil penalty of \$2000 and refer to the board of cosmetology. **Second the motion: Chen. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger, Fredrickson. Opposed: None. Motion carries.**
- xiv. **Case 1744 – Foster-Wexler moved** to issue a Notice of Proposed Action for: One violation of ORS 687.021(1) (a) practicing massage without a massage therapists license, and; One violation of ORS 687.021 (a)(c) advertising for massage without a massage therapists license for a total civil penalty of \$2000. **Second the motion: Calise. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xv. **Case 1747 – Grossart moved** to Issue a Notice of Proposed Action for: One violation of ORS 687.021(1)(a) purporting to practice massage without a massage therapists license and: One violation of ORS 687.021(1)(c) advertising for massage without a massage therapists license for a total civil penalty of \$2000 **Second the motion: Foster-Wexler. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xvi. **Case 1751 – Calise moved** to issue a Notice of Proposed Action for; One violation of ORS 687.021 (1)(a) purporting to practice without a massage therapists license and One violation of ORS 687.021 (1)(c) advertising for massage without a massage therapists license for a total civil penalty of \$2000. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xvii. **Case 1752 – Calise moved** to Issue a Notice of Proposed Action for: One violation of ORS 687.021(1)(a)purporting to practice massage without a massage therapists license, and; One violation of ORS 687.021(1)(c) advertising for massage without a massage therapists license for a total civil penalty of \$2000. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger. Fredrickson** recused himself from voting. **Opposed: None. Motion carries.**
- xviii. **Case 1754 – Foster-Wexler moved** to Issue a Notice of Proposed Action for: One violation of ORS 687.021 (1)(a) Purporting to practice massage without a massage therapists license, and; One violation of ORS 687.021 (1)(c) advertising for massage without a massage therapists license for a total civil penalty of \$2000. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Rothenberger and Fredrickson. Grossart** recused himself from voting. **Opposed: None. Motion carries.**
- xix. **Case 1755 – Grossart moved** to Issue a Notice of Proposed Action for: One violation of ORS 687.021 (1)(a) purporting to practice massage without a massage therapists license, and; One violation of ORS 687.021 (1)(c) advertising for massage without a massage therapists license for a total civil penalty of \$2000. **Second the motion: Calise. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xx. **Case 1756 – Calise moved** to Issue the massage license with no restrictions. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxi. **Case 1757 – Calise moved** to Issue a Notice of Proposed Action for: One violation of ORS 687.021 (1)(b) Operate a massage facility without a permit; and One violation of OAR 334-040-0010 (12) assisting, employing, or permitting an unlicensed person to practice massage for a total civil penalty of \$2000. **Second the motion: Grossart. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxii. **Case 1753 – Rothenberger moved** to issue the license with no stipulations. **Second the motion: Calise. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxiii. **Case 1749 – Grossart moved** to Issue the license with no stipulations **Second the motion: Chen. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxiv. **Case 1763 – Rothenberger moved** to Issue the license with no stipulations. **Second the motion: Foster-Wexler. In favor: Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Calise** Recused herself from voting. **Opposed: None. Motion carries.**
- xxv. **Case 1727 – Calise moved** to accept the Stipulated Agreement and Final Order negotiated by the AAG. **Second the motion: Chen. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxvi. **Case 1737 – Calise moved** to accept the voluntary surrender of the Massage Therapist’s License. **Second the**

**motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

- xxvii. Case 1758 – Calise moved** to Issue a Notice of Proposed Action for; One violation of ORS 687.021 (1)(b) Operate a massage facility without a permit; and One violation of OAR 334-040-0010 (12) assisting, employing, or permitting an unlicensed person to practice massage for a total civil penalty of \$2000. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxviii. Case 1764 – Calise moved** to Issue a Notice of Proposed Action for; One violation of OAR 334-040-0010 (19)(a) failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to; (a) failure to furnish any requested papers or documents. For a total civil penalty of \$1000, and; Suspend the massage license until compliance is met. **Second the motion: Rothenberger. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xxix. Case 1741 – Foster-Wexler move** to accept stipulated agreement and Final Order by the Compliance Manager. **Second the motion: Grossart. In favor: Calise, Chen, Foster-Wexler, Grossart and Rothenberger; Fredrickson** Recused himself from the vote. **Opposed: None. Motion carries.**
- xxx. Executive Session Closed Case Report– Foster-Wexler** moved to accept the executive session closed case dated March 9, 2015 containing cases as submitted in Exhibit 1. **Second the motion: Calise. In favor: Calise Chen, Foster-Wexler, Grossart, Rothenberger.**

**xxxi. Case No. 1718**

**Allegation:** Unlicensed Practice/Sanitation

**Closed:** Letter of Concern

**xxxii. Case No. 1740**

**Allegation:** Unlicensed Practice/Unlicensed Advertising

**Closed:** Respondent Unreachable

**xxxiii. Case No. 1748**

**Allegation:** Abuse of Alcohol/Drugs/Conviction of a Crime

**Closed:** Duplicate Case

**3. Public Compliance Action**

- a) Public Session Closed Case Report – Calise** moved to accept the executive session closed case dated March 9, 2015 submitted in Exhibit 2 consisting of 5 pages. **Second the motion: Foster-Wexler. In favor: Calise, Chen, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

**Case No. 1714**

**Allegation:** Failure to disclose information on application

**Closed:** Civil Penalty Assessed

**Case No. 1694**

**Allegation:** Unlicensed Practice

**Closed:** Civil Penalty Assessed

**Case No. 1724**

**Allegation:** Unlicensed Practice

**Closed:** Civil Penalty Assessed

**Case No. 1730**

**Allegation:** Unlicensed practice

**Closed:** Civil Penalty Assessed and Paid

**Case No. 1685**

**Allegation:** Unlicensed Practice/Conviction of a Crime

**Closed:** Final Default Order

**Case No. 1713**

**Allegation:** Unlicensed Practice/ Failure to Obtain a Facility Permit

**Closed:** Final Default Order

**Case No. 1705**

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**Allegation:** Unprofessional/Dishonorable Conduct/Sexual Abuse of a Client **Closed:** Revoked**Case No. 1726**

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**Allegation:** Abuse of Alcohol/Drugs/Conviction of a Crime **Closed:** Stipulated Agreement

**Public Forum** – Opportunity to share thoughts that pertain to agenda items – There were no members of the public present.

**4. Announcements**

Next meeting will be on May 29-30, 2015 in Hood River, Oregon.

At the May board meeting in Hood River, the board will be discussing and updating the board strategic plan.

**Grossart** inquired if the Board should only be using the netbooks provided by the board for board business or could they continue to utilize personal computers. There was a discussion and the decision was to create a board policy that will be reviewed at the May board meeting.

**12) Adjourn Meeting – Calise moved** to adjourn the meeting. **Second the motion: Rothenberger.** In favor: **Calise, Chen, Foster-Wexler, Grossart, Rothenberger** and **Fredrickson.** Opposed: **None. Motion carries.**

The meeting was adjourned at 3:19 pm.