



# Oregon Board of Massage Therapists

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## BOARD MEETING MINUTES

January 8, 2002

Roth's Conference Center  
West Salem, Oregon 97304

### Attendance

#### Board Members:

Lisa Oxman, L.M.T., Chair  
Judy Basker  
Michael Jordan, L.M.T.

Jacqueline Kern  
Stephanie Manriquez, L.M.T.  
(via telephone)

**Staff:** Bev Holzman, Executive Director  
Michelle Sherman, Office Manager

#### Public:

Lisa Barck-Garafalo; OSM  
Beth Welton-Miller; OSM

Nicholas Chrones; LCC

Oxman announced that pursuant to ORS 192.660 (1)(f) and ORS 192.660 (1)(h) the Oregon Board of Massage Therapists will now meet in Executive Session for the purpose of considering records that are exempt by law from public inspection. These records are relevant to test questions, scoring keys, and other examination data used to administer the qualifying examinations and consultation with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. 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 the Executive Session the Board will return to open meeting and welcome the audience back into the room. The Executive Session convened at 10:10 am and ended at 12:18 pm.

- 1) Executive Session  
Lunch
- 2) Call to order  
Oxman called the meeting to order at 1:00 PM
- 3) Approve Agenda  
**Kern moved** to approve the agenda as written. **The motion carried.**
- 4) Approve September 5, 2001, October 10, 2001, November 2, 2001, and November 19, 2001 Board meeting minutes. **Jordan moved** to approve the minutes as written. **The motion carried.**

5) Public Forum

Chrones : He asked the Board to consider allowing examinees to take the practical exam before the written. His reasons for requesting the change: it works better logistically and will help students meet practical exam deadlines. This will require a rule change. Holzman will work on the wording for a rule change. A temporary rule could be put into place to become effective immediately. **Jordan moved** for Holzman to write a proposed rule change to OAR 334-010-0010(5) to exclude the requirement to take the written exam before practical. **The motion carried. Jordan moved** to impose a temporary rule to allow a person to take a practical before the written effective immediately. **The motion carried.**

6) Report of Executive Director (report attached)

a) Correspondence

No report available.

b) Financial Statement

Holzman stated the deficit in the profit/loss statement is due to the lack of income over expenses. This will continue to be the case until renewals begin in December 2002. Oxman will check with Frostad to see if he is still willing to serve as financial officer. Manriquez will serve as financial officer if Frostad is unable to.

c) House Hunting

This has become more of a challenge than first realized. It is difficult to find a house that will suit the Board's unique needs that is affordable. Holzman will meet with the real estate agent to discuss commercial properties that might be available. The market for purchasing real estate is very good at this time.

d) National Practitioners Database

Holzman asked for clarification on the information the Board was looking for. Jordan stated previously the Board received information about "joining" the database but couldn't because the requested information was in conflict with the confidentiality laws regarding investigations. Holzman will do some more checking and bring information to the March board meeting.

e) Survey on types of phone calls received in the office

Jordan recommended bringing this back for discussion at the May meeting and see if the board wanted to continue to do this.

Holzman mentioned the new website is up and running and greatly improved. There are still a few updates to be made and the site doesn't have the capability to look up an LMT yet, but will in the future. The website address is [www.oregonmassage.org](http://www.oregonmassage.org).

7) Committee Reports

a) Examination Committee – Chair: Jacqueline McCal

Brief report and comparison of OBMT written exam and NCBTMB written exam attached.

b) Education Committee – Chair: Lisa Barck-Garofalo

Report attached. Regarding a proposed model curriculum: Barck-Garofalo opened the discussion. Does the board find this information useful? Is it something to send out to the schools and others for comment? Jordan: Where are the other schools as far as going to a model curriculum? Barck-Garofalo said previously the energy was so focused on the NCBTMB exam that the schools weren't interested in addressing the model curriculum at the time. The curriculum was created based on information in the OAR and the Occupational Analysis (OA). Oxman re-addressed the reason for a model curriculum-it was to work with the Department of Education (DOE). Currently, the department reviews schools for state licensing with DOE; the intent was for DOE to look at a massage school's program to see if it meets the model curriculum recommended by the board. Oxman stated the document might be difficult to relate back to the OA and the OAR and the purpose of the document isn't clear. Jordan questioned if it would be difficult for other schools to meet the curriculum? Barck-Garofalo stated the intent was for the curriculum to be a guideline, not an administrative rule. Chrones says for his school (LCC) the document would not affect the school negatively but he is not sure how the DOE will interpret and use the document. Oxman, Barck-Garofalo and Jordan also expressed concern with how DOE would use the document. Perhaps now the board should take the

proposed curriculum to DOE and discuss how that department will use it. Oxman asked how does the board want to proceed at this time in regard to this document? Jordan recommended the Board invite Lindley to attend a board meeting to discuss the issue and answer questions. The decision was made to invite Lindley to attend the March meeting and place this on the agenda under "Old Business". If Lindley is not available for March, Holzman will see if he can come to the May meeting.

RE: CEU portion and recommended rule changes:

Oxman read through the proposed changes item by item –

Discussion followed with recommended changes. Holzman will bring the rule with proposed changes to the March meeting.

Jordan questioned if the board should change Oregon's CEU requirements to meet the NCBTMB's requirement of 12.5 per year (25 per biennium). Discussion followed. This will be placed on the agenda for the March meeting.

- 8) Action on Executive Session Matter(s).  
a) Law Enforcement Cases

**Case # 8-99-058** - Unlicensed practice of massage

**Jordan moved** to close the case with a code of C16, No Complaint. **The motion carried.**

**Case # 8-99-064** - Unlicensed practice of massage

**Kern moved** to withdraw Notice of Intent to assess a civil penalty and close the case C12; insufficient evidence. **The motion carried.**

**Case # 10-99-067** - Unlicensed practice of massage

**Kern moved** to withdraw Notice of Intent to assess a civil penalty and close the case C02; board lacks authority. **The motion carried.**

**Case # 12-99-071** - Unlicensed practice of massage

**Kern moved** to close the case C01, compliance met. **The motion carried.**

**Case # 1-00-073** - Unlicensed practice of massage

**Kern moved** to close the case C16; no complaint. **The motion carried.**

**Case # 1-00-074** - Unlicensed practice of massage

**Kern moved** to close the case with a code of C01; compliance met. **The motion carried.**

**Case # 5-00-084** - Unlicensed practice of massage

**Kern moved** to withdraw Notice of Intent to assess a civil penalty and close the case C02; board lacks authority. Jordan abstained. **The motion carried.**

**Case # 3-01-101** - Unprofessional or dishonorable conduct

**Jordan moved** to close the case C03, allegations withdrawn and issue inactive license. **The motion carried.**

**Case # 5-01-108** - Unlicensed practice of massage

**Kern moved** to withdraw Notice of Intent to assess a civil penalty and close the case C04; allegations unfounded. Jordan abstained. **The motion carried.**

**Case # 3-01-115** - Unlicensed practice of massage

**Kern moved** to withdraw Notice of Intent to assess a civil penalty and close the case C02; board lacks authority. Jordan abstained. **The motion carried.**

**Case # 5-00-088** – review proposed agreement and advice from Board’s legal counsel. **Basker moved** to offer a counter proposal as follows: a two year suspension, 2 years probation and the other elements as stated in the proposal from licensee’s legal counsel. Jordan abstained. **The motion carried.**

**Case #6-01-123** – review proposed agreement from his attorney. **Basker moved** to offer a counter proposal as follows: six months probation and the other elements as stated in the proposal from licensee’s legal counsel. Jordan abstained. **The motion carried.**

**Case # 6-99-046** – review Final Default Order and determine length of suspension. **Jordan moved** to suspend license for one year through 2002 and maintain the other proposals as stated in the Final Default Order. **The motion carried.**

b. Exam Appeals

Applicant # 477 - **Jordan moved** to deny the appeal as it did not present clear and convincing evidence of error in the examination content or procedure, or bias, prejudice or discrimination in the examination process. **The motion carried.**

9) Public Comments

Barck-Garofalo asked how would the Board let people know about the temporary rule regarding the practical exam. Sherman stated the public would be notified as required by the Attorney General’s Administrative Law Manual and by notifying the schools. Sherman emphasized candidates will still need transcripts and all other required information to qualify.

10) Old Business

Questions presented to the Attorney General

RE: requirement for licensees to post their license and provide contact information for the Board should a person wish to file a complaint. **Jordan moved** for Holzman to bring proposed rule to March meeting – the rule to state the requirement to post a license and provide contact information for the Board office on the face of the license. **The motion carried.**

RE: Indorsement (health related) **Jordan moved** for Holzman to bring a proposed rule revision of OAR 334-010-0041(3) to the March meeting. The revision is to state a requirement of 300 hours of education as defined in OAR 334-010-0005(5)(b). **The motion carried.**

11) New Business

a) Discuss rule changes to take the practical exam before the written exam.

Already discussed in Public Forum; Agenda item 5.

b) Discuss indorsement applications for:

- i) Andrews: she took the Washington/NCBTMB exam but has not taken a practical exam. **Jordan moved** to accept her Washington license as fulfilling the requirement for the written exam and require her to take and pass the Oregon practical for licensure. **The motion carried.**
- ii) Genereaux: has taken written and practical in Canada. **Jordan moved** to accept her education and examinations as meeting the Board's requirements and to issue a license with no further examination. **The motion carried.**

12) Announcements

The next meeting is March 5, 2002.

13) Adjourn

The meeting adjourned at 3:15 pm.