



# Oregon Board of Massage Therapists

MORROW CRANE BUILDING SUITE 250 3218 Pringle RD SE Salem OR 97302  
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## BOARD MEETING MINUTES

Sunday, September 8, 2002

Eagle Crest  
1522 Cline Falls Rd  
Redmond, OR 97756

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### Attendance

#### Board Members:

Michael Jordan, L.M.T., Chair

Jacqueline Kern

Cathy Law

Stephanie Manriquez, L.M.T.

Brad Welker, D.C.

Oxman was excused from the meeting; Frostad did not attend.

#### Staff: Bev Holzman, Executive Director

Michelle Sherman, Office Manager

Jacqueline McCal, Administrative Assistant

#### Public:

Nick Chrones, LCC

Dana Mischel, AMTA

Patricia Edge Huff, Crystal Light Therapy

Andrea Shuman

Heather Hennen

Deby Grant-Bowman, C.O.C.C.

#### 1) Call to order

Jordan called the meeting to order at 9:00 A.M.

#### 2) Approve Agenda

**Manriquez moved** to approve the agenda as written. **The motion carried.**

#### 3) Public Forum - An opportunity for the public to address the Board and ask questions

Mischel: he had question on the proposed rule changes – were the proposed CEU requirements to be 12 hours or 25 hours? Jordan clarified the proposed rule change was to increase the CEU requirements from 12 to 25 hours per biennium.

#### 4) Approve July 25, 2002 Board meeting minutes

**Kern moved** to approve the minutes as written. **The motion carried.**

#### 5) Report of Executive Director

Holzman gave a brief review of her attached report and stated for the record that the Executive Director and staff will be responsible for the review of out-of-state indorsements and arrest records.

#### 6) Committee Reports

Exam Committee – Jacqueline McCal reported the committee is on task and has met the directives from the 2001 work session.

7) Action on Executive Session Matter(s)  
a) Law Enforcement Cases

Case No. 8-99-053

**Welker moved** to close the case C21; Unable to Locate. Jordan abstained. **The motion carried.**

Case No. 2-00-076

**Welker moved** to close the case C18; Stipulated Agreement and C14; Civil Penalty assessed and paid. Jordan abstained. **The motion carried.**

Case No. 4-00-081

**Kern moved** to withdraw the Notice of Intent, flag the file for possible disciplinary action should Respondent apply to renew her license and Close the Case C03; Allegations Withdrawn. Jordan abstained. **The motion carried.**

Case No. 1-01-105

**Law moved** to withdraw the Notice of Intent and Close the Case C03; Allegations Withdrawn. Jordan abstained. **The motion carried.**

Case No. 5-01-113

**Law moved to** close the case C12; Insufficient Evidence. Jordan abstained. **The motion carried.**

Case No. 1-02-140

**Manriquez moved** to issue a Notice of Intent to revoke Respondent's license, assess civil penalties of \$1000 for each violation of OAR 334-030-0025 19 (a) (A)(B)(C) and to assess Respondent with all the costs of this disciplinary proceeding, including attorneys fees. Jordan abstained. **The motion carried.**

Case No. 1-02-141

**Kern moved** to close the case C12; Insufficient Evidence. Jordan abstained. **The motion carried.**

Case No. 5-02-184

**Manriquez moved** to issue a Notice of Intent to assess a \$500 civil penalty for a first time violation of ORS 687.021 and suspend \$500 of the civil penalty if licensed within one year of the date of the Final Order. Jordan abstained. **The motion carried.**

Case No. 6-02-185

**Kern moved** to close the case C10; Insufficient Grounds. Jordan abstained. **The motion carried.**

Case No. 8-02-186

**Kern moved** to place Respondent's License in Emergency Suspension status pursuant to ORS 687.081(3); issue a Notice of Intent to Revoke Respondent's license and assess civil penalties of \$1000 for each violation of OAR 334-030-0025 19 (a) (A)(B)(C) and to assess Respondent with all the costs of this disciplinary proceeding, including attorneys fees. Jordan abstained. **The motion carried.**

Case No. 7-02-187

**Law moved** to issue a Notice of Intent to revoke Respondent's license, assess civil penalties of \$1000 for each violation of OAR 334-030-0025 19 (a) (A)(B)(C) and to assess Respondent with all the costs of this disciplinary proceeding, including attorneys fees. Jordan abstained. One opposed, three in favor. **The motion carried.**

Case No. 8-02-190

**Manriquez moved** to issue a Notice of Intent to assess a \$500 civil penalty for a first time violation of ORS 687.021 and suspend \$500 of the civil penalty if licensed within one year of the date of the Final

Order. Jordan abstained. **The motion carried.**

Proposed Settlement Agreements:

Case No. 4-00-080

**Welker moved** to deny Respondent's Proposed Settlement Agreement; to maintain the components of the Notice of Intent and to cease consideration of further counter proposals from the Respondent. Jordan abstained. **The motion carried.**

Case No. 4-02-143

**Kern moved** to approve Respondent's request to pay civil penalty in installments the full amount to be paid within one year of the date of the Final Order. Jordan abstained. **The motion carried.**

Case No. 7-01-133

**Welker moved** to issue an amended Notice of Intent to place the licensee on probation with supervision because of conduct that was outside the scope of practice and endangered the public safety, to assess a civil penalty of \$1000 each for violations of OAR 334-030-0025 (19) and to refer the case to the Board of Chiropractic Examiners. Jordan abstained. **The motion carried.**

Case No. 5-00-088

**Law moved** to deny Respondent's Proposed Settlement Agreement; to maintain the Board's counter proposed Settlement Agreement issued on May 22, 2002 and to cease consideration of further counter proposals from the Respondent and to refer the case to the applicable District Attorney's office. Jordan abstained. **The motion carried.**

8) Old Business

a) Board review of the Model Curriculum

**Manriquez moved** to adopt the curriculum with the following changes:

- Add a statement that model curriculum is representative of the entry-level competency requirements for the beginning massage and bodywork practitioner.
- In section B. [Be competent in the knowledge and skills of soft tissue manipulation and treatment] revise the Objectives of Soft tissue Manipulation as follows:
  1. Demonstrate competence in safe application of massage skills
  2. Understand the safe application of modalities, tools and mechanical aids that may be used.

The Model Curriculum will become effective September 1, 2003. **The motion carried.**

b) Discussion on allowing volunteering for hospice to count towards CEUs.

An LMT can get CEU credit for hospice training. The Board does not want to start a process of granting CEUs for doing volunteer work as opposed to CEUs for actual education. Therefore, serving as a hospice volunteer will not count towards CEU credit.

c) National Practitioners Database (NPD)

Jordan stated this material was presented for informational purposes. The National Practitioner Databank (NPD) and the Healthcare Integrity and Protection Databank (HIPDB) were created to combat fraud and abuse in the health insurance and health care delivery and to promote quality care. Federal Law requires the Board to provide disciplinary information to the databank. The Board may also access databank records for a fee of \$10 per applicant, per each databank; for a total of \$20 per query. Discussion followed on the costs involved—if the Board wanted to assess the fees to the applicant this could be done through a rule change. Holzman stated some of the staff would be attending LEADS training in October. She will bring additional information regarding the associated costs for the programs to the next meeting

9) New Business

a) Indorsement applicant – Yuanhuai He

He asked to address the Board in person and was not in attendance when the Board got to this part of the agenda, so his indorsement request was moved to the end of the agenda.

b) Indorsement applicant – Nancy Adams

Manriquez stated she felt the practical exam taken by Adams in 1986 was not comparable to the Oregon practical exam. **Manriquez moved** to accept Adams' transcripts, waive the written exam requirement and require her to take and pass the practical exam to become licensed in Oregon.

**The motion carried.**

c) Indorsement applicant – Lori Jewett

Manriquez stated she felt the Board developed practical exam administered by the school, taken by Jewett in August 2000, was not comparable to the Oregon practical exam. **Manriquez moved** to accept Jewett's transcripts, waive the written exam requirement and require her to take and pass the practical exam to become licensed in Oregon. **The motion carried.**

10) Public Comments

Patricia Edge / Crystal Light Therapy: Edge asked if the Board would consider separate licensing for energy work versus bodywork? Jordan responded that currently the Board has decided to not entertain separate licensing for separate modalities. Sometimes it is the application of the modality not the modality itself that comes under the definition of massage. At this point the Board will not be excluding modalities. Edge gave further information regarding her ability to teach her therapy but she cannot practice it here. Jordan invited her to apply for licensure through the Board and stated she could submit a proposal to the Board to consider her request to exclude her specific modality.

Andrea Shuman: Shuman asked if the Board plans to institute some consistency for the practical exam for those that come in from out of state? Jordan responded the Board is trying to get away from teaching to the practical exam but to focus on an examinee's entry-level skills. Shuman stated that when she took the exam in June 2002, she felt the examiners were not in complete understanding of what their duties were. Jordan invited her to send her written comments regarding the exam to the Board office. Holzman confirmed she had received written comments from Shuman and forwarded them on to the exam committee for review and consideration.

11) Announcements

Effective immediately, the Board will alternate executive session and public meetings on a monthly basis. Executive Session meetings will be followed by a brief public meeting for the purpose of voting on recommendations presented during the session.

Important dates:

October 24, 2002, 9:00 A.M. - Executive Session Meeting followed by brief public meeting to vote on Executive Session items.

November 7, 2002, 1:00 P.M. – Rules Hearing

November 8, 2002, 9:00 A.M. to 12:00 P.M. – Public Board Meeting

At approximately 9:45 A.M., the Board took a fifteen-minute break to allow time for Mr. Yuanhuai He to arrive. He planned to address the Board at 10:00 A.M. The Board re-convened at 10:00 A.M.; He was not in attendance.

12) Adjourn

**Kern moved** to adjourn at 10:08 A.M. **The motion carried.**

Mr. He arrived and Jordan re-convened the public meeting at 10:15 A.M. This was to allow He to present testimony regarding his request for licensure by indorsement. Jordan stated that although he is a Medical doctor and Acupuncturist in China, his transcripts and information do not indicate massage training or practice. There was discussion on He's experience and background; Jordan stated He might wish to consider obtaining a license to practice Acupuncture in Oregon. He would be allowed to provide massage therapy as a licensed Oregon Acupuncturist. **Manriquez moved** to deny He's application for indorsement. **The motion carried.**

**Manriquez moved** to adjourn at 10:36 A.M. **The motion carried.**

[Editors Note: The Board had a successful work session. Discussions included the effectiveness of the Board, review of the model curriculum and strategic planning.]