



# Oregon Board of Massage Therapists

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## BOARD MEETING MINUTES

Thursday, January 9, 2003

3218 Pringle Rd SE #250

Salem OR 97302

### Attendance

#### Board Members:

Michael Jordan, L.M.T., Chair

Jacqueline Kern

David Frostad, L.M.T.

Cathy Law

Stephanie Manriquez, L.M.T.

Lisa Oxman, L.M.T.

Brad Welker, D.C.

[Board members with the exception of Michael Jordan and Jacqueline Kern attended the meeting by telephone]

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

**Legal Representation:**  
Ryan Kahn, Assistant Attorney General

**Public:** There was no public in attendance.

#### 1) Call to order

Jordan called the Executive Session to order at 9:09 A.M.

Pursuant to ORS 192.660 (1)(f) and ORS 192.660 (1)(h) the Oregon Board of Massage Therapists met 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 are 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 returned to open meeting.

Jordan called the Public Meeting to order at 1:07 P.M.

#### 2) Action on Executive Session Matter(s)

##### a) Law Enforcement Cases

###### Case No. 7-99-052

Allegation: Unlicensed practice of or offer to practice massage. **Kern moved** to issue a Final Order of Default to assess civil penalties in the amount of \$2,000. **The motion carried.**

###### Case No. 5-00-087

Allegation: Unlicensed practice of or offer to practice massage. **Law moved** to issue an amended Final Order of Default to assess civil penalties in the amount of \$2,000. Jordan abstained. **The motion carried.**

Case No. 9-00-094

Allegation: Unlicensed practice of or offer to practice massage. **Law moved** to issue an amended Final Order of Default to assess civil penalties in the amount of \$2,000. Jordan abstained. **The motion carried.**

Case No. 6-01-116

Allegation: Unlicensed offer to practice massage. **Oxman moved** to accept the Proposed Settlement and issue a Final Order. **The motion carried.**

Case No. 6-01-120

Allegation: Unlicensed practice of or offer to practice massage. **Manriquez moved** to issue an amended Final Order of Default to assess civil penalties in the amount of \$3,000. Jordan abstained. **The motion carried.**

Case No. 6-01-122

Allegation: Unlicensed practice of or offer to practice massage. **Oxman moved** to ratify the Settlement Agreement and Final Order and to close this case with codes of C14, Civil Penalty Assessed and Paid and C22, Stipulated Agreement Met. Jordan abstained. **The motion carried.**

Case No. 6-01-123

Allegation: Unprofessional Conduct. **Kern moved** to end probation and close this case with codes of C14, Civil Penalty Assessed and Paid and C22, Stipulated Agreement Met. Jordan abstained. **The motion carried.**

Case No. 6-01-124

Allegation: Unlicensed practice of or offer to practice massage. **Oxman moved** to issue an amended Final Order of Default to assess civil penalties in the amount of \$1,000. Jordan abstained. **The motion carried.**

Case No. 7-01-133

Allegation: Work outside scope of practice. **Law moved** to ratify the Notice of Proposed Action issued on September 26, 2002. Oxman and Jordan abstained. **The motion carried.** **Law moved** to deny the December 12, 2002 Proposed Settlement Agreement. Oxman and Jordan abstained. **The motion carried.**

Case No. 5-02-155

Allegation: Unlicensed practice of or offer to practice massage. **Kern moved** to issue an Final Order of Default to assess civil penalties in the amount of \$1,000. Jordan abstained. **The motion carried.**

Case No. 8-02-186

Allegation: Unprofessional Conduct. **Manriquez moved** to ratify the Consent Order. Jordan abstained. **The motion carried.**

Case No. 7-02-187

Allegation: Unprofessional Conduct. Respondent's attorney petitioned the Board to allow deposition of the Complainant. **Oxman moved** to deny the request. **The motion carried.**

Case No. 4-02-147 – Robin Hauser

Allegation: Unlicensed practice of or offer to practice massage. **Oxman moved** to close the case, C21, Unable to Locate. Jordan abstained. **The motion carried.**

Case No. 2-02-182 – Jeff Ghazal

Allegation: Unlicensed practice of or offer to practice massage. **Kern moved** to issue a Notice of Proposed Action to assess a \$1000 civil penalty per violation of ORS 687.021 (1) & (2) 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. 6-02-189

Allegation: Work outside scope of practice. **Frostad moved** to issue a Notice of Proposed Action to censure licensee for practices that caused concern including but not limited to failure to obtain informed consent from the client. Jordan abstained. Law and Manriquez opposed. **The motion carried.**

Case No. 9-02-193 - Paul Caster

Allegation: Unlicensed practice of or offer to practice massage. **Oxman moved** to close the case, C21, Unable to Locate. **The motion carried.**

Case No. 10-02-194

Allegation: Unprofessional Conduct. **Frostad moved** to issue a Notice of Proposed Action to place Licensee on six-month probation and peer supervision, assess a civil penalties of \$1000 and to assess Respondent with the costs of this disciplinary proceeding. The civil penalty to be suspended if probationary items are completed within designated time frame. Jordan abstained. **The motion carried.**

Case No. 10-02-195

Allegation: Unprofessional Conduct. Complainant refused to cooperate. **Oxman moved** close the case, C16, No Complaint. **The motion carried.**

Case No. 10-02-197

Allegation: Unprofessional Conduct. **Frostad moved** to issue a Notice of Proposed Action to place Licensee on one year probation and peer supervision, assess civil penalties of \$1000 for two violations of OAR 334-030-0025 for a total of \$2000 and to assess Respondent with the costs of this disciplinary proceeding. Jordan abstained. **The motion carried.**

Case No. 10-02-198 – Carol Kestell

Allegation: Unlicensed practice of or offer to practice massage. Respondent was doing work as permitted under her license as a Registered Nurse. **Oxman moved** to close the case, C10, Insufficient Grounds. **The motion carried.**

3) Other Business:

**Oxman moved** to discuss the procedures relating to those who wish to file complaints anonymously to the February 13, 2003 board meeting. **The motion carried.**

**Kern moved** to adjourn the meeting at 1:33 P.M. **The motion carried.**