



Oregon Board of Massage Therapists

748 Hawthorne Ave NE, Salem OR 97301
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BOARD MEETING MINUTES
Thursday, November 13, 2003
748 Hawthorne Ave NE
Salem OR 97301

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 David Frostad, Cathy Law, and Brad Welker attended the meeting by telephone]

Investigator: Helen Bicart

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

Public: Patricia Glenn.

- 1) Call to order
Jordan called the Executive Meeting to Order at 9:03 A.M.
- 2) Approve the Agenda
Jordan asked to switch items 3 and 4 on the agenda.
Kern moved to approve the agenda as revised. **The motion carried.**

Jordan called the Executive Session to order at 9:05 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 9:30 A.M.

- 3) Executive Director Position
Welker moved to retain Holzman in the Executive Director position for six months with a salary adjustment. Holzman's employment will terminate on May 31, 2004. **The motion carried.**
Kern moved to offer the Executive Director position to Patricia Glenn. Glenn's initial date of employment will be June 1, 2004 at step 9. **The motion carried.** Glenn accepted the position.
Jordan called a return to Executive Session at 9:34 A.M.
Jordan called a return to Public Session at 10:15 A.M.

- 4) Action on Executive Session Matter(s)

a) Law Enforcement Cases

Case No. 5-00-086

Allegation: Engaged in practice that could endanger the health or safety of a client or the public. Respondent has offered to settle the case. **Oxman moved** to accept the Settlement Agreement and sign the Final Order. Jordan abstained. **The motion carried.**

Case No. 8-02-190

Allegation: Unlicensed practice of or offer to practice massage. Respondent did not request a hearing as required by service of the Notice to impose civil penalties. **Manriquez moved** to issue a Final Default Order. **The motion carried.**

Case No. 10-02-194

Allegation: Unprofessional Conduct. Respondent has offered to settle the case. **Law moved** to accept the Proposed Settlement Agreement. Oxman abstained. Jordan abstained. **The motion carried.**

Case No. 4-03-215

Allegation: Unprofessional Conduct. Respondent has offered to settle the case. **Manriquez moved** to offer a Proposed Settlement Agreement. Jordan abstained. **The motion carried.**

Case No. 7-03-221

Allegation: Engaged in practice that could endanger the health or safety of a client or the public. **Law moved** to issue a letter of concern with recommendations for additional training in client confidentiality and First Aid training. **The motion carried.**

The following cases were discussed and acted upon during Public Session:

Case No. 12-02-207; Luminara A

Allegation: Unlicensed practice of or offer to practice massage. **Oxman moved** to close the case C02, Board Lacks Authority. **The motion carried.**

Case No. 8-03-231; Michael Gates

Allegation: Unlicensed practice of or offer to practice massage. **Frostad moved** to issue a Notice of Proposed Action to assess a civil penalty in the amount of \$500 for the first violation and \$1000 each for two additional violations of ORS 687.021 (2), advertising to practice massage when unlicensed and to assess civil penalties in the amount of \$1000 for one violation of ORS 687.021 (1), practicing massage while unlicensed; for a total civil penalty assessment of \$3500, and to refer the case to the Washington Massage Licensing Board. **The motion carried.**

Case No. 8-03-224; Karuna Gatton

Allegation: Unlicensed practice of or offer to practice massage. **Frostad moved** to issue a Notice of Proposed Action to assess a civil penalty in the amount of \$500 for one first time violation of ORS 687.021 (2), advertising to practice massage when unlicensed and to assess civil penalties in the amount of \$1000 for one violation of ORS 687.021 (1), practicing massage while unlicensed; for a total civil penalty assessment of \$1500. **Oxman abstained. The motion carried.**

Case No. 7-03-226; Terah Womack

Allegation: Unlicensed practice of or offer to practice massage. **Frostad moved** to issue a Notice of Proposed Action to assess a civil penalty in the amount of \$500 for one first time violation of ORS 687.021 (2), advertising to practice massage when unlicensed and to assess civil penalties in the amount of \$1000 for one violation of ORS 687.021 (1), practicing massage while unlicensed; for a total civil penalty assessment of \$1500. **The motion carried.**

Case No. 7-03-227; Josh Watson

Allegation: Unlicensed practice of or offer to practice massage. **Frostad moved** to issue a Notice of Proposed Action to assess a civil penalty in the amount of \$500 for one first time violation of ORS 687.021 (2), advertising to practice massage when unlicensed; for a total civil penalty assessment of \$500. **The motion carried.**

Case No. 7-03-229; Ist Choice Entertainment

Allegation: Unlicensed practice of or offer to practice massage. **Kern moved** close the case, C12, Insufficient Evidence. **The motion carried.**

- 5) R. Pelletier request to waive written exam
Frostad moved to deny her request to waive the NCE written exam requirement. Those in favor: Frostad, Welker, Kern and Manriquez. Those opposed: Oxman and Law. **The motion carried.** Holzman was directed to provide Pelletier with information on how to apply for the NCE exam through the Non-Traditional Portfolio Review method.

Holzman asked to add the following two items for discussion:

- 6) Schedule meeting dates for 2004.
The Board agreed to scheduled meetings on the second Thursday of each month for the year of 2004, meetings to begin at 9:00 a.m. Meetings will alternate monthly between a public meeting and an executive session meeting. There will be no Board meetings scheduled for the month of December 2004. The first meeting will be a public meeting on January 8, 2004. This public meeting will be followed by a work session.
- 7) Administrative Rules Hearings
Holzman distributed a memo regarding generally accepted procedures for the process of Administrative Rules Hearings. For most agencies it is standard operating procedure for the Executive Director or other staff member to conduct a hearing without the presence of a board member. Also, the time for the public to sign-in to present testimony can be restricted; this prevents the necessity of a hearings officer remaining in place for a hearing when no one shows up to present testimony. The Board determined the need for board members to attend a hearing would be determined on a case-by-case basis. For the January 7, 2004 rules hearing, it was decided the Executive Director would serve as Presiding Officer.

Oxman moved to adjourn the meeting at 11:07 A.M. **The motion carried.**