



# Oregon Board of Massage Therapists

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BOARD MEETING MINUTES  
Thursday, March 11 2004

## Attendance

### Board Members:

Michael Jordan, L.M.T., Chair  
David Frostad, L.M.T.  
Jackie Kern

Cathy Law  
Lisa Oxman, L.M.T.  
Brad Welker, D.C.

Members Frostad and Welker attended by telephone. Manriquez was excused from the meeting. Patty Glenn, future Executive Director, attended by telephone.

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

### Public:

Janice Weitzer, LMT	Marie Levering, Caring Touch Fund	Jessica Schaffer, LMT
David Weitzer, LMT	Kassy Daggett, LMT / Six Rivers	Patrice Morency, LMT
Nicholas Chrones, LMT / LCC	Sheri Morelli, LMT / Six Rivers	Amber Paperfus
Jolie Griffin / OSM	DJ Fox, LMT / Six Rivers	
Jill Stanard, N.D. / OSM	Midge Murphy, J.D., Ph.D.	

- 1) Call to order  
Jordan called the public meeting to order at 9:06 AM.
- 2) Approve Agenda  
**Oxman moved** to approve the agenda as presented. **The motion carried.**
- 3) Public Forum - An opportunity for the public to address the Board and ask questions.  
David Weitzer: He addressed the Board regarding the new rule that CE providers must be Board approved. Weitzer stated he was not notified in advance that he would need to apply to be a CE provider. He asked if the Board had a retro-active process for those who have already taken his courses? He said he was never notified of the proposed rule hearing and questioned if the Board followed the state laws. He also asked for clarification on the Board's process for approving international CE courses, such as traveling to Thailand for training in Thai massage. Weitzer stated his comments also reflect the views of Janice Weitzer.

The following persons submitted public and written comments that were very similar to those expressed by Weitzer: Jessica Schaffer, LMT, Kassy Daggett, LMT, Patrice Morency, LMT, Midge Murphy, Amber Daperfus, DJ Fox, LMT, and Sherri Morelli, LMT. Holzman accepted for the record, the letters submitted by Daggett, Morency and Schaffer.

Holzman: stated and explained the Board followed public hearing laws for the proposed rule. The hearing Notice was in *the Boarderline*, posted in the Oregon Bulletin and mailed to interested parties as required by administrative rule. She also stated that no written comments were received regarding the proposed rule change.

Marie Levering, LMT, representing the Caring Touch Fund. This is a non-profit organization that provides massage for elderly and frail patients. They are hosting a fund raiser on April 24, 2004 in Portland and she invited everyone to attend. Levering distributed brochures regarding the function.

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Frostad: He announced that the Education Committee would be meeting Friday, March 12, 2004 at 11:30 a.m. at Oregon School of Massage (OSM) in Portland. That would provide a good opportunity for people to give input regarding the approval of CE providers.

Oxman: She encouraged people to attend the Education Committee meeting OSM. Interested people could also email or fax comments to the Board office; they would be forwarded to the Committee for consideration. Or comments could be emailed/ faxed directly to OSM as follows:

OSM@oregonschoolofmassage.com or fax 503-244-1815. Direct any correspondence to the attention of the Committee Chair, Lisa Garofalo

Weitzer: expressed his concerns on the Board's process of random on-site inspections.

- 4) Approve minutes of the February 12, 2004 Public Session and Executive Session meeting minutes. Holzman submitted the following change to the February 12, 2004 Public Session minutes: revise Patty Glenn's statement as follows: Patty Glenn: when she was a massage student in Washington, the requirement for LMTs to provide license numbers made a positive impact on the LMTs and the profession. **Oxman moved** to approve the Feb 12, 2004 minutes with the above stated revision. **The motion carried.**
- 5) Report of Executive Director
  - a) Financial Report  
Frostad stated everything appears to be in order.
  - b) Correspondence Report  
No comments.
- 6) Committee Reports  
Holzman stated the Education Committee reviewed the New Zealand practical exam and determined it is comparable to the standards and requirements of the Oregon practical exam.

Frostad left the meeting at 10:30 A.M.

- 7) Old Business
  - a) Jordan's report on his attendance at the February 21, 2004 AMTA-OR meeting  
Jordan stated he felt most questions were answered regarding the requirement that LMTs provide their license numbers in advertising; his written report is part of the record.
  - b) Reverse meeting times – Oxman.  
Oxman asked that the Board consider reversing the order of the executive session and work session scheduled for April 8, 2004. Discussion: Jordan stated work session could go on for a long time and therefore, limit the time for executive session. He also stated that changing the time now could be confusing for those who already received the meeting notice. Oxman: the work session agenda seems to be large for that meeting – there should be a cap on the time. Law stated a limit was already placed on the work session; it is not to go past 4:00 p.m. **Oxman moved** to start the day on April 8, 2004 with the work session – to be followed by exec session after the lunch hour. No discussion. One in favor. **The motion did not carry.** **Law moved** to start the work session no earlier than 10:30 A.M. Discussion. Oxman clarified that if the executive session is still in progress after 10:30 A.M., people would just have to wait until the work session was opened. **The motion carried.**
  - c) Delaying requirement for CE providers.  
**Oxman moved** to adopt a temporary rule as follows: **Effective January 1, 2005** [emphasis added], a continuing education class, seminar, workshop or institute that is not approved by an outside professional accrediting agency or the Oregon Department of Education, must be Board approved. This would be a revision to OAR 334-010-0050 (12). Sherman clarified that a temporary rule is only good for 180 days; after 180 days the Board would need to adopt a permanent rule. Discussion on temporary rule vs. permanent. **The motion carried.**  
**Oxman moved** to begin the process to make the temporary rule a permanent rule. **The motion carried.**  
**Oxman moved** to refer the process for approving international CE Providers to the Education

Committee. Discussion. Oxman: a new committee, not the board staff, should approve all CE Providers. Jordan: the board staff can easily approve some providers. Glenn: suggested an internal two-step approval process as follows: Step 1: The initial review. If a Provider is not approved go to Step 2: Refer to the Education Committee for additional review. Oxman **amended her motion** to state that all CE Providers not approved by the initial review and all international CE Providers are to be referred to the Education Committee for review and consideration. **The motion carried.**

Oxman asked the Education Committee to review the process of CE approval as it relates to OAR 334-010-0050 (12). Holzman verified the education committee meeting is open to the public.

8) New Business

- a) Consider submitting a legislative concept to change renewal dates  
Jordan presented the following concept:

Revise ORS 687.061 as follows:

Licenses issued under ORS 687.011 and 687.250, 687.895 and 687.991, shall on the date established by the Oregon Board of Massage Therapists pay a license fee, as determined by the board, for renewal of the license. A delinquent fee shall be paid if the renewal fee is not paid within the time frame, as determined by the board. Renewal of licenses may be made within three years after the date of expiration upon payment of the renewal fee for the license year plus the delinquent fee.

Discussion. Oxman suggests inserting: "...as determined by the Board **by administrative rule**..." Jordan asked Holzman to check with legal counsel to insure the concept is legally sufficient as proposed. Jordan presented the concept, with the added language, for approval. All were in favor. **The motion carried.** Holzman will proceed as advised by legal counsel

- b) Exam procedure: Allow examinees to go back to questions if there is time left  
Manriquez initially presented this item, Jordan opened the discussion. **Oxman moved** to allow examinees to go back to questions if time allows. Kern: Manriquez recommended that examinees can go back to "skipped" questions only. **Oxman amended the motion** to allow examinees to go back to skipped questions if time allows. **The motion carried.**

9) Public Comments

Daggett: stated there are ten people requesting an administrative rule hearing when the board submits a permanent rule change regarding approval of CE Providers. Holzman said those requests would have to be submitted at the time the hearing notice is sent; they would not be accepted prior to posting of the official hearing notice. Sherman also mentioned that the Board posts all proposed rule changes to the Oregon Bulletin. Those wishing to be on the Interested Persons List (regarding proposed rule changes) were directed to notify Sherman.

Chrones: regarding international CE Providers. Could the board consider creating a packet for the LMT to take with him/her when going overseas for CE credit? Jordan said this would be referred to The Scope of Practice Committee. Work sessions: Can the public get a work session agenda? Holzman will attach the agenda to the meeting minutes.

10) Announcements:

Holzman announced the next meeting, on April 8, 2004 is an Executive Session, followed by a work session.

Jordan closed the public meeting at 11:49 A.M.

Welker and Glenn left the meeting at 11:51.

11) Executive Session

Jordan opened the Executive Session at 11:52

Pursuant to ORS 192.660 the Oregon Board of Massage Therapists met in Executive Session for the purpose of considering records that are exempt by law from public inspection.

Jordan reconvened the Public session at 11:55

- a) Brief session to discuss a limited number of law cases

**Case 7/03/227:**

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. **Law moved** to issue a Final Default Order. **The motion carried.**

- b) Discuss changing the hire date of new Executive Director and procuring training services from the current Executive Director through a personal services contract.

**Law moved** to change Holzman's last date to May 16, 2004, change Glenn's hire date to May 17, 2004 and to enter into a personal services contract with Holzman, beginning May 17, 2004, at the rate of \$50 per hour. **The motion carried.**

- 12) Adjourn

**Oxman moved** to adjourn at 11:57 A.M. **The motion carried.**

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