



# Oregon Board of Massage Therapists

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## BOARD MEETING MINUTES November 22, 2004

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### Attendance

#### Board Members:

Michael Jordan, L.M.T., Chair  
Jackie Kern, Public Member  
Cathy Law, Public Member

Lisa Oxman, L.M.T.  
Jacqueline McCal, L.M.T.

By Telephone: Stephanie Manriquez, L.M.T., NCBTMB

**Staff:** Patty Glenn, Executive Director  
Michelle Sherman, Office Manager

**Public:** Lisa Garofalo—OSM/Education Committee, Tricia Allbritton—Health Licensing Office, Jolie Griffin—OSM, Diana Day—OSM, Mike Blackmore, Tiffany Clarkin—RCC, Mandi Feetham.

#### 1) Call to Order

Jordan called the public meeting to order at 9:04am.

#### 2) Approve Agenda

Add item 6c to address new Scope of Practice Board liason. **Oxman moved** to approve the agenda as presented. **In favor: Michael Jordan, Cathy Law, Lisa Oxman, Jackie Kern, Stephanie Manriquez, and Jacqueline McCal. Opposed: None. The motion carried.**

3) **Approve Minutes** of the October 15, 2004 meeting. Glenn stated that under item 7c that Lisa Barck-Garofalo will chair the rules committee--this is incorrect and should be removed. **Oxman moved** to approve minutes as amended. **In favor: Michael Jordan, Cathy Law, Lisa Oxman, Jackie Kern, Stephanie Manriquez, and Jacqueline McCal. Opposed: None. The motion carried.**

4) **Public Comment**—No comments

#### 5) Director's Report

##### a) Financial Report

A) Roughly 1000 renewals have been received and about 800 of those have been processed. Of the 5200+ renewal notices that were sent out roughly 300 were returned to the Board office as a bad address.

B) Michael Jordan is the board member who will be reviewing the monthly reconciliation statements from the bank.

- C) Staff is closely monitoring the current budget as we are approaching the final months of the 03-05 biennium. The examiner payments and law enforcement programming in the database have exceeded the allotment in the budget. Monies will be moved from other budgeted items to cover this shortfall.
  - b) **Director's Audit**—The audit was performed after Bev Holzman, former Executive Director, left because the state requires a change of director audit. The audit is now complete—it was succinct. The only suggestion the auditors made pertained to the cash flow process.
  - c) **LFO/JLAC Update**—Several semi-independent agencies met to work on a new format for the reporting requirements for Legislature. Adriane Sexton, LFO, will move it through the legislative process.
  - d) **LC 776 Update**—This is our concept that will make possible a change of renewal dates by rule. The Governor's streamlining office has picked up LC776 which will strengthen the chances for approval of this concept.
  - e) **Rule Making Process**—A brief explanation of the use of temporary rules was given to the Board members.
- 6) **Committee Report**
- a) **March 1, 2004 Scope of Practice Committee**—M. Blackmore explained what the documents from the March 1, 2004 committee were and why they were being brought back to the Board's attention. The report was submitted and the questions that the Board asked were answered. The committee is asking for clarification of the direction they need to take now. The committee will revise and resubmit the 3/04 report. Then it will be forwarded to the Rules committee
  - b) **November 5, 2004 Education/Scope of Practice Committee Meeting**—There was a brief overview of the Cosmetology Board's current rule revision broadening their scope of practice to include body wraps and massage beyond C7. The committee looked at the current investigations by Health Licensing Office (HLO) and several LMT's and facial massage and use of paraffin. Clarity is needed on the current scope of practice with regards to facial massage and body wraps. The committee looked at making recommendations to OBMT for updates in Rules and/or suggested action regarding these cases. It was recommended that there should be a clarifying policy about facial massage and facial technology work. It was determined that LMT's are in their scope of practice and therefore, a draft letter was created for the Board to consider at their next scheduled meeting. Jordan stated that the Board needs to wait until the legislative concept for HLO is approved before deciding whether to send the letter.
  - c) **New Scope of Practice Board liason**—Lisa Oxman volunteered to be the Board liaison for the exam committee. Discussion took place on what is involved when participating on a committee. Cathy Law volunteered to be the Board liaison for the Scope of Practice committee.

7) **New Business**

- a) **Discussion related to scope issues as raised by HLO Board of Cosmetology**—The Executive Director for the Board of Massage, Patty Glenn and the agency director for HLO, Sue Wilson met in mediation as no clear language was agreed upon by both agencies. The final concept from Legislative Council has not been received by HLO; it is unknown what the final language will look like. The Governor and Legislature will not look favorably upon the fact that our two Board’s are in opposition or are “fighting”. Oxman stated that she doesn’t believe expressing our concerns is “fighting”. It’s our job to protect the public and that is what we are doing.
- b) **Draping Policy**—There is concern that not all LMT’s know where the draping and safety boundaries are. It was suggested that a policy be drafted for each concern. Is this because the Board doesn’t have a policy in place or should it be a part of the core curriculum? Jordan suggested sending to the Rules committee to clarify. Barck-Garofalo stated that the education committee could better serve this issue. The Board will refer to the education committee.
- c) **NCE 1998 Acceptance Date**—There have been several applicants that took the National exam before 1998. It was discussed and suggested that those individuals appeal to the Board. The NLE exam is on our next meeting agenda.

**Break at 10:00am**

**Back into meeting at 10:16am**

8) **Old Business**

- a) **Vote on changes to 334-010-0050** as per the Combined Committee’s recommendation for the August 16, 2004 meeting.

334-010-0050

Continuing Education

The intent of Continuing Education is to protect the public by maintaining and enhancing licensees’ professional knowledge and skills relating to massage and bodywork practice.

- 1) At the renewal time each licensee shall sign and submit a Board supplied CE form indicating they have completed 25 hours of continuing education. At least 12 hours must be contact hours as defined by instruction involving other massage and bodywork practitioners. The remaining 13 hours may be contact hours or in areas as defined on Board supplied CE form.
- 2) The continuing education requirement shall not apply to a licensee’s first license renewal.
- 3) Continuing education must be completed within the renewal period. Only contact hours taken in excess of the total number required may be carried over to the next subsequent renewal period.
- 4) Continuing education records shall be maintained by each licensee for a minimum of five years.
- 5) If the Board finds indications of fraud or falsification of records, investigative action shall be instituted. Findings may result in disciplinary action and/or loss of license.
- 6) Failure to complete continuing education hours by the time of renewal will result in a non-issuance of license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance shall result in a suspension of license to practice massage.
- 7) Continuing education must be in areas related to the practice of massage or bodywork including theory, research, technique or business development.

Law moved to accept changes as written by the committee with the exceptions of “Classes must have been taken after July 1, 2004 and may be carried over for the 2006 renewal. **In favor: Michael Jordan, Cathy Law, Lisa Oxman, Jackie Kern, Stephanie Manriquez, and Jacqueline McCal. Opposed: None. The motion carried.**

- b) **Board Chair Review**—Any board member can nominate any other member, themselves or can continue as is. All members present stated that they were happy with the current board chair.
- c) **Update on LC 63**—VanAtta, Lobbyist for LC63, suggested that all boards involved in LC421 write a statement introducing yourself, this concept and what it means to you as a member. Develop a relationship with the senators/representatives in your area.

9) **Public Comments**—Lisa Barck-Garofalo wanted to understand the Board’s position concerning LC63. Suggested that the Rules committee have a representative from each of the other committees be a member.

**10) Law Enforcement**

Jordan called the Executive Meeting to Order at 10:40am

**Executive session is held pursuant to ORS 192.660 and ORS 192.501**

Jordan called the Public Meeting to Order at 11:30am

- a) **HLO Concept 421**—Law suggested the Glenn put together a packet that states our concerns and give to committee. Also, publish in the Boarderline so that LMT’s are aware of this issue and the progress. Manriquez concerned about contraindications without further education and safety. McCal and Kern concerned that the current education level doesn’t allow for public safety. Oxman said that there are contraindications for body wraps and the education of Cosmetologists doesn’t show this knowledge. Glenn is working with AMTA-OR and they are aware of the Board’s concerns. It was suggested that a letter be sent to the schools in Oregon to keep them informed of what is going on.
- b) **Law Enforcement Case**

**Case #6-03-228 Larry Hull**

Issue a final order by default. **In favor: Michael Jordan, Cathy Law, Lisa Oxman, Jackie Kern, Stephanie Manriquez, and Jacqueline McCal. Opposed: None. The motion carried.**

**Case #7-04-291 Irma Molina**

Close case C12 Insufficient Evidence. **In favor: Michael Jordan, Cathy Law, Lisa Oxman, Jackie Kern, Stephanie Manriquez, and Jacqueline McCal. Opposed: None. The motion carried.**

11) **Announcements**—Michael Blackmore stated his concerns about the lack of education for Cosmetology’s concept.

**12) Adjourn Meeting**

**Oxman moved** to adjourn at 11:40. **In favor: Michael Jordan, Cathy Law, Lisa Oxman, Jackie Kern, Stephanie Manriquez, and Jacqueline McCal. Opposed: None. The motion carried.**