



Oregon Board of Massage Therapists

748 Hawthorne Ave NE Salem OR 97301
(503) 365-8657 fax (503) 385-4465

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BOARD MEETING MINUTES Saturday, October 15, 2005

Attendance

Board Members:

Jacqueline McCal, LMT, Chair
Jackie Kern
Brad Welker, DC

Stephanie Manriquez, LMT
Cathy Law

Staff:

Patty Glenn, Executive Director
Michelle Sherman, Office Manager
Diana Nott, Law Enforcement Coordinator

Public:

Renee Marcouiller
Bonnie Raile

John Combe

Judy Gervais

1) Call to order

McCal called the public meeting to order at 10:32 am.

2) Approve Agenda

Kern moved to approve agenda. **In favor: McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.**

3) Approve minutes of the August 11th meeting and September 8th meeting.

On the August 11th meeting Item 6(b) should be altered to reflect: Tantric massage is increasing. The Board is seeing more LMTs offering this in their practice. Any massage that involves sexual practices is in violation of OAR.

Item 6(c) Meeting dates should state that **Law** moved to leave the October meeting as currently scheduled. **Kern** moved to approve the August 11th meeting minutes as amended. **In favor: McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.**

Manriquez moved to approve the September 8th meeting minutes. **In favor: McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.**

4) Public Forum - An opportunity for the public to address the Board and ask questions No questions were asked.

5) Report of Executive Director

a) **Financial Report**--Discussed which board member to take over duties after January 2006.

b) **Correspondence**—two complaints were received by the governor's office against this Board: One complaint was received by a Respondent in a Law Enforcement case who requested a hearing; and the second was from an applicant for licensure who is from another state who practices reflexology. Staff member Watson is keeping a correspondence log of all incoming and out-going documents.

c) **Update on CLEAR Conference**—CLEAR stands for the Council on Law Enforcement and Regulation. Both Glenn and Nott attended the conference. Nott attended the NCIT training classes. Many other states were represented, as the conference is a valuable tool for networking and knowledge. However, the massage profession was extremely under-represented. Glenn believes that staff should regularly attend this function. Nott spoke to the training aspect of the conference such as she has a better understanding of the investigative process, interviewing techniques and that her role as an investigator is to gather facts not prove the case. Nott would like to take

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advanced training. The face of internal investigation has changed within the last two months with use of subpoenas, proactive communication and the use of the Board badge. The relationship between the Board and the contract investigator will be changing due to some challenges with contracting requirements. Currently, the contract has been extended through the end of the year.

d) **Update on AMTA Conference**—There was value in attending more from a networking aspect but many of the state boards didn't attend the entire function. Manriquez attended the classes offered and will be presenting information later in the agenda.

6) **Committee Report**—

a) **Rules Committee Report**—Glenn spoke about the report format. Clarified what the duties the committee has been charged with.

b) **Exam Committee Report**—Nott stated that language and structure changes were made but that the new exam is solid. The Board will be training examiners in December to prepare for the January inception. Manriquez wants to hire specific people so that the exam is consistent and suggests hiring examiners as an employee rather than a contractor. Glenn states that we're getting away from offering continuing education for being an examiner to help with the consistency of the exam.

Entered into Executive Session at 11:16am

7) **EXECUTIVE SESSION – Law Enforcement**

Executive session is held pursuant to ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(h) consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and ORS 192.660(2) (k) to consider information obtained as part of an investigation of a licensee or applicant by a health professional regulatory board.

Closed Executive Session at 12:06pm

Entered into Public Session at 12:24pm

8) **Public Session—Law Enforcement**—discussion re: law enforcement cases against unlicensed individuals and to take action against all law enforcement cases.

Case #7-04-286

Allegation: Sexual misconduct. **Recommendation:** Issue a Notice of Proposed Action to Revoke license for violation of ORS 687.081(1)(i) Engaging in professional or dishonorable conduct and assess a civil penalty for 3 violations of OAR 334-030-0025(19) for a total civil penalty of \$3,000.

Manriquez so moved. **In favor: Manriquez, Welker, Law, McCal, and Kern. The motion passes.**

Case #3-05-344

Allegation: Advertising massage without a license. **Recommendation:** Revise previous motion to include latest advertisements. 1 violation of ORS 687.021(1) performing or purporting to perform massage without a license and 6 violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$6,500. **Law** so moved. **In favor: Manriquez, Welker, Law, McCal, and Kern. The motion passes.**

Case #8-05-392

Allegation: Advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for 1 violation of ORS 687.021(1) performing or purporting to perform massage without a license and 4 violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$4,500. **Kern** so moved. **In favor: Manriquez, Welker, Law, McCal, and Kern. The motion passes.**

Case # KS

Recommendation: Deny renewal of license for violations of ORS 687.081. **Kern** so moved. **In favor: Manriquez, Welker, Law, McCal, and Kern. The motion passes.**

Case #3-05-335

Allegation: Sexual misconduct. **Recommendation:** Revise previous motion to Revoke license per ORS 687.081(1)(i) Engaging in professional or dishonorable conduct and assess a civil penalty for 1 violation of OAR 334-030-0002(1) hold paramount the safety, health and welfare of the public, adhere to the Standard of Professional Conduct and uphold the highest practices of ethical conduct and integrity; 1 violation of OAR 334-030-0025(19)(a)(B) sexual violation; 1 violation of OAR 334-030-0025(19)(d) any conduct or practice which could endanger the health or safety of a client or the public; and, 1 violation of OAR 334-030-0025(19)(g) practicing in an incompetent manner for a total civil penalty of \$3500 plus reimbursement of Board costs related to this case. **Welker** so moved. **In favor: Manriquez, Welker, Law, McCal, and Kern. The motion passes.**

Case #5-05-365 Jenelle Jansik

Allegation: Advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for 32 violations for ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$31,500. **Manriquez** so moved. **In favor: Manriquez, Law, McCal, and Kern. The motion passes.**

Case #5-05-372 Joseph Bennett

Allegation: Advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for 26 violations of Ors 687.021(2)(a) advertising massage without a license for a total civil penalty of \$25,500. **Law** so moved. **In favor: Manriquez, Law, McCal, and Kern. The motion passes.**

Case #5-05-373 Todd Dallman

Allegation: Advertising massage without a license. **Recommendation:** Issue a Notice of Proposed Action for 46 violations of ORS 687.021(2)(a) advertising massage without a license for a total civil penalty of \$45,500. **Kern** so moved. **In favor: Manriquez, Law, McCal, and Kern. The motion passes.**

9) New Business

- a) **FSMTB**—Manriquez presented a summary of the FSMTB meeting held on September 20th and 21st of 2005 which covered the Scope of Authority & Policy Making for State Regulatory Boards; Discussion of Bylaws; Committees and Assignments; Election of Board of Directors; First Board meeting. There is a lot of interest in using FSMTB from states which includes Puerto Rico. Glenn talked about her role as Executive Director for our Board and as President of the FSMTB and how it might impact the Oregon board. She wants members to know that her primary commitment is to the Board of Massage Therapists.
- b) **2006 Meeting dates**—The 2006 meeting schedule is as follows: January 12th, February 9th, March 9th, April 8th in Seaside, May 11th, June 8th, July 13th, August 10th, September 14th, October 14th in The Dalles, November 9th, and no meeting in December. As always meeting dates may change at the Board’s discretion. The Board tentatively set the April and October 2007 traveling meeting to be held in Klamath Falls and Bend respectively.
- c) **2006 Executive Board**—At the November meeting the executive position of Vice-Chair needs to be elected. In addition, committee positions needed to be determined.
- d) **2006 Strategic Plan**—Discussion ensued as to the future of the Board and its goals. Several suggestions were voiced: Increase the core education hours as Oregon is behind most states and it is believed that increasing the hours will give applicants a thorough education as well as slow down the saturation of Therapists in the work force; Implement two-tiered licensing; Allow portfolio review; and, Create a separate license for reflexology. Topics will be discussed throughout the year.

Break at 1:54pm
Re-entered at 2:04pm

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10) Old Business

- a) **Renewal process**—Law wants to make sure that everything is explained in detail to avoid confusion. SM is concerned about people who are just becoming licensed. A rules change needs to be implemented prior to the start date of the conversion, therefore, at the November meeting text changes for the rules will be ready for approval by the Board so that a hearing can take place on December 22nd.
- b) **Review Statutes and Rules**—Glenn asked the Board to review the Rules and Statutes to see if there were any areas of concern that you want the Rules committee to review. It was suggested that law exams could be sent out with the renewals and that would be worth a ceu or two. Perhaps put retired law exam questions out on the website so that anyone could take the practice exam

11) Public Comments—Marcouiller asked about the fines imposed for infractions in violation of the Rules and Laws. The law enforcement procedure was explanation.

12) Announcements—The next board meeting is November 10th at the Board office. Glenn informed members about Jordan and that he was out due to an emergency back surgery. McCal will not be at the November meeting.

13) Adjourn Meeting— **Manriquez** moved to adjourned. **In favor: Oxman, McCal, Law, Welker, Kern, Welker. Opposed: None. Motion carried.** Meeting adjourned at 2:35pm.