



Oregon Board of Massage Therapists

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(503) 365-8657 fax (503) 385-4465

BOARD MEETING MINUTES
Thursday, November 10, 2005

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Attendance

Board Members:

Michael Jordan, LMT, Chair
Jackie Kern
Brad Welker, DC

Stephanie Manriquez, LMT
Cathy Law
Lisa Oxman, LMT

Absent: Jacqueline McCal, LMT

Staff:

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

Public:

Michael Dukart, LMT
Jennifer Ludwig
Jennnifer Hodges, LMT
Allison Morth

Heidi Schaefer
Kristin Lewan
Nicole Wilton
Derek (Name Unreadable)

Mara Duffy
Amy Lizotte
Heather Easton
Lindsay Wells

1) Call to order

Jordan called the public meeting to order at 10:03 am.

2) Approve Agenda

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

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

4) Directors Report

a) **Financial Report**—Glenn and Sherman are looking at detailed budget and making sure that expenses are allocated correctly. After the first of the year board members will receive a Profit and Loss report for actuals-to-budget so that members can understand what it is they are looking at. We are at 37% of budget for this calendar year. Starting in January, the past chair will be reviewing the reconciliation reports.

b) **Correspondence**—Received a complaint from the Governor's office concerning an applicant of the Practical exam and timeline of initial application. Glenn explained the process for responding to complaints.

5) Committee Report

a) **Rules Committee Report**—The committee is holding a meeting tomorrow, November 11, 2005. The committee is continuing to work on reviewing and preparing suggested changes to the Statutes for the Board to review. The Board has to have legislative concepts submitted to the Department of Administrative Services early 2006.

6) EXECUTIVE SESSION

Executive session is held pursuant to ORS 192.660(2)(f) To consider information or records that are

exempt by law from public inspection (legal counsel), 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.

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7) New Business

- a) **Administrative Law presentation**—Lori Lindley, AAG, presented to the Board a refresher course on Administrative Law specifically in the areas of *Life of a Contested Case; Conflicts of Interests; Public Meetings Law; Meetings Subject to Law; and, Executive Sessions*. For a copy of the PowerPoint presentation contact the Board office.
- b) **OMTA Board of Cosmetology Rules Change**—The original hearing for the Board of Cosmetology’s rules change is November 21, 2005, however, the AMTA sent letter asking for more time to comment. Therefore, the Board of Cosmetology has scheduled a sub-committee meeting December 2, 2005 at 1pm in their office. We need as many people as possible to attend this meeting. The next chance to comment will be at the hearing on January 23, 2006 at 9am at which time they will address any comments made.

8) Old Business

- a) **2006 Executive Board**—A new vice-chair needs to be elected. Law announced that she would not renew for a second term. **Kern** volunteered. **In favor: Law, Oxman, Welker, Kern, Manriquez, Jordan. Opposed: None. Motion carried.**

Committee liaison assignments. Board liaisons for the Exam, Rules, and Education/Scope of Practice committees need to be reassigned with the change of the year. Manriquez will remain on the Education/Scope of Practice committee. Law suggests that she stay on the Education/Scope committee so Manriquez can train the new board member. Welker will take the Rules committee. Oxman will shift to Exam.

Oxman informed the Board that she would not be in attendance at the October 6, 2006 retreat as there is a scheduling conflict. It was suggested that the October meeting date be changed to the 20th, 21st, 22nd in 2006. Staff will verify that these dates are not in conflict with other organizations and will confirm at the January meeting.

- b) **2006 Strategic Plan**—Several areas were identified at the October 2006 meeting. Since two of the Board members were unable to attend that meeting we want to revisit the items and also determine in what order to tackle during the following year. The areas listed are: Increase the core education hours; Two-tiered license; Portfolio review; and, limited license for reflexology.

Portfolio review is a process mainly for individuals coming in from another state. Though it could also be for those who have moved out-of-state and are returning. Portfolio review needs to be the 1st idea to discuss because it’s a statute change; therefore, perhaps a subcommittee should be formed to address the preliminary issues. Glenn explained about timeline for legislative concepts.

Manriquez wanted to increase our hours because at the meeting in Albuquerque we were at the bottom 3rd of hours required for each state and feels that this topic needs to be re-evaluated. Jordan asked what other states require? Manriquez stated that most states are within 650 to 850 with some states requiring as much as 1000 hours. Oxman asked if Manriquez had any suggestions as to where those hours might expand? Manriquez would like to see more hands-on as it would help with some of the problems that we see as well as more hours in supervised clinical practice. She feels that our sciences are adequate. Oxman stated that in the past schools were allowed to enter into this process with us. Glenn stated that we talked about compiling a list of where the schools fall into the model curriculum, where their key hours are and if they have multiple programs.

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Glenn stated that reflexology had previously requested exemption from our statutes. We also have a draft press release from HLA stating that reflexology is not in scope of a nail technologist or a facial technologists however, the most recent release add it back in. More discussion is needed. Oxman asked if there are any other states that have a separate license for reflexology. Glenn stated that this was something she would compile but some states exempt reflexology.

Two-tiered licensing was introduced by McCal, however, as she is not in attendance this will be saved til the end of 2006. The Federation is compiling information from different states so perhaps we can obtain data from them once complete.

One carryover from 2005 is the law enforcement matrix. Increasing numbers of applicants with arrest records. Glenn asked the board to please review for content and AAG Lindley will look at it for legalese. Members stated that they already had reviewed for content.

- c) **Renewal Process**—Glenn discussed the chart that was included in the Boarderline for conversion renewal. Jordan stated that he discussed it at OMTA conference. The current licenses do not expire until December 31, 2006 so we don't have the 30-day rush as we did during previous renewals. Therefore, licensees shouldn't expect the extended license right away, as staff will continue working on normal duties. Glenn reminded board members that the completed form and pro-rated dollar amounts will be due but staff is not asking for proof of continuing education. Board members want to be sure that licensees understand what this conversion renewal is doing. Put another article in the next Boarderline.

In order for the renewal system to go into effect changes need to be made to the rules. Also, the temporary rule that allows an applicant to take the NCETM, the NCETMB or the NESL exam needs to be made permanent.

OAR 334-010-0010(4) Applicants are required to take and pass the NCETMB, the NCETM, or the NESL written exam and the Oregon practical examination, which includes a written test on Oregon statutes and administrative rules. **Oxman** moved to approve as amended. **In favor: Law, Oxman, Welker, Kern, Manriquez, Jordan. Opposed: None. Motion carried.**

OAR 334-010-0015(3) Applicants for renewal of licensure shall sign a statement of completion of continuing education. **Manriquez** moved. **In favor: Law, Oxman, Welker, Kern, Manriquez, Jordan. Opposed: None. Motion carried.**

OAR 334-010-0017(6) All information required for restoring a lapsed license must be received within three years of the date of expiration. Thereafter, one must apply as a new applicant. **Oxman** moved. **In favor: Law, Oxman, Welker, Kern, Manriquez, Jordan. Opposed: None. Motion carried.**

OAR 334-010-0033(1) The fee for either the initial or renewal license is \$100 per biennium. **Oxman** moved. **In favor: Law, Oxman, Welker, Kern, Manriquez, Jordan. Opposed: None.**

OAR 334-010-0033(2) The fee for inactive license is \$50 per biennium. **Kern** moved. **In favor: Law, Oxman, Welker, Kern, Manriquez, Jordan. Opposed: None.**

OAR 334-010-0050(1) Each licensee shall complete 25 hours of continuing education each biennium. At renewal time, each licensee shall sign and submit a Board supplied CE form indicating they have completed the required hours of continuing education. At least 12 hours must be contact hours defined as 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. **Law** moved. **In favor: Law, Oxman, Welker, Kern, Manriquez, Jordan. Opposed: None.**

- d) **Review Statutes and Rules**—Last month Glenn asked if members could review the rules/laws

but wanted to explain why. The board members and staff are used to working with the rules and laws, however, committee members are not used to looking at rules. Therefore, any thoughts and suggestions would be helpful to the committee in the overall process of rewriting the rules and laws.

Glenn stated that three new states have started requiring individuals to be licensed. The State of Nevada called to inquire of Oregon, as it is understood that Oregon is one of the best agencies.

e) Schools Packet—A packet of information was sent to all schools which included: a cover letter concerning the Board of Cosmetology; an invitation to the second Round Table meeting; the new practical exam candidate handbook; the Boarderline; the Rules and Statutes; and the calendar for this upcoming year. Manriquez asked for clarification of the model curriculum and the list of muscles for palpation. Glenn explained that the model curriculum and lists have not changed, however, it does not necessarily mean that all of the muscles listed will be part of the examination. The Exam committee has slightly altered the Practical exam such as listing all of the pathologies that could be tested and changing the pass/fail percentage. Previously, a candidate needed an overall 70% to pass the exam; the committee is suggesting that a 60% is needed in each category. If any area is less than 60% they will fail. The schools have a year to bring the percent up. In January 2007 a minimum of 70% in each area will be required.

9) Public Comments— Mara Duffy—asked which three states now require licensure. Glenn said she'd email her the list. Heidi Schaefer—Talked about the convention in New Mexico and the positive feedback from attendees. The current exam seems to be working so why would it be reflected in the number of hours a student has to take? Jordan stated that one reason we are looked at as a leader is because we are proactive rather than reactive in educational requirements. Amy Lizotte—regards to draping and what the Board is trying to do to improve the draping practices in the LMT community.

10) Announcements—The agenda will now include a working lunch and the board meeting start time will be 10am and end at 3pm. There will be a disclaimer that states, "Ending time may vary".

11) Adjourn Meeting—**Oxman** moved to adjourned. **In favor: Oxman, Jordan, Law, Welker, Kern. Opposed: None. Motion carried.** Meeting adjourned at 2:54pm.

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