



# Oregon Board of Massage Therapists

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APPROVED

6/8/06 MS

## BOARD MEETING MINUTES

May 11, 2006

### Board Members:

Jacqueline McCal, LMT, Chair  
Stephanie Manriquez, LMT  
Lisa Oxman, LMT

Jackie Kern  
Brad Welker, DC

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

**Public:** No public in attendance

### Call to order

**McCal** called the public meeting to order at 10:07am. All Board members were in attendance.

### 1) Approve Agenda

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

**2) Approve minutes** of the April 8, 2006 minutes. **Oxman** moved to approve. **In favor: McCal, Kern, Manriquez, Welker, and Oxman. Opposed: None. Motion carried.**

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

### 4) Board Positions

McCal updated the Board that Welker's term of office will expire in June and that he will not be renewing his health related position. Glenn informed the Board that Jordan has resigned his LMT position and that Law's public term of office expired in April. Sheree Fields, who received her letter of welcome from the Governor's office this past Tuesday, has filled Law's position. Her first official meeting will be June. There are two positions now available: one health related position and one LMT position. The Governor's office is committed to filling these positions as quickly as possible and will send over any applications received on May 26<sup>th</sup>. The previous applications for a board position have expired, and, therefore, previous applicants still interested need to re-apply. In addition, we need to alert the massage associations and post on our website that there are two positions available. The Board would then like to invite the applicants to attend the June meeting.

In appreciation for all of the hard work that Law and Jordan contributed to the Board we will be inviting them to a luncheon at the June meeting. We will award them with a commemorative plaque and a letter of appreciation.

### 5) 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.

### 6) Public Session—Law Enforcement Action

**a) Case #4-04-274** A requirement of the previous Final Order was to read the Ethics of Touch

and to complete and submit a 5-page report summarizing what was learned and how it will be incorporated into Licensee's practice. On March 31, 2006 Licensee submitted a report, which did not comply with the Final Order. **Oxman moved** to require Licensee to complete the discussion questions and activities at the end of each chapter in *The Ethics of Touch* by Ben Benjamin and then review this with the peer supervisor and submit to the Board at the conclusion of each chapter. Licensee must complete 2 chapters per month, which is to be completed within 6 months of the Final Order. **Oxman also moved** to find Licensee in default of the Final Order. **In favor: McCal, Kern, Manriquez, Welker, and Oxman. Opposed: None. All were in favor of both motions and the motions carried.**

**Case #5-05-353 Allegation:** Professional and sexual misconduct. **Kern** moved to issue a Notice of Emergency Suspension based on recent credible allegations of conduct of a sexual nature in violation of OAR 334-030-0025, which pose an immediate irreparable risk to the public. **In favor: McCal, Kern, Manriquez, Welker, and Oxman. Opposed: None. Motion carried.** **Kern** moved to issue a Notice of Proposed Action for eight (8) violations of OAR 334-030-0005(2)(a) the LMT is accountable to his or her clients for the quality and effectiveness of care and service; eight (8) violations of OAR 334-030-0005(5)(b) the LMT acts within the context of professional practice standards; five (5) violations of OAR 334-030-0025(13) habitual intemperance in the use of intoxicants; one(1) violation of OAR 334-030-0025(19)(a)(A) sexual abuse by the professional; four (4) violations of OAR 334-030-0025(19)(a)(B) sexual violation...touching breast or genitals or any sexualized part of the body; and two (2) violations of OAR 334-030-0025(19)(a)(C) sexual impropriety with a client for a total civil penalty of \$18,500 and revoke license. **In favor: McCal, Kern, Manriquez, Welker, and Oxman. Opposed: None. Motion carried.**

**Case # 5-05-354 Allegation:** Professional and sexual misconduct. **Welker** moved to issue a notice of Proposed Action for one (1) violation of OAR 334-030-0005(2)(a) the LMT is accountable to his or her clients for the quality and effectiveness of care and service; one (1) violation OAR 334-030-0005(5)(b) the LMT acts within the context of professional practice standards; one (1) violation of OAR 334-030-0025(19)(a)(A) sexual abuse by the professional; one (1) violation of OAR 334-030-0025(19)(a)(B) sexual violation...touching breast or genitals or any sexualized part of the body; and one (1) violation of OAR 334-030-0025(19)(a)(C) sexual impropriety with a client for a total civil penalty of \$4,500; place on probation and peer supervision for one year; and refer to the Oregon Board of Chiropractic Examiners. **In favor: McCal, Kern, Manriquez, Welker, and Oxman. Opposed: None. Motion carried.**

**Case #5-05-426 Allegation:** Professional and sexual misconduct. **Manriquez** moved to issue a Notice of Proposed Action for one (1) violation of OAR 334-030-0005(2)(a) the LMT is accountable to his or her clients for the quality and effectiveness of care and service; one (1) violation of OAR 334-030-0005(5)(b) the LMT acts within the context of professional practice standards; one (1) violation of OAR 334-030-0025(10) Assisting, employing or permitting an unlicensed person to practice massage; one (1) violation of OAR 334-030-0025(19)(a)(B) Sexual violation... touching breast or genitals or any sexualized part of the body; and one (1) violation of OAR 334-030-0025(19)(a)(C) Sexual impropriety with a client for a total civil penalty of \$4,500; and revoke license. **In favor: McCal, Kern, Manriquez, Welker, and Oxman. Opposed: None. Motion carried.**

**b) Discussion and Action on Unlicensed cases**—There are no cases prepared at this time.

## 7) New Business

a) **Review Draft of Esthetics Model Curriculum**—Ray Lindley, Director of the Private Career Schools/Veterans Education sent a draft copy of the Esthetics curriculum and practical exam information as well as a letter asking that we review the suggested changes and return any questions, concerns, or proposed changes to them by May 15, 2006. Manriquez is concerned

that the appropriate number of hours dedicated to Anatomy and Physiology may not be addressed in the draft. Glenn asks that each Board member email or send any other thoughts or changes to her by Monday so that she can draft a response.

**8) Public Comments**

No public in attendance.

**9) Announcements**

The Board thanked Welker for all of his work. Oxman announced that she would not be in attendance at the June meeting.

**10) Adjourn Meeting— Kern moved to adjourned. In favor: Oxman, McCal, Welker, Kern, and Manriquez. Opposed: None. Motion carried. Meeting adjourned at 12:06pm.**