



Oregon Board of Massage Therapists

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APPROVED

2/9/07 MS

BOARD MEETING MINUTES January 12, 2007

Board Members:

Stephanie Manriquez, LMT, Chair
Jackie Kern, Public, Vice-Chair
Jordan Barton, LMT
Jacqueline McCal, LMT
Craig McMillin, Public
Lisa Oxman, LMT

Staff:

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

Public:

Ann McFarlane, LMT
Samantha Patnode, Representing OHLA
Larry Peck, Representing OHLA
John Berg

Call to order

Manriquez called the public meeting to order at 10:10 am. A role call was performed. All were present except Fields who was excused.

1) Approve Agenda

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

2) Approve minutes

Oxman moved to approve the November minutes. **In favor: McCal, Kern, Manriquez, Barton, McMillin and Oxman. Opposed: None. Motion carried.**

3) Director's Report

a) Financial Report— The budget is trending slightly higher than expected but still acceptable. 2007-2009 budget process is underway and will be presented at the April meeting.

b) Correspondence Log—Manriquez has a copy of the log and asked for a member to volunteer to review the log on a continuous basis. As the log contains information that may be confidential the member would need to review it at the Board office. Barton has agreed to review the log for the 2007 year.

c) Database—The new database is expected to launch within the next 60 days. The program is more reliable and the security level is much higher. The developmental process has been thorough and amazing.

d) Guidelines for SIBA—The Semi-Independent Boards and Agencies (SIBA) group has been working for the past year and a half creating a pamphlet to aide Senators and Representatives as well as lay public to understand the concept of semi-independent groups and how they operate.

4) Committee Updates

a) Rules Committee—McMillin reported that the Rules committee has been working diligently on the comprehensive review of the Rules. He stated that this group of people are working hard and are dedicated to seeing this project through until the end with the utmost attention to the slightest detail. They are working hard to ensure that the changes are presented to the Board in time for the appropriate effective date.

- b) **Committee Chairs**—The Board is looking for new chairpersons and members for the Exam committee and Scope of Practice/Education committee.
- 5) **Public Forum**—Berg attended the meeting to discuss business ideas. McFarland expressed desire to be a part of the process. Also, voiced desire for union representation for the LMT's. Patnode and Peck stated they were observing for the HLA.
- 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.
- 7) **Law Enforcement**
- a) **Action on Executive Session Items**
- i) **Applicant AB**—Applicant petitioned the Board for an exception to the education requirements under State endorsement. **McCal** moved to deny the petition. **In favor: McCal, Kern, Manriquez, Barton, McMillin and Oxman. Opposed: None. Motion carried.**
- ii) **LMT AC**— LMT requested the Board reconsider denial of waiver of \$125 late fee. After review, the Board moved to deny licensee's request. **Kern** so moved. **In favor: McCal, Kern, Manriquez, Barton, McMillin and Oxman. Opposed: None. Motion carried.**
- iii) **LMT AD**—Licensee's license expired 12-31-02; the Board is requiring the licensee to pass the Practical exam in order to re-license. **Barton** so moved. **In favor: McCal, Kern, Manriquez, Barton, McMillin and Oxman. Opposed: None. Motion carried.**
- iv) **Ethics Protocol**—The Board has adopted the following *Ethics Protocol* to aide in LE actions/sanctions. **Ethics Protocol:** Licensee is to read approximately one chapter per month of *The Ethics of Touch* by Ben E. Benjamin, PH.D., and Cherie Sohnen-Moe; Licensee will meet with a Board approved Peer Supervisor at the end of each chapter for, no less than one hour per session, to discuss at least 3 of the Discussion Questions and Activities from the end of the chapter. Upon conclusion of the book, licensee is to write an 1,800 word report (approximately 5 double-spaced pages) summarizing what the Licensee learned in the process.
- v) **Case #5-06-477 Allegation:** Unprofessional or dishonorable conduct. **Recommendation: McMillin** moved to issue a Notice of Proposed Action for one violation of OAR 334-030-0025(19)(a)(B) Sexual violation...engaging in any conduct with a client that is sexual...; one violation of OAR 334-030-0025(19)(a)(C) Sexual impropriety which is behaviors, gestures, or expressions that are seductive...; and, one violation of OAR 334-030-0025(19)(e) Any conduct or practice which impairs a massage therapist's ability to safely and skillfully practice massage. Assess a civil penalty of \$2,500; impose a two-year probation per ORS 687.081(1)(i); place Licensee on peer supervision for 6 months; and, require Licensee to complete the Board approved Ethics Protocol. **In favor: McCal, Kern, Manriquez, McMillin. Opposed: Oxman and Barton. Motion carried.**

- vi) **Case #8-06-499 Allegation:** Unprofessional or dishonorable conduct.
Recommendation: Kern moved to issue a Notice of Proposed Action for one violation of OAR 334-030-0005(10) Assisting, employing or permitting an unlicensed person to practice massage; two violations of OAR 334-030-0025(17)(c) Failure to cooperate with the Board; one violation of OAR 334-030-0025(19)(a)(B) Sexual violation...engaging in any conduct with a client that is sexual...; one violation of OAR 334-030-0025(19)(a)(C) Sexual impropriety which is behaviors, gestures, or expressions that are seductive...; and, one violation of OAR 334-030-0025(19)(e) Any conduct or practice which impairs a massage therapist's ability to safely and skillfully practice massage. Assess a civil penalty of \$5,500; impose a two-year probation per ORS 687.081(1)(i); and require Licensee to complete the Board approved Ethics Protocol. **In favor: McCal, Kern, Manriquez, McMillin. Opposed: Oxman and Barton. Motion carried.**

8) New Business

- a) **Miscellaneous Correspondence**—Covered in the Director's Report.
- b) **Reflexology Association Correspondence**
- i) **LC55**—Glenn updated the Board on the meeting with Janice Robertson, Senator Johnson and regarding LC55 requesting Reflexology exemption. Discussions ensued regarding exemption and possible options. Also discussed was the written correspondence received from Janice Robertson. It was decided that Oxman, Barton and Glenn would meet with the bill sponsor on behalf of the board to discuss the various concerns and options.
- ii) **Correspondence**—See above.

9) Old Business

- a) **Legislative Updates**
- i) **SB170 (LC 455)**—Glenn updated the Board on how our LC is progressing. There is concern with the proposed language in Section 1, (5) and Section 3, (1). Section 1 (5) deletes the word *human* from the definition of massage or massage therapy. The Veterinary Board and/or Association have expressed some concerns with this change. Glenn will work with these entities. Section 3, (1) is rewritten to say “A *person licensed by a professional licensing board who is acting...*”. There is concern that this is too restrictive as not all licenses issued in Oregon are under the auspice of boards. Suggested replacing with “Oregon state agency”. Glenn will be working with the Senate committee to draft a -1 amendment to address both of these issues.
- ii) **Stakeholder Discussion**—HLA representatives Patnode and Peck were the only stakeholders present and stated they were not aware of any issues and were in attendance to observe.
- b) **Conversion Renewal**—The conversion renewal is now complete. In August and December administration sent reminder notices to all individuals who should have completed their renewal requirements. For the December reminder there were about 870 individuals that still showed a December 31, 2006 expiration date.
- c) **Board Training**—There will be a Board member training Saturday, April 14th following the April 13th Board meeting in Ashland.

- 10) **Public Comments**—*John Berg* stated that it was an honor to meet the board. He also said that Reflexology is not a unified modality as there is not a standard set of points and it's difficult to define a set of parameters. It's hard to restrict legislation to just the hands, feet, and ears and to try to do so would be to deny a component of Reflexology. There are already remedies in place for issues of public safety. *Ann McFarlane* stated that there is Reflexology in Europe and England; why isn't there a more international approach in looking at it. She wants to support Reflexologists in getting established.

11) Announcements

- a) **February Meeting**—The meeting will be held at the Board office on February 9 at 10am.
- b) **April Meeting**—The meeting will be in Ashland at the Ashland Institute of Massage on April 13th. The hotel is being secured now.
- c) **Threatening Email**—There is an individual who was advertising massage on CraigsList without a license so Ms. Nott sent a message stating that a massage license was needed. This individual became hostile and threatened violence against Ms. Nott. Administration filed a police report and security at the office has been increased.
- d) **Glenn's Schedule**—Ms. Glenn will be attending the AMTA Council of Schools meeting in Las Vegas and will be absent from the office from Wednesday, January 24th thru Friday, January 26th.
- e) **FSMTB Update**—Ms. Persinger, FSMTB Executive Director asked that member and non-member states send representatives to a meeting to discuss entry level credentials for the exam. The Federation will pay expenses for each member board representative. The meeting will be held February 21st through the 25th in Dallas Texas. At the April meeting an alternate delegate for the Annual FSMTB meeting will be chosen; that individual will become the new delegate in 2008.

12) Adjournment—The meeting adjourned at 12:50pm.