



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

September 14, 2007

Attendance

Board Members:

Stephanie Manriquez, LMT, Chair
Jackie Kern, Public, Vice-Chair
Jacqueline McCal, LMT
Lisa Oxman, LMT
Jordan Barton, LMT
R. Craig McMillin, Public Member
Kathy Calise, Public Member

Staff:

Patty Glenn, Executive Director
Diana Nott, Enforcement Coordinator

Public:

Anne Waters

Call to order

Manriquez called the public meeting to order at 10:00 am. Role Call was performed. **All Board members were present.**

- 1) **Approve Agenda - McCal moved** to approve agenda. **In favor: McCal, Kern, Calise, Oxman, Barton, McMillin and Manriquez** **Opposed: None.** **Motion carried.**
- 2) **Approve August 10, 2007 Minutes – Kern moved** to approve the August 10, 2007 meeting minutes. **In favor: McCal, Kern, Calise, Oxman, Barton, McMillin and Manriquez** **Opposed: None.** **Motion carried.**
- 3) **Public Forum** – Opportunity for the public to address the Board. No public present at this time.
- 4) **Report of Executive Director**
 - a) **Updates**
 - i) **Website & Office: Glenn** updated the Board on the status of the website. The Board will see the potential new colors and the template in October. The website will launch with similar content, but the disbursement of information will be better. The staff will continue to work with it to make it as comprehensive and use friendly as possible.
 - ii) **Glenn** shared a Thank You card that was received from two candidates. They thanked everyone for putting them at ease and making their exam experience enjoyable.
 - iii) The new in-house payroll system is working beautifully. Everyone will be moved over to direct deposit. **Glenn** asked the Board to complete the direct deposit form as soon as possible.

- iv) **FSMTB Annual Meeting** – Everyone is registered. **Manriquez** is the delegate, **McMillin** is the alternate. **Glenn** will be working on travel arrangements for **McMillin**. **Manriquez** will take care of her own travel.

- v) **FSMTB Massage and Bodywork Licensing Exam (MBLEx) Standard Setting Meeting** – **McCal** can't provide specifics to protect the integrity of the process, but shared what she could. The process seemed confusing at first but became clear as they worked through it. The determination of the pass rate of the MBLEx was brilliant. They saw the results of the pilot testers which validated the standard. **McCal** saw every single question on every single exam and feels that it is of excellent caliber for entry level competency. She is confident that it is a more accurate assessment of entry level competency than the NCE. **Oxman, McCal and Glenn** raved about how the exam writers were good at taking things apart and bringing everything back together to make good, clear questions. It was an amazing and opinionated group, which was needed for critical thinking. Several people had questioned the process before it started and by the end of the meeting everyone came around. There was a wide range of points of view. New York and Ohio were both there with a critical eye. By the end, both representatives spoke very highly of the process and supported it. **Barton** asked where Oregon was with the FSMTB exam. **Glenn** stated that the Board has already voted to accept it. Soon the information will be on the web site. It should be a very short process to get the exam paid for, candidates registered, tests taken and results received. There is still the issue of fees to be looked at. The Board will look more closely at that issue in October. We know that we will have to revise the current application slightly. There was discussion on the amount of work to approve an initial application, a time-out period and what to do for candidates who choose to wait or for those who fail; there needs to be a way to re-initiate the process.

Also to be discussed in October is the concept of using the MBLEx as a disciplinary tool for someone who hasn't demonstrated appropriate knowledge or if the Board wants verification of competency. There is also the prospect of, in the future, being able to track scores and law enforcement cases.

- vi) **CLEAR Conference** – **Nott** attended the CLEAR conference in Atlanta. She will provide a detailed report in October.

- vii) **October/November Board Meeting** – With the timing of the October and November Board meetings, there would be two weeks between meetings. There was discussion on the best time to have a November Board meeting. **Oxman moved** to change the meeting to November 30th. **In favor: McCal, Oxman, Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**

5) **Committee Updates** –

- a) The Exam Committee is meeting September 24, 2007. Staff is working on Scope of Practice Committee meeting. Paul Pozorski has agreed to chair that committee. Glenn reminded the Board that we are looking for good committee members. **Manriquez** wants to go over the charges of each committee at the October meeting. She would like an update on outstanding agenda items at that time as well. **McMillin** asked what the Rules Committee has planned. **Glenn** said she will verify that Jill Stanard is still able to chair.

At this time there was discussion on soliciting for committee members in the newsletter and when a new newsletter would be released. **Glenn** proposed electronic mailings and posting the newsletter online. This would allow for more frequent e-newsletters to go out. This format also follows the Board's plan to be more "green" this biennium. Board staff will send one more paper newsletter which will announce the switch. **Barton** asked if staff would send paper newsletters at all then. **Glenn** stated that many people are already requesting an electronic format and many more admit to not remembering or noticing the paper newsletter. It comes in and they treat it as junk mail. **McCal** suggested that if individuals want a paper copy, they can pay for the costs associated with that. **Glenn** will solicit feedback on the idea. **Manriquez** likes the idea of an electronic format with the option to pay for a paper format for those that want it.

Public Forum:

Manriquez reopened public forum to allow Ann Waters to address the board. **Waters** stated she was in attendance as a voice for Polarity Therapy as a modality that can stand on its own. The Polarity organization, APTA, wants to have exemption for Polarity practitioners; however Waters is in favor of regulation. She suggested possible title amendment. At this point, Polarity is a growing profession in Oregon. She's been here for 23 years and had hoped it would have happened by now. She stated that she's willing to work on this and that she hopes the Board will be in favor of it.

Glenn stated that the 2008 legislative session is a special session to look at annual sessions. It is her understanding that there are no agency bills going forward, as it's only a 1 month session. She also shared that April will be the time to submit concepts for the 2009 session. **McCal** asked Waters if she represents the Organization in Oregon. Waters said that she is a Senior Member in Oregon so she is the voice and liaison. She said that the Organization is firm about trying to get exemption everywhere they are continually speaking with legislators about it. Waters said that moving forward with whatever we can get done is an important step. She further explained that their organization adopted the standards and ethics used by the Naturopathic College here. She suggested the Board members visit the APTA website. **Glenn** said that she has copies, if the Board members want them. **Manriquez** said that the Board understands what Waters is advocating. **Manriquez** thanked Waters for her input and said that this topic will be placed on the work session agenda and taken into consideration.

6) EXECUTIVE SESSION -

The Board may enter into Executive Session to discuss certain matters on the agenda 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, 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 and ORS 192.660(2)(i) To review and evaluate the job performance of the Executive Director or staff. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.

The Board entered Executive Session at 10:50 am and returned to Public Session at 12:15pm.

7) Law Enforcement Action – Public

a) Applicant AB – no action needed

b) Renewal AC – Kern moved to deny renewal of the license and assess a civil penalty of \$1,500 for 1 violation of ORS 687.081(1)(b) for making false representation to the Board and 1 violation of ORS

687.081(1)(d) for habitual intemperance in the use of controlled substances **In favor: McCal, Oxman, Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**

- c) **Case 567 - McCal moved** to suspend licensee for 1 violation of ORS 687.081(1)(i) Professional or dishonorable conduct, impose the Board Approved Ethics Protocol and issue a civil penalty of \$1,000 **In favor: McCal, Oxman, Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- d) **Case 499 – Kern moved** to accept the OAH Proposed Order as amended. **In favor: McCal, Oxman, Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**
- e) **Case 530 – Barton moved** to accept the OAH Proposed Order as amended. **In favor: McCal, Oxman, Kern, Barton, Calise, McMillin and Manriquez. Opposed: None. Motion carried**

8) **Law Enforcement** – No public law enforcement cases

9) **New Business**

- a) **2008 meeting schedule** – There is a public information officer meeting on the 2nd Friday of every month, so **Glenn** suggested moving Board meetings to the 1st or 3rd Friday of each month. There was discussion on schedules and it was agreed that the 3rd Friday of each month worked for the Board members. There was discussion on the 2008 traveling meetings. The Board is looking at Baker City or LaGrande for April 2008, but staff will research it to see if the numbers of practitioners would support the endeavor. Eugene will potentially be the city for October 2008. The final decisions will be made at the October 2007 Board Meeting.

10) **Old Business**

- a) CCA Scope of practice information provided to the Board per the request in the August meeting.

11) **Public Comments** – There were no public comments.

12) **Announcements** – **Glenn** gave the Board the proposed FSMTB By-law changes for consideration.

Board members should get any feedback to Manriquez as she will be attending the annual meeting as Oregon's delegate.

Manriquez attended the annual committee meeting for NCB. The Board attended, answered questions and announced that the Board meetings are now public. Board minutes are available upon written request. There was some conversation about the roles of FSMTB and NCBTMB – FSMTB is an association of State Boards, NCBTMB is an association of certificate holders. They now understand that NCE was not meant to be a licensing exam, which is what it has turned into. They understand the need for good customer service and have a full and functioning Board. They also gave examples of why someone would want to seek out advanced certification.

Barton asked if FSMTB was setting up for certification. **Glenn** replied that they were not. She explained that certification sets a higher standard of the profession, where licensure ensures the minimum public safety standards are met.

Glenn shared information she received about an upcoming class in the Ashland area. **Barton** will verify his ability to attend and get back with Glenn.

Glenn provided the Board with copies of the Governor's Report regarding the Nursing Board and talked

about the scope of practice meetings coming up in the near future:

- The Nursing Board was going to host an October 5th Scope of Practice round table, but it has since been cancelled.
- There has been a meeting called by the Governor's office for all health related Boards, requesting that all Executive Directors meet with Chip Terhune on September 24th from 1:00 – 5:00. Any information collected will be compiled and provided to the Board in October.
- October 9th there is a meeting of the House Interim Health Care Committee. The agenda has been posted online and the entire day is scheduled for health related licensing Boards.
- Senator Greenlick has been scheduling time to meet with the Executive Directors of Health Related Boards. Our Board has not yet been contacted, but **Glenn** said that she will call his office to see if she can set a convenient time to meet with him.

Glenn reminded the Board members that it is critical they build relationships with their local Senators and Representatives.

Kern asked who is included in this list of health related agencies. **Glenn** explained that it all those who are named in ORS 676.

In October, the Board will discuss a 2000 retreat document and the 5 year vision.

There was discussion on the October Board meeting hotel accommodations. **Glenn** asked Board members to get items that they would like to see on the October agenda to staff as quickly as possible.

The Board will be staying over on Thursday and Friday night. We are meeting at COCC for the work session on Friday from 10:00am – 1:00pm. The Board meeting will be from 1:00pm to 6:00pm, though the ending time may vary. Saturday from 9:00 – 1:00 is a continued work session.

13) Adjourn Meeting – Calise moved to adjourn. In favor: McCal, McMillin, Kern, Calise, Barton and Manriquez. Opposed: None. Oxman was not present. Motion carried. Meeting adjourned at 1:12pm.