



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

June 20, 2008

Attendance

Board Members:

Stephanie Manriquez, LMT, Chair
Jordan Barton, LMT, Vice-Chair
Jeanna Catalano, LMT
Crystal Collier, LMT (*by telephone*)
Jackie Kern, Public Health Member
R. Craig McMillin, Public Member
Kathy Calise, Public Member

Staff:

Patty Glenn, Executive Director
Diana Nott, Enforcement Coordinator

Public: No public in attendance

Call to order

Manriquez called the public meeting to order at 10:05 am. Roll Call was performed. **Manriquez, Barton, Catalano, Kern, McMillin** and **Calise** were present. **Collier** will join later by telephone.

- 1) **Approve Agenda - Calise moved** to approve the agenda as amended. **In favor: Manriquez, Kern, Calise, Barton, McMillin and Catalano** **Opposed: None.** **Motion carried.**
- 2) **Approve Minutes from May 16, 2008– Kern moved** to approve the May 16, 2008 meeting minutes as presented. **In favor: Manriquez, Kern, Calise, Barton, McMillin and Catalano** **Opposed: None.** **Motion carried.**
- 3) **Public Forum –** No public in attendance
- 4) **Report of Executive Director -**
 - a) **Ethics Guide: Glenn** indicated that the Oregon Public Ethics Guide, received from the Ethics Commission, should be added to each member's board binder. When the Board moves to electronic format it will become a part of the resource folder.
 - b) **Financials: Glenn** discussed the research on financial investments and provided the board with updated financials. **Barton** asked what prompted Washington to change their renewal fees. **Glenn** stated that we do not know the specifics but with larger umbrella boards there can be big swings in fees depending on the financial picture of the agency or state. **Glenn** suggested that FSMTB gather data on licensing fees and board responsibilities at the annual meeting. **Calise** asked how the OBMT's reserves compare with other semi-independent agencies. **Glenn** said that there is some variation between agencies but that all are trending well. **Glenn** informed the board that some of the Semi-Independent agencies are looking at the possibility of being co-located. The current OBMT lease expires in 2011.
 - c) **Proposed change to Personnel Policy – Barton** moved to approve the changes to the

personnel policy. **In favor: Manriquez, Kern, Calise, Barton, McMillin and Catalano**
Opposed: None. Motion carried.

5) Committee Updates –

- a) **Exam Committee - Nott** gave an update of the new exam format and training. All examiners are trained and ready for the new format to begin July 1st. In August, the Board will view an exam video to get a better understanding of the process.
- b) **Rules Committee** – The committee has a placeholder meeting scheduled for Tuesday the 25th. Based on the results of the Rules Hearing and a date error on several documents, the comment period will be extended and a second hearing will be held on August 22nd at 9:00 am. It was noted that the change to the written exam requirements, which has already been through the hearings process and finalized by the Board, will go into effect July 1, 2008. Proposed changes document will be updated to correctly reflect that. **Catalano** moved to reschedule the August Board meeting to the 22nd commencing at the conclusion of the Rules hearing. **In favor: Manriquez, Kern, Calise, Barton, McMillin and Catalano** **Opposed: None. Motion carried.**
- c) **Education/Scope of Practice Committee –Glenn** stated that she was unsure if the Chair of that committee was still available to take on the task. **Manriquez** thought it might be a good idea to look for another chair. The new e-Boarderline contained a call for committee members. **Manriquez** suggested informing the licensees of committee expectations and what's available for participation assistance. **Nott** indicated that information is available on the website.
- d) **Liaisons** – The Board reviewed committee liaison assignments. The assignments are as follows: **McMillin** has Rules Committee; **Catalano** has Exam Committee; **Collier** will be asked to be the liaison for the Education/Scope of Practice Committee.

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 into Executive Session at 10:58 am and returned to Public Session at 11:25 am. **Collier** joined the meeting at 11:14am.

6) Action on Executive Session Items

- a) **Case 611 – McMillin moved** to issue a Notice of Proposed Action for 1 violation of OAR 334-030-0025(19)(a)(C), unprofessional or dishonorable conduct, for a total civil penalty of \$500 and to require Licensee to complete the Board Approved Ethics Protocol & assess costs of any disciplinary proceedings and investigative costs with the stipulation that if the Ethics Protocol is completed to the satisfaction of the Board and the civil penalty is paid within one year of the date of the Notice, the Board will suspend costs. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None. Motion carried.**
- b) **Case 612 – Barton moved** to issue a Notice of Proposed Action for 1 violation of OAR 334-030-0025(19)(a)(C), unprofessional or dishonorable conduct, for a total civil penalty of \$500, to require Licensee to complete the Board Approved Ethics Protocol and assess costs of any disciplinary proceedings and investigative costs. **In favor: Manriquez, Kern, Calise,**

Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.

c) Executive Director Review

7) Law Enforcement – Public n

- a) **Case #621 – “Lyn Lyn” a.k.a. Marlyn Fine - Mcmillin moved** to issue a Notice of Proposed Action for nine violations of ORS 687.0251(1), unlicensed advertising of massage, and three violations of ORS 687.021 (1), unlicensed practice of massage, for a total civil penalty of \$11,500. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** Opposed: None. Motion carried.
- b) **Case #624 Uma Till – Kern moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1) engaging in the practice of massage without a license, for a total civil penalty of \$1,000. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** Opposed: None. Motion carried.
- c) **Case #629 Carolyn Gabriel – Catalano moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), purporting to be in the practice of massage without a license and three violations of ORS 687.021(2)(a), advertising massage without a license, for a total civil penalty of \$3,500 and to forward to the Oregon Board of Nursing. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** Opposed: None. Motion carried.
- d) **Case #653 Erik Hartman – Kern moved** to issue a Notice of Proposed Action for five violations of ORS 687.021(2)(a), advertising massage without a license, for a total civil penalty of \$4,500. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** Opposed: None. Motion carried.
- e) **Case #656 – Scott Johnson – Kern moved** to close the case as Board Lacks Authority, as he is no longer licensed. Should he re-apply, the Board will re-visit this case and make a determination at that time. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** Opposed: None. Motion carried

8) FSMTB Updates - Glenn informed the Board that everything is going well with the MBLEx. They are slowly getting more candidates.

- a) **Annual Meeting** – OBMT members will be attending October 16-19 in Seattle.
- b) **MBLEx** is moving along and there has been a lot of positive feedback regarding the process and the exam itself. New York has not made a determination, Florida moved to adopt the MBLEx but there has been a challenge to their rules from NCBTMB. More information will be available in August.
- c) **Membership** – Oregon has renewed the FSMTB membership.

9) Board Business

- a) **Proposed Rules Vote** –There was a discussion on the proposed rules issues and if the committee should meet the following Tuesday. **Manriquez** said that the Board members should use this extra time to more thoroughly review the rules and provide feedback. The final vote will be set for August. **Glenn** will put together an explanation regarding the changes.
- b) **Temporary Rule – Catalano moved** to add a temporary rule that states “Applicants who have applied with NCBTMB and have received their authorization to test, prior to July 1, 2008, shall be allowed to complete the examination process and submit their passing score in lieu of the MBLEx.. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** Opposed: None. Motion carried
- c) **New Hearing** – There was discussion on the time lines and the expectations for preparing

for the new Rules Hearing.

10)Public Comments – There were no public present.

11)Announcements – **Glenn** should know more by July about the possible legislative concepts pertaining to Health Related Boards in general and also the semi-independent model, especially as it relates to Health Related Boards. The Board will get an update at that time. There was a suggestion and discussion of the Board hiring a lobbyist for the next legislative session, possibly joining with the other health or semi-independent boards/agencies. A discussion on how to effectively move into the '09 session will be discussed in July.

12)Adjourn Meeting – **Calise** moved to adjourn the meeting. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.** Meeting adjourned at 12:35 pm.