



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

February 20, 2009

Attendance

Board Members:

Jordan Barton, LMT, Chair
Kathy Calise, Public Member, Vice-Chair
Jeanna Catalano, LMT
Crystal Collier, LMT
Heather Bennouri, LMT
Craig McMillin, Public Member

Staff:

Patty Glenn, Executive Director
Diana Nott, Enforcement Coordinator

Public: Shannon Hallberg

Call to Order -

Barton called to the meeting order at 1:00pm. Role call was performed. **Barton, Calise, Bennouri, Catalano, Collier and McMillin were in attendance.**

1) Approve Agenda: Calise moved to approve the agenda. In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.

Barton officially welcomed **Heather Bennouri, LMT** as the newest member of the OBMT.

EXECUTIVE SESSION

The Board may enter into Executive Session to discuss certain matters on the agenda for pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection, ORS 192.501(4) to review test questions, scoring keys and other data used to administer a licensing examination, 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 1:02pm and returned to Public Session at 1:33pm.

2) Action on Executive Session

- a) Case 592 - Catalano moved to revoke license for one violation of ORS 687.081(1)(i) and OAR 334-030-00285(19)(d)and(e) In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- b) Case 734 - McMillin moved to deny request for reinstatement of conditional license. In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- c) Case 739 - Calise moved to issue a letter of concern. In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**

3) Law Enforcement Action

- a) **Case 581 – Calise moved** to issue a letter of concern. **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- b) **Case 758 Susan Holloway – Collier moved** to issue a notice of proposed action for seven violations of ORS 687.021(2)(a), unlicensed advertising of massage, for a total civil penalty of \$6,500. **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- c) **Case 763 Brandy Pfeiffer – Catalano moved** to issue a notice of proposed action for four violations of ORS 687.021(2)(a), unlicensed advertising of massage, for a total civil penalty of \$3,500. **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- d) **Case 697 Jim McPherson – Collier moved** to issue a notice of proposed action for one violation of ORS 687.021(2)(a), unlicensed advertising of massage, for a total civil penalty of \$1,000 and forward to the Federation for distribution to the regulated states and forward to the ABMP **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- e) **Case 698 Kevin McAllister - Collier moved** to issue a notice of proposed action for one violation of ORS 687.021(2)(a), unlicensed advertising of massage, for a total civil penalty of \$1,000 and forward to the Federation for distribution to the regulated states and forward to the ABMP **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- f) **Case 699 Jeff Hays – Calise moved** to issue a notice of proposed action for one violation of ORS 687.021(2)(a), unlicensed advertising of massage, for a total civil penalty of \$1,000 **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**
- g) **Case 700 Jon Guidone – Calise moved** to issue a notice of proposed action for one violation of ORS 687.021(2)(a), unlicensed advertising of massage, for a total civil penalty of \$1,000. **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**

4) **Public Comments** – Opportunity for the public to address the board Shannon Hallberg attended the meeting out of curiosity. She asked how much time goes into policing. **Glenn** stated that it is a significant piece of the Board work, as Oregon has worked very hard to address complaints and issues of unlicensed practice of massage.

5) **Approve Minutes of January 16, 2009 – Catalano moved** to approve the meeting minutes of January 16, 2009. **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**

6) Directors Report

- a) **Staff Meetings - Glenn** reported that, due to the economy and state budget concerns, the Board was holding off on the hiring of the 5th person, staff is moving to an automated phone system and tightening down on more area-specific duties.
- b) **Finances** – no report
- c) **2009 Legislative Session – Glenn** reported that **SB 146** had its first hearing in January. **Glenn, Calise and AAG Lindley** testified in support. The week prior, **HB 2057** (removal of Semi-independence) also had its first hearing. Several LMTs as well as other professionals testified in opposition at that hearing but time ran out and Glenn and Calise did not testify. **HB 2118** was heard on February 6th. This was the Governor's bill which rolled into it many issues from other bills. There are concerns about it, but **Glenn** testified in support of the continued

jurisdiction piece at the request of the Governor's Health Policy Advisor, Claudia Black. Since then, **Glenn** has met with 7 members of that committee to answer any questions and provide information regarding the bills which impact the health boards and semi-independence.

Our bill was up again on the 18th of February. There was discussion of support and opposition. The hearing was closed and it did not go to work session. Sen. Johnson testified in opposition and raised concerns about the board's activities. This is obviously of significant concern. **Glenn** has made several attempts to schedule a meeting with her to identify and understand the concerns and provide any support or clarification possible. At this time no meeting has been set.

Glenn presented at the AMTA Oregon annual convention and received the 2008 LMT of the year award. The presentation received positive reviews. FSMTB wants to do a press release on the award.

i) **NCBTMB Press release** – The board received a press release from NCBTMB

ii) **Dave Barrows Letter** – A meeting was held between **Glenn**, Dave Barrows and Claudia Black with Lori Lindley in attendance. Discussion focused on FSMTB, the development of the MBLEx and the boards decision to accept that exam.

iii) **Legislative Opposition** – reviewed opposition to SB 146 that was submitted at the hearing on January 26th.

d) **Health related boards** - they are meeting on Monday. 2058 is up for hearing in Grants Pass on the same day.

e) **SIBA update** – January meeting cancelled. OBMT is hosting the next meeting on March 17th.

7) **Committee Updates**

a) **Education/Scope of Practice Committee** - They are scheduled to meet the last Friday of each month. A considerable amount of work has been put into research on distance education already. Once completed committee will be working on the portfolio review process.

8) **FSMTB Updates** – **Glenn** notified Board that Nashville is the location of 2009 annual meeting. AMTA came out in support of the MBLEx as the one exam for entry level licensure. **Glenn** will be attending FSMTB strategic planning from February 27th through March 1st.

9) **Board Business**

a) **All-Schools Report** - **Glenn** reviewed the All-Schools meeting minutes with the Board. It was discussed that schools would like to know the pass/fail scores of their graduates. School performance issues will be added to the April work session.

10) **Public Forum** – No public present.

11) **Announcements** – **Calise** asked for clarification on legislative attendance – legislative attendance is a Board Sanctioned Activity and thus qualifies for mileage reimbursement.

12) **Adjourn Meeting** - **Bennouri Moved** to adjourn the meeting at 4:15pm. **In favor: Barton, Calise, Bennouri, Catalano, Collier and McMillin. Opposed: None. Motion carries.**