



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

January 16, 2009

Attendance

Board Members:

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

Staff:

Patty Glenn, Executive Director
Diana Nott, Enforcement Coordinator

Public: Glenath Moyle An'daesha K'Treva Lorna Klapan Jodi Steffen

Call to Order -

Barton called to the meeting order at 12:10pm. Role call was performed. **Barton, Calise, Manriquez, Catalano, Collier and McMillin were in attendance.**

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

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 12:12pm and returned to Public Session at 1:37pm.

2) Action on Executive Session

a) Applicant AB Request for Practical Exam Approval – Manriquez moved to deny request for waiver of practical exam requirements. In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.

b) LMT AA Renewal – McMillin moved to grant a probationary license on the condition that this LMT be required to maintain employment under the supervision of another health professional, shall notify board of employment and not change employment without notice to the Board, shall notify employer of conditions, and report in writing each month as to current employment and sign statement that she has not been cited, arrested or convicted of any further offense or crime. Attach criminal background check once every 6 months beginning 6 months from the date of renewal. If LMT is found to be in violation of probation, the matter will be brought to the attention of the board for suspension or revocation. In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.

c) In the matter of cases 375, 531 and 611 Catalano moved to accept the stipulated agreement and final orders of each case. In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.

3) Law Enforcement Action

a) **Closed Case Report** - It was explained that some cases are several years old. As history is added to the new database, the systems in place require closure by the Board. This will continue to happen until all old cases have been entered and recognized by the Board. **McMillin moved to close following cases:**

Case No. 1 **Rebecca McLaglin**

Allegation: False representation to the Board

Closed: Suspended for 1 year
Case Satisfied

Case No. 31 **Kimberly Apple**

Allegation: Unlicensed practice

Closed: Civil penalty assessed & paid

Case No. 32 **Harold C Dowler**

Allegation: Sexual abuse of a client

Closed: Revoked

Case No. 39 **Timothy Parish**

Allegation: Sexual Violation

Closed: Revoked

Case No. 41 **David Wilbur**

Allegation: Unlicensed Advertising

Closed: Civil penalty assessed & paid

Case No. 44 **Jennifer Stoloff**

Allegation: Unlicensed practice

Closed: Civil penalty assessed & paid

Case No. 76 **Susan E Carmichael**

Allegation: Unlicensed practice

Closed: Final Default Order

Case No. 79 **Su Lin**

Allegation: Other

Closed: Suspended – Case Satisfied

Case No. 80 **Jeffrey Burch**

Allegation: Unlicensed practice

Closed: Civil penalty assessed & paid
Case Satisfied

Case No. 611 **Jorge Torres**

Allegation: Unprofessional/dishonorable conduct

Closed: surrendered

Case No. 627 **Marie Ann Thomas**

Allegation: Unlicensed practice

Closed: Final Default Order

Case No. 657

Allegation: Unlicensed practice

Closed: Respondent unreachable

Case No. 660 **Parkview Chiropractic**

Allegation: Unlicensed practice/advertising

Closed: Stipulated Agreement

<u>Case No. 661</u> Allegation: Unlicensed practice	Closed: Respondent unreachable
<u>Case No. 662</u> <u>Stephanie Erbe</u> Allegation: Unlicensed practice	Closed: Final Default Order
<u>Case No. 664</u> Allegation: Unlicensed practice	Closed: Respondent unreachable
<u>Case No. 671</u> Allegation: Unlicensed practice	Closed: Respondent unreachable
<u>Case No. 672</u> Allegation: Unlicensed Practice	Closed: Respondent unreachable
<u>Case No. 702</u> Allegation: No license number in ad	Closed: Compliance met
<u>Case No. 704</u> Allegation: No license number in ad	Closed: Compliance met
<u>Case No. 705</u> Allegation: No license number in ad	Closed: Compliance met
<u>Case No. 706</u> Allegation: No license number in ad	Closed: Compliance met
<u>Case No. 707</u> Allegation: No license number in ad	Closed: Compliance met
<u>Case No. 708</u> Allegation: No license number in ad	Closed: Compliance met
<u>Case No. 710</u> Allegation: Unlicensed practice	Closed: Respondent unreachable
<u>Case No. 711</u> Allegation: Unlicensed practice	Closed: Respondent unreachable
<u>Case No. 712</u> Allegation: Unlicensed practice	Closed: Respondent unreachable
<u>Case No. 716</u> Allegation: No license number in ad	Closed: Compliance met
<u>Case No. 720</u> Allegation: Unlicensed practice	Closed: Respondent unreachable

Case No. 725

Allegation: Unlicensed practice

Closed: Respondent unreachable

Case No. 733

Allegation: Non compliance with a Board Order

Closed: Compliance met

In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.

4) Public Comments – Opportunity for the public to address the board Lorna Klapan came to Oregon from New York State and Practices in Sweet Home. She is proud to be in the profession. She noticed that in the past there was a lack of awareness and that awareness is coming up.

5) Approve Minutes of November 21, 2008 – Manriquez moved to approve the meeting minutes of November 21, 2008. **In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.**

6) Directors Report

a) Staff Meetings - Glenn reported that Krista was no longer with the board as her assignment time had ended. We continue to look for someone who can do basic entry level clerical efficiently with lots of filing. Staff meetings are monthly.

b) Finances – The SIBA group is looking at other investment options. The Board has made improvements every month but hopes to have investments in February. **Glenn** is starting the budget process and taking ideas from Board members. By March she should have a draft budget ready to be voted in April to have done for July 1 implementation date.

c) 2009 Legislative Session – Glenn prepared a packet of bills for Board members. She would like to keep a list of questions as they are posed and give them to all board members.

4 bills scheduled to be heard the 21st at 3pm.

One is not impacting us.

2056 is being heard, it increases number of public members to 50% less one which is where we are so it doesn't affect us and we are not referenced.

2057 semi-independent bill is up for 1st hearing. Semi-Independent regulatory boards have contracted with Steven Kafoury. He has met with many of the on that committee already. His feedback is that we need to meet face to face with the Representatives and they have set up meetings for next week. With the passage of this bill we are looking at fiscal impact to change. Right now we have the ability to issue licenses more timely, work expeditiously and respond more quickly with excellent customer service. The budget process is currently a process which takes about 40 hours over a couple of months, whereas it would be an 18month process with considerably more time requirements should we lose semi-independence. The bill has an emergency clause with an operational date of 7-1-11. We are aware that AMTA Oregon is in opposition. Also, individuals in attendance: An'daesha K'Treva LMT and Glenath Moyle LMT are in opposition. This bill is 2nd on the agenda. Kafoury is asking that the Executive Director and a Board member be there and ready to testify. **Calise** will testify.

2058 adds Senate confirmation of all health related regulatory board appointments and standardizes other requirements of the Board

2059 requires licensees of health professional regulatory boards to report prohibited conduct of other health related professionals to the board.

2345 this is a bill that creates a requirement for development and monitoring of a process for impaired professionals and removes existing standards. It states that each board **shall** adopt a process and **shall** provide for certain things but it is unclear what all of the parameters are or who would pay for it.

Glenn needs guidance from Board on how involved to be on these issues.

Glenn also asked the Board for an official stand on polarity. The Board has stated that they do not believe, based on the information being gained relative to scopes of practice and that changes to examination over the past several years, that Polarity or the profession as a whole would benefit from a change to the practice act.

Glenn is trying to set up a meeting the end of February with Rose Jade and Claudia Black to discuss the concern raised by Ms. Jade.

d) LINUS walk through – **Glenn** will send the link and log on information to the Board members

e) House interim committee on health care – was covered while going over the bills.

f) Health related boards - they are meeting again on 26th and plugging right along.

g) SIBA update – was covered in finances.

i) LFO Semi-independent Agency Report - the report was presented to the Board and will be looked at in-depth at the April work session.

h) Board Appointments Interest - There are 2 interested parties; Heather Bennouri and An'daesha K'Treva. The Governor's office would like a recommendation from the Board. The Board members would be pleased with either individual and will notify the Governor's office of that.

i) Petitioned – The Dee Lavon School in Coquille has asked that the Board hold its meeting there instead of Coos Bay in August. The Board members feel that this makes sense and are pleased that the school took interest. The change will be made.

7) Committee Updates

a) Rules Committee **McMillin** acted as the Hearings officer prior to the Board meeting. There were two people in attendance and a 3rd person arrived late. Letters were submitted from Rose Jade and an e-mail from Jen Hodges. The Board discussed the information submitted. In summary, in matters of this size it's not uncommon to have minor grammatical and punctuation errors. **McMillin** wanted to praise the committee members who gave selflessly. There were no personal agendas and the technicalities and educational requirements were researched heavily by the professionals. He was very taken by the efforts made and the thoroughness of it and believes that the final product is a very fluid document.

i) Rose Jade Response - **McMillin moved** to adopt the clerical changes brought to our attention by Rose Jade and thank her for her attention. **In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.**

ii) Rules adoption – vote **McMillin moved** to waive a reading of the rules and **moved** to a vote of the rules version 4 which includes the entire OAR Chapter 334 and that understand that there are certain grammatical and punctuation errors that staff will adjust. He recommends

approval of those rules as of January 16, 2009 with an effective date of either February 1st 2009. **In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.**

McMillin extended his Appreciation to rules committee

McMillin moved to extend the effective date of the rules changes to March 1st if need be due to staff resources. **In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.**

b) Exam Committee – The Exam Committee has not met but Board staff did an annual retraining of examiners in December. They anticipate having a committee meeting in late spring to review performance and see how things are going.

c) Education/Scope of Practice Committee - They are scheduled to meet the last Friday of January and are in the process of reviewing distance learning. **Calise** will follow up with Whitney Lowe. The Committee will look at portfolio review as well. There has been one committee interest application for that committee and will be given to them.

8) FSMTB Updates – **Glenn** reported that everything is marching right along. She was not able to attend the board meeting in January. The Board of Directors met the previous weekend, strategic plan weekend is scheduled for the end of February and the face-to-face is scheduled for May. There is an exam item writers meeting coming up. ABMP schools issues forum is in March. She will let the Board know in February. We have our delegates, know the weekend of the annual meeting and are just waiting on the location. **Glenn** will let the Board know the location as soon as possible.

9) Board Business

a) Continuing Education Correspondence/CPR - This was just an FYI for the Board. There was a correspondence indicating that it was not believed that LMT's should be required to know CPR. The Board does not take a position on the requirement to perform CPR, but they are leaving the requirement in place. There was some discussion on the changes in regard to protocol. **Glenn** asked **Calise** to write an article. **Calise** will ask her instructor to assist.

b) FARB Reminder – **Barton** and **Calise** are going to FARB next week.

c) All-Schools Meeting Reminder All school meeting planned for Feb 9th and will be hosted at the Oregon School of Massage, Salem Campus.

There was a discussion on Board members needing to get gmail accounts for board-related stuff. While we are working on transition towards paperless, we are not ready yet.

10) Public Forum – Opportunity to share thoughts that pertain to agenda items. No comments made.

11) Announcements – The Board gave special thanks to **Manriquez** for 8 years of service to the board. An'daasha K'Treva thanked the board for working on the rules. Glenath Moyle thanked the Board for the work on the rules as well.

Glenn asked the Board to move the start time to 1pm during her class schedule. It was agreed.

Glenn received a couple of requests from the Nursing Board regarding the use of massage in advertising and CAM and nursing practice policy. The policy was given to the Board as an opportunity to provide input. The Board needs to return feedback to **Glenn** by Monday.

There was a discussion on esthetician LMT cross over in scope of practice.

12) Adjourn Meeting 5:00 pm (Ending time may vary)

Calise Moved to adjourn the meeting at 3:56pm. **In favor: Barton, Calise, Manriquez, Catalano, Collier and McMillin. Opposed: None. Motion carries.**