



the BOARDerline

December 2003

Volume 11, Issue 1

Oregon Board of Massage Therapists

A NEW EXECUTIVE DIRECTOR

As many of you already know, I have submitted my resignation to serve as Executive Director. My actual date of termination has been moved forward for six months; my final day will be May 31, 2004. I can truly say this has been quite a lifetime experience for me. I have met many wonderful people and learned so many things about the massage profession, the uniqueness of massage therapists and about myself. I wish to thank all of you for the support and encouragement I have received from you throughout the past six years.

Now, on to the future: The Board is happy to introduce Patti Glen as the Executive Director who will take my place on June 1, 2004. Patti has previously served as Director of Administration/Campus Manager and as Community Relations Coordinator with Ashmead College. She brings a lot of knowledge, experience and enthusiasm to the position. I hope you will join the Board and myself in welcoming her.

2004 BOARD MEETINGS

A brief public meeting will follow Executive Session meetings; this will allow the Board to vote on items from executive session.

Meeting agendas and dates are subject to change. If you have an agenda item you wish to present to the Board, it must be in the office no later than three weeks before the scheduled meeting.

Meetings are to begin at 9:00 A.M. unless otherwise noted. The **tentative** meeting schedule for 2004 is as follows:

January 8, 2004 - Public Mtg.

February 12, 2004 – Executive Session Mtg.

March 11, 2004 – Public Mtg.

April 8, 2004 – Executive Session Mtg.

May 13, 2004 – Public Mtg.

June 10, 2004 – Executive Session Mtg.

July 8, 2004 – Public Mtg.

August 12, 2004 – Executive Session Mtg.

September 9, 2004 - Public Mtg.

October 14, 2004 – Executive Session Mtg.

November 11, 2004 - Public Mtg.

More...GOOD-BYES AND HELLOS

Not only will the Board have a new Executive Director soon, we now have a new Exam Coordinator. Jacqueline McCal, the previous Exam Coordinator, left the office at the end of November. I cannot say enough about Jacqueline and her dedication to the exam and exam process. She has been the driving force behind the new and much improved practical exam. Her smiling face and upbeat personality will be missed by all of us. Having said that I wish to introduce Diana Nott; she will be filling Jacqueline's position as Exam Coordinator. Diana worked in the office previously as a temporary employee and I am glad she was available to return to the Board and take this permanent position. She has been training with Jacqueline for over a month and will be more than happy to answer your questions and concerns about the exam, scheduling and so forth.



Please Note



Happy Holidays & Best Wishes in 2004

Oregon Board of Massage Therapists

748 Hawthorne Ave NE

Salem OR 97301

Phone: 503-365-8657

Fax: 503-385-4465

Web: www.oregonmassage.org

Board Members

Chair: Michael Jordan, L.M.T.

David Frostad, L.M.T.

Jacqueline Kern, Public Member

Cathy Law, Public Member

Stephanie Manriquez, L.M.T., A.A.S., N.C.B.T.M.B.

Lisa Oxman, L.M.T.

Brad Welker, D.C.

Board Staff

Bev Holzman, Executive Director
and Newsletter Editor

Michelle Sherman, Office Manager

Diana Nott, Exam Coordinator

LICENSE

RENEWALS:

In the office we have received a lot of telephone calls from people who think they must renew their license this year. Licenses expire on December 31 of all **EVEN-NUMBERED** years. You do not need to renew your license this year.

RULES

HEARING:

The Board has been very proactive in providing some cost-effective ways to get your CE hours. In this newsletter you will find information on some proposed rule revisions and some new rules that relate to CE hours. These rules are scheduled to go into effect in January 2004 and will be applicable to the 2005-2006 renewal period.



The staff e-mail addresses are:

bev@oregonmassage.org

shel@oregonmassage.org

diana@oregonmassage.org



👍 **REMEMBER** 👍

All licensed massage therapists must notify the Board of any residence, business or mailing

F.Y.I.

Exam Pass Rates

June 2003 – 84% passed

(No July exams)

August 2003 – 82%

September 2003 – 93%

October 2003 – 85%

Congratulations to Whitney Lowe, LMT #5109

AMTA Representative Appointed to AMA CPT Committee

Evanston, IL - The American Massage Therapy Association (AMTA) has received confirmation of its nominee, Whitney W. Lowe, NCTMB, as a member of the American Medical Association (AMA) CPT Health Care Professional Advisory Committee (HCPAC). His term is effective immediately and will expire June 2006. The HCPAC is an advisory committee to the AMA CPT Editorial Panel and is comprised of organizations representing allied health professionals that use CPT codes. Two members of the HCPAC also are voting members on the CPT Editorial Panel. "This is really a great step for AMTA and for massage therapists who are interested in working with the healthcare community," said AMTA President Brenda L. Griffith.

An open Letter of Invitation to serve as an Examiner....

It is hard to believe four months have passed so quickly and it is once again time to extend the invitation for new examiners. Our exam pool is filled through the end of January 2004 and we will be looking for examiners for another six months, February through July 2004.

The basics:

The success of the weekly exam is very dependent upon the reliability of the examiners and it is essential that you are available for the days that you elect to be here. Although it may sound harsh, if you sign up for a particular day and cannot meet that obligation, you will most likely not be called upon to serve as an examiner again. Consideration will be given for illness or family emergencies.

The following items are mandatory to serve as an examiner:

- **Everyone** must attend a training session. If you have attended training since July 2003, it is not necessary to attend at this time. Training sessions will be once a month on the last Monday of each month from 2 PM to 4 PM. You will not be paid for attendance at a training session. There are no exceptions to the training requirement.
- We have a large number of LMTs who have expressed an interest in serving as examiners. Therefore, you will be allowed to sign up for a **maximum** of 12 days in a six-month period.
- You must have a personal services contract with the Board before you can serve as an examiner. If you do not have a contract in place for the 2003-2005 biennium, contact Shel Sherman in the office.
- It is important to present a professional appearance to the examinees. We ask that you dress professionally. No shorts. Shoes must be worn at all times (except when serving as a client.) Open-toed sandals are acceptable. Jeans are ok, as long as they are clean and not ragged or torn.

On very rare occasions, we have only one exam for a day or we need to call an examiner in on short notice, to administer only one exam. The Board guarantees payment for a minimum of two hours of time.

We are also looking for "on call" examiners. These are people that will be willing to serve on an as needed basis in case we have a shortage of examiners. To be an on call examiner you must attend a training session.

The first time we issued a solicitation letter for examiners, the response was overwhelming. The exam schedule will be filled **on a first come, first served** basis. No exceptions. Please complete and submit the schedule below. You can mail or fax your requested schedule dates; we will not accept scheduling requests by telephone.

The Board has proposed a rule revision to OAR 334-010-0050 (11) (k). The revised rule should go into effect January 2004 and will allow six hours of credit for every year up to 12 hours of credit for the biennium. This change would be effective for the 2005-2006 renewal period. If you wish to serve as an examiner, please complete and return the following:

Name _____ Daytime phone _____

Please PRINT clearly

Date _____

Please circle the days you are interested in working.

February 2004	March 2004	April 2004	May 2004	June 2004	July 2004
3	2	6	4	1	6
4	3	20	5	2	20
17	16	21	18	15	21
18	17	27	19	16	27
24	23	28	25	22	28
25	24		26	23	
	30			29	
	31			30	

Please check the training day you plan to attend.



Mondays 2-4PM	
January 26	
February 23	
March 29	
April 26	
May 24	
June 28	
July 26	

Please check here if you are willing to serve as an on call examiner.

CONSUMER PROTECTION PAGE FILING COMPLAINTS

OAR 334-030-0010 states a person may submit a complaint anonymously. While this is true, it can severely hinder an investigation if the Board's investigator cannot contact the Complainant. If you file a complaint and request to remain anonymous we will not give your name to the Respondent, during the investigation. However, sometimes we cannot investigate cases because we don't have enough information to proceed and don't have a means to get more information. So please give your name and contact information to the Board when filing a complaint.

The following is the list of board action on complaints that have been closed or resulted in disciplinary action from July 2003 to the present. This list does not include cases that are currently under investigation.

The Code Key: **A** = Unlicensed Practice **B** = Prof. Misconduct **C** = Prof. Misconduct of a Sexual Nature

PLEASE NOTE: These cases involve allegations and have not been adjudicated, unless otherwise noted.

RESPONDENT	CASE #	CODE	SUMMARY
Gemini Massage	188	A	Allegation: The unlicensed practice of and/or offer to practice massage. On September 11, 2003, the Board voted to close the case, C04, Allegations Unfounded.
Christa Rodriguez	190	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 13, 2003, the Board voted to issue a Final Default Order to assess civil penalties.
Stephanie Luse	191	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 13, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties; Respondent has requested a hearing.
Nora Johnson	205	A	Allegation: The unlicensed practice of and/or offer to practice massage. On August 14, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties. Civil penalties have been paid in full.
Luminara "A"	207	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 13, 2003, the Board voted close the case, C02, Board lacks authority.
Bruno deBlock Lic# 6060	209	A	Allegation: Practicing massage while license is expired. Respondent renewed his license. On July 10, 2003 the Board voted to issue a Notice to reprimand Respondent; he has requested a hearing.
Elizabeth Lai	213	A	Allegation: The unlicensed practice of and/or offer to practice massage. On July 10, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties.
"Hot Oil"	216	A	Allegation: The unlicensed practice of and/or offer to practice massage. On September 9, 2003, the Board voted to close the case, C21, Unable to Locate.
Daniel Forest	217	A	Allegation: The unlicensed practice of and/or offer to practice massage. On September 11, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties.
Shape U Fitness Studio	219	A	Allegation: The unlicensed practice of and/or offer to practice massage. On September 11, 2003, the Board voted to close the case, C04, Allegations Unfounded.
Karuna Gatton	224	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 12, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties.
Terah Womack	226	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 13, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties.

RESPONDENT	CASE #	CODE	SUMMARY
Josh Watson	227	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 13, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties.
1st Choice Entertainment	229	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 13, 2003, the Board voted to close the case, C12, Insufficient Evidence.
Michael Gates	231	A	Allegation: The unlicensed practice of and/or offer to practice massage. On November 13, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties and refer case information to the Washington State Board.
Marilynn Volkoff	214	A	Allegation: The unlicensed practice of and/or offer to practice massage. On July 10, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties.
Julianne Southwell Lic# 7042	215	B	Allegation: Professional or dishonorable conduct. On May 8, 2003, the Board voted to issue a Notice that proposed civil penalties; Respondent requested a hearing.
"Rosie" Lai	220	A	Allegation: The unlicensed practice of and/or offer to practice massage. On July 10, 2003, the Board voted to issue a Notice that proposed assessment of civil penalties.
Kim Shaffer LMT #7784	223	A	Allegation: Practicing massage while license is expired. On October 9, 2003 the Board voted to issue a Notice refuse to renew her license.

Something to consider:

Recently the Board received a complaint that involved allegations of misconduct; conduct that could endanger the health or safety of a client or the public.

Background: The complainant/client made a fifth visit to her LMT. During the massage session, the client's blood sugar began to fail. [Client had indicated on the intake form that she was diabetic]. The client informed the LMT she needed to end the session early, the LMT said she was almost finished - that is the last thing the client remembered. The client awoke almost an hour later, on the massage table, surrounded by paramedics. The client had passed out on the table and, according to her, was left unattended for almost two hours. It is alleged that the LMT thought the client was resting or sleeping; possible taking a little while longer than usual to get up from her massage. The LMT stated she does not rush her clients and she allows them to take their time and get up slowly. The LMT checked on the Client, vocally, a couple of times but did not immediately go into the massage room. When she did go into the massage room, she realized something was wrong; the LMT did not immediately contact 911, but contacted the Client's family instead. At some point the LMT called 911. Medical reports indicate the Client's blood glucose level was 28 when paramedics arrived at the scene. In the emergency room, the Client had a temperature of 89.9 and was diagnosed with hypothermia and hypoglycemia. While it seems fair to assume the LMT did not purposely put her client in danger, it is possible that further delay in obtaining help for this client might have resulted in the client's death.

The Board asked that this incident be placed in *The Boarderline* for all of you to read. This event speaks so closely to the protection of the public. It is the Board's position that the LMT should have physically checked on the client more aggressively and should have called 911 at the **first** sign that the Client was behaving strangely. The Board asks that you consider this seriously and take the appropriate steps to err on the side of caution should you find yourself in a similar situation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

OREGON BOARD OF MASSAGE THERAPISTS

334

Agency and Division

Administrative Rules Chapter Number

In the matter of a revision of OAR 334-010-0005, 334-010-0010, 334-010-0017, 334-010-0025, and 334-010-0050

Statutory Authority:

SB 1127, ORS 183 & ORS 687.121

Other Authority:

HB 2131

Statutes Implemented:

ORS 687.041, ORS 687.121

Need for the Rule:

Housekeeping changes; refining the examination process; and allowing a different method of obtaining Continuing Education.

Documents Relied Upon:

HB 2131

Fiscal and Economic Impact:

There will be no fiscal or economic impact.

Justification of Permanent Rules(s):

Mandated by law.

Michelle Sherman, Office Manager

Date

Proposed Rule changes:

334-010-0005 Delete [(3) **All application materials shall be filed with the Board office or postmarked on or before the scheduled deadline date set by the Board for the intended next available examination date set by the Board.**]

334-010-0010 (2) [**The applicant shall be notified of the time and place to appear for the examination when all required application materials have been reviewed and within two weeks of the examination date**] The applicant shall be notified by mail, postmarked at least two weeks before the scheduled exam, unless otherwise waived by the applicant, of the time and place to appear for the examination when all required application materials have been reviewed and approved.

334-010-0010 (3) Applicants who request an extension in writing to the Board postmarked 7 [**14**] days in advance for the practical examination may have their examination fees applied to a subsequent examination so long as the applicant sits for the examination within a year of the date of the extension. Only one extension shall be permitted. Exceptions will be reviewed on a case-by-case basis by the Board. Refund of the examination fee will be granted should the applicant **request a [a request]** refund in writing **postmarked** at least 7 [**14**] days [**postdated**] prior to the **scheduled** exam.

334-010-0015(4) Delete [**Applicants for license renewal shall furnish a copy of a current certificate in cardiopulmonary resuscitation.**]

334-010-0017(4)(d) Delete **proof of current CPR**

334-010-0017(5)(d) Delete **proof of current CPR**

334-010-0017(7)(d) Delete **proof of current CPR**

334-010-0025 (3) [**Any person who represents himself or herself as a massage therapist when the person adopts or uses the word massage or any derivation of the word massage or any other word that implies a massage technique or method.**] A person represents himself or herself as a massage therapist when the person adopts or uses any word(s) that implies a skill or application as defined by statute 687.011.

334-010-0050 (1) At the biennial renewal time, each licensee shall sign a statement and provide proof that they have completed 25 hours of continuing education. **[not to include CPR]**

334-010-0050 (11) Categories. The required 25 hours of continuing education per biennium shall be selected from one of the following categories however, 12 of the continuing education hours must be in activities that involve attendance at organized events involving other massage and bodywork practitioners unless otherwise specified in the rules. **The Board accepts any CE class that is approved by a national credentialing program and any class presented by a school that has Oregon Department of Education approval.**

334-010-0050 (11) (b) Attendance at **Board approved** seminars, workshops, or institutes—may claim 1 hour per direct hour of contact **[(up to 25 hours)] up to a total of 25 hours for the biennium;**

334-010-0050 (11) (c) Attendance at **Board approved** telecommunication presentations of educational courses, seminars, workshops—may claim 1 hour per direct hour **[(up to 12 hours)] up to a total of 12 hours for the biennium;**

334-010-0050 (11) (d) Completion of a **Board approved** self-study course **[sponsored and credited by an agency or organization approved by the Board]**—may claim 1 hour of credit per unit.

334-010-0050 (11) (k) Participation as an examiner for a state or national practical examination for licensure or certification—may **[claim up to 12 hours of credit] claim 6 hours of credit for every year up to 12 hours of credit for the biennium;**

334-010-0050 (11)(m) **Serving as a Committee member for the Oregon Board—may claim 6 hours of credit for every year served up to a total of 12 hours of credit for the biennium;**

334-010-0050 (11) (n) **Volunteer work at an organized event—may claim 2 hours of credit for every year up to a total of 4 hours of credit for the biennium;**

334-010-0050 (12) **A continuing education class, seminar, workshop or institute that is not approved by an outside professional accrediting agency or the Oregon Department of Education, must meet the following. Providers must submit the documents listed below and receive written verification of approval from the Board:**

- a) **Resume and qualifications or licenses in subject area;**
- b) **Course applicability to massage and bodywork;**
- c) **Course syllabus and content outline;**
- d) **Course objectives;**
- e) **Methods of evaluation; and,**
- f) **Sample of certificate or proof of credit.**