



# Oregon

Theodore R. Kulongoski, Governor

## Board of Massage Therapists

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## BOARD MEETING MINUTES

November 21, 2008

### Attendance

#### Board Members:

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

#### Staff:

Patty Glenn, Executive Director  
Diana Nott, Enforcement Coordinator

**Public:** Glenath Moyle Leah Bowder Lisa Barck Garofalo

### Call to order -

**Manriquez** called the public meeting to order at 10:00am. Role Call was performed. **Manriquez, Barton, Catalano, Collier, McMillin and Calise were in attendance.**

- 1) **Approve Agenda - Barton moved** to moved to approve the agenda as amended. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
- 2) **Approve October 24, 2008 Minutes – Calise moved** to approve the October 24, 2008 meeting minutes. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano Opposed: None. Motion carried.**
- 3) **Public Forum –** No public comments.
- 4) **Committee Update -**
  - a) **Liaison assignments:** The Liaison is the person responsible for making sure that the committee reports are done and that all documentation and reports are provided to the Board office for records retention. Committee Liaison assignments are as follows:
    - i) **Rules –** Craig McMillin
    - ii) **Education/Scope of Practice –** Kathy Calise
    - iii) **Exam –** Jeanna Catalano
  - b) **Education/Scope of Practice Report –** The committee amended the purpose of the committee. The new purpose is to advise the Board in matters of scope of practice, training, certification and continuing education of massage therapists. The Committee will also advise the Board on any other education-based issues that arise.

The committee reviewed the 6 assigned tasks and removed 4 that the Board had already addressed: scope of body wraps, fraternization policies, tiered licensing and increase in core hours. This leaves the committee focusing on the portfolio review process and distance education. The committee would like to have a representative attend FSMTB meetings involving the Model Practice Act or related issues. The Board thought that this was an excellent idea. Barck Garofalo provided the Board with the committee's future meeting schedule and concluded her report by saying that, though it is a small group it was a very productive meeting.

- c) **Rules – Glenn** reported that the Notice was not posted in the Oregon Bulletin and as such the planned hearing would be moved to January. This will give the public more time to comment on the changes and removes the challenges associated with the busy holiday season. After board discussion the decision was to have the Final Rules Hearing in January in conjunction with the Board meeting. **Glenn** will send an e-mail notifying interested parties and LMT's that the date has been changed.

## 5) Director's Report:

- a) **Finances – Glenn** met with a representative from US Bank. As a result we have migrated our accounts over to "free checking", are reevaluating our merchant service options and are looking at investment opportunities. **Glenn** will be doing some follow up research and will report back as changes occur.
- b) **2009 Legislative Session**
  - i) **Glenath Moyle Presents** – Glenath Moyle, past Board member and Chair, presented information on the history of the board and working with the Legislature. She gave an introduction of herself and her history with the Board. She included a PowerPoint presentation and discussion on interacting with legislators. There was a discussion on using the legislative web site as well. **Glenn** will do a walk-through of LINUS in January for the Board members.
  - ii) **LC1151** – This concept removes the semi-independent status of three health boards. (Optometry, Physical Therapy and Massage Therapy). It would place it back under government purview, requiring random audits every 5 years (as opposed to our current mandatory biennial audit as a semi-independent agency). It would also require submittal of an annual budget to DAS and then through Ways and Means. There was discussion on the history of semi-independence, how it has benefited both the Board and the Profession and why the Board would support our semi-independent status.
  - iii) **LC1152** – Requires public members not to be related to an LMT. Requires professional organizations representing LMT's to submit a list of 3-5 LMT's to the Governor's office to fill vacant LMT Board positions. Discussion on pro's and con's of this concept.
  - iv) **LC1153** – Establishes uniform standards for treating impaired professionals. Requires health professional licensing boards to create an impaired professionals program.
  - v) **LC1458** – Limits the authority of the Board when requiring competency evaluation or assessments. Permits Licensee or applicant to request a contested case hearing to determine need.
  - vi) **LC1459** – Prohibits health professional regulatory boards from assessing fees for disciplinary proceedings.
- (1) **Testimony of Frank T Mussell** – The Board received a copy of the written testimony of Frank T Mussell regarding LC1459

- vii) **LC481** – This is the OBMT concept that the Board members need to become familiar with and be ready to testify on behalf of.
- c) **House Interim Committee on Health Care** – The committee met and introduced concepts. **Glenn** will send e-mails to Board members as she gets them.
- d) **Scope of Practice Advisory Group** – The group had their final meeting on November 11<sup>th</sup>. **Glenn** was unable to attend due to illness. It is her understanding that they did not come to a solid consensus as a group, so the actual path is uncertain.
- e) **Health Related Boards** – The group created a booklet for legislators with information for all Health Related Boards. This will be distributed to legislators at the beginning of session.
- f) **SIBA Update** – They met and interviewed lobbyists. The Board reviewed a potential contract for Steve Kafoury. **McMillin moved** to approve the contract for Kafoury. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
- g) **Certificate of Management Class Schedule** – Reviewed class schedule for **Glenn**. Discussed necessary changes to the 2009 meeting calendar. The calendar will be amended to reflect those changes.
- h) **Revised Mission Statement** – The Board revised the mission statement to read: The Board of Massage Therapists protects the public by regulating the practice of massage to balance the interest of the public and the needs of the massage therapists and reflect the standards set within the massage profession. **Calise moved** to adopt the new mission statement. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**

#### **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.

- 6) **Action on Executive Session Items –**
  - a) **Case 734 – Catalano moved** to Issue a Notice of Emergency Suspension based on credible allegations of conduct of a sexual nature in violation of OAR 334-030-0025, which pose an immediate irreparable risk to the public. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
  - b) **Case 741- Collier moved** to suspend Licensee's massage license until she remits payment for all fees owed to the Board, including all applicable late fees. Forward to the Washington Board of Massage. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
- 7) **Law Enforcement – In regard to case numbers:**
  - a) **Case 525 Julie Grant – McMillin moved** to issue a Notice of Proposed Action for 60 violations of ORS 687.021(1), practice of massage without a license for a total civil penalty of \$34,500. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
  - b) **Case 669 Abigail Houston – Calise moved** to issue a Notice of Proposed Action for 2 violations of ORS 687.021(2)(a), advertising massage without a license, for a total civil penalty of \$1,500 **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**

- c) **Case 713 Myron Goldsby – Barton moved** to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1), practice of massage without a license and 9 violations of ORS 687.021(2)(a), advertising massage without a license, for a total civil penalty of \$9,500 and refer to the Washington Board of Massage. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
- d) **Case 722 Rhiannon Miller – Barton Moved** to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1), practice of massage without a license and 9 violations of ORS 687.021(2)(a), advertising massage without a license, for a total civil penalty of \$9,500. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
- e) **Case 730 Christen M Hawkins – Calise moved** to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1), practice of massage without a license, and 2 violations of ORS 687.021(2)(a), advertising massage without a license, for a total civil penalty of \$2,500. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried**
- f) **Case 732 Samantha Timmins – Catalano moved** to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1), practice of massage without a license, for a total civil penalty of \$1,000. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**

## 8) FSMTB Updates

- a) **2009 Delegates** – For the 2009 FSMTB Annual Meeting **McMillin** will be the delegate and **Barton** will be the alternate. The 2009 Annual meeting is tentatively scheduled for October 9-11 and is believed to be in either Nashville or Kansas City.
- b) **Body of Knowledge Meeting** – **Glenn** attended the BoK meeting the 1<sup>st</sup> week of November. She will get the press release for the Board members. It was a good meeting. Her charge with the FSMTB moving forward is working on the Model Practice Act. Kevin is doing great as the new President.

## 9) Board Business

- a) **2009 Executive Board – McMillin moves** to elect **Barton** as the 2009 Chair and **Calise** as the 2009 Vice-Chair. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
- b) **FARB Attendees – Catalano moved** that the Chair and Vice Chair should attend the meeting January 23-25, 2009. **In favor: Manriquez, Calise, Barton, Collier, McMillin and Catalano. Opposed: None. Motion carried.**
- c) **Distance Education acceptance policy** – It's in committee being worked on. There was a discussion on what the various forms of distance education can look like. **Barton** was excused at 2:14 p.m.
- d) **Additional Board CE Topics** – Staff needs to get a newsletter out. Explanation of contact hours being with at least two body workers in attendance and one instructor.

## 10)Public Comments – No comments

## 11)Announcements – Hearing January 16<sup>th</sup>.

## 12)Adjourn Meeting – **Calise** moved to adjourn the meeting at 2:29 p.m. **In favor: Manriquez, Calise, McMillin, Collier and Catalano Opposed: None. Motion carried.**