



# Oregon

Kate Brown, Governor

## Board of Massage Therapists

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## OBMT Board Meeting Minutes

July 11, 2022

GoToMeeting/Telephonic

### Attendance

#### Board Members:

Christa Rodriguez, LMT, Chair  
Rowan Beckett, LMT, Vice-Chair  
Meng Chen-Pinkham, Public Member  
Carol Gray, LMT  
Maria Odle, Public Member

#### Staff:

Bob Ruark, Executive Director  
Ekaette Udosenata-Harruna, Policy Analyst  
Lori Lindley, AAG  
Victoria McCullough, Compliance Specialist  
Mitch Breedlove, Initial License Coordinator  
Jeff Van Laanen, Compliance & Licensing Manager

#### Public:

Amber Kinney	Anne Nutwell (she)	Daniel Steinmetz	Erika Baern
Hunter Irons (FSMTB)	Janice Fischler	Kerri Weed	Magidah Crow
Melissa Davidow	Todd Pennington		

### 1. Call to order at 9:05 am

**Rodriguez** welcomed everyone to the meeting. Then, **Rodriguez** called the meeting to order at 9:05 am.

### 2. Introductions:

A roll call was performed. Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez were present. Lindley, AAG for the Board; Ruark, Executive Director; Van Laanen, Compliance and Licensing Manager, Udosenata-Harruna, Policy Analyst; Breedlove, Initial Licensing Coordinator; and McCullough, Compliance Specialist.

### 3. Approve Agenda:

**Rowan** moved to approve the Agenda. **Second the motion. Chen-Pinkham: In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

### 4. Approve Minutes for May 13-14, 2022:

**Rowan** moved to approve the May 13-14, 2022, minutes as submitted. **Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

### 5. Board Business:

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## a. Director's Report (See Appendix 1)

Ruark stated that he presented the OBMT staff with a Letter of Appreciation for all their hard work and dedication to the Board Members, Licensees, and stakeholders. It has been a tough couple of years for everybody, and he just wanted to take a moment to say how much he appreciates the fine group of professionals that he has the pleasure of working with each day.

### Budget Report:

**Ruark** updated the Board on the Board's finances. Attached in Appendix 1, you will find a Profit and Loss (P&L) Budget versus Actual sheet, an income summary graph, and a graph of income from two-line items in the budget, Application fees and Initial License fees. The P&L sheet lists income and expenses for May and June 2022. The second to last column of the P&L shows the total expenses and income to date of the 21-23 biennium, and the final column of numbers indicates what was budgeted for expenses and income.

As of June 30, the Board has completed one year of this two-year budget cycle. First, let's start with income; At the May Board meeting, Ruark went into detail regarding funding for this biennium and showed the percentage of funding shortfalls per line item.

Ruark wants to talk specifically about this Board's largest funding line item, which is licensing fees. Licensing fees represent about 61% of the Boards biennial income. The Board is currently 49% funded in this line item, and with the trend shown in the attached income summary graph, that line item continues to recover, meaning that he is confident that the Board will be able to meet its funding goals in this line item.

Also, the majority of the Board's funding shortfalls this biennium have been in Application fees, initial licensing fees, and of course, late fees. Ruark will talk more about late fees later. Initial License fees and application fees have fluctuated throughout the first year of this biennium, but both categories remain underfunded. However, as you can see in the graph, specifically from April through June of 2022, the trend is consistently upward, indicating recovery.

Of particular note is the income category of Late Fees. The Board had waived late fees due to COVID, which resulted in a large loss of revenue, approximately \$72,000. That loss has been covered by the Boards working capital. That late fee waiver ended on July 1, 2022, which should end the need to use working capital to cover expenses. As you can see, by both May and June, we have fully funded the month without having to use reserve funds. The Board currently has about four months of working capital.

## b. COVID Update:

Ruark currently keeps track of the COVID numbers and attends weekly and bi-weekly meetings with other directors to discuss trends. Ruark will continue participating in these meetings and report any recommendations or pertinent information to the licenses and the Board.

## c. Board member recruitment:

Ruark met with the Governor's Office Deputy Healthcare Policy Advisor on July 6, 2022, to review the Governor's Executive Appointments to the Oregon Board of Massage Therapists. All applicants for the open

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positions were reviewed, and two applicants were moved forward in the process. One position is the Healthcare Profession Board Member position previously held by Steven Foster-Wexler, and the other was an LMT Board Member position vacated by John Combe. The Board also has an upcoming vacancy for a Public Board Member position that will be vacant later this year. However, we currently have no public member applicants to review, so the Board will continue to recruit for that position. Since those individuals were just chosen, Ruark will wait until they are contacted and accept the position before providing their names.

#### **d. In-Person Board Meeting:**

**Rodriguez** stated that because there are at least two variants, that seems to be on the rise. First, there is a concern about traveling. **Rodriguez** knows that at the last Board meeting in May 2022, the Board had talked about opening meetings, starting September 2022, for hybrid or completely in-person. **Rodriguez** recommends holding off with any in-person gathering until at least the beginning of next year. Second, **Rodriguez** stated that given what they have seen from the CDC. Some projections expect at least another wave coming in through the fall. **Rodriguez** noted that we are currently in the wave right now and usually, when it starts hitting the East Coast pretty hard, it starts coming this way, and as a result, there is a rise in the rate of illness and hospitalization. **Rodriguez** wants to see if any board members want to discuss that point about an in-person meeting. **Rodriguez** knows that some people had concerns anyway, but she also wanted to see if the Board wanted to consider not having any in-person meetings for the rest of the year.

**Rowan** thinks that the Board should be mindful as they vote on that as it will affect board members coming on, and they're not able to have any input now. So, **Rowan** thinks that it is something the Board should be mindful of, air on the side of caution, and keep everybody healthy. So, rather than put them in a situation they can't speak to yet.

Rodriguez suggests that the Board should plan to revisit this topic at the January 2023 meeting.

**Chen-Pinkham** motion to postpone the In-person Board Meeting discussion until January 2023. **Second the motion: Rowan. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

**Rodriguez** thanked Ruark for the updates.

#### **e. Compliance and Licensure Report:**

##### **Compliance:**

**Van Laanen** stated that compliance is preparing for several administrative hearings, including a large three-day contested case hearing that will have been completed before the board's July meeting. **Van Laanen** will provide a live update to the Board and public on the status of these hearings.

**Van Laanen** expressed that the caseload remains steady. The Board has brought on a new investigator, Mark Greif, who has begun his training, and the Board should start seeing his investigations soon. In addition, Udosenata Harruna and **Van Laanen** have drafted and provided new contracts to contracted investigators for the coming biennium and are seeing these completed and returned.

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In May, **Van Laanen** was invited to present an overview of the Board's responsibilities and procedures to the Washington County Sexual Assault Response Team. The presentation was well received, and the Board's participation has opened more doors with local law enforcement and prosecutors in the Portland metro areas. This should help build resources and connections while increasing understanding of the Board's and law enforcement's roles in the cross-over sex crimes the Board encounters. The Board has been invited to continue participating in their monthly meetings.

## Licensure:

**Van Laanen** stated that Board staff sent notice to all list serve participants, reminding everyone about the determined deadlines for COVID reductions for Continuing Education (CE) and late fees waiver. This has had the desired effect as the Board has noticed a definite uptick in those license holders who have taken the opportunity to return to "Active" status from previously renewing as "Inactive" or allowing themselves to lapse. The staff has done a great job keeping up with the additional workload.

**Van Laanen** expressed that the office did experience a series of unexpected illnesses that affected staffing levels for several weeks. Still, both those who experienced the illness and those who remained healthy all came together, working remotely and covering for others to ensure we could keep the machine operating and serving our clients.

**Van Laanen** stated that Mr. Breedlove presented a class on navigating the licensing process to the soon-to-graduate students at Rouge Community College. This presentation helps guide the students on the Board's application process and how to best prepare for licensure. He also was invited and participated on the advisory panel for the Central Oregon Community College, discussing ways to improve their program moving forward.

The staff has reported that the schools are graduating students in numbers much larger than we experienced during the pandemic years. It does not appear that they have returned to pre-Covid levels yet, but the increase is noticeable and welcomed based on the increasing volume of new applications.

Due to the COVID situation, many, if not most, of our staff and management had been unable to take much time off during the pandemic. This has resulted in many Board staff maxing or near maximum on their vacation balances. We are encouraging and doing our best to facilitate time off requests now that restrictions have been lifted. Our valuable staff needs to take time off for their well-being, and do not want to see anyone lose any earned vacation time. Information and resources related to options to request time off or take advantage of cashing in up to 40 hours of vacation time accumulated, not to lose it, have been provided to all staff.

## f. Rules Recommendation Update:

### CE Rollover (see appendix 2):

**Van Laanen** updated the Board, stating that at the last Board meeting, the Board requested that he conduct some research with staff and statistics regarding whether or not the carryover has any positive or negative effects on the Board process, et cetera. **Van Laanen** noted that he pulled everybody who's directly and

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indirectly involved and put together this report (see appendix 2). **Van Laanen** thinks that the consensus was that a very limited percentage of licensees take advantage of the rollover benefit. Of those that do take advantage of it, they do it very well, and they're very entrenched. **Van Laanen** stated that it does create a significant burden on staff to calculate, maintain and track the carryover hours. It can take a great deal of time to ensure that Board staff go through those and that we're calculating them and applying any rollover benefits for each individual that renews in their next renewal and has that carry over.

**Van Laanen** added that he does not know what that means for the Board. However, he tried to keep this as a neutral report but thinks the carryover benefits a small percentage of licensees. But, on the other hand, it creates a great deal of inefficiency and extra time as Board staff has to work on these to track and maintain and then calculate those at the next renewal. **Van Laanen** expressed that it can be very time-consuming, especially when you're also trying to figure out if they've met their mandatory requirements.

**Rodriguez** thinks it's worth knowing that one individual is processing the renewals. So it is not necessarily all staff doing it. It's one person, for the most part, that has this figured out.

**Van Laanen** stated that it takes a little extra time, and then sometimes when he tries to calculate it himself, although he is pretty good at math, he still gets confused and has to pass it on to the expert. **Van Laanen** So, it is cumbersome. Not impossible, though, we've been doing it, so it's not to say that we can't continue.

**Rodriguez** also asked with the calculation to determine which category the rollover covers. Does that make a difference with the removal of contact and noncontact language?

**Van Laanen** stated that without his expert here to chime in, he thinks that may make the calculation slightly easier. There are still mandated categories, whether contact or noncontact, that would still need to be considered, but it does take out the one factor as to whether they're contact or noncontact, which would ease the burden slightly. There's also the discussion, and I think it's contained here a little bit, at least for discussion purposes, about the true purpose of CEs and the Board's position on that. Whether somebody can have so many CEs from one renewal period that the next renewal period, they hardly need any, other than maybe the new BLS and some of the other annual renewals mandatory. This effectively means that for four years, they wouldn't have to take a class. That's a long time with no learning. So that's something to consider as well, depending on the Board's position on what the true purpose of having everyone do their CE is: staying fresh or being able to spend 3 or 4 years of not having to take another class or minimal classes.

**Rowan** stated they first wanted to thank Van Laanen and the staff for putting the report together. It was incredibly helpful, especially for them trying to get some perspective on some of the bigger context. Rowan spent a lot of time between these meetings thinking about this, mulling it over. Rowan has some big pros and cons sheets that they made, and the report was incredibly helpful. Rowan hopes it was beneficial to everyone, and we can be at a place to go ahead and make a decision on this and go ahead and move it through. Rowan does not feel like there's any more information that the Board can get, and they know that no matter what the Board does, it isn't going to make everyone happy. But Rowan thinks the Board has all the information we could have regarding this situation.

**Gray** wondered, stating that Van Laanen mentioned that someone who completes a huge amount of Continuing Education in one licensing period could have enough carryover. Still, for some of the specific requirements,

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enough carryover not to do any continuing education in the next licensing period. **Gray** wonders to what extent it works out like that. Are there people doing big programs in one period and then not doing anything else the next time? Or are they high-end learners: the people who take more advanced, longer programs, the people doing a bunch more the next time? **Gray** stated that she had been one of those longtime big program people. And if she had enough carryover, she didn't even bother to report all the other stuff she did during the next licensing period because it was irrelevant. **Gray** already had on record enough to cover the next period. So, anyway, the bottom line is she does not think it's necessarily true that people use this in such a way that they don't do any continuing education for four-year chunks of time.

**Van Laanen** thanked Gray and stated that's a great point, which we wouldn't necessarily have information about even to know if these LMTs are still taking classes. So that is a caveat that he would consider a distinct possibility, but as Gray pointed out, they don't need to report those to the Board, and so they don't, and as a result, the Board does not know about it. Based on his personal experience, **Van Laanen** would say that most of those he has worked on are calculated with a high percentage of carryover hours that need zero to very few additional CEs during the renewal. **Van Laanen** added that he does not have our expert online today to weigh in with more volume. My personal experience is that they have, for the most part, not needed to report any additional CEs, no pain management, or something that's required that they hadn't done yet. So, **Van Laanen** agrees that it is possible that every one of them has taken additional CEs during those two years and has not reported to the Board.

**Rowan** stated that when they read through the report, they see the staff and the staff time and team management piece with all the systems we're required to use, as it's complicated and arduous. **Rowan** thinks it's problematic to have something complex to a degree where only one person can seamlessly navigate it. **Rowan** added that because we've learned, we're all very vulnerable to needing extended periods off work and think that puts a lot of pressure and constraint on the flexibility of the Board to manage this workload. **Rowan** thinks considering the very small number of LMTs affected by this, the burden on the staff to manage this is still quite high despite the few people who are taking advantage of this. **Rowan** can't see any reason to keep this rollover situation going, and particularly in spite, particularly with the intent of seizing the first place, which is continuing Education, we can't verify that people are getting an education in those four-year gaps. **Rowan** doesn't see where this is beneficial enough to outweigh the problems it causes and the cost. However, **Rowan** added that given the labor hours and the complication, they would like to go forward with eliminating the rollover.

**Van Laanen** added that they believe Board staff still check everybody, regardless of whether they've claimed carryover on renewal. The calculation by staff occurs each time unless it's obvious that they just met the minimum. **Van Laanen** noted that Board staff do those calculations even when they're not necessary to determine whether or not they're necessary. So there is a portion as well, which is burdensome on staff. **Van Laanen** would also respond that those taking advantage of the CE rollover are taking additional CEs during those two years and not necessarily turning them in because they don't need them.

**Ruark** added that a very common phone call Board staff receive daily is: Do I have any rollover hours? Whether they do or not, Board staff have to do all the calculations. **Ruark** stated that he answers the phones at the office when staffing is low. Unfortunately, they get him, and he has to spend a lot of time figuring it out or call somebody and get it figured out. **Ruark** noted that many of them often don't have any rollover that calls in and asks that question; Board staff have to sit down and try to figure it out.

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**Gray** asked what the odds are of automating this process, like some basic data entry thing in, you know, where you could simply look it up and have those hours attached to each licensee period.

**Ruark** responded by stating that the Board would have to build a database for that, which could be costly. **Ruark** added that there are over 8000 licensees, so if Gray looks at the broader picture if the Board had this database where Board staff has to do that, it could be just as cumbersome. For someone who renews, the Board would still have to take that data and put it into this database when they continue. **Ruark** stated that unless the Board can have something built that interacts with our current database, the Board would have to have a professional do, which could cost \$20,000-\$30,000. So, there's a cost factor, and it's not impossible. **Ruark** wanted to give all the pros and cons of that, and the pros are it would be easier to track.

**Gray** expressed that the Board already has a database with our licensees. So, this could be just another field where some information could be added when they renew. So, it seems it can't be that hard to build that, but **Gray** understands there's a process.

**Ruark** thinks some personal responsibility needs to be had by the licensee. Board staff tracks that for the licensees because it's something we do, but often we receive the phone call asking how many rollover hours they have. **Ruark** stated that Board staff have to go in, then do all that for them, and **Ruark** is all for doing that for them; however, Board staff have to do that more, and it should be more of the licensee's responsibility than Board staff.

**Gray** stated that it seems to them that if it were automated, licensees would have a profile where, for example, you go in online and change your address. So, they could see what their CEs were right there in their profile and make them look it up themselves ultimately.

**Ruark** responded, stating absolutely. However, the problem is that when they input all their CEs, the Board still needs to have somebody review those and see which CEs match the categories required. So, the Board staff would have to roll over. Having a licensee figure out what their rollover hours are would be possible. But Board staff will receive thousands of calls from people trying to figure out how to figure out the rollover.

**Rowan** stated that they get what Gray is asking for, which is something that licensees could enter their information before renewing their license. Licensees can look it up and see what they have done. **Rowan** stated that although licensees can see the information, what they think they hear, too, is that the Board would have to make an entirely new system, which will cost a minimum, like \$20,000- \$30,000 up. Then someone's still going to have to manage that. Rowan does not see where it would take out any staff time because we'll also have to manage every time it has a glitch. **Rowan** thinks it would be great for the LMT to have access to that but does not think it will cut down staff labor, and **Rowan** does not think it will be money savings. Rowan believes it would be an expense to the Board while convenient to the licensee.

**Ruark** thinks so. **Ruark** knows Gray is saying the Board has a database already. Can we do a tweak to that database to figure that out? It's sometimes not as simple as that. **Ruark** added that the Board had done some tweaks to the database previously. But anything there is a change in the database affects other things. So often, it takes a very long time for them to write the code and figure out how to do this, and with all the categories we have, there are some categories that we have to look at and say manually, does that fit? **Ruark** added that he and Van Laanen must make that determination in many instances. To have a database sort of figure all those

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things out, it could be as easy as a couple of thousand dollars for them to make a tweak. **Ruark** anticipated that wouldn't be the case. We haven't reached out to our database person to say hey, how long would it take or what would it cost us to figure this out? Can we put something like this in our current database?

**Rowan** expressed that it's not going to do any benefit of eliminating staff labor unless it's accessible by the LMTs to get the information themselves. Which requires creating a publicly accessible and interactive website, so at this, like, how you're describing it, it's still relying on board staff to do it. Gray is talking about something that the LMTs can enter themselves. Something that they can access, they can check, take that burden away. That's a creation of a publicly interfaced or licensee interface program. **Rowan** can't imagine that would be a small expense, and the Board would still have to review it.

**Ruark** stated that the Board would still have to review whatever the expense might be. Even if LMT user enters and calculates the rollover information themselves, Board staff still have to check to ensure that it's accurate information and that the information submitted fit within the acceptable categories. Therefore, it does not necessarily fix things.

**Gray** asked if the Board would have to review them or does it do a randomly selected audit.

**Ruark** responded, stating that Board staff do audits, but when there is a rollover, not all categories fit easily; not all training fits easily into the required categories. So, often, people will submit stuff, and staff has a percentage of these that must be reviewed, specifically within communications, ethics, and Boundaries. People take classes that Board staff have to check the information about this class, and in the end, Board staff have to go through it and see if it fits within those categories. So, that's where it gets a little more difficult. **Ruark** added that Board staff get these quite often and often forward them to him to make the final determination as they cannot figure out where a CE would fit within the allowable topics.

**Chen-Pinkham** thinks that also goes back to the approved provider type of issue, as well that the Board has discussed long ago regarding who's considered approved provider, what kind of classes are offered, and then, for the courses offered, what category they fell into. Also, the Board had to designate a Board member that had to be consulted every time there were big packages or classes that Board staff could not decide on. So, **Chen-Pinkham** could see that there could be a lot of labor involved.

**Rowan** also read the report, which primarily affects nearly 100% of the staff daily. So, when Board staff answer these calls, it affects approximately 10% of licensees. **Rowan** does want to put out there that the majority of the feedback they got from the public regarding this work was from people who are instructors of these large package classes. **Rowan** added that they were not getting feedback from people who were LMTs, individual licensees, or who teach small classes or schools. **Rowan** was getting feedback from people who teach the courses that might be harder to market if the Board doesn't have rollover. So, **Rowan** thinks it is a fair conflict of interest to point out when we're having this conversation about who is most vocal about this being a problem.

**Gray** said she wants to clear the air because she teaches big classes. However, hardly any of her students are LMTs. **Gray** is an approved provider, but her students are MDs, dentists, nurse practitioners, midwives, lactation consultants, chiropractors, et cetera.



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**Rodriguez** appreciates the discussion. **Rodriguez** expressed that is why it was brought up. That's why the Board discussed this at the previous Board meeting and decided to pull it out to do further research. **Rodriguez** wants to note that there is a lot from what she hears. A lot is being put on staff ultimately about determining a valid CE, the categories, the fit, and the rollover. **Rodriguez** stated that she has a quick question for Hunter Irons from FSMTB if they are on the line.

**Irons (FSMTB)** responded, stating that they were present.

**Rodriguez** asked how it was going with MTLT.

**Irons (FSMTB)** responded, stating that it was going well! Irons noted that they recently talked with Tennessee to bring them on. FSMTB is currently working with Milan Betraying. She's the Head of Legal and Regulatory Affairs to get a rollout plan going. **Irons (FSMTB)** stated that they are not the main person as she's in charge of operations, so she would have a lot more information as far as that goes because there's something specific about MTLT you're curious about or just the overall state of it.

**Rodriguez** added that they have gone to annual meetings now for several years. They have seen presentations. **Rodriguez** apologizes for putting Irons on the spot but would like **Irons (FSMTB)** to give a quick elevator pitch on what MTLT is, especially for the new board members.

**Irons (FSMTB) responded, saying** yes. The massage therapy licensing database compiles licensee data as far as Continuing Education goes. If there's reciprocity on the table as far as coming from another state, there'll be informed as far as that goes. **Irons (FSMTB)** noted that the database would have information regarding disciplinary violations, their Education, the massage school program they came from, et cetera. The Board would be in charge of the database and the level of information provided. **Irons (FSMTB)** added that FSMTB does not have much control over MTLT. Although the FSMTB have access to the program and its service for member states, Irons said they are new here and are still trying to learn a little more about the system.

**Rodriguez** appreciates the information. **Rodriguez** added that they brought it up because they had known for years it was the one where people would go through and have their CEs input in the system, similar to what Gray is talking about. **Rodriguez** expressed that the FSMTB has been trying to create a database like this where providers can register. The CE is also reviewed to ensure validity and what categories they may fall under, whether their ethics are hands-on or things of that nature.

**Irons (FSMTB)** added that FSMTB is now placing more of an emphasis on MTLT. Irons have been tasked, as far as the organization goes, with rolling this out, a little bit more on getting the process sped up, so FSMTB is moving faster.

**Ruark** stated that for background. OBMT was the first Board that signed up for MTLT, and the Board received an award for that. **Ruark** added that the Board provided some data to MTLT several years ago. However, things sort of stalled for a little bit. **Ruark** noted that during COVID, Laura reached out to him from FSMTB about renewing our relationship with MTLT. **Ruark** stated that is something he has not brought forward to the Board yet as he wanted to get to some of the things that were happening at the time. Unfortunately, she reached out right before COVID hit, putting it on the back burner. It is a different program now than it was back then when the Board first signed up. **Ruark** added that back then, it was more of an idea that would allow tracking

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people with discipline coming from other states. It seems that MTLT is no longer a matter of reciprocity but something much more different. If the Board would like, **Ruark** can certainly reach out to FSMTB about doing a presentation regarding what MTLT is now versus what it was ten years ago when the Board first signed up for the database.

**Irons (FSMTB)** stated that's absolutely something FSMTB could do.

**Rowan** expressed that if the presentation is something that the Board can do, could Ruark make sure that the presentation is done after the Board gets its new members onboard?

**Ruark** responded, saying absolutely. **Ruark** thinks the presentation probably won't happen immediately, and the Board can certainly have the presentation facilitated a couple of board meetings down the road past the September board meeting. **Ruark** added that the presentation could be scheduled midyear and even after the Board has all its new members. The presentation would be an opportunity to bring the new Board members up to speed with MTLT. **Ruark** knows that FSMTB would be excited to do that.

**Irons (FSMTB)** said absolutely and thanked Ruark.

**Rodriguez** thanked Irons and Ruark and said she wanted to bring this up because, as the Board goes through the CE pieces, it moved a huge part of it forward. But, **Rodriguez** is bringing back the issue of the amount of pressure on staff daily, every day, when it comes to CE Issues. **Rodriguez** asked what the Board could do at this moment to help staff. That's why she is thinking about MTLT and wondering if it might be the answer. **Rodriguez** feels that it could potentially help Board staff and if that's something that we can also explore with FSMTB and see how that can even work with our database or something along those lines. **Rodriguez** also considers the potential where MTLT also takes the pressure off staff. Rollover could be tied into that, or the Board may just say no rollover. Whatever the Board decides, **Rodriguez** thinks the Board is on the precipice where MTLT could have great potential.

**Ruark** knows the material that does interact with the Board's database because of the initial data dump. So, all the Board's database persons have some experience with MTLT. **Ruark** added that they know the process and how it worked through the bugs that happened when it was done. So, the database person is prepped for that. **Ruark** added that Rodriguez was right. MTLT is certainly a resource that might solve a lot of problems.

**Rodriguez** also knows that it is something that is accessible for the LMTs to check and keep track of their continuing Education. **Rodriguez** added that from what she is hearing, if the Board can even link something up and direct LMTs to MTLT to find their information and interact with FSMTB, which would take the pressure off OBMT.

**Gray** added that under those circumstances, should we table this discussion until we have our new board members and until after we have had the FSMTB presentation about MTLT so that we can have a little more information about, especially the staff time aspect of this issue?

**Rodriguez** thinks that's reasonable, especially if they open the communication with FSMTB and see what some options are and if there is something that FSMTB can do to help our licensees and make this work. **Rodriguez**

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knows that doesn't necessarily change the pressure that staff is under right now, but she also wonders, with everything that's going on related to CEs, that would behoove FSMTB to pilot something.

**Ruark** added that seeing what they have and what MTLT is now would be nice. It might be a good thing if it's something that is magical and can do what we need to have done.

**Odle** assumes that if and when the Board has the MTLT Presentation, it will be recorded for future reference.

**Ruark** added that it could even be further than that. **Ruark** knows that the presenter will probably give the Board contact information as she's interested in getting this program going and that more states are jumping on to the program. **Ruark** thinks she will be more than willing to answer any questions you might have after the presentation.

**Rodriguez** added that FSMTB would also be a great resource for providers. **Rodriguez** encourages providers to also look into MTLT and start reaching out now.

**Odle** asked if the person/company doing MTLT is a software company or person not associated with massage therapists or if they are independent.

**Ruark** responded, saying he does not have that information right now. **Ruark** added that he had not attended a lengthy, updated version of what MTLT has to offer and its background. So, **Ruark** does not have that information.

**Rodriguez** thinks the Board can direct staff to contact FSMTB to put together a presentation to talk about MTLT. **Rodriguez** also encourages Board members to think of any questions they may have for the presenter. Finally, **Rodriguez** believes it would be a good idea to just hold on to this piece until the Board has more information because it could be highly beneficial, far more than just this one case, and that's exciting.

**Gray** stated that she has her Washington License renewal in her hand, right here. In Washington. It doesn't look like they parse. I mean, I've had the license for like 30 years. **Gray** said that all she has to do is sign her name and date the renewal form and attest that she has fulfilled the requirements period, and they do an audit, a certain percentage of license renewals, and then they say, OK, prove it. **Gray** added that the Board could theoretically boil this down to a manageable amount of staff time by determining a particular percentage and doing it similar to how Washington does it.

**Ruark** expressed that the Board gets a lot of information on what Washington does, which is a great idea. However, what the Board does is we have license renew and enter their information into the system, and then the Board audits a certain percentage of licensees. So, that way, it's a true test. So, for audit purposes, the information submitted has to match what they put into the system. **Ruark** added that the Board had caught people whose CEs have changed from what they entered into the system.

**Rodriguez** stated that they have to do that with insurance companies to attest every quarter, every 180 days, so they can audit her for information.

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**Rowan** thinks when the Board has these conversations about the functionality piece, it's also eliminating the part Van Laanen had brought up: What is the purpose of continuing Education? **Rowan** stated that continuing Education is an ongoing continuation of learning instead of a four-year gap. So, when the Board talks about this, **Rowan** thinks the Board must consider those two pieces. Then, there's a Financial and staff burden piece, but then, there's the point of continuing Education. **Rowan** added that if the Board is in a place to make a decision based on what the Board thinks, none of the other parts matters. Ultimately, **Rowan** wants to get everybody's temperature on if the Board needs to have this conversation about MTL. **Rowan** still thinks the Board should have to understand what's going on and decide where they want to go with that. But if the Board believes that people need to take CEs every two years, then the Board should be able to vote on that because that's the primary reason LMTs are doing CEs. So, **Rowan** thinks there's something the Board can table indefinitely, and they could probably be off the Board before it votes on this. But, on the other hand, if the Board thinks people need to be taking CEs continuously for education and compliance purposes, then **Rowan** thinks the Board probably has that information to vote.

**Chen-Pinkham** asked how common it is for other medical-related Boards to have rollovers.

**Lindley** responded, stating that she does not think many health-related boards and agencies have rollovers. **Lindley** thinks OBMT is one of maybe two in the entire state of Oregon that has rollovers.

**Rowan** stated that they had asked many healthcare providers about it and were unfamiliar with rollover.

**Odle** added that where they work, although not healthcare related, it's 25 Rollovers, and their agency has no way really to count or track them. But as the Commission says, as a professional licensee, just as attorneys, doctors, and dentists. It's a profession that one has chosen. As such, it is the licensee's responsibility to complete the continuing, hence the name Continuing Education. So, **Odle** agrees and is in alignment with **Rowan**.

**Rodriguez** expressed that it sounds like the Board wants to go ahead and vote on the continuing education rollover rules today.

**Rowan** moved to take a vote on the discontinuation of continuing education rollover. **Second is the motion. Chen-Pinkham: In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

**Ruark** clarified that these are proposed rules that the Board is voting on because they missed the other rule window. The continuing education rollover rules are not included in the already approved rules and took effect on July 1, 2022. So, the Board will be moving forward to the rules hearing the portion of the continuing education rules on rollover that was left out for further discussion last time. **Ruark** added that the Board agreed to approve all the proposed rules language on continuing Education except rollover at the previous Board meeting. So, it would be a vote to move that language to discontinue rollover hours that were not moved forward at the May Board meeting. **Ruark** asked **Lindley**, stating that since that language was not part of the rules approved at the last Board meeting, they must now be approved for language and go through the rulemaking process.

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**Lindley** responded, stating that was correct. **Lindley** added that because the Board took that out of the pocket previously. The Board would reinstitute that with whatever changes it wants to make, then move that forward to the rulemaking process.

**Chen-Pinkham** asked when the rulemaking process would begin since the Board approved the rules today.

**Ruark** responded, stating that the Board would have to choose an effective date. So, it's not an addition but rather a strikeout of that sentence from the rules, and that is what the Board would be voting on to move forward to rules hearing if the Board so desires today.

**Rowan** asked if that meant moving to accept the Committee's recommendation.

**Lindley** responded by stating yes. And to vote to move it forward to a rules hearing.

**Rodriguez** wondered when the rules should be effective, perhaps January 1, 2022.

**Ruark** stated that Board staff would be dedicated to completing all that and having a rule hearing and back to the Board for a vote on it by the November 2022 Board meeting for it to be effective January 1, 2023. **Ruark** asked the Board what they would prefer as an effective date as it's ultimately up to the Board.

**Udosenata Harruna** recommends making the effective date July 1, 2023, giving massage therapists time to comply.

**Rodriguez** agrees that July 1, 2023, is reasonable and respectful, especially with everything going on recently.

**Rowan** moved to accept the Committee's recommendation regarding removing CE rollover hours and moved to the rules hearing for an effective date of July 1, 2023. **Second is the motion. Chen-Pinkham: In favor: Chen-Pinkham, Odle, Rowan, and Rodriguez. Opposed: Gray. Motion carries.**

## **Pelvic Floor Language Recommendation (See Appendix 3):**

**Ruark** stated that the proposed language is from the AAG Lindley. **Ruark** noted that at the last Board meeting, the Board received a comment from Rosie Herkemij, LMT. The letter had some questions about their massage practice, which didn't necessarily fit within the language the Board already had. The Board recognized and wanted to ensure that language was updated to include something about specialized hours of training, but it didn't define what that was. So, Lindley came up with this recommendation of a rule change to make that easier and explain better for people practicing that type of massage.

**Lindley** added that there are some blanks in the rules because she is not a massage therapist. The Board needs to make sure it covers all the right body parts.

**Ruark** stated that he tried to reach out to Rosie Herkemij, the massage therapist who brought this question forward but was never able to get together and talk about it. **Ruark** expressed that the real concern was whether Rosie Herkemij's training was sufficient to practice pelvic floor massage.

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**Ruark** asked that the Board provide feedback on the language as content experts, or massage therapists, to add something that Board members think might be important add into that language to make sure everything is covered.

The Board discussed the proposed external pelvic floor massage language and recommended replacing number two (2) on the proposed rules “pelvic floor massage includes working on a client’s abdominal, inguinal, glutes” With “pelvic floor massage includes providing treatment on a client’s external pelvic floor.”

**Rowan** moved to accept the proposed rule for external pelvic floor massage and move it to the rules hearing for an effective date of July 1, 2023. **Second is the motion. Odle: In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

## FSMTB Annual Meeting Update:

**Rodriguez** is showing that the Board has no resolutions or bylaws to propose. **Rodriguez** reminded everyone that FSBTB annual meeting is on October 18-20, 2022, in North Carolina. At the last meeting, the Board voted her as delicate, with Rowan and Van Laanen joining for the meeting. **Rodriguez** stated that with that said. There is certainly a question. Again, as the Board discussed earlier COVID-19, she knows that there are certainly concerns about traveling. **Rodriguez** asked Irons (FSMTB) if there are any parameters in place that you know the FSMTB will decide based on COVID issues or travel restrictions or mandates. Would it ever be possible for the meeting to go online?

**Irons (FSMTB)** stated that as far as they know, there's no virtual aspect of the meeting. It's going to be strictly in person. So there will not be a virtual component, to their knowledge.

Rodriguez is curious if, for example, COVID waves start going back up like they are right now, is there going to be a decision to potentially either move to Virtual or cancel the meeting?

**Irons (FSMTB)** responded, stating not, at this point, the Federation is still on Board for an in-person meeting. If that were to happen, **Irons (FSMTB)** not sure what the guidelines are in place for our organization. As far as that, **Irons (FSMTB)** can talk with Deborah about that and get back in contact with the Board

**Rodriguez** stated there's a concern for Board members that, if something were to happen along those lines, the Board is not interested in traveling for the sake of our health and our community's health. But, on the other hand, most of us are educators and have family and friends. **Rodriguez** stated that they have a family member they care for, and they can't get sick at all, so **Rodriguez** is asking how the Board will decide whether Board Members attend the meeting or not.

**Ruark** reminded the Board that there is a Board meeting on September 19, 2022, although last-minute, **Ruark** thinks the Board would have more information in September to decide. Anything can happen by September. The pandemic could be gone by September. The numbers could be extremely low like they were several months ago, or they could spike. **Ruark** knows it's a last-minute, but maybe the Board wants to wait until the next meeting to make that official determination. **Ruark** stated that everybody is all set for travel, and the travel will

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be canceled if warranted. But **Ruark** thinks anticipating what might happen three months out is tough and thinks the Board should wait a little longer.

**Rodriguez** thinks if the Board has a timeline for that, the Board can do that because the September meeting is about a month out from travel time. So, again, just putting that out there and certainly don't want to jeopardize any Board or staff members health wise.

**Ruark** asked if the Board wants staff to put an agenda item for the next Board meeting discussing whether to send everybody or not to the 2022 FSMTB annual meeting. Those who are comfortable can travel, and those who are not can cancel their involvement.

**Rodriguez** agreed and stated that it doesn't have to be the full broad-brush approach. It should be whether a person is going or not. **Rodriguez** thanked **Ruark** for the suggestion.

## All School Meeting – Date Proposals:

**Rodriguez** knows that the Board has been meeting virtually with administrators and owners of Oregon massage schools in the area for the last couple of years. **Rodriguez** believes the Board has been doing something in mid-August and the middle of the week. **Rodriguez** stated that last year, the All-Oregon School Meeting was held on Wednesday, August 11, 2021. The meeting had a pretty good turnout with the schools, so that seemed to work. **Rodriguez** suggests having the 2022 All-Oregon School Meeting on August 10, 2022, from 9:00 am to 12:00 pm.

**Ruark** believes that senses All-Oregon School Meeting will be held virtually, which should work well for Board staff.

**Rodriguez** added that Board members and staff are also welcome to attend the meeting. **Rodriguez** reminded everyone that there would be no discussion of Board business. **Rodriguez** expressed that generally, the Board sets a semblance of an agenda. Still, educators and administrators are more open to discussing pertinent topics with each other and the Board.

The Board discussed and agreed to hold the 2022 All-School Meeting on August 10, 2022, from 9:00 am to 12:00 pm.

## Board Member New Business:

**Rodriguez** thinks the Board has anything related to Board business other than wanting to re-iterate her excitement with the two new board members. Even though it is not official just yet, **Rodriguez** is excited that they will be present for the September Board meeting.

**Chen-Pinkham** asked if the API article reviewed at the previous Board meeting was ever translated.

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**Ruark** responded, stating that the Board staff is still working on that. The Board had some serious staff issues between the last Board meetings related to illnesses, and as a result, he moved that topic because it wasn't quite complete yet to a future Board meeting. **Ruark** stated that he reached out to some of the communities that Chen-Pinkham recommended and got some good points of contact to send the article to once it's complete. **Ruark** added that he would make sure that's available for Chen-Pinkham to review before leaving the Board.

**Chen-Pinkham** thanked **Ruark**.

**Gray** stated that she would like to discuss a new topic. And asked if they need to have that officially entered into the Agenda for the next meeting, or can they bring it up now?

**Rodriguez** responded, stating that's what this is for.

**Gray** stated that 30-plus years ago when they were in massage school, nobody ever thought that massage therapists could have a pediatric practice. She has a primarily pediatric practice. It occurred to her that massage therapists in Oregon are not mandatory reporters of suspected child abuse and wondered if this is something that the Board should be adding to its Practice Act.

**Ruark** responded, stating that's a great question. **Ruark** expressed that being a mandatory reporter is more than just telling somebody they should report something. Some protections are in front of the mandatory reporter that **Ruark** thinks come from the federal or state level. So, requiring something like that might have to be a law versus a rule. So, the Board may have to do a legislative concept for that. **Ruark** added that if that's something that the Board is interested in pursuing, it would be the next time we're able to do that legislative concept for the next session. The Board staff can certainly start working on that.

**Gray** figured that the Board should require massage therapists to be mandatory reporters. **Gray** knows that mandatory reporters have training requirements, and those pieces of training exist online and are utterly irrelevant to the practice of massage for the most part. **Gray** would like to push ahead with making massage therapists mandatory reporters. **Gray** thinks that there are a lot of massage therapists who have pediatric practices, and it's just something that didn't use to exist in this state, but it certainly does now.

**Ruark** noted that he would like to Look into that a little bit and maybe meet with Lindley to discuss how that needs to move forward.

**Lindley** noted that ORS 419B.005 currently lists all mandatory reporters. **Lindley** thinks that's a great idea and does not know why massage therapists are not listed. **Lindley** says it would be easy to add massage therapists to that law.

**Ruark** agrees and thinks that it's a great idea. **Ruark** stated that the Board would have to put together the concepts and submit them at the next session when legislative concepts are due. **Ruark** will gather the necessary information on introducing a legislative concept and bring something back to the Board as soon as possible.

**Rodriguez** thanked **Ruark** and appreciated **Gray** for bringing up such a great topic.



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**Ruark** will work with Gray if the change needs a legislative concept, and then she can, as a Board member, bring it forward as a concept for the Board to vote on.

**Rodriguez** thanked everyone. **Rodrigues** stated that the Board has new board members coming on Board and upcoming public Board member vacancies. **Rodriguez** requested that folks consider people who could eventually step in to fill that position when Chen-Pinkham vacates to send in their applications.

**Lindley** asked if the Board is picking Board meeting dates for 2022.

**Rodriguez** responded, stating that the Board meeting Calendar is on hold until the September Board meeting to allow the two new Board members to come on board, so they have a say.

## 6. BOARDerline Topics

**Ruark** updated the Board proposed topics for the fall publication. In addition, **Ruark** asked if Board members had any other topics, they would like to add.

1. Rules Changes Effective July 2022 - Ekaette Harruna
2. Upcoming Rules Changes Effective July 2023 (elimination of rollover hours and a NEW rule on External Pelvic Floor Massage) – Ekaette Harruna
3. 2021 FSMTB Meeting – Christa Rodriguez
4. 2023 Board Meeting Dates - Ekaette Harruna
5. New Board Member Article - New Board Members
6. Update on Board Business Meeting – Bob Ruark
7. Legislative Update – Bob Ruark
8. Licensee update (breakdown of active and inactive licenses statewide) – Ekaette Harruna
9. Compliance Department Update – Jeff Van Laanen

**Lindley** stated that once the Board receives the MTLTD training, it would be good to let the public know when so other people could come and listen to that.

**Chen-Pinkham** asked if she would have to submit an outgoing Board member article.

**Rodriguez** responded, stating that it was up to her, but it would be nice if she could submit an article. **Rodriguez** expressed that the Board would have two new board members, and they need to be articles for incoming members. Article from outgoing Board member Meng Chen-Pinkham. **Rodriguez** added that depending on when the Board can get FSMTB in for a presentation and if it's after November, it can certainly list that.

**Odle** thinks the Board has included in the past, but it doesn't hurt as a reminder that licensees need to update their address, telephone information, email address, et cetera with the Board.

**Rodriguez** thinks that can be a permanent fixture and another reference point on the BOARDerline. Finally, **Rodriguez** thanked everyone for their input.

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## 7. Public Comment and Correspondence:

### Correspondence (see appendix 4):

**Ruark** shared details of correspondence received at the Board office. **Ruark** stated that the Board received multiple correspondences requesting the Board reconsider eliminating rollover hours.

**Letter to the Board from Own** – Requesting that the Board consider keeping the rollover option.

The Board reviewed the correspondence and directed the Executive Director to respond, informing them about the Board’s decision today and thanking Own for their feedback and concerns.

**Letter to the Board from Van Winkle**– Requesting the Board consider allowing excess continuing education hours to roll over.

The Board reviewed the correspondence and directed the Executive Director to respond, informing them about the Board’s decision today and thanking Van Winkle for their feedback and concerns.

**Rodriguez** asked if there were any thoughts or further questions regarding the correspondences before moving to public comment.

### Public Comments:

**Rodriguez** opened the floor up to public comment and requested that anyone commenting should state their name for the record again and please keep their comment(s) to a maximum of two minutes.

**Weed** thanked the Board and stated that their name is Carrie Weed, and the school owner of Gorge Academy of Cosmetology and Massage in The Dalles. Their question is: Where is the State of Oregon on the Impact National licensing? Can that be a topic added to the Agenda of the All-Oregon school meeting in August?

**Ruark** responded, stating that he had some information on the inter-state compact. **Ruark** indicated that he is a committee member on the inter-state compact Committee, and right now, they are in the input stage of the process as they are getting input from stakeholders. **Ruark** The input process and then, from there, the states that are going to adopt it must present it as a legislative concept where the legislative assembly approves it. **Ruark** stated that we are ways from that right now. **Ruark** added that whether Oregon is going to be involved in that or not is going to end up being a legislative issue. But before that, they are facilitating stakeholder meetings to have input from the public/stakeholders. **Ruark** added that there are many opportunities to give feedback regarding that. Once they have sorted out all the details, the final legislative concept will be presented based on public and stakeholder input. It is unclear whether Oregon will be involved in that or not. **Ruark** added that it is not necessarily a board issue but rather one of legislation.

**Weed** thanked the Board for the information.

**Rodriguez** thanked Weed for their question.

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**Pennington** asked if there were any comments about what's going on with monkeypox and how that will affect massage. Secondly, can these videotaped meetings be put onto the web so that other people can watch them, either on the Board's website or on YouTube, et cetera?

**Rodriguez** thanked Pennington and asked what the accessibilities are for the Board meetings.

**Ruark** responded, stating that he attends biweekly meetings regarding communicable diseases, COVID, monkeypox, and the like. The Board currently has a communicable disease policy that is in effect, but we hope to update that policy. **Ruark** stated that monkeypox hasn't risen to the forefront to be discussed as a potential pandemic or something that will still infect a large population in Oregon. But it is something that is discussed in almost every meeting that he attends concerning communicable diseases. **Ruark** added that ultimately, he is following the guidance of the Governor's Office and the Oregon Health Authority. **Ruark** noted that once the Board gets that information from them, he will share it with everybody just as soon as he receives it. **Ruark**, at this time, does not have any further information than what the CDC has given regarding how the Board is responding to that.

Regarding putting the Board Meeting recording on the web, **Ruark** stated that the Board would have to investigate the feasibility of doing that. **Ruark** added that the minutes are posted on the Board's website, which is put in a way people can read. **Ruark** thinks it's a great idea. If we can do it and put these on the web for people to watch, it would be something that **Ruark** believes would be neat. However, he does not know how that will work or if it is something the Board can do with what the Board has, but he will perform some research on the feasibility and get back to the Board with his findings.

**Rodriguez** added that she would imagine. That's just a matter of where they would be housed. **Rodriguez** said that she does not think the Board necessarily want to put them on a site like YouTube but thinks it's just a matter of how it's housed and where to link it.

**Ruark** added that it is a public meeting, and when that information is set out there, the Board must know where it's going, etc. So, **Ruark** will work on that and show the feasibility of how that can be done and get back to the Board.

**Rodriguez** thanked Ruark.

**Gray** like that idea and thinks it would be relatively easy to upload them to a platform such as Vimeo. And they could be easily from their embedded right on the Board website so that people could just click a link or click an image of a meeting and be good to go.

**Rodriguez** thinks it is even something that can come directly from the GoToMeeting. I know that we do that. The school with Zoom meetings can upload them. Mean it would only be good for one year, then that vanishes. So, then we would need something more permanent.

**Van Laanen stated that** the permanent record of the minutes is available to everyone, which is the official record. The Board can publish the video recording of the meeting for the year. Then, after the year, it's gone. **Van Laanen** added that the actual audio is a compromise, but the Board is still meeting the public records requirement and allowing people who couldn't attend the meeting to watch the meeting for at least 12 months.

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**Chen-Pinkham** added that licensees don't get continuing education credit for watching those meetings and recording.

**Rodriguez** agrees, stating that they need to be present for continuing Education. **Rodriguez** suggests the Board take a break.

**Rodriguez** stated that the Board would like to take a short break before going into the Executive session.

**Rodriguez** expressed that the Board may spend about 2.5 to 3 hours in executive session.

**Rodriguez** shows a time of 11: 22 AM. **Rodriguez** asked if there was a motion for a break.

**Chen-Pinkham** moved to take a 20-minute break and return to the session. Rowan: Second.

**Davidow** asked if the public could take off or if we stick around since the Board is going into executive session.

**Rodriguez** responded, saying, you're just going to hear us after 20 minutes. Come back to the public session before moving into the executive session. The Board will move into an executive session, at which point the public can go ahead and take off or come back in a couple of hours and see the rest of the meeting.

**Davidow** thanked **Rodriguez**.

**Chen-Pinkham** moved to take a short break. **Second the motion: Rowan. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

The Board took a short break at 11:24:00 am.

The Board returned to the public session at 11:45:00 am

**Rodriguez** called the Board into Executive Session at 11:55:00 am.

## EXECUTIVE SESSION

*The Board may enter into Executive Session to discuss certain matters on the Agenda pursuant to ORS 192.660: 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, ORS 192.501 (4); and/or To review, discuss, and consider written legal advice provided by the Department of Justice, pursuant to ORS 192.660 (2) (f) or to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed pursuant to ORS 192.660 (2) (h); and/or (3) To consider and discuss in executive session information obtained as part of an investigation of a licensee, applicant or other person alleged to be practicing in violation of law, pursuant to ORS 192.660 (2) (k) (L) and ORS 676.175. Prior to imposing a sanction authorized under ORS 687.081 or any rule of the Board, the Board shall consider, but is not limited to considering, the following factors: (a) The persons past history in observing the provisions of ORS 687.011 to 687.250, 687.895 and 687.991 and the rules of the Board; (b) the effect of the violation on public safety and welfare; (c) the degree to which the action subject to sanction violates professional ethics and standards of practice; (d) the economic and financial condition of the person subject to sanction; and (e) any mitigating factors that the Board may choose to consider; and/or to consider the employment of a public officer, employee, staff member or individual agent pursuant to ORS 192.660 (2) (a); and/or to consider the dismissal or discipline of a public officer, employee or staff member or hear complaints or charges brought against such a person if they do not request an open hearing pursuant to ORS 192.660(2)(b). Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.*

APPROVED

## 8. Executive Session

### a. Compliance (192.660(2)(L))

The Board returned to Public Session at 2:50 pm.

## 9. Action on Executive Session Items

### Compliance Cases

- i. **Case 2964 – Gray moved** to Issue a Notice of Proposed Action for Violation of OAR 334-010-0025 (7), violation of OAR 334-010-0025 (8), violation of OAR 334-010-0025 (9). For a total civil penalty of \$3,000. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- ii. **Case 3231 – Rowan moved** to Dismiss. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- iii. **Case 3312 – Chen-Pinkham moved** to Dismiss. **Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- iv. **Case 3313 – Chen-Pinkham moved** to Dismiss. **Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- v. **Case 3314 – Rowan moved** to Combine Cases 3314 and 3363 and Issue a Notice of Proposed Action for Three (3) violations of ORS 687.021 (1)(b), Five (5) violations of ORS 687.021(1)(c), violation of ORS 687.021 (1)(d), Four (4) violations of OAR 334-040-0010 (12). For a total civil penalty of \$13,000. Forward the case to appropriate law enforcement pursuant to ORS 687.177. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- vi. **Case 3406 – Rowan moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1000. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- vii. **Case 3407 – Rowan moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1,000. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- viii. **Case 3412– Rowan moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1000. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- ix. **Case 3388 – Gray moved** to Deny Application for Licensure. **Second the motion: Rowan. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- x. **Case 3315 – Odle moved** to Issue a Notice of Proposed Action for Two (2) violations of ORS 687.021 (1)(a). For a total civil penalty of \$2,000. Forward the case to appropriate law enforcement pursuant to ORS

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687.177. **Second the motion: Rowan. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

- xi. Case 3320 – Chen-Pinkham moved to Dismiss with Letter of Concern. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xii. Case 3325 – Odle moved to Issue a Notice of Proposed Action for violation of OAR 334-040-0010 (12). For a total civil penalty of \$1,000. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xiii. Case 3403 – Odle moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1,000. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xiv. Case 3333 – Rowan moved to Combine Cases 3333 and 3355 and Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(b), Three (3) violations of ORS 687.021 (1)(c), violation of OAR 334-040-0010 (12). For a total civil penalty of \$5,000. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xv. Case 3405 – Rowan moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty amount of \$1,000. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xvi. Case 3414 – Rowan moved to Close with a Letter of Concern. Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xvii. Case 3337 – Odle moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a), Six (6) violations of ORS 687.021(1)(c), violation of ORS 687.021 (1)(d), violation of OAR 334-040-0010 (12). For a total civil penalty of \$9,000. Forward the case to appropriate law enforcement pursuant to ORS 687.177. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xviii. Case 3415 – Odle moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty amount of \$1,000. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xix. Case 3421 – Odle moved to Issue a Letter of Concern. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xx. Case 3338 – Rowan moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(b), Ten (10) violations of ORS 687.021 (1)(c), and violation of OAR 334-040-0010 (12). For a total civil penalty of \$12,000. Forward the case to appropriate law enforcement pursuant to ORS 676.177. Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

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- xxi. Case 3417 – Rowan moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total Civil Penalty in the amount of \$1,000. Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxii. Case 3420 – Rowan moved to Close with a Letter of Concern. Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxiii. Case 3340 – Gray moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(b), Seven (7) violations of ORS 687.021(1)(c), violation of OAR 334-040-0010 (12). For a total civil penalty of \$9,000. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxiv. Case 3408 – Gray moved to Issue a Notice of Proposed Action for Violation of ORS 687.021 (1)(a). for a total civil penalty of \$1,000. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxv. Case 3343 – Gray moved to Issue a Letter of Concern. Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, and Rodriguez. Recusal: Rowan. Opposed: None. Motion carries.**
- xxvi. Case 3344 – Chen-Pinkham moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(b), Five (5) violations of ORS 687.021 (1)(c), violations of ORS 687.021 (1)(d), Two (2) violations of OAR 334-40-0010 (12). For a total civil penalty of \$9,000. Forward the case to appropriate law enforcement pursuant to ORS 676.177. Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxvii. Case 3424 – Chen-Pinkham moved to Issue a Notice of Proposed Action for Two (2) violations of ORS 687.021 (1)(a). For a total civil penalty of \$2,000. Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxviii. Case 3425 – Rowan moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1,000. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxix. Case 3346 – Rowan moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a), violation of ORS 687.021 (1)(b), Eleven (11) violations of ORS 687.021 (1)(c), violations of ORS 687.021 (1)(d), violation of OAR 334-040-0010 (12). For a total civil penalty of \$15,000. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxx. Case 3426 – Rowan moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1,000. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxi. Case 3427 – Rowan moved to Close with Letter of Concern. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

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- xxxii. Case 3347 – Gray moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a), Six (6) violations of ORS 687.021 (1)(c), violations of ORS 687.021 (1)(d). For a total civil penalty of \$8,000. Forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxiii. Case 3428 – Gray moved** to Close with a Letter of Concern. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxiv. Case 3348 – Odle moved** to Issue a Notice of Proposed Action for violations of ORS 687.021 (1)(a), violations of ORS 687.021 (1)(c), and violations of ORS 687.021 (1)(d). For a total civil penalty of \$3,000. Forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxv. Case 3362 – Gray moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1,000. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxvi. Case 3381 – Rowan moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a), Four (4) violations, ORS 687.021 (1)(c), violations ORS 687.021 (1)(d). For a total civil penalty of \$6,000. Forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxvii. Case 3390 – Odle moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(b), Six (6) violations of ORS 687.021 (1)(c), and violation of OAR 334-040-0010 (12). For a total civil penalty of \$6,000. Forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxviii. Case 3429 – Odle moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a). For a total civil penalty of \$1,000. **Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxix. Case 3399 – Gray moved** to Issue License. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xl. Case 3418 – Gray moved** to Deny Application. **Second the motion: Odle. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xli. Case 3431 – Chen-Pinkham moved** to Deny Application with an offer to the Applicant to Withdraw Application in 14 days. **Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xl. Case 3134 – Odle moved** to Deny Stipulated Agreement and Final Order Negotiated by Staff. **Second the motion: Rowan. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**



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- xliii. Case 3225 – Chen-Pinkham moved to Accept Stipulated Agreement and Final Order Negotiated by Staff and Respondent’s Representative. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xliv. Case 3255 – Rowan moved to Accept Stipulated Agreement and Final Order Negotiated by Staff. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xlv. Case 3301 – Rowan moved to Issue a Notice of Proposed Action Revoking the LMT License. Second the motion: Gray. In favor: Chen-Pinkham, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

## 10. Meeting Work item Review:

1. Explore legislative concepts to list massage therapists in law as mandatory reporting.
2. Answer the correspondence for today regarding rollover.
3. Look at the feasibility of putting the video of Board meetings up on the website.
4. Reach out to FSMTB about doing the presentation on MTLT.
5. Proceed with the rulemaking process for the two approved rules.
6. Send an email to school administrators and owners of Oregon schools regarding the All-Oregon schools meeting on August 10, 2022.

## 11. Public Comment:

**Rodriguez** opened the floor to the public. First, Rodriguez asked that if anyone wished to speak, she asked that they state their name and license number if a Licensed Massage Therapist in Oregon. Then, Rodriguez asked everyone to keep their comments or questions to two minutes or less. Ok,

None were no public comments.

## 12. Announcement:

The Board is hopeful about having two new Board members at the next meeting.

The Next Board meeting will be remotely on September 19, 2022, at 9 am via GoToMeeting (call-in information will be sent as part of the September Board meeting notice).

## 13. Adjourn Meeting:

**Rowan moved to adjourn the meeting. Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Gray, Rowan, and Rodriguez. Opposed: None. Motion carries.**

**Rodriguez** thanked everyone. The time is 2:34 pm, which means the Board meeting today is adjourned. Rodriguez thanked everyone for their amazing work today, and the staff, for their hard work, especially with everyone handling illness, vacations, and all that. So, hang in there for the rest of the summer.

The meeting was adjourned at 2:34 pm.

APPROVED

APPENDIX 1,  
DIRECTOR'S REPORT - BOARD FINANCIALS

## May 2022 Directors Report

### **Directors Report**

I presented OBMT staff with a Letter of Appreciation for all their hard work and dedication to our Board Members, Licensees and stakeholders. It has been a tough couple of years for everybody and I just wanted to take a moment to say how much I appreciate the fine group of professionals that I have the pleasure of working with each day.

### **Budget Report**

Attached to this packet you will find a Profit and Loss (P&L) Budget versus Actual sheet as well as an income summary graph and a graph of income from two line items in the budget, Application fees and Initial License fees. The P&L sheet lists income and expenses for May and June 2022. The second to last column of the P&L shows the total expenses and income to date of the 21-23 biennium and the final column of numbers indicates what was budgeted for expenses and income.

As of June 30, we have completed one year of this two year budget cycle. Let's start with income; At the May Board meeting I went into great detail regarding funding for this biennium and showed the percentage of funding shortfalls per line item.

Today, I want to talk specifically about the largest funding line item of this Board, which is licensing fees. Licensing fees represent about 61% of the Board's biennial income. We are currently 49% funded in this line item and with the trend shown in the attached income summary graph, that line item continues to recover, meaning that I am confident that we will be able to meet our funding goals in this line item.

Also, the majority of our funding shortfalls this biennium have been in Application fees, initial licensing fees and of course late fees. I will talk more about late fees later. Initial License fees and application fees have fluctuated throughout the first year of this biennium but both categories remain under funded. However, as you can see in the graph, specifically April through June of 2022 the trend is consistently upward which indicates recovery.

Of particular note is the income category of Late Fees. The Board had waived late fees due to COVID which resulted in a large loss of revenue, approximately \$72,000. That loss has been covered by the Board's working capital. That late fee waiver has ended July 1, 2022 which should end the need to use working capital to cover expenses. In fact as you can see by both May and June, we have fully funded the month without having to use reserve funds. The Board currently has about four months of working capital.

**COVID Update:**

I am currently keeping track of the COVID numbers and attend weekly and bi-weekly meetings with other directors to discuss trends. I will continue to attend these meetings and report any recommendations or pertinent information to our licenses and the Board.

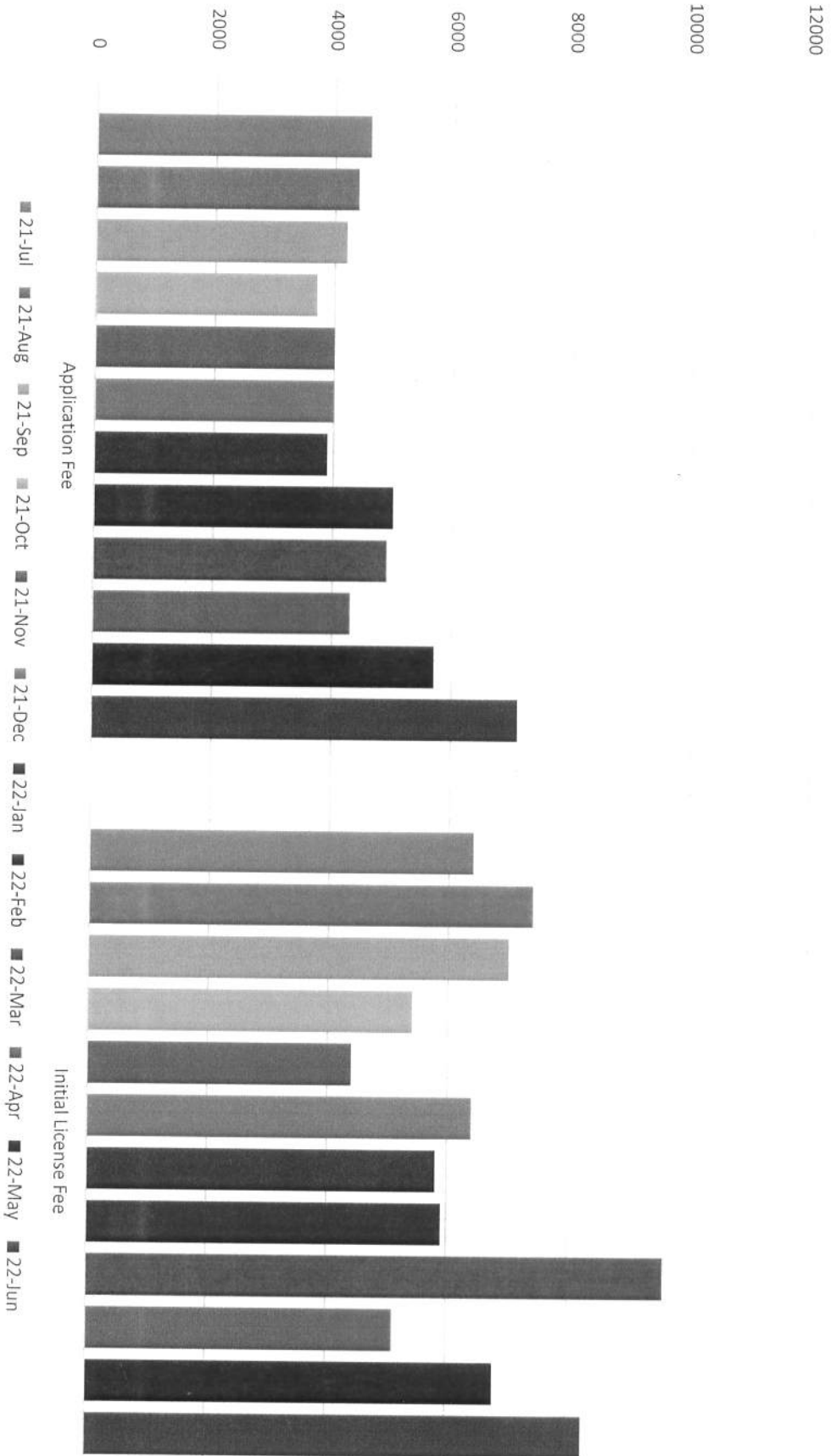
**Board member recruitment:**

I met with the Governor's Office Deputy Healthcare Policy Advisor on July 6, 2022 for the purposes of reviewing the Governors Executive Appointments to the Oregon Board of Massage Therapists. All applicants for the open positions were reviewed and two applicants were moved forward in the process. One position is the Healthcare Profession Board Member position previously held by Steven Foster-Wexler and the other position was an LMT Board Member position vacated by John Combe. We also have an upcoming vacancy for a Public Board Member position that will be vacant later this year, however, we currently have no public member applicants to review so we will continue to recruit for that position. Since those individuals were just chosen I will wait until they are contacted and accept the position before providing their names.

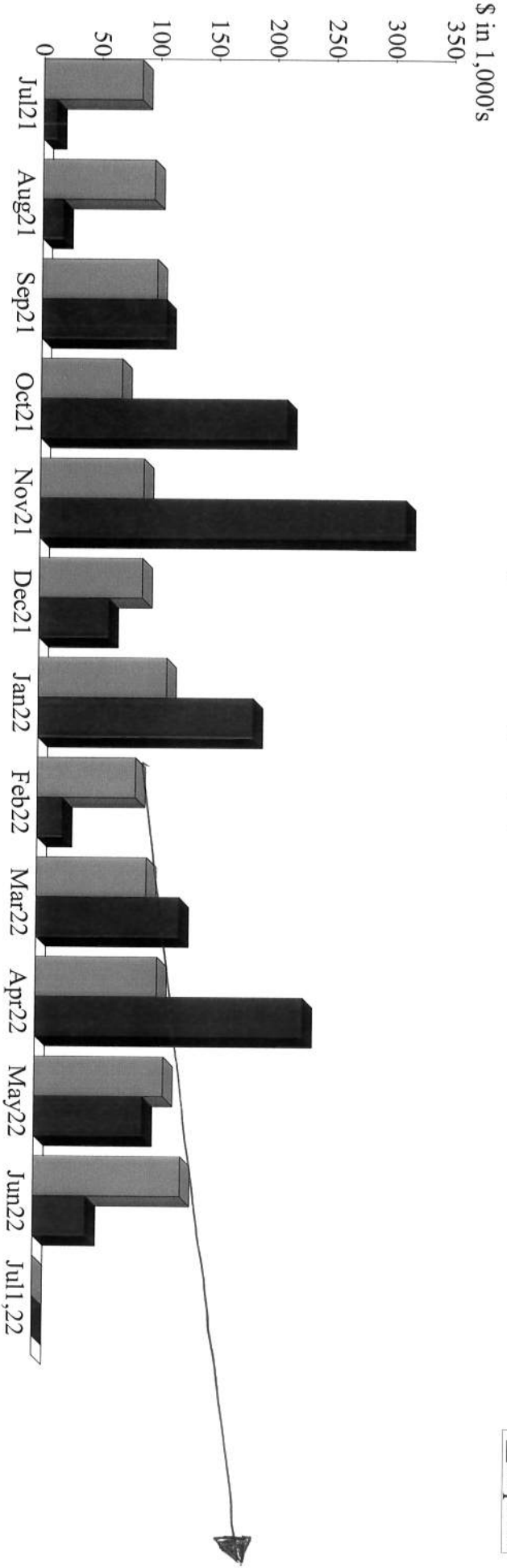
**Oregon Board of Massage Therapists  
Profit & Loss Budget vs. Actual  
July 2021 through June 2023**

	TOTAL					
	May 22	Budget	Jun 22	Budget	Jul '21 - Jun 23	Budget
<b>Income</b>						
Facilities Permit	900.00	250.00	200.00	250.00	5,400.00	6,000.00
Credentialing Review	250.00	187.50	250.00	187.50	1,800.00	4,500.00
Fingerprint Fee	3,993.00	3,990.00	6,008.75	3,990.00	43,454.75	95,760.00
Verification	120.00	150.00	130.00	150.00	2,280.00	3,600.00
License Reprint	130.00	150.00	50.00	150.00	1,270.00	3,600.00
Initial Licensure	6,775.00	12,500.00	8,247.75	12,500.00	78,425.50	300,000.00
Application Fee	5,700.00	7,291.00	7,100.00	7,291.00	55,800.00	175,000.00
Civil Penalties	25,830.73	14,583.00	36,815.73	14,583.00	256,548.78	350,000.00
Late Fee	25.00	6,000.00	100.00	6,000.00	525.00	144,000.00
Licensure Fee	65,150.00	59,092.95	65,652.75	59,092.95	698,179.25	1,418,231.00
LMT List	500.00	500.00	100.00	500.00	4,100.00	12,000.00
NSF Fees	0.00	16.75	25.00	16.75	200.00	400.00
Public Records / Miscellaneous	0.00	6.25	10.00	6.25	531.80	150.00
<b>Total Income</b>	<b>109,373.73</b>	<b>104,717.45</b>	<b>124,689.98</b>	<b>104,717.45</b>	<b>1,148,515.08</b>	<b>2,513,241.00</b>
<b>Expense</b>						
State Assessments	762.91	3,750.00	659.03	3,750.00	69,114.41	90,000.00
Contract/Professional Services	0.00	410.58	0.00	410.58	0.00	9,854.00
<b>Total PAYROLL EXPENSE</b>	<b>75,842.09</b>	<b>66,111.00</b>	<b>0.00</b>	<b>66,111.00</b>	<b>928,201.47</b>	<b>1,586,671.00</b>
Accounting Expense	0.00	0.00	0.00	0.00	2,516.12	800.00
Audit Expense	0.00	0.00	0.00	0.00	8,500.00	8,000.00
Bank Charges	2,301.71	1,666.67	0.00	1,666.67	32,784.56	40,000.00
Collections Fee	0.00	125.00	0.00	125.00	163.75	3,000.00
Computer Expense	4,824.47	4,166.66	7,175.53	4,166.66	98,024.17	100,000.00
Dues & Subscriptions	0.00	125.00	2,800.00	125.00	5,724.00	3,000.00
Equipment Repair	0.00		0.00		74.50	
<b>Total Investigation Expense</b>	<b>2,367.76</b>	<b>9,000.00</b>	<b>13,686.47</b>	<b>9,000.00</b>	<b>107,572.96</b>	<b>216,000.00</b>
Janitorial	0.00	0.00	0.00	0.00	2,785.00	0.00
Legal Fees	0.00	8,333.34	8,423.43	8,333.34	73,958.56	200,000.00
Meals	0.00	239.17	0.00	239.17	122.00	5,740.00
Office Equipment Lease	0.00	350.00	614.78	350.00	3,611.83	8,400.00
Office Furniture	0.00	625.00	0.00	625.00	0.00	15,000.00
Office Supplies	99.22	666.67	320.96	666.67	4,590.30	16,000.00
Payroll Taxes	0.00	0.00	0.00	0.00	0.00	0.00
Postage	1,237.22	1,172.92	417.54	1,172.92	8,227.89	28,150.00
Professional Development	0.00	416.67	0.00	416.67	590.00	10,000.00
Rent	3,939.75	4,000.00	7,879.50	4,000.00	50,184.00	96,000.00
Security	0.00	125.00	99.98	125.00	299.82	3,000.00
Telephone/Fax/Internet	240.09	650.00	805.06	650.00	7,529.77	15,600.00
Travel - In State	0.00	1,270.00	0.00	1,270.00	691.65	30,480.00
Travel - Out of State	530.25	520.84	2,025.72	520.84	2,690.89	12,500.00
Utilities	0.00	400.00	0.00	400.00	0.00	9,600.00
<b>Total Expense</b>	<b>92,145.47</b>	<b>104,124.52</b>	<b>44,908.00</b>	<b>104,124.52</b>	<b>1,407,957.65</b>	<b>2,507,795.00</b>
	<b>17,228.26</b>	<b>592.93</b>	<b>79,781.98</b>	<b>592.93</b>	<b>-259,442.57</b>	<b>5,446.00</b>

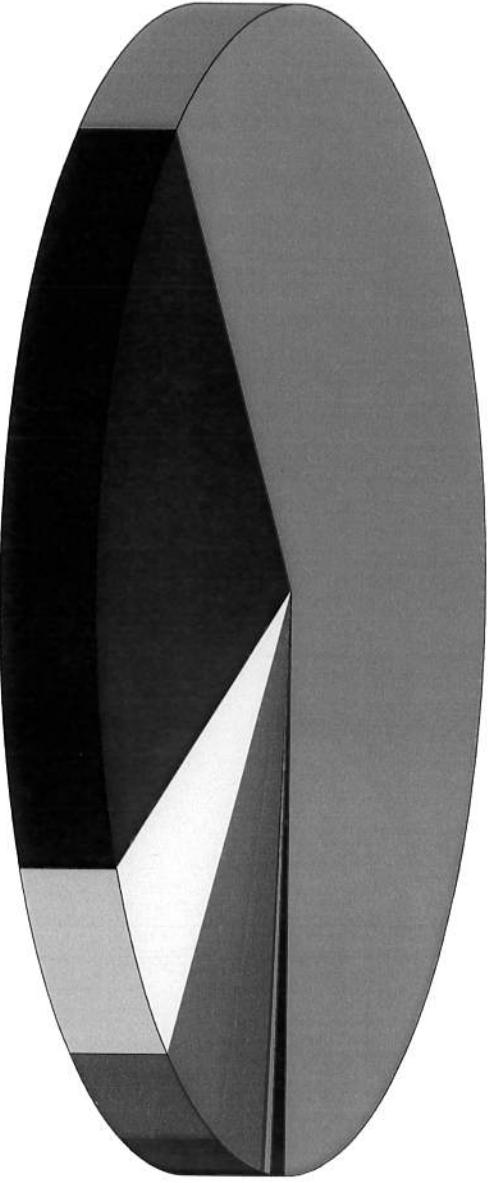
# Application and Initial Licensure Fees



Income and Expense by Month  
July 1, 2021 through July 1, 2022



Income Summary  
July 1, 2021 through July 1, 2022



█ Licensure Fee	22.34	60.79%
█ Civil Penalties	6.83	
█ Application Fee	4.86	
█ Fingerprint Fee	3.78	
█ Facilities Permit	0.47	
█ LMT List	0.36	
█ Verification	0.20	
█ Credentiaing Review	0.16	
█ License Reprint	0.11	
█ Other	0.11	
<b>Total</b>	<b>\$1,148,515.08</b>	

By Account

APPENDIX 2,

OBMT PROPOSED RULES EFFECTIVE 7/1/2023

CONTINUING EDUCATION

ELIMINATION OF ROLLOVER HOURS



## Report to the Board

### Staff input on “Carry-over” CE hours:

Process, staff time, estimated percentage of LMT’s who use Carry-over.

During the May 14, 2022 Board meeting, the Board requested input from staff and management related to the process of roll-over or “carry-over” continuing education hours. Management contacted our Licensure Specialist, Rowena Clinite, and our Office Specialist, Christian Bradley for their expertise and input as to how we calculate CE carry-over, any pros and cons, ideas for improvement, and other input of interest.

After reviewing the information submitted by Board Staff, meeting with them personally, and discussing the process in detail; the overwhelming consensus is that the proposed rule(s) that would eliminate the “carry-over” portion of the CE rules would be whole heartedly welcomed by the staff involved in the process.

I have included the information provided by staff at the end of this report so the Board may review the details and explanations, but here are the main points summarized:

- Calculating possible carry-over (by current rules) is difficult and time consuming for staff.
- Due to the complexity and how the records are stored in elite, we have one “expert” staff member who conducts the majority of reviews. Other staff and management can complete the process but we have experienced errors in the past. This can disrupt the workflow of the expert when pulled away to assist. This can also delay responses to LMT inquiries who have questions regarding required CEs.
- A relatively low percentage of LMTs benefit from carry-over hours, Estimated at approximately 10% pre-Covid, and 25% during Covid. This is likely due to the reduction in required CEs during the pandemic and many more LMTs had more hours than the required 12 during Covid. We would expect this number to return to the lower percentage as Covid relief adjustments return to normal pre-Covid levels.
- The proposed rule change(s) will create a more effective and efficient process for staff and workflow, and simplify instructions / guidance to LMTs with CE requirement questions.
- Probable improvement of training for LMTs. Elimination of CE carry-over hours will force LMTs to continually and regularly seek training rather than stockpile hours for carry-over and allowing them to “skip” up to two years of time without much or any relevant training or refresher education.
- Considerable staff time saved due to no longer having to answer phone calls and emails regarding the carry-over questions, time saved by not needing to review and possibly calculate every renewal application submitted for carry-over, and time saved because all staff will be able to review an LMT’s CE status and respond to missing hours and categories without the need to seek assistance in reviewing the carry-over factors.
- After considerable review of these factors and staff input, management supports the proposed changes to the CE rules eliminating carry-over hours.

The information below was provided by licensure staff to management:

### LMTs Using Carry Over CEs to Renew

I guesstimate that pre-Covid less than 10% of LMTs used their carry over CEs to renew. This went up during Covid to roughly 25% because people didn't want to/couldn't afford to take new courses if it wasn't absolutely necessary

### Calculating Carry Over Is Not Easy (and all of the calculations go through Ro due to their complicated nature so there are situations when it takes time from Ro & Other Staff to get an answer for one licensee enquiry)

There are several questions to answer before we can arrive at an answer when calculating carry over CEs for anyone, and we have to refer to two separate screens in the database in order answer all the questions.

1. Did the LMT submit more CEs than needed at the previous renewal (25 pre-Covid & 12 between 3/24/20 and 3/31/23)? **If the answer to this question is no then the LMT does not have any carry over CEs available. If the answer is yes then you have to calculate how many "extra" CEs they submitted and proceed to step 2.**
2. Did the LMT submit more Contact CEs than required (15 pre-Covid & 0 between 3/24/20 and 3/31/23)? **If the answer to this question is no then the LMT does not have any carry over CEs available. If the answer is yes then you have to calculate how many "extra" Contact CEs they submitted and proceed to step 3.**
3. Were any of the Contact CEs from the previous renewal carry over CEs? **If the answer to this question is no then the LMT has carry over CEs. If the answer is yes then you have to deduct those carry over CEs from the total number of Contact CEs they submitted at their previous renewal because CEs can only be carried over once.**
4. Did the licensee submit more than 4 Contact CEs in Professional Ethics, Boundaries and Communication (topic I)? **If the answer to this question is no all Carry-Over CEs will be entered as topic A (for simplicity). If the answer to this question is yes, any extra Contact CEs in topic I must be separated and entered as topic I.**

### Notes

- The total number of Carry-Over CEs cannot exceed the result of step 1 of the calculation even if the result of step 2 is a larger number.
- It is very hard to write down a simple mathematical equation to work this out, which in turn makes it hard to train someone else to calculate carry over accurately and as a result Ro deals with all carry over CE calculations.
- Only Contact CEs can be carried over and the only topic specific CEs that can be carried over are those in Professional Ethics, Boundaries and Communication. This actually brings in the necessity for step 4.

### Example of Calculating Carry Over CEs

#### #19701 - 2020 Calculation

1. Yes, a total of 33 CEs were submitted in 2018. 8 of these are "extra" CEs. (33-25=8)
2. Yes, a total of 29 Contact CEs were submitted in 2018. 14 of these were "extra" Contact CEs (29-15=14)

3. No, none of the 29 Contact CEs were Carry-Over CEs from 2016 so there is no deduction necessary.
4. No, none of the “extra” Contact CEs were in topic I

Since the total number of CEs to Carry Over cannot exceed the answer to step 1, this licensee carried over 8 Contact CEs from 2018 to their 2020 renewal in topic A.

#### #19701 - 2022 Calculation

1. Yes, a total of 24 CEs were submitted in 2020 (4/30/20). 12 of these are “extra” CEs.  $(24-12=12)$
2. Yes, a total of 10 Contact CEs were submitted in 2020. All 10 of these were “extra” Contact CEs  $(10-0=10)$
3. Yes, 8 of the 10 Contact CEs were Carry-Over CEs from 2018. This means that there are only 2 new Contact CEs that were submitted in 2020 that can carry over to the 2022 renewal  $(10-8=2)$
4. No, none of the “extra” Contact CEs were in topic I

Since the total number of CEs to Carry Over was 2 it didn’t exceed the answer to step 1, and this licensee carried over 2 Contact CEs from 2020 to their 2022 renewal in topic A.

#### #19701 - 2024 Calculation

1. Yes, a total of 18 CEs were submitted in 2022 (5/10/22). 6 of these are “extra” CEs.  $(18-12=6)$
2. Yes, a total of 18 Contact CEs were submitted in 2022. All 18 of these were “extra” Contact CEs  $(18-0=18)$
3. Yes, 2 of the 18 Contact CEs were Carry-Over CEs from 2020. This means that there were 16 new Contact CEs submitted in 2022  $(18-2=16)$
4. No, none of the “extra” Contact CEs were in topic I]

Since the total number of CEs to Carry Over cannot exceed the answer to step 1, this licensee can carry over 6 Contact CEs from 2022 to their 2024 renewal in topic A.

This is the best way I can think of to illustrate how much time it takes to work this out for one LMT every two years.

#### **How the Proposed Carry-Over CEs rules may affect our LMTs:**

The proposed carry over CE rules may affect our LMTs in that the proposed rule change will eliminate LMTs being able to use excess contact hours obtained through in-person/live interactive distance learning courses to the amount maximum of 25 to carry over to the following renewal period. This will mean that each LMT will need to submit the required amount of continuing education each renewal.

#### **How the Proposed Carry-Over CE rules may affect our staff and workflow:**

The proposed carry over CE rules will likely create more effective and efficient staff in all their workflow. Currently, only one staff member, being our License Coordinator, knows best how to calculate carry-over. This means that if any other staff member is approached with this question whether via phone or email, the staff have to either distract the employee from their work to get an answer, or give the information to the staff member to figure out while the customer / LMT has to wait for a reply before submitting their renewal. This can be troublesome when the Licensing Coordinator is out on vacation or ill and we can't give concrete CE requirement information to the LMT calling. Furthermore, the proposed carry-over CE rules will allow staff to be able to quickly, clearly, and more effectively communicate the CE requirements for each person as they call and email. Lastly, those reviewing renewals submitted will be able to save an insurmountable amount of time because they will not need to review each person's possibility of having carry-over in the first place.

**Pros of approving the proposed Carry-Over rule change:**

There are many pros of approving the proposed carry over rule change. First, approving the proposed carry-over rule change should encourage LMTs to do the minimum CE requirements for their renewal and to do it as efficiently as possible. Furthermore, with the other CE changes that are occurring, it should be easier for LMTs to get their renewal requirements completed. Also, LMTs will be continually and regularly getting education to improve their skills in massage and business rather than not doing continuing education for up to two years because of the current carry over system.

**Cons of approving the proposed Carry Over rule change:**

The con of approving the proposed carry over rule change is that LMTs will not be able to carry over excess contact hours to their next renewal. Of those who regularly exercise the carry-over option, most engage in one time, extensive training conferences that result in many hours of training in a short period of time. This may be contrary to the intent and design of the continuing education requirements in that those LMTs will not have to complete any additional continuing education for the next two years if they so choose.

APPENDIX 3,

OBMT PROPOSED RULES EFFECTIVE 7/1/2023  
EXTERNAL PELVIC FLOOR MASSAGE

### **334-010-00**

#### **External Pelvic Floor Massage**

(1) All pelvic floor massage must be performed utilizing universal precautions for communicable disease control.

(2) Pelvic floor massage includes ~~working~~ PROVIDING TREATMENT on a client's EXTERNAL PELVIC FLOOR ~~abdominal, inguinal, glutes,~~ \_\_\_\_\_.

(3) Prior to performing these special procedures, an LMT must:

(a) Be able to present evidence of the completion of specialized contact hours as training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, expected outcomes, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to external pelvic massage;

(b) Be able to articulate a therapeutic rationale which is acknowledged by the client; rationale may include a medical prescription and/or permission to consult with the client's health care provider(s);

(4) Prior to performing external pelvic floor massage a LMT must obtain written and verbal consent before proceeding, written consent must include clients' option to accept or decline to provide a witness in addition to the client and LMT.

(5) While performing these procedures a LMT must use appropriate draping techniques at all times. Any temporary exposure of the genital area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the genital area must be covered again.

(6) Under no circumstances will external pelvic massage techniques be performed on individuals under 18 years of age.

APPENDIX 4,

CORRESPONDENCE

**From:** [UDOSENATA Ekaette \\* OBMT](#)  
**To:** [UDOSENATA Ekaette \\* OBMT](#)  
**Subject:** FW: Upcoming July 11th board meeting  
**Date:** Wednesday, July 6, 2022 4:30:32 PM

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**From:** Tanya Dawn <[snowstarowen@gmail.com](mailto:snowstarowen@gmail.com)>  
**Sent:** Saturday, July 2, 2022 5:22 PM  
**To:** OBMT Info \* OBMT <[OBMT.INFO@obmt.oregon.gov](mailto:OBMT.INFO@obmt.oregon.gov)>  
**Subject:** Upcoming July 11th board meeting

Hello Oregon Board Members,

I have never commented on proposed policy and ordinance changes before and am not sure if there is a particular protocol for doing so.

I'm hoping I can just express my concerns here and it will get added to the pile. Please advise if otherwise.

Pertaining to the rollover on continuing education rules I would be very pleased to keep it the same as it is and be able to roll over extra hours. I live in a remote part of the state where getting in person ceus creates a burden. Online ceus are ok but I have never taken an online class that I have gotten much out of. It's a nuisance rather than an inspiration.

Finding ceus in general is difficult and live classes really are the only satisfying ones, being able to connect with other therapists and getting hands on training. Diving into a week long 40 hour course and having that meet almost 2 renewal cycles cuts down on my cost and inconvenience greatly. Having to leave my practice is disruptive to my clients. Limiting my absence is a benefit to my clientele and also helps to keep costs down.

Thank you for considering my situation and concerns.

Tanya Owen LMT #16801



**From:** [UDOSENATA Ekaette \\* OBMT](#)  
**To:** [UDOSENATA Ekaette \\* OBMT](#)  
**Subject:** Roll over CEUs  
**Date:** Tuesday, May 17, 2022 11:02:23 AM

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**From:** Amber Van Winkle <[ambervanwinkle285@gmail.com](mailto:ambervanwinkle285@gmail.com)>  
**Sent:** Sunday, May 15, 2022 3:54 PM  
**To:** RUARK Robert \* OBMT <[Robert.RUARK@obmt.oregon.gov](mailto:Robert.RUARK@obmt.oregon.gov)>  
**Subject:** roll over CEUs

Robert,

My name is Amber Van Winkle. I am a LMT here in Oregon. I am writing to express my concern with the recent decision to not allow roll over CEU credits. I disagree with the concern that allowing roll over credits would encourage people to be counting credits that were no longer relevant to our industry. That argument seems like an extreme example that may only ever happen once in a very long while.

What is certain to happen though is that by removing the roll over policy you will be disadvantaging LMTs with less financial means. This policy will discourage people from pursuing more in depth study or force them to spread that study out over many renewal cycles. I took a class on cranial nerves this year that gave me 20 credits. By the time I get my cultural competency and boundaries classes I will have more than enough for my renewal next year. Should I put off any further study until after I renew? What if I want to invest in an in depth study course that is time sensitive and will offer 40 hours of CEUs? I might be able to invest in that if I know I can roll over the excess credits and spend less on CEUs in the coming years but this would force me to either not take the in depth class or fill up on free CEUs which, let's be honest, have very little useful substance.

This policy is punishing people for being poor and or taking more in depth courses of study and neither is conducive to a safe and well educated massage community. Please continue to allow CEU credits to roll over. If you must put a limit on how far back CEUs can be rolled over from may I suggest 6 to 8 years? this gives people the chance to dive deep or pay for CEUs when they can while also addressing your concern of CEUs being relevant to our current community/profession.

Thank you for your time  
Amber Van Winkle LMT