



Oregon

Kate Brown, Governor

Board of Massage Therapists

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OBMT Board Meeting Minutes

July 12, 2021

GoToMeeting/Telephonic

Attendance

Board Members:

Christa Rodriguez, LMT, Chair

John Combe, LMT, Vice-Chair

Meng Chen, Public Member

Beckett Rowan, LMT

Maria Odle, Public Member

Carol Gray, LMT

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:

Amy Bennett (she/her)

DeeDee Hoover

Kelly Nordahl (she/her)

Melody Morton Gandy

Beverly Holdeman

Jocelyn Schmidt

Laura Embleton

Sylvia Allred

Camron Dunn

Kathy Calise

Lisa Garofalo

Todd Pennington

Daniel Steinmetz

Katie Wood

Marty Dawson

1. Call to order at 9:04 am

Rodriguez welcomed everyone to the meeting. Then, **Rodriguez** called the meeting to order at 9:04 am.

2. Introductions:

A roll call was performed. Chen-Pinkham, Combe, 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:

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

4. Approve Minutes for May 14-15, 2021:

Combe stated that given the amount of information from the retreat, it would have been appreciated and helpful to have maybe a little more lead time to get through the minutes.

Chen-Pinkham moved to approve the May 14-15, 2021, minutes. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

5. Board Business:

a. Financial:

Director's Report (See Appendix 1)

Ruark updated the Board on the Board's finances.

Funding: At the end of the 19-21 Biennium, the Board's total income was \$2,284,000, which was slightly less than the projected budget of \$2,417,000. As you can see by the attached profit & loss statement, actual income was substantially less than the projected income in many categories. Most notable was initial licensing and late fees, which were less than half of what was projected in each of those categories. These shortfalls are a direct result of COVID, and Ruark is hopeful the next biennium will increase.

Expenditures: At the end of the 19-21 Biennium, the Board's total expenses were \$2,048,000, which is substantially less than projected. The Board underspent in many areas, but most notably was payroll expenses, investigation expenses, and legal fees. Payroll expenses were low due to the unfilled Executive Director position and the unfilled Compliance/Licensing Manager position. At least one of those positions was unfilled for 14 months of the Biennium. Investigation and Legal fees expenses were down due, in part, to COVID 19 precluding investigations for several months.

Staffing: Approximately half of Board staff are working in the office full time, and the other half are telecommuting. We have returned to normal business hours for telephone calls. We are answering phones 8 hours per day, five (5) days per week. As we move toward what has been dubbed the "new normal," Ruark will be working with staff on creating new schedules, which may include some staff continuing to telecommute. Our offices will be fully open and back to normal by September 1, 2021.

Board Member Position: Ruark updated the Board on the Board member position and recruitment, stating that the Board continues to recruit for the open Public Health Board member position. Ruark noted that the Board had no qualified applicants who had applied for that position as of Friday, July 9, 2021. However, the Governor's office has assigned a new individual to help with recruitment. Ruark stated that they reached out to that person last week with all the information and parameters required for the public health member position. Ruark expressed that he is hopeful that the individual will be able to help the Board recruit statewide. Ruark stated that it is a little difficult to recruit, as the Board has limited resources compared to the Governor's Office.

New Automated Licensing System: Ruark stated that the Board had decided at previous Board meetings to transition to an automated system, where licenses will be emailed to licensees. Board staff has been working on that procedure for some time, and it is finally complete and ready for implementation.

Udosenata Harruna updated the Board on the New Automated Licensing System, stating that Board staff have already started soft implementation on an as-needed basis. Effective September 1, 2021, all licenses will be sent out via electronic mail to all licensees. In addition, upon request, Board staff will print and mail a hard copy of the license to the licensee.

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Ruark added that Board staff plan to send out information to licensees to be aware of the upcoming changes. The Board also plans to hold a question-and-answer session for licensees, interested parties, and other stakeholders before fully implementing the system.

Gray stated that they are very excited about the new system, especially given the board's cost savings on postage.

b. Compliance Report:

Van Laanen updated the Board on the compliance division, stating that the compliance section business continues to increase as the COVID restrictions have relaxed and recently returned to near normal. The Board has renewed contracts with contract investigators and added two new investigators to the Board's contract list as the Board moves forward into the next biennium of contracts. Board staff is making arrangements to get the new contractors on boarded and trained in the coming months so the Board can get them working on the Board caseload.

The compliance division has been actively working with several local law enforcement agencies to share information on cases and complaints, with great success lately. In addition, the Board and its staff are continuing to foster existing relationships and establish new ones with law enforcement and other regulatory agencies all over the State. These relationships and information sharing have greatly improved everyone's effectiveness, opened new lines of communications, and produced more successful investigations.

Van Laanen stated that most recently, a case in Deschutes County that was next to impossible to investigate from a Massage Board standpoint was successfully resolved because of the Board's positive relationship and information sharing with local law enforcement. However, that case continues to evolve, and the Board has been invited to participate with the local authorities in review of the evidence they have uncovered to ascertain if there is any information recovered that would interest/allow the Board in pursuing appropriate action against any unlicensed practitioners or other violations of board regulations.

Van Laanen noted that in another case that has not yet received the same level of publicity, Board staff and investigators worked closely with Portland Police on a case that resulted in several referrals to the Board for possible disciplinary action while at the same time may have solved several criminal cases for local law enforcement as well.

Van Laanen expressed that Board staff hopes that these relationships and continued cooperation will help facilitate multi-agency approaches to those facilities that pose the greatest threat to the public and the profession. These efforts will eventually lead to positive resolutions to the problems these locations create by deploying a combination of Board intervention when able, criminal prosecutions when appropriate, and enforcement by local authorities that regulate business operations, zoning, and other local ordinances.

Rodriguez thanked Van Laanen for the compliance division updated and noted that it is exciting to hear that the relationships are being built with police departments across the State. **Rodriguez** stated that she knows that certainly was a challenge in previous times and therefore wants to acknowledge that. **Rodriguez** said that she

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looks forward to hearing more about how these relationships continue to develop and commend Board staff for fostering those relationships and keeping those connections.

Van Laanen thanked Rodriguez, stating that he is following the work Director Ruark started, and it is nice to pick up and keep running now.

Legislative Update:

Ruark stated that he gave an extensive legislative update at the May 14-15, 2021, Board Meeting, and there is not much more to provide information to the Board at this time. However, **Ruark** noted that there might be a couple of pieces of legislation that may impact the Board and licensees. However, the Board staff is trying to work out the detail of those legislations. Therefore, **Ruark** expressed that he will hold off on giving the Board an update on that legislation. He is waiting to hear back on the legislative intent, and the legislative intent was not clear with a couple of those proposed legislations. **Ruark** added that he would provide the Board with a little better explanation once he gets that information.

COVID-19 Update:

Ruark updated the Board, stating that the COVID-19 period has been confusing for everybody. To handle the unforeseen, the Governor's office and the Oregon Health Authority (OHA) started preparing for the pandemic. They saw it necessary to put massage therapy into personal services and medical-massage. **Ruark** stated that the Board worked hard, and Lori Lindley, AAG for the Board, also worked with the Department of Justice attorneys to get the Oregon Health Authority to define what exactly medical massage was. The Board had a difficult time with that. Nonetheless, the definition of medical massage was provided to the Board by the Oregon Health Authority. **Ruark** stated that the Board put that information out to all licensees, interested parties, and other stakeholders, and the Board has been very clear about that information.

Ruark stated that on June 30, 2021, the Governor's office released the requirements for personal services, which massage was specifically listed under personal services. But there were also some Oregon Occupational Safety and Health (Oregon OSHA) guidelines regarding health care providers. However, it's not 100% clear that all massages fit into the Oregon OSHA guidelines. Therefore, **Ruark** stated that he put out the information that the Governor's office provided to him. As of June 30, 2021, the requirements for personal services have been released. **Ruark** noted that he asked about massage therapists being listed under personal service with the Governor's office/OHA guidelines and health care provider with Oregon OSHA Guidelines. **Ruark** hopes to be able to have those answers for everyone soon. **Ruark** stated that portions of massage therapy are going to fall under each respective guideline. For instance, if a massage therapist is working for a chiropractor, a medical office, hospital, a doctor's office, or even an acupuncturist office, which are specifically listed under those Oregon OSHA guidelines, the licensee is going to be subject to those guidelines because they are working in that medical facility. However, **Ruark** noted that putting all the guidelines aside does not preclude any massage therapist from having the personal choice to decide to continue with the previous guidelines or even have guidelines that are stronger than those required by the Governor's Office or the Oregon Health Authority (OHA).

Rodriguez stated that she had a question as she believes that people are still confused regarding the OSHA guidelines. **Rodriguez** asked if the difference for clarification purposes is if massage therapists are employees of

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chiropractors, acupuncture, physical therapists versus independent contractors in the same building but handling their practice.

Ruark clarified, stating that if a massage therapist is in a medical facility, the licensees must follow the OSHA guidelines regardless of if the person is an independent contractor or not.

Lindley agreed with **Ruark** and added that the setting in which one works dictates whether the licensee will follow those guidelines. For example, Lindley noted that if the licensee works in a healthcare setting at all, or it can be construed that the licensee is in a health care setting.

Rodriguez expressed that it sounds a lot like HIPAA guidelines as well in the sense that, even if the licensee does not bill insurance, as long as they are in a health care setting or work next to someone who does, the licensee also must follow HIPAA guidelines.

Gray thinks the distinction of personal service versus medical massage is interesting. **Gray** stated that when it was time for people to get vaccines, massage therapists were in group one A, regardless of the settings in which massage therapists work; however, hairdressers were not in group one A. **Gray** feels like the State of Oregon, in general, doesn't have a consistent enough way of looking at the massage therapy profession. Still, massage therapists are placed in groups out of convenience. **Gray** is particularly concerned about pay for a massage therapist who may very well be working in a facility that is not considered a health care facility and may want to keep up wearing PPE or screen their clientele before offering massage therapy, but the employer says no. **Gray** stated that massage therapists want to attract everybody to massage therapy. However, masking may make clientele feel uncomfortable, resulting in a predicament where massage therapists could lose their jobs because they want to keep themselves and their clientele safer than the mandate for personal services.

Ruark responded, stating that he also has those concerns. **Ruark** noted that when he attends the all-agency meetings, he always makes it a point to put out everybody's concerns and forward them to the Board's assigned policy analyst or healthcare person at the Governor's office to provide LMT perspective and opinion. **Ruark** stated that most of the responses he gets are usually along the lines of "this is an unprecedented event" or "there is no textbook on navigating a pandemic." However, **Ruark** stated that there's going to be an opportunity to sit down with the planners and provide valuable insight should something like this happen in the future. **Ruark** indicated that he plans to let them know that the Oregon Board of Massage Therapists would like to see massage therapy treated a little differently than it was the last time. **Ruark** added that some of the massage trade organizations have also been pushing some of that information to the decision-makers in state government.

Lindley stated that the issue brought up by Gray is an employment issue for which the Oregon Bureau of Labor and Industries (BOLI) may have a guideline. **Lindley** expressed that she does not know if the Oregon Bureau of Labor and Industries (BOLI) put any materials out on the return-to-work piece for employees' guidance. But that would be a resource that licensees could look into because the Board can't manage the employment relationship.

Ruark said that the OSHA guidelines have information about individuals who want to wear masks. Employers provide the ability for people to continue to follow some protocols that they want to when those protocols are not required. **Ruark** expressed that he would recommend that they read those OSHA rules for those individuals who fall in that situation to tell them their rights. If they cannot do that, they can certainly call OSHA and let OSHA know that they are trying to follow OSHA guidelines, but their employer won't let them.

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Gray thanked Lindley and **Ruark** for working hard trying to sort out the new guidelines. **Gray** stated that it would be prudent to have a more consistent approach to dealing with things like this because it will happen again. **Gray** wonders if massage practices that are not considered a health care setting could certainly choose to wear a mask; however, it sounds like they would not have the choice to require their clients to wear the mask and for a person who's concerned about their safety, the safest thing is to wear the mask.

Ruark thinks that as a private business, people certainly have a right to say that their employees or their customers will wear masks, and of course, some people might not want to, and that's certainly their right, also. **Ruark** noted that regarding future pandemics and other unforeseen circumstances, he agrees that preparing now is key. He is on a lot of committees and attended and continues to attend many meetings about COVID-19. **Ruark** stated that it would be good to have a board member attend some of these planning meetings and give their opinion. **Ruark** indicated that he is aware that trade organizations have been involved in many of these meetings advocating for the profession.

Combe thinks the profession of massage is a great piece of art. It is very broad and diverse, and I would hate to limit that for the public members and the profession by putting the profession into categories when the profession is so diverse. **Combe** is hopeful about not having another pandemic soon, not only for the sake of Board staff but also for the sake of the public. **Combe** thinks the profession had a hard time identifying what category they fall into. If everyone remembers, the Board is a licensing Board and not here to decide which category a licensee fits in or provides care under. **Combe** stated that the guidelines were established by the State and probably with as much thought over the last 18 months. **Combe** thinks **Ruark** has done a great job, and he would be happy to sit on that Committee should there be a need for it.

Rowan echoed **Combe** and added that the identity of the profession is complicated. **Rowan** stated that many people fall into different categories and would not be happy to move into different categories. **Rowan** expressed that they don't want to limit anybody's professional or educational opportunities because of the different categories. **Rowan** thinks it would be great to have a Board member attend the meetings with **Ruark** and would like to participate as it would be a great opportunity for the Board.

Gray expressed that they would be happy to volunteer to sit in on those meetings as well.

Rodriguez thinks it's an important topic, although complex and requires a lot of consideration. **Rodriguez** also agrees that involvement from massage associations would be imperative because they could reach out and discuss with licensees and do some more advocacy regarding the massage profession being put into different categories, as that is their role. **Rodriguez** appreciated the discussion and thinks it's an important one. **Rodriguez** expressed that it would be valuable to understand that the Board is somewhat limited in its regulatory approach.

Combe thinks that's something that the Board could improve on moving forward, is more of that connection with other stakeholders, which will allow everyone involved in moving forward in unison instead of in a different language. **Combe** stated that there'd been a history of misunderstanding of what the Board represents for some reason. However, **Combe** thinks the discussion proved that everyone has the same concern of the LMT and the public and hopes the Board could collaborate better in the future.

c. Committee Update (See Appendix 2)

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Calise stated that the rules committee met on June 23, 2021, to review and updates the suggested changes in the section of OAR 334-010-0050, continuing education, that the Board reviewed at the last Board meeting. The Rules Committee did not make any major changes, only a couple of slight word changes. For example, in the last section of OAR 334-010-0050 (11). It previously read "during a governor of Oregon's declared states of emergency" to read "during a state of emergency declared by the Governor of Oregon." **Calise** added that was probably the major change that the Committee made.

Gray thinks the Committee did a good job.

Combe echoed Gray and commended Calise and the Rules Committee and the Education Committee and praised the Committee Chairs for being passionate, patient, and understanding during the last few months that this project went.

Calise thanked Lisa Garofalo, Chair of the Educational Committee, stating that the Committee did a great job and made the Rules committee's work easy.

Ruark expressed his gratitude to the committees and stated that the next step in the process is if the Board approves the work that came back from the Rules Committee, then the Board would have to vote to move the proposed rules through the Rulemaking process.

Udosenata Harruna added that since the proposed rules involve continuing education, it would be prudent for the Board to set the effective date with ample time for massage therapists to prepare for the upcoming changes.

Ruark reiterated that a little more lead time for the effective date would be a good idea because of the changes to continuing education.

Rodriguez reflects on the Board's extension of rules suspension after the end of the State of emergency. Rodriguez thinks the timing will be very important as far as implementation and would recommend implementing the new regulations upon conclusion of the suspension of the rules. Rodriguez noted that she appreciates all the effort that both committees have put into the rules, as she knows the work has gone on for a long time, and so to see it, hopefully, come to some kind of conclusion today would be amazing.

The Board discussed and agreed to correct the typo removing the strike-through on number six, and move the rules forward through the rulemaking process.

Combe moves to approve the rules move the rules through the rulemaking process. **Second is the motion. Chen-Pinkham: In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

Ruark stated that at the May 14-15, 2021 Board meetings, the Board voted to extend the 12-hour Continuing Education requirement and the late fee waiver for a year after the declared State of emergency was lifted. **Ruark** wants to clarify that the Board meant one year after June 30 when the restrictions were released and the State of emergency lifted.

Rodriguez responded, stating that is correct. The Board intends to continue the suspension of the rules one year

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from the date the State of emergency is lifted.

Ruark stated that he wants to inform all licensees that the rule suspension is extended to June 30, 2022, per the Board decision at the May 14-15, 2021 Board meeting.

Rodriguez suggests that the implement the rules changes effective July 1, 2022.

Gray moved to implement the proposed rules effective July 1, 2022. **Second is the motion. Chen-Pinkham: In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

Ruark stated that the July 1, 2022 implementation date is perfect, as it gives the Board lead time to provide information to licensees of the changes and get the feedback.

Rodriguez thanked everyone involved in the rule change process.

Combe recommended that the Board provides all committee members and committee chairs with a certificate of appreciation. **Combe** thinks it would be appropriate to do something a little more formal.

Rodriguez agrees with Combe stating that would be wonderful.

d. **Proposed Rules (See Appendix 3)**

e. **2022 Board Meeting Calendar:**

- 1) January 31, 2022
- 2) March 14, 2022
- 3) May 13-14, 2022 (Traveling Board Meeting Location TBD)
- 4) July 11, 2022
- 5) September 19, 2022
- 6) November 14, 2022

Combe moved to approve the 2022 Calendar. **Second the motion: Chen-Pinkham. In favor: Chen, Combe, Foster-Wexler, Grossart, Odle, Rodriquez, and Rothenberger. Opposed: None. Motion carries.**

Ruark stated that at the May 14-15, 2021, Board meeting, the Board discussed the Board meetings would look in the future. **Ruark** expressed that the Board will always have a virtual meeting as an option for anyone who wants to attend the meeting remotely. This option has been available for some time before the pandemic, and they will continue to provide remote access to the meetings. **Ruark** added that the Board also discussed when to resume in-person Board meetings and have a hybrid version where half of the Board meeting is held completely remotely and the other half in-person. **Ruark** suggested that if the Board is going to implement a hybrid Board meeting model, maybe the January Board meeting would be the first in-person meeting. That gives Board staff some lead time to get the office together. As well as allows Board to see if things are going to change with the new COVID variants.

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Gray wonders if it makes sense for Board members to be traveling in the dark in what could be horrible inclement weather for the January Board meeting? **Gray** stated that it might make sense for a January meeting to be remote just due to winter weather and have the in-person meetings any month that isn't January.

Rodriguez agrees, stating that a couple of Board members come from a distance, and January tends to be the scariest time for her to travel up north due to the weather. However, that doesn't mean that for other Board members who wish to be present, they could be in-person, and those Board members who aren't comfortable with traveling can still utilize the remote platform.

Ruark responded, stating that it is always available. If a Board member can't make it here, it's certainly always available for board members to attend the meeting remotely.

Rodriguez stated that it would be ideal to start in-person meetings in March of 2022.

Gray move that to have the first in-person meeting in March 2022. **Second is the motion. Chen-Pinkham: In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

The Board discussed the annual traveling Board meeting and directed Board staff to look at options for both Hood River and Eugene/Springfield area.

Ruark responded, stating that Board staff will put together a proposal for Hood River and Eugene and bring it to the Board for a decision at a future date. **Ruark** added that Board staff would provide the Board with a calendar with the Board meeting dates and some proposals on which ones will be in-person meetings and which ones will be remote meetings and make that proposal to the Board for approval.

f. All School Meeting – Date Proposals:

Ruark stated that the Board hosted an all-school meeting in August of 2020, and it was beneficial to the schools and everybody who attended. It was a great information sharing and networking session for both the Board and the schools, but it'd be a good idea to have one yearly.

Rodriguez stated that it looks like there will be the option again this year virtually. So that will be helpful for the attendees, especially as a follow-up on how well everyone did through the pandemic. **Rodriguez** thinks it was beneficial for everyone to chat with each other and consider plans for the future.

Rodriguez suggests the Board try to get something going, either by the end of July or sometime in August. Last year's All-School meeting was in August. August tends to be a little easier for people.

Calise stated that she is at Lane Community College, and since the meeting is going to be virtual, she thinks that it's going to be much easier for folks to attend, just like we had a good attendance at the last meeting.

Calise suggested having the meeting on Wednesdays.

The Board discussed and agreed to hold the all-school meeting on Wednesday, August 11, 2021, from 9:00 am to noon remotely via GoToMeeting.

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Rowan moved to hold the all-school meeting on August 11, 2021, at 9:00 am. **Second the motion: Chen-Pinkham. In favor: Chen, Combe, Foster-Wexler, Grossart, Odle, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

g. **FSMTB Annual Meeting Update:**

Delegation to the Annual FSMTB Meeting:

Rodriguez stated that Friday, July 9, 2021, was the deadline to submit a resolution to FSMTB. The Board now needs to discuss who the Board is going to send to the meeting this year. **Rodriguez** noted that this year's meeting would be October 7-9, 2021, and it's going to be held in Charlotte, North Carolina, and at this time, it's still an in-person meeting. However, as everyone knows, the phase can always shift and change. **Rodriguez** state that the Board needs first to discuss who the Board wants to send over as delegate, someone to help explain and support the resolution that the Board submitted regarding virtual training. **Rodriguez** stated that in the past, delegates typically had been either the chair or vice-chair. **Rodriguez** said that she is happy to go and represent the Board as the delegate. However, **Rodriguez** thinks Combe may also be a great option because he recently joined the FSMTB Policy Committee, FSMTB, which may be an opportunity for him to meet some of those committee members face-to-face and have a conversation.

Combe responded, stating that the Policy Committee has not met yet. Nonetheless, **Combe** is happy to serve as a delegate and thinks the representation of this resolution is more important than meeting face-to-face with fellow Policy Committee members.

Rodriguez agrees with Combe and thinks having Combe as the delegate is a great option. He will do an excellent job explaining the meeting, especially to the new Board member and Board staff attending. In addition, **Rodriguez** suggests that Jeff Van Laanen also attends the meeting as compliance is also a big piece. The Compliance Manager role would be a good opportunity for him to meet other folks at other state boards.

Van Laanen thanked the Board for the opportunity to attend the FSMTB annual meeting. **Van Laanen** expressed that the networking opportunities will be instrumental and highly beneficial.

Rodriguez noted that the Board typically would send a newer board member to the FSMTB meeting to get a sense of what's going on nationally and meet other people from member states. **Rodriguez** stated that three new and newer board members had not had the opportunity to participate in the meeting. **Rodriguez** suggests sending Beckett Rowan to the FSMTB annual meeting.

Rowan thanked the Board and accepted the opportunity to attend the FSMTB annual meeting.

Combe thanked Rodriguez and stated that he is happy to represent Oregon as the Board's delegate at the 2021 FSMTB annual meeting.

Odle moved to send John Combe as the Board's delegate and Jeff Van Laanen and Beckett Rowan as Board representatives to North Carolina for the 2021 FSMTB meeting. **Second the motion. Chen-Pinkham: In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

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h. Board Member New Business

Rodriguez stated that she is very excited that the Governor's office has appointed someone to help with Board member recruitment. **Rodriguez** is interested to know if the new person at the Governor's office will help the Board with recruitment for the vacant healthcare public member position on the Board.

Ruark responded, stating that he is confident that they will do a great job in that aspect. In addition, **Ruark** noted that the person is excited about recruiting for that position and thinks the Board will get some results there.

Rodriguez thinks it's important to say that the Board also has a new HR person at the Department of Human Services representing the Oregon Board of Massage Therapists. **Rodriguez** expressed she is aware that there have been some snafus recently due to the retirement of the Board's previous HR representative. However, it sounds like this new person is on the ball and has been communicative.

Ruark stated that he set up some time every month for the new HR person to come into the office and talk to staff or speak with Board members. **Ruark** said that he would get those dates out to Board members once they are finalized. But it looks like she's proactive and will help with some of the snafus the Board had, especially in the payroll stipend department.

6. BOARDerline Topics

1. Rules Changes Effective 2021 - Ekaette Harruna
2. Upcoming rules changes 2022 (elimination of rollover hours, change in the terms contact and noncontact to supervise and unsupervised, drop from ten (10) to eight (8) hours of supervised instruction) – Ekaette Harruna
3. Rules suspension and CE Requirements (BLS CPR, Pain Management, and Cultural Competency)
4. 2021 FSMTB Meeting - John Combe
5. Email license effective September 1, 2021 – Jeff Van Laanen
6. 2022 Board Meeting Dates - Ekaette Harruna
7. New Board Member Article - New Board Member
8. What to do after sending an email to the board - Board Staff
9. Licensee update (county breakdown of active and inactive license statewide) – Ekaette Harruna

7. Public Comment and Correspondence:

Correspondence:

Ruark shared details of correspondence received at the Board office. **Ruark** stated that the Board received multiple correspondences requesting the Board Position on fundraising and extension of rules suspension.

Letter to the Board from Knowles – Requesting that the Board consider classifying massage therapists as Health Care Professionals.

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The Board reviewed the correspondence and directed the Executive Director to respond, thanking Knowles for their feedback and concerns.

Letter to the Board from Pfister – Thanking the Board for working so hard on representing the Massage Profession so thoughtfully.

The Board reviewed the correspondence and directed the Executive Director to respond, thanking Pfister for their feedback.

Letter to the Board from Wasson – Requesting that the Board consider granting her exemption from the transcript requirement.

The Board reviewed the correspondence and directed the Executive Director to respond, thanking them for their request and inform them that the Board cannot violate its rules.

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.

Garofalo thanked the Board and stated that she has five items to speak to from the meeting.

1. Regarding the transcript with the student from East-West, **Garofalo** stated that the Oregon School of Massage (OSM) has offered testing out procedures in the past. The student may want to contact them. **Garofalo** felt that the studies taken in 1985 might not be as relevant today as it was then and would behoove one to continue their education because things have changed, and information updated. If the individual needs to go back to school, that's probably a good thing, and things might be easier for them. **Garofalo** added she does not know if OSM still does a test-out procedure and whether they would do that based on a certificate of completion from East-West in 1985.
2. All-Schools meeting- **Garofalo** stated that if August 11, 2021, is the date of the meeting, they highly recommend sending notices to schools this week, just because that is a big turnaround for some schools in terms of having the staff available to sit in the meeting for three hours. **Garofalo** would encourage the Board to discuss at that meeting the continuing education rules revision, the change in the term contact and noncontact, and the elimination of rollover hours as these changes are significant for schools that provide continuing education
3. **Garofalo** is thrilled that the Board approved the Continuing Education changes and thinks the lead time for the effective date being July 1, 2022, is fantastic.
4. **Garofalo** noted that the Education and Rules Committee reports should be removed as they have nothing to report for the fall BOARDerline. However, recommended to add an article about rules changes coming in 2022 with a headline, rollover hours to be eliminated, and the drop to only eight hours of that formal instruction.
5. **Garofalo** would like to know if the draft May Board Meeting Minutes are on the Board website.

Calise would like to second the items listed by Garofalo as they were also on her list. **Calise** hopes that Board staff can get that notice to schools as soon as possible since the All-School Meeting is less than four weeks

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away. Next, **Calise** thanked Board Staff for all the work they put into helping the committees accomplish their tasks. Next, **Calise** went on to thank the Rules Committee members for all their hard work. Finally, **Calise** expressed her greatest gratitude to the education committee members and Lisa Garofalo for their fabulous work.

Dunn wants clarification on the rulings on the masking and current COVID guidelines as of June 30, 2021.

Dunn stated that most of his clients come to him for more focused therapeutic work with specific issues, and he also shares a lobby with a chiropractor, but he is not part of the chiropractic practice. **Dunn** stated that if clients are vaccinated if they bring in their paperwork and have it on file, they don't have to wear the mask. However, he continues to wear his. **Dunn** inquired if sharing a lobby with the chiropractor change the ruling for him as far as being an independent contractor and would like to know where he stands.

Lindley thinks it may be wise for **Dunn** to contact Oregon Occupational Safety and Health (Oregon OSHA) and inform them of his situation and ask to get some guidance. Then, they should be able to provide him with advice. **Lindley** stated that currently, the guidelines are based more on the setting that one is in and what the setting is. So, if someone were to walk in where a person shares the chiropractor's office, a public person might hypothetically think they are going to a health care setting and that masks are required, so that's going to put a person in the cross-hairs of those guidelines. **Lindley** added that she suggested that **Dunn** contact Oregon OSHA and explain his situation of the setup.

Dawson stated that she renews her license on December 1, 2021, and is trying to get clarification on the continuing education requirement. **Dawson** asked if the current required is 12 hours, and it doesn't have to be contact or noncontact?

Ruark responded, stating that is correct. **Ruark** added that the information in question is on the home page of the Board's website, which explains what the reduced rules are at this time. **Ruark** asked that **Dawson** email him or give him a call should she not locate the information on the Board's website. He will be happy to guide her to that area or answer any questions **Dawson** might have.

Dawson thanked **Ruark** for his guidance. **Dawson** stated that they have been to board meetings before and public, and I've been on the trigger board for a year. So, they appreciate all the work the Board of Massage does. **Dawson** expressed that as a volunteer on a board, it takes a lot of learning and understand things, and appreciate everything the Board does to everyone licensed and providing clarity and making things easy on licensees, especially in a pandemic. **Dawson** noted that the pandemic has been hard on everyone, so she gives her gratitude completely for everything the Board is doing.

Rodriguez thanked **Dawson**, stating that the Board appreciates licensees' patience and understanding as the Board navigates during these unprecedented times.

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

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

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

The Board took a short break at 11:20:00 am

The Board returned to the public session at 11:40:00 am

Rodriguez called the Board into Executive Session at 11:45:00 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.

8. Executive Session

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

The Board returned to Public Session at 2:36 pm.

9. Action on Executive Session Items

Compliance Cases

- i. **Case 3146 – Odle moved** to Forward a copy of the Board’s investigation report to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Odle, Rowan, and Rodriguez. Recused: Gray. Opposed: None. Motion carries.**
- ii. **Case 3056 – Gray moved** to Issue a Notice of Proposed Action for violation of OAR 334-030-0005. For a total of \$3000 and complete four (4) contact hours of continuing education courses specific to Ethics and Communication. **Second the motion: Odle. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- iii. **Case 2646,3067, and 3094 – Combe moved** to Issue a Notice of Proposed Action revoking massage therapist license. And forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Odle. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

- iv. **Case 3069 – Chen-Pinkham moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a), Four (4) violations of ORS 687.021 (1)(c). For a total civil penalty of \$5,000. And forward the case to appropriate law enforcement pursuant to ORS 6776.177. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- v. **Case 3071 – 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), violation of OAR 334-040-0010 (12). For a total civil penalty of \$7000. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- vi. **Case 3131 – Chen-Pinkham 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: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- vii. **Case 3076 – Combe moved** to Issue a Notice of Proposed Action for Two (2) violations of ORS 687.021 (1)(b), Four (4) violations of ORS 687.021 (1)(c), Four (4) violations of OAR 334-040-0010 (12). For a total civil penalty of \$10,000. **Second the motion: Gray. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- viii. **Case 3163 – Combe moved** to Issue a Notice of Proposed Action for Two (2) violations of ORS 687.021 (1)(b), Four (4) violations of ORS 687.021 (1)(c), and Three (3) violations of OAR 334-040-0010 (12). For a total civil penalty of \$9,000. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- ix. **Case 3164 – Combe moved** to Issue a Letter of Concern. **Second the motion: Gray. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- x. **Case 3078 - Gray moved** Dismiss with a Letter of Concern. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Recused: Rodriguez. Motion carries.**
- xi. **Case 3083 – Odle moved** to Combine OBMT case Nos. 2858 and 3083 and Issue a Notice of Proposed Action approved in May 2020 with the following additional violations: Two (2) violations of ORS 687.021 (1)(b), twelve (12) violations of ORS 687.021 (1)(c), three (3) violations of OAR 334-040-0010 (12). For a total civil penalty of \$33,000. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xii. **Case 3158 – Odle moved** to Issue a Letter of Concern. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xiii. **Case 3086 – Chen-Pinkham moved** to Combine OBMT Case 3107. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

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- xiv. **Case 3156 – Chen-Pinkham moved** to Issue a Notice of Proposed Action for 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. And forward the case to appropriate law enforcement pursuant to ORS 687.177. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xv. **Case 3160 – Chen-Pinkham 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: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xvi. **Case 3161 – Chen-Pinkham moved** to Issue a Letter of Concern. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xvii. **Case 3088 – Odle moved** to Dismiss, Not Substantiated. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xviii. **Case 3096 – Chen-Pinkham moved** to Issue a Notice of Proposed Action for violation of OAR 334-040-0010 (12), Violation of OAR 334-040-0010 (20). For a total civil penalty of \$2,000. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xix. **Case 3132 – Chen-Pinkham 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: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xx. **Case 3166 – Chen-Pinkham moved** to Issue a Notice of proposed Action for violation of OAR 334-010-0025 (8), OAR 334-040-0010 (12), OAR 3344-040-0010 (20). For a total civil penalty of \$3,000. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxi. **Case 3167 – Chen-Pinkham moved** to Issue a Letter of Concern. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxii. **Case 3106 – Combe moved** to Issue a Notice of Proposed Action revoking massage therapist license and forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Gray. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxiii. **Case 3140 – Gray moved** to Issue a Notice of Proposed Action revoking Facility Permits FA-00043 and FA-00044. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxiv. **Case 3170 – Gray moved** to Issue a Notice of Proposed Action revoking Facility Permits FA-00043 and FA-00044. **Second the motion: Rowan. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

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- xxv. Case 3142 – Combe moved** to Issue a Notice of Proposed Action for Violation of ORS 687.021 (1)(a), violation of ORS 687.021 (1)(b), Fourteen (14) 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 \$18,000. And forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxvi. Case 3175 – Combe moved** 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, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxvii. Case 3176 – Combe moved** to Issue a Letter of Concern. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxviii. Case 3177 – Combe moved** to Issue a Letter of Concern. **Second the motion: Chen-Pinkham. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxix. Case 3151 – Rowan moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(a), violation of ORS 687.021 (1)(b), six (6) violations of ORS 687.021 (1)(c), violation of OAR 334-040-0010 (12). For a total civil penalty of \$9,000. And forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxx. Case 3181 – Rowan moved** to Issue a Notice of Proposed Action for two violations of ORS 687.021 (1)(a). For a total civil penalty of \$2,000. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxi. Case 3182 – Rowan moved** to Issue a Letter of Concern. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxii. Case 3155 – Chen-Pinkham moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1)(b), For (4) violations of ORS 687.021 (1)(c), violation of OAR 334-040-0010. For a total civil penalty of \$6,000. And forward the case to appropriate law enforcement pursuant to ORS 676.177. And forward the case to Multnomah County public health. **Second the motion: Gray. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxiii. Case 3183– Chen-Pinkham 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, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxiv. Case 3184 – Chen-Pinkham moved** to Issue a Letter of Concern. **Second the motion: Gray. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**
- xxxv. Case 3159 – Odle moved** to Issue a Notice of Proposed Action for three (3) violations of ORS 687.021 (1)(b), two (2) violations, or ORS 687.021 (1)(c), three (3) violations of OAR 334-040-0010 (12). For a total civil penalty of \$8,000. And forward the case to appropriate law enforcement pursuant to ORS 676.177. **Second**

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

xxxvi. Case 3186 – Odle moved to Issue a Notice of Proposed Action for three (3) violations of ORS 687.021 (1)(a). For a total civil penalty of \$3,000. **Second the motion: Combe. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

xxxvii. Case 2650 – Combe moved to Accept the Stipulated Agreement negotiated by Board Staff and AAG. **Second the motion: Rowan. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

xxxviii. Case 3111 – Odle moved to Deny Applicant's application for licensure. **Second the motion: Gray. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

xxxix. Case 3169 – Combe moved to Issue a Notice of Proposed Action for two (2) violations of ORS 687.041 (2). For a total civil penalty of \$2,000. **Second the motion: Odle. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

xl. Case 2953 – Combe moved to Deny Settlement Proposal, Amend Notice to include allegations of additional complaints, and continue to hearing. **Second the motion: Odle. In favor: Chen-Pinkham, Combe, Gray, Odle, Rowan, and Rodriguez. Opposed: None. Motion carries.**

10. Meeting Work item Review:

Combe stated that he would like a certificate of appreciation sent out to committee members for their volunteered efforts and outcome.

11. Public Comment:

Dunn stated that he called Oregon OSHA regarding sharing the office area with a chiropractic office. **Dunn** said that he was informed that if the practices were not connected other than sharing the waiting area, the Oregon OSHA told him they did not see any problem. **Dunn** requested if there was a way for the Board to inform the public members of the approximate time the Board expects to return to public session.

Rodriguez responded, thanking Dunn for sharing their finding with the Board. **Rodriguez** also responded, stating that the Board usually provides the public present before the Board goes into executive session the estimated time that the Board foresees being in executive session.

12. Announcement:

Combe stated that he would not be in attendance for the September Board meeting

The Next Board meeting will be remotely on September 20, 2021, at 9 am remote via GoToMeeting (call-in information will be sent as part of the September Board meeting notice).

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13. **Board Member Training:**

Board completed the required 2021 training on Preventing Discrimination and Harassment in the Workplace.

14. **Adjourn Meeting:**

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

The meeting was adjourned at 4:15 pm.

Appendix 1,
Board Financial/Director's Report- July 2021

July 2021 Directors Report

Budget

Funding – At the end of the 19-21 Biennium the Boards total income was \$2,284,000 which was slightly less than the projected budget of \$2,417,000. As you can see by the attached profit & Loss statement, actual income was substantially less than the projected income in many categories, but most notable was initial licensing and late fees which was less than half of what was projected in each of those categories. These shortfalls are definitely a direct result of COVID and I am hopeful the next biennium those number will increase.

Expenditures – At the end of the 19-21 Biennium the Boards total expenses were \$2,048,000 which is substantially less than projected. The Board underspent in many areas, but most notably was payroll expenses, investigation expenses and legal fees. Payroll expenses were low due to the unfilled Executive Director position as well as the unfilled Compliance/Licensing Manager position. At least one of those positions were unfilled for 14 months of the Biennium. Investigation and Legal fees expenses were down due, in part, to COVID 19 precluding investigations for several months.

Staffing – Approximately half of our staff are working in the office full time and the other half are telecommuting. We have returned to normal business hours for telephone calls. We answering phones 8 hours per day, 5 days per week. As we move toward what has been dubbed the “new normal”, I will be working with staff on creating new schedules which may include some staff continuing to telecommute. Our offices will be fully open and back to normal by September 1st.

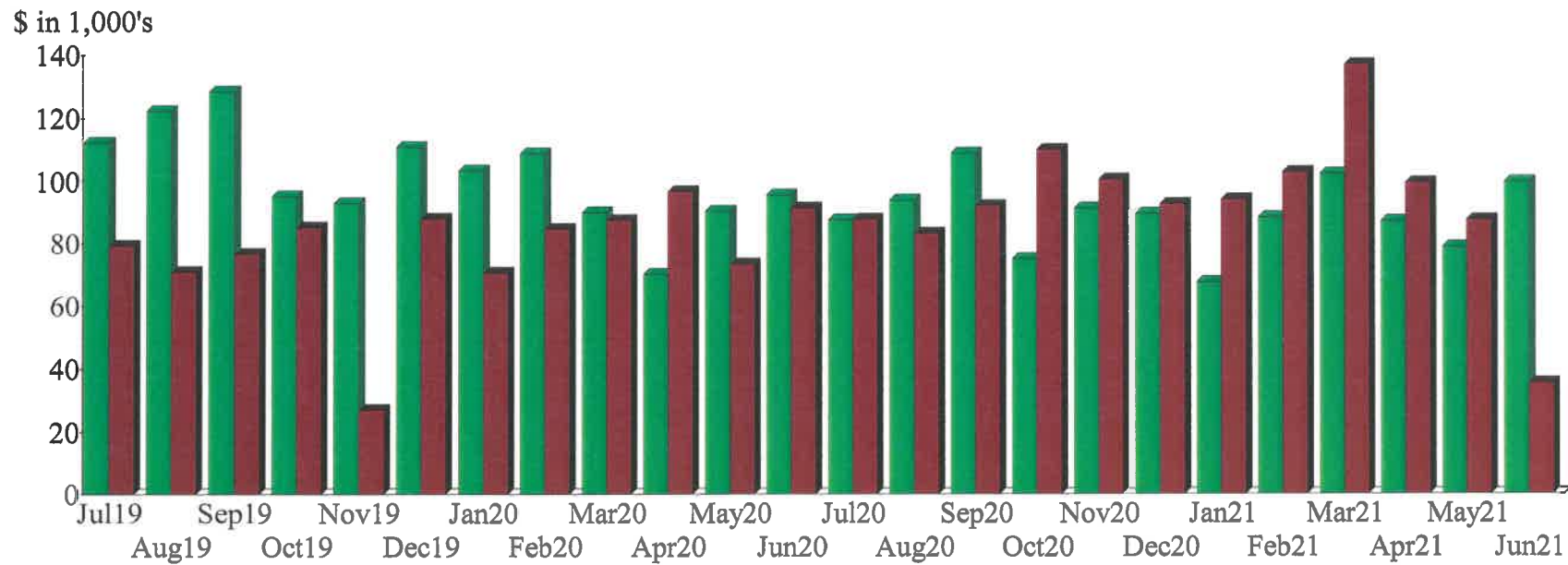
Board Member Position – We continue to recruit for the open Public Health Board Member Position. As of today, we have no qualified applicants.

Oregon Board of Massage Therapists Profit & Loss Budget vs. Actual

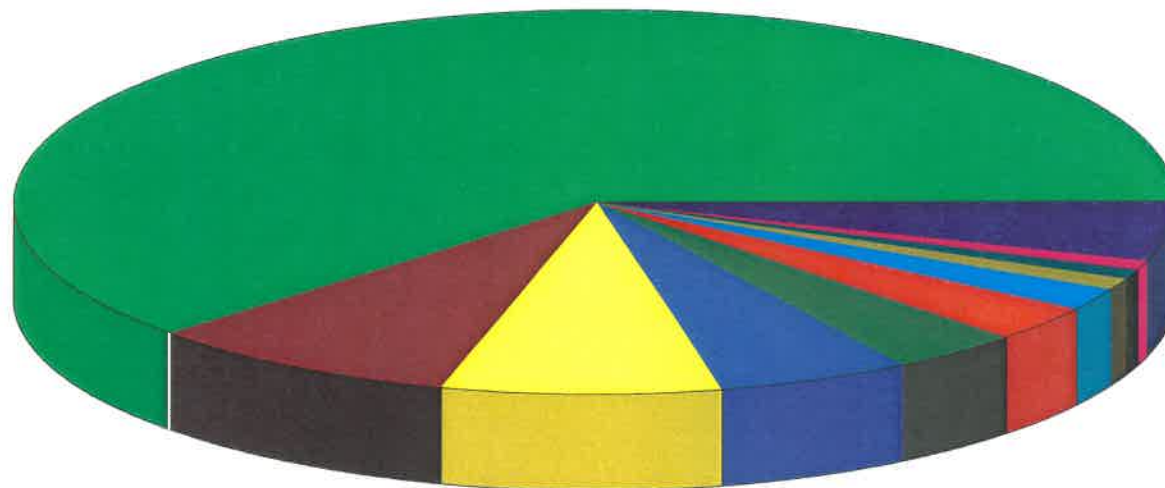
July 2019 through June 2021

	May 21	Budget	Jun 21	Budget	Jul '19 - Jun 21	Budget
Income						
Facilities Permit	0.00	417.00	200.00	417.00	4,350.00	10,000.00
Credentialing Review	0.00	250.00	0.00	250.00	4,000.00	6,000.00
Fingerprint Fee	2,681.25	3,990.00	4,802.50	3,990.00	74,762.25	95,760.00
Verification	140.00	250.00	230.00	250.00	3,870.00	6,000.00
License Reprint	160.00	280.00	70.00	280.00	3,980.00	6,720.00
Initial Licensure	5,300.00	13,000.00	8,500.00	13,000.00	150,799.10	312,000.00
Application Fee	3,400.00	7,500.00	7,900.00	7,500.00	117,233.75	180,000.00
Civil Penalties	4,150.60	9,405.00	4,548.56	9,425.00	396,301.37	225,740.00
Late Fee	0.00	6,000.00	300.00	6,000.00	69,381.84	144,000.00
Licensure Fee	52,600.00	59,093.00	72,075.00	59,092.00	1,439,356.75	1,418,231.00
LMT List	100.00	500.00	600.00	500.00	8,941.25	12,000.00
NSF Fees	0.00	17.00	25.00	9.00	150.00	400.00
Public Records / Miscellaneous	0.00	6.00	0.00	11.00	114.75	149.00
Total Income	78,579.68	100,708.00	99,251.06	100,724.00	2,284,118.67	2,417,000.00
Expense						
State Assessments	531.48	2,554.00	0.00	2,569.00	64,578.42	61,311.00
Contract/Professional Services	0.00	410.00	126.84	424.00	8,649.91	9,854.00
Total PAYROLL EXPENSE	69,446.63	62,851.00	0.00	62,864.00	1,268,263.06	1,508,437.00
Accounting Expense	0.00	33.00	0.00	41.00	0.00	800.00
Audit Expense	0.00		0.00		7,328.50	12,000.00
Bank Charges	1,219.47	1,600.00	1,905.90	1,600.00	39,840.10	38,400.00
Collections Fee	321.00	345.00	0.00	365.00	3,277.58	8,300.00
Computer Expense	4,198.58	4,020.00	4,146.62	4,040.00	161,591.74	96,500.00
Dues & Subscriptions	0.00	266.00	0.00	282.00	2,908.72	6,400.00
Equipment Repair	0.00		0.00		177.00	
Total Investigation Expense	5,921.26	9,000.00	20,936.72	9,000.00	179,647.89	216,000.00
Janitorial	60.00	450.00	0.00	450.00	10,058.04	10,800.00
Legal Fees	0.00	9,280.00	0.00	9,288.00	111,864.51	222,728.00
Meals	0.00	239.00	0.00	243.00	3,442.27	5,740.00
Office Equipment Lease	247.68	350.00	275.35	350.00	6,433.35	8,400.00
Office Furniture	0.00	750.00	2,157.00	750.00	18,382.22	18,000.00
Office Supplies	198.17	666.00	191.67	682.00	12,362.60	16,000.00
Postage	843.30	1,173.00	896.68	1,171.00	22,154.76	28,150.00
Professional Development	0.00	250.00	0.00	250.00	5,968.49	6,000.00
Rent	3,825.00	3,000.00	3,825.00	3,000.00	77,664.88	72,000.00
Security	0.00	125.00	0.00	125.00	2,154.24	3,000.00
Telephone/Fax/Internet	468.97	650.00	710.41	650.00	15,896.02	15,600.00
Travel - In State	121.33	1,270.00	0.00	1,270.00	16,986.17	30,480.00
Travel - Out of State	0.00	521.00	0.00	517.00	1,162.98	12,500.00
Utilities	-184.66	400.00	0.00	400.00	6,848.42	9,600.00
Total Expense	87,218.21	100,203.00	35,172.19	100,331.00	2,048,383.66	2,417,000.00
Net Income	-8,638.53	505.00	64,078.87	393.00	235,735.01	0.00

Income and Expense by Month
July 2019 through June 2021



Expense Summary
July 2019 through June 2021

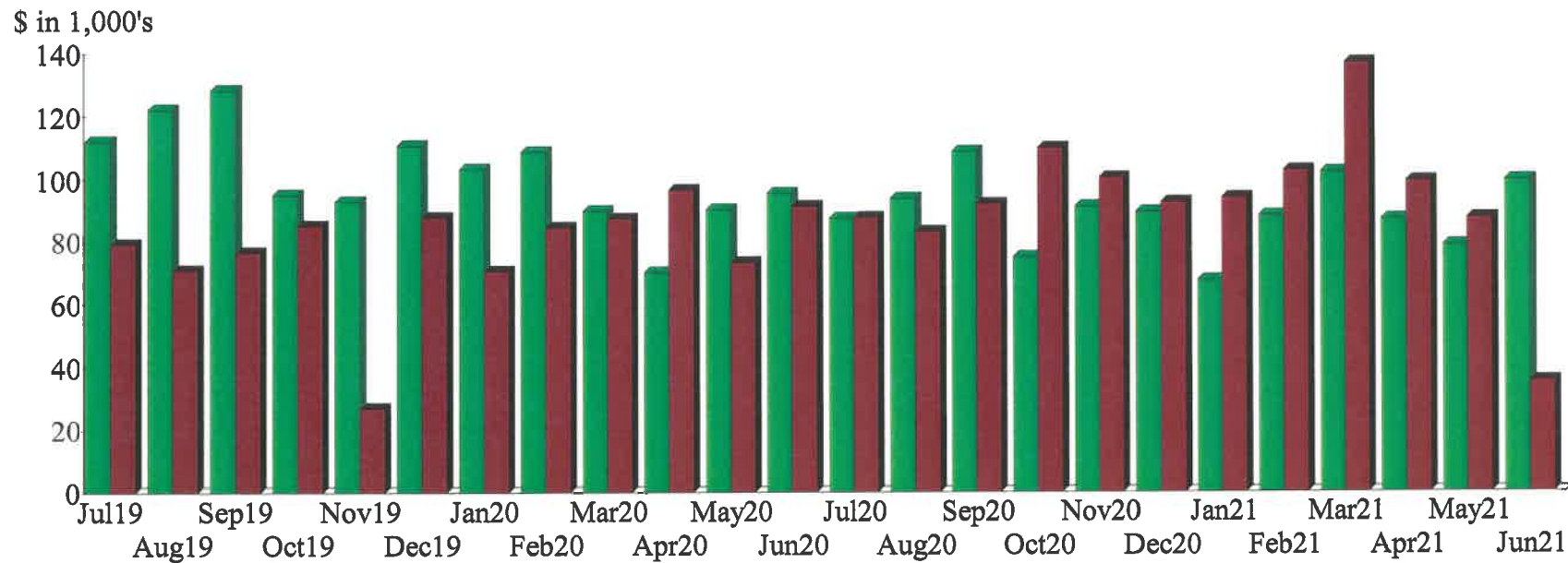


PAYROLL EXPENSE	61.92%
Investigation Expense	8.77
Computer Expense	7.89
Legal Fees	5.46
Rent	3.79
State Assessments	3.15
Bank Charges	1.94
Postage	1.08
Office Furniture	0.90
Travel - In State	0.83
Other	4.27
Total	\$2,048,383.66

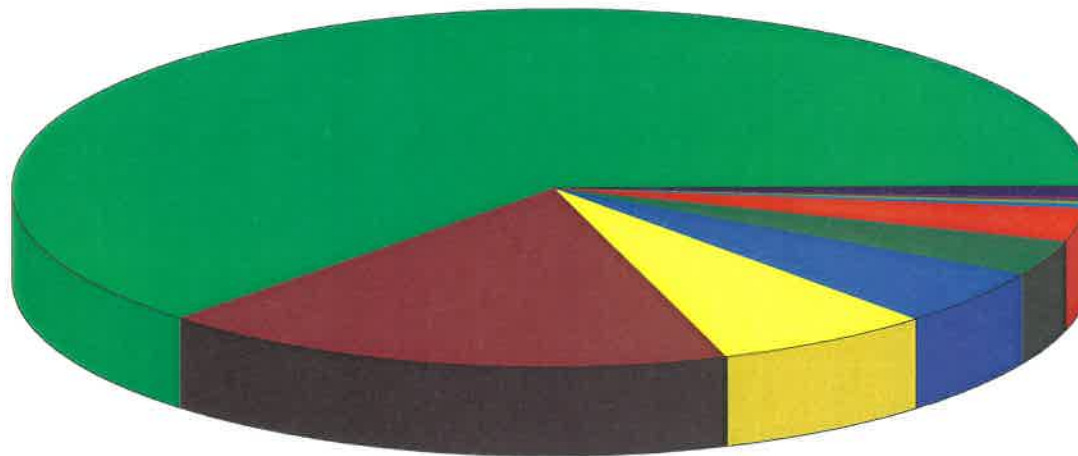
By Account

Income and Expense by Month
July 2019 through June 2021

Income
Expense



Income Summary
July 2019 through June 2021



Licensure Fee	63.02%
Civil Penalties	17.35
Initial Licensure	6.60
Application Fee	5.13
Fingerprint Fee	3.27
Late Fee	3.04
49900 - Uncategorized Income	0.48
LMT List	0.39
Facilities Permit	0.19
Credentialing Review	0.18
Other	0.36
Total	\$2,284,118.67

By Account

Appendix 2,
Rules Committee Update



Oregon

Kate Brown, Governor

Board of Massage Therapists
610 Hawthorne Ave SE, STE 220
Salem, OR 97301
Phone: (503) 365-8657
Fax: (503) 385-4465
www.oregon.gov/OBMT

Rules Committee Meeting June 23, 2021 Virtually via GoToMeeting

Attendance

Committee Members:

Kathy Calise, Chair
Steve Davis, LMT
Todd Pennington, LMT
Donald Schiff, LMT
Mandy Beeman, LMT

Board Members & Staff:

Ekaette Udosenata, Policy Analyst
Maria Odel, Board Liaison
Robert Ruark, Executive Director

Public:

Jocelyn Schmidt
Mark Retzlaff, AMTA

Laura Embleton
Tiffany Clarkin

Lisa Garofalo
Wes Molsberry

Lowell Welch

CALL TO ORDER - Calise called the meeting to order at 9:03 A.M.

Introductions: Present at time of introductions, **Beeman, Calise, Davis, Pennington, Odel, Ruark, and Udosenata-Harruna**. Attendance by phone: **Schiff**
Beeman, and **Davis** declared a potential conflict of interest, as they are CE providers.

Agenda approved by the committee.

February 20, 2020 minutes approved by the committee

Public Comment:

Garofalo recommended that the Rules committee consider replacing the distinction of contact and noncontact hours with supervised and unsupervised hours.

Schmidt stated that because they are in Grants Pass it is difficult to attend meetings and they are very grateful to have this format to be able to attend the meeting remotely.

After much discussion, the committee agreed to send the following versions of the rules to the Board and to the November Rules Hearing for adoption (~~strike through~~ represents deletions, **bold** represent new additions):

334-010-0050

Continuing Education

- (1) The intent of Continuing Education is to protect the public by maintaining **continued competency in the knowledge, and skills, and abilities** of massage and/or bodywork. **Continued competence is the ongoing ability of a licensee to integrate and apply the knowledge, skills, judgment and personal attributes required to practice safely and ethically.**

- (a) Each licensee must complete 25 hours of continuing education each renewal period.
- (b) Of the 25 hours, at least 4 must be in either Professional Ethics, Boundaries, or Communication. These hours must be obtained by participation in supervised learning as defined in 334-010-0050 (3)(a).
- (c) Of the 25 hours, at least 1 must be in Cultural Competency.
- (d) Of the 25 hours, at least once by a licensee's next required continuing education reporting, 1 must be in Pain Management as provided by the Oregon Pain Management Commission (OPMC). This module may be repeated and will apply to continuing education hours.
- (e) Each licensee must hold a current First Aid/Basic Life Support (BLS) card.

(2) The continuing education hours must be from the following topics and within the scope of the license:

- (a) Massage and bodywork techniques;
- (b) Use of thermal modalities, topical preparations, ~~mechanical assistive devices/appliances~~ **over-the-counter massage tools**;
- (c) ~~Stretching and gymnastics that lengthen and shorten soft tissues~~ **Active and passive range of motion and stretching techniques**;
- (d) ~~Posture and movement assessment~~ **Assessment of client's soft tissue, posture, and movement patterns**;
- (e) Massage and bodywork business practices;
- (f) **Massage and bodywork instructor training**
- (g) Anatomy and physiology of the human body;
- (h) Kinesiology of the human body;
- (i) Pathology of the human body;
- (j) Professional Ethics, Boundaries or Communication;
- (k) Cultural competency **as defined in ORS 413.45**;
- (l) Body mechanics;
- (m) Somatic education;
- (n) ~~CPR/First Aid~~ **Basic Life Support (BLS)**; or
- (o) Pain Management as provided by the Oregon Pain Management commission (OPMC)

~~(A) At renewal time, each licensee must sign and submit a Board supplied CE form indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.~~

~~(B) Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 of 25 hours maybe contact or noncontact hours.~~

(3) The methods of obtaining continuing education contact hours ~~shall include the topics listed in OAR 334-010-0050 (2) for continuing education shall include:~~

(a) Participation in instructor supervised, formal learning courses, seminars, workshops (formerly "contact hours"). A minimum of 8 hours of the required 25 hours must be from this method.

(A) These shall be provided by:

- i. a licensed or accredited massage and bodywork training program;
- ii. a provider recognized by a massage and bodywork professional organization;
- iii. an accredited institution of higher education;
- iv. a licensed healthcare provider, including an LMT or equivalent license;
- v. an American Heart Association (AHA) or OSHA compliant CPR provider.

- (B) These may be delivered in person or by virtual learning. Virtual learning method is one in which there is an instructor available to directly answer questions from course participants or interact with them through various formats such as electronic discussion boards, email, social media groups, or other methods of direct communication.
- (C) These must have a syllabus that includes competencies covered and methods of assessment.

(b) Participation in unsupervised (no instructor; formerly “noncontact”), informal learning presentations, webinars, seminars, meetings. A maximum of 17 hours of the required 25 hours may be from this method.

(A) These shall be provided by:

- i. a licensed or accredited massage and bodywork training program;
- ii. a provider recognized by a massage and bodywork professional organization;
- iii. an accredited institution of higher education;
- iv. a licensed healthcare provider, including an LMT or equivalent license;
- v. an American Heart Association (AHA) or (Occupational Safety & Health Administration (OHSA) compliant CPR provider;
- vi. OBMT Board or Committee meeting with a limit of 3 hours per renewal period. One credit hour will be given for each meeting.

(B) These may be delivered in person or online.

- ~~(a) Attendance of courses, seminars, and workshops sponsored, certified by a licensed or accredited massage and bodywork training program;~~
- ~~(b) Attendance of courses or activities for continuing education offered by a provider recognized by a massage and bodywork professional organization;~~
- ~~(c) Attendance of courses provided by an accredited institution of higher education if topics are listed in OAR 334-010-0050(1)(a-m).~~
- ~~(d) Attendance of courses, seminars, and workshops that meets the content requirement of OAR 334-010-0050(1)(a-m).~~
- ~~(e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(e-j).~~
- ~~(f) Courses in cardiopulmonary resuscitation/first aid if taken in the presence of an instructor;~~
- ~~(g) Providing Board requested peer supervision or Board exam proctoring; One hour of CE contact credit will be given for each meeting/day.~~
- ~~(h) Attendance at an Oregon Board of Massage Therapists board meeting, board committee meeting, board task force or serving on these committees/task forces. One hour of CE contact credit will be given for each meeting.~~

(4) The methods of obtaining continuing education non-contact hours shall include:

- ~~(a) Publishing an article relating to massage and bodywork;~~
- ~~(b) Self study based on media (i.e. book/video, periodical, web-based, DVD);~~
- ~~(c) Courses or lectures on massage and bodywork which a licensee presents. A licensee may receive credit for presenting a course or lecture only one time per renewal period regardless of how many times the licensee presents the course or lecture.~~
- ~~(d) All licensees must take and submit proof of completing the one (1) hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), at least once, by a licensee's next required continuing education reporting.~~

- (4) If the Continuing Education subject matter is not listed under OAR 334-010-0050(1) it will not be accepted for continuing education.
- (5) The Oregon Board of Massage Therapists randomly selects a minimum of 10 percent of received monthly renewals for an audit.
- If selected for an audit the licensee will have 30 days to complete the audit form and submit copies (not originals) of their Continuing Education certificates.
 - If the licensee fails to provide the requested information to the Board, within the 30 days, the Board may issue discipline per ORS 687.081 and 687.250.
- ~~(6) The continuing education requirement does not apply to a licensee's first license renewal.~~
- (6) Continuing education must be completed within the renewal period, **as determined by the class' completion date.** ~~Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.~~
- ~~Contact hours taken in Professional Ethics, Boundaries and/or Communication in excess of the four hour requirement may be carried over to the next subsequent renewal period.~~
 - ~~First renewal CE are not required to be submitted at the time of renewal, CE taken during the first renewal period may be submitted with second renewal.~~
- (7) **The continuing education requirement does not apply to a licensee's first license renewal. Continuing Education taken during the first renewal period must be submitted during the first renewal and all hours will carry over to the second renewal period only.**
- (8) Continuing education records must be maintained by each licensee for a minimum of five years.
- (9) If the Board finds indications of fraud or falsification of records, investigative action shall be taken. Findings may result in disciplinary action up to and including revocation of the licensee's license.
- (10) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.
- (11) During a Governor of Oregon declared State of Emergency **declared by a Governor of Oregon:**
- Continuing education hours may be reduced from the current required hours to no fewer than the statutorily required hours as per ORS 687.051.
 - The Board or their designee may authorize alternative methods of obtaining required continuing education hours ~~through contact or noncontact hours~~. The subject matter of the continuing education hours must meet the requirements set forth in OAR 334-010-0050 (2) continuing education rules.
 - The Board or their designee may utilize a period of up to one year to phase any adjusted rules back to normal requirements.
 - This rule does not apply to the cultural competency continuing education subject matter requirements pursuant to ORS 676.850.

The committee discussed the proposed rules and voted to send the updated proposed rules changes to the Board for a final approval.

The meeting adjourned at 9:33 A.M.

Appendix 3,

Proposed Rules Effective July 1, 2022

Oregon Board of Massage Therapists OAR 334
Proposed Changes
Effective Date: July 1, 2022

After much discussion, the committee agreed to send the following versions of the rules to the Board for review and or adoption (~~strike through~~ represents deletions, **bold** represent new additions):

334-010-0050

Continuing Education

- (1) The intent of Continuing Education is to protect the public by maintaining **continued competency in the knowledge, and skills, and abilities** of massage ~~and/or~~ bodywork. **Continued competence is the ongoing ability of a licensee to integrate and apply the knowledge, skills, judgment and personal attributes required to practice safely and ethically.**
 - (a) **Each licensee must complete 25 hours of continuing education each renewal period.**
 - (b) **Of the 25 hours, at least 4 must be in either Professional Ethics, Boundaries, or Communication. These hours must be obtained by participation in supervised learning as defined in 334-010-0050 (3)(a).**
 - (c) **Of the 25 hours, at least 1 must be in Cultural Competency.**
 - (d) **Of the 25 hours, at least once by a licensee's next required continuing education reporting, 1 must be in Pain Management as provided by the Oregon Pain Management Commission (OPMC). This module may be repeated and will apply to continuing education hours.**
 - (e) **Each licensee must hold a current ~~First Aid~~/Basic Life Support (BLS) card.**
- (2) The continuing education hours must be from the following topics **and within the scope of the license:**
 - (a) Massage and bodywork techniques;
 - (b) Use of thermal modalities, topical preparations, ~~mechanical assistive devices/appliances~~ **over-the-counter massage tools**;
 - (c) ~~Stretching and gymnastics that lengthen and shorten soft tissues~~ **Active and passive range of motion and stretching techniques**;
 - (d) ~~Posture and movement assessment~~ **Assessment of client's soft tissue, posture, and movement patterns**;
 - (e) Massage and bodywork business practices;
 - (f) **Massage and bodywork instructor training**
 - (g) Anatomy and physiology of the human body;
 - (h) Kinesiology of the human body;
 - (i) Pathology of the human body;
 - (j) Professional Ethics, Boundaries or Communication;
 - (k) Cultural competency **as defined in ORS 413.45**;
 - (l) Body mechanics;
 - (m) Somatic education;
 - (n) ~~CPR/First Aid~~ **Basic Life Support (BLS)**; or

Oregon Board of Massage Therapists OAR 334
Proposed Changes
Effective Date: July 1, 2022

- (o) Pain Management **as provided by the Oregon Pain Management commission (OPMC)**

~~(A) At renewal time, each licensee must sign and submit a Board-supplied CE form indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.~~

~~(B) Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 of 25 hours may be contact or noncontact hours.~~

- (3) The methods of obtaining continuing education contact hours ~~shall include~~ **the topics listed in OAR 334-010-0050 (2) for continuing education shall include:**

- (a) **Participation in instructor supervised, formal learning courses, seminars, workshops (formerly "contact hours"). A minimum of 8 hours of the required 25 hours must be from this method.**

- (A) These shall be provided by:**

- i. a licensed or accredited massage and bodywork training program;**
- ii. a provider recognized by a massage and bodywork professional organization;**
- iii. an accredited institution of higher education;**
- iv. a licensed healthcare provider, including an LMT or equivalent license;**
- v. an American Heart Association (AHA) or OSHA compliant CPR provider.**

- (B) These may be delivered in person or by virtual learning. Virtual learning method is one in which there is an instructor available to directly answer questions from course participants or interact with them through various formats such as electronic discussion boards, email, social media groups, or other methods of direct communication.**

- (C) These must have a syllabus that includes competencies covered and methods of assessment.**

- (b) **Participation in unsupervised (no instructor; formerly "noncontact"), informal learning presentations, webinars, seminars, meetings. A maximum of 17 hours of the required 25 hours may be from this method.**

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- iii. an accredited institution of higher education;**
- iv. a licensed healthcare provider, including an LMT or equivalent license;**
- v. an American Heart Association (AHA) or (Occupational Safety & Health Administration (OSHA) compliant CPR provider;**

Oregon Board of Massage Therapists OAR 334
Proposed Changes
Effective Date: July 1, 2022

- vi. **OBMT Board or Committee meeting with a limit of 3 hours per renewal period. One credit hour will be given for each meeting.**

(B) These may be delivered in person or online.

- ~~(a) Attendance of courses, seminars, and workshops sponsored, certified by a licensed or accredited massage and bodywork training program;~~
 - ~~(b) Attendance of courses or activities for continuing education offered by a provider recognized by a massage and bodywork professional organization;~~
 - ~~(c) Attendance of courses provided by an accredited institution of higher education if topics are listed in OAR 334-010-0050(1)(a-m).~~
 - ~~(d) Attendance of courses, seminars, and workshops that meets the content requirement of OAR 334-010-0050(1)(a-m).~~
 - ~~(e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(e-j).~~
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- (a) If selected for an audit the licensee will have 30 days to complete the audit form and submit copies (not originals) of their Continuing Education certificates.**
 - (b) If the licensee fails to provide the requested information to the Board, within the 30 days, the Board may issue discipline per ORS 687.081 and 687.250.**
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- (6) Continuing education must be completed within the renewal period, as determined by the class' completion date. Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.**
- a. Contact hours taken in Professional Ethics, Boundaries and/or Communication in excess of the four hour requirement may be carried over to the next subsequent renewal period.**

Oregon Board of Massage Therapists OAR 334
Proposed Changes
Effective Date: July 1, 2022

- ~~b. First renewal CE are not required to be submitted at the time of renewal, CE taken during the first renewal period may be submitted with second renewal.~~
- (7) The continuing education requirement does not apply to a licensee's first license renewal. Continuing Education taken during the first renewal period must be submitted during the first renewal and all hours will carry over to the second renewal period only.**
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 - (c) The Board or their designee may utilize a period of up to one year to phase any adjusted rules back to normal requirements.
 - (d) This rule does not apply to the cultural competency continuing education subject matter requirements pursuant to ORS 676.850.

The committee discussed the proposed rules and voted to send the updated proposed rules changes to the Board for a final approval.