



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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OBMT Board Meeting Minutes

November 18, 2013

Board Office

Attendance

Board Members:

David Fredrickson, LMT, Chair
Kathy Calise, LMT
Jon Grossart, LMT
Melanie Morin, LMT (Excused)
R. Craig McMillin LMT
Kelley Rothenberger, LMT
Steven Foster-Wexler, LAc, Public Health Member

Staff:

Kate Coffey, Executive Director
Ekaette Udosenata, Policy Analyst
Lori Lindley, AAG

Public:

Erika Baern
Todd Pennington
Talia Brown
Lean Robinson
Frank Coppieters
Sharla May

Leah Bowder
Pam Pennington
Alida Birch
Angi McClure
Debora Inguagiato

Lisa Garofalo
April Neufeld
Nicki Scully
Lawrence Birch
Lori Persons

Call to order 9:31 am

Fredrickson called the meeting to order at 9:31 am. Roll call was performed. **Calise, Foster-Wexler, Grossart, McMillin, Rothenberger** and **Fredrickson** were present, as well as **Kate Coffey**, Executive Director, **Lori Lindley**, Assistant Attorney General and **Ekaette Udosenata**, Board staff. **Morin** was excused.

Fredrickson asked each Board member, staff and members of the public to introduce themselves. Public present at this time were **Baern, Birch, Birch, Bowder, Brown, Coppieters, Garofalo, Inguagiato, Meclin, Neufeld, Pennington, Pennington, Robinson Scully** and **Seretan**.

1) **Approve Agenda** – **Calise** moved to approve the agenda. **Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger** and **Fredrickson. Opposed: None. Motion carries.**

2) **Approve Minutes of September 23, 2013** – **Frederickson** proposed an amendment to the minutes under public comment on the letter sent by **Garofalo**. The changes were made and accepted by the Board. **Rothenberger** moved to approve the minutes. **Second the motion: Grossart. In favor: Foster-Wexler, Grossart, Rothenberger** and **Fredrickson. Calise** and **McMillin** abstain. **Opposed: None. Motion carries.**

3) Directors Report

Finances – **Coffey** reported on the status of the Board budget through July through October 2013. For the month of October, the Board received \$6,000 less revenue than was budgeted. The majority of the deficit revenue is in the

category of licensure fees. For the expenditures, the Board spent \$4,000 less than budgeted with the majority of the under expenditure in the category of payroll expenses. The under expenditure is due primarily to position vacancies. To date, for the biennium, the Board has received \$2,000 less revenue than was budgeted for the first four months and under spent in expenses by approximately \$20,000. The majority of the under expenditure is in the areas of payroll, legal fees and fingerprint processing. Coffey stated that the board is going to quickly catch up with legal fees as the Board received from the Department of justice bill of \$9,800. This large bill is due to the increase in contested cases. The assistant attorney general assigned to the board has done an excellent job on settling some of the cases instead of taking them to hearing.

2014 OBMT Calendar - Coffey received confirmation from Rogue Community College to host the traveling board meeting on May 16 and 17, 2014.

Facility permitting – Coffey noted that this will become effective January 1, 2014. The Board is performing an outreach to spa owners and received a list of all facilities from the OHLA and is sending is sending a flyer and a facility permit application to those facilities that offer massage services. In the flyers it tells them that if you are a healthcare professional, you do not need a facility permit. But if you are not, it refers them to the rules and the law.

Borderline – Coffey discussed the topics for the December - January Borderline. 1) OAR changes effective January 1, 2014; 2) update from the FSMTB; 3) why do we want your email address; 4) excluded from the mailing list what does that mean? The Board members did not have additional topics for the newsletter.

Compliance – Coffey updated the Board with a report on the progress of the compliance department: The Board is holding interviews for the compliance manager on November 19, 2013. There were 42 applications received and the Board will interview the top 5 applicants. The interview panel consists of Fredrickson, Coffey, and Lindley. Coffey stated that our legal counsel successfully settled 3 contested cases that saved the Board \$6,000 to \$8,000. Coffey updated the Board on the investigator training that was held on Friday November 15, 2013. The Board hired George Finch, former Compliance Manager, to facilitate the training. The training consisted of facility permits, report writing, investigations, and the importance of obtaining positive identity of respondents.

Coffey updated the Board that the video of the Practical Exam will be filmed on December 30, 2013. The lists of volunteers are Tina West, LMT, Morin, and Rothenberger to assist with the video. To keep the cost down, the Board would like to reach out to Board Members to volunteer for the video.

Coffey further noted that at the next Board meeting, the Board will be discussing proposed rule changes for 2014.

4) Committee Updates

- a) **Education Committee - Garofalo reported** on the progress of the October and November Education Committee Meetings. She provided a summary document detailing the tasks that are being worked on. There are 4 points that the committee needs the Board's feedback on.
1. On the first page on the required hours and period of completion number 2 a. The committee was directed by the Board to mandate at least 6 contact hours in professional ethics boundaries or communication every renewal period. She will like to point out that the committee is divided on this issue and they do not all feel that this is necessary. The committee has received already from the draft minutes that were posted on the Board negative feedback from an LMT about why the Board has to have these particular CEs every renewal period when most of us are in compliance. **Garofalo** will like that to be a topic of discussion for the board.
 2. The next topic of discussion is on page 3 of the draft rules under continuing education requirements, talking

about noncontact hours. Number 3 d. course and lecture on massage and body works which a licensee presents for example a teacher who is also a licensee. The committee is divided on whether a licensee may receive credit for a presenting a course or lecture only one time regardless of the number of time that they teach and what number of hours do they get? If the kinesiology class is thirty hours, do they get to claim thirty hours of CE as a teacher for that. Lots of discussion in the committee about it is not fair to treat LMT teachers differently than LMTs the board should require all LMTs regardless of what they do to meet the same requirements. On the other hand, another committee members feels that teachers are providing a great service and they should be acknowledge for that by getting CE for teaching. That is the point that the committee will like the board to discuss.

3. On e in that same section – we put attendance at a board meeting, board committee meeting, board task force or serving on these committees and task force and c above providing board requested peer supervision in the noncontact CE category. That previously has been a contact hour possibility. The committee is divided on whether it should be in contact or noncontact. That is a discussion for the board as well. Dose the board wants to put peer supervision and attending board meeting back into contact or move it over to noncontact?
4. The final request of the board today is to discuss the CE restrictions on the last section on page three. The committee made a list like that CE policy the board voted on last time that the following subject or activity will not certify the CE requirement then the LIST or one of our committee member suggested that the board be more blanket about it. The following subject or activities will not certify CE requirement. Any topic that does not fall within the scope of practice of a massage Therapist. **Garofalo** personally feels that the second one will open the board up to the same problem that created this whole CE problem of what counts or what does not for board staff. She also thinks it is challenging to have a list that is not going on forever and what is not accepted. The committee needs the board's discussion on the preference in that and then the committee is done but maybe they are not after the committee hears from the board.

There was continued dialogue between Garfalo and Board Members responding to the request of the Education Committee for answers to the following questions presented in the summary document.

1. The Board agrees to keep ethic as is. 6 hours contact. It has to be interactive and in the physical presence of an instructor. And online ethics does not have that interaction with the instructor.
2. When a licensee teaches/instructs the Board agreed that these hours will count only one time per renewal period and can get up to the maximum of the noncontact hours set forth by the Board.
3. On the issue of attendance at a Board meeting, Board committee meeting, Board task force or serving on these committees and task force and c above providing Board requested peer supervision in the noncontact CE category. The Board agrees to leave this as contact hours.
4. On the issue of CE restrictions, the Board agrees to send this matter back to the Education Committee for further work. The Board agreed to refer to the law for CE instead of having a list of the restrictions.
5. The purpose of the board is public protection and the purpose statement should reflect that.
6. The Board discussed the matter of establishing a pre-approval of questionable CE's. The Board agreed to forgo the pre-approval process. The Board members favor sending this matter back to the committee for further work. The Board also agreed that the Board staff should forward any questionable CE to Kate for review and have this placed on the Board agenda for discussion and

decision at the next Board meeting.

b) Rules Committee - Coffey updated the Board on the rules hearing at 9am on 11/18/2013. There was one comment made by **Garofalo** to clarify one portion of the rules for continuing education and it was, first renewal CEs are not required to be submitted at the time of renewal, CE may be submitted with second renewal. Garofalo thought that this was not very clear. **Coffey** recommended that for the purpose of clarification, the board should change the wording to read, first renewal CE are not required to be submitted at the time of renewal, CEs taken during the first renewal time period maybe submitted with the second renewal. There was no comment on facility permit.

Calise moved to approve the Rules Committee proposal to adopt the language as amended to clarify Continuing Education. **Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, Rothenberger and Fredrickson. Opposed: None. Motion carries. Fredrickson** noted for the record that, **McMillin** was out of the room at the time of voting to adopt the CE rules as amended.

c) Practical Exam Task Force Committee - Rothenberger update the Board on the status of the exam task force. The committee received feedback from the public at their last meeting. The committee has no proposal at this time. The committee will be looking at the exam as it's written and pull out the things that should not be in the exams. The committee will look at the structure of the exam. The committee is meeting on December 9, 2013 at Everest College from 6:30pm to 9pm.

Calise moved that the Board take a short break. **Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

Fredrickson called to take a short break. The time is 10:35 am and resumed at 10:48 am.

5) Board Business

a) Correspondence – Coffey shared details of correspondence received at the Board office.

- **Coffey noted** that she sent the correspondence from Fran More to the Education Committee and the committee had requested that Coffey respond back to her thanking her for the information but the committee had removed on the recommendation for CE volunteer hours. **Coffey** thought it was important for the board to also see the letter.
- Asking if the Board will accept the written exam from the state of New York (NY). Currently the Board does not accept other state written exams. The Board had an applicant from the state of NY, who has taken and passed the NY state exam. It was discussed and the Board decided not to accept the NY State exam as it would violate the Board's statutes.
- Sage school of massage wrote a letter regarding the makeup of the practical exam task force which was also discussed at the last board meeting
- **Deby Grant wrote** to the Board in regards to the original purpose of the Oregon practical examination.

Calise - reported on the all school meeting. She noted that it was the best all school meeting that she has participated in. The Board had a chance to network and address similar issues and concerns facing the schools. There is one issue concerning the number of hours that is required. None of the schools are at 500 hours any more; they are all above 500 hours. Should the Board consider a change in the law? The schools feels that it takes more than 500 hours to adequately prepare a student to be a massage therapist in the state of Oregon. perhaps the minimum required hours should be changed because the schools feels that it takes a lot more than 500 hours to get the student ready to become a massage therapist. The schools discussed increasing clinic hours. To specify in the rules more hands on hours.

Fredrickson - reported that this was one of the most interactive and felt that the barrier between Board and schools

have been lifted a bit. In the past the perception was that the Board was there to present information however, at this meeting, the Board felt that this meeting was successful.

Garofalo – noted that what stood out was the discussion of the practical exam. It was very useful that the Board gave the schools the opportunity to weigh in on what we are trying to measure and how can we actually measure it? Because it is not working right now in our opinion. We have several students who are doing find in school and they get to the Board exam and they failed the kinesiology section and that does not make any sense. It was refreshing to discuss the practical exam openly with the board.

Baern – agreed that in the number of All Schools Meetings that she has attending over seven years now, it was the most interactive meeting and felt that there was space for some open and honest discussion. My experience was that the area where there were the strongest feelings about the practical exam and the question about what practical exam is attempting to establish and whether or not it is even able to establish that. Also the question came up a lot about the consistency in the exam. Over the of the past two quarters the drop in the exam pass rate that was pretty precipitous for many schools that does not seem to be based on anything that we have change in our curriculum or our teaching and so we are very concern about what that might imply about how the exams is being conducted. The schools are very concerned about how the exam should be conducted and there are some changes that affect the students and how the examiners facilitate the exam and the level of fairness on the exam.

b) Legislative Initiative for 2015

Fredrickson noted that the ELAP project is progressing as the entry level core requirement. After listening to their presentation and understands that it is inconceivable to try to cram as much as they need to do in 500 hours. He feels that they will recommend 650, 700 or 750 hours somewhere in that range is his guess.

Coffey noted that there was one letter from the Rolf institute. **Coffey** noted that last session the Board had a legislative initiative that went forward into a house bill and because the bill included a name change for the Board the bill died. This legislative initiative included an endorsement that would allow structural integrators to be appropriately licensed as structure integrators instead of licensed massage therapist. Structural Integrators want a distinct category of licensure and want to be appropriately licensed. We could not get an agreed on definition for bodywork.

Grossart – Expanded further on the Rolf institute letter. Some of this has come from the fact that I have been pushing them for clarity. They still have not changed their policy, that they should be separate (not included as massage), exempt or specific licensure but they will not go against the endorsement aspect of the licensure. They did not seem to care about the SI aspect of it but they cared about it being call bodywork.

Fredrickson – There may be an opportunity for discussion if we were to stipulate how many hours are required for a bodywork endorsement for example at equivalent to that required for massage. It will help us to answer questions when people come to us for exemption wanting exemption with 400 hours to say no. Because, that has been a concern with the practices that we have exempted some exceed our basic requirement and others have not. There is no agreed upon statute to our language of what the minimum requirements of hours for those exemptions are. There might be an opportunity to set these guidelines.

c) **Entry Level Analysis Project** – **Fredrickson** discussed the information presented for ELAP project. The PowerPoint presentation helped people understand the priorities. Would ask everyone to look at the new learning taxonomy that they are putting forward as an example of something that is innovative in the industry. This project is taking criticism and heat for being redundant and ill conceived. The project will provide the Board direction if we are going to ask for more hours in law and will provide the basis of consideration as it is data driven.

d) **FSMTB Update - Foster-Wexler** –ELAP and the DATA systems. FSMTB is working on a database that will allow states to

look up information on licensees and share compliance information across board. In general there are 44 member states currently. Financially they are doing great and have developed external audit. They are supposed to complete their document and send to the boards and in 2014 send a draft to the public. They are two years into a five year process. They were a lot of regulatory discussions of what could be looked at as good moral character. The member board forum was one of the most important parts. They had break out session to get feedback. Tracking system has been developed to ensure that a licensee does not have more than one license in a state for the same board. **Fredrickson** presented a motion that was passed and accepted to create a task force to correlate the existing data on the impact of human trafficking because that was a continue question that came up for public safety and human trafficking.

d) Scope of Work – Lypossage - Coffey presented a letter that was sent to the Board by a licensee. They wanted to know if Lypossage is within the scope of massage practice. Coffey heard that ultra sound was not part of the scope of practice of a massage therapist, however, when looking at the rules, if you purchase equipment without a prescription that can actually be part of the massage. This equipment is use for full body cellulite reduction and body sculpting. This topic was moved to the January 2014 Board meeting.

Fredrickson noted that Lypossage is a recognized form of massage and has been around for a while. However was unsure of the ultra sound part. Ultra sound is federally regulated medical devise. In the past Massage therapists were allowed to use the ultra sound device under the guidance of a physician. Now anyone can go on the internet and buy the electronic devices. Can it be legitimately used in the practice or outside of practice? Things have changed now; steam therapy was once by prescription. **Fredrickson** requested that Lindley provide legal advice to determine if this device is within the scope of practice for a massage therapist.

e) Shamanic Healing Demonstration - Fredrickson noted that the board had several letters appealing that the board maintain shamanic classes for CEU's. He expressed that the previous audit has recommended the Board to limit the broadness of the CE requirements. In addition to that, our staff is inundated regularly with questions that they have a difficult time answering as to the applicability of specific discipline to CEU requirements and recertification thus the short list that you are on thus your response and what you to know the back drop. There will be a demonstration outside for the shamanic healing. Learning how this might be applicable for CEU

Foster-Wexler questions what the exact issues are and what the point is right now that we are looking at?

Coffey noted that the current policy is still in effect and we are looking at the demonstration to see if we should modify the current policies or keep the policy as is.

Fredrickson called to take a short break and then observe the Shamanic healing demonstration *at 11:47 am and resumed at 12: 34pm*

Fredrickson - Noted we have just return to the room after the demonstration for shamanism and we are now entering the public session at 12:34 pm.

6) Public Comments – Opportunity for the public to address the board

Debora Inguagiato 4589 – want to make a comment to some of the things that were said before we leave the demonstration room on the different schools of shamanism. A majority of the people that I take classes from, two in particularly Frank Peters and Bob White and they have been LMT for many years. They are very clear on public safety and do no harm to the public. When I went to a different teacher, I was told in order for her to take me on, was only if I did a soul retrieval first.

Lawrence Birch LMT 19963 – Certified clinical herbalist and shamanic practitioner. In listening to the board, I appreciate everyone thoughtful thought process. Will like the board to take this as a suggestion to encourage thought process some may be provocative and its meant to be its not personal or anything like that. Have a very vested interest in the educational aspect

of what the massage board does personally and professionally. Since the percentage of what the board is deeming questionable continue education units is estimated to be very low. Less than one percent and because of the cranial difficulty in determining relevance of some continue education units when the determiners are not familiar with the subject, why not trust that the LMT is able to make a competent professional decision about what continue education is relevant and what is not. Perhaps the question that the board should be asking is how can the board support the LMT in making the best decision they can about obtaining their CE rather than to try to control the LMT CE choices over broadening. Questions that the board can post for themselves could fall under the line of, are we trying to protect the public from what must be a very low to none existing risk since the end of the day the client will get work from a license LMT none of the CEUs that the LMT took were absolutely 100% relevant in the eyes of the board or not. Massage is a cutting edge profession. Within the last 10 years alone, there has been an explosion in the modalities, increase study and acceptance in the medical community of the efficacy of massage. And a growing support and demand for body work by the public. If you want massage to grow and stay current, you are always going to be dealing with the issue of whether or not to allow CEUs with which the board is unfamiliar. Consider the risk of not allowing it. To the board questionable CEUs, what kind of harm might come from discouraging involvement in a new unknown modality that might bring increase benefit to the profession. Massage is also very broad and inclusive healing art and should stay that way. Not all massage therapists have the physical stamina or even the desire to do body work full time and so it is very common and natural for massage therapist to bring in new complementary skills or business to their establish massage practice. Either from their previous profession or from the emerging one. So this adjunct of activities would enable some support to LMT practicing massage. Who is to say then that the activity has no significant relevance to massage and further that education in the subject should not be allowable for CEUs. The problem is I see is that you are trying to establish a very clear and objective policy on a very subjective topic which is the content of continues education. Perhaps the board can relax its approach to this issue and instead seek a fraternal or partnership approach specifically by involving the LMT and their choice of continue education as part of solution not the problem. Why not ask the LMT to define or describe the relevance of their CEUs if there is a question this will relax the board need to spend so much time on the issue and create more opportunity for understanding education between LMTs and the board. I think it absolutely makes sense for the board to set CE policy and guidelines and I think the idea of having curriculum guideline for CE providers is an excellent one for example. The risk and consequence of an LMT taking bad CEUs are minimal to both LMT and the profession and the board. Most LMT that I am aware of want to take CEUs they often take more classes than are required for the CEU hours because they are both driven to provide the best care that they can for their client because they love their work and they love to learn. Some no doubt comply because they have to or risk losing their license. And that tiny minority that are submitting CEUs knowing their subject is stretch at best are only hurting themselves and to a very minor degree. Trust the public to have some common sense around what provider they want to work with. In closing, absolutely make better policy around these CEUs, satisfy the watch dog of the public health that you have to such as the secretary of state and so on. By reviewing the board current understanding what CEUs are appropriate and what are not. However, I will strongly encourage the board to take an inclusive approach rather than an exclusive approach especially when it comes to energy work type of modalities it may mean that other licensing board view the board as too relax or too permissive, what is the risk? There is a risk of not including all.

Alida Birch – want to address some of the obvious questions. Heard a concern that shamanism is a religion and it is not. It is a tradition. It comes out of all the indigenous culture and the way it is commonly practice in the United States is via core shamanism which is the method of accessing those non ordinary realities. Without the overlay of culture rituals associated with particular cultures. Shamanism is not an out of body experience. They are training to be in a very lite trance and altar state of consciousness. They are present with their client and also present in this other realms. There was also another question about whether shamanic practitioner makes medical diagnosis and the answer is no.do they use mind altering substance while doing body work for client no this is contrary to massage law as well. Also there are some correlation with shamanism with other type of modality particularly reiki, and crania sacral talking about removal of energy cist within the body a correlation would be the removal of spiritual and demonic intrusion. The society for shamanic partners whose goal is to support the reemergence of shamanic wisdom into modern western culture and I urge the board to continue to allow and accept shamanism for CE.

Nicki Scully - Will like to see the board not take shamanic training out of CE. . It is not anything that any sense person will

accept without understanding the responsibility that comes with it. Will like the board to see in her book what the shamanism can do for the board in regards to CE. Because we are not the indigenous people in this country, people had to come forward to accept the calling of shamanism. You will have to go out and seek someone to tell you what these experiences are about. When it came time for me to translate what I learn into a healing form, I did not want to call it shamanism because it insinuate a certain arena that is so unique to an individual to every person. That for one to claim to claim to be a shaman to claim to be a shaman is in a sense uncomfortable to me. Because I believe you do as well that that shamanic Monica is confirm by the community that you serve.

Telisha Brown 8193– was nice to attribute her ability to incorporate shamanism with her massage practice and tributes her work to Nicki. She is deeply concern that OBMT is considering not allowing shamanic healing as part of CE. I got to speak with Kate Coffey on Thursday November 8. During the demo, she was very excited to see the use of drums. People enter an ultra state of consciousness at the sound of the drum at about 3 beat a second. It is from this ultra-state of consciousness that allows shamans to do our work. In this way a drum or a rattle is use as much as sound therapy in Hawaiian lomi lomi chanting or even extremely common practice. I also access this greater state of intuitive touch when I do the following modalities which are approved by the board for CEUs, zero balancing, myofascial, acupressure, Ayurveda, cranial sacral and reiki. In conclusion, as an African American woman, as a person who study healing art modality from around the world including healing art modality from African traditions from Hawaii Lomi massage, from Thai massage and from shamanism. What draws me to study internationally is recognizing that this more ancient healing modalities have more holistic prospective on health, wellbeing and healing. In these indigenous cultures, massage was not study by itself but in conjunction with a greater understanding of spirit, harmony, herbs, cleansing, diet and nutrition. It is only in this western reductionist culture that we will even consider studying massage without a solid ground and foundation in its spiritual roots Shamanism helps to provide that understanding of holistic healing.

Fredrickson provided approval for **Foster-Wexler** to read from a letter submitted to the Board expressing concerns against the board accepting shamanism for CE.

Lawrence Birch – Feels that Joe's letter shows that he is ignorant of the scope of shamanism. He feels that Joe and his client are missing out on the benefits of shamanism.

After observing the Shamanic Healing Demonstration, heard public comment on the matter, the board discussed the matter and **Fredrickson** suggested that the board temporary accept shamanic healing until the board has an opportunity to discuss the issue in detail. For the main time, the board agreed to forward the matter the education committee to report at next board meeting recommendation. **Fredrickson motion to permanently remove shamanism from 6.1 of the CE policy. Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

- e) **Board Elections** - *Nominations for board chair and vice chair position are open for discussion.* **McMillin** moved to nominated **Fredrickson** for board chair and **Calise** for vice chair. **Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries. Fredrickson is voted to continue as board Chair and Calise for Vice Chair.**

Fredrickson called to enter into Executive Session at 1:48 pm.

EXECUTIVE SESSION

The Board may enter into Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection, ORS 192.501(4) to review test questions, scoring keys and other data used to administer a licensing examination, ORS 192.660(2)(h) consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed, ORS 192.660(2)(k) to consider information obtained as part of an investigation of a licensee or applicant by a health professional regulatory board and ORS 192.660(2)(i) To review and evaluate the job performance of the Executive

Director or staff. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.

1. Executive Session

- a. Practical Exam (192.501(4))
- b. Compliance (192.660(2)(k))

The Board returned to Public Session at 2:45 pm.

2. Action on Executive Session Items

- i. **Case 1546 – Grossart moved to close with no violation. Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries**
- ii. **Case 1558 – Grossart moved to rescind previous order – compliance met. Second the motion: Foster-Wexler. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- iii. **Case 1294 – McMillin moved to adopt the final order and ruling on motion for summary determination. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- iv. **Case License Renewal – the board moved to defer to next Board Meeting. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- v. **Case 1592 – Calise moved to close no violation found and issue a letter of concern. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- vi. **Case 1370 – Calise moved to accept Stipulated Agreement and Final Order recommended by the AAG. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- vii. **Case 1565 – Foster-Wexler moved to close no violation found. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- viii. **Case 1593 - Foster-Wexler moved to issue a Notice of Proposed Action for: One violation of ORS 687 .027 (1) practicing massage without a license; and Two violation of ORS 687.021(2)(a), advertising for massage without a license; For a total civil penalty of \$3,000. Second the motion: Grossart. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- ix. **Case 1594 - McMillin moved to issue a Notice of Proposed Action for: One violation of ORS 687 .027 (1) practicing massage without a license; and One violation of ORS 687.021(2)(a), advertising for massage without a license; For a total civil penalty of \$2,000. Second the motion: Calise. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- x. **Case 1597 - Calise moved to issue a Notice of Proposed Action for: One violation of ORS 687 .027 (1) practicing massage without a license; For a total civil penalty of \$1,000. Second the motion: McMillin. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**
- xi. **Executive Session Closed Case Report – Calise moved to accept the executive session closed case report as submitted in Exhibit A. Second the motion: Rothenberger. In favor: Calise, Foster-Wexler, Grossart, McMillin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

Case No. 1573

Allegation: Other

Closed: Board lacks jurisdiction

Case No. 1579

Allegation: Other

Closed: No Action Taken

Case No. 1578

Allegation: Other **Closed:** License Granted

Case No. 1585

Allegation: Other **Closed:** License Granted

Case No. 1517

Allegation: Failure to report **Closed:** Compliance met

Case No. 1549

Allegation: Failure to pay child support **Closed:** Compliance met

Case No. 1569

Allegation: No License Number in Ad **Closed:** Compliance met

3. Public Compliance Action

- a) **Public Session Closed Case Report – Kathy moved** to accept the Public Session closed case report as submitted in exhibits 1-6. **Second the motion: Kelly. In favor: Foster-Wexler, Grossart, Morin, Rothenberger and Fredrickson. Opposed: None. Motion carries.**

Case No. 1504

Allegation: Unprofessional/dishonorable conduct **Rebecca Williams**
Closed: Civil penalty assessed

Case No. 1588

Allegation: Unlicensed practice **Sarah Hoffman**
Closed: Civil penalty assessed

Case No. 1589

Allegation: Unlicensed practice/Advertising **Kyle Cook**
Closed: Civil penalty assessed

Case No. 1475

Allegation: Unprofessional/dishonorable conduct **Kyle Cook**
Closed: Stipulated Agreement Issued

Public Forum – Opportunity to share thoughts that pertain to agenda items – There were no members of the public present.

4. Announcements

Next meeting will be on January 13, 2013

- 12) **Adjourn Meeting – Kathy moved** to adjourn the meeting. **Second the motion: Steve In favor: Foster-Wexler, Grossart, Morin, Rothenberger and Fredrickson. Opposed: None. Motion carries.** The meeting was adjourned at 2:50 pm.