

Oregon Board of Massage Therapists

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DRAFT 5/9/01



BOARD MEETING MINUTES

Monday, May 7, 2001

Morrow Building

Large Conference Room

3218 Pringle Rd SE Salem, Oregon 97302

Attendance

Board Members:

Lisa Oxman, L.M.T., Chair
Judy Basker
David Frostad, L.M.T.
Jacqueline Kern

Michael Jordan, L.M.T.
Jennifer Knight
Stephanie Manriquez, L.M.T.

Staff: Bev Holzman, Executive Director
Michelle Sherman, Office Manager
Jacqueline McCal, Administrative Assistant

Public:

Lisa Barck-Garofalo; OSM
Kim Fuller; Ashmead College

Patty Glenn; Ashmead College

Oxman announced that pursuant to ORS 192.660 (1)(f) and ORS 192.660 (1)(h) the Oregon Board of Massage Therapists will now meet in Executive Session for the purpose of considering records that are exempt by law from public inspection. These records are relevant to test questions, scoring keys, and other examination data used to administer the qualifying examinations and consultation with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. Representatives of the news media and designated staff shall be allowed to attend the Executive Session. All other members of the audience are asked to leave the room. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session except to state the general subject of the session as previously announced. No decision may be made in Executive Session. At the end of the Executive Session the Board will return to open meeting and welcome the audience back into the room. The Executive Session convened at 10:30 AM. Ended at 1:35 PM.

- 1) Executive Session
Lunch
- 2) Call to order
Oxman called the public meeting to order at 2:05 PM
- 3) Approve Agenda
Knight moved to approve the agenda. **The motion carried.**

- 4) Approve March 5, 2001 Board meeting minutes
Jordan moved to approve the minutes as written. **The motion carried.**

Report of Executive Director
 Holzman summarized her report (attached).

- 5) Committee Reports
- a) Examination Committee – Chair: Jacqueline McCal
 Manriquez: What kinds of changes are being made to the practical exam? McCal stated the changes are “logistical” to help the exam flow more smoothly. Manriquez: When is next meeting scheduled? Thursday (May 9, 2001) at the Board office.
- b) Education Committee – Chair: Lisa Barck-Garofalo
 The April 19, 2001 meeting was canceled because nobody came. Regarding the revision of rules and model curriculum: Frostad met with Kyle Martin, the Board’s legal counsel, to discuss the appropriate/legal way to change the rules and how to change curriculum and standards without the necessity of a rules hearing every time. Martin will review the proposed changes before they are presented to the board. Barck-Garofalo confirmed that this is the direction the board wants the committee to go. Oxman stated the requirement for clinical hours should be retained in the rules. Manriquez asked Frostad-What is the “National Educational Standard” that is mentioned in the Occupational Profile? Frostad did not have the exact information with him but he will try to e-mail that information to Manriquez. Barck-Garofalo said she will also follow-up on providing that information. Barck-Garofalo stated she needs another committee member to replace Deby Grant; Jordan gave her a name for consideration. Oxman expressed appreciation for all of the committee’s work.
- c) Scope of Practice Committee - Chair: Nicholas Chrones
 Chrones was not in attendance; the Board discussed the committee’s recommended changes to the Occupational Profile.

On page iii-rate by number instead of letter.

Frostad moved that the revised sections be referred to the education committee and that the Education and Scope of Practice committees meet before a final recommendation is made to the board. **The motion carried.**

Oxman: on page 62-under treatment, the use of “moxabustion” – could it be added under section a. - therapeutic techniques? Discussion followed-Oxman verified that it is a massage technique. Oxman also asked that analgesic oils or balms be included as therapeutic techniques so these items can be presented on the written exam. The changes were referred back to Scope of practice committee. **Manriquez** has a large number of questions and will submit them in writing to the committee.

Frostad requested that a member of the exam committee attend the next Scope of Practice meeting. The next meeting is June 16, 10-2 at Glen Moyle’s house. McCal stated she will attend that meeting.

- 6) Action on Executive Session Matter(s)
- a) Arrest records
- i) E. F.; application for license
Jordan moved to approve the application for license. Frostad abstained from voting due to potential conflict of interest. **The motion carried.**
- b) Exam Appeals
- i) Examinee #649 – 2/01 written exam
Jordan moved to deny the appeal of examinee 649. **The motion carried.**

- ii) Examinee #385 – 3/01 practical exam
Jordan moved to deny the appeal of examinee 385. **The motion carried.**
- iii) Examinee #152 – 3/01 practical exam
Jordan moved to deny the appeal of examinee 152. **The motion carried.**
- c) Law Enforcement Cases
 - i) Case # 11-97-024; Non-licensee offering massage services
Jordan moved to close the case with a conclusion code of C12, Insufficient Evidence. **The motion carried.**
 - ii) Case #12-98-035; Offering massage services by non-licensees and improper sanitation practices.
Kern moved to close the case with a conclusion code of C01, Compliance Met. Jordan abstained. **The motion carried.**
 - iii) Case #4-99-042; Non-licensee offering massage services
Knights moved to close the case with a conclusion code of C21, Respondent Unreachable. Jordan abstained. **The motion carried.**
 - iv) Case #8-99-059; Practicing massage with an expired license
Basker moved to close the case with a conclusion code of C17, Permanently Retired. Jordan abstained. **The motion carried.**
 - v) Case #12-99-069
Knights moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties for violations of ORS 687.021 up to \$1000 per violation for practicing massage without a license, advertising massage services without a license and operating under a fictitious name. Jordan abstained. **The motion carried.**
 - vi) Case # 2-00-076; Practicing without a license
Jordan moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties for violations of ORS 687.021 up to \$1000 per violation for practicing massage without a license and advertising massage services without a license. **The motion carried.**
 - vii) Case #5-00-083; Practicing without a license
Basker moved to close the case with a conclusion code of C04, Allegations Unfounded. Jordan abstained. **The motion carried.**
 - viii) Case #5-00-084
Basker moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties up to \$1000 per violation for violations of ORS 687.021- advertising massage services without a license, ORS 687.011 - fraud and misrepresentation for no LMT on the premises when advertising massage services, and violations of OAR, chapter 334, division 20 for violations of the sanitation, facility and building requirements. Jordan abstained. **The motion carried.**
 - ix) Case #5-00-087
Frostad moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties for violations of ORS 687.021 up to \$1000 per violation for practicing massage without a license and for advertising massage services without a license. Jordan abstained. **The motion carried.**
 - x) Case #5-00-088

Knight moved to issue a Notice of Intent for Disciplinary Action to revoke license for violations of OAR 334-030-0025(19)(a)(A,B,C) and (c) unprofessional conduct of a sexual nature. Frostad and Jordan abstained. **The motion carried.**

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xi) Case #9-00-093

Manriquez moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties for violations of ORS 687.021 up to \$1000 per violation for practicing massage without a license. Jordan abstained. Oxman opposed. **The motion carried.**

xii) Case #9-00-094

Kern moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties for violations of ORS 687.021 up to \$1000 per violation for practicing massage without a license and for advertising massage services without a license. Jordan abstained. **The motion carried.**

xiii) Case #9-00-096

Basker moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties for violations of ORS 687.021 up to \$1000 per violation for practicing massage without a license and for advertising massage services without a license. Jordan abstained. **The motion carried.**

xiv) Case #10-00-098: Advertising massage services without a license

Knight moved to close the case with a conclusion code of C01, Compliance Met. Jordan abstained. **The motion carried.**

xv) Case #10-00-100; Improper draping

Kern moved to close the case with a conclusion code of C10, Insufficient Grounds. Jordan abstained. **The motion carried.**

xvi) Case #3-01-102; Practicing without a license

Manriquez moved to close the case with a conclusion code of C10, Insufficient Grounds. Jordan abstained. **The motion carried.**

xvii) Case #4-01-106

Kern moved to issue a Notice of Intent for Disciplinary Action to cease and desist and to assess civil penalties for violations of ORS 687.021 up to \$1000 per violation for practicing massage without a license and for advertising massage services without a license. Jordan abstained. **The motion carried.**

7) Old Business

a) Board member stipends

Knight moved to pay outstanding stipends to date. **The motion carried.** Jordan opposed.

Jordan moved in the future to pay stipends for official board meetings only-currently averaging approximately six per year and for the annual working retreat. **The motion carried.**

8) New Business

a) Adopt the 2001-2003 biennial budget

Kern moved to adopt the 2001-2003 budget in the amount of \$642,732. **The motion carried.**

9) Public Comments

Barck-Garofalo: At the "All Schools" meeting on April 27, 2001 there was a lot of discussion about the board accepting the NCBTMB exam. The schools are planning to send a letter to the board for consideration at the July 2001 meeting. The schools also discussed the model curriculum. Barck-Garofalo asked Holzman to get cost for taking the National Exam.

Patti Glenn/Ashmead stated they serve a substantial number of students who take the Oregon exam

and would like to be more involved in “all school” meetings and the board processes.

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10) Announcements

July board meeting changed to July 23, 2001, 10 AM in Salem.

11) Adjourn

Oxman adjourned the meeting at 3:00 pm

Addendum to minutes:

- Executive Director’s Report
- Letter to Oregon Schools from Chiropractic Board
- Education Committee Report
- Exam Committee Report
- Scope of Practice Committee Report