



Oregon Board of Massage Therapists

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BOARD MEETING MINUTES

March 5, 2002

OBMT 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.

Michael Jordan, L.M.T.
Jacqueline Kern
Stephanie Manriquez, L.M.T

Staff: Bev Holzman, Executive Director
Jacqueline McCal, Office Specialist

Public:

Lisa Barck-Garofalo; OSM
Alan Tresidder; AMTA
Glenath Moyle; AMTA
Vickie Stoddard; L.M.T.

Stephen Kafoury; OPTA
Renee' Susick; OPTA
Andrea Weiner; Feldenkrais Guild
Patty Glenn; Ashmead College

Jeff Hauer, Ph.D.; Feldenkrais Guild
John Chester, Ph.D.; Feldenkrais Guild
Sharon Scott, L.C.S.W.; Feldenkrais Guild
Tim Bushnell; 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 and ended at 1:05 PM.

- 1) Executive Session
Lunch

Frostad left at 1:10 P.M.

- 2) Call to order—
Oxman called the meeting to order at 1:20 P.M.

- 3) Approve Agenda
Oxman presented the following revisions to the agenda:

Move Agenda item 8 to follow Agenda item 3; add Item 6)(f) – Director’s request for travel; and item 10) (f) election of a new board chair

Kern moved to approve the agenda with the stated revisions. **The motion carried.**

4) Public Forum - An opportunity for the public to address the Board and ask questions

Oxman welcomed the public who wished to address the Board.

- Stephen Kafoury; Lobbyist for the Oregon Physical Therapy Association (OPTA) and Renee’ Susick President of OPTA addressed the Board. Kafoury and Susick would like to see the Board address the issue of LMTs working outside their scope of practice. They requested this opportunity to provide comments and asked to return to the Board in a couple of months to discuss their concerns. Several Physical Therapists (PTs) have expressed concern that a large number of LMTs are working outside their scope of practice. Susick stated she has received several e-mails/complaints about this. Susick went on to read items from brochures and massage school catalogs that caused concern with the descriptions of the services to be provided by LMTs. Oxman asked if Kafoury, Susick or the Physical Therapy board referred those complainants to the LMT board. Oxman stated that the Board responds to complaints received in the office, the Board cannot respond to third party complaints. Those are viewed as heresay. Susick responded by stating she understands the Board has a formal complaint process. Oxman encouraged Susick to refer complainants to the Board. Susick and Kafoury did not provide any formal complaints for the Board to address.
- Lisa Barck-Garafalo; asked how will massage students be tested on the Oregon statues and rules now that the Board has adopted the NCBTMB exam. Jordan stated that information is in the Examination Committee report.
- Andrea Weiner, Assistant Director of the Feldenkrais Guild of America (FGA). The FGA does have a standard of practice and it clearly states their practice is not massage and is not therapeutic. They believe it is inappropriate for the Board to regulate them, as they are self-regulated. They are happy to work cooperatively with the Board to provide information regarding their association. Manriquez: How many people regulate their modality? There are no states that regulate it and there are several states in which it is exempted from regulation. Oxman: What do you call yourselves? Guild certified practitioners or teachers. Manriquez: Some of the information about the practice talks about feedback through touch and movement through gentle, non-invasive ways... do those words describe the modality? Weiner stated there is touch involved— then introduced Jeff Hauer, who is a teacher, to provide more information on what Feldenkrais is. Hauer stated the point of Feldenkrais is to provide learning and teaching and their touch is not therapeutic. Oxman: it appears he is requesting that the massage board not regulate Feldenkrais practitioners. Oxman directed board staff to do research to determine when the Board stated Feldenkrais was the practice of massage. Oxman also asked Weiner to provide a video and other informative material that would describe what the practice is and what it includes. She asked that they provide the information at least two weeks prior to a board meeting. Weiner stated she would coordinate with Holzman to get the information to the Board.
- Sharon Scott expressed her thoughts and feeling on Feldenkrais treatments. She stated it is more teaching and does not believe it is something to be regulated by the massage board.

5) Approve January 8, 2002 Board meeting minutes

Jordan moved to approve the minutes as written. **The motion carried.**

6) Report of Executive Director

- a) Change in Board meeting dates – The September meeting will be September 6, 2002 followed by a retreat/work session; the location will be in Fossil, Oregon. The November 8 board meeting will not be followed by a retreat/work session.
- b) Profit & Loss Statement – no discussion.
- c) Correspondence Report – no discussion.
- d) Recent NCBTMB exam administered in Eugene
The number of examinees was very disappointing. NCBTMB incurred a lot of expense to process what was expected to be a significant number of applicants. The Eugene site administered the exam to

approximately 48 people; they were prepared to handle up to 600. At this time, NCBTMB is not sure if they will set up another remote test site in the future. If they do, they will limit the testing window to a couple of days. On August 1, 2002 NCBTMB will transition to a new testing vendor and will apprise the Board of changes as they become available.

- e) The search for a Board office
Continuing. Holzman stated she and Sherman met with a banking officer to obtain a pre-approved loan amount. Holzman also said that if she is unable to find a place to purchase prior to the expiration of the current lease, June 30, 2003, she would look for a different space to lease. The staff is much too crowded in the current office.
- f) Holzman's request to attend the *American Society of Association Executives Strategic Leadership Forum*. Discussion followed. **Basker moved** to approve the request and asked Holzman to provide report afterwards. Oxman asked if the budget would allow for the trip and also allow for board representation at the AMTA and OMTA conferences. Holzman stated there would be enough money left to allow one person to attend each conference. **The motion carried.**

Oxman asked Holzman to clarify with NCBTMB whether there would be an Oregon site when they begin services with the new testing vendor.

7) Committee Reports

- a) Examination Committee – Chair: Jacqueline McCal
Report attached. Discussion on whether ORS/OAR will be tested – Holzman verified there will be a written portion to test on ORS/OAR at the March practical exam.
- b) Education Committee – Chair: Lisa Barck-Garofalo
Report Attached.
- c) Scope of Practice Committee – Chair, Nicholas Chrones
No report. Oxman noted receipt of resignation letter from committee member Glenath Moyle. Oxman stated there is now an opening on the scope of practice committee. Congratulations to Glen in her new role as President of AMTA-Oregon.

8) Action on Executive Session Matter(s)

- a) Arrest Records
JB, LB, JG, DM, FS, HW, TD, and JN, - **Jordan moved to** send the applicants a letter stating that the Board accepts their applications for examination and, if appropriate, their applications for a massage therapist license upon completion of all necessary requirements. **The motion carried.**

MG - **Basker moved to** send applicant a letter stating the Board accepts her examination application. The Board will accept her application for a massage therapist license upon completion of all necessary requirements and receipt of official documentation verifying successful completion of a drug treatment program. **The motion carried.**

- b) Law Enforcement Cases
 - Case No. 5-00-086; Work Outside Scope of Practice. **Manriquez moved** to issue a Notice of Intent to place licensee on probation with supervision because of conduct that endangered client and public safety. Jordan abstained. **The motion carried** with 4 votes.
 - Case No. 3-02-rp; Work outside Scope of Practice. The Board opened this case at the meeting based upon investigative material from Case No. 5-00-086. **Kern moved** to issue a Notice of Intent to place licensee on probation with supervision because of conduct that endangered client and public safety. Jordan abstained. **The motion carried** with 4

votes.

- Case No. 5-00-087:- Unlicensed Practice of Massage. Reviewed settlement agreement. **Manriquez moved to** deny the proposed settlement. Jordan abstained. **The motion carried** with 4 votes.
- Case No. 1-02-41; – Unlicensed practice of or offer to practice massage. **Kern moved to** close, C21, unable to locate. Jordan abstained. **The motion carried** with 4 votes.
- Case No. 7-01-132; – Unlicensed practice of massage. Reviewed settlement agreement. Tabled for discussion at the next meeting.

9) Old Business

a) Proposed rule changes

NEW: OAR 334-010-0025(9) – New Rule: All licensed massage therapists must clearly display their license at their place of business. Licenses will be provided with Board contact information on the face of the license. Opened for discussion. No discussion. **Jordan moved** to accept the proposed change. **The motion carried.**

NEW: OAR 334-010-0025(10) – New Rule: All licensed massage therapists are required to include their license number and expiration date in all advertisements, including but not limited to: written, electronic, televised and audio. Opened for discussion. Discussion – Jordan stated expiration date could cause a problem due to ordering advertising materials. **Jordan moved** to delete portion that says expiration date and accept the proposed change with that portion deleted. **The motion carried.**

AMEND: OAR 334-010-0041(3) – Amendment: Indorsement. The Board may grant a license by indorsement, after successful completion of a practical exam, to any applicant currently holding a license in this state in a health related field whose curriculum includes a minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, Sanitation, and Hydrotherapy. Opened for discussion. No discussion. **Jordan moved** to accept proposed change. **The motion carried.**

AMEND: OAR 334-010-0010 – Amendment: Several portions were reviewed and amended, see attachment. Opened for discussion. – Change subpart (5) to say: “Applicants are required to take and pass both the NCBTMB’s certifying exam in massage and bodywork and the Oregon practical examination which includes a written test on Oregon statutes and administrative rules”. Delete subpart (3). **Manriquez moved** to accept proposed changes as discussed and presented in the draft. **The motion carried.**

AMEND: OAR 334-010-0012 – Amendment: Remove portions relating to appeal of the Oregon written exam. Opened for discussion. No discussion. **Jordan moved** to accept the proposed change. **The motion carried.**

AMEND: OAR 334-010-0033 – Amendment: Delete the fee for the Oregon written exam. Opened for discussion. No discussion. **Jordan moved** to accept the proposed change. **The motion carried.**

Discussion on CEU revisions: Manriquez: verified they cannot be carried over to the next renewal period but the 12 can be done at any time during the two year period.

Holzman stated there were other “housekeeping” rule changes in chapter 10.

- b) Change Oregon CEU requirements to meet the NCBTMB requirements of 25 units per biennium. Long discussion followed. Would Increasing the hours create too much of hardship on those who only practice part time? Moyle from audience asked if it would not require a statutory change to increase the

unit requirements. Holzman stated she didn't think so, the statute requires 12 hours minimum. Jordan: Could First Aid be considered to be a part of continuing education? That was agreed upon and the requirement "not to include First Aid" will be deleted. Throughout the rule change hourly numbers 6 to 12 and 12 to 25. **Jordan moved** to adopt changes to include 25 hours and adjust other numbers as appropriate and delete "not to include First Aid"; with the effective date to be January of 2003. Oxman opposed. **The motion carried** with 4 votes.

- c) Letter from M. Purcell regarding the *Feldenkrais Method*® [GC02001]
Already discussed.

Basker left at 3:00 P.M.

10) New Business

- a) Indorsement Application – G. Allen; **Jordan moved** to accept written and require her to take our practical. **The motion carried.**
- b) Indorsement Application – K. Gluck; **Kern moved** to accept for indorsement without further examination. **The motion carried.**
- c) Financial Report – David Frostad
Frostad provided oral report before he left the meeting – finances appear to be in good standing.
- d) Board representation at AMTA/OMTA conferences
Discussion. The AMTA National Conference will be in Portland October 2-6, 2002. This will be in conjunction with the OMTA conference. Oxman asked that this item be placed on the agenda for the May 2, 2002 meeting; at that time the board can decide who to send or if to send anyone at all to one or both of the conferences.
- e) Legislative Concepts
Propose a statute to require psychiatric evaluations for licensees and applicants the Board deems necessary for investigations. Holzman will submit a draft to board members by March 19, 2002. Oxman wanted the record to show she requested a special phone meeting to be scheduled for April 10, 2002 in order to formally discuss the proposed draft and vote whether or not to submit a legislative concept. The other Board members did not feel a special meeting was necessary.
- f) Election of a new board chair
Oxman resigned and recommended Jordan as Chair. Oxman was thanked for her service. Jordan accepted the invitation to serve as board chair to become effective at the end of today's meeting.

11) Public Comments

Moyle stated the board is doing a great job.

Hauer provided some additional comments on Feldenkrais and the benefits of educating people about health care.

12) Announcements

Next meeting May 2, 2002 at Roth's in West Salem.

13) Adjourn at 3:17 pm.