



Oregon Board of Massage Therapists

MORROW CRANE BUILDING SUITE 250 3218 Pringle RD SE Salem OR 97302

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BOARD MEETING MINUTES

April 10, 2003

Morrow Building, Large Conference Room
3218 Pringle Rd SE Salem OR 97302

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Attendance

Board Members:

Michael Jordan, L.M.T., Chair

David Frostad, L.M.T.

Jacqueline Kern

Cathy Law

Stephanie Manriquez, L.M.T. (via telephone)

Lisa Oxman, L.M.T.

Brad Welker, D.C (via telephone)

Staff: Bev Holzman, Executive Director
Michele Sherman, Office Manager

Public:

Michael Blackmore

Paul Gerards

Alex Domrose-Hand

- 1) Call to order– 9:00 AM
Jordan called the meeting to order at 9:14 a.m.
- 2) Approve Agenda
Frostad wanted to propose an assignment for the scope of practice committee. [Item 9 (f)]
Holzman added online training for core curriculum and CE courses. [Item 9 (g)]
Oxman moved to approve the agenda as revised. **The motion carried.**
- 3) Public Forum - An opportunity for the public to address the Board and ask questions
No comment.
- 4) Approve minutes of the February 13, 2003 and March 13, 2003 meetings.
February 13, 2003 minutes
Oxman: Regarding the discussion on stipends. Oxman wanted the minutes to reflect that according to information provided by Assistant Attorney General's office, the stipend is also paid for work related to board activities, not just attendance at board meetings. When OBMT chose to pay \$100 stipends, it chose to have payment just for attendance at meetings, not for board work related activities. Holzman will review the tape to verify those statements.
Oxman: Regarding board member attendance at rules hearings. Oxman wanted the minutes to reflect that the public expects board members to be there to talk to and answer questions and the members should be paid for attendance. Holzman will review the tape to verify those statements.
The February 13, 2003 minutes were not approved.

March 13, 2003 minutes
Kern moved to approve the minutes as written. **The motion carried.**
- 5) Law Case 5-00-088 – Board to consider Settlement Agreement and Final Order

Pursuant to ORS 192.660 (1)(f) and ORS 192.660 (1)(h) the Oregon Board of Massage Therapists met 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 are 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 returned to open meeting.

The Board entered into Executive Session at 9:20 A.M. and returned to Public Session at 9:26 A.M.

Oxman moved to accept the Settlement Agreement and issue a Final Order. **The motion carried.**

6) Report of Executive Director

a) Financial Report

Holzman presented Profit and Loss statement. Sherman explained -\$25 temporary fee under "Income" is due to an auditing adjustment.

Frostad reported everything looked in order. Oxman would like to see a breakdown on the in-state travel expenses. Holzman confirmed the exam expenses would decrease when exams are administered in the board office. Sherman stated the Income from civil penalties is applied to investigative costs.

b) Proposed Budget for 2003-2005 biennium

Oxman moved to adopt the proposed budget and begin the hearing process. **The motion carried.**

c) Correspondence Report

Frostad stated the Board should put a statement on the web page that the Board is not authorized to provide legal advice and LMTs should confer with their own counsel for legal questions.

Manriquez discussed GC03028, correspondence regarding reflexology. Manriquez had approached a person who was practicing reflexology without an Oregon LMT license. Holzman outlined the proper procedures a Board member should take when it is discovered that someone is in violation of the statutes. The Board member should file a complaint with the office and staff will go through the proper complaint process. Kern stated new board members should be given information about complaints and the procedures for responding to them.

Holzman introduced a letter from Janie Martin and her correspondence regarding increased CE hours [GL03003]. Holzman was directed to respond that the Board cannot discriminate because of a person's age. Martin is 63 and feels she should be exempt from the new 25 hour CE requirement.

Oxman discussed the Blue Giraffe Spa; how can the Board address health and sanitation issues? Jordan stated the Board cannot open an investigation without a complaint and the Board has no authority to act upon a complaint against non-LMTs. Holzman was correct when she referred the writer to the health and sanitation department.

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d) Building Update

The Board will move to its new location, 748 Hawthorne Ave NE, in Salem on July 1, 2003. The office will be closed from June 26, 2003 to July 8, 2003 for the move. Jordan presented the plumbing bid to place sinks in the exam rooms themselves. **Oxman moved** to accept the bid and move forward on installation. Discussion: Frostad was concerned that there were no statements about costs above and beyond the initial bid. Jordan replied that anything beyond the initial bid would have to be approved before the work could be done. Holzman was given the authority to approve additional costs if necessary. Frostad wanted to add the words "installed and functioning": to the final payment statement. Oxman amended the motion to reflect Frostad's statement. **The motion carried.**

Holzman stated the exam would be administered on Tuesdays and Wednesdays. The new exam schedule will begin the first week of August 2003 (August 5 & 6). The goal is to provide exam results within a week to ten days. However, the Board has up to thirty days to issue exam results.

BREAK

Meeting back to order.

7) Committee Reports

a) "All Committee Meeting" Report – Holzman

The report mentioned the Scope of Practice Committee wanted to review the Model Curriculum to see if the requirements can be taught in a 500 hour program. The committee does not have a definite recommendation yet.

8) Old Business

a) Discussion on a Board investigator; part-time employee or contracted service?

Jordan stated the Board had received one response to the request for proposals. Another proposal will be coming in from a woman who is retiring from a law enforcement career; she is also a Registered Nurse. Holzman will continue with contractual considerations at this time. Consideration of an investigator as an employee will be discussed at a future work session. Oxman asked if Holzman could send out more requests. Holzman stated that as a general rule, state agencies send out three requests. Holzman said if the Board wanted her to she would re-open the bid and send more requests. The Board felt it was acceptable for Holzman to move forward with the proposals she had received. If those are unacceptable she will ask for three more.

b) Discussion on the Model Curriculum – when will the Board want to have the Model Curriculum reflected in the practical exam?

Holzman stated the Department of Education distributed the Curriculum to the schools on March 28, 2003.

Oxman referred to the February 13, 2003 meeting minutes and Jordan's request to discuss the changes to Lists A and B with Lisa Barck-Garofalo and Jacqueline McCal. Oxman wanted an explanation as to why the Board did not get an opportunity to review the changes before they were made. Oxman wanted to express to those board members that are not educators that the changes are significant and she is upset that the board did not vote/approve the current curriculum. Jordan asked Oxman if she had a proposal; she stated not at this time. As an educator, she has concerns with the model curriculum. Frostad stated the curriculum was discussed at a previous work session; Oxman did not attend that session for personal reasons. **Frostad moved** to close this discussion. Oxman stated, for the record, that the schools need to be provided with local endangerments for List A and the sources of the information. **The motion carried.**

9) New Business

a) 2003 work session dates

The Board will hold a work session on May 29, 2003. The session will begin at 9:30 a.m. and end at the Board's discretion. Future meeting dates will be discussed at that meeting; the next meeting to be approximately six months in the future.

b) Discussion on revision of renewal dates for licensees

Holzman commended Sherman for her task on putting this info together. Jordan stated this is a legislative change and at least two years out. A change would balance our budget better. Due to the ever-increasing number of licensees, the biennial renewal date creates an overwhelming workload on the staff.

c) NCBTMB lapsed status and reinstatement

Does a person need to maintain uninterrupted NCE status or can a person allow his NCE to lapse, reactivate the certificate and then still qualify for the Oregon Board? Discussion: a person does not have to stay current; he just has to pass – it is up to the individual if he wants to renew his NCE certificate. The Board stated this was determined at a previous meeting and directed Holzman to review prior meeting minutes on this topic.

Manriquez left the meeting at 11:20 A.M.

d) State Indorsement Applicant – Cynthia Spirit

Spirit requested licensure without need for further examination. **Frostad moved** to accept the NCE exam as fulfilling the Oregon written exam requirement. Spirit must take and pass the Oregon practical exam to qualify for licensure in this state. **The motion carried.**

e) Letter from D. Dulak

Dulak asked for a refund of his March 2003 exam fee or that the exam fee be forwarded. The Board directed the staff to put the date and day on future letters of notification. **Frostad moved** to deny Dulak's request; the Board does not have the authority to issue a refund under the stated circumstances. **The motion carried.**

f) Scope of Practice recommendation

Frostad proposed to ask the Scope of Practice committee to look at OAR 334-010-0025(1) to more clearly reflect what the expectations are. There are seven areas of concentration. Frostad will write out the seven areas and present them at a work session.

g) Holzman – will the Board allow credit for online courses? Do those meet the Board's educational requirements?

Discussion: if the courses are being offered in Oregon, the Oregon Department of Education (ODE) must approve them. Currently, the Board will accept online training for core classes (science only). What about those who come in from out of state? The Board referred that question to the Education Committee to research and to research how to consider online courses for continuing education (CE). The Board directed the Education Committee to create a checklist for the office so the staff can evaluate online CE courses for acceptability for each scenario.

10) Public Comments

No comments.

11) Announcements

12) Adjourn **Frostad moved** to adjourn. **The motion carried.** The meeting adjourned at 11.55 a.m.