



Oregon Board of Massage Therapists

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BOARD MEETING MINUTES

Thursday, August 14, 2003

748 Hawthorne Ave NE

Salem OR 97301

Attendance

Board Members:

Michael Jordan, L.M.T., Chair

David Frostad, L.M.T.

Cathy Law

Lisa Oxman, L.M.T.

Brad Welker, D.C (via telephone)

Board Members Manriquez and Kern were excused.

Staff: Bev Holzman, Executive Director
Jacqueline McCal, Administrative Assistant

Public:

Bob Walker

Deidre Schultz

Bree Stegner

Jen Hodges

Racael Borst

Alaina Payne

John Combe; AMTA, OBMT Edu. Comm.

Heidi Ameldson

Coleen Stevenson

Ben Bekker

Sharon Brim

- 1) Call to order– 9:00 AM
Jordan called the public meeting to order at 9:18 a.m. At that time the board members in attendance were Jordan, Welker and Oxman. The Board did not have a quorum.
- 2) Approve Agenda
Holzman asked to add agenda items 5)a) law case #7-02-187 and 5)b) law case 1-03-205
Board member Law arrived at 9:21 am.
Oxman moved to approve the agenda as amended. **The motion carried.**
- 3) Public Forum - An opportunity for the public to address the Board and ask questions
- Deidre Schultz: She wanted to know who was on the Board. Jordan stated who the board members are and their positions.
- 4) Approve minutes of the June 12, 2003, and July 10, 2003 meeting minutes
June 12: **Oxman moved** to approve. **The motion carried.**
July 10: Item 4) a) Oxman does not feel the vote should have passed because a motion was not made. Also, the minutes state: "The motion did not carry" which is incorrect because no motion was made. According to *Sturgis Standard Code of Parliamentary Procedure*, after a discussion, the Presiding Officer can put a question to vote without a motion. Oxman is concerned that the Board did not follow its usual procedures and she wants to be sure the Board follows parliamentary procedures **Oxman moved** to not approve the minutes. There was more discussion. Law asked if the minutes could be corrected to read "The vote did not carry."? Holzman said that would be the appropriate correction. **Oxman's motion carried** and the minutes will be presented for approval at the next public meeting.

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At the October 9, 2003 meeting, Oxman stated that under item 4-she would like the statement "According to Sturgis....." to be deleted. Discussion followed. **Oxman moved** to delete that statement. **The motion**

carried. Law moved to approve the minutes as revised. **The motion carried.**
Board member Frostad arrived at 9:35 a.m.

5) Law Cases

- a) 7-02-187: Board to consider Settlement Agreement and Final Order. **Oxman moved** to accept the Agreement and Final Order and close the case C18, Stipulated Agreement. Jordan abstained. **The motion carried.**
- b) 1-03-205: Board to consider Settlement Agreement and Final Order. **Oxman moved** to close the case C14 and C22, Civil Penalty Paid and Stipulated Agreement met. **The motion carried.**

6) Report of Executive Director

- a) Financial Report
Holzman stated that report covered the 2001-2003 biennium. Frostad stated his review of the bank documents did not reveal any discrepancies. There was no further discussion.
- b) Correspondence Report
No discussion.
- c) Building Update
Holzman stated everything is in place and the first two weeks of exams ran smoothly. At the next public board meeting Holzman will provide a detailed breakdown of costs associated with the move and set up at the new location. Holzman did state that there are a large number of exam candidates withdrawing from the exam without sufficient notification. In the past, the number of candidates withdrawing was around 8%. With the new schedule, the rate has been in excess of 33%. This creates a financial hardship for the board, because the examiners have to be paid for their time and it is unfair to the examiners who have scheduled time off to come and administer exams.

7) Committee Reports

- a) Education committee report: John Combe in attendance. Frostad presented the report for discussion. The committee recommends: That the word "training" be replaced with the word "class" throughout the CE rules. That the board accepts any CE class that is approved by a national credentialing program. Jordan stated this would require changing all the CE rules from this point forward. Also, a class presented by a school that has Oregon Department of Education approval would meet the criteria. Oxman asked who would check the criteria of the presenters. The staff would; if in doubt staff would refer it to the Board. **Oxman moved** to follow the recommendations of education comm. as outlined in report. **The motion carried.** Holzman will edit the wording on Item 3 so it can be presented as a proposed rule. There were no questions on the Committee's clarification of the Model Curriculum.

Question from Hodges: Are these the sources to be used for Origins and Insertions? The Model Curriculum lists most of the possible sources. Hodges stated It is difficult for instructors to know what books use. Jordan stated that during the exam the actions are judged, not the oral statements (unless a questions specifically asks for oral input).

Oxman asked McCal if the Board is still using *Structural Kinesiology* by Thompson? McCal responded the exam committee uses the five books listed and tries to take a consensus of those sources. McCal stated the exam committee has a lot of questions for the education committee.

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8) Old Business

- a) Indorsement Applicant Linda Adams to address the Board.
Adams was not in attendance. The additional documentation she sent was reviewed. The Board determined that the documentation she provided indicated the practical exam she took is not equivalent to the Oregon practical exam for the following reasons: the Florida exam did not test sufficiently on the same areas as the Oregon exam and the Florida practical exam was a five minutes exam. As

determined previously, the Board accepts Adam's written exam; however, she is required to take and pass the Oregon practical exam to qualify for licensure in Oregon.

9) New Business

a) Exam applicant Rosemarie Glaser

Discussion on her presented documentation. She is lacking 31 hours of the educational requirements. The Board determined that, based upon her experience, she could take the Oregon practical exam, even though her transcripts do not reflect the required 500 hours. The Board wanted the record to reflect that this decision was based upon OAR 334-010-0041(5) which states the Board may grant a license, after successful completion of a practical exam, to an applicant who holds a license or permit in another state whose requirements are not equivalent to the State of Oregon. This type of decision is made on a case-by-case basis and after careful review of submitted documentation. **Law moved** to allow her to sit for the practical exam, waive the 31 hours based on experience presented, and if she passes the practical, she may apply for her Oregon license. **The motion carried.**

b) Email regarding "Aqua Massage" [GC03043]

Holzman discussed this with the Board's legal counsel who stated the Board might be able to pursue the person who "pushes the button" but would need to decide if it wants to become involved in that type of investigation. Another factor to consider is if the person who is using the unit is paying for it or if it is a free demonstration. In regard to this specific email, Holzman will notify the person that the Board needs a complaint from the person who got the "massage". The Board feels that the person operating the machine is practicing massage. Holzman will send laws and statutes to those companies with these (types of) machines that are known to be operating in Oregon.

c) The Board to consider and vote on the following revised CE Requirements (**ALL** LMTs are required to provide verification of CE hours at time of renewal):

a. Accept CPR as fulfilling part of CE hours

Effective the next renewal period: CPR is required for initial licensure only; after that an LMT can earn 4 hours of CE per biennium for CPR certification.

b. Accept volunteer time as fulfilling part of CE hours

Effective next renewal period: Can receive 2 hours per year/4 per biennium for volunteer work. Will need to provide specific letter of documentation from the organization in order to qualify.

c. Accept serving on a board committee as fulfilling part of CE hours

Effective next renewal period: Can receive 6 per year/12 per biennium.

Includes references from the education committee. Regarding volunteer work, office staff will review the documentation to determine if the work qualifies.

Frostad moved to begin the procedures to adopt the referenced rules. **The motion carried.**

** The relevant OARs will also be changed to promote consistency (6 per year/12 per biennium).

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10) Public Comments

Jennifer Hodges: Regarding the item #4 on the minutes that Oxman is disputing, what was that about?

Jordan clarified the procedure for investigations, notices and hearings and stated the Board had a discussion on whether a respondent should be allowed to address the Board, after a Notice of Proposed Action is issued, and before an actual hearing was held.

Regarding finances: Holzman clarified that the exam expenses reflected on the Profit and Loss statement do not relate to the move to the new address.

Cancellation of an exam appointment: What kinds of things are taken into consideration when the Board allows a person to cancel and have the \$100 exam fee apply to a future exam. Holzman stated this type of decision is made on a case-by-case basis, and after review of the appropriate supporting documentation. Holzman also said she thought the current problem with people canceling their exams without sufficient notice will be resolved when the August and September students start applying.

Bree Stegner: Regarding the aqua massage discussion: Wouldn't that apply to those companies that sell massage products, vibrators etc. Jordan stated no because a person going there to purchasing a product, not to get a massage. Stegner asked what about state fairs, etc., where people demonstrate vibrating machines and so forth. Jordan responded that in that type of situation there would have to be a complaint filed. Stegner asked how many staff are on the Board? Three employees that are not Board members. The Board members receive compensation for attending a meeting but not for other duties they might have; their mileage, and occasionally meals, are covered.

Schultz: Question on indorsement applicants: Is it advantageous for an applicant to be present when his application is to be reviewed by the board? The person could be present if he wanted to; that person would need to present a request to be place on the agenda. Frostad stated it is helpful when someone addresses the board that he cites the rule or statute that applies to his particular situation

11) Announcements

12) Adjourn

Frostad moved to adjourn the meeting at 11:00 a.m. **The motion carried.**

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