



Oregon Board of Massage Therapists

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BOARD MEETING MINUTES Thursday, August 11, 2005

Attendance

Board Members:

Jacqueline McCal, LMT
Jackie Kern
Brad Welker, DC by telephone

Stephanie Manriquez, LMT
Cathy Law
Lisa Oxman, LMT

Michael Jordan, LMT, Chair, Absent

Staff: Patty Glenn, Executive Director
Michelle Sherman, Office Manager
Diana Nott, Administrative Specialist

Public:

Troy Hepler

Sarah Nicholson

1) Call to order– 10:00 AM

McCal called the public meeting to order at 10:05 am.

2) Approve Agenda

Glenn asked to make the following change to the agenda:

Add to Item 6), b) – Tantric Massage. **Oxman** moved to approve agenda as amended. **In favor: Oxman, McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.**

3) Approve minutes of the May 19 and July 16 meeting minutes.

Oxman requested that the May 19, 2005 minutes under item 7) g) sentence 3, be edited to show “Oxman requested travel reimbursement for Board liaisons to cover gas cost for attending committee meetings”. The Board denied request. Oxman moved that the May minutes be approved as amended.

In favor: Oxman, McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.

Oxman suggested that under Item 4) of the July 16, 2005 that June 23 be added to sentence 3. Glenn asked that under attendance next to Oxman’s name “unexcused” be amended to state “absent”. Glenn explained that “unexcused” was used to align with the governors guidelines. Kern moved to approved the July minutes as amended. **In favor: Oxman, McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.**

4) Public Forum - An opportunity for the public to address the Board and ask questions No questions from public.

5) Report of Executive Director

a) Financial Report

The 03-05 budget is not fully closed as there are various small charges trickling in. Staff has reallocated expenditures that were prepaid into 05-07 biennium. Therefore, the 03-05 budget will close shortly under budget.

b) Legislative Update

Legislature has adjourned. SB2238, allows open exparte’, changes what information we have to provide in law enforcement hearings. This is a low impact for us but it will have a larger impact on agencies such as Medical Examiners Board, dentist, etc.

c) Correspondence

Glenn informed board members that a memo was sent to state and county fairs informing them of

the status licensing requirements that it was in their best interest to not allow a person(s) to practice massage illegally due to liability issues. The Board's AAG has reviewed and signed off. This letter will be amended and sent to malls, Saturday Markets, and bazaars periodically throughout the year. **The** subpoena process used as a law enforcement tool was explained to the members as well as good faith payment for action requested of the recipient. **Law** moved to allow signature authority for subpoenas to Glenn. **In favor: Oxman, McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.**

6) New Business

- a) **LE Flowchart**—Members felt that the flowchart clarified the law enforcement procedure. Complaints received will be logged in as a complaint and moved to a law case as needed. This will ensure a smoother transition to the reporting structure recently implemented by Legislature.
- b) **Tantric massage**—Tantric massage is increasing. The Board is seeing more LMTs offering this in their practice. Any massage that involves sexual practices is in violation of OAR. **Law** moved to forward discussion to rules committee and publish in the Boarderline. **In favor: Kern, Oxman, McCal, Law, Welker, Manriquez. Opposed: None. Motion carried.**
- c) **Meeting Dates**—The Board is a member of CLEAR (Council on Licensure, Enforcement and Regulation). A training is being offered the week of the September board meeting. Glenn and Nott will be attending. Discussion ensued concerning the September meeting date being changed. **Manriquez** moved to hold the meeting via telephone on September 8th at 10am. **In favor: Oxman, Kern, McCal, Law, Welker, Manriquez. Opposed: None. Motion carried.** Due to scheduling conflicts Oxman will be unable to attend the October meeting. Moving the meeting to another date was discussed. **Law** moved to leave the October meeting as currently scheduled. **In favor: Oxman and Manriquez. Opposed: McCal, Law, Welker, and Kern. The motion failed.** The October meeting will be held at Central Oregon Community College in Bend on October 15th and 16th. Members of the Board will be staying at the Riverhouse Hotel. Manriquez will check to see if the school has telephone connection in the meeting room so that Oxman can attend via telephone.

7) Old Business

a) Bylaws

- i) **Mission Statement** —**Oxman** moved to accept mission statement as follows: *The Board of Massage Therapists protects the public through regulating the practice of massage by balancing the needs of the public and Licensed Massage Therapists through development, implementation and continued improvement in the areas of public safety, boundaries and ethics that will reflect the high standards set within the massage therapy profession.* **In favor: Oxman, Manriquez, McCal, Law, Welker, and Kern. Opposed: None. The motion passed.**
- ii) **Stipends and Board Member reimbursements**—Glenn discussed the mileage for board members to attend meetings. A chart was provided for reference when members complete travel reimbursement. Oxman was not able to attend July's board meeting, therefore, discussion to clarify changes made to travel reimbursement ensued. Two day meetings will be treated as an away meeting and overnight lodging will be provided by the Board. When claiming actuals for reimbursement, a receipt is needed. Members will be receiving stipends 12 times per year. Glenn to research cost to Board for liaison's attending committee meetings by telephone. Oxman thanked members for allowing her to present thoughts for July meeting in written format since she couldn't be here. Oxman stated that when working with committees an important element is communication.

- 8) **Public Comments** – Opportunity to share thoughts that pertain to agenda items. There were no comments from the public.

Break at 11:25

Returned to public session at 11:39am

Closed public session and opened Executive Session at 11:40

9) EXECUTIVE SESSION – Law Enforcement and Attorney /Client Correspondence

Executive session is held pursuant to ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection, ORS 192.660(2)(h) consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed and 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.

Break at 12:40pm

Back into executive session at 1:04pm

Back into public session at 1:43pm.

10) Public Session

- a) Applicant T and S – review of prior arrest(s) for consideration of license and vote on action required.

Manriquez moved that applicant S is granted license on the condition that applicant does not provide massage work for any person under the age of 18. **In favor: Welker, Law, Kern, McCal, and Manriquez. Opposed: Oxman. The motion carried.**

Law moved that applicant T be granted licensure on the condition that applicant signs a release form for full disclosure of applicants data while in attendance at the Oxford House. Require applicant to acquire a mentor that meets the criteria set forth by the board. With mentor, read *The Ethics of Touch* and supply a minimum of a 2-page summary of the book and how applicant would apply knowledge towards practice. Applicant is to submit a monthly UA report while attending the Oxford House. Upon leaving the Oxford House applicant is required to report reason for leaving as well as submit to random UAs at the Board's request. Oxford House is to supply the Board with verification as to why applicant left establishment. Applicant/Licensee is to be reviewed on December 31, 2006 and if there are any violations, license is automatically revoked. **In favor: Welker, Law, Kern, McCal, and Manriquez. Opposed: Oxman. The motion carried.**

Close public session and enter executive session at 1:50pm.

Close executive session at 1:53pm

Open public session at 1:54pm

- b) **Purpose of Committees – June 28, 2000 meeting minutes.** Currently Welker is the liaison for the Exam committee; however, members of this committee may not be a teacher of core curriculum classes, which Welker is. Therefore, Welker is now the liaison for the Scope of Practice committee and Law is the liaison for the Exam committee. Committees will only be used as the need arises and will become inactive when not charged with assignment. Staff will inform the committee Chairs of their role as leader of the committee. Effective immediately, the Board liaison is to make sure that a report is prepared by the Chair and available for the next board meeting.

11) Announcements—Vice Chair McCal reminded Board members that it was agreed upon that on Board meeting day members would arrive at 9am but that the meeting will start at 10am. **HLO—**they sent us a press release asking us to review it before they released it. Glenn asked that members have thoughts back by end of the day on Monday.

12) Adjourn Meeting— **Manriquez** moved to adjourned. **In favor: Oxman, McCal, Law, Welker, Kern, Manriquez. Opposed: None. Motion carried.** Meeting adjourned at 2:15pm.