



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

July 18, 2008

Attendance

Board Members:

Stephanie Manriquez, LMT, Chair
Jordan Barton, LMT, Vice-Chair
Jeanna Catalano, LMT
Crystal Collier, LMT
Jackie Kern, Public Health Member
R. Craig McMillin, Public Member
Kathy Calise, Public Member

Staff:

Patty Glenn, Executive Director
Diana Nott, Enforcement Coordinator

Public:

Katharine Schuyler
Autumn Rosendahl

Sara Gregg
Martin Mijal

Kelli Calderwood
Leah Bowder

Lisa Hamilton
Elizabeth Halsey

Call to order

Manriquez called the public meeting to order at 10:05 am. Role Call was performed.

Manriquez, Barton, Catalano, Kern, McMillin, Collier and **Calise** were present.

- 1) **Approve Agenda - Calise** moved to approve the agenda as amended. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.**
- 2) **Approve Minutes from June 20, 2008– Kern** moved to approve the June 20, 2008 meeting minutes as presented. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.**

- 3) **Public Forum** – Kathryn Schuyler asked how the number of hours was determined for continuing education. Manriquez provided an explanation of CE and the Board's attempt to make obtaining the hours affordable. CE was structured in a way that allowed LMT's to obtain the hours without incurring a cost if need be, with the exception of CPR. The next Boarderline will have an article on CE and how to get the hours without paying fees.

Autumn Rosendahl thanked the Board for the opportunity for affordable continuing education. She asked about the Board becoming an approved provider for NCBTMB. Manriquez said that she will look into it.

4) Report of Executive Director -

- a) **Finances: Glenn** will send information to the Board members. A meeting has been set up with US Bank to discuss the best way to maximize their fee structure and learn to negotiate their system to get the most out of it. **Manriquez** asked if the Board was protected, based

on the current economic structure. **Glenn** stated that the Board was indeed protected and explained the process to the Board members.

- b) **Semi-independent Agency Meeting – Glenn** reported that the group as a whole is concerned with varying legislative happenings. Performance measures are being looked at that would potentially bring semi-independence back into the legislative budget process. **Glenn** passed out information on what Semi-independent means in Oregon. The group is looking at hiring a lobbyist, but we won't know what that will look like for the OBMT until there is a better understanding of how many of the other Boards participate.

Semi-independent Boards have extra reporting requirements to assist with performance measures, including audits. One of the recent discussions with the other semi-independent boards is whether to do a financial review in lieu of an audit as the law now allows. The current consensus is that the administrators feel it would be better to stay with the audit at this time.

Glenn reported that risk assessment costs are going up. There is a fairly insignificant overhead, and the biggest cost to the Board in the event of a disaster would be recreating files.

- c) **Health Related Boards Meeting – Glenn** was unable to attend the last meeting, however it was reported to her that the Governor's office is putting forth their own concepts now.
- d) **House interim Health Committee concept – Glenn** reported that there is misinformation floating around. She stressed the importance of informing Senators and Representatives about what the Board does and about semi-independence. **Glenn** met with both professional associations to talk about some of the issues coming up so that they are aware of what's ahead. She created a distribution list to help keep stakeholders apprised as information becomes available. **Glenn** explained how this came about and shared that they will be taking testimony on concepts before the start of the 2009 legislative session.

5) **Committee Updates –**

- a) **Exam Committee - Nott** gave an update of the new exam. The committee may meet again after the exams have run for a month so that they can get a better idea of how things are running up to this point.
- b) **Rules Committee –** The rules comment period has been extended and **Glenn** is looking into additional information to have for the next meeting. She is working on a document that will identify changes and explain the thoughts for those changes. It was pointed out that most questions are about why things were changed, removed, moved, etc. **Manriquez** asked if the document will be available on the Board's web site. **Glenn** said that she would make it available there. **McMillin** wants to make sure that the Board has allowed everyone their opportunity to speak on the changes. **Glenn** suggested a January 1, 2009 effective date for the changes. **McMillin** said that he wouldn't be opposed to that at all. **Calise** asked about the documents submitted at the previous Rules Hearing. **Glenn** will scan them and e-mail them to **Calise**. The Board members agreed that it makes sense to not rush so that they can be sure everything is taken care of appropriately.
- c) **Education/Scope of Practice Committee – Glenn** has a call out to Nick Chrones, as Paul Pozorski had to step back from the committee. Chrones has indicated a potential interest and he's served well in that role in the past.

EXECUTIVE SESSION -

The Board may enter into Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660(2)(f) To consider information or records that are exempt by law from public inspection (legal counsel), ORS 192.660(2)(h) consultation with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed, 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 and ORS 192.660(2)(i) To review and evaluate the job performance of the Executive Director or staff. Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.

The Board entered into Executive Session at 1:45 pm and returned to Public Session at 2:15 pm.

6) Action on Executive Session Items

a) **Applicant AB – Barton moved** to deny the candidates request for waiver, with a letter detailing the Board's expectations in order for the applicant to be approved. **In favor: Kern, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Abstained: Manriquez Motion carried.**

7) Law Enforcement – Public

- a) **Case #627 – “Male’ka Thomas - Mcmillin moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), practicing massage without a license, eight violations of ORS 687.021(2)(a), advertising massage without a license, one violation of ORS 687.021(2)(b) use of the word massage in the business name without being licensed, for a total civil penalty of \$9,500 and forward to OBCE and the IRS. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**
- b) **Case #658 Kristin Kennedy - Kern moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), practicing massage without a license, for a total civil penalty of \$500. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**
- c) **McMillin moved** to accept the closed case report as presented to the Board for the reasons stated in the document. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**

FSMTB Updates - Glenn informed the Board that they are in the process of getting everyone registered for Seattle. **McMillin** asked to sit down with **Glenn** before the meeting so that he's well informed before showing as the Oregon delegate.

Glenn attended two meetings in July: the Florida State Massage Therapy Association meeting and the Body of Knowledge Meeting. She shared that the Board will see some good, unifying healing work coming out of those meetings. She shared some model regulation thoughts.

At the Body of Knowledge meeting **Glenn** met with Larose Daniels with the Polarity Association and spoke about some of their thoughts and directions. She was interested in working with Oregon and asked to direct correspondence directly to their office.

Florida voted in April to adopt the MBLEx. The Board vote is being challenged so they will hear NCBTMB's statements. There was a discussion on the process in Florida.

8) Board Business

- a) **Energetic Modalities** –There was a discussion on the current stance of the Board on energetic modalities. The Board chose to stay with the current opinion that if what the practitioner is doing falls within the legal definition of massage in Oregon, they would need to obtain an Oregon Massage License to practice.
- b) **CE Flyer** – the Board looked at a flyer on energetic money. There was a discussion on contact vs. non-contact hours for CE.
- c) **Policy & Practice Questions** – The Board members were provided with a Backtalk article from the Oregon Board of Chiropractic Examiners regarding Chiropractors employing massage students. **Glenn** will contact Dave McTeague to determine how they came to this conclusion.

9) Public Comments – There were no public comments.

10) Announcements – Reminder that the August Board meeting was changed to August 22nd. **Barton** will be unavailable for that meeting.

11) Adjourn Meeting – **Calise** moved to adjourn the meeting. **In favor: Manriquez, Kern, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.** Meeting adjourned at 3:03 pm.