



# Oregon

Theodore R. Kulongoski, Governor

## Board of Massage Therapists

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## BOARD MEETING MINUTES

August 22, 2008

### Attendance

#### Board Members:

Stephanie Manriquez, LMT, 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:

No public in attendance

### Call to order

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

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

1) **Approve Agenda - Calise moved** to approve the agenda. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.**

2) **Approve Minutes from July 18, 2008– Minutes amended.**

3) **Public Forum** – No public were present.

4) **Report of Executive Director -**

**Glenn** will not be in attendance at the September 19, 2008 rules hearing and board meeting.

**Manriquez** will serve as Hearings Officer and run the Rules Hearing.

**Glenn** addressed a rules mistake by the Oregon Secretary of State Archives Division and presented to the Board a side-by-side comparison and the letter to stakeholders.

Discussion on the addition of OAR 334-010-0015(10)(d). The Board will track for one year anyone who moves from lapsed/inactive to active after the 6 year mark and who must re-take the practical exam. Report back to the Board in September 2009.

**Glenn** requested that the Board review the concerns presented and the proposed rules within the next 30 days. Explained timeline for rules hearing in order to have a January 1, 2009 implementation and provide as much time for stakeholder input as possible.

a) **DoJ Memo – Glenn** provided the Board with a memo from the Department of Justice regarding statutory restrictions on promoting or opposing ballot measures. Also reviewed

was a DoJ opinion which states that private e-mails are a matter of public record. Several entities are concerned with this and will be looking at possibly making appropriate changes.

- b) **Introduction of new staff member** – The Board was introduced to Krista Seifert, the new office assistant.
- c) **2009 Legislative Session – Glenn** reported that everything is marching along. The 28<sup>th</sup> of August will be a semi-independent Health Related Boards and Associations meeting. There has been suggestion that the Boards may want to hire a lobbyist. **Glenn** explained the semi-independent health-related status of the Board. Discussion on pro's and con's of lobbyist. The Board will take a wait and see position.

Senator Monnes-Anderson and Representative Greenlick have steerheaded a Scope of Practice Advisory Group (PAG) which will be meeting in September, October and November **Glenn** is serving on that committee with a few other Executive Directors to assure that the regulatory perspective.

The House Interim Health Committee meeting will be held on September 16<sup>th</sup> where the bills discussed at the last meeting should be available for review and testimony. The Governor's office also has a slate of bills some of which are related to these same issues.

- d) **Finances: Glenn** will send information to the Board members.
- e) **All-Schools Meeting – Calise** reported that there was positive feedback about the meeting, the MBLEx and the new practical exam. Staff will try to do another February and August meetings in 2009. The feedback was that the Board is being proactive and appropriately protecting the public.

## 5) Committee Updates –

- a) **Exam Committee - Nott** gave an update of the new practical exam format. The Board was given exam statistics from the first and second quarter of 2009 as well as the first month with the new exam. Statistics are trending consistently with the first and second quarters and there have been no other concerns raised.

## 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 11:19am and returned to Public Session at 11:30 am.

## 6) Action on Executive Session Items

- a) **Case 573 – Kern moved** to close as unable to substantiate. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried**
- b) **Case 599 – Kern moved** to close with a letter of concern highlighting the need to make sure physician is aware. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried**

**7) Law Enforcement – Public**

- a) **Case 598 Tanya Colgan – Catalano moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1) and two violations of ORS 687.021(2)(a), for a total civil penalty of \$2,500. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano**  
**Opposed: None. Motion carried**
- b) **Case 660 Parkview Chiropractic – Calise moved** to issue a Notice of Proposed Action for 8 violations of ORS 687.021(2)(a) for a total civil penalty of \$7,500. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None. Motion carried**
- c) **Case 663 DeAndrea Ward - Calise moved** to issue a Notice of Proposed Action for 1 violation of ORS 687.021(1) and 5 violations of ORS 687.021(2)(a) for a total civil penalty of \$5,500 and forward to the Washington Board of Massage. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None. Motion carried**
- d) **McMillin moved** to table cases 676, 677 and 678 to allow for further investigation. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None. Motion carried**
- e) **Kern moved to close the following cases:**
  - i) Case 285 Susanne Edwards, civil penalty assessed & paid
  - ii) Case 542 respondent unreachable
  - iii) Case 587 Jason D Anders, stipulated agreement issued
  - iv) Case 600 respondent unreachable
  - v) Case 605 unable to substantiate
  - vi) Case 613 respondent unreachable
  - vii) Case 644 compliance met**In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None. Motion carried**

**8) FSMTB Update Annual Meeting** –Discussion on travel arrangements. Most of the board will take the train and arrive on Thursday and return on Sunday.

**9) Board Business –**

- a) **California post secondary sunset issue** – Discussion on the oversight of post secondary schools in California. It was suggested that if the schools have been through the process that that education will be accepted. If a school has not gone through the process and if the school can't send a certificate verifying approval, the Board will not accept their education.
- b) **LMT Scope of Practice Question** – an LMT asked if utilizing knee braces or back supports would be within the LMT scope of practice. As long as the LMT is not prescribing and the use of the equipment is demonstrably related to the practice of massage then it is acceptable.
- c) **Re-visit student advertising** – Schools want to print business cards for the clinic that allows then to have the clinic information as well as the student name on the card. As long as the card clearly identifies that it is for the school clinic and the contact information is specific to the school, the students name may be on the card. No other soliciting or advertising is acceptable.

**10)Public Comments** – There were no public comments.

**11)Announcements** – **Manriquez**, on behalf of the Board, thanked Kern for serving well for the past 8 years

**12)Adjourn Meeting – Kern** moved to adjourn the meeting. **In favor: Manriquez, Kern, Calise, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried** Meeting adjourned at 12:30 pm.