



# Oregon

Theodore R. Kulongoski, Governor

## Board of Massage Therapists

748 Hawthorne Ave NE

Salem, OR 97301

Phone: (503) 365-8657

Fax: (503) 385-4465

[www.oregon.gov/OBMT](http://www.oregon.gov/OBMT)

## BOARD MEETING MINUTES

June 7, 2010

### Attendance

#### Board Members:

Kathy Calise, Public Member, Chair

Heather Bennouri, LMT, Vice Chair

Crystal Collier, LMT

David Fredrickson, LMT

Melanie Morin, LMT

Craig McMillin, Public Member

#### Staff:

Frank Peccia, Interim Executive Director

Diana Nott, Enforcement Coordinator

George Finch, Interim Director of Compliance

Lori Lindley, Assistant Attorney General

|                |                     |                |                 |                    |
|----------------|---------------------|----------------|-----------------|--------------------|
| <b>Public:</b> | Lisa Barck Garofalo | Alexander Cann | Leonel Duarte   | Courtney Eilertson |
|                | Rose Jade           | Kelly Jaske    | Carlee Kinnaman | Malia Mullahey     |
|                | Andrea Wiener       |                |                 |                    |

### Call to Order

Calise called the meeting to order at 9:03 am. Role call was performed. **Calise, Bennouri, Collier, Fredrickson and Morin** were present. **McMillin** was tardy. **Driscoll** was absent.

- 1) **Approve Agenda - Bennouri** moved to approve the agenda as presented. **Second the Motion: Fredrickson**  
In favor: **Bennouri, Collier, Fredrickson, Morin and Calise.** **Opposed: None.** **Motion carries.**
- 2) **Approve Minutes of May 14-15, 2010 - Collier** moved to approve the minutes from the May 14-15, 2010 Board meeting.  
**Second the Motion: Morin** In favor: **Bennouri, Collier, Fredrickson, Morin and Calise.** **Opposed: None.** **Motion carries.**

**McMillin** arrived at 9:10 am.

- 3) **Directors Report – Peccia** provided the Board members with financial reports with information from July 1, 2009 through June 1, 2010. Revenue has been pretty consistent through that period of time. Board members were provided with a graph to illustrate where items have fluctuated. Licensure fees, examination fees and application fees have decreased while late fees have increased. The Board was also provided a salary analysis as well as a report on revenue and expenses to give the Board a better idea of where costs fall and where the Board has some flexibility in addressing finances.
  - a) **Investments – Peccia** reported that he learned that the Board could not use Treasury for investing. As such, the Board will continue to use US Bank, though change the type of account and increase the return on the current interest rate.
  - b) **Budget Shortfall –** The Board was provided an updated report from the May 14-15, 2010 meeting. This report included information on a percentage of fee increases, as well as a flat dollar amount. The Board was also provided potential actions to reduce expenses. It was determined that the target number to satisfy the deficit is \$240,000.
  - c) **Policies – Peccia** reported that the Personnel Policy needs a major re-write and as such was not presented to the Board at this meeting. The current version is based on a policy from an agency with unrepresented staff. The OBMT staff is represented and different requirements are needed. There was discussion on the need for technology updates at the

Board office for security and continued function. **Peccia** and **Finch** have spoken with the IT specialist, Grant Moyle, and have discussed drafting a technology use policy. This would be implemented to safeguard against compromising the system. Such things to consider in this policy would be restrictions on accessing web-based e-mail programs which circumvent current Board security measures. **Bennouri** asked if there was an off-site backup. **Peccia** reported that there is, but a failure could cause a complete halt in work processes for a day or so before getting the system up and running again. Technology and purchasing policies are to be coming for the Board review. **PECCIA** provided the Board with a draft policy for review and requested to have Board members provide feedback via e-mail.

**d) Technology** – **Peccia** believes that the Board and staff would benefit from the development of an intranet site which would contain information on policies, procedures and office operations. **Bennouri** asked if this would allow for Board packets to be compiled there as well. **Finch** reported that he and **Peccia** had met with Grant Moyle and discussed options for paperless Board meetings. There was some discussion around the level of permissions and security that may be needed for such a scenario. The Board requested a cost comparison for review. **Bennouri** questioned how much personnel time is spent compiling and preparing Board packets. **Peccia** indicated that this may be an item for future Board consideration and that it shall be placed on an IT "To Do" list. He explained that he is currently focused on getting technology up-to-date for all office staff, as management staff has newer versions of programs and operating systems and as such they are unable to access or affect records in the database. He is also working towards automated deposits to save on staff time out of the office. He expressed that it is important to get the Board staff up to a base-line level of operations and function and then look at any additional steps that can come afterward. **Finch** provided the Board members with a print out of the system used to address database issues. This is a new tracking system utilized by the new database programmers. It provides confirmation e-mails and notes and comments on issues. This will allow Board staff to discern how much time will be spent on a particular item or project prior to incurring the cost. The programmers are able to do maintenance and updates in the evening hours, so it does not negatively impact staff operations. In addition, **Finch** has received response from his job posting for a law clerk with computer skills to enter historical data into the system. This provides that someone with a minimum of a Bachelor's Degree will be working on this project. He is also trying to implement a similar system to that which is utilized by the Oregon Teacher Standards and Practices Commission. This will allow for the Board to retrieve reports and historical information on various disciplinary matters and allow for publication of Board Notices, Consent Orders, Settlement Agreements and Final Orders. He indicated that the Board may wish to consider moving all enforcement files to a digital format, potentially moving all paper files to a digital format. This would allow staff to handle the storage needs for records without incurring additional costs for off-site storage. There was some discussion on the Secretary of State Archives Division retention schedule for documents.

**e) Forms** – **Finch** provided Board members with samples of draft character questions to include on applications for examination, initial licensure and renewal forms. The Board members provided feedback on the form that they preferred as well as other items that they would like to see included on the applications. Such inclusions are the separate active and inactive license boxes, information on record expungment, and bolding information on required documentation. **Finch** will continue to work on this matter.

**f) Compliance Strategy** – **Finch** provided the Board with a plan for operation of the compliance division. Previously, policies and procedures in this area have not been in detailed written form or may be known only to staff members. There was discussion on how to address unlicensed practice complaints in a more efficient manner and to educate unlicensed advertisers of the laws in Oregon pertaining to massage. Management is trying to find the most efficient manner in which to keep investigators focused on addressing licensee issues. He also reported the usual practice for settlement.

**Bennouri** asked if this information was posted or if it were just an internal document. **Calise** asked if it is a work in progress. **Finch** and **Peccia** reported that it is a work in progress and could be an item posted to the Board intranet. Further discussion on this matter was deferred until the July 12, 2010 Board meeting.

**g) Office Staffing Level** – The Board received a document at the May 2010 Board meeting for consideration of staffing levels in the office.

**h) Extraordinary Compensation** – There was discussion on how to appropriately compensate the Board Chair for approximately 180 hours worked specifically on extraordinary Board business between February 9, 2010 and June 7, 2010. There was also discussion on considering adopting a new rule that would allow the Board Chair to receive a higher stipend than other Board members, as they are required to participate in more Board activities and provide more Board

representation than other Board members. **Peccia** recommended a formula of 10 hours per month, at \$40 per hour. Consideration of a separate rule for Board Chair stipends will be forwarded to the Rules Committee. **McMillin** moved that for extraordinary service above and beyond normal Board duties, Board Chair **Kathy Calise** will receive compensation pay in the amount of \$1,775 for services rendered through 6/7/2010. **Second the motion: Collier. In favor: Bennouri, Collier, McMillin and Morin. Opposed: Fredrickson. Abstained: Calise Motion carries.**

#### 4) Committee Updates

a) **Education/Scope of Practice Committee** – Lisa Barck Garofalo provided a report to the Board members from the previous committee meeting. The report included a sample draft form for use in a portfolio review process. There had been some concern on how to adequately explain a request for information on a portfolio review scenario. This matter will need to consider rules changes and verify that there is no statutory conflict. In addition, there would need to be a portfolio review fee included, as this type of review would require more staff time than a traditional application. **Fredrickson** asked if this process would also address individuals that come from states without licensure requirements. **Barck Garofalo** reported that it would. There was some discussion on how the committee arrived at the determination of the accepted hours. Consideration was given to how many hours would be comparable if they were to be taken in a class or program. **Fredrickson** expressed concern over verification of self-employment, as well as the additional staff time it would take to verify this information. **Bennouri** pointed out that an individual would still be required to pass the Oregon practical exam, which would address any concerns on public safety and knowledge in a practical setting. **Collier moved** to send the draft portfolio review process to the rules committee for consideration of appropriate rule-making. **Second the motion: Bennouri. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

b) **Rules Committee** – **Calise** will attempt to make contact with that committee chair. **Bennouri** will now be the Board liaison, replacing **McMillin**. This committee will be tasked with reviewing the Board Chair stipend, consideration of the portfolio review qualifications as well as an additional fee for a portfolio review process and a fee for issuance of a counter license (possibly referred to as an expedited license). **Bennouri** asked that the committee revisit the draping section under OAR 334-010-0025(3) and address the matter of informed consent.

c) **Multiple Discipline Task Force** – **Collier** reported that the next scheduled MDTF meeting was set for June 25, 2010 from 2:30 – 4:30 at East West College of the Healing Arts in Portland. This task force had requested a written directive from the Board, though it was noted that the task force had been working quite well without such a directive. **Collier** recommended providing the proposal from Senator Johnson's work group, with some minor modifications to remove some matters that are currently being addressed by the Education/Scope of Practice Committee. In addition, this group would report to the Board as opposed to reporting directly to the Senate. It would then be the responsibility of the Board to report to the Senate work group. The time frame in which to report to the Board would need to be updated. **Calise** indicated that she will appear before the Health and Human Services Committee in September, so she would like to have some work product by that time. It was decided that a draft report would be provided to the Board at the August 9, 2010 Board meeting. **Calise** reported that she attends the MDTF meetings as well and that attendance has been quite good. **Collier** will amend, re-type and forward the directive and forward it to the MDTF if the Board chooses. **Bennouri moved** to have the directive amended and forwarded to the MDTF as the requested written directive. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

**Bennouri moved** to amend the agenda to address the SB 177 inquiry before other Board Business. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

#### 5) Board Business

a) **SB 177 Inquiry** – **Rose Jade** spoke to the Board pertaining to a new practice act for social work. She indicated that she is aware of several LMTs that have taken courses in alternative treatments that could potentially fall under the definition of social work because it involves talk therapy. She requests that the Board notify the LMT population of the new law and that it may affect the practice of some LMTs. She was concerned that the broad definition of social work could include such practices as Emotional Freedom Technique, which is utilized by several massage therapists in Oregon.

**Bennouri** indicated that the Board has addressed matters of overlap in scope of practice with other agencies in the past and suggested that representatives from the OBMT meet with representatives from the social workers board to discuss this matter in greater detail. **Collier** thinks that reaching out is a good idea. There was discussion of notifying licensees via newsletter or other means. **Barck Garofalo** commented that the Board may wish to consider forwarding this matter to the scope of practice committee for in-depth discussion and drafting a statement. **Collier** agreed that it would fit within the current assignment for the scope of practice committee and the MDTF. **Calise** stated that this matter will be addressed in the next newsletter. **Bennouri moved** to refer the SB 177 inquiry to the scope of practice committee. **Second the motion: Fredrickson.** In favor: **Bennouri, Collier, Fredrickson, McMillin, Morin and Calise.** Opposed: **None.** Motion carries.

b) **Representative Greenlick Dialogue** - Due to a misunderstanding in scheduling, Representative Greenlick was unable to speak today.

c) **Executive Director Hire Update** – **Calise** reported that the screening committee would work with **Twyla Lawson** after the Board meeting to review 10 applications for the position. It is thought that the hire date will be August 15, 2010.

d) **Legislative Process** – **Bennouri moved** to adopt the proposed legislative process as a formal protocol for the Board in dealing with interactions with the legislature. **Second the motion: Collier.** In favor: **Bennouri, Collier, Fredrickson, McMillin, Morin and Calise.** Opposed: **None.** Motion carries.

e) **Intra-bodywork Policy** – The Board reviewed this item in May and it had been suggested that this policy be melded with the breast massage policy. There was some discussion on how specific the policy should be in verbiage used referencing types of treatment such as intraoral, vaginal or anal regions or to simply state it as internal cavities. **Fredrickson** believes that it should be specific. **Bennouri** had some suggested verbiage changes to the current breast massage policy. The matter of treatment of minors will be reviewed by counsel to determine if the Board is able to create restrictions when treating a minor. **Bennouri** will create a draft of the policy to include breast massage and intra-bodywork and provide it to the Board at the July meeting.

f) **Exam Statistics** – At the May 2010 Board meeting, the Board asked about exam statistics reported to schools. The Board was provided a copy of the fourth quarter 2009 statistics and the first quarter 2010 statistics, as well as information on the release of individual scores to schools. The Board is only allowed to report specifics when an applicant chooses to release that information. It would appear that many applicants choose not to have this information released, and as such the schools are not getting all of the information that they would like to.

g) **Polarity Exemption Request** – This matter will be forwarded to the July 12, 2010 Board meeting. Board members were asked to retain the information provided to them for the next meeting. It was discussed that while there may be no specific party on the MDTF to represent polarity, the practice is one that is being addressed by that group.

h) **DoJ Advisory Letter** – At the May 2010 work session, Board members requested that certain questions be posed to the Oregon Department of Justice for clarification. **AAG Lindley** responded to that inquiry and reported the following information to the Board:

- Yes, LMTs are considered medical providers in the State of Oregon;
- Yes, LMTs are required to follow the PIP statute;
- No, LMTs are not required to follow workers compensation requirements, though the fee schedules are tied; and
- Yes, LMTs may provide a cash discount

The Board requested that this be added as a newsletter item. **Finch** suggested requiring LMTs to have a posted written fee schedule for insurers to know what customary fees are. **Bennouri** asked if it would be acceptable to have **AAG Lindley** review the newsletter article prior to publication to be sure that the information being provided is accurate. It was agreed that this would be acceptable. Further discussion brought the suggestion of a best practices document to be created. This would include information such as posted fee schedules, client contact information, obtaining informed consent, treatment of minors and liability insurance coverage. These items would not be rules or requirements, but would be beneficial for practitioners to know or practice. **Bennouri** is willing to work on such an on-going document. It was suggested that this topic be an on-going agenda item.

- i) **Rule Making** – The Board discussed addressing amending the 2009-2011 biennial budget, as well as consideration of a counter license fee and a facilities license fee. There was a discussion on the desired outcome of facility licenses. This would allow the Board to address matters of facilities failing to adhere to the safety and sanitation laws while jeopardizing their employees as well as facilities that consistently hire unlicensed practitioners.
- i) **Budget** – The matter of an amended budget shall be forwarded to the rules committee and will include a review of the current fee structure.
  - ii) **Counter License** – This matter will be forwarded to the rules committee for consideration of calling this issue something else, such as an expedited licensing fee, as well as determining an appropriate fee amount. They would also determine if a portion of the fee would be refundable if the Board is unable to expedite the process due to lacking information or unresolved arrest record matters.
  - iii) **Facilities Licensing** - It was determined that this matter may require statutory change and shall be postponed for the time being.

**Collier moved** to amend the agenda to have further budget discussion following the public comment period. **Second the motion: Bennouri. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

6) **Public Forum** – Opportunity for the public to address the Board.

**Andrea Wiener** is a certified Feldenkrais practitioner. She indicated that at the April 2010 Board meeting, she had submitted an application to participate in the MDTF and she was pleased to hear that they have been given their directive. **Collier** reported that the application had been forwarded to the Task Force Chair. **Wiener** stated that she had been informed that the MDTF members would review the application and make a determination. She indicated that she thought it was unusual for the MDTF to decide its own composition. There was some discussion on the process for reviewing and appointing members, as well as implementing processes for taking minutes and reporting to the Board. **Wiener** expressed surprise that the Board web site did not yet contain any information on the upcoming MDTF meeting as well as a lack of published meeting minutes. She also stated that it was her understanding that there was an e-mail system available and wondered if the MDTF participants or interested parties could be placed on that list. **Bennouri** suggested the use of an internet based system that allows for a group of individuals to share information. **Wiener** expressed disappointment in missing Representative Greenlick and wanted to be sure that any meeting with him take place in a venue that allows for public attendance.

**Michael Sumner** wanted to share information with the Board regarding the Alliance for Massage Therapy Education. The first annual conference was held June 3-5, 2010. Participants included representatives from the Federation of State Massage Therapy Boards, National Certification Board, Associated Bodywork & Massage Professionals, American Massage Therapy Association and educators from various massage schools across the United States. **Fredrickson** asked if **Sumner** could provide him with information on this organization. **Sumner** reported that the group has been working on a massage therapy body of knowledge.

**Andrea Wiener** asked why some items from the legislative directive have been removed from the MDTF tasks. **Collier** explained that the education/scope of practice committee is addressing the items that were removed. There are currently two committees working towards the same goal.

**Bennouri moved** to take a short break. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

The Board returned from Break at 12:36 pm.

**7) Budget Discussion Continued – Collier** proposed an increase of initial license and active renewal fees by \$25, to eliminate the half-time support position and hire a full-time support person and to hire the new Executive Director at step one. She also indicated that she was willing to consider cancelling traveling Board meeting and reducing the frequency of administering practical exams. **Fredrickson** believes that the active renewal fee should be increased to at least \$150 per biennium. He would also like to see the initial license fees and examination fees kept reasonable, as candidates and new licensees are just out of school and have incurred a significant cost to enter the profession. **Calise** proposed increasing the application processing fee to \$75 and leaving the initial license fees where they are. **Bennouri** expressed concern over the impact that a fee increase would have on individuals that practice minimally. She fears that the Board would see an increase in unlicensed practice as an act of defiance. She expressed that stakeholders should be informed in a diplomatic way, with an explanation as to why the fee increases are being proposed. The Board would like to see a new fee structure implemented by January 1, 2011. **Fredrickson** would like the Board to also review where reductions in expenses can be administered to show stakeholders that the Board is trying to create balance. **McMillin** would like to see the active renewal fee increased to \$175 and to leave all other existing fees alone. **Bennouri** suggested creating a counter-license fee of \$200, to be in addition to any licensure or late fees already owed, with the possibility of having \$50 refunded if staff can not expedite the request. It was ultimately determined that the numbers to be submitted to the rules committee for consideration would be \$200 with the possibility of having \$50 refunded, for a counter license and to increase the active renewal fee to \$150 per biennium.

As a reduction in expenses, the Board discussed **Collier's** previous proposals. **Collier** also suggested limiting the 2011 traveling Board meetings to only one for the year. It was suggested that the Board continue to have two traveling meetings, but to be sure that one meeting is held in a major metropolitan area. There was discussion of presenting continuing education courses at a small fee in association with traveling meetings. This would help off-set the cost associated with the traveling meetings and has traditionally helped boost attendance at the meetings. It was decided that budget matters would be considered a standing agenda item.

## **8) Public Enforcement Action**

**Public Session Closed Case Report – Not available for this meeting**

The Board will now meet in 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, 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, applicant, or other persons alleged to be practicing in violation of law pursuant to ORS 676.175 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.

Representatives of the news media and designated staff shall be 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 executive session, the Board will return to open session and welcome the audience back into the room.

The Board entered into Executive Session at 1:10 pm per ORS 192.660(2)(k) and returned to Public Session at 4:42 pm.

## **9) Executive Session**

**a) Law Enforcement (192.660(2)(k))**

**b) Interim ED Benefits – Bennouri** moved to approve benefits at a rate eight hours of sick leave accrued per month and 19.34 hours of vacation leave accrued per month, at \$48.26 per hour, as well as \$1,312.42 per month in health benefits so long as a minimum of eighty hours per month are worked, with no PERS contributions, to be retroactive to the start of the contract with the OBMT for Interim Executive Director, **Frank Peccia**. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

## 10) Executive Session Enforcement Action

- a) **Case 896** – No action taken.
- b) **Case 907** – This matter is deferred to the July 12, 2010 Board meeting.
- c) **Case 909** – **Bennouri moved** to grant a renewal license with the following stipulations: to obey all laws and ordinances; to successfully and timely complete and adhere to all terms and conditions of probation; there shall be no unlawful use, possession or distribution of unlawful drugs or substances; there shall be no use of alcohol; the applicant shall attend AA meetings regularly and shall provide confirmation through the sponsor to the Board compliance representative; there shall be no unsupervised practice of massage until further approval from the Board; the applicant shall submit to random urinalysis testing, to be required at the Board's discretion and the applicant's expense; and to attend and successfully complete a Board approved ethics class, to be completed by the end of June 2011. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- d) **Case 913** – **Bennouri moved** to revoke the licensee's massage license for multiple violations of OAR 334-030-0005(1)(d), the LMT shall represent all aspects of his or her professional capabilities and services honestly and accurately; OAR 334-030-0005(2)(a), the LMT shall be accountable to his or her clients for the quality and effectiveness of care and services and for creating the basic conditions and boundaries necessary to foster trust in the client-professional relationship; OAR 334-030-0005(2)(h), the LMT shall base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice; OAR 334-040-0010(19)(g), exercising undue influence on a client, including promotion or sale of services, goods or appliances in such a manner as to exploit the client for the financial gain or self-gratification of the therapist; and OAR 334-040-0010(19)(i), conduct which could also constitute a violation of the Oregon Unlawful Trade Practices Act. **Second the motion: Morin. In favor: Bennouri, Collier, McMillin, Morin and Calise. Opposed: None. Abstained: Fredrickson Motion carries.**
- e) **Case 993** – **Collier moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), practicing massage without a license; and one violation of ORS 687.021(2)(a), advertising massage without a license; for a total civil penalty of \$1,500. **Second the motion: Fredrickson. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- f) **Case 994** – **Bennouri moved** to dismiss this case as unable to substantiate. **Second the motion: Fredrickson. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- g) **Case 995** – **McMillin moved** to rescind his motion from the May 14, 2010 Board meeting and close as Board lacks jurisdiction. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- h) **Case 1001** – **Collier moved** to issue a Notice of Proposed Action for one violation of OAR 334-040-0010(1), practicing massage or representing one's self as a massage therapist without a current active license issued by the Board; and one violation of OAR 334-040-0010(11), practicing or purporting to practice massage when the license has been revoked or suspended, lapsed or inactive; for a total civil penalty of \$1,500. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- i) **Case 1002** – **Bennouri moved** to close this case as no violation found and refer to the Oregon Board of Chiropractic Examiners. **Second the motion: Fredrickson. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- j) **Case 1008** – **Bennouri moved** to dismiss this case as unable to substantiate and issue a letter of concern. **Second the motion: Collier. In favor: Bennouri, Collier, McMillin, Morin and Calise. Opposed: None. Abstained: Fredrickson Motion carries.**
- k) **Case 1011** – The Board has deferred this case to the August 2010 Board meeting. At that time, the applicant is asked to return to the Board and provide verification of passing a written exam, return to the Board with a sponsor from a 12-step program that will speak to the Board and verify applicant's attendance in the 12-step program and provide the Board with a short-term and a long-term employment plan. The applicant should have any written materials for Board consideration to the compliance department at least two weeks in advance of the Board meeting.

- l) **Initial License Applicant AA** – Bennouri moved to grant an initial license to the applicant. **Second the motion: Collier. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- m) **Renewal Applicant AB** – Fredrickson moved to grant the renewal massage license with the following conditions: LMT shall continue to practice in a supervised environment; LMT shall make monthly contact with the Board compliance officer; LMT shall obey all laws and ordinances and timely complete and adhere to all terms and conditions of probation. **Second the motion: Bennouri. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- n) **Executive Session Closed Case Report** – Not available for this meeting

11) **Public Forum** – Opportunity to share thoughts that pertain to agenda items – There were no public in attendance at this time.

12) **Announcements** – Bennouri indicated that she has been questioned as to her on-going contact with former Executive Director, Patty Glenn. She would like it known that she sits on the executive committee of a professional association and that Patty Glenn was contacted by that professional association to teach at their annual conference. Any on-going contact with Patty Glenn is for the purposes of the professional association explicitly.

McMillin will be excused from the July 12, 2010 Board meeting.

Bennouri will be excused from the September 2010 Board meeting.

13) **Adjourn Meeting** – Bennouri moved to adjourn the Board meeting at 4:50 pm. **Second the motion: Morin. In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**