



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

April 11, 2011

Attendance

Board Members:

Kathy Calise, Chair, Public Member

Heather Bennouri, LMT

Crystal Collier, LMT

David Fredrickson, LMT

Melanie Morin, LMT

Craig McMillin, Public Member

Timothy Driscoll, DC, Public Health Member

Staff:

Kate Coffey, Executive Director

Diana Nott, Compliance Coordinator

Chris Montenaro, Compliance Manager

Lori Lindley, Assistant Attorney General

Public: Lisa Garofalo Pam Pennington James Fabish Leah Bowder
Alisa Fairweather Helen Faith Peter Szucs

Call to Order

Calise called the meeting to order at 9:05 am. Role call was performed. **Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise** were present.

At this time, there was an introduction of each Board member as well as Kate **Coffey**, Executive Director, Lori **Lindley**, Board Counsel, Christopher **Montenaro**, Compliance Manager and Diana **Nott**, Compliance Coordinator.

Calise asked each member of the public to introduce themselves. Present at this time were Lisa Garofalo, LMT, Pam Pennington, LMT, and James Fabish, LMT. Other attendees arrived later in the meeting.

- 1) **Approve Agenda** – Nott asked that case 1171 be added to the compliance portion of the agenda. Fredrickson asked that item 5e be deferred until May. Driscoll moved to approve the agenda as amended. **Second the Motion: Collier**
In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.
- 2) **Approve Minutes of March 7, 2011** – There was some discussion about amending the minutes to reflect that Fredrickson shared concerns with Bennouri over SB 454. Collier moved to approve the agenda as amended. **Second the Motion: Driscoll**
In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.
- 3) **Directors Report**
 - a) **Finances** – Coffey provided the Board with a status report on finances, as well as a profit and loss statement for March 2011. The Board is currently showing a profit. She reported that In February there were 254 active renewals, which brought the income up from prior months. Some prior expenses which had been removed as cost-saving measures will be restored, particularly janitorial services. The furlough day in March provided the agency approximately \$300-\$400 in payroll savings. Investigations will likely increase in efforts.

Coffey reviewed the Board action log.

Technology & Purchasing Policy – **Coffey** is researching this matter.

Paperless Board Meetings – The Board has purchased a second netbook, which **Calise** and **Bennouri** have. The Board will continue to purchase netbooks and secured flash drives until all members are equipped and transitioned to the paperless Board meetings.

Examiner Contracts – **Coffey** reported that there was one bid submitted for proctoring the practical examination and she requested the Board grant her the authority to enter into negotiations for a \$55,000 contract. **McMillin** moved to grant permission for the Executive Director to enter into negotiations for not more than \$55,000 for securing proctors for the Oregon practical examination. **Second the Motion: Driscoll** In favor: **Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise.** Opposed: None. Motion carries.

Standards for Discipline & Monitoring – This item was placed on the Board's agenda as item 5c.

Schools Outreach – **Coffey** has started the process of scheduling visits to Oregon massage schools. She continues to contact the remaining schools and schedule those visits.

Convene Education/Scope of Practice Committee and Rules Committee – These committees are active and meeting to address Board tasks.

Internal Banking – **Coffey** is working on this task.

Coffey suggested to the Board that they consider a five year strategic plan, to provide direction on the Board's desires. She reported that the work session has been scheduled for Saturday, May 14, 2011 at 8:00 am. She also reported that the MDTF has reviewed Oregon Revised Statutes Chapter 687 and has provided her with comments to share with the Board at the work session. It was noted that the public comment period has been limited to thirty minutes.

Bennouri expressed concern over limiting the public comment period, should there be significant interest in the Board activities. **Calise** noted that the Board does not typically have members of the public in attendance at the work session. It was ultimately determined that ideally, the public comment period would be kept at thirty minutes or less, but the Board is willing to be flexible if it is needed.

b) Legislative Updates – **Coffey** provided the Board with a spreadsheet of items with potential impact to the OBMT:

SB 13 – Prohibits semi-independent agencies from borrowing money that could be construed as incurring debt or obligation of the State of Oregon. No fiscal impact to OBMT. There has been no action since February 9, 2011.

SB 41 – Establishes deadlines for responses to public records requests. No fiscal impact to OBMT. There is a public hearing and work session scheduled for April 13, 2011.

SB 47 – Requires governing bodies to make audio, audio-video or digital recordings of all public meetings. Require recordings and related written records to be available within seven working days of meeting or within one working day of request to review or inspect. No fiscal impact to OBMT. There has been no action since January 12, 2011. **Coffey** believes that this bill may be dead.

SB 96 – Expands the list of professional regulatory boards subject to workforce reporting. There is a potential fiscal impact to the Board. This bill passed the Senate February 2, 2011 and is moving into the House, with a public hearing and work session scheduled for April 13, 2011. This would require an increase in licensing fee by \$7.15 per biennium.

SB 97 – Requires additional health professionals to require cultural competency as CE (OBMT is now included). No fiscal impact to OBMT. There is a public hearing and work session scheduled for April 11, 2011.

SB 136 – Allows certain regulatory boards to issue order punishing violations without issuing a notice of intent. No fiscal impact to OBMT. There has been no activity since January 14, 2011.

SB 454 – Exempts certain practitioners from regulation of the OBMT. Fiscal impact of \$21,150 per biennium. This is now an A-engrossed bill. It has passed out of the House and has moved to the Senate for consideration. This would require an increase in licensing fee by \$3.00 per biennium.

SB 590 – Provides that after assignment of administrative law judge (ALJ) from Office of Administrative Hearings, chief ALJ may assign different ALJ for hearing upon showing of good cause. No fiscal impact to OBMT. This has been referred for Hearing but there has been no activity.

HB 2155 – OBMT may approve classes taken at accredited college or university as certified class. No fiscal impact to OBMT. This has been passed out of the House and has been assigned to the Senate Committee on Healthcare, Human Services and Rural Health Policy.

HB 2381 – Removes some of OBMT's semi-independence. Amended fiscal impact of \$2,521 per biennium. This was amended and passed out of the House. It will place the Board under the statutes for the Department of Administrative Services (DAS) Human Resources (HR). The Board currently complies with DAS HR policies, and as such there would be no additional licensing fee required.

HB 2389 – Establishes a task force on health professional regulatory boards. No fiscal impact to OBMT. There was a public hearing scheduled for April 11, 2011.

HB 2496 – Establishes task force on the consolidation of state government boards and commissions. No fiscal impact to OBMT. No activity since January 21, 2011.

HB 2552 – Requires an agency to ensure that all contractors do not have delinquent taxes. No fiscal impact to OBMT. There was a public hearing held February 17, 2011.

c) **General Update** – There were no other updates noted.

4) **Committee Updates**

a) **Education/Scope of Practice Committee** – **Garofalo** reported that the committee met on April 8, 2011. She provided the Board with a brief report on the work of that committee.

SB 454 - The committee feels that SB 454 has vague language in several areas that could potentially provide problems for the Board, licensees and the general public. It is requested that should the bill be passed, this committee be involved in the writing of the subsequent rules that will need to be created to clarify and define the statutes affected by SB 454. If passed, SB 454 has an implementation date of January 1, 2012, and as such will require swift action by the Board and committees.

MDTF Update - The committee received an update of the MDTF. Members of that task force are gathering information from their certifying or credentialing agencies, guilds or organizations, particularly in terms of training required and disciplinary processes. This will be brought back to their next meeting, which is scheduled for June 3, 2011 from 1:00pm to 3:00pm at the Portland Campus of Oregon School of Massage. The task force sees itself as a resource for the Board and other committees.

Oregon Department of Education Curriculum Design – New OARs have been passed affecting the curriculum design for private vocational schools. The committee has several concerns about the implementation of these rules and how they are applied to only some of the massage schools in Oregon. It was suggested the Board meet with the Oregon Department of Education to discuss placing massage schools under the authority of the OBMT. **Coffey** will follow up on making that connection.

Model Curriculum – The committee indicated that the document is due for revision. This will be the main body of work for the committee at the next meeting. They will start with Section A, Professional Behaviors.

Best Practices Document – The committee reviewed the draft provided to them by **Bennouri**. There was discussion on additional amendments and revisions, as well as clarification on what is required by rule or law and what is strongly suggested by the Board. This matter will be placed on the May work session agenda.

New Members – Janet Weiser and Pam Pennington have applied to be members of this committee. Weiser was unable to attend the meeting. Pennington has been approved as a new member.

Meetings – The next two meetings have been scheduled for May 6, 2011 and June 3, 2011, from 10:00am – 12:00pm at the Board office.

Fredrickson commented that he was impressed with how much this committee was able to accomplish and the nature of the discussions. They covered a lot in two hours, with great exchange and excellent leadership.

b) Rules Committee – Minutes from the March 21, 2011 Rules Committee Meeting were provided for the Board. **Bennouri** reported the committee has voted Michael Jordan as chair. Todd Pennington was added as a new member and Michael Blackmore attended as the representative for the Oregon Chapter of AMTA.

The committee asked for clarification on the desired fee for an individual that moves from an inactive status to an active status, prior to their scheduled renewal cycle. Is it the Board's desire that the licensee pay the difference between the inactive and active status or to have the licensee pay the full active renewal fee? The committee defined mid-cycle as being twenty-one months or less from the due date of the licensee's current biennial renewal.

The committee discussed implementing fingerprinting new applicants and possibly renewal applicants as well. The Board learned with the implementation of LEDS checks, that roughly 4% of the population have an arrest history that has been previously undisclosed to the Board. The fingerprint checks would allow for the Board to obtain information on arrests outside of the State of Oregon. AAG **Lindley** has provided **Coffey** with draft rule language. After discussion, it was determined that the Board would consider fingerprinting rules and requirements for all new applicants and individuals returning from a lapsed or expired status.

The committee discussed a portfolio review process and determined that it might be best to include the education/scope of practice committee and the MDTF in this process. There was concern that some areas did not provide enough clarity, such as desires for certified classes and contact vs. non-contact hours. **Bennouri** and Barb Pickle will work on language to address this. **Coffey** is to research the cost of implementing such a process, as it is typically much more cumbersome than a standard application for examination. Nevada has a process in place that she will research.

The committee was asked to consider if rules were needed around a "retired" status of licensure. Currently, as a courtesy, a LMT may contact the Board and inform them that they wish to retire and the Board will change their status in the database to reflect that they are retired. However, there are no rules or processes in place to address an individual that may wish to return from retired status. It was suggested that an individual may enter into a retired status upon notification to the Board, and if they wish to return to active status then their license shall be treated as though it had lapsed.

The committee was asked to consider a definition of prescription. After a lengthy discussion, it was determined that the Board would not define prescription and leave the current rules referencing prescription as it is. (334-010-0025(2)(a), Massage treatment does not include: the use of equipment or devices that require a prescription.)

c) **Multiple Discipline Task Force – Morin** reported that this task force met on April 1, 2011. They feel that they have met the Board's directive and will take a brief sabbatical. They will reconvene in June, after a determination on SB 454 has been made by the legislature. They would like to keep the task force running as an official Board committee and they feel they would be a good resource for the Board. During their sabbatical, they will research their various organizations and return with information on minimum competency and disciplinary process. In addition, they would like to consider things such as a name change of the Board, division of practices or titles, addressing the rules and laws around sexual misconduct, redefining massage and what it really means, structuring a tiered licensing system, changes to the Oregon practical examination and creating a model curriculum. They also had some concerns over the requirement to post license numbers in advertising.

Fredrickson inquired as to what directive the task force has from the Board to take on these items. **Morin** indicated that they had received no directive. These were thoughts and concerns from the task force members and a desired direction for the Board to consider.

Coffey reported that the task force reviewed Oregon Revised Statutes Chapter 687 in its entirety and provided feedback to her. She will present this feedback to the Board at the May Board meeting and work session.

Fredrickson noted that he appreciates the ongoing efforts of the task force. He sees that some of the items of concern may fall under other existing committees.

The direction of the task force will be discussed in more detail at the May meeting.

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

The Board returned from break at 10:20 am.

5) Board Business

a) **Demographics Report –** The Board received a quarterly demographics report of licensees. This includes information on gender, age, ethnicity, years in practice and modalities practiced. The Board was concerned that the numbers reflected for those licensed less than two years might be indicative of a poor retention rate in the profession. **McMillin** requested that future reports include a percentage of total licensees by age.

b) **Exam Statistics First Quarter 2011 – Calise** commented that she is impressed and pleased with the overall pass rate of 85%. **Bennouri** indicated that she is quite pleased with significant improvements in some schools.

c) **Revised Board Appearance Policy – Montenaro** wrote a policy for Board review, to assist the compliance department with determining what circumstances would require an applicant or licensee to appear before the Board to discuss issues of concern relative to arrests or convictions. **McMillin** provided feedback after the March meeting. There was discussion on re-titling the document. The Board agreed to change the document title to Mandatory Licensure Review and Appearance Policy. **Bennouri** moved to accept the policy as submitted with the name revision. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

d) **Breast Massage Policy – Bennouri** provided the Board with a draft revision of the Board's Breast Massage Policy. There was discussion on additional revisions. With the Board member comments and suggestions, **Bennouri** will amend this policy and revise the Internal Cavity Policy to parallel verbiage and provide both at the May Board meeting for consideration of adoption.

e) **Mission Statement & Board Goals –** This item has been deferred to May.

Calise asked that the Board members prepare for the May work session by compiling a list of goals for the Board. She would like the Board members to prepare ideas for a strategic plan that addresses where the Board would like to be in one year, three years and five years.

- 6) **Boarderline** – **Coffey** asked the Board members what they would like to see published in upcoming newsletters. She indicated that the Board had previously suggested more insurance articles. However, the office has recently received feedback from stakeholders that it should not be the onus of the Board to set fees and manage insurance billing. It was suggested that the Board provide information to the licensees in the form of a resource list, to possibly assist with some of these types of professional concerns that may be considered possibly outside of the jurisdiction of the Board. It was suggested that LMTs be directed to contact the insurance companies directly when issues arise and that communication between the insurance company and provider is vital. After discussion, it was determined that **Bennouri** and **Morin** would work on an article for the newsletter. There was some discussion on insurance companies trying to interpret Oregon Administrative Rules or Oregon Revised Statutes and doing so incorrectly. **Fredrickson** asked if OMTA might take the lead on educating insurers. **Bennouri** will forward the suggestion to the OMTA.

Bennouri asked that a small box be placed in the newsletter, informing licensees that the FSMTB has formed a model practice act task force.

Morin suggested an article on spring cleaning and housekeeping. She will write it.

Fredrickson suggested an on-going section to address specific pathogens such as MRSA.

- 7) **Public Comments** – Opportunity for the public to address the Board.

Garofalo expressed that the Board should be wary of any committee setting their own goals, to keep all committees in mind and to keep directives clear so that there are no territorial concerns. She also pointed out that the MDTF members brought forth exemption language to the legislature while others were attempting to seek compromise. She is concerned that if the Board doesn't address what they want in the manner that they want, they will return to the legislature for exemption.

Garofalo also reported that Oregon School of Massage does teach breast massage as part of their pre-licensing program. They are committed to integrating the whole body and she would be sad to see the school told that they can't teach in that manner. She was concerned that the Board was trying to require additional training or certification in breast massage. **Collier** confirmed that the breast massage coursework was in the syllabi. She said that as such, maybe those graduates wouldn't need to obtain any additional training. **Calise** indicated that not all schools teach breast massage and it was the desire of the Board to look at a policy as a whole.

Bowder would like to echo **Garofalo's** concerns regarding the MDTF. She would like the Board to set forth very clear directives for that group. She feels that they are a great, passionate group but that they need clear direction.

Pennington shared that she is a representative of the NCBTMB and that she is willing to be a resource for the Board as well.

Fairweather asked to discuss a recent Department of Education rules change that addresses program integrity and gainful employment, which has the potential to negatively impact financial aid due to clock hour requirements.

Faith explained that new rules will take effect on July 1, 2011. The large area of concern is in defining a credit hour and treating some programs as fundamentally clock hour programs. For financial aid purposes, one credit hour must equal three hours of total work. Certain programs will be clock hour programs regardless of how a credit hour is defined. She suggested that the Board break down the educational requirements more specifically to address what components need to be measured in clock hours. She suggested something to indicate that for licensure purposes, 500 clock hours are

needed or this many credit hours.

Calise indicated that this information has been provided to the education/scope of practice committee. There was discussion on how the Board may be able to amend rules or statutes to assist with addressing the change. There was concern that it would be difficult to meet the standards that have been set.

Szucs indicated that University of Western States is reaching out, trying to figure out who has common problems and how they may differ from other schools. They want to make sure that everyone attempts to reach a consensus among the schools without trying to make a one-size-fits-all model.

Calise asked how the school would be impacted if the Board is unable to address the matter by July 1, 2011. For University of Western States, there would be no impact as their next term starts in October. However, there was a concern that Pioneer Pacific College and East West College of the Healing Arts may be negatively impacted.

Calise will attempt to schedule an All-Schools Meeting for August, including this topic on that agenda. In the mean time, the education/scope of practice committee will be reviewing and discussing it.

Bennouri announced that the Federation of State Massage Therapy Boards has created a model practice act task force, which she is a member of. Their first meeting was April 1, 2011, though she was unable to attend. They currently have three separate draft model practice act documents for review. This helps further the desire to create consistent standards across the country to allow for accessibility and portability between states.

8) Executive Session

a) Compliance (192.660(2)(k))

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 11:20 am and returned to public session at 2:40 pm.

9) Action on Executive Session Items

a) Exam Candidate Review – Collier moved to uphold the exam results. Second the Motion: Fredrickson In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.

b) Case 380 Request for Information – McMillin moved to release the case information per the request. Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.

c) Case 860 – Collier moved to accept the proposed order. Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.

d) Case 920 – Driscoll moved to revoke the massage license. Second the Motion: Fredrickson In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.

- e) **Case 966 – Collier** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license; and three violations of ORS 687.021(2)(a), advertising for massage without a license; for a total civil penalty of \$4,000 and forward to the Multnomah County District Attorney for prosecution consideration. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- f) **Case 1102 – Bennouri** moved to issue a Notice of Proposed Action for three violations of 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 safety and trust in the client-professional relationship and 334-030-0005(2)(c), ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries and appropriate use of personal power; and one violation of OAR 334-010-0005(3)(a)(C), a massage therapist shall use safe and functional draping which means genitals and gluteal cleft of male and female clients and the breast area of female clients are not exposed, for a total civil penalty of \$3,500 and require the LMT to take a Board-approved Communication and Ethics class. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- g) **Case 1112 – Morin** moved to issue a letter of concern and strongly suggests the LMT take an ethics and boundaries class within 180 days. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- h) **Case 1133** –There is no action needed.
- i) **Case 1137 – McMillin** moved to close as compliance met and issue a letter of concern stating that if the LMT fails to meet all obligations as outlined in her Stipulated Agreement, the file will immediately come before the Board for consideration of disciplinary action without further notice to the LMT. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, McMillin, Morin and Calise. Recused: Fredrickson Opposed: None. Motion carries.**
- j) **Case 1141 – McMillin** moved to defer this matter for consideration until the conclusion of the criminal proceedings against the applicant. **Second the Motion: Bennouri In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- k) **Case 1146 – Collier** moved to issue a Notice of Proposed Action for one violation of ORS 687.021(1), engaging in or purporting to be in the practice of massage without a license; and one violation of ORS 687.021(2)(a), advertising for massage without a license; for a total civil penalty of \$2,000 and forward to the Multnomah County District Attorney for prosecution consideration. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- l) **Case 1153 – McMillin** moved to issue a Notice of Proposed Action for one violation of ORS 687.081(1)(b), has made any false representation or statement to the Board in order to induce or prevent action by the Board, for a total civil penalty of \$1,000 and to suspend the civil penalty and place on probation for one year. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- m) **Case 1154 – Bennouri** moved to renew the license with the stipulation that the LMT shall complete the Board Ethics Protocol. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, Morin and Calise. Opposed: McMillin. Motion carries.**
- n) **Case 1155 Bennouri** moved to grant the licensure with the following stipulations: the LMT shall work in a supervised environment; the LMT shall have no access to personal information of clientele including but not limited to social security numbers, credit card information and checking information; the LMT must inform their employer of the arrest history and requirements of the stipulated agreement; the LMT must take a Board-approved ethics class; and the LMT shall obtain peer supervision. The duration of these stipulations shall be for two years and will be reconsidered by the Board at the conclusion of the two-year period. **Second the Motion: Morin In favor: Collier, Driscoll, Fredrickson, Morin and Calise. Opposed: Bennouri and McMillin. Motion carries.**
- o) **Case 1171 – McMillin** moved to issue a Notice of Proposed action for suspension for failure to timely pay child support unless Licensee fulfills their obligation in the time frame set by the Executive Director of the Board. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, McMillin, Morin and Calise. Recused: Fredrickson Opposed: None. Motion carries.**

McMillin moved to generally authorize the Executive Director of the Board, when there is a mandate pertaining to child support or taxes, to immediately give notice to the Licensee and comply with the mandate for suspension and ratify at a later meeting. **Second the Motion: Morin** In favor: **Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise.** Opposed: None. Motion carries.

p) **Executive Session Closed Case Report** – **Collier** moved to accept the Executive Session closed case report as submitted. **Second the Motion: Driscoll** In favor: **Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise.** Opposed: None. Motion carries.

Case No. 964

Allegation: Unlicensed practice of massage **Closed:** Based on further review

Case No. 1031

Allegation: Unprofessional conduct **Closed:** Unable to substantiate

Case No. 1044

Allegation: Billing fraud **Closed:** Letter of concern

Case No. 1051

Allegation: Unlicensed practice of massage **Closed:** Based on further review

Case No. 1064

Allegation: Unprofessional conduct **Closed:** Board lacks jurisdiction

Case No. 1098

Allegation: Unprofessional conduct **Closed:** Unable to substantiate

Case No. 1099

Allegation: Unlicensed practice of massage **Closed:** Unable to substantiate

Case No. 1122

Allegation: Unlicensed practice of massage **Closed:** Unable to substantiate

Case No. 1124

Allegation: No license number in advertising **Closed:** Compliance met

Case No. 1136

Allegation: noncompliance with an existing Board order **Closed:** Compliance met

10) **Public Session Compliance Action** –

a) **Public Session Closed Case Report** – **Bennouri** moved to accept the Public Session closed case report as submitted. **Second the Motion: Fredrickson** In favor: **Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise.** Opposed: None. Motion carries.

Case No. 269

Allegation: Unlicensed practice of massage **Alicia King**
Closed: Final default order issued

Case No. 924

Allegation: Unlicensed practice & advertising **Lateea Martin**
Closed: Final default order issued

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| Case No. 1015 | Douglas Armstrong |
| Allegation: Failure to disclose adverse action | Closed: Surrendered |
| Case No. 1070 | Robynne Ariel Fauley |
| Allegation: Unlicensed practice of massage | Closed: Stipulated agreement issued |
| Case No. 1071 | George Nicolae Dan |
| Allegation: Unlicensed practice of massage | Closed: Stipulated agreement issued |
| Case No. 1075 | Kimmer Goldblatt |
| Allegation: Unlicensed practice of massage | Closed: Stipulated agreement issued |

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

12) **Announcements** – **McMillin** informed the Board that he will not need hotel accommodations for the May meeting. He will be in attendance.

Lindley will not be in attendance at the May meeting. If Board members need anything from her, please contact **Coffey** prior to the Board meeting.

Calise reminded the Board members to think about their one, three and five year strategic plans. Also, the rules hearing for the 2011-2013 biennial budget is at 9:00 am on May 13, 2011 at Central Oregon Community College, Boyle Education at the Boyle Education Center Board Room. The Board meeting will begin at 10:00 am.

Collier will not be present for the June 13, 2011 meeting, but may be able to call in.

13) **Adjourn Meeting** – **Bennouri** moved to adjourn the meeting at 2:52 pm. **Second the Motion: Morin**
In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.