



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

January 10, 2011

Attendance

Board Members:

Kathy Calise, Public Member, Chair
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: Karl Leon Andrea Wiener Michael Jordan Leah Bowder
Patty Glenn Barbara Pickle Jeanna Catalano Mary Christ

Call to Order

Calise called the meeting to order at 9:03 am. Role call was performed. **Calise, Bennouri, Driscoll, and McMillin** were present. **Collier** was in attendance by telephone. **Morin** and **Fredrickson** arrived later in the meeting.

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

- 1) **Approve Agenda** – **Bennouri** moved to approve the agenda. **Second the Motion: McMillin** In favor: **Bennouri, Collier, Driscoll, McMillin and Calise**. Opposed: **None**. Motion carries.
- 2) **Approve Minutes of November 15, 2010 and December 20, 2010** – **Bennouri** moved to approve the minutes of November 15, 2010, as presented. **Second the Motion: Driscoll** In favor: **Bennouri, Collier, Driscoll, McMillin and Calise**. Opposed: **None**. Motion carries. **Bennouri** moved to approve the minutes of December 20, 2010, as presented. **Second the Motion: Driscoll** In favor: **Bennouri, Collier, Driscoll, McMillin and Calise**. Opposed: **None**. Motion carries.
- 3) **Directors Report**
 - a) **Finances** – **Coffey** provided the Board with several exhibits to be presented with the Director's Report.

Morin arrived at 9:08 am.

Coffey reviewed the profit & loss statement for November and December 2010 with the Board. She notes that in November there was a net loss of about \$15,000 and in December there was a net loss of about \$4,000. Payroll expense made up 52% of expenses in November and 67% of expenses in December. **Coffey** also noted, that had the recent fee increase been in effect for December, the Board would have seen a positive bottom line. As such, it indicates that the January 1, 2011 fee increase will mitigate any further losses.

Coffey reported to the Board that there have been internal cost-savings efforts made, which include a change in copier, termination of janitorial services and a negotiated rate for internet and telephone service. She also suggested the possibility of moving to a renewal postcard to try to reduce the postage expense. **Bennouri** asked who would be performing the janitorial services with the termination of the prior provider. **Coffey** replied that staff will be performing the janitorial duties. **Bennouri** indicated that she has a concern with moving to a postcard for renewals, as she is aware that some individuals do not have internet access and she would not want those parties to be burdened by a postcard system.

i) **Department of Revenue Recovery** – The Board had requested information on the collections of civil penalties through Oregon Department of Revenue (DoR). **Coffey** reported that the Board receives 88% of the amount collected, while DoR retains 12%.

b) **Update Case 896** -This matter will be deferred to Executive Session

4) **General Updates** - The Board reviewed the 2010 Action Items spreadsheet. This spreadsheet provided information on the various tasks completed in 2010, as well as those tasks still outstanding. **Coffey** reported that the Board currently does not have its own purchasing rules. While being a Semi-independent agency allows the Board the ability to make purchasing rules that are not quite as laborious as those under the Department of Administrative Services (DAS), those rules have to be written into Chapter 334 in order to be utilized.

Montenaro reported that he had been charged with developing a searchable database for Board members to be able to review past compliance matters. The initial report was provided to the Board for review.

Frederickson arrived at 9:14 am.

The Board reviewed the data provided. This information is intended to be available to the Board in hard copy and accessible in the office. **McMillin** inquired if the information provided is public. **Montenaro** replied that it is. The report provides only information on cases that have disciplinary action associated with them. They do not include cases closed without Board action or cases in-process. **Calise** asked if this information goes back 10 years. **Montenaro** indicated that it did. **Calise** asked if it is searchable; for instance to search for how many of violations of a certain type occurred in a specific region of the state. **Montenaro** indicated that it was not searchable to that degree.

Montenaro reported that he had been directed by the Board to research a manner of performing Board business without having the volume of physical documents that the Board receives each month. He obtained an encrypted flash drive and passed it around for the Board members to look at. He explained that in addition to the flash drive, the Board would provide netbooks for use by each Board member. The flash drive will cost approximately \$80 each and the netbooks will cost between \$200 - \$260 each. **Bennouri** asked if the encrypted flash drive is as safe an alternative as some items that the Board had previously considered. **Montenaro** stated that it would allow for the desired confidentiality at a lesser cost to the Board. This set up would cost the Board approximately \$300 per Board member. **McMillin moved** to allow the office to purchase one netbook to allow for testing. **Second the Motion: Fredrickson In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.** **Collier** recommended that **Calise** do the testing. **Calise** agreed to test this system.

Bennouri addressed the Board of Cosmetology line item in the spreadsheet. She has made an initial contact with that Board and explained that there would be on-going contact if issues arise. It was expressed that it was a good idea to have an open line of communication.

Coffey reported that the examiner contracts will expire at the end of June 2011. As such, the Board will be seeking interested parties for consideration as examiners in the near future. **Bennouri** asked if a note could be placed in the newsletter to inform the LMTs of this upcoming opportunity, asking them to watch the web site.

Montenaro explained to the Board that there was confusion on when the Board expects to have an initial licensure or renewal matter come before them for consideration. He indicated that he was looking for direction from the Board to set clear criteria as to when to have a matter come before the Board for consideration. He reported that other agencies have grids that they use to assist with such determinations. **McMillin** suggested that this matter be deferred to the February meeting and to set aside 15-20 minutes to discuss the matter. The Board would also like to receive some sample grids for review. **Montenaro** will work with AAG Lindley to provide a draft policy to the Board. **Bennouri** expressed the desire to be sure that the Board still has the flexibility to make

determinations. **Fredrickson** clarified that individuals would still be required to report any arrests and/or convictions upon application or renewal.

Montenaro reported that the Board needs to consider re-writing rules to be in alignment with ORS 687.081, for monitoring. It is his desire, in order to avoid conflict with 2009 SB 2345, that the Board get out of the practice of monitoring individuals with respect to substance abuse. There has been a program created in the State of Oregon that addresses impaired professionals. **Bennouri** indicated that her understanding was that the program was quite expensive. **Montenaro** confirmed that he had discovered that the estimated cost to the Board would be \$80,000 per year, for participation in that program. In addition, there would be a significant cost to the Licensee to attend such a program. Ultimately, it is considered cost prohibitive. It was recommended that the Board draft rules around monitoring. **Lindley** indicated that Boards can no longer have a confidential diversion program. She expressed that this new law does not forfeit the Board's ability to discipline individuals for drug or alcohol problems. It was determined that this topic needs further discussion and should be placed on the May work session agenda. **Montenaro** and **Lindley** will research other small Boards and how they are addressing their impaired providers.

McMillin expressed that he was far more confident today than he had been 10 months prior, regarding the status of the Board and finances. He is grateful that the Board did not ask for more than was needed to address the financial shortfall and is very pleased with **Coffey's** activity thus far. **Calise** expressed that she thinks that the action tracking sheet is fabulous.

At this time, **Calise** asked the public to introduce themselves. The following members were present at this time:

Leah Bowder with AMTA – Oregon; Andrea Wiener representing Feldenkrais; Michael Jordan LMT; Patty Glenn with OMTA; Barb Pickle LMT and Karl Leon LMT.

Calise thanked the public for their attendance at the meeting today.

5) Committee Updates

a) Education/Scope of Practice Committee –

i) **Department of Education Matters** – **Calise** reported that she is aware that the Oregon Department of Education (DoE) has some new guidelines and stipulations for private career schools, and that some of these might impact massage schools in Oregon. She would like the Board to assist, where possible. She further reported that Oregon massage schools have not been re-evaluated in three years, and that the school recertification process needs to be restarted. She also feels that there needs to be another All-Schools Meeting. **Fredrickson** indicated that he would like to know what kind of Board support can be expected. **Calise** was uncertain, as she is not fully aware of the types of stipulations or guidelines that are expected to be put into place. **Fredrickson** explained that he believes the new requirements are extremely expensive to small schools, that the requirements are applied unfairly, that there are categories for exemption and that roughly 200 schools in the State of Oregon will be affected. He fears that the requirements are not being applied fairly within the massage community and that small private schools are in jeopardy. He is looking forward to seeing what kind of support the Board may be able to offer in the future. **Calise** has indicated that she will contact that committee chair and hopes to have them meet again before the next Board meeting. **Fredrickson** would like that.

b) **Rules Committee** – **Calise** indicated that this committee needs to convene. She will be contacting the committee chair to schedule a meeting. **Bennouri** asked if it was true that each professional association needs to have a representative present and requested that staff send a letter formally requesting representation from each association.

c) **Multiple Discipline Task Force** – **Calise** provided a copy of the minutes from the prior meeting to the Board. She expressed that the task force is in desperate need of a committee chair. She put forth a suggestion of Nick Chrones as the chair. He is familiar with the work and he has chaired a committee in the past. It has been requested that the new chair have a similar personality to the prior chair, and she feels that Chrones fits this description. **Fredrickson** indicated that he could support Chrones in this role, but asked that more direction come from the Board to the committee chair. He would like to see recommended plans and timelines, so that the Board is better able to track the progress of this committee. **Morin** volunteered as the Board liaison for this committee. **Bennouri** requested that the task force answer some of the questions that were posed in the minutes. She would also like to see the structure of the committee include individual with views that are not entirely on one end of the spectrum or the other. She would like to see individuals that

are willing to work to find a compromise. **Fredrickson** would like a report on the standards of education and ethics required for each area of bodywork and how those entities address public safety matters. **Coffey** would like clarity as to what is included in the definition of massage. **Collier** recognizes that while a variety of professions may be represented, she would like to see a wide variety of opinions represented as well. It is her desire to have the most accurate representation of the issues and to see people that are willing to discuss compromise options and different possible solutions instead of members attempting to solely obtain exemption. The Board discussed how to get a wider variety of opinions represented. It was asked if it was the role of the Board to invite those professional representatives or if it is the role of the task force? It is recognized that it is difficult to get people that are happy with the status quo to volunteer. This task force will meet again on Friday, January 14, 2011 at East West College in Portland, Oregon.

Morin moved for the Board to take a brief break at 10:00am. **Second the Motion: Driscoll** In favor: **Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise**. **Opposed: None**. **Motion carries**.

The Board returned from Break at 10:15 am.

6) Board Business

- a) **Vice Chair Term Discussion** – The Board had discussed in November, the idea of having the position of Vice Chair serve for one year, while the Chair would serve for two years. This would allow for two individuals to have the experience of serving and provide the Board with more, experienced options when voting on the next Board Chair. Also, in the event that the Board lost a Vice Chair, there would be another experienced individual that could move into the role of Chair when it came time. **Bennouri** indicated that she will likely be unable to serve as Board Chair in 2012 and as such feels that this is a sound suggestion. No other Board members expressed interest in serving as Vice Chair or eventually moving into the role of Board Chair. **Fredrickson** moved to extend **Bennouri** as the Vice Chair and to revisit this matter in May. **Second the Motion: McMillin** In favor: **Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise**. **Opposed: None**. **Motion carries**. Because **Calise** will be absent in February, **Bennouri** will run the February 7, 2011 Board Meeting.
- b) **Paperless Board Meetings** – This item was covered in the Director's Report.
- c) **Fourth Quarter 2010 Examination Statistics** – The Board received the examination statistics for fourth quarter 2010. The overall pass rate is 78%. **Bennouri** asked if Board outreach was available to schools, as it had been provided in the past. **Calise** reported that at this time, the Board has done no outreach. **Bennouri** asked if it could be done, as she had received feedback in the past about how positive that outreach was for the schools and their students. **Calise** and **Coffey** will discuss school outreach. This item has been placed on the action log for follow-up.
- d) **Demographics Report** – The Board has requested 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.
- e) **Best Practices Documents** - The Board was provided with a Draft Best Practices Document. The Board had previously discussed creating such a document as a tool for LMTs. It is not meant to be a policy or to be something enforceable, but to provide guidance to the professionals. There was discussion on items to include and exclude from the document. Self-reporting arrests within ten days is a law, and as such should be excluded from the document. Posting fee structures is a law and as such should be removed from the document. It was suggested to include information on contractor vs. employee status and to suggest that LMTs obtain legal expertise on these complicated matters. **Driscoll** suggested a newsletter article on the matter of contractor vs. employee. **Bennouri** asked that Board members email her with any additional thoughts on this matter.
- f) **Breast Massage Policy** – The Board adopted a breast massage policy in 1998. The Board is reviewing this policy with the desire of making it parallel to the internal cavity massage policy. There was concern over treating male and female breast tissue the same. There was a lengthy discussion on if there should be an option or even a requirement to have another party present when performing certain techniques and on the appropriate verbiage to use in the policy. **McMillin** suggested verbiage of "it is advisable that someone else be present..." It was suggested to inquire of the client if they would like another party present. It was also suggested that the practitioner should have the ability to require another party present, as well as the client having that right. **Fredrickson** would like to not allow the client the ability to veto having another party be present, as it helps to protect both the client and the practitioner. **Bennouri** and **Fredrickson** will continue to work on this policy. They welcome contributions.

- g) Internal Cavity Massage Policy** – It was determined that if the breast massage policy is altered, the internal cavity massage policy should be modified to be in alignment with those changes.
- h) Mission Statement & Board Goals – Fredrickson** provided the following suggestion as a new Mission Statement: The OBMT regulates and monitors the practice of massage therapy in the state of Oregon, balancing the public interest and the needs of the licensed massage therapists, in developing, implementing and maintaining the highest standards of public safety and professional practice integrity. **Bennouri** suggested adding in the word “bodywork” with massage therapy. **Collier** would substitute ethics for integrity. **Fredrickson** will revise based on feedback and provide it to the Board for consideration. **Calise** would like to have each Board member suggest two goals for 2011. These matters will be placed on the March agenda.
- i) Exemption Requests & Board Response** – The Board was provided a copy of a document, which is a proposed revision to statute, to reflect and define the practice of bodywork. This document was provided to the Rural Health Committee in response to a request for proposal. There was extensive discussion on the possibility of change in current regulation. It was noted that if this proposal were to move forward, rules would need to be drafted and/or amended to address the change. **Bennouri** likes that specificity is left to be determined by rule. **Fredrickson** voiced some concern over possibly harming the educational standards of the profession. He suggested that such a change might cause a drop in massage school attendance. **McMillin** expressed that the Board is up against a political tide. He stated that if the Board is unwilling to make proposals, then changes will be forced upon the Board. There was a proposal of a tiered system. **Fredrickson** voiced that he was concerned about being able to appropriately protect the public under a tiered system. **Bennouri** indicated that multiple organizations have performed Job Task Analyses, and it was discovered that there were extremely similar requirements for the varying professions. However, she recognizes that failure to compromise may fracture the profession. **McMillin** indicated that the legislature is requesting proposals for potential resolutions. It was indicated that there would be continued discussion around this topic and that the Board should be prepared to respond.
- j) Referral of Cases to Outside Agencies** – **Montenaro** reported to the Board that there have been instances where law enforcement agencies have requested information that would otherwise be confidential. Currently, staff has to go before the Board to request the release of information. He would like the Board to delegate authority to the compliance department to allow for the release of otherwise confidential information to law enforcement agencies. The request would come before the Board, to be ratified, at the earliest available meeting after the request is received. **Fredrickson** inquired as to who would be making those determinations. **Montenaro** replied that he envisions it to be a collaborative discussion with the compliance department and the Executive Director. He asked the Board to think about it and it would be discussed later.
- k) Health Professionals Service Program (2009 HB 2345) 676.190 Impaired Professionals Program** – This was covered in the Director’s Report.
- i) How to address current monitoring compliance case load** – Deferred.

7) **FSMTB** – At this time, there is nothing to report.

8) **Boarderline** – Staff is currently working on the January 2011 installment. The deadline for articles is January 14, 2011. **Bennouri** is working on an article about Board roles.

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

Leah Bowder with AMTA – Oregon thanked the Board for their hard work. She noted that changes are coming and that they will have to be addressed. She hopes that everyone is on board with being willing to talk to their legislators and be willing to educate them on the Board functions, scope of practice and to answer any questions that they might have.

Patty Glenn with OMTA echoed Bowder’s comments. In addition, she provided some suggestions for the Board to consider for the verbiage on breast massage. She thanked the Board.

10) 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 11:10 am and returned to public session at 2:30 pm.

11) Action on Executive Session Items

- a) **Initial License Applicant AA – Bennouri moved** to allow the applicant 60 days in which to withdraw her application, otherwise the Board denies the license. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- b) **Renewal License Applicant AB – Bennouri moved** to issue a probationary license, upon completion of 6 hours of ethics, to be completed at a Board approved program, at the discretion of the Executive Director. The terms of the probationary license are: Licensee is to complete 52 hours of documented community service, at the discretion of the Executive Director, to be completed within two years of the issuance of the license; Licensee shall obtain supervised employment and any and all employers must provide acknowledgement of license probations and restrictions; Licensee may not submit any form of insurance billing for services provided; Licensee is not allowed to provide any independent massage work; Licensee is to keep the OBMT apprised of any and all employment and address changes; and Licensee is to stay in compliance with all laws and ordinances. The initial probationary period shall be for two years, after which the Licensee will be required to re-appear before the Board for consideration of continuance of these restrictions. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- c) **Renewal License Applicant AC – Fredrickson moved** to revoke the massage license per ORS 687.051(2), an applicant must be a person of good moral character. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- d) **Case 659 – McMillin moved** to close as no violation found. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- e) **Case 896 – McMillin moved** to close the case, based on further review. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- f) **Case 926 – Bennouri moved** to amend the previous stipulated order to remove all conditions, except for sub section E, for two additional years. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- g) **Case 952 – Morin moved** to close and issue a letter of concern. **Second the Motion: Fredrickson In favor: Bennouri, Collier, Fredrickson, McMillin, Morin and Calise. Opposed: None. Recused: Driscoll Motion carries.**
- h) **Case 975 – Driscoll moved** to close as no violation found and issue a letter of concern. **Second the Motion: Fredrickson In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- i) **Case 999 – Fredrickson moved** to close and issue a letter of concern. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- j) **Case 1005 – McMillin moved** to suspend the license for non-payment of child support, in accordance with Oregon law, and to revoke the license for three violations 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. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- k) **Case 1014 – Bennouri moved** to accept the surrender of the massage license, with the added stipulation that he is never to re-apply. **Second the Motion: Fredrickson In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

- l) **Case 1069 – Morin moved** to close and issue a letter of concern. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- m) **Case 1070 – Morin moved** to issue a Notice of Proposed Action for three violations of ORS 687.021(1), practicing or purporting to be in the practice of massage without a license, for a total civil penalty of \$2,500 and to forward to the Oregon Board of Cosmetology. **Second the Motion: Bennouri In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- n) **Case 1071 – Bennouri moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), engaging or purporting to be in the practice of massage without a license; and eleven violations of ORS 687.021(2)(a), advertising for massage without a license; for a total civil penalty of \$10,500. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- o) **Case 1075 – Morin moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), engaging 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 \$3,500. **Second the Motion: McMillin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- p) **Case 1089 – Bennouri moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), practicing 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 \$1,500. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- q) **Case 1092 – Fredrickson moved** to suspend the massage license, per OAR 334-040-0010(17), for failure to cooperate with the Board in any licensing action... until the matter is resolved. **Second the Motion: Bennouri In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- r) **Case 1093 – Driscoll moved** to issue a Notice of Proposed Action for eight violations of ORS 687.021(2)(a), advertising for massage without a license, for a total civil penalty of \$7,500. **Second the Motion: Fredrickson In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- s) **Case 1109 – Driscoll moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(2)(a), advertising for massage without a license, for a total civil penalty of \$500. **Second the Motion: Morin In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- t) **Case 1111 – McMillin moved** to accept the surrender of license from LMT #7852 and to release the files as requested. **Second the Motion: Fredrickson In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**
- u) **Executive Session Closed Case Report – Bennouri moved** to accept the closed case report. **Second the Motion: Driscoll In favor: Bennouri, Collier, Driscoll, Fredrickson, McMillin, Morin and Calise. Opposed: None. Motion carries.**

Case No. 498

Allegation: Sexual impropriety **Closed:** Unable to substantiate.

Case No. 791

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

Case No. 805

Allegation: Unlicensed practice of massage **Closed:** No violation found

Case No. 807

Allegation: Unprofessional conduct **Closed:** Letter of concern

Case No. 810

Allegation: Unlicensed practice of massage **Closed:** Respondent unreachable

Case No. 874

Allegation: Unprofessional conduct **Closed:** No violation found

Case No. 882

Allegation: Sanitation issues **Closed:** Board lacks jurisdiction

Case No. 883

Allegation: Unprofessional conduct **Closed:** No violation found

Case No. 891

Allegation: Unlicensed practice of massage **Closed:** Respondent unreachable

Case No. 892

Allegation: Unlicensed practice of massage **Closed:** Respondent unreachable

Case No. 899

Allegation: Unlicensed practice of massage **Closed:** Respondent unreachable

Case No. 946

Allegation: Unlicensed practice of massage **Closed:** Compliance Met

Case No. 951

Allegation: Billing fraud **Closed:** Allegations withdrawn

Case No. 959

Allegation: No license number in advertising **Closed:** Not a Board issue

Case No. 976

Allegation: Unlicensed practice of massage **Closed:** Respondent unreachable

Case No. 982

Allegation: Unlicensed practice of massage **Closed:** Respondent unreachable

Case No. 1007

Allegation: Unlicensed practice of massage **Closed:** Respondent unreachable

Case No. 1027

Allegation: Competency concerns **Closed:** Based on further review

Case No. 1029

Allegation: Practicing while lapsed **Closed:** Letter of concern

Case No. 1032

Allegation: Unlicensed practice of massage **Closed:** Compliance Met

Case No. 1035

Allegation: Unprofessional conduct **Closed:** Letter of concern

Case No. 1038

Allegation: Unprofessional conduct **Closed:** No violation found

Case No. 1052

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

Case No. 1057

Allegation: Failure to disclose adverse action **Closed:** Compliance Met

Case No. 1061

Allegation: Non compliance with a Board order **Closed:** Compliance Met

Case No. 1063

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

Case No. 1065

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

Case No. 1067

Allegation: Unlicensed practice of massage **Closed:** No violation found

Case No. 1078

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

Case No. 1079

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

Case No. 1080

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

Case No. 1081

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

Case No. 1082

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

Case No. 1083

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

Case No. 1084

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

Case No. 1085

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

Case No. 1088

Allegation: Unlicensed practice of massage **Closed:** Compliance Met

Case No. 1108

Allegation: Unlicensed practice of massage **Closed:** No violation found

12) Public Session Compliance Action –

a) Public Session Closed Case Report – Fredrickson moved to accept the public session closed case report. Second the Motion: Morin In favor: Driscoll, McMillin, Morin and Calise. Opposed: None. Abstained: Fredrickson. Motion carries.

<u>Case No. 757</u>	<u>Michael Retone</u>
Allegation: Unprofessional conduct	Closed: Surrendered

<u>Case No. 790</u>	<u>Diane Whiffin</u>
Allegation: Unprofessional conduct	Closed: Final Order Issued

<u>Case No. 833</u>	<u>Nishan Van Atta</u>
Allegation: failure to disclose adverse action, non-compliance with a Board order	Closed: Revoked

<u>Case No. 871</u>	<u>Theresa Carnicelli</u>
Allegation: Unlicensed practice of massage	Closed: Stipulated Agreement Issued

<u>Case No. 887</u>	<u>Jeremy Brandt</u>
Allegation: Unlicensed practice of massage	Closed: Stipulated agreement issued

<u>Case No. 894</u>	<u>Peggy Vander Oord</u>
Allegation: Unlicensed practice of massage	Closed: Civil penalty assessed & paid

<u>Case No. 903</u>	<u>Alexandria Cater</u>
Allegation: Unlicensed practice of massage	Closed: Final default order

<u>Case No. 945</u>	<u>Tambri Deharpport</u>
Allegation: Unlicensed practice of massage	Closed: Stipulated agreement issued

<u>Case No. 956</u>	<u>Roshelle Napohulani Gasper</u>
Allegation: Unlicensed practice of massage	Closed: Final default order

<u>Case No. 967</u>	<u>Oneta Megahan</u>
Allegation: Sexual impropriety	Closed: Revoked

<u>Case No. 977</u>	<u>Danielle Doung</u>
Allegation: Unlicensed practice of massage	Closed: Civil penalty assessed & paid

<u>Case No. 991</u>	<u>Sunita McKenzie</u>
Allegation: Unlicensed practice of massage	Closed: Stipulated agreement issued

<u>Case No. 933</u>	<u>Deanna Carr</u>
Allegation: Unlicensed practice of massage	Closed: Civil penalty assessed & paid

<u>Case No. 1001</u>	<u>Katja Machinski</u>
Allegation: Practicing while lapsed	Closed: Civil penalty assessed & paid

Case No. 1004	Kim Luckey
Allegation: Unlicensed practice of massage	Closed: Civil penalty assessed & paid
Case No. 1010	Yura Feitser
Allegation: False representation to Board	Closed: Stipulated agreement issued, Suspended
Case No. 1020	Audra Bentley
Allegation: Unlicensed practice of massage	Closed: Final default order
Case No. 1024	Alisha Keley
Allegation: Practicing while lapsed	Closed: Stipulated agreement issued
Case No. 1028	Kathryn Vu
Allegation: Unlicensed practice of massage	Closed: Final default order
Case No. 1039	Anh Do
Allegation: Unlicensed practice of massage	Closed: Final default order
Case No. 1042	Alena Buttars
Allegation: Unlicensed practice of massage	Closed: Stipulated agreement issued
Case No. 1045	Diana Ngoc Tran
Allegation: Unlicensed practice of massage	Closed: Stipulated agreement issued
Case No. 1058	Terrence McCormick
Allegation: False representation to Board	Closed: Revoked
Case No. 1059	Jenna Sanders
Allegation: Other	Closed: Stipulated agreement issued
Case No. 1087	Anthony Brown
Allegation: Other	Closed: Stipulated agreement issued

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

14) **Announcements** – Collier and Calise will be excused from the February 7, 2011 Board meeting.

15) **Adjourn Meeting** – Bennouri moved to adjourn the meeting at 2:45 pm. **Second the Motion: Morin** **In favor: Driscoll, Fredrickson, McMillin, Morin and Calise.** **Opposed: None.** **Motion carries.**