



Oregon

Theodore R. Kulongoski, Governor

Board of Massage Therapists

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BOARD MEETING MINUTES

September 19, 2008

Attendance

Board Members:

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

Staff:

Patty Glenn, Executive Director (*by telephone*)
Diana Nott, Enforcement Coordinator

Public:

Michelle Clark-Ruebush
Ute Munger

Jon Grossart
Sara Gregg

Jenni Malm

Call to order

Manriquez called the public meeting to order at 10:02 am. Role Call was performed. **Manriquez, Barton, Catalano, Kern, McMillin, Collier** and **Calise** were present.

- 1) **Approve Agenda - Calise moved** to approve the agenda. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.**
- 2) **Approve Minutes from July 18, 2008 and August 22, 2008 and Amend minutes from April 18, 2008– Barton moved** to approve the July 18, 2008 and August 22, 2008 meeting minutes as presented and to amend the April 18, 2008 minutes. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.**
- 3) **Public Forum –** No public comments.
- 4) **Report of Executive Director -**
 - a) **2009 Legislative Session:** The Board received a copy of the draft legislative concept, LC 481. The concept is allowed one revision by the agency and is due back to legislative counsel on Monday, September 22, 2008. **McMillin** shared concerns with the aiding and abetting language. **Glenn** stated that this discussion was hashed out in the 2007 session, which is why section 2(b) was added to provide one warning before the Board takes any action. There was a discussion on adding the word “knowingly” to the language. **McMillin moved** to have **Glenn** contact legislative counsel with the following changes: remove the brackets under section 3, item (i) which begins on page 5, line 18 and ends on line 22, insert the word “knowingly” between the words “has” and “aided” on page 3, line 9 and on page 10, line 6. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.**

- b) **Financials: Glenn** will e-mail them to the Board. In October, the Board will get a more detailed budget and **Glenn** plans on spending about 45 minutes to an hour going over the budget and process. **McMillin** asked about getting an interest bearing account. **Glenn** said that multiple meetings had been rescheduled with the bank representative; she may just need to go to Portland to see the representative at her office.
- c) **House interim committee on health care** – Many boards and associations testified. Glenn will send information to the Board members by e-mail. The semi-independent language was put forward in the form of a legislative concept. **Glenn** stated that it wasn't ideal but it wasn't as bad as initially expected. (Unfortunately the concept was then pulled by the committee and a new concept is expected which will remove semi-independence entirely from the health-related boards.) The associations are working with the Boards to create an informal document for all of the legislators so that when the issues are before them, they will have a file with information to refer to. Most other proposed concepts were things that appeared to have no adverse effect on the Board. **Glenn** will send language to the Board members for discussion in October.
- d) **Scope of practice advisory group** – The group had about 25 or more members for the first formal meeting. This group was formed by Senator Monnes-Anderson and Representative Greenlick focusing on the scope of practice issues in human health care. Senator Monnes-Anderson discussed how important the regulatory entity was in the process. They anticipate a pilot process in 2009.
- e) **Health related boards** – The group is continuing to meet on a monthly basis, which is turning out to be really advantageous. There is a lot of support for the semi-independent boards and they seem to understand the value of semi-independence and are willing to support the semi-independent boards to take a stand in opposition of language that is contrary to the semi-independent model. There has been a tremendous amount of value with the group coming together. **Manriquez** asked if the group would work with the interim committee to educate on semi-independence. **Glenn** responded that the associations from the professions being affected will be helping. At this time they are not expecting to hire a lobbyist.

5) Committee Updates –

- a) **Rules Committee** – The committee will be meeting on September 29th between 10 and 12 at the Board office. **McMillin** thinks that the comments made at the rules hearing were appropriate and will be bringing those comments to the committee. He stated that now it's getting down to the details. The committee has done a good job and will have version 4 back in time for the LMT's and associations to look at.

EXECUTIVE SESSION -

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

The Board entered into Executive Session at 10:40 am and returned to Public Session at 11:03 am.

6) Action on Executive Session Items

- a) **Applicant AB – McMillin moved** Continue this review at a future Board meeting and ask the applicant to personally appear before the Board and submit any letters of recommendation or reference from sources such as family, friends, counselors, teachers, employers, etc. with regard to their fitness to practice massage and to provide verification of additional ethics course. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**
- b) **Applicant AC – McMillin moved** Continue this review at a future Board meeting and ask the applicant to personally appear before the Board and submit any letters of recommendation or reference from sources such as family, friends, counselors, teachers, employers, etc. with regard to their fitness to practice massage and to provide verification of additional ethics course. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**
- c) **Case 687 – Barton moved** to suspend licensee's license until compliance is met or suitable arrangements have been made to satisfy the previously issued Board order. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**

7) Law Enforcement – Public

- a) **Case #529 – Danielle Burget – Calise moved** to issue a Notice of Proposed Action for one violation of ROS 687.021(2)(a) advertising for massage without a license, for a total civil penalty of \$500. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**
- b) **Case #662 Stefanie Erbe – Collier moved** to issue a Notice of Proposed Action for one violation of ORS 687.021(1), practicing massage without a license and ten violations of ORS 687.021(2)(a), advertising massage without a license, for a total civil penalty of \$10,500. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**
- c) **Case #720 David Walsh – Barton moved** to issue a Notice of Proposed Action for ten violations of ORS 687.021(1), practicing massage without a license, for a total civil penalty of \$9,500. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano Opposed: None. Motion carried.**

8) FSMTB Updates

- a) **Annual Meeting** – Discussed travel arrangements for the annual meeting in October. The reception is Thursday night the 16th. Board members should arrive by 6:30 to be at the reception from 7:00 – 9:30. The Board members will e-mail staff ahead of time to be sure that everyone has updated information on where everyone else is. Sunday morning is the last meeting of the conference.

9) Board Business

- a) **Distance Education – Manriquez** asked that the topic be placed on the October work session agenda. There was a discussion on Oregon being proactive with regards to the trend of distance education. **Calise** said that it would fall in line with the Governor's initiative to get on-line education for health care fields to assist with rural areas and such.
- b) **2009 calendar** – The Board will continue to have meetings the 3rd Friday of each month, except December. The April 2009 meeting is planned to be in Coos Bay. The October 2009 meeting is planned to be in LaGrande. Board staff will contact schools in the areas to see if they are willing to host the meeting, otherwise staff will make other meeting

accommodations. **Manriquez** wants staff to research the logistics of having a traveling practical exam that coincides with the traveling Board meetings.

c) **LC481** – Discussed earlier in the meeting.

d) **ND for Health Indorsement** – There was discussion on the professions that are currently accepted for Health Indorsement by the Board. It came to staff's attention that no naturopathic doctors had previously applied for the Health Indorsement. There was a discussion on the educational requirements to become an ND. There was also a discussion on athletic trainers and the difference between an athletic trainer education and a personal trainer. **McMillin** moved to add Doctors of Naturopathy (ND) and certified athletic trainers licensed in the state of Oregon to the list of accepted health professions. **In favor: Manriquez, Calise, Barton, McMillin, Collier and Catalano** **Opposed: None.** **Motion carried.**

10)Public Comments – Michelle Clark-Reubush commented on the trend of distance education and losing the face-to-face component, illustrating the inability to develop socialization skills.

11)Announcements – **McMillin** may not be able to make the October Board meeting but would be at the work session.

12)Adjourn Meeting – **Calise** moved to adjourn the meeting. **In favor: Manriquez, Calise, Barton, Collier and Catalano** **Opposed: None.** **Motion carried.** Meeting adjourned at 12:05 pm. The Board reconvened at 12:10. **Catalano** moved to accept the closed case report. **In favor: Manriquez, Calise, Barton, Collier and Catalano** **Opposed: None.** **Motion carried.** **Barton** moves to re-adjourn the meeting. **In favor: Manriquez, Calise, Barton, Collier and Catalano** **Opposed: None.** **Motion carried.** The meeting re-adjourned at 12:11pm.