

Oregon Board of Massage Therapists

Volume 7, Issue

AMTA Supports

OBMT

The OBMT has submitted a Legislative Concept entitled "Competency Evaluations"; LC 96800/01. Specific information about the Concept was provided in the August 2002 issue of *the Boarderline*. Briefly, the Concept would enable the board, in certain circumstances, to order competency evaluations of Licensed Massage Therapists and license or exam applicants. The American Massage Therapy Association, Oregon Chapter (AMTA-OR), reviewed the Concept and presented it for discussion at a recent board meeting. The AMTA-OR board approved a motion to take a position of support for LC 96800/01 at its August 2002 board meeting.

OBMT Adopts Model Curriculum

On September 8, 2002 the Board adopted a Model Curriculum. More than a year of discussion, composition, and review went into its creation. The involved parties are the Board's Education Committee, the Oregon Department of Education (ODE) and Board member, David Frostad, liaison to the Education Committee. The Oregon Massage Schools were given an opportunity to provide input before the Board made its final decision to adopt the curriculum.

The Model Curriculum's purpose is to provide massage schools, students and the ODE a document that clearly identifies the entry-level competency requirements for the beginning massage and bodywork practitioner. The ODE, massage schools and the Board will work together to put the curriculum into place.

The curriculum will become effective September 1, 2003. This will give the schools an opportunity to revise their courses as necessary to meet the requirements of the curriculum.

If you wish to see the Model Curriculum, it will be posted on our website by November 1, 2002 or you may call and request a copy from the office.

Effective January 1, 2003

Two rule changes:

- ✗ All licensed massage therapists will be required to provide their license number on all forms of advertisement. This includes letterhead, classified ads, telephone ads, electronic commerce, etc. Any document provided to the public must give information that will allow a person to contact the office and access your licensure status by your name and/or license number.
- ✗ Beginning January 1, 2003, health indorsement applicants (people currently licensed in another health related field) will be required to provide transcripts that verify coursework of 300 hours in the same areas of massage theory and practice currently required of Oregon students. Previously the health indorsement applicants were required to verify completion of 200 hours of soft tissue work.

◆◆ RENEWAL TIPS ON PAGE TWO ◆◆

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The time is here. In this packet you should have everything you need to submit your licensure renewal to the Board office. The following tips might be helpful:

- Your license is current until December 31, 2002.
- Your complete renewal application, including the renewal fee, must be postmarked no later than December 1, 2002 to avoid an additional \$25 delinquent fee.
- Be sure to PRINT LEGIBLY. It can be frustrating for us and especially you if your license is printed with incorrect information.
- Provide verification of current CPR.
- You must submit a renewal form for active or inactive status.
- Your signature on the renewal form confirms you have completed the required CEU hours.
- Provide current addresses AND telephone numbers on the form. You may also provide your e-mail address if you wish.
- The earlier you submit your renewal form, the sooner you will get your 2003-2004 license.
- If you don't submit a renewal form your license will automatically expire and you will not be able to legally practice massage in Oregon.
- Don't forget to sign the form.

Due to the high cost of printing our statutes and rules for over 4000 licensees; we have not included them in your packet. You may obtain them on our website at www.oregonmassage.org or call the office and we will be glad to send you a copy.

Please be patient. We expect to process approximately 4,300 renewal applications and will do so as promptly as we are able. The sooner you submit your application, the sooner we can complete the process

Exam News

The Board now administers the practical exam four times a year. In the beginning, I was concerned about the workload this would involve. However, the staff not only met the challenge, but has also done an incredible job of improving the flow of the entire exam

process. I wish to take this opportunity to personally thank

Jacqueline, Michelle and Diana. (Diana refers to herself as our rent-a-person; she is a temporary employee).

As always, without our dedicated examiners there would be no exam. Thanks to each and every one of you for your hard work. The next scheduled exam is December 14 and 15, 2002. If we have too many candidates to examine in two days, we will add December 12th and 13th as necessary. Because the exam dates are so close to the Christmas holidays we did not want to add another weekend. Examiners earn \$10/hour and 6 CEUs (per biennium). You are required to attend an unpaid training session prior to serving as an examiner. If you are interested in working as an examiner, please contact Jacqueline McCal at the office: 503-365 8657 or you may send her an e-mail to jacqueline.mccal@state.or.us

And of course, my thanks to Oregon School of Massage and Ashmead College for loaning us massage tables to use for the exams.

Recent exam statistics:

June 2002: 149 candidates; 81% passed.

Sept. 2002: 194 candidates; 86% passed.

Oregon Board of Massage Therapists

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Board Members

Chair: Michael Jordan, L.M.T.

David Frostad, L.M.T.

Jacqueline Kern, Public Member

Cathy Law, Public Member

Stephanie Manriquez, L.M.T., A.A.S., N.C.B.T.M.B.

Lisa Oxman, L.M.T.

Brad Welker, D.C.

Board Staff

Bev Holzman, Executive Director

and Newsletter Editor

Michelle Sherman, Office Manager

Jacqueline McCal, Exam Coordinator

CPR Courses

By popular demand, the Board is happy to provide the following information on CPR course providers (just in time for renewals):

Baker City

Red Cross 541-523-2231

Bend

Red Cross 541-382-2142

Eugene

CPR & First Aid Training Center 541-342-3602

Paramedic Association 541-683-4610

Gresham

Emergency Response & Management Svc. 503-475-4055

La Grande

Red Cross 541-962-3036

Medford

Red Cross 541-779-3773

Oregon City

Mt Hood CPR 503-655-6394

Portland

American Emergency Medical Training 503-223-4967

Red Cross 503-284-1234

Life Line 503-243-2277

Silverton

Second Chance First Aid & CPR 503-873-8079

Salem

Valley First Aid & CPR Training 503-393-4359

Salem CPR & First Aid Center 503-371-9533

Board Meetings

At the September 8, 2002 meeting, the Board voted to have monthly meetings. Each month (except December) the Board will alternate between an executive session meeting and a public meeting. The goal is to

make the meetings shorter and more effective. A brief public meeting will follow Executive Session meetings; this will allow the Board to vote on items from executive session.

The remaining dates for 2002 are an Executive Session on October 24 at 9:00 a.m. The majority of board members will be attending this meeting by telephone. A public meeting is scheduled for November 8, 2002 at 9:00 a.m. Public meeting notices will be posted on the Board's website.

Meeting agendas and dates are subject to change. If you have an agenda item you wish to present to the Board, it must be in the office no later than three weeks before the scheduled meeting.

Meetings are to begin at 9:00 A.M. unless otherwise noted. The **tentative** meeting schedule for 2003 is as follows:

January 9, 2003 - Executive Session Mtg.

February 13, 2003 - Public Mtg.

March 13, 2003 - Executive Session Mtg.

April 10, 2003 - Public Mtg.

May 8, 2003 - Executive Session Mtg.

June 12, 2003 - Public Mtg.

July 10, 2003 - Executive Session Mtg.

August 14, 2003 - Public Mtg.

September 11, 2003 - Executive Session Mtg.

October 9, 2003 - Public Mtg.

November 13, 2003 - Executive Session Mtg.

The Board will vote on these dates at the November 8, 2002 meeting.

Ask the Board...

In past issues of *the Boarderline*, there has been a section titled "Frequently Asked Questions". "Ask the Board" will replace that section. You are invited to submit (in writing) questions you would like the Board to answer. You may mail, fax or e-mail your questions to Bev Holzman. The content of the question and length of the response will determine how many questions will be presented in a single issue.

REMEMBER

All licensed massage therapists must notify the Board of any **ADDRESS CHANGES** within 30 days of the change. [OAR 334-010-0025(7)] Please provide updated phone numbers also. Address changes must be submitted in writing. This can be done by e-mail, fax or regular mail.

Why Require Competency Evaluations?

The Board has received a great deal of communication from LMTs who are concerned about the proposed legislation that will allow the Board to order a competency evaluation for licensees and applicants. Most of the concern appears to center around two issues: the Board wielding its power unfairly and ordering competency evaluations without a thorough investigation of the need for such type of evaluation and the cost of the evaluation which must be paid by the licensee or applicant. I would like to take this opportunity to present some background on this matter. The Board first considered the necessity of this type of statute based on advice from the Board's legal counsel. It is a tool that is missing from our investigations, particularly in the area of sexual misconduct.

The majority of the Board's investigations are of two types: the unlicensed offer to practice and/or the unlicensed practice of massage and complaints of sexual misconduct by an LMT. When a complaint of any type is received in the office it is first reviewed to determine if the Board has the authority to impose disciplinary action should the complaint prove to be valid. Many complaints come into the office that are not assigned a case number or investigated because the issues are outside the Board's jurisdiction. When this happens, the LMT mentioned in the complaint is not notified. It is important to note that sometimes a complainant asks to remain anonymous and we cannot provide his/her name to the LMT.

If the complaint is considered to be valid, the Board will notify the Respondent (LMT). Often the Board's investigator does this. The process may include multiple meetings with the investigator who will also meet with the Complainant. After the investigation, a report will be presented to the Board during an Executive Session meeting. The Board will either close the case because the investigation did not support the allegations or proceed with proposed disciplinary action.

The decision to proceed with disciplinary action will be made a part of the record during the public portion of a board meeting. Because all investigative materials are confidential, cases presented for disciplinary action are referenced by case number and not by the Respondent's name. A Respondent found to be in violation of the Board's statutes and rules would be served a Notice of Proposed Disciplinary Action (Notice). The Notice will present the violations as perceived by the Board. The Respondent is allowed to request a hearing; the request must be in the board office within 21 days from the date the Notice was served. If the request for a hearing is not received within 21 days, the Notice becomes a Final Order and the disciplinary actions presented by the Board in the Notice are final and enforceable. If the Board proceeds with a hearing, this is handled by the Justice Department, Central Hearings Office Panel. The Central Hearings Panel is a separate agency from the Board. At any time during the investigative or proposed disciplinary action processes, the Respondent may enter into a Stipulated Order with the Board. A Stipulated Order is an agreement between all parties and is often entered into without the necessity of a hearing. Those are the very basics of the complaint process.

There has been an alarming increase in the number of sexual misconduct complaints filed with the Board. Since March of 1996, approximately 28 complaints of that type have been sent to the Board. Of those 28 complaints, 7 were filed in the year 2002; that is 25%! Five of those 7 complaint were filed since July 2002. If I were an LMT, I would find these numbers frightening. These are disturbing cases and are a very negative mark against the massage profession.

In most cases in which the allegations are proven to be valid, the Board proposes revocation or suspension of an LMT's license. And this is where a competency evaluation can be a useful tool. For example, an Administrative Law Judge from the Central Hearings Panel conducts a hearing. The judge will base his/her decision on the testimony given and evidence in the case file. If the Board were able to prove, through a competency evaluation, that an LMT demonstrated behavior that would be a continued risk to the public, this could support the Board's decision to prevent this person from practicing again. On the other hand, a competency evaluation could indicate that the LMT was not a "sexual predator" but someone who overstepped the professional boundaries with a client and would not likely engage in that type of behavior again. This could result in suspension and/or probation with a requirement that the LMT take ethics courses, undergo counseling, be a subject of peer review or other alternatives.

I hope this information provides a better understanding of the complaint process and why competency evaluations would be a useful tool for the Board. It is not the Board's intent to utilize this type of law without a thorough case investigation. As the massage profession continues to grow and attain a higher degree of professionalism, it is important for the Board to move forward in its investigative and consumer protection programs in order to protect the public and the profession as a whole.

CONSUMER PROTECTION PAGE FILING COMPLAINTS

OAR 334-030-0010 states a person may submit a complaint anonymously. While this is true, it can severely hinder an investigation if the Board's investigator cannot contact the Complainant. If you file a complaint and request to remain anonymous we will not give your name to the Respondent. However, sometimes we cannot investigate cases because we don't have enough information to proceed and don't have a means to get more information. So please give your name and contact information to the Board when filing a complaint.

The following is a very large list of board action on complaints that have been closed or resulted in disciplinary action from January 2001 to the present. This list does not include cases that are currently under investigation.

The Code Key: **A** = Unlicensed Practice **B** = Professional Misconduct **C** = Prof. Misconduct of a Sexual Nature

RESPONDENT	CASE #	CODE	SUMMARY
Robin Rose, Lic# 2184	029	A	Allegation: Respondent was practicing on an expired license. Respondent could not be located; the case was closed 7/23/01.
Shawn Joseph	041	A	Allegation: Advertising to provide massage services when unlicensed. Respondent could not be located; the case was closed 7/23/01.
Shontell Truvette "aka" Jill Burns, Lic # 3199	042	A	Allegation: Respondent was practicing on an expired license. Respondent could not be located; the case was closed 5/7/01.
Jennifer Stoloff	044	A	Allegation: The unlicensed practice of massage. The Board issued a Notice that proposed assessment of civil penalties; Respondent has requested a hearing.
Yvonne Malmberg	047	A	Allegation: The unlicensed practice of massage. Respondent could not be located; the case was closed 7/23/01.
Thomas Cannard	053	A	Allegation: Advertising to provide massage services when unlicensed. Respondent could not be located; the case was closed 9/8/02.
Antoinette Pamuya, Lic# 3849	059	A	Allegation: Respondent was advertising to practice on an expired license. Respondent retired permanently; the case was closed 5/7/01.
Suzanne Mathis (unlicensed); owner of The Phoenix Spa	063	A	Allegation: The unlicensed practice of massage. Through investigation it was discovered several LMTs worked there – however, they had not provided the Board with current addresses. The case was closed 11/2/01 with the issuance of a letter of concern to the relevant therapists.
Kiera Ezell	066	A	Allegation: The unlicensed practice of massage. There was insufficient evidence to support the allegation; the case was closed 7/23/01.
Brian Westfall "aka" Kyler	069	A	Allegation: Advertising to provide massage services when unlicensed. On January 10, 2002, the Board issued a Final Order to assess civil penalties.
Christine Cromer	077	A	Allegation: The unlicensed practice of massage. On January 10, 2002, the Board issued a Final Order to assess civil penalties.
Karen Statz & Susan Frey; Tips and Toes	078	A	Allegation: The unlicensed practice of massage. Respondents are licensed cosmetologists and were not found to be working outside their scope of practice; the case was closed 11/2/01.

RESPONDENT	CASE #	CODE	SUMMARY
Jeffrey Burch	080	A	Allegation: The unlicensed practice of massage. The Board issued a Notice that proposed assessment of civil penalties; Respondent has requested a hearing.
Diane Steinbrecher	083	A	Allegation: The unlicensed practice of massage. Respondent practices Hakomi psychotherapy and was not found to be working outside her scope of practice; the case was closed 5/7/01.
Chris Whetstine, Lic# 4908	086	B	Allegation: Respondent used a technique on a client that could endanger the health or safety of the client. On April 15, 2002 the Board served a Notice that proposed to place Licensee on supervised probation. Respondent has requested a hearing.
Marvin Lindquist	093	A	Allegation: The unlicensed practice of massage. On August 15, 2002, the Board issued a Final Order to assess civil penalties.
Dan Grossberg	097	A	Allegation: The unlicensed practice of massage. Respondent is a licensed acupuncturist and was not found to be working outside his scope of practice; the case was closed 7/23/01.
Sarah Green	109	A	Allegation: The unlicensed practice of massage. On September 11, 2002, the Board issued a Final Order to assess civil penalties.
Kyle Cook, Lic# 7349	116	A	Allegation: Respondent was advertising to practice on an expired license. On September 23, 2002 the Board served a Notice that proposed assessment of civil penalties. Respondent has requested a hearing.
Marcia Kruger	124	A	Allegation: The unlicensed practice of massage. On October 1, 2002, the Board issued a Final Order to assess civil penalties.
Kim Schaffer	126	A	Allegation: The unlicensed practice of massage. On August 20, 2002, the Board issued a Final Order to assess civil penalties.
Marlene Varady, Lic# 1971	133	B	Allegation: Respondent used a technique on a client that could endanger the health or safety of the client. On September 27, 2002 the Board served a Notice that proposed to place Licensee on supervised probation.
Linda King	135	A	Allegation: The unlicensed practice of massage. The Board issued a Notice that proposed assessment of civil penalties; Respondent has requested a hearing.
Robert Friedman, Lic# 5008	102	A	Allegation: The unlicensed practice of massage. There was insufficient evidence to support the allegation; the case was closed 5/7/01.
The Atrium	108	A	Allegation: The unlicensed practice of massage. The Board's legal counsel stated the Board could only consider disciplinary action against individuals and not against a "business"; the case was closed 1/8/02.
Joshua Haber	110	A	Allegation: Advertising to provide massage services when unlicensed. Through investigation it was determined the allegations were unfounded; the case was closed 7/23/01
Gisele Guerrasio	122	A	Allegation: The unlicensed practice of massage. On January 4, 2002 the Board served an Amended Notice that proposed assessment of civil penalties. Respondent is in the process of negotiating a settlement with the Board.

RESPONDENT	CASE #	CODE	SUMMARY
Don Weter, Lic# 5734	123	C	Allegation: Professional or dishonorable conduct of a sexual nature. On September 27, 2001 the Board served a Notice that proposed to revoke Respondent's license. Respondent entered into a Stipulated Agreement with the Board on June 10, 2002. Respondent's license was suspended for six months and Licensee was placed on probation with requirements for counseling, additional CEU courses, and payment of the Board's costs.
Ronson Michael Holden, Lic# 9320	127	A	Allegation: The unlicensed practice of massage. On May 30, 2002, the Board served a Notice that proposed assessment of civil penalties. Respondent entered into a Stipulated Agreement with the Board regarding payment of the civil penalties and obtained his Oregon license (No. 9320). Due to Respondent's cooperation and because he obtained his license, the Board reduced the amount of the civil penalty.
Laura Underwood	128	A	Allegation: The unlicensed practice of massage. On February 7, 2002, the Board issued a Final Order to assess civil penalties.
Sarah Mock	130	A	Allegation: The unlicensed practice of massage. Respondent is a licensed cosmetologist and was not found to be working outside her scope of practice; the case was closed 7/25/02.
Fawn DeTurk, Lic# 7995	132	A	Allegation: The unlicensed practice of massage. On December 13, 2001 the Board served a Notice that proposed assessment of civil penalties. Respondent entered into a Stipulated Agreement with the Board regarding payment of the civil penalties and obtained her Oregon license (No. 7995). Due to Respondent's cooperation and because she obtained her license, the Board reduced the amount of the civil penalty.
Gina Purl	134	A	Allegation: Advertising to provide massage services when unlicensed. Respondent could not be located; the case was closed 7/25/02.
Samantha Buel	136	A	Allegation: The unlicensed practice of massage. The Board issued a Notice that proposed assessment of civil penalties; Respondent has requested a hearing.
Frank Souza, Lic# 5682	140	C	Allegation: Professional or dishonorable conduct of a sexual nature. On October 14, 2002, the Board served a Notice that proposed to revoke Respondent's license and to assess civil penalties.
"JD"	141	A	Allegation: Advertising to provide massage services when unlicensed. Respondent could not be located; the case was closed 3/5/02.
Tod Carrig, Lic# 9117	143	A	Allegation: The unlicensed practice of massage. On August 12, 2002 the Board served a Notice that proposed assessment of civil penalties. Respondent entered into a Stipulated Agreement with the Board regarding payment of the civil penalties and obtained his Oregon license (No. 9117). Due to Respondent's cooperation and because he obtained his license, the Board reduced the amount of the civil penalty.
Melissa Montalbano	144	A	Allegation: The unlicensed practice of massage. Respondent could not be located; the case was closed 7/25/02.

RESPONDENT	CASE #	CODE	SUMMARY
Ruben Benavidez, Lic# 8230	145	A	Allegation: The unlicensed practice of massage. On May 30, 2002 the Board served a Notice that proposed assessment of civil penalties. Respondent entered into a Stipulated Agreement with the Board regarding payment of the civil penalties and obtained his Oregon license (No. 8230). Due to Respondent's cooperation and because he obtained his license, the Board reduced the amount of the civil penalty.
Hester Golden	146	A	Allegation: Advertising to provide massage services when unlicensed. Respondent moved out of state and was no longer within the Board's jurisdiction; the case was closed 7/25/02.
Elma Nardini	154	A	Allegation: Advertising to provide massage services when unlicensed. Respondent was retired - however the investigation led to proposed civil penalties against Sharlene Young (case #155); this case was closed 7/25/02.
Sharlene Young	155	A	Allegation: The unlicensed practice of massage. The Board issued a Notice that proposed assessment of civil penalties; Respondent has requested a hearing.
"Warren"	185	A	Allegation: The unlicensed practice of massage. There was insufficient evidence to support the allegation; the case was closed 9/8/02.
Samuel (Habib) Bailey, Lic# 6601	186	C	Allegation: Professional or dishonorable conduct of a sexual nature. On September 17, 2002, the Board served a Notice that proposed to revoke Respondent's license and to assess civil penalties. The Respondent voluntarily surrendered his license to practice massage in Oregon on September 24, 2002.
Randy Ojua, Lic# 5479	187	C	Allegation: Professional or dishonorable conduct of a sexual nature. On October 15, 2002, the Board served a Notice that proposed to revoke Respondent's license and to assess civil penalties.

The above list does not include approximately 15 cases that cannot be listed for confidential reasons. Future issues of *the Boarderline* will be updated as information becomes available.

As this is the final issue of *the Boarderline*
in the year 2002.....

The Board wishes each of you, your
families and loved ones a Happy,
Safe and Memorable Holiday Season!