

Enrolled Senate Bill 298

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for State Board of Massage Therapists)

CHAPTER

AN ACT

Relating to therapeutic touching; creating new provisions; and amending ORS 687.011 and 687.051.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 687.011 is amended to read:

687.011. As used in ORS 687.011 to 687.250, 687.895 and 687.991:

- (1) "Board" means the State Board of Massage Therapists.
- (2) "Certified class" means a class that is approved by the board and is offered:
 - (a) By a person or institution licensed as a career school under ORS 345.010 to 345.450;
 - (b) By a community college and approved by the Higher Education Coordinating Commission;
 - (c) By an accredited college or university; or
 - (d) In another state and licensed or approved by the appropriate agency in that state.
- (3) "Manual" means the use of the hands, feet or any other part of the body in the performance of massage.

(4)(a) "Massage," [or] "massage therapy" or "bodywork" means the use of pressure, friction, stroking, tapping or kneading on the human body, or the use of vibration or stretching on the human body by manual or mechanical means or gymnastics, with or without appliances such as vibrators, infrared heat, sun lamps or external baths, and with or without lubricants such as salts, powders, liquids or creams, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition.

(b) "Massage," "massage therapy" and "bodywork" do not include the use of high-velocity, short-amplitude manipulative thrusting procedures to the articulations of the spine or extremities.

(5)(a) "Massage facility" means a facility where a person engages in the practice of massage.

(b) "Massage facility" does not include:

(A) A career school licensed under ORS 345.010 to 345.450; [or]

(B) An accredited college or university or a community college operated under ORS chapter 341; or

[(B)] (C) A clinic or facility owned or operated by a person authorized to practice a profession by a health professional regulatory board, as defined in ORS 676.160.

(6) "Massage therapist" means a person licensed under ORS 687.011 to 687.250, 687.895 and 687.991 to practice massage.

(7) "Practice of massage" means the performance of massage:

- (a) For purposes other than sexual contact, as defined in ORS 167.002 (5); and
- (b) For compensation.
- (8) "Preceptor" means a licensed massage therapist who contracts with an approved school or program of massage to provide direct on-site clinical supervision of a [*massage*] student enrolled in a certified class.
- (9) "Supervision" means:
 - (a) The process of overseeing and directing the training of [*massage*] students **enrolled in a certified class** as set forth in the rules of the board;
 - (b) The process of overseeing and directing a licensee, or a person that has a permit to operate a massage facility, who is being disciplined by the board; or
 - (c) Voluntary consultation with, and education of, less experienced licensed massage therapists or practitioners in related fields.
- [(10) "*Treatment*" means the selection, application and practice of massage or massage therapy essential to the effective execution and management of a plan of care.]
- [(11)] (10) "Unprofessional or dishonorable conduct" means a behavior, practice or condition that is contrary to the ethical standards adopted by the board.

SECTION 2. ORS 687.051 is amended to read:

687.051. (1) To be eligible for issuance of an initial license in this state as a massage therapist, the applicant shall:

- (a) Furnish the State Board of Massage Therapists with personal references required by rule of the board.
- (b) Have attained the age of 18 years.
- (c) Furnish the board with educational certificates or transcripts required by law or rule of the board including but not limited to proof of certification in cardiopulmonary resuscitation.
- (d)(A) Have completed a minimum of [500] **625** contact hours of certified classes in the following subjects:
 - (i) Anatomy and physiology;
 - (ii) Kinesiology;
 - (iii) Pathology;
 - (iv) Theory; and
 - (v) Hands-on practice of massage [*and*] **or** bodywork techniques and professional practices, including client communication and boundaries, professional and business ethics and sanitation; or
- (B) Obtain the approval of the board after the board performs a credentialing review, including but not limited to a review of the classes completed by the applicant and the applicant's professional experience, to determine the applicant's proficiency in the field of massage.
- (e) Pass an examination prepared and conducted by the **State Board of Massage Therapists** or its authorized representative establishing **the applicant's** competency and ability to engage in the practice of massage. The examination must be administered in the English language or another language approved by the **State Board of Massage Therapists** and may be in written, oral or practical form and may test the applicant for the required level of knowledge and skill in any subject related to massage [*and*] **or** bodywork. The **State Board of Massage Therapists** shall accept passage of the National Certification Board for Therapeutic Massage and Bodywork examination or another [*board-approved*] national standardized examination **approved by the State Board of Massage Therapists** as meeting the written examination requirement [*contained*] **described** in this paragraph.
- (f) Submit the application with payment for licensing within one year after notification of having passed the qualifying examination.

(2) An applicant must be a person of good moral character. For purposes of this section, the lack of good moral character may be established by reference to acts or conduct reflecting moral turpitude or to acts or conduct that would cause a reasonable person to have substantial doubts about the applicant's ability to **engage in the practice of** massage in accordance with ORS 687.011 to 687.250, 687.895 and 687.991 and rules of the board.

(3) The board may require that an applicant furnish evidence satisfactory to the board that the applicant can safely and competently practice [*the profession of*] massage. The board may consider evidence including, but not limited to, indications of impairment as defined in ORS 676.303 or of behavior, practices or conduct that would be considered unprofessional or dishonorable conduct if engaged in by a person licensed under ORS 687.011 to 687.250, 687.895 and 687.991.

(4) The board shall adopt rules establishing the required hours for each subject listed in subsection (1)(d)(A) of this section.

(5) To be eligible for biennial renewal, a renewal applicant shall submit evidence to the board, as determined by the board by rule, that the applicant has completed a minimum of 12 hours of board-approved continuing education.

(6) To be eligible for inactive status, a licensed massage therapist [*must not be practicing*] **may no longer be engaged in the practice of** massage in this state.

SECTION 3. The amendments to ORS 687.051 by section 2 of this 2015 Act apply to applications received by the State Board of Massage Therapists on or after the effective date of this 2015 Act.

Passed by Senate April 21, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 9, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2015

Approved:

.....M.,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2015

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Jeanne P. Atkins, Secretary of State