



# Oregon

John A. Kitzhaber, MD, Governor

## Board of Massage Therapists

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**Subject:** Senate Bill 387 Massage Facilities Permits

**References:** Oregon Revised Statute 687

**Background:** The Oregon Board of Massage Therapists had statutory authority over facilities licensing from 1955 through 1989. During the 1989 Legislative Session the board had this language removed as the premise was the massage facility inspections would be moved to a different state agency. Unfortunately, the second Bill died and facility inspections duties were never transferred, only removed from our statutory authority. As of this date, there is no massage facility oversight in Oregon.

### **Discussion:**

The Oregon Board of Massage Therapists has oversight of practitioners who practice massage therapy but **not** the massage facility owners. Within the last five years, the board has experienced massage facilities in operation that do not employ Licensed Massage Therapists. Instead, they employ unlicensed Asian women who speak limited English. We have had multiple complaints ranging from injuries, sexual assaults, video recording, etc. with unlicensed therapists practicing in these illicit massage facilities. The Board only has authority to issue a civil penalty to these facilities for advertising massage with no license number in the advertisement. We also issue civil penalties to the unlicensed practitioner who have limited English proficiency and does not understand licensing requirements. These civil penalties are continually paid by the unlicensed facility owner, who after several citations, then transfers ownership to a friend or relative and remain in operation. We have tried to involve the local police in these areas, but due to rural police department's budget constraints, the facilities remain in operation.

In addition, there are privately owned massage facilities that do not adhere to the sanitation standards that are required of all licensed massage therapists. In these instances, the licensed massage therapists may be disciplined for not following the sanitation guidelines of the Board, even though they are following the direction of the facility owner, their supervisor. Currently we lack the authority to issue a citation to a facility owner who is not a licensed massage therapist.

OBMT has excluded health professional licensed by a regulatory board per ORS 676.160 and career schools from this Senate Bill.