



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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RULES COMMITTEE MEETING

June 24, 2013

OBMT Office

Attendance

Committee Members:

Michael Jordan, LMT, Chair

Tina West, LMT

Eric Polgar, LMT

Todd Pennington, LMT

Steve Davis, LMT

Barb Pickle, LMT

Carol Gray, LMT

Board Members & Staff:

Craig McMillin, Board Liaison

Kate Coffey, Executive Director

Christine West, Policy Analyst

Bryanna Beauchamp, Student Intern

Absent: Heather Bennouri, LMT

Public: None present

Call to Order - Jordan called the meeting to order at 9:06 am.

Introductions – Present today are Michael Jordan, Tina West, Todd Pennington, Eric Polgar, Carol Gray, Barb Pickle and Steve Davis; Board member Craig McMillin, Board staff Christine West and Bryanna Beauchamp.

Rule Assignments: Review Examination, Review Facilities and Sanitation, Review Continuing Education, Create Retired Status Rule.

After much discussion and review of the Oregon Revised Statutes, the committee agreed to send the Retired Status Rule back to the Board with their response: To create a retired status, other than inactive, this will need to occur through legislation. With the database modifications that would be required, the committee does not feel there is a great enough need to justify the expense.

After much discussion, the committee agreed to send the following versions of the rules to the Board and to the November Rules Hearing for adoption (~~strike through~~ represents deletions, **bold** represent new additions):

334-010-0010

Examination

- (1) The LMT examination must be held at least twice annually.
- (2) The applicant ~~must~~ **will** be notified by **electronic mail and/or U.S. mail**, ~~postmarked~~ at least two weeks before the scheduled exam, unless otherwise waived by the applicant, of the time and place.
- (3) Applicants who have a documented and verifiable emergency may request to have their exam fee apply to a subsequent examination: ~~so long as the applicant sits for the examination within a one year of the original date of examination. Only one extension shall be permitted.~~
 - (a) **Applicant has 14 days to submit verifiable documentation of the emergency;**
 - (b) **applicant must sit for the examination within one year of the original date of examination; and**
 - (c) **only one extension shall be permitted.**
- (4) Refund of the examination fee may be granted upon written request should the applicant not qualify for the examination. Refunds may also be made for individuals who have a documented and verifiable emergency and are unable to sit for the

exam provided the written request and associated documentation are received by the board at least 7 days prior to the exam.

- (5) Applicants are required to take and pass a Board approved written exam and the Oregon practical examination, which includes a written test on Oregon statutes and administrative rules.
- (6) Failure to Pass: An applicant must pass the practical examination within 24 months of the initial date of application. The Board may require an applicant with 3 or more examination failures to undertake and satisfactorily complete a Board approved remediation plan prior to reapplying for the examination.
- (7) Examinee Conduct: An examinee, whose conduct interferes with the testing process or whose behavior violates ethical practices or jeopardizes the safety of another may be dismissed and disqualified from examination. Such conduct includes but is not limited to the following behaviors:
 - (a) Giving or receiving examination data, either directly or indirectly,
 - (b) Failure to follow written or oral instructions relative to conducting the examination, including termination times and procedures;
 - (c) Endangering the life or health of others present
 - (d) Introducing unauthorized materials during any portion of the examination;
 - (e) Attempting to remove examination materials or notations from the testing site; or
 - (f) Violating the credentialing process such as falsifying or misrepresenting educational credentials or other information required for admission to the examination, impersonating an examinee, or having an impersonator take the licensing examination on one's behalf.
- (8) Test questions, scoring keys, and other examination data used to administer the qualifying examination are exempt from disclosure under ORS 192.410 to 192.505 as amended.
- (9) The Board may release statistical information regarding examination pass/fail rates by group, type of examination, school, year, and subject area to any interested party.
- (10) All examinations are given in the English language.
- (11) Applicants with Special Needs: An applicant is presumed to possess sufficient sensory, visual, hearing and psychomotor capabilities to independently perform massage and bodywork skills. An applicant with special needs may apply to the Board for the provision of special conditions to complete the examination:
 - (a) The Board may require proof, provided by a qualified professional on letterhead, of the nature of the special need and type of special conditions recommended to complete the exam.
 - (b) A request for special conditions must be made to the Board in writing at the time of application.

334-010-0050

Continuing Education

The intent of Continuing Education is to protect the public by maintaining and enhancing competencies as defined in OAR 334-010-0047.

- (1) Each licensee must complete 25 hours of continuing education in the competencies each renewal period. At renewal time, each licensee must sign and submit a Board supplied CE form indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.
 - (a) At least 12 hours must be contact hours.
 - (b) The remaining 13 hours may be contact hours or in areas as defined on the Board supplied CE form.
- (2) The continuing education requirement ~~must~~ **does** not apply to a licensee's first license renewal.
- (3) Continuing education must be completed within the renewal period. Contact hours taken **and submitted during renewal** in excess of the total number required may only be carried over to the next subsequent renewal period.
- (4) Continuing education records must be maintained by each licensee for a minimum of five years.
- (5) If the Board finds indications of fraud or falsification of records, investigative action must be instituted. Findings may result in disciplinary action up to and including revocation of the licensee's license.
- (6) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.
- (7) Continuing education must be in areas related to the practice of massage or bodywork including theory, research, technique or business development.

334-020-0005

Facilities and Sanitation

(1) Permanent and Mobile structures:

- (a) All permanent structures and mobile facilities where a LMT routinely conducts massage and bodywork must:
 - (A) Be established and maintained in accordance with all local, state and federal laws, rules & regulations;
 - (B) Provide a finished lavatory that
 - (i) Is well maintained,
 - (ii) Provides a system for sanitary disposal of waste products,
 - (iii) Is capable of being fully closed and locked from the inside,
 - (iv) Supplies hot and cold running water,
 - (v) Is supplied with liquid soap and single use towels,
 - (vi) Is supplied with toilet paper at each toilet, and
 - (vii) Has a ~~poster~~ **sign** prominently displayed encouraging hand washing;
 - (C) Dispose of refuse sewage in a manner described by local and state law; and
 - (D) Follow applicable laws pertaining to public spas, pools, baths and showers.
- (b) All treatment spaces must:
 - (A) Provide for client privacy, both in-house and on-site;
 - (B) Be designated as used only for massage at the time of services;
 - (C) Provide for sufficient heating, cooling and ventilation for client comfort; and
 - (D) Provide illumination during cleaning.
- (c) The facility and treatment space must be:
 - (A) Cleaned regularly and kept free of clutter, garbage or rubbish;
 - (B) Maintained in a sanitary manner; and
 - (C) Maintained free from flies, insects, rodents and all other types of pests.

(2) Outcall/On-site

- (a) Any temporary location where the LMT conducts massage and bodywork, the LMT must provide and utilize:
 - (A) Safe, sanitized and well-maintained equipment, tools and preparations;
 - (B) Sanitary linen practices; and
 - (C) Client privacy practices.

Fiscal Impact Statements: After discussion of the fiscal impact for each rule, it was determined these rules are already in place, the amendments will not create a material fiscal impact to the agency or LMT's.

Adjournment - The meeting adjourned at 11:00 a.m.

Next meeting - July 29, 2013 at 9 a.m.