



Oregon Board of  
Massage Therapists



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2010 Upcoming Board Meeting Dates

- Monday, November 15th at the Board office

All meetings begin at 9:00 a.m. unless otherwise noticed

***A Note From the Board Chair***

It is hard to believe that it is October already. The last ten months that I have been the OBMT Board Chair has given me the wonderful opportunity to meet and talk to many of the licensees in the state. I look forward to meeting more of you in the future. It is an honor and a privilege to serve as your Board Chair this year and I appreciate the support that has been expressed to me. Thank you!

—Kathy Calise

***Fee Changes***

Dear Oregon LMT's

As you know, the Governor elected to change the leadership of the board office in February 2010. The seven-member Board consists of relatively new members and we are dedicated to improving the quality of service to our licensees and continuing to enhance the public recognition and confidence in the massage profession. Our intent is to improve the relationship between the Board and the Governor, Legislature and, most importantly, with you, the Licensees. Efforts are being made to streamline and automate our licensing procedures, improve the flow of information to you and provide the best service possible within the framework of our budget and the current office staff. In 2009, we added a Compliance Manager to our office staff to oversee the numerous complaints, investigations and cases the Board responds to and acts on throughout the year. We have adopted a process which should efficiently satisfy the new Legislative requirements of background checks on all Licensees. We are, also, engaged in a complete review of the licensing requirements for the many massage and bodywork professions as has been required of us by the Legislature. All of this is time-consuming and costly. As you may know, all of the Oregon health-related boards are working together to find ways to avoid unnecessary duplication of work and services.

Those efforts will continue... Unfortunately, we have been advised that we will be facing a serious shortage of funds in the next few years. Unless we can balance the budgetary needs of the Board, our ability to maintain the integrity of the profes-

## *Fee Changes Continued...*

sion by eradicating the unlicensed practice of massage and preserving the ethical standards that provide public confidence in this industry, we will find it impossible to maintain our level of services. We have examined the budget, considered the options and believe we can avoid many of the problems which will be faced by other health-related boards by holding the line on expenses and minimally increasing fees. We do this very reluctantly as we have not had increase fees in the last six years despite the increase in licensees. We are seeking your input and encourage your thoughts. At this time the Board is inclined to propose a license fee increase of \$25 per year for each active Licensee beginning January 1, 2011. This would most likely be sufficient to avoid significant reduction in services and maintain a reasonable level of enforcement necessary to discourage unlicensed advertising and practice as well as unethical conduct. To delay an

increase would lead to a far greater problem by 2013 and would then require a more significant increase in revenue. We will be holding meetings throughout the state and encourage you to attend. You are always welcome and wanted at our monthly Board meetings. We, also, sincerely seek your input through email, fax and letters. We are not totally committed to any single idea and we put this on the table for discussion. This industry belongs to the Licensees and with your help we can help it thrive through these harsh economic times. On behalf of the entire Board, I thank you for your assistance and input into this issue. I look forward to working with each of you.

-Kathy Calise, Chairperson, Oregon Board of Massage Therapists

## *Message from the New Executive Director*

I am Kate Coffey the new director for the OBMT and I would like to take this opportunity to introduce myself. I grew up in rural Colorado and attended college at both Mesa College in Grand Junction, Colorado and earned a Bachelors Degree in Finance from Metropolitan State College in Denver, Colorado. I moved to Oregon after graduating from college and went to work for the State of Oregon. I have worked for several state agencies including Department of Forestry, Department of Human Services, Department of Administrative Services and most recently Oregon Employment Department. I have over 20 years of management experience with the State of Oregon. While attending night school I obtained a Masters

Degree in Management from Marylhurst College. I will be working with the OBMT to strengthen many of the administrative processes that support our licensees. Please don't hesitate to call me if you have any questions or concerns. I look forward to working with you!

- Kate Coffey



## *Meet the New Compliance Manager*

Greetings,

I was asked, yea let's say asked, to write a brief bio about myself as a way to let the professionals licensed by this Board know a bit about me, Chris Montenaro, the new Compliance Manager for the Oregon State Board Of Massage Therapists. I have worked in government for the last 30 years or so and meandered across the United States to Oregon in 2001. I was born and raised in Columbus, Ohio and left the employ of the State of Ohio after twenty years. I was offered an appointment to a position in the Commonwealth of Pennsylvania and remained in Pittsburgh PA until I came to Oregon.

In 2008 I decided to take a break and focus on my newborn son and then ultimately made a decision in

2009 to re-enter state employment as the Senior Compliance Specialist with the Oregon State Board of Licensed Social Workers, where I learned a great deal about the regulatory functions of the state of Oregon as it relates to professional licensing.

Recently I was fortunate enough to be given an opportunity to work as the Compliance Manager for the Oregon State Board of Massage Therapists. I look forward to this new role and greet the associated challenges with a smile.

I look forward to meeting or speaking with you, our Licensee's; who are one of the most important people that we serve. Please remember a call from the Compliance office is not always a bad thing!

- Chris Montenaro

## *Education and Scope of Practice Committee Update*

This summer the Education and Scope of Practice committee has been working on the Legislative Directive that asks OBMT to consider several topics related to the regulation of touch professions other than massage i.e. Rolfing, Alexander Technique, Polarity, etc. Historically Oregon massage law has covered any discipline that involves touching the body. This means all practitioners are held to the same education, examination and disciplinary requirements and are given the right to use the words "licensed massage therapist" once they pass the exams. Both the Education / Scope of Practice committee and the Multi-Discipline Task Force are gathering information about the Directive – considering whether the

law provides the best service in protecting the public without creating undue hardship on the non-massage professions. It has been an enlightening exploration. We have discovered several states whose laws address non-massage disciplines differently. We are learning what education is common to all touch professions and what is unique to massage. Ultimately, our objective is to make recommendations to OBMT about the regulating of non-massage touch professions. We welcome public members to attend our meetings and watch the process!

– Lisa Barck Garofalo, Education/Scope of Practice Committee Secretary

### *Address Changes*

**Have you moved? If so, please notify the Board of your change of information within 30 days of that change as required per OAR 334-010-0025 (7). Note that we only accept this information in written form. This mean the updated information can be submitted via mail, email, website or fax.**

## *Continuing Education: Affordable Ways to Meet Your Requirements*

Whether in a good economy or a bad economy, the cost of CEs is often a concern to LMTs, particularly those in certain demographics (for example, seniors, rural area practitioners, and those who only practice minimally). Several years ago, the Education and Scope of Practice Committee reviewed the requirements for continuing education and made revisions in order to make access to continuing education simpler as well as providing options that can result in less expensive credits. While 25 CEs are still required, they have been classified as "contact" hours (minimum of 12 hours) and "noncontact" hours (maximum 13 hours).

### Contact Hours

These are defined as classes in the physical presence of an instructor with 2 or more other massage, bodywork, or healthcare professionals. Typically, LMTs use different types of bodywork classes to fulfill these requirements. There are a number of other options as well. Some of the professional associations (AMTA-OR and OMTA, for example) hold regular presentations in different parts of the state. Several local communities have formed "LMT Support Groups" under various different names. Any time these groups provide a presentation and there is a minimum of two healthcare providers or bodyworkers present, you can count this as continuing education. Usually these groups will provide you with a certificate, but if not, ask for a letter from the presenter that includes the date, time, topic, presenter name, and phone number and you can claim these hours as well.

Still nothing in your area? Find two other health care providers in your community. If you sit down with them once a month to talk about various issues related to professional practice, and designate one individual as the "facilitator" for each meeting (then rotate monthly if you like), then record these events (using the letter format or providing each other with certificates), and you have created your own CE community, free, and worth those valuable contact hours. Furthermore, it can be tailored to your group's needs and your community's issues. You can also bring in guest speakers or talk to the professional associations about getting involved--often they have benefits for those who volunteer for them.

If you have another health profession license, you can most likely use courses required for that license as well, as long as they meet the contact hour definition.

You can even take classes at local community colleges--in everything from Taxes to Spanish to Marketing, again, meeting the contact hour definition and as long as it is demonstrably related to your massage practice. What's even better about community college credits is that even though the course may be labeled as a "three credit hour" class, the actual number of hours spent physically in class will exceed the required amount of CE hours. The excess contact hours can be applied toward your next renewal. Please note that credit hours are calculated as 10 clock hours are equal to 1 credit hour.

When Bodyworlds 3 came to Portland, both professional associations organized group trips to OMSI to provide CEs. If you have the right size group going and someone willing to coordinate it, you can sometimes qualify for discounted admission as well.

### Non-contact Hours

These fall under a variety of different categories, as listed on the OBMT Continuing Education Form. Please be aware that even when taking a "certified" online DVD or mail course, it will fall into this category for non-contact (due to the lack of physical presence of an instructor). However, there are a couple of massage "libraries" available (contact the Board office or your professional association). Learning through DVD, book, or online is a way to get courses that you might not be otherwise able to access. An example of this is iTunes University (free download at [itunes.com](http://itunes.com)) has a number of different courses--all for free that you can watch or listen to as well. You will need to write a one-page summary that includes the title, the author, and the length of time to read or watch the materials to receive credit for these hours.

Volunteering massage at a local event, attending a board or committee meeting, or mentoring a massage student can also count towards continuing education. Again, you will need to document these hours as required by the OBMT CE form.

If you plan it right, and think ahead, it is possible to get continuing education that is completely tailored to your needs for free. More specialized classes are always available. If you still have questions, contact the Board office to learn more about your options.

- S. Heather Bennouri, LMT 10079 and OBMT Vice-Chair

## *MDTF Update*

The newly formed Multi Disciplinary Task Force (MDTF) has been very busy the last eight months. I want to thank all of those that are volunteering their time to this large project. We have been finding that our meetings on the campus, East West College of the Healing Arts, have been a great location for the majority of current members. I was very pleased to host upwards of 38 public members at one of our recent meetings! We are currently looking at a broad range of long term and short term goals for the group. I would like to encourage you to attend on of our future meetings. You can find meetings and agendas on the OBMT website.

-John Combe, LMT and MDTF Chairperson



## *Legal Changes: Senate Bill 177*

From time to time the board becomes aware of changes in Oregon law that have potential to affect our licensee's. In addition to your massage license, many of you may also be licensed by other state agencies or practice other therapies and methods related to your massage practice.

Many LMT's, in addition to massage modalities, practice a variety of different therapeutic and counseling methods. Some of the methods practiced have specific therapeutic benefits that go beyond the maintenance of physical health. While it is beyond the scope of the Board's authority to regulate therapies that aim to treat psychological or emotional needs, physical therapies sometimes unlock mental and emotional barriers. Many LMT's are aware of this potential and have taken your personal practice in directions that addresses these needs.

Senate Bill 177 proposes changes to the definition of social work and who may legally practice methods that

could be categorized as social work. We would encourage any LMT practicing therapies that claim a psychosocial, behavioral, personality adjustment, or similar effect review the law to avoid straying into the realm of a regulated profession. Counseling, the development of a psychotherapeutic relationship with client, and methods that undertake changes in human behavior and modification of behavior for personal growth are regulated areas of the Board of Licensed Clinical Social Workers.

The full text of SB 177 and additional information can be accessed on the web site of the Board of Licensed Social Workers: [http://www.oregon.gov/BLSW/title\\_practice\\_act.shtml#Senate Bill 177](http://www.oregon.gov/BLSW/title_practice_act.shtml#Senate_Bill_177)

Finally, this is not meant as legal advice, only as helpful information. Specific questions concerning your own practice and procedures should be referred to an attorney.

## *What the Board Does: An Internal Viewpoint*

You know how this goes.... in a moment of insight (or weakness) you offer to do that which is out of your mouth and achieving life of it's own before you've thought clearly, let alone breathe substance into the utterance. That would be me, LMT 2614, recently appointed OBMT member David Fredrickson, when I observed aloud that my students, colleagues and community patrons shared an incomplete picture of Board activities and responsibilities. I'd heard their perspectives echoed in the voices of licensees and community members attending monthly OBMT meetings in Salem, so suggested to my fellow Board members that a brief article explaining what the Board does may be helpful.

"Be careful what you ask for, you just might get it".

My four year commitment of OBMT service began with a gubernatorial appointment and senate confirmation in early February. The state executive selects members of citizen based Boards which have varied degrees of oversight of their respective professions. The OMBT is considered a health related board. Seven citizen members serve on the Board and are supported by the OBMT executive director, the director of compliance, staff members, and a department of justice attorney. Ours is a semi-independent board, accepting no general fund support and wholly responsible for financial oversight, policy, administrative rule and statutory review, plus the compliance and governance of six and a half thousand Oregon licensees.

"Yikes! No shortage of new material".

Prior to joining the Board I knew that OBMT professional staff members handled exam and license applications, examination procedures, ongoing license renewals, and managed communication with schools and stakeholders. Now I better understand how much staff time is dedicated to compliance issues. Fielding complaints, doing background checks of license applicants and providing the Board con-

tract investigators accurate and pertinent information is key to the timely resolution of cases brought before the Board for closure, review or sanction. I've been impressed by the dedication and competence of the compliance and investigative staff. Fully half of our daylong Board meeting can be spent handling compliance issues. Professional staff enables the Board to function more efficiently and effectively. My thanks go to staff, fellow Board members, licensed massage and bodywork professionals and the public clients we serve.

Our current Board is "young", meaning several members are recent appointees, representing licensees, the health care community, and public citizens. Vital challenges and opportunities we face are the recruiting and hiring of the next OMBT executive director. The pace and timing of this process are large concerns to all involved.

Within the context of an upcoming election and transition to a new administration, the OBMT Board will continue to focus on balancing the sometimes competing interests of our influential partners; be they legislatively, collegially, constituent, member, health-care or insurance industry based.

"There's much to do. Roll up your sleeves!"



*The future belongs to those who believe in the beauty of their dreams.*  
-Eleanor Roosevelt

## ***New Board Member***

Hello fellow licensees. My name is Melanie Morin and I am the newest member of the Oregon Board of Massage Therapists. I am thrilled to serve as a L.M.T. Board Member and would like to share with you a little about myself. In 1997, I graduated from Boulder College of Massage Therapy in Boulder, Colorado. After graduating I moved to Portland, Oregon to pursue a career in massage therapy. I received my license in 1998 and have been happily providing therapeutic massage and bodywork to the public ever since. I am dedicated to this profession and want to do all I can to ensure the continued growing success in the field.

Besides being a licensed massage therapist, I am also a Reiki Master and massage therapy instructor. When I'm not teaching or working on clients; I enjoy playing drums, listening to music, working in my garden, and enjoying the outdoors. I am grateful for the opportunity to serve as an OBMT Board Member and I look forward to seeing you at future board meetings.

## ***Insurance Billing***

Recently, the Board has become aware of numerous cases of fraud and inconsistencies with insurance billing by LMT's. In the course of sorting through these cases, the Board found a variety of different practices with regard to insurance billing and discovered many misconceptions surrounding the practice. Many LMT's also may not be aware that billing insurance providers for services is regulated by law and must conform to certain regulations. In order to help you avoid some common pitfalls the Board presents the following information to help provide you with a better understanding in this area.

### What can an LMT bill?

Under Oregon Law, LMT's are "health care providers." (ORS 676.160) As such, LMTs are required to comply with certain health care rules related to insurance billing and fall under certain aspects of Personal Injury Protection law. Most relevant to LMT is the question; what can a LMT charge when billing insurance?

A LMT may not charge more when billing insurance than they would normally charge for their services. Specifically LMT's may charge their normal fee, or the fee specified by the Workers Compensation fee schedule (which explained in Oregon Revised Statute 656.248).

For example, if a LMT usually charges \$65 for an hour of massage, they may not charge \$150 because that treatment is billed to an insurance provider. Whether paid directly by the patient, or reimbursed by insurance, the LMT must charge their normal rate.

### How do I determine the fee I can charge?

What is your normal rate? Although not required, the Board recommends that LMT's have a printed fee schedule and charge patients accordingly. Transparency in this area will save you a great deal of work and stress if an insurance company ever disputes your billing records. A printed fee schedule can be provided to an insurance company, along with financial records showing that the amount billed in the instant case is your usual fee and that you have a history of charging the same amount for the given service. This is a much better position to be in, rather than face an insurance provider investigation for fraud or be denied payment for services.

### Can I give a discount?

A LMT may provide a discount for cash received at time of service. The law does not prevent you from offering a client a discount for payment in cash. If this has been your practice, you may continue.

## *Insurance Billing Continued...*

### But I don't bill insurance.

While these Oregon laws are only related to insurance billing, the Board still suggests that LMT's have a printed fee schedule. This is good business and marketing Practice. Your clients will know what you charge, what your service consists of, and the various therapeutic services you offer. In addition, if there is ever a dispute about the amount billed to an insur-

ance provider, your printed fee schedule will clearly display that you are charging the same fee to all of your clients.

Finally, this is not meant as legal advice, only as helpful information. Specific questions concerning your own practice and procedures should be referred to an attorney.

## *OBMT Enforcement Information*

The following is complaint/case information for the period 01/01/2010 through 06/30/2010:

<b>Complaints actively open at start date:</b>	<b>98</b>
<b>New complaints received:</b>	<b>88</b>
Allegations of unlicensed practice:	39
Allegations of professional misconduct:	36
No license number in advertising:	13
<b>Closed without Board action:</b>	<b>55</b>
Compliance Met:	18
Unsubstantiated/unfounded/no violation found:	12
Non-licensed person notified of ORS:	3
Unreachable:	6
Board lacks jurisdiction:	9
Letter of concern:	4
Withdrawn:	1
Duplicate Case:	2
<b>Closed with Board action:</b>	<b>25</b>
Unlicensed:	18
Sexual violations:	2
Other issues:	5

The Board took action on eighteen cases of unlicensed practice of massage. Six of those cases involved individuals practicing massage while their license was lapsed, inactive, suspended or revoked. Four of those six individuals have since taken steps to bring their license into a current status.

## ***OBMT Enforcement Information Continued...***

Of the remaining twelve unlicensed cases, eleven were closed as Final Default Order and one entered into a Stipulated Agreement with the Board. In addition, the Board has moved to seek injunctive relief for three individuals that have had multiple disciplinary orders with the Board, yet continued to advertise and/or practice massage without an active license. Of the three injunctive orders, one has been completed in favor of the Board. The other two are pending.

Two individuals have entered into Stipulated Agreements with the Board as a condition of receiving a massage license. Two individuals have entered into Stipulated Agreements with the Board as a condition of renewal of their massage license. One individual was denied licensure. These particular determinations were based on the arrest record and/or criminal history of the individual.

### **Case Detail for LMT's:**

**Case #771:** Benjamin Bekker – License was initially **emergency suspended** in 2009 for multiple violations of ORS 687.081(1)(f), conviction of a crime that bears a demonstrable relationship to the practice of massage; ORS 687.081(1)i, engages in unprofessional or dishonorable conduct; ORS 687.081(3), continued practice constitutes a serious danger to the public; OAR 334-040-0010(4), conviction of a crime in this state or jurisdiction; OAR 334-040-0010(13), use of

*intoxicants, drugs or controlled substances, or mind altering substances to such an extent as to impair or potentially impair licensee's ability to perform professional duties in a safe manner; OAR 334-040-0010(19)(e), any conduct or practice which could endanger the health or safety of a client or the public; and OAR 334-040-019(19)(f) any conduct or practice which impairs the massage therapists ability to safely and skillfully practice massage . The massage license was subsequently **revoked** in 2010.*

**Case #875:** Michael Carter – License was **revoked** for five violations of OAR 334-040-0010(11), practicing or purporting to be in the practice of massage when license has been revoked or suspended, lapsed or inactive; and one violation of OAR 334-040-0010(18), failure to comply with an order issued by the Board; In addition, the Board assessed a total civil penalty of \$6,000 and sought injunctive relief.

**Case #989:** Rick McDaniel – License was **revoked** for multiple violations of OAR 334-030-0005(2)(a), a LMT shall be accountable to his or her clients for the quality and effectiveness of care and services for creating the basic conditions and boundaries necessary to foster safety and trust in the client-therapist relationship; OAR 334-040-0010(19)(a)(A)(B)(C), unprofessional conduct, sexual abuse; OAR 334-040-0010(19)(e), any conduct or practice which could endanger the health or safety of the client or public; as well as violating OAR 334-040-0010(14), practicing massage with a physical or mental impairment that renders the therapist unable or potentially unable to safely conduct the practice of massage.



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**Mission:** The Board of Massage Therapists protects the public through regulating the practice of massage by balancing the needs of the public and Licensed Massage Therapists through development, implementation and continued improvement in the areas of public safety, boundaries and ethics that will reflect the high standards set within the massage therapy profession.