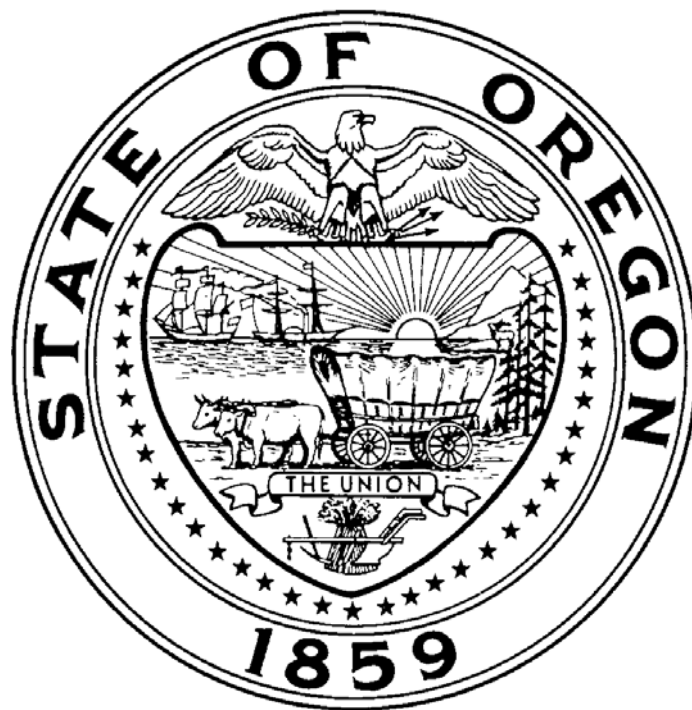


Oregon Board of Massage Therapists



Oregon Administrative Rules

Chapter 334

2009 Edition

Effective July 1, 2009 (corrected 9/16/2009)

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DIVISION 1 PROCEDURAL RULES

334-001-0000

Notice to Interested Persons

Prior to adoption, amendment or repeal of any rule relating to the practice of massage or bodywork, the Board shall give notice pursuant to ORS 183.335 of the proposed adoption, amendment or repeal:

- (1) By mailing or delivering a copy of the notice to persons on the Board's mailing list, established pursuant to ORS 183.335(8);
- (2) By mailing or furnishing a copy of the notice to representatives of the:
 - (a) Associated Press and United Press International;
 - (b) Oregon Massage Therapists Association;
 - (c) American Massage Therapy Association -- Oregon chapter; and
 - (d) Certified Massage Schools in Oregon.
- (3) By mailing or furnishing a copy of the notice to other persons, organizations, and publications that may have an interest in the subject matter of the proposal.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 687.011, 687.086 & 687.121

Hist.: MTB 1-1978, f. & ef. 7-28-78; MTB 2-1982, f. & ef. 7-21-82; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-001-0005

Model Rules of Procedure

The most current Model Rules of Procedure as promulgated by the Attorney General of the State of Oregon under the Administrative Procedures Act are by this reference adopted as the rules and procedures of the Board of Massage Technicians and shall be controlling except as otherwise required by statutes or rules.

Stat. Auth.: ORS 183

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1978, f. & ef. 7-28-78; MTB 1-1980, f. & ef. 2-26-80; MTB 1-1982, f. & ef. 2-4-82; MTB 1-1985, f. & ef. 1-8-85; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98

334-001-0012

Budget

The Oregon Board of Massage Therapists hereby adopts, and fully incorporates herein, the Oregon Board of Massage Therapists' 2009-2011 Biennium budget of \$1,300,000.

Stat. Auth.: SB 1127, ORS 183 & 687.121

Stats. Implemented: Section 6, (1) & (2)

Hist.: BMT 2-1999(Temp), f. & cert. ef. 9-17-99 thru 3-15-00; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2000, f. & cert. ef. 8-3-00; BMT 1-2001, f. & cert. ef. 5-29-01; BMT 2-2003, f. & cert. ef. 6-17-03; BMT 2-2005(Temp), f. & cert. ef. 6-24-05 thru 6-30-05; BMT 3-2005, f. 6-24-05, cert. ef. 7-1-05; BMT 1-2007, f. & cert. ef. 6-29-07; BMT 2-2007, f. & cert. ef. 7-3-07

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Contractual Agreements for Services

334-001-0020

Contracting

- (1) The Oregon Board of Massage Therapists adopts by reference the State of Oregon's contracting procedures. These rules are contained in the Oregon Administrative Rules, Chapter 125, Divisions 20, 300, 310, 320, 330 & 360.
- (2) The Board intends to develop its own contracting rules, but until those are developed and adopted these rules are controlling.

Stat. Auth.: SB 1127

Stats. Implemented: Section 5(4)

Hist.: MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 3-1999(Temp), f. & cert. ef. 9-17-99 thru 3-15-00; BMT 1-2000, f. & cert. ef. 1-12-00

334-001-0035

Purchasing

- (1) The Oregon Board of Massage Therapists adopts by reference the State of Oregon's purchasing rules. These rules are contained in the Oregon Administrative Rules, Chapter 125, Division 30. An exception to these rules will be with air travel. When travel by airplane is necessary for the business of the Board, the traveler will purchase tickets from the least expensive source that meets the traveler's basic scheduling needs.
- (2) The Board intends to develop its own purchasing rules, but until those are developed and adopted the above referenced rules are controlling.

Stat. Auth.: ORS 182.456 - 182.472

Stats. Implemented: ORS 182.456 - 182.472

Hist.: BMT 3-1999(Temp), f. & cert. ef. 9-17-99 thru 3-15-00; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-001-0045

Personnel Policies

The Oregon Board of Massage Therapists hereby adopts its own personnel policies which are controlling.

Stat. Auth.: ORS 182.456 - 182.472

Stats. Implemented: ORS 182.456 - 182.472

Hist.: BMT 3-1999(Temp), f. & cert. ef. 9-17-99 thru 3-15-00; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 3-2005, f. 6-24-05, cert. ef. 7-1-05; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-001-0060

Definitions

- (1) "Agency" means the ability to exert personal power or produce an effect.
- (2) "Barter" means partial or complete trade or exchange of massage or bodywork services for any other type of goods or service other than money.
- (3) "Board" means the State Board of Massage Therapists or its authorized representatives as provided by ORS 687.115.
- (4) "Bodywork" means the use on the human body, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition of:
 - (a) Pressure, friction, stroking, tapping, kneading, vibration or stretching by manual or mechanical means or gymnastics;
 - (b) Appliances, tools or devices;
 - (c) Topical preparations; or
 - (d) Hot and cold applications.

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- (5) "Boundary" means the limits in a professional relationship which create safety based on the needs of the client.
- (6) "Boundary violation" means an alteration or shift in the limits of a professional relationship so that what is allowed in the relationship becomes ambiguous and/or may not be based on the needs of the client.
- (7) "Caring" means acting in a manner in which things, events, people or relationships matter.
- (8) "Certified Class or program" means a class or program 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; or
 - (b) By a community college approved by the Department of Education; or
 - (c) In another state and licensed or approved by the appropriate agency in that state.
- (9) "Client" means any individual, group of individuals, or organization to whom an L.M.T. provides massage
- (10) "Client vulnerability" means factors which diminish a client's ability to be self-determining.
- (11) "Compensation" means something given or received as payment including but not limited to bartering, tips, monies, donations, or services.
- (12) "Conflict of interest" means any action or decision or recommendation by an LMT at the detriment of a client.
- (13) "Contact hours" means actual hours in class under the instruction of and in the presence of an instructor.
- (14) "Critical Reflection" means a process whereby knowledge and action are connected to each other through the application of careful, conscious, deliberate reflection on:
 - (a) Personal practice (perceptions, assumptions, motivations, values, behaviors).
 - (b) Assessment and understanding of a situation.
 - (c) Likely or actual consequences or impact of one's actions.
- (15) "Dual Relationship" means any relationship of a personal or business nature with a client that is in addition to or concurrent with a professional relationship in which the L.M.T. is providing or has provided massage or bodywork services to that same client.
- (16) "Ethics" means a system of valued societal beliefs and behaviors that may be used to guide and evaluate conduct to ensure the protection of an individual's person and rights.
- (17) "Indorsement" means:
 - (a) the process of evaluating and recognizing the credentials of a person licensed in Oregon in another health care specialty that includes in its scope of practice, acts defined as massage:
or
 - (b) the process of evaluating and recognizing the credentials of a massage or bodywork practitioner authorized to practice massage or bodywork in another jurisdiction.
- (18) "Informed consent" means a process wherein clients have knowledge of what will occur, that participation is voluntary, and that the client is competent to give consent.
- (19) "Licensee" means any person holding a license, permit, or certificate issued by this Board; an L.M.T.
- (20) "L.M.T." means a Licensed Massage Therapist.
- (21) "Massage" or "massage therapy" is defined in ORS 687.011.
- (22) "Personal power" means recognizing and taking personal responsibility for the inherent power differential between the L.M.T. and the client and recognizing and taking personal responsibility for the impact of professional decisions, actions and behavior on the client.

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- (23) "Power differential" means the basic inequality inherent in the professional relationship between an L.M.T. and a client in terms of who has the advantage in the relationship. The L.M.T. is presumed to have the advantage by virtue of the authority which emerges from the role of professional and the vulnerability which is automatically part of the role of client.
- (24) "Practice of massage" is defined in ORS 687.011.
- (25) "Professional authority" means the power inherent in the professional role and which is derived from a combination of an L.M.T.'s specialized or expert knowledge, societal expectations, stated and unstated client expectations, and an L.M.T.'s personal power.
- (26) "Professional relationship" means the relationship established when an L.M.T. contracts with a client, verbally or in writing, to provide any service associated with the practice of massage or bodywork.
- (27) "Professional role" means assuming the demands and responsibilities of professional authority by taking charge of the conditions which create and maintain client safety and trust in the professional-client relationship.

Stat. Auth.: ORS 687.011 & 687.121

Stats. Implemented: ORS 687.011

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

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DIVISION 10 MESSAGE LICENSING

334-010-0005

Applications

- (1) All applications for examinations, licensure, inactive status, renewal, or temporary permit shall be made on forms provided by the Board. Only applications that are completed and on Board approved forms, without alterations, will be accepted for filing and review by the Board.
- (2) All applications made to the Board shall be accompanied by the required fee.
- (3) Applicants for examination shall submit the following with their application:
 - (a) A copy of a valid government issued photo. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;
 - (b) An official certificate or transcript from the administering institutions, instructors, or programs showing successful completion of study and practice in the required subject matter and hours required by the Board.
 - (A) Official copies of transcripts or certificates presented to the Board in an envelope sealed by the program or institution and verified as sealed may be accepted directly from the applicant.
 - (B) If a program or institution granting credit is no longer in business, the Board will accept for review a copy of a certificate of completion, transcript or diploma in the required subject matter and hours. The Board may require additional information to verify the authenticity of such documents.
 - (c) Proof of current certification in cardiopulmonary resuscitation (CPR);
 - (d) A current photograph of the applicant;
- (4) Transcripts must include a minimum of 500 hours of certified classes. The 500 hours must include the knowledge and skills identified in OAR 334-010-0047 "competencies" and shall be comprised of:
 - (a) A minimum of 200 hours of Anatomy & Physiology, Pathology, and Kinesiology; and
 - (b) A minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, Sanitation, and Hydrotherapy.
- (5) If for any reason an applicant does not appear to be qualified for admission to take the examination, the applicant shall be so notified and invited to submit additional evidence that he/she is entitled to have his/her case considered or to be admitted to examination.
- (6) All application documents for examination and licensure submitted in a language other than English shall be accompanied by:
 - (a) An accurate translation of those documents into English;
 - (b) A notarized affidavit certifying that the translator is competent in both the language of the document and the English language; and
 - (c) A notarized affidavit certifying that the translation is a true and complete translation of the foreign language original.
 - (d) Any costs of translation of all documents required by the Board shall be at the expense of the applicant.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0002; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1985, f. & ef. 1-23-85; MB 3-1985(Temp), f. & ef. 9-20-85; MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Section (7)(d) Renumbered from 334-010-0036; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

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334-010-0008

Indorsement

- (1) State Indorsement: The Board may grant a license by state indorsement, upon successful completion of the jurisprudence exam, without any additional examination to any applicant who holds a valid license or permit to practice massage from another jurisdiction if the requirements of that licensing authority meet or exceed the requirements established in Oregon.
- (2) Health Indorsement: The Board may grant a license by health indorsement, after successful completion of practical and jurisprudence examination, to any applicant currently holding an active Oregon license in good standing in a Board approved health related field who can document curriculum that includes a minimum of 300 hours comprised of Massage Theory & Practical Application, Clinical Practice, Business Development, Communication, Ethics, Sanitation and Hydrotherapy. Kinesiology may be included as part of the 300 hours.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 3-2002, f. 5-8-02, cert. ef. 1-1-03; Renumbered from 334-010-0041 by BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-010-0010

Examination

- (1) The L.M.T. examination shall be held at least twice annually.
- (2) The applicant shall be notified by 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.
- (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.

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- (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.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0004; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1982, f. & ef. 7-21-82; MTB 2-1985, f. & ef. 1-23-85; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98, Renumbered from 334-010-0021 [Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92, Sections (6) - (20)(h) Renumbered from 334-030-0020]; BMT 1-1999(Temp), f. 6-14-99, cert. ef. 7-4-99 thru 12-31-99; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2000, f. & cert. ef. 8-3-00; BMT 1-2002(Temp), f. & cert. ef. 1-9-02 thru 7-5-02; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 4-2005(Temp), f. & cert. ef. 9-19-05 thru 3-12-06; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2007, f. & cert. ef. 6-29-07; BMT 1-2007, f. & cert. ef. 6-29-07; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-010-0012

Examination Appeal

- (1) The following appeal process shall be utilized to request a Board review of examination results:
 - (a) A request for appeal must be made by the applicant in writing and must be received in the Board office within thirty days of the date on the letter of notification of examination results sent to the applicant; and
 - (b) In the written appeal the applicant must specifically state the reason for the appeal and why the applicant believes the results should be modified. The applicant must identify the specific errors of content, procedure, bias, prejudice or discrimination.
- (2) The following appeal process shall be utilized to conduct a review of examination results:
 - (a) During the review, the applicant will be identified only by the applicant's test number.
 - (b) The Board's representative will review the examination results including any written materials, audio or video related to the examinations, examiner comments, and information provided by the applicant related to examination results.
 - (c) The Board representative(s) will present its findings to the Board in executive session at a regularly scheduled meeting of the Board.
 - (d) The Board will not consider oral arguments from the applicant regarding an examination appeal unless the Board determines that further information is required directly from the applicant.
 - (e) The Board will make a determination as to whether to grant the appeal and that the determination will become part of the public record.
- (3) An appeal may result in:
 - (a) No action;
 - (b) Reversal of a failing score; or
 - (c) Suspension of a failing score and opportunity for the applicant to retake the practical examination.

Stat. Auth.: ORS 183, 687.121 & ORS 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

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334-010-0015

Licensure

- (1) An applicant for an initial license or renewal of a license shall complete, in its entirety, an original application furnished by the Board.
- (2) An applicant must provide written explanation and copies of all related documentation as requested by the board if:
 - (a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country;
 - (b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country;
 - (c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country;
 - (d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or
 - (e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage.
- (3) Applicants for initial licensure must apply within one year of the successful completion of the practical examination.
 - (a) If an applicant does not apply within one year, the applicant must retake the practical examination.
 - (b) At the time of re-examination, the applicant must meet all current licensing requirements and submit original documents as required by the Board.
- (4) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delinquent fee shall be paid if the completed application and all requirements are not received by the due date.
- (5) Applicants for the renewal of an active license shall sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours.
- (6) Applications for renewal of an active license shall be accompanied by:
 - (a) Current licensing fee;
 - (b) Any applicable late fees;
 - (c) Proof of current certification in cardiopulmonary resuscitation (CPR);
 - (d) Proof of 25 hours of continuing education; and
 - (e) Any additional documentation required by the Board.
- (7) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read, understand, and will comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board.
- (8) Licenses issued by the Board shall not be transferable.
- (9) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon.

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- (10) An application to reactivate an inactive license:
- (a) Shall be accompanied by:
 - (A) Current licensing fee;
 - (B) Proof of current cardiopulmonary resuscitation (CPR); and
 - (C) Proof of 25 hours of continuing education for each biennium or fraction of the biennium the license was inactive, up to 50 hours.
 - (b) An individual who has been inactive or a combination of lapsed/inactive for 6 consecutive years or greater must, in addition, successfully pass the practical examination.

Stat. Auth.: ORS 687.121 & 687.051

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0006; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2006(Temp), f. & cert. ef. 2-16-06 thru 8-7-06; Administrative correction 8-22-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-010-0017

Lapsed License

- (1) The massage therapist license shall be considered lapsed if an individual fails to complete the renewal process prior to the expiration of license.
- (2) During the lapsed status, no such person shall practice massage in the State of Oregon.
- (3) An applicant whose license is lapsed may return to active status by including the following with the completed application.
 - (a) Payment of the current fee for activation of the license;
 - (b) Payment of the licensing fee applicable for the period of the lapsed license;
 - (c) Late fee payment;
 - (d) Proof of 25 hours of continuing education for each biennium the license was lapsed and for the current licensing period;
 - (e) Proof of current certification in cardiopulmonary resuscitation (CPR); and
 - (f) A statement indicating whether the applicant has engaged in the practice of massage and bodywork in another jurisdiction during the period of lapsed status.
- (4) All information required for restoring a lapsed license must be received within 3 years of the date of lapsing. Thereafter, one must apply as a new applicant.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-010-0025

Practice of Massage

- (1) Massage treatment may include, but is not limited to:
 - (a) Client intake and assessment;
 - (b) Practice of massage or bodywork;
 - (c) Post massage assessment and recommendation; and
 - (d) Documentation.
- (2) Massage treatment does not include:
 - (a) The application of high velocity/low amplitude force further defined as thrust techniques directed toward joint surfaces;
 - (b) The use of equipment or devices that require a prescription; or
 - (c) Making a medical diagnosis.

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- (3) A massage therapist shall use safe and functional coverage/draping practices during the practice of massage when the client is disrobed.
- (a) Safe and functional coverage/draping means:
- (A) LMT explains, maintains and respects coverage/draping boundaries;
 - (B) Client gives informed consent;
 - (C) Genitals and gluteal cleft of male and female clients and the breast area of female clients are not exposed;
 - (i) With voluntary and informed consent of the client, the gluteal and breast drapes may be temporarily moved in order to perform therapeutic treatment of the area.
 - (D) Massage or movement of the body does not expose genitals, gluteal cleft or breast area.
- (b) Exceptions to the rule may be made for LMTs who can document training in specific modalities that require variations in coverage/draping.
- (4) A Licensed massage therapist shall not perform or offer to perform any services for clients other than those connected with giving massage therapy treatments as defined in ORS 687, unless the LMT has additional training and/or licensure.
- (5) A person represents himself or herself as a massage therapist when the person adopts or uses any word(s) that implies a skill or application as defined by statute 687.011.
- (6) Any person who holds a license as a massage therapist in this state may use the abbreviation "L.M.T." No other person(s) may assume such title or such abbreviation or any other word[s], letters, signs, or figures to indicate that the person using the title is a licensed massage therapist.
- (7) All licensed massage therapists must notify the Board office in writing of any change of residence, business, email or mailing address within 30 days of change of address.
- (8) Active licensed massage therapists must display their license in a location clearly visible to their clients.
- (9) Active licensed massage therapists are required to include their license number in all advertisements, including but not limited to: written, electronic, televised and audio.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0010; MTB 1-1979, f. & ef. 5-22-79; MTB 2-1985, f. & ef. 1-23-85; MTB 3-1985(Temp), f. & ef. 9-20-85; MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 3-2002, f. 5-8-02, cert. ef. 1-1-03; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-010-0033

Fees

- (1) The fees are:
- (a) \$100 per biennial renewal for initial or active license;
 - (b) \$50 per biennial renewal for inactive license;
 - (c) \$25 per week, up to a maximum of \$250, for any late renewal;
 - (d) \$50 for exam/endorsement application processing;
 - (e) \$150 for each practical examination;
 - (f) \$100 for mailing list;
 - (g) \$5 for license reprint;
 - (h) \$5 for license verification; and
 - (i) other administrative fees as allowed by law.
- (2) Application and licensure fees are not refundable

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- (3) Examination fees will be refunded only when requested in writing and either:
- (a) the applicant is unqualified by Oregon statutes, or
 - (b) applicant requests refund postmarked at least 7 days prior to the exam.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1986, f. & ef. 1-29-86; MTB 1-1989(Temp), f. & cert. ef. 7-27-89; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92 (and corrected 8-6-92); BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2000, f. & cert. ef. 1-12-00; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 4-2004, f. 10-22-04, cert. ef. 1-1-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-010-0046

Class Certification

- (1) A class or program certified under ORS 687.051 must be offered by:
- (a) A person or institution licensed as a private vocational school under ORS 345.010 to 345.074 or the equivalent licensing authority of another jurisdiction; or
 - (b) By a community college and approved by the Division of Vocational Education or the Department of Education, or the appropriate agency of another jurisdiction; or
 - (c) By a college accredited either by the Northwest Association of Secondary and Higher Schools or a like regional association or by a college in Oregon approved by the Oregon Office of Educational Policy and Planning for the purpose of granting degrees; and
 - (d) Approved by the Board.
- (2) In order for a class or program to be approved, the person or institute offering the class or program shall apply to the Board. The application packet shall contain, but not be limited to:
- (a) A completed Board application;
 - (b) Verification of content meeting the Model Curriculum;
 - (c) Course descriptions and syllabi;
 - (d) The institution's Code of Ethics and fraternization policy;
 - (e) The method of evaluation to determine the student's successful completion of a class;
 - (f) The attendance requirements for students to successfully complete each class;
 - (g) Minimum qualifications for selecting instructors.
- (3) The authorized representative of the certified class or program must notify the Board at least 60 days prior to any significant changes to information provided in the application process.
- (4) A certified class or program shall renew their certification on a regular basis as determined by the Board.
- (5) Certification of the class or program may be revoked by the Board if it is determined that the requirements have not been or are no longer being met.
- (6) Denial or revocation of a class or program certification by the Board, if otherwise not resolved, shall be heard by the Board pursuant to ORS 183.411 to 183.497.

Stat. Auth.: ORS 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1986, f. & ef. 1-29-86; MTB 1-1990, f. & cert. ef. 4-20-90; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-010-0047

Competencies

A Licensed Massage Therapist must establish by successful completion of Board approved written and/or practical exams, and maintain through Continuing Education, the knowledge and skills relevant to the practice of massage and bodywork as follows:

- (1) Knowledge of:
- (a) Massage and bodywork assessment and application;
 - (b) Anatomy;

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- (c) Physiology;
 - (d) Kinesiology;
 - (e) Pathology;
 - (f) Legal and business requirements;
 - (g) Ethical principles; and
 - (h) Basic CPR.
- (2) Practical skills application of:
- (a) Fundamental techniques of soft tissue manipulation and treatment, and safe utilization of:
 - (A) Thermal modalities;
 - (B) Topical preparations;
 - (C) Mechanical assistance devices and appliances;
 - (D) Other applications available to the public; and
 - (E) Movements and exercises that lengthen and shorten soft tissues within the normal range of the client; and
 - (b) Fundamental principles of body mechanics in the application of massage and bodywork; and
 - (c) Locating muscle attachments and bellies; and
 - (d) Draping/coverage practices that address both function and safety.
- (3) Demonstrating Treatment and Business skills in the following areas by:
- (a) Developing and utilizing treatment plans addressing client conditions and concerns by:
 - (A) Identification of indications and contraindications,
 - (B) Informing the client and obtaining informed consent regarding the risks and benefits of the treatment plan, and
 - (C) Application and modification of the treatment plan as needed;
 - (b) Using effective verbal and non-verbal interpersonal communication;
 - (c) Tracking the client's non-verbal communication and adjusting treatment plan as indicated;
 - (d) Utilizing an ethical decision making process;
 - (e) Establishing and maintaining a practice environment that provides for the client's safety and comfort; and
 - (f) Establishing and maintaining professional business records.

Stat. Auth: ORS 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

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 shall complete 25 hours of continuing education in the competencies each renewal period. At renewal time, each licensee shall 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 defined as instruction involving other massage and bodywork practitioners.
 - (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 shall not apply to a licensee's first license renewal.
- (3) Continuing education must be completed within the renewal period. Contact hours taken in excess of the total number required may only be carried over to the next subsequent renewal period.
- (4) Continuing education records shall be maintained by each licensee for a minimum of five years.

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- (5) If the Board finds indications of fraud or falsification of records, investigative action shall 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.

Stat. Auth.: ORS 687.081, 687.121 & 687.122

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 1-1998(Temp), f. & cert. ef. 2-3-98 thru 7-31-98; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 2-2004(Temp), f. & cert. ef. 3-16-04 thru 9-7-04; Administrative correction, 9-28-04; BMT 3-2004(Temp), f.& cert. ef. 10-22-04 thru 4-19-05; BMT 1-2005, f. & cert. ef. 2-23-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

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DIVISION 20

SANITATION, FACILITY AND BUILDING REQUIREMENTS

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 prominently displayed encouraging handwashing;
- (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.

Stat. Auth.: ORS 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0012; MTB 2-1985, f. & ef. 1-23-85; MTB 1-1986, f. & ef. 1-29-86; Renumbered from 334-010-0030; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-020-0015

Equipment

(1) All equipment and tools used in conjunction with a treatment on a client must:

- (a) Be approved by a nationally recognized testing laboratory when applicable;
- (b) Be maintained on a regular basis; and
- (c) Be cleaned between each use.

(2) Cushions on tables and chairs, as well as bolster and pillows, must be covered with impervious material that is cleaned after every use.

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- (3) Topical preparations will be:
 - (a) Stored in a manner that maintains the integrity of the product and prevents spoilage and contamination;
 - (b) Dispensed in a manner that prevents contamination of the unused portion; and
 - (c) Dispensed in a manner that prevents cross-contamination between clients.
- (4) Topical preparations such as ice cubes, plasters, herbal wraps and any other similar product that comes in contact with the client must be used only once and then disposed of in a sanitary manner.

Stat. Auth.: ORS 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0016; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1986, f. & ef. 1-29-86; Renumbered from 334-010-0040; MTB 1-1992, f. & cert. ef. 7-28-92 (and corrected 8-6-92); BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-020-0050

Linens

- (1) When linens are used they must be routinely cleaned and stored in a manner which reasonably assures the sanitary use for each client.
- (2) The use of soiled linens is prohibited.
- (3) All soiled linens must be:
 - (a) immediately placed in a receptacle that closes and prevents cross-contamination;
 - (b) handled as little as possible;
 - (c) laundered in a manner that eliminates the risk of spreading parasites, communicable diseases and infections; and
 - (d) laundered in a manner that removes all residue of topical preparations.

Stat. Auth.: ORS 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Transferred from 333-035-0030; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1986, f. & ef. 1-29-86; Renumbered from 334-010-0075; MTB 1-1990, f. & cert. ef. 4-20-90; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-020-0055

Communicable Disease Control

- (1) All therapists must always practice communicable disease prevention and control.
- (2) LMT's are required to follow the communicable disease guidelines as adopted by the Board.

Stat. Auth.: ORS 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Transferred from 333-035-0032; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1986, f. & ef. 1-29-86; Renumbered from 334-010-0080; MTB 1-1992, f. & cert. ef. 7-28-92 (and corrected 8-6-92); BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

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DIVISION 30 ETHICAL STANDARDS

334-030-0001

Preamble and Fundamental Canon

- (1) In order to safeguard the health, safety and welfare of the citizens of Oregon and to establish and maintain a high standard of integrity and practice, the following Standards of Professional Conduct shall be binding on every person holding a license to practice massage in this state.
- (2) The Standards of Professional Conduct as promulgated herein are an exercise of the authority vested in the Board by acts of the legislature.
- (3) All persons licensed under ORS 687 are charged with having knowledge of the existence of these Standards of Professional Conduct and shall be deemed to be familiar with their provisions and to understand them. Such knowledge shall encompass the understanding that the practice of massage is a privilege as opposed to a right.
- (4) The Board may establish guidelines for ethical decision-making that are congruent with the standards of professional conduct promulgated by the Board. Such guidelines may be modified or revised at the Board's discretion. The Board will use current standards of practice and codes of ethics in the field of massage and bodywork as well as relevant statutes and regulations in establishing guidelines for ethical decision-making. A copy of any such guidelines or change shall be published in the Board's newsletter and relevant professional publications in the field of massage and bodywork.
- (5) All LMT's, in the fulfillment of their professional duties, shall comply with the Standards and Objectives of Professional Conduct.

Stat. Auth.: ORS 687.011 & 687.081

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-030-0005

Standards and Objectives of Professional Conduct

- (1) Standard I: Responsibility -- the relationship between the LMT and the profession. The LMT shall:
 - (a) Acquire, maintain and improve professional knowledge and competence using scientific, clinical, technical, psychosocial and governmental sources of information;
 - (b) Act within the context of professional practice standards, codes of ethics, and relevant statutes and regulations;
 - (c) Consider factors related to safety, effectiveness, and cost in planning and providing care and services;
 - (d) Represent all aspects of his or her professional capabilities and services honestly and accurately;
 - (e) Be accountable to his or her profession for establishing the quality and effectiveness of care and services, using their experience, professional education, and available resources;
 - (f) Establish relationships with other massage, bodywork or healthcare professionals to collaborate with, and to offer or receive consultation in the provision of services; and
 - (g) Be accountable for his or her actions and commitments and assume personal and professional responsibility to do his or her best.
- (2) Standard II: Therapeutic Relationship -- the relationship between the LMT and the client. The LMT shall:
 - (a) Be accountable to his or her clients for the quality and effectiveness of care and services and for creating the basic conditions and boundaries necessary to foster safety and trust in the client-professional relationship;

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- (b) Plan and provide care and services to the best of his or her abilities, in partnership with the client, based on client needs;
 - (c) Ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries, and appropriate use of personal power;
 - (d) Develop alliances with the client, colleagues, other health care providers and the community to provide care and services that are safe, effective and appropriate to the client's needs;
 - (e) Develop and incorporate respect for diverse client backgrounds in regard to a client's clinical diagnosis, lifestyle, sexual orientation, race, gender, ethnicity, religion, age, and socioeconomic background when planning and providing services;
 - (f) Act as an advocate for client and client's needs;
 - (g) Support and respect the client's right and responsibility for self-determination in making health care choices; and
 - (h) Base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice.
- (3) Standard III: Critical Reflection — the relationship of LMT to self. The LMT shall:
- (a) Use critical reflection in the assessment of professional and clinical situations for the development and provision of care and services;
 - (b) Evaluate the quality and effectiveness of his or her professional practice activities;
 - (c) Modify and adapt professional practice activities, consistent with current professional standards and practices, in response to client needs, advancing knowledge and research, and social expectations; and
 - (d) Be an autonomous agent in planning and providing care and services to individuals, groups and the community.

Stat. Auth.: ORS 687.081 & 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-030-0015 [Renumbered to **334-030-0002**]

334-030-0025 [Renumbered to **334-040-0010**]

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DIVISION 40 COMPLAINTS AND DISCIPLINE

334-040-0001

Complaints

- (1) Every licensee having information regarding a possible violation of the rules or statutes governing massage shall cooperate with the Board in furnishing such information and shall assist the Board, in order that appropriate investigative, corrective or disciplinary action may be taken.
- (2) Anyone may submit a complaint against a licensed or unlicensed person. A complaint may be submitted anonymously. Complainants are kept confidential.
- (3) A preliminary review of the complaint shall be made by the Board or its representative, to assure there is sufficient evidence to justify proceeding to investigate and to determine if the allegations against the Respondent are such that, if proven, could result in disciplinary action being imposed by the Board.
- (4) If the complaint is considered to be valid, the Board will then proceed as follows:
 - (a) The Board or its representative may notify the Respondent of the allegations by mail and request written response. Written responses must be received by the Board within two weeks after the notification was first mailed, unless an extension is authorized by the Board. In the event no written response is received the Board may evaluate the complaint using available evidence; or
 - (b) The Board or its representative may refer the complaint to the Board's designated authority for additional investigation.
- (5) The Board shall evaluate all evidence obtained; including any documents or comments received from the Respondent and the Board shall proceed as follows:
 - (a) If the evidence is insufficient to justify further proceedings, the Complainant and Respondent will be so notified in writing.
 - (b) If the evidence is sufficient to justify further proceedings, the Board will consider and take appropriate action at a regular or special meeting.

Stat. Auth.: ORS 687.081 & 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09

334-040-0010

Discipline

The Board may deny, conditionally grant, restrict, suspend or revoke a license, impose probation, reprimand, censure, impose remedial education or corrective actions, and/or impose a civil penalty for any of the following reasons:

- (1) Practicing massage or representing one's self as a massage therapist without a current active license issued by the Board;
- (2) Knowingly or recklessly making any false statement to the Board;
- (3) Suspension or revocation of a license to practice massage in another jurisdiction based upon acts by the licensee similar to acts described in this section;
- (4) Conviction of a crime in this state, or jurisdiction;
- (5) The use of false, deceptive, or misleading advertising, which includes but is not limited to, advertising massage using the term "massage" or any other term that implies a massage technique or method in any private or public communication or publication by a person licensed or not licensed by the Board as a massage therapist;
- (6) Allowing the use of a license by an unlicensed person;

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- (7) Presenting as one's own license, the license of another;
- (8) Practicing massage under a false or assumed name without notification to the Board;
- (9) Impersonating another massage therapist;
- (10) Assisting, employing, or permitting an unlicensed person to practice massage;
- (11) Practicing or purporting to practice massage when the license has been revoked or suspended, lapsed or inactive;
- (12) Practicing or offering to practice massage beyond the scope permitted by law;
- (13) The use of intoxicants, drugs, controlled substances, or mind altering substances to such an extent as to impair or potentially impair the licensee's abilities to perform professional duties in a safe manner;
- (14) Practicing massage with a physical or mental impairment that renders the therapist unable or potentially unable to safely conduct the practice of massage;
- (15) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition as required by rules of the Board;
- (16) Refusing to permit the Board or its representatives to inspect the business premises of the licensee during regular business hours;
- (17) Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to:
 - (a) Failure to furnish any requested papers or documents,
 - (b) Failure to provide in writing a full and complete explanation covering the matter contained in the complaint filed with the Board,
 - (c) Failure to respond to subpoenas issued by the Board whether or not the recipient is accused in the proceeding;
- (18) Failing to comply with an order issued by the Board;
- (19) Unprofessional or dishonorable conduct which includes but is not limited to:
 - (a) Any conduct involving inappropriate physical contact or sexual misconduct which includes:
 - (A) Sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465;
 - (B) Sexual violation which is sex between the LMT and the client, whether initiated by the client or not, engaging in any conduct with a client that is sexual, or may be reasonably interpreted as sexual, including, but not limited to:
 - (i) Sexual intercourse;
 - (ii) Genital to genital contact;
 - (iii) Oral to genital contact; oral to anal contact;
 - (iv) Oral to oral contact except cardiopulmonary resuscitation; touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment or where the client has refused or withdrawn consent; or
 - (v) Encouraging the client to masturbate in the presence of the LMT or masturbation by the LMT while the client is present.
 - (C) Sexual impropriety which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including, but not limited to,
 - (i) Disrobing or draping practices that reflect a lack of respect for the client's privacy, deliberately watching a client dress or undress for self gratification instead of providing privacy for disrobing;
 - (ii) Subjecting a client to an examination in the presence of students, assistants, or other parties without the explicit consent of the client or when consent has been withdrawn;
 - (iii) An examination or touching of genitals;

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- (iv) Inappropriate comments about or to the client, including but not limited to, making sexual comments about a client's body or clothing, making sexualized or sexually-demeaning comments to a client, comments on the client's or LMT's sexual orientation and making a request to date;
 - (v) Initiation by the LMT of conversation regarding the sexual problems, preferences or fantasies of the LMT; or
 - (vi) Kissing of a sexual nature.
- (b) Violating the client's rights of privacy, and confidentiality.
 - (c) Failure to disclose or release information about a client if required by law or on written consent of client.
 - (d) Intentionally harassing, abusing, or intimidating a client either physically or verbally.
 - (e) Any conduct or practice which could endanger the health or safety of a client or the public.
 - (f) Any conduct or practice which impairs the massage therapist's ability to safely and skillfully practice massage.
 - (g) Exercising undue influence on a client, including promotion or sale of services, goods, or appliances in such a manner as to exploit the client for the financial gain or self-gratification of the massage therapist.
 - (h) Routinely practicing in an incompetent manner.
 - (i) Conduct which would also constitute a violation of the Oregon Unlawful Trade Practices Act.

Stat. Auth.: ORS 687.081 & 687.121

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; Sections (6) - (20)(h) Renumbered from 334-030-0020; BMT 2-1998, f. & cert. ef. 7-22-98; Renumbered from 334-030-0025 by BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09