



Oregon Board of
Massage Therapists

January 2010



BOARDerline

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2010 Upcoming Board Meeting Dates

- Monday, March 8, 2010, OBMT office
- Friday and Saturday, May 14 and 15 in Ashland
- Friday and Saturday, July 30 and 31 in a North Coastal City to be determined later

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

New Duty to Report Law

A new duty to report law passed the 2009 Legislature, requiring licensees to report “prohibited or unprofessional conduct” of other health licensees to their professional licensing boards without undue delay, but within 10 days.

Under these provisions a massage therapist who has reasonable cause to believe a medical doctor, chiropractor or a physical therapist (for example) were violating that profession’s laws or rules, would be required to make a report directly to that health regulatory board (or visa versa). You can find a listing of all health regulatory boards on the OBMT web page (www.oregon.gov/OBMT).

In the rare situation where the other health professional is the massage therapist’s patient, the HIPAA implications should be considered before reporting.

Self Report Criminal Convictions

The new law also requires that a licensee must report to the OBMT within ten days any arrest for, or conviction of, a felony offense.

The OBMT will continue to ask on all renewal forms whether any criminal convictions or arrests have occurred. Any failure to promptly report could result in disciplinary action.

There is no prescribed format for reporting. A telephone call, fax, email or letter are all effective methods to communicate to the intended health regulatory board. What is important is that the information be sufficiently detailed and well founded for the agency’s review and response.

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Increasing Reports of Internet/Email Scams

The Board is receiving an increased number of reports pertaining to suspected internet/email scams targeting massage therapists. As such, the following information has been compiled to assist you in determining if you may be the target of a scam and where to report your suspicions.

The Scenario

The most common scenario reported to the Board involves an individual or company representative from overseas contacting a massage therapist with initial communication being made primarily by email.

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Increasing Reports of Internet/Email Scams

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The communication indicates that they are coming to the area and wish to set up a session or a number of sessions with the LMT during their visit. They will then offer to mail you a check (money order, cashier's check, etc.) for payment. The check is for more than the amount that they owe you, and they instruct you to wire the balance back to them. In some instances they tell you to deposit the check and keep part of overpayment as a reward for your services. In the end, the check is discovered to be invalid, which with international payment may take weeks to determine, and you are then responsible for the full amount plus the funds that you wired to the scammer.

Tips to Avoid Falling Victim

Be cautious when dealing with individuals outside of your own country.

Know who you're dealing with – try to independently confirm your prospective client's name, street address, and telephone number.

Beware when asked to assist in placing large sums of money in overseas bank accounts. There is no known legitimate reason for someone who is giving

you money to ask you to wire money back.

Do not believe the promise of large sums of money for your cooperation.

Be willing to say "no" to a check for more than your service price, no matter how tempting the plea or convincing the story.

If you do accept payment for services, inspect the cashier's check:

- Official checks are generally perforated on at least one side.
- Ensure the amount of the check matches in figures and words.
- Check to see that the account number is not shiny in appearance.
- Be watchful that the drawer's signature is not traced.
- Inspect the check for additions, deletions, or other alterations.
- Contact the financial institution on which the check was drawn to ensure legitimacy.
- Obtain the bank's telephone number from a reliable source, not from the check itself.

More advice on how to be on guard against Internet fraud is available at OnGuardOnline.gov.

Where to Report

Consumers are asked to report check overpayment scams to their state Attorney General (information at the end of this story), the National Fraud Information Center/Internet Fraud Watch (a service of the National Consumers League) at 1-800-876-7060 or www.fraud.org, the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov, or to the Internet Crime Complaint Center at <http://www.ic3.gov>

The Oregon Attorney General's Consumer Hotline is available between the hours of 8:30 a.m. and 4:30 p.m. from Salem at 503-378-4320, from Portland at 503-229-5576, and from outside the Portland metro and Salem areas at 1-877-877-9392. You can also email at consumer.hotline@doj.state.or.us

This information was compiled from the following web sites:

<http://usgovinfo.about.com/od/consumerawareness/a/overpay.htm>

<http://www.scambusters.org/overpayment.html>

<http://www.ic3.gov/>

Legislative Updates

The 2009 Oregon Legislative session had a number of bills that affected the health professions regulatory boards. While not all of them passed, there were a number that did resulting in changes that affect the profession of massage therapy.

Board Members

The current structure of the board (four LMTs and three public members, one of which is from a related health profession) remains the same. The changes are relatively minor and are in appointment processes, and more specific criteria for selection. Appointments are still made by the governor, but now must be confirmed by the Senate. Vacancies can be appointed by the governor without Senate approval to complete unexpired terms of office. Public members may not be LMTs or directly related to an LMT. Also, the rule around board members stipends was changed to set a minimum daily stipend of \$30.00 and give the boards discretion to increase the stipend by rule.

Licensing Exams

The OBMT is now required to accept the NCBTMB (National Certification Board for Therapeutic Massage and Bodywork) exam as one of its written exams. The board also accepts the MBLEx (Massage and Bodywork Licensing Exam) administered by the FSMTB (Federation of State Massage Therapy Boards) and may choose to accept any other exams it deems appropriate.

Mandatory Reporting

Please see the article on page one for information on Mandatory Reporting.

Continued Jurisdiction

The OBMT now maintains jurisdiction over its licensees for conduct the therapist may have engaged in while licensed even if the license

has subsequently lapsed or expired. For example, if an LMT violates a rule around sexual boundaries with a client, and then finds out there is an investigation into that violation and decides to allow their license to lapse the OBMT will maintain the authority to investigate and discipline the individual for behavior which was engaged in while the individual was licensed. *Note that in this type of a case, the OBMT also cooperates with law enforcement for any additional criminal charges which may apply.*

Personal Contact Information

The OBMT can choose to release or withhold the personal email addresses, personal phone numbers, and home addresses of its licensees. It must release this information for public health or state planning purposes.

Review and Reporting

Review and reporting of enforcement activities has been added to all health related boards including the OBMT. The agencies are working with the Department of Administrative Services (DAS) to develop rules around both the review and reporting process. The process being developed is based on a peer review concept which will provide both learning and constructive feedback for all agencies involved. *Note: this is in addition to the reviews, audits, and reporting already required by state agencies and semi-independent agencies in Oregon.*

Impaired Professionals

Impairment is now defined as an inability to practice with reasonable competence and safety due to the habitual or excessive use of drugs or alcohol, other chemical dependency or a mental health condition. The OBMT may also discipline a licensee, deny, suspend, revoke, or refuse to renew a license, issue a reprimand, censure a licensee or place a licensee on probation if there is a demonstrated impairment. *Note: this is in addition to the previous authority of the OBMT to evaluate alcohol or drug impairment and to discipline licensees.*

How to Find Your Senator or Representative

Enter your street address at <http://leg.state.or.us/findlegsltr/>

2009 Enforcement Information

The following is complaint/case information for the calendar year 2009.

Number of complaints received:	197
Allegations of unlicensed practice:	59
No license number in advertising:	75
Allegations of some form of professional misconduct:	63
Closed without Board action:	120
Compliance Met:	79
Unsubstantiated:	18
Unreachable:	10
Board lacks jurisdiction:	5
Letter of concern:	5
No action taken:	3
Closed with Board action:	36
Unlicensed:	27
Sexual violations:	4
Non-compliance:	2
Other issues:	3

Case Detail for LMTs

Case #575: Charlotte Sperisen - One violation of OAR 334-030-0025(19)(a)(C), consistent with ORS 687.081(1)(i), sexual impropriety. – Licensee was required to complete the Board approved Ethics Protocol.

Case #601: Valerie Martini - One violation of OAR 334-030-0025 (19)(a)(C), consistent with ORS 687.081(1)(i), sexual impropriety which is any behaviors, gestures or expressions that are seductive or sexually demeaning to a client, inappropriate procedures, including but not limited to disrobing; and one violation of OAR 334-030-0025 (19)(f), consistent with ORS 687.081(1)(i), exercising undue influence on a client - Licensee's massage license was revoked and a civil penalty was assessed.

Case #654: Robert Parmelee – Two violations of OAR 334-010-0015(2)(c), an applicant must provide written explanation and copies of all related documentation as requested by the Board if applicant has been arrested, charged or convicted of any type of violation of the law. – Licensee was assessed a civil penalty.

Case #665: Catherine Stough - Four violations of OAR 334-030-0005(1)(g), the LMT shall be accountable for his or her actions and commitments and assume personal and professional responsibility to do his or her best. – Licensee was assessed a civil penalty.

Case #686: Michael Carter - One violation of OAR 334-030-0025(18), failure to comply with an Order issued by the Board. – Licensee's massage license was suspended.

The Board took action on twenty-seven cases of unlicensed practice of massage. Four of those cases involved individuals practicing massage while their license was lapsed. Three of those four individuals have since taken steps to bring their license into a current status.

Of the remaining twenty-three unlicensed cases, fifteen were closed as Final Default Order, six entered into a Stipulated Agreement with the Board and two chose to go to hearing, both resulting in Final Orders in favor of the Board.

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 means the updated information can be submitted via mail, email, website or fax.

2009 Enforcement Information

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Case #734: Joe Cherepanov – Four violations of ORS 687.081(1)(i) engaging in unprofessional or dishonorable conduct; and four violations of OAR 334-030-0025(19)(a)(B) engaging in conduct with his clients that is sexual including sexual intercourse, genital to genital contact, oral to genital contact, touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment. – Licensee’s massage license was revoked.

Case #737: Jason Lutz – Two violations of ORS 687.081(1)(i), has been the subject of disciplinary action as a massage therapist by another state; and two violations of OAR 334-030-0025(19)(a)(C), (d) and (e), engaging in conduct with his clients that is sexual including sexual intercourse, genital to genital contact, oral to genital contact, touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment. – Licensee surrendered his massage license.

Case #741: Rebecca Magnuson - Licensee has violated ORS 687.051(1)(f) since she has failed to issue payment for the license within the time period allowed and Licensee has violated ORS 687.081(1)(g) since she has failed to meet with any requirement under ORS 687.051. – Licensee’s massage license was suspended.

Multiple Discipline Task Force

The Board is pleased to announce the formation of the Multiple Discipline Task Force (MDTF). This task force was established in response to the stakeholder groups who have voiced concerns that the regulatory umbrella for Massage Therapy may not be appropriate for all of those who currently fall under its regulation. The purpose of the task force is to identify the issues and concerns, explore potential solutions and make recommendations back to the Board. Two meetings have been held to date, an informational meeting in Salem on December 11, 2009 and the first official task force meeting in Portland on January 22, 2010.

We are excited about the work this committee will be doing and are grateful for those who are willing to donate their time, energy and resources to support this critical project. Thank you to those who participated in the meetings, sent in comments, expressed an interest in serving on the task force, and ultimately to those who graciously accepted a task force position. While the task force is off to a solid start with some wonderfully passionate members and public participants, we would like to have a few more members to round out the representation of stakeholders. If you are interested in serving on this committee or know of someone who might be, please contact the Board office at 503-365-8657 x 4 or visit our website for an application.

The next committee meeting will be held in Portland the afternoon of Friday, February 26, 2010. As soon as the specific time and location are set a meeting notice will be posted on the website and distributed via email. These meetings are open to the public and interested parties are encouraged to attend. If you are unable to attend but would like to keep informed on the progress of the task force you can visit our website at www.oregon.gov/obmt.

Renewal Due Date / Late Fees

REMEMBER your renewal is due the first day of the month of your expiration date and that your completed renewal packet MUST be postmarked no later than the first of your month (NOT your actual birthday) in order to avoid the assessment of late fees. Please be aware that late fees begin to accrue on the second of the month at a rate of \$25.00 per week up to the maximum amount of \$250.00. As a courtesy, the Board will mail your renewal form approximately six weeks prior to your renewal due date.

Licensee Demographics

Gender	Male	Female
	17.4%	82.6%
Number of LMTs	1177	5588

Ethnicity	Male (%)	Female (%)
Caucasian	13.8	70.2
Hispanic	0.5	1.2
African American	0.2	0.4
Asian of Pacific Islander	0.4	1.5
Native American	0.2	0.8
Other	0.7	2.0
N/A or Blank	1.6	6.5

Top 10 Modalities Practiced	(%)
Swedish	94.2
Deep Tissue	56.5
Reiki	13.2
Myofascial Release	12.8
Sports Massage	12.2
Trigger Point	11.8
Reflexology	9.4
Hot Stone	8.8
Cranialsacral Therapy	8.4
Thai	8.1



Oregon Board of Massage Therapists

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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.*