



Oregon

John A. Kitzhaber, MD, Governor

Board of Massage Therapists

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RULES COMMITTEE MEETING

January 30, 2012

OBMT Office

Attendance

Committee Members:

Michael Jordan, LMT, Chair

Todd Pennington, LMT

Mike Blackmore, LMT

Steve Davis, LMT

Board Members & Staff:

Heather Bennouri, LMT, Board Liaison

Christine West, Policy Analyst

Absent - Barb Pickle, LMT; Kate Coffey, Executive Director

Public: No public Present

1. **Call to Order** - Jordan called the meeting to order at 9:11 am.
2. **Introductions** – Present today are Michael Jordan, LMT, Todd Pennington, LMT, Steve Davis, LMT, and Mike Blackmore, LMT; Board Members and staff; Heather Bennouri, LMT & Board Liaison; and Christine West, Policy Analyst.
3. **Public Input** – none present
4. **Considerations:** Draft Rules:
Breast Massage
 - (1) Prior to performing breast massage to treat certain medical conditions, an LMT must:
 - a) be able to present evidence of the completion of advanced specialized training beyond the minimum competencies;
 - b) articulate a therapeutic rationale which is acknowledged by the client; and
 - A) which may include a medical prescription and/or permission to consult with the clients health care provider(s).
 - c) acquire prior written and verbal consent before proceeding;
 - B) the written consent must include clients' option to accept or decline to provide a witness, in addition to the client and LMT
 - (2) While performing these procedures an LMT must use appropriate draping techniques at all times. Any temporary exposure of the breast area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the breast area must be covered again.
 - (3) Additional prior written consent and the actual presence of a parent or legal guardian is required when treating female individuals under 18 years of age.

Internal Cavity

- (1) An internal cavity massage must be performed using gloves and utilizing universal precautions for communicable disease control.
- (2) Prior to performing these special procedures, an LMT must:

- a) be able to present evidence of the completion of advanced specialized training beyond the minimum competencies;
 - b) articulate a therapeutic rationale which is acknowledged by the client; and
 - A) which may include a medical prescription and/or permission to consult with the clients health care provider(s).
 - c) acquire prior written and verbal consent before proceeding;
 - B) the written consent must include clients' option to accept or decline to provide a witness, in addition to the client and LMT.
- (3) While performing these procedures an LMT must use appropriate draping techniques at all times. Any temporary exposure of the genital area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the genital area must be covered again.
- (4) Under no circumstances shall intravaginal or intra-anal techniques be performed on individuals under 18 years of age.

Criminal Background Checks, Fitness Determinations 334-010-0018 (Version 1)

- (1) The Board requires a criminal background check of all applicants for a massage therapist license to determine the professional fitness of an applicant. These must be provided on prescribed forms provided by the Board. Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the Board. The Board must submit fingerprints to the Oregon Department of State Police for checks against state law enforcement data systems and national data sources. Any original fingerprint cards **and any electronic fingerprint records** must subsequently be destroyed by the Oregon Department of State Police.
- (a) The Board requires ~~a criminal background check~~ **fingerprints** of all applicants for an initial license; licensees applying to reinstate a lapsed license or licensees applying to reactivate an inactive license; ~~and~~ licensees under investigation to determine the professional fitness of an applicant or licensee; **and licensees with a residence or working address outside of Oregon during the current renewal period.**

Sections: (2) – (10) remain unchanged

Criminal Background Checks, Fitness Determinations 334-010-0018 (Version 2)

- (1) The Board requires a criminal background check of all applicants for a massage therapist license to determine the professional fitness of an applicant. These must be provided on prescribed forms provided by the Board. Fingerprints may be obtained at a law enforcement office or at a private service acceptable to the Board. The Board must submit fingerprints to the Oregon Department of State Police for checks against state law enforcement data systems and national data sources. Any original fingerprint cards **and any electronic fingerprint records** must subsequently be destroyed by the Oregon Department of State Police.
- (a) ~~The Board requires a criminal background check of all applicants for an initial license; licensees applying to reinstate a lapsed license or licensees applying to reactivate an inactive license; and licensees under investigation to determine the professional fitness of an applicant or licensee.~~

Sections: (2) – (10) remain unchanged

Licensure 334-010-0015 Sections (1) – (9) remain unchanged

- (10) An application to reactivate an inactive license:
- (a) must be accompanied by:
 - (A) Current licensing fee;
 - (B) ~~Proof~~ **Verification** of current cardiopulmonary resuscitation (CPR);
 - (C) ~~Proof~~ **Verification** of 25 hours of continuing education for each biennium or fraction of the biennium the license was inactive, up to 50 hours; and
 - (D) Completed fingerprint card for criminal background check.

(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.

Fees 334-010-0033

- (1) The fees are:
 - (a) \$100 per biennial renewal for initial license;
 - (b) \$50 per biennial renewal for initial license under 12 months;**
 - ~~(b)~~(c) \$150 per biennial renewal for active license;
 - ~~(c)~~(d) \$50 per biennial renewal for inactive license;
 - ~~(d)~~(e) \$25 per week, up to a maximum of \$250, for any late renewal;
 - ~~(e)~~(f) \$50 for exam/endorsement application processing;
 - ~~(f)~~(g) \$150 for each practical examination;
 - ~~(g)~~(h) \$100 for mailing list;
 - ~~(h)~~(i) \$10 for license reprint;
 - ~~(i)~~(j) \$10 for license verification;
 - ~~(j)~~(k) \$250 Credentialing Review;
 - ~~(k)~~(l) Current Oregon State Police Criminal Background Check Fee; and
 - ~~(l)~~(m) other administrative fees as allowed by law.
- (2) Application and licensure fees are not refundable
- (3) Examination fees are 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.

The Rules committee will send these drafted and amended rules, including both versions of the Criminal Background Checks, Fitness Determinations to the Board for review at the February 13, 2012 Board meeting.

5. **Adjournment** - The meeting was adjourned at 10:40 am.

The next Rules Committee meeting is February 15, 2012