

# BOARDERLINE

Oregon Board of Massage Therapists

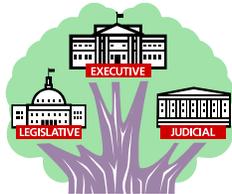
January 2013

## OBMT 2013 Legislative Concepts

For the 2013 Legislative Session the OBMT will have two legislative concepts, soon to be Senate and House bills.

### Name Change & License Endorsements

Legislative Concept 796 would change the name of the board to State Board of Massage and Bodywork. The name change adds bodywork to the name of the board. In addition, this concept would allow the board to issue license endorsements for specialties that exceed the 500 hours of initial training for licensure.



### Legislative Concept 390 – Facilities Licensing

Legislative Concept 390 would provide statutory authority for the board to license massage facilities. Currently, the board only has authority over individual licensees. In the past 5 years the board has received several complaints that these illicit facilities operate without licensed massage therapists. The board has investigated several of these facilities and they are still in operation today. This legislation would provide the board with the statutory authority to issue citations to the facility owner and ultimately force closure of the facility.

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## Earn Free Continuing Education Hours

Stay current & involved with the OBMT and benefit from it.

The Oregon Board of Massage Therapists holds meetings a minimum of six times per year. Topics covered in the public portions of these meetings include matters such as current legislative topics, budgeting issues, committee updates and policy review. Additionally, the Board discusses issues facing the massage profession both nationwide and locally.

These meetings are open to the public, who will have opportunities to address the Board with any comments they may have. Board meetings are audio taped and minutes are taken to record discussions so if you can't attend,

you can still remain current on the information by visiting the Board's web site at [www.oregon.gov/OBMT](http://www.oregon.gov/OBMT).

If you would like to obtain free CE, in-person attendance at the meeting will earn you one contact hour for your presence.

The Board meeting schedule is always posted on the Board website. If you would like to receive announcements of upcoming meetings, you may request to be an "interested party." With proper planning you could attend 12 board meetings in one renewal cycle and get all of your required contact hours for free. The 2013 dates are provided to the right. Please check the Board web site and Notices for finalized dates.

### 2013 Board Meeting Dates

1/14/2013 - OBMT Office  
9:00 AM - Board Room

3/11/2013 - OBMT Office  
9:00 AM - Board Room

5/17-18/2013 - Location TBD  
9:00 AM - Travelling

7/22/2013 - OBMT Office  
9:00 AM - Board Room

9/23/2013 - OBMT Office  
9:00 AM - Board Room

11/18/2013 - OBMT Office  
9:00 AM - Board Room

\*Meetings are subject to change

## “What’s tat...I mean that?” by Melanie Morin, L.M.T.

Hello fellow licensees. I would like to take a moment and address a topic that comes up in discussion from time to time. It could be open for debate and may not be viewed as anything urgent, but it happens to me pretty frequently. *When* is it appropriate or *is* it appropriate for a L.M.T. to comment on their client’s tattoo(s)?

I would like to speak as an active L.M.T., one who receives massages, admires body art, and who has many tattoos herself. As a L.M.T., I have seen a lot of different things come across my table. And sometimes it’s necessary to check in with clients in regards certain things about their skin, i.e. irregular looking moles, infections (viral/fungal), etc. But what about cool looking tattoos? Sure it’s right there in the open, exposed, but how does it make the client feel? Will this distract them or you during the session? What if it’s a memorial/tribute to someone that they hold sacred and they’ve just met you and don’t feel like explaining? Or what if you misinterpret or get-it-wrong and

then comment on it and it rubs them the wrong way. No pun intended. But you see where I’m going. They may or may not mind, but really, is it relevant to the treatment? What does the interest in their tattoos have to do with the reason why they are there in the first place? I’m just trying to shed light on it from every angle.

Speaking of light, when working in dim conditions it may be difficult to see a fresh tattoo that is still in the process of healing and since they are “open wounds”, it’s good to know a few facts. The average tattoo takes 7-10 days to heal. No sun exposure or heat should be used during the healing process. Working around the area is fine but I would treat it as sunburn and avoid the tattoo directly. Pushing, pulling, and poking on an open wound is contraindicated for massage and a healing tattoo is an open wound. So follow the same precautions as you would for that. After it has healed I would check with the client in regards to pressure, etc. There can still be sensitivity and irritation for up to 6 weeks after

receiving a new tattoo. And if it looks red, irritated, swollen, or oozing then there could be an infection brewing! Send them to their primary healthcare practitioner.

Just give it some thought the next time you are tempted to comment on a new client with tattoos or a regular client with new tattoos. You never know if it’s something they are comfortable elaborating on or not. You may have a great rapport with your clients and this wouldn’t be an issue at all and that is fine. I also think that commenting on their body art when they are clothed is in a different context and making a simple comment or compliment could come across in a more casual way. Thanks for listening and thank you for all that you do! Keep healing the world an hour at a time.

Blessings,

Melanie Morin L.M.T.



## Scope of Practice—Cupping

By Heather Bennouri, L.M.T.

*Cupping* is a general term to describe a suction device that is applied to the skin. Variations in terminology and technique exist; there are many cupping techniques that are within the scope of practice for massage therapists and there are some cupping techniques which are not.

For simplicity, it is easiest to cover two types of cupping techniques that ARE NOT in the scope of practice for massage therapists. 1) Cupping over needles (as in acupuncture

needles). Licensure is required for acupuncture and the needling is outside of the massage therapy scope of practice. 2) “Wet” cupping. This is cupping done after scarification or some other form of breaking the skin. Wet cupping practices (where the client bleeds into the suction of the cup) are outside of the scope of practice of LMTs. It is important to understand that it is the additional practices of needling and breaking the skin that are outside of scope—both techniques that are outside of

LMT scope regardless of other practices used in combination with them.

Cups (tools) applied to provide pressure (in this case, negative pressure) and stretching, for the purpose of but not limited to maintaining good health and establishing or maintaining good physical condition is WITHIN the scope of practice of LMTs.

Cont. pg. 3

## Scope of Practice—Cupping by Heather Bennouri, L.M.T. (cont. from pg. 2)

However, like all specialized techniques, anyone using a variation of cupping treatments should have training (which likely goes beyond initial training for licensure) that covers the following information: indications, contraindications, therapeutic treatment techniques, expected outcomes (including potential side effects), client safety, client consent, client communication, any specialized draping techniques that may apply, sanitation, and ethical responsibilities related to cupping.

There are a variety of different cup types available, of varying qualities. All types of cups (including fire cups) are tools within the scope of practice for massage therapists, as long as they are applied according to scope of practice in statute by a LMT who has training in the specific techniques. (It should be noted that several liability insurance companies do not cover fire cupping; check your policy if you use this in your practice.)

It is important that good quality cups are used. Some inexpensive cups

work fine for a few treatments but break down quickly and lose suction. This won't harm the client, but it will prevent the treatment from being effective in the manner you intend (and can get expensive if you have to keep replacing your "bargain" cups). Other inexpensive cups (glass or plastic) may have rough edges or develop chips that can scrape or break your clients' skin. Even good cups, if not handled carefully, can develop cracks or chips, so it is critical to regularly inspect your tools to ensure they are functional and safe. Additionally, cups need to be thoroughly cleaned between clients to ensure sanitation.

Massage Therapists providing cupping need to have excellent verbal communication skills. Because cupping can leave markings ranging from minimal to very dramatic depending on the client's physiology and the length and type of cupping treatment, LMTs need to be able to explain what the physiological nature is of the markings, why they occur, and how long they can be expected

to last. LMTs unable to or who simply fail to communicate this effectively can have negative repercussions if the client (or their significant other) is surprised by the markings.

When taking a cupping course (as with any technique course), make sure when you sign up that the course meets the content requirements outlined previously. This protects you as the practitioner as well as helps you to provide a better level of care to your clients. A good course will provide you with solid written information that you can refer to it afterwards and will likely recommend that you ask your clients to sign additional consent forms to receive cupping treatment. It may also be wise to provide detailed handouts to clients receiving cupping that explain the nature of the treatments, benefits, side effects, and have a resource (it can be your phone number or a web site) for more information.



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### Do You Have an Opinion?

The Board wants to your input when it comes to Rules changes. Adopted rules take effect on January 1 & July 1 of each year and there are rule hearings prior to each of these implementations. If you would like to provide input regarding new rules, please watch our website <http://www.oregon.gov/OBMT/Pages/lawsrulespolicies.aspx> and the notifications sent to you. Your input is critical and can be given during the rules process. The input provided during one rules hearing will create the following effect:

- The Board decides to update, modify or create a new rule;
- The decision is assigned to the Rules Committee;
- The Rules Committee meets and seeks public input on the drafting of the rule and what the fiscal impact will be;
- The Board reviews the updates and approves and/or denies them for preparation of a rules hearing;
- The rules hearing is held with public comments accepted (this is your last opportunity to give your comments or opinion); and
- Board votes to adopt the rules or send them back to the Rules Committee.

### Updated Massage Rules

On November 26, 2012 the Board held a Rules Hearing to clarify OAR 334-010-0029 Internal Cavity; **Internal Cavities consist of nasal cavities, oral cavities, auricular cavities, anal cavities, and vaginal cavities.** This update takes effect January 1, 2013. Don't forget this rule contains a written permission component for internal cavity massage.

## Fee Splitting & Massage Therapy

*What It Is & What You Get Paid by Heather Bennouri, L.M.T.*

This will be the first in a series of articles regarding the practices of fee-splitting in the profession of massage therapy. If you are unfamiliar with the term “fee-splitting,” you may be more familiar with entities such as Groupon, Living Social, or other types of similar businesses. Fee-splitting occurs when someone other than the provider (LMT) takes a portion of revenue for providing marketing (or other) services.

There are several different types of opportunities of this structure available to massage therapists in Oregon. While variations on the structure exist, most look something like the following example (round numbers are used for simplicity, not as a recommendation for pricing).

Item	Price
Regular service price	\$100.00
Price advertised to consumers (usually about a 50% discount)	\$50.00
Fee-split amount that goes to the marketing company (usually about 50% of consumer price)	\$25.00
<b>Amount that is paid to service provider (in this case, the LMT)</b>	<b>\$25.00</b>

This is a simplistic overview, but you can see that in terms of your income, you will receive about 25% of your regular service fees. If you charge \$70 for a one-hour massage, that comes out to \$17.50.

Some services have additional fees, such as credit card transaction costs as high as 5% (in the \$100 example, this drops the LMT pay amount to \$22.50).

If you work on a commission basis, and receive only a portion of what is taken in by the individual or company paying you, it is important to be aware of what you will ultimately receive in payment—if the regular fee is \$70 for a one-hour massage and you work on 50% commission, this could mean your pay

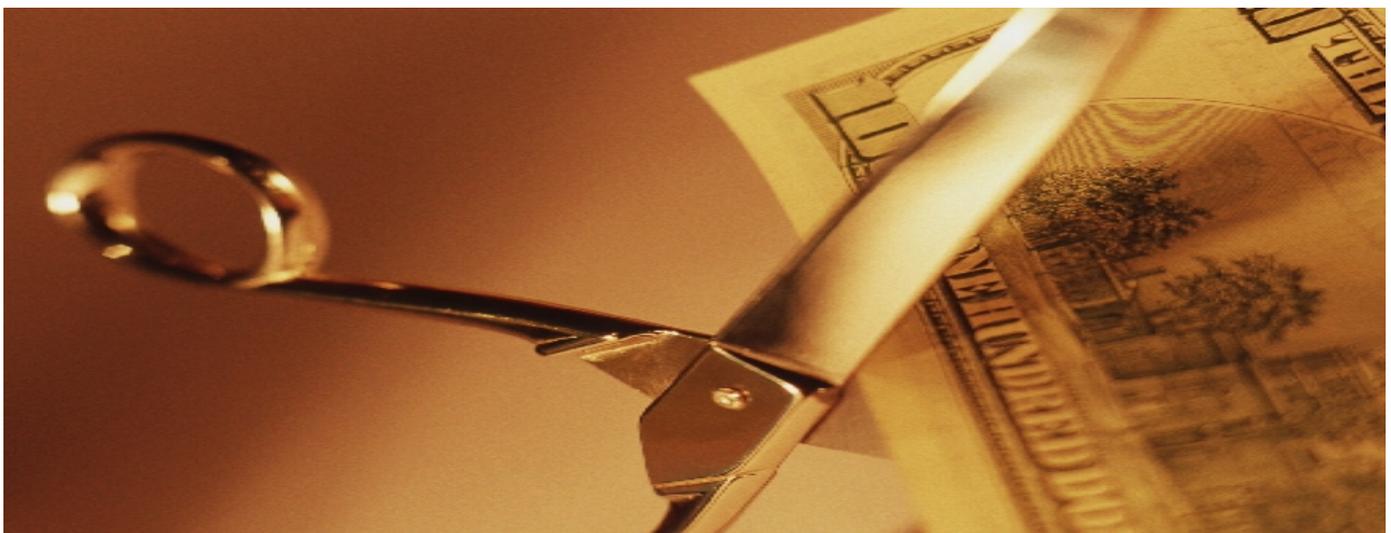
is \$8.75 an hour, which is \$.05 below 2012 Oregon minimum wage\*.

So that you are clear on what the payment is, what the terms are, when you will get paid, expiration dates of the service, and more, it is really important that you thoroughly read and understand the terms of any contract you enter into. With regards to fee-splitting, it is especially important that you understand your employment contract (if applicable) as well as the fee-splitting agreement. If your employer is the one entering into the agreement with the fee-splitting company and you have no control over this, you may want to review your work agreement/contract with your employer and even legal counsel to ensure that you are being paid both legally and fairly.

For those massage therapists that work as business owners and enter independently into a fee-splitting arrangement, it is critical that you understand *how much* you will get paid (do your math!), *when* you will get paid (some are as far as 60 business days away, which is nearly three months), *how long* the “vouchers” that consumers purchase will be valid—and what your responsibilities will continue to be after the expiration date, *what limits*, if *any* you can set on how many vouchers will be sold, how many times ads will run, and all other details that can affect your business.

Your fee-splitting ad may reach thousands of potential customers. In the next BOARDerline, there will be a look at *who* these fee-splitting ads reach and what it can mean for your business.

\*Wage violations or other employer/employee issues should be reported to the Bureau of Labor and Industries, or BOLI. For information or complaints about wage or employment issues, please visit the BOLI web site at [www.oregon.gov/BOLI](http://www.oregon.gov/BOLI).



### Demographics by Gender

Active		6411
	Male	18.06%
	Female	81.86%

Inactive		815
	Male	14.48%
	Female	85.28%

Total		7226
	Male	17.66%
	Female	82.24%

## Licensee Demographics

The Board office often receives inquiries regarding various massage demographics for the State of Oregon. Here are some interesting facts about licensee demographics of the Oregon Board of Massage Therapists. We have provided information by Gender, Age, Ethnicity, and duration of a license held.

### Demographics by Age

<20	9
20-29	1194
30-39	2124
40-49	1530
50-59	1421
60-69	852
70-79	87
>=80	7
Total	7226

	Male	Female	% of Total
<20	33.33%	66.67%	0.12%
20-29	17.59%	82.33%	16.52%
30-39	16.43%	83.47%	29.39%
40-49	17.12%	82.81%	21.17%
50-59	18.37%	81.56%	19.67%
60-69	19.72%	80.28%	11.79%
70-79	25.29%	74.71%	1.20%
>=80	14.29%	85.71%	0.10%

### Demographics by Ethnicity

	Male	Female
Caucasian	14.28%	70.63%
Hispanic	0.68%	1.34%
African American	0.26%	0.46%
Asian or Pacific Islander	0.50%	1.70%
Native American or Alaskan Native	0.14%	0.80%
Other	0.61%	2.30%
N/A or Null	1.19%	5.01%

### Demographics by License Duration

Yrs.	Active	Inactive									
<2	1083	9	<13	173	24	<24	58	13	<35	14	0
<3	493	28	<14	121	28	<25	46	10	<36	10	1
<4	490	48	<15	169	26	<26	43	6	<37	4	3
<5	442	54	<16	144	31	<27	20	5	<38	6	0
<6	437	52	<17	155	26	<28	41	6	<39	1	1
<7	426	78	<18	133	22	<29	24	5	<40	3	0
<8	386	58	<19	100	16	<30	19	7	<41	0	0
<9	301	47	<20	63	14	<31	19	5	<42	1	0
<10	291	57	<21	47	8	<32	11	4	<43	0	0
<11	196	31	<22	104	28	<33	9	0	<44	0	0
<12	217	41	<23	106	20	<34	4	1	<45	0	0