

Oregon Board of Massage Therapists

OBMT SUBMITS A LEGISLATIVE CONCEPT

The Oregon Board has submitted a concept for the legislators to consider during the 2003 legislative session. The concept is titled "Competency Evaluations" and the concept number is LC96800/01. The body of the concept follows:

687.** When evaluation of mental or physical condition or demonstration of competency may be required. (1) During the course of an investigation into the performance or conduct of an applicant, or licensee, the Oregon Board of Massage Therapists may order mental health, physical condition or chemical dependency evaluations of the applicant or licensee upon reasonable belief that the applicant or licensee is unable to practice massage with reasonable skill and safety to clients.

(2) When the board has cause to believe that an applicant or licensee is or may be unable to practice massage with reasonable skill and safety to clients, the board may order a competency examination of the applicant or licensee for the purpose of determining the fitness of the applicant or licensee to practice massage with reasonable skill and safety to clients.

(3) A licensee practicing massage, or an applicant by applying to practice massage therapy in Oregon, gives

consent to submit to mental health, physical condition or chemical dependency evaluations when ordered by the board and waives any objection on the grounds of privileged communication to the admissibility of information derived from evaluations ordered by the board.

(4) The board will select or approve the medical professional who is to provide the mental health, physical condition or chemical dependency evaluations. The applicant or licensee shall pay all of the costs associated with the mental health, physical condition or chemical dependency evaluations. The Board may request any medical organization to assist the board in preparing for or conducting any mental health, physical condition or chemical dependency evaluation that the board may consider appropriate.

(5) Failure or refusal by a licensee or applicant to comply with an order issued under this section shall constitute grounds for disciplinary action.

The purpose of the concept is to assist the Board in its mission to protect the safety of the public. The need for a competency evaluation would be determined on a case-by-case basis. As a health regulatory agency, the Board wants a qualified professional to make the determination on a person's competency to practice massage. The Board would not request a competency evaluation without sufficient evidence to indicate such an evaluation was necessary. The following Oregon licensing boards have statutes that allow for some type of competency evaluation: Board of Dentistry, Board of Clinical Social Workers, Board of Chiropractic Examiners, Board of Medical Examiners and Board of Nursing.

If you wish to provide comments for or against LC 96800/01 you can do so through AMTA-Oregon, OMTA, by submitting written comments to the Board office or by contacting your local legislator.

PROPOSED RULE CHANGES

Once again, the majority of this newsletter is comprised of information regarding proposed rule changes by the Board. The proposed changes include some new rules and revisions to existing rules. Rule deletions are presented in brackets. This is your opportunity to speak for or against the proposals. You may submit your testimony in writing. An Administrative Rules Hearing will be conducted on November 7, 2002. All forms of written testimony must be in the Board office no later than 4:30 P.M. on November 6, 2002. You may provide oral testimony during the hearing, if you wish. The Board will take into consideration all testimony and vote on the proposed rules changes at the board meeting on November 8, 2002. If you do not have a copy of our Administrative Rules, you may request a copy from the Board office or access them on our website at: www.oregonmassage.org

RENEWAL TIME IS NEAR

Renewal time is quickly approaching. As a reminder, the active renewal fee is \$80 and the inactive renewal fee is \$40.

As a courtesy the Board sends out a renewal notice approximately two months prior to the deadline date of December 1. We send the renewal mailing based on the information in our database at the time of mailing. If we don't have your correct mailing address on file you will not get your notice. Also, the Board is not responsible for delays or errors in mailing by the post office. The ultimate person responsible for submitting your **complete** renewal on time is **you**...the LMT.

Sometimes people are confused regarding the license expiration date of December 31 and the renewal payment date of December 1. It is true your license is current until December 31. However, to give the office time to process renewals, the cutoff date (without a delinquent fee) is December 1. [ORS 687.061(1)]

Applications **postmarked** after December 1, 2002 will be returned for inclusion of the \$25 late fee.

Also, please be sure to send verification of **current** CPR with your renewal. Applications without current CPR verification will be returned in their entirety and will result in assessment of a late fee if received after the December 1 cutoff day.

Oregon Board of Massage Therapists

REMEMBER

All licensed massage therapists must notify the Board of any ADDRESS CHANGES within 30 days of the change. [OAR 334-010-0025(7)]

Address changes must be submitted in writing. This can be done by e-mail, fax or regular mail.

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2002 BOARD MEETINGS

Sunday, September 8, 2002

Friday, November 8, 2002

The September 2002 Board meeting will be in Bend, Oregon at the Eagle Crest Resort. The public meeting will begin at 9:00 A.M. The November 8, 2002 meeting will be in Salem, location to be determined. Meeting agendas and dates are subject to change. If you have an agenda item you wish to present to the Board, it must be in the office no later than three weeks before the scheduled meeting.

FREQUENTLY ASKED QUESTIONS

Q: I am interested in doing equine massage, whom do I contact for that?

A: OBMT statute, ORS 687.011(5) states massage is done on the **human** body. Any questions regarding animal massage should be directed to the Veterinary Medical Examining Board. Their telephone number is 503-731-4051.

Q: Do I need a business license to practice massage and if so where do I get one?

A: In the last newsletter, I stated a person should contact the Secretary of State Business Corporation for information about owning a business in Oregon. However, to get a business license to practice in Oregon, you must contact the city in which you work. You do need a business license to practice in the state.

VOLUNTEERS WANTED

The Salem Senior Center is conducting a Health and Wellness Conference on Saturday, October 19, 2002 from 9:00 A.M. to 3:00 P.M. The conference will address health concerns of the mature adult including workshops on Fibromyalgia, Diabetes, Arthritis and hearing loss, to name a few. The Center has extended an invitation for local massage therapists to attend the event, set up a booth, and provide free five minute shoulder massages on conference participants. If possible, they would like to have two LMTs in the morning and two in the afternoon.

The Center is located at 1055 Erixon St NE in Salem. If you are interested in participating or would like more information contact Carol Kovas at 503-588-6303.

FILING COMPLAINTS

OAR 334-030-0010 states a person may submit a complaint anonymously. While this is true, it can severely hinder an investigation if the Board's investigator cannot contact the Complainant. If you file a complaint and request to remain anonymous we will not give your name to the Respondent. However, sometimes we cannot investigate cases because we don't have enough information to proceed and don't have a means to get more information. So please give your name and contact information to the Board when filing a complaint.

CONSUMER PROTECTION PAGE

The Consumer Protection Page will be printed in the next issue of *The Boarderline*.

ORIGINS OF THE BOARD OF MASSAGE THERAPISTS

Did you ever wonder about the history of the Board of Massage? To satisfy your curiosity, peruse the following research into the origins (no insertions) of the Board of Massage Therapists.

Back in 1951 the first Oregon State Board of Massage Examiners was established. There were no massage therapists on that Board. Along with licensing and enforcement, it was responsible for approving massage schools with a minimum curriculum of 100 hours in Anatomy, 50 hours in Physiology, 50 hours in Hygiene, 100 hours in Manual and Mechanical Massage, 100 hours in Clinic and 50 hours in Baths.

To obtain a massage license a person had to be 21 years of age or over, have completed general education or training equivalent to such course of study, have received a diploma or certificate of graduation from an approved school teaching massage and furnish evidence of good moral character. The examination consisted of written, oral and practical portions. An overall score of 75% or better with no less than 60% in any one subject was required to pass. The examination fee was \$25 and renewal fees were \$10.

In 1955 that Board was abolished and licensing was transferred to the Board of Health. The education requirements were discontinued. Massage business licenses were required.

The State Health Division was created under the Department of Human Resources in 1971 and it appointed the Board of Masseurs to carry out a licensing program. This Board was charged with the responsibility of making decisions on the qualifications of applicants, standards of practice, enforcement and discipline. Board members were also responsible for annual inspections of massage parlors.

The initial Board Meeting was November 11, 1971. It consisted of three masseurs/masseuses Dominic LaRusso, Chairman, Barbara Matson and Andrew Sklivis. Some of the proposed law changes suggested at the first meeting included increasing the licensing fee from \$10 to \$20 and giving the Board authority to establish prerequisites for taking the licensing examination.

That's all for now. Look for another installment in a future newsletter.