



# Oregon

John A. Kitzhaber, MD, Governor

## Board of Massage Therapists

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## RULES COMMITTEE MEETING

March 12, 2012

OBMT Office

### Attendance

#### Committee Members:

Michael Jordan, LMT, Chair

Todd Pennington, LMT

Steve Davis, LMT

#### Board Members & Staff:

Heather Bennouri, LMT, Board Liaison

Christine West, Policy Analyst

**Absent:** Mike Blackmore, LMT and Barb Pickle, LMT

**Public:** Pam Pennington

1. **Call to Order** - Jordan called the meeting to order at 9:12 am.
2. **Introductions** – Present today are Michael Jordan, LMT, Todd Pennington, LMT, and Steve Davis, LMT; Board Members and staff; Heather Bennouri, LMT & Board Liaison and Christine West, Policy Analyst.  
**Absent** - Mike Blackmore, LMT and Barb Pickle, LMT
3. **Public Input** – Pam Pennington asked with the Breast or Internal Cavity Massage new rules if you have a continual treatment plan with a client, is a signed consent form required at each treatment visit for either Breast or Internal Cavity Massage? The committee answered yes, it can be on the same form, but it needs to be signed and dated at each visit, not an umbrella consent.
4. **Considerations:** Review DOJ amendments to the Breast & Internal Cavity Massage Rules; review credentialing review rules.

### **334-010-0028 Breast Massage**

(1) Prior to performing breast massage to treat certain medical conditions, a LMT must:

- a) be able to present evidence of the completion of specialized **contact hours** training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to breast massage;
- b) be able to articulate a therapeutic rationale which is acknowledged by the client; Rationale 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; 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.

**334-010-0029 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 specialized **contact hours** training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to internal cavity massage;
- b) be able to articulate a therapeutic rationale which is acknowledged by the client; ~~rationale 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; 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 will intravaginal or intra-anal techniques be performed on individuals under 18 years of age.

**5. Fiscal Impact Statements: Review Draft Fiscal Impact Statement for the proposed Draft Rules**

Secretary of State  
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Board of Massage Therapists

OAR Chapter 334

Agency and Division

Administrative Rules Chapter Number

Clarifying Rule Language, creating new rules; Breast Massage & Internal Cavity

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Adoption and amendments of rules in OAR Chapter 334, Divisions 10

Statutory Authority: ORS 687.121, 687.071, 687.041, 181.534

Other Authority:

Stats. Implemented: ORS 687.121, 687.071

Need for the Rule(s): To clarify verbiage and to adopt clarifying rules for breast and internal cavity massage.

Documents Relied Upon, and where they are available: OAR 334, 2011 Board meeting minutes, Rules committee meeting minutes, and current Board policies (breast massage & internal cavity). These documents are available on the Web site at <http://www.oregon.gov/obmt>

Fiscal and Economic Impact:

There is no measurable impact to the Board of Massage Therapists.

Statement of Cost of Compliance:

- 1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

334-010-0029 Internal Cavity – No projected fiscal impact

334-010-0028 Breast Massage – No projected fiscal impact

334-010-0033 Fees – No projected fiscal impact; this is already the practice within the Massage Board, the rule change just clarifies this for Licensed Massage Therapists

334-010-0015 Licensure – No projected fiscal impact

334-010-0018 Criminal Background Checks, Fitness Determinations – No projected fiscal impact

334-010-0009 Credentialing Review – No projected fiscal impact

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

334-010-0029 Internal Cavity – less than 10% of Licensed Massage Therapists businesses, approximately 600

334-010-0028 Breast Massage – less than 5% of Licensed Massage Therapists businesses, approximately 300

334-010-0033 Fees – approximately 250 newly Licensed Massage Therapists, with their first renewal in less than 12 months of their initial licensure

334-010-0015 Licensure – All Licensed Massage Therapists approximately 6000, **per biennium**

334-010-0018 Criminal Background Checks, Fitness Determinations – no projected fiscal impact

334-010-0009 Credentialing Review – approximately 1 a year

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

334-010-0029 Internal Cavity – approximately \$5 per biennium, the costs of storing/electronically storing signed paperwork.

334-010-0028 Breast Massage – approximately \$5 per biennium, the costs of storing/ electronically storing signed paperwork.

334-010-0033 Fees – no projected fiscal impact

334-010-0015 Licensure – no projected fiscal impact

334-010-0018 Criminal Background Checks, Fitness Determinations – **no projected fiscal impact**

334-010-0009 Credentialing Review – **no projected fiscal impact**

c. Equipment, supplies, labor and increased administration required for compliance:

334-010-0029 Internal Cavity – approximately \$10 per biennium; for toner, paper and printing expense

334-010-0028 Breast Massage – approximately \$10 per biennium; for toner, paper and printing expense

334-010-0033 Fees – No projected fiscal impact, a fiscal savings of \$50 for newly Licensed Massage Therapists, with their first renewal in less than 12 months of their initial licensure

334-010-0015 Licensure – a costs savings; \$1.00 a biennium for postage

334-010-0018 Criminal Background Checks, Fitness Determinations – **no projected fiscal impact**

334-010-0009 Credentialing Review – no projected fiscal impact

**How were small businesses involved in the development of this rule?** Each licensee may be considered a small business.

Licensees and stakeholders are Rules committee members and Licensees and stakeholders were notified through Rules committee meetings minutes and invitations to attend the meetings.

**Administrative Rule Advisory Committee consulted?** yes

If not, why?

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6. **Adjournment** – The meeting adjourned at 9:53 am.