

# State Board of Massage Therapists

## Bylaws

### Article I. Name

Sec. 1. The name of the agency shall be the Oregon State Board of Massage Therapists. The word “Board” or “O.B.M.T.” wherever used shall mean the Oregon State Board of Massage Therapists unless otherwise specifically identified.

### Article II. Mission

Sec. 1. The mission of this Board is to regulate and monitor the practice of massage therapy in Oregon. Its role is to ensure public safety by developing, implementing, and maintaining the standards of professional conduct and practice.

### Article III. Interest and Responsibilities

Sec. 1. The Board considers the interests of the following types of organizations, groups and other state agencies:

- a. Oregon Governor’s Office who appoints the members of the Board and the Executive Director.
- b. Oregon Legislature which promulgates laws under which the Board will operate and fulfill its mission.
- c. Licensees whom the board regulates.
- d. Professional Massage Associations that represent individuals that perform massage throughout the State of Oregon.
- e. Oregon state agencies which regulate parallel industries, especially where there are areas that overlap and coincide with the Board’s jurisdiction
- f. Other Semi-Independent Health-Related Boards that exist within the governmental framework of Oregon.
- g. Consumers of massage therapy services within the State of Oregon.

Sec. 2. Within the interests of these types of organizations and agencies, and as authorized by the Oregon State Legislature, the Board has specific responsibility to:

- a. Promulgate rules granted by the Board’s rule making authority as are necessary for the Board to fulfill its statutory roles.
- b. Interprets the laws and rules that govern massage and assure that these laws and rules are administered fairly and effectively throughout the state.
- c. Develop policies and procedures that assure the services rendered to stakeholders of the Board are non-discriminatory, effective and efficiently managed and that the Board is run in an ethical and fiscally responsible manner.

- d. Establish, implement and evaluate service programs that serve the massage therapist and consumer with integrity and respect of person.
- e. Identifying the interests and needs of all citizens, encouraging the creation of services to meet these needs within the areas of concern of the Board.
- f. Assisting, co-creating and supporting other state agencies in meeting the needs of the citizens and contractors within the State of Oregon by mutual cooperation and sharing of information that will benefit all.

## Article IV. Membership

As established in Oregon Revised Statutes:

Sec. 1. The Board will consist of seven members, four (4) of which shall be members who are working in the massage field as licensed massage therapists, three shall be members of the public, including one public member selected from a health related field.

Sec. 2. At least 60 days before a vacancy is to occur on the Board, the professional organizations representing persons subject to licensing may nominate at least three qualified persons for each vacancy and shall certify its nominees to the Governor. This process does not apply to the appointment of public members.

Sec. 3. Members of this Board may become members of committees and advisory groups of the Board and may serve on other boards outside state government.

Sec. 4. Only individual members of this Board may vote or serve as officers on the Board

Sec. 5. The term of membership of this Board shall be four years from the date of appointment by the Oregon Governor.

Sec 6. A member of the Board may serve two consecutive terms of four (4) years each.

Sec 7. A member of the Board will receive, if not a public employee, compensation for meeting preparation and attendance as determined by the Board, plus reimbursement for actual expenses. If a public employee, the Board member will receive reimbursement only for actual expenses.

## Article V. Officers and Duties

Sec. 1. The officers of the Board shall be a Chair, Vice-Chair, and Past-Chair.

Sec. 2. Except as otherwise provided in the Bylaws, the duties of the officers are such as provided in the parliamentary procedure adopted by the Board.

- a. The Chair shall preside at all meetings of the Board with the right to vote. The Chair shall see that the officers and members of the Board observe the bylaws and that the decisions of the Board are carried out. The Chair will recommend to the Board such actions as are deemed to be in the interest of

the Board.

b. The Vice Chair shall perform the duties of the Chair in the absence of the Chair. In addition to regular duties, the Vice-Chair shall perform such duties as the Board may assign to that office. Quarterly, the Vice-Chair shall perform a review of the fiscal transactions of the Board.

c. The immediate Past Chair shall perform the duties of the Chair and/or Vice Chair in the absence of the Board Chair and/or Vice Chair. The current Past Chair shall perform such duties as the Board may assign to that office.

Sec. 3. The term of office for elective and appointive positions of the Board shall be one fiscal year. Beginning with the first board meeting in July and ending with the adjournment of the last board meeting of the fiscal year.

Sec. 4. There shall be an executive committee whose members shall consist of the immediate past Chair, the current Chair and the current Vice-Chair. The executive committee shall be responsible to perform the annual Board's Administrator's review.

## **Article VI. The Board**

Sec. 1. The Board shall have general responsibility for all the affairs of the Board. It shall consider and make decisions pertaining to the Board as a whole at annual and other meetings, or between such meetings. This will include decisions on budget, programs, and projects. The Board is authorized and directed to create such sections, discussion groups, committees, and other subordinate units as may be required to discharge properly the responsibilities and functions of the Board, and to suspend or disband any such group when its usefulness or reason for being has ceased.

Sec. 2. Voting members of the Board shall consist of four industry related members and three members from the public.

Sec. 3. Voting members of the Board who fail to attend three consecutive Board meetings, unless one is excused, shall be referred to the Governor's office for removal from the board due to non-participation.

Sec. 4. Any act of the Board, accomplished or contemplated within the authority granted in preceding sections of this article, may be reviewed by the public or other interested parties unless exempt from disclosure by law. The Board shall take action by a majority of a quorum of the Board.

## **Article VII. Nominations and Elections**

Sec. 1. The Chair and Vice-Chair shall be elected from the membership at the last Board meeting of the fiscal year.

Sec. 2. The election shall be held by roll call vote which shall be made public at the conclusion of the balloting.

Sec. 3. All current members of the Board shall be eligible to vote on the elective positions of the Board

## Article VIII. Vacancies of Office

Sec. 1. Chair. Any vacancy in the office of the Chair shall be filled for the remainder of the term by the Vice-Chair. This shall not prevent a Vice-Chair from serving his or her normal term as Chair.

Sec. 2. Vice-Chair. A vacancy in the office of Vice-Chair shall be filled by election by members of the Board.

Sec. 3. Chair and Vice-Chair. If vacancies occur in the offices of both Chair and Vice-Chair within the same term, the Board shall elect a Chair and Vice-Chair to serve the remainder of the unexpired terms.

Sec. 4. Board members. A vacancy in the director position shall be filled by appointment of the Oregon Governor to complete the term of office.

Sec. 5. Committee Members. Vacancies among the members of committees shall be nominated by the board.

## Article IX. Meetings

Sec. 1. Meetings of the Board shall be held at least every other month and at other times as determined by the Chair or by at least four members of the Board. Meetings shall be noticed to the public at least 10 days before the scheduled date of the meeting.

Sec. 2. Committee meetings or subcommittee meetings may be held at any time in fulfilling the purpose of the committee and at such other times as the Chair may decide, upon the approval of the Board.

## Article X. Executive Director and Physical Office of the Board

Sec. 1. The physical office of the Board shall be located at a site determined by and approved by the Board.

Sec. 2. There shall be an Executive Director of the Board who shall be appointed by the Board. The Executive Director shall be responsible for the general administration and implementation of the Board's affairs in accordance with the general policies properly established by the Oregon Statutes, Oregon Administrative Rules, Board Policies and the Board's bylaws.

Sec. 3. The Executive Committee of the Board shall annually give a formal review of performance of the Executive Director. Unless the Executive Director requests otherwise, this review shall be submitted to the full Board only in executive session for informational purposes and Board review.

Sec. 4. The Executive Director of the Board shall have signature authority for compliance orders, subpoenas, and check signing authority on the Board's General

Account. The Board's investment account will require the signature of the Board Chair and the Executive Director.

## **Article XI. Committees and Subcommittees**

Sec. 1. Standing, special, ad hoc, and sub-committees may be created by the Board and may be suspended or abolished in the same manner. Special committees may also be authorized by the Chair to meet emergency needs. All committees shall report to the Board.

Sec. 2. Committee Chairs shall be appointed by the Board. Members of Committees shall be appointed by the board. Vacancies on committees shall be filled in the same manner.

Sec. 3. Committees are established to carry on the work of the Board. Members shall be appointed to committee assignments until conclusion of the committee assignment, or committee members resignation, or removal by the Board.

Sec. 4. Special committees as authorized in Section 1 shall be appointed to study and evaluate various aspects of policy, programs or projects and will recommend courses of action to the Board. A special committee may exist as long as there remains concern by the Board for the committee's area of interest.

Sec. 5. All committees shall have not less than (3) members.

## **Article XII. Voting**

Sec. 1. Each member of the Board shall have one vote.

Sec. 2. Each member of the Board, any committee or subcommittee, and other subordinate units of the Board shall have one vote in the respective body.

Sec. 3. Questions under consideration shall be decided by majority vote of a quorum of the board.

Sec. 4. Attendance and votes by conference call telephone may be authorized by the Board subject to notice requirements of Public Meeting Laws.

## **Article XIII. Quorum**

Sec. 1. The majority of the members of the board constitute a quorum for the transaction of business. The majority of the quorum present shall be able to conduct business.

## **Article XIV. Board Years and Financial Affairs**

Sec. 1. The Board fiscal years shall be the same respectively as those defined by the Department of Administrative Services State Controllers Division.

Sec. 2. The fiscal affairs of the Board shall be under the direction of the Executive Director, subject to such conditions as the Board (in accordance with normal accounting practices) may properly impose. The Executive Director shall present and justify the Board's annual and biennial budget. During each board meeting the Executive Director will provide the board with a financial update as part of the Director's report.

## **Article XV. Procedures and Rules**

Sec. 1. Whenever these bylaws are in conflict with the Oregon Revised Statutes and Oregon Administrative Rules of the Oregon Board of Massage Therapists the statutes and then the rules shall take precedence.

Sec. 2. The Board will use at its discretion any Standard Code of Parliamentary Procedure for the transaction of Board's affairs and the transaction of the affairs of any of its subordinates bodies.

## **Article XVI. Amendments**

Sec. 1. The Board may adopt bylaws, or amend or repeal existing bylaws, at any regular meeting of the Board by a three quarters majority vote of the members present and constituting a quorum. Unless otherwise specified, amendments or suspension of the bylaws shall become effective when approved by the Board.

Sec. 2. The text of any proposed bylaw adoption, amendment, or repeal shall be filed in writing with the Chair and the Executive Director at least sixty days prior to the regular scheduled Board meeting at which it is to be acted upon or considered. The Executive Director will include the proposal in the board packet and place the topic of "By-Law Amendment" as part of the board's agenda.

Sec. 3. A bylaw, an amendment to, or repeal of, an existing bylaw may be proposed by the Board, a committee authorized for that purpose by the Board or the Chair of the Board, by the majority vote of the members present at a scheduled Board meeting. Such proposed bylaw, amendment, or repeal shall be filed and presented for adoption in accordance with the preceding sections of this article.