



Oregon

Kate Brown, Governor

Board of Massage Therapists

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OBMT Board Meeting Minutes

November 18, 2019

Oregon Board of Massage Therapists

728 Hawthorne Ave., NE

Salem, OR 97301

Attendance:

Board Members:

Jon Grossart, LMT, Chair

Christa Rodriguez, LMT, Vice Chair

Meng Chen, Public Member

John Combe, LMT

Kelley Rothenberger, LMT

Steven Foster-Wexler, LAc, Public Health Member

Staff:

Bob Ruark, Executive Director

Ekaette Udosenata-Harruna, Policy Analyst

Torey McCullough, Compliance Specialist

Lori Lindley, Assistant Attorney General

Public:

Amy Bennett, LMT

Jeff Van Laanen

Lorena Haynes

Todd Pennington, LMT

Darrell Gregory, LMT

Julie Crispin, LMT

Mark Retzlaff, LMT

Jason Aguayo, LMT

Judith Haynes, LMT

Pamela Moore

Call to order at 9:05 a.m.

Grossart called the meeting to order at 9:05 a.m. Roll call was performed. Chen, Combe Foster-Wexler, Grossart, Kirby, Rodriguez, and Rothenberger were present. Board staff present: Ruark, Executive Director, Lindley, AAG, Udosenata-Harruna, Policy Analyst, and McCullough, Compliance Specialist.

Grossart asked members of the public to introduce themselves. Public present were: Amy Bennett, Darrell Gregory, Jason Aguayo, Jeff Van Laanen, Judith Haynes, Lorena Haynes – Government Representative Director for FSMTB, Julie Crispin – AMTA-Oregon, Mark Retzlaff – AMTA-Oregon, Pamela Moore – Compass Human Resources, and Todd Pennington.

1) Approve Agenda:

Combe moved to approve the Agenda. Second the motion: Rodriguez. In favor: Chen, Combe, Foster-Wexler, Grossart, Kirby, Rodriguez, and Rothenberger. Opposed: None. Motion carries.

2) Public Comment:

Gregory congratulated Ruark in his new role as Executive Director.

L. Haynes addressed the fee increase for the Massage and Bodywork Licensing Examination (MBLEx), by the Federation of Massage Therapy Boards (FSMTB). While FSMTB has not made changes to the MBLEx in the past several years, FSMTB found that providing requested Americans with Disabilities Act (ADA) accommodations was becoming financially unsustainable. L. Haynes also commented on the Continuing Education Registry and the Massage Therapists Licensing Database (MTLD) explaining that MTLD is a database that serves as a depository for state licensing agencies, allowing states to access information on licensees relocating to their jurisdiction, including information on discipline and education.

The Continuing Education registry is a portion of the MTL D. It serves as a depository for Continuing Education offered by the Federation allowing Licensees access to their information in one place, regardless of how often or where they relocate.

Foster-Wexler asked if there is a scholarship program available to those in need.

L. Haynes replied, stating that FSMTB does not provide scholarships. However, the Federation is readily available to offer assistance whenever a member board is in need or makes such a request, and that the offer of assistance extends to the schools in member states. L. Haynes further stated that the Entry-Level Analysis Project (ELAP) created five years ago as a curriculum can be used by schools as a resource.

3) Approve Minutes for:

September 13-14, 2019:

Combe moved to approve the September 13-14, 2019 minutes as is. **Second the motion: Chen. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

September 16, 2019:

Rodriguez moved to approve the September 16, 2019 minutes as is. **Second the motion: Chen. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

September 27, 2019:

Chen moved to approve the September 27, 2019 minutes as is. **Second the motion: Rodriguez. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

October 3, 2019:

Rodriguez moved to approve the October 3, 2019 minutes as is. **Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

October 11, 2019:

Rothenberger moved to approve the September 17, 2018 minutes as amended. **Second the motion: Chen. In favor: Chen, Combe, Foster-Wexler, Grossart, Kirby, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

Grossart introduced **Robert (Bob) Ruark** as the Board's new Executive Director. Grossart shared that **Ruark** brings experience to the Board from both the public and private sectors. The Board looks forward to working with **Ruark**, by first addressing the abundant back log of items, and then moving the Board forward towards great things.

Ruark thanked the Board for the opportunity to serve as the Executive Director. **Ruark** stated that he is looking forward to working with everyone and bringing about a sense of normalcy so the Board can start focusing on the critical issues.

4) Directors Report:

a) Finance: *Appendix 1- Attachment A*

Ruark reported that the Board's projected/budgeted income for the first four months of the 2019-21 Biennium was \$402,832 The actual income for the first four months of the Biennium was \$452,300 resulting in a \$49,468 funding surplus. This surplus is largely a result of civil penalties collected in August and September.

For the first four months of the 2019-2021 Biennium, the Board's projected/budgeted expenses of \$412,812; however, the actual expenses for the first four months of the Biennium were \$319,260, resulting in the Board underspending projections by \$93,552.

The underspending is mostly due to the unfilled Executive Director Position. However, the Board also underspent in the area of legal fees.

As of November 1, 2019, the Board has \$476,000 in working capital, which equates to about four and a half months of working capital.

b) Staffing:

Ruark reported that the Compliance Manager Position remains yet to be determined,

Ruark will be working with **Dept. of Administrative Services (DAS)**, Human Resources, to review the Positions Description and Classification to ensure the position is appropriately classified, and the description reflects the duties performed.

c) Financial Review:

Ruark reported that the Biennial financial review is still underway. The auditor completed fieldwork during the first week of November, and the expected date for an initial report is November 25th.

d) New Board Member:

Ruark announced that the executive appointment/ confirmation hearing for the new Board member will be November 19, 2019, at 8:00 a.m. in Hearing Room B at the State Capital. (**Appendix 1- Attachment B**)

e) Compliance Update:

McCullough reported that the Board received 37 new complaints since the last Board Meeting.

As of November 7, 2019, the Board received 246 complaints in 2019. Approximately 60% of the cases are related to the unlicensed practice of massage. The anticipated number of complaints in 2019 is expected to be the same, or slightly lower, than in 2018, when the Board received 319 cases. The decline can be attributed, in large part, to websites such as Craigslist no longer allowing advertisements for massage.

McCullough reported that the Board participated in a contested case hearing on November 6- 7. The Administrative Law Judge's opinion is expected to be issued by the next board meeting.

McCullough further reported there are currently five pending contested case hearing requests Board staff is negotiating with. Two of the hearing requests are from LMTs whose applications for renewal for licensure were denied by the Board. Nine of the contested case hearing requests reported to the September board meeting were settled by Board staff before forwarding the cases to DOJ and the Office of Administrative hearings.

5) Board Business:

a. Federation of Massage Therapy Boards (FSMTB) Annual Meeting Recap:

Combe thanked the Board for the opportunity to attend the FSMTB 2019 annual meeting, expressing that it was a pleasure attending the meeting as the Oregon delegate. **Combe** found the event full of acquaintances from his past

leadership roles-and felt he had made a good connection with a lot of those in attendance. It was also enjoyable to get to observe this organization in action, as he was in attendance at the formative meeting in September 2005. **Combe** stated that he found the current work taking place to be very good for those States that are early in the licensing arena.

Combe shared that observing FSMTB's process first hand allowed him to reflect on a lot of the current work that this Board is doing, and he believes the Board and FSMTB-share common goals. **Combe** noted the most significant difference is that Oregon has moved beyond infancy as a regulated profession.

Combe feels that the MBLEx created by FSMTB is possibly one of the best benefits seen from FSMTB. **Combe's** take away is to support the work of FSMTB as they are assisting with fellow States getting the early stages of licensure in place. He also believes it is time for Oregon to reflect on what the Board's path.

Combe felt many states from around the county continue to view Oregon as a leader in Licensed Massage Therapist (LMT) regulation. **Combe** believes the Board needs to continue to be the leader-and share with fellow states what Oregon has seen as best practices.

Rothenberger expressed that she is concerned with the FSMTB announcement of their fiscal surplus of over \$10,000,000 yet, increased the fee for the MBLEx.

Grossart asked what informational sessions were offered.

Combe stated that FSMTB offered sessions on human trafficking, amongst others, and that some states, like Tennessee, were going after a code violation for investigative purposes as a means to shut down illicit facilities.

Rothenberger noted that there are quite a few states that have been successful in requiring facility licenses, while other states are experiencing challenges in making facility licenses a requirement. **Rothenberger** stated Oklahoma, Mississippi, and New York are experiencing challenges to the point where FSMTB had to step in and offer assistance. New York Board of Massage is in the process of being dismantled and did not attend the annual meeting. Oklahoma's Board merged with the Oklahoma Cosmetology Board in lieu of being dismantled. Alaska is a reasonably new Board and is doing very well.

Combe stated the 2020 meeting will be held in Chicago and the 2021 meeting will be held in Baltimore. **Combe** commented it is good to have two representatives present at the event, and interaction outside official meetings with might be highly beneficial for this Board.

b. Recognition

Ruark presented a plaque in recognition of Board Member **Carol Ann Kirby's** service to the Board. **Kirby** was not at the Board meeting as her term ended in September. The Board will forward the plaque and card to **Kirby**.

Ruark noted that the Board has discussed ways to recognize massage therapists in the State of Oregon. **Ruark** suggested certificates of appreciation may be one way to recognize massage therapists who have been practicing for 40 years.

The Board discussed the merits, methods, and parameters of recognizing massage therapists for their service, and opened the topic for comments from the members of the public. After a lengthy discussion, Board consensus was that recognition of LMT service should be explored, and that the BOARDerline would likely be the appropriate venue. **Grossart** thanked the attending public for their input.

c. **Proposed Rules for January 2020 Implementation (September 27, 2019 Rules Hearing Minutes, (Appendix 2):**

Ruark updated the Board on the proposed rules changes.

A rules hearing was held on September 27, 2019. No written comments were submitted to the Board, and no members of the public were present at the hearing for comment.

The following rules changes are effective January 1, 2020:

OAR 334-010-0005 Application: Add language to incorporate the requirements of ORS 676.308 relating to temporary authorization of a Military spouse or domestic partner.

OAR 334-010-0015 Licensure: Modify language to incorporate the requirements of ORS 413.450 relating to cultural competency continuing education requirements.

OAR 334-010-0025 Practice of Massage: Modify language to provide clarity on the practice of massage and bring Board rules in alignment with current verbiage on gender neutrality.

OAR 334-010-0033 Fees: Establish fee for temporary license for military spouses and domestic partners.

OAR 334-010-0050 Continuing Education: Modify language to incorporate the requirements of ORS 413.450 relating to cultural competency. Requires Licensees to take and submit one (1) hour of cultural competency once every other renewal,

OAR 334-030-0005 Standards and Objectives of Professional Conduct: Modify language to bring Board rules in alignment with current verbiage on gender neutrality.

334-010-0005

Applications

- (1) All applications for licensure, **temporary license for military spouse or domestic partner**, inactive status, renewal, temporary permit, or a facility permit must be made on forms provided by the Board. Only applications that are completed and on Board approved forms, without alterations, ~~must~~ **will** be accepted for filing and review by the Board.
- (2) All applications made to the Board must be accompanied by the required fee.
- (3) Applicants for Licensure must submit the following with their application:
 - (a) A copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;
 - (b) An official certificate or transcript from the administering institutions, instructors, or programs showing successful completion of study and practice in the required subject matter and hours required by the Board.
 - (A) Official copies of transcripts or certificates presented to the Board in an envelope sealed by the program or institution and verified as sealed may be accepted directly from the applicant.
 - (B) If a program or institution granting credit is no longer in business, the Board must accept for review a copy of a certificate of completion, transcript or diploma in the required subject matter and hours.
 - (i) The Board may require additional information to verify the authenticity of such documents.
 - (ii) Transcripts or certificates directly received from other states massage licensing boards will be accepted.
 - (C) The Board will not accept transcript(s) or certificate(s) from schools that are not approved or not in good standing with the national massage associations.
 - (c) A current photograph of the applicant.
- (4) Transcripts must include a minimum of 625 hours of certified classes. The 625 hours must include the knowledge and skills identified in OAR 334-010-0047 competencies and must be comprised of:

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- (a) A minimum of 200 hours of Anatomy & Physiology, Pathology, and Kinesiology; and
 - (b) A minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation. Hydrotherapy may be included as part of the 300 hours.
 - (c) The additional 125 hours can be in Anatomy & Physiology, Pathology, Kinesiology, Massage or Bodywork Theory and Practical Application, Clinical Practice, Business Development, Communication, Ethics, Sanitation or Hydrotherapy.
 - (d) Hours can be calculated in clock hours or equivalent credit hours from an institution that substantially complies with the definition of credit hours in 34 CFR 600.2.
- (5) If for any reason an applicant does not appear to be qualified for Licensure, the applicant must be so notified and invited to submit additional evidence ~~that he/she is they are entitled~~ to have ~~his/her their~~ case considered for licensure.
- (a) Applicants who are or have legally practiced massage and/or bodywork outside of the State of Oregon may be eligible to apply for the Credentialing Review Process.
- (6) Applicants who apply for licensure on or before December 31, 2015 with a minimum of 500 hours of certified classes and do not take and pass the Oregon practical exam within 60 days of the date of their application must apply as a new applicant.
- (7) All application documents for examination and licensure submitted in a language other than English must be accompanied by:
- (a) An accurate translation of those documents into English;
 - (b) A notarized affidavit certifying that the translator is competent in both the language of the document and the English language; and
 - (c) A notarized affidavit certifying that the translation is a true and complete translation of the foreign language original.
- (8) Any costs of translation of all documents required by the Board must be at the expense of the applicant.
- (9) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, then the application is considered incomplete.
- (10) All information required for an initial license must be received within 12 months of the initial date of application. Thereafter, one must apply as a new applicant.
- (11) Temporary license for military spouse or domestic partner to practice massage.
- (a) Pursuant to ORS 676.308, "military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon.
 - (b) A military spouse or domestic partner holding a temporary license to practice massage in the state of Oregon may perform services within the profession.
 - (c) A temporary license may be immediately issued to a military spouse or domestic partner; it is valid until the earliest of the following:
 - (A) Two years after the date of issuance;
 - (B) The date the spouse of the person to whom the authorization was issued completes the spouse's term of service in this States; or
 - (C) The date the person's authorization issued by another state expires.
- (12) Requirements for temporary license to practice massage for a military spouse or domestic partner.
- (a) An individual applying for a temporary license to practice massage must:
 - (A) Meet the requirements of OAR 334-010-0005 (1)-(10);
 - (B) Submit a completed application form prescribed by the Board, which must contain the information listed in OAR 334-010-0005 (1)-(10), and be accompanied by payment of all required fees; and
 - (C) Attest that the applicant has requested license verification from the state or territory in which the applicant is authorized to practice massage, and that the applicant is not subject to any disciplinary action in that state or territory for a matter related to the practice of massage.
 - (b) An individual who has a temporary license to practice massage and who wants the license to be permanent must:
 - (A) Meet the requirements of OAR 334-010-0005 (1)-(10);
 - (B) Submit a completed application prescribed by the Board, which must contain the information listed in OAR 334-010-0005 (1)-(10), and be accompanied by payment of all required fees; and
 - (C) Submit information listed in OAR 334-010-0005 (C) (i)-(v) before the two years temporary license expires. If the Board accepts and approves the information, the Board will issue a permanent License to practice massage according to the rules pertaining to the profession.
 - (i) A copy of a marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; and

- (ii) A copy of the assignment to an Oregon duty station by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration; and
 - (iii) Evidence that the applicant meets qualifications for licensure as provided in the statutes and rules for massage license, including examinations; and
 - (iv) Evidence of having provided massage therapy services or taught the subject matter for at least one year during the three years immediately preceding the date on which the Board receives the application; and
 - (v) Evidence that the applicant is authorized by another state or territory to practice massage therapy and that the applicant is not subject to disciplinary action in that state or territory for a matter related to massage therapy.
- (c) Notwithstanding any other rules administered by the Board, an applicant for a temporary license under this rule must submit all applicable fees for a permanent license listed in OAR 334-010-0033.
- (1413) Applicants for Facility Permit must submit the following with the Facility Permit application:
- (a) If a natural person:
 - (A) A copy of a valid government issued photo identification. Valid identification includes: a state issued driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card.
 - (B) Verification of Oregon Secretary of State Business Registration confirming registration of the assumed business name with the State of Oregon. The Verification must be in a format acceptable to the Board and include: the business registry number, owner and entity name as each appears on the Facility Permit Application, Facility Address as it appears in the Facility Permit Application, the current status of the registration, and start date of the registration.
 - (b) If not a natural person:
 - (A) Verification of Oregon Secretary of State Business Registration, confirming registration of the corporation, partnership, limited liability company, or assumed business name with the State of Oregon. The Verification must be in a format acceptable to the Board and include the business registry number, entity name as it appears on the Facility Permit Application, Registered Agent, owner/member/partner information, Facility Address as it appears in the Facility Permit Application, the current status of the registration, and start date of the registration.
 - (B) For corporations, partnerships, and limited liability companies, copies of Articles of Incorporation, Articles of Organization, or shareholder agreements showing all percentages of ownership with appropriate owner(s) identification including name and address.
- (1414) Applicants for Facility Permit Transfer must submit the following with the Facility Permit application:
- (a) If a natural person, a copy of a valid government issued photo identification. Valid identification includes: a state issued driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card;
 - (b) If not a natural person:
 - (A) Verification of Oregon Secretary of State Business Registration confirming registration of the corporation, partnership, limited liability company, or assumed business name with the State of Oregon. The Verification must be in a format acceptable to the Board and include the business registry number, entity name as it appears on the Facility Permit Application, Registered Agent, owner/member/partner information, Facility Address as it appears in the Facility Permit Application, the current status of the registration, and start date of the registration.
 - (B) For corporations, partnerships, and limited liability companies, copies of Articles of Incorporation, Articles of Organization, or shareholder agreements showing all percentages of ownership with appropriate owner(s) identification, including name and address.
 - (C) A Buy-Sell Agreement, Purchase Agreement, Transfer Agreement, Lease Agreement or other documentation approved by the Board verifying transfer of legal ownership of the Facility.
- (1415) Applicants for licensure, inactive status, renewal, or a facility permit must notify the Board in writing immediately, but no later than 10 days after the change occurs, if any information submitted on the application changes, including, but not limited to: name; contact information, including address, email address, and telephone number; Board or other governmental agency investigation or disciplinary actions; civil, criminal, or ethical investigations, arrests, charges or convictions; employment investigations which lead to termination or resignation; in-patient mental health care for a psychological or behavioral health condition, addiction, or chemical dependency issue. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.

334-010-0015

Licensure

- (1) An applicant for licensure or renewal of a license must complete, in its entirety, an original application furnished by the Board.

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- (2) An applicant for an initial license and all lapsed and inactive licensees applying for reactivation must submit a completed electronic fingerprint for a criminal background check.
 - (3) All applications for licensure must be accompanied by proof of current cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration date.
 - (4) An applicant must provide written explanation and copies of all related documentation as requested by the board if:
 - (a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country;
 - (b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country;
 - (c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country;
 - (d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or
 - (e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage.
 - (5) Applicants for initial licensure must have passed a written examination approved by the board unless the applicant is applying through Health Indorsement in which the applicant must have passed a practical examination.
 - (6) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delinquent fee must be paid if the completed application and all requirements are not received by the due date.
 - (7) Applicants for the renewal of an active license must sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours.
 - (8) Applications for renewal of an active license must be accompanied by:
 - (a) Current licensing fee;
 - (b) Any applicable late fees;
 - (c) Proof of current cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration date;
 - (d) Proof of 25 hours of continuing education as required in OAR 334-010-0050(1)(~~b~~);
 - (e) All licensees must take and submit proof of completing the 1 hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), at least once, by a licensee's next required continuing education reporting; and
 - (f) Any additional documentation required by the Board.
 - (9) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read, understand, and must comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board.
 - (10) Licenses issued by the Board must not be transferable.
 - (11) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon.
 - (12) An application to reactivate an inactive license must be accompanied by:
 - (a) Current licensing fee;
 - (b) Verification of current cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration date.
 - (c) Verification of 25 hours of continuing education for each biennium the license was inactive. Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 of 25 hours may be contact or noncontact hours. **At least 1 hour must be in Cultural Competency as per ORS 413.450. Cultural Competency continuing education approved by the Oregon Health Authority, will be accepted for meeting the cultural competency requirement.**
 - (d) Verification of 50 hours of continuing education for the reactivation of inactive license more than 1 biennium must be submitted to the Board. Of the 50 hours, at least 30 must be contact hours of continuing education training or Board approved activities. At least 8 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 20 of 50 hours may

be contact or noncontact hours. **At least 1 hour must be in Cultural Competency as per ORS 413.450; Cultural Competency continuing education approved by the Oregon Health Authority, will be accepted for meeting the cultural competency requirement. And**

- (e) Completed electronic fingerprints for criminal background check.

334-010-0025

Practice of Massage

- (1) Massage treatment may include, but is not limited to:
- (a) Client intake and assessment;
 - (b) Practice of massage or bodywork;
 - (c) Post massage assessment and recommendation; and
 - (d) Documentation.
- (2) Massage treatment does not include:
- (a) The application of high velocity/low amplitude force further defined as thrust techniques directed toward joint surfaces;
 - (b) The use of equipment or devices that require a prescription; or
 - (c) Making a medical diagnosis.
- (3) A massage therapist must use safe and functional coverage/draping practices during the practice of massage when the client is disrobed.
- (a) Safe and functional coverage/draping means:
 - (A) LMT explains, maintains and respects coverage/draping boundaries;
 - (B) Client gives informed consent;
 - (C) Genitals and gluteal cleft of male and female clients and the breast area of female clients are not exposed; with voluntary and informed consent of the client, the gluteal and breast drapes may be temporarily moved in order to perform therapeutic treatment of the area.
 - (D) Massage or movement of the body does not expose genitals, gluteal cleft or breast area.
 - (b) Exceptions to the rule may be made for LMTs who can document training in specific modalities that require variations in coverage/draping.
- (4) A Licensed massage therapist must not perform or offer to perform any services for clients other than those connected with giving massage therapy treatments as defined in ORS 687, unless the LMT has additional training and/or licensure.
- (5) A person represents ~~himself or herself~~ **themselves** as a massage therapist when the person adopts or uses any word(s) that implies a skill or application as defined by statute 687.011.
- (6) Any person who holds a license as a massage therapist in this state may use the abbreviation "LMT." No other person(s) may assume such title or such abbreviation or any other word[s], letters, signs, or figures to indicate that the person using the title is a licensed massage therapist.
- (7) All licensed massage therapists must notify the Board office in writing of any change of residence, business, email or mailing address within 30 days of change of address.
- (8) Active licensed massage therapists must display their current license in a location clearly visible to their clients.
- (9) Active licensed massage therapists are required to include their license number in all advertisements, including but not limited to: written, electronic, televised and audio.

334-010-0033

Fees

- (1) The fees are:
- (a) \$200 for initial license;
 - (b) \$100 for initial license under 12 months;
 - (c) \$200 for a temporary license per ORS 676.308;**
 - (d) \$100 for a temporary license under 12 months;**
 - (ee) \$200 per biennial renewal for active license;
 - (ef) \$100 per biennial renewal for inactive license;
 - (eg) \$100 mid-cycle inactive to active renewal
 - (fh) \$25 per week, up to a maximum of \$100, for any late renewal;
 - (gi) \$100 for application processing;

- (hj) \$150 for each practical examination;
- (hk) \$100 for mailing list;
- (jl) \$10 for license reprint;
- (km) \$10 for license verification;
- (ln) \$250 Credentialing Review;
- (mo) Current Oregon State Police Criminal Background Check Fee;
- (np) \$200 initial facility permit;
- (eq) \$250 facility permit ownership transfer;
- (pr) \$250 permitted facility name change;
- (qs) \$10 facility permit reprint
- (rt) \$10 permitted facility address change and
- (su) other administrative fees as allowed by law.

(2) Application and licensure fees are not refundable

334-010-0050

Continuing Education

(1) The intent of Continuing Education is to protect the public by maintaining knowledge and skills of massage and/or bodywork. Each licensee must complete 25 hours of continuing education each renewal period. The continuing education hours must be from the following topics:

- (a) Massage and bodywork techniques;
- (b) Use of thermal modalities, topical preparations, mechanical assistive; devices/appliances;
- (c) Stretching and gymnastics that lengthen and shorten soft tissues;
- (d) Posture and movement assessment;
- (e) Massage and bodywork business practices;
- (f) Anatomy and physiology of the human body;
- (g) Kinesiology of the human body;
- (h) Pathology of the human body;
- (i) Professional Ethics, Boundaries or Communication;
- (j) Cultural competency
- (k) Body mechanics;
- (l) Somatic education;
- (m) CPR/First Aid;~~or~~
- (n) Pain Management.

(A) At renewal time, each licensee must sign and submit a ~~Board-supplied CE form~~ **statement** indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.

(B) Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 of 25 hours maybe contact or noncontact hours. **Once every other renewal, at least 1 hour must be in Cultural Competency as per ORS 413.450. Cultural Competency continuing education approved by the Oregon Health Authority, will be accepted for meeting the cultural competency requirement.**

(2) The methods of obtaining continuing education contact hours *shall* include:

- (a) Attendance of courses, seminars, and workshops sponsored, certified by a licensed or accredited massage and bodywork training program;
- (b) Attendance of courses or activities for continuing education offered by a provider recognized by a massage and bodywork professional organization;
- (c) Attendance of courses provided by an accredited institution of higher education if *topics are listed* in OAR 334-010-0050(1)(A-M).
- (d) Attendance of courses, seminars, and workshops that meets the content requirement of OAR 334-010-0050(1)(A-M).
- (e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(E-J).
- (f) Courses in cardiopulmonary resuscitation/first aid if taken in the presence of an instructor;
- (g) Providing Board requested peer supervision or Board exam proctoring; One hour of CE contact credit will be given for each meeting/day.

- (h) Attendance at an Oregon Board of Massage Therapists board meeting, board committee meeting, board task force or serving on these committees/task forces. One hour of CE contact credit will be given for each meeting.
- (3) The methods of obtaining continuing education non-contact hours shall include:
- (a) Publishing an article relating to massage and bodywork;
 - (b) Self-study based on media (i.e. book/video, periodical, *web based*, DVD);
 - (c) Courses or lectures on massage and bodywork which a licensee presents. A licensee may receive credit for presenting a course or lecture only one time per renewal period regardless of how many times the licensee presents the course or lecture.
 - (d) All licensees must take and submit proof of completing the 1 hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), at least once, by a licensee's next required continuing education reporting.
- (4) If the Continuing Education subject matter is not listed under OAR 334-010-0050(1) it will not be accepted for continuing education.
- (5) The Oregon Board of Massage Therapists randomly selects a minimum of 10 percent of received monthly renewals for an audit.
- (a) If selected for an audit you will have 30 days to complete the audit form and submit copies (not originals) of your Continuing Education certificates.
 - (b) If you fail to provide the requested information to the Board, within the 30 days, the Board may issue discipline per ORS 687.081 and 687.250.
- (6) The continuing education requirement does not apply to a licensee's first license renewal.
- (7) Continuing education must be completed within the renewal period. Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.
- (a) Contact hours taken in Professional Ethics, Boundaries and/or Communication in excess of the four hour requirement may be carried over to the next subsequent renewal period.
 - (b) First renewal CE are not required to be submitted at the time of renewal, CE taken during the first renewal period may be submitted with second renewal.
- (8) Continuing education records must be maintained by each licensee for a minimum of five years.
- (9) If the Board finds indications of fraud or falsification of records, investigative action shall be taken. Findings may result in disciplinary action up to and including revocation of the licensee's license.
- (10) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.

334-030-0005

Standards and Objectives of Professional Conduct

- (1) Standard I: Responsibility -- the relationship between the LMT and the profession. The LMT must:
- (a) Acquire, maintain and improve professional knowledge and competence using scientific, clinical, technical, psychosocial and governmental sources of information;
 - (b) Act within the context of professional practice standards, codes of ethics, and relevant statutes and regulations;
 - (c) Consider factors related to safety, effectiveness, and cost in planning and providing care and services;
 - (d) Represent all aspects of ~~his or her~~ **their** professional capabilities and services honestly and accurately;
 - (e) Be accountable to ~~his or her~~ **their** profession for establishing the quality and effectiveness of care and services, using their experience, professional education, and available resources;
 - (f) Establish relationships with other massage, bodywork or healthcare professionals to collaborate with, and to offer or receive consultation in the provision of services; and
 - (g) Be accountable for ~~his or her~~ **their** actions and commitments and assume personal and professional responsibility to do ~~his or her~~ **their** best.
- (2) Standard II: Therapeutic Relationship -- the relationship between the LMT and the client. The LMT must:
- (a) Be accountable to ~~his or her~~ **their** clients for the quality and effectiveness of care and services and for creating the basic conditions and boundaries necessary to foster safety and trust in the client-professional relationship;
 - (b) Plan and provide care and services to the best of ~~his or her~~ **their** abilities, in partnership with the client, based on client needs;
 - (c) Ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries, and appropriate use of personal power;

- (d) Develop alliances with the client, colleagues, other health care providers and the community to provide care and services that are safe, effective and appropriate to the client's needs;
 - (e) Develop and incorporate respect for diverse client backgrounds in regard to a client's clinical diagnosis, lifestyle, sexual orientation, race, gender, ethnicity, religion, age, and socioeconomic background when planning and providing services;
 - (f) Act as an advocate for client and client's needs;
 - (g) Support and respect the client's right and responsibility for self-determination in making health care choices; and
 - (h) Base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice.
- (3) Standard III: Critical Reflection -- the relationship of LMT to self. The LMT must:
- (a) Use critical reflection in the assessment of professional and clinical situations for the development and provision of care and services;
 - (b) Evaluate the quality and effectiveness of ~~his or her~~ their professional practice activities;
 - (c) Modify and adapt professional practice activities, consistent with current professional standards and practices, in response to client needs, advancing knowledge and research, and social expectations; and
 - (d) Be an autonomous agent in planning and providing care and services to individuals, groups and the community.

After discussion of the proposal rules, the Board directed board staff to move the rules to permanent filing.

Foster-Wexler moved to approve OAR 334-010-0005 and OAR 334-010-0033 to go into effect January 1, 2020. **Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

Rodriguez moved to approve OAR 334-010-0015 and OAR 334-010-0050 to go into effect January 1, 2020. **Second the motion: Chen. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

Foster-Wexler moved to approve OAR 334-010-0025 and OAR 334-030-0005 to go into effect January 1, 2020. **Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

d. Board Action Plan (Appendix 3)

Moore updated the Board on the action plan. **Moore** noted that the strategic planning objectives were incorporated into a SWAT Analysis, and the objectives formatted in a way that enables the Board to track and add objectives throughout the year. The template is a multiyear plan that the Board can use to track, review updates, and make adjustments to the goals and objectives as needed.

e. Committee Update (Rules and Education Committee)

Udosenata-Harruna updated the Board on the status of the committees.

Education Committee: The Education Committee met twice since the last board meeting, and is currently discussing rollover hours and the terminology of contact and non-contact hours. The Education Committee will submit their recommendations to the Board when completed.

Rules Committee: **Rothenberger** stated that the Rules Committee met; however, there was not much to do as the Rules Committee has completed its assigned task of R1 and R2. The Committee will meet on January 10, 2020, to conclude work on the assigned tasks and prepare to present its recommendations to the Board at the January 27, 2020 Board Meeting.

6) Correspondence: None

7) Fall 2019 BOARDerline:

Udosenata-Harruna presented the Fall 2019 BOARDerline to the Board (**Appendix 4**).

The Board discussed the newsletter and requested staff to make a number of modifications prior to publication in December 2019.

8) Public Comments:

L. Haynes thanked the Board for their work, and commended the Board for being a leader in the industry. **L. Haynes** shared that many states are having difficulties addressing CBD oil product use in the industry, and noted that it is refreshing to see that Oregon has a good handle on the CBD oil question.

Retzlaff expressed his appreciation to the Board and the work that the committees are doing.

Gregory wished everyone a happy holiday.

Rothenberger thanked the public for coming to the Board meeting.

Combe moved to take a short break. **Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez, and Rothenberger. Opposed: None. Motion carries.**

The Board returned to Public Session at 11:45 p.m.

The Board participated in the annual required training on the Information Security and Harassment in the Workplace.

9) Executive Session:

Grossart called the Board into Executive Session at 1:45 p.m. All Board members and staff present.

The Board may enter into Executive Session to discuss certain matters on the agenda pursuant to ORS 192.660: To discuss certain matters on the agenda pursuant to ORS 192.660 (2) (f) to consider information or records that are exempt by law from public inspection, ORS 192.501 (4); and/or To review, discuss, and consider written legal advice provided by the Department of Justice, pursuant to ORS 192.660 (2) (f) or to consult with counsel concerning legal rights and duties regarding current litigation or litigation likely to be filed pursuant to ORS 192.660 (2) (h); and/or (3) To consider and discuss in executive session information obtained as part of an investigation of a licensee, applicant or other person alleged to be practicing in violation of law, pursuant to ORS 192.660 (2) (k) (L) and ORS 676.175. Prior to imposing a sanction authorized under ORS 687.081 or any rule of the Board, the Board shall consider, but is not limited to considering, the following factors: (a) The persons past history in observing the provisions of ORS 687.011 to 687.250, 687.895 and 687.991 and the rules of the board; (b) the effect of the violation on public safety and welfare; (c) the degree to which the action subject to sanction violates professional ethics and standards of practice; (d) the economic and financial condition of the person subject to sanction; and (e) any mitigating factors that the board may choose to consider; and/or to consider the employment of a public officer, employee, staff member or individual agent pursuant to ORS 192.660 (2) (a); and/or to consider the dismissal or discipline of a public officer, employee or staff member or hear complaints or charges brought against such a person if they do not request an open hearing pursuant to ORS 192.660(2)(b). Prior to entering into Executive Session, the nature of and authority for holding the Executive Session will be announced.

The Board returned to Public Session at 3:15 p.m.

10) Action on Executive Session Items:

With the exception of the Public Compliance Actions, Agenda Item 11, there were no action items to bring forward from the Executive Session.

11) Public Compliance Actions:

-
- i. **Case 2536 – Foster-Wexler moved to Accept the Stipulated Agreement negotiated by Board staff. Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - ii. **Case 2263 – Foster-Wexler moved to Issue a Notice of Proposed Action for one violation each of ORS 687.021 (1) (a), (b) and (c). For a total civil penalty of \$3000 and refer to appropriate law enforcement. Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - iii. **Case 2633 – Combe moved to Accept the Voluntary Surrender negotiated by staff. Second the motion: Rodriguez. In favor: Chen, Combe, Foster-Wexler, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - iv. **Case 2647 – Rothenberger moved to Issue a Letter of Concern. Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - v. **Case 2691 – Combe moved to Issue a Notice of Proposed Action for violation of OAR 334-040-0010 (12). For a total civil penalty of \$1000. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - vi. **Case 2818 – Combe moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (a). For a total civil penalty of \$1000. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - vii. **Case 2692 – Combe moved to Issue a Notice of Proposed Action revoking Licensee's LMT license pursuant to ORS 687.081 (1) (a) for violation of OAR 334-040-0010 (12) and (20). Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - viii. **Case 2779 – Rothenberger moved to Issue a Notice of Proposed Action revoking the facility's permit pursuant to ORS 687.081 (1) (a) for violation of ORS 687.059 (2), OAR 334-010-0006 (4), and OAR 334-040-0010 (12). Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - ix. **Case 2791 – Rothenberger moved to Issue a Notice of Proposed Action revoking Licensee's LMT license pursuant to ORS 687.081 (1) (a) for violation of OAR 334-040-0001 (1), OAR 334-040-0010 (12), and OAR 334-040-0010 (20). Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - x. **Case 2792 – Rothenberger moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (a) and OAR 334-040-0010 (9). For a total civil penalty of \$2000. Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - xi. **Case 2793 – Rothenberger moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (a). For a total civil penalty of \$1,000. Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - xii. **Case 2794 - Rothenberger moved to Issue a Letter of Concern. Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - xiii. **Case 2730 - Foster-Wexler moved to Issue a Notice of Proposed Action for violation of OAR 334-010-0025 (3). For a total civil penalty of \$1000; and completion of an in-person training satisfactory to the Board within 60 days of the date of the Notice of Proposed Action. Second the motion: Rodriguez. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - xiv. **Case 2743 – Foster-Wexler moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (a), (b), (c), and (d). For a total civil penalty of \$4000. Second the motion: Rodriguez. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - xv. **Case 2820 – Foster-Wexler moved to Issue a letter of Concern. Second the motion: Rodriguez. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - xvi. **Case 2697 – Combe moved to Dismiss, No Violation Found. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
 - xvii. **Case 2744 – Chen moved to Issue a Notice of Proposed Action for violation of OAR 334-040-0010 (12). For a total civil penalty of \$1000. Second the motion: Combe. In favor: In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez**

- and Rothenberger. **Opposed: None. Motion carries.**
- xviii. **Case 2771 – Chen moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (a). For a total civil penalty of \$1000. Second the motion: Combe. In favor: In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xix. **Case 2757– Foster-Wexler moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (a), (b) and (c), and five violations of OAR 334-040-0010 (12). For a total civil penalty of \$8000. Second the motion: Rodriguez. In favor: Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Recused: Chen. Opposed: None. Motion carries.**
- xx. **Case 2813 – Combe moved to Issue a Notice of Proposed Action to Deny Application for licensure pursuant to ORS 687.051 (2), ORS 687.081 (1) (f) and (j); and OAR 334-010-0018 (7). Second the motion: Chen. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Recused: Chen. Motion carries.**
- xxi. **Case 2748 – Chen moved to Accept Stipulated Agreement negotiated by Board staff. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxii. **Case 2756 – Chen moved to Accept Stipulated Agreement negotiated by Board staff. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxiii. **Case 2776 – Rothenberger moved to Accept Stipulated Agreement negotiated by Board staff. Second the motion: Chen. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxiv. **Case 2674 – Rodriguez moved to Amend the Notice of Proposed Action to include a second violation of OAR 334-040-0010 (12) and to assess fees and costs pursuant to ORS 687.081 (6). For a total civil penalty of \$6000. Report to appropriate Law Enforcement. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxv. **Case 2721 – Rodriguez moved to Issue a Notice of Proposed Action to Deny Facility Permit Transfer Application pursuant to ORS 687.081 (1) (a) for violation of ORS 687.059 (2) and OAR 334-040-0010 (12). Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxvi. **Case 2722 – Rodriguez moved to Issue a Notice of Proposed Action to Deny Facility Permit Application pursuant to ORS 687.081 (1) (a) for violation of ORS 687.059 (2) and OAR 334-040-0010 (12). Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxvii. **Case 2758 – Foster-Wexler moved to Issue a Notice of Proposed Action to Deny Facility Permit Transfer Application pursuant to ORS 687.081 (1) (a) for violation of ORS 687.059 (2) and OAR 334-040-0010 (12). Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxviii. **Case 2780 – Foster-Wexler moved to Issue a Notice of Proposed Action to Deny the Renewal Application for Licensure pursuant to ORS 687.081 (1) (a) and (c), ORS 687.051 (3) and OAR 334-010-0018 (7). Second the motion: Combe. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxix. **Case 2824 – Combe moved to Issue a Notice of Proposed Action to Deny Application for Licensure pursuant to ORS 687.081 (1) (a) for violation of ORS 687.041 (2) and ORS 687.081 (1) (b) and (j). Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxx. **Case 2699 – Combe moved to Issue a Letter of Concern. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxi. **Case 2810 – Combe moved to Issue a Notice of Proposed Action for violation of OAR 334-010-0025 (8). For a total civil penalty of \$1000. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxii. **Case 2826-A – Combe moved to Issue a Letter of Concern. Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxiii. **Case 2811 – Combe moved to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (b) and (c), and OAR**

- 334-040-0010 (12). For a total civil penalty of \$3000. **Second the motion: Rothenberger. In favor: Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxiv. **Case 2809 – Combe moved** to Issue a Notice of Proposed Action for violation of ORS 687.021 (1) (a). For a total civil penalty of \$1000. **Second the motion: Rothenberger. In favor: Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxv. **Case 2826-B – Combe moved** to Issue a Letter of Concern. **Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxvi. **Case 2672 – Foster-Wexler moved** to Issue a Notice of Proposed Action to Deny Application for Licensure pursuant to ORS 687.081 (1) (a), (f), and (j). **Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxvii. **Case 2365 – Combe moved** to Accept the Stipulated Agreement negotiated by Board staff. **Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**
- xxxviii. **Case 2572 – Combe moved** to Accept the Stipulated Agreement negotiated by Board staff. **Second the motion: Rothenberger. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Opposed: None. Motion carries.**

12) Public Comments:

There were no public comments made to the Board.

13) Announcements

The Board directed staff to include an article in the BOARDerline, recognizing the committee members and Board liaisons-for their volunteer service to the Board.

The Board Chair will be meeting with the new Executive Director to go over procedures and anything else that the Board would like to review.

The next Board meeting will be on January 27, 2020, at 9 a.m. at the Board Office in Salem, Oregon.

The 2020 traveling Board meeting will be held in Eugene. The cost analysis will be discussed at the January 27, 2020 Board Meeting.

The Board directed staff to include a link to future Board meetings in the Fall 2019 BOARDerline.

The Executive Director will meet with **Pamela Moore** to discuss the success measures and strategic plan.

McCullough expressed appreciation to the Board members for the opportunity directed staff to provide feedback to the Board during the Executive Director hiring process.

14) Adjourn Meeting:

Combe moved to adjourn the meeting. **Second the motion: Chen. In favor: Chen, Combe, Foster-Wexler, Grossart, Rodriguez and Rothenberger. Motion carries.**

There being no further business before the Board, the meeting was adjourned at 3:52 p.m.

Appendix 1,

Oregon Board of Massage Therapists
Finances for 2019-21 Biennium

Directors Report November 18, 2019 Board Meeting

Budget:

For the first four months of the 2019-21 Biennium, the Board projected/budgeted income of \$402,832. The actual income for the first four months of the Biennium was \$452,300 resulting in a \$49,468 funding surplus. This surplus is largely a result of civil penalties collected in the months of August and September. As you can see on attachment "A", both October and July's collections are much lower than the amount collected for August and September. The historic data indicates that an average month is more in line with the budget projections versus the overall year to date.

For the first four months of the 2019-2021 Biennium, the Board projected/budgeted expenses of \$412,812, however, the actual expenses for the first four months of the Biennium were \$319,260 resulting in the Board underspending projections by \$93,552.

We underspent mostly due to the unfilled Executive Director Position, however, we did also underspend in legal fees.

The Board currently has (as of November 1, 2019) \$476,000 in working capital which equates to about four and a half months of working capital.

(See attachment "A")

Staffing:

The Compliance Manager Position remains open and I will be working with DAS Human Resources to review the Positions Description as well as the Classification to ensure the position is properly classified and the description reflects the duties performed.

Financial Review:

The Biennial financial review is still underway. Fieldwork was completed by the auditor during the first week of November and the expected date for an initial report is November 25th.

New Board Member:

The executive appointment/confirmation hearing for our new Board member will be held November 19, 2019 at 8:00AM in Hearing Room B at the State Capital. (See attachment B)

Oregon Board of Massage Therapists
Profit & Loss Budget vs. Actual
July 2019 through June 2021

*DIRECTORS REPORT
ATTACHMENT A*

	Jul 19	Budget	Aug 19	Budget	Sep 19	Budget	Oct 19	Budget	Jul '19 - Jun 21	Budget
Income										
Facilities Permit	550.00	417.00	200.00	417.00	200.00	417.00	600.00	417.00	1,550.00	10,000.00
49900 - Uncategorized Income	160.40		160.40		160.40		0.00		481.20	
Credentialing Review	250.00	250.00	250.00	250.00	0.00	250.00	250.00	250.00	750.00	6,000.00
Fingerprint Fee	3,186.50	3,990.00	4,001.25	3,990.00	3,386.25	3,990.00	3,055.00	3,990.00	13,629.00	95,760.00
Verification	210.00	250.00	220.00	250.00	200.00	250.00	180.00	250.00	810.00	6,000.00
License Reprint	200.00	280.00	200.00	280.00	260.00	280.00	180.00	280.00	820.00	6,720.00
Initial Licensure	9,100.00	13,000.00	8,100.00	13,000.00	8,700.00	13,000.00	7,850.00	13,000.00	33,750.00	312,000.00
Application Fee	6,800.00	7,500.00	6,700.00	7,500.00	5,800.00	7,500.00	5,200.00	7,500.00	24,500.00	180,000.00
Civil Penalties	18,545.29	9,405.00	37,547.82	9,405.00	33,242.98	9,405.00	12,130.00	9,405.00	101,466.09	225,740.00
Late Fee	6,925.00	6,000.00	7,625.00	6,000.00	8,808.75	6,000.00	7,400.00	6,000.00	30,758.75	144,000.00
Licensure Fee	68,075.00	59,093.00	58,725.00	59,093.00	67,445.00	59,093.00	52,101.25	59,093.00	242,346.25	1,418,231.00
LMT List	0.00	500.00	400.00	500.00	500.00	500.00	500.00	500.00	1,400.00	12,000.00
NSF Fees	25.00	17.00	0.00	17.00	0.00	17.00	0.00	17.00	25.00	400.00
Public Records / Miscellaneous	0.00	6.00	0.00	6.00	13.50	6.00	0.00	6.00	13.50	149.00
Total Income	112,027.19	100,708.00	122,129.47	100,708.00	128,716.88	100,708.00	89,426.25	100,708.00	452,299.79	2,417,000.00
Expense										
State Assessments	387.64	2,554.00	417.25	2,554.00	357.74	2,554.00	11,836.00	2,554.00	13,141.43	61,311.00
Contract/Professional Services	0.00	410.00	0.00	410.00	2,121.32	410.00	0.00	410.00	2,121.32	9,854.00
Total PAYROLL EXPENSE	48,262.31	62,851.00	45,031.32	62,851.00	49,541.76	62,851.00	47,559.23	62,851.00	190,394.62	1,508,437.00
Accounting Expense	0.00	33.00	0.00	33.00	0.00	33.00	0.00	33.00	0.00	800.00
Audit Expense	0.00	0.00	0.00	6,000.00	0.00	0.00	0.00	6,000.00	0.00	12,000.00
Bank Charges	1,846.54	1,800.00	1,824.80	1,800.00	1,925.02	1,800.00	0.00	1,800.00	5,596.36	38,400.00
Collections Fee	31.50	345.00	158.93	345.00	245.36	345.00	0.00	345.00	435.79	8,300.00
Computer Expense	8,035.38	4,020.00	711.24	4,020.00	4,460.12	4,020.00	2,539.80	4,020.00	18,157.72	96,500.00
Dues & Subscriptions	0.00	266.00	0.00	266.00	0.00	266.00	0.00	266.00	0.00	6,400.00
Total Investigation Expense	13,633.68	9,000.00	8,245.95	9,000.00	3,511.03	9,000.00	5,656.65	9,000.00	31,047.31	216,000.00
Janitorial	720.64	450.00	400.00	450.00	0.00	450.00	800.00	450.00	1,920.64	10,800.00
Legal Fees	0.00	9,280.00	6,152.56	9,280.00	2,571.06	9,280.00	8,410.20	9,280.00	17,133.82	222,728.00
Meals	0.00	239.00	247.65	239.00	2,158.21	239.00	0.00	239.00	2,405.86	5,740.00
Office Equipment Lease	264.10	350.00	702.57	350.00	0.00	350.00	296.02	350.00	1,262.69	8,400.00
Office Furniture	0.00	750.00	0.00	750.00	0.00	750.00	0.00	750.00	0.00	18,000.00
Office Supplies	494.92	666.00	321.05	666.00	816.37	666.00	436.22	666.00	2,068.56	16,000.00
Postage	1,814.91	1,173.00	1,670.89	1,173.00	1,517.38	1,173.00	0.00	1,173.00	5,003.18	28,150.00
Professional Development	95.76	250.00	630.00	250.00	1,990.00	250.00	0.00	250.00	2,715.76	6,000.00
Rent	2,552.25	3,000.00	2,552.25	3,000.00	2,552.25	3,000.00	2,552.25	3,000.00	12,761.25	72,000.00
Security	0.00	125.00	0.00	125.00	0.00	125.00	0.00	125.00	0.00	3,000.00
Telephone/Fax/Internet	493.11	650.00	650.48	650.00	130.00	650.00	826.85	650.00	2,100.44	15,600.00
Travel - In State	2,152.78	1,270.00	2,053.57	1,270.00	4,277.29	1,270.00	746.58	1,270.00	9,230.22	30,480.00
Travel - Out of State	0.00	521.00	555.30	521.00	0.00	521.00	0.00	521.00	555.30	12,500.00
Utilities	299.09	400.00	318.63	400.00	294.04	400.00	295.84	400.00	1,207.60	9,600.00
Total Expense	81,084.61	100,203.00	72,644.44	106,203.00	78,468.95	100,203.00	81,955.64	106,203.00	319,259.87	2,417,000.00
Net Income	30,942.58	505.00	49,485.03	-5,495.00	50,247.93	505.00	7,470.61	-5,495.00	133,039.92	0.00

Staff:

Josh Nasbe, Counsel
Samantha Koopman, Sr. Committee Assistant



Members:

Sen. Ginny Burdick, Chair
Sen. Herman Baertschiger Jr., Vice-Chair
Sen. Brian Boquist
Sen. Michael Dembrow
Sen. Arnie Roblan

SENATE INTERIM COMMITTEE ON
RULES AND EXECUTIVE
APPOINTMENTS

Oregon State Capitol
900 Court Street NE, Room 453, Salem, Oregon 97301
Phone: 503-986-1529
Email: srules.exhibits@oregonlegislature.gov

AGENDA

Posted: NOV 08 02:16 PM

TUESDAY

Date: November 19, 2019
Time: 8:00 A.M.
Room: HR B

Note: Reappointments are not required to appear unless otherwise indicated.

Public Hearing and Work Session (Executive Appointment)

Alcohol and Drug Policy Commission

Devarshi Bajpai

State Aviation Board

John Barsalou

Commission for the Blind

Michael Babcock

Oregon Business Development Commission

Jessica Gomez *

Keith Leavitt *

Governor's Child Foster Care Advisory Commission

Pamela Heisler

Jessica Lloyd-Rogers

Tracy Powell

Construction Contractors Board

Rosa Martinez

Eric Olsen

State Fish and Wildlife Commission

Becky Hatfield-Hyde

Oregon Government Ethics Commission

Anna Sortun

For ADA accommodation requests, please email employee.services@oregonlegislature.gov or call 1-800-332-2313.

**AGENDA (Cont.)
November 19, 2019**

Oregon Growth Board	Gudrun Granholm Stephen Green * Elmer Huh Sayer Jones * Amber Schulz-Oliver
Health Evidence Review Commission	Michael Collins Maximilian Kaiser
Oregon State Hospital Advisory Board	Joshua Ferreira
Oregon Housing Stability Council	Sami Jo Difuntorum
Land Conservation and Development Commission	Gerardo Sandoval
State Marine Board	Colleen Moran
Oregon Board of Maritime Pilots	George Wales *
State Board of Massage Therapists	Maria Odle
State Mortuary and Cemetery Board	Gary Collins
Ocean Policy Advisory Council	Ray Monroe
Oregon Board of Optometry	Ami Halvorson
Oregon Health Policy Board	John Santa *
Physical Therapist Licensing Board	Andrea Muzikant Kristin Okumura
Board of Commissioners of the Port of Portland	Alice Cuprill-Comas * Katherine Lam Meg Nieme
Public Records Advisory Council	Emily Harris
Board on Public Safety Standards and Training	Matthew English James Oeder *
Public Utility Commission	Mark Thompson

For ADA accommodation requests, please email employee.services@oregonlegislature.gov or call 1-800-332-2313.

**AGENDA (Cont.)
November 19, 2019**

Quality Education Commission	Dana Hepper Patricia Mooney Carlos Sequeira
Residential and Manufactured Structures Board	James Austin
Respiratory Therapist and Polysomnographic Technologist Licensing Board	Mark Easbey Pablo Herrera-Fuentes
Board of Trustees of Southern Oregon University	Dylann Loverro
Director of Transportation	Kristopher Strickler
Tri-Met Board	Lori Bauman * Linda Simmons *
Trust for Cultural Development Board	Mark Buser
Oregon State Veterinary Medical Examining Board	Natalie Mair Williamson
Oregon Volunteers Commission for Voluntary Action & Service	Daniel Altamirano Sierra Barnes Shenika Cumberbatch Todd Jones
Board of Trustees of Western Oregon University	Jerardo Ambris Herlinda Herrera
Commission for Women	Robin Morris Collin *
State Workforce and Talent Development Board	Craig Campbell Alex Lemieux Julie Lewis Melinda Rogers James Swanson

Send materials or presentations to the email at the top of the agenda 24 hours in advance of the meeting date. All submissions will be posted and made public on the Oregon Legislative Information System (OLIS).

For ADA accommodation requests, please email employee.services@oregonlegislature.gov or call 1-800-332-2313.

Appendix 2,
September 27, 2019 Rules Hearing Minutes
for Rules Effective January 1m 2020.



Oregon

Kate Brown, Governor

Board of Massage Therapists

728 Hawthorne Ave NE
Salem, OR 97301
Phone: (503) 365-8657
Fax: (503) 385-4465
www.oregon.gov/OBMT

Rules Hearing
September 27, 2019
Board Office
728 Hawthorne Ave NE
Salem, OR 97301

Attendance

Public: None

Board Staff:

Ekaette Udosenata, Policy Analyst

Ekaette Udosenata-Harruna introduced herself and the procedures for the rules hearing proceeding. Meeting began at 10:00 am.

The proposed Rules are:

OAR 334-010-0005 Application: Add language to bring the board in compliance with State Law with regards to Military Spouses and Domestic Partners

OAR 334-010-0015 Licensure: Modify language to confirm with statutory requirement for cultural competency.

OAR 334-010-0025 Practice of Massage: Modify language to provide clarity on the practice of massage and bring the board in alignment with current verbiage on gender neutrality.

OAR 334-010-0033 Fees: Establish fee for statutory required temporary license for military spouses and domestic partners.

OAR 334-010-0050 Continuing Education: Modify language to bring the board in compliance with statutory requirements on cultural competency. Requires licensees to take and submit 1 hour of cultural competency per renewal period.

OAR 334-030-0050 Standards and Objectives of Professional Conduct: Modify language to bring the board in alignment with current verbiage on gender neutrality.

Public Comments: There were no member of the public present to provide comment.

Udosenata-Harruna noted that there were no written comment received by the Board and no member of the public present to provide additional comments.

Ruark adjourned the meeting at 10:20am

OFFICE OF THE SECRETARY OF STATE
BEV CLARNO
SECRETARY OF STATE

A. RICHARD VIAL
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
INTERIM DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 334
BOARD OF MASSAGE THERAPISTS

FILED
08/19/2019 2:59 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establish rules to align the board with statutory requirements and clarify existing board rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/27/2019 10:05 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Ekaette Udosenata
503-365-8657, Ext. 102
ekaette.udosenata@state.or.us

728 Hawthorne Ave NE
SALEM, OR 97301

Filed By:
Ekaette Udosenata-Harruna
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/27/2019

TIME: 9:30 AM

OFFICER: Bob Ruark

ADDRESS: Board Office

728 Hawthorne Ave

SALEM, OR 97301

NEED FOR THE RULE(S):

Application: Establish rules for temporary license for military spouse or domestic partner per ORS 676.308; Licensure: Add language requiring licensees to complete cultural competency per ORS 413.450; Practice of Massage: Modify language to provide clarity on the practice of massage and bring the board in alignment with current verbiage on gender neutrality; Fees: Establish fee for statutory required temporary license for military spouse and domestic partner; Continuing Education: Modify language to bring the board in compliance with Statutory requirements on cultural competency; and Standards and Objectives of Professional Conduct: Modify language to bring the board in alignment with current verbiage on gender neutrality.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR 334, ORS 676.308, ORS 413.450 and 2019 Board meeting minutes. These documents are available at www.oregon.gov/obmt.

FISCAL AND ECONOMIC IMPACT:

There is a minimal fiscal impact to licensees or small business; licensees or small businesses may see an increase of about \$75 in the cost of obtaining continuing education in the required cultural competency.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

334-010-0005 Application, No projected fiscal Impact

334-010-0015 Licensure, licensees or small businesses may see an increase of about \$55 in the cost of obtaining continuing education in the required cultural competency.

334-010-0025 Practice of Massage, No projected fiscal Impact

334-010-0033 Fees, Applicants for temporary license will see a fee of \$100 for license less than 12 months and \$200 for a license more than 12 months but not to exceed 24 months.

334-010-0050 Continuing Education, licensees or small businesses may see an increase of about \$55 in the cost of obtaining continuing education in the required cultural competency.

334-030-0006 Standards and Objectives of Professional Conduct, No projected fiscal Impact

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

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

334-010-0005 Application, No projected fiscal Impact

334-010-0015 Licensure, licensees or small businesses may see an increase of about \$55 in the cost of obtaining continuing education in the required cultural competency.

334-010-0025 Practice of Massage, No projected fiscal Impact

334-010-0033 Fees, Applicants for temporary license will see a fee of \$100 for license less than 12 months and \$200 for a license more than 12 months but not to exceed 24 months.

334-010-0050 Continuing Education, licensees or small businesses may see an increase of about \$55 in the cost of obtaining continuing education in the required cultural competency.

334-030-0006 Standards and Objectives of Professional Conduct, No projected fiscal Impact

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

334-010-0005 Application,

334-010-0015 Licensure, No projected fiscal Impact

334-010-0025 Practice of Massage, No projected fiscal Impact

334-010-0033 Fees, No projected fiscal Impact

334-010-0050 Continuing Education, No projected fiscal impact

334-030-0006 Standards and Objectives of Professional Conduct, No projected fiscal Impact

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

334-010-0005 Application, No projected fiscal Impact

334-010-0015 Licensure, No projected fiscal Impact

334-010-0025 Practice of Massage, No projected fiscal Impact

334-010-0033 Fees, No projected fiscal Impact

334-010-0050 Continuing Education, No projected fiscal impact

334-030-0006 Standards and Objectives of Professional Conduct, No projected fiscal Impact

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Each licensee may be considered a small business. Licensees and stakeholders were notified through meeting minutes and invitations to attend the meetings and rules hearing.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The proposed rules were discussed at board meetings and stakeholders attended the board meetings and provided input.

RULES PROPOSED:

334-010-0005, 334-010-0015, 334-010-0025, 334-010-0033, 334-010-0050, 334-030-0005

AMEND: 334-010-0005

RULE SUMMARY: Add language to bring the board in compliance with State Law with regards to Military Spouses and Domestic Partners

CHANGES TO RULE:

334-010-0005

Applications ¶¶

- (1) All applications for licensure, temporary license for military spouse or domestic partner, inactive status, renewal, temporary permit, or a facility permit must be made on forms provided by the Board. Only applications that are completed and on Board approved forms, without alterations, ~~must~~will be accepted for filing and review by the Board. ¶¶
- (2) All applications made to the Board must be accompanied by the required fee. ¶¶
- (3) Applicants for Licensure must submit the following with their application: ¶¶
 - (a) A copy of a valid government issued photo identification. This identification could be a valid driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card; ¶¶
 - (b) An official certificate or transcript from the administering institutions, instructors, or programs showing successful completion of study and practice in the required subject matter and hours required by the Board. ¶¶
- (A) Official copies of transcripts or certificates presented to the Board in an envelope sealed by the program or institution and verified as sealed may be accepted directly from the applicant. ¶¶
- (B) If a program or institution granting credit is no longer in business, the Board must accept for review a copy of a certificate of completion, transcript or diploma in the required subject matter and hours. ¶¶
 - (i) The Board may require additional information to verify the authenticity of such documents. ¶¶
 - (ii) Transcripts or certificates directly received from other states massage licensing boards will be accepted. ¶¶
- (C) The Board will not accept transcript(s) or certificate(s) from schools that are not approved or not in good standing with the national massage associations. ¶¶
- (c) A current photograph of the applicant. ¶¶
- (4) Transcripts must include a minimum of 625 hours of certified classes. The 625 hours must include the knowledge and skills identified in OAR 334-010-0047 competencies and must be comprised of: ¶¶
 - (a) A minimum of 200 hours of Anatomy & Physiology, Pathology, and Kinesiology; and ¶¶
 - (b) A minimum of 300 hours of Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation. Hydrotherapy may be included as part of the 300 hours. ¶¶
 - (c) The additional 125 hours can be in Anatomy & Physiology, Pathology, Kinesiology, Massage or Bodywork Theory and Practical Application, Clinical Practice, Business Development, Communication, Ethics, Sanitation or Hydrotherapy. ¶¶
 - (d) Hours can be calculated in clock hours or equivalent credit hours from an institution that substantially

complies with the definition of credit hours in 34 CFR 600.2. ¶

(5) If for any reason an applicant does not appear to be qualified for Licensure: ¶

~~(a)~~, the applicant must be so notified and invited to submit additional evidence ~~that he/she is entitled to have his/t~~
heir case considered for licensure. ¶

~~(b)~~ Applicants who are or have legally practiced massage and/or bodywork outside of the State of Oregon may be eligible to apply for the Credentialing Review Process. ¶

(6) Applicants who apply for licensure on or before December 31, 2015 with a minimum of 500 hours of certified classes and do not take and pass the Oregon practical exam within 60 days of the date of their application must apply as a new applicant. ¶

(7) All application documents for examination and licensure submitted in a language other than English must be accompanied by: ¶

(a) An accurate translation of those documents into English; ¶

(b) A notarized affidavit certifying that the translator is competent in both the language of the document and the English language; and ¶

(c) A notarized affidavit certifying that the translation is a true and complete translation of the foreign language original. ¶

(8) Any costs of translation of all documents required by the Board must be at the expense of the applicant. ¶

(9) If the applicant discontinues the application process or fails to cooperate with the criminal history check process, then the application is considered incomplete. ¶

(10) All information required for an initial license must be received within 12 months of the initial date of application. Thereafter, one must apply as a new applicant. ¶

(11) Temporary license for military spouse or domestic partner to practice. ¶

(a) Pursuant to ORS 676.308, "military spouse or domestic partner" means a spouse or domestic partner of an active member of the Armed Forces of the United States who is the subject of a military transfer to Oregon. ¶

(b) A military spouse or domestic partner holding a temporary license to practice massage in the state of Oregon may perform services within the profession. ¶

(c) A temporary license may be immediately issued to a military spouse or domestic partner; it is valid for until the earliest of the following: ¶

(A) Two years after the date of issuance; ¶

(B) The date the spouse of the person to whom the authorization was issued completes the spouse's term of service in this States; or ¶

(C) The date the person's authorization issued by another state expires. ¶

(12) Requirements for temporary license to practice for a military spouse or domestic partner. ¶

(a) An individual applying for a temporary license to practice must: ¶

(A) Meet the requirements of OAR 334-010-0005 (1)-(10); ¶

(B) Submit a completed application form prescribed by the Board, which must contain the information listed in OAR 334-010-0005 (1)-(10), and be accompanied by payment of all required fees; and ¶

(C) Attest that the applicant has requested license verification from the state or territory in which the applicant is authorized to practice massage, and that the applicant is not subject to any disciplinary action in that state or territory for a matter related to the practice massage. ¶

(b) An individual who has a temporary license to practice and who wants the license to be permanent must: ¶

(A) Meet the requirements of OAR 334-010-0005 (1)-(10); ¶

(B) Submit a completed application form prescribed by the Board, which must contain the information listed in OAR 334-010-0005 (1)-(10), and be accompanied by payment of all required fees; and ¶

(C) Submit information listed in OAR 334-010-0005 (C) (i)-(v) before the two years temporary license expires. If the Board accepts and approves the information, the Board will issue a permanent License to practice according to the rules pertaining to the profession. ¶

(i) A copy of a marriage certificate or domestic partnership registration with the name of the applicant and the name of the active duty member of the Armed Forces of the United States; and ¶

- (ii) A copy of the assignment to an Oregon duty station by official active duty military order for the spouse or domestic partner named in the marriage certificate or domestic partnership registration; and ¶
- (iii) Evidence that the applicant meets qualifications for licensure as provided in the statutes and rules for massage license, including examinations; and ¶
- (iv) Evidence of having provided massage therapy services or taught the subject matter for at least one year during the three years immediately preceding the date on which the Board receives the application; and ¶
- (v) Evidence that the applicant is authorized by another state or territory to practice massage therapy and that the applicant is not subject to disciplinary action in that state or territory for a matter related to massage therapy. ¶
- (c) Notwithstanding any other rules administered by the Board, an applicant for a temporary license under this rule must submit all applicable fees for a permanent license listed in OAR 334-010-0033. ¶

(13) Applicants for Facility Permit must submit the following with the Facility Permit application:¶

(a) If a natural person: ¶

(A) A copy of a valid government issued photo identification. Valid identification includes: a state issued driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card.¶

(B) Verification of Oregon Secretary of State Business Registration confirming registration of the assumed business name with the State of Oregon. The Verification must be in a format acceptable to the Board and include: the business registry number, owner and entity name as each appears on the Facility Permit Application, Facility Address as it appears in the Facility Permit Application, the current status of the registration, and start date of the registration.¶

(b) If not a natural person:¶

(A) Verification of Oregon Secretary of State Business Registration, confirming registration of the corporation, partnership, limited liability company, or assumed business name with the State of Oregon. The Verification must be in a format acceptable to the Board and include the business registry number, entity name as it appears on the Facility Permit Application, Registered Agent, owner/member/partner information, Facility Address as it appears in the Facility Permit Application, the current status of the registration, and start date of the registration.¶

(B) For corporations, partnerships, and limited liability companies, copies of Articles of Incorporation, Articles of Organization, or shareholder agreements showing all percentages of ownership with appropriate owner(s) identification including name and address. ¶

(124) Applicants for Facility Permit Transfer must submit the following with the Facility Permit application: ¶

(a) If a natural person, a copy of a valid government issued photo identification. Valid identification includes: a state issued driver's license, a current U.S. passport, immigration/naturalization papers, or a valid state identification card; ¶

(b) If not a natural person: ¶

(A) Verification of Oregon Secretary of State Business Registration confirming registration of the corporation, partnership, limited liability company, or assumed business name with the State of Oregon. The Verification must be in a format acceptable to the Board and include the business registry number, entity name as it appears on the Facility Permit Application, Registered Agent, owner/member/partner information, Facility Address as it appears in the Facility Permit Application, the current status of the registration, and start date of the registration.¶

(B) For corporations, partnerships, and limited liability companies, copies of Articles of Incorporation, Articles of Organization, or shareholder agreements showing all percentages of ownership with appropriate owner(s) identification, including name and address. ¶

(C) A Buy-Sell Agreement, Purchase Agreement, Transfer Agreement, Lease Agreement or other documentation approved by the Board verifying transfer of legal ownership of the Facility. ¶

(135) Applicants for licensure, inactive status, renewal, or a facility permit must notify the Board in writing immediately, but no later than 10 days after the change occurs, if any information submitted on the application changes, including, but not limited to: name; contact information, including address, email address, and telephone number; Board or other governmental agency investigation or disciplinary actions; civil, criminal, or ethical investigations, arrests, charges or convictions; employment investigations which lead to termination or resignation; in-patient mental health care for a psychological or behavioral health condition, addiction, or chemical

dependency issue. Failure to do so may be grounds for denial of the application or revocation of the license, once issued.

Statutory/Other Authority: ORS 183, 687.121, 182.456 - 182.472

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-010-0015

RULE SUMMARY: Modify language to confirm with statutory requirement for cultural competency.

CHANGES TO RULE:

334-010-0015

Licensure ¶

- (1) An applicant for licensure or renewal of a license must complete, in its entirety, an original application furnished by the Board. ¶
- (2) An applicant for an initial license and all lapsed and inactive licensees applying for reactivation must submit a completed electronic fingerprint for a criminal background check. ¶
- (3) All applications for licensure must be accompanied by proof of current ~~certification in cardiopulmonary resuscitation (CPR) designed for professional health care providers.~~ CPR certification standard is from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. ~~The CPR certification standard is from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent.~~ A ~~The~~ CPR certification card must include an expiration date. ¶
- (4) An applicant must provide written explanation and copies of all related documentation as requested by the board if: ¶
 - (a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country; ¶
 - (b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country; ¶
 - (c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country; ¶
 - (d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or ¶
 - (e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage. ¶
- (5) Applicants for initial licensure must have passed a written examination approved by the board unless the applicant is applying through Health Indorsement in which the applicant must have passed a practical examination. ¶
- (6) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delinquent fee must be paid if the completed application and all requirements are not received by the due date. ¶
- (7) Applicants for the renewal of an active license must sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours. ¶
- (8) Applications for renewal of an active license must be accompanied by: ¶
 - (a) Current licensing fee; ¶
 - (b) Any applicable late fees; ¶
 - (c) Proof of current ~~certification in cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Provider~~ cardiopulmonary resuscitation (CPR)s Course or its equivalent. ~~The CPR certification card must include an expiration date;~~ ¶
 - (d) Proof of 25 hours of continuing education(b) as required in OAR 334-010-0050(1)(b); ¶
 - (e) All licensees must take and submit proof of completing the 1 hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), at least once, by a licensee's next required continuing education reporting; and ¶
 - (f) Any additional documentation required by the Board. ¶
- (9) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read,

understand, and must comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board. ¶

(10) Licenses issued by the Board must not be transferable. ¶

(11) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon. ¶

(12) An application to reactivate an inactive license must be accompanied by: ¶

(a) Current licensing fee; ¶

(b) Verification of current cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration date; ¶

(c) Verification of 25 hours of continuing education for each biennium the license was inactive. Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 of 25 hours may be contact or noncontact hours. At least 1 of the 25 must be in Cultural Competency as defined in ORS 413.450. ¶

(d) Verification of 50 hours of continuing education for the reactivation of inactive license more than 1 biennium must be submitted to the Board. Of the 50 hours, at least 30 must be contact hours of continuing education training or Board approved activities. At least 8 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 20 of 50 hours may be contact or noncontact hours. At least 2 of the 50 must be in Cultural Competency as defined in ORS 413.450; and ¶

(e) Completed electronic fingerprints for criminal background check.

Statutory/Other Authority: ORS 687.121, 687.051

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-010-0025

RULE SUMMARY: Modify language to provide clarity on the practice of massage and bring the board in alignment with current verbiage on gender neutrality.

CHANGES TO RULE:

334-010-0025

Practice of Massage ¶¶

(1) Massage treatment may include, but is not limited to: ¶¶

(a) Client intake and assessment; ¶¶

(b) Practice of massage or bodywork; ¶¶

(c) Post massage assessment and recommendation; and ¶¶

(d) Documentation. ¶¶

(2) Massage treatment does not include: ¶¶

(a) The application of high velocity/low amplitude force further defined as thrust techniques directed toward joint surfaces; ¶¶

(b) The use of equipment or devices that require a prescription; or ¶¶

(c) Making a medical diagnosis. ¶¶

(3) A massage therapist must use safe and functional coverage/draping practices during the practice of massage when the client is disrobed. ¶¶

(a) Safe and functional coverage/draping means:¶¶

(A) LMT explains, maintains and respects coverage/draping boundaries; ¶¶

(B) Client gives informed consent; ¶¶

(C) Genitals and gluteal cleft of male and female clients and the breast area of female clients are not exposed; with voluntary and informed consent of the client, the gluteal and breast drapes may be temporarily moved in order to perform therapeutic treatment of the area. ¶¶

(D) Massage or movement of the body does not expose genitals, gluteal cleft or breast area. ¶¶

(b) Exceptions to the rule may be made for LMTs who can document training in specific modalities that require variations in coverage/draping. ¶¶

(4) A Licensed massage therapist must not perform or offer to perform any services for clients other than those connected with giving massage therapy treatments as defined in ORS 687, unless the LMT has additional training and/or licensure. ¶¶

(5) A person represents ~~himself or herself~~ yes as a massage therapist when the person adopts or uses any word(s) that implies a skill or application as defined by statute 687.011. ¶¶

(6) Any person who holds a license as a massage therapist in this state may use the abbreviation "LMT." No other person(s) may assume such title or such abbreviation or any other word[s], letters, signs, or figures to indicate that the person using the title is a licensed massage therapist. ¶¶

(7) All licensed massage therapists must notify the Board office in writing of any change of residence, business, email or mailing address within 30 days of change of address. ¶¶

(8) Active licensed massage therapists must display their current license in a location clearly visible to their clients. ¶¶

(9) Active licensed massage therapists are required to include their license number in all advertisements, including but not limited to: written, electronic, televised and audio.

Statutory/Other Authority: ORS 183, 687.121, 182.456 - 182.472

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-010-0033

RULE SUMMARY: Establish fee for statutory required temporary license for military spouse and domestic partner.

CHANGES TO RULE:

334-010-0033

Fees ¶¶

(1) The fees are: ¶¶

(a) \$200 for initial license; ¶¶

(b) \$100 for initial license under 12 months; ¶¶

(c) \$200 for a temporary license per ORS 676.308;¶¶

(d) \$100 for a temporary license under 12 months;¶¶

(e) \$200 per biennial renewal for active license; ¶¶

(~~f~~) \$100 per biennial renewal for inactive license; ¶¶

(g) \$100 mid-cycle inactive to active renewal ¶¶

(~~h~~) \$25 per week, up to a maximum of \$100, for any late renewal; ¶¶

(i) \$100 for application processing; ¶¶

(j) \$150 for each practical examination; ¶¶

(k) \$100 for mailing list; ¶¶

(l) \$10 for license reprint; ¶¶

(~~m~~) \$10 for license verification; ¶¶

(n) \$250 Credentialing Review; ¶¶

(~~o~~) Current Oregon State Police Criminal Background Check Fee; ¶¶

(p) \$200 initial facility permit; ¶¶

(q) \$250 facility permit ownership transfer; ¶¶

(r) \$250 permitted facility name change;¶¶

(s) \$10 facility permit reprint ¶¶

(t) \$10 permitted facility address change and ¶¶

(u) other administrative fees as allowed by law. ¶¶

(2) Application and licensure fees are not refundable

Statutory/Other Authority: 687.121, ORS 183, 182.456 - 182.472

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-010-0050

RULE SUMMARY: Modify language to bring the board in compliance with Statutory requirements on cultural competency.

CHANGES TO RULE:

334-010-0050

Continuing Education ¶

(1) The intent of Continuing Education is to protect the public by maintaining knowledge and skills of massage and/or bodywork. Each licensee must complete 25 hours of continuing education each renewal period. The continuing education hours must be from the following topics:¶

- (a) Massage and bodywork techniques;¶
- (b) Use of thermal modalities, topical preparations, mechanical assistive; devices/appliances;¶
- (c) Stretching and gymnastics that lengthen and shorten soft tissues;¶
- (d) Posture and movement assessment;¶
- (e) Massage and bodywork business practices;¶
- (f) Anatomy and physiology of the human body;¶
- (g) Kinesiology of the human body;¶
- (h) Pathology of the human body;¶
- (i) Professional Ethics, Boundaries or Communication;¶
- (j) Cultural competency¶
- (k) Body mechanics;¶
- (l) Somatic education; ¶
- (m) CPR/First Aid; ~~or~~¶
- (n) Pain Management¶

(A) At renewal time, each licensee must sign and submit a Board supplied CE form indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.¶

(B) Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 of 25 hours maybe contact or noncontact hours. At least 1 of the 25 must be in Cultural Competency as defined in ORS 413.450.¶

(2) The methods of obtaining continuing education contact hours shall include:¶

- (a) Attendance of courses, seminars, and workshops sponsored, certified by a licensed or accredited massage and bodywork training program;¶
 - (b) Attendance of courses or activities for continuing education offered by a provider recognized by a massage and bodywork professional organization;¶
 - (c) Attendance of courses provided by an accredited institution of higher education if topics are listed in OAR 334-010-0050(1)(~~a-n~~A-M).¶
 - (d) Attendance of courses, seminars, and workshops that meets the content requirement of OAR 334-010-0050(1)(~~a-n~~A-M).¶
 - (e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(~~e-j~~E-J).¶
 - (f) Courses in cardiopulmonary resuscitation/first aid if taken in the presence of an instructor;¶
 - (g) Providing Board requested peer supervision or Board exam proctoring; One hour of CE contact credit will be given for each meeting/day.¶
 - (h) Attendance at an Oregon Board of Massage Therapists board meeting, board committee meeting, board task force or serving on these committees/task forces. One hour of CE contact credit will be given for each meeting.¶
- (3) The methods of obtaining continuing education non-contact hours shall include:¶
- (a) Publishing an article relating to massage and bodywork;¶

- (b) Self-study based on media (i.e. book/video, periodical, web based, DVD);¶
- (c) Courses or lectures on massage and bodywork which a licensee presents. A licensee may receive credit for presenting a course or lecture only one time per renewal period regardless of how many times the licensee presents the course or lecture.¶
- (d) All licensees must take and submit proof of completing the 1 hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), at least once, by a licensee's next required continuing education reporting.¶
- (4) If the Continuing Education subject matter is not listed under OAR 334-010-0050(1) it will not be accepted for continuing education.¶
- (5) The Oregon Board of Massage Therapists randomly selects a minimum of 10 percent of received monthly renewals for an audit.¶
 - (a) If selected for an audit you will have 30 days to complete the audit form and submit copies (not originals) of your Continuing Education certificates.¶
 - (b) If you fail to provide the requested information to the Board, within the 30 days, the Board may issue discipline per ORS 687.081 and 687.250.¶
- (6) The continuing education requirement does not apply to a licensee's first license renewal.¶
- (7) Continuing education must be completed within the renewal period. Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.¶
 - (a) Contact hours taken in Professional Ethics, Boundaries and/or Communication in excess of the four hour requirement may be carried over to the next subsequent renewal period.¶
 - (b) First renewal CE are not required to be submitted at the time of renewal, CE taken during the first renewal period may be submitted with second renewal.¶
- (8) Continuing education records must be maintained by each licensee for a minimum of five years.¶
- (9) If the Board finds indications of fraud or falsification of records, investigative action shall be taken. Findings may result in disciplinary action up to and including revocation of the licensee's license.¶
- (10) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.

Statutory/Other Authority: ORS 687.081, 687.121, 687.122

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-030-0005

RULE SUMMARY: Modify language to bring the board inline with current verbiage on gender neutrality.

CHANGES TO RULE:

334-030-0005

Standards and Objectives of Professional Conduct ¶

(1) Standard I: Responsibility -- the relationship between the LMT and the profession. The LMT must: ¶

(a) Acquire, maintain and improve professional knowledge and competence using scientific, clinical, technical, psychosocial and governmental sources of information; ¶

(b) Act within the context of professional practice standards, codes of ethics, and relevant statutes and regulations; ¶

(c) Consider factors related to safety, effectiveness, and cost in planning and providing care and services; ¶

(d) Represent all aspects of ~~his or their~~ professional capabilities and services honestly and accurately; ¶

(e) Be accountable to ~~his or their~~ profession for establishing the quality and effectiveness of care and services, using their experience, professional education, and available resources; ¶

(f) Establish relationships with other massage, bodywork or healthcare professionals to collaborate with, and to offer or receive consultation in the provision of services; and ¶

(g) Be accountable for ~~his or their~~ actions and commitments and assume personal and professional responsibility to do ~~his or her~~ their best. ¶

(2) Standard II: Therapeutic Relationship -- the relationship between the LMT and the client. The LMT must: ¶

(a) Be accountable to ~~his or their~~ clients for the quality and effectiveness of care and services and for creating the basic conditions and boundaries necessary to foster safety and trust in the client-professional relationship; ¶

(b) Plan and provide care and services to the best of ~~his or her~~ their abilities, in partnership with the client, based on client needs; ¶

(c) Ensure that their actions with a client are based on understanding and implementing the core values of caring, respect, compassion, appropriate boundaries, and appropriate use of personal power; ¶

(d) Develop alliances with the client, colleagues, other health care providers and the community to provide care and services that are safe, effective and appropriate to the client's needs; ¶

(e) Develop and incorporate respect for diverse client backgrounds in regard to a client's clinical diagnosis, lifestyle, sexual orientation, race, gender, ethnicity, religion, age, and socioeconomic background when planning and providing services; ¶

(f) Act as an advocate for client and client's needs; ¶

(g) Support and respect the client's right and responsibility for self-determination in making health care choices; and ¶

(h) Base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice. ¶

(3) Standard III: Critical Reflection -- the relationship of LMT to self. The LMT must: ¶

(a) Use critical reflection in the assessment of professional and clinical situations for the development and provision of care and services; ¶

(b) Evaluate the quality and effectiveness of ~~his or their~~ professional practice activities; ¶

(c) Modify and adapt professional practice activities, consistent with current professional standards and practices, in response to client needs, advancing knowledge and research, and social expectations; and ¶

(d) Be an autonomous agent in planning and providing care and services to individuals, groups and the community.

Statutory/Other Authority: ORS 687.081, 687.121

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

Appendix 3,
Board Action Plan

OBMT Strategic Plan – 2020

Mission

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.

Instructions

Initially:

1. Insert main goals along with timeframe for working on that goal, and how success will be measured.
2. Insert specific action items that will contribute to the achievement of the goal
3. Determine who needs to participate in completing each action item, the resources needed, the duration (start and end dates)
4. At each Board meeting, record the status of the main goal (pending, in progress, completed). Add notes if necessary

At the end of each calendar year:

1. Save a copy of the plan for your records
2. Remove completed goals and action items
3. Remove info from the Board meeting notes area
4. Insert new goals and action items

Strategic Goals

Financial		
Goal	Timeframe	Success Measure
Reduce dependence on penalty income to fund Board operations	Ongoing	Ability to fund basic operations without relying on revenue from penalties

Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Develop a budget format that shows budget against actual including forecasting, for 24 months. This will allow anticipation of future expenditures.				
Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				

Customer Service				
Goal			Timeframe	Success Measure
Improve the consistency of our messaging in all communications				
Action	Participants	Resources	Duration	Notes

	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Develop methods to be a more welcoming and inclusive organization			ongoing	
Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Improve the quality of communication with our licensees by better understanding their needs.				
Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				

Mar				
May				
Jul				
Sep				
Nov				

Outreach				
Goal			Timeframe	Success Measure
Establish positive working relationships with critical internal/external stakeholders				
Action	Participants	Resources	Duration	Notes
Identify critical relationships				
Determine needs of each person/group				
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Streamline communication methods with stakeholders				
Action	Participants	Resources	Duration	Notes
	Status	Notes		

Jan					
Mar					
May					
Jul					
Sep					
Nov					
Goal				Timeframe	Success Measure
Appropriately redirect “customers” to other groups/partners who have more expertise/resources			12 months initially, then ongoing maintenance		
Action	Participants	Resources	Duration	Notes	
Develop partner relationships					
Re-educate public					
	Status	Notes			
Jan					
Mar					
May					
Jul					
Sep					
Nov					
Goal				Timeframe	Success Measure
Increase outreach to underserved communities – particularly API.			ongoing		
Action	Participants	Resources	Duration	Notes	
Understand community needs					
	Status	Notes			
Jan					
Mar					
May					

Jul			
Sep			
Nov			

Operations

Goal		Timeframe	Success Measure
Expand pool of contracted investigators		12 months	
Action	Participants	Resources	Duration
Allocate/reallocate funding			
	Status	Notes	

Jan			
Mar			
May			
Jul			
Sep			
Nov			

Goal		Timeframe	Success Measure
Fill the Audit Liaison position (Carole Ann)		Fall 2019	
Action	Participants	Resources	Duration
	Status	Notes	

Jan			
Mar			
May			
Jul			
Sep			

Nov				
Goal			Timeframe	Success Measure
Focus on staff development.			ongoing	
Action	Participants	Resources	Duration	Notes
Set staff goals				
Assess resources needed				
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Create a sustainable document management system and processes.				
Action	Participants	Resources	Duration	Notes
Improve document access technology				
Archive old files				
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Relocate to better office space			By May 2020	
Action	Participants	Resources	Duration	Notes

	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Improve communication methods/processes between OBMT staff and Board members, particularly between meetings.				
Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Review/revise internal processes and key documents				
Action	Participants	Resources	Duration	Notes
Review by-laws				
Review written procedures				

	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Fill the Executive Director position			Fall 2019	
Action	Participants	Resources	Duration	Notes
Recruit and select candidate				In process
Onboard new ED				
Conduct annual performance review of ED				
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Develop an emergency technology plan for use in the event of system failures or other unforeseen system outages.				
Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				

Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Conduct an annual review for Attorney General (AG?)				
Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				
Goal			Timeframe	Success Measure
Better utilize our broad base of experience to serve our stakeholders.				
Action	Participants	Resources	Duration	Notes
	Status	Notes		
Jan				
Mar				
May				
Jul				
Sep				
Nov				



SWOT Analysis

This is rough data gathered during the strategic planning session and captured for future reference.

Strengths
Board and staff configuration provide for thoughtful discussions and balanced perspectives.
Board and staff are passionate about their jobs and the industry.
Staff is qualified and engaged.
We have increased outreach to specific communities.
We are financially secure.
Our website is greatly improved.
We are invested in the profession and safety of stakeholders.
The Borderline newsletter is a good tool for communication.
We are communicating with schools.
Professional associations are participating in Board meetings.
Streamlined licensing process.
We are following procedures.

Weaknesses
Lack of sufficient communication between meetings. Possibly due to perceptions about limits of public meeting laws. Find out what we CAN do.
Lack of personal responsibility (who?). Expecting everything delivered.
Informality of meetings
Not allowing each member to be heard
Taking Board work personally
Infrequency of meetings
Reduce temporary staff
Too much manual staff intervention
Staff to LMT/Applicant ratio is not equitable
Staff are under-utilized as a resource
Access to resources for LMTs – online requirements. Resources aren't known to LMTs
Need continuous improvement of processes and procedures. Review, assess, modify, review...
Location
Board member document access – software
Member involvement

Opportunities
Increase networking with potential partners.

Have a school/committee/association take on approval of continuing education.
Identify and connect with related organizations to potentially delegate issues to them.
Expand profession.
Scope of practice commitments
Public acceptance of the professional quality of massage, body work and health in general.
The Board has the opportunity to change and make a difference.
Provide mentoring to incoming Board members.
Public engagement: survey their needs/expectations; include more specific issues; connect them to relevant resources; more/better outreach to underserved groups.
Have a bigger room with more seating for public meetings.
Have an open phone line during meetings and take chat/comments on the side.
Stream Board meetings online.
Have bi-monthly 1-2 hour meeting over the phone for urgent, important issues that have time constraints.
Find ways to communicate between meetings that don't violate compliance with public meeting laws.
List our Board actions. Other Boards list the actions/penalties in their equivalent of Borderline.
"Sunsetting" 360 reviews. Formal reflection from external perspective.
Streamline procedures: CE reporting, investigations, reporting to law enforcement
Increase communication between ED and Board so that Board can have a better understanding of staff duties/workload
Better coordination between staff and Board.

Threats
Unlicensed massage therapists not cooperating with the Board. Various reasons could be: personality, cultural differences language barriers, don't see the big picture of how this can impact one's life, financial issues
Safety issues due to investigators not being in time to shut down locations and practitioners.
Enforcement restrictions
Legal actions
Professional groups/associations
Dilution or diminishing of the profession
Cost limitations associated with taking appropriate actions
Lack of community support from LMTs, law enforcement, cities, etc
No control as a State Board. DAS requirements and government mandates limit our control.
Loss of focus on mission and goals
Board communications restrictions limit our ability to communicate outside of formal meetings
Lack of legislature drive and executive direction
Legislative and regulatory restrictions

Appendix 4,
Fall 2019 BOARDerline

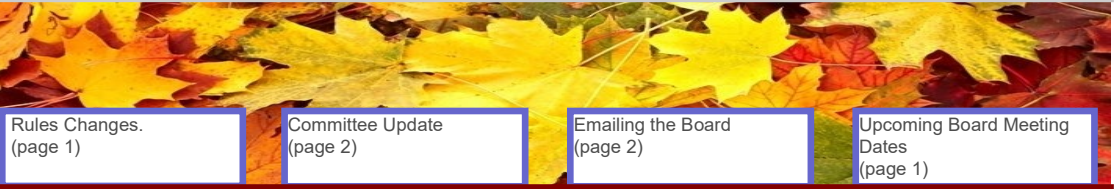


BOARDERLINE

FALL EDITION

NOVEMBER 2019

Top stories in this BOARDerline



Rules Changes.
(page 1)

Committee Update
(page 2)

Emailing the Board
(page 2)

Upcoming Board Meeting
Dates
(page 1)

Rules Changes Effective January 1, 2020



What you need to know:

Effective **January 1, 2020**, the board will require all licensees to complete continuing education in Cultural Competency every other renewal. Those who renew their license prior to **January 1, 2020** will not have to meet the Cultural Competency requirement until their next subsequent renewal. Everyone renewing on or after **January 1, 2020** will need to meet the new Cultural Competency requirement.

Effective **January 1, 2019**: BLS CPR - All applications for licensure must be accompanied by proof of current certification in cardiopulmonary resuscitation (CPR) designed for professional health care providers. The CPR certification standard is the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. A CPR certification card must include an expiration date. BLS CPR is required for all applicants for license renewal and initial license.

Effective **July 1, 2019**: Pain Management Module - All licensees must take and submit proof of completing the 1 hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), by a licensee's next required continuing education reporting.

Rules and Changes going into effect January 1, 2020:

- **OAR 334-010-0005 Application:** Add language to bring the board in compliance with State Law with regards to Military Spouses and Domestic Partners
- **OAR 334-010-0015 Licensure:** Modify language to confirm with statutory requirement for cultural competency.
- **OAR 334-010-0025 Practice of Massage:** Modify language to provide clarity on the practice of massage and bring the board in alignment with current verbiage on gender neutrality.
- **OAR 334-010-0033 Fees:** Establish fee for statutory required temporary license for military spouses and domestic partners.
- **OAR 334-010-0050 Continuing Education:** Modify language to bring the board in compliance with statutory requirements on cultural competency. Requires licensees to take and submit 1 hour of cultural competency every other renewal period.
- **OAR 334-030-0050 Standards and Objectives of Professional Conduct:** Modify language to bring the board in alignment with current verbiage on gender neutrality.

2020 Board Meeting Dates:

- ⇒ January 27, 2020
- ⇒ March 16, 2020
- ⇒ May 15-16, 2020 (Traveling Board Meeting Location—Eugene, OR. Venue TBD)
- ⇒ July 13, 2020
- ⇒ September 14, 2020
- ⇒ November 16, 2020
- ⇒ **LINK TO PAST BOARD MEETING MINUTES**

@What to Do After Sending an Email to The Board@

*When you submit information to the Board by email, please remember:
Email is an unsecured, non-confirming message delivery protocol.*

**Sending an email is not a guarantee that an email
has been received or delivered to the intended recipient.**

The Five Most Common Reasons Emails are Not Received:
Yes, even when the email is shown as "sent" in the sender's email folder...

**** Incorrect Email Address**

The most common email delivery fail is misspelled or incorrect email addressing.

****Attachments are too Large and are Blocked by Server**
State mail servers limit attachment sizes to approx. 10mb or less.

****Server and Email Filters**

Filters are intended to block and delete spam, phishing attempts, malware, and other unwanted emails – unfortunately, legitimate emails may be blocked due to filter parameters.

****Email Provider is Blacklisted**

*An e-mail service provider is "blacklisted" by a recipient provider or server
- which then blocks emails from the blacklisted provider.*

****Documents or Links are imbedded in the Email**

*External site links or links to application similar to Google Docs
or attachments ending with .html may trigger filters*

Note: Staff cannot open linked documents due to internal or site controls.

You are responsible for ensuring information required by the Board
– for licensing, renewal, or investigative purposes –
is received by the Board in full and in a timely manner.

*If you choose to send information to the Board by email, and the information is not
received for any reason - then the Board did not receive the information.*

*Late Fee are assessed based on the date electronic documents are received by the
Board,*

not by the date the electronic document(s) were sent.

Board staff strive to respond to emails within three business days.

**Please allow at least three business days before contacting the Board
to follow up on information sent to the Board by email
unless specifically directed by staff.**

*Happy Holidays
everyone*



Wishing you a safe holiday season.

Update on 2019 Traveling Board Meeting

The Board traveled to Medford, Oregon to conduct the annual Board Traveling Meeting. Six board members, three staff members, and six members of the public attended the two day meeting.

The Board's regular business was conducted on Friday, September 13.

On Saturday, September 14, the Board participated in a five hour strategic planning session facilitated by Pamela Moore, Compass HR.

The Strategic Planning Session focused on the Board's accomplishments from the previous Action Plan, an analysis of the Board's strengths and weaknesses, and an initial draft of the Board's strategic goals and deliverables.

Details of the Board's discussions during the Strategic Planning Session are included in the September 13 – 14, 2019, Board Minutes.

FSMTB 2019 Annual Meeting Update



It was my pleasure attending the 2019 FSMTB annual meeting as the Oregon delegate. I found this event full of acquaintances from past leadership roles that I have held and felt like I had a good connection with a lot of those in attendance. It was also enjoyable to get to observe this organization operating, as I was in attendance at the formative meeting in September 2005. I find the current work that is taking place as very good for those state's that are early in the licensing arena. This allowed me to reflect on a lot of the current work that OBMT is doing and made me wonder if both groups share the same goals. I believe we do and that the biggest difference is Oregon is beyond infancy as a regulated profession. I do feel that the exam (MBLEX), that was created by FSMTB is possibly one the best benefits we have seen from this group. My personal take away is to support the work of FSMTB as they are assisting with fellow state's getting the early stages of licensure in place. I also believe it is time for Oregon to reflect on what our path looks like. I felt a lot of state's from around the county continue to view Oregon as a leader with LMT regulation, as we have been a regulated state for a long time. I do believe we need to continue to be the leaders and share with fellow state's what we have seen as best practices. As with any organization there are always elements that we feel should change or need to be improved and encourage Oregon assist when possible. I recommend we continue focused on the public protection of those we serve here in Oregon.

Link to the official 2019 FSMTB Annual report https://www.fsmtb.org/media/2021/fsmtb-2019-annual-report_web.pdf

—By John Combe, LMT, OBMT Board Member

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(503) 365-8657



2019 Committee Update

Education Committee Update:

At the May 2018 Board meeting, the OBMT decided to investigate several issues pertaining to the current CE rules for massage therapists. This process started because of issues brought before the Board by various groups of licensees and Board staff; findings from the Oregon required biannual external audits; and discussions/surveys on the national level. After discussions at the Board level, the OBMT decided to reconvene the Education Committee to review the CE OARs and make recommendations. Our task is to identify who may provide CEs, appropriate topics, methods to obtain CEs; and how many hours should be required and/or rolled over. In addition, we are charged to keep the process streamlined for staff and LMTs.

We began by addressing the purpose of continuing education. Currently the OARs state: "The intent of Continuing Education is to protect the public by maintaining knowledge and skills of massage and/or bodywork." The Committee is considering proposing the following revision: "The intent of Continuing Education is to protect the public by maintaining continued competency in the knowledge, skills, and abilities of massage and/or bodywork practice. Continued competence is the ongoing ability of a licensee to integrate and apply the knowledge, skills, judgment and personal attributes required to practice safely and ethically."

Now we are working through the language around providers, topics and methods. It is a lively and difficult process. We bring to the discussion our own point of view as LMTs or educators as well as requirement comparisons with other massage boards and healthcare providers. In addition, we refer to recent surveys of LMTs done by OBMT and professional organizations so that we keep in mind the opinions of the licensees who are affected by the OARs. Our goal is to have recommendations to the OBMT by early 2020. Remember these are recommendations and any official changes to the OARs would go through a Rules Hearing giving all of you a chance to weigh in. Education Committee meetings are open to the public so please join us if you are interested in watching the process! Check OBMT website for dates of scheduled meetings.

- **Lisa Garofalo, Education Committee Chair**

Rules Committee Update:

The Board resumed the Rules Committee in summer 2019. Thank you to everyone who volunteered to be a part of this committee. The Rules Committee's direction from the Board was to assist the Board with preparing the statement of need and fiscal impact statement when there are rules changes and review rules and statues for consistency of language and content.

Currently, the committee is looking at the proposed language for CE rules coming from the Education Committee. The committee is looking at the changes reviewing for flaws, loopholes and making suggested wording to improved clarity.

Rules committee meetings and Rules hearings are open to the public, if you are interested in the process. please check the OBMT website for dates.

- **Kathy Calise, Rules Committee Chair**

Meet the New OBMT Executive Director

Greetings,

My name is Bob Ruark and I am honored to have been selected as your new Executive Director for the Oregon Board of Massage Therapists (OBMT).

A little about me:

As many of you know, I was initially hired by the Board in 2013 as the Compliance Manager. As some of you may know, I became the Interim Executive Director on January 1, 2019, when Kate Coffey retired from the Executive Director position after many years of service. I enjoyed working with Kate, and hope that I serve you as well as she did.



Bob Ruark - OBMT Executive Director

I continued to work as both the Compliance Manager and the Interim Executive Director until being offered, after a lengthy recruitment process, the position of Executive Director last month.

I know this is supposed to be my introduction, but I wanted to give a shout out to your OBMT staff. Staffing issues and a lengthy transition period this last year has been challenging for Board Staff. However, even with the staffing shortages, technical difficulties at both the State and local levels, and the uncertainty of the transition, staff performed their duties with the high level of professionalism, decorum, customer service, and sense of humor which makes this staff unique and a pleasure to work with. I am humbled that staff, and their families, made sacrifices during the past year to ensure that the Board's work continued to be completed quickly and efficiently, even with the obstacles they faced.

There are no words to express how much I appreciate everything they have done to keep the ship afloat during this transition period. I am much honored to be a part of this team.

Back to my introduction:

I was born on the East Coast, but my family moved to Oregon when I was a few months old. I grew up in the Willamette Valley, graduating from West Albany High School. After graduating high school, I joined the Navy where I spent the next four years – usually on a big ship – and discovered my love of traveling.

Upon discharge from the military I returned to Oregon and became a Polk County Deputy Sheriff. I worked as a Deputy Sheriff for several years, eventually becoming a Detective Sergeant. I managed a multi-agency drug team task force and Major Crime Team during that time.

After working as a Deputy for several years, I went back to school to obtain my bachelor's degree in History, and found myself working for the Oregon State Board of Nursing as an investigator.

I left OBN and went back into law enforcement and worked as a City Police Officer and Sergeant until 2013, when I left my 20 year law enforcement career to become the Compliance Manager here at the Board of Massage Therapists.

From 1999 to 2016 I was a part-time instructor at the Oregon Police Academy where I taught various law enforcement topics to police recruits.

I'm an avid world traveler and spend at least two weeks every year in a different country. I have traveled to 31 countries so far, and love to learn about and experience each country's culture and meet the people. I have been married to my lovely wife Cammie for many years, have raised three children, now all grown and whom I am very proud of. I have a three-year old grandson who keeps me young, and my loyal and trusty companion, Flinn, who looks like a Brittany Spaniel, but who is pretty sure he is actually a "people."

I am excited to serve as your Executive Director and I will work hard to meet the expectations of our Licensee's, Board Members, Partners, and Stakeholders.

—Robert Ruark

CBD Topical Product Use in an LMT Practice:

Recreational use of marijuana has become a growing trend across the United States. Eight states, including Oregon, have legalized recreational marijuana, and 33 states have medical marijuana laws in place.

In Oregon, both medical and recreational marijuana are legal. The Oregon Liquor Control Commission (OLCC) has been designated as the regulatory agency for the production, manufacturing, labeling, transporting, and selling of marijuana and marijuana products for medical and recreational purposes.

The Board updated its Topical Product Use Policy in May 20, 2019, to provide direction to LMTs regarding the use of CBD oil and topicals with THC content, in Oregon's changing environment.

The Board's Topical Product Use Policy can be found here: <https://www.oregon.gov/obmt/Documents/Topical%20Product%20Use%20Policy%20DOJApproved.pdf>

Guidelines to using CBD Topicals in an LMT Practice:

NOTE: OBMT is responsible for the regulation of the practice of massage, and OBMT's authority and scope in the use of CBD oil is limited to the use of CBD oils during the practice of massage. These guidelines are not intended and should not be construed as legal advice. LMTs and massage facility owners should consult directly with OLCC or their own legal counsel with questions or if further clarification is needed.

Please keep in mind, the following are general guidelines meant to provide an overview of the Board's policy. The following guidelines use the terms "topical" and "topicals" to include all topical products – including oils, lotions, salves, compresses, etc. – whether homemade or purchased from a retailer.

Hemp-based Topicals: There are currently no restrictions on the use of a hemp-based topicals during the practice of massage, as long as the hemp-based topical is *not infused* with marijuana, *does not contain* CBD oil, and has a THC content of less than 0.3%.

CBD Topicals and Hemp-based Topicals infused with CBD - less than 0.3% THC content:

CBD topicals that are "home-made", manufactured by a home-based or private business, or purchased online or in a retail store, must be tested at an OLCC approved laboratory prior to use in the practice of massage to confirm the THC content meets state regulations.

CBD topical products sold in the retail market should have the testing information on the label. If the product is "homemade", it must be tested prior to use as required by OLCC.

CBD Topicals and Hemp-based Topicals infused with CBD - more than 0.3% THC content:

In Oregon, CBD topicals with more than 0.3% THC Content are marijuana products. LMTs may use topicals with more than a 0.3% THC content as follows:

1. The topical product cannot be purchased using a medical marijuana card.
2. The topical product is labeled and approved by OLCC.
3. BOTH the massage client and the LMT are 21 years old or older.
4. The massage client signs a written consent to the use of the topical product.
5. The LMT cannot charge extra for the topical.
6. The LMT must wear protective gloves (or equivalent) while applying the topical.

Medical Marijuana:

LMTs are not allowed to "prescribe" medication, including prescribing the use of marijuana or CBD topicals for medical reasons, cannot apply transdermal patches or topicals purchased using a medical marijuana card, or apply a topical or transdermal patch that a massage client brings to an appointment purchased using a medical marijuana card.