

# A-Engrossed Senate Bill 298

Ordered by the Senate April 16  
Including Senate Amendments dated April 16

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for State Board of Massage Therapists)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

*[Requires regulation of bodywork in same manner that law currently regulates massage. Defines "bodywork." Changes name of State Board of Massage Therapists to State Board of Massage Therapists and Bodyworkers.]*

**Excludes high-velocity, short-amplitude manipulative thrusting from definition of "massage."**

Excludes community colleges and accredited colleges and universities from definition of "massage facility."

Increases number of class hours required for licensure as massage therapist or bodyworker.

*[Authorizes board to require licensed massage therapists and licensed bodyworkers to acquire or renew endorsement before practicing advanced technique of massage or bodywork.]*

*[Becomes operative January 1, 2016.]*

*[Declares emergency, effective on passage.]*

## A BILL FOR AN ACT

1  
2 Relating to therapeutic touching; creating new provisions; and amending ORS 687.011 and 687.051.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 687.011 is amended to read:

5 687.011. As used in ORS 687.011 to 687.250, 687.895 and 687.991:

6 (1) "Board" means the State Board of Massage Therapists.

7 (2) "Certified class" means a class that is approved by the board and is offered:

8 (a) By a person or institution licensed as a career school under ORS 345.010 to 345.450;

9 (b) By a community college and approved by the Higher Education Coordinating Commission;

10 (c) By an accredited college or university; or

11 (d) In another state and licensed or approved by the appropriate agency in that state.

12 (3) "Manual" means the use of the hands, feet or any other part of the body in the performance  
13 of massage.

14 (4)(a) "Massage," [or] "massage therapy" **or "bodywork"** means the use of pressure, friction,  
15 stroking, tapping or kneading on the human body, or the use of vibration or stretching on the human  
16 body by manual or mechanical means or gymnastics, with or without appliances such as vibrators,  
17 infrared heat, sun lamps or external baths, and with or without lubricants such as salts, powders,  
18 liquids or creams, for the purpose of, but not limited to, maintaining good health and establishing  
19 and maintaining good physical condition.

20 (b) "Massage," "massage therapy" and "bodywork" **do not include the use of high-**  
21 **velocity, short-amplitude manipulative thrusting procedures to the articulations of the spine**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **or extremities.**

2 (5)(a) "Massage facility" means a facility where a person engages in the practice of massage.

3 (b) "Massage facility" does not include:

4 (A) A career school licensed under ORS 345.010 to 345.450; [or]

5 **(B) An accredited college or university or a community college operated under ORS**  
6 **chapter 341; or**

7 [(B)] **(C)** A clinic or facility owned or operated by a person authorized to practice a profession  
8 by a health professional regulatory board, as defined in ORS 676.160.

9 (6) "Massage therapist" means a person licensed under ORS 687.011 to 687.250, 687.895 and  
10 687.991 to practice massage.

11 (7) "Practice of massage" means the performance of massage:

12 (a) For purposes other than sexual contact, as defined in ORS 167.002 (5); and

13 (b) For compensation.

14 (8) "Preceptor" means a licensed massage therapist who contracts with an approved school or  
15 program of massage to provide direct on-site clinical supervision of a [massage] student enrolled in  
16 a certified class.

17 (9) "Supervision" means:

18 (a) The process of overseeing and directing the training of [massage] students **enrolled in a**  
19 **certified class** as set forth in the rules of the board;

20 (b) The process of overseeing and directing a licensee, or a person that has a permit to operate  
21 a massage facility, who is being disciplined by the board; or

22 (c) Voluntary consultation with, and education of, less experienced licensed massage therapists  
23 or practitioners in related fields.

24 [(10) "Treatment" means the selection, application and practice of massage or massage therapy es-  
25 sential to the effective execution and management of a plan of care.]

26 [(11)] **(10)** "Unprofessional or dishonorable conduct" means a behavior, practice or condition  
27 that is contrary to the ethical standards adopted by the board.

28 **SECTION 2.** ORS 687.051 is amended to read:

29 687.051. (1) To be eligible for issuance of an initial license in this state as a massage therapist,  
30 the applicant shall:

31 (a) Furnish the State Board of Massage Therapists with personal references required by rule of  
32 the board.

33 (b) Have attained the age of 18 years.

34 (c) Furnish the board with educational certificates or transcripts required by law or rule of the  
35 board including but not limited to proof of certification in cardiopulmonary resuscitation.

36 (d)(A) Have completed a minimum of [500] **625** contact hours of certified classes in the following  
37 subjects:

38 (i) Anatomy and physiology;

39 (ii) Kinesiology;

40 (iii) Pathology;

41 (iv) Theory; and

42 (v) Hands-on practice of massage [and] **or** bodywork techniques and professional practices, in-  
43 cluding client communication and boundaries, professional and business ethics and sanitation; or

44 (B) Obtain the approval of the board after the board performs a credentialing review, including  
45 but not limited to a review of the classes completed by the applicant and the applicant's professional

1 experience, to determine the applicant's proficiency in the field of massage.

2 (e) Pass an examination prepared and conducted by the **State Board of Massage Therapists**  
3 or its authorized representative establishing **the applicant's** competency and ability to engage in  
4 the practice of massage. The examination must be administered in the English language or another  
5 language approved by the **State Board of Massage Therapists** and may be in written, oral or  
6 practical form and may test the applicant for the required level of knowledge and skill in any sub-  
7 ject related to massage [*and*] **or** bodywork. The **State Board of Massage Therapists** shall accept  
8 passage of the National Certification Board for Therapeutic Massage and Bodywork examination or  
9 another [*board-approved*] national standardized examination **approved by the State Board of**  
10 **Massage Therapists** as meeting the written examination requirement [*contained*] **described** in this  
11 paragraph.

12 (f) Submit the application with payment for licensing within one year after notification of having  
13 passed the qualifying examination.

14 (2) An applicant must be a person of good moral character. For purposes of this section, the  
15 lack of good moral character may be established by reference to acts or conduct reflecting moral  
16 turpitude or to acts or conduct that would cause a reasonable person to have substantial doubts  
17 about the applicant's ability to **engage in the** practice **of** massage in accordance with ORS 687.011  
18 to 687.250, 687.895 and 687.991 and rules of the board.

19 (3) The board may require that an applicant furnish evidence satisfactory to the board that the  
20 applicant can safely and competently practice [*the profession of*] massage. The board may consider  
21 evidence including, but not limited to, indications of impairment as defined in ORS 676.303 or of  
22 behavior, practices or conduct that would be considered unprofessional or dishonorable conduct if  
23 engaged in by a person licensed under ORS 687.011 to 687.250, 687.895 and 687.991.

24 (4) The board shall adopt rules establishing the required hours for each subject listed in sub-  
25 section (1)(d)(A) of this section.

26 (5) To be eligible for biennial renewal, a renewal applicant shall submit evidence to the board,  
27 as determined by the board by rule, that the applicant has completed a minimum of 12 hours of  
28 board-approved continuing education.

29 (6) To be eligible for inactive status, a licensed massage therapist [*must not be practicing*] **may**  
30 **no longer be engaged in the practice of** massage in this state.

31 **SECTION 3. The amendments to ORS 687.051 by section 2 of this 2015 Act apply to ap-**  
32 **plications received by the State Board of Massage Therapists on or after the effective date**  
33 **of this 2015 Act.**

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