

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2059
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON HEALTH CARE AND VETERANS' AFFAIRS

June 8

- 1 On page 1 of the printed A-engrossed bill, line 3, after “684.200,” insert “687.051,”.
- 2 On page 2, line 3, delete “or”.
- 3 In line 5, delete the period and insert a semicolon.
- 4 After line 5, insert:
- 5 “(V) Oregon State Veterinary Medical Examining Board; or
- 6 “(W) State Mortuary and Cemetery Board.”.
- 7 In line 42, delete “prohibited or” and delete “provided by law” and insert “as provided by stat-
- 8 ute”.
- 9 On page 10, delete lines 25 through 29 and insert:
- 10 **“SECTION 32. Section 33 of this 2009 Act is added to and made a part of ORS chapter 686.**
- 11 **“SECTION 33. Unless state or federal laws relating to confidentiality or the protection**
- 12 **of health information prohibit disclosure, a person licensed or certified under this chapter**
- 13 **who has reasonable cause to believe that a licensee of another board has engaged in prohib-**
- 14 **ited conduct as defined in section 1 of this 2009 Act shall report the prohibited conduct in**
- 15 **the manner provided in section 1 of this 2009 Act.**
- 16 **“SECTION 34. Section 35 of this 2009 Act is added to and made a part of ORS chapter 692.**
- 17 **“SECTION 35. Unless state or federal laws relating to confidentiality or the protection**
- 18 **of health information prohibit disclosure, a person licensed or registered under this chapter**
- 19 **who has reasonable cause to believe that a licensee of another board has engaged in prohib-**
- 20 **ited conduct as defined in section 1 of this 2009 Act shall report the prohibited conduct in**
- 21 **the manner provided in section 1 of this 2009 Act.**
- 22 **“SECTION 36. ORS 687.051 is amended to read:**
- 23 **“687.051. (1) To be eligible for issuance of an initial license in this state as a massage therapist**
- 24 **[after January 1, 1999], the applicant shall:**
- 25 **“(a) Furnish the State Board of Massage Therapists with [any] personal references required by**
- 26 **rule of the board.**
- 27 **“(b) Have attained the age of 18 years.**
- 28 **“(c) Furnish the board with educational certificates or transcripts required by law or rule of the**
- 29 **board including but not limited to proof of certification in cardiopulmonary resuscitation and the**
- 30 **subjects listed in paragraph (d) of this subsection.**
- 31 **“(d) Have completed a minimum of 500 contact hours of certified classes in the following sub-**
- 32 **jects: Anatomy and physiology, kinesiology, pathology, hydrotherapy, theory and hands-on practice**
- 33 **of massage and bodywork techniques and professional practices, including client communication and**
- 34 **boundaries, professional and business ethics and sanitation. The board by rule may set the minimum**

1 number of required hours for each subject.

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

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

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

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

22 “(4) To be eligible for biennial renewal, a renewal applicant shall submit evidence to the board,
23 as determined by the board by rule, that the applicant has completed a minimum of 12 hours of
24 board-approved continuing education.

25 “(5) To be eligible for inactive status, a licensed massage therapist must not be practicing mas-
26 sage in this state.

27 “**SECTION 37. Sections 1, 6, 9, 11, 13, 17, 20, 23, 26, 28, 30, 33 and 35 of this 2009 Act and**
28 **the amendments to ORS 675.583, 678.135, 678.725, 679.310, 681.505, 682.220, 684.200, 687.051,**
29 **688.135, 688.605 and 689.455 by sections 2, 3, 4, 7, 14, 15, 18, 21, 24, 31 and 36 of this 2009 Act**
30 **apply to prohibited conduct as defined in section 1 of this 2009 Act that occurs on or after**
31 **the effective date of this 2009 Act.**

32 “**SECTION 38. If Senate Bill 177 becomes law, section 4 of this 2009 Act (amending ORS**
33 **675.583) is repealed and ORS 675.583, as amended by section 18, chapter __, Oregon Laws 2009**
34 **(Enrolled Senate Bill 177), is amended to read:**

35 “675.583. (1) **Unless state or federal laws relating to confidentiality or the protection of**
36 **health information prohibit disclosure**, a regulated social worker shall report to the State Board
37 of Licensed Social Workers any information the regulated social worker has that appears to show
38 that a regulated social worker is or may be an impaired social worker, or may have engaged in
39 unprofessional conduct according to the guidelines of the code of ethics, to the extent that disclo-
40 sure does not conflict with the requirements of ORS 675.580.

41 “(2) **A regulated social worker shall report any prohibited conduct as defined in section**
42 **1 of this 2009 Act in the manner provided in section 1 of this 2009 Act.**

43 “[2] (3) Notwithstanding ORS 676.175, any information that the board obtains pursuant to
44 subsection (1) of this section is confidential and may not be disclosed except as provided by the
45 board by rule.

1 “[(3)] (4) A person who reports or provides information to the board under subsection (1) of this
2 section in good faith is not subject to an action for civil damages as a result thereof.

3 “**SECTION 39.** If Senate Bill 177 becomes law, section 37 of this 2009 Act is amended to read:

4 “**Sec. 37.** Sections 1, 6, 9, 11, 13, 17, 20, 23, 26, 28, 30, 33 and 35 of this 2009 Act and the
5 amendments to ORS 675.583, 678.135, 678.725, 679.310, 681.505, 682.220, 684.200, 687.051, 688.135,
6 688.605 and 689.455 by sections 2, 3, [4,] 7, 14, 15, 18, 21, 24, 31, [and] 36 **and 38** of this 2009 Act
7 apply to prohibited conduct as defined in section 1 of this 2009 Act that occurs on or after the ef-
8 fective date of this 2009 Act.”.

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