

Enrolled House Bill 2155

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor John A. Kitzhaber for State Board of Massage Therapists)

CHAPTER

AN ACT

Relating to massage therapists; amending ORS 687.011; and declaring an emergency.

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

SECTION 1. ORS 687.011 is amended to read:

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

- (1) "Board" means the State Board of Massage Therapists.
- (2) "Certified class" means a class that is approved by the board and is offered:
 - (a) By a person or institution licensed as a career school under ORS 345.010 to 345.450;
 - (b) By a community college and approved by the State Board of Education;
 - (c) By an accredited college or university; or**
 - ~~[(c)]~~ **(d)** In another state and licensed or approved by the appropriate agency in that state.

(3) "Fraud or misrepresentation" means knowingly giving misinformation or a false impression through the intentional misstatement of, concealment of or failure to make known a material fact or by other means.

(4) "Manual" means the use of the hands or the feet, or both, or any part of the body in the performance of massage.

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

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

- (7) "Practice of massage" means the performance of massage:
 - (a) For purposes other than sexual contact, as defined in ORS 167.002 (5); and
 - (b) For compensation.

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

- (9) "Supervision" means:
 - (a) The process of overseeing and directing the training of massage students as set forth in rules of the board;
 - (b) The process of overseeing and directing a licensee being disciplined by the board; or

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

(10) "Treatment" means the selection, application and practice of massage or massage therapy essential to the effective execution and management of a plan of care.

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

SECTION 2. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House February 9, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 9, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State