

A-Engrossed
Senate Bill 454

Ordered by the Senate April 1
Including Senate Amendments dated April 1

Sponsored by Senator JOHNSON (at the request of Pratiti Fullerton) (Pre-session filed.)

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.

Exempts certain practitioners from regulation by State Board of Massage Therapists. **Modifies requirements for licensure of massage therapists.**

A BILL FOR AN ACT

1
2 Relating to the regulation of massage therapy; amending ORS 687.031 and 687.051.

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

4 **SECTION 1.** ORS 687.031 is amended to read:

5 687.031. (1) ORS 687.011 to 687.250, 687.895 and 687.991 do not apply to:

6 (a) Persons licensed under any other law of this state to do any acts included in the definition
7 of massage in ORS 687.011 or persons working under the direction of any such person.

8 (b) Trainers of any amateur, semiprofessional or professional athlete or athletic team.

9 (c) Massage practiced at the athletic department of any institution maintained by public funds
10 of the state or of any of its political subdivisions.

11 (d) Massage practiced at the athletic department of any school or college.

12 (e) Massage clinics operated as part of a certified class for the purpose of student training
13 supervised by an approved instructor or preceptor if:

14 (A) Any charge for the massage does not exceed the cost incurred in providing the massage; and

15 (B) The student is not compensated.

16 (f) Students enrolled in a certified class when practicing massage techniques in a nonclinical
17 setting, at or away from massage school premises or program sites, under the supervision of an ap-
18 proved instructor or preceptor, if:

19 (A) The student is clearly identified as a student to any member of the public receiving massage
20 services; and

21 (B) The student is not compensated.

22 (g) Nonresident practitioners holding a valid license, permit, certificate or registration issued
23 by any other state or territory of the United States or by a foreign country and temporarily prac-
24 ticing massage in this state for a period not exceeding 30 days for the purpose of:

25 (A) Presenting educational or clinical programs, lectures, seminars or workshops;

26 (B) Furnishing massage services during an emergency as part of a disaster response team; or

27 (C) Consulting with a massage therapist licensed in this state regarding massage practices or
28 services.

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 (h) Trained or licensed practitioners of psychotherapy or counseling modalities that use physical
2 techniques to access or support psychotherapeutic processes when practicing within the scope of a
3 license or if the practitioner has an express oral or written agreement that the sole intent in using
4 the physical techniques is to render the psychotherapy or counseling.

5 (i) Practitioners of reflexology who do not claim expressly or implicitly to be massage therapists
6 and who limit their work to the practice of reflexology through the application of pressure with the
7 thumbs to reflex points on the feet, hands and ears for the purpose of bringing the body into balance,
8 thereby promoting the well-being of clients.

9 **(j) Practitioners who:**

10 **(A) Do not claim expressly or implicitly to be massage therapists;**

11 **(B) Limit their work to one or more of the following practices:**

12 **(i) Using touch, words and directed movement to deepen awareness of existing patterns**
13 **of movement and suggest new possibilities of movement;**

14 **(ii) Using minimal touch over specific points on the body to facilitate balance in the**
15 **nervous system; or**

16 **(iii) Using touch to affect the energy systems or channels of energy of the body;**

17 **(C) Are certified by a professional organization or credentialing agency that:**

18 **(i) Requires a minimum level of training, demonstration of competence and adherence to**
19 **an approved scope of practice and ethical standards; and**

20 **(ii) Maintains disciplinary procedures to ensure adherence to the requirements of the**
21 **organization or agency; and**

22 **(D) Provide contact information in the practitioner's place of business for any organiza-**
23 **tion or agency that has certified the practitioner.**

24 **(2) The State Board of Massage Therapists has the authority to verify that a practitioner**
25 **claiming to be exempt from application of ORS 687.011 to 687.250, 687.895 and 687.991 under**
26 **subsection (1)(j) of this section is certified by a professional organization or credentialing**
27 **agency as required by subsection (1)(j)(C) of this subsection.**

28 [(2)] **(3)** A nonresident practitioner performing massage under subsection (1)(g) of this section
29 must obtain a temporary practice permit if practicing in this state for a total of more than 30 days
30 in a calendar year. Applications *[shall]* **must** be accompanied by the application fee provided for in
31 ORS 687.071. A temporary practice permit shall allow the nonresident practitioner to practice mas-
32 sage in this state for a maximum of 180 days in a calendar year.

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

34 687.051. (1) To be eligible for issuance of an initial license in this state as a massage therapist,
35 the applicant shall:

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

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

39 (c) Furnish the board with educational certificates or transcripts required by law or rule of the
40 board including but not limited to proof of certification in cardiopulmonary resuscitation *[and the*
41 *subjects listed in paragraph (d) of this subsection]*.

42 (d)**(A)** Have completed a minimum of 500 contact hours of certified classes in the following
43 subjects:

44 **(i) Anatomy and physiology[.];**

45 **(ii) Kinesiology[.];**

1 (iii) Pathology[, *hydrotherapy*,];

2 (iv) Theory; and

3 (v) Hands-on practice of massage and bodywork techniques and professional practices, including
4 client communication and boundaries, professional and business ethics and sanitation[. *The board*
5 *by rule may set the minimum number of required hours for each subject.*]; or

6 **(B) Obtain the approval of the board after the board performs a credentialing review,**
7 **including but not limited to a review of the classes completed by the applicant and the**
8 **applicant's professional experience, to determine the applicant's proficiency in the field of**
9 **massage.**

10 (e) Pass an examination prepared and conducted by the board or its authorized representative
11 establishing competency and ability to engage in the practice of massage. The examination must be
12 administered in the English language or another language approved by the board and may be in
13 written, oral or practical form and may test the applicant for the required level of knowledge and
14 skill in any subject related to massage and bodywork. The board shall accept passage of the Na-
15 tional Certification Board for Therapeutic Massage and Bodywork examination or another board-
16 approved national standardized examination as meeting the written examination requirement
17 contained in this paragraph.

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

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

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

30 **(4) The board shall adopt rules establishing the required hours for each subject listed in**
31 **subsection (1)(d)(A) of this section.**

32 [(4)] (5) To be eligible for biennial renewal, a renewal applicant shall submit evidence to the
33 board, as determined by the board by rule, that the applicant has completed a minimum of 12 hours
34 of board-approved continuing education.

35 [(5)] (6) To be eligible for inactive status, a licensed massage therapist must not be practicing
36 massage in this state.

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