

Rose Jade, JD, MSW, LMT
PO Box 2104
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Feb. 10, 2012

Senate Committee on Health Care,
Human Services and Rural Health Policy

Re: 2012 SB 1509-9 - Licensing of Massage Facilities & Advertising

Dear Chair Monnes Anderson and Committee Members,

I am strongly opposed to the dash 9 amendments to SB 1509. Although the amendment does address some of the problems with the original bill (it removes the requirement that certain massage facilities be owned by a majority of LMT-shareholders; it now exempts "career schools" from having to obtain a facility license), it also adds problems. The Board is now seeking statutory authority to exempt whomever it wants to (-9, pg 2 lines 1-4). I urge the Committee to decline to delegate such broad policy- and law-making authority to this Board.

According to the testimony of the Board's Executive Director Kate Coffey, the need for this bill is due to the Board's lack of jurisdiction over facilities in which the unlicensed practice of massage is taking place, and the business operators of such facilities. According to testimony this bill was sparked by several complaints about an establishment in Medford where practitioners "who speak minimal English, have no idea that they are supposed to be licensed because they come from California" and "the Board needs authority to cite the owner of the establishment." (1/30/2012 email from Coffey, attached hereto). In Coffey's email she states that the Board "cited the owner for advertising..." [presumably under 687.021(2)]. It was suggested during the hearing that this owner and similar owner/operators are involved in human trafficking and prostitution. In her email Coffey says criminal charges were filed in the Medford case.

I am a little confused about the Board's purported need for expanded powers based on the Medford case. They cited the owner/operator (they exercised jurisdiction over the person).

After the public hearing on Feb. 8, I wrote the Board and asked several questions, including what they would have done differently in Medford if they already had the power they are asking for; and how much money the Board has budgeted and intends to budget for hiring translators and interpreters for communicating with practitioners, customers and facility operators who speak "minimal English." I think this is a critical inquiry, given that the Board is seeking enormous power and discretion to determine which facilities will require permitting to "protect the health and safety of the public." I urge the Committee to take no action on this bill, and to encourage the Board to set up a diverse working group to study this issue, and report back to the Committee next session.

Sincerely,

Rose Jade

Kate Coffey <Kate.Coffey@state.or.us>

Mon, Jan 30, 2012 at 8:05 AM

To: R Jade <rjalate@gmail.com>

Cc: "Christine A. West" <Christine.West@state.or.us>, "davidfredricksonlmt@gmail.com" <davidfredricksonlmt@gmail.com>

Rose -

XXXX - snip - XXX

I would like to explain the background of this proposed bill and what the intent is of the bill. The board has requested that Senator Bates modify this bill to include the attached language, as it is not the boards intent to add another license to LMT's. The board already has statutory authority over Licensed Massage Therapists. We are attempting to get statutory authority for those businesses that are hiring unlicensed massage practitioners. We believe the proposed amendment will provide that clarity.

In June 2011 the board received a complaint of a business that was offering massage for \$26. The board investigated the complaint and cited the person for unlicensed practice and the business owner for advertising. In July a citizen went to the same establishment and received a massage from an unlicensed person and was sexually accosted at the facility. She filed a police report and a complaint with us. We once again cited the owner for advertising and the practitioner fled to California. In September we investigated the facility again, as they are still in operation, and cited a practitioner for unlicensed practice. In December we investigated the facility again, as they are still in operation, and cited a practitioner for unlicensed practice. The board has no statutory authority of facilities and we keep citing these young women, who speak minimal English, have no idea that they are supposed to be licensed because they come from California. The board needs authority to cite the owner of the establishment. The intent of the bill is to provide the board with the authority to cite facility owner. The board has been working with Senator Bates because his constituent, the lady who was sexually accosted, wrote both the Senator and the board.

XXXX - snip - XXX

Please call me as I would greatly appreciate discussing this bill with you and receiving your input.

Respectfully,

Kate Coffey

Executive Director

Oregon Board of Massage Therapists

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Attachment (pg 1 of 1) to Jade's letter 2/6/12 re SB 1509