



TO: Senate Health Care Committee
FROM: American Massage Therapy Association Oregon Chapter
RE: SB 387
DATE: February 11, 2013

The American Massage Therapy Association (AMTA) is the largest non-profit professional association serving massage therapists, massage students and massage schools. The association is directed by volunteer leadership and fosters ongoing, direct member involvement through its 51 chapters. AMTA works to advance the profession through ethics and standards, the promotion of fair and consistent licensing of massage in all states, and public education on the benefits of massage. The AMTA Oregon (AMTA-OR) chapter currently has 1,070 members throughout Oregon.

AMTA-OR supports the concept of a facilities licenses, though we believe an individual provider practicing as the sole LMT in an office should be added to the bill's exemptions.

A facilities license would give the Oregon Board of Massage Therapy the authority to inspect a facility of there was a complaint about the facility, rather than a practitioner. This helps to protect the public in two ways.

First, a person running a facility that is not an LMT and under the Board's purview could be penalized if SB 387 was enacted. If a facility is advertising an exempt practice, such as reflexology, but then offering full massage, the OBMT could pursue the establishment for misleading the public, as well as practitioners in the establishment for doing unlicensed massage. In addition, the advertising of supposed "massage facilities" that are covers for other illicit activities has become a significant problem and the OBMT currently has no oversight authority or recourse to stop these activities. Regulation of facilities, rather than just individual employees, allows entire establishments engaging in unlawful activities to be put out of business.

Second, facilities not adhering to health standards could be fined. Current law only allows for penalties to an individual who does not follow these guidelines, when sometimes it is a facility owner or supervisor who is not providing the tools to operate in accordance with the law.

Hence, we see SB 387 as an effective way to protect the public, but we do have a concern about inclusion of some independent practitioners in a bill that is truly aimed at "facilities" with multiple employees. In Section 2, subsection 1b (page two lines 29-31), SB 387 exempts from facility license requirements someone working from home. This makes sense, but sometimes that same individual practitioner works from an office, alone or perhaps in conjunction with a chiropractor or physical therapist. These licensed massage therapists should also be exempted. After all, they are the practitioner, supervisor, tenant and business owner, just as the person working from home would be. The OBMT already has authority to regulate them, and as a natural extension, the space they are working in. SB 110 includes the appropriate language for this section by exempting an "individual massage therapist who works independently at home or at a place of business where no other massage therapists work."

Thank you for the opportunity to testify in support of the concept within SB 387 and offer this suggestion for an amendment.