

**PROPOSED AMENDMENTS TO  
SENATE BILL 298**

1 On page 1 of the printed bill, line 2, after the second semicolon delete the  
2 rest of the line and lines 3 through 6 and insert “and amending ORS 687.011  
3 and 687.051.”.

4 Delete lines 8 through 25 and delete pages 2 through 37 and insert:

5 **“SECTION 1. ORS 687.011 is amended to read:**

6 “687.011. As used in ORS 687.011 to 687.250, 687.895 and 687.991:

7 “(1) ‘Board’ means the State Board of Massage Therapists.

8 “(2) ‘Certified class’ means a class that is approved by the board and is  
9 offered:

10 “(a) By a person or institution licensed as a career school under ORS  
11 345.010 to 345.450;

12 “(b) By a community college and approved by the Higher Education Co-  
13 ordinating Commission;

14 “(c) By an accredited college or university; or

15 “(d) In another state and licensed or approved by the appropriate agency  
16 in that state.

17 “(3) ‘Manual’ means the use of the hands, feet or any other part of the  
18 body in the performance of massage.

19 “(4)(a) ‘Massage,’ [*or*] ‘massage therapy’ **or ‘bodywork’** means the use  
20 of pressure, friction, stroking, tapping or kneading on the human body, or  
21 the use of vibration or stretching on the human body by manual or me-  
22 chanical means or gymnastics, with or without appliances such as vibrators,

1 infrared heat, sun lamps or external baths, and with or without lubricants  
2 such as salts, powders, liquids or creams, for the purpose of, but not limited  
3 to, maintaining good health and establishing and maintaining good physical  
4 condition.

5 **“(b) ‘Massage,’ ‘massage therapy’ and ‘bodywork’ do not include the**  
6 **use of high-velocity, short-amplitude manipulative thrusting proce-**  
7 **dures to the articulations of the spine or extremities.**

8 “(5)(a) ‘Massage facility’ means a facility where a person engages in the  
9 practice of massage.

10 “(b) ‘Massage facility’ does not include:

11 “(A) A career school licensed under ORS 345.010 to 345.450; [or]

12 **“(B) An accredited college or university or a community college**  
13 **operated under ORS chapter 341; or**

14 “[B] (C) A clinic or facility owned or operated by a person authorized  
15 to practice a profession by a health professional regulatory board, as defined  
16 in ORS 676.160.

17 “(6) ‘Massage therapist’ means a person licensed under ORS 687.011 to  
18 687.250, 687.895 and 687.991 to practice massage.

19 “(7) ‘Practice of massage’ means the performance of massage:

20 “(a) For purposes other than sexual contact, as defined in ORS 167.002 (5);  
21 and

22 “(b) For compensation.

23 “(8) ‘Preceptor’ means a licensed massage therapist who contracts with  
24 an approved school or program of massage to provide direct on-site clinical  
25 supervision of a [*massage*] student enrolled in a certified class.

26 “(9) ‘Supervision’ means:

27 “(a) The process of overseeing and directing the training of [*massage*]  
28 students **enrolled in a certified class** as set forth in the rules of the board;

29 “(b) The process of overseeing and directing a licensee, or a person that  
30 has a permit to operate a massage facility, who is being disciplined by the

1 board; or

2 “(c) Voluntary consultation with, and education of, less experienced li-  
3 censed massage therapists or practitioners in related fields.

4 “[~~(10)~~ *‘Treatment’ means the selection, application and practice of massage*  
5 *or massage therapy essential to the effective execution and management of a*  
6 *plan of care.*]

7 “[~~(11)~~] **(10)** ‘Unprofessional or dishonorable conduct’ means a behavior,  
8 practice or condition that is contrary to the ethical standards adopted by the  
9 board.

10 **“SECTION 2.** ORS 687.051 is amended to read:

11 “687.051. (1) To be eligible for issuance of an initial license in this state  
12 as a massage therapist, the applicant shall:

13 “(a) Furnish the State Board of Massage Therapists with personal refer-  
14 ences required by rule of the board.

15 “(b) Have attained the age of 18 years.

16 “(c) Furnish the board with educational certificates or transcripts re-  
17 quired by law or rule of the board including but not limited to proof of cer-  
18 tification in cardiopulmonary resuscitation.

19 “(d)(A) Have completed a minimum of [~~500~~] **625** contact hours of certified  
20 classes in the following subjects:

21 “(i) Anatomy and physiology;

22 “(ii) Kinesiology;

23 “(iii) Pathology;

24 “(iv) Theory; and

25 “(v) Hands-on practice of massage [~~and~~] **or** bodywork techniques and  
26 professional practices, including client communication and boundaries, pro-  
27 fessional and business ethics and sanitation; or

28 “(B) Obtain the approval of the board after the board performs a creden-  
29 tialing review, including but not limited to a review of the classes completed  
30 by the applicant and the applicant’s professional experience, to determine the

1 applicant's proficiency in the field of massage.

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

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

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

22       “(3) The board may require that an applicant furnish evidence satisfactory  
23 to the board that the applicant can safely and competently practice [*the*  
24 *profession of*] massage. The board may consider evidence including, but not  
25 limited to, indications of impairment as defined in ORS 676.303 or of behav-  
26 ior, practices or conduct that would be considered unprofessional or dis-  
27 honorable conduct if engaged in by a person licensed under ORS 687.011 to  
28 687.250, 687.895 and 687.991.

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

1       “(5) To be eligible for biennial renewal, a renewal applicant shall submit  
2 evidence to the board, as determined by the board by rule, that the applicant  
3 has completed a minimum of 12 hours of board-approved continuing educa-  
4 tion.

5       “(6) To be eligible for inactive status, a licensed massage therapist [*must*  
6 *not be practicing*] **may no longer be engaged in the practice of** massage  
7 in this state.

8       “**SECTION 3. The amendments to ORS 687.051 by section 2 of this**  
9 **2015 Act apply to applications received by the State Board of Massage**  
10 **Therapists on or after the effective date of this 2015 Act.”.**

11

---