



Oregon

John Kitzhaber, MD Governor

Board of Massage Therapists

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Continuing Education Task Force Meeting

June 30, 2014

Board office

Attendance

Task Force Members:

Lisa Barck Garofalo

Board Members & Staff:

Kathy Calise, Board Member

Kate Coffey, Executive Director

Ekaette Udosenata-Harruna, Policy Analyst

Absent: None

Public: No public present

CALL TO ORDER - Barck Garofalo called the meeting to order at 9:04 am.

INTRODUCTIONS: Present at time of introductions **Barck Garofalo, Calise, Coffey and Udosenata-Harruna**. **Barck Garofalo** and **Calise** declared a potential conflict of interest, as they are CE providers.

PUBLIC COMMENT: none present.

The task force reviewed the draft Continuing Education OAR changes. Below are the agreed upon draft sections.

The task force reduced the number of hours required for Professional Ethics, Boundaries and/or Communication from 6 to 4 per renewal period.

The task force eliminated J and moved communication to I which now reads, professional ethics, boundaries and/or communication

The task force recommended that the Board create a method for individual providers to become OBMT registered CE providers.

The task force decided to leave somatic education as a topic. Energy disciplines will fall under A) Massage and bodywork techniques. Task force recommends Bodywork definition be changed to the ELAP definition of "forms, methods, and styles and styles including massage, that positively influence the body through various methods that may or may not include soft-tissue deformation, energy manipulation, movement reeducation, and postural reeducation."

In addition, the task force defined interactive distance learning as "interactive distance learning requires interaction with instructors and other students." This is to be added as part of number 14 "Contact Hours" in definitions.

Draft OAR Continuing Education Division
Revised 1/3/14

334-001-0060

Definitions

- (1) "Advantageous" means in the Board's best interests, as assessed according to the judgment of the Board.
- (2) "Award" means either the act or occurrence of the Board's identification of the Person with whom the Board will enter into a Contract.
- (3) "Barter" means partial or complete trade or exchange of massage or bodywork services for any other type of goods or service other than money.
- (4) "Board" means the State Board of Massage Therapists or its authorized representatives as provided by ORS 687.115.
- (5) "Bodywork" means **forms, methods, and styles including massage, that positively influence the body through various methods that may or may not include soft-tissue deformation, energy manipulation, movement reeducation, and postural reeducation.** ~~the use on the human body, for the purpose of, but not limited to, maintaining good health and establishing and maintaining good physical condition of:~~
 - (a) ~~Pressure, friction, stroking, tapping, kneading, vibration or stretching by manual or mechanical means or gymnastics;~~
 - (b) ~~Appliances, tools or devices;~~
 - (c) ~~Topical preparations; or~~
 - (d) ~~Hot and cold applications.~~
- (6) "Boundary" means the limits in a professional relationship which create safety based on the needs of the client.
- (7) "Boundary violation" means an alteration or shift in the limits of a professional relationship so that what is allowed in the relationship becomes ambiguous and/or may not be based on the needs of the client.
- (8) "Caring" means acting in a manner in which things, events, people or relationships matter.
- (9) "Certified Class or program" means a class or program 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; or
 - (b) By a community college or university approved by the Department of Education; or
 - (c) In another state and licensed or approved by the appropriate agency in that state.
- (10) "Client" means any individual, group of individuals, or organization to whom an LMT provides massage
- (11) "Client vulnerability" means factors which diminish a client's ability to be self-determining.
- (12) "Compensation" means something given or received as payment including but not limited to bartering, tips, monies, donations, or services.
- (13) "Conflict of interest" means any action or decision or recommendation by an LMT at the detriment of a client.
- (14) "Contact hours" means actual hours in class under the instruction of and in the **physical** presence of an instructor; **or an interactive distance learning course. Interactive distance learning requires interaction with instructors and other students.**
- (15) "Contract" means an agreement for purchase, lease, rental or other acquisition or sale or other disposal by the Board of Goods or Services.
- (16) "Contract Price" means, as the context requires;

- (a) The maximum payments that the Board will make under a Contract if the Contractor fully performs under the Contract;
 - (b) The maximum not-to-exceed amount of payments specified in the Contract; or
 - (c) The unit prices for Goods and Services set forth in the Contract.
- (17) "Contractor" means the Person with whom the Board enters into a Contract.
- (18) "Critical Reflection" means a process whereby knowledge and action are connected to each other through the application of careful, conscious, deliberate reflection on:
- (a) Personal practice (perceptions, assumptions, motivations, values, behaviors).
 - (b) Assessment and understanding of a situation.
 - (c) Likely or actual consequences or impact of one's actions.
- (19) "Dual Relationship" means any relationship of a personal or business nature with a client that is in addition to or concurrent with a professional relationship in which the LMT is providing or has provided massage or bodywork services to that same client.
- (20) "Ethics" means a system of valued societal beliefs and behaviors that may be used to guide and evaluate conduct to ensure the protection of an individual's person and rights.
- (21) "Emergency" means circumstances that:
- (a) Could not have been reasonably foreseen;
 - (b) Require prompt execution of a Contract to remedy the condition; and
 - (c) The circumstances create a substantial risk of loss or revenue, damage or interruption of services or substantial threat to property, public health, welfare or safety when the circumstances could not have been reasonably foreseen;
- (22) Equivalent Credit Hours: are those credit hours as determined by the respective educational institution or its certified classes or programs
- (23) "Goods and Services" or "Goods or Services" means supplies, equipment, materials and services including Personal Services and any personal property, including any tangible, intangible and intellectual property and rights and licenses in relation thereto, that the Board is authorized by law to procure.
- (24) "Indorsement" means:
- (a) the process of evaluating and recognizing the credentials of a person licensed in Oregon in another health care specialty that includes in its scope of practice, acts defined as massage; or
 - (b) the process of evaluating and recognizing the credentials of a massage or bodywork practitioner authorized to practice massage or bodywork in another jurisdiction.
- (25) "Informed consent" means a process wherein clients have knowledge of what will occur, that participation is voluntary, and that the client is competent to give consent.
- (26) "Licensee" means any person holding a license, permit, or certificate issued by this Board; an LMT
- (27) "LMT" means a Licensed Massage Therapist.
- (28) "Massage" or "massage therapy" is defined in ORS 687.011.
- (29) "Non-Contact hours" means education hours independently acquired outside the presence of an instructor.**
- ~~(30)~~ (29) "Offer" means a response to a request for price quote or response to a Solicitation Document.
- ~~(31)~~ (30) "Offeror" means a Person who submits an Offer.
- ~~(32)~~ (31) "Personal power" means recognizing and taking personal responsibility for the inherent power differential between the LMT and the client and recognizing and taking personal responsibility for the impact of professional decisions, actions and behavior on the client.
- ~~(33)~~ (32) "Power differential" means the basic inequality inherent in the professional relationship between an LMT and a client in terms of who has the advantage in the relationship. The LMT is presumed to have the advantage by virtue of the authority which emerges from the role of professional and the vulnerability which is automatically part of the role of client.

- (34) ~~(33)~~ "Practical Work Experience" means experience gained while employed or self-employed providing legal massage/bodywork to the public within the last five (5) years, in another state or jurisdiction.
- (35) ~~(34)~~ "Practice of massage" is defined in ORS 687.011.
- (36) ~~(35)~~ "Professional authority" means the power inherent in the professional role and which is derived from a combination of an LMT's specialized or expert knowledge, societal expectations, stated and unstated client expectations, and an LMT's personal power.
- (37) ~~(36)~~ "Professional relationship" means the relationship established when a LMT contracts with a client, verbally or in writing, to provide any service associated with the practice of massage or bodywork.
- (38) ~~(37)~~ "Professional role" means assuming the demands and responsibilities of professional authority by taking charge of the conditions which create and maintain client safety and trust in the professional-client relationship.
- (39) ~~(38)~~ "Scope" means the range and attributes of the Goods or Services described in the applicable Solicitation Document, or if no Solicitation Document, in the Contract.
- (40) ~~(39)~~ "Solicitation Document" means an Invitation to Bid, Request for Proposal or other document issued to invite Offers from prospective Contractors.
- (41) ~~(40)~~ "Specification" means any description of the physical or functional characteristics or of the nature of Goods or Services, including any requirement for inspecting, testing or preparing Goods or Services for delivery and the quantities of materials to be furnished under a Contract. Specifications generally will state the result to be obtained.
- (42) ~~(41)~~ "Successful Completion" means the written receipt of credit from classes taken at a community college or university or the written receipt of a certificate from a program or private career school.
- (43) ~~(42)~~ "Written" or "Writing" means conventional paper documents, whether handwritten, typewritten or printed, in contrast to spoken words. It also includes electronic transmissions or facsimile documents when required by applicable law or permitted by a Solicitation Document or Contract.

Stat. Auth.: ORS 687.011 & 687.121

Stats. Implemented: ORS 687.011

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 2-2011, f. 6-29-11, cert. ef. 7-1-11; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0015

Licensure

- (1) An applicant for an initial license or renewal of a license must complete, in its entirety, an original application furnished by the Board.
- (2) An applicant for an initial license and all lapsed and inactive licensees applying for reactivation must submit a completed fingerprint cards **or electronic fingerprints** for a criminal background check.
- (3) All applications for licensure must be accompanied by proof of current certification in cardiopulmonary resuscitation (CPR).
- (4) An applicant must provide written explanation and copies of all related documentation as requested by the board if:
 - (a) Applicant has ever been investigated, disciplined or denied licensure by this agency or any other governmental agency in any state or jurisdiction of the United States or foreign country;
 - (b) Applicant has surrendered a massage license or other professional license in any state or jurisdiction of the United States or foreign country;
 - (c) Applicant has been arrested, charged or convicted of any type of violation of the law, including both misdemeanors or felonies, other than minor traffic infractions in any state or jurisdiction of the United States or foreign country;
 - (d) Applicant has abused or been treated for the abuse of alcohol, controlled or mind altering substances; or

- (e) Applicant has suffered from and/or received treatment for a mental, physical or emotional condition, which could impede applicant's ability to safely practice massage.
- (5) Applicants for initial licensure must apply within one year of the successful completion of the practical examination.
- (a) If an applicant does not apply within one year, the applicant must retake the practical examination.
- (b) At the time of re-examination, the applicant must meet all current licensing requirements and submit original documents as required by the Board.
- (6) Licenses issued expire on the last day of the licensees' birth month of even numbered years for licensees with even numbered birth years and odd numbered years for licensees with odd numbered birth years. Thereafter, licenses may be renewed every other year upon completion of the application requirements. The application must be returned to the Board postmarked no later than the 1st day of the month of expiration. A delinquent fee must be paid if the completed application and all requirements are not received by the due date.
- (7) Applicants for the renewal of an active license must sign a statement verifying completion of a minimum of 25 hours of continuing education. The Board may require proof of the continuing education hours.
- (8) Applications for renewal of an active license must be accompanied by:
- (a) Current licensing fee;
- (b) Any applicable late fees;
- (c) Proof of current certification in cardiopulmonary resuscitation (CPR);
- (d) Proof of 25 hours of continuing education; and
- (e) Any additional documentation required by the Board.
- (9) All applicants for initial, renewal, or reinstated license must sign a statement verifying that they have read, understand, and must comply with all current Oregon Revised Statutes (ORS 687), Oregon Administrative Rules (OAR 334), and policy statements of the Board.
- (10) Licenses issued by the Board must not be transferable.
- (11) A person licensed by the Board may move to an inactive status by completing the form provided by the Board. Upon payment of the appropriate fee, the applicant will be issued an inactive license. During the period of inactive status, the licensee may not practice massage for compensation in the State of Oregon.
- (12) An application to reactivate an inactive license:
- (a) must be accompanied by:
- (A) Current licensing fee;
- (B) Verification of current cardiopulmonary resuscitation (CPR);
- (C) Verification of 25 hours of continuing education for each biennium or fraction of the biennium the license was inactive, up to 50 hours; and
- (D) Verification of 4 contact hours in Professional Ethics, Boundaries and/or Communication; and**
- (E) ~~(D)~~ Completed fingerprint card or electronic fingerprints for criminal background check.**
- (b) An individual who has been inactive or a combination of lapsed/inactive for 6 consecutive years or greater must, in addition, successfully pass the practical examination.

Stat. Auth.: ORS 687.121 & 687.051

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: HB 88, f. 3-16-56; Renumbered from 333-035-0006; MTB 1-1979, f. & ef. 5-22-79; MTB 1-1990, f. & cert. ef. 4-20-90; MTB 1-1992, f. & cert. ef. 7-28-92; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 2-2006(Temp), f. & cert. ef. 2-16-06 thru 8-7-06; Administrative correction 8-22-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0017

Lapsed License

- (1) The massage therapist license is considered lapsed if an individual fails to complete the renewal process prior to the expiration of license.
- (2) During the lapsed status, no such person shall practice massage in the State of Oregon.
- (3) An applicant whose license is lapsed may return to active status by including the following with the completed application.
 - (a) Payment of the current fee for activation of the license;
 - (b) Payment of the licensing fee applicable for the period of the lapsed license;
 - (c) Late fee payment;
 - (d) Proof of 25 hours of continuing education for each biennium the license was lapsed and for the current licensing period;
 - (e) **Proof of 4 contact hours in Professional Ethics, Boundaries and/or Communication.**
 - (f) ~~(e)~~ Proof of current certification in cardiopulmonary resuscitation (CPR);
 - (g) ~~(f)~~ A statement indicating whether the applicant has engaged in the practice of massage and bodywork in another jurisdiction during the period of lapsed status; and
 - (h) ~~(g)~~ Applicants must submit a completed fingerprint card **or electronic fingerprints** for criminal background check.
- (4) All information required for restoring a lapsed license must be received within 3 years of the date of lapsing. Thereafter, one must apply as a new applicant.

Stat. Auth.: ORS 183, 687.121 & 182.456 - 182.472

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 2-1998, f. & cert. ef. 7-22-98; BMT 2-2002, f. & cert. ef. 5-8-02; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

334-010-0050

Continuing Education

- (1) The intent of Continuing Education is to protect the public by maintaining **knowledge and skills of massage and/or bodywork**. ~~and enhancing competencies as defined in OAR 334-010-0047.~~ Each licensee must complete 25 hours of continuing education ~~in the competencies~~ each renewal period. **The continuing education hours must be from the following topics:**
 - (A) **Massage and bodywork techniques;**
 - (B) **Use of thermal modalities, topical preparations, mechanical assistive; devices/appliances;**
 - (C) **Stretching and gymnastics that lengthen and shorten soft tissues;**
 - (D) **Posture and movement assessment;**
 - (E) **Massage and bodywork business practices;**
 - (F) **Anatomy and physiology of the human body;**
 - (G) **Kinesiology of the human body;**
 - (H) **Pathology of the human body;**
 - (I) **Professional Ethics, Boundaries and/or Communication;**
 - (J) **Cultural competency**
 - (K) **Body mechanics;**
 - (L) **Somatic education;**
 - (M) **CPR/First Aid;**
 - (a) At renewal time, each licensee must sign and submit a Board supplied CE form indicating they have completed 25 hours of continuing education. The Board may require proof of CE hours.
 - ~~(a) At least 12 contact hours of continuing education training or Board approved activities (Board or Committee meeting/Peer Supervisor/Examiner of Practical Exam/Board Investigator).~~
 - ~~(b) The remaining 13 hours may be contact hours or in areas as defined on the Board supplied CE form.~~

- ~~(2) The continuing education requirement does not apply to a licensee's first license renewal.~~
- ~~(3) Continuing education must be completed within the renewal period. Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.~~
- ~~—(a) First renewal CE are not required to be submitted at the time of renewal, CE may be submitted with second renewal.~~
- ~~(4) Continuing education records must be maintained by each licensee for a minimum of five years.~~
- ~~(5) If the Board finds indications of fraud or falsification of records, investigative action must be instituted. Findings may result in disciplinary action up to and including revocation of the licensee's license.~~
- ~~(6) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.~~
- ~~(7) Continuing education must be in areas related to the practice of massage or bodywork including theory, research, technique or business development.~~

(b) Of the 25 hours, at least 15 must be contact hours of continuing education training or Board approved activities. At least 4 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 hours maybe contact or noncontact hours.

(2) The methods of obtaining continuing education contact hours shall include:

- (a) Attendance of courses, seminars, and workshops sponsored, certified by an established and recognized massage and bodywork training program;**
- (b) Attendance of courses or activities for continuing education offered by a provider recognized by a massage and bodywork professional organization;**
- (c) Attendance of courses provided by an accredited institution of higher education if *topics is listed* in OAR 334-010-0050(1)(a)(A-M).**
- (d) Attendance of courses, seminars, and workshops provided by OBMT registered CE provider.**
- (e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(a)(E-J).**
- (f) Courses in cardiopulmonary resuscitation/first aid if taken in the presence of an instructor;**
- (g) Providing Board requested peer supervision or Board exam proctoring; One hour of CE contact credit will be given for each meeting/day.**
- (h) Attendance at an Oregon Board of Massage Therapists board meeting, board committee meeting, board task force or serving on these committees/task forces. One hour of CE contact credit will be given for each meeting.**

(3) The methods of obtaining continuing education non-contact hours shall include:

- (a) Publishing an article relating to massage and bodywork;**
- (b) Self-study based on media (i.e. book/video, periodical, *web based*, DVD);**
- (c) Courses or lectures on massage and bodywork which a licensee presents. A licensee may receive credit for presenting a course or lecture only one time per renewal period regardless of how many times the licensee presents the course or lecture.**

(4) If the Continuing Education subject matter is not listed under OAR 334-010-0050(1)(A-M) it will not be accepted for continuing education.

(5) The Oregon Board of Massage Therapists randomly selects a minimum of 10 percent of received monthly renewals for an audit.

- a. If selected for an audit you will have 30 days to complete the audit form and submit copies (not originals) of your Continuing Education certificates.**
- b. If you fail to provide the requested information to the Board, within the 30 days, the Board may issue discipline per ORS 687.081 and 687.250.**

- (6) The continuing education requirement does not apply to a licensee's first license renewal.
- (7) Continuing education must be completed within the renewal period. Contact hours taken and submitted during renewal in excess of the total number required may only be carried over to the next subsequent renewal period.
 - (a) First renewal CE are not required to be submitted at the time of renewal, CE taken during the first renewal period may be submitted with second renewal.
- (8) Continuing education records must be maintained by each licensee for a minimum of five years.
- (9) If the Board finds indications of fraud or falsification of records, investigative action must be instituted. Findings may result in disciplinary action up to and including revocation of the licensee's license.
- (10) Failure to complete continuing education hours by the time of renewal may result in revocation, suspension and/or denial of a license. Licensee has 30 days from date of notification of non-compliance to come into compliance. Failure to be in compliance may result in discipline of the license to practice massage.

Stat. Auth.: ORS 687.081, 687.121 & 687.122

Stats. Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086 & 687.121

Hist.: BMT 1-1998(Temp), f. & cert. ef. 2-3-98 thru 7-31-98; BMT 2-1998, f. & cert. ef. 7-22-98; BMT 1-2003, f. & cert. ef. 1-24-03; BMT 1-2004, f. & cert. ef. 2-23-04; BMT 2-2004(Temp), f. & cert. ef. 3-16-04 thru 9-7-04; Administrative correction, 9-28-04; BMT 3-2004(Temp), f. & cert. ef. 10-22-04 thru 4-19-05; BMT 1-2005, f. & cert. ef. 2-23-05; BMT 1-2006, f. & cert. ef. 1-5-06; BMT 1-2009, f. 2-13-09, cert. ef. 3-1-09; BMT 3-2009, f. & cert. ef. 7-2-09; BMT 4-2011, f. 12-1-11, cert. ef. 1-1-12

Adjournment - The meeting adjourned at 10:30 a.m.