

BACKGROUND INFORMATION FOR PETITIONS AND LETTERS

Governor Kulongoski proposed suspension of the Oregon Board of Massage Therapists (OBMT) on May 15, 2009 in his speech at the Portland City Club:

http://governor.oregon.gov/Gov/speech/2009_0515_portland_city_club.shtml

That speech compared several boards and commissions to an outdated Pontiac that GM could no longer afford to keep and further stated that the money is not available for all the boards and commissions, and then listed the OBMT as one of the boards for suspension to address this.

The OBMT is a semi-independent agency, meaning that all funding comes from licensees and a smaller portion from civil penalties. Suspending the OBMT would not save the state money as it does not cost the state money to operate it. Instead, important facets of regulation that are currently handled by the board would at best be handled by law enforcement and at worst ignored.

http://www.oregonlive.com/politics/index.ssf/2009/08/governors_board_elimination_co.html When the governor released a list of boards and commissions for elimination, suspension, and consolidation, the OBMT was under the suspension heading. Suspending the OBMT leaves a large gray area as no one is sure what form this will take.

- What happens to current licensees if their license expires during the time of suspension?
- Can anyone "hang out a shingle" to practice massage?
- What happens to former licensees who had their licenses revoked for sexual misconduct, and who will enforce the revocations?
- What happens to all the students in schools who are paying thousands—even tens of thousands—of dollars to do the right thing and be properly educated and credentialed to enter the profession?
- Will LMTs who currently bill insurance companies lose that stream of income?
- Will the word "massage," which the profession has worked so diligently to give credibility in the medical profession, become synonymous with prostitution again, setting Oregon back 30-60 years?

<http://library.state.or.us/repository/2009/200905281546554/> In January 1997, a Management Study of Regulated Professional Occupations was prepared by the Oregon Department of Administrative Services Budget and Management Division. Important items to note: Page 5, Executive Summary states that "Oregon occupational licensing boards operate under several different service delivery models. There is not one service delivery model that works for all boards." Also, "Occupational licensing boards, professional associates, and consumers are opposed to the consolidation of administrative functions of licensing boards."

The study investigates the history of the regulation of professional occupations, and outlines several different models that Oregon has used since 1860. In the past, when it was felt that government was too broad and there were too many boards and commissions, consolidation was attempted, but failed (p8-9). In 1971, consolidation was attempted to streamline processes. However, concerns were that the procedures created delays in renewing licenses while increasing the boards' costs (p10).

Still attempting to streamline and cut down on the number of boards and commissions, sunset review provisions were enacted in 1977, but this was then repealed in 1993 due to funding shortages and infrequency of review (p10).

In the 1980s the remaining boards that were consolidated under umbrella agencies felt there were many issues and that services were not being delivered in the most efficient or cost-effective way. Several health boards obtained passage of legislation separating themselves from the Health Division, and the Department of Commerce (which oversaw a number of different other boards and commissions) was abolished (p10-11).

It is critical to note a comment on page 35: "...one fact endures: occupational regulation exists to ensure the competence of professionals so that citizen well-being is maintained."

Please ensure citizen well-being through competent massage professionals and keep massage therapy a regulated, licensed profession in the State of Oregon, through the OBMT in its current semi-independent structure, which has proven less expensive to operate, more efficient, and with a higher level of accountability to the public, the licensees, and the legislature than its prior structure.

TALKING POINTS FOR LETTERS

Suspension of the OBMT creates some critical issues. Here are some talking points:

- Gov. Kulongoski proposed to suspend the Board of Massage Therapists. The reason he gave was to save taxpayers' money. The OBMT is a semi-independent board that takes no taxpayer money. The licensing fees of Licensed Massage Therapists (LMTs), and fines paid by those who violate massage laws pays for the board.
- Suspension of the OBMT impacts jobs: over 7000 massage therapists and their families, massage school teachers, continuing education teachers.
- The OBMT investigates when massage is used as a guise for prostitution. Suspending the OBMT would force other agencies to investigate prostitution; a more likely scenario is that there would be no funds to investigate prostitution and it would be allowed to continue for lack of funds. Thus, the cost to the taxpayer and the danger to the legitimate massage therapists would be greater if the OBMT is suspended.
- LMTs are self-policing. We report to our board when we witness illegal activities related to massage, including unlicensed massage and Craigslist ads. If the governor suspends the OBMT, who will LMTs report to? The Governor's office?
- Special interest groups frequently lobby for exemption from massage laws. Yet studies--including those same groups--consistently show that *any* healing touch modality has the same concerns: sanitation, communicable disease control, ethical boundaries (financial, emotional, physical), contraindications, and protecting the public from harm. Oregon has been a leader in regulating touch therapy through the OBMT and current massage statutes. Regardless of the name of the touch modality, the core issues are the same and the public deserves safe, qualified practitioners. Abolishing the OBMT reverses nearly 60 years of effective regulation in Oregon.
- There are scores of massage students working their way through school, paying thousands of dollars to do the right thing and become properly educated in the profession. Without licensing, they will not have credentials to show for their hard work, time, and money; those students cannot begin practice without a license. Suspending the board may or may not suspend the laws. The legislature may decide to completely un-license massage!
- Occasionally LMTs commit moral infractions against clients. Currently the board has procedures in place to suspend their licenses. With no board, there is no oversight, and no license suspension.
- Regulation isn't just about preventing injury to clients (unlikely, but with cases rising as insurers will tell you) or as a deterrent to prostitution (which will never end), it helps to protect LMTs as members of the public, by providing legitimacy to the profession, and public trust in a safe profession.
- Suspension will affect licensees who bill insurance as some companies will no longer recognize those individuals as health care providers without a license.
- Suspension will affect licensees who advertise in publications as they get mixed in with untrained individuals, or worse, those using massage as a front for illegal activity.
- Suspension will allow former licensees who were permanently suspended from practicing massage for sexual and/or ethical violations to practice again and prey upon the public.
- Suspension eliminates a regulatory force that works with its licensees, the public, and law enforcement to ensure that massage therapy is a safe practice in the state of Oregon.
- The OBMT is more than a set of rules about classes and tests to take to get a license. As a regulatory agency, they review ethical boundary violations, sexual violations, scope of practice violations, financial fraud, and more. When a case is clearly beyond administrative law simply for suspension or civil penalties, the OBMT works with police or refers to police for necessary criminal investigation and prosecution.