

## Chapter 687

### Masseurs

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### CROSS REFERENCES

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| Administrative agencies generally, Ch. 182   | Travel expenses of state officials and employees, generally, 292.210 to 292.260                         |
| 687.040  | 687.200   |
| Waiver of educational requirement for admission to examination, 670.010  | Military or naval service, persons relieved from payment of fees, 408.450                               |
| 687.150  | 687.210   |
| General provisions relating to state administrative agencies, Ch. 182, 291.472   | Bonds to state or political subdivisions not invalidated by omission of statutory provisions, 747.190   |
| Leases or rental agreements for office quarters, 276.426, 276.428  | Expenditures without allotment prohibited in certain cases, 291.238                                     |
| 687.160  | Expense of public officials' bonds to be paid out of state funds, 747.110                               |
| Rules and regulations of state agencies, filing with Secretary of State, Ch. 183   | Transfer of portion of funds collected by state boards and officers and accounting thereof, ORS 291.368 |
| 687.170  | 687.220   |
| Money, check or other obligations in lieu of bond, 22.020 to 22.070  | Exceeding appropriations by the legislature or creating deficiencies unlawful, 291.238, 291.990(1)      |
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| Travel allowances of state agencies, officers and employees authorized and regulated by Department of Finance and Administration, 291.004(9) |   |



**687.010 Definitions.** As used in this chapter:

(1) "Massage" is pressure on, friction against, stroking and kneading the body, and gymnastics, with or without such appliances as vibrators, infrared heat, sun lamps and baths, in order to maintain good health and to establish and maintain the body in good physical condition.

(2) "Board" means the Oregon State Board of Massage Examiners.

**687.020 Practice of massage without license prohibited; recording and displaying of license mandatory.** (1) No person shall engage in or hold himself out as engaged in the practice of massage in this state without having a license so to do.

(2) No person shall practice massage in this state until he records his license in the office of the recording officer of the county in which he intends to practice.

(3) Every person licensed to practice massage in this state shall conspicuously display his license to practice at his place of business.

(4) No person, except one licensed under this chapter, shall hold himself out as a "masseur" or "masseuse."

**687.030 Practice of massage limited and distinguished from other professions.** (1) The practice of massage is declared to be separate from the practice of medicine, surgery, osteopathy, chiropractic, naturopathy, chiropody or any other of the healing arts. No person licensed under this chapter shall give chiropractic adjustments, osteopathic manipulations, or naturopathic manipulations, except as provided in this chapter.

(2) This chapter does not apply to the following:

(a) Persons licensed by this state to practice any of the above specified healing arts or registered nurses working under the direction of any such person.

(b) Barbers and cosmetic therapists licensed under the laws of this state who do not hold themselves out as masseurs or masseuses.

(c) Trainers of any amateur, semiprofessional or professional athlete or athletic team.

(d) Students who are enrolled in approved schools of massage who are performing such work as is incidental to their course of study.

(e) Athletic activities, exercises or mas-

sage conducted or given in any bona fide athletic club existing on April 4, 1951.

(f) The athletic department of any bona fide fraternal organization existing on April 4, 1951.

(g) The athletic department of any institution exclusively maintained by public funds of the state or of any of its political subdivisions.

(h) The athletic department of any school or college.

(i) Any attendant or operator of a bathhouse or mineral springs, or other similar establishment wherein massage is not employed or used.

(j) Physical therapy or massage carried on under the direction of any physician duly licensed to practice his profession in the State of Oregon. [Amended by 1953 c.438 §2]

**687.040 Qualification of applicants; examinations.** (1) Any person 21 years or over, who has completed a course of study in an accredited high school or had general education or training equivalent to such course of sufficient foundation for special education in massage and who has received a diploma or certificate of graduation from an approved school teaching massage, and who can furnish satisfactory evidence of good moral character has the right to be examined under this chapter.

(2) All examinations shall be in the English language; shall be written, oral and practical as the board may determine; and shall embrace only the subjects specified in ORS 687.160.

(3) The applicant shall not be required to take or pass any other examination.

**687.050 Contents of application.** All persons applying for examination and license shall be required to file with the application an affidavit stating the names of all schools of training in massage attended and evidence satisfactory to the board from such schools indicating the course of study and grades or credits of the applicant.

**687.060 Types of certificates not acceptable as basis for examination.** Diplomas or certificates in medicine, surgery, osteopathy, chiropractic, naturopathy, chiropody or any other of the healing arts shall not be accepted as a basis for examination under this chapter.

**687.070 Form and manner of filing application.** Each application for license, by

examination or without, shall be filed with the secretary-treasurer in the manner and form prescribed by the board and shall be accompanied by the proper fee, as provided in ORS 687.200.

**687.080 Issuance of license to applicants qualified in this and other states, when mandatory; reciprocity.** The board shall issue a license to practice massage to the following:

(1) Any applicant who upon examination achieved a general average of not less than 75 percent in the subjects on which he was examined and not less than 60 percent in any one subject.

(2) Any applicant who has been licensed in another state or territory to practice anything required to be licensed under this chapter which state has and maintains a standard for practice that is substantially the same as that maintained in this state, who has lawfully and continuously engaged in such practice there for two years or more immediately before filing his application to practice in this state and who submits to the board an attested certificate from the examining board of the state or territory in which he is registered of his registration, of his being a person of good moral character and of his professional attainments; provided, however, that no license shall be issued to any person applying under this subsection unless the state or territory from which his certificate was granted extends a like privilege to engage in the practice of massage within its own borders to persons licensed under this chapter to practice in this state who remove to that state or territory.

**687.090 Re-examination without additional fee.** Any applicant who fails to secure the grade requirements mentioned in ORS 687.080 in his first examination shall be entitled to take a second examination within one year without additional fee. After the expiration of one year, such applicant shall pay the regular fee.

**687.100 Payment of annual registration fee; expiration date; suspension of license for failure to register.** (1) Each person licensed under this chapter to practice massage shall, on or before July 1 of each year, register with the board and pay the annual registration fees provided in ORS 687.200.

(2) All licenses shall expire on July 1 next after the issuance thereof unless sooner revoked.

(3) Failure to comply with the provisions of subsection (1) of this section automatically suspends the delinquent's license.

**687.110 Reinstatement of suspended license.** The board shall reinstate any suspended license upon written application therefor and upon payment of the penalty provided in ORS 687.200 and the delinquent annual registration fees; provided, however, that if application for reinstatement is not made within three years from the date of suspension, reinstatement shall not be made and the applicant shall be required to make application for a license as provided in ORS 687.040.

**687.120 Types of treatment authorized.** Any person licensed to practice massage may use any electrically driven instrument designed as an accessory to the practice of massage, provided such electrically driven instruments do not introduce or induce an electrochemical or electromagnetic current into the body tissues, and may use infrared heat, sun lamps, any form of electric light, infrared, steam or vapor cabinet designed to produce heat or any method of giving steam, mineral or sweat baths. Such baths may be either hot or cold, and may be natural mineral water, or by formula, provided such baths shall not be administered to the orifices of the body. He may use all forms of mineral packs, either hot or cold water packs, which are used as accessory to and in preparation of persons for massage.

**687.130 State Board of Massage Examiners created; membership qualifications.** The Oregon State Board of Massage Examiners hereby is created. It shall be composed of three practitioners of massage, as defined in ORS 687.010, who are citizens of the United States, who are holders of a diploma from a recognized school of massage, who have been in continuous practice in this state for three years immediately prior to appointment, who are not members of the faculty of any institution giving instruction in any of the subjects necessary to qualify any person to practice massage, as provided in ORS 687.160, who have no financial interest in any such institution and who are not engaged in the practice of medicine, surgery, osteopathy, chiropractic, naturopathy, chiropody or any other of the healing arts separately licensed by the state.

**687.140 Appointment of board members; terms of office; filling of vacancies.** The Governor shall appoint three masseurs or masseuses to constitute the Oregon State Board of Massage Examiners. They shall be appointed so that their terms of office expire, one in one year, one in two years and one in three years from date of appointment. After the expiration of the terms of each of the original members of the board, the Governor shall thereafter appoint each member for a term of three years, except that in the case of an appointment by the Governor to fill a vacancy, the appointment shall be only for the duration of the unexpired term.

**687.150 Board to meet twice yearly; majority a quorum; location of headquarters.** (1) The board shall elect a president, vice president and secretary-treasurer; and adopt a seal.

(2) The board shall meet as a board of examiners on the Tuesday immediately following the second Monday of January and July of each year and at such times and places as is necessary for the performance of its duties.

(3) A majority of the board constitutes a quorum.

(4) The headquarters of the board shall be the office of the secretary-treasurer.

**687.160 Powers of the board.** In order to enforce the provisions of this chapter, the board has the following powers:

(1) To make and enforce reasonable rules and regulations, which shall be approved by the State Board of Health, governing the sanitary and hygienic conditions concerning the practice of massage and the conduct and operation of massage schools. For this purpose the board may appoint inspectors, who shall be registered and practicing masseurs or masseuses and who may be members of the board.

(2) To hold hearings in relation to any matter within its jurisdiction and prescribe rules and regulations for the conduct thereof.

(3) To administer oaths and take affirmations and affidavits.

(4) To issue subpoenas for the attendance of witnesses, the giving of testimony and the production of books, records, accounts and papers.

(5) To approve schools of massage maintaining a minimum course of one term of four months whose minimum required curriculum for graduation includes classroom instruction as follows:

- (a) Anatomy, 100 hours.
- (b) Physiology, 50 hours.
- (c) Hygiene, 50 hours.
- (d) Manual and mechanical massage, 100 hours.
- (e) Clinic, 100 hours.
- (f) Baths, 50 hours.
- (6) To issue licenses to practice massage to persons qualified therefor, as required by ORS 687.020.

(7) To revoke or suspend the license of any holder thereof, or refuse a license to an applicant upon any of the following grounds, to wit:

- (a) The employment of fraud or deception in applying for a license.
- (b) The practice of massage under a false or assumed name.
- (c) Conviction of a crime involving moral turpitude.
- (d) Habitual intemperance in the use of ardent spirits, narcotics or stimulants to such extent as to impair him or her from the proper performance of professional duties.
- (e) Violation of any rule or regulation promulgated by the board.

**687.170 Hearing upon refusal to issue; revocation or suspension of license; appeal of board orders to circuit court and Supreme Court.** Any person who is a licensee, or who is an applicant for a license to practice massage, as provided in this chapter, against whom any of the foregoing grounds for denying, revoking or suspending a license has been made, shall be notified in writing by the board of the grounds and shall have a hearing before the board in person or by attorney, and witnesses may be examined by the board. If the charges are found to be true the board shall refuse, suspend or revoke the license. Within 60 days from date of such refusal, suspension or revocation, the applicant or licensee shall have the right to appeal to the circuit court within the county where the board met or in the county where the licensee resides. Upon appeal being taken, the order of the board shall be stayed pending the disposition. In case such person desires to take such appeal, he shall cause to be served upon the secretary-treasurer of the board a written notice of appeal, and shall file in the office of the secretary-treasurer an appeal bond with good and sufficient surety, to the State of Oregon, conditioned for the speedy prosecution of the appeal and the payment of such costs as may be charged

against him upon the appeal. The secretary-treasurer within 10 days after service of notice of appeal and the filing of the bond shall transmit to the clerk of the circuit court to which the appeal is taken under the seal of the board a certified copy of accusations on which the revocation or suspension was based, and the notice and bond of appeal. The clerk of the court shall thereupon docket the appeal and it shall be tried in all respects as ordinary civil suits and like proceedings shall be had thereon. Upon appeal the cause shall be tried de novo. Either party may appeal from the decree of the circuit court to the Supreme Court in the manner civil suits or proceedings may be appealed thereto. The decree shall be stayed from the date of the notice of appeal until final determination of the appeal.

**687.180 Records of proceedings and applications for examination.** The secretary-treasurer of the board shall keep a record of all proceedings of the board and a record of all applications for examination, setting forth the name, address, age, educational qualifications and the result of the examination of each applicant. He shall perform such other duties as may be required of the board or by law. These records shall be open to public inspection at all times during business hours and are prima facie evidence in all courts within the state of matters therein recorded.

**687.190 Compensation of members; expenses allowed; compensation of board employees.** The compensation of each member of the board shall be \$10 for each day actually spent in performance of his duties and each member shall be allowed his actual expenses incurred in performance of his duties. The compensation of persons employed by the board shall be determined by it.

**687.200 License fees; penalty incident to reinstatement of suspended license.** (1) The following fees, which shall be in lieu of all other fees, are established:

- (a) For examination for license, \$25.
- (b) For annual renewal registration, \$10.
- (c) For license by reciprocity, \$25.

(2) The penalty incident to the reinstatement of a suspended license shall be \$10.

**687.210 Massage Examiners' Account; continuing appropriation; approval of claims; secretary-treasurer to give bond.** (1) All fees, fines or penalties payable under the provisions of this chapter shall be paid to the secretary-treasurer of the board, who shall forthwith cause them to be deposited in the General Fund in the State Treasury, where they shall be placed to the credit of an account, to be known as the Massage Examiners' Account. Such account hereby is appropriated for the purposes of this chapter. The compensation and expenses of the members of the board, the compensation of all persons employed by the board and the expenses of the board shall be audited by the Secretary of State in the same manner as other claims against the state and paid out of the Massage Examiners' Account upon presentation of verified claims therefor after approval by the secretary-treasurer of the board.

(2) The secretary-treasurer shall give bond to the state in such sum as the board shall determine, with sureties approved by the board, conditioned upon faithful performance by him of the duties of his office and his accounting for all moneys of the board in his custody or under his control as secretary-treasurer, which bond shall be paid for by the board.

**687.220 Expenditures of board not to exceed its account in the General Fund.** The expenditures of the board, together with obligations created or incurred thereby, shall at no time exceed the amount of the fund in the State Treasury available for the use of the board.

**687.230 Circuit judge may compel obedience to board order or subpoena.** Any judge of the circuit court of the state, on application of the board, is empowered to compel obedience to any order or subpoena issued by the board as for disobedience of a similar order or subpoena issued by the court.

**687.240 Courts having concurrent jurisdiction in enforcement of chapter.** The district courts and justice courts of the several counties of this state shall have concurrent jurisdiction with the circuit courts in the enforcement of this chapter.

**687.990 Penalties.** (1) Violation of ORS 687.020 is a misdemeanor. to practice massage under this chapter, or in passing an examination therefor, is guilty

(2) Any person employing fraud or deception in applying for or securing a license of a misdemeanor.

**CHAPTER 688**

**[Reserved for expansion]**

