



Oregon

Kate Brown, Governor

Board of Massage Therapists

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www.oregon.gov/OBMT

Rules Hearing March 15, 2022 Virtually via GoToMeeting

Attendance:

Board Members:

Carol Gray, LMT
Maria Odle, Public Board Member

Board Staff:

Robert Ruark, Executive Director
Ekaette Udosenata Harruna, Policy Analyst
Torey McCullough, Compliance Specialist

Public:

Christy Espino	Daniel Steinmetz	Lindley Lori AAG	Debbie Anne Taylor
Donneta Grizzell	Haley Jo Lambert	Jesse Garcia	Jon Grossart
Laura Embleton - ABMP	Lisa Oxman	Mark Retzlaff - AMTA Oregon	Marybeth Berney
Melissa Davidow	Michael Giles	Nadya Cam	Nancy Zevely
Pamela L Donnelly	Robbin Blake	Sarah Schlamp	Stephanie Dickey

Ekaette Udosenata-Harruna introduced herself and the procedures for the rules hearing proceeding.

Meeting began at 9:04 am.

The proposed Rules are (see appendix 1 for complete rule text and changes):

AMEND: OAR 334-001-0055: Board Member Stipend

RULE SUMMARY: Amend maximum amount of Board Member Stipend and add verbiage to clarify the performance of official duties. HB 2992 (2021) requires board members, based on their gross income in the previous tax year, to be compensated for their board service at a rate equal to the daily per diem as state legislators. The Board may adopt a rule setting this as the per diem rate for all members (regardless of income). The Oregon legislative per diem is currently \$155 per day. The Board's rule currently compensates all members a maximum of \$100 for each day. The proposed rule increases the preparation day compensation from \$100 to \$155 or the current Oregon legislative per diem.

AMEND: OAR 334-001-0060: Definitions

RULE SUMMARY: The proposed amendments will locate and replace all agency rules with the terminology contact and noncontact hours with supervised and unsupervised hours. The proposed regulations will reestablish definitions for the new terminology supervised and unsupervised hours in Division 001.

AMEND: 334-010-0009: Credentialing Review

RULE SUMMARY: Amend verbiage to reflect the terminology contact/noncontact to supervised and unsupervised changes.

AMEND: OAR 334-010-0015: Licensure

RULE SUMMARY: Amend rules to reflect changes to the terminology contact/noncontact to supervised and unsupervised.

AMEND: OAR 334-010-0017: Lapsed License

RULE SUMMARY: Amend rules language to reflect changes to the terminology contact/noncontact to supervised/unsupervised.

AMEND: OAR 334-010-0028: Breast Massage

RULE SUMMARY: Amend rules language to reflect changes to the terminology contact/noncontact to supervised/unsupervised.

AMEND: OAR 334-010-0029: Internal Cavity

RULE SUMMARY: Amend rules language to reflect changes to the terminology contact/noncontact to supervised/unsupervised.

AMEND: OAR 334-010-0050: Continuing Education

RULE SUMMARY: Amend to clarify continuing education rule language and requirement to be in concert with current times. The proposed rules reduce the minimum requirement for in-person continuing education from 15 to 8 hours, end the use of excess/rollover continuing education hours for subsequent renewal, and clarify continuing education requirements for first-time license renewal.

AMEND: OAR 334-020-0005: Facilities and Sanitation

RULE SUMMARY: Amend to modify rule language for clarity.

AMEND: OAR 334-020-0055: Communicable Disease Control

RULE SUMMARY: Amend the rule to added verbiage defining healthcare providers as per OHA. Incorporate OHA rules requiring licensees to comply with OHA rules on masking and vaccination to control communicable diseases into OAR 334-020-0055.

AMEND: OAR 334-040-0010: Discipline

RULE SUMMARY: Amend the rule to add language for clarity and allow the board to require information during an interview as needed to make disciplinary decisions.

Correspondence(s) and Public Comments

Correspondences:

Udosenata Harruna noted that there were 33 written comments received by the Board. **(See appendix 2)**

Public Comments:

Oxman greeted everyone and stated that they had to go to work this morning and couldn't stay for the whole meeting. **Oxman** thanked the Board staff for the Board meeting the day before and added that the meeting was run so well. **Oxman** stated that they would be sending some notes today and wanted to ensure they had the Board's current fax number to fax a hard copy of their comments.

Grossart pointed out that in the meeting notice on February 10, 2022, public comment was available until 10 AM.

Udosenata Harruna thanked Grossart and reiterated that the public comment period is open until 10:00 AM today.

Retzlaff - AMTA Oregon wanted to remind everybody of the long history of this process that started in 2018 with a draft. The first draft was unpopular. The association opposed that draft. The Board responded by creating a deliberative process with two committees collaborating with board members over the years. It is now nearing the end of that long road of their dedication to the people involved. There is now a large consensus package of updates, clarifying the intent of CE rules to ensure continuing competency, updating obsolete terms like gymnastics, clarifying definitions of supervised and unsupervised learning, and rules ensuring that CE providers are qualified. The association would have liked to see the rollover provisions remain to provide flexibility for licensees. However, the association understands that the Oregon Board of Massage Therapists (OBMT) was nominally an anomaly amongst licensing Boards in Oregon and across the United States, allowing carryover hours. **Retzlaff** added that the association also understands the administrative burden involved. **Retzlaff** stated that, at a minimum, the association would like to see the Board allow any already banked CE hours to be carried over into the next renewal term so that licensees who took courses thinking they would count don't lose them. **Retzlaff** stated that if this cannot be accomplished through a policy implementation by Board staff, the association request that the rules be amended to provide a phase-in period. Without exception, AMTA Oregon is pleased to support this package of rule changes. **Retzlaff** thanked AMTA Oregon representatives on the education and rules committees, Julie Crispin and Don Schiff, for their time and energy. **Retzlaff** stated that they would also like to thank the chairs of those committees, Lisa Garofalo and Kathy Calise, and all the other members who volunteer their time. Finally, **Retzlaff** thanked Board members and staff for their consideration during a challenging process.

Cam stated that they did email some points that they wanted to make about the vaccination. They understand that their concerns were considered, although they are not in a health care facility. They have heard concern from the community of massage therapists, and they want to point out that fact. **Cam** understands that the Oregon Board of massage therapists is a regulatory board tasked with protecting the public and not an advocacy agency for the massage therapist, which, along thinking about it, is something that the Board should rethink on, on what that means. Because the Board should be an advocate and protect both the massage therapist and the public. **Cam** stated that this rule about the vaccinations and the mask mandate is supposedly an extension of the Oregon Health Authority. The Oregon Health Authority took that because the Center for Disease Control and Prevention (CDC) recommended it. Nonetheless, no law was made, and nothing was passed in Congress. **Cam** stated that just last week, the Director of the CDC said the CDC was way too presumptuous and quick to assume how good the vaccines were and not cautious enough. So, the CDC is now recognizing it's way too soon to implement as the effect of the vaccine were assuming that it was going to be all good and not cautious enough. **Cam** thinks it's a big mistake, just, on the whole, to implement something into a rule that, not even on a global scale or on a national scale, they're still uncertain about. So that is their addition to the comments that they made before. **Cam** thinks that if the Board is then an extension of the Oregon Health Authority, they should just let the Oregon Health Authority deal with the rules and not implement them into the rules of the Oregon Board of Massage Therapists.

Giles stated that they are concerned about reducing the hours of supervised continuing education. They are not sure of the rationale, and if somebody wants to address that, that'd be cool, but it's just concerned with reducing professionalism in the field. **Giles** thinks the continuing education is already low for every two years, so that's a comment and a question if anyone can address that.

Ruark stated that the rules hearing is for public comment, not necessarily a question-and-answer room session, as these rules are from the Board. So, if anyone has a question about the rules, they will have to ask the Board members at the Board meeting.

Grizzell asked whether or not massage therapists are required to wear masks in a doctor setting?

Udosenata Harruna stated that, as previously stated, the rules hearing is for the public and interested parties to provide comments on the rules in question. Although the Board is waiting for clarification, the board plans to send something out to all LMT once the Board receives the clarification so everyone will be well informed about what to do next.

Zevely stated that they spoke with Udosenata yesterday, and it occurred to them that they had misread the proposed CEU changes. And so they proposed to allow limited rollover. **Zevely** expressed that they are withdrawing because the Board has reduced the supervised hours from 15 to 8. **Zevely** asked if that is for every two-year renewal period or every year?

Udosenata Harruna responded, stating that the Continuing Education requirements are due every two-year renewal.

Zevely thanked Udosenata Harruna for the clarification. **Zevely** stated that the vaccination mandate was mentioned by someone previously, and they do not recall any hard and fast rules around vaccination. **Zevely** asked if they were missing something.

Udosenata Harruna responded, stating that the proposed rules for OAR-020-0055 would be on the Board website if Zevely wishes to look at the proposed regulations in more detail.

Zevely stated that they haven't read it, but they will say that they are fully vaccinated. However, their opinion is that it's the individual pursuit of choice, whether to get vaccinated or not, and should not be a requirement. **Zevely** added that they are partly for the same reasons that the other caller mentioned. The long-term effects of this vaccine are not known. Thank you for listening.

Udosenata Harruna Yes? Ok, so just to reiterate, the purpose of this hearing is to take public comment on the rules proposed for amendment by the Oregon Board of Massage Therapists, public comment, so if you have a public comment about those rules, the floor is yours. Udosenata Harruna stated that if anyone has any questions about renewals, please email obmt.info@obmt.oregon.gov or call the Board office at 503-365-8657. Board staff will be more than happy to have that conversation and assist, but this meeting is for public comment.

Schlamp wanted to comment on adopting the Oregon Health Authority (OHA) rules as an Oregon Board of Massage Therapists licensing rules. They wanted to point out that the Oregon Health Authority, in their understanding, is an unelected body and is doing what it can, which is not necessarily protecting people. **Schlamp** thinks that is part of why the licensing Board is there, as well, to protect massage therapists but also to protect the public. **Schlamp** stated that their concern would be that when OHA make choices, they don't necessarily represent the CDC. **Schlamp** Stated that OHA sometimes conflicts, as was pointed out previously, and they don't always represent the people. **Schlamp** wondered if there was a way that the Board could continue with having appropriate guidelines without adopting the Oregon Health Authority guidelines. Because they do think the Board needs guidelines to protect people. **Schlamp** believes that if the Board could maybe have its recommendation instead of adopting the rules straight across the Board what the Oregon Health Authority recommends. **Schlamp** appreciates the Board in protecting people and wants to participate in that as much as possible. But disagree with making the Oregon Health Authority the final say.

Espino agrees with the other alum who have spoken up today and added that they disagree with the merger of LMT and OHA rules. They felt like the Oregon Board of Massage is not only for the public but also to help protect massage therapists and the massage industry. **Espino** feels like if the Board give over that control to another entity, they may not have a say. **Espino** knows and does believe that they do the best they can with having the people in mind. However, who is there to help represent SSI therapists, if not the Board? So, they feel like what Zevely said made sense to them, as well as trying to figure out how to merge and protect massage therapists and help make a nice balance without handing over control

to another entity who may not be thinking about the massage industry as a whole. **Espino** stated that would be their public comment for today and thanked the Board for the time.

Cam responded to Espino's comments stating what they understood, and as the last caller said, they have always believed that the Board was there also for massage therapists. But after speaking to the Board, they realized the Board is there to protect the public, not the massage therapist. The different associations out there, like the AMTA and so on, are there to advocate for massage therapists, and that was their comment earlier on in the meeting. **Cam** thanked everyone for hearing them and hoped that clarifies things for other massage therapists.

Udosenata Harruna thanked Cam for their comments.

Lambert stated that they have talked to multiple peers in the field, in their area, and they are all very divided on the interpretation of what that says. **Lambert** wanted to say they do not understand the vaccination and mask mandate and weekly testing portion. They do not understand exactly who it applies to; nonetheless, they know it applies to people working in a designated healthcare facility, but they are not clear on whether it applies to random massage therapists. **Lambert** stated that what did seem clear is that it does not apply to people who work out of their homes. So, without asking a question, they say that the people they work around in their area are very confused about what the rules ask of massage therapists. Thank you.

Ruark thanked Lambert and stated that he would send out this week, hopefully, a clarification for everybody regarding not necessarily that rule but the mask requirement. It'll be attached to that rule, so hopefully, they can send some clarifying information to everybody this week. We had the board meeting yesterday and the rules hearing today. **Ruark** hopes to get together with the people he needs to get some clarification from to write that and send it out to the licensees. So, something should be coming this week.

Zevely stated that their comment would be not knowing exactly what is on the rules on the proposed changes and hearing that people are not even sure how to interpret them. They know that OBMT had issued requirements and recommendations earlier during the pandemic around cleaning protocols and masking. They understand how linens are stored and not re-used and all of that. **Zevely** stated that the facilities they worked at would go over this repeatedly to make sure massage therapists complied with the requirements and management made their own decision about recommendations. Their comment and preference would be to frame the rules as recommendations rather than requirements, especially not having clarification. **Zevely** would like to see that as a recommendation across the industry, whether in someone's home, a wellness center, a chiropractor's office, or some other healthcare facility.

Oxman wanted to clarify their comment yesterday in the Board meeting. Whether or not that is included in today's testimony or if they must give additional testimony to be included in the rules hearing testimonies.

Ruark responded, stating that the information Oxman provided yesterday will be in the Board meeting minutes, and the Board did hear that information. **Ruark** added that Oxman could certainly have it in the rules' hearing minutes if they would like. However, they would have to restate that information here for the record.

Oxman stated that they are happy to read it again today then there isn't any confusion that it goes into both Board meeting minutes and the rules hearing record. "Oxman noted that they were an educator for Lane Community College for ten years and sat on the OBMT from 1999 to 2007, chairing the Board for 2 to 3 years. Oxman is offering testimony to proposed rule changes to be effective July 1, 2022, for OAR 344-020-0055, concerning facilities and sanitation. Oxman has great respect and admiration for the Board, having served herself for eight years. Oxman is opposed to incorporating OHA Rules, requiring licensees to comply with OHA Rules on masking and vaccination to control communicable diseases into OBMT's Oregon Administrative Rules (OAR) 344-020-0055. Their primary concern is that the

decisions Oregon Health Authority (OHA) has made regarding mandates have been controversial and divisive. In particular, the force mandates to vaccinate have led to the loss of job security and created a two-tiered society based on personal health choices. Vaccine manufacturers and the physicians implementing vaccines are immune from litigation against them. Still, employers and government agencies are not: the courts refused to allow President Biden the authority to mandate vaccines in businesses with 100 or more employees. Suppose the Board moves to mandate vaccines in whatever capacity as prescribed by the Oregon Health Authority. In that case, the Board can be held liable for any injuries or deaths that occur to our largest group of stakeholders, the LMTs, in the State of Oregon. The vaccine adverse effect reporting system has documented unprecedented injury and death in association with COVID vaccinations. Oxman's secondary concern is that the new language in the rule proposal seeks to further define massage therapists as health care providers. Do the vast majority of Oregon massage therapists see themselves as healthcare providers? The majority of LMTs are not providing service in conventional health care settings described in this new rule. Rather, they provide relaxation, massage, independently, or in a spa environment, some provide on-site services or relate to the sports industry. Our umbrella of how we practice massage is wide with a variety of modalities. Oxman sincerely appreciates the work and effort that this Board has put into the current proposed rule changes. In the case of the proposed changes to OAR 334-020-0055. Oxman finds that it may cause unnecessary litigation against our Board and weaken rather than strengthen our mission, our vision, and accountability. Oxman suggests the Board let the Oregon Health Authority enforce its own mandates. Thank you so very much. I appreciate all that you do. God bless.”

Udosenata Harruna thanked Oxman for reading their comments for the record.

Zevely echoed their sentiment with Oxman's disagreement with merging OBMT with OHA rules. **Zevely** stated that they could see why it might be considered. But they wanted to voice that they are against the merging with the OHA rules. **Zevely** agrees with all the considerations other people have mentioned in this hearing. Thank you.

Udosenata Harruna thanked Zevely and added that there are still a few more minutes, and the flow is still open for public comments. **Udosenata Harruna** reminded attendees that this was their opportunity to provide comments and testimony for the proposed rules. **Udosenata Harruna** stated that they have called the names of everyone who signed up to testify. Is there anyone else who wishes to comment one last time?

Ruark stated that he was gone for a few minutes there, so he hoped he didn't miss any questions anybody might have had for him. But if anyone has any questions, his email is on the Board's website, and if anyone has some direct questions for him, please email him, and he will do his best to answer those questions. **Ruark** added that he would be getting something out to all the LMTs and other stakeholders this week with some clarifying language regarding several topics.

Udosenata Harruna reminded attendees to keep an eye out for that email. If anyone is not receiving email correspondence from the Board, please double-check to ensure the Board has the correct email on file. Email is the Board's main means of communicating with LMTs and other stakeholders.

Udosenata Harruna thanked everyone for joining the Board today for this rules hearing. Thank you for coming and providing the Board with your comments. The Board will consider all of these as the Board moves through the rulemaking process. This hearing is adjourned at 9:57 am. Thank you and have a fantastic rest of the day.

Udosenata Harruna adjourned the meeting at 9:57 am

Appendix 1,
Proposed Rules Filing and Language

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 334
BOARD OF MASSAGE THERAPISTS

FILED
02/08/2022 11:44 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establish rules to align the board with statutory requirements and clarify existing Board rules.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/15/2022 10:00 AM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT: Ekaette Udosenata Harruna
503-559-6619
ekaette.udosenata@obmt.oregon.gov

610 Hawthorne Ave SE, STE 220
Salem, OR 97301

Filed By:
Ekaette Udosenata-Harruna
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 03/15/2022
TIME: 9:00 AM - 10:00 AM
OFFICER: Ekaette Udosenata Harruna
ADDRESS: Ekaette Udosenata
610 Hawthorne Ave SE, STE 220
97301, OR 97301
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NEED FOR THE RULE(S)

With the passage of HB 2992, the rules on Board Member Stipend are amended to align with the Oregon legislative current per diem of \$155 per day and add verbiage to clarify the performance of official duties. Definitions: Proposed amendments will locate and replace all agency rules with the terminology contact and noncontact hours with supervised and unsupervised hours. Amend verbiage to reflect the terminology contact/noncontact to supervised and unsupervised changes Credentialing Review; Licensure; Lapsed License; Breast Massage; and Internal Cavity. Continuing Education: Amend to clarify continuing education rule language and requirement to be in concert with current times by making continuing education requirements more accessible via remote learning. The proposed rules reduce the minimum requirement for in-person continuing education from 15 to 8 hours, end the use of excess/rollover continuing education hours for subsequent renewal, and clarify continuing education requirements for first-time license renewal. Communicable Disease Control: Given the pandemic, the proposed rule was amended to add verbiage defining healthcare providers per OHA. Incorporate OHA rules requiring licensees to comply with OHA rules on masking and vaccination to control communicable diseases into OAR 334-020-0055. Facilities and Sanitation: Amend to modify rule language for clarity. Discipline: Amend rule to add language for clarity and allow the Board to require information during an interview as needed to make disciplinary decisions.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 334, 2018 Board meeting minutes. These documents are available at www.oregon.gov/obmt.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The adoption of these proposed rule changes will have no effect on racial equity in this state.

OAR 334-001-0055

OAR 334-001-0060

OAR 334-010-0009

OAR 334-010-0015

OAR 334-010-0017

OAR 334-010-0028

OAR 334-010-0029

OAR 334-010-0050

OAR 334-020-0055

OAR 334-020-0005

OAR 334-040-0010

FISCAL AND ECONOMIC IMPACT:

There is no fiscal impact on licensees or small businesses since the proposed language reduces the number of continuing education hours that must be in-person. However, with the passage of HB 2992, the proposed rule increases the amount Board members receive to prepare for a Board meeting from \$100 to \$155. The increases will cost the Board about \$2,695 additional expense per year (Seven (7) Board meetings with seven (7) members).

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

OAR 334-001-0055 Board Member Stipend, No projected fiscal impact

OAR 334-001-0060 Definitions, No projected fiscal impact

OAR 334-010-0009 Credentialing Review, No projected fiscal impact
OAR 334-010-0015 Licensure, No projected fiscal impact
OAR 334-010-0017 Lapsed License, No projected fiscal impact
OAR 334-010-0028 Breast Massage, No projected fiscal impact
OAR 334-010-0029 Internal Cavity, No projected fiscal impact
OAR 334-010-0050 Continuing Education, No projected fiscal impact
OAR 334-020-0055 Communicable Disease Control, No projected fiscal impact
OAR 334-020-0005 Facilities and Sanitation, No projected fiscal impact
OAR 334-040-0010 Discipline, No projected fiscal impact

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

OAR 334-001-0055 Board Member Stipend, No projected fiscal impact
OAR 334-001-0060 Definitions, No projected fiscal impact
OAR 334-010-0009 Credentialing Review, No projected fiscal impact
OAR 334-010-0015 Licensure, No projected fiscal impact
OAR 334-010-0017 Lapsed License, No projected fiscal impact
OAR 334-010-0028 Breast Massage, No projected fiscal impact
OAR 334-010-0029 Internal Cavity, No projected fiscal impact
OAR 334-010-0050 Continuing Education, No projected fiscal impact
OAR 334-020-0055 Communicable Disease Control, No projected fiscal impact
OAR 334-020-0005 Facilities and Sanitation, No projected fiscal impact
OAR 334-040-0010 Discipline, No projected fiscal impact

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

OAR 334-001-0055 Board Member Stipend, No projected fiscal impact
OAR 334-001-0060 Definitions, No projected fiscal impact
OAR 334-010-0009 Credentialing Review, No projected fiscal impact
OAR 334-010-0015 Licensure, No projected fiscal impact
OAR 334-010-0017 Lapsed License, No projected fiscal impact
OAR 334-010-0028 Breast Massage, No projected fiscal impact
OAR 334-010-0029 Internal Cavity, No projected fiscal impact
OAR 334-010-0050 Continuing Education, No projected fiscal impact
OAR 334-020-0055 Communicable Disease Control, No projected fiscal impact
OAR 334-020-0005 Facilities and Sanitation, No projected fiscal impact
OAR 334-040-0010 Discipline, No projected fiscal impact

c. Equipment, supplies, labor and increased administration required for compliance:

OAR 334-001-0055 Board Member Stipend, No projected fiscal impact
OAR 334-001-0060 Definitions, No projected fiscal impact
OAR 334-010-0009 Credentialing Review, No projected fiscal impact
OAR 334-010-0015 Licensure, No projected fiscal impact
OAR 334-010-0017 Lapsed License, No projected fiscal impact
OAR 334-010-0028 Breast Massage, No projected fiscal impact
OAR 334-010-0029 Internal Cavity, No projected fiscal impact
OAR 334-010-0050 Continuing Education, No projected fiscal impact

OAR 334-020-0055 Communicable Disease Control, No projected fiscal impact

OAR 334-020-0005 Facilities and Sanitation, No projected fiscal impact

OAR 334-040-0010 Discipline, No projected fiscal impact

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Each licensee may be considered a small business. Licensees and stakeholders were notified through meeting minutes and invitations to attend the meetings.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

334-001-0055, 334-001-0060, 334-010-0009, 334-010-0015, 334-010-0017, 334-010-0028, 334-010-0029, 334-010-0050, 334-020-0005, 334-020-0055, 334-040-0010

AMEND: 334-001-0055

RULE SUMMARY: Amend maximum amount of Board Member Stipend and add verbiage to clarify the performance of official duties. HB 2992 (2021) requires board members, based on their gross income in the previous tax year, to be compensated for their board service at a rate equal to the daily per diem as state legislators. The Board may adopt a rule setting this as the per diem rate for all members (regardless of income). The Oregon legislative per diem is currently \$155 per day. The board's rule currently compensates all members a maximum of \$100 for each day. The proposed rule increases the preparation day compensation from \$100 to \$155 or the current Oregon legislative per diem.

CHANGES TO RULE:

334-001-0055

Board Member Stipend ¶

(1) The Oregon Board of Massage Therapists hereby adopts a board member stipend of \$100 up to \$155 ¶ or the current Oregon legislative per diem stipend each day or portion thereof during which the board member is actually engaged in the performance of official duties ¶

(2) Performance of official duties is defined as: ¶

(a) Scheduled meetings: ¶

(A) Board meetings, including special Board meetings via conference call, ¶

(B) Board committee meetings. ¶

(b) Appointments with Board staff for Board business: ¶

(c) Legislative testimony; OR ¶

(d) Conferences and activities that the Board has requested that the member attend as its ¶ representative. ¶

(3) Each Board member shall receive a two day stipend of \$155 per day or the current ¶ Oregon legislative per diem for each regularly scheduled Board meeting preparation. This compensation is not paid if the Board member does not attend the meeting for which they have prepared.

Statutory/Other Authority: ORS 182.460, ORS 687.121, ORS 678.140, HB 2992, 2021 Legislative Session, ORS 292.495

Statutes/Other Implemented: ORS ~~182.460, 687.121~~ 687.121, ORS 182.460, ORS 678.140

RULE SUMMARY: The proposed amendments will locate and replace all agency rules with the terminology contact and noncontact hours with supervised and unsupervised hours. The proposed regulations will reestablish definitions for the new terminology supervised and unsupervised hours in Division 001.

CHANGES TO RULE:

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 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 Higher Education Coordinating Commission; ¶¶
 - (c) By an accredited College or University; or ¶¶
 - (d) 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. ¶¶~~
- (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. ¶¶

(2019) "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. ¶

(210) "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; ¶

(221) Equivalent Credit Hours: are those credit hours as determined by the respective educational institution or its certified classes or programs ¶

(232) Good moral character means ¶

(a) An applicant has not ever before the date of application, been convicted of a felony or an offense involving moral ¶
turpitude or prostitution, solicitation, required to be a registered sex offender and other similar offense which has a ¶
reasonable relationship to the practice of massage; ¶

(b) Has not ever before the date of application, been convicted of an act involving dishonest, fraud misrepresentation, ¶
gross negligence or incompetence or is not currently incarcerated or on community supervision after a period of ¶
incarceration in a local, state or federal penal institution for such an act; ¶

(c) Has not ever before the date of application, had a professional license revoked or suspended by this state, a political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily surrendered a professional license in lieu of disciplinary action; ¶

(d) Has not ever before the date of the application, had a massage therapy license revoked or suspended by any state or national massage certifying agency. ¶

(243) "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. ¶

(254) "Indorsement" means 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 ¶

(265) "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. ¶

(276) "Licensee" means any person holding a license, permit, or certificate issued by this Board; an LMT ¶

(287) "LMT" means a Licensed Massage Therapist. ¶

(298) "Massage" or "massage therapy" is defined in ORS 687.011. ¶

~~(30) "Non-Contact hours" means education hours independently acquired outside the presence of an instructor. ¶~~

~~(31)~~ (29) "Offer" means a response to a request for price quote or response to a Solicitation Document. ¶

(320) "Offeror" means a Person who submits an Offer. ¶

(331) Professional fitness means ¶

(a) An applicant has not ever before the date of application, been convicted of a felony or an offense involving moral ¶
turpitude or prostitution, solicitation, required to be a registered sex offender and other similar offense which has a ¶
reasonable relationship to the practice of massage; ¶

(b) Has not ever before the date of application, been convicted of an act involving dishonest, fraud misrepresentation, ¶
gross negligence or incompetence or is not currently incarcerated or on community supervision after a period of ¶
incarceration in a local, state or federal penal institution for such an act; ¶

(c) Has not ever before the date of application, had a professional license revoked or suspended by this state, a ¶
political subdivision of this state, or a regulatory board in another jurisdiction in the United States, or voluntarily ¶
surrendered a professional license in lieu of disciplinary action; ¶

(d) Has not ever before the date of the application, had a massage therapy license revoked or suspended by any state ¶
or national massage certifying agency. ¶

(342) "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. ¶

(353) "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. ¶

(364) "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. ¶

(375) "Practice of massage" is defined in ORS 687.011. ¶

(386) "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. ¶

(397) "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. ¶

(4038) "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. ¶

(4139) "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. ¶

(420) "Solicitation Document" means an Invitation to Bid, Request for Proposal or other document issued to invite Offers from prospective Contractors. ¶

(431) "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. ¶

(442) "Split Fee" means giving or receiving a commission or payment, either monetary or otherwise, for the referral of patients. ¶

(453) "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. ¶

(44) "Supervised hours" means actual hours in class under the instruction of and in the physical presence of an instructor; or an interactive distance learning course.¶

(45) "Unsupervised hours" means education hours independently acquired outside the ¶ presence of an instructor. ¶

(46) "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.

Statutory/Other Authority: ORS 687.011, ORS 687.121

Statutes/Other Implemented: ORS 687.011

AMEND: 334-010-0009

RULE SUMMARY: Amend verbiage to reflect the terminology contact/noncontact to supervised and unsupervised changes.

CHANGES TO RULE:

334-010-0009

Credentialing Review ¶¶

(1) The Board may grant a license to applicants who are or have legally practiced massage and/or bodywork for a minimum of the previous 3 years after successful completion of the jurisprudence examinations, the written examination and upon a credentialing review.¶¶

(a) Credentialing review must be submitted on the approved Board of Massage forms (Credentialing Review), submitted with official transcripts and/or certificates as proof of completion.¶¶

(b)(A) Of the 200 Anatomy & Physiology, Pathology and Kinesiology hours required, 120 hours minimum must be from certified class instruction. Of the 200 hours required, up to 80 ~~contacts~~supervised hours of prior continuing education in subject areas may apply. Official Transcripts or Certificates of Completion must be documented on the approved Board of Massage form: Credentialing Review.¶¶

(B) Of the 300 Massage Theory and Practical Application, Clinical Practice, Business Development, Communication and Ethics, and Sanitation hours required, 140 hours minimum must be from certified class instruction. Of the 300 hours required up to 120 ~~contacts~~supervised hours of prior continuing education in subject areas may apply. Of the 300 hours required, up to 40 hours of practical work experience may apply.¶¶

(C) The additional 125 hours can be in Anatomy & Physiology, Pathology, Kinesiology, Massage or Bodywork Theory and Practical Application, Clinical Practice, Business Development, Communication, Ethics, Sanitation or Hydrotherapy. Of the 125 hours required, up to 75 ~~contacts~~supervised hours of prior continuing education in subject areas may apply.¶¶

(2) Credentialing Review applications must be accompanied by:¶¶

(a) Current Credentialing Review fee and¶¶

(b) Any additional documentation required by the Board.

Statutory/Other Authority: ORS 687

Statutes/Other Implemented: ORS 687.031

AMEND: 334-010-0015

RULE SUMMARY: Amend rules to reflect changes to the terminology contact/noncontact to supervised and unsupervised.

CHANGES TO RULE:

334-010-0015

Licensure ¶

- (1) An applicant for licensure 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 electronic fingerprint for a criminal background check. ¶
- (3) All applications for licensure must be accompanied by proof of current cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration date. ¶
- (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, in the state of Oregon or other jurisdictions 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 have passed a written examination approved by the board unless the applicant is applying through Health Indorsement in which the applicant must have passed a practical examination. ¶
- (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 cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration date; ¶¶
- (d) Proof of 25 hours of continuing education as required in OAR 334-010-0050(42); ¶
- (e) All licensees must take and submit proof of completing the 1 hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), at least once, by a licensee's next required continuing education reporting; and ¶
- (f) 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 must be accompanied by: ¶
 - (a) Current licensing fee; ¶
 - (b) Verification of current cardiopulmonary resuscitation (CPR) certification from the American Heart

Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration date. ¶

¶
(c) Verification of 25 hours of continuing education for each biennium the license was inactive. Of the 25 hours, at least ~~15~~⁸ must be ~~contact~~^{contact}~~supervised~~ hours of continuing education training or Board approved activities. At least 4 ~~contact~~^{contact}~~supervised~~ hours must be in Professional Ethics, Boundaries and/or Communication. The remaining ~~10~~⁷ of 25 hours may be ~~contact or noncontact~~^{contact or noncontact}~~supervised or unsupervised~~ hours. At least 1 hour must be in Cultural Competency as per ORS 413.450; Cultural Competency continuing education approved by the Oregon Health Authority, will be accepted for meeting the cultural competency requirement. ¶

(d) Verification of 50 hours of continuing education for the reactivation of inactive license more than 1 biennium must be submitted to the Board. Of the 50 hours, at least ~~30~~¹⁶ must be ~~contact~~^{contact}~~supervised~~ hours of continuing education training or Board approved activities. At least 8 ~~contact~~^{contact}~~supervised~~ hours must be in Professional Ethics, Boundaries and/or Communication. The remaining ~~20~~³⁴ of 50 hours may be ~~contact or noncontact~~^{contact or noncontact}~~supervised or unsupervised~~ hours. At least 1 hour must be in Cultural Competency as per ORS 413.450; Cultural Competency continuing education approved by the Oregon Health Authority, will be accepted for meeting the cultural competency requirement; and ¶

(e) Completed electronic fingerprints for criminal background check.

Statutory/Other Authority: ORS 687.121, 687.051

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-010-0017

RULE SUMMARY: Amend rules language to reflect changes to the terminology contact/noncontact to supervised/unsupervised.

CHANGES TO RULE:

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 less than 24 months 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) Late fee payment; ¶¶
- (c) Proof of 25 hours of continuing education; ¶¶
- (d) Verification of 4 ~~contacts~~^{supervised} hours in Professional Ethics, Boundaries and/or Communication. ¶¶
- (e) Proof of current ~~certification in in~~ cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Provider ~~cardiopulmonary resuscitation (CPR). The CPR certification card must be received by the CPR provider and~~ Course or its equivalent. The CPR certification card must include the an expiration date of the CPR certification; and ¶¶
- (f) Complete and submit a completed electronic fingerprint for criminal background check. ¶¶
- (4) An applicant whose license is lapsed for more than 24 months and less than 36 months 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 for the previous period of the lapsed license; ¶¶
- (c) Late fee payment; ¶¶
- (d) Proof of 50 hours of continuing education; ¶¶
- (e) Verification of 8 ~~contacts~~^{supervised} hours in Professional Ethics, Boundaries and/or Communication. ¶¶
- (f) Proof of current ~~certification in~~ cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration (CPR) date; and ¶¶
- (g) Complete and submit a completed electronic fingerprint for criminal background check. ¶¶
- (5) An applicant whose license is lapsed for 36 months or more, must meet all of the current initial license requirements listed in OAR 334-010-0005 (4) (a-d) to reactivate to active status; and include 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 ~~each biennium the license was lapsed and for the current licensing period but not to exceed, a maximum of two renewal periods, for any~~ the periods of the lapsed license; ¶¶
- (c) Late fee payment; ¶¶
- (d) Proof of 50 hours of continuing education; ¶¶
- (e) Verification of 8 ~~contacts~~^{supervised} hours in Professional Ethics, Boundaries and/or Communication. ¶¶
- (f) Proof of current ~~certification in~~ cardiopulmonary resuscitation (CPR) certification from the American Heart Association's Basic Life Support (BLS) Healthcare Providers Course or its equivalent. The CPR certification card must include an expiration (CPR) date; and ¶¶
- (g) Complete and submit a completed electronic fingerprint for criminal background check. ¶¶
- (6) An applicant whose license is lapsed for 12 months or less may renew as an inactive status; a license that is lapsed for 12 months or more is prohibited from renewing as an inactive status ¶¶
- (7) ~~All information required for restoring a lapsed license to an active status must be received within 3 years of the date of lapsing along with the requirements listed in OAR 334-010-0017(3)(a-h). ¶¶~~
- (8) Continuing Education is not required if this is your first subsequent renewal after receipt of your initial license.
- Statutory/Other Authority: ORS 183, 687.121, 182.456 - 182.472
- Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-010-0028

RULE SUMMARY: Amend rules language to reflect changes to the terminology contact/noncontact to supervised/unsupervised.

CHANGES TO RULE:

334-010-0028

Breast Massage ¶

(1) Prior to performing breast massage to treat certain medical conditions, a LMT must:¶

(a) ~~B~~be able to present evidence of the completion of specialized ~~contact~~supervised hours as training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, expected outcomes, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to breast massage;¶

(b) ~~B~~be able to articulate a therapeutic rationale which is acknowledged by the client; rationale may include a medical prescription and/or permission to consult with the clients health care provider(s).¶

(c) ~~A~~acquire prior written and verbal consent before proceeding; the written consent must include clients' option to accept or decline to provide a witness, in addition to the client and LMT.¶

(2) While performing these procedures a LMT must use appropriate draping techniques at all times. Any temporary exposure of the breast area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the breast area must be covered again.¶

(3) Additional prior written consent and the actual presence of a parent or legal guardian is required when treating individuals under 18 years of age.

Statutory/Other Authority: ORS 687

Statutes/Other Implemented: ORS 687.121

AMEND: 334-010-0029

RULE SUMMARY: Amend rules language to reflect changes to the terminology contact/noncontact to supervised/unsupervised.

CHANGES TO RULE:

334-010-0029

Internal Cavity ¶¶

- (1) All Internal Cavities massage must be performed utilizing universal precautions for communicable disease control. ¶¶
- (2) Internal Cavities consist of nasal cavities, oral cavities, auricular cavities, anal cavities, and vaginal cavities. ¶¶
- (3) Internal cavity massage that must be performed using gloves: ¶¶
 - (a) Anal cavities and ¶¶
 - (b) Vaginal cavities. ¶¶
- (4) Internal cavity massage that must be performed using gloves or finger cots: ¶¶
 - (a) Nasal cavities and ¶¶
 - (b) Oral cavities. ¶¶
- (5) Prior to performing these special procedures, an LMT must: ¶¶
 - (a) ~~B~~be able to present evidence of the completion of specialized ~~contact~~supervised hours as training beyond the minimum competencies, which includes but is not limited to, indications, contraindications, therapeutic treatment techniques, expected outcomes, client safety, client consent, client communication, draping techniques, sanitation, and ethical responsibilities related to internal cavity massage; ¶¶
 - (b) ~~B~~be able to articulate a therapeutic rationale which is acknowledged by the client; rationale may include a medical prescription and/or permission to consult with the clients health care provider(s); ¶¶
- (6) Prior to performing internal cavity massage a LMT must obtain written and verbal consent before proceeding, written consent must include clients' option to accept or decline to provide a witness in addition to the client and LMT. ¶¶
- (7) While performing these procedures a LMT must use appropriate draping techniques at all times. Any temporary exposure of the genital area for the purposes of treatment is acceptable only in respect to appropriate procedures for that treatment. Immediately following treatment of the area, the genital area must be covered again. ¶¶
- (8) Under no circumstances will intravaginal or intra-anal techniques be performed on individuals under 18 years of age.

Statutory/Other Authority: ORS 687

Statutes/Other Implemented: ORS 687.121

AMEND: 334-010-0050

RULE SUMMARY: Amend to clarify continuing education rule language and requirement to be in concert with current times. The proposed rules reduce the minimum requirement for in-person continuing education from 15 to 8 hours, end the use of excess/rollover continuing education hours for subsequent renewal, and clarify continuing education requirements for first-time license renewal.

CHANGES TO RULE:

334-010-0050

Continuing Education ¶¶

~~(1) The intent of Continuing Education is to protect the public by maintaining knowledge and skill continued competency in the knowledge, skills, and abilities of massage and/or bodywork. Each licensee must complete 25 hours of continuing education each renewal period. Continued competence is the ongoing ability of a licensee to integrate and apply the knowledge, skills, judgment and personal attributes required to practice safely and ethically.¶¶~~

~~(a) Each licensee must complete 25 hours of continuing education each renewal period.¶¶~~

~~(b) Of the 25 hours, at least 4 must be in either Professional Ethics, Boundaries, or Communication. These hours must be obtained by participation in supervised learning as defined in 334-010-0050 (3)(a).¶¶~~

~~(c) Of the 25 hours, at least 1 must be in Cultural Competency.¶¶~~

~~(d) Of the 25 hours, at least once by a licensee's next required continuing education reporting, 1 must be in Pain Management as provided by the Oregon Pain Management Commission (OPMC). This module may be repeated and will apply to continuing education hours. ¶¶~~

~~(e) Each licensee must hold a current Basic Life Support (BLS) card.¶¶~~

~~¶¶~~
~~(2) The continuing education hours must be from the following topics and within the scope of the license:¶¶~~

~~(a) Massage and bodywork techniques;¶¶~~

~~(b) Use of thermal modalities, topical preparations, mechanical assistive devices/appliances;¶¶~~

~~(c) Stretching and gymnastics that lengthen and shorten over-the-counter massage tools; ¶¶~~

~~(c) Active and passive range of motion and stretching techniques;¶¶~~

~~(d) Assessment of client's soft tissues;¶¶~~

~~(d) P, posture, and movement assessment; patterns; ¶¶~~

~~(e) Massage and bodywork business practices;¶¶~~

~~(f) Massage and bodywork instructor training¶¶~~

~~(g) Anatomy and physiology of the human body;¶¶~~

~~(gh) Kinesiology of the human body;¶¶~~

~~(hi) Pathology of the human body;¶¶~~

~~(ij) Professional Ethics, Boundaries or Communication;¶¶~~

~~(jk) Cultural competency as defined in ORS 413.45;¶¶~~

~~(kl) Body mechanics;¶¶~~

~~(lm) Somatic education;¶¶~~

~~(mn) CPR/First Aid Basic Life Support (BLS); or¶¶~~

~~(no) Pain Management¶¶~~

~~(A) At renewal time, each licensee must sign and submit a Board-supplied CE form indicating they have completed 25 hours as provided by the Oregon Pain Management commission (OPMC)¶¶~~

~~(3) The methods of continuing education. The Board may require proof of CE hours.¶¶~~

~~(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 of 25 hours may be contact or noncontact hours.¶¶~~

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

~~(a) Attendance of courses, seminars, and workshops sponsored or certified the topics listed in OAR 334-010-0050~~

~~(2) for continuing education shall include:¶¶~~

~~(a) Participation in instructor supervised, formal learning courses, seminars, workshops (formerly "contact hours"). A minimum of 8 hours of the required 25 hours must be from this method. ¶¶~~

~~(A) These shall be provided by:¶¶~~

~~i. a licensed or accredited massage and bodywork training program;¶¶~~

~~(b) Attendance of courses or activities for continuing education offered by ii. a provider recognized by a massage and bodywork professional organization;¶¶~~

- (c) Attendance of courses provided by iii. an accredited institution of higher education if topics are listed in OAR 334-010-0050(1)(a-m).
- (d) Attendance of courses, seminars, and workshops that meets the content requirement of OAR 334-010-0050(1)(a-m).
- (e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(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 Oreg;
- iv. a licensed healthcare provider, including an LMT or equivalent license;
- v. an American Heart Association (AHA) or OSHA compliant CPR provider.
- (B) These may be delivered in person or by virtual learning. Virtual learning method is one in which there is an instructor available to directly answer questions from course participants or interact with them through various formats such as electronic discussion Board of Massage Therapists board meeting, board committees, email, social media groups, or other meeting, board task force or serving on thhods of direct communication.
- (C) These must have a syllabus that includese 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.
- (d) All licensees must take and submit proof of completing the one (1) hour online Pain management module, provided by the Oregon Pain Management Commission (OPMC), at least once, by a licensee's next required continuing education report
- petencies covered and methods of assessment.
- (b) Participation in unsupervised, informal learning presentations, webinars, seminars, meetings. A maximum of 17 hours of the required 25 hours may be from this method.
- (A) These shall be provided by:
- i. a licensed or accredited massage and bodywork training program;
- ii. a provider recognized by a massage and bodywork professional organization;
- iii. an accredited institution of higher education;
- iv. a licensed healthcare provider, including an LMT or equivalent license;
- v. an American Heart Association (AHA) or (Occupational Safety & Health Administration (OHSA) compliant CPR provider;
- vi. OBMT Board or Committee meeting with a limit of 3 hours per renewal period. One hour will be given for each meeting.
- (B) These may be delivered in person or onlinge.
- (4) If the Continuing Education subject matter is not listed under OAR 334-010-0050(12) 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 the licensee will have 30 days to complete the audit form and submit copies (not originals) of their Continuing Education certificates.
- (b) If the licensee fails 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) Contact hours taken in Professional Ethics, Boundaries and/or Communication in excess of the four hour requirement may be carried over to the next subsequent renewal period.
- (b) First renewal CE are not required to be submitted at the time of renewal, CE taken during the first renewal period may be submitted wi, as determined by the class' completion date.
- (7) The continuing education requirement does not apply to a licensee's first license renewal. Continuing Education taken during the first renewal period must be submitted during the first renewal and all hours will carry over to the second renewal. period only.
- (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 shall be taken. 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.¶

(11) During a Governor of Oregon declared State of Emergency:¶

(a) Continuing education hours may be reduced from the current required hours to no fewer than the statutorily required hours as per ORS 687.051.¶

(b) The Board or their designee may authorize alternative methods of obtaining required continuing education hours through ~~contact or noncontact~~ supervised and unsupervised hours. The subject matter of the continuing education hours must meet the requirements set forth in OAR 334-010-0050 (42) continuing education rules.¶

(c) The Board or their designee may utilize a period of up to one year to phase any adjusted rules back to normal requirements.¶

~~(d)~~ This rule does not apply to the cultural competency continuing education subject matter requirements pursuant to ORS 676.850.

Statutory/Other Authority: ORS 687.081, 687.121, 687.122

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-020-0005

RULE SUMMARY: Amend to modify rule language for clarity.

CHANGES TO RULE:

334-020-0005

Facilities and Sanitation ¶¶

(1) Permanent and Mobile structures: ¶¶

(a) All permanent structures and mobile facilities where a LMT routinely conducts massage and bodywork ~~the practice of massage and bodywork is routinely conducted~~ must: ¶¶

(A) Be established and maintained in accordance with all local, state and federal laws, rules & regulations; ¶¶

(B) Obtain a facility permit to operate; ¶¶

(i) Notify the Board office in writing; ¶¶

(a) Of any change of the permitted Facility's name, business location, operation status, ownership, email or mailing address within 30 days of change. ¶¶

(b) A Facility Permit Transfer Application must be submitted and approved by the Board prior to the Facility providing of massage therapy services under new ownership, under a new business or assumed business name. ¶¶

(ii) A permitted Facility must display its permit in a location clearly visible to anyone entering the facility; ¶¶

(iii) A permitted Facility must display original licenses of its LMT employee(s) in a location inside the premises, clearly visible to the general public. ¶¶

(iv) A permitted Facility is required to include its permit number in all massage therapy advertisements, including but not limited to: written, electronic, televised and audio advertisements, service menus, business cards, flyers, websites, and other means of promotion of the permitted Facility. ¶¶

(C) Facilities exempted from the permit process: ¶¶

(i) Clinic or facility owned or operated by a person authorized to practice a profession ¶¶

by a health professional regulatory board, as defined in ORS 676.160; ¶¶

(ii) A career school licensed under ORS 345.010 to 345.450; and ¶¶

(iii) Clinics of a board approved massage therapy program. ¶¶

(D) Provide a finished lavatory that ¶¶

(i) Is well maintained, ¶¶

(ii) Provides a system for sanitary disposal of waste products, ¶¶

(iii) Is capable of being fully closed and locked from the inside, ¶¶

(iv) Supplies hot and cold running water, ¶¶

(v) Is supplied with liquid soap and single use towels, ¶¶

(vi) Is supplied with toilet paper at each toilet; ¶¶

(E) Dispose of refuse sewage in a manner described by local and state law; and ¶¶

(F) Follow applicable laws pertaining to public spas, pools, baths and showers. ¶¶

(b) All treatment spaces must: ¶¶

(A) Provide for client privacy, both in-house and on-site; ¶¶

(B) Be designated as used only for massage at the time of services; ¶¶

(C) Provide for sufficient heating, cooling and ventilation for client comfort; and ¶¶

(D) Provide illumination during cleaning. ¶¶

(c) The facility and treatment space must be: ¶¶

(A) Cleaned regularly and kept free of clutter, garbage or rubbish; ¶¶

(B) Maintained in a sanitary manner; and ¶¶

(C) Maintained free from flies, insects, rodents and all other types of pests. ¶¶

(2) Outcall/On-site ¶¶

Any temporary location where the LMT conducts massage and bodywork, the LMT must provide and utilize: ¶¶

(a) Safe, sanitized and well-maintained equipment, tools and preparations; ¶¶

(b) Sanitary linen practices; and ¶¶

(c) Client privacy practices.

Statutory/Other Authority: ORS 687.121

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-020-0055

RULE SUMMARY: Amend the rule to added verbiage defining healthcare providers as per OHA. Incorporate OHA rules requiring licensees to comply with OHA rules on masking and vaccination to control communicable diseases into OAR 334-020-0055.

CHANGES TO RULE:

334-020-0055

Communicable Disease Control ¶

- (1) All therapists must always practice communicable disease prevention and control. ¶
- (2) LMT's are required to follow the communicable disease guidelines as adopted by the Board. ¶
- (3) The Oregon Health Authority (OHA) has adopted certain rules to control the communicable disease COVID-19. Unprofessional conduct pursuant to OAR 334-040-0010 (17), (22) and 25 (C)(f) includes failing to comply with any applicable provision of an OHA COVID-19-related rule or any provision of this rule. ¶
- (4) Failing to comply as described in subsection (1) includes, but is not limited to:¶
 - (a) Failing to comply with OHA's rules requiring masks, face coverings or face shields, including ¶
[OAR 333-019-1011(healthcare), if applicable:¶
 - (b) Failing to comply with OHA's rules requiring vaccinations, including OAR 333-019-1010 ¶
(healthcare), if applicable. Note, a Healthcare setting is defined as "any place where health care, including physical or behavioral health care is delivered and includes, but is not limited to any health care facility or agency licensed under ORS chapter 441 or 443, such as hospitals, ambulatory surgical centers, birthing centers, special inpatient care facilities, long-term acute care facilities, inpatient rehabilitation facilities, inpatient hospice facilities, nursing facilities, assisted living facilities, residential facilities, residential behavioral health facilities, adult foster homes, group homes, pharmacies, hospice, vehicles or temporary sites where health care is delivered (for example, mobile clinics, ambulances), and outpatient facilities, such as dialysis centers, health care provider offices, behavioral health care offices, urgent care centers, counseling offices, offices that provide complementary and alternative medicine such as acupuncture, homeopathy, naturopathy, chiropractic and osteopathic medicine, and other specialty centers." Or; ¶
 - (c) See definition of healthcare setting in OAR 333-019-1010.¶
- (5) No disciplinary action or penalty action shall be taken under this rule if the rule alleged to have been violated is not in effect at the time of the alleged violation.¶
- (6) Civil penalties for violating this rule include: Imposition of discipline for violating this rule includes: \$500 civil penalty. Any such civil penalties or discipline shall be imposed in accordance with ORS Ch. 183.

Statutory/Other Authority: ORS 687.121

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

AMEND: 334-040-0010

RULE SUMMARY: Amend the rule to add language for clarity and allow the board to require information during an interview as needed to make disciplinary decisions.

CHANGES TO RULE:

334-040-0010

Discipline ¶¶

The Board may deny, conditionally grant, restrict, suspend or revoke a license or permit, impose probation, reprimand, and censure, impose remedial education or corrective actions, and/or impose a civil penalty for any of the following reasons: ¶¶

- (1) Practicing massage or representing one's self as a massage therapist without a current active license issued by the Board; ¶¶
- (2) Knowingly or recklessly making any false statement to the Board; ¶¶
- (3) Has been the subject of disciplinary action as a licensed healthcare professional by this or any other state or territory of the United States or by a foreign country and the Board determines that the cause of the disciplinary action would be a violation under ORS 687.011 to 687.250, 687.895 and 687.991 or OAR Chapter 334; ¶¶
- (4) Suspension or revocation of a license to practice massage in another jurisdiction based upon acts by the licensee similar to acts described in this section; ¶¶
- (5) Knowingly or recklessly falsifying an application or continuing education statement or documentation; ¶¶
- (6) Conviction of a crime in any state or jurisdiction; ¶¶
- (7) The use of false, deceptive, or misleading advertising, which includes but is not limited to, advertising massage using the term "massage" or any other term that implies a massage technique or method in any private or public communication or publication by a person licensed or not licensed by the Board as a massage therapist; ¶¶
- (8) Allowing the use of a license by an unlicensed person; ¶¶
- (9) Presenting as one's own license, the license of another; ¶¶
- (10) Practicing massage under a false or assumed name; ¶¶
- (11) Impersonating another massage therapist; ¶¶
- (12) Assisting, employing, or permitting an unlicensed person to practice massage; ¶¶
- (13) Practicing or purporting to practice massage when the license has been revoked or suspended, lapsed or inactive; ¶¶
- (14) Practicing or offering to practice massage beyond the scope permitted by law; ¶¶
- (15) The use of intoxicants, drugs, controlled substances, or mind altering substances to such an extent as to impair or potentially impair the licensee's abilities to perform professional duties in a safe manner; ¶¶
- (16) Practicing massage with a physical or mental impairment that renders the therapist unable or potentially unable to safely conduct the practice of massage; ¶¶
- (17) Failing to keep the equipment and premises of the massage establishment in a clean and sanitary condition as required by rules of the Board; ¶¶
- (18) Refusing to permit the Board or its representatives to inspect the business premises of the licensee during regular business hours; ¶¶
- (19) Failing to cooperate with the Board in any licensing action or disciplinary proceeding, including but not limited to: ¶¶
 - (a) Failure to furnish any requested papers or documents, ¶¶
 - (b) Failure to provide in writing a full and complete explanation covering the matter contained in the complaint filed with the Board, ¶¶
 - (c) Failure to respond to subpoenas issued by the Board whether or not the recipient is accused in the proceeding; ¶¶
 - (d) Failure to participate in an interview during a Board investigation, either at the time of the investigation or failing to schedule an interview within a reasonable period of time when requested as part of a Board investigation. ¶¶
 - (e) Failing to respond or directly answer questions asked during an interview or investigation, or failure to verbally provide information reasonably known at the time of the interview or investigation. ¶¶
- (20) Failing to comply with an order issued by the Board; ¶¶
- (21) Failure to obtain the required permits for facilities or in violation of OAR 334-0420-00405 (1)(a)(B). ¶¶
- (22) Failure to report to the Board information that a licensee has engaged in prohibited or unprofessional conduct as required in ORS 676.150. ¶¶
- (23) Misrepresentation or fraud in any aspect of the profession, including but not limited to charging for unnecessary services, charging for services not provided, failing to provide services that are paid in full, or failure

to comply with Oregon insurance billing laws and rules.¶

(24) Splitting fees or giving or receiving a commission in the referral of patients for services.¶

(25) Unprofessional or dishonorable conduct which includes but is not limited to: ¶

(a) Any conduct involving inappropriate physical contact or sexual misconduct which includes: ¶

(A) Sexual abuse which is conduct which constitutes a violation of any provision of ORS 163.305 through 163.465; ¶

(B) Sexual violation which is sex between the LMT and the client, whether initiated by the client or not, engaging in any conduct with a client that is sexual, or may be reasonably interpreted as sexual, including, but not limited to: ¶

(i) Sexual intercourse; ¶

(ii) Genital to genital contact; ¶

(iii) Oral to genital contact; oral to anal contact; ¶

(iv) Oral to oral contact except cardiopulmonary resuscitation; ¶

(v) touching breasts or genitals or any sexualized body part for any purpose other than appropriate examination or treatment or where the client has refused or withdrawn consent; or ¶

(vi) Encouraging the client to masturbate in the presence of the LMT or masturbation by the LMT while the client is present. ¶

(C) Sexual impropriety which is any behavior, gestures, or expressions that are seductive or sexually demeaning to a client; inappropriate procedures, including, but not limited to, ¶

(i) Disrobing or draping practices that reflect a lack of respect for the client's privacy, deliberately watching a client dress or undress instead of providing privacy for disrobing; ¶

(ii) Subjecting a client to an examination in the presence of students, assistants, or other parties without the explicit consent of the client or when consent has been withdrawn; ¶

(iii) An examination or touching of genitals; ¶

(iv) Inappropriate comments about or to the client, including but not limited to, making sexual comments about a client's body or clothing, making sexualized or sexually-demeaning comments to a client, comments on the client's or LMT's sexual orientation and making a request to date; ¶

(v) Initiation by the LMT of conversation regarding the sexual problems, preferences or fantasies of the LMT; or ¶

(vi) Kissing. ¶

(b) Violating the client's rights of privacy, and confidentiality. ¶

(c) photographing or filming the body or any body part or pose of a client without consent. ¶

(d) Failing to disclose or releasing information about a client if required by law or on written consent of client ¶

(e) Intentionally harassing, abusing, or intimidating a client either physically or verbally. ¶

(f) Any conduct or practice which could endanger the health or safety of a client or the public. ¶

(g) Any conduct or practice that falls below the standard of minimal competence within the profession that results in unacceptable risk of harm to the client; regardless of whether injury occurs.¶

(h) Any conduct or practice which impairs the massage therapist's ability to safely and skillfully practice massage. ¶

(i) Employing illegal or unethical business practices including but not limited to;¶

(A) Fraud, deceit or misrepresentation in obtaining or attempting to obtain any fee or third party reimbursement for services.¶

(B) Taking advantage of a relationship with a client for the licensee's personal advantage, including obtaining a benefit that is a personal, sexual, romantic or financial. This includes the promotion or sale of services, goods, or appliances in such a manner as to exploit the client for the financial gain or self-gratification of the massage therapist.¶

(C) A Licensee shall bill clients or third parties for only those services actually rendered or as agreed to by mutual understanding at the beginning of services or as later modified by mutual agreement. A Licensee must either honor a gift certificate or pre-paid package or provide a full refund of unused services. A Licensee must comply with ORS 646A.276.

Statutory/Other Authority: ORS 687.081, 687.121

Statutes/Other Implemented: ORS 687.011, 687.051, 687.057, 687.061, 687.081, 687.086, 687.121

Appendix 1,
Proposed Rules Hearing Public Comments

From: [Anna Burnett](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Proposed vaccination requirements
Date: Friday, February 11, 2022 9:10:05 AM

Dear message board,

I am writing to express grave concern over the proposed vaccination requirement for licensed massage therapists in Oregon.

From my friend group, I have witnessed multiple deaths in the days following the administration of a Covid-19 vaccination or booster shot. From within my own clientele, I have witnessed an increase in neurological symptoms among vaccinated clients. [Please listen to these expert testimonies](#) made last month to Senator Johnson, ranking member of the Permanent Subcommittee on Investigations, about vaccine adverse effects from military data sets. The summary letter from Sen. Johnson, [containing a list of percentage increases in diseases during 2021](#), can be found here. Any substance that causes this much harm cannot be in the best interest of public health.

At this point, any LMT desiring to be vaccinated has had ample time and access to do so. There has been and will continue to be no lack of opportunity. I vote we leave it at that.

Coercion to inject a substance into my body against my will and at the threat of the loss of my profession is a violation of what we stand for as health care support professionals: do no harm. When a public health policy produces bodily harm, physiological distress, and economic devastation, it does not meet the criteria for community wellness. If you require vaccination for licensure, you become part of a system of abuse and control that is already failing to protect public health and well-being.

The campaigns to get Oregon vaccinated are already being handled by agencies other than our message board. I implore you: do not also now make a decision that threatens my license, my passion, and my livelihood. The loss my beloved career is not something I could bear as a single mother of four children. Please hear me and protect me.

Yours,
Anna Burnett
Corvallis, Oregon
LMT #22623

From: [Nadya Cam](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: questions about upcoming hearing and vaccination requirements
Date: Wednesday, March 2, 2022 3:09:17 PM

Hello there,

I am hoping that somebody can call me and answer some of my questions and concerns regarding the new rules that our Massage Board wants to rule in. Here are some key points I'd like to ask/discuss:

- who does the new rule for masking and vaccination pertain to specifically? Just new licensees or new and old?
- What about practitioners that have a religious exemption?
- What about practitioners that have had natural immunity (studies show all people can be carriers and those not vaccinated have even a greater immunity from natural immunity)
- Just to confirm, this is a recommendation of the Oregon Health Authority and no state or federal law is actually requiring this as an actual law (it was a recommendation and a mandate, not passed by congress) correct?
- what can practitioners do and clients/patients to protect themselves and their choice to do what's right for their body if the Oregon Board of Massage therapist is not doing that?
- Has the OBMT considered the roots of massage therapy and its history? The fact that it predates medicine and has always been about respect to people's bodies and not forcing the practitioner to disregard their own ethics for something that is still not understood (covid and its long-term effects of the vaccinations).
- Has the board taken into account the tens of thousands of ethnic groups that have not been vaccinated in the state of Oregon and that a large percentage of those people have licensed Massage therapists that will more than likely work without a license so it doesn't go against their moral or religious belief?
- lastly, are we allowed to speak at the upcoming board meeting on March 15th? Can anyone be heard by the board (practitioners and citizens of our communities?)

Thank you for hearing me on this point and I ask with great respect that someone please connect back with me so that we can work together as a community.

--

Nadia Cam, LMT
phone: 503-951-3783
email: nctherapeutics@gmail.com

From: [Regina Chante](#)
To: [UDOENATA Ekaette * OBMT](#)
Subject: Re: March 15, 2022 Proposed Admin Rules Hearing
Date: Thursday, February 10, 2022 6:41:02 PM

I am responding to the email I received from OBMT today regarding the topics to be discussed at the upcoming Board meeting. While I cannot attend due to work I am obliged to share my thoughts on the matter of following *OHA's temporary Administrative Order* which would require LMTs working in a "healthcare setting" to be vaccinated or test weekly to prove (-) cv status.

The issues I have with applying this rule to LMTs are as follows:

- 1) LMT's still have the right to claim 'medical or religious exemption' in the State of Oregon; that is their legal and ethical right. This is not being mentioned by OHA or the latest OBMT email.
- 2) The vaccinated are just as likely to pass covid on to patients as the un-vax'd, per the data coming in. Requiring only the un-vax'd to test weekly may result in legal action being taken against OBMT and OHA on the grounds of discrimination.
- 3) The CV tests are not fail-proof. For example, NPR's article in 2020:
<https://www.npr.org/2020/11/06/929078678/cdc-report-officials-knew-coronavirus-test-was-flawed-but-released-it-anyway>

LMT's, such as myself, who have been working for the last two years in a medical setting with no history of contracting nor transmitting CV should have their medical freedom and choices respected. OHA is, in my opinion, overstepping their boundaries and I strongly feel OBMT needs to reconsider their position on accepting *OHA's temporary Administrative Order*.

Thank you for your time and consideration of my feedback in this matter.

Regina Chante

From: [Jennifer N Collard](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Proposed rules changes
Date: Monday, March 14, 2022 8:13:51 AM
Attachments: [image28.png](#)

Hi, my name is jennifer. I've been in practice for 13 years and have loved every bit of it. Being a massage therapist has been so rewarding. It's one of those professions that you get to actually help people. I feel blessed to be in this position to help take a little pain out of the world.

With that being said, I am utterly disgusted at the proposed rule- **Communicable Disease Control**. Given the pandemic, the proposed rule was amended to add verbiage defining healthcare providers per OHA. Incorporate OHA rules requiring licensees to comply with OHA rules on masking and vaccination to control communicable of diseases into OAR [334-020-0055](#)

First of all I'm not sure why we are listening to OHA. OHA does not actually have the authority at all. OHA has not followed the science throughout this entire "pandemic". Nor have they gotten a single thing right. This is overreach.

<https://oregoncatalyst.com/58232-health-agency-blocked-receiving-executive-office-power.html>

As health care practitioners we should want what's best for our clients health. Masking does NOT protect anyone from any "viruses". It offers only a false sense of security. We've all been aware of this for eons so I'm not sure why all of a sudden people are buying into this.

Studies show masks are very harmful to our health. As a massage therapist I'm trying to flood the muscles with oxygen which is counterproductive when making an individual wear a face covering. I also have the right to breath oxygen while I'm doing a very physical job. My health is also important.

<https://www.dailymail.co.uk/health/article-10565993/Cloth-masks-allow-90-particles-filter-giving-little-ability-prevent-Covid.html>





Enough about masks. Now about creating a rule that requires MT's to take an experimental shot for a "virus" that has a 99.9% recovery rate, much as the common flu. The experimental shot also does not stop one from getting sars-cov2 nor does it prevent the spread of the infection. What it does do is create a long list of side affects. One of them being death! I've already lost people close to me due to taking the experimental shot.

Here's Pfizer's side effect documents released:

<5.3.6-postmarketing-experience.pdf>

No one should be coerced into putting any into their body that they don't want to. My body, my choice! Especially something that is EXPERIMENTAL and that is causing so many ailments/death for those that have taken it.

The evidence is out there so there's no excuses for not being informed. We need to do our own research and use our critical thinking skills.

I've never before thought about stepping away from the Oregon board of massage but my ethics and good conscience no longer seem to align with this board.

Please do the right thing and get rid of these ridiculous rules once and for all.

Jennifer

From: [UDOSENATA Ekaette * OBMT](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: FW: [Obmtmeetingnotice] Oregon Board of Massage Therapists - January 31, 2022, Board Meeting Notice
Date: Friday, March 11, 2022 5:36:27 PM
Attachments: [image002.png](#)

From: Jon Dare <jon.dare@mbshc.org>
Sent: Friday, January 14, 2022 10:40 AM
To: UDOSENATA Ekaette * OBMT <Ekaette.UDOSENATA@obmt.oregon.gov>
Cc: obmtmeetingnotice@omls.oregon.gov
Subject: Re: [Obmtmeetingnotice] Oregon Board of Massage Therapists - January 31, 2022, Board Meeting Notice

Hi Ekaette,

I have been very sick slit lately and avoiding covid as much as possible. I'm just catching up on some reading here and this concerns me and was hoping you can address it on my behalf: (copied from meeting notes)

“Ruark stated that LMTs are considered health professionals in the State of Oregon. Ruark noted that the Board's issue with the vaccinations was that it had to be twofold to be required to get vaccinated. First, they had to be health professional regulatory board members or health professionals, which LMT are per statute. Secondly, they also had to practice in a health care setting. The way they defined the health care setting was not conducive to the profession as it was challenging trying to fit LMTs into the definition. So, the Board had to do a lot of research. Ruark noted that defining things comes more along the lines of what the Board considers LMTs scope of practice? What is the health care setting? Ruark stated that basically, that is the question the Board might have to come up with if the Board considers everything an LMT does is in a healthcare setting. That includes the LMT performing foot massage in the mall, performing massage at the State fair, things like that.”

We are not even accepted as part of CAM by most insurance companies. We literally ate laughed at by other healthcare industry workers. The State of WA therapists are treated with much more respect in the industry. Mr. Ruark hasn't got a clue what goes on in the real world of a massage therapist. This makes my blood boil that he skirted the real question. Even the pain management commission doesn't recognize us nor do they have a board position for a massage therapist. They told me we are considered public members. When are we going to actually receive the legal recognitions we deserve?

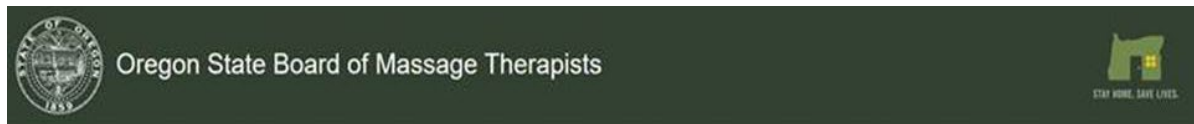
Also, I read about the racial inequity and am concerned that there is nothing for people with disabilities like myself. There are many inequities that we fall under but have no protections or support. Increased fees, etc can really make or break those of us with lower earning potential, along with the CE carry over going away. I know it doesn't affect me this year but it would in the future. It's much harder for me to afford the classes, let alone take them in person.

Thanks for reading/listening and I hope this makes its way to the meeting on my behalf.

Jon Dare 17071

Sent from my iPhone

On Jan 14, 2022, at 05:25, UDOSENATA Ekaette * OBMT <Ekaette.UDOSENATA@obmt.oregon.gov> wrote:



Hello,

Please visit the Board's Website <https://www.oregon.gov/obmt/Pages/board-meetings.aspx> or follow the links below to view the **Board Meeting Notice**, **Agenda** and the **November 15, 2021, Draft Meeting Minutes**:

Board Meeting:

The Oregon Board of Massage Therapists is scheduled to meet on January 31, 2022, at 9:00 a.m. for a Board meeting. The most current meeting information is also available at <https://www.oregon.gov/obmt/Pages/board-meetings.aspx>

Location: [Virtual Meetings via GoToMeeting](#) (see meeting access information below)

Date: January 31, 2022

Time: 9:00 a.m.

[January 31, 2022, Board Meeting Notice](#)

[January 31, 2022, Board Meeting Agenda](#)

[November 15, 2021, Draft Board Meeting Minutes](#)

[Call-in Information for the January 31, 2022, Board Meeting](#)

Please join the Board meeting from your computer, tablet, or smartphone.

<https://global.gotomeeting.com/join/597201469>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 597-201-469

BOARDerline Fall Edition 2021

Read up on some important changes the Board made in 2021 in this edition of the BOARDerline.

Some highlights in this Fall 2021 edition:

- Rule changes implemented in 2021
- Emailing Licenses and Renewal Reminder
- Correspondence with the Board
- 2021 FSMTB Annual Meeting Update
- Who Do I Contact For.....?
- Opportunity to serve on the Oregon Board of Massage Therapists

Thank you,

Ekaette Udosenata-Harruna

Operations & Policy Analyst; MPSA, OPBC, OPMA
Oregon Board of Massage Therapists

NEW ADDRESS

Effective March 1, 2021

610 Hawthorne Ave. SE, STE 220

Salem, OR 97301

Office: 5033658657 EXT:102

Cell: 503-559-6619

Oregon.gov/OBMT

ekaette.udosenata@state.or.us

"There are only two days in the year that nothing can be done. One is called yesterday, and the other is called tomorrow, so today is the right day to love, believe, do, and mostly live." Dalai Lama

Please note:

The Board's Office is closed to the general public until further notice due to the Governor's mandates and Executive Orders.

Staff is telecommuting to comply with this requirement. Please allow 2 – 3 business days for staff to review and reply to email correspondence.

Board phone hours are reduced to 8:00 a.m. – 4:00 p.m., Monday through Friday for urgent Board business and to make payments.

I appreciate your patience.



CONFIDENTIALITY NOTICE: The information and any attachments in this email may contain information that is privileged, confidential or otherwise exempt from disclosure under applicable law. If you are not the intended recipient, you are hereby notified that you are not authorized to retain, disclose, disseminate copy or distribute this message or its attachments. If you have received this message in error, please notify the sender immediately by email (obmt.info@state.or.us), and immediately delete this message and all attachments and any copies or backups thereof from your system. Thank you.

From: [Jacqueline Day](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Re: [Obmtmeetingnotice] Proposed Administrative Rules Hearing Notice - March 15, 2022
Date: Friday, February 11, 2022 12:02:19 PM
Attachments: [image003.png](#)

Hello Ekaette,

I am a licensed massage therapist and just saw a post on facebook stating that you told this person that the OHA regulations don't apply to the self-employed. This is confusing to me as I read the OHA definitions. We have physical contact with our clients and their linens after service whether we are employed by someone else or are self-employed. If we are providing a service that puts us in direct contact with clients, providing massage services for one's well being, would that not be a healthcare setting, no matter where we set up? I understand that this definition of health care personnel doesn't specifically list massage therapists, but wouldn't that fall under other specialty centers? Please don't take this as an attack. I am trying to gain clarity is all and wanted to share my thoughts prior to the meeting.

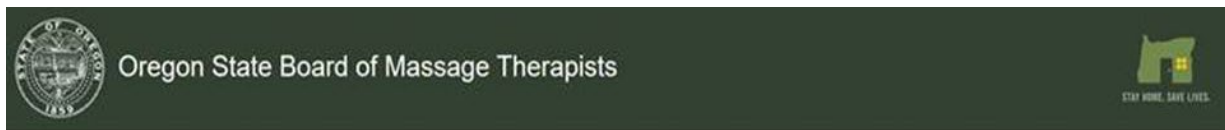
Thank you for your time!
Jacqueline Day, LMT-24906
503-779-6120

c) "Health care personnel":

(A) Means individuals, paid and unpaid working, learning, studying, assisting, observing, or volunteering in a health care setting providing direct patient or resident care or who have the potential for direct or indirect exposure to patients, residents, or infectious materials, and includes but is not limited to any individual licensed by a health regulatory board as that is defined in ORS 676.160, unlicensed caregivers, and any clerical, dietary, environmental services, laundry, security, engineering and facilities management, administrative, billing, student and volunteer personnel.

(B) Does not mean parents, guardians or foster parents providing care to their children or foster children in the home. (d) "Health care setting" means any place where health care, including physical, dental, or behavioral health care is delivered and includes, but is not limited to any health care facility or agency licensed under ORS chapter 441 or 443, such as hospitals, ambulatory surgical centers, birthing centers, special inpatient care facilities, long-term acute care facilities, inpatient rehabilitation facilities, inpatient hospice facilities, nursing facilities, assisted living facilities, and residential facilities, behavioral health residential facilities, home health care, hospice, pharmacies, in-home care, vehicles or temporary sites where health care is delivered or is related to the provision of health care (for example, mobile clinics, ambulances, non-emergency medical transport vehicles (NEMT), secure transportation, and street based medicine), outpatient facilities, such as dialysis centers, health care provider offices, dental offices, behavioral health care offices, urgent care centers, counseling offices, school-based health centers, offices that provide complementary and alternative medicine such as acupuncture, homeopathy, naturopathy, chiropractic and osteopathic medicine, and other specialty centers.

On Thu, Feb 10, 2022 at 3:02 PM UDOSENATA Ekaette * OBMT <Ekaette.UDOSENATA@obmt.oregon.gov> wrote:



Date: March 15, 2022

Time: 9:00 am

To: Oregon Board of Massage Therapists Interested Parties

From: Ekaette Udosenata-Harruna, Policy Analyst

Subject: Proposed Administrative Rules Hearing

The Oregon Board of Massage Therapists filed proposed administrative rules regarding With the passage of HB 2992, the rules on Board Member Stipend are amended to align with the Oregon legislative

current per diem of \$155 per day and add verbiage to clarify the performance of official duties. Definitions: Proposed

amendments will locate and replace all agency rules with the terminology contact and noncontact hours with

supervised and unsupervised hours. Amend verbiage to reflect the terminology contact/noncontact to supervised and

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Continuing Education: Amend to clarify continuing education rule language and requirement to be in concert with

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reduce the minimum requirement for in-person continuing education from 15 to 8 hours, end the use of excess/rollover

continuing education hours for subsequent renewal, and clarify continuing education requirements for first-time license renewal. Communicable Disease

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Amend to modify rule language for clarity. Discipline: Amend rule to add language for clarity and allow the Board to require information during an interview as needed to make disciplinary decisions.

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Meeting Notice:

Rules Hearing (**PROPOSED RULES CHANGES EFFECTIVE JULY, 1 2022**):

[March 15, 2022, Proposed Administrative Rules Hearing Notice: Oregon State Board of Massage Therapists : Proposed Rulemaking : State of Oregon](#)

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Please submit all comments to Ekaette Udosenata Harruna at:

E-mail – Ekaette.udosenata@obmt.oregon.gov

Postal – 610 Hawthorne Ave SE, STE 220, Salem, OR 97301

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For alternative formats, please contact Ekaette Udosenata Harruna at Ekaette.udosenata@obmt.oregon.gov.

Ekaette Udosenata-Harruna

Operations & Policy Analyst; OPBC, OPMA

Oregon Board of Massage Therapist

NEW ADDRESS

Effective March 1, 2021

610 Hawthorne Ave. SE, STE 220

Salem, OR 97301

Office: [5033658657](tel:5033658657) EXT:102

Cell: [503-559-6619](tel:503-559-6619)

Oregon.gov/OBMT

ekaette.udosenata@state.or.us

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From: [Christy Randall](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Ruling updates
Date: Saturday, February 26, 2022 10:17:56 PM

Hello,

I have been an LMT for almost 10 years now. I wanted to voice my concerns for these new potential policies. I do not agree with blending with OHA. I do believe that controlling communicable disease is important but I do not believe that OHA has the massage therapy fields best interest. I think we have one of the best boards in the state and I'm grateful for all that you guys do. But that's exactly why we have you, to look out for us and our best interest as a field. No one knows us better than you guys.

I have been proud to be a massage therapist for a very long time. I absolutely love what I do and I have the most amazing clients ever. With that being said I have medical and religious reasons why I have chosen to not be vaccinated. My concern with this decision of blending with OHA would be that they would then require our field to be vaccinated to practice and disregard religious or medical exemptions.

I guess I just don't understand why after this has been dropped at the supreme court level the board is feeling the need for this? What are the thoughts behind this decision? What are the options going to be for non-vaccinated massage therapists?

Thank you for your time,

Christy Espino

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To: legislator@state.com

From: sgmovementawarness@gmail.com

Subject: Comments on Proposed Rules re: OAR 334-020-0055 and OAR 334-010-0050

Dear Legislator,

My name is Shannon Gaul, and I am a licensed massage therapist. It has been brought to my attention that the proposed rules will have an impact on my profession and the way in which I conduct my business. Please read my comments listed below to understand my position on this topic.

I do not support the rule change of OAR 334-020-0055.

a. The changes in the Covid 19 protocols continue to change daily given we are moving from pandemic to endemic. As mandatory mask mandates are being lifted, I feel the language should not be listed in our board rules. These types of situations should be handled in a case-by-case basis and not required in our board by-laws. As we have seen in VEARS, the impacts of the vaccines and the side-effects and deaths are rising. I do not feel that the board should carry the responsibility or liability of requiring something that could potentially threaten a therapist's life. The legal issues given the responsibility of the board as it stands now, is not to mandate or uphold the mandate. It is the responsibility of the individual facility and therapist. I feel this is very tenuous territory and given that these vaccines and protocols have not been studied long enough, making a rule in the massage board requirements should be omitted or changed. Given that the board does not have authority to monitor and sanction these rules, they should not be included.

b. I do not support the rule change of OAR 334-010-0050 as there are times that continuing educations credits fall on or near the date of renewal. Also, some of the certifications are longer than a day or weekend training and can overlap into years. Having the option to roll over the credits allows for more flexibility to training options. This does not requirement much on the part of the board and makes a big impact on the therapist. Personally, having the pandemic impact our ability to take CEU's is just an example of the importance of having roll over credits if needed.

What could be helpful to state is, when a ruling given by the OHA is authorized for emergency purposes, the board will list the requirements and each individual facility and therapist is responsible for maintaining the rules listed. (OR 334-020-0055)

In closing, I urge you to consider my comments regarding the proposed rules and I thank you for your review.

I am available for further discussion and can be reached at sgmovementawareness@gmail.com or by phone at 541-525-2575.

Regards,
Shannon Gaul, MS, PTA, LMT #12126

From: [Jessica Greenleaf](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Vaccine mandate
Date: Sunday, March 6, 2022 8:42:38 AM

Hello,

I wanted to comment on the proposed rule changes for enforcing covid vaccines for all massage therapist regardless of workplace. The choice to have medical treatment should be the individuals, not the states. Please keep our freedoms intact and dismiss this proposal. The covid vaccine does not stop the spread or stop the ability to acquire the virus. I have already had covid, I took all precautions and now have natural immunity. The fact we must get vaccinated and then boosted every 6 months is overstepping my rights as a human being. The liberty to choose should stay my own. Covid is never going away, it will be the new flu, and really it already is. Flu shots were not mandated, please do not mandate a vaccine that has ZERO long term studies. This is unethical and unsafe. Thank you for listening.

Peacefully,
Jessica Greenleaf
Licensed Massage Therapist
#17254

503-707-7943

From: [Jon Grossart](#)
To: [UDOENATA Ekaette * OBMT](#)
Subject: Testimony for 2022-3-15 Rules Hearing [Updated]
Date: Tuesday, March 15, 2022 3:21:30 AM

Dear OBMT:

I am writing to provide testimony against the proposed rule changes to OAR 334-010-0050. As an OBMT Member when the decision was made to pursue these rule changes as well as the author of the original draft versions, I can offer some more specific insights into the changes.

While continuing education is an important aspect of any professional license, it can be tricky for some people to be able to access quality and/or affordable options easily. The issues around the COVID-19 pandemic where people might not feel safe in in-person classes only highlight this issue. Other similar events can and likely will happen in the future, and the rules should be designed to account for that as much as possible.

Intent of the Proposed Rules

The changes to the continuing education rules were originally proposed as a work item at the May 2018 traveling meeting. The original intent was to address the complaints received over the years from various LMT demographic groups such as part time/end of career, long time practitioners, rural, lower income, single parent, and early in their career.

Based on those complaints as well as input from the biannual OBMT external audits, Executive Director Coffey gave the recommendation that “the Board narrows the focus on specific requirements, reduce the hour requirement, and better define the required CEs towards public safety.” This is also helps to keep the board aligned with its regulatory nature as a state-sanctioned licensing board. The Board also wanted to bring the rules into alignment with other Oregon licensing boards and other states’ massage boards. The Board decided to begin working on this task.

When I originally wrote the proposed rules and presented a draft them on July 16, 2018 for discussion, many of the options such as reduced hours, no roll-over, and removing the distinction between contact and non-contact were being proposed as a combined group in order to address all of these concerns.

During the May 20, 2019 meeting, the proposed rules were broken down into change sets for easier understanding. However, they were meant to be considered how they all work together as a whole. They were sent to the Rules and Education Committees with specific instructions on what to provide back to the Board.

Issues with Overall Change

The language clean-ups are good, but some of the proposed functional changes do not meet the original intent of the OBMT.

In fact, by eliminating roll over and many methods of non-contact hours while still keeping the same number of hours and a distinction between supervised and unsupervised hours, it could be argued that the proposed changes actually make it harder to obtain CEs than it is with the current rules, even with the reduction in supervised hours.

Issues with Proposed Language

334-010-0050(1)(e) – This has nothing to do with Continuing Education and should be removed. It is already covered by 334-010-0015(3), 7(c), and 12(b).

334-010-0050(2)(f) – Learning how to teach massage or CE courses has nothing to do with Scope of Practice of the license, and would violate the proposed language of 334-010-0050(1) and (2). It is not a continued competency of the license and is not mentioned in 334-010-0047, nor should it be. Also, given the actual and potential conflicts of interest of some of the committee members, this seems like a special interest carve out, especially since teaching a class was also removed from potential unsupervised hours.

334-010-0050(2)(o) – As proposed, the language would restrict pain management classes to ONLY classes provided by the OPMC, which is currently only the one hour, unsupervised webinar. I assume this is not the intended meaning, as it severely restricts the current category. “Commision” should also be capitalized.

334-010-0050(3)(a) – This should read “courses, seminars, or workshops”. The original proposed language also included meetings and research conferences to reflect actual CE opportunities. “Formal learning” also has no definition or standard meaning.

334-010-0050(3)(a) – “(formerly ‘contact hours’)” does not belong in the rules and should be removed.

334-010-0050(3)(a)(B) – The definition of “Virtual Learning” should be moved to 334-001-0060. Also, the definition seems redundant to the definition “supervised” and should be simplified. It also is confusing taken in context with the use of online in (3)(b)(B).

334-010-0050(3)(a)(C) – Many CE opportunities, like workshops, research conferences, or classes outside of education program, don’t provide a formal syllabus. Many classes have no method of assessment. Also, what is the specific assessment being required – completed (what percentage of a class attended counts as “complete”), passed, hands-on verification by the teacher? What is acceptable? None of this is specified.

334-010-0050(3)(D?) – There was also originally the proposed language “Courses must be completed and with a passing grade when applicable.” The current and proposed rules leave the loophole where someone could fail a course and still get CE credit for it.

334-010-0050(3)(b) – “Informal learning” has no definition. And again, the list of “webinars, seminars, meetings” is too limiting. There are whole courses, which are much more than those listed categories, that are unsupervised.

334-010-0050(3)(b)(A) – This is redundant with 334-010-0050(3)(a)(A). They should be combined into one section. Also, there are no “unsupervised” OBMT meetings, which make the list incorrect anyway.

334-010-0050(3)(b)(B) – This uses the language of “online” while (3)(a)(B) used virtual learning. While virtual learning is being used to denote the old term “interactive distance learning”, the new language creates just as much confusion.

334-010-0050(3)(b) – This also has the loophole about not actually having to complete or pass

the class to get the CE credit.

334-010-0050(11)(b) – “through supervised or unsupervised hours” should just be removed and it’s unneeded language.

Issues with Committees’ Work

Having served on an OBMT task force and the Scope of Practice Committee for three years, I understand the complexities of the situation from both the committee and Board side. This is why I wrote up and the Board accepted specific instructions for both committees, especially the Education committee. These can be seen in the 2019-5-20 Meeting Minutes (Appendix 3).

The Education Committee did not follow that guidance in creating their recommendation. Neither the OBMT liaison to the committee nor the Committee Chair reminded them of that guidances or to complete all the tasks assigned to them in the correct order. Most importantly, the committee provided none of the required research or comparative analysis to back up their recommended changes. They also didn’t take into account the cumulative effect of the changes they elected to implement or not. They also didn’t answer the questions the Board tasked them with in the E-3 changeset. Altogether, it means the committees’ final combined recommendation was provided without the data to back up the reasoning for the changes. This prevents the OBMT from making a good decision.

Another issue with the committees work relates to conflict of interest. Some of the members are massage teachers or CE providers, and I saw no real mention any potential or actual conflicts of interest during any of the discussions or votes related to these proposed CE rules. Committee members are expected to maintain the same level of transparency and ethics that Board Members are. Adding 334-010-0050(2)(f) “Massage and bodywork instructor training” and a valid CE topic, which is outside of the scope and core competencies of the license, creates a perception of receiving personal benefits from the decision while not stating any conflicts of interest.

Issues with Rules Hearing Notice

The summary for this section of the proposed rules states “RULE SUMMARY: Amend to clarify continuing education rule language and requirement to be in concert with current times. The proposed rules reduce the minimum requirement for in-person continuing education from 15 to 8 hours, end the use of excess/rollover continuing education hours for subsequent renewal, and clarify continuing education requirements for first-time license renewal.”

There is the important missing summary item that many previous method of “unsupervised” CEs are also being removed. Omitting this is very important, and many people would be interested to know that is a pending change, but it’s not part of the meeting notice or the actual meeting packet. As this if a rather large functional change to the OAR, it should have been noticed properly.

Summary

I call on the board members to read the entire original proposed rules and committee directions from the 2019-5-20 Meeting Minutes (Appendix 3) before passing this portion of the proposed rules. Do these proposed changed to 334-010-0050 meet the goals the Board originally set out?

[And updated version combining the committees' proposed changes at the time was also provided to the committees in 2020-2. Ms. Udosenata-Harruna should be able to provide that to Board Members if desired.]

Oregon LMTs are just coming off an over two year period where the CE requirements were dropped to 12 hours with no distinction between supervised and unsupervised hours. Has the professionalism of the field dropped during this period? What does the compliance data show? It also seems in bad form to go from a period of reduced CE rules directly into a period where the new rules make it potentially harder to get those CEs, especially during the post-pandemic transition period when personal health and safety might still be issues for some.

Thank you for your time and consideration. I'm happy to answer any Board questions about the proposed rules as originally drafted.

Jon Grossart, LMT #13752

--

Jon Grossart, Certified Advanced Rolfer™, LMT (OR #13752) -

jon@northstarintegration.com

North Star Integration - www.NorthStarIntegration.com

1727 NE 13th Ave., Ste. 101, Portland, OR 97212

503-933-8066 (w) 503-208-6524 (c)



February 21, 2022

Dear Oregon Board Of Massage Therapists,

This letter is in regards to the proposed rules changes from an e-mail I received effective July, 1, 2022. I have to **strongly disagree** with the OBMT wanting to end our "continuing education rollover hours." This will be detrimental to LMT's all over the State of Oregon. I believe the level of continuing education would go down as well. Why would an LMT want to spend money and their time on a 30/40 hour class and not be able to roll the time over to the next renewal? I know over the years it has been very nice having a few extra hours to rollover as finances were tight. This is our only perk we get and now you want to take it away? I think you need to really reconsider this change.

On another note of wanting to put all LMT's under the heading of "healthcare providers" is wrong. Not all LMT's work in the healthcare field and putting that label on them is just not right. I do not believe LMT's need to be incorporated into The Oregon Health Authority rules. It is up to each LMT what they want to do with their own body. It is not up to The State of Oregon.

Thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "Tina Haemmerlein LMT". The signature is stylized and cursive.

Tina Haemmerlein, LMT OBMT#9280
27642 Redwood Hwy Cave Junction, Oregon 97523
541-592-6190
massagetherapy@frontier.com

From: [Kim](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Upcoming OBMT proposed rule changes & vote .
Date: Friday, March 11, 2022 3:26:53 PM

To the members of the Oregon Board of Massage Therapy,

I am writing this letter in regards to your upcoming proposed rule changes and vote on whether to put us Oregon Licensed Massage Therapists under the category of 'Health Care Workers' to require us to be vaccinated for Covid.

I am strongly opposed to this. It goes against nearly everything I learned in massage school and since. The Massage Therapists I know, including myself, are by and large mostly Naturalpathic/Homeopathic. Many of our clients come to us because they too are naturalpathic/homeopathic. To require those in our beloved profession to take a vaccine that goes against all we have learned and believe in, is a travesty. If you pass this through a vote, you will be losing so many great and experienced Massage Therapists. LMT's who love their careers, those who have built their lives around their business for years, who have built a good clientele, who help heal their clients everyday. So much in what we do in Massage Therapy is to help others heal and or recover with hands on and natural means and products, such as essential oils, etc... We do all we can, so our clients can move and go about their day without resorting to pain meds or unnecessary and/or unwanted surgeries. So please consider the individual foundations, beliefs, and practices of all Massage Therapists, and our right to choose, when making this decision in your vote.

Sincerely,
Kimberly K. Jackson LMT.
lic# 20826

[Sent from Yahoo Mail on Android](#)

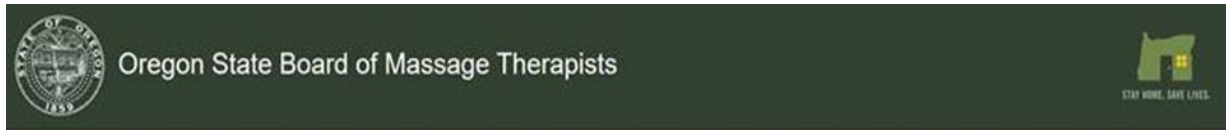
From: [Karen Kaatz](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Re: [Obmtmeetingnotice] Proposed Administrative Rules Hearing Notice - March 15, 2022
Date: Thursday, February 10, 2022 4:39:14 PM
Attachments: [image003.png](#)

Do I understand correctly that you are planning to include massage therapists in healthcare workers required to get the covid bioweapon shot?

If so, I will plan to move out of Oregon. Please let me know as soon as possible.

Karen Kaatz, LMT
(541)370-5585

On Thu, Feb 10, 2022 at 3:02 PM UDOSENATA Ekaette * OBMT <Ekaette.UDOSENATA@obmt.oregon.gov> wrote:



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Time: 9:00 am
To: Oregon Board of Massage Therapists Interested Parties
From: Ekaette Udosenata-Harruna, Policy Analyst
Subject: Proposed Administrative Rules Hearing

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Rules Hearing (**PROPOSED RULES CHANGES EFFECTIVE JULY, 1 2022**):

[March 15, 2022, Proposed Administrative Rules Hearing Notice: Oregon State Board of Massage Therapists : Proposed Rulemaking : State of Oregon](#)

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E-mail – Ekaette.udosenata@obmt.oregon.gov

Postal – 610 Hawthorne Ave SE, STE 220, Salem, OR 97301

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For alternative formats, please contact Ekaette Udosenata Harruna at Ekaette.udosenata@obmt.oregon.gov.

Ekaette Udosenata-Harruna

Operations & Policy Analyst; OPBC, OPMA

Oregon Board of Massage Therapist

NEW ADDRESS

Effective March 1, 2021

610 Hawthorne Ave. SE, STE 220

Salem, OR 97301

Office: 5033658657 EXT:102

Cell: 503-559-6619

Oregon.gov/OBMT

ekaette.udosenata@state.or.us

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From: [Cynthia Kapaska](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Distressed
Date: Friday, February 11, 2022 9:10:12 AM

Good morning,

I find it completely distressing that at the end of the pandemic when all of the statistics are coming in that the vaccine does not stop the spread of covid that the OBMT would want to impose rules that would try and force massage therapists to get vaccinated. The studies from John Hopkins University have been released and someone such as myself that has recovered from covid does have ongoing natural immunity as do many of us. I fear that many massage therapists will be forced to find other careers or to leave this state to avoid doing something to their bodies that is of no benefit to anyone. I personally hold religious convictions and have not been vaccinated or anything in almost 20 years including tetanus. Most massage therapists are holistic minded and this is the opposite of holistic medicine. I would assume is that you would have religious exemptions available for people as well as medical exemptions. I personally know a large majority of massage therapist that will not get vaccinated and I wonder how this will impact the OBMT. I will be praying that the right decision is made regarding massage therapists here in Oregon.

Sincerely,
Cynthia Kapaska

From: [Julie Kornilkin](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: OR Proposed Rules
Date: Sunday, March 6, 2022 1:48:38 PM

Dear Ekaette Udosenata,

My name is Julie Kornilkin, and I am a licensed massage therapist. It has been brought to my attention that the proposed rules will have an impact on my profession and the way in which I conduct my business. Please read my comments listed below to understand my position on this topic.

I oppose this rule change CDC control (334-020-0055)

It is not a federal mandate

It encourages discrimination between vaccinated and unvaccinated, which can turn into a LEGAL MATTER

This should be a Personal Choice, Ethically the board should not put themselves in a position of a dictatorship.

In closing, I urge you to consider my comments regarding the proposed rules and thank you for your review. I can be reached at Jsmwservice@gmail.com

Regards,
Julie Kornilkin

From: [leslie mateus](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: OR Proposed Rules
Date: Sunday, February 27, 2022 9:19:25 AM

Dear Ekaette Udosenata,
Hi Ekaette:

As a massage therapist of 25 years and a very holistic thinker,
I am concerned about your mandate ideas and thoughts on enforcing.
First off there's the obvious constitutional rights of our body.
And even the supreme court has stated the mandates are not constitutional.

I am surprised and saddened about this.
And could go on for days about our immune system and its natural ways.

And feeling a part of a holistic group "massage therapist"
Would some how not allow us the freedom of choice about our bodies?

Im really just stunned.

And hope and pray that you will come to the natural solution , that is to allow.
Get the shot, if you want, but allow others there freedom of mind and body.
There are studies that back both sides humm but some studies, for the first time ever
are censored.
Doesnt it at least make you question.(Why)
If you do this alot of great therapists will move or call themselves something that
doesnt require your licence.

thank you for your time
and may we find our way
to peace
Leslie Mateus

From: selmabodyworks@frontiernet.net
To: [UDOENATA Ekaette * OBMT](#)
Subject: proposed rules on continued education
Date: Wednesday, March 9, 2022 10:26:14 AM

To whom it may concern:

My name is Jacqueline Mitchell, OR Lic.# 7399, and I have been a practicing massage therapist for 21 years.

I generally have many more hours than required for my license. I feel that to do a good job, I need to keep learning. I look forward to being able to carry at least some of these hours over, if need be.

Last renewal I had over 100 hours, at least 45 of them hands on. This renewal I just paid for a class that can be carried over, as I don't need it this time. If I cannot carry that over in July 2024, I will be out almost one thousand dollars that could have been spent differently. I would ask that you give at least three years notice before choosing to eliminate the carry over option.

On a broader note, dropping the hours may well lead to massage therapist being less educated in the techniques that make our services valuable. It will also have a financial affect on educator in Oregon. Therapists would probably take classes with fewer hours and far less information.

I know that dropping the hours and eliminating the carry over would probably make your job a little easier, but I feel it would be detrimental to the profession. And to do this with no notice will be a hardship for many of us.

Thank you for your attention to this.

Sincerely,
Jacqueline Mitchell, LMT, OR Lic.# 7399

From: [Amanda Pace](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Opposition
Date: Wednesday, March 2, 2022 9:14:05 PM

Hello OBMT,

I am writing out of my concern for the proposed changes to vaccination requirements imposed on Licenced Massage Therapists as held by OHA standards in Oregon. In alignment with government standards, we have been, from the onset of the Covid19 outbreak, deemed non-medical. In light of this expression, and rightfully so, we do not save lives by what we do and do not hold a true expression of healthcare over the population we serve. We are body workers, service providers and wellness professionals at most and may work in alignment with an individual's healthcare team; our service is impactful yet supplemental at best. Counter to that of a physician, a surgeon or even a physical therapist; the service we provide is optional, and thus the choice to receive massage is optional for the recipient.

While I recognize the desire for greater recognition for our profession amongst our health care colleagues, I don't believe holding ourselves to these standards to be in direct alignment with this path, but simply a political stance.

I believe that each individual should be held to the standard set by the practice in which they are employed. If an individual is employed by a medical office which has implemented a standard for OHA required vaccination then yes, allow the employer to implement standards set appropriate for the service they provide within that office. However, for the majority, in which work within a wellness facility, should not be held to the same standard as a health care provider which we are not.

I myself am vaccinated and boosted and I implement the mask mandate in office, however I strongly believe our position in the service industry would not deem us responsible for requirements of vaccination thus relinquishing our ability to choose what is best for ourselves for fear of our livelihood weighing in the balance.

Amanda Pace
Owner & Massage Therapist at
Living Well Massage
LWMassage.net
(971)322-4093

From: [Alleviation Massage Bodywork](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Comments on proposed rule re: 334-020-0055
Date: Tuesday, March 1, 2022 10:13:02 PM

Dear Oregon Board Members,

My name is Sarah Pfaff, and I am a licensed massage therapist in Oregon. It has been brought to my attention that the proposed rules will have an impact on my profession and the way in which I conduct my business. Please take the time to read my comments listed below to understand my position on the proposed #334-020-0055.

I oppose this rule change, because it

- A. Increases the burdens on massage therapists
- B. Denies my freedom of choice on the vaccine
- C. The vaccine is against my religious beliefs
- D. The vaccine has not received the FDA approval
- E. There are studies coming out showing the ineffectiveness of masks and how even if you are vaccinated it does not protect myself or my client from transmitting it.
- F. The 0.1 micron size of a particle of covid many masks filtration does not even block it from transmission.

I believe that massage therapist have gone above and beyond in their diligence to make sure our spaces are well sanitized and keep our clients health at top of mind. The use of an high efficiency HEPA air purifier within the massage room would be more beneficial too.

In closing, I urge you to consider my comments regarding the proposed rules and I thank you for your time.

I am available for further discussion and can be reached at Alleviationmbw@gmail.com or by phone at 541-531-3427.

Regards,
Sarah Pfaff

From: [Lorin Purifoy](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Proposed Rule 334-020-0055
Date: Saturday, February 26, 2022 12:56:07 PM

I am writing to share my concern about this proposed rule. OHA is an unelected position without any medical training. We have seen in the past 2 years an over-reach of OHA's 'authority', specifically in it's handling of Covid.

I am strongly opposed to this new 'rule'. Continuing to force an untested, 'vaccine' upon anyone OHA deems necessary goes against many international laws. The Nuremberg Code is one. I am concerned at the tactics that OHA has taken in the past 2 years and I ask that this rule be voted against.

I also am opposed to an increase in the stipend to the OBMT. I'd appreciate a detailed explanation as to why they need an increase of over 50%, that licensed LMT's are paying for.

Thank you.
Lorin Purifoy

From: [Jenny Rock Body Balance](#)
To: ekaette.udosenata@state.or.us
Subject: Rules hearing today - my opinion
Date: Tuesday, March 15, 2022 9:53:36 AM

Hello Ekaette~

I apologize for the late contribution here, I only just found out about this late last night. (Something may be wrong with my email system.)

Concerning the proposed rule changes, I have some thoughts that I hope will make it into the meeting today.

If the point of changing the rules is to make it easier for all LMTs to get our required continuing ed classes, then this seems counterproductive. How is attending an unsupervised webinar MORE accessible than reading a book? It costs more and you need computer and Internet access to do it. Not only that, but since COVID, EVERYONE is adapting to more online learning and working. Why would we go backwards. There are TONS of bodywork classes available online (even Rolf Movement classes) and Gil Hedley has dissection online (even recorded). It seems that to keep up with the changing times, we need to look forward, not backwards.

The amount of time, energy, and research that goes into getting an article published, should be worth something. The same is true of teaching. And if we want to encourage LMTs to stay on top of their educational game, why would this now NOT count towards CE?

Also, from what I was reading, the language is clunky. Was there something wrong with the way it was before? What is the reason to shift this?

We all have different learning styles, and access to what we want to learn. I find that this is an unnecessary and a backwards step for all of us.

Thank you~
Be well~
Jenny

Jenny Rock, LMT
Certified Advanced Rolfer™
www.BodyBalancePortland.com
Cell - 503-890-9365 (voice or text)

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From: [Sarah S](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Upcoming Hearing
Date: Saturday, February 12, 2022 10:33:08 AM

To: Ekaette

First of all thank you for all you do to help our profession!!
I appreciate all your hard work in making sure people are informed and educated and in keeping the practice of massage in Oregon professional and safe!!

Regarding your upcoming hearing:

I'm concerned that if the OHA mandates vaccines for massage therapists (who do not work in a healthcare facility) that Oregon will lose many more practitioners. Oregon has already lost so many of our practitioners in the last 2 years!! I personally know of many LMT's who have moved to states that are more friendly toward the unvaccinated or who simply quit because of the pandemic. I know of others who have quit working in health care facilities altogether. Certainly, we need to keep our clients & ourselves safe in every way possible & unfortunately we know there are some practitioners who don't take that seriously. So, I am absolutely in favor of reminding therapists to do what we learned in school and disinfect and wear masks when appropriate or advised. I just hope that our profession won't suffer even more if the OHA mandates go beyond what they already have. For those who won't or can't get the vaccine for whatever reason, will they then lose their licenses? Or will there be a governing body to oversee their exceptions - OBMT perhaps?

In the last 2 years we have all heard about people who have died or greatly suffered from some effect of being isolated or afraid or being abused in a "shut down" world. I believe in Massage Therapy! We are helping our clients to deal with their stress and their pain and their loneliness. If we lose more LMT's for the sake of mandates we will be losing many more people in Oregon to those terrible things.

How can we make sure that our profession is overseen and educated appropriately without the risk of losing more professionals? I know that this is your constant dilemma and I speak for many of us who work in this profession that we so appreciate what you do to help us!!
Thank you for taking the time to read this and consider it's content!

Sarah Schlamp, LMT, License # 15785
[Massage Solace](#)
[503-756-9365](#)

To: ekaette.udosenata@obmt.oregon.gov

From: marieskinner@hotmail.com

Subject: Proposed rule change regarding Communicable Disease Control

Dear: Oregon State Board of Massage Therapists,

I am a licensed massage therapist working in Union County. I am writing in regards to the proposed changes out of concern for implications for the public and individual massage therapists. Please read my comments concerning this issue.

I am opposed to incorporating rules for OHA into massage therapy rules; specifically, but not limited to the use of face masks and the mandate for vaccinations.

At this time there has been no conclusive evidence, neither in controlled studies nor in comparison of populations which has been under mandate to wear masks and those not wearing masks, that masks decrease the spread of Covid19. It is also not clear that vaccinations are effective considering the ease of mutation of the virus.

The enforcement of mandates for vaccination has had a very divisive impact on our population, especially on the medical community. The impact of Covid alone has been devastating for the massage community. Making those, who for personal reasons, whether medical, religious, or philosophical choose not to be vaccinated, disqualified from practicing massage is not in the best interest of the therapists nor of the public.

The governor made a distinction between medical massage, which operated in medical facilities under doctor's orders, and independent massage therapists. I suggest continuing that distinction, so that therapists and the public would be free to choose to have massage performed in medical facilities or from independent therapists.

In closing, I urge you to consider my comments regarding the proposed rules and I thank you for your review. I am available for further discussion and can be reached at marieskinner@hotmail.com or by phone at 541-963-5391.

Regards,

Marie Skinner LMT # 17263

March 14, 2022

To: Oregon Board of Massage Therapists

From: Anne M Suran, LMT OR #11601

Subject: Comments on Proposed Rules: **Continuing Education (334-010-0050)** and **Communicable Disease Control (334-020-0055)**

Dear Oregon Board of Massage Therapists,

My name is Anne M Suran, and I am a licensed massage therapist. It has been brought to my attention that the proposed rules will have an impact on my profession and the way in which I conduct my business. Please read my comments listed below to understand my position on these topics.

I *support* the rule change for the decrease in the number of contact hours, but, I personally feel that for some massage technique courses, that it is important to have contact hours, to ensure the safety of the technique being used is applied properly. I feel that the four hours of Professional Ethics, Boundaries, and Communication requirements are not necessary for in contact learning and can easily be done and understood in unsupervised hours.

I *oppose* the rule change for vaccination requirements for massage therapists. I do however want to point out that the current OHA's vaccination requirement does not include a person's private home, in which is how I have conducted my massage business for the past 18 years. There are many concerns that I have with the COVID-19 vaccination, because it:

- a) The vaccination does not prevent a person from getting and passing on SARs-CoV-2 or other variants, I personally know more people that have been vaccinated and have caught COVID, then unvaccinated people.
- b) The current vaccine does not work for new variants.
- c) What about natural immunity, someone that has natural immunity should not be required to get a vaccine that does not stop the spread and/or still catching COVID.
- d) The COVID-19 vaccine is not approved by the FDA, it is only approved for emergency use.
- e) There are safety concerns with the vaccine of myocarditis/pericarditis as indicated on the VAERS website.

In closing, I urge you to consider my comments regarding the proposed rules and I thank you for your review. I am available for further discussion and can be reached at annesuran@comcast.net or by phone at (503) 317-3831.

Regards,

Anne M Suran, LMT OR #11601

From: [Andrea Thompson](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Proposed changes to Board Rules
Date: Tuesday, March 1, 2022 1:48:47 PM

Hello! I just wanted to write in and let you know that I really appreciate that Breast/Chest massage OAR 334-010-0028 and Internal Cavity Massage OAR 334-010-0029 are still options for LMTs in the state of Oregon. I utilize these modalities in my practice and have found them to be deeply helpful with my clients. I do think it is crucial that the education for these therapies remains supervised in person. The work is very personal and requires solid training in a safe setting, so that LMTs can learn how to do powerful healing work in their individual settings.

In regards to rollover of CE hours for subsequent years, I think it is helpful to keep that as an option in these odd times. I am far less likely to take an online class, and prefer in person. In person options are limited currently, and after 20+ years of practicing massage, I have no desire to take a class I care little about just to get hours. I'd rather take a longer in person class with more CEUs in a subject that I love and will utilize, even if that means waiting. This in turn makes rollover credits helpful.

Thank you for allowing us to have some input!

From: [Uma Tupper](#)
To: [UDOSENATA Ekaette * OBMT](#); [UDOSENATA Ekaette * OBMT](#); [Uma Tupper](#)
Subject: Rollover hours
Date: Monday, March 14, 2022 8:46:25 PM

Dear Ekaette,

I'm writing to ask the board to seriously consider the repercussions of getting rid of rollover hours.

I had to stay at home with my daughter during Covid for online school. My practice was hit hard by the pandemic. I have 24 rollover hours that would be helpful financially to be able to utilize. I'm asking the board to seriously consider keeping rollover hours so those of us who are struggling financially can get back on their feet.

I'm due for renewal on September 1, 2022.

Warm regards,

Uma Tupper

From: [Margot Vance-Borland](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: No more roll over?
Date: Thursday, February 10, 2022 4:07:07 PM

Ekaette,

I'm kind of shocked to read that you would even consider ending the ability to roll over excess continuing Ed hours? Why would you guys do that?

I've been a licensed massage therapist since 1983. I do approximately five massage sessions a month, on old long term clients. I've been doing continuing Ed for 36 years, and now I'm going to have to do 25 hours every two years in order to see my five clients a month? Why would the board make it even more difficult to keep a very part time practice going? What in the world is the thinking behind this?

I would be grateful if you would reconsider this change

Thanks so much

Margot Vance-Borland

LMT #1623

Sent from my iPhone

From: [Margot Vance-Borland](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Re: No more roll over?
Date: Thursday, March 3, 2022 12:47:48 PM

Ekaette, I thought I'd something that I should clarify. It's about me saying I only see 5 massage clients a month. The reason for that is that 18 years ago, I started a Masters in Counseling program, and then became a LPC in 2009. I stopped advertising that I do massage, because of what felt like a conflict. So I just continuing to see my current clients, while I built up a counseling practice. Until COVID hit, I saw about 10 massage clients a month. Now I've moved my practice to a separate building on our property, which a few miles out of town, instead of maintaining a downtown practice. It's too far a drive for some of my clients. Meanwhile, I also see about 15-20 counseling clients a month. And also these days, I'm seeing many, many people for reiki sessions, because the interest in Reiki has skyrocketed. I'm also teaching way more Reiki classes these days. So my practice is more than half time, which is about right for this stage of my life. As you know, more massage therapists are wanting to learn Reiki also... and I've been able to provide those classes to them, and have taught them how to add Reiki to their massage practice.

I wanted to clarify, so that it didn't seem like I only see 5 clients a month. I don't know if that makes sense. My work is very satisfying, and I feel like it helps me and it helps the people I see.

I've spoken to a couple of other massage therapists locally, about the proposed new ruling of eliminating the carryover option for continuing Ed. They were equally horrified. One said he felt like it was probably the franchise massage national schools that may be pushing this. Also, because we often get emails from the board, neither of these massage therapists had read the whole email you sent, so they weren't aware of the proposed change. I imagine that might be true of many others.

Thanks for listening. I hope the board will steer clear of imposing requirements that make it much harder for us to do the work we love

Respectfully
Margot Vance-Borland
LMT # 1623

Sent from my iPhone

> On Feb 18, 2022, at 3:55 PM, UDOSENATA Ekaette * OBMT <Ekaette.UDOSENATA@obmt.oregon.gov> wrote:

>

> Hello Margot,

>

> Thank you for your feedback.

>

> I have added your email to the March Rules Hearing public comment. Please let me know if you would prefer otherwise.

>

> Thank you,

>

> Ekaette

>

> -----Original Message-----

> From: Margot Vance-Borland <reikiwomyn@gmail.com>

> Sent: Thursday, February 10, 2022 4:07 PM

> To: UDOSENATA Ekaette * OBMT <Ekaette.UDOSENATA@obmt.oregon.gov>

> Subject: No more roll over?

>

> Ekaette,

> I'm kind of shocked to read that you would even consider ending the ability to roll over excess continuing Ed hours? Why would you guys do that?

> I've been a licensed massage therapist since 1983. I do approximately five massage sessions a month, on old long term clients. I've been doing continuing Ed for 36 years, and now I'm going to have to do 25 hours every two years in order to see my five clients a month? Why would the board make it even more difficult to keep a very part time practice going? What in the world is the thinking behind this?

> I would be grateful if you would reconsider this change Thanks so much Margot Vance-Borland LMT #1623

>

> Sent from my iPhone

March 03, 2022

To: Ekaette.udosenata@obmt.oregon.gov

From: Maryashur@aol.com

Subject: Comment on Proposed Rules re: 334-020-0055

Dear OBMT,

My name is Mary Wheeler, and I am an Oregon licensed massage therapist #4677. It has come to my attention that the proposed rules will have an impact on my profession and the way in which I conduct my business. Please read my comments listed below to understand my position on this topic.

I oppose the rule change 334-020-0055 which will make failing to comply with OHA's mask, face coverings or face shield requirement and Covid-19 vaccination requirement to mitigate the communicable disease Covid-19 an unprofessional conduct violation.

The vaccines for Covid-19 do not prevent infection or spread of Covid-19 or its variants. There is not a peer reviewed study that confirms the vaccine will prevent hospitalization. These vaccines are available under EUA status and are experimental. I deeply believe that this vaccine will harm my body irreparably.

The mask, face covering and face shield will not prevent or mitigate the spread of a .125-micron (Particle size according to NIH) airborne virus. Only a well-fitted respirator with the correct filters will.

Stephen Petty PPE expert <https://youtu.be/oYEo4T6V25w>

I believe the client and massage therapist can decide what is best in each instance for the use of a mask, face covering or face shield.

Communication with facial micro expressions is totally cut off with facial coverings. We are trained to listen to the client and now we can't hear them!

I perform cranial techniques on many of my clients. I work on their face, head and inside of their mouth. Mask of all kinds interfere with my work and to work inside of the mouth, the mask must come off.

In closing I urge you to consider my comments regarding the proposed rules and I thank you for your review. I am available for further discussion and can be reached at maryashur@aol.com or by phone at 541-342-7339

Regards,

Mary Wheeler, LMT #4677

From: [Rachell White](#)
To: ekaette.udosenata@state.or.us
Subject: Comments on Proposed Rules in upcoming 3/14 meeting
Date: Sunday, March 13, 2022 3:59:49 PM

Dear OBMT,

I am a Licensed and practicing massage therapist. It has been brought to my attention that the proposed rules will have an impact on my profession and the way in which I conduct my business. Please read my comments listed below to understand my position on these matters.

Proposed Vaccine Requirements for LMTs: **Opposed**

1. We are not hospitals. The public does not have to seek treatment with therapists who oppose this vaccine. Citizens are FREE to choose who they do business with including only seeking treatment with practitioners who choose the vaccine on their own accord. As practitioners we should be able to provide Covid-19 waivers to our clients for their acknowledgement of the vaccine free environment. They are then free to choose to continue with treatment or seek treatment with another provider.
2. We are ALTERNATIVE health care providers. We are who the public seeks treatment from when they choose alternative routes to western medicine. It is quite hypocritical of our industry to say we now mandate LMTs to subject themselves to western medicine to "stop the spread of Covid-19". The director of the CDC has admitted that the vaccine is ineffective in stopping the spread as even vaccinated subjects can contract and spread the virus often without ever experiencing symptoms themselves.
3. The CDC director on a national news source (60 Minutes) as recently as 3/06 admitted that the variants can be closely monitored and has described new variants as "weakening" and likely the virus will soon become a seasonal virus like the flu. It seems extreme to require healthy individuals to be vaccinated to fight a seasonal flu. Soon our communities will no longer have the natural immunity against anything. We will be FORCED to be dependent on major drug companies for remedies to simple ailments. I choose natural immunity.
4. Survival rates are extremely high even for the elderly. As per the CDC, elderly are the most vulnerable and their survival rate is 94.6%. This is the lowest survival rate of all survival rates.
5. As a practicing LMT, I have only lost 2 clients because I am in opposition of the vaccine. However, I have lost far more to mask mandates being enforced in my office. Now is no time to further put small business owners on the brink of complete dismantling of the work we have all put into our education, communities, businesses and livelihoods. There is already an extreme reduction in the number of practicing LMTs in our state and I hardly think this will bring anyone back who is teetering with their decision to do so. It will likely remove smart, intuitive, compassionate individuals from our industry and leave us severely lacking which does not support the members of our communities at all. Our communities have already lost too many individuals in nursing and other healthcare settings to other states where freedom of choice still exists.

Proposed Continuing Education requirements: **Neutral**

I am somewhat neutral on this matter other than I think the required 4 hours of ethics,

communication, diversity each renewal is excessive. I think 2 hrs each renewal is quite sufficient. I understand the need for education on these topics. What I don't understand is the reasoning for 4. For LMTs in rural areas, quality continuing education courses are hard to come by and they often have to travel which has been increasingly expensive. I think it makes it difficult to afford classes of interest on top of the heavy requirements of 4 hours of Ethics, 1 hour of Pain Management, and CPR which is often 3-4 hours. Most "contact" hour training courses are 8-16 hours and often a day of work needs to be missed to attend especially when travel is involved. I would like to see better balance in the requirements so study of interests is more attainable for those who are not located in urban communities. Otherwise, I fear our industry will continue to be Ethical but complacent practitioners out of pure circumstance. This does not support our industry in becoming more recognized as educated, forward thinking practitioners who are integral elements of a wellness healthcare team for our clients and community outreach programs. If we want to be taken seriously as practitioners who deserve to be compensated by major insurance companies and recognized by other healthcare professionals, we need to make continuing education courses more accessible to all.

I am an Oregon native as my family has been here since the early 50's. It pains me to think about leaving my home state to pursue happiness and prosperity in a state that values free thinking, opposing opinions, togetherness in community, medical freedom and our constitutional freedoms promised to us by our founding fathers.

In closing, I sincerely urge you to consider my comments regarding the proposed rules and I thank you for your review.

Regards,

R. White

Links:

60 Minute video re: Monitoring of variants

<https://www.cbsnews.com/video/cdc-no-new-coronavirus-variants-of-concern-right-now/>

CDC survival Rate

https://mail.google.com/mail/u/0?ui=2&ik=36ea2ce2ad&attid=0.1.1&permmsgid=msg-f:1727171625727032029&th=17f825715197fadd&view=fimg&fur=ip&sz=s0-l75-ft&attbid=ANGjdJ9ULUmg7NONIIBugF0MYUOJ1NhKOjNUDOWwIVv8A-ScERshGkIv7eRaNlc5N8F-AhOwZOFyM2Xkzp4mbIk0_WRC7F21hk3W6186fyGEL9E7O83iy6Hk5hLwQeo&disp=emb

From: [Nancy Zevely](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: Re: [Obmtmeetingnotice] Proposed Administrative Rules Hearing Notice - March 15, 2022
Date: Sunday, February 27, 2022 7:07:35 PM
Attachments: [image003.png](#)

Hello

How do I most effectively voice my opposition to proposed rule to no longer allow ceu credits rollover to the next renewal?

What is the justification for this?

If it is for administrative ease, I vehemently protest!!!

I cannot think of any reason why I would not vehemently protest!!!

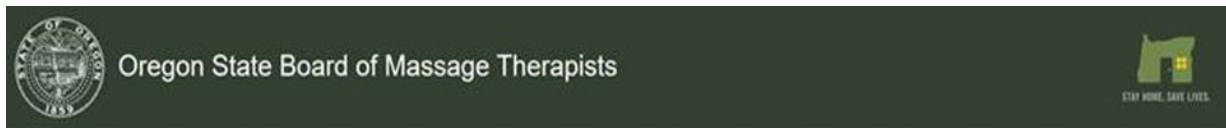
Can I get a petition together?

Is there already a petition?

How many signatures needed before the Board takes notice and rescinds this heinous, unjustified, intolerable, burdensome revision???

Thanks, Nancy Zevely LMT #23226

On Thu, Feb 10, 2022 at 3:02 PM UDOSENATA Ekaette * OBMT <Ekaette.UDOSENATA@obmt.oregon.gov> wrote:



Date: March 15, 2022
Time: 9:00 am
To: Oregon Board of Massage Therapists Interested Parties
From: Ekaette Udosenata-Harruna, Policy Analyst
Subject: Proposed Administrative Rules Hearing

The Oregon Board of Massage Therapists filed proposed administrative rules regarding With the passage of HB 2992, the rules on Board Member Stipend are amended to align with the Oregon legislative

current per diem of \$155 per day and add verbiage to clarify the performance of official duties. Definitions: Proposed

amendments will locate and replace all agency rules with the terminology contact and noncontact hours with

supervised and unsupervised hours. Amend verbiage to reflect the terminology contact/noncontact to supervised and

unsupervised changes Credentialing Review; Licensure; Lapsed License; Breast Massage; and Internal Cavity.

Continuing Education: Amend to clarify continuing education rule language and requirement to be in concert with

current times by making continuing education requirements more accessible via remote learning. The proposed rules

reduce the minimum requirement for in-person continuing education from 15 to 8 hours, end the use of excess/rollover

continuing education hours for subsequent renewal, and clarify continuing education requirements for first-time license renewal. Communicable Disease

Control: Given the pandemic, the proposed rule was amended to add verbiage defining healthcare providers per OHA. Incorporate OHA rules requiring

licensees to comply with OHA rules on masking and vaccination to control communicable diseases into OAR 334-020-0055. Facilities and Sanitation: Amend to modify rule language for clarity. Discipline: Amend rule to add language for clarity and allow the Board to require information during an interview as needed to make disciplinary decisions.

A public administrative rule hearing has been scheduled for Tuesday, March 15, 2022, at 9:00 am. The meeting will be virtual via GoToMeeting (Call-In Information below). Administrative rules are expected to become permanent and effective on July 1, 2022. You are invited to review these proposed rules and provide written comments by Tuesday, March 15, 2022, at 10:00 am.

Meeting Notice:

Rules Hearing (**PROPOSED RULES CHANGES EFFECTIVE JULY, 1 2022**):

[March 15, 2022, Proposed Administrative Rules Hearing Notice: Oregon State Board of Massage Therapists : Proposed Rulemaking : State of Oregon](#)

Call-In Information:

Please join the RULES HEARING meeting from your computer, tablet, or smartphone.

<https://meet.goto.com/475762141>

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United States: [+1 \(872\) 240-3212](tel:+18722403212)

Access Code: 475-762-141

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Please submit all comments to Ekaette Udosenata Harruna at:

E-mail – Ekaette.udosenata@obmt.oregon.gov

Postal – 610 Hawthorne Ave SE, STE 220, Salem, OR 97301

For complete information, please visit the Board Web site at:

<https://www.oregon.gov/obmt/Pages/board-meetings.aspx>

For alternative formats, please contact Ekaette Udosenata Harruna at Ekaette.udosenata@obmt.oregon.gov.

Ekaette Udosenata-Harruna

Operations & Policy Analyst; OPBC, OPMA

Oregon Board of Massage Therapist

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Effective March 1, 2021

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"There are only two days in the year that nothing can be done. One is called yesterday and the other is called tomorrow, so today is the right day to love, believe, do and mostly live." Dalai Lama

Please note:

Until further notice, the Board's Office is closed to the general public due to the Governor's mandates and Executive Orders.

Staff is telecommuting to comply with this requirement. Please allow 2 – 3 business days for staff to review and reply to email correspondence.

Board phone hours are reduced to 10 am - 2 pm, Monday through Friday for urgent Board business and to make payments.

Thank you for your patience.



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From: [heather zietz](#)
To: [UDOSENATA Ekaette * OBMT](#)
Subject: OR Proposed Rules
Date: Friday, February 25, 2022 3:52:14 PM

Dear Ekaette Udosenata,

Hello, I am writing to offer my two cents in re. the proposed elimination of the rollover of CEUs.

While I understand the desire to encourage regular an ongoing continuing education for LMTs it seems like this might discourage many valuable, in-depth educational options such as college level courses on applicable topics (anatomy and physiology, nutrition or cultural issues that are relevant to the practice of massage) or longer modality trainings. Some of the best of these courses are often more time and money intensive, but can also be more comprehensive than shorter offerings. The ability to roll units over into the next licensing period can make them fiscally sensible.

It also seems reasonable to imagine that LMTs with any of an infinite number of personal, educational or professional obligations, particularly planned obligations, (starting a family, college education, opening a business... etc.) that could be expected to draw heavily on their time and resources, might choose to devote extra time in one licensing period to focus on massage continuing education in order to focus more heavily on something else in the next one.

I appreciate that a number of the recent changes appear to be intended to ease some of the complications and burdens that can arise in the gathering of CEUs. (And I, for one, am grateful). I'm just not sure that the end of the rollover doesn't discourage some very valid forms of study.

I recently completed a 4 college credit anatomy and physiology course that I chose specifically because those credits could apply to my renewal. It made sense as I needed a science credit for my major at PCC anyway. I found it extremely valuable in my current practice as it refreshed and expanded on the A&P I took as part of my Massage training almost 20 years ago. The fact that I will begin attending college courses full time, while working, this fall made the rollover aspect particularly helpful.

I found the class so valuable that I was planning on taking the second class in that series after I finish my degree purely as a continuing education class. I'm certain it would be as valuable as the first one but I'm not sure that I'll be willing to pay the \$500+ if I can't make use of all (or at least most) of the credits and will have to pay for some other, possibly lesser, class the following renewal period anyway.

To be clear, I'm not interested in avoiding continuing education. I just think the rollover can (as it has for me) incentivize meaningful educational choices.

Respectfully,
Heather Zietz LMT
License #21910
(503) 806-0363

Sent from my iPad