



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 334

BOARD OF MASSAGE THERAPISTS

FILED

04/21/2025 3:46 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Set 25-27 Budget, update license reactivation rules & add new provisions for criminal record petition.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/21/2025 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
971-599-6619
Ekaette.udosenata@obmt.oregon.gov

610 Hawthorne Ave SE
Suite 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: 05/21/2025

TIME: 9:00 AM - 10:00 AM

OFFICER: Ekaette Udosenata Harruna

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 872-240-3212

CONFERENCE ID: 475762141

NEED FOR THE RULE(S)

Need for the Proposed Rule Changes:

OAR 334-001-0012: Biennial Budget for 2025-2027:

The Oregon Board of Massage Therapists need to adopt a new budget for the 2025-2027 biennial.

OAR 334-010-0015: Licensure:

The Oregon Board of Massage Therapy (OBMT) proposes amendments to OAR 334-010-0015 to modernize licensure requirements, reduce unnecessary barriers to re-entry for qualified practitioners, and ensure public safety through a balanced regulatory approach. The key changes address:

1. Adjustments to Continuing Education (CE) Requirements for Reactivation (12)(c)-(d)

- Current Rule: Reactivating an inactive license requires a high proportion of supervised CE hours (15 of 25 for one

biennium; 30 of 50 for multiple biennia), which may create financial and logistical burdens for licensees seeking to return to practice.

- Proposed Change:
 - o Reduces supervised CE hours (from 15 to 8 for one biennium; 30 to 16 for multiple biennia) while retaining mandatory ethics/boundary training (4 or 8 hours, respectively).
 - o Increases unsupervised CE flexibility (from 10 to 17 for one biennium; 20 to 34 for multiple biennia), acknowledging the availability of high-quality, accessible learning formats (e.g., online courses, workshops).
- NEED:
 - o Aligns with industry trends favoring competency-based education over rigid supervision mandates.
 - o Reduces economic and geographic barriers for inactive licensees, particularly those in rural areas or with caregiving obligations.
 - o Maintains rigor by preserving core requirements in ethics, boundaries, and cultural competency (1 hour mandated per ORS 413.450).

2. Criminal Conviction Pre-Application Review Process (New Sections 13–23)

- Current Rule: Applicants with criminal convictions must complete education/training before learning if their conviction disqualifies them—a potential waste of time and resources.
- Proposed Change:
 - o Creates a petition process allowing individuals to seek a Board determination before investing in coursework.
 - o Requires transparency (submission of court records, \$75 fee) and permits reconsideration during formal licensure.
- NEED:
 - o Promotes fairness and reduces inequities for rehabilitated individuals seeking re-entry into the profession.
 - o Aligns with ORS 670.280, which directs licensing boards to avoid blanket denials based on convictions and consider rehabilitation evidence.
 - o Enhances efficiency by reducing unnecessary applications and appeals.

3. Public Safety & Regulatory Balance

The proposed changes uphold OBMT’s mission to protect Oregonians by:

- Ensuring ethics and cultural competency remain central to CE.
- Requiring criminal background checks for all reactivations.
- Allowing the Board to deny licensure for nondisclosure or new convictions (Sections 20–22).

Conclusion

These amendments reflect OBMT’s commitment to removing outdated barriers while safeguarding the public. By modernizing CE rules and adding a transparent criminal conviction review, the Board supports licensee mobility, workforce re-entry, and equitable access to the profession—without compromising standards.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

OAR 334, 2025 Board meeting minutes. SB 1552 Criminal Conviction Determination Process. These documents are available at www.oregon.gov/obmt.

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

The Oregon Board of Massage Therapists has considered the potential impact of the proposed rule changes on racial equity in Oregon.

OAR 334-001-0012: Biennial Budget for 2025-2027. The budget is expected to have minimal direct impact on racial equity. However, the Board will:

1. Ensure that budget allocations prioritize equity and inclusivity.
2. Continuously monitor and assess the impact of budget decisions on diverse communities.

- Equity Goals

The Oregon Board of Massage Therapists is committed to:

1. Promoting equity and inclusivity in the massage therapy profession.
2. Reducing barriers to licensure and practice for underrepresented groups.
3. Ensuring culturally responsive regulation.

- Next Steps

The Oregon Board of Massage Therapists will:

1. Conduct regular equity impact assessments.
2. Engage with diverse stakeholders to inform decision-making.
3. Develop strategies to address identified disparities.

OAR 334-010-0015: Licensure will be amended to clarify the required hours for the reactivation of inactive massage therapy licenses and a new provision for the process for individuals with criminal convictions to petition the Oregon Massage Therapy Board for licensure eligibility. These provisions have significant implications for racial equity in Oregon, given well-documented racial disparities in the criminal legal system and economic barriers to professional licensure.

Potential Positive Impacts on Racial Equity

1. Pre-Licensure Petitions for Justice-Involved Individuals (Sections 13–23)

- Allows applicants with past convictions to seek a preliminary determination before investing time and money in education or training.
- Reduces uncertainty for individuals disproportionately impacted by the criminal legal system (particularly Black, Indigenous, and Latine Oregonians).
- Provides a structured appeals process if the Board initially denies eligibility (Section 19).

2. Clearer Pathways for License Reactivation (Section 12)

- Defines specific continuing education (CE) requirements for reactivation, including:
- Cultural competency training (1 hour, per ORS 413.450) – Promotes awareness of racial disparities in healthcare.
- Flexibility in supervised vs. unsupervised CE hours – May help applicants with work or caregiving obligations.

- Allows reactivation even after multiple biennia of inactivity, preventing permanent exclusion from the profession.

3. Prevents Automatic Denial Based on Criminal Records

- Requires individualized review (Section 13), aligning with Oregon’s broader efforts to reduce employment barriers for justice-impacted individuals.
- Helps counteract racial bias in licensure decisions by mandating documentation-based assessments rather than blanket disqualifications.

Potential Negative Impacts on Racial Equity

1. Financial and Administrative Burdens in the Petition Process (Sections 14–16)

- \$75 petition fee per conviction (Section 14(b)) – May be prohibitive for low-income applicants, disproportionately affecting communities of color.
- Documentation requirements (e.g., certified court records, arrest reports) – Can be difficult to obtain, especially for older convictions or from jurisdictions with poor record-keeping.
- 60-day deadline to submit missing documents (Section 17) – May disadvantage applicants facing systemic delays in accessing records.

2. Disproportionate Impact of Criminal Background Checks (Section 12(e))

- While the rule allows reactivation, the fingerprinting requirement may still deter qualified BIPOC applicants due to:
- Over-policing of communities of color, leading to higher arrest rates for minor offenses.
- Disproportionate drug enforcement, despite similar usage rates across racial groups.

3. Public Disclosure Risks (Section 18)

- Petitions and determinations are subject to public records laws, potentially exposing applicants to stigma or discrimination, even if approved.

To Advance Racial Equity the Board Will Strive To:

- Provide assistance with record retrieval for individuals struggling to obtain court documents.
- Expand language access for non-English speakers navigating the petition process.
- Strengthen confidentiality protections to minimize harm from public disclosure of past convictions.
- Conduct equity audits to assess whether denial rates disproportionately affect BIPOC applicants.

OAR 334-010-0015 includes progressive elements that support racial equity, such as individualized reviews and cultural competency training. However, financial and bureaucratic hurdles in the petition process risk reinforcing existing disparities. Targeted reforms—such as fee waivers and streamlined record requirements—could help ensure these rules do not unfairly exclude marginalized communities from licensure.

FISCAL AND ECONOMIC IMPACT:

The possible fiscal and economic impact of the proposed rules for the Oregon Board of Massage Therapists includes:

OAR 334-001-0012: Budget:

To better understand the potential fiscal and economic impact, the Oregon Board of Massage Therapists will conduct

regular equity impact assessments and engage with diverse stakeholders to inform decision making.

OAR 334-010-0015: Licensure:

1. Increased Administrative Costs

- Processing petitions for criminal conviction reviews (Sections 13–23) requires staff time, legal review, and record-keeping.
- Potential need for additional personnel or contracted services if petition volume is high.

2. Revenue from Fees

- \$75 per petition (Section 14(b)) generates income but may not cover full administrative costs.
- Reactivation/licensing fees (Section 12) provide steady revenue but could decline if barriers deter applicants.

3. Potential Legal Costs

- Appeals or challenges to denials (Section 19) could result in litigation expenses.

Economic Impact on Licensees and Applicants

1. Costs for Justice-Impacted Applicants

- Petition fee (75 per conviction) +costs to obtain court records (Section 14(c)) may total 100–\$300+, disproportionately burdening low-income individuals.
- Fingerprinting fees (47.25) for reactivation (Section 12(e)) add further expense.

2. Continuing Education (CE) Costs for Reactivation

- 25–50 CE hours (Section 12(c–d)) could cost \$25–\$2,000+, with supervised hours being more expensive.
- Cultural competency training (required) may be low-cost if state-sponsored, but private courses add expense.

3. Labor Market Effects

- Positive: More license reactivations could expand the workforce, addressing massage therapy shortages in underserved areas.
- Negative: High costs may deter skilled practitioners (especially BIPOC/low-income) from returning to the field, reducing economic mobility.

Net Fiscal/Economic Outlook

- State/Board: Likely neutral to minor cost increase (revenue from fees may offset but not fully cover administrative burdens).
- Applicants: Significant costs for justice-impacted and inactive licensees, risking exclusion of marginalized workers.
- Economy: Potential workforce gains if barriers are reduced, but current rules may limit growth.

The Board will find ways to Mitigate Negative Impacts by looking into the following:

- Partner with community orgs to provide low-cost CE and record-retrieval assistance.
- Streamline processes to reduce administrative overhead.

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).

OAR 334-001-0012 Budget: Biennial Budget for 2025-2027.

OAR 334-010-0015 Licensure

(1) Entities Economically Affected

- a. State Agency: Oregon Massage Therapy Board (administrative costs for processing petitions, background checks, and compliance monitoring).
- b. Local Governments: Limited impact; potential minor costs for courts providing certified conviction records.
- c. Members of the Public:
 - Inactive licensees seeking reactivation (estimated ~500–1,000 in Oregon, based on similar professions).
 - Justice-impacted applicants (unknown volume, but likely ~50–200 annually given statewide trends).
 - Small massage businesses (employing/reactivating affected licensees).

(2) Effect on Small Businesses

OAR 334-001-0012 Budget: No projected fiscal impact

OAR 334-010-0015 Licensure:

- ~1,500–2,000 licensed massage therapists (LMTs) in Oregon, most operating as solo practitioners or small clinics (<20 employees).
- ~200–500 small businesses may employ/reactivate LMTs subject to these rules.

(b) Reporting, Recordkeeping & Administrative Costs

OAR 334-001-0012 Budget, No projected fiscal impact

OAR 334-010-0015 Licensure:

Requirement	Activity	Estimated Cost (Per Applicant)
Petition for Criminal Review(Sections 13–23)	Gathering court records, filing forms	\$100–300 (time + fees)
CE for Reactivation (Section 12)	Completing 25–50 hours of training	\$500–2,000 (course fees + materials)
CPR Certification (Section 12(b))	Renewing BLS/CPR training	\$50–100 (every 2 years)
Fingerprinting (Section 12(e))	Electronic background check	\$50–100 (one-time)
Cultural Competency Training(Section 12(c))	1-hour course	\$0–50 (if not free)
Total Compliance Cost per Applicant: \$700–2,550 (depending on reactivation pathway).		

(c) Professional Services, Labor & Equipment

OAR 334-001-0012 Budget: No projected fiscal impact

OAR 334-010-0015 Licensure:

- Professional Services: Legal/paralegal assistance for record retrieval (\$200–500 if outsourced).
- Labor: 10–20 hours of applicant time for paperwork/CE (250–500 opportunity cost at 250–500 opportunity cost at 25/hr).
- Equipment/Supplies: Minimal (computer/internet access for online CE).

Small Business Impact:

- Clinics reactivating staff may cover costs (\$1,000–3,000 per employee), reducing hiring flexibility.
- Solo practitioners face direct financial burdens, potentially leaving the workforce.

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? NO IF NOT, WHY NOT?

The proposed rules were discussed at board meetings and stakeholders attended the board meetings and provided input.

RULES PROPOSED:

334-001-0012, 334-010-0015

AMEND: 334-001-0012

RULE SUMMARY: The Oregon Board of Massage Therapists proposes to amend OAR 334-001-0012, the budget for the 2025-2027 biennium.

CHANGES TO RULE:

334-001-0012

Budget ¶

The Oregon Board of Massage Therapists hereby adopts, and fully incorporates herein, the Oregon Board of Massage Therapists' 2023-2025 Biennium budget of \$2,657,433.59 ~~2,657,433.59~~ 2,657,500.00.

Statutory/Other Authority: ORS 182.462, ORS 687.121 (10)

Statutes/Other Implemented: ORS 182.462

AMEND: 334-010-0015

RULE SUMMARY: Amend to clarify continuing education requirement for reactivating inactive license. The proposed rule add language to clarify number of supervised and unsupervised continuing education hours. add new provision allowing new applicants with criminal convictions to petition the Board for a pre-licensure review.

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(1); ¶¶
 - (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 supervised hours of continuing education training or Board approved activities. At least 4 supervised hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 10 17 of 25 hours may be 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 supervised hours of continuing education training or Board approved activities. At least 8 supervised hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 20 34 of 50 hours may be 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. ¶

(13) Prior to beginning required education or training, a person who was convicted of a crime may petition the Board for a determination as to whether a criminal conviction will prevent the person from receiving a license issued by the Board. ¶

(14) To be complete, a petition must include the following: ¶

(a) A complete and signed determination request form. ¶

(b) The required fee of \$75. ¶

(c) The following records related to the final judgment of each criminal conviction: ¶

(i) A certified copy of the judgment of criminal conviction. ¶

(ii) Any charging document(s). ¶

(iii) The arrest report(s). ¶

(iv) Probation and parole records, if they exist. ¶

(d) A written statement from the petitioner regarding the facts underlying the criminal conviction, and any intervening circumstances. ¶

(e) A written statement or other document listing all criminal convictions, including dates of conviction and a summary of the facts, if the petitioner has more than one. ¶

(15) A separate completed petition and fee must be filed for each criminal conviction for which the petitioner is requesting a determination. ¶

(16) If any of the records in (14)(c) no longer exist, have been sealed or are otherwise unavailable to the petitioner, petitioner must provide evidence from the agency that held the record that the record no longer exists. ¶

(17) If any of the documents required under subsections (14) and (16) are not provided, petitioner will have 60 days to provide the required documents or information. Upon failure to comply, the petition will be deemed incomplete and will be closed. ¶

(18) The petition and the Board's determination are subject to Oregon's public records laws, and unless an exemption applies, the information in the petition and determination are subject to public disclosure. ¶

(19) The Board will reconsider a determination that a criminal conviction prevents the person from obtaining a license when the person submits a completed application for a license. ¶

(20) Upon reconsideration, the Board may rescind a previous determination that a criminal conviction does not prevent the person from obtaining a license if the applicant: ¶

(a) Has allegations or charges pending in criminal court. ¶

(b) Has failed to disclose a previous criminal conviction. ¶

(c) Has been convicted of another crime during the period between the determination and the person's submission of a completed application for an occupational or professional license; or ¶

(d) Has been convicted of a crime that, during the period between the determination and the person's submission of a completed application for an occupational or professional license, became subject to a change in state or federal law that prohibits licensure for an occupational or professional license because of a conviction of that crime. ¶

(21) Failure to disclose a previous criminal conviction includes any misrepresentation or a prior criminal conviction, any concealment or failure to disclose a material fact about a prior criminal conviction, or any other misinformation regarding a prior criminal conviction. ¶

(22) Nothing in this rule prohibits the Board from denying licensure when the person submits a completed application for a reason other than conviction of a crime. ¶

(23) A determination under this rule is not considered a final determination of the Board.

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