



# Oregon

Kate Brown, Governor

## Board of Massage Therapists

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Greetings from the Oregon Board of Massage Therapists,

**This letter, while lengthy, contains important information regarding your current ability to practice in the State of Oregon as well as CE requirements for upcoming renewals.**

The past couple of weeks, to say the least, have been hard on us all.

The following information is in response to the questions the LMT community has been directing to the Board, and to provide important and information relevant to the practice of massage under Governor Kate Brown's recent Executive Orders.

As you well know, we are living in unprecedented times; guidelines, restrictions and directives are constantly changing at the national, state, and local levels.

It is the goal of the Board, Board staff, and myself to keep the LMT community up-to-date and as informed as possible.

This letter, while lengthy, contains important information relevant to LMTs working in the State of Oregon.

### **Health Care Professional Information**

As a Health Professional Regulatory Board, the Oregon Board of Massage Therapists has tried to provide our Licensees, and others concerned individuals, with the most up-to-date and relevant information regarding this unprecedented pandemic.

To that end, Board staff have diligently worked countless hours keeping the information flowing, answering emails and phone calls, writing letters and articles, setting up emergency board meetings, submitting emergency rule changes to the Governor's office, attending meetings to get the latest information from the experts - and all while trying to protect their own families (and each other) from exposure to the COVID-19 virus by following the guidelines set forth by the Oregon Health Authority (OHA), the Governor's Office, and the Centers for Disease Control (CDC).

Decisions and directives related to health professional fields, at both the state and national level, are often made with Nurses and Doctors forefront in the minds of the decision makers. These professions make up the majority of Licensed Health Care Professionals, are considered to be on the "front lines" of health care practice, and therefore are the professions receiving the primary focus of the decision makers.

The inadvertent consequence of these decisions, however, is that other health care professions - i.e., massage therapists, physical therapists, and other professionals - are left to determine

which parts of the directives and restrictions apply to them, and which parts do not. It is our job as your Board to sift through the information and get those answers or find that clarification for you.

### **Executive Orders and Practicing Massage in Oregon**

Governor Kate Brown responded to the growing COVID-19 Pandemic by declaring a State of Emergency on March 8, 2020, in [Executive Order 20-03](#). Governor Brown took measures to reduce the transmission of the COVID-19 virus amongst Oregonians on March 12, 2020, issuing [Executive Order 20-05](#), and prohibiting gatherings of more than 250 people

On March 17, 2020, which was - unbelievably - only 9 days ago, Governor Brown issued additional Executive Orders and announced additional measures and directives to “flatten the curve” of coronavirus transmission in Oregon, including [Executive Order 20-08](#) which required the closure of public schools until April 28, 2020, and [Executive Order 20-07](#), includes additional social distancing measures. [Executive Order 20-07](#). The Executive Order was effective immediately upon its issuance on March 17, and will be in effect for at least four weeks. The social distancing and protection measures include:

- A statewide cancellation of all events and gatherings larger than 25 people. The Executive Order exempted essential services and businesses by name, including businesses such as grocery stores, pharmacies, gas stations and retail stores, and work environments where social distancing measures and other safety precautions could be implemented. It was additionally recommended that Oregonians avoid gatherings of 10 people or more.
- Restaurants, bars, and other establishments offering food or beverages for sale were restricted to carry-out and delivery only, with no on-site consumption of food or beverages permitted.
- Food service at health care facilities, workplaces, and other essential facilities would continue under [Executive Order 20-07](#).
- All other businesses were urged to review and assess their work environments, implement strong social distancing measures, and close their doors temporarily under the requirements of the Executive Order if they were not able to put the new social distancing requirements in place and comply with the Governor’s order.

Both the Board and the Governor’s office strongly urged businesses unable to implement strong social distancing measures to close their doors temporarily to protect the health and safety of Oregonians.

On March 19, 2020, Governor Kate Brown issued [Executive Order 20-10](#), directing all Oregon hospitals, outpatient clinics, and health care providers *across all care settings*, to cease all elective and non-emergency procedures, in order to preserve personal protective equipment (PPE), such as surgical masks, gowns, and gloves, for health care workers treating COVID-19 patients.

[Executive Order 20-10](#) also limits visitation in hospitals to protect health care workers and at-risk patients from the spread of COVID-19.

Given the nature of massage as elective and a non-emergency procedure, LMTs have been

prohibited from using gloves, masks, or other PPEs since the issuance of [Executive Order 20-10](#), to conserve resources for the protection of health care workers treating COVID-19 patients.

Board staff answered well over 100 phone calls and email inquiries from LMTs and the public asking if LMTs could continue to work, or if they could not work, under the provisions of Executive Orders 20-07 and 20-10.

These callers and writers were informed, correctly, that Board staff did not have the authority, and that the Board did not have the jurisdiction, to close businesses or to require businesses to stay open.

Board staff urged callers to carefully read the Governor's Executive Orders, to read the Governor's press releases, to read the information available through the Oregon Health Authority, and then, using their best judgment given their circumstances, make the determination if they could safely practice and implement the Governor's Executive Orders, safe distancing guidelines, and directives in their practice.

If business or LMTs could not implement the Governor's requirements, they would have to close their practices in compliance of the Executive Orders.

Many LMTs did close their doors. Other LMTs decided to continue practicing, taking extraordinary and unprecedented measures and precautions to ensure the highest level of sanitation and safety protocols in their offices. Other LMTs continued to work as required by an employer, again increasing the safety protocols to comply, as best they could, with the requirements of the Executive Orders.

On March 23, 2020 Governor Brown issued [Executive Order 20-12](#), the "Stay Home, Save Lives" order. In her order, Governor Brown, directed everyone in Oregon to stay at home to the maximum extent possible. She also added to the list of businesses required to temporarily close to stem the spread of COVID-19 in Oregon. [Executive Order 20-12](#) became effective immediately, and will remain in effect until further order of the Governor.

#### **Executive Order 20-12 and "non-medical massage services"**

[Executive Order 20-12](#) requires the closure of all businesses in which close personal contact is difficult or impossible to avoid. The Order specifically lists "non-medical massage services", indicating that massage therapists are not to practice massage, unless they are providing "medical massage services."

The question the Order immediately posed to Board staff, LMTs, and the massage practitioner community, was: what exactly are "medical massage services"?

The Board has researched this term as it relates to [Executive Order 20-12](#), and can provide the following information:

The intent of that distinction was to separate spas and other massage facilities/practitioners from those who provide massage ordered by a doctor (such as in physical therapy).

The "exemption" of medical massage under Executive Order 20-12 *is limited to* a massage that a

physician or someone authorized to prescribe massage in the State of Oregon for medical purposes has recommended to occur for the health of the patient.

At this time, LMTs employed by doctors or at medical clinics or facilities, should consult with their employers to determine if they have any questions regarding “medical massage services” and requirements to work, or not work, accordingly.

### **Continuing Education Hours**

The Board is aware that the social distancing requirements of the Governor’s Executive Orders have resulted in the cancellation of “in-person” trainings and classes, and the inability of to complete contact continuing education (CE) hours.

To address this unforeseen, and unprecedented situation, the Board has requested that the Governor allow the Board to suspend some of the Board’s Administrative rules regulating renewal requirements, including the CE hour requirements.

The Governor approved the Board’s request to suspend some of the Board’s Oregon Administrative Rules to allow the following:

#### **Effective March 24, 2020 through September 30, 2020:**

- Completed Renewal Applications remain due on the 1<sup>st</sup> of an LMT’s birth month.

However, late fees will be waived through September 30, 2020, allowing Licensees additional time to renew their license without a penalty.

*Please note: the suspension of the late fees required by OAR 334-010-0015 **will expire on September 30, 2020.** At this time, the late fee will be reinstated effective October 1, 2020. LMTs due to renew October 2020 and later will be assessed late fees if a completed renewal is not received by the 1<sup>st</sup> day of an LMT’s renewal month*

- LMTs who do not complete the renewal application by the last day of their birth month will lapse. This rule has not been suspended or waived.
- The number of required CE hours **is reduced from 25 hours to 12 hours** for completed renewal applications received in the Board office between March 24, 2020, to September 30, 2020, only. ORS 687.051 (5) requires renewal applicants to complete a minimum of 12 CE hours. The Board is unable to waive or suspend statutory requirements, and unable to reduce the minimum hours to less than the 12 hours required by statute.

*Please note: Renewal Applications submitted after September 30, 2020, or incomplete renewal applications submitted prior to September 30, 2020 and not completed by that date must complete the 25 CE hours, including a minimum of 15 contact hours, as required by OAR 334-010-0015.*

- The requirement of “contact” or “classroom” hours is waived until September 30, 2020. The 12 required CE hours may be contact, non-contact, or both.

- The one hour Cultural Competency CE is a statutory requirement under ORS 413.450 **and must be completed**. The Cultural Competency may be completed as either a “non contact” or a “contact” CE course, and may be applied towards the 12 required CE hours.
- The Pain Management Module, provided by the Oregon Pain Management Commission (OPMC), available on the Board’s website, remains a requirement and must be completed. The Pain Management Module may be counted as 1 hour of non-contact towards the 12 hour CE requirement.
- Current Basic Life Support certification at the time of renewal remains a requirement. The BLS course can be “in-person” or completed online, and the hours spent obtaining BLS Certification may be counted towards the 12 required CE hours.
- The 4 hour *Ethics, Boundaries, and Communication* requirement is suspended for completed renewal applications received between March 24, 2020, and September 30, 2020. Renewal applications received *during this time period* do not have to include four hours of Ethics, Boundaries, or Communication.
- Renewal Applications submitted **after September 30, 2020, including incomplete renewal applications** submitted prior to September 30, 2020 and not completed by September 30, 2020, must complete the 25 CE hours required by OAR 334-010-0015, including a minimum of 15 contact hours, and the *Ethics, Boundaries, and Communication* requirement.

### **Doing Business with the Board**

The Board office has and will continue to operate and conduct daily business of the Board unless otherwise mandated by the Governor.

However, in compliance with the social distancing directives and the Governor’s issued Executive Orders, the Board is taking the following precautions to maintain a safe and healthy environment for all Oregonians:

#### *Office hours:*

Effective Monday, March 23, 2020, the Board’s front office is closed to walk-in and in-person traffic until further notice. The Board implemented rotating and staggered staff schedules to conduct Board business, comply with the Executive Orders, and provide a safe and healthy environment for Board staff.

However, the Board office will be closed to the public. Scheduled and confirmed appointments are required for any board business requiring in-personal attention.

#### *Phone hours:*

The Board phone will be staffed Monday – Friday, between 10:00 a.m. – 2:00 p.m. However, please remember that there are more phone lines than staff available to answer the phone. Thank you for your patience.

If leaving a voice message, clearly state your name, a call back number, and the reason for your

call. Calls will be returned as quickly as possible by the appropriate staff member

Please leave only one voice message for Board staff to return. The voice messaging system has limited space for phone messages, and can fill quickly. Multiple messages do not bring a quicker response, and will prohibit others from leaving messages.

Answers to most common questions can be found on the Board's website. Please take the time to review information provided on the website before contacting Board staff.

#### *Email Communication*

Email continues to be the best method to contact the Board, and will be the primary source of communication used by staff during. Staff contact information can be found on the Board's website.

The Board uses an email listserv to announce major news and events, including policy or procedure changes or directives and Executive Orders received from the Governor's Office that is relevant to the practice of massage. If you have not been receiving notices from the Board, please check your spam folder and review your contact information on file with the Board to ensure that your contact information is current.

#### *General Information*

To ensure efficient use of staff time, please limit inquiries to application, licensure, and other Board related business only.

The Board's website includes a list of available resources to assist individuals during this time. Board staff does not have information related to stimulus packages, relief efforts, or employment questions. Please direct general, public information requests to the appropriate state agencies.

#### **Noncompliance with Executive Order 20-12**

If you believe a massage facility or practitioner is operating outside of the parameters the Governor's Executive Orders, including [Executive Order 20-12](#), please report the violation using the [Board's online complaint form](#).

Violation of the Governor's Executive Order is a Class "C" Misdemeanor, and is a criminal offense.

The Board does not have the jurisdiction or authority to enforce criminal laws, and the Board does not have the authority to "shut down" facilities violating the Governor's Executive Order.

However, for the safety of all Oregonians, the Board will investigate any complaints received alleging violation of the Governor's Executive Order.

The Board will first educate and attempt to gain voluntary compliance of any facility or practitioner who may be violating the Governor's orders.

However, the Board will not hesitate to pursue appropriate recourse against any individual or facility under the jurisdiction of the Board who willfully refuses to comply with the Governor's order. Complaints alleging non-compliance with the Executive Order will become the priority of the Compliance Dept. during this time.

Thank you for your service, and for helping protect the people of Oregon during this time.

The Board remains open to conduct business, renew licenses, review applications, and to assist as we can.

Please feel free to contact the Board if you have any questions or concerns.

Bob Ruark  
Executive Director  
Oregon Board of Massage Therapists