



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 334
BOARD OF MASSAGE THERAPISTS

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& LEGISLATIVE COUNSEL

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

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CONTACT: Ekaette Udosenata 728 Hawthorne Ave NE
Harruna SALEM, OR 97301
503-559-6619
ekaette.udosenata@state.or.us

Filed By:
Ekaette Udosenata-Harruna
Rules Coordinator

RULES:

334-010-0015, 334-010-0050

AMEND: 334-010-0015

NOTICE FILED DATE: 11/20/2020

RULE SUMMARY: Add language to bring the board in compliance with State Law with regards to measure 110.

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, ~~other than minor traffic infractions in any state or 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 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. 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 must be contact hours of continuing education training or Board approved activities. At least 8 contact hours must be in Professional Ethics, Boundaries and/or Communication. The remaining 20 of 50 hours may be contact or noncontact 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: 334-010-0050

NOTICE FILED DATE: 11/20/2020

RULE SUMMARY: Add language to make provision for any instance of state of emergency declared by the Governor to trigger the reduction of continuing education hours to statutory requirement. Additionally, the proposed language would allow the implementation of changes to the continuing education requirement by a designee, the Executive Director, in the case the Board is not able to meet immediately to vote.

CHANGES TO RULE:

334-010-0050

Continuing Education ¶¶

(1) The intent of Continuing Education is to protect the public by maintaining knowledge and skills of massage and/or bodywork. Each licensee must complete 25 hours of continuing education each renewal period. The continuing education hours must be from the following topics:¶¶

- (a) Massage and bodywork techniques;¶¶
- (b) Use of thermal modalities, topical preparations, mechanical assistive; devices/appliances;¶¶
- (c) Stretching and gymnastics that lengthen and shorten soft tissues;¶¶
- (d) Posture and movement assessment; ¶¶
- (e) Massage and bodywork business practices;¶¶
- (f) Anatomy and physiology of the human body;¶¶
- (g) Kinesiology of the human body;¶¶
- (h) Pathology of the human body;¶¶
- (i) Professional Ethics, Boundaries or Communication;¶¶
- (j) Cultural competency¶¶
- (k) Body mechanics;¶¶
- (l) Somatic education; ¶¶
- (m) CPR/First Aid; ¶¶
- (n) Pain Management¶¶

(A) At renewal time, each licensee must sign and submit a statement indicating they have completed 25 hours 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 maybe contact or noncontact hours. Once every other renewal, 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.¶¶

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

- (a) Attendance of courses, seminars, and workshops sponsored, certified by a licensed or accredited massage and bodywork training program;¶¶
- (b) Attendance of courses or activities for continuing education offered by a provider recognized by a massage and bodywork professional organization;¶¶
- (c) Attendance of courses provided by an accredited institution of higher education if topics are listed in OAR 334-010-0050(1)(A-Ma-n).¶¶
- (d) Attendance of courses, seminars, and workshops that meets the content requirement of OAR 334-010-0050(1)(A-Ma-n).¶¶
- (e) Individual interactive distance learning study courses with subject matter that is listed in OAR 334-010-0050(1)(E-Je-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 Oregon Board of Massage Therapists board meeting, board committee meeting, board task force or serving on these 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 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. ¶

(4) If the Continuing Education subject matter is not listed under OAR 334-010-0050(1) 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 you will have 30 days to complete the audit form and submit copies (not originals) of your Continuing Education certificates. ¶

(b) If you fail 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 with second renewal. ¶

(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 hours. The subject matter of the continuing education hours must meet the requirements set forth in OAR 334-010-0050 (1) continuing education rules. ¶

(c) 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