

SENATE DOCKET, NO. FILED ON:

SENATE No.

The State of Oregon

PRESENTED BY:

*To the Honorable Senate and House of Representatives of the State of Oregon
in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

The Oregon Consumer Access and Right to Practice Energy Modalities Care Act.

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PETITION OF:

NAME:

DISTRICT/ADDRESS:

SENATE DOCKET, NO. FILED ON:

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[Pin Slip]

The State of Oregon

In the General Court
(2020-2021)

An Act providing for establishment of a board of registration in Energy Modalities.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

The Oregon Consumer Access and Right to Practice Energy Modalities Care Act.

Section:

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- 1.02: Introductory Provisions
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- 2.01: Approval of Energy Modalities Schools
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- 4.01: Establishment Standards
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1. **1.01: Definitions.**

2. For the purposes of this act the terms below have the following meanings:

Board of Registration in Energy Modalities (BORIEM): The group of individuals, selected by the Governor of the State of Oregon, who shall oversee the practice of energy modalities within the state.

Clinical Intuition: A perceptive process which combines skills in a health care discipline with wisdom and gut response to specific situations. These pieces of information then combine to inform the practitioner of insights that might not be readily available to individuals given the empirical information available on the client.

Clinical Intuitive practitioner:

Provides insight and information from a blending of clinical experience, wisdom and intuitive response. It may include some form of scanning of complex body systems.

Cognitive Somatic Energy Practices: a family of methods designed to strategically and methodically intervene with human energy fields in elevating physical, mental, emotional and spiritual wellbeing. These approaches are used by practitioners of coaching, energy healing, and health optimization. They are not to be construed as the practice of psychology, psychotherapy, or any other licensed healthcare practice, and as such are not to be considered a replacement for psychological care, diagnosis, therapy, or counseling of any kind. However, certain versions of these methods may be used by licensed practitioners of psychotherapy, counseling, and healthcare as part of an overall holistic approach to treatment.

Cognitive Somatic Energy healing practitioner: A person licensed under the provision of this bill to practice one or more CSEP methods designed to strategically and methodically intervene with human energy fields in elevating physical, mental, emotional and spiritual wellbeing. Cognitive Somatic Energy healing practitioners focus on goals of improved mental, emotional, spiritual and physical wellbeing, improved performance in human activities, including but not limited to, work, education, sports, the arts, health related attitudes and behaviors. Cognitive Somatic Energy healing practitioners shall refrain from using these methods for the purpose of psychotherapy or counseling in the treatment of any psychological disorders unless they are licensed to practice those modalities and treat psychological disorders.

Clinical training in energy modalities is defined as: Observation and discussion of energy modalities assessment and sessions performed on clients; The use of energy modalities techniques on an individual under the direct observation of instructors; assessment or diagnosis (if applicable to that division) and support of clients under the direct supervision of a clinical instructor who is a faculty member of the school, culminating in each individual student conducting complete evaluations, designing support plans, and carrying out sessions on individual clients.

Clinical Training Program: a program in energy modalities which provides clinical training

Clinical Qigong: is the evaluation and support of the body, mind, emotions, and spirit based upon Chinese medical principles and skills derived through self-cultivation.

Clinical Qigong Practitioner: includes Qi transmission through non-touch and/or light touch methods and prescription of Qigong exercises and meditations. Cupping, guasha, moxibustion, external application of medicinal plants, eastern lifestyle suggestions, and other techniques, practices and adjunct therapies may be used by properly trained practitioners.

Clinical Tai Chi Practitioner: Originally a sub-set of Qigong practice, now established in it's own right, it uses a far eastern model of care including meridian system, movement and breath patterns to promote balance within the body, and as a result modulates electro-dermal skin response primarily along lymphatic system of the body of the client, among other benefits. This aids in the movement of the lymph fluid through the lymphatic system and promotes overall health and well being through the promotion of the removal of toxic material from the body.

Committee: The group of practitioners who are appointed by the Governor of the State of Oregon and acting as board members of the Board of Registration in Energy Modalities.

Complementary and alternative health care health services: means the broad domain of health and healing therapies and methods of practice.

Continuing Energy Modalities Education: a formal course or program relevant to the study or practice of energy modalities that directly contributes to the professional competence of the license.

Disciplinary Action: For the purposes of this bill they are an action(s) adversely affecting an energy healing practitioner which simultaneously meets the descriptions in this act and which is limited as described in this act.

Energy Modalities: Energy Modalities are adjunctive health support. They are not to be construed as the practice of medicine, psychotherapy, or any other licensed healthcare practice, and as such are not to be considered a replacement for medical care, diagnosis, therapy, counseling or treatment of any kind. Clients are always to be referred to a licensed healthcare professional for health care.

Energy Modalities Establishment: A physical building site where training of practitioners or support of clients takes place.

Energy Modalities Intern: an energy modality student engaged in practical training on human or animal subjects in an energy modalities internship program.

Energy Modalities School: any NAOEP, NCCA, Oregon Board of Higher Education, Federal Department of Education or BORIED committee approved school which grants diplomas, certificates or degrees in any energy modality, or any department or program within a college or university that grants diplomas, certificates or degrees in any energy modality.

Energy Modality School premises: A physical premises approved by the BORIEM and the State of Oregon to teach single or multiple energy modalities.

Energy Modalities Student: a student enrolled in an appropriately approved energy modalities school.

Energy healing practitioner: a person licensed under the provisions of this bill to practice one or more energy modality means an individual who holds oneself out to the public as a provider of energy modalities services for remuneration and who may or may not be licensed, certified, or registered as a health care practitioner by the state of Oregon.

Oregon Department of Higher Education: Manages the private post secondary training programs, seminaries, colleges and universities in the State of Oregon.

Full Spectrum Healing: Using multi-sensory pathways in appropriate combination with but not limited to: listening, body awareness, observation, dialogue, spirituality and guidance; the practitioner determines the needs of their client and utilizes visible light, near infrared, and other wave lengths of light and changes in voltage transmitted through various models, such as harmonic induction, and electro-dermal transmission to support the client.

Full Spectrum Practitioner: Sources information from listening, body awareness, observation, dialogue, spirituality and guidance and then determines support for their client. This includes but is not limited to: utilizing visible light, near infrared, and other wave lengths of light and changes in vibration and voltage transmitted through various models, such as harmonic induction, and electro-dermal transmission to support the client. The practitioner operates in frequency ranges that extend from 3 Hz to 8 GHz that can be currently confirmed through laboratory testing.

Hospital premises: An energy modalities practice located in a hospital or medical center. .

Laying on of Hands Healing: A form of adjunct health care which may support healing and can include spiritual experiences; promoting personal and transcendental experiences for the client.

Laying on of Hands Practitioner: Supports the creation of a personal/transcendental experience of connecting with our true nature/essential being; the wise, loving, powerful, creative entity that we have the capacity to be. Uses single or multiple techniques, which support a combination of body, mind, heart and soul to promote the healing of an individual.

License: an energy modalities license that the Committee issues to a person pursuant to the requirements of this act and the energy modalities regulations, which authorizes the person to practice energy modalities.

Licensure Examination: the examination required by the Committee pursuant to this act. As of January 1, 2022, this examination shall be the NCCOEP examinations correct for the division requirements for that energy modality practitioner.

Multiple Practitioner premises: A physical site with multiple energy healing practitioners participating in the professional practice of one or more energy modality.

Natural Practitioner: individuals who have experienced a natural opening to healing gifts/talents/techniques and some sort of increased sensing, who have developed one or more specific approaches or applications as a result of that opening, and are called by their heart, to share in the act of service, their individual methodology with others.

National Alliance of Energy healing practitioners (NAOEP): An alliance of energy modalities training programs across the nations, which provide information and education to the public.

National Commission for Certifying Agencies (NCCA): Administratively independent resource recognized as the authority on accreditation standards for professional certification programs. Based on sound principles, NCCA standards shall be optimal and comprehensive criteria for organizational process and performance. They are broadly recognized, objective, and current benchmarks for certifying bodies to achieve and by which they operate. The NCCA helps to ensure the health, welfare, and safety of the public through the accreditation of a variety of individual certification programs that assess professional competency.

National Certification Center of Energy healing practitioners (NCCOEP): A text center developed by members of the Energy healing practitioner community to support quality standards and the promotion of quality care within the field of energy practices. Designing tests and standards in the areas of ethics, standards of practice, and empirical competence in specific Energy Modalities.

Radiesthesia: the act of using the vibrational fields of the human body to access information about other objects of animate or inanimate nature by establishing resonance with their fields, using specially calibrated instruments and a scale of qualitative measurement to decode this information. (3)

Reiki: A system of care using a spiritually sourced, human transmitted, pulsed electro-magnetic wave (usually moving at between 7-11Hz and at a voltage of .3 mV to 2.7 V) that travels through a practitioner into and around a client and supports relaxation, stress reduction, and harmony of the body systems.

Reiki Practitioner: Utilizes the Reiki system of care to provide support for a client promoting relaxation, stress reduction, and harmony of the body systems.

Shaman: Contemporary shamanic practitioners work with advanced compassionate spirits to alleviate pain and suffering and to restore power, balance, and wholeness to individuals asking for help for physical, emotional, and spiritual complaints. (2)

Shamanic Practice: 1. Acknowledgment of the existence of spirits (souls), including advanced helping spirits of great wisdom and compassion; 2. Ability to alter one's consciousness, most often through rhythmic percussion sound (particularly drums and rattles), and "journey" outside of time in order to interact with these advanced spirits in another reality and gain their assistance; 3. Offering, with appropriate training in shamanic healing methods, direct spiritual healing to individuals; 4. Such healing often involves the removal (extraction) of spiritual entities ("intrusions") not belonging to the client, and the restoration of the client's own spiritual power (soul retrieval) and power connections (power animal retrieval); 5. Consultation (divination) with the helping spirits on a person's behalf, using various methodologies to connect with the spirits, in order to gain knowledge and useful information to assist the client in resolving life issues. (2)

(Note: This division is limited to non-indigenous practitioners as indigenous practitioners are covered under federal law.)

Spiritual Healing: Spiritual healing can be defined as the direct interaction between one individual (the healer) and a second (sick) individual with the intention of bringing about an improvement in health of the individual through prayer and transcendent experience.

Spiritual Practitioner: The practitioner uses prayer and their personal connection to the divine (in the form which they perceive it), to support the clients understanding, ability to reconceptualize personal experience in a positive framework, and transform the clients body/mind, and experience a change in the clients sense of themselves and spiritual perception, in the promotion of health.

Temporary premises: A physical site approved by the BORIEM to temporarily teach energy healing practitioners.

The Practice of an Energy Modality: the practice of supportive/adjunctive health care based upon traditional theories; in an attempt to support relaxation, reduce stress, increase well-being, relieve pain and improve bodily function.

A. Energy modalities shall include, but not be limited to:

1. Full body, joint, hand, nose, face, foot and/or scalp energy modality techniques.
2. Stimulation to energy modalities points and channels by use of any of the following:
 - a. Magnets, acupatches, photobiomodulation, water and electromagnetic wave therapies.
 - b. Manual stimulation which may include stimulation by an instrument or mechanical device that does not pierce the skin, or by traditional movement patterns.
 - c. Modulated electro-magnetic, near infrared and other frequency stimulation produced by the practitioners own body where it is provided to the client, without touching the client.
 - d. Recommendation and teaching of affirmations, breathing techniques, therapeutic exercises, lifestyle, behavioral, supportive, educational and stress counseling.
 - e. Prayer.
 - f. Shamanic techniques including but not limited to: meditation, directed focus of awareness, visualization, journeying, dialogue and interaction with perceived spiritual connections.

B. Energy modalities diagnostic technique may include but not be limited to:

1. The use of observation, dialogue, listening, smelling, and inquiring.
2. It may include FDA 510k or approved devices; these devices may be using techniques such as Gas Discharge Visualization, interstitial resistance, Kirlian photography, and thermography. All practitioners shall present documentation to the committee confirming

appropriate training on devices employed. All devices shall be used only for the purpose for which the FDA granted approval.

- C. Nutritional, herbal, life or health coaching advice shall be included in the scope of practice only if additional training and certification are provided to the committee at the level approved for a MA health care provider.
- D. Western medical diagnoses shall only be allowed if the practitioner is licensed to practice medicine, osteopathy, naturopathy, dentistry, chiropractic, veterinary medicine, nursing or similar when and if it is within the providers approved scope of practice.
- E. Chinese medical diagnoses shall only be allowed if the practitioner is either dually licensed to practice Acupuncture and Oriental Medicine according to the laws of the State of MA or is a Clinical Qigong practitioner who has completed a course of study which includes a minimum of 500 hours of training and courses including 110 hours of supervised training in theory, Chinese medical diagnosis and didactic support of clients for whom the applicant is primarily responsible.
- F. Psychological diagnoses shall only be allowed if the practitioner is licensed to provide a psychological diagnoses according to the laws of the Sate of Oregon.
- G. Nursing diagnosis shall only be allowed if the practitioner is licensed registered professional nurse of licensed family nurse practitioner.
- G. Unless being seen in a traditional health care setting (ex. physicians office, clinic, hospital), all practitioners and clients shall be fully clothed at all times. Clothing should be appropriate for the season and not transparent or inappropriate for a casual office environment.

1.02: Introductory Provisions.

Given the number of unregistered and unlicensed practitioners in the state it is clear that a

Board of Registration in Energy Modalities should be created. Its purpose is to prescribe substantive standards governing the practice of various energy modalities which shall promote the public health, safety, and welfare, and inform energy healing practitioners of the Board's and Committee's expectations and

requirements. The Board shall assure that every energy healing practitioner in professional practice in the

State of Oregon has notice of this act and shall practice a licensed energy modality in accordance with it. This Act shall be known and may be cited as the “Oregon Consumer Access and Right to Practice Energy Modalities Care Act”

1.03: Legislative Intent.

Based upon a report by the National Institutes of Health, and other research data, it is evident that a large number of residents of the state consume a substantial amount of health care from practitioners who are not licensed, registered, or certified by this state. Those studies further indicate that individuals from a wide variety of age, ethnic, socioeconomic, and other demographic categories utilize these health care services, often times referred to as "energy practices" or "energy healing", a type of complementary and alternative health care practice. Consumers need to have access to safe practices in the broadest market access possible of complementary, cultural, alternative and allopathic providers. While regulation should interfere as little as possible and should not inhibit innovation in the health care market, if there is demonstrated evidence of risk to public safety, regulation is necessary. The practice of any energy modality may be interpreted as the provision of a service that only an individual who is licensed or otherwise regulated by the state may perform. This could potentially subject providers of energy practices to fines, penalties, and restrictions to their practice.

Because the State of Oregon recognizes and values the right of consumers to choose their preferred practitioner and modality of health care, including such complementary and alternative therapies, the Legislature intends to remove current legal barriers to the public's access to those providers not otherwise licensed, certified, or registered by the state while securing the public's health and welfare with appropriate consumer protections and disclosures, as provided in this Act. This act shall primarily apply to those practitioners who are currently unlicensed. However, for those practitioners who are licensed in another discipline and wish to increase their scope of practice which is not explicitly approved under their current state licensing, they may apply for National Certification Center for Energy healing practitioner diploma status.

1.04: Creation of the Board of Registration in Energy Modalities

1.04.1 Board of registration in energy modalities; members; number; qualifications; appointment; term

A. The governor shall appoint 7 members to a board of registration in energy modalities, hereinafter called the board. When making such appointments the governor shall consider persons suggested by energy healing practitioner organizations in the state. Members shall be residents of the state. The composition of the board shall be as follows: 1 physician, 1 registered nurse; 1 licensed clinical psychologist; 3 energy healing practitioners registered pursuant to this act who may have dual licensure; and 1 consumer.

B. Once the board is established, at the time of appointment or reappointment, all members save the consumer shall:

1. Be currently licensed in energy modalities or hold a diploma in energy modalities with additional licensing as a practitioner in the state;
2. Have at least five years of experience in professional energy practices in the ten years immediately preceding the appointment; and
3. Be currently employed providing clinical energy practice in the state at the time of appointment or reappointment.
4. The consumer board member shall be knowledgeable in consumer health concerns and shall neither be, nor ever have been, associated directly or indirectly with the provision of health care.
5. Board members shall serve for a maximum term of three years and/or until the governor appoints a successor. No member may serve more than two consecutive full terms in any category. Completion of an unexpired term does not constitute a full term. No fewer than two members of the board shall be appointed each year.

C. The governor shall fill any vacancy on the board within ninety days of the date that position becomes vacant.

D. The members of the board holding office upon the effective date of this act shall serve as members for the duration of their respective terms.

1.04.2: Board of registration in energy modalities; meetings; officers; executive director; duties

A. The board shall:

1. Meet at least four times per year and shall elect a chairperson and officers annually.
2. Appoint, employ and prescribe the duties of a qualified energy healing practitioner to serve as executive director of the board, who shall receive such salary as may be fixed in accordance with this act;
3. Have responsibility and power to administer, coordinate, and enforce the provisions of this bill, without limitation to such other powers, duties, and authorities as it may be granted by its status;

4. Be authorized to make, adopt, amend, repeal, and enforce such rules and regulations consistent with law as it deems necessary for the protection of the public health, safety and welfare and for proper administration and enforcement of its responsibilities;
5. Conduct such hearings and keep records and minutes as are necessary to carry out its duties.
6. Collect reasonable fees established pursuant to the provisions of this bill provided, however, that in setting the level of said fees, the secretary of administration shall take into consideration the projected costs of assuring sufficient funding to meet the purposes of this section, including, but not limited to, clauses (10) and (11), inclusive;
7. Conduct studies of the supply of energy healing practitioners in the state and, in conjunction with other agencies of the state, evaluate the demand for energy modality services;
8. Provide consultation, conduct conferences, forums, studies and research on energy practices, energy modalities education and related matters;
9. Prepare and publish materials the board determines integral to the delivery of safe and effective energy modality care;
10. Notify all licensees annually about all changes in laws, rules and regulations regarding energy modality licensure and energy practice;
11. Participate in, attend meetings of, and pay fees to appropriate national organizations of energy modalities.

B: Board of registration in energy modalities; assistant to executive director; qualifications; appointment:

1. There shall be an assistant to the executive director of the board, who shall have been an energy healing practitioner for at least five years prior to appointment, who shall be appointed by the director, with the approval of the board.

C: Board of registration in energy modalities; compensation and expenses:

1. Each member of the board shall receive as compensation five hundred dollars a year for the performance of their duties, and also their necessary traveling expenses actually incurred in attending the meetings of the board.

2.01: Approval of Energy Modalities Schools.

2.01.1 Energy Modalities schools:

A. Early inclusion shall last for a period of a maximum of one year after the passage of this bill.

B. During the early inclusion period the following regulations shall apply:

1. All training programs shall select and state the division of NCCOEP in which they are providing certification.
2. All training programs shall provide ethics training sufficient to pass the NCCOEP national ethics exam.
3. All training programs shall provide standards of practice training sufficient to pass the NCCOEP national standards of practice exam.
4. All clinical training programs which are over 250 hours shall include a minimum of 40 hours in supervised training in theory and didactics in support of clients for whom the applicant is primarily responsible.
5. All Clinical Qigong training programs shall be over 500 hours, including a minimum of 110 hours in supervised training in theory, Chinese medical diagnosis and didactic support of clients for whom the applicant is primarily responsible.
6. All practitioners who wish to become licensed, and who have had a natural opening shall complete the training requirements specified in the natural practitioner division of the NCCOEP to obtain licensing.
7. All training programs shall meet the requirements for student's to be able to be approved in at least one division of the NCCOEP to provide certificate classes appropriate for licensing of practitioners. Any training programs that do not meet the requirements shall not be approved by the board.
8. All programs which cannot meet the requirements for students to be able to be approved for licensing through a specific NCCOEP division may have students apply through the Natural Practitioner division or may become a continuing education program. Those programs are not eligible for approval by the board and may make not claims to training for divisions other than the Natural Practitioner division.
9. Local, national or international training programs which wish to be part of early inclusion may apply to the committee or for membership to the NAOEP or similarly approved organization. Those training programs which already have NCCA, Federal Department of Education, NAOEP or Oregon Board of Higher Education or the equivalent approval shall be automatically part of early inclusion.
10. The NCCOEP shall provide the State of Oregon a copy of the certificate confirming the practitioners eligibility at no cost to the state.
11. The NCCOEP shall provide the practitioner qualification reviews at no cost to the State of Oregon.
12. The NCCOEP shall provide a designation with the confirmation letter to the State of Oregon which includes the division or divisions for which the Energy Healing Practitioner has qualified.

13. NCCOEP designation shall be in the form of EHP-C and the division name. If the practitioner qualifies in more than one division, they shall select a primary division and the secondary divisions shall be presented as a number. For example: EHP-C Full Spectrum (4). This will allow the consumer to be sure of the type and style of practitioner qualifications.

C. After the early inclusion period the following regulations shall apply:

1. All training programs shall be approved through one of the programs listed or similar programs:
 - a. The US Federal Department of Education.
 - b. NCCA.
 - c. The Oregon Board of Higher Education.
 - d. Received a religious exemption for seminary training from the State of Oregon.
2. All training programs shall meet NCCOEP division standards for practitioners of that division of NCCOEP.
3. All training programs shall provide ethics training sufficient to pass the NCCOEP national standards ethics exam.
4. All training programs shall provide standards of practice training sufficient to pass the NCCOEP national standards of practice exam.
5. All committee approved training programs shall be listed in a consumer available form which may include but not be limited to: web site, flyer, directory or pamphlet.
6. All continuing education programs shall provide either a minimum of 8 hours of training and state which division their training supports or if the continuing education program does not fit in a specific division or is not able to meet the 8 hour minimum requirement, the committee shall review and grant approval on a case by case basis.
7. International programs offered in the state shall meet NCCOEP standards for practitioner licensing and shall hold appropriate city, county and state business licenses and approvals.

2.01.2 Energy Modalities Training Programs Outside of the U.S.

- A. As of January 1, 2022, educational institutions outside the United States, Puerto Rico, the District of Columbia, and the territories of the United States who have not been previously approved shall be approved by the committee on a case by case basis, according to the standards set by the committee or through the NCCA, Oregon Department of Higher Education, or the US Department of Education.

1. The applicant for licensure shall submit a Foreign Institution Review Application directly to the committee, along with all educational documents requested by the committee.
2. International programs offered in the state shall meet NCCOEP standards for practitioner approval and shall hold appropriate state, city and country business licenses and approvals.

2.02: Educational and Clinical Training Requirements.

2.02.1 Educational Requirements. An applicant applying for licensure on the basis of successful completion of training in one or more energy modalities schools shall have:

- A. Graduated from a committee approved energy training program, NAOEP approved training program, NCCA energy healing practitioner approved program, Oregon Department of Higher Education , a Federal Dept of Education approved energy modalities program or a program approved through reciprocity.
- B. Shall have received an education commensurate with the requirements of the NCCOEP division they are applying to join.
- C. As of January 1, 2022, the minimum number of hours of clinical/didactic instruction in energy modalities related courses shall be the minimum number of hours set by the NCCOEP for the relevant division. The committee, in its discretion, may grant a waiver of this requirement for applicants who are licensed energy healing practitioners in another state. The committee's minimum number of hours of clinical/didactic instruction in energy modalities related courses shall adjust upwards automatically as of the date that the NCCOEP increases its minimum standards.

2.02.2: Requirements by NCCOEP Division.

Clinical Intuitive

- A. Training should include minimum 160 hours training and 40 practicum hours which include:
 1. Objective of observations
 2. Observed issues.
 3. Specific detailed description of physical/physiological body issues.
 5. Ethics
 6. Scope of Practice and Standards of Practice.
 7. Training in proper record keeping for an energy modalities practitioner.

8. Compassionate dialogue training.
9. Minimum 30 assessments.
10. How to refer for medical support.
11. Training in how to properly consent a client.
12. Testing/verifying and certification process.

B. Additional training should also include:

1. CPR
2. Minimum of 44 hours at the college level or one college level semester of anatomy and physiology or BIROEM or NCCOEP approved online anatomy and physiology training program.

C. Training should not include medical treatment, medical procedures, diagnosis, prescription or prognosis, unless it is within the students legal scope of practice.

Cognitive Somatic Energy Practices (EP)

A. Cognitive Somatic Energy practices training shall contain:

1. Minimum 24 hours of Core classroom training.
 - a. This training may be conducted in person and/or online.
 - b. *If it is an online program*, at least 8 of those 24 hours shall consist of live and/or virtual training with an instructor.
2. Supplemental study of reading materials and/or videos as assigned.
3. Ethics training including Child and Elder abuse recognition and reporting.
4. Scope of Practice and Standards of Practice training.
5. Suicide recognition and referral.
6. Training in proper record keeping for an energy modalities practitioner.
7. Training in how to properly consent a client.

8. 50 Client Sessions:

- a. Sessions shall be at least 45 minutes (or the equivalent of 37.5 direct client hours if sessions for the technique are typically shorter).
- b. A maximum of 5 sessions with the same client.
- c. A minimum of 15 sessions shall be with paying or non-paying clients (i.e., not with fellow students, friends, or family members).
- d. Session notes: There shall be written notes for all 50 client sessions.

9. 12 mentored hours after completing the core training:

- a. Mentoring is based on one-on-one sessions conducted outside of workshop or practicum settings.
- b. Mentor/consultant reviews client session notes (submitted in writing and/or via oral summary) and gives feedback to student.
- c. Six of these hours shall be live, one-on-one, either in person or remotely.
- d. The balance of the hours may be in a small group, not exceeding 8 students.
- e. As part of the 12-hour minimum, mentor/consultant observes the student conducting a minimum of 2 client sessions, either live or via session video recording.
- f. Audio only recordings do not meet this requirement.
- g. Observation of additional sessions may be required to assure minimum standards of mastery.

10. Post Core training experience in the client role:

- a. 3 hours of personal work that shall be completed with a practitioner.
- b. Work shall be completed with a practitioner who is certified in the same modality.

c. This work shall be completed with a practitioner who is *not* the student's certification mentor/consultant.

11. Demonstrate to the satisfaction of the consultant/mentor that the student is fluent in whatever portions of that modality are self-help components or between-session homework components.

B. Evaluation:

1. Students shall pass a written exam that evaluates their understanding of relevant theories, concepts, techniques and application before being granted certification.
2. The consultant/mentor shall provide a written recommendation of each student.
3. The student shall complete a written evaluation of the certification program.

Full Spectrum Practitioners

A. All styles of Full Spectrum work shall have training in the following:

1. Ethics;
2. Scope of Practice and Standards of Practice;
3. Environmental preparation and Client Safety;
4. CPR;
5. Compassionate dialogue;
6. Suicide recognition and referral;
7. Self care for practitioners;
8. Training in proper record keeping for an energy modalities practitioner;
9. Grounding;
10. Breath;
11. Basic meditation;
12. Training in how to properly consent a client.

- B. All styles shall have a minimum of 250 total hours of training including style specific techniques.
- C. A minimum of 70 supervised client sessions (100 - 300 sessions preferred).
- D. One college semester equivalent of anatomy and physiology or complete an BIORIEM or NCCOEP approved online training program.
- E. Training in Child and Elder abuse recognition and reporting..
- F. 5 hours of training in practitioner research support.

Laying on of Hands

- A. All styles shall have training in the following:
 - 1. Ethics;
 - 2. Scope of Practice and Standards of Practice;
 - 3. Environmental preparation and Client Safety;
 - 4. CPR;
 - 5. Compassionate dialogue;
 - 6. Suicide recognition and referral;
 - 7. Self care for practitioners;
 - 8. Training in proper record keeping for an energy modalities practitioner;
 - 9. Grounding;
 - 10. Breath;
 - 11. Basic meditation or Prayer;
 - 12. Training in how to properly consent a client.
- B. Shall have between 16 and 250 hours of training including client sessions and techniques.
- C. A minimum of 10 supervised client sessions.

D. Preferred: One college semester equivalent of anatomy and physiology or complete a BIOROEM or NCCOEP approved online training program.

E. Training in Child and Elder abuse recognition and reporting..

Natural Practitioners

A. It is recognized that natural practitioners shall not have formal training in any area as they start the NCCOEP certification process.

B. Practitioners shall meet and be able to provide documentation for the following training appropriate to adjunct health care:

1. Ethics;
2. Scope of Practice and Standards of Practice;
3. Environmental preparation and Client Safety;
4. CPR;
5. Compassionate dialogue;
6. Suicide recognition and referral;
7. Self care for practitioners;
8. Training in proper record keeping for an energy modalities practitioner;
9. Training in how to properly consent a client.

C. Certificate of completion of training from NCCEOP

D. A written description of their personal style of practice.

Radiesthesia

A. All Dowsing and Radiesthesia practitioners shall have the following training:

1. Minimum of 8 hours map dowsing;
2. Minimum of 8 hours information or field dowsing;
3. Minimum of 8 hours technical dowsing;
4. Ethics training;

5. Scope of Practice and Standards of Practice training;
 6. CPR
 7. Compassionate dialogue;
 8. Suicide recognition and referral;
 9. Training in proper record keeping for an energy modalities practitioner;
 10. Training in how to properly consent a client.
- B. All training programs for health care support are for informational purposes only. The information is to be provided to a licensed health care practitioner as well as the client. The client shall agree to provide contact information for their preferred health care provider prior to the start of the session.
- C. Those practitioners who complete their skills training in Radiesthesia shall complete the following additional training:
1. Self care for practitioners.
 2. Shall have an additional 100 hours of training including client sessions and techniques.
 3. A minimum of 10 on hour supervised client sessions.
 4. Specific training on the use of dowsing tools in the context of Radiesthesia.
 5. Environmental preparation and Client Safety.
 6. Meet the additional standards for Laying on of Hands division.

Reiki

A. There are two grouping under Reiki practitioners and they are Clinical and Classical (regardless of style):

1. Both groups shall have training in:
 - a. Ethics;
 - b. Scope of Practice and Standards of Practice;
 - c. Environmental preparation and Client Safety;

- d. CPR;
- e. Compassionate dialogue;
- f. Suicide recognition and referral;
- g. Self care for practitioners;
- h. Training in proper record keeping for an energy modalities practitioner;
- i. Training shall include history, symbols, attunements, and hand placement;
- j. Training in how to properly consent a client.

B. Clinical Practitioners training programs shall have:

1. At least one semester of college level anatomy and physiology or an approved BIORIEM or NCCOEP online training program;
2. At least 48 hours of training;
3. At least 10 supervised sessions;
4. Child and Elder abuse recognition and reporting;
5. 5 hours of training in practitioner research support.

C. Classical Practitioner training programs shall have:

1. At least 16 hours of training and 48-80 is preferred.
2. At least 4 supervised one hour training sessions.

Shamanic Practitioners

- A. Contemporary shamanic practitioners work with advanced compassionate spirits to alleviate pain and suffering and to restore power, balance, and wholeness to individuals asking for help for physical, emotional, and spiritual complaints.
- B. Training in all styles includes:

1. Contact training in and acknowledgment of the existence of spirits (souls), including advanced helping spirits of great wisdom and compassion;
2. Training in the ability to alter one's consciousness, most often through rhythmic percussion sound (particularly drums and rattles);
3. Training in the "journey" outside of time in order to interact with these advanced spirits in another reality and gain their assistance;
4. Removal (extraction) of spiritual entities ("intrusions") not belonging to the client;
5. Restoration of the client's own spiritual power (soul retrieval);
6. Power connections (power animal retrieval);
7. Initiations;
8. Consultation (divination) with the helping spirits on a person's behalf using various methodologies to connect with the spirits in order to gain knowledge and useful information to assist the client in resolving life issues.
9. Training in how to properly consent a client.

(Note: This division is limited to non-indigenous practitioners as indigenous practitioners are covered under federal law.)

Spiritual Practitioners

A. There are three NCCOEP and state accepted forms of spiritual practitioner:

1. Ordained;
2. Lay practitioner within a specific spiritual/religious tradition;
3. Spiritual with no specific tradition

B. Practitioners from specific religious traditions shall meet the requirements of their faith-based training and document completion of that training.

C. Spiritual practitioners with no specific tradition may either follow the laying on of hands or the natural practitioner requirements.

D. All styles of Spiritual Practitioners shall have training in the following:

1. Ethics and Boundaries;

2. Scope of Practice and Standards of Practice;
3. Environmental preparation and Client Safety;
4. CPR;
5. Compassionate dialogue;
6. Suicide recognition and referral;
7. Self care for practitioners;
8. Training in proper record keeping for an energy modalities practitioner;
9. Prayer;
10. Training in how to properly consent a client. and Confidentiality;
11. Child and Elder abuse recognition and reporting.

E. All spiritual practitioners shall sign a BIRSEM provided document confirming that they shall not deny any client/parishioner access or support for receiving standard health care.

Tai Chi Practitioners

- A. There are two primary pathways for Tai Chi (Taiji) practitioners to provide health care support in clinical settings. They are Clinical and Lineage. Ordained practitioners shall meet the Spiritual Division training program standards. Clinical and Lineage practitioners shall meet the standards below for training and any additional standards listed by NCCOEP for national certification.
- B. Practitioner training programs where practitioners are not being paid or are only teaching movement and are not in a health care or research setting, are not required to meet the training standards for health care support and cannot be considered eligible practitioners for health care support in clinical settings. They cannot apply for licensing under the Clinical or Lineage pathway without additional training.
- C. All styles of Tai Chi Practitioners shall have a total of 175 hours of training including the following:
 1. Correct movements for their style of Tai Chi;

2. Compassionate dialogue;
3. Self care for practitioners;
4. Prayer or Meditation;
5. Child and Elder abuse recognition and reporting'
6. 100 hours min of Chinese Medical Theory including:
 - a. Five Elements;
 - b. Twelve regular channels;
 - c. Eight Extraordinary Vessels;
 - d. Tendino-Muscular Pathways or Channels;
 - e. Cutaneous Regions;
 - f. Effective Points;
 - g. Twelve general points;
 - h. Tonification and sedation points;
 - i. Source points (Yuan points);
 - j. Luo connecting points;
 - k. Front Mu (Bo or Alarm points);
 - l. Back Shu (Yu or Associated points);
 - m. Beginning and Ending points;
 - n. Fundamental Substances of the body (descriptions, functions and relationships between them);
 - o. The Organs – Visceral Manifestation Theory
14. 25 hours minimum, including the following:
 - a. CPR;

- b. Ethics and Professional Conduct;
 - c. Scope of Practice and Standards of Practice;
 - d. Training in how to properly consent a client;
 - e. Training in proper record keeping for an energy modalities practitioner;
 - f. Environmental preparation and Client Safety;
 - g. Suicide recognition and referral.
15. 20 hours of training in how to appropriately modify the movements for different kinds of injury or illness.
16. 5 hours of training in practitioner research support.

Qigong Practitioners

- A. There are three primary pathways for Qigong practitioners to provide health care support in clinical settings. They are Clinical, Lineage and Ordained. Ordained practitioners shall meet the Spiritual Division training program standards. Clinical and Lineage practitioners shall meet the standards below for training and any additional standards listed by NCCOEP for national certification.
- B. Practitioner training programs where practitioners are only teaching movement are not required to meet the training standards for health care support and cannot be considered eligible practitioners for health care support in clinical settings. They cannot apply for licensing under the Clinical or Lineage pathway without additional training.
- C. Health care support training shall include a minimum of 500 hours of training including:
 - 1. 50 hours of eastern anatomy and physiology training;
 - 2. 50 hours of western anatomy and physiology training;
 - 2. 30 hours min of Channels and Effective Points;
 - 3. 160 hours minimum Pathology;
 - 4. 70 hours minimum Supervised Clinical Practice;

5. 100 hours min of Chinese Medical Theory including:
 - a. Five Elements;
 - b. Twelve regular channels;
 - c. Eight Extraordinary Vessels;
 - d. Tendino-Muscular Pathways or Channels;
 - e. Cutaneous Regions;
 - f. Effective Points;
 - g. Twelve general points;
 - h. Tonification and sedation points;
 - i. Source points (Yuan points);
 - j. Luo connecting points;
 - k. Front Mu (Bo or Alarm points);
 - l. Back Shu (Yu or Associated points);
 - m. Beginning and Ending points;
 - n. Fundamental Substances of the body (descriptions, functions and relationships between them);
 - o. The Organs – Visceral Manifestation Theory
6. 40 hours minimum, including the following:
 - a. First Aid and CPR course(s);
 - b. Ethics and Professional Conduct;
 - c. Scope of Practice and Standards of Practice;
 - d. Training in how to properly consent a client;
 - e. Training in proper record keeping for an energy modalities practitioner;

- f. Environmental preparation and Client Safety;
- g. Suicide recognition and referral;
- h. Self care for practitioners;
- i. Child and Elder abuse recognition and reporting;
- j. 3 hours of training in practitioner research support.

2.02.3: Clinical Training Requirements: Pursuant to this act, to be eligible for licensure, an applicant shall graduate from a committee approved course of academic training in energy modalities which shall include a committee approved energy modalities internship.

A. Clinical Intern training in energy modalities is defined as:

1. Observation and discussion of energy modalities assessment and sessions performed on clients;
2. The use of energy modalities techniques on an individual under the direct observation of instructor(s);
3. Assessment or diagnosis (if applicable to that division) and support of clients under the direct supervision of a clinical instructor(s) who is a faculty member of the school;
4. Culminating in each individual student conducting complete evaluations, designing support plans, and carrying out sessions on individual clients for whose care the student is primarily responsible.

B. Clinical Internship programs located in Oregon shall meet the following requirements:

1. Clinical instructors shall be duly appointed faculty members of the energy modalities school, have full or temporary licenses, and be directly responsible for the actions of interns;
2. Interns participating in supervised clinical training as defined in this act shall be currently enrolled in and shall have completed the first section of an approved energy modalities training program;
3. Interns shall be under direct faculty supervision;
4. Interns shall be identified as such to clients, and clients shall agree in writing to be treated by interns;
5. The regulations governing safe practice and other applicable regulations and guidelines shall be observed in the clinic;
6. The training program shall keep a list of all interns which can be made available to the committee on request;

7. The training program shall keep a list of all intern's sessions including date and time, which can be made available to the committee on request. This list shall be kept as part of the students' permanent record;
 8. Every training program shall provide at minimum: 10 hours of supervised sessions.
- C. An intern in Oregon who participates in an internship program that is not located in a clinic operated on the premises of a committee approved school shall be registered with the committee by the school in which the intern is enrolled.
- D. If the committee decides that it has insufficient information on the clinical intern program or is otherwise unable to grant approval on the basis of written materials, the committee may conduct an on-site visit pursuant to approving an internship program.
- E. If the committee determines that an internship program is being operated in violation of applicable regulations and guidelines:
1. The committee shall inform the energy modalities training program with which the internship program is affiliated of the nature of the violations and the 60 day period in which the violations shall be corrected.
 2. If the violations are not corrected the committee may order that the program be discontinued. The committee may, if the committee determines that the health, safety or welfare of the public is threatened, order that the program be discontinued until the committee is satisfied that any violations have been corrected.
 3. The program shall have 60 days to provide proof of correction to the committee.
- F. The committee may periodically re-approve internship programs and may withdraw approval from a program if the committee finds that the program no longer meets the requirements listed in this act. The committee shall review programs every five years. If the committee withdraws approval from an internship program, the committee shall inform the school in writing of the reasons for withdrawing approval. The school may submit a written request within 60 days from the date approval is withdrawn that the committee reconsider its decision, stating the reasons for doing so. Energy modalities schools offering approved internship programs shall apprise the committee annually of changes in the programs, such as changes in requirements or material covered.

2.02.3 Postgraduate Clinical Training.

- A. The committee may approve postgraduate clinical training programs in Oregon sponsored by committee approved energy modalities schools, hospitals licensed by the Joint Commission for the Accreditation of Hospitals, and other organizations that the committee, in its discretion, deems appropriate to sponsor postgraduate clinical training programs in energy modalities in Oregon.
- B. An individual participating in postgraduate clinical training shall:
1. have a temporary license to practice energy modalities in Oregon;

2. be a graduate of a Committee approved energy modalities school or equivalent;
3. be identified to clients orally and with a name tag as a postgraduate clinical trainee.
4. The client shall also be advised of the right to refuse treatment by a clinical trainee.

C. An institution which offers postgraduate clinical training shall:

1. Comply with all applicable regulations and guidelines governing the practice of energy modalities;
2. Provide the Committee with a detailed written description of the training program, and apprise the Committee of any changes that are made in the program;
3. Have clinical instructors who are licensed energy healing practitioners, have a minimum of 5 years of professional practice in the specific modality being taught, whose credentials are sufficient to instruct and supervise postgraduate clinical trainees, and who are directly responsible for supervising the assessment/diagnosis, support and evaluation of every client;
4. Provide a minimum equivalent of 2 hours of supervised client sessions per day of training. These can be provided on a daily or weekly basis or cumulatively in clinic sessions.

D. The Committee may conduct an onsite visit to decide whether to approve a postgraduate training program, and to determine whether the institution is in compliance with this act.

E. The Committee may withdraw approval of a postgraduate clinical program if the Committee determines that the program is not in compliance.

2.02.4 Reciprocal Approval Agreements. The Committee may enter into reciprocal agreements with other states to facilitate the approval of schools and clinical programs.

A. A list shall be provided to the public of all states with whom there are reciprocal approval agreements.

B. This list shall be updated annually.

C. This list shall be presented on a web site, flyer, brochure or booklet as necessary.

2.02.5: Continuing Energy Modalities Education

A. Condition of Renewal. A full licensee is required to complete 16 hours of continuing energy modalities education per renewal period as a condition of renewal of his/her license. The renewal period is each two-year period that begins on the date that a license is issued or renewed by the committee and ends on the following renewal date. At the time of renewal, each licensee shall be required to submit a signed, notarized statement, on a form provided

by the committee, attesting to completion of the continuing education requirements set forth in this act. Failure to comply with the continuing education requirements of this act shall result in the non-renewal of the license.

- B. Quality of Education. The committee anticipates that licensees shall maintain the high standards of the profession in selecting quality educational programs to fulfill the continuing education requirement. All continuing education programs or courses shall be formal learning programs relevant to the study or practice of energy modalities, which contribute directly to the professional competence of the licensee.
- C. Continuing education courses may include certain courses in Western medicine, psychology, anthropology, sociology, emergency medicine and others. However, at least 8 hours of the 16 hours of continuing energy modalities education shall be spent in courses directly related to energy modalities.
- D. The committee may approve courses and programs to satisfy the continuing energy modalities education requirement. A continuing education course or program shall meet all of the following requirements:
1. The course or program meets the standards established and recognized by the committee;
 2. The instructor(s) shall have adequate credentials to teach the subject matter, as determined by the committee;
 3. A complete record of attendance is maintained on file by the sponsor of the course or program;
 4. The course or program has clearly stated educational or professional objectives that can be realistically accomplished;
 5. Any self-directed course, program or activity shall require that the student pass a test demonstrating adequate mastery of the subject matter in order to obtain a certificate of completion.
 6. A credit hour shall be at least 50 consecutive minutes in length;
 7. There shall be a written outline, syllabus, text, bibliography or other written material and these materials shall be updated at least every four years by the sponsor or sponsoring entity.
 8. If the program includes a clinical component, the instructor shall be a licensee possessing the appropriate credentials to provide instruction.
 9. A licensee shall not receive credit hours for taking the same course or program sponsored by the same instructor or entity during consecutive licensure/renewal periods, unless the course has been substantially revised or updated.

E. A sponsor may request committee approval of his/her continuing education course or program.

1. Any such request shall be made in writing to the committee
2. The committee shall be furnished with the curriculum vitae of the instructor(s), the outline, syllabus, bibliography and other materials describing the course or program.
3. The sponsor shall ensure that attendance shall be taken per session and shall provide certification of attendance, including the number of hours attended, to the committee upon request.
4. Sponsors of continuing education programs shall be expected to maintain in their records the names of all continuing education attendees and the number of hours awarded for attendance at each program for a period of 5 years.

2.02.6: Verification and Record Keeping of Continuing Education.

A. A licensee is required to maintain records of his/her 16 hours of continuing energy modalities education per renewal period, for at least two renewal cycles.

1. The committee may require that a licensee provide verification of his/her continuing energy modalities education credits at any time.
2. The committee's inquiry shall not extend for a period exceeding two prior renewal periods.
3. The committee may randomly audit licensees' continuing education credits.

B. If a continuing education statement submitted by an applicant for biennial license renewal is not approved, the applicant shall be so notified and the applicant may be granted a period of time by the committee in which to correct the deficiencies noted.

C. The licensee shall retain a certificate of attendance or letter of attestation issued by a program sponsor for each continuing education course or program. For each credit hour earned, the licensee shall be able to document the following information:

1. The title of the program;
2. The number of hours spent in the program;
3. The name of the sponsor and/or the instructor of the program; and
4. The date(s) the program was given.

2.02.7 Extension of Time to Complete Continuing Energy Modalities Education Requirements.

- A. A licensee may apply to the committee for an extension of time to complete the portion of the continuing education requirements that he/she cannot meet.
- B. The licensee shall submit the request to the committee no later than 60 days prior to the license renewal date. The request shall be signed under the penalties of perjury and shall contain the following information:
 - 1. An explanation of the licensee's failure to complete his/her continuing energy modalities education requirements;
 - 2. A list of the continuing energy modalities education courses and hours that the licensee has completed; and
 - 3. The licensee's plan for satisfying his/her continuing energy modalities education requirements.
- C. The committee, in its sole discretion, may grant a waiver or extension of the continuing education requirement. The grounds for waiver or extension include, but are not limited to:
 - 1. Prolonged illness of the licensee; or
 - 2. Inaccessibility or unavailability of continuing education programs.
- D. Licensees granted an extension by the committee shall be given additional time to complete the committee's continuing education requirement. Licensees required to make up a deficiency in continuing credits may apply those credits only to the period in which the deficiency arose.

3.01: Practitioner Licensure Provisions

3.01.1 Types of Licenses for Practitioners. Two types of licenses are issued by the committee for practitioners: full license and temporary license.

- A. A Full Licensee: May practice energy modalities in Oregon in accordance with this act.
- B. Temporary License. A temporary licensee shall only practice energy modalities on an individual or client in the course of:
 - 1. The temporary license is necessary to continue practice if the individual is waiting for approval of full licensing; or
 - 2. Demonstrating energy modalities techniques as part of an energy modalities educational seminar or program which runs longer than a calendar month; or
 - 3. Participating in a postgraduate clinical training program; or

4. Participating in a continuing education course that includes the support treatment of clients which runs longer than a calendar month; and
5. When a temporary licensee is participating in a postgraduate clinical training program or a continuing energy modalities education program, he/she shall be supervised by an active full licensee.
 - a. The supervisor shall be approved by the Committee or its licensing subcommittee prior to the issuance of the temporary license.

3.01.2 Qualifications Required of Each Applicant. Each applicant for full and temporary licensure shall possess the following qualifications listed in this act.

- A. An applicant shall be at least 18 years of age;
- B. An applicant shall be of good moral character;
- C. All applicants shall demonstrate sufficient knowledge of the English language to understand and be understood by clients, physicians, Board and Committee personnel.
- D. NCCOEP national certification is required. As of January 1, 2022, an applicant for full licensure shall be nationally certified in an Energy Modality or be licensed in another state or foreign nation with which Oregon has a reciprocal licensing agreement.

3.01.3 Committee Procedure for Evaluating Practitioner Applications.

- A. Passing the NCCOEP national certification requirements and examinations does not of itself entitle an applicant to be licensed. Upon receipt of an applicant's NCCOEP division approval letter, the committee shall review the applicant's application, and shall inform the applicant of its decision on licensure.
- B. If an application for full licensure is complete and filed on time, the committee or licensing subcommittee shall make a preliminary evaluation of the applicant's credentials and decide whether to allow the applicant to receive licensure. The committee shall inform the applicant of its decision within 30 days, when such notice is possible.
- C. At any stage during the review of an application, the committee or its Licensing Subcommittee may require an applicant to provide additional information, or appear personally before the committee, the Licensing Subcommittee, or their designated representative for the purpose of answering questions pertaining to the application.
- D. The committee may, at its discretion, require an applicant to hire a credentials evaluation service approved by the committee to evaluate the credentials of the applicant. The applicant shall pay for the evaluation.

3.01.4 Committee Denial of Applications.

- A. The committee shall inform an applicant in writing of the reasons his/her application was denied. If the committee denies an application for reasons other than an applicant's failing to fulfill the

NCCOEP division requirements, the applicant may submit a written request within 60 days from the date of denial that the application be reconsidered by the committee, stating the reasons why the committee should reverse its decision.

- B. An applicant may submit a request for reconsideration only once in 60 days, unless the applicant states additional facts or circumstances that the applicant was unaware of at the time he/she made his/her first request and that are relevant to the committee's decision.

3.01.5 Licensure in Another State.

- A. An applicant for full licensure who holds a license to practice energy modalities in another state or foreign nation shall not be excused from any of the application requirements in this act unless the committee has entered into a reciprocal licensing agreement with that state, or unless the committee has specifically exempted that applicant from a particular requirement.

3.01.6 Temporary Licensure.

- A. The following individuals shall have a full or temporary license to practice energy modalities:

1. An instructor in an approved internship program offered by an approved school;
2. An instructor in an energy modalities educational seminar or program who demonstrates energy modalities techniques on clients;
3. A participant in a postgraduate clinical training program;
4. A participant in a committee approved continuing energy modalities education course that includes the treatment of a client, in which case the temporary license shall be valid for three months.

- B. To qualify for a temporary license as an instructor in a committee approved internship program, an applicant shall have a temporary faculty appointment in a committee approved school of energy modalities and shall have;

1. Credentials equivalent to those necessary for full licensure; or
2. Training and experience which, in the judgment of the committee, are sufficient for an instructor in an internship program.

- C. To qualify for a temporary license as an instructor in an energy modalities educational seminar or program, an applicant shall have:

1. Credentials equivalent to those necessary for full licensure; or
2. Training and experience which, in the judgment of the committee, are sufficient for an instructor of the energy modalities techniques to be demonstrated in the educational seminar or program.

- D. To qualify for a temporary license as a participant in a postgraduate clinical training program in energy modalities, an applicant shall be a graduate of a committee approved energy modalities school, shall have been accepted into a postgraduate clinical training program, and shall have the undergraduate educational requirements specified in this bill.
- E. To qualify for a temporary license as a participant in a continuing energy modalities education course, an applicant shall be a graduate of an approved energy modalities school, shall have been accepted into a committee approved continuing energy modalities education course, shall have the educational requirements specified in this bill and shall be supervised by an active licensed energy healing practitioner who is in good standing with the Committee.
- F. Application for temporary licensure shall be made through the office of the energy modalities school hiring the temporary licensee, through the organization sponsoring the energy modalities educational seminar or program, through the institution sponsoring the postgraduate clinical training program or by the applicant on an application form provided by the Committee.
- G. Temporary licensure is for one year with renewal yearly for a maximum of two years. There is one exception to that process which may be granted under this bill, which shall be for three months with renewal for a maximum of one year. Completed applications shall be submitted 10 days prior to the start of the program, educational seminar or program or postgraduate clinical training program.

3.02: Establishment Licensure Provisions: There are six types of establishment licensing: Hospital premises, Clinic premises, Energy Modality School premises, Multiple Practitioner premises, Single Practitioner premises and Temporary premises.

3.02.1: Qualifications Required of Each Establishment Applicant. Each applicant for Establishment licensure shall provide the following to the BORIEM listed in this act.

- A. An applicant shall be at least 18 years of age;
- B. An applicant shall be of good moral character;
- C. All applicants shall demonstrate sufficient knowledge of the English language to understand and be understood by clients, physicians, and committee personnel.
- D. The applicant shall have a full practitioner license in good standing.
- E. The applicant shall have liability insurance.
- F. The applicant shall provide the committee with the application form and all necessary documentation.

3.03: Application Provisions:

3.03.1 Contents of the Application Form for a Practitioner Full License. The committee's application form for a full license shall request the following information:

- A. The applicant's name; date and place of birth; and home address, mailing address and principal business address;
- B. The applicant's social security number;
- C. A photograph of the applicant adequate for positive identification;
- D. Three written statements asserting that the applicant is of good moral character. These statements shall be executed by persons who are:
 - 1. Unrelated to the applicant
 - 2. Who have known the applicant well and for a minimum of three years, and are preferably an energy healing practitioner licensed in Oregon;
- E. A copy of the applicant's NCCOEP division approval letter including division(s) name(s);
- F. A statement of the absence of the applicant's involvement in civil litigation related to the practice of energy modalities, and any criminal litigation;
- G. A statement of the absence of any disciplinary action taken against the applicant;
- H. A statement of the other jurisdictions in which the applicant is or has been licensed to practice energy modalities, including license numbers and issue dates;
- I. A statement of the applicant's physical and mental health, including an explanation of any dysfunction impairing him as a student or practitioner of energy modalities;
- J. Where applicable, proof of sufficiency in the English language .

3.03.2 Contents of the Application Form for Practitioner Re-examination: The committee's application form for re-examination in Oregon consists of the original application updated on a form provided by the committee.

3.03.3 Contents of the Application Form for Practitioner License Renewal: The committee's renewal application form shall request the following information:

- A. The applicant's name, date of birth, home address, mailing address, principal business address, energy modalities division(s), and current licensing number;
- B. A statement of the applicant's energy modalities training, and any hospital or clinic affiliations;

- C. A statement of any disciplinary action taken against the applicant since the last time the licensee submitted either a renewal application or an initial application for licensure;
- D. A statement of any civil litigation related to the practice of energy modalities, or any criminal litigation commenced against the applicant since the last time the licensee submitted either a renewal application or an initial application for licensure;
- E. A statement of other jurisdictions in which the applicant is licensed to practice;
- F. A description of continuing energy modalities education courses taken by the applicant since the last time the licensee submitted either a renewal application or an initial application for licensure, and evidence of having completed the courses, such as certificates provided by the course.

3.03.4 Contents of an Application Form for a Practitioner Temporary License. The Committee's application form for a temporary license shall request the following information:

- A. The applicant's name, date of birth, home address and mailing address;
- B. A statement describing the applicant's training, work experience, and teaching experience, and an original copy of the applicant's credentials sent directly from the training program;
- C. Where applicable, a description of the applicant's training and supporting documentation;
- D. A description of the clinical courses the applicant shall teach, or the energy modalities educational seminar or program the applicant shall lead;
- E. If applicable, the signature of the dean of the energy modalities school hiring the applicant, and the school's seal;
- F. If applicable, the signature of an active licensed energy healing practitioner who shall supervise the applicant;
- G. The applicant's social security number;
- H. A photograph of the applicant adequate for positive identification;
- I. A statement of the absence of the applicant's involvement in civil litigation related to the practice of energy modalities, and any criminal litigation;
- J. A statement of any disciplinary action taken against the applicant;
- K. A statement of the other jurisdictions in which the applicant is or has been licensed to practice energy modalities, including license numbers and issue dates;

L. A statement of the applicant's physical and mental health, including an explanation of any dysfunction impairing him/her/they as a practitioner of energy modalities.

3.03.5 Contents of an Application Form for a Establishment License. The Committee's application form for an establishment license shall request the following information:

A. A Single Practitioner Establishment License application shall include a copy of the following

1. Application form;
2. Local health department site inspection certificate;
3. A copy of the establishment's liability insurance certificate;
4. A copy of the establishments business license completed application;
5. A copy of the facilities contract/lease or ownership deed;
6. Fee.

B. A Multiple Practitioner Establishment License application shall include a copy of the following:

1. Application form;
2. Local health department site inspection certificate;
3. Fire department site inspection certificate;
4. A copy of the establishment's liability insurance certificate;
5. A copy of the establishments business license completed application;
6. A statement confirming that the site has a completed compliance plan;
7. A copy of the facilities contract/lease or ownership deed;
8. Fee.

C. An Energy Modalities School Establishment License application shall include a copy of the following:

1. Application form;
2. Local health department site inspection certificate;

3. Fire department site inspection certificate;
4. A copy of the establishment's liability insurance certificate;
5. A copy of the establishments business license completed application;
6. A statement confirming that the site has a completed compliance plan;
7. Copies of Fire Evacuation Plan and Building map;
7. A copy of the facilities contract/lease or ownership deed;
8. Fee.

D. Clinics and Hospitals which are licensed care facilities do not need to apply for additional establishment licensing.

F. Temporary licensure is usually issued for a maximum of three months.

A. A temporary establishment license is to be used primarily for:

1. During the renovation of an new or existing physical space.
2. Continuing education classes or Conference workshop.
3. Weekend or short duration training or research seminars.
4. While waiting for a permanent establishment license to be granted.

B. The temporary establishment license may also be issued in the following situations:

1. For the purposes of disaster management;
2. For local, state or national Health Emergencies.

C. Emergency renewal as stated in this section may be extended for a maximum of one year.

D. Completed applications shall be submitted 10 days prior to the start of the training program, educational seminar or program or postgraduate clinical training program.

3.03.6 Contents of the Application Form for an Establishment License Renewal:

- A. Unless a complaint is filed against the Establishment, a copy of the business license, liability insurance, health and fire department inspections, application and fee are sufficient for Establishment License Renewal.
- B. If a complaint is filed, and the subsequent investigation demonstrates the validity of the complaint the establishment shall have 90 days show proof of resolution.
- C. If the resolution cannot be completed in 90 days the owner of the establishment may petition the committee for an extension.

3.03.7 Applicants for Practitioner Licensure or Renewal Who Have Changed Their Names. Each applicant for licensure or renewal who has been known by a name other than that used on his/her application shall complete the name change forms used by the committee to verify name changes, and shall submit the completed forms along with the documentation required.

3.03.8 Applications for Establishment Licensure Name Change:

3.03.9 Translations Required. All international documentation submitted in a language other than English shall be accompanied by a translation into English prepared at the applicant's expense by a translation service approved by the committee. The translator shall attest to the accuracy of the translation under penalty of perjury.

3.03.10 Submission of Original Documents. Each applicant shall have original documents sent directly from the issuing institution. Under appropriate circumstances, the committee may, at its discretion, allow individuals to submit an original document along with a photocopy, or an affidavit in *lieu* of an original document.

3.03.11 Completed Application Forms.

- A. The committee considers an application complete only if it meets the following requirements:
 - 1. It is typewritten or written legibly;
 - 2. All data, information and signatures requested are supplied as specified;
 - 3. The proper fee is submitted;
 - 4. The applicant has submitted any additional material the committee has requested.
- B. The committee shall return an incomplete application to the applicant or notify the applicant of deficiencies. It is the applicant's responsibility to resubmit the application when it is complete.
- C. Any application which is not completed by the applicant within 12 months of initial receipt by the committee shall be deemed lapsed. In such circumstances, an applicant shall file a new application, inclusive of proper fee, in order to be considered for licensure.

3.03.12 Submission of Papers. The papers shall be submitted to the committee's designated official mailing address. Persons wishing to file papers with the committee may mail them in with a return receipt or hand deliver them to the BORIEM address, unless the committee orders otherwise.

3.03.13 Change of Address. Whenever a licensee changes his/her/their mailing, home or principal business address, he/she shall notify the committee of his/her new address, on the form the committee prescribes, within 30 days of such change.

3.03.14 Notice of Appearance. A notice of appearance on behalf of a Respondent shall be deemed an agreement between the Respondent and the person appearing on the Respondent's behalf that such person shall accept service of any document on behalf of the Respondent.

3.04: Fees

3.04.1 Payment of Fees. All licensing fees shall be paid in United States dollars in the form of a certified check or money order, made payable to the State of Oregon in the amount required by the secretary of administration and finance under M.G.L. c. 7, § 3B. Other fees may be paid with a personal check.

A. Fees for Full practitioner and Temporary practitioner licenses shall be determined by the secretary of administration and finance under M.G.L. c. 7, § 3B.

B. Single Practitioners Establishment license fees shall be limited to the cost of their local business license and the fees for department of public health and fire department inspections.

C. Multiple Practitioner Establishment license fees shall be determined by the secretary of administration and finance under M.G.L. c. 7, § 3B but may not exceed \$90 per calendar year per practitioner.

D. Clinic and Hospital Establishment license fees shall be determined by the secretary of administration and finance under M.G.L. c. 7, § 3B.

E. Energy Modalities Training Program Establishment license fees shall be determined by the secretary of administration and finance under M.G.L. c. 7, § 3B but may not exceed \$10 per student per calendar year.

3.04.2 Forfeiture of Fees.

A. An applicant withdraws the application after submission, the applicant forfeits the application and examination fees.

B. If an applicant submits an application which is deemed lapsed, the applicant forfeits the application and licensing fees.

3.04.3: Renewal Fees

A. Requirements for Renewal of a Practitioner Full License.

1. Pursuant to M.G.L. c. 112, § 156, a full licensee shall renew his/her/their license every two years.
2. The renewal date is on the original submission date.
3. The first renewal date is in the second year following the year in which the full license was granted.
4. A licensee shall submit to the committee a completed renewal application form and the proper fee prior to the renewal date;
5. A licensee shall fulfill the continuing energy modalities education requirement as defined in this act, or obtain a waiver or extension from the committee pursuant to this act.

B. Requirements for Renewal of an Establishment License:

1. Pursuant to this act an establishment shall renew the license every two years.
2. The renewal date is on the original submission date.
3. The first renewal date is in the second year following the year in which the establishment license was granted.
4. A owner shall submit to the committee a completed renewal application form and the proper fee prior to the renewal date;

C. Time Periods and Extensions of Deadlines.

1. The committee shall mail a licensee a renewal application 90 days prior to the renewal date.
2. If the committee fails to mail the renewal application in a timely manner, the licensee shall have 90 days from the date the application is received to renew his/her/their application.

3.05: Requirements for Practitioner Inactive Status.

- A. A full licensee may request inactive status at any time. A licensee shall make his/her request in writing to the committee and certify that he/she shall not practice energy modalities in Oregon.
- B. An inactive licensee is exempt from the continuing energy modalities education requirements set forth in this act but is subject to all other provisions of this act.

- C. An inactive licensee may request in writing at any time that the committee permit him/her to return to active status. The committee shall grant such a request, provided that the licensee: renews his/her license if it has lapsed during the period of inactivity; and satisfies any continuing energy modalities education requirements that the committee deems appropriate.

3.06: Lapsed Practitioner License.

- A. If an energy healing practitioner fails to renew his/her full license, the license automatically lapses pursuant to this act.
1. A licensee may fail to renew his/her license within the meaning of this act in a variety of ways including, but not limited to, the submission of an incomplete application.
 2. A license not renewed shall lapse at 11:59 P.M. on the license renewal date.
 3. An energy healing practitioner whose license has lapsed is prohibited from practicing energy modalities in professional practice until he/she has completed the renewal requirements.
- B. An energy healing practitioner whose license has lapsed may petition the committee, upon submission of a lapsed license application and payment of the required fee, to revive his/her license.
1. If the committee has reason to believe that the applicant has committed a violation of the law, or of the committee's regulations, or has deviated from good and acceptable standards of practice, or has raised a concern regarding his/her competency to practice energy modalities, the committee may review the matter and, if it deems necessary, investigate the matter.
 2. The committee may defer action on the lapsed license application pending completion of the investigation or 180 days after the committee's receipt of a complete lapsed license application, whichever is shorter, or should the committee bring charges against the energy healing practitioner, pending completion of the adjudicatory process by the committee.
 3. The 180-day period allowed for investigation shall be extended by any period of time during which the energy healing practitioner is unavailable or fails to cooperate with the committee.
- C. An energy healing practitioner whose license has lapsed for more than two years shall be required to submit an original application for full licensure. The committee may, at its discretion, require as a condition for re-licensure that the licensee complete all or part of the continuing energy modalities education requirements that have accrued if the license has lapsed for more than ten years.

4.01: Establishment Standards.

4.01.1 Compliance Officer. Each Energy Modalities Establishment shall designate a Licensed Energy healing practitioner who is responsible for the Establishment's compliance with the laws of the state. Said Licensed Energy healing practitioner shall agree to be accessible to the BORIEM and shall be responsible for cooperating with inspections or investigations conducted by the BORIEM or its agents. Upon the request of the BORIEM or its agents, the designated Licensed Energy healing practitioner shall provide immediate access to, and, if requested, copies of records maintained by the Energy Modalities Establishment. The Energy healing practitioner shall be designated the Energy Modalities Establishment's compliance officer.

4.01.2 Compliance Plan. Each Multiple Practitioner Energy Modalities Establishment shall implement and maintain a business compliance plan, that shall include, but not be limited to, standards, procedures, and policies that address the Energy Modalities Establishment's administrative and clinical protocols. The standards, procedures, and policies in the compliance plan shall include, but not be limited to, addressing the following issues:

- A. A plan for ascertaining that all individuals providing energy work in the Energy Modalities Establishment have current, valid licenses;
- B. A list of all Energy healing practitioners who practice at the Establishment;
- C. The methods for training personnel regarding the Energy Modalities Establishment's standards, procedures, and policies, including appropriate right-to-know training, standard precautions to prevent communicable disease, proper documentation, clients' rights, and proper billing, on an ongoing basis;
- D. The methods of maintaining and encouraging open lines of communication among the Energy Modalities Establishment's personnel;
- E. The methods of maintaining and ensuring that equipment is inspected on an annual basis and is in safe operating condition;
- F. The mechanisms used to report and respond to violations or complaints in an appropriate manner;
- G. The implementation and maintenance of a schedule of the Establishment's compliance audits; and
- H. In the event of the dissolution of the Establishment or the departure of a licensed Practitioner from the Establishment, a plan for the dissolution of the Energy Modalities Establishment or for the departure of a practicing Energy healing practitioner, including, but not limited to, a plan for the storage and retrieval of clients' records.

4.01.3 Personnel.

- A . All Energy healing practitioners at an Energy Modality Establishment shall hold a current Energy healing practitioner license from the BORIEM, unless exempted by regulation or statute.
- B. All Energy healing practitioners conducting sessions at an Establishment shall be deemed the responsibility of the Operator of the Establishment.
- C. All students who perform sessions at an Establishment shall be supervised by a licensed Energy healing practitioner.
- D. Energy healing practitioner Establishment License is not transferable.
- E. The use of aliases by Energy healing practitioners is prohibited.

4.01.4 Interior Specifications.

- A. The Establishment shall maintain a properly installed smoke detector and fire extinguisher.
- B. Sessions may be conducted only in rooms, which are adequately lighted and ventilated, and so constructed that they can be kept clean. Floors, walls, ceilings and windows shall be kept free of dust, soil, and other unclean substances.
- C. Session rooms shall have at least 65 square feet of floor space for all Establishments licensed after January 1, 2021.
- D. Smoking is prohibited anywhere on the premises.
- E. Every Establishment shall have accessible rest room facilities, including at least one toilet with toilet tissue provided; a hand sink with soap; and shall provide disposable towels, single use linens, or air dryers.
- F. Every Establishment shall have hand-washing facilities for practitioner use. Said facilities shall provide an adequate supply of hot water at a temperature that complies with 105 CMR 410.000: *Minimum Standards of Fitness for Human Habitation (State Sanitary Code, Chapter II)*.
- G. Hand washing facilities for Establishments shall be accessible and located no more than 50 feet from the treatment area.
- H. Soap, disposable towels, single use linens or air dryers and adequate waste receptacles shall be provided at all times.
- I. Toilet and hand washing facilities shall meet the requirements of the state plumbing code and shall be maintained in good repair, well-lighted and adequately ventilated, kept in a clean and sanitary condition and free of vermin.

J. Every Establishment shall provide for safe and unobstructed passage in the public and private areas of the premises.

K. Facilities shall be provided for the storage and removal of garbage, waste and refuse.

L. Any flammable or hazardous materials in the Establishment shall be stored in a safe manner in accordance with local and state regulations and Oregon General Laws.

4.02: Safe Practice Provisions

4.02.1 In General. 243 CMR 5.08 contains the Committee's requirements for energy healing practitioners, energy modalities interns, and energy modalities assistants concerning the safe practice of energy modalities. The Committee may, at its discretion, issue additional requirements or guidelines that shall be observed by energy healing practitioners and interns.

A. All non-disposable energy modalities equipment that comes into contact with the client's body shall be cleaned after each use. All equipment shall be thoroughly cleaned with a disinfectant or cleansing solution.

B. All disposable equipment shall be clearly marked to distinguish it from other equipment.

C. The establishment shall be equipped with proper and adequate lighting and ventilation and kept in clean, orderly, and sanitary condition.

4.02.2 Equipment.

A. All equipment and supplies used in the performance of an energy session shall be maintained in a safe and clean manner. All tables and other cleanable surfaces that come into contact with clients shall be cleaned by the regular application of a cleanser and sanitized with an EPA registered sanitizer after each use. Any additional local health department requirements shall be met.

B. Each client shall receive a separate, clean covering for use on the practitioner table or chairs, such as sheets or towels.

C. All re-usable sheets, towels, and other cloth materials used in the conduct of a session that come in contact with a client shall be laundered after each use.

D. Each Establishment shall maintain a sufficient supply of clean linens.

E. All fresh linens shall be kept in closed containers.

F. All used linens shall be kept in appropriate laundry containers.

4.02.3 Change in Energy Modality Establishment Ownership.

- A. A change in Energy Modality Establishment Ownership shall require application for and receipt of a new Energy Modality Establishment license.
- B. A change in Energy Modality Establishment ownership shall occur on the date that there is a transfer of a controlling interest in a Energy Modality Establishment.
- C. When a change in ownership occurs, the Energy Modality Establishment license shall expire, and the new owner shall apply for a new license within 30 days.

4.02.4 Change in Location.

- A. An Establishment license is valid only for the location stated on the license and is neither transferable nor assignable.
- B. The Board shall be notified in writing at least 30 days prior to a change in location of a Energy Modality Establishment.
- C. The license for the previous location shall be cancelled and shall be invalid as of the date of relocation.
- D. The massage therapy compliance officer or Establishment owner shall file a new application for a Energy Modality Establishment license that is subject to the Board's approval.
- E. The Energy Modality Establishment shall not operate at the new location until the Board has approved a Energy Modality Establishment license for the new location.

4.02.5 Required Displays. Current true copies of the following shall be conspicuously displayed for the benefit of the public at each Energy Modality Establishment. A licensee may redact his/her residential address from the posted license.

- A. The Energy Modality Establishment's license;
- B. The license of each energy healing practitioner licensed by the BORIEM who provides energy sessions
at the Establishment; and
- C. The most recent inspection report completed by the BORIEM or its agents.

4.02.6 Variances.

- A. Variance Permitted. The Board may vary the application of any provision of this act with respect to any particular case when, in its opinion, the enforcement thereof would create a manifest injustice. This may include practitioners who do not deliver massage at a specific location. Any variance granted by the Board shall be in writing.

B. Expiration, Modification, Suspension. Any variance or other modification authorized to be made by the BORIEM may be subject to such qualification, revocation, suspension, or expiration as the Board expresses in its grant. A variance or other modification authorized to be made by BORIEM may otherwise be revoked, modified, or suspended, in whole or in part, only after the holder thereof has been notified in writing and has been given an opportunity to be heard.

4.03: Prohibited Acts.

A. A energy healing practitioner shall not:

1. Perform surgery or any other procedure that punctures the skin of a person unless the practitioner possesses dual licensure and it is within their other scope of practice and is in a properly prepared and licensed environment;
2. Use radiation, radioactive substances or local, general or spinal anesthesia, unless the practitioner possesses dual licensure, and it is within their other scope of practice;
3. Prescribe or administer any form of fluoroscopy on any person, unless the practitioner possesses dual licensure, and it is within their other scope of practice;
4. Prescribe or administer a legend drug or controlled substance, unless the practitioner possesses dual licensure, and it is within their other scope of practice;
5. Sexual interaction or be sexually involved with any client for any reason during the period of care and for a period of five years after completion/termination of energy modality services. Sexual interaction includes: kissing, fondling, oral sex, anal sex, intercourse, stimulating any part of the body for the purposes of giving or receiving sexual pleasure. Findings of sexual interaction or being sexually involved with a client is grounds for permanent revocation of license to practice and the license may not be reinstated.
6. No practitioner may physically touch the breast area of a woman or the genital area or the anus of a woman or a man, unless they hold additional concurrent licensing in a health care profession and are in a licensed health care setting. Then the physical contact may only be done for health care purposes.

4.04: Disciplinary Action:

A. An action taken by an entity, including, but not limited to, a governmental authority, a health care facility, an employer, or a professional energy modalities association (international, national or local) which is in response to a practitioner behaving in at minimum an inappropriate manner. An action that is:

1. Formal or informal; and

2. Oral or written.

B. Any of the following actions or their substantial equivalents, whether voluntary or involuntary:

1. Revocation of a right or privilege.
2. Suspension of a right or privilege.
3. Censure.
4. Written reprimand or admonition.
5. Restriction of a right or privilege.
6. Non-renewal of a right or privilege.
7. Fine.
8. A required performance of public service.
9. A course of education, training, counseling, or monitoring, only if such course arose out of:
 - a. The filing of a complaint;
 - b. The filing of any other formal charges reflecting upon the licensee's competence to practice energy modalities;
 - c. Denial of a right or privilege;
 - d. Resignation;
 - e. Leave of absence;
 - f. Withdrawal of an application;
 - g. Termination or non-renewal of a contract with an energy healing practitioner.

C. 4.04.C 1-9 are "disciplinary actions" only if they relate directly or indirectly to:

1. The licensee's competence to practice energy modalities; or
2. A complaint or allegation regarding any violation of law or regulation (including, but not limited to,

3. The regulations of the Board and Committee) or bylaws of a health care facility, substance abuse out client service program, group practice, or professional energy modalities association, whether or not the complaint or allegation specifically cites violation of a specific law, regulation, or bylaw.
- E. If based upon a failure to complete energy modalities records in a timely fashion or failure to perform minor administrative functions, a first or second written reprimand or admonition, or a first or second suspension or restriction of a right or privilege (if less than ten working days in any month), is not a "disciplinary action" for the purposes of mandatory reporting to the Committee.

4.05: Remedies and Exemptions.

- A. This act does not apply to, control, or prevent any health care professional licensed, certified, or registered by this state, from practicing lawfully and according to a professional practice act or under other state law.
- B. This act does not apply to, control, or prevent any acts or persons that would otherwise already be exempt from professional practice acts.
- C. This Act shall take effect January 1, 2022.

5.01: Miscellaneous Provisions

5.01.1 Advertising and Professional Notices

- A. Public Interest. A full licensee may advertise for clients by means that are in the public interest. Advertising that is not in the public interest includes the following:
 1. Advertising that is false, deceptive, or misleading;
 2. Advertising that has the effect of intimidating or exerting undue pressure;
 3. Advertising that guarantees a cure;
 4. Advertising that makes claims of professional superiority.
- B. Contents of Advertising. A full licensee may advertise fixed prices, or a stated range of prices, for a specified routine professional service, provided such advertisement clearly states whether additional charges may be incurred for related services which may be required in individual cases.

- C. Title Usage. A licensee shall use the title "Licensed Energy healing practitioner" alongside his/her name on any advertising or other materials visible to the public which pertain to the licensee's practice of energy modalities. A full licensee shall include in an advertisement or professional notice his/her name, license number, business address and title. "Licensed Energy healing practitioner" may be abbreviated as "Lic. EP-C."
- D. Advertising Records. A full licensee shall maintain a complete, accurate, and reproducible version of the audio and visual contents of any advertising for a period of three years. The licensee shall furnish the complete copy of this advertising to the Committee upon request. The cost of maintaining and providing this advertising copy shall be borne by the licensee.
- E. Other Degrees. A licensee may not represent that he/she/they holds a Ph.D., O.M.D., M.A. or other degree in the field of energy modalities and/or other disciplines unless the educational program which awarded the degree is:
1. Approved by the Committee, approved distance, regional, or national accrediting agency to grant doctoral or masters degrees, and is permitted to grant such a degree by a state board or other authority of higher education that the Committee deems appropriate to grant such permission;
 2. Approved by the ministry of education of a foreign country to grant doctoral or masters degrees.
 3. The Committee determines the degree to be equivalent to the same degree approved by distance, regional, or national accrediting agency to grant doctoral or masters degrees.
- F. A licensee may not represent that he/she holds a degree from an energy modalities school other than that degree which appears on his/her application for licensure and has been verified in accordance with the Committee's requirements, unless the additional degree has been also verified in accordance with the Committee's requirements.

5.02 Client Records

- 5.02.1 A licensee shall keep a complete and accurate energy modalities record of each client the licensee supports:
- A. The record shall include:
1. The name and address of the client,
 2. The licensee's evaluation of the client,
 3. The session specifics
 4. The fee charged for the session.

- B. A licensee shall maintain a client's energy modalities record for a minimum period of seven years from the date of the last energy modalities treatment.

5.02: Disclosure.

5.02.1 An Energy healing practitioner shall, prior to providing services to a client for the first time, disclose the following information to the client in a plainly worded written consent document:

- A. The practitioner's name, title, and business address and telephone number;
- B. A description of the services to be provided;
- C. The practitioner's degrees, training, experience, credentials, or other qualifications if any, relative to the services being provided; and
- D. A statement that any client records and transactions with the complementary and alternative health care practitioner are confidential unless the release of these records is authorized in writing by the client or otherwise provided by law.
- E. A copy of the HIPPA document suitable for use in the state
- F. Before providing complementary and alternative health care services to a client, a practitioner shall obtain an acknowledgment from the client stating that he/she have been provided with the information described in this subsection.
- G. The acknowledgement shall be maintained for 7 years by the practitioner.

5.03: Reimbursement. A licensee may, for purposes of seeking third party reimbursement, refer to a client's diagnosis using western medicine terminology, either by reconfirming the diagnosis of a physician licensed in Oregon or by indicating a general clinical impression based on the client's situation.

5.04: Records Requests.

5.04.1 At a client's request, a licensee shall provide the client or another specifically authorized person with the following:

- A. A summary of the client's record, including all data deemed necessary by the client or the specifically authorized person;
- B. A copy of the entire energy modalities record; or
- C. A copy of any previously completed report required for third party reimbursement.

5.04.2 A licensee may charge a reasonable fee to cover the expense of providing the material listed in this act however, a licensee may not require payment for previously rendered energy modalities treatment as a condition for providing the material.

5.04.3 A licensee who moves away from Oregon or assumes inactive status shall:

A. Retain client records in accordance with this act and notify the Committee as to any change in address for a period of seven years; or

B. Turn over to a successor or business partner client records, which the successor or business partner agrees to retain in accordance with this act.

5.05 Requirement to Respond to the Committee.

5.05.1 Unless otherwise ordered by the Committee, a licensee shall respond within 30 days to a written communication from the Board, Committee or designee of the Board or Committee, and shall provide the Board or Committee with any relevant records or other material with respect to an inquiry or complaint about the licensee's professional conduct.

5.05.2 The 30 day period begins on the date the practitioner receives the communication by registered or certified mail with return receipt requested to the licensee's last known address.

5.06: Retirement from the Practice of Energy Modalities.

5.06.1: A licensee shall notify the Committee of the date he/she plans to retire from the practice of energy modalities. If there are no outstanding complaints against the licensee, the licensee may retire on that date.

5.06.2: A retired licensee may still be disciplined under this act after the date of his/her retirement for a maximum period of two years from request submission.

5.06.3: A retired licensee, his/her successor or his/her estate, shall retain client records for a minimum period of seven years, and shall make them available to former clients and other individuals in accordance with this act.

5.07: Discrimination.

5.07.1: A licensee may not discriminate against a person seeking energy modalities services solely because the person is a recipient of public assistance.

5.07.2: This act prohibits a licensee from acting differently toward a recipient of public assistance in any material manner, and requires a licensee to provide energy modalities services of the same quality and in the same manner to a recipient of public assistance as he/she would to any other person in similar circumstances who is not a recipient of public assistance.

5.07.3: A licensee may not discriminate against a person seeking energy modalities services on the basis of race, religion, or sexual orientation.

5.07.4: This act does not prevent a licensee from limiting his/her practice to the support of certain types of physical problems or the use of certain procedures, so long as the limitations on the licensee's practice are made public, nor does this rule prevent a licensee from seeking reasonable evidence prior to providing energy modalities services that a person has the ability to pay for them.

5.07.5: This act does not prevent a licensee from the right to decline serves to a prospective or current client if the practitioner believes the client needs to seek medical or psychological help.

5.07.5: This act does not prevent a licensee from the right to decline serves to a prospective or current client if the practitioner believes the client shall be abusive or dangerous.

References:

1. Dr. Midge Murphy, Ph.D., JD.

2. Attorney Susan Mokolke, JD

3. Wiley, Raymond C. "Modern Dowsing" 1970 retrieved from <https://www.vibrationalhealth.com.au/dowsinghistory.html> 10-16-2020.