

BEFORE THE BOARD OF MASSAGE THERAPY OF THE STATE OF IOWA

In the Matter of the Petition for Waiver by: OXANA KUZ-MINA Petitioner.	ORDER APPROVING WAIVER REQUEST
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Pursuant to Iowa Code section 17A.9A and Iowa Administrative Code (“IAC”) rule 481—6, the Iowa Board of Massage Therapy (“Board”) makes the following ruling on the Petition for Waiver submitted by Oxana Kuz-Mina (“Petitioner”).

FINDINGS OF FACT

1. Petitioner is seeking to waive the requirement to provide an equivalency evaluation for foreign trained massage therapists.
2. Petitioner states in the Petition for Waiver that she seeks to waive 481 IAC 821.3 which provides:

Prospective applicants who completed their education outside of the United States may receive credit for their education, provided they comply with the following:

821.3(1) Provide an equivalency of their educational credentials by one of the following entities demonstrating the curriculum is equivalent to that stated in these rules. The applicant bears the expense of the curriculum evaluation.

- a. International Education Research Foundation, Inc., Credentials Evaluation Services, P.O. Box 3665, Culver City, CA 90231-3665, telephone 310.258.9451; website www.ierf.org.
- b. International Credentialing Associates, inc., 7245 Bryan Dairy Road, Bryan Dairy Business Park II, Largo, FL 33777; telephone 727.549.8555.
- c. Josef Silny & Associates, Inc., 7101 SW 102nd Avenue, Miami, FL 33173; telephone 305.273.1616; website jsilny.org.

3. Petitioner does not have a curriculum evaluation completed.
4. Petitioner was granted a certificate from the College of Massage Therapy of Ontario in January 2012 and unofficial transcripts have been received confirming completion of a 2210 hour program.
5. College of Massage Therapy of Ontario reported “if an RMT is registered in Ontario, that would indicate that they have graduated from an approved Massage Therapy diploma

program, have successfully passed the certification examinations, and have met all legislated registration requirements to be issued a CMTO Certificate of Registration. To be authorized to practice massage therapy in Ontario, registration with CMTO is mandatory.”

6. Applicant is CRMTA certified until July 2026.
7. Petitioner is specifically requesting the Board waive the requirement that she pass an English proficiency test.
8. The Board considered the Petition for Waiver at a board meeting on March 3, 2026.

APPLICABLE LAW

9. Pursuant to Iowa Administrative Code chapter 481—6.1(3), the Board may in its sole discretion issue an order waiving in whole or in part the requirements of a rule if the board finds, based on clear and convincing evidence, all of the following:
 - a. The application of the rule would impose an undue hardship on the person for whom the waiver is requested;
 - b. The waiver from the requirements of the rule in the specific case would not prejudice the substantial legal rights of any person;
 - c. The provisions of the rule subject to the petition for waiver are not specifically mandated by statute or another provision of law; and
 - d. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.
10. “The burden of persuasion rests with the petitioner to demonstrate by clear and convincing evidence that the [board] should exercise its discretion to grant a waiver from a [board] rule.” 481 IAC 6.1(8)(b).
11. The Board's rules provide “The final decision on whether the circumstances justify the granting of a waiver is at the discretion of the [board] upon consideration of all relevant factors. Each petition for a waiver will be evaluated by the [board] based on the unique, individual circumstances set out in the petition.” 481 IAC 6.1(8)(a).
12. “A waiver, if granted, shall provide the narrowest exception possible to the provisions of a rule.” 481 IAC 6.1(8)(f).

ANALYSIS OF WAIVER CRITERIA

Whether the application of the rule would create an undue hardship on the person for whom the waiver is requested:

13. It would be an undue hardship for the applicant to be required to complete an curriculum evaluation because she has provided proof of completion of a program in Canada which required over three times the number of hours as we require in Iowa. It would also be an undue hardship to require applicant to take a new program.

Whether the waiver from the requirements of the rule in the specific case would prejudice the substantial legal rights of any person:

14. Waiving the requirements of the rule would not prejudice the substantial legal rights of any person.

Whether the provision of the rule subject to the petition for waiver is not specifically mandated by another provision of law:

15. The requirement found in the Board's administrative rule is not specifically mandated by statute.

Whether substantially equal protection of the public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested:

16. The public health, safety, and welfare will be afforded by other means if this waiver is granted because applicant has completed a program in Canada and has been a registered massage therapist in Canada since 2012. Board believes she has demonstrated competency to safely practice massage therapy.

CONCLUSIONS OF LAW

For the reasons set forth above and upon review of the Petition, the Board finds that Petitioner has satisfied the four criteria for waiver set forth in IAC 481—6.1(3).

ORDER

IT IS THEREFORE ORDERED the Petition for Waiver of 481 IAC 821.3 is **GRANTED**.

Issued March 3, 2026.



LeAnn Stevens, Board Chair
Iowa Board of Massage Therapy