

R156. Commerce, Occupational and Professional Licensing.

R156-47b. Massage Therapy Practice Act Rule.

R156-47b-101. Title.

This rule is known as the "Massage Therapy Practice Act Rule."

R156-47b-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 47b, as used in Title 58, Chapters 1 and 47b, or this rule:

(1) "Accrediting agency" means an organization, association or commission nationally recognized by the United States Department of Education as a reliable authority in assessing the quality of education or training provided by the school or institution.

(2) "Clinic" means performing the techniques and skills learned as a student under the curriculum of a registered school or an accredited school on the public, while in a supervised student setting.

(3) "Direct supervision" as used in Subsection 58-47b-302(3)(e) means that the apprentice supervisor, acting within the scope of the supervising licensee's license, is in the facility where massage is being performed and directs the work of an apprentice pursuant to this chapter under Subsection R156-1-102a(4)(a) while the apprentice is engaged in performing massage.

(4) "Distance learning" means the acquisition of knowledge and skills through information and instruction encompassing all technologies and other forms of learning at a distance, outside a school of massage meeting the standards in Section R156-47b-302 including internet, audio/visual recordings, mail or other correspondence.

(5) "FSMTB" means the Federation of State Massage Therapy Boards.

(6) "Hands on instruction" means direct experience with or application of the education or training in either a school of massage therapy or apprenticeship.

(7) "Lymphatic massage" means a method using light pressure applied by the hands to the skin in specific maneuvers to promote drainage of the lymphatic fluid from the tissue.

(8) "Manipulation", as used in Subsection 58-47b-102(6)(b), means contact with movement, involving touching the clothed or unclothed body.

(9) "Massage client services" means practicing the techniques and skills learned as an apprentice on the public in training under direct supervision.

(10) "NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork.

(11) "Recognized school" means a school located in a state other than Utah, whose students, upon graduation, are recognized as having completed the educational requirements for licensure in that jurisdiction.

(12) "Unprofessional conduct" as defined in Title 58, Chapters 1 and 47b, is further defined, in accordance with Subsection 58-1-203(1)(e) in Section R156-47b-502.

R156-47b-103. Authority - Purpose.

This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 47b.

R156-47b-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-47b-202. Massage Therapy Education Peer Committee.

(1) There is created under Subsection 58-1-203(1)(f), the Massage Therapy Education Peer Committee.

(a) The Education Peer Committee shall:

(i) advise the Utah Board of Massage Therapy regarding massage therapy educational issues;

(ii) recommend to the Board standards for massage school curricula, apprenticeship curricula, and animal massage training; and

(iii) periodically review the current curriculum requirements.

(b) The composition of this committee shall be:

- (i) two individuals who are instructors in massage therapy;
- (ii) two individuals, one who represents a professional massage therapy association, and one who represents the Utah Committee of Bodywork Schools; and
- (iii) one individual from the Utah State Office of Education.

R156-47b-302. Qualifications for Licensure as a Massage Therapist - Massage School Curriculum Standards.

In accordance with Subsection 58-47b-302(2)(e)(i)(A), an applicant must graduate from a school of massage with a curriculum, which at the time of graduation, meets the following standards:

- (1) Curricula shall:
 - (a) be registered with the Utah Department of Commerce, Division of Consumer Protection; or
 - (b) be registered with an accrediting agency recognized by the United States Department of Education.
- (2) Curricula shall be a minimum of 600 hours and shall include the following:
 - (a) anatomy, physiology and kinesiology - 125 hours;
 - (b) pathology - 40 hours;
 - (c) massage theory, massage techniques including the five basic Swedish massage strokes, and hands on instruction - 285 hours;
 - (d) professional standards, ethics and business practices - 35 hours;
 - (e) sanitation and universal precautions including CPR and first aid - 15 hours;
 - (f) clinic - 100 hours; and
 - (g) other related massage subjects as approved by the Division in collaboration with the Board.

(3) In addition to the curriculum requirements of Subsection R156-47b-302a(2), new curricula shall include the major content areas, but are not required to meet the percentage weights of the National Certification Examination for Therapeutic Massage and Bodywork (NCBTMB) Content Outline, published January 2010, and the National Certification Examination for Therapeutic Massage (NCETM) Content Outline, published January 2010 which are adopted and incorporated by reference.

R156-47b-302a. Qualifications for Licensure - Equivalent Education and Training.

- (1) In accordance with Subsection 58-47b-302(2)(e)(i)(B), an applicant who completes equivalent education and training must provide documentation of:
 - (a)(i) graduation from a licensed or recognized school outside the state of Utah with a minimum of 500 hours;
 - (ii) completion of the examination requirements; and
 - (iii) practice as a licensed massage therapist for a minimum of 2,000 hours; or
 - (b)(i) foreign education and training approval by NCBTMB as evidenced by current NCBTMB certification; and
 - (ii) practice as a licensed massage therapist for a minimum of 2,000 hours; or
 - (c)(i) completion of an equivalent apprenticeship program outside the state of Utah;
 - (ii) completion of the examination requirements; and
 - (iii) practice as a licensed massage therapist for a minimum of 4,000 hours.
- (2) Hours of supervised training while licensed as a massage therapy apprentice trained in accordance with Subsection R156-47b-302c(5) may not be used to satisfy any of the required minimum of 600 hours of school instruction specified in Section R156-47b-302(2).
- (3) Hours of instruction or training obtained while enrolled in a school of massage having a curriculum meeting the standards in accordance with Section R156-47b-302(2) may not be used to satisfy the required minimum of 1,000 hours of supervised apprenticeship training specified in Subsection R156-47b-302c(5).

R156-47b-302b. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-47b-302(2)(f) and 58-47b-302(3)(f), the examination requirements for licensure are defined, clarified, or established as follows:

- (1) Applicants for licensure as a massage therapist shall:
 - (a) pass the Utah Massage Law and Rule Examination; and

- (b) pass one of the following examinations:
 - (i) the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB);
 - (ii) the National Certification Examination for Therapeutic Massage (NCETM);
 - (iii) the National Examination for State Licensure (NESL); or
 - (iv) the Federation of State Massage Therapy Boards (FSMTB) Massage and Bodywork Licensing Examination (MBLEx).

(2) Applicants for licensure as a massage therapist who have completed a "Utah Massage Apprenticeship" shall pass the FSMTB MBLEx.

(3) Applicants for licensure as a massage apprentice shall pass the Utah Massage Law and Rule Examination.

R156-47b-302c. Apprenticeship Standards for a Supervisor.

In accordance with Subsection 58-47b-302(2)(e)(ii), an apprentice supervisor shall:

- (1) not begin an apprenticeship program until:
 - (a) the apprentice is licensed; and
 - (b) the supervisor is approved by the Division;
- (2) not begin a new apprenticeship program until:
 - (a) the apprentice being supervised passes the FSMTB MBLEx and becomes licensed as a massage therapist, unless otherwise approved by the Division in collaboration with the Board; and
 - (b) the supervisor complies with subsection (1);
- (3) if an apprentice being supervised fails the FSMTB MBLEx three times:
 - (a) together with the apprentice being supervised, meet with the Board at the next appropriate Board meeting;
 - (b) explain to the Board why the apprentice is not able to pass the examination;
 - (c) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination; and
 - (d) upon successful completion of the review as provided in Subsection (3)(c), the apprentice shall again be eligible to take the FSMTB MBLEx;
- (4) supervise not more than two apprentices at one time, unless otherwise approved by the Division in collaboration with the Board;
- (5) train the massage apprentice in the areas of:
 - (a) anatomy, physiology and kinesiology - 125 hours;
 - (b) pathology - 40 hours;
 - (c) massage theory - 50 hours;
 - (d) massage techniques including the five basic Swedish massage strokes - 120 hours;
 - (e) massage client service - 300 hours;
 - (f) hands on instruction - 310 hours;
 - (g) professional standards, ethics and business practices - 40 hours; and
 - (h) sanitation and universal precautions including CPR and first aid - 15 hours;
- (6) submit a curriculum content outline with the apprentice application, including a list of the resource materials to be used;
- (7) display a conspicuous sign near the work station of the apprentice stating "Apprentice in Training";
- (8) keep a daily record which shall include:
 - (a) the number of hours of instruction and training completed;
 - (b) the number of hours of client services performed; and
 - (c) the number of hours of training completed;
- (9) make available to the Division upon request, the apprentice's training records;
- (10) verify the completion of the apprenticeship program on forms available from the Division;
- (11) notify the Division within ten working days if the apprenticeship program is terminated;
- (12) must not have been disciplined for any unprofessional or unlawful conduct within five years of the start of any apprenticeship program; and

(13) ensure that the massage client services required in Subsection (5)(d) only be performed on the public; all other hands on instruction or practice must be performed by the apprentice on an apprentice or supervisor.

R156-47b-302d. Good Moral Character - Disqualifying Convictions.

(1) When reviewing an application to determine the good moral character of an applicant as set forth in Subsection 58-47b-302(2)(c) and whether the applicant has been involved in unprofessional conduct as set forth in Subsections 58-1-501(2)(c), the Division and the Board shall consider the applicant's criminal record as follows:

(a) a criminal conviction for a sex offense as defined in Title 76, Chapter 5, Part 4 and Chapter 5a, and Title 76, Chapter 10, Parts 12 and 13, may disqualify an applicant from becoming licensed; or

(b) a criminal conviction for the following crimes may disqualify an applicant for becoming licensed:

- (i) crimes against a person as defined in Title 76, Chapter 5, Parts 1, 2 and 3;
- (ii) crimes against property as defined in Title 76, Chapter 6, Parts 1 through 6;
- (iii) any offense involving controlled dangerous substances; or
- (iv) conspiracy to commit or any attempt to commit any of the above offenses.

(2) An applicant who has a criminal conviction for a felony crime of violence may be considered ineligible for licensure for a period of seven years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(3) An applicant who has a criminal conviction for a felony involving a controlled substance may be considered ineligible for licensure for a period of five years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(4) An applicant who has a criminal conviction for any misdemeanor crime of violence or the use of a controlled substance may be considered ineligible for licensure for a period of three years from the termination of parole, probation, judicial proceeding or date of incident, whichever is later.

(5) Each application for licensure or renewal of licensure shall be considered in accordance with the requirements of Section R156-1-302.

R156-47b-302e. Standards for an Apprentice.

In accordance with Subsection 58-47b-302(2)(e)(ii), an apprentice shall:

(1) not begin an apprenticeship program until:

(a) the apprentice is licensed; and

(b) the supervisor is approved by the Division;

(2) obtain training from an approved apprentice supervisor in the areas of:

(a) anatomy, physiology and kinesiology - 125 hours;

(b) pathology - 40 hours;

(c) massage theory - 50 hours;

(d) massage techniques including the five basic Swedish massage strokes - 120

hours;

(e) massage client service - 300 hours;

(f) hands on instruction - 310 hours;

(g) professional standards, ethics and business practices - 40 hours; and

(h) sanitation and universal precautions including CPR and first aid - 15 hours;

(3) follow the approved curriculum content outline:

(a) submitted with the apprentice application including the list of the resource materials to be used; or

(b) previously submitted by the approved supervisor meeting current requirements including the list of the resource materials to be used;

(4) display a conspicuous sign near the work station of the apprentice stating "Apprentice in Training";

(5) keep a daily record which shall include:

(a) the number of hours of instruction and training completed;

(b) the number of hours of client services performed; and

(c) the number of hours of training completed;

(6) make available to the Division, upon request, the training records;

(7) verify the completion of the apprenticeship program on forms available from the Division;

(8) notify the Division within ten working days if the apprenticeship program is terminated; and

(9) perform the massage client services required in Subsection (2)(d) only on the public under direct supervision; all other hands on instruction or practice must be performed by the apprentice on an apprentice or supervisor.

R156-47b-303. Renewal Cycle - Procedures.

(1) In accordance with Subsection 58-1-308(1)(a), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 47b is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Sections R156-1-308c through R156-1-308e.

R156-47b-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) engaging in any lewd, indecent, obscene or unlawful behavior while acting as a massage therapist;

(2) as an apprentice supervisor, failing to provide direct supervision to a massage apprentice;

(3) practicing as a massage apprentice without direct supervision in accordance with Subsection 58-47b-102(4);

(4) as an apprentice supervisor, failing to provide and document adequate instruction or training as applicable;

(5) as an apprentice supervisor, advising, directing or instructing an apprentice in any instruction or behavior that is inconsistent, contrary or contradictory to established professional or ethical standards of the profession;

(6) failing to notify a client of any health condition the licensee may have that could present a hazard to the client;

(7) failure to use appropriate draping procedures to protect the client's personal privacy; and

(8) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the Utah Chapter of the American Massage Therapy Association "Utah Code of Ethics and Standards of Practice", September 17, 2005 edition, which is hereby incorporated by reference.

R156-47b-503. Administrative Penalties - Unlawful Conduct.

In accordance with Subsection 58-1-501(1)(a) and (c), unless otherwise ordered by the presiding officer, the fine schedule in Section R156-1-502 shall apply to citations issued under Title 58, Chapter 47b.

R156-47b-601. Standards for Animal Massage Training.

In accordance with Subsection 58-28-307(12)(c), a massage therapist practicing animal massage shall have received 60 hours of training in the following areas:

(1) quadruped anatomy;

(2) the theory of quadruped massage; and

(3) supervised quadruped massage experience.

KEY: licensing, massage therapy, massage therapist, massage apprentice

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MASSAGE THERAPY
PRACTICE ACT RULE

R156-47b
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