

State of Utah
Administrative Rule Analysis
Revised June 2021

OAR File No. 54046
Date Filed: 10-21-2021

NOTICE OF PROPOSED RULE

TYPE OF RULE: New ; Amendment XXXX; Repeal ; Repeal and Reenact

Title No. - Rule No. - Section No.

Utah Admin. Code Ref (R no.):

R156-47b

Filing ID (Office Use Only)

Changed to Admin. Code Ref. (R no.):

R

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Occupational and Professional Licensing	
Room no.:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state and zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact person(s):		
Name:	Phone:	Email:
Lynne Anthony	801-530-6179	lanthony@utah.gov

Please address questions regarding information on this notice to the agency.

General Information

2. Rule or section catchline:

Massage Therapy Practice Act Rule

3. Purpose of the new rule or reason for the change (Why is the agency submitting this filing?):

The Division of Occupational and Professional Licensing ("Division") in collaboration with the Massage Therapy Licensing Board is filing these proposed amendments to clarify and update the rule and implement certain requirements in accordance with statutory changes made by S.B. 149 passed during the 2021 General Session. Additionally, amendments are made in accordance with Executive Order 2021-1 and S.B. 23 passed in the 2020 General Session to eliminate unnecessary regulation and reduce barriers to licensure. Finally, under Executive Order 2021-12, formatting changes are made throughout to streamline licensure pathways and to update the rule consistent with OAR's current Rule Writing Manual and remove duplicate language already present in the Utah Code.

4. Summary of the new rule or change (What does this filing do? If this is a repeal and reenact, explain the substantive differences between the repealed rule and the reenacted rule):

In accordance with S.B. 149 passed in the 2021 General Session, the industry organizations recognized by the Division pursuant to Subsection 58-47b-304(1)(n) will now be listed on the Division's website in accordance with new Section R156-47b-304 that addresses exemptions, and Subsection R156-47b-102(8) that listed industry organizations is deleted as unnecessary.

In accordance with Executive Order 2021-1, to eliminate unnecessary regulation and reduce barriers to working, Subsection R156-47b-302(1) is amended to clarify that curricula from a recognized school as defined in Section R156-47b-102 will meet the required curriculum standards. Additionally, Subsection R156-47b-302a(1) is amended to remove provisions that are contrary to statute and conform the requirements for licensure by "equivalent education and training" to Subsection 58-1-302(1), which will allow the less restrictive endorsement licensure pathway now available under Title 58, Chapter 1 after the passage of S.B. 23 in the 2020 General Session.

In accordance with Executive Order 2021-12, formatting changes are also made throughout the rule to conform the rule to the current edition of the OAR Rule Writing Manual, and to streamline licensure pathways and remove unnecessary verbiage. In particular: (1) Subsection R156-47b-102(12), which defines "NCBTMB," is deleted as obsolete because this organization is no longer recognized nor mentioned in the Utah Code as a testing provider; (2) Section R156-47b-302c is streamlined and updated to incorporate all massage apprenticeship standards; (3) Section R156-47b-302d is deleted in its entirety, to remove obsolete references to "good moral character," and unnecessary and duplicative statutory references for consideration of crimes that the Division and the Board already consider as potentially disqualifying convictions under Sections 58-1-401 and 58-1-501; (4) Section R156-47b-302e is deleted as unnecessary as its separate and duplicative apprenticeship provisions have

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been incorporated into streamlined and updated Section R156-47b-302c for massage apprenticeship standards; and (5) Section R156-47b-503 is amended to clarify that unlawful conduct is in accordance with all of Section 58-1-501.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

These amendments are not expected to have a measurable impact on state government revenues or expenditure as they will not impact state government practices or procedures beyond providing additional clarity on processes.

B) Local governments:

No local government agencies will be directly or indirectly affected by these rule changes because the constrained parties consist only of individuals applying for or appropriately licensed in the massage therapy profession. Additionally, there are no local government entities acting as businesses that will be impacted.

C) Small businesses ("small business" means a business employing 1-49 persons):

The proposed amendments to Section R156-47b-302a regarding equivalent education and training may indirectly benefit small businesses who employ massage therapists (NAICS 621399, 812199), if these small businesses are able to more easily hire one or more experienced massage therapists who have been able to obtain a Utah license and enter into practice in Utah. The full fiscal and non-fiscal impacts cannot be estimated because the data necessary to determine how many such licensees might be hired is unavailable, and because the benefits that a business may experience from any resulting employment will vary widely depending on the requirements of the business and the individual characteristics of each massage therapist.

D) Non-small businesses ("non-small business" means a business employing 50 or more persons):

These proposed rule changes are not expected to impact non-small businesses because there are no non-small businesses in Utah in the industries in question.

E) Persons other than small businesses, non-small businesses, state, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an **agency**):

The proposed amendments to Section R156-47b-302a will allow easier entry into practice for persons who are able to become licensed in Utah under the less restrictive endorsement licensure pathway under Title 58, Chapter 1, therefore these amendments are expected to benefit those experienced persons who choose to become licensed in Utah and enter into practice. However, the full fiscal and non-fiscal benefits for such persons cannot be estimated because the resulting employment will vary substantially depending on the individual choices and characteristics of each person. The remainder of the proposed amendments are not expected to result in a fiscal impact to any affected persons as they simply conform the rule to statutory changes and streamline and update the rule in accordance with Executive Orders 2021-1 and 2021-12.

F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):

The Division does not anticipate any compliance costs for any affected persons from these proposed amendments because the proposed amendments will result in a benefit to affected persons, and have no measurable cost impact as they simply conform the rule to statutory changes and streamline and update the rule in accordance with Executive Orders 2021-1 and 2021-12.

G) Comments by the department head on the fiscal impact this rule may have on businesses (Include the name and title of the department head):

Margaret W. Busse, Department of Commerce Executive Director: The Division of Occupational and Professional Licensing ("Division"), in collaboration with the Massage Therapy Licensing Board, proposes amendments to clarify and update the Massage Therapy Practice Act Rule and implement certain requirements in accordance with statutory changes made by S.B. 149 passed during the 2021 General Legislative Session. Further, amendments are made in accordance with Executive Order 2021-1 and S.B. 23 passed in the 2020 General Session to eliminate unnecessary regulation and reduce barriers to licensure. Under Executive Order 2021-12, formatting changes are made throughout to update the rule consistent with OAR's current Rule Writing Manual and remove duplicate language already present in the Utah Code.

Small Businesses (less than 50 employees): The proposed amendments may indirectly benefit small businesses who employ massage therapists (NAICS 621399, 812199). These changes may allow these small businesses to more easily hire one or more experienced massage therapists who have been able to obtain a Utah license and enter into practice in Utah. Further, the expected measurable fiscal impact on small business revenues are identified in the fiscal notes for 2021 S.B. 149.

Regulatory Impact to Non-Small Businesses (50 or more employees): These rule amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. These costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

6. A) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)

Regulatory Impact Table

Fiscal Cost	FY2022	FY2023	FY2024
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Cost	\$0	\$0	\$0
Fiscal Benefits			
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
Total Fiscal Benefits	\$0	\$0	\$0
Net Fiscal Benefits	\$0	\$0	\$0

B) Department head approval of regulatory impact analysis:

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

Citation Information

7. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:

Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)	Section 58-47b-101
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Incorporations by Reference Information

(If this rule incorporates more than two items by reference, please include additional tables.)

8. A) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	First Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

B) This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Office of Administrative Rules; *if none, leave blank*):

	Second Incorporation
Official Title of Materials Incorporated (from title page)	
Publisher	
Date Issued	
Issue, or version	

Public Notice Information

9. The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until (mm/dd/yyyy): 12/15/2021

B) A public hearing (optional) will be held:

On (mm/dd/yyyy): 11/23/2021	At (hh:mm AM/PM): 9:00 AM	At (place): Rule hearing will be held electronically before the Division via Google Meet Join with Google Meet meet.google.com/uzw-pudn-ovr Join by phone (US) +1 601-963-2015 (PIN: 885723467)
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10. This rule change MAY become effective on (mm/dd/yyyy): 12/22/2021

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date. To make this rule effective, the agency must submit a Notice of Effective Date to the Office of Administrative Rules on or before the date designated in Box 10.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin* and delaying the first possible effective date.

Agency head or designee, and title: Mark B. Steinagel, Division Director Date (mm/dd/yyyy): 10/21/2021

R156. Commerce, Occupational and Professional Licensing.

R156-47b. Massage Therapy Practice Act Rule.

R156-47b-102. Definitions.

~~[In addition to the]~~ The following rule definitions supplement the definitions in Title 58, Chapter[s] 1, Occupations and Professions, and Title 58, Chapter 47b, Massage Therapy Practice Act [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) "Body wrap" means a body treatment that:

(a) may include one or more therapeutic preparations;

(b) is not for cosmetic purposes; and

(c) maintains modesty by fully or partially draping the body ~~[fully or partially]~~.

(3) "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.

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

(5) "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]~~ audio and visual recordings, mail or other correspondence.

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

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

~~(8) "Industry organization", as used in Subsection 58-47b-304(1)(m), means any of the following organizations:~~

~~(a) American Footzonology Practitioners Association (AFZPA);~~

~~(b) American Reflexology Certification Board (ARCB);~~

~~(c) Butterfly Expressions, LLC;~~

~~(d) Foot Zone Center LLC;~~

~~(e) Reflexology Association of America (RAA);~~

~~(f) Society of Ortho-Bionomy International; or~~

~~(g) Utah Foot Zone Association.]~~

[9]8) "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.

(~~9~~) "Manipulation" ~~[7]~~ as used in Subsection 58-47b-102(6)(b), means contact with movement, involving touching the clothed or unclothed body.

(~~10~~) "Massage client services" means practicing the techniques and skills learned as an apprentice on the public in training under direct supervision. ~~[~~

~~(12) "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 by that jurisdiction 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) and Section 58-47b-502, 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, Massage Therapy Practice Act.

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

~~[In accordance with]~~ Under Subsection 58-47b-302(2)(~~e~~)d(i)(A), an applicant ~~[must]~~ shall graduate from a school of massage with a curriculum ~~[which at the time of graduation,]~~ that meets the following standards at the time of graduation: [set forth in this section.]

(1) Curricula shall:

(a) be registered with:

(i) the Utah Department of Commerce, Division of Consumer Protection;
or

~~(b) ii) [be registered with]~~ an accrediting agency recognized by the United States Department of Education; or

(b) be from a recognized school.

(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) The Division, in collaboration with the Board, may consider

supplemental coursework of an applicant who has completed the minimum 600 curricula hours, but has incidental deficiencies in one or more of the categories [~~specified~~] in Subsections R156-47b-302(2)(a) through (f).

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

(1) [~~In accordance with~~] Under Subsection 58-47b-302(2) (~~[e]d~~) (i) (B), an applicant [~~who completes~~] shall demonstrate equivalent education and training [~~must provide~~] by submitting 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 three years; or~~] a current massage therapist license issued by another state, district, or territory of the United States or a foreign country that meets the requirements for licensure by endorsement in Section 58-1-302; or

(b) [~~(i)]~~ for an applicant with foreign education and training, a credential evaluation from one of the following [~~approval by~~]:

(~~[A]~~) i) Josef Silny [~~&~~] and Associates, Inc.;

(~~[B]~~) ii) International Education Consultants; or

(~~[E]~~) iii) Educational Credential Evaluators, Inc. [~~and~~

~~(ii) practice as a licensed massage therapist for a minimum of three years; or~~

~~(c) (i) completion of an apprenticeship program outside the state of Utah, deemed substantially equivalent as determined by the Division, in collaboration with the Board of Massage Therapy;~~

~~(ii) completion of the examination requirements; and~~

~~(iii) practice as a licensed massage therapist for a minimum of three years.]~~

(2) Hours of supervised training obtained while licensed as a massage therapy apprentice [~~trained in accordance with~~] under 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~~] Subsection 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~~] of [~~Section~~] Subsection R156-47b-302(2) may not [~~be used to~~] satisfy any of 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~~] Under Subsections 58-47b-302(2) (~~[f]e~~) and 58-47b-302(3) (~~[f]e~~), [~~the examination requirements for licensure are defined, clarified, or established as follows:~~

~~(1) Applicants]~~ an applicant for licensure as a massage therapist shall pass:

~~(1) the [Federation of State Massage Therapy Boards -] FSMTB [+~~

Massage and Bodywork Licensing Examination (MBLEx); or ~~[7]~~

(2) a predecessor ~~[Predecessor]~~ exam ~~[s shall be accepted]~~, if the exam was passed during the time the exam was accepted by the Division.

R156-47b-302c. Massage Apprenticeship Standards ~~[for a Supervisor].~~

~~[In accordance with]~~ Under Subsections 58-47b-302(2) (~~[e]~~ d) (ii) and 58-47b-302(3) (d), ~~[an apprentice supervisor shall]~~ the following standards are established for a massage apprenticeship program:

(1) A supervisor and apprentice may ~~[not]~~ begin an apprenticeship program ~~[until]~~ after:

(a) the apprentice is licensed as a massage apprentice; ~~[and]~~

(b) the supervisor is approved by the Division; and

~~[(2) not begin a new apprenticeship program until:]~~

~~[(a)]~~ c) unless otherwise approved by the Division in collaboration with the Board, each of the supervisor's previous apprentices has passed ~~[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);]~~

(2) A massage therapist may not serve as a supervisor if the massage therapist has been disciplined for unlawful or unprofessional conduct within five years of the start of the apprenticeship program.

(3) (a) [i] If an apprentice being supervised fails the FSMTB MBLEx three times, the supervisor shall:

~~[(a)]~~ i) [together] ~~[with the apprentice being supervised]~~, meet with the Board at the next appropriate Board meeting;

~~[(b)]~~ ii) explain to the Board why the apprentice is not able to pass the examination;

~~[(c)]~~ iii) provide to the Board a plan of study in the appropriate subject matter to assist the apprentice in passing the examination; and

~~[(d)]~~ b) upon successful completion of the review ~~[as provided]~~ in Subsection (3) ~~[(c)]~~ (a) (iii), the apprentice shall again be eligible to take the FSMTB MBLEx ~~[7]~~.

(4) A supervisor may not supervise ~~[not]~~ more than two apprentices at one time, unless otherwise approved by the Division in collaboration with the Board ~~[7]~~.

(5) The supervisor shall 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 [7].

(6)(a) The supervisor shall submit with the apprentice's application a curriculum content outline [with the apprentice application, including] that includes a list of the resource materials to be used, which has been preapproved by the Division. [7]

(b) The apprentice shall follow the submitted Division-approved curriculum content outline.

(7) The supervisor and apprentice shall:

(a) display a conspicuous sign near the apprentice's workstation [work station of the apprentice] stating "Apprentice in Training";

(8)b) keep a daily record [which shall include] that includes:

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

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

(c)iii) the number of hours of training completed;

(9)c) make the apprentice's training records available to the Division immediately upon request [the apprentice's training records];

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

(11)e) 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)f) ensure that the apprentice performs the massage client services [required] in Subsection (5) ([d]e) only [be performed] on the public, and performs the [7-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]~~Under Subsection 58-1-308(1)(a), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 47b, Massage Therapy Practice Act 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-304. Exemptions from Licensure.

Under Subsection 58-47b-304(1)(n)(i), the industry organizations that are recognized by the Division are listed on the Division's website at dopl.utah.gov/mt under Related Information - Resources.

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] or to~~ document adequate instruction or training~~[as applicable]~~ as required by Title 58, Chapter 47b, Massage Therapy Practice Act or Rule R156-47b;

(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]~~ Under S[ubs]ection 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, Massage Therapy Practice Act.

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

~~[In accordance with]~~ Under Subsection 58-28-307(12)(c), a massage therapist practicing animal massage shall have received 60 hours of animal massage therapy 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
Date of Enactment or Last Substantive Amendment: [~~October 11, 2018~~] 2021
Notice of Continuation: April 4, 2017
Authorizing, Implemented, or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-47b-101