

State of Utah
Administrative Rule Analysis
Revised May 2023

OAR file no. 56064
DATE FILED: 10-31-2023

NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Title No. - Rule No. - Section No.

Rule or Section Number:

R156-47b

Filing ID: Office Use Only

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Professional Licensing	
Room number:		
Building:	Heber M. Wells Building	
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City, state and zip:	Salt Lake City UT 84111-2316	
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Contact persons:		
Name:	Phone:	Email:
Bobbie Loy	801-530-6628	bloy@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

Massage Therapy Practice Act Rule

3. Purpose of the new rule or reason for the change:

SB 42 passed during the 2023 Legislative General Session created new licensure categories of "massage assistant in-training" and "massage assistant." As required by SB 42, these proposed amendments establish the required education and training, supervision requirements, renewal requirements, practice standards, and unprofessional conduct definitions for these licenses. Additional non-substantive formatting changes are also made throughout the rule to streamline and update the rule, clarify and update definitions, and comply with the OAR Rulewriting Manual.

4. Summary of the new rule or change:

R156-47b-101 is amended to consolidate the existing provisions for the rule's title, authority, and relationship to R156-1. R156-47b-102 is amended to update definitions and provide additional definitions related to practice as a massage assistant, massage apprentice, and massage assistant in-training. R156-47b-202 is amended to update criteria for membership on the massage therapy education committee. R156-47b-302a is amended to update standards for equivalent education and training, including in particular expanding the list of approved credential evaluation services from only three listed services to evaluation services that are current members of the National Association of Credential Evaluation Services. R156-47b-302b is amended to add the required examination for licensure as a massage apprentice and for licensure as a massage assistant in accordance with Section 58-47b-302. R156-47b-302c is amended to update massage apprenticeship standards. New Section R156-47b-302d is added to establish the education and training standards for a massage assistant in-training. New Section R156-47b-302e is added to establish the practice standards for massage assistants. R156-47b-303 is amended to allow a massage assistant in-training to request an extension of licensure for a circumstance of hardship beyond their control. R156-47b-304 is amended to update the division website URL for massage therapy. R156-47b-502 updates and defines unprofessional conduct for a supervising massage therapist, massage therapy supervisor, massage assistant, and massage assistant in-training. R156-47b-503 is amended to clarify administrative penalties. R156-47b-601 is amended to clarify the minimum number of hours needed to practice animal massage therapy. The remaining proposed amendments are non-substantive formatting changes to streamline and update the rule, clarify and update definitions, and comply with the OAR Rulewriting Manual.

Fiscal Information

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

A) State budget:

Because these proposed amendments are made in accordance with the requirements of SB 42 the division does not anticipate any fiscal impact to the state budget beyond that determined by the fiscal note for SB42, at <https://le.utah.gov/~2023/bills/static/SB0042.html>

B) Local governments:

The Division does not anticipate any fiscal impact to local governments because the amendments will not impact any local government practices or procedures.

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

The proposed amendments will not have any measurable impact on small business revenues or expenditures because the amendments merely implement the new license categories and statutory changes enacted by SB 42 and further streamline and update the rule.

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

The proposed amendments will not have any measurable impact on non-small business revenues or expenditures because the amendments merely implement the new license categories and statutory changes enacted by SB 42 and further streamline and update the rule.

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 following persons will be impacted by these proposed amendments as follows: Individuals qualified to practice as a massage assistant and massage assistant in-training will be able to obtain a license and engage in the practice of limited massage therapy. Licensed massage therapists who are qualified to serve as a supervising massage therapist will be able to supervise massage assistants and massage assistants in-training in accordance with the applicable law, and individuals who are qualified to serve as a massage therapy supervisor will be able to supervise massage assistants in accordance with the applicable law. The division does not anticipate any cost or savings to these individuals from these proposed amendments beyond those determined by the SB 42 Fiscal note, which can be found at <https://le.utah.gov/~2023/bills/static/SB0042.html>.

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

As described in Box 5.E., there are no expected compliance costs for affected persons.

G) 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	FY2024	FY2025	FY2026
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	FY2024	FY2025	FY2026
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

H) Department head comments on fiscal impact and approval of regulatory impact analysis:

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

The Division of Professional Licensing ("Division") proposes these amendments in response to the statutory changes made by SB 42 during the 2023 General Session. These proposed amendments created new licensure categories and established education, training, and supervision requirements. There are also nonsubstantive formatting changes to streamline and update

the rules, clarify and update definitions and comply with the OAR Rulewriting Manual.

Small Businesses (less than 50 employees):

The Division does not expect any foreseeable impact on small businesses in the practice of massage therapy in the State of Utah. The proposed amendments are to conform to the requirements of SB 42. The changes are to update the rule to encompass current statutory requirements and practices in the profession. Further, the Division does not foresee any negative impact on small businesses since the grammatical amendments are made to make the rule comport to the OAR Rule Writing Manual.

Regulatory Impact to Non-Small Businesses (50 or more employees):

The Division finds that the non-small businesses in massage therapy industry in the State of Utah will not suffer a negative fiscal impact from the proposed rule amendments. However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

Citation Information

6. 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

Incorporations by Reference Information

7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):

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):

Official Title of Materials Incorporated (from title page)	Utah Code of Ethics and Standards of Practice
Publisher	Utah Chapter of the American Massage Therapy Association
Issue Date	May 1, 2010
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):

Official Title of Materials Incorporated (from title page)	
Publisher	
Issue Date	
Issue or Version	

Public Notice Information

8. 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:	12/15/2023	
B) A public hearing (optional) will be held:		
Date (mm/dd/yyyy):	Time (hh:mm AM/PM):	Place (physical address or URL):
11/17/2023	9:00 AM	160 East 300 South – Conference Room 474 and also via Google Meet
		Google Meet Meeting link meet.google.com/ngx-fsph-bwc
		Join by phone (US) +1 302-440-5055
		PIN: 550866830

To the agency: If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

9. This rule change MAY become effective on: 12/22/2023

NOTE: The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

Agency Authorization Information

To the agency: Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. 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:	10/31/2023
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R156. Commerce, [~~Occupational and~~] Professional Licensing.

R156-47b. Massage Therapy Practice Act Rule.

R156-47b-101. Title - Authority - Relationship to Rule R156-1.

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

(2) 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.

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

R156-47b-102. Definitions.

~~[The following rule definitions supplement the definitions]~~ Terms used in this rule are defined in Title 58, Chapter 1, [~~Occupations and Professions~~] Division of Professional Licensing Act, and Title 58, Chapter 47b, Massage Therapy Practice Act. In addition:

(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~~] a school or institution.

(2) "Acute" injury under Subsection 58-47b-102(9)(b) means a sudden onset injury, such as a sprain, strain, or contusion.

(~~2~~)³ "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.

(~~3~~)⁴ "Clinic" means performing on the public, in a supervised student setting, 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)(d) means that the supervisor, acting within the scope of the supervisor's massage therapist license, is in the facility where the apprentice is performing massage and directs the work of the apprentice under Subsection R156-1-102a(4)(a) while the apprentice is performing massage.]

(5) "Distance learning" means the acquisition of theory-based knowledge and non hands-on 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 and~~] education provided without the teacher being physically present with the student, massage apprentice, or massage assistant in-training, using various technologies to facilitate communication such as internet and audio or visual recordings [~~, mail or other correspondence~~].

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

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

(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" as used in Subsections 58-47b-102 ~~[(6) (b)]~~ (9) (a) (i) and 58-47b-102(10) (b), means contact with movement, involving touching the clothed or unclothed body.

(10) "Massage client services" means practicing on the public the techniques and skills learned as [an apprentice on the public in training under direct supervision] a massage apprentice or massage assistant in-training, while under the supervision of a supervising massage therapist pursuant to Subsection 58-47b-302(3) (d) and Section R156-47b-302c or Subsection 58-47b-302(4) (b) (ii) (B) and Section R156-47b-302d.

(11) "Recognized school" means a school located in [a] another state, district, or territory of the United States [-other than Utah], whose students [r] upon graduation [r] are recognized by that jurisdiction as having completed the educational requirements for licensure in that jurisdiction.

(12) "Registered school" means a school of massage with a curriculum that is registered with an accrediting agency or with the Utah Department of Commerce, Division of Consumer Protection, in accordance with Subsection R156-47b-302(1).

(13) "Subacute injury" under Subsection 58-47b-102(9) (b) means an injury that:

(a) happened less than eight weeks ago and is beyond an acute injury stage, but the tissue becomes sensitive to pain when there is tissue resistance; and

(b) is managed uniquely compared to more chronic or persistent issues.

[(12) 14] "Unprofessional conduct" 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-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, consisting of:

(a) two individuals who:

(i) are instructors in massage therapy at a registered school; and

(ii) have experience in curriculum development;

(b) one individual who represents a professional massage therapy association;

(c) one individual who previously served as a member of the Utah Board of Massage Therapy; and

(d) one individual who is a licensed massage therapist.

[(a) 2] The Massage Therapy Education Peer Committee shall:

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

(~~ii~~)b) recommend to the Board standards for massage school curricula, apprenticeship curricula, massage assistant in-training curricula, and animal massage training; and

(~~iii~~)c) 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.

Under Subsection 58-47b-302(2)(d)(i)(A), an applicant shall graduate from a school of massage with a curriculum that meets the following standards at the time of graduation:

(1) Curricula shall:

(a) be registered with:

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

(ii) 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~~]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 in Subsections R156-47b-302(2)(a) through (f).

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

(1) Under Subsection 58-47b-302(2)(d)(i)(B), an applicant shall demonstrate equivalent education and training by submitting documentation of:

(a) a [~~current~~]massage therapist license issued by another state, district, or territory of the United States or [~~a foreign country~~]by a jurisdiction outside of the United States that meets the requirements for licensure by endorsement in Section 58-1-302; or

(b) for an applicant for licensure by endorsement under Subsection 58-1-302(3)(b) with [~~foreign~~]education and training in a jurisdiction

outside of the United States, a credential evaluation satisfactory to the Division from [one of the following:

- ~~(i) Josef Silny and Associates, Inc.;~~
- ~~(ii) International Education Consultants; or~~
- ~~(iii) Educational Credential Evaluators, Inc.~~
- ~~(2) Hours of supervised training obtained while licensed as a massage therapy apprentice under Subsection R156-47b-302c(5) may not satisfy any of the required minimum of 600 hours of school instruction in 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 of Subsection R156-47b-302(2) may not satisfy any of the required minimum 1,000 hours of supervised apprenticeship training in Subsection R156-47b-302c(5).]~~ an evaluation service that is a current member of the National Association of Credential Evaluation Services (NACES).

(2) Under Subsection 58-47b-302(2)(d), an applicant for licensure as a massage therapist may not:

(a) satisfy any of the required minimum 600 hours of school instruction under Subsection 58-47b-302(2)(d)(i) and Section R156-47b-302 by using:

(i) hours of supervised training as a massage apprentice under Subsections 58-47b-302(2)(d)(ii) and R156-47b-302c(5); or

(ii) hours of education and training as a massage assistant in-training under Subsection 58-47b-302(4)(b)(i)(B) and Section R156-47b-302d; or

(b) satisfy any of the required minimum 1,000 hours of supervised training as a massage apprentice under Subsections 58-47b-302(2)(d)(ii) and R156-47b-302c(5) by using:

(i) hours of school instruction under Subsection 58-47b-302(2)(d)(i) and Section R156-47b-302;

(ii) hours of school instruction under Subsection 58-47b-302(4)(b)(i)(A) or (ii)(A); or

(iii) hours of supervised education and training obtained while licensed as a massage assistant in-training under Subsection 58-47b-302(4)(b)(i)(B) or (ii)(B).

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

(1) Under Subsection[s] 58-47b-302(2)(e) [~~and 58-47b-302(3)(e)], an applicant for licensure as a massage therapist shall pass:~~

([1]a) the FSMTB Massage and Bodywork Licensing Examination (MBLEx);
or

([2]b) a predecessor exam, if the exam was passed during the time the exam was accepted by the Division.

(2) Under Subsection 58-47b-302(3)(e), an applicant for licensure as a massage apprentice shall pass the Utah Massage Therapy Law and Rule Examination.

(3) Under Subsection 58-47b-302(4)(a)(vi), an applicant for licensure as a massage assistant shall pass the Utah Massage Assistant Theory, Law, and Rule Examination.

R156-47b-302c. Massage Apprenticeship Standards.

Under Subsections 58-47b-302(2)(d)(ii) and 58-47b-302(3)(d), the following standards are established for a massage apprenticeship program:

(1) A ~~[supervisor]~~ supervising massage therapist and massage apprentice may begin an apprenticeship program after:

(a) the massage apprentice is licensed as a massage apprentice;

(b) the ~~[supervisor]~~ supervising massage therapist is approved by the Division; and

(c) unless otherwise approved by the Division in collaboration with the Board, each of the ~~[supervisor's]~~ supervising massage therapist's previous apprentices has passed the FSMTB MBLEx.

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

(3) Under Subsection 58-47b-302(6)(a), unless otherwise approved by the Division in collaboration with the Board:

(a) a supervising massage therapist shall serve as the sole supervisor for their massage apprentice, and may not allow another massage therapist to also supervise that massage apprentice; and

(b) a massage therapist may not supervise a massage apprentice who is under the supervision of another massage therapist. ~~[(a) If an apprentice being supervised fails the FSMTB MBLEx three times, the supervisor shall:~~

~~— (i) with the apprentice, meet with the Board at the next appropriate Board meeting;~~

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

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

~~(b) upon successful completion of the review in Subsection~~

~~(3)(a)(iii), the apprentice shall again be eligible to take the FSMTB MBLEx.~~

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

[(5)4) The ~~[supervisor]~~ supervising massage therapist 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 services - 300 hours;

(f) ~~[hands-on]~~ 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)5)(a) The ~~[supervisor]~~ supervising massage therapist shall submit with the massage apprentice's application a curriculum content outline that includes a list of the resource materials to be used, which has been preapproved by the Division.

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

(7)6) The [supervisor] supervising massage therapist and massage apprentice shall:

(a) display a conspicuous sign near the massage apprentice's workstation stating "Apprentice in Training";

(b) keep a daily record that includes:

(i) the number of hours of ~~[instruction and-]~~training completed; and

(ii) the number of hours of massage client services performed; ~~[-and~~

~~---(iii) the number of hours of training completed;]~~

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

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

(e) if the apprenticeship program is terminated, notify the Division within ten working days [if the apprenticeship program is terminated] on a Notice of Disassociation form available from the Division; and

(f) ensure that the massage apprentice performs the massage client services in Subsection ([5]4) (e) only on the public, and performs the other ~~[hands-on]~~hands-on instruction or practice on ~~[an apprentice or supervisor]~~a massage apprentice or the supervising massage therapist.

(7) (a) A supervising massage therapist shall provide direct supervision under Subsection 58-47b-302(3) (d) for a massage apprentice performing massage client services by:

(i) giving prior written or verbal instructions to the massage apprentice;

(ii) being present in the facility where the massage apprentice is performing the massage client services; and

(iii) being available to provide immediate face-to-face communication with the massage apprentice as necessary.

(b) The supervision massage therapist may, but need not be, present in the room where the massage apprentice is performing massage client services on the public client.

(8) If a massage apprentice fails the FSMTB MBLEx three times:

(a) the supervising massage therapist shall:

(i) with the massage apprentice, meet with the Board at the next appropriate Board meeting;

(ii) explain to the Board why the massage apprentice cannot pass the examination; and

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

(b) if the Division and Board approve, the massage apprentice shall again be eligible to take the FSMTB MBLEx.

R156-47b-302d. Massage Assistant-in-Training Education and Training Standards.

Under Subsections 58-47b-302(4) (a) (iv), 58-47b-302(4) (b), and 58-47b-302(5) (d), the following standards are established for a massage assistant in-training education and training program:

(1) Under Subsections 58-47b-102(6), 58-47b-302(5) (d), and 58-47b-501(1) (a), a massage assistant in-training may engage in the supervised

practice of limited massage therapy as defined in Subsection 58-47b-102(9), but may not engage in the practice of massage therapy as defined in Subsection 58-47b-102(10).

(2) A supervision massage therapist and a massage assistant in-training may begin their education and training program after:

(a) the supervision massage therapist has submitted with the massage assistant in-training's license application the curriculum content outline and list of resource materials to be used;

(b) the massage assistant in-training is licensed as a massage assistant in-training; and

(c) the Division has approved the supervising massage therapist.

(3) A massage therapist may not serve as a supervising massage therapist if:

(a) the massage therapist's license has been disciplined for unlawful or unprofessional conduct within five years of the start of the massage assistant in-training education and training program; or

(b) unless otherwise approved by the Division in collaboration with the Board, one or more of the supervising massage therapist's previous massage assistants in-training has not passed the Utah Massage Assistant Theory, Law, and Rule Examination.

(4) Under Subsection 58-47b-302(4)(b), a supervising massage therapist shall train the massage assistant in-training for a total of at least 300 hours as follows:

(a) under Subsection 58-47b-302(4)(b)(i)(B), at least 150 hours of education and training under the direct supervision of the supervising massage therapist, by face-to-face instruction in the following areas while the supervising massage therapist and massage assistant in-training are present in the same room:

(i) anatomy and physiology - 40 hours;

(ii) pathology - 20 hours;

(iii) massage theory - 10 hours;

(iv) massage techniques including the five basic Swedish massage strokes - 40 hours;

(v) hands-on instruction in the areas in Subsections 58-47b-102(9)(a)(ii) through (vi) - 30 hours;

(vi) professional standards, ethics, and business practices - 5 hours;

(vii) sanitation and universal precautions, including CPR and first aid - 5 hours; and

(b) under Subsection 58-47b-302(4)(b)(ii)(B), at least 150 hours of education and training under the indirect supervision of the supervising massage therapist, by the massage assistant in-training performing at least 150 hours of massage client services on the public while the supervising massage therapist:

(i) has given prior written or verbal instructions to the massage assistant in-training;

(ii) is present in the facility where the massage assistant in-training is performing the massage client services, and may, but need not be, present in the room where the massage assistant in-training is performing the massage client services; and

(iii) is available to provide immediate face-to-face communication with the massage assistant in-training as necessary.

(5) The massage assistant in-training shall follow the curriculum content outline and use the resource materials as submitted by their supervising massage therapist.

(6) Under Subsection 58-47b-302(6)(a), unless otherwise approved by the Division in collaboration with the Board:

(a) a supervising massage therapist shall serve as the sole supervisor for their massage assistant in-training, and may not allow another massage therapist to supervise that massage assistant in-training; and

(b) a massage therapist may not supervise a massage assistant in-training who is under the supervision of another massage therapist.

(7) A supervising massage therapist and massage assistant in-training shall:

(a) under Section 58-47b-306, display a conspicuous sign near the workstation stating "Massage Assistant In-Training";

(b) keep a daily record that includes:

(i) the number of hours of education and training completed; and

(ii) the number of hours of massage client services performed;

(c) make massage assistant in-training education and training and work history records available to the Division upon request;

(d) verify the massage assistant in-training's completion of their education and training on a form available from the Division;

(e) if the massage assistant in-training program is terminated, notify the Division within ten working days on a Notice of Disassociation form available from the Division; and

(f) ensure that the massage assistant in-training performs massage client services only on the public, and performs the other hands-on instruction or practice on a massage assistant in-training, a massage assistant, or the supervising massage therapist.

(8) If a massage assistant in-training fails the Utah Massage Assistant Theory, Law, and Rule Examination three times:

(a) the supervising massage therapist shall:

(i) with the massage assistant in-training, meet with the Board at the next appropriate meeting;

(ii) explain to the Board why the massage assistant in-training cannot pass the examination; and

(iii) provide to the Board a plan of study in the appropriate subject matter to help the massage assistant in-training pass the examination; and

(b) if the Division and Board approve, the massage assistant in-training shall again be eligible to take the Utah Massage Assistant Theory, Law, and Rule Examination.

R156-47b-302e. Massage Assistant Practice Standards.

Under Subsections 58-47b-102(5), 58-47b-302(4)(a)(v), and Section 58-47b-301, the following standards are established for practice as a massage assistant:

(1) Under Subsection 58-47b-501(1)(a), a massage assistant may engage in the supervised practice of limited massage therapy as defined in Subsection 58-47b-102(9), but may not engage in the practice of massage therapy as defined in Subsection 58-47b-102(10).

(2) An individual may not serve as a massage therapy supervisor for a massage assistant if the individual's professional license under Title 58, Occupations and Professions, or professional license in any other jurisdiction, has been disciplined for unlawful or unprofessional conduct within five years of the start of the supervision.

(3) Under Subsection 58-47b-302(6)(b), when a massage assistant is engaging in the practice of limited massage therapy, the massage assistant may be supervised by only one massage therapy supervisor at a time. This does not prohibit the massage assistant from having different massage therapy supervisors at different times.

(4) Under Subsection 58-47b-306(2), the massage therapy supervisor and massage assistant shall display a conspicuous sign near the massage assistant's workstation stating "Massage Assistant".

(5) A massage therapy supervisor shall make the massage therapy supervisor's and the massage assistant's employment records available to the Division upon request, such as personnel records, payroll records, independent contractor and 1099 records, supervision records, work contracts, performance reviews, disciplinary actions, and work history records showing dates, times, and locations of practice.

(6) A massage assistant shall make the massage assistant's employment records available to the Division upon request, such as payroll records, independent contractor and 1099 records, supervision records, work contracts, and work history records showing dates, times and locations of practice.

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

(1) Under Subsection 58-1-308(1)(a), the renewal date for the two-year renewal cycle [~~applicable to~~]for licensees under Title 58, Chapter 47b, Massage Therapy Practice Act is established in Section R156-1-308a.

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

(3) Under Subsection 58-47b-303(3) an expired massage assistant in-training license may not be renewed, but the Division in collaboration with the Board may extend the license for a period proportionate to a hardship experienced by the massage assistant in-training, if the massage assistant in-training presents evidence in writing satisfactory to the Division and Board that:

(a) the circumstance of hardship arose beyond the massage assistant in-training's control to prevent the completion of the licensure process; and

(b) the massage assistant in-training is on a course reasonably expected to lead to licensure as a massage assistant, such as making reasonable progress toward completing the required hours of education and training and passing the required exam.

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~~]<https://dopl.utah.gov/massage-therapy> under Related Information - Resources.

R156-47b-502. Unprofessional Conduct.

Under Section 58-47b-502, "[U]nprofessional conduct" includes:

(1) engaging in any lewd, indecent, obscene, or unlawful behavior while [acting]practicing as a massage therapist, massage therapy supervisor, massage apprentice, massage assistant, or massage assistant in-training;

(2) [as an apprentice supervisor, failing to provide direct supervision to a massage apprentice,]under Subsection 58-47b-502(4), failing to properly supervise a massage apprentice, massage assistant, or massage assistant in-training shall include:

(a) failing to provide the required direct supervision;

(b) failing to provide the required indirect supervision; or

(c) violating Subsection 58-47b-302(6).

(3) [practicing]as a massage apprentice, practicing without direct supervision;

(4) as a massage assistant, practicing without the required indirect supervision;

(5) as a massage assistant in-training, practicing without the required direct or indirect supervision;

([4]6) as [an apprentice supervisor]a supervising massage therapist, failing to provide or to document adequate [instruction or]education and training as required by Title 58, Chapter 47b, Massage Therapy Practice Act or Rule R156-47b;

(7) as a massage therapy supervisor, failing to provide employment records to the Division upon request, including under Subsection R156-47b-302e(5);

(8) as a massage assistant, failing to provide employment records to the Division upon request, including under Subsection R156-47b-302e(6);

([5]9) as [an apprentice supervisor]a supervising massage therapist, advising, directing, or instructing [an]a massage apprentice or massage assistant in-training in any [instruction]education or training or behavior that [is inconsistent, contrary, or contradictory to established professional or ethical standards of the profession]violates the generally accepted and recognized standards and ethics of the massage profession, including those in the Utah Chapter of the American Massage Therapy Association Utah Code of Ethics and Standards of Practice, May 1, 2010 edition, which is incorporated by reference;

(10) as a massage therapy supervisor, advising or directing a massage assistant in any behavior, or allowing or aiding or abetting any behavior by a massage assistant, that violates the generally accepted and recognized standards and ethics of:

(a) the massage profession, including those in the Utah Chapter of the American Massage Therapy Association Utah Code of Ethics and Standards of Practice, May 1, 2010 edition, which is incorporated by reference; or

(b) the massage therapy supervisor's licensed profession under Title 58, Occupations and Professions.

([6]11) failing to notify a client of any health condition the licensee may have that could present a hazard to the client;

([7]12) [failure]failing to use appropriate draping procedures to protect the client's personal privacy;[-and] or

([8]13) failing to conform to the generally accepted and recognized standards and ethics of the massage profession, including those in the Utah Chapter of the American Massage Therapy Association [u]Utah Code of

Ethics and Standards of Practice⁽¹⁾, [~~September 17, 2005~~] May 1, 2010 edition, which is [~~hereby~~] incorporated by reference.

R156-47b-503. Administrative Penalties [~~Unlawful Conduct~~].

~~[Under Section 58-1-501, unless otherwise ordered by the presiding officer, the fine schedule in]~~ In addition to the penalties in Section 58-47b-503, the penalties under Sections 58-1-502 and R156-1-502 shall apply to a violation of [citations issued under] Title 58, Occupations and Professions [Chapter 47b, Massage Therapy Practice Act].

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

Under Subsection 58-28-307(12)(c), a massage therapist practicing animal massage shall have received at least 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
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