

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.

The following rule definitions supplement the definitions in Title 58, Chapter 1, Occupations and Professions, and Title 58, Chapter 47b, Massage Therapy Practice Act:

(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.

(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)(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 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 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) "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 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.

(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" 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.

(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.

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 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 that meets the requirements for licensure by endorsement in Section 58-1-302; or
 - (b) for an applicant with foreign education and training, a credential evaluation 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).

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

- Under Subsections 58-47b-302(2)(e) and 58-47b-302(3)(e), an applicant for licensure as a massage therapist shall pass:
- (1) the FSMTB Massage and Bodywork Licensing Examination (MBLEx); or
 - (2) a predecessor exam, if the exam was passed during the time the exam was accepted by the Division.

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 and apprentice may begin an apprenticeship program after:
 - (a) the apprentice is licensed as a massage apprentice;
 - (b) the supervisor is approved by the Division; and
 - (c) unless otherwise approved by the Division in collaboration with the Board, each of the supervisor's previous apprentices has passed the FSMTB MBLEx.
- (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) 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) The supervisor shall train the 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)(a) The supervisor shall submit with the 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 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 stating "Apprentice in Training";
 - (b) keep a daily record that includes:
 - (i) the number of hours of instruction and training completed;
 - (ii) the number of hours of client services performed; and
 - (iii) the number of hours of training completed;
 - (c) make the 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) notify the Division within ten working days if the apprenticeship program is terminated; and
 - (f) ensure that the apprentice performs the massage client services in Subsection (5)(e) only on the public, and performs the other hands on instruction or practice on an apprentice or supervisor.

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 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.

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

Under Section 58-1-501, 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.

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

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Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a); 58-1-202(1)(a); 58-47b-101