

CHAPTER 20. STATE BOARD OF MASSAGE THERAPY

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Authority

The provisions of this Chapter 20 issued under the Massage Therapy Law (63 P. S. § 627.1—627.50), unless otherwise noted.

Source

The provisions of this Chapter 20 adopted December 31, 2010, effective January 1, 2011, 41 Pa.B. 16, unless otherwise noted.

GENERAL PROVISIONS**§ 20.1. Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Act—The Massage Therapy Law (63 P. S. §§ 627.1—627.50).

Board—The State Board of Massage Therapy.

Client—Any individual, group of individuals, or organization to which an L.M.T. provides massage therapy services.

Contact hour—A 50 to 60 minute period of instruction related to the practice of massage therapy in the physical presence of an instructor or supervisor.

Draping—The use of linens to cover a massage therapy client to preserve client privacy and modesty, to maintain professional boundaries and for client warmth.

FSMTB—The Federation of State Massage Therapy Boards.

Immediate supervision—The supervisor or instructor is within visual or audible range of the individual being supervised.

In-class—In the physical presence of an instructor or under the immediate supervision of a clinical supervisor.

Indirect supervision—The supervision provided by a clinical supervisor or instructor who has given a student instructions on the performance of massage therapy activities, assigned for credit, that are to be practiced outside of class or clinic.

Informed consent—A process wherein the massage therapist and a competent client or the client's guardian come to a mutual understanding of the massage therapy treatment, including objectives, benefits and any risks.

L.M.T.—Licensed Massage Therapist.

MBLEx—Massage and Bodywork Licensure Examination of the Federation of State Massage Therapy Boards.

Massage therapy treatment plan—Written documentation that addresses soft tissue manifestations, needs and concerns of the client, including identifying indications, contraindications and precautions of massage therapy within the scope of the act, how the needs and concerns will be addressed, massage therapy goals and how progress will be assessed.

NCBTMB—National Certification Board for Therapeutic Massage and Bodywork.

NCETM—National Certification Examination for Therapeutic Massage.

NCETMB—National Certification Examination for Therapeutic Massage and Bodywork.

NESL—National Examination for State Licensure, an option offered by the NCBTMB which allows individuals to take the NCETM or NCETMB without obtaining National certification.

Professional relationship—The relationship between a massage therapist and a client which shall be deemed to exist from the first professional contact or consultation and continue thereafter until 6 months after the last date of a professional service.

Sexual abuse—Conduct which constitutes a violation of any provision of 18 Pa.C.S. (relating to crimes and offenses) related to sexual offenses (See 18 Pa.C.S. §§ 3121—3130 (relating to definition of offenses).)

Sexual harassment—Deliberate or repeated comments, gestures or physical contacts of a sexual nature.

Sexual impropriety—The term includes the following offenses during the professional relationship:

- (i) Making sexually demeaning or sexually suggestive comments about or to a client, including comments about a client's body or clothing.
- (ii) Unnecessarily exposing a client's body or watching a client dress or undress, unless the client specifically requests assistance due to disability.
- (iii) Discussing or commenting on a client's potential sexual performance or requesting details of a client's sexual history or preferences.
- (iv) Volunteering information to a client about one's sexual problems, preferences or fantasies.
- (v) Behavior, gestures, or expressions to a client that are seductive or of a sexual nature.
- (vi) Using draping practices that reflect a lack of respect for the client's privacy.

Sexual intimacies—Romantic, sexually suggestive or erotic behavior or soliciting a date.

Sexual violation—Sexual conduct, during the professional relationship, between a massage therapist and a client, including any of the following:

- (i) Indecent exposure.

(ii) Touching, with the massage therapist’s body or an object, the genitals or any sexualized body part of the client for any purpose other than appropriate examination or treatment or when the client has refused or withdrawn consent.

(iii) Encouraging a client to masturbate in the presence of the massage therapist or masturbating while a client is present.

(iv) Providing or offering to provide treatment in exchange for sexual favors.

Supervisor—A licensee or instructor who meets the qualifications under section 13(3) of the act (63 P. S. § 627.13(3)).

Treatment—The use of massage therapy where the primary intent is to enhance the health and well-being of the client.

§ 20.2. Applicability of general rules.

The provisions of 1 Pa. Code § 31.1 (relating to scope of part), and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure) are applicable to the activities of and proceedings before the Board.

§ 20.3. Fees.

(a) The following fees are charged for services provided by the Board:

Application for initial licensure	\$100
Application for temporary practice permit	\$65
Verification of licensure or letter of good standing	\$15
Certification of licensure history	\$25
Reactivation of license	\$65
Restoration after suspension or revocation	\$65
Approval of continuing education program	\$100

(b) The following fees are charged to sustain the operations of the Board:

Biennial renewal fee for biennial period February 1, 2019—	
January 31, 2021	\$125
Biennial renewal fee for biennial period February 1, 2021—	
January 31, 2023	\$150
Biennial renewal fee for biennial period February 1, 2023—	
January 31, 2025, and each biennial renewal period thereafter	\$175

(c) In addition to the application fee prescribed in subsection (a), which is payable directly to the Board, a candidate for the MBLEx shall be responsible for any fees charged by the FSMTB for taking the examination.

Authority

The provisions of this § 20.3 amended under section 11(a) of the Massage Therapy Law (63 P.S. § 627.11(a)).

Source

The provisions of this § 20.3 amended December 1, 2018, effective immediately, 48 Pa.B. 7400. Immediately preceding text appears at serial page (354708).

Cross References

This section cited in 49 Pa. Code § 20.21 (relating to application for temporary practice permit, initial licensure and licensure by reciprocity); 49 Pa. Code § 20.31 (relating to expiration, renewal and reactivation of license); and 49 Pa. Code § 20.33 (relating to continuing education content and providers).

EDUCATION

§ 20.11. Minimum hour requirements for massage therapy programs.

(a) Massage therapy programs must provide at least 600 hours of in-class, postsecondary education instruction, including:

(1) At least 175 contact hours of instruction in anatomy and physiology, kinesiology and pathology, including training in the human immunodeficiency virus and related risks.

(2) At least 250 contact hours in massage therapy and bodywork assessment, theory and practice including sanitation, safety and hygiene.

(3) At least 25 contact hours in professional ethics, and business and law related to a massage therapy business.

(4) At least 150 contact hours in related courses appropriate to a massage therapy curriculum as set forth in § 20.13 (related to required knowledge base), including cardiopulmonary resuscitation.

(b) Massage therapy programs may meet the 600-hour requirement through both didactic and clinical courses.

(c) Externship hours may not be included in the 600-hour minimum education instruction. For purposes of this section, an externship is an offsite practical technique learning experience where the student's supervision is provided by a licensed massage therapist, supervisor or other appropriate licensed health professional.

(d) Hours for practicing assigned techniques under indirect supervision may not be included in the 600-hour minimum education instruction.

§ 20.12. Information that must be provided to prospective students.

Massage therapy schools shall inform prospective students, in writing, prior to enrollment, of the annual passing rate of the school's graduates on each of the approved examinations for licensure for the past 2 years. Any licensee employed by a massage therapy school who knows or has reason to know that the school is not abiding by this provision will be subject to discipline under section 9(a)(7) of the act (63 P. S. § 627.9(a)(7)). In addition, the Board will report the failure of a massage therapy school to conform to this section to the school's approving or accrediting body.

§ 20.13. Required knowledge base.

(a) Massage therapy education must provide students with knowledge of the following:

- (1) Massage and bodywork assessment and application.
- (2) Contraindications and precautions for massage therapy.
- (3) Anatomy and physiology.
- (4) Kinesiology.
- (5) Pathology.

- (6) Pennsylvania legal requirements.
 - (7) Business practices.
 - (8) Professional ethics.
 - (9) CPR resulting in a Board-approved certification.
 - (10) Communicable diseases and universal precautions.
 - (11) Power differentials and other therapeutic boundary issues as they relate to client interaction.
 - (12) Fundamentals of human behavior and respect for clients in the practice of massage therapy.
- (b) Massage therapy education must provide students with the practical skills to:
- (1) Administer fundamental massage therapy for the treatment of soft tissue manifestations of the human body.
 - (2) Safely utilize topical preparations, thermal and cryogenic modalities, hydrotherapy and movements that lengthen and shorten soft tissues within the client's normal range of motion.
 - (3) Maintain safe and effective body mechanics in the application of massage therapy.
 - (4) Locate and palpate muscle attachments, muscle bellies and other anatomical landmarks necessary for the practice of massage therapy.
 - (5) Use draping/coverage practices that address both function and safety.
- (c) Massage therapy education must provide students with additional skills in the following areas:
- (1) Development, implementation and modification of a massage therapy treatment plan that addresses client soft tissue manifestations, needs and concerns, including identifying indications, contraindications and precautions of massage therapy within the scope of the act.
 - (2) Obtaining informed consent regarding the risks and benefits of the massage therapy treatment plan and application and modification of the massage therapy treatment plan as needed.
 - (3) Using effective interpersonal communication in the professional relationship.
 - (4) Utilizing an ethical decision making process that conforms to the ethical standards of the profession, as set forth in this chapter and in the codes of ethics of massage therapy professional associations.
 - (5) Establishing and maintaining a practice environment that provides for the client's safety and comfort.
 - (6) Establishing and maintaining client records, professional records and business records in compliance with § 20.42(a)(19) (relating to standards of professional conduct).

Cross References

This section cited in 49 Pa. Code § 20.11 (relating to minimum hour requirements for massage therapy programs).

§ 20.14. Student practice.

(a) A student enrolled in an approved massage therapy program may practice massage therapy by providing services under immediate supervision as part of a clinical training program operated by the school in which the student is obtaining credit.

(b) A student, while enrolled in an approved massage therapy program, may perform techniques learned in class under indirect supervision.

(c) A student may not receive payment from the school, client, or other source for providing massage therapy services; however, a student may accept a nominal gratuity voluntarily given by a client in a clinical training program operated by the school in which the student is obtaining credit.

(d) Massage therapy schools shall maintain records of services provided by students in a clinical training program for at least 3 years from the last date of service.

(e) Students providing services as part of a clinical training program operated by a school shall be clearly identified to the public as students.

LICENSURE**§ 20.21. Application for temporary practice permit, initial licensure and licensure by reciprocity.**

(a) Application forms may be obtained from the Board and are posted on the Board's web site.

(b) An applicant for licensure shall submit to the Board a completed and signed application form, the application fee as set forth in § 20.3 (relating to fees) and the following documents:

(1) A copy of a legal form of identification, such as a valid driver's license, a current passport, or a valid State identification card.

(2) An official Criminal History Record Information check from the State Police or other state agency for every state in which the candidate has resided during the past 5 years. The reports must be dated within 6 months of the date of application.

(3) CPR certification, that is valid for at least 6 months following the date of application. A list of Board-approved CPR providers will be posted on the Board's web site.

(4) Proof of graduation from high school or the equivalent.

(c) An applicant shall request that the applicant's massage therapy school send directly to the Board the applicant's official transcript showing successful completion of a massage therapy program in the subject matter and hours

required by the act and this chapter. If a school is no longer in operation, the Board may accept a copy of the official transcript from the school's record depository.

(d) An applicant shall provide a written explanation and copies of all relevant documents as requested by the Board if:

(1) The applicant is under investigation or has ever been denied professional licensure or disciplined by any professional licensing authority of the Commonwealth or any other jurisdiction of the United States or a foreign country.

(2) The applicant has surrendered a massage therapy license or other professional license in this Commonwealth or any other jurisdiction of the United States or a foreign country.

(3) The applicant has been charged with or convicted of a misdemeanor or felony in this Commonwealth or any other jurisdiction of the United States or a foreign country.

(4) The applicant is unable to practice massage therapy with a reasonable skill and safety by reason of use of alcohol, drugs, narcotics, chemicals or any other type of material.

(5) The applicant is unable to practice massage therapy with a reasonable skill and safety by reason of illness or as a result of any mental or physical condition.

(e) An applicant shall verify that the applicant has read, understood and will comply with the act and this chapter.

(f) An applicant is responsible for ensuring that the Board receives all required documentation. If the application is incomplete, the Board will notify the applicant by means of first class mail, within 8 weeks of the receipt of the application, that the application is incomplete.

(g) Applicants shall supply the missing documentation within 6 months from the date the application is executed by the applicant. After that time, if the documentation has not been submitted, the application will be denied and the application fee forfeited. An applicant who wishes to reapply shall submit a new application and application fee.

(h) An applicant whose name changes during the application process or whose name has changed since the applicant completed massage therapy school shall notify the Board in writing and submit, with the notification of name change, the appropriate supporting documentation (such as, marriage certificate, divorce decree, court documents showing a legal name change).

(i) An applicant whose address changes shall notify the Board in writing and submit both the old and new address to the Board.

(j) If any other information requested on the application changes after the date the applicant submits the application to the Board for licensure, the applicant shall immediately notify the Board, in writing, of the change. Failure to

update an application may subject an applicant to refusal of the license or a licensee to discipline under section 9(a)(4) of the act (63 P. S. § 627.9(a)(4)).

Cross References

This section cited in 49 Pa. Code § 20.24 (relating to application requirements for existing practitioners); 49 Pa. Code § 20.25 (relating to additional requirements for applicants for licensure by reciprocity); and 49 Pa. Code § 20.26 (relating to application requirements for temporary practice permits).

§ 20.22. Procedure for licensure denial.

(a) The Board will inform the applicant, in writing, of the basis upon which the Board has refused the license. The Board will provide the applicant with an opportunity to demonstrate, at a hearing, that the license should be issued.

(b) If information submitted with the application indicates that an applicant may be unable to safely practice massage therapy, the Board will require the applicant to contact the Bureau of Professional and Occupational Affairs' Professional Health Monitoring Program and participate in an evaluation to determine if the applicant can safely practice. An applicant may contest the results of the evaluation at a hearing. The Board will provide an applicant who refuses to participate in an evaluation with an opportunity to demonstrate, at a hearing, that the license should be granted.

(c) In a case when the Board refuses to issue a license, the Board will issue a written final decision setting forth the grounds for the refusal and informing the applicant of the applicant's right to a hearing under section 9(c) of the act (63 P. S. § 627.9(c)).

§ 20.23. Licensure examinations.

(a) The Board adopts the NCETM and NCETMB, including the NESL option, and MBLEx as approved examinations for initial licensure under section 7 of the act (63 P. S. § 627.7).

(b) An individual who plans to take the MBLEx offered by the FSMTB shall contact the FSMTB directly to apply for examination. The FSMTB will issue the candidate an Authorization to Test, which the candidate may use to schedule the examination. Candidates are responsible for registering for the licensure examination date and site. Candidates who are unable to test within 90 days of the date the FSMTB issued the candidate's Authorization to Test will be required to reapply as a new candidate subject to all application and fee requirements in place at that time.

(c) An individual who plans to take the NCETM or NCETMB examinations, including the NESL option offered by the NCBTMB, shall contact the NCBTMB directly to apply for examination. The NCBTMB will issue the candidate an Authorization to Test, which the candidate may use to schedule the examination. Candidates are responsible for registering for the licensure examination date and

site. Candidates who are unable to test within 90 days of the date the NCBTMB issued the candidate's Authorization to Test will be required to reapply as a new candidate subject to all application and fee requirements in place at that time.

§ 20.24. Application requirements for existing practitioners.

(a) Existing practitioners shall submit, by January 2, 2012, an application, application fee and the information required under § 20.21(b), (c) and (d) (relating to application for temporary practice permit, initial licensure and licensure by reciprocity) if applicable, and shall be subject to the provisions of § 20.21(e)—(i).

(b) Existing practitioners shall establish that they have conducted a business and been an active participant in that business which was mainly the practice of massage therapy by submitting one of the following:

(1) A signed copy of the applicant's Federal tax return for the previous year, that lists the applicant's occupation as massage therapist.

(2) A signed copy of Schedule C of the applicant's Federal income tax return for the previous year demonstrating that the individual has reported income from the practice of massage therapy.

(3) Proof of professional or practitioner membership level or above in a professional association approved by the Board.

(4) For applicants who have been employed as massage therapists, a notarized statement from the applicant's employer (on a form provided by the Board) attesting that the individual is a practicing massage therapist, a copy of the employer's business card or letterhead, and a copy of the applicant's Federal W-2 or 1099 form.

(c) Existing practitioners applying for licensure under section 5(b)(3)(i) of the act (63 P. S. § 627.5(b)(3)(i)) shall demonstrate that they have been in active, continuous practice for at least 5 years immediately preceding October 9, 2010, by submitting one of the following:

(1) Signed copies of the applicant's tax returns for the past 5 years, each listing the applicant's occupation as massage therapist.

(2) Signed copies of Schedule C of the Federal income tax returns for the past 5 years demonstrating that the applicant has reported income from the practice of massage therapy.

(3) Proof, sent directly from a Board-approved professional association, of at least 5 years membership at the professional or practitioner level or above in the professional association.

(4) For applicants who have been employed as massage therapists, a notarized letter from the applicant's employer (on a form provided by the Board) attesting that the individual has practiced massage therapy for at least the last 5 years, a copy of the employer's business card or letterhead, and copies of the applicant's Federal W-2 or 1099 forms for the last 5 years.

(d) Existing practitioners applying for licensure under section 5(b)(3)(ii) of the act shall have the certification agency provide, directly to the Board, evidence that the practitioner passed a massage therapy examination that is part of a certification program accredited by the National Commission for Certifying Agencies.

(e) Existing practitioners applying for licensure under section 5(b)(3)(iii) of the act shall request that their educational program provide an official transcript directly to the Board to demonstrate that the practitioner completed at least 500 hours of instruction in massage and related subjects. Transcripts generated in a language other than English shall be translated into English at the applicant's expense by a professional translation service and verified to be complete and accurate.

(f) Existing practitioners applying for licensure under section 5(b)(3)(iv) of the act shall demonstrate, through certificates of completion, official transcript provided directly from the educational institution, or correspondence from the practitioner's instructor, that the practitioner completed at least 100 hours of instruction in massage and related subjects and passed the NESL option of the NCBTMB.

(g) Existing practitioners applying for licensure under section 5(b)(3)(v) of the act shall demonstrate, through certificates of completion, official transcript provided directly from educational institution, or correspondence from the practitioner's instructor, that the practitioner completed at least 100 hours of instruction in massage and related subjects and passed the MBLEx.

§ 20.25. Additional application requirements for applicants for licensure by reciprocity.

(a) An applicant for licensure by reciprocity shall submit an application form provided by the Board and information required under § 20.21(b)(1)—(3) and (c) (relating to application for temporary practice permit, initial licensure and licensure by reciprocity), and shall be subject to the provisions of § 20.21(d) and (e).

(b) An applicant for licensure by reciprocity shall have the official licensing authority of every jurisdiction in which the applicant holds a license to practice massage therapy provide the Board with verification that the applicant is a licensee in good standing and documentation of any disciplinary action taken by the jurisdiction's licensing authority.

(c) An applicant for licensure by reciprocity shall request that the applicant's massage therapy school provide the Board with the applicant's official transcript and verification that the school is recognized by the jurisdiction's licensing authority, accredited by a National accrediting organization, or authorized to operate by the jurisdiction's Department of Education.

(d) An applicant for licensure by reciprocity shall provide evidence that the applicant passed the MBLEx, the NCETM, NCETMB or successfully completed the NESL option, or evidence that the applicant obtained original licensure

through qualifications equivalent to those for existing practitioners under section 5(b) of the act (63 P. S. § 627.5(b)).

§ 20.26. Application requirements for temporary practice permits.

(a) An applicant for a temporary practice permit shall submit an application form provided by the Board.

(b) In addition to the completed application form, an applicant for a temporary practice permit shall comply with the application procedures under § 20.21(b)(1)—(3) and (c) (relating to application for temporary practice permit, initial licensure and licensure by reciprocity), and shall be subject to the provisions of § 20.21(d) and (e).

(c) A temporary practice permit will expire on the earlier of 6 months from the date of issuance or on the date the candidate fails the licensure examination.

(d) Individuals who have been issued a temporary practice permit will be considered licensees for purposes of applying section 9 of the act, pertaining to refusal, suspension and revocation of licenses.

(e) Individuals who have been issued a temporary practice permit may not hold themselves out as a licensed massage therapist, use the initials L.M.T. or advertise their practice of massage therapy.

LICENSURE RENEWAL AND REACTIVATION

§ 20.31. Expiration, renewal and reactivation of license.

(a) *Expiration of license.* Licenses expire on January 31 of each odd-numbered year beginning in 2013, regardless of the date of issuance. Licenses are renewable for a 2-year period beginning each October 31 of each even-numbered year beginning in 2012.

(b) *Practice prohibited.* A licensee may not practice massage therapy in this Commonwealth after the last day of January of the renewal year unless the license has been renewed.

(c) *Renewal application.* A licensee shall:

(1) Apply for licensure renewal online or on the form provided by the Board.

(2) Pay the biennial renewal fee as set forth in § 20.3 (relating to fees).

(3) Submit proof of current certification in CPR.

(4) Submit verification of completion of at least 24 hours of Board-approved continuing education.

(5) Submit verification that the licensee has read, understood and will comply with the act and this chapter.

(d) *Reporting requirements.*

(1) Disclosure of licensure or discipline in another jurisdiction. A licensee who becomes licensed to practice massage therapy in another jurisdiction shall report this information on the biennial renewal form or within 90 days of

licensure, whichever occurs sooner. Disciplinary action taken in another jurisdiction shall be reported to the Board on the biennial renewal form or within 90 days, whichever is sooner.

(2) Disclosure of the filing of formal criminal charges (information or indictment). A licensee shall report, on the biennial renewal form or within 30 days, whichever occurs sooner, the filing of any criminal charges, the licensee's sentencing on any criminal charges or the licensee's admission into an accelerated rehabilitative disposition program.

(e) *Licensure documentation.* Upon renewing a license, a licensee will receive an updated license and wallet-size card that will show the next expiration date of the license. A licensee who renews online may print a temporary license that may be used until the biennial license is received.

(f) *Inactive status.* A license may be placed on inactive status by the licensee notifying the Board during the online renewal process or in a notarized statement that the licensee wishes to have the license marked inactive. The licensee shall immediately return all licensure documents to the Board and may not practice massage therapy in this Commonwealth until the licensee's license is reactivated and renewed.

(g) *Reactivation.* The holder of an inactive or expired license to practice massage therapy may reactivate and renew the license within 5 years from the date of its expiration by submitting:

- (1) An application to the Board.
- (2) Payment of the current biennial renewal fee as set forth in § 20.3.
- (3) Certificates of attendance at continuing education courses required under § 20.32 (relating to continuing education hours; maintenance of certificates of completion) for the previous biennial renewal period.
- (4) Current CPR certification.
- (5) An affidavit of nonpractice within this Commonwealth.

(h) *Late fees.* A licensee who practiced massage therapy on an inactive or expired license will be subject to late fees as prescribed by the Bureau of Professional and Occupational Affairs Fee Act (63 P.S. §§ 1401-101—1401-501) upon renewal.

(i) *Disciplinary action authorized.* A licensee who practiced massage therapy on an inactive or expired license may be subject to discipline by the Board under section 9(a)(7) of the act.

(j) *Demonstration of competence after 5 years.* The holder of an inactive or expired license to practice massage therapy will not be reactivated and renewed if more than 5 years have passed from the date of the license expiration unless the licensee has demonstrated current competence to practice. To demonstrate current competence to practice, a licensee must either prove continuous active practice in another jurisdiction during the past 5 years or achieve a passing score on a licensure examination approved for entry into practice in this Commonwealth.

Cross References

This section cited in 49 Pa. Code § 43b.23a (relating to schedule of civil penalties—massage therapists).

§ 20.32. Continuing education hours, maintenance of certificates of completion.

(a) Licensees shall complete a minimum of 24 hours of continuing education in the field of massage therapy as set forth in section 4(6) of the act (63 P.S. § 627.4(6)) and § 20.33 (related to continuing education content and providers) in the 2-year period immediately preceding the application for license renewal. To be creditable, continuing education must meet the requirements for Board approval set forth in this section and § 20.33.

(b) Licensees shall complete a minimum of 4 hours of continuing education in professional ethics in each biennial renewal period.

(c) A minimum of 16 hours of continuing education shall be earned through contact hours.

(d) Courses for the renewal of the licensee's CPR certification shall be earned through contact hours and may not be used to meet the biennial continuing education requirement.

(e) Licensees shall retain the certificates of completion from continuing education courses for a minimum of 5 years.

(f) A licensee who is unable to complete the required continuing education shall request a waiver or extension from the Board at least 60 days prior to the expiration of the license. The request must include details about the licensee's illness, emergency or hardship, including documentation such as a letter from the licensee's physician or a copy of the licensee's military orders. The Board will respond in writing either granting or denying a request for waiver or extension.

(g) Licensees may be audited to ensure their compliance with the continuing education requirements.

Cross References

This section cited in 49 Pa. Code § 20.31 (relating to expiration, renewal and reactivation of license); and 49 Pa. Code § 43b.23a (relating to schedule of civil penalties—massage therapists).

§ 20.33. Continuing education content and providers.

(a) Continuing education must be designed to advance the licensee's professional knowledge and skills related to the practice of massage therapy as defined in section 2 of the act (63 P.S. § 627.2).

(b) The following continuing education providers are approved to offer creditable continuing education provided they comply with subsections (a), (c) and (d):

(1) Schools of massage therapy in this Commonwealth operating under section 5(a)(3) of the act (63 P.S. § 627.5(a)(3)).

(2) Schools of massage therapy approved by the Board or accredited by a National accrediting agency recognized by the United States Department of Education.

(3) The American Massage Therapy Association and its state chapters.

- (4) NCBTMB-approved providers.
- (5) Associated Bodywork and Massage Professionals.
- (c) Continuing education providers shall provide certificates of completion to massage therapists that include the name of the massage therapist, name of the course provider, title of the course, date of the course, and number of hours.
- (d) Continuing education providers shall retain documentation of the participants in their continuing education programs for at least 5 years.
- (e) Providers of continuing education who are not listed in subsection (b) may apply to the Board for approval of a continuing education course by submitting an application and paying the application fee under § 20.3 (relating to fees). The Board will approve only courses that are designed to advance the knowledge and skills of licensees relative to massage therapy as defined in section 2 of the act and that are taught by approved faculty. Approved faculty include massage therapists licensed in the state in which they practice if licensure is required in that state, physical therapists, physicians, professional nurses and chiropractors. Other instructors with demonstrated expertise may be approved on a case-by-case basis. Course approval is valid for 2 years from the date the course is first given for credit provided the faculty and learning objectives are unchanged.
- (f) An L.M.T. may submit a course offered by a continuing education provider not listed in subsection (b) by filing an application with the Board for approval of a continuing education course and paying the application fee set forth in § 20.3. The Board will approve only courses that are designed to advance the knowledge and skills of licensees relative to massage therapy as defined in section 2 of the act and that are taught by approved faculty, as set forth in subsection (e).
- (g) The Board reserves the right to reject a continuing education course submitted by a massage therapist who is audited for compliance if the course is outside the scope of practice of massage therapy as defined in the act. A licensee will be notified of the rejection of a course and will be provided the opportunity to apply additional courses the licensee has taken or to take additional courses to meet the continuing education requirement.

Cross References

This section cited in 49 Pa. Code § 20.32 (relating to continuing education hours, maintenance of certificates of completion).

§ 20.34. Penalty for failure to complete continuing education.

Applicants for license renewal shall provide, on forms provided by the Board, a signed statement verifying whether continuing education requirements have been met. Failure to complete a minimum of 24 hours of continuing education in a biennial period may subject a licensee to discipline under section 9(a)(7) of the act (63 P. S. § 627.9(a)(7)) in accordance with the schedule of civil penalties at § 43b.23 (relating to schedule of civil penalties—massage therapists).

SCOPE AND STANDARDS OF PRACTICE**§ 20.41. Scope of practice.**

(a) Massage therapists apply a system of structured touch, pressure, movement, holding and treatment of the soft tissue manifestations of the human body in which the primary intent is to enhance the health and well-being of the client. Massage therapy includes:

- (1) The external application of water, heat, cold, lubricants and other topical preparations.
- (2) Lymphatic techniques.
- (3) Myofascial release techniques.
- (4) The use of electro-mechanical devices which mimic or enhance the action of the massage techniques.

(b) Massage therapy practice does not include:

- (1) The diagnosis or treatment of impairment, illness, disease or disability.
- (2) Medical procedures.
- (3) Chiropractic manipulation—adjustment.
- (4) Physical therapy mobilization—manual therapy.
- (5) Therapeutic exercise.
- (6) Ordering or prescribing drugs or treatments for which a license to practice medicine, osteopathic medicine, nursing, podiatry, optometry, chiropractic, physical therapy, occupational therapy, or other healing art is required.
- (7) The application of high velocity/low amplitude force further defined as thrust techniques directed toward joint surfaces.
- (8) The use of equipment or devices that require a prescription (for example, ultrasound, diathermy or electrical neuromuscular stimulation).

(c) Licensure under the act may not be construed as requiring new or additional third-party reimbursement or otherwise mandating coverage under 75 Pa.C.S. Chapter 17 (relating to financial responsibility) or the Workers' Compensation Act (77 P. S. §§ 1—1041.4 and 2501—2506).

§ 20.42. Standards of professional conduct.

(a) A massage therapist shall:

- (1) Maintain current knowledge of the application of massage therapy, including indications, contraindications and precautions.
- (2) Undertake a specific technique or use a product or equipment only if the massage therapist has the necessary knowledge, training or skill to competently execute the technique.
- (3) Base decisions and actions on behalf of a client on sound ethical reasoning and current principles of practice.
- (4) Provide treatment only where there is an expectation that it will be advantageous to the client.

- (5) Refer to an appropriate health care professional when indicated in the interest of the client.
- (6) Discuss with clients which massage therapy modalities and techniques will be utilized and the benefits of these modalities and techniques, the objectives, and that participation is voluntary and that consent to treatment or participation may be withdrawn at any time.
- (7) Obtain written consent prior to performing breast massage.
- (8) Modify or terminate the massage therapy session at any time upon request of the client.
- (9) Keep client information private and confidential. This standard does not prohibit or affect reporting mandated under State or Federal law to protect children, older adults, or others.
- (10) Use safe and functional coverage/draping practices during the practice of massage therapy when the client is disrobed. Safe and functional coverage/draping means that the client's genitals and gluteal cleft and the breast area of female clients are not exposed and that massage or movement of the body does not expose genitals, gluteal cleft or breast area. With voluntary and informed consent of the client, the gluteal and breast drapes may be temporarily moved in order to perform treatment of the area.
- (11) Act to safeguard clients from incompetent, abusive or illegal practices of other massage therapists or caregivers.
- (12) Continuously maintain current CPR certification.
- (13) Be clean, fully-clothed and professional in dress and appearance.
- (14) Display the massage therapist's current license with expiration date in a location clearly visible to clients or, when practicing offsite, display the massage therapist's wallet card.
- (15) Include the massage therapist's license number in all advertisements.
- (16) Conspicuously display the massage therapist's name and the title L.M.T. or the words "Licensed Massage Therapist" on an identification badge or directly on clothing worn in the public areas where massage therapy services are being provided.
- (17) Cooperate with the Board, the Department of State or the Bureau of Enforcement and Investigation in the investigation of complaints filed under the act.
- (18) Provide massage therapy records immediately upon demand of the Board or its authorized agents.
- (19) Maintain massage therapy records for at least 3 years from the last date that services were provided to the client.
- (20) Educate clients about maintaining the beneficial effects of massage therapy treatment when indicated by a massage therapy treatment plan.
- (21) Obtain the written permission of a parent or guardian, or their representative, prior to providing massage therapy services to a minor.

- (22) Require that a parent or guardian, or their representative, be physically present in the room during treatment of a minor.
- (b) A massage therapist may not:
- (1) Psychologically or physically abuse a client.
 - (2) Violate a client's boundaries with regard to exposure, privacy or disclosure.
 - (3) Utilize techniques that are contraindicated based on the client's condition.
 - (4) Falsify or knowingly make incorrect entries into the client's record or other related documents.
 - (5) Intentionally expose a client's genitals, gluteal cleft or the breasts of a female client except temporarily to perform therapeutic treatment of the area.
 - (6) Engage in sexual harassment, sexual impropriety, sexual violation or sexual abuse.
 - (7) Engage in sexual intimacies during the professional relationship.
 - (8) Perform or offer to perform any services for clients other than those connected with giving massage therapy treatments as defined in section 2 of the act (63 P.S. § 627.2), unless the massage therapist has additional training and licensure, if required, to perform those services.
 - (9) Knowingly permit another individual to use the massage therapist's license or temporary permit for any purpose.
 - (10) Knowingly aid, abet or assist another person to violate or circumvent a law or this chapter.
 - (11) Misappropriate equipment, materials, property or money from an employer or client.
 - (12) Refuse a client's request for a refund for the unearned portion of pre-paid or packaged massage therapy services. This provision does not apply to gift certificate purchases.

Cross References

This section cited in 49 Pa. Code § 20.13 (relating to required knowledge base); and 49 Pa. Code § 43b.23a (relating to schedule of civil penalties—massage therapists).

§ 20.43. Disciplinary procedures.

- (a) A massage therapist whose conduct constitutes a sexual violation or sexual abuse is subject to immediate temporary suspension in accordance with section 9(d) of the act (63 P.S. § 627.9(d)).
- (b) The consent of an individual to engage in conduct defined herein as sexual harassment, sexual impropriety, sexual violation or sexual abuse with a massage therapist is not a defense in any disciplinary action brought under this section.

(c) With the exception of information contained in a professional record, neither opinion evidence, reputation evidence nor specific instances of the past sexual conduct of a client is admissible in a disciplinary action brought under this section.

SANITATION, FACILITY AND EQUIPMENT REQUIREMENTS

§ 20.51. Massage therapy treatment areas.

Massage therapists shall maintain their treatment spaces to:

- (1) Provide for client privacy when clients disrobe.
- (2) Provide for heating, cooling and ventilation to enhance client comfort.
- (3) Provide illumination for cleaning.
- (4) Be clean, sanitary and free from mold and contaminants.
- (5) Ensure client safety.

§ 20.52. Massage therapy equipment.

(a) Massage therapists shall maintain equipment used in the practice of massage therapy in working order.

(b) Massage therapists shall clean equipment that comes into direct contact with a client's skin between each use.

(c) Massage therapists shall cover with impervious material and regularly clean cushions on massage tables and massage chairs, as well as bolsters and pillows.

(d) Massage therapists shall clean face rests, whether covered or uncovered, between each use.

§ 20.53. Topical preparations.

(a) Massage therapists shall store topical preparations in a manner that maintains the integrity of the product and prevents spoilage and contamination.

(b) Massage therapists shall dispense topical preparations in a manner that prevents contamination of the unused portion and that prevents cross-contamination between clients.

(c) Massage therapists shall use topical preparations that come into contact with a client, such as ice cubes, plasters, herbs, seaweed, muds, scrubs, paraffin or any other similar products only once and shall then dispose of the topical preparations in a sanitary manner. Preparations that are not washed away must be placed in a covered receptacle that is emptied at least daily.

§ 20.54. Linens.

(a) Massage therapists shall store single-service materials, including clean linens, in a manner that maintains their cleanliness.

(b) Massage therapists shall furnish clean and fresh for the use of each individual client single-service materials, linens and any other items, materials or tools that come into contact with a client's body.

(c) Massage therapists shall place soiled linens in a covered receptacle or washing machine after use.

(d) Massage therapists shall wash soiled linens in a clothes washing machine in hot water with detergent and bleach after every use.

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