

Office of Massage Therapy Licensure
Stakeholder Meeting Discussion Document
Massage Therapy Rule 4, Rule 5 and Rule 13

Prepared for Stakeholder Meeting

Wednesday, March 22, 2017

1:30 p.m.

1560 Broadway, Room 1250C

Or by Webinar

<https://attendee.gotowebinar.com/register/9024779727035040515>

Basis and Purpose: The purpose of the amendments to Rule 4 is to clarify the requirements by which applicants who are licensed or registered to practice massage therapy in another state, territory or foreign country can become licensed in Colorado and prove competency. Section 12-35.5-107(5), C.R.S. states, among other things, that the Director must determine for those applicants that the qualifications for a massage therapy license or registration in that other state, territory, or foreign country are substantially equivalent to those in Colorado. The changes to Rule 4 detail how the Director determines “substantially equivalent.” Additionally, the amendments streamline the continuing education requirements for these applicants to prove competency. The streamlined continuing education requirement is also reflected in Rule 5. Rule 13 is a new rule which provides for the record keeping requirements when breast massage is conducted.

The Director is granted the authority to conduct rulemaking and adopt rules pursuant to Section 12-35.5-117, C.R.S.

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DEPARTMENT OF REGULATORY AGENCIES

Massage Therapy License

~~Rule 4 Licensure by Endorsement~~

~~The purpose of this rule is to delineate the requirements for licensure by endorsement set forth in §§ 12-35.5-107(5) and 24-34-102(8)(e), C.R.S.~~

~~An applicant who currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state, territory or foreign country can apply for licensure by endorsement, provided that:~~

- ~~A. The applicant submits satisfactory proof and certifies under penalty of perjury that the applicant currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state or territory of the United States or a foreign country;~~
- ~~B. The applicant has provided the application and all the application requirements as set forth in Rule 1, above;~~
- ~~C. The qualifications for massage therapy licensure or registration in the other state, territory, or foreign country are substantially equivalent to those required in Colorado, as determined by the Director;
 - ~~1. An applicant who otherwise meets the requirements of this Rule, and has completed a massage therapy program that is assigned a school code in good standing with NCBTMB at the time the applicant completed the program is be deemed to have qualifications that are substantially equivalent to those required in Colorado. Programs that have been suspended and/or revoked by NCBTMB after the applicant graduated will be reviewed by the Director on a case-by-case basis.~~
 - ~~2. A foreign trained applicant's education and/or training must meet the requirements of Rule 2(C)(5) above.~~~~
- ~~D. The applicant has submitted proof of experience and competency in massage therapy. For purposes of this rule, an applicant may demonstrate proof of experience and competency either through:
 - ~~1. Verification of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for licensure in Colorado. The work experience shall be attested to in a manner prescribed by the Director, or;~~
 - ~~2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for licensure in Colorado. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director.
 - ~~a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.~~
 - ~~b. Up to two (2) hours may be related to the promotion of practice building or office management.~~
 - ~~c. Up to two (2) hours may be related to ethics.~~~~~~

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~~d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.~~

~~E. The applicant must report any disciplinary actions taken against them in any other jurisdiction, the Director will review any disciplinary actions taken against the applicant pursuant to § 12-35.5-107(5)(d), C.R.S., failure to report disciplinary actions may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado.~~

Rule 4 Licensure by Endorsement

The purpose of this rule is to delineate the requirements for licensure by endorsement set forth in §§ 12-35.5-107(5) and 24-34-102(8)(e), C.R.S.

An applicant who currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state, territory or foreign country may apply for licensure by endorsement, provided that:

A. The applicant submits satisfactory proof and certifies under penalty of perjury that the applicant currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state or territory of the United States or a foreign country;

B. The applicant provides all application requirements as follows:

1. A completed application for licensure on forms provided by the Director;
2. All fees established by the Director pursuant to § 12-35.5-107(1)(d), C.R.S.;
3. Proof that the applicant is at least 18 years old in the form and manner required by the Director;
4. An attestation that the applicant has obtained, and will maintain, professional liability insurance as required by § 12-35.5-116, C.R.S.;
5. A fingerprint-based criminal history record check as required by § 12-35.5-107(2), C.R.S., and in accordance with procedures set forth by the Director;
6. Additional information as may be requested by the Director to fully and fairly evaluate the applicant's qualifications for licensure and to protect the public health, safety, and welfare;

C. The applicant submits proof that the qualifications for massage therapy licensure or registration in the other state, territory, or foreign country are substantially equivalent to those required in Colorado, as determined by the Director. The Director deems the qualifications to be substantially equivalent to those required by Colorado if:

1. The applicant has completed a massage therapy program consisting of a minimum of 500 hours of course work and clinical work at an approved school as defined in Rule 2C.
 - a. In the event the applicant did not attend an approved massage therapy program that consisted of at least 500 hours of course work and clinical work, the Director may grant 50 hours of education and training for each year of 400 hours of documented practice as a licensed or registered massage therapist in another state or territory of the United States or foreign country.
 - b. An applicant who has completed a massage therapy program that is assigned a school code in good standing with NCBTMB at the time the applicant completed

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the program is be deemed to have satisfied Rule 4(C)(1). Programs that have been suspended and/or revoked by NCBTMB after the applicant graduated will be reviewed by the Director on a case-by-case basis.

c. A foreign trained applicant's education and/or training must meet the requirements of Rule 2(C)(5).

2. The applicant has taken and passed the Board Certification Exam for Therapeutic Massage and Bodywork ("BCETMB") offered by the NCBTMB, the Massage and Bodywork Licensing Examination ("MBLEX") offered by the FSMTB, or an exam approved by the Director.

D. The applicant submits proof of experience and competency in massage therapy. For purposes of this rule, an applicant may demonstrate proof of experience and competency either through:

1. Verification of active massage therapy practice in that state for a minimum of 400 hours over or in a 12-month period during the two (2) years immediately preceding the date of application for licensure in Colorado. The work experience shall be attested to in a manner prescribed by the Director, or;

2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for licensure in Colorado. The continuing education must be accredited by an organization approved by the Director.

E. The applicant discloses any disciplinary actions taken against them in any other jurisdiction. The Director will review any disciplinary actions taken against the applicant pursuant to § 12-35.5-107(5)(d), C.R.S., failure to report disciplinary actions may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado.

Rule 5 Reinstatement of Expired License

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired license pursuant to §§ 12-35.5-108, 24-34-102(8)(d), and 24-34-105, C.R.S.

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.
- B. If the license has been expired for more than two (2) years, but less than five (5) years, an applicant must demonstrate competency to practice as follows:
1. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of an active massage therapy practice in that state for a minimum of 400 hours over a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director; or
 - ~~2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for reinstatement. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director. The Director will consider the following when determining approval of continuing education:~~
 - ~~a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.~~

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- ~~b. Up to two (2) hours may be related to the promotion of practice building or office management.~~
- ~~c. Up to two (2) hours must be related to ethics.~~
- ~~d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.~~

2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for licensure in Colorado. The continuing education must be accredited by an organization approved by the Director.

- C. If the license has been expired for more than five (5) years, an applicant must demonstrate competency to practice as follows:
1. Pass an examination approved under Rule 3 within two (2) years immediately preceding submission of an application for reinstatement;
 2. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of an active massage therapy practice in that state for a minimum of 400 hours over a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director; or
 3. By any other means approved by the Director.
- D. An applicant for reinstatement who has actively practiced in Colorado with an expired license in violation of § 12-35.5-108, C.R.S., is subject to denial of the application, disciplinary action, or other penalties as authorized in the MTPA, and in accordance with § 24-34-102, C.R.S.

Rule 13 Record Keeping Requirements for Breast Massage

The purpose of this rule is to outline record keeping requirements for any massage therapist who engages in breast massage of a client during the course of a therapeutic relationship, as defined in § 12-35.5-111(1)(b)(II), C.R.S. Any licensed massage therapist that fails to satisfy these record keeping requirements commits an act that does not meet, or fails to perform an act necessary to meet generally accepted standards of massage therapy care and is subject to discipline pursuant to §§ 12-35.3-111(1)(b), (l), and/or (o), C.R.S.

A. Breast Massage

1. Prior to performing breast massage to treat certain medical conditions the licensed massage therapist must:
 - a. Acquire written and oral consent before proceeding; the written consent must include the client's option to accept or decline to have an eyewitness present during the breast massage.
 - b. Be able to document and articulate a therapeutic rationale which is acknowledged by the client; rationale may include a medical prescription or permission to consult with the client's health care provider.