

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MASSAGE THERAPY - GENERAL RULES

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145(3) and 17951 of 1978 PA 368, MCL 333.16145(3) and 333.17951 and Executive Reorganization Order Nos. 1996-1, 1996-2, 2003-1 and 2011-4, MCL 330.3101, 445.2001, 445.2011 and 445.2030)

R 338.701 Definitions

Rule 1. As used in these rules:

- (a) "Board" means the board of massage therapy.
- (b) "Code" means 1978 PA 368, MCL 333.1101 to 333.25211.
- (c) "Department" means the department of licensing and regulatory affairs.
- (d) "Endorsement" means the acknowledgement that the licensing criteria in 1 jurisdiction is substantially equivalent to the criteria established and described in section 16186 of the code.
- (e) "One hour of classroom instruction" means 50 to 60 minutes of supervised instruction in subjects that will prepare an individual to begin practice as a licensed massage therapist in which the instructor is physically present with the students while teaching or providing instruction. For instructors at a supervised student clinic, "physically present" means on the premises where the clinic is being held.
- (f) "Supervised curriculum" means a massage therapy curriculum that meets the requirements of R 338.705 and is taught in a school as defined in section 17951(1)(e) of the code.
- (g) "Supervised student clinic" means practical instruction required as part of a supervised curriculum that consists of a student providing massages under the supervision of a licensed massage therapist to members of the public. For the purposes of this subdivision, "members of the public" means individuals who are not currently enrolled in the massage therapy student's supervised curriculum.

History: 2012 AACCS.

R 338.703 Implementation of licensing program.

Rule 3. Effective 2 years from the effective date of this rule, and in accordance with MCL 333.17959(3) of the code, any individual who intends to practice as a massage therapist in Michigan shall possess a Michigan license to practice in this state.

History: 2012 AACCS.

R 338.705 Supervised curriculum; massage therapists; requirements.

Rule 5. (1) A supervised curriculum shall include, at a minimum, both of the following:

(a) Five hundred hours of classroom instruction as defined in R 338.701(e).

(b) Courses or coursework that includes all of the following:

(i) Two hundred hours of massage and bodywork assessment, theory, and application instruction.

(ii) One hundred twenty-five hours of instruction on the body systems, which includes anatomy, physiology, and kinesiology.

(iii) Forty hours of pathology.

(iv) Ten hours of business, professional practice, and ethics instruction, with a minimum of 6 hours in ethics.

(v) One hundred twenty-five hours of instruction in an area or related field, as determined by the school, that completes the massage therapy program of study, which shall include a minimum of 40 hours performing massage therapy services in a supervised student clinic supervised by a licensed massage therapist.

(2) A supervised curriculum shall use only classroom instruction as defined in R 338.701(e) to meet the requirements of subrule (1)(b)(i) and (v) of this rule.

(3) A supervised curriculum may use online courses, or courses combining classroom instruction and online instruction, to meet the subject requirements of subrule (1)(b)(ii), (iii), or (iv) of this rule. An online course, or any part of a course that is taught online, shall not be accepted or applied towards the 500 hours of classroom instruction required in subrule (1)(a) of this rule.

(4) Any supervised curriculum that meets the requirements of this rule qualifies as a massage therapy curriculum approved by the board.

History: 2012 AACCS.

R 338.707 Supervised student clinic; requirements.

Rule 7. (1) Before beginning the supervised student clinic required under R 338.705(1)(b)(v), a student shall complete not less than 20 hours of courses or coursework in pathology.

(2) A supervised student clinic shall satisfy all of the following requirements:

(a) The clinic shall be held on school premises.

(b) The clinic shall be supervised by a licensed massage therapist who is a faculty member of the school offering the supervised curriculum. The supervising massage therapist shall be present on the premises and readily accessible to the students at all times during the clinic.

(c) The ratio of students to supervising massage therapists shall not exceed 15 students to 1 supervisor.

(3) A supervising massage therapist shall ensure that a student possesses the appropriate education, experience, and skills before allowing the student to provide a massage to any member of the public during a supervised student clinic.

History: 2012 AACCS.

R 338.709 Licensure; massage therapist; requirements.

Rule 9. (1) An applicant for a massage therapist license by examination shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall meet all of the following requirements:

(a) Have a high school diploma or the equivalent as determined by the board.

(b) Have successfully completed a supervised curriculum that meets the requirements approved by the board under R 338.705.

(c) Pass an examination approved by the board under R 338.713.

(2) If an applicant satisfies the requirements of R 338.711 within 2 years of the effective date of this rule, then the applicant presumably meets the requirements of subrule (1) of this rule.

History: 2012 AACCS.

R 338.711 Application for license based on professional membership, experience, examination or education; requirements.

Rule 11. An applicant for a massage therapist license under section 17959(3) of the code shall submit the required fee and a completed application on a form provided by the department within 2 years of the effective date of this rule. In addition to meeting the requirements of the code and these rules, an applicant shall meet the requirement in R 338.709(1)(a) and satisfy 1 of the following requirements:

(a) Have possessed active membership in 1 of the following national professional massage therapy associations for at least 1 year before January 9, 2009:

(i) American massage therapy association.

(ii) American medical massage association.

(iii) Associated bodywork and massage professionals.

(iv) American massage council.

(v) International myomassethics federation.

(vi) Any national professional massage therapy association that meets the requirements of section 17959(3)(a) of the code.

(b) Have practiced massage therapy for an average of not less than 10 hours per week for 5 years or more, as established by affidavit of the applicant.

(c) Have practiced massage therapy for an average of not less than 10 hours per week for not less than 3 years, as established by affidavit of the applicant, and successfully completed not less than 300 hours of formal training in massage therapy. For the purposes of this rule, "300 hours of formal training in massage therapy" means 300 hours of coursework in massage therapy that was successfully completed in a school or schools as defined in section 17951(1)(e) of the code. The 300 hours of coursework shall consist of a minimum of 40 hours in pathology and 6 hours in ethics; the remaining hours shall be in any combination of hours in the curriculum subject areas listed in R 338.705(1)(b). In addition, the coursework shall comply with the following, as applicable:

(i) Coursework in the subject areas listed in R 338.705(1)(b)(i) and (v) was provided using only classroom instruction as defined in R 338.701(e).

(ii) Coursework in the subject areas listed in R 338.705(1)(b)(ii), (iii), or (iv) was provided using classroom instruction as defined in R 338.701(e), online courses, or courses combining classroom instruction and online instruction.

(d) Have passed an examination approved by the board under R 338.713.

(e) Have successfully completed either of the following:

(i) A supervised curriculum that meets the requirements approved by the board under R 338.705.

(ii) A supervised curriculum that meets the requirements of R 338.715(1)(a).

History: 2012 AACCS.

R 338.713 Examinations; adoption and approval; passing scores.

Rule 13. (1) The board approves and adopts the federation of state massage therapy boards' massage and bodywork licensing examination (mblex). The board adopts the passing score recommended by the federation of state massage therapy boards for the mblex examination.

(2) The board approves and adopts the national certification board for therapeutic massage and bodywork's national certification examination for therapeutic massage (ncetm) and national certification examination for therapeutic massage and bodywork (ncetmb). The board adopts the passing scores recommended by the national certification board for therapeutic massage and bodywork for the ncetm and ncetmb.

History: 2012 AACCS.

R 338.715 Foreign-trained applicants; licensure; requirements.

Rule 15. (1) An applicant for a massage therapist license who completed a massage therapy curriculum outside of the United States shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant shall possess a high school diploma, or the equivalent, pursuant to R 338.709(1)(a) and meet all of the following requirements:

(a) Have successfully completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements approved by the board under R 338.705. Evidence of having completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum includes an evaluation of the applicant's education by a recognized and accredited credential evaluation agency.

(b) Pass an examination approved by the board under R 338.713.

(c) Demonstrate a working knowledge of the English language if the applicant's massage therapy curriculum was taught in a language other than English. To demonstrate a working knowledge of the English language, the applicant must establish either of the following:

(i) The applicant has obtained a score of not less than 550 on the test of English as a foreign language (toefl) administered by the educational testing service and obtained a score of not less than 50 on the test of spoken English administered by the educational testing service.

(ii) The applicant has obtained a total score of not less than 89 on the test of English as a foreign language internet-based test (toefl-ibt) administered by the educational testing service and obtained the following section scores:

- (A) Not less than 21 on the reading section.
- (B) Not less than 18 on the listening section.
- (C) Not less than 26 on the speaking section.
- (D) Not less than 24 on the writing section.

(2) If an applicant satisfies the requirements of R 338.711 within 2 years of the effective date of this rule, then the applicant presumably meets the requirements of subrule (1) of this rule.

History: 2012 AACCS.

R 338.717 Licensure by endorsement; requirements.

Rule 17. (1) An applicant for a license by endorsement as a massage therapist shall submit the required fee and a completed application on a form provided by the department. In addition to meeting the requirements of the code and these rules, an applicant who satisfies the requirements of this rule, as applicable, shall meet the requirements of section 16186 of the code.

(2) If an applicant was first registered or licensed as a massage therapist in another state of the United States for 5 years or more immediately preceding the date of filing an application for a Michigan massage therapist license, then the applicant shall meet both of the following requirements:

- (a) Possess a high school diploma, or the equivalent, pursuant to R 338.709(1)(a).
- (b) Have passed an examination approved by the board under R 338.713.

(3) If an applicant was first registered or licensed as a massage therapist in another state of the United States for less than 5 years immediately preceding the date of filing an application for a Michigan massage therapist license, then the applicant shall meet all of the following requirements:

(a) Have successfully completed a supervised curriculum that meets the requirements approved by the board under R 338.705 or successfully completed a massage therapy curriculum that is substantially equivalent to a supervised curriculum that meets the requirements approved by the board under R 338.705.

- (b) Possess a high school diploma, or the equivalent, pursuant to R 338.709(1)(a).
- (c) Have passed an examination approved by the board under R 338.713.

(d) Meet the requirements of R 338.715(1)(c) if the applicant's educational curriculum was taught in a language other than English.

(4) In addition to meeting the requirements of subrule (1) and either subrule (2) or (3) of this rule, an applicant's registration or license shall be verified by the licensing agency of any state in which the applicant holds a current registration or license or ever held a registration or license as a massage therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

(5) If an applicant satisfies the requirements of R 338.711 within 2 years of the effective date of this rule, then the applicant presumably meets the requirements of subrule (1) and either subrule (2) or (3) of this rule, as applicable.

History: 2012 AACS.

R 338.719 Relicensure.

Rule 19. (1) An applicant whose license has lapsed for less than 3 years preceding the date of application for relicensure may be relicensed under section 16201(3) of the code if the applicant submits the required fee and a completed application on a form provided by the department.

(2) An applicant whose license has lapsed for 3 years or more preceding the date of application for relicensure may be relicensed under section 16201(4) of the code if the applicant meets the requirements of subrule (1) of this rule and either of the following requirements:

(a) Passes an examination approved by the board under R 338.713.

(b) Presents evidence to the department that he or she was registered or licensed as a massage therapist in another state during the 3-year period immediately preceding the application for relicensure.

(3) In addition to meeting the requirements of either subrule (1) or (2) of this rule, as applicable, an applicant's registration or license shall be verified by the licensing agency of any state of the United States in which the applicant holds a current registration or license or ever held a registration or license as a massage therapist. Verification includes, but is not limited to, showing proof of any disciplinary action taken or pending against the applicant.

History: 2012 AACS.

R 338.721 License renewal; requirements.

Rule 21. An applicant for license renewal who has been licensed for the 3-year period immediately preceding the application for renewal shall submit the required fee.

History: 2012 AACS.

Editor's Note: An obvious error in R 338.721 was corrected at the request of the promulgating agency, pursuant to Section 56 of 1969 PA 306, as amended by 2000 PA 262, MCL 24.256. The rule containing the error was published in *Michigan Register*, 2012 MR 22. The memorandum requesting the correction was published in *Michigan Register*, 2013 MR 3.

R 338.723 Prohibited conduct.

Rule 23. Prohibited conduct includes, but is not limited to, the following acts or omissions by an individual covered by these rules:

(a) Practicing outside of the boundaries of professional competence, based on education, training, and experience. This includes, but is not limited to, providing massage therapy services without ensuring the safety, comfort, and privacy of the client.

(b) Engaging in harassment or unfair discrimination based on age, gender, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law.

(c) Refusing to provide professional service based on age, gender identity, race, ethnicity, national origin, religion, sexual orientation, disability, or any basis proscribed by law. This requirement does not prevent a licensee from terminating a massage therapy session with someone or refusing to treat any person who suggests or requests that the licensee engage in conduct that is inappropriate, unsafe, or unethical.

(d) Involvement in a conflict of interest that interferes with the exercise of professional discretion or makes the client's interests secondary.

(e) Taking advantage of or exploiting a supervisee or student to further the licensee's personal, religious, political, business, or financial interests.

(f) Taking on a professional role when a personal, scientific, legal, financial, or other relationship impairs the exercise of professional discretion or make the interests of a client or student secondary to those of the licensee.

(g) Being involved in a dual or multiple relationship with a current or former client, when there is a risk of harm to, or exploitation of, the client. As used in this rule, "dual or multiple relationship" means a relationship in which a licensee is in a professional role with a client and 1 or more of the following occurs at the same time:

(i) The licensee takes advantage of any current or former professional relationship or exploits the client to further the licensee's personal, religious, political, business or financial interests, including inducing the client to solicit business on behalf of the licensee.

(ii) The licensee solicits or engages in a sexual relationship with a current client.

(iii) The licensee engages in a sexual relationship with a former client when there is a risk of harm or exploitation to the former client.

(iv) The licensee promises to enter into another relationship in the future with the client.

History: 2012 AACS.

R 338.725 Advertising.

Rule 25. A licensee shall not engage in advertising which does any of the following:

(a) Contains a misrepresentation of facts.

(b) Is misleading or deceiving in its content or context.

(c) Creates false or unjustified expectations of beneficial treatment or successful cures.

(d) Omits a material fact that misleads or deceives the public.

History: 2012 AACS.

R 338.727 Client records.

Rule 27. (1) A licensee shall maintain a legible client record for each client, which accurately reflects the licensee's assessment and treatment of the client. Entries in the client record shall be made in a timely fashion.

(2) The client record shall contain all of the following information:

- (a) The name of the massage therapist providing treatment.
 - (b) The client's full name, address, date of birth, gender, and other information sufficient to identify the client.
 - (c) If the client is less than 18 years of age, written permission of either a parent or guardian for the minor client's receipt of massage therapy.
 - (d) Information identifying any pre-existing conditions the client may have or verification that the client has no pre-existing conditions.
 - (e) Dates of service and date of entry in the client record.
 - (f) A client record entry for an initial client visit that includes all of the following:
 - (i) History, including description of presenting condition.
 - (ii) Therapeutic assessment, if applicable.
 - (iii) Treatment or care provided, if applicable. Outcome, if available.
 - (g) A client record entry for subsequent assessments, treatments, or care provided that includes all of the following:
 - (i) Change in condition.
 - (ii) Therapeutic assessment, if applicable.
 - (iii) Treatment or care provided, if applicable. Outcome, if available.
 - (h) If applicable, a referral to another health care provider.
- (3) For massage therapy treatment provided at a special event, a licensee shall maintain a client record that meets the requirements of subrules (1) and (2) of this rule or an abbreviated client record, as specified in subrule (4) of this rule. For purposes of this subrule, "special event" means any of the following:
- (a) A charitable, community, or sporting events.
 - (b) One-time events.
 - (c) Massages performed at any location that are 20 minutes or less in duration.
- (4) An abbreviated client record allowed under subrule (3) of this rule shall consist of, at a minimum, a completed intake form that contains all of the following information:
- (a) The client's full name, date of birth, and an address or telephone number where the client can be contacted.
 - (b) The information listed in subrule (2)(a), (c), (d) and (e) of this rule.
- (5) Under section 16213 of the code, a licensee shall retain a client record for at least 7 years from the date of the last massage therapy treatment for which a client record entry is required. A licensee shall retain the client record for a minor client until 1 year after the minor client reaches 18 years of age, even if this results in the record being retained for more than 7 years.

History: 2012 AACCS.