

RULES AND REGULATIONS
FOR LICENSING
MASSAGE THERAPISTS, MASSEURS AND MASSEUSES
(R23-20.8-MA)
AND
LICENSING MASSAGE PARLORS
(R23-20.8-MP)

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

Department of Health

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As Amended

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the provisions of section 42-35-4.1 of the
Rhode Island General Laws, as amended)**

INTRODUCTION

These amended rules and regulations are promulgated pursuant to the authority conferred under section 23-20.8-4 of the General Laws of Rhode Island of, as amended, and are established for the purpose of defining minimal requirements and adopting standards for the licensure of massage therapists, masseurs, masseuses and massage parlors consistent with statutory provisions.

In accordance with the provisions of section 42-35-3(c) of the General Laws of Rhode Island, as amended, in the development of the regulations, consideration was to: (1) alternative approaches to the regulations; (2) duplication or overlap with other state regulations; and (3) any significant economic impact on small business as defined in Chapter 42-35 of the General Laws. Based on the available information, no known alternative approach, duplication or overlap was identified. The health, safety and welfare of the public overrides any economic impact which may be incurred from these proposed regulations.

These amended rules and regulations shall supersede any other Rules and Regulations pertaining to Licensing Massage Therapists, Masseurs and Masseuses and Licensing Massage Parlors promulgated by the Department of Health and filed with the Secretary of State.

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PART I ***Licensing Requirements For Massage Therapists, Masseurs And Masseuses***
R23-20.8-MA

Section 1.0 ***Definitions***

Wherever used in these rules and regulations the following terms shall be construed as follows:

- 1.1 ***"Approved school"*** shall mean any school or institution of learning which is approved by the American Massage and Therapy Association or an equivalent academic and training program meeting the requirements of section 4.2 herein as approved by the Director of Health.
- 1.2 ***"Licensing agency"*** shall mean the Rhode Island Department of Health.
- 1.3 ***"Massage parlor"*** shall mean a corporation, partnership, unincorporated association, or other business enterprise operating any business for the practice of massage, excluding those exempted under section 23-10.8-1(3) of the General Laws of Rhode Island, as amended.
- 1.4 ***"Masseur or masseuse"*** shall mean an individual who has successfully completed the educational and training requirements of section 4.0 herein and holds a license to practice massage in Rhode Island in accordance with the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended and the rules and regulations herein, except persons exempt under section 23-20.8-9 of the General Laws of Rhode Island, as amended.
- 1.5 ***"Massage therapist"*** means a person engaged in the practice of massage who has completed a program in or is Certified by a school or institution of learning which is approved by the American Massage and Therapy Association or equivalent academic and training program meeting the requirements of section 4.2 herein as approved by the Director of Health, other than a correspondence course, which school or institution has for its purpose the teaching of the theory, practice, method, profession, or work of massage, including at least anatomy, physiology, hygiene and professional ethics, pursuant to the statutory provisions.
- 1.6 ***"Person"*** shall mean any individual, group of individuals, firm, corporation, association, partnership or private or public entity, including a district, county, city, town or other governmental unit or agent thereof, and in the case of a corporation, any individual having active or general supervision of properties of such and corporation.
- 1.7 ***"The practice of massage"*** shall be defined as engaging in applying a scientific system of activity to the muscular structure of the human body by means of stroking, kneading, tapping and vibrating with the hands or vibrators for the purpose of improving muscle tone and circulation.

Section 2.0 ***Administration***

- 2.1 The Division of Professional Regulation within the Rhode Island Department of Health shall be responsible for the administrative functions required to implement the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended, and the rules and regulations herein, as they apply to the licensing of massage therapists, masseurs and masseuses and the practice of massage.

Section 3.0 *License Requirements*

- 3.1 Any individual practicing or offering to practice massage, except persons exempt under the provisions of section 23-20.8-9 of the General Laws of Rhode Island, as amended, shall be required to submit evidence that such individual is qualified to practice massage and shall be licensed as herein provided in order to safeguard the general welfare of the public.
- 3.2 It shall be unlawful for any individual to practice or to offer to practice massage in this state, or to use any title, abbreviation, sign, card or device, or to indicate that such individual is practicing massage unless such individual has been duly licensed as a massage therapist, masseur or masseuse in accordance with section 23-20.80-2 of the General Laws of Rhode Island, as amended, and the rules and regulations herein, except those exempted under Chapter 23-20.8 of the General Laws of Rhode Island, as amended.
- 3.2.1 Furthermore, no person, firm, partnership or corporation shall describe its services under the title "massage" or "massage therapy" unless such services are defined in section 23-20.8-1 of the General Laws of Rhode Island, as amended, and section 1.0 herein, are performed by a person licensed to practice massage hereunder, and if described as "Massage Therapy", by a Massage Therapist.

Section 4.0 *Qualifications For Licensure*

- 4.1 An applicant for a license to practice massage in Rhode Island shall be:
- 4.1.1 For the Masseur or Masseuse:
- a) over eighteen (18) years of age;
 - b) of good moral character;
 - c) a graduate from an approved school as defined in section 1.1 herein; with transcripts sent directly from the school;
 - d) qualified by virtue of having passed the National Certification Examination for Therapeutic Massage and Body Work of the National Certification Board for Therapeutic Massage and Bodywork.
 - e) examined physically for the detection of contagious disease in accordance with section 23-20.8-3 of the General Laws of Rhode Island, as amended.
- 4.1.2 For the Massage Therapist:
- a) over eighteen (18) years of age;

- b) of good moral character;
- c) a graduate of a program in or be certified by a school or institution of learning approved by the American Massage and Therapy Association or equivalent academic or training program meeting the requirements of section 4.2 herein. Transcripts are to be sent directly from the school to the Division of Professional Regulation.
- d) qualified by virtue of having passed the National Certification Examination for Therapeutic Massage and Body Work of the National Certification Board for Therapeutic Massage and Bodywork.
- e) examined physically for the detection of contagious disease in accordance with section 23-20.8-3 of the General Laws of Rhode Island, as amended.

4.2 ***Equivalency Program:***

An applicant who has successfully completed educational and practical training preparation in a massage therapy program shall be judged to hold the equivalent academic and training preparation in massage therapy if the applicant has:

4.2.1 Taken an educational program whose purpose was the preparation of massage therapists, masseurs, masseuses and which consisted of an organized program of theoretical study and training in either an education institution or school approved and/or accredited by the state or other credentialing body, in which the program is located:

4.2.2 Furthermore, the curriculum was a program of at least 500-hours which included study and practical training specifically designed to provide knowledge and skills necessary for the practice of massage. The content of the 500-hour program must include no less than the following:

- | | | |
|----|---|--|
| a) | <i>Classroom Hours</i>
(Including Practical Training) | <i>Subjects</i> |
| | 100 | (Theory) Anatomy/Physiology |
| | 300 | Theory & practice of massage therapy
Applied anatomy/ physiology, including 150 hours of the 300 hours to be hands on massage, as defined in section 1.7. |
| | 100 | Elective Subjects, including First Aid and CPR, and any of the following: Business practices/law, office procedures, ethics, professionalism. |
- b) Taken and passed the National Certifying Examination for Therapeutic Massage and Body Work of the National Certifying Council for Massage Therapy.

4.2.3 Correspondence courses shall not be recognized as acceptable equivalents.

4.3 Anyone who can demonstrate employment in the practice of massage in this state for at least two years prior to the issuance of these rules and regulations, November 1979, shall be deemed eligible

for licensure as a masseur or masseuse, if satisfactory evidence is submitted to the Director of Health prior to and no later than 1 June 1980, attesting to said applicant's acquired skills in or educational preparation for the practice of massage and in addition said applicant may be subject to such examination, written, oral or practical, as may be deemed necessary by the Director of Health.

- 4.4 An applicant who has completed a program in a school or institute of massage outside of the United States shall submit evidence of having graduated from a school or institute of massage whose curriculum is substantially equivalent to the requirements of section 4.2 herein and of holding a license to practice massage from a given foreign country, and in addition may be subject to such examination, written, oral or practical as may be deemed necessary by the Director of Health.
- 4.5 A license to practice massage as a massage therapist, masseur or masseuse may be issued to an applicant who has been duly licensed as a massage therapist, masseur or masseuse under the law of another state, if in the opinion of the Director of Health the applicant meets the qualifications required for massage therapists, masseurs and masseuses in this state.

Section 5.0 *Health Certificate Requirement For Masseurs And Masseuses*

- 5.1 Physician's report of the physical examination shall accompany the initial application for licensure and subsequent reports of each examination conducted every six (6) months thereafter shall be submitted to the licensing agency in the months of June and December of each year.

Section 6.0 *Application For Licensure And Fee*

- 6.1 Application for licensure shall be made on such forms as shall be provided by the licensing agency and shall be accompanied by the following documents:
 - a) For those born in the U.S.: A certified copy of birth certificate;
For those born outside the U.S.: Proof of lawful entry into the country.
 - b) a recent passport type photograph;
 - c) the initial licensure fee of thirty-one dollars and twenty-five cents (\$31.25) payable to the General Treasurer, State of Rhode Island; and
 - d) supporting credentials of education, training, health certificate and other requirements of sections 4.0 and 5.0 herein.

Section 7.0 *Issuance And Renewal Of License And Fee*

- 7.1 Upon approval, the licensing agency shall issue a license or renewal thereof, for a period of one (1) year. Said license, unless sooner suspended or revoked, shall expire by limitation on the 30th day of June following its issuance and may be renewed from year to year after approval by the licensing agency, provided the applicant meets the requirements of the rules and regulations herein and the statutory provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended.

- 7.2 An annual license renewal fee of thirty-one dollars and twenty-five cents (\$31.25) payable to the General Treasurer, State of Rhode Island, shall accompany each application for licensure renewal, including the health certificate as required in section 5.0 herein for masseurs and masseuses.
- 7.3 A license shall be issued no less than thirty (30) days after the application thereof, only to a specific licensee and shall not be transferable.
- 7.4 Any licensee who allows his or her license to lapse may have same reinstated by submitting to the licensing agency an application and accompanying documents and fee as required under sections 5.0, 6.0 and 7.0 herein.

Section 8.0 *The Practice Of Massage*

- 8.1 The license to practice massage authorizes the holder to engage in applying a scientific system of activity as defined in section 1.7 herein and in accordance with the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended.
- 8.2 Only individuals licensed in Rhode Island under the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended, and the rules and regulations herein, shall practice massage and use the title 'Masseur' or 'Masseuse' or 'Massage Therapist'. No person, firm, partnership or corporation shall describe its services in any manner under the title 'Massage' unless such services as defined hereunder are performed by a person licensed to practice massage.
- 8.3 Licensed practitioners shall maintain and be governed by acceptable sanitary, safe and scientific standards of practice with special attention to the following:
- a) heliotherapy shall be administered only by a licensed physical therapist;
 - b) masseurs, masseuses and massage therapists shall not diagnose, treat classified disease, practice spinal or joint manipulation, prescribe medicine or drugs;
 - c) mechanical apparatus or equipment such as heat lamps, hot and cold packs, tub and special showers, cabinet baths, steam and dry heat baths and the like, shall be utilized only by and under constant direct supervision of a licensed masseur or masseuse or massage therapist;
 - d) no part of a percussor, vibrator or other device (mechanical or otherwise) which cannot be properly sterilized or sanitized shall be applied directly to the skin without a protective covering;
 - e) adverse reactions and accidents shall be carefully observed and appropriate emergency action shall be taken, recorded and kept on file for review by the licensing agency;
 - f) sanitary techniques shall be practiced at all times;
 - g) individual sanitary sheetings covering the massage table shall be changed for each person;
 - h) temperatures of water levels for various types of procedures shall be maintained at comfortable levels in accordance with acceptable practices as follows:

- i. not to exceed 105°F for water baths of any type;
 - ii. not to exceed 165°F for dry heat cabinet or room bath temperatures; and
 - iii. not to exceed 110°F for steam cabinet or room bath temperatures; and
- i) any other procedure or practice shall conform with acceptable standards.

Section 9.0 *Denial, Suspension Or Revocation Of License*

- 9.1 The Director of Health may within thirty (30) days from the time an application is received, deny issuance of a license or renewal of license to any individual, or pending an investigation and hearing, to suspend for a period not exceeding thirty (30) days any license issued herein, and/or after due notice and hearing to revoke the license of any masseur or masseuse who:
- a) is convicted of any offense which is a felony under the laws of Rhode Island, the record of conviction being conclusive evidence thereof;
 - b) supplies false information to the licensing agency on the application for licensure or application for licensure renewal; and
 - c) fails to comply with the statutory and regulatory provisions herein.
- 9.2 Whenever an action shall be proposed to deny, suspend, or revoke a license, the licensing agency shall notify the licensee setting forth in writing the reasons for the proposed action, and the licensee shall be given an opportunity for a prompt and fair hearing in accordance with the provisions of Chapter 42-35 of the General Laws of Rhode Island, as amended.
- 9.3 After due notice and hearing, the licensing agency may deny, suspend or revoke any such license if the licensee is found to be in violation of the statutory provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended, and the rules and regulations herein.
- 9.4 Any person aggrieved by a decision of the licensing agency may seek a judicial review in accordance with the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended.

Section 10.0 *Advisory Board*

- 10.1 Within the Division of Professional Regulation in the Department of health, there shall be established an Advisory Board which shall meet at least once a year and shall consist of seven members,
- 10.1.1 Members of the Advisory Board shall be appointed by the Director of Health: two to serve for one (1) year; two to serve for two (2) years; and three to serve for three (3) years. No member shall be appointed for more than two (2) consecutive full terms. A member appointed for less than a full term (originally, or to fill a vacancy may serve two (2) full terms in addition to that part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years.
 - 10.1.2 Successors to members of the Advisory board whose term expires shall be appointed in

such year by the Director to hold office for three(3) years or until their respective successors are appointed.

10.1.3 The Director may remove any member of the Advisory Board for neglect of duty or incompetency and may fill vacancies which occur for any purpose for the remainder of the unexpired term.

10.1.4 Functions of the Advisory Board

The Advisory Board shall serve in an advisory capacity to the Director in matters pertaining to the licensing of massage therapists, masseurs and masseuses, and the licensing of massage parlors. The Advisory Board shall advise the Director on such matters as policies affecting examination, qualifications, issuance and renewal, denial or revocation of licenses and the development of rules and regulations.

PART II *Licensing Requirements For Massage Parlors (R23-20.8-MP)*

Section 11.0 *Definitions*

Whenever used in these rules and regulations the following terms shall be construed as follows:

- 11.1 **"Licensing agency"** shall mean the Rhode Island Department of Health.
- 11.2 **"Massage parlor"** shall mean a corporation, partnership, unincorporated associates, or other business enterprise operating any business for the practice of massage, excluding those exempted under section 23-20.8-1(3) of the General Laws of Rhode Island, as amended.
- 11.3 **"Masseur and masseuse"** shall mean an individual who has successfully completed the educational and training requirements of section 4.0 herein and holds a license to practice massage in Rhode Island in accordance with the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended and the rules and regulations herein, except persons exempt under section 23-20.8-9 of the General Laws of Rhode Island, as amended.
- 11.4 **"Person"** shall mean any individual, group of individuals, firm, corporation, association, partnership or private or public entity, including a district, county, city, town or other governmental unit or agent thereof, and in the case of a corporation, any individual having active or general supervision of properties of such and corporation.
- 11.5 **"Massage therapist"** means a person engaged in the practice of massage who has completed a program in or is certified by a school or institution of learning which is approved by the American Massage and Therapy Association or equivalent academic and training program which meets the requirements of section 4.2 herein approved by the Director of Health, other than a correspondence course, which school or institution has for its purpose the teaching of the theory, practice, method, profession, or work of massage, including at least anatomy, physiology, hygiene and professional ethics.

Section 12.0 *Administration*

- 12.1 The Division of Food Protection and Sanitation of the Rhode Island Department of Health shall be responsible for the administrative functions required to implement the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended, and the rules and regulations herein, as they apply to the licensing of massage parlors.

Section 13.0 *License Requirements*

- 13.1 No person, except those exempted under Chapter 23-10.8 of the General Laws of Rhode Island, as amended, acting severally or jointly with any other person shall conduct, maintain or operate a massage parlor in this state without a license issued by the licensing agency.
- 13.2 No person, firm, partnership or corporation shall describe its services in any manner under the title "Massage" or "Massage Therapy" unless such services as defined in section 23-20.801 of the General Laws of Rhode Island, as amended are performed by a person licensed to practice massage hereunder and, if described as "massage therapy" by a massage therapist.

Section 14.0 ***Application For License And Fee***

- 14.1 Application for a license to conduct, maintain or operate a massage parlor shall be made in writing on forms provided by the licensing agency and shall be submitted to the licensing agency sixty (60) days prior to the opening of the operation of the massage parlor.
- 14.2 The initial fee of one hundred twenty-five dollars (\$125.00) payable to the General Treasurer, State of Rhode Island, shall accompany the application for a license to operate or conduct a massage parlor in Rhode Island.
- 14.3 The application for a license shall include the proposed location and address of the place of business and the name and address of owner and/or manager with the following documentation:
- a) written proof that the owner and/or manager is at least eighteen (18) years of age;
 - b) criminal convictions of corporation, owner and/or manager, if any, except minor traffic violations;
 - c) list of all owners;
 - d) appropriate certificates of compliance with sanitary and sewage codes, fire and building codes and zoning laws; and
 - e) written operating policies and procedures pertaining to such matters as hours of business operation, nature of services, sanitation and safety procedures established for the protection of patrons and employees.

Section 15.0 ***Issuance And Renewal Of License And Fee***

- 15.1 Upon approval, the licensing agency shall issue a license or renewal thereof for a period of one (1) year. Said license, unless sooner suspended or revoked, shall expire by limitation on the 30th day of June following its issuance and may be renewed from year to year after inspection and/or approval by the licensing agency, provided the applicant meets the appropriate requirements of the rules and regulations herein and the statutory provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended.
- 15.2 A license shall be issued no less than thirty (30) days after the application thereof only to a specific licensee and for a specific location and such license shall not be transferable. The license shall be issued to the individual owner or person responsible for its governance.
- 15.3 The annual license renewal fee of one hundred dollars (\$100.00) payable to the General Treasurer, State of Rhode Island, shall accompany the application for the annual license renewal.
- 15.4 Any licensee who allows the license to lapse may have same reinstated by submitting to the licensing agency an application and accompanying documents and fee as required in sections 13.0 and 14.0 herein.

Section 16.0 ***Change Of Ownership, Operation And/Or Location***

- 16.1 When a change of ownership or operation, or location of a massage parlor or when discontinuation of business is contemplated, the owner and/or manager shall notify the licensing agency in writing

prior to the proposed action.

- 16.2 When there is a change in ownership or in the operation or control of a licensed massage parlor, the license shall immediately become void and shall be returned to the licensing agency. However, the licensing agency reserves the right to extend the expiration date of such license, allowing the facility to operate under the same conditions which applied to the prior licensee for such time as shall be required for the processing of a new application not to exceed thirty (30) days.

Section 17.0 ***Inspections***

- 17.1 Duly authorized representatives of the licensing agency shall at all reasonable times have the authority to enter upon any and all parts of the premises on which any massage parlor is located and of the premises appurtenant thereto to make any investigation or inspection to determine conformance with the statutory and regulatory provisions herein.
- 17.2 Refusal to permit inspection or investigation shall constitute valid ground for license denial or revocation.

Section 18.0 ***General Operational Requirements***

18.1 ***Personnel***

- a) Each facility shall submit to the licensing agency the name of the owner and/or manager who shall be responsible for:
 - i. the management and control of the operation and the maintenance of the facility;
 - ii. the conformity of the facility with state and local laws and regulations pertaining to fire, safety, building, sanitation, personnel and other relevant statutory and regulatory provisions; and
 - iii. the establishment of policies and procedures including but not limited to the practice of massage, cleaning and sanitizing, availability and nature of services and other such policies and procedures as may be required.
- b) Only individuals who hold current Rhode Island licenses as massage therapists, masseurs or masseuses shall practice massage and use the titles 'Massage Therapist', 'Masseur' or 'Masseuse' in accordance with the regulatory provisions of the Rules and Regulations for Licensing Massage Therapists, Masseurs and Masseuses.
- c) If the owner and/or manager of a facility is not a licensed massage therapist, masseur or masseuse, a licensed practitioner of massage shall be designated as the agent of the manager and/or owner, responsible for the direct supervision of all personnel and services relative to the practice of massage. The name of said designated individual shall be submitted to the licensing agency.
- d) Each facility shall have posted conspicuously written procedures to be followed in the event of emergency for the protection and safety of patrons and personnel.

18.2 ***Environment And Maintenance***

- a) A sanitary environment shall be maintained in each facility, the appliances and equipment maintained in a safe and properly functioning manner and the premises kept clean at all times.

18.3 ***Toilet Facilities*** shall be provided in convenient locations in conformance with the Rhode Island State Building Code.

- a) Lavatories or water basins shall be installed with hot and cold running water in either the toilet room or vestibule and shall contain a soap dispenser and a single service sanitary towel receptacle or other acceptable hand drying device.

18.4 ***Other Provisions***

- a) No individual shall use any massage parlor for housing, sheltering or harboring employees or other individual(s) or animals, or cause or permit same to be used as living or sleeping quarters.

Section 19.0 ***Denial, Suspension Or Revocation Of License***

19.1 The Director of Health may within thirty (30) days from the time an application is received, deny issuance of a license or renewal of license of a massage parlor, or pending an investigation and hearing, to suspend for a period not exceeding thirty (30) days any license issued herein, and/or after due notice and hearing to revoke the license of any massage parlor which:

- a) employs unlicensed masseurs or masseuses;
- b) supplies false information to the licensing agency on the application for licensure or application for licensure renewal;
- c) denies entrance to authorized agents of the licensing agency for inspection or investigation purposes;
- d) has a manager and/or owner who is convicted of any offense which is a felony under the laws of Rhode Island, the record of conviction being conclusive evidence thereof; and
- e) fails to comply with the statutory and regulatory provisions herein.

19.2 Whenever an action shall be proposed to deny, suspend, or revoke a license, the licensing agency shall notify the licensee setting forth in writing the reasons for the proposed action, and the licensee shall be given an opportunity for a prompt and fair hearing in accordance with the provisions of Chapter 42-35 of the General Laws of Rhode Island, as amended.

19.3 After due notice and hearing, the licensing agency may deny, suspend or revoke any such license if the licensee is found to be in violation of the statutory provisions of Chapter 23-20.8 of the General Laws of Rhode Island of, as amended, and the rules and regulations herein.

19.4 Any person aggrieved by a decision of the licensing agency may seek a judicial review in

accordance with the provisions of Chapter 23-20.8 of the General Laws of Rhode Island, as amended.

Section 20.0 ***Severability***

- 20.1 If any provision of these rules and regulations or the application thereof to any individual, facility or circumstance shall be held invalid, such invalidity shall not affect the provisions or application of the rules and regulations which can be given effect, and to this end the provisions of the regulations are declared to be severable.

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