

216-RICR-40-05-10

## TITLE 216 – DEPARTMENT OF HEALTH

### CHAPTER 40 – PROFESSIONAL LICENSING AND FACILITY REGULATION

#### SUBCHAPTER 05 – PROFESSIONAL LICENSING

##### PART 10 – Massage Therapists

### 10.1 Authority

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws §§ [23-20.8-4](#)(1) through (3), and are established for the purpose of defining prevailing standards for the licensure of massage therapists consistent with statutory provisions.

### 10.2 Incorporated Materials

- A. These regulations hereby adopt and incorporate the [National Certification Board for Therapeutic Massage & Bodywork \(NCBTMB\) Standards of Practice](#) (Oct. 2009) by reference, not including any further editions or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.
- B. These regulations hereby adopt and incorporate the [National Certification Board for Therapeutic Massage & Bodywork \(NCBTMB\) "Code of Ethics"](#) (Oct. 2008) by reference, not including any further editions or amendments thereof and only to the extent the provisions therein are not inconsistent with these regulations.

### 10.3 Definitions

- A. Wherever used in this Part the following terms shall be construed to mean:
  - 1. "Act" means [R.I. Gen. Laws Chapter 23-20.8](#), entitled "Licensing of Massage Therapists".
  - 2. "Approved school" means any school or institution of learning that is accredited by an agency recognized by the United States Department of Education, approved by a State Board of Education, or whose curriculum is endorsed by the Commission on Massage Therapy Accreditation (COMTA).
  - 3. "Department" means the Rhode Island Department of Health.

4. "Director" means the Director of the Rhode Island Department of Health.
5. "Disqualifying information" means offenses including but not limited to those offenses defined in R.I. Gen. Laws Chapters 11-34, 11-34.1, 11-37 and R.I. Gen. Laws § 23-17-37.
6. "Licensing agency" means the Rhode Island Department of Health.
7. "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 that is an approved school meeting the requirements of R.I. Gen. Laws § 23-20.8-5 and § [10.5\(B\)](#) of this Part as approved by the Department, 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.
8. "Person" means 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.
9. "The practice of massage" means activities as set forth in R.I. Gen. Laws § 23-20.8-1(4).

#### **10.4 Licensing Requirements**

- A. Any individual practicing or offering to practice massage, except persons exempt under the provisions of [R.I. Gen. Laws § 23-20.8-9](#) and § [10.4\(B\)](#) of this Part shall be required to submit evidence that such individual is qualified to practice massage therapy.
- B. Persons Exempt
  1. In addition to the provisions of R.I. Gen. Laws § 23-20.8-9, nothing contained in this Part shall prohibit:
    - a. The practice of massage by any person who is authorized to practice medicine, nursing, osteopathy, physiotherapy, chiropractic, or podiatry in this state.
    - b. The practice of massage that is customarily given in barber shops or beauty parlors for the purpose of beautification by any licensed barber, hairdresser, or cosmetician.

- c. The practice of massage by any person employed in a medical institution licensed or chartered by the state or enrolled in a program of a school or institute of massage approved by the board of regents.
- d. The practice of massage by any person duly employed as a certified athletic trainer by a professional athletic association, club, or team, or as a member of the physical education department of an accredited university, college, or high school.

## **10.5 Qualifications for Licensure**

- A. In addition to the requirements of R.I. Gen. Laws § 23-20.8-5, an applicant for a license to practice massage therapy in Rhode Island shall:
  - 1. Be a graduate of an approved school as defined in § 10.3 of this Part.
  - 2. The curriculum shall have consisted of at least five hundred (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 five hundred (500) hour program shall include no less than the following classroom subjects, including practical training:
    - a. Anatomy, physiology and kinesiology
    - b. Supervised theory and practice
    - c. Clinical Assessment and bodywork competency
    - d. Pathology
    - e. Elective subjects, including first aid and cardiopulmonary resuscitation {CPR}, and any of the following: ethics, boundaries, regulations and guidelines for professional practice, business practices/law, office procedures
  - 3. Successfully completed the Federation of State Massage Therapy Boards (FSMTB) Massage and Bodywork Licensing Examination (MBLEx); or other examination as approved by the Department.
  - 4. Correspondence courses shall not be recognized as acceptable equivalents.
- B. Endorsement:

1. A license to practice massage as a massage therapist by endorsement may be issued to an applicant if the state or territory in which the applicant received their education is equal to or exceeds the requirements set forth in R.I. Gen. Laws § 23-20-8-5 and this Part.

C. Foreign Trained:

1. 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 substantially meets the requirements of [§ 10.5\(B\)](#) of this Part and of holding a valid license, permit, certificate or registration to practice massage issued by a foreign country, and in addition may be subject to an examination.

## 10.6 Application for Licensure and Fee

- A. 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:
1. The initial licensure fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).
  2. Supporting credentials of education, training, and other requirements of § 10.5 of this Part; and
  3. Results of a criminal background check. Applicants shall apply to the bureau of criminal identification of the state police or local police department for a nationwide criminal records check. Fingerprinting shall be required. Upon the discovery of any disqualifying information as defined herein, the bureau of criminal identification of the state police or the local police department shall inform the applicant, in writing, of the nature of the disqualifying information. The applicant shall be responsible for payment of the costs of the criminal records check.

## 10.7 Issuance and Renewal of License and Fee

- A. 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 on the 30th day of June following its issuance and may be renewed from year to year after approval by the Department, provided the applicant meets the requirements of the rules and regulations of this Part and the statutory provisions of [R.I. Gen. Laws Chapter 23-20.8](#).

- B. An annual license renewal fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title) shall accompany each application for licensure renewal.
- C. Any licensee who allows his or her license to expire may have the license renewed by submitting a renewal application and accompanying documents as required under § 10.8 of this Part and renewal fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title).
- D. Any licensee who allows his or her license to lapse for more than one (1) license cycle may have the license reinstated by submitting a reinstatement application and a renewal fee as set forth in the Fee Structure for Licensing, Laboratory and Administrative Services Provided by the Department of Health (Part 10-05-2 of this Title). In addition, the applicant must submit current results of a criminal background check. Applicants shall apply to the bureau of criminal identification of the state police or local police department for a nationwide criminal records check that includes fingerprinting.

## **10.8 Continuing Education**

- A. On application for renewal of license, massage therapists must show proof of participation in six (6) hours (annually) in scope of practice specific offerings that may include, but not limited to: formal presentations, conferences, coursework from a regionally accredited college/university and/or self-study course, such as online courses (awarded one education hour for each hour completed) and ethics.
- B. It is the sole responsibility of the massage therapists to obtain documentation (e.g. course descriptions, proof of attendance) from the sponsoring organization, agency, or institution of his/her participation in a continuing education program and/or activity. These documents shall be retained by each licensee for no less than four (4) years and are subject to random audit by the Department.
- C. A licensee who fails to complete the continuing education requirements described may be subject to disciplinary action pursuant to R.I. Gen. Laws § 23-20.8-6.
- D. A license may be denied to any applicant who fails to provide satisfactory evidence of completion of continuing education relevant to massage therapy as required in this Part.

- E. The board may waive the requirement for these educational requirements if the board is satisfied that the applicant has suffered hardship, which may have prevented meeting the educational requirements.

## **10.9 The Practice of Massage**

- A. The license to practice massage authorizes the holder to engage in applying a scientific system of activity as defined herein and in accordance with the provisions of [R.I. Gen. Laws Chapter 23-20.8](#).
- B. Only individuals licensed in Rhode Island under the provisions of [R.I. Gen. Laws Chapter 23-20.8](#) and this Part, shall practice massage and use the title "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. Only a person licensed under R.I. Gen. Laws § 23-20.8-3 and this Part as a massage therapist may use the title "massage therapist," "licensed massage therapist," and the abbreviation "LMT."
- C. Licensed practitioners shall maintain and be governed by acceptable sanitary, safe and scientific standards of practice in accordance with [National Certification Board for Therapeutic Massage and Bodywork \(NCBTMB\), Standards of Practice](#) incorporated above by reference at § 10.2(A) of this Part.
- D. Licensed practitioners shall conduct his or her professional activities in accordance with the [National Certification Board for Therapeutic Massage and Bodywork \(NCBTMB\), Code of Ethics](#) incorporated above by reference at § 10.2(B) of this Part.

## **10.10 Denial, Suspension or Revocation of License**

- A. The denial, suspension or revocation of a license is in accordance with the provisions of R.I. Gen. Laws § 23-20.8-6. In addition, the Director may deny issuance of a license or renewal of license to any individual, or pending an investigation and hearing, suspend for a period not exceeding ninety (90) days any license issued under this Part, and/or after due notice and hearing, revoke the license of any massage therapist who:
  - 1. Is convicted of any offense which is a felony under the laws of Rhode Island, the record of conviction being conclusive evidence thereof;
  - 2. Supplies false information to the licensing agency on the application for licensure or application for licensure renewal;
  - 3. Fails to comply with the statutory and regulatory provisions herein.

- B. An applicant, whose criminal records check reveals a conviction for any sexual offense, including, but not limited to, those offenses defined in R.I. Gen. Laws Chapters [11-34](#) and [11-37](#), shall be denied a license under the Act and this Part.

### **10.11 Rules Governing Practices and Procedures**

All hearings and reviews required under the provisions of [R.I. Gen. Laws Chapter 23-20.8](#), shall be held in accordance with the provisions of the Act and the rules and regulations regarding Practices and Procedures Before the Rhode Island Department of Health (Part 10-05-4 of this Title) and Access to Public Records (Part 10-05-1 of this Title).

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Editorial Note: This Part was filed with the Department of State prior to the launch of the Rhode Island Code of Regulations. As a result, this digital copy is presented solely as a reference tool. To obtain a certified copy of this Part, contact the Administrative Records Office at (401) 222-2473.