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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

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DIRECTOR

MICHIGAN BOARD OF MASSAGE THERAPY RULES COMMITTEE WORK GROUP MEETING

MINUTES JUNE 2, 2020

The Michigan Board of Massage Therapy Rules Committee Work Group, met on June 2, 2020. The meeting was held via Zoom, pursuant to Executive Order 2020-75.

CALL TO ORDER

Dena Marks, Senior Policy Analyst, called the meeting to order at 2:04 p.m.

ROLL CALL

Members Present: Tiffany Gennety, LMT, Professional Member
Irene Savoyat, LMT, Professional Member
JT Stout, LMT, Professional Member
Jodi Wiley, LMT, Professional Member

Members Absent: None

Staff: Dena Marks, Senior Policy Analyst, Boards and Committees Section
Stephanie Wysack, Board Support, Boards and Committees Section

Public Present: Erika Andersen - Self
Julie Finn - Self
Mike Krombeen – American Massage Therapy Association of Michigan
Sara Louise - Self
Kathy Skubik - Self

WELCOME

Marks explained the plan for the flow of the meeting and what would be covered.

RULES DISCUSSION – A copy of the draft rules, revised pursuant to the meeting discussion, are attached.

R 338.701 Definitions.

Subdivision (1)(b): Marks asked the Rules Committee if they wanted any changes to this rule.

Stout stated it should be left as is.

Marks stated that the statute provides more information than the definition.

Stout inquired about clarifying that 50 to 60 minutes of educational instruction constitutes an hour. However, Marks informed him that this information was located in the continuing education section of the rules.

Subdivision (1)(e): Marks stated that this refers individuals to the statute.

The Rules Committee agreed with the language as presented.

R 338.702 Telehealth.

Subrule (3): Marks stated that this subrule was added to clarify when it is appropriate to use telehealth.

Marks stated that the definition of telehealth is broader than services provided over the phone.

Stout asked how the Acupuncture Board worded telehealth in their rule set. He stated that telehealth could be negatively impact public health because there are things that can't be seen over the phone.

Marks stated that the Acupuncture rule regarding telehealth is worded the same as in the Massage Therapy draft rule.

Wiley stated that telehealth could be beneficial if used generically when identifying muscles that affect headaches, etc.

Stout stated that allowing telehealth opens the possibility of online, telehealth practices where there is no in-person contact.

Marks stated that the language in subrules (1) and (2) comes from the statute. The language includes consent for treatment. Subrule (3) limits the massage therapist to practicing within the scope of their practice.

Savoyat asked if there was a choice in adding telehealth to the rules.

Marks stated that it is statutory, so must be added. The language in Subrule (3) is not statutory language.

Part 2. Education

Marks stated that there were no new changes made to Part 2. The language will provide clarification to the schools about how many hours of coursework need to be provided by date.

The Rules Committee agreed with the language as presented.

R 338.726 Educational standards; adoption by reference.

Marks stated that term “assigned schools” was originally placed in the rules to include smaller schools so they did not have to obtain accreditation through the Council for Higher Education Accreditation (CHEA).

Wiley asked about including the Commission on Massage Therapy Accreditation (COMTA).

Stout stated that COMPTA was covered by referencing the standards of the United States Department of Education and CHEA.

Skubik asked if all accrediting commissions were approved by the United States Department of Education.

Marks stated that assigned schools under the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) and CHEA are recognized.

Skubik asked if other options would be accepted, such as the Accrediting Council for Continuing Education and Training (ACCET).

Wiley confirmed what Stout previously stated. COMTA and ACCET are recognized by the United States Department of Education. Therefore they are covered under the rules without being separately listed.

R 338.732 Training standards for identifying victims of human trafficking; requirements.

Marks stated no substantive changes were made.

The Rules Committee agreed to the language as presented.

R 338.734 Examination; passing scores.

Marks stated no substantive changes were made.

The Rules Committee agreed to the language as presented.

R 338.735 Licensure; massage therapist; requirements.

Marks stated no substantive changes were made.

The Rules Committee agreed to the language as presented.

R 338.736 Foreign-trained applicants; licensure; requirements.

Subrule (c): Marks stated that this has been removed from the rules as English proficiency is now covered in the Public Health Code - General Rules and applies to all health professions. The Public Health Code - General Rules went to public hearing on May 22, 2020. The next step is the Joint Committee on Administrative Rules.

R 338.737 Licensure by endorsement; requirements.

Subrule (3): Marks stated that she spoke with staff from the Licensing Division and they had no concerns about the need for an exam.

Subrule (4): Marks stated that the requirements for an individual licensed less than three years are the same as an individual applying for an initial license out of school.

The Rules Committee agreed to the language as presented.

R 338.738 Relicensure.

Marks stated that the rule was changed from paragraph form to chart form as it is easier to read and follow. Marks read through the chart.

Krombeen stated that boxes should be formatted to one page.

Marks stated that it will look different in the final draft. However the formatting cannot be changed at this time.

Krombeen asked how long fingerprints were kept by the Department.

Wysack clarified that the fingerprinting was done electronically. The Department only receives a report, not the actual fingerprints.

R 338.739 License renewals; massage therapist; requirements; applicability.

Marks stated that the number will be corrected to follow the changes.

Subrule (1): Marks stated that this subrule was removed because the time frame in the rule had passed.

Subrule (2): Marks indicated that the word "each" was added to clarify the cycle.

Subrule (3): Marks stated that the number “4” was changed to “5” for auditing purposes.

Subrule (4): Marks stated that this rule does not apply to individuals who have been issued a license in the new MiPLUS system.

Subrule (5): Marks stated that this is a new rule that allows a licensee to apply for a continuing education waiver, prior to the expiration date of their license. This would be reviewed by the Board.

Subrule (6): Marks stated that this is a new rule that states a licensee may be audited.

The Rules Committee agreed to the language as presented.

Stout asked Marks to provide an explanation of the process of a waiver request.

Marks stated that the request is submitted to the Department and then is placed as an agenda item for the Board to consider at a meeting. After the Board votes on the request, a decision letter is sent to the licensee.

R 338.741 Acceptable continuing education; requirements; limitations.

Subrule (1): Marks stated that the suggested rewrite was to include a limitation on the number of continuing education hours that could be earned in a 24-hour period.

Subrule (3): Marks stated this is a new subrule. It states that continuing education cannot be carried over from one cycle to the next.

Subrule (7): Marks stated that no substantive changes were made.

Subdivision (7)(f): Marks asked if the Board wanted to allow 10 hours for this activity.

Wiley stated that she could see how a licensee could easily do 10 hours of research but did not need to receive that much credit.

Savoyat suggested reducing it to 5 hours.

The Rules Committee agreed to reducing the activity credit to 5 hours.

Subdivision (7)(m): Marks asked if a cardiopulmonary resuscitation (CPR) course would be 4 hours.

Savoyat stated that they can be at least a half day.

Wiley asked if the activity should include a course in bloodborne pathogens.

Marks asked who would offer such a course. Would that be an activity that is already covered under activity (a)?

Gennety asked if Wiley wanted it added as an additional activity or as part of activity (m).

Wiley stated that it would be part of activity (m).

Marks asked if it is offered as a certification.

Gennety stated that she takes it annually along with the CPR course. A separate certificate is not issued for bloodborne pathogens.

Wiley stated that it should be separate from the CPR certification.

Stout stated that certification is not given but there is separate training for it. He takes it through the YMCA's insurance company.

Marks stated that if it were to be included, the rule would need to indicate who it could be taken through to be recognized as approved continuing education.

Finn stated that it is a course offered through American Heart and the Red Cross.

Part 5. Professional Ethics

Marks stated that this section had been renamed to reflect the content.

R 338.751 Professional Ethics.

Marks stated that this Rule had also been renamed.

Marks stated that there does not appear to be any one acceptable standard that massage therapists follow.

Wiley stated that there is not one national standard that massage therapists follow, but they are all very similar.

Marks read through the rule, pointing out changes.

Subrule (a): Wiley stated that this subrule addresses concerns about telehealth being included in the rules.

Subrule (d): Stout stated that termination of a session can be done if the massage therapist felt that the situation was not safe.

Subrule (e): Wiley stated that the word "current" should be removed to prevent unethical behavior even after the massage therapist/patient relationship has ended. Conversely, a timeframe should be included.

Marks asked if "current" should be removed.

Wiley asked Marks what other health professional boards say in their rules.

Marks stated that most professions do not have an ethical code section. It would have to be allowed by statute in order to include it in the rules.

Gennety asked what timeframe would be long enough.

Marks stated that putting in a timeframe would be arbitrary.

Stout stated that the proposed language is all that could be used at this time.

Wiley stated that if an individual comes before the Board or the Disciplinary Subcommittee, the timeframe can be taken into consideration when imposing sanctions.

The Rules Committee agreed to the language as presented.

Andersen asked if there should be timeframes included for teachers as there is a set amount of time that a teacher is with a student.

Marks stated she would look into that.

Louise asked about information on SOAP notes in the rules.

Marks stated that was covered under MCL 333.16213 and retention of records. There is not statutory authority to include it in the rules.

Stout stated that the Massage Therapy Practice Act covers SOAP notes.

R 338.752 Client records.

Marks stated that this was rescinded as this information is included in MCL 333.16213.

Wiley asked Marks to summarize the language from the statute.

Marks summarized MCL 333.16213.

Wiley stated that, as an instructor of massage therapy, she often refers students to the statute.

Stout stated that when massage therapists are part of a practice, they sometimes feel as though they do not need to keep a record themselves.

Marks stated that the statute requires that the record be maintained by the massage therapist.

Wiley stated that many national organizations have a code of ethics that refers to record retention.

Gennety stated that owners of salons/practices, sometimes will not share intake paperwork. However, the massage therapist can access the paperwork and fill it out for themselves.

Savoyat stated that it is important to know that the massage therapist should keep their own records.

Marks stated that the requirements in the statute must be followed.

Andersen stated that there are facilities that do not allow the massage therapists to have access to the records. The rule should not change.

Stout stated that rescinding the rule could cause record retention to go to the wayside. The statute is not as specific as the rule is.

Gennety would like to discuss record access at the next meeting.

ADJOURNMENT

Marks stated that another Rules Committee Work Group will be scheduled to continue to work on rules.

Marks adjourned the meeting at 3:43 p.m.

Prepared by:
Stephanie Wysack, Board Support
Bureau of Professional Licensing

Date: June 8, 2020

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

MASSAGE THERAPY - GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16145, 16148, **16287**, 17959, 17961, 17963, and 17965 of 1978 PA 368, MCL 333.16145, 333.16148, **333.16287**, 333.17959, 333.17961, 333.17963 and 333.17965, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1 and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.701, R 338.722, R 338.724, R 338.726, R 338.732, R 338.734, R 338.735, R 338.736, R 338.737, R 338.738, R 338.739, R 338.741, R 338.751, of the Michigan Administrative Code are amended, R 338.702 and R 338.722a are added, and R 338.752 is rescinded as follows:

PART 1. GENERAL RULES

R 338.701 Definitions.

Rule 1. (1) As used in these rules:

(a) "Board" means the Michigan board of massage therapy created under section 17955 of the **Michigan public health** code, MCL 333.17955.

(b) "Classroom instruction" means 50 to 60 minutes of educational instruction, ~~which constitutes 1 hour of classroom instruction, and meets either of the following:~~

~~–(i) Is provided at a physical location where the students and an instructor are present.~~

~~–(ii) Is provided by distance education earned in compliance with the requirements of that term as defined in section 17959(3)(a) of the code, MCL 333.17959.~~

~~(c) (b) "Code" means the Michigan public health code, 1978 PA 368, MCL 333.1101–et seq to 333.25211.~~

~~(d) (c) "Department" means the department of licensing and regulatory affairs.~~

~~(e) "Distance education" means the same as defined under section 17959 of the code, MCL 333.17959.~~

~~(f) "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, MCL 333.16186.~~

~~(g) (d) "Members of the public" mean individuals who are not currently enrolled in the massage therapy student's supervised curriculum.~~

(h) ~~“Supervised curriculum” means a massage therapy curriculum that meets the requirements of R 338.722 and is taught in a school as defined in section 17951(1)(e) of the code, MCL 333.17951(1)(e).~~

(i) ~~“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.~~

(e) **“Telehealth” means that term as defined in section 16283 of the code, MCL 333.16283.**

(2) Except as otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.702 Telehealth.

Rule 2. (1) Consent for treatment must be obtained before providing a telehealth service pursuant to section 16284 of the code, MCL 333.16284.

(2) Evidence of consent for treatment must be maintained in a patient’s medical record and retained in compliance with section 16213 of the code, MCL 333.16213.

(3) A massage therapist providing any telehealth service must do both of the following:

(a) Act within the scope of his or her practice.

(b) Exercise the same standard of care applicable to a traditional, in-person health care service.

PART 2. EDUCATION

R 338.722 Supervised curriculum for students enrolled before August 1, 2017;

Supervised curriculum for students enrolled on or after August 1, 2017, but before January 10, 2020; ~~massage therapists; requirements.~~

Rule 22. (1) “Supervised curriculum” in this rule means a massage therapy curriculum that meets the requirements this rule and is taught in a school as defined in section 17951(1)(e) of the code, MCL 333.17951.

(2) For students enrolled before August 1, 2017, a supervised curriculum ~~shall~~ must include, at a minimum, 500 hours of courses or coursework; and both of the following:

(a) Classroom instruction as ~~defined in R 338.701(1)(b)(i);~~ including both of the following:

(i) Forty hours performing massage therapy services **for members of the public in a **supervised** student clinic that ~~are supervised by a licensed massage therapist and meet~~ **meets all of the requirements under of** R 338.724.**

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

(b) Classroom instruction as ~~defined in R 338.701(1)(b)(i) or (ii);~~ including all of the following:

(i) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.

(ii) Forty hours of pathology.

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

(iv) Eighty-five hours of instruction in an area or related field, as determined by the school, that complete the massage therapy program of study.

~~(2) For students enrolled 1 year after promulgation of this rule, a supervised curriculum shall meet both of the following:~~

~~—(a) The requirements of R 338.726.~~

~~—(b) A minimum of 625 hours of courses or coursework including both of the following:~~

~~—(i) Classroom instruction as defined in R 338.701(1)(b)(i), including both of the following:~~

~~—(A) Seventy five hours performing massage therapy services in a student clinic that is supervised by a licensed massage therapist and meets of the requirements under of R 338.724.~~

~~—(B) Two hundred hours of massage and bodywork assessment, theory, and application instruction.~~

~~—(ii) Classroom instruction as defined in R 338.701(1)(b)(i) or (ii), including all of the following:~~

~~—(A) One hundred twenty five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.~~

~~—(B) Forty hours of pathology.~~

~~—(C) Twenty five hours of business, professional practice, or ethics instruction with a minimum of 10 hours in ethics.~~

~~—(D) One hundred sixty hours of instruction in an area or related field, as determined by the school, that complete the massage therapy program of study.~~

(3) For students enrolled on or after August 1, 2017, but before January 10, 2020, a supervised curriculum must include, at a minimum, 625 hours of courses or coursework and both of the following:

(a) Classroom instruction including both of the following:

(i) Forty hours performing massage therapy services for members of the public in a supervised student clinic that meets all of the requirements of R 338.724.

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

(b) Classroom instruction including all of the following:

(i) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.

(ii) Forty hours of pathology.

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

(iv) Two hundred ten hours of instruction in an area or related field, as determined by the school, that complete the massage therapy program of study.

338.722a. Supervised curriculum for students enrolled on or after January 10, 2020; requirements.

Rule 22a. (1) “Supervised curriculum” in this rule means a massage therapy curriculum that meets the requirements of this rule and is approved by the board pursuant to R 338.726.

(2) For students enrolled on or after January 10, 2020, a supervised curriculum must include, at a minimum, 625 hours of courses or coursework and satisfy both of the following:

(a) Classroom instruction including both of the following:

(i) Seventy-five hours performing massage therapy services for members of the public in a supervised student that meets all of the requirements of R 338.724.

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

(b) Classroom instruction including all of the following:

(i) One hundred twenty-five hours of instruction on the body systems that include anatomy, physiology, and kinesiology.

(ii) Forty hours of pathology.

(iii) Twenty-five hours of business, professional practice, or ethics instruction with a minimum of 10 hours in ethics.

(iv) One hundred sixty hours of instruction in an area or related field, as determined by the school, that complete the massage therapy program of study.

R 338.724 Supervised student clinic; requirements.

Rule 24. (1) ~~A student must have~~ ~~Before beginning the supervised student clinic required under R 338.722, a student shall complete~~ **completed a minimum of not less than 20** hours of courses or coursework in pathology **before participating in a supervised student clinic.**

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

(a) **If the student was enrolled before January 10, 2020, all supervised clinic hours must be held on school premises. If the student was enrolled on or after January 10, 2020, A** a minimum of 55 supervised clinic hours ~~shall~~ **must** be held on school premises. A maximum of 20 supervised clinic hours may be held off school premises.

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

(c) The ratio of students to supervising massage therapists ~~shall~~ **must** not exceed 15 students to 1 supervising massage therapist.

(3) A supervising massage therapist ~~shall~~ **must** 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.

R 338.726 ~~Accreditation;~~ **Educational** standards; adoption by reference.

Rule 26. The board ~~shall approve~~ **approves** a massage therapy supervised curriculum that meets the requirements of ~~R 338.722(2)~~ **R 338.722a** and complies with 1 of the following:

(a) Is **offered by** a national certification board for therapeutic massage and bodywork's (ncbtmb) assigned school that is researched and approved by the ncbtmb and meets ncbtmb's minimum curriculum requirements.

(b) Is accredited by the accrediting body of the region in which the institution is located and the accrediting body meets either the recognition standards and criteria of the council for higher education accreditation (chea) or the recognition procedures and criteria of the United States department of education. The board adopts by reference the procedures and criteria

for recognizing accrediting agencies of the United States department of education, effective July 1, 2000 ~~2010~~, as contained in ~~title 34, part CFR 602 (2010) of the code of federal regulations~~, and the policies and procedures for recognition of accrediting organizations of chea, effective ~~June 28, 2010~~ **September 24, 2018**. Copies of the standards and criteria of chea accreditation and the United States department of education are available for inspection and distribution at cost from the Board of Massage Therapy, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, 611 West Ottawa, P.O. Box 30670, Lansing, MI 48909. Chea recognition standards may also be obtained at no cost from the council's website at <http://www.chea.org>. The federal recognition criteria may also be obtained at no cost from the website for the United States department of education office of postsecondary education, at <http://www.ed.gov/about/offices/list/OPE/index.html>.

PART 3. LICENSURE

R 338.732 Training standards for identifying victims of human trafficking; requirements.

Rule 32. (1) Pursuant to sections 16148 and 17060 of the code, MCL 333.16148 and MCL 333.17060, an individual who is licensed or seeking licensure ~~shall~~ **must** complete training in identifying victims of human trafficking that meets the following standards:

- (a) Training content that covers all of the following:
 - (i) Understanding the types and venues of human trafficking in the United States.
 - (ii) Identifying victims of human trafficking in health care settings.
 - (iii) Identifying the warning signs of human trafficking in health care settings for adults and minors.
 - (iv) Identifying resources for reporting the suspected victims of human trafficking.
 - (b) Acceptable providers or methods of training include any of the following:
 - (i) Training offered by a nationally recognized or state-recognized health-related organization.
 - (ii) Training offered by, or in conjunction with, a state or federal agency.
 - (iii) Training obtained in an educational program that has been approved by the board for initial licensure, or by a college or university.
 - (iv) Reading an article related to the identification of victims of human trafficking that meets the requirements of subdivision (a) of this subrule and is published in a peer review journal, health care journal, or professional or scientific journal.
 - (c) Acceptable modalities of training may include any of the following:
 - (i) Teleconference or webinar.
 - (ii) Online presentation.
 - (iii) Live presentation.
 - (iv) Printed or electronic media.
- (2) The department may select and audit a sample of individuals and request documentation of proof of completion of training. If audited by the department, an individual ~~shall~~ **must** provide an acceptable proof of completion of training, including either of the following:
- (a) Proof of completion certificate issued by the training provider that includes the date, provider name, name of training, and individual's name.
 - (b) A self-certification statement by an individual. The certification statement ~~shall~~ **must** include the individual's name and either of the following:

(i) For training completed pursuant to subrule (1)(b)(i) to (iii) of this rule, the date, training provider name, and name of training.

(ii) For training completed pursuant to subrule (1)(b)(iv) of this rule, the title of article, author, publication name of peer review journal, health care journal, or professional or scientific journal, and date, volume, and issue of publication, as applicable.

(3) Pursuant to section 16148 of the code, MCL 333.16148, the requirements specified in subrule (1) of this rule ~~apply for~~ **applies to all** license renewals ~~beginning with the 2017 renewal cycle~~ and for initial licenses issued after March 14, 2022.

R 338.734 Examinations; passing scores.

Rule 34. An applicant for licensure ~~shall~~ **must** pass either of the following:

(a) The massage and bodywork licensure examination (mblex), or its replacement, offered by the federation of state massage therapy boards (fsmtb). The passing score for the mblex examination is the passing score recommended by the fsmtb.

(b) The national certification examination for therapeutic massage and bodywork (ncetmb) offered by the national certification board for therapeutic massage and bodywork (ncbtmb), if taken prior to November 1, 2014. The passing score for the ncetmb examination is the passing score recommended by ncbtmb. ~~Neetmb examination scores will be accepted by the department.~~

R 338.735 Licensure; massage therapist; requirements.

Rule 35. An applicant for a massage therapist license by examination ~~shall~~ **must** submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and these rules, the applicant ~~shall~~ **must** satisfy both of the following requirements:

(a) Have successfully completed a supervised curriculum that satisfies the requirements in R 338.722 **or R 338.722a, as applicable.**

(b) Pass an examination required under R 338.734.

R 338.736 Foreign-trained applicants; licensure; requirements.

Rule 36. An applicant for a massage therapist license who completed a massage therapy curriculum outside of the United States ~~shall~~ **must** submit the required fee and a completed application on a form provided by the department. In addition to satisfying the requirements of the code and these rules, the applicant ~~shall~~ **must** satisfy 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 in R 338.722. **or R 338.722a, as applicable.** 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 that is a member of the national association of credential evaluation services.

(b) Pass an examination required under R 338.734.

~~(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 shall establish that he or she has obtained a total score of not less than 80 on the test of English as a foreign language internet-based test (toefl-ibt) administered by the educational testing service.~~

R 338.737 Licensure by endorsement; requirements.

Rule 37. (1) An applicant for a license by endorsement **must hold an active massage therapist license or registration in another state, country, jurisdiction, territory, or province at the time of application, be of good moral character, and be at least 18 years of age.**

(2) ~~The applicant must as a massage therapist shall~~ submit the required fee and a completed application on a form provided by the department.

(3) **An applicant who has held an active massage therapist license in another state, country, jurisdiction, territory, or province for 3 years or more preceding the date of application satisfies the requirements for licensure pursuant to section 19759(2) of the code, MCL 333.17959.** In addition to meeting the requirements of the code and these rules, an applicant who satisfies the requirements of the code and this rule, is presumed to satisfy the requirements of section 16186 of the code, MCL 333.16186.

~~(2) An applicant who was first has held 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 shall have passed an examination required under R 338.734.~~

~~(3) (4) An applicant who has held an active massage therapist license in another state, country, jurisdiction, territory, or province for less than 3 years immediately preceding the date of application must who 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 shall satisfy all of the following requirements:~~

~~(a) Have successfully completed a supervised curriculum that meets the requirements in R 338.722, R 338.722a, or R 338.736(a), as applicable.~~

~~(b) Have passed an examination required under R 338.734.~~

~~(e) Meet the requirements in R 338.736(e) if the applicant's educational curriculum was taught in a language other than English.~~

~~(4) (5) An applicant shall must have his or her license, certification, or registration verified by the licensing, certifying, or registering agency of any each state, country, jurisdiction, territory, or province in which the applicant holds, a current license, certification, or registration or has ever held, a license, certification, or registration as a massage therapist. If applicable, verification shall must include the record of any disciplinary action taken or pending against the applicant.~~

R 338.738 Relicensure.

~~Rule 38. (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, MCL 333.16201(3), if the applicant satisfies all of the following requirements:~~

~~—(a) Submits the required fee and a completed application on a form provided by the department.~~

~~—(b) Establishes that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to MCL 338.47.~~

~~—(c) Submits proof to the department of accumulating not less than 18 hours of continuing education credit that meets the requirements of R 338.739 and R 338.741 during the 3 years immediately preceding the application for relicensure.~~

~~—(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, MCL 333.16201(4), if the applicant satisfies all of the following requirements:~~

~~—(a) Submits the required fee and a completed application on a form provided by the department.~~

~~—(b) Establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to MCL 338.47.~~

~~—(c) Submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).~~

~~—(d) Does either of the following requirements:~~

~~—(i) Passes an examination required under R 338.734.~~

~~—(ii) Submits 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) An applicant shall **must** have his or her license, certification, or registration verified by the licensing agency of any state of the United States in which the applicant holds a current license, certification, or registration or has ever held a license, certification, or registration as a massage therapist. If applicable, verification shall include the record of any disciplinary action taken or pending against the applicant.~~

Rule 38. An applicant whose license has lapsed may be relicensed upon submission of the appropriate documentation as noted in the table below:

(1) For a massage therapist who has let his or her Michigan license lapse and is not currently licensed in another state country, jurisdiction, territory, or province.		Lapsed less than 3 years	Lapsed 3 years or more
(a)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).		√
(d)	Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-	√	√

	year period immediately preceding the application for relicensure.		
(e)	Examination: passage of the examination approved pursuant to R 338.734 within 3 years of relicensure.		√
(f)	License verification: an applicant's license must be verified by the licensing agency of each state, country, jurisdiction, territory, or province in which the applicant holds or ever held a license as a massage therapist. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.	√	√
	(2) For a massage therapist who has let his or her Michigan license lapse and is currently licensed in another state, country, jurisdiction, territory, or province	Lapsed less than 3 years	Lapsed 3 years or more
(a)	Application and fee: submit a completed application on a form provided by the department, together with the required fee.	√	√
(b)	Good moral character: establish that he or she is of good moral character as defined under sections 1 to 7 of 1974 PA 381, MCL 338.41 to 338.47.	√	√
(c)	Fingerprints: submit fingerprints as required under section 16174(3) of the code, MCL 333.16174(3).		√
(d)	Continuing education: submit proof of having completed 45 hours of continuing education that satisfy the requirements of R 338.739 and R 338.741 in courses and programs approved by the board and earned within the 3-year period immediately preceding the application for relicensure.	√	√
(e)	License verification: an applicant's license must be	√	√

	<p>verified by the licensing agency of each state, country, jurisdiction, territory, or province in which the applicant holds or ever held a license as a massage. If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.</p>		
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R 338.739 License renewals; massage therapist; requirements; applicability.

Rule 39. (1) ~~This rule applies to applications for renewal of a massage therapist license under sections 16201 and 17965 of the code, MCL 333.16201 and MCL 333.17965, which are renewed beginning with the 2018 renewal cycle.~~

(2) ~~An applicant for license renewal who has been licensed for the 3-year period immediately preceding the expiration date of the license shall~~ **must** accumulate not less than 18 hours of continuing education in activities approved by the board under these rules during ~~the each license cycle. 3 years immediately preceding the application for renewal.~~

(3) ~~Submission of an application for renewal shall constitute~~ **constitutes** the applicant's certification of compliance with the requirements of this rule. A licensee ~~shall~~ **must** retain documentation of meeting the requirements of this rule for a period of ~~4~~ **5** years from the date of ~~applying~~ **application** for license renewal. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(h).

(4) ~~The requirements of this rule do not apply to~~ **if a licensee has been licensed for less than 3 years.** ~~during his or her initial licensure cycle.~~

(5) **A request for a waiver pursuant to section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.**

(6) **the department may select and audit a sample of licensees who have renewed their licenses and request proof of compliance with subrule (3) of this rule.**

PART 4. CONTINUING EDUCATION

R 338.741 Acceptable continuing education; requirements; limitations.

Rule 41. (1) **A licensee may not earn more than 12 hours of continuing education during a 24-hour period.** ~~The 18 hours of continuing education required pursuant to R 338.739(2) for the renewal of a massage therapy license shall~~ **must** ~~comply with the following:~~

(a) ~~Not more than 12 hours of continuing education shall~~ **may** ~~be earned during a 24-hour period.~~

(2) (b) ~~A licensee shall~~ **may** not earn credit for a continuing education program or activity that is identical or substantially identical to a program or activity the licensee has already earned credit for during that ~~renewal period~~ **license cycle.**

(3) **The continuing education credit hours earned during 1 license cycle may not be carried forward to the next license cycle.**

~~(4) (e)~~ A licensee ~~shall~~ **may** not earn credit for continuing education programs or activities that primarily focus on practices excluded from licensure under section 17957 of the code, MCL 333.17957.

~~(5) (d)~~ A licensee Pursuant to section 16204 of the code, MCL 333.16204, **must earn** at least 1 hour of continuing education ~~shall be earned~~ in the area of pain and symptom management. Continuing education hours in pain and symptom management may include, but are not limited to, courses in behavior management, behavior modification, stress management, and clinical applications, as they relate to professional practice.

~~(6) (e)~~ At A licensee **must earn at** least 2 hours of continuing education ~~shall be earned~~ in the area of professional ethics or boundaries.

~~(2) (7)~~ The board ~~shall consider~~ **approves** any of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES

Activity Code	Activity and Proof Required	Number of continuing education hours granted/permitted earned per activity
<p>1 (a)</p>	<p>Attendance at or participation in a continuing education program or activity related to the practice of massage therapy, or any non-clinical subject relevant to massage therapy practice, education, administration, management, or science, which includes, but is not limited to, live, in-person programs; interactive or monitored teleconference, audio-conference, or web-based programs; online programs; and journal articles or other self-study programs approved or offered by any of the following:</p> <ul style="list-style-type: none"> • The ncbtmb, or a sponsor approved by the ncbtmb. • The fsmtb, or a sponsor approved by the fsmtb. • A massage therapy school or program approved pursuant to R 338.726. as defined in section 17951(1)(e) of the code, MCL 333.17951(1)(e), which meets the supervised curriculum requirements of R 338.722 and defined in R 338.701(h). <p>If audited, the licensee shall must submit a copy of a letter or certificate of completion showing the licensee’s name, number of continuing education hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held or activity completed.</p>	<p>The number of continuing education hours granted earned shall be is the number of hours approved by the sponsor or the approving organization for the specific program or activity. A maximum of 18 hours of continuing education may be earned for this activity in each renewal period.</p>
<p>2 (b)</p>	<p>Initial presentation of a continuing education program related to the practice of massage therapy provided to a</p>	<p>Two hours of continuing education shall be is</p>

	<p>state, regional, national, or international massage therapy organization.</p> <p>To receive credit, the presentation shall must not be a part of the licensee's regular job description and shall must be approved or offered for continuing education credit by any of the following:</p> <ul style="list-style-type: none"> • The ncbtmb, or a sponsor approved by the ncbtmb. • The fsmtb, or a sponsor approved by the fsmtb. • A massage therapy school or program approved pursuant to R 338.726, as defined in section 17951(1)(c) of the code, MCL 333.17951(1)(c), which meets the supervised curriculum requirements of R 338.722 and defined in R 338.701(h). <p>If audited, the licensee shall must submit a copy of the presentation notice or advertisement showing the date of the presentation, the licensee's name listed as a presenter, and the name of the organization that approved or offered the presentation for continuing education credit.</p>	<p>granted earned for each 50 to 60 minutes of presentation. No additional credit shall be is earned granted for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.741(1)(e), credit for a presentation shall be granted once per renewal period.</p>
<p>3 (c)</p>	<p>Initial presentation of a scientific exhibit, poster, scientific paper, or clinical demonstration to a massage therapy organization.</p> <p>To receive credit, the presentation shall must not be part of the licensee's regular job description or performed in the normal course of the licensee's employment.</p> <p>If audited, the licensee shall must submit a copy of the document presented with evidence of presentation or a letter from the program sponsor verifying the length and date of the presentation.</p>	<p>Two hours of continuing education shall be is granted earned for each 50 to 60 minutes of presentation. No additional credit shall be is earned granted for preparation of a presentation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period. Pursuant to R 338.741(1)(e), credit for a presentation shall be granted once per renewal period.</p>
<p>4 (d)</p>	<p>Initial publication of an article related to the practice of massage therapy in a non-peer reviewed journal or newsletter.</p> <p>If audited, the licensee shall must submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>One hour of continuing education shall be is granted earned for each article. A maximum of 6 hours of continuing education may be earned for this activity in each</p>

		renewal period. Pursuant to R 338.741(1)(e), credit for publication shall be granted once per renewal period.
5 (e)	<p>Initial publication of a chapter related to the practice of massage therapy in either of the following:</p> <ul style="list-style-type: none"> • A professional or health care textbook. • A peer-reviewed textbook. <p>If audited, the licensee shall must submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Five hours of continuing education shall be granted is earned for serving as the primary author. Two hours of continuing education shall be granted is earned for serving as the secondary author. Pursuant to R 338.741(1)(e), credit for publication shall be granted once per renewal period.</p>
6 (f)	<p>Identifying, researching, and resolving an event or issue related to clinical or professional practice.</p> <p>If audited, the licensee shall must submit a completed experiential activity form approved provided by the department for each issue or event.</p>	<p>One hour of continuing education shall be granted is earned for each 50 to 60 minutes spent identifying, researching, and resolving the issue or event. A maximum of 10 5 hours of continuing education may be earned for this activity in each renewal period.</p>
7 (g)	<p>Participating on a state or national committee, board, council, or association related to the field of massage therapy. A committee, board, council, or association is considered acceptable by the board if it enhances the participant's knowledge and understanding of the field of massage therapy.</p> <p>If audited, the licensee shall must submit documentation verifying the licensee's participation in at least 50% of the regularly scheduled meetings of the committee, board, council, or association.</p>	<p>Five hours of continuing education shall be granted is earned for each committee, board, council, or association. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.</p>
8 (h)	<p>Participating on any of the following:</p> <ul style="list-style-type: none"> • A peer review committee dealing with quality patient care as it relates to the practice of massage therapy. 	<p>Five hours of continuing education shall be granted is earned for participating on a</p>

	<ul style="list-style-type: none"> • A committee dealing with utilization review as it relates to the practice of massage therapy. • A health care organization committee dealing with patient care issues related to the practice of massage therapy. <p>If audited, the licensee shall must submit a letter from an organization official verifying the licensee's participation on the committee.</p>	committee. A maximum of 10 hours of continuing education may be earned for this activity in each renewal period.
9	<p>Providing clinical supervision for students at a supervised student clinic as set forth in R 338.701(i).</p> <p>To receive credit, this activity shall not be part of the licensee's regular job description.</p> <p>If audited, the licensee shall submit a letter from an authorized official at the agency employing the licensee verifying the licensee's role and the number of supervision hours the licensee provided.</p>	<p>One hour of continuing education shall be granted for each 50 to 60 minutes of supervision provided. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.</p>
10 (i)	<p>Participating in peer supervision or consultation with professional colleagues.</p> <p>If audited, the licensee shall must submit an affidavit from the colleague that was involved in the peer supervision or consultation. The affidavit shall must attest to the licensee's role and the number of hours the licensee spent participating in these activities.</p>	<p>One hour of continuing education shall be granted is earned for each 50 to 60 minutes of participation. A maximum of 6 hours of continuing education may be earned for this activity in each renewal period.</p>
11 (j)	<p>Participating in case conferences, including multidisciplinary conferences, for training purposes.</p> <p>If audited, the licensee shall must submit a letter from the administrative or clinical supervisor verifying the types of conferences and the number of hours the licensee spent participating in the conferences.</p>	<p>One hour of continuing education shall be granted is earned for each 50 to 60 minutes of participation. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.</p>
12 (k)	<p>Providing individual supervision for a student in supervised curriculum beyond the hours required by R 338.722. Supervision provided as part of a disciplinary sanction may be included under this activity.</p> <p>If audited, the licensee shall must submit an affidavit from the student who received the supervision. The affidavit shall must attest to the licensee's role as a supervisor and the number of hours the licensee spent providing</p>	<p>One hour of continuing education shall be granted is earned for each 50 to 60 minutes of supervision provided beyond the hours of supervision required per month. A maximum of 6 hours of continuing</p>

	supervision to the student.	education may be earned for this activity in each renewal period.
13 (l)	<p>Participation in a panel discussion relevant to the practice of massage therapy in an approved continuing education program or an organized health care setting.</p> <p>If audited, the licensee shall must submit documentation from the organizer of the panel discussion verifying the topic of the panel discussion and the number of hours the licensee spent participating in the discussion.</p>	One hour of continuing education shall be granted is earned for each 50 to 60 minutes spent participating in the panel discussion. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.
14 (m)	<p>Maintenance of Obtaining a new or participation in training to maintain a current cardiopulmonary resuscitation or bloodborne pathogen certification. (cpr) earned.</p> <p>If audited, the licensee shall must submit a copy of a certificate of completion showing the licensee's name, number of continuing education hours earned, sponsor name, and the date on which the program was held or activity completed.</p>	One hour of continuing education shall be granted is earned for each 50 to 60 minutes of participation. A maximum of 4 hours of continuing education may be earned for this activity in each renewal period.

PART 5. STANDARDS OF PRACTICE PROFESSIONAL ETHICS

R 338.751 ~~Prohibited conduct~~ **Professional Ethics.**

Rule 51. ~~Prohibited conduct includes, but is not limited to, the following acts or omissions by an individual licensed under these rules~~ **A licensee must maintain professional boundaries and exercise professional ethics in all interactions including, but not limited to the following:**

(a) ~~The licensee must provide high quality care within~~ **Practicing outside of the boundaries of the licensee's professional competence, based on education, training, and experience. This includes, but is not limited to, the licensee only providing massage therapy services without ensuring that ensure the safety, comfort, and privacy of and benefit to the client. The licensee should refer the client to other healthcare professionals when appropriate for the client's health and well-being.**

(b) **The licensee must respect the client's right to modify or discontinue any massage therapy treatment at any time.**

~~(b) (c)~~ **(c) The licensee must not engage** ~~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.~~

~~(d) The This requirement does not prevent a licensee from terminating~~ **must terminate a massage therapy session with someone or refusing to treat any person a client who suggests or requests that the licensee engage in conduct that is inappropriate, unsafe, or unethical.**

~~(e) (e) The licensee must not solicit~~ ~~Soliciting or engaging~~ **engage** in a sexual relationship **conduct** with a current client, supervisee, or student.

~~(d) (f) The licensee must not exploit~~ ~~Exploiting~~ a current or former client, supervisee, or student to further the licensee's personal, religious, political, business, or financial interests.

R 338.752 Client records.—Rescinded.

~~—Rule 52. (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 satisfies 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) In addition to complying with the requirements of this rule, a licensee shall retain client records as required under section 16213 of the code, MCL 333.16213.~~