



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

MICHIGAN BOARD OF MASSAGE THERAPY RULES COMMITTEE WORK GROUP MEETING

MINUTES APRIL 6, 2020

The Michigan Board of Massage Therapy Rules Committee Work Group, met on April 6, 2020. The meeting was held via teleconference, pursuant to Executive Order 2020-15.

CALL TO ORDER

Dena Marks, Senior Policy Analyst, called the meeting to order at 8:00 a.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: Jessica Carter – American Massage Therapy Association of Michigan
Mike Krombeen – American Massage Therapy Association of Michigan
Illyan Velez - Self

WELCOME

Marks went over what types of items could go into the rules. She stated that the statutory references that provide authority to draft the rules are listed at the top of the rules draft. MCL 333.16287 was added to the draft as that provided authority for the telehealth rule.

Marks explained the plan for the flow of the meeting.

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

R 338.701 Definitions.

Marks stated that she removed redundant rules and those that are covered under the statute.

Wiley asked for clarification as to why the rules were being worked on.

Marks stated that education has been a point of contention from the schools and clarification needed to be provided within the rules. She also stated that the Department is moving the English proficiency requirement to the Public Health Code General Rules. Marks stated that some of the licensing information has been placed into a chart in order to provide clarification.

Subrules (1)(b): Marks stated that the content in this rule was removed as it is covered under the statute.

New Subrule (1)(b): Marks stated that the statutory reference was added for clarification of where the “Code” can be found.

New Subrule (1)(d): Marks stated that this was left in the definitions section in order to clarify that students should be working on individuals outside of the school setting, not one another.

New Subrule (1)(e): Marks stated that this definition was added to fulfill the addition of MCL 333.16287, telehealth requirements.

Gennety stated that the removal of redundant definitions provides clarity. The definition of “telehealth” was necessary since it is new to the rule set.

Wiley asked if the removed definitions could be found within the statute. She did not want individuals to have to search too much to find necessary information.

Marks stated that some were removed and some were reorganized to the appropriate section of the rules where they apply.

Wiley stated that it might be helpful to leave the old subrule (1)(b) regarding “classroom instruction.” Savoyat agreed.

Stout asked for clarification of the definition of telehealth.

Marks read the definition of telehealth from the statute.

Stout asked how telehealth was applicable to massage therapy.

Gennety stated that she has received requests for massage therapy since the Executive Order closed offices due to COVID-19.

Marks read the statutory definition of massage therapy that included language regarding structured touch.

Krombeen stated that the Public Act exempts self-care by a patient.

Marks stated that the rule will include wording to use the same level of care when advising through telehealth that is used when in person.

Gennety asked if the statute required telehealth to be included in the rules.

Marks stated that MCL 333.16287 required telehealth to be included within the rules.

Wiley stated that including telehealth in the rule sets a standard for those that are providing telehealth and protects the public. Savoyat agreed.

Marks stated that the standard is defined in statute.

Gennety stated that this is being added in order to protect the public from a service that is probably already being provided.

The Rules Committee agreed to remove the telehealth definition as it is defined in statute.

Krombeen agreed with removing the telehealth language as it was duplicative of statute.

R 338.702 Telehealth.

Marks read the rule. She stated that this rule is now required by statute.

The Rules Committee agreed to adding the new rule.

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; requirements.

Marks stated that dates were added in order to clarify the course work hours that were required prior to the change in the rule.

Subrule (1): Marks stated that the definition of “Supervised curriculum” was moved to this section.

Subrule(2): Marks stated that this provision was for students enrolled prior to August 1, 2017.

Subdivision (2)(a)(i): Marks stated she added “for members of the public” for clarity.

Subdivision (2)(b): Marks stated that she removed the statutory reference as it included requirements that went into effect on January 10, 2020.

Subrule (3): Marks stated this provision was for students who are not subject to the rules that went into effect January 10, 2020 but were enrolled on or after August 1, 2017.

Subdivision (3)(b)(iv): Marks stated that this reflects the discretionary hours that are new to the rule.

The Rules Committee agreed to the language as presented.

The Public also agreed.

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

Marks stated that this new rule was for those that are subject to the new rule, one year after promulgation.

Subrule (1): Marks stated that the definition of “supervised curriculum” was included here because it is different than how it is defined for R 338.722.

Wiley stated that the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) does not approve massage schools. It only approves continuing education.

Marks stated that the NCBTMB refers to schools as being assigned.

Wiley stated that the school is assigned a number for examination purposes, not a curriculum approval program.

The Rules Committee agreed to the language as presented.

The public also agreed.

Krombeen asked if this rule was just added dates for clarification, not a change in curriculum.

Marks confirmed.

R 338.724 Supervised student clinic; requirements.

Subrule (1): Marks read the rule, highlighting changes that were made for clarification.

The Rules Committee agreed to the changes as presented.

Marks stated that Provision (2)(b) was referenced in R 338.722(2)(a)(i) for clarification of the term faculty member.

R 338.726 Educational standards; adoption by reference.

Marks stated, that based on Wiley's statement about NCBTMB, she would research the standards they set for education.

Wiley stated that NCBTMB's website stated that numbers are assigned for the purpose of taking the examination. However, in order to obtain a number, the school must have a curriculum of at least 500 hours with specific areas of study.

Marks stated that she would organize the NCBTMB information and provide it to the Rules Committee for discussion at the next Rules Committee Work Group meeting.

Wiley asked if other professions have modified public interaction within schools since COVID-19.

Marks stated that changes cannot be made to statutory requirements.

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

Subrule (3): Marks stated that language was inserted to clarify when the training on identifying human trafficking was required.

The Rules Committee agreed with the language change as presented.

Subdivision (1)(b)(iv): Savoyat questioned whether reading was acceptable training.

Marks stated that acceptable documentation would have to be provided in order to receive credit.

R 338.736 Foreign-trained applicants; licensure; requirements.

Subrule (a): Marks stated that R 338.722a was added for reference.

Marks indicated that Provision (c) was removed as the Department is placing the English proficiency language into the Public Health Code - General Rules for all health professions.

Stout asked if the English proficiency rule is the same for all professions.

Marks indicated that it would be. She will bring the proposed language to the next Rules Committee Work Group meeting for the Rules Committee to review. The new rule will allow for multiple options.

R 338.737 Licensure by endorsement; requirements.

Subrule (1): Marks stated that language was added to this rule in order to clarify that in order to apply for licensure by endorsement, the individual needed to hold “an active massage therapist license or registration in another state” The statutory language for massage therapy is slightly different than for other health professions.

Subrule (3): Marks stated that this provision was added in order to incorporate the “5-year” requirement.

Marks asked if the Rules Committee would like to change the wording to refer to “3 years” as that is typically one renewal cycle.

The Rules Committee agreed to the language and modified the language to “3 years.”

Subrule(4): Marks stated that changing Subrule (3) to “3 years” would require this subrule to be changed as well.

Subdivision (4)(a): Marks pointed out where a reference to R 338.722a was added.

Subdivision (4)(b): Marks stated that “3” would need to be inserted and “application” needed to be changed to read “licensure by endorsement.”

Marks stated that the Rules Committee needed to keep in mind how long an individual had been licensed/registered and when they might have been in school.

Krombeen asked if there was a recommendation in the statute.

Marks stated that the statute allows for the Board’s discretion.

Wiley asked if the rule was referring to actively licensed/registered individuals.

Marks stated that endorsement requires the individual to be actively licensed/registered.

Marks stated that there are some jurisdictions that do not require an examination in order to obtain licensure.

The Rules Committee agreed with using “3 years.”

ADJOURNMENT

Marks stated that another Rules Committee Work Group will be set up to continue to work on rules, beginning with R 338.738.

Marks adjourned the meeting at 9:16 a.m.

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

Date: April 20, 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 that term as defined in section 17959(3)(a) of the code, MCL 333.17959.~~

~~(e) (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.~~

~~(d) (g) "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 ~~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 ~~shall~~ **must** be held on school premises. A maximum of 20 supervised clinic hours may be held off school premises.

(b) The clinic shall ~~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 ~~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 ~~shall~~ **must** not exceed 15 students to 1 supervising massage therapist.

(3) A supervising massage therapist shall ~~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. ~~Ncetmb 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 0-3 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 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 a current cardiopulmonary resuscitation (cpr) card.</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.~~