

# *Massachusetts Regulations Governing Massage Therapy*

## 269 CMR 1.00: Reserved

## 269 CMR 2.00: Definitions

As used in 269 CMR, the following definitions shall apply:

**Board:** The Board of Registration of Massage Therapy as established by M.G.L. c. 13, §98.

**Division:** The Division of Professional Licensure.

**Licensed Massage School:** A facility which is licensed by the Board after meeting minimum standards for training and curriculum, as determined in accordance with §§ 228 to 236, inclusive.

**Licensed Massage Therapy Salon:** A place, office, clinic or establishment licensed by the Board to offer Massage services.

**Licensee:** A person or entity holding a license issued pursuant to M.G.L. c. 112, §§ 227 through 235.

**Massage:** The systematic treatment of the soft tissues of the body by use of pressure, friction, stroking, percussion, kneading, vibration by manual or mechanical means, range of motion for purposes of demonstrating muscle excursion or muscle flexibility and nonspecific stretching. Massage therapy may include the use of oil, ice, hot and cold packs, tub, shower, steam, dry heat or cabinet baths, in which the primary intent is to enhance or restore the health and well-being of the client. Massage therapy shall not include diagnoses, the prescribing of drugs or medicines, spinal or other joint manipulations or any services or procedures for which a license to practice medicine, chiropractic, occupational therapy, physical therapy or podiatry is required by law. For purposes of these regulations, the use of the term "Massage" shall also mean the term "Massage therapy".

**Massage Therapist or Massage Practitioner:** A person licensed by the Board who instructs or administers Massage or Massage therapy for compensation. For purposes of these regulations, the use of the term "Massage Therapist" shall also mean the term "Massage Practitioner".

**Unrelated:** A person who is not a family member by blood or by a legally recognized relationship.

# 269 CMR 3.00: Individual Licensure

- 3.01 Application and Licensing
- 3.02 Procedures for Renewal of a License and Renewal of a Lapsed/Expired License
- 3.03 Procedures for Reinstatement of a License which has been Revoked, Suspended, Surrendered or Placed on Probation
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- 3.05 Communication with the Board; Notification of Change in Name or Address
- 3.06 License Fee
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- 3.08 Reimbursement of Fees

## 3.01 Application and Licensing

(1) Application.

(a) Application for licensure must be made in the manner prescribed by the Board.

(b) No application shall be acted upon by the Board unless said application is made on forms which are furnished by the Board, and unless said application is completely and properly filled out in the manner prescribed by the Board, attested to under the pains and penalties of perjury, and accompanied by such other information that the Board may require.

(c) Incomplete applications will be held open for one hundred and eighty (180) days.

(2) Licensure.

With the exception of those provisions in subsections (3) and (4) of this section, in order to be licensed as a Massage Therapist, applicants must meet the requirements for licensure set by M.G.L. c. 112, §227-235, to wit:

(a) Possess a high school diploma or its equivalent.

1. An equivalent shall include a General Equivalency Diploma ("GED"), or a transcript from a regionally-accredited institution of higher education, or, in the discretion of the Board, similar documents from foreign jurisdictions;

(b) Be at least 18 years of age;

(c) Provide the Board with two letters of professional reference, of which:

1. One letter shall be from an employer in the Massage therapy or medical field, Massage therapy educator, Massage Therapist, or health care provider with whom the applicant has had a professional relationship who should address the applicant's competency and integrity; and

2. One letter shall be from any, Unrelated individual who should attest to the applicant's business or professional integrity;

(d) Be of good moral character as set forth in Section 3:04;

(e) Have successfully completed a Board-approved course of study.

1. For those individuals who apply for licensure prior to May 1, 2010, the course of study shall include a minimum of 500 classroom hours or an equivalent number of credit hours of supervised instruction at a Licensed Massage School. (NOTE: For schools that are not licensed, the Board, in its discretion, shall determine whether the school curriculum is adequate. Distance learning shall not be accepted by the Board as an approved course of study.)

2. For those individuals who apply for licensure after May 1, 2010, the course of study shall include a minimum of 650 classroom hours or an equivalent number of credit hours of supervised instruction at a Licensed Massage School.

a. At a minimum, the 650 course of study shall include 550 hours of academic courses, including 100 hours in the Anatomy and Physiology of the Body; 50 hours in Pathology; 50 hours in Kinesiology; 300 hours in (Supervised) Massage Theory and Technique; and 50 hours in Ethics, Professionalism and Business Practices. Additionally, the 650 hour course of study shall include 100 hours of unpaid, supervised, clinical or internship experience;

(f) Have not been convicted, in any jurisdiction, of a sexually-related crime or a crime involving moral turpitude for a period of 10 years immediately prior to the date of application;

(g) Provide proof of coverage by a professional liability insurance policy of at least \$2,000,000 per occurrence and at least \$3,000,000 aggregate; and

(h) Pay the non-refundable fee as established by the Secretary of Administration and Finance pursuant to M.G.L. c. 7, §3B.

(3) "Grandfathering" Licensure.

(a) For applications received prior to May 1, 2008, the Board, in its discretion, may grant a license to an applicant if the Board determines that the applicant's combined professional and education credentials qualify the applicant for licensure and the applicant meets the requirements of 269 CMR §§3.01(2)(a), 3.01 (2)(b), 3.01 (2)(c), 3.01 (2)(d), 3.01 (2)(f), 3.01(2)(g), and 3.01(2)(h), and

1. The applicant submits evidence satisfactory to the Board of at least 500 hours of paid professional practice in the field of Massage therapy provided within the five years prior to application; or
2. The applicant has been validly authorized to practice Massage therapy by a municipality within the Commonwealth within the two years prior to the date of application. Valid authorization shall not include temporary licensure; or
3. The applicant submits proof of the passage of either the National Certification Examination for Therapeutic Massage (NCETM) or the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB), both of which are administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB).

(4) Reciprocal Licensure.

(a) The Board, upon receipt of the required, non-refundable fee and a completed, Board-approved application, pursuant to M.G.L. c.112, § 230, may issue a reciprocal license without examination to any person who holds a license, certification or registration as a Massage Therapist, or the equivalent thereof, as determined by the Board, issued by another state or jurisdiction, provided that:

1. The requirements and standards for that license, certificate or registration are reasonably equivalent to or exceed the standards of the Commonwealth, as determined by the Board; and
2. The applicant meets the requirements of 269 CMR §§3.01(2)(a), 3.01 (2)(b), 3.01 (2)(c), 3.01 (2)(d), 3.01 (2)(f), 3.01(2)(g), and 3.01(2)(h).

### **3.02 Procedures for Renewal of a License and Renewal of a Lapsed/Expired License**

(1) Requirements for Renewal of a License.

(a) Licensees must renew their licenses every year. Each license originally issued to a Licensee shall be valid for a minimum of 12 months and shall expire on the 28th day of the Licensee's birth month. Each subsequent renewal shall be on the anniversary of that date.

(b) A Licensee must submit to the Board, or its agent, a completed written or electronic renewal application and the required fees prior to the expiration date of the license; and

(c) A Licensee must furnish the Board with satisfactory proof that he/she has not been convicted in any jurisdiction of a sexually-related crime or a crime of moral turpitude since the original application for licensure; and

(d) A Licensee must furnish the Board with satisfactory proof that he/she has adequate professional liability insurance; and

(e) A Licensee must fulfill and document the satisfactory completion of continuing education requirements as specified in 269 CMR 4.00 et seq.

(2) Procedures for Renewal of a Lapsed/Expired License.

(a) If a Licensee fails to meet the requirements for license renewal as set forth in 269 CMR 3.02(1), the license of such person shall be considered expired and not in good standing. A Licensee with an expired license shall not be permitted to use the title "Massage Therapist" or "Massage Practitioner" or practice Massage during the period in which the license is expired.

(b) If a former Licensee of this jurisdiction requests that an expired license be reinstated within five years from the date of expiration, that individual must pay all intervening renewal fees, the fee for the current licensure period, and one late fee. In addition, the individual must meet all continuing education contact hours required by the Board since the date the license was last issued/renewed. The individual also may be subject to disciplinary action for unlicensed practice, if he/she practiced massage without a license.

(c) If an expired license is not renewed within five (5) years of the date of expiration, the Licensee must apply for license re-issuance. The license will only be reissued if the applicant meets all of the Board's statutory and regulatory licensure requirements in existence at the time of re-application, pays all application fees in accordance with the procedures identified in 269 CMR 3.01, and completes all continuing education requirements for all renewal periods between the date of license expiration and the date of reapplication.

(d) For an individual who is licensed and practicing Massage in another jurisdiction, but whose license has expired in the Commonwealth, the Board, or its agent, shall consider, on a case-by-case basis, whether the continuing education requirements of the other jurisdiction are reasonably equivalent to those in the Commonwealth and, therefore, can be used as a basis for reinstatement of the expired license.

1. The Board, or its agent, shall consider, on a case-by-case basis, the overall competence of the individual. The Board may require the applicant to appear before the Board, and/or take an examination, and/or document continued professional competence, and/or practice under supervision prior to, or as a term or condition of reinstatement of the expired license.

2. For purposes of 269 CMR 3.02(2)(d), the fee for re-instatement of such a license shall be the same as the reciprocal license fee established by the Secretary of Administration & Finance.

### 3.03 Procedures for Reinstatement of a License that has been Revoked, Suspended, Surrendered, or Placed on Probation

Reinstatement of a license/removal of probation.

The procedures for reinstatement of a license after that license has been revoked, suspended, surrendered, or placed on probation shall be determined by the guidelines established by the Board or, in specific matters, by consent agreement, or by decision and order of the Board. In all cases, unless there is specific language to the contrary in the documentation of the action taken, the individual shall be required to petition the Board, in writing, for a change in license status. At the discretion of the Board, a personal appearance may be required. Said petitions and appearances will ordinarily be considered at a regularly scheduled Board meeting, at least sixty (60) days prior to the appropriate anniversary of the disciplinary action.

### 3.04 Good Moral Character Requirement

(1) An application for licensure as a Massage Therapist or Massage Practitioner shall be accompanied by such written documentation as the Board may reasonably require in order to determine whether the applicant is of "good moral character".

(2) Conduct which reasonably raises a question about whether an applicant possesses the "good moral character" required for registration includes, but is not limited to, any of the following:

(a) Conviction of any criminal offense, other than a routine traffic violation. The term "conviction" means any of the following:

(1) A final judgment entered after a jury verdict of guilty or a judicial finding of guilty; or

(2) A plea of guilty; or

(3) A plea of *nolo contendere* (no contest); or

(4) Any other plea or finding which is treated by the court as a plea or finding of guilty;

(b) Conduct that violates any of the provisions in the Code of Professional Ethics contained in 269 CMR 5.01; and

(c) Disciplinary action taken against any professional license, registration or certification held by the applicant by the applicable governmental authority of any state, territory or political subdivision of the United States or any foreign jurisdiction;

(3) If the Board receives information about an applicant for licensure that reasonably raises a question about whether that applicant is of "good moral character", the Board shall conduct a further inquiry into the relevant facts and circumstances before making a final decision on the application.

(a) Determinations about whether an applicant for registration possesses the "good moral character" required for licensure shall be made on an individualized, case-by-case basis.

(b) If the Board determines, in its discretion, that such steps are reasonably necessary, the Board may require the applicant to appear personally before the Board, and/or furnish additional written information to the extent permitted by applicable state or federal law.

(c) The burden of demonstrating that the applicant possesses the good moral character required for registration shall rest with the applicant.

### **3.05** Communication with the Board; Notification of Change of Name or Address

(1) Official mailing address.

The mailing address supplied to the Board by the Licensee will suffice as the legal address for the receipt of official process or notification from the Board. Failure to supply the Board with an official address for the receipt of legal process or other Board notifications may result in a default judgment or independent disciplinary action taken as a result of this failure.

(2) Change of Name or Address.

The Licensee shall notify the Board of any change in name or address. Such notification shall be in writing or electronically and shall be submitted within thirty (30) calendar days of the change in name or address.

(3) Responding to the Board.

A Licensee shall respond within thirty (30) calendar days, unless otherwise indicated, to a written communication from the Board, or its designee, and shall make available to the Board any relevant and authorized records with respect to an inquiry or complaint about the Licensee's professional conduct. The 30-calendar day period commences on the date the Board sends the communication by regular mail to the Licensee's last known address.

### **3.06** License Fee

License fees are set by the Secretary of Administration and Finance of the Commonwealth of Massachusetts, consistent with M.G.L. c. 7, § 3B.

### **3.07** Late Filing Fee

Renewal forms and fees received after the due date will be subject to a late filing fee set by the Secretary of Administration and Finance, consistent with M.G.L. c. 7, § 3B.

### 3.08 Reimbursement of Fees

Application and license fees are not refundable.

### 269 CMR 4.00: Continuing Education

Under development

## 269 CMR 5.00: Code Of Professional Ethics & Standards Of Professional Practice

- 5.01: [Code of Professional Ethics](#)
- 5.02 [Standards of Professional Practice](#)
- 5.03 [Standards for Documentation](#)
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### 5.01: Code of Professional Ethics

1. A Massage Therapist shall:

- (a) Represent his or her educational and professional qualifications honestly to all clients and the public;
- (b) Inform clients of the limitations of the Licensee's practice;
- (c) Consistently take measures to improve professional knowledge and competence by a regular assessment of personal and professional strengths and weaknesses through continuing education training;
- (d) Communicate honestly, including, but not limited to, respecting the client's right to treatment with informed and voluntary consent, either verbal or written, and to refuse, modify, or terminate treatment regardless of prior consent;
- (e) Keep the client well informed of procedures and methods that will be employed during the session;
- (f) Maintain the confidentiality of all client information, unless law or court order mandates disclosure;
- (g) Respect the inherent worth and act in the best interest of all clients;
- (h) Respect the client's autonomy;

- (i) Take precautions to do no harm to the physical, mental, and emotional well being of clients and associates;
- (j) Respect the client's physical, emotional social and intellectual boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and client's reasonable expectations of professional behavior;
- (k) Maintain the right to refuse to treat any person in order to protect the mental, physical, emotional and professional boundaries and safety of the practitioner;
- (l) Conduct all business and professional activities with honesty and integrity;
- (m) Not engage in an interest, activity, or influence that conflicts with the practitioner's obligation to act in the best interest of the client;
- (n) Refuse to accept gifts or benefits that are intended to influence a referral or treatment or that are purely for personal gain and not for the good of the client; and
- (o) Report to the Board if the Massage Therapist has first-hand knowledge or evidence indicating any unethical, incompetent, or illegal act has been committed by another Licensee.

## 5.02 Standards of Professional Practice

When engaged in the practice of Massage, a Massage Therapist shall:

- (a) Perform a written or verbal intake interview with the client to determine whether any contraindications to Massage therapy exist and whether modifications, including pressure, technique, and duration of treatment, are appropriate;
- (b) Acknowledge the limitations of, and contraindications for, Massage therapy;
- (c) Provide only those services that the Licensee is qualified to perform and that are within the scope of practice of a Massage Therapist;
- (d) Refer the client to other professionals or services if the treatment or service is beyond the Massage Therapist's scope of practice;
- (e) If a plan of care or treatment is appropriate, explain the plan to the client, to others designated by the client, and to appropriate professionals with client permission;
- (f) Provide Massage therapy services that meet or exceed the generally-accepted practice of the profession;
- (g) Practice Massage therapy in accordance with accepted safe, sanitary and hygienic standards, including, but not limited to, following all standards of practice for disease control;

- (h) Receive the written permission of either a parent or guardian for providing Massage therapy services to a client under 18 years of age prior to providing those services;
- (i) Provide Massage therapy services to a client under 18 years of age only when a responsible adult chaperone is in the room;
- (j) Not perform Massage therapy in bars and/or adult entertainment facilities;
- (k) Not initiate or engage in any behavior that is sexually suggestive or engage in any sexual conduct or activities with a client;
- (l) Not use any sexually suggestive language or images in advertising;
- (m) Unless prohibited by law, have the right to refuse to treat any person or part of the body at the Licensee's discretion;
- (n) Unless prohibited by law, be allowed to pool or apportion fees received with other members of a business entity in accordance with any business agreement; and
- (o) Adhere to the standards of documentation as provided in 269 CMR 5.03 et seq.

### **5.03 Standards for Documentation.**

1. The Massage Therapist and client shall agree upon the purpose of the Massage session;
2. No documentation is required if the Massage session is for general relaxation, given during sports or other kind of events, or given during a public demonstration as in chair Massage, unless the client is under 18 years of age. If the client is less than 18 years of age, the therapist must obtain written permission of either a parent or a guardian for the minor client's receipt of Massage therapy;
3. If a written plan of treatment is requested or required, the client file shall include the following documentation:
  - (a) The initial evaluation, which shall include:
    1. The client's name, age, and gender;
    2. Date of the session;
    3. Pertinent medical history, including, but not limited to:
      - a. Client sensitivities and allergies;
      - b. Medical diagnoses, if available, and the source of the diagnosis;
      - c. Contraindications; and
      - d. Medications as disclosed by the client.

(b) Progress notes signed by a Massage Therapist rendering the Massage therapy, which shall include:

1. Subjective information, including the area of complaint as stated by the client and the date of onset;
2. Objective information, including any observations and objective testing, if applicable;
3. Ongoing assessments, if applicable;
4. Actions taken by the Massage Therapist;
5. Client response to Massage therapy treatment.

(c) A plan of treatment, if applicable, consisting of:

1. Goals or desired outcome of the treatment;
2. Modalities to be rendered;
3. Frequency and duration of treatment;
4. Referral to other professionals, if indicated; and
5. Client self-help education and instruction.

## 269 CMR 6.00: Facility Licensure

Under development

## 269 CMR 7.00: School Licensure

Under development

### **REGULATORY AUTHORITY**

M.G.L.c. 13, §13; c. 112, §§61-65E and §§227-235.