



**COLORADO**

Department of  
Regulatory Agencies

Division of Professions and Occupations

Healthcare Branch  
Office of Massage Therapy Licensure

## Office of Massage Therapy Licensure

### Stakeholder Meeting Notice for the First Round of Rulemaking to Clarify Existing Rules and to Implement the Age Requirement in [House Bill 16-1320](#).

Monday, July 18, 2016, 1 p.m.

1560 Broadway, 110D, Denver, 80202

The Director will provide a webcast of this Stakeholder Meeting.\* Please register to participate in the meeting via [webinar](#) at <https://attendee.gotowebinar.com/register/4818205464102293761>.

#### What is this about?

The Director of the Office of Massage Therapy Licensure (Director) will be considering revisions to clarify the MASSAGE THERAPY LICENSURE RULES AND REGULATIONS (3 CCR 722-1) and to consider rule changes necessitated by the passage of House Bill 16-1320. The discussion will encompass draft versions of rules one through six. Specifically, requirements for minimum age, exams, endorsement & reinstatement applications, and hour & coursework for massage therapy schools. The current version of the [Director's rules](#) is available on our website and through the Colorado Secretary of State. Draft versions of rules one through six are attached to this notice. [House Bill 16-1320](#) is available on the website of the Colorado General Assembly. (Future meetings will address other parts of HB 16-1320 and associated rules.)

#### Why does the Director need my help?

We need your help to identify the effects draft revisions might have on the practice of massage therapy and/or its effects, positive or negative, on outcomes for the consumer. We will use this feedback to make further revisions and additions to draft rules for consideration during the formal rulemaking proceeding. Your opinions and recommendations will help shape revisions made to the Director's Rules.

#### How do I submit my comments and what is the deadline?

We will hold a Stakeholder meeting on Monday, July 18, 2016 at 1:00 pm at 1560 Broadway, Room 110D, Denver, 80202. Stakeholder input will be limited to aforementioned rule revisions under consideration. In addition, you may email your written comments to [andreae.faley@state.co.us](mailto:andreae.faley@state.co.us). To ensure consideration of your comments before the proposed draft is presented to the Board, we must receive your comments by 5:00 p.m. on Thursday, July 14, 2016.

#### Will my comments become part of the official record for the anticipated rulemaking?

1560 Broadway, Suite 1350, Denver, CO 80202 P 303.894.7800 F 303.894.7693 [www.dora.colorado.gov/professions](http://www.dora.colorado.gov/professions)



Yes, we will incorporate your comments into the official rulemaking record. Our office will identify your comments as information received to support the development of the proposed draft rule revision.

**May I invite others?**

YES! If you know of any person or persons who may be interested in providing feedback, please do not hesitate to forward this information.

**What if I need additional information?**

If you have any questions or concerns about stakeholder input for these rules, please contact Andrea E. Faley, Program Director, at 303-894-7754 or [andreae.faley@state.co.us](mailto:andreae.faley@state.co.us). Additional information will be posted on the [Office of Massage Therapy Licensure website](#), should such information become available prior to the meeting.



DRAFT AMENDED MASSAGE THERAPY RULES 1 THROUGH 6  
*FOR DISCUSSION PURPOSES ONLY*

**RULE 1 - Questions for Stakeholders:** What should the director require to implement the age requirement in HB 16-1320? What changes, if any, should the director make so as to clarify the application requirements? Should an applicant be required to have taken an approved exam within a certain period of time before applying?

**Rule 1 Application for Licensure**

The purpose of this rule is to specify the form and manner of an application for massage therapy licensure, as required by §§ 12-35.5-107(1)(~~e~~), (~~d~~) and (~~e~~), and 12-35.5-107(2), C.R.S.

A. An applicant for licensure must:

1. Submit a completed application for licensure on forms provided by the Director.;
2. Submit with the application all fees established by the Director pursuant to § 12-35.5-107(1)(d), C.R.S.;
3. Submit an official certificate or transcript in the form and manner required by the Director detailing 500 hours of coursework and clinical work from an approved massage school as defined in Rule 2.
  - a. If a program or institution granting credit is no longer in operation, the Director may approve a copy of a certificate of completion, transcript or diploma if the documentation meets the program hour requirements set out in Rule 2.
4. Submit, in the form and manner required by the director, proof of passing one of the examinations as detailed in Rule 3. The applicant must have passed the exam within the last two (2) years prior to date the application was submitted.
5. Submit proof that the applicant is at least 18 years old in the form and manner required by the director.
6. Sign the attestation that the information in the application is true and correct to the best of the applicant's knowledge and belief; failure to provide true and correct information may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado;
7. Sign the attestation that the applicant has obtained, and will maintain, professional liability insurance as required by § 12-35.5-116, C.R.S.;
8. Undergo a fingerprint-based criminal history record check as required by § 12-35.5-107(2), C.R.S., and in accordance with procedures set forth by the Director.; ~~and~~
9. Submit additional information as may be requested by the Director to fully and fairly evaluate the applicant's qualifications for licensure and to protect the public health, safety, and welfare.

**RULE 2 - Questions for Stakeholders:** Should the director specify the minimum coursework required for licensure? If so, what specific courses and how many hours should be required?

**Rule 2 Education and Training Requirements**

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The purpose of this rule is to provide additional guidance regarding the educational and training requirements for licensure set forth in §§ 12-35.5-103(3) and 12-35.5-107(1)(a), C.R.S.

A. An applicant for licensure must have successfully completed a massage therapy program from an approved massage school.

~~B. An applicant for licensure must have successfully completed at least five hundred (500) total hours of course work and clinical work from an approved massage school.~~

~~BC.~~ "Approved massage school" means:

1. A massage therapy educational school that has a valid certificate of approval from the Division of Private and Occupational Schools in accordance with the provisions of Article 59 of Title 12, C.R.S.;
2. A massage therapy educational program certified by the Colorado Community College System;
3. A massage therapy educational program that is accredited by a nationally recognized accrediting agency including but not limited to a massage therapy educational program that is accredited by an accrediting agency published by the U.S. Department of Education;
4. A massage therapy program at a school located in another state or territory of the United States if the school was approved by that state or territory's community college system or educational regulatory body at the time the applicant completed the program; or
5. A massage therapy program at a school located in a foreign country provided that:
  - a. The foreign-trained applicant submits his/her qualifications, credentials, and work experience to one of the following credentialing agencies for review:
    - i. International Education Research Foundation (IERF).
    - ii. International Consultants of Delaware, Inc. (ICD).
    - iii. A credentialing agency approved by the Director.
  - b. Failure to have a review completed by the credentialing agency pursuant to the terms of this subsection and the massage therapy application procedures identified by the Director may result in the Director denying the application.
  - c. The Director, in her discretion, may accept or refuse any recommendation made by the credentialing agency.

~~C. An applicant for licensure must have successfully completed at least five hundred (500) total hours of course work and clinical work from an approved school. The five hundred (500) total hours must include:~~

- ~~1. 125 hours of instruction in the body's systems and anatomy, physiology and kinesiology;~~
- ~~2. 200 hours of supervised hands-on instruction in massage and bodywork assessment, theory and application instruction, to include a minimum of 6 hours regarding proper draping technique;~~
- ~~3. 40 hours of pathology;~~

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4. 20 hours of business and ethics instruction, to include a minimum of 10 hours in ethics; and

5. 115 hours of instruction in an area or related field that theoretically completes your massage program of study.

~~D. An applicant who has completed a massage therapy program that is approved by the National Certification Board for Therapeutic Massage & Bodywork (NCBTMB) at the time the applicant completed the program shall be deemed to have met the education and training requirements for licensure set forth in Rule 2 (A) and (B), above.~~

**RULE 3 - Questions for Stakeholders:** Are there other exams besides these that the director should approve? Any which should be removed? Should the NCETM and NCETMB be removed as of 2/1/17, two years from the date NCBTMB quit offering examinations?

### **Rule 3 Examination Requirement**

The purpose of this rule is to delineate the examination requirement for licensure set forth in § 12-35.5-107(1)(b), C.R.S.

An applicant for licensure must pass one of the following examinations:

- A. The Massage and Bodywork Licensing Examination ("MBLEx") offered by the Federation of State Massage Therapy Boards;
- B. The National Certification Examination for Therapeutic Massage ("NCETM") or the National Certification Examination for Therapeutic Massage & Bodywork ("NCETMB") offered by NCBTMB; or;
- C. An examination approved by the Director.

**RULE 4 - Questions for Stakeholders:** Should endorsement applicants also be required to take an approved exam, and if so, within 2 years of applying? Are there other ways endorsement applicants should be able to show that the program in the other state, territory, or foreign country is substantially equivalent to Colorado's? What if applicants participated in substantially equivalent programs at the time that they became licensed in another state, territory or country, e.g., completed a massage therapy program of at least 500 hours at an approved school, but they cannot meet the new requirements as detailed in draft Rule 2 above? Should a minimum number of ethics hours be required for endorsement applicants showing continuing competency through continuing education? If so, how many ethics hours?

### **Rule 4 Licensure by Endorsement**

The purpose of this rule is to delineate the requirements for licensure by endorsement set forth in §§ 12-35.5-107(5) and 24-34-102(8)(e), C.R.S.

A. An applicant who currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state, territory or foreign country- can apply for licensure by endorsement, provided that:

1. The applicant submits satisfactory proof and certifies under penalty of perjury that the applicant currently possesses an unrestricted license or registration, in good standing, to practice massage therapy under the laws of another state or territory of the United States or a foreign country.

2. An applicant submits proof that the qualifications for massage therapy licensure or registration in another state, territory, or foreign country are substantially equivalent to those required by

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Colorado. The Director will determine that the qualifications for massage therapy licensure or registration in another other state, territory, or foreign country are substantially equivalent to those required by Colorado when:

- a. An applicant has completed a massage therapy program that is assigned a school code in good standing with NCBTMB at the time the applicant completed the program; or
- b. An applicant's education and training meets the requirements of Rule 2.

3. The applicant ~~has submitted proof~~ submits proof of experience and competency in massage therapy. For purposes of this rule, an applicant may demonstrate proof of experience and competency by providing either through:

a. Verification of ~~an~~ active massage therapy practice in that state for a minimum of 400 hours over ~~or in~~ a 12-month period during the two (2) years immediately preceding the date of application for licensure in Colorado. The work experience shall be attested to in a manner prescribed by the Director; ~~or;~~ or

~~b. 2.~~ Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for licensure in Colorado. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director. The Director will consider the following when determining approval of continuing education:

~~i. a.~~ Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.

~~ii. b.~~ Up to two (2) hours may be related to the promotion of practice building or office management.

~~iii. c.~~ Up to two (2) hours ~~may~~ must be related to ethics.

~~iv. d.~~ Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.

~~4. E.~~ The applicant must report any disciplinary actions taken against them in any other jurisdiction, the Director will review any disciplinary actions taken against the applicant pursuant to § 12-35.5-107(5)(d), C.R.S., failure to report disciplinary actions may result in disciplinary proceedings pursuant to § 12-35.5-112, C.R.S., including but not limited to revocation, suspension, or denial of an application to practice massage in Colorado.

B. In accordance with § 12-35.5-107(5), C.R.S., an applicant for licensure by endorsement must also meet the qualifications set forth in §§ 12-35.5-107(1) and 12-35.5-107(2), C.R.S. An applicant for licensure by endorsement must:

1. Submit a completed application for licensure by endorsement on forms provided by the Director.

2. Submit payment of all fees established by the Director pursuant to § 12-35.5-107(1)(d), C.R.S.

3. Submit proof of passing an examination as defined in Rule 3 in the form and manner required by the director.

4. Submit proof that the applicant is at least 18 years old in the form and manner required by the director.

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5. Sign the attestation that the applicant has obtained and will maintain, professional liability insurance as required by § 12-35.5-116, C.R.S.

6. Undergo a fingerprint-based criminal history record check as required by § 12-35.5-107(2), C.R.S., and in accordance with procedures set forth by the Director.

7. Submit additional information as may be requested by the Director to fully and fairly evaluate the applicant's qualifications for licensure and to protect the public health, safety, and welfare.

**RULE 5 - Questions for Stakeholders:** Should ethics also be required for reinstatement applicants who show continuing competency through continuing education? If so, how many hours? Should the director remove the option for supervised practice as a means of showing continuing competency? (It's never used.)

**Rule 5 Reinstatement of Expired License**

The purpose of this rule is to establish the qualifications and procedures for reinstatement of an expired license pursuant to §§ 12-35.5-108, 24-34-102(8)(d), and 24-34-105, C.R.S.

- A. An applicant seeking reinstatement of an expired license shall complete a reinstatement application and pay a reinstatement fee.
- B. If the license has been expired for more than two (2) years, but less than five (5) years, an applicant must demonstrate competency to practice as follows:
  1. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of an active massage therapy practice in that state for a minimum of 400 hours over ~~or in~~ a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director; or
  2. Proof of completion of twenty-four hours of continuing education related to the practice of massage therapy during the two (2) years immediately preceding the date of application for reinstatement. The continuing education must meet the approval of and shall be attested to in a manner prescribed by the Director. The Director will consider the following when determining approval of continuing education:
    - a. Courses must be directly related to the practice of massage as defined in § 12-35.5-103(7) C.R.S.
    - b. Up to two (2) hours may be related to the promotion of practice building or office management.
    - c. Up to two (2) hours ~~may~~ must be related to ethics.
    - d. Courses in practices which are outside the massage therapy scope of practice do not meet the requirements of this rule.
- C. If the license has been expired for more than five (5) years, an applicant must demonstrate competency to practice as follows:
  1. Pass an examination approved under Rule 3 within two (2) years immediately preceding submission of an application for reinstatement;



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~~2. Supervised practice for a period of no less than six (6) months, subject to terms established by the Director;~~

3. Verification of licensure or registration as a massage therapist in good standing from another state, along with proof of an active massage therapy practice in that state for a minimum of 400 hours over ~~or in~~ a 12-month period during the two (2) years immediately preceding the date of application for reinstatement. The work experience shall meet the approval of and be attested to in a manner prescribed by the Director; or

4. By any other means approved by the Director.

D. An applicant for reinstatement who has actively practiced in Colorado with an expired license in violation of § 12-35.5-108, C.R.S., is subject to denial of the application, disciplinary action, and/or other penalties as authorized in the MTPA, and in accordance with ~~§ 24-34-102 et seq.,~~ C.R.S.

**RULE 6 - Questions for Stakeholders:** Does the draft rule provide clarity as to appropriate student supervision requirements? Should the draft rule specifically allow student massage therapists to provide massage therapy services as part of an externship at any site where there is a licensed supervisor or should students be able to do so only on the premises of a spa that is part of a massage school? Should the licensure exemption for faculty members teaching non-clinical aspects of massage therapy (Rule 6.E) be removed?

#### **Rule 6 Supervision of Student Massage Therapists**

The purpose of this rule is to clarify the supervision requirements for students enrolled in a massage therapy program at an approved massage therapy school and providing massage therapy as a part of that program of study to complete the five hundred (500) hour requirement, as authorized by §§ 12-35.5-107(1)(a), 12-35.5-110(1)(a) and 12-35.5-103(3), C.R.S.

~~A. A massage therapy student may provide massage therapy services to clients in order to complete the five hundred (500) hour training requirement for licensure provided that the student is:~~

~~A. Currently enrolled in a massage therapy program at an approved school as defined in Rule 2;~~

~~B. Providing massage therapy services to clients as a part of that program of study;~~

~~C. Identified as a "student massage therapist" and not holding themselves out as a licensed massage therapist; and Students enrolled in such programs must be identified as "student massage therapists" and shall not hold themselves out as licensed massage therapists.~~

~~D. Practicing massage therapy under the immediate supervision of a licensed massage therapist.~~

~~1. For purposes of this rule, "immediate supervision" means the supervising massage therapist is present on the premises where the services are being performed and is available for immediate consultation to assist the person being supervised.~~

~~2. For purposes of this rule, "premises" means within the same building, massage therapy facility, or massage therapy training area and within close enough proximity to respond in a timely manner to an emergency or the need for assistance.~~

~~B. Student massage therapists may practice massage therapy only under the immediate supervision of a massage therapist holding a valid and current license.~~



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- ~~C. For purposes of this rule, "immediate supervision" means the supervising massage therapist (a) is present on the premises where the services are being performed; and (b) is available for immediate consultation and to assist the person being supervised in the services being performed.~~
- ~~D. For purposes of this rule, "premises" means within the same building, massage therapy facility, or massage therapy training area and within close enough proximity to respond in a timely manner to an emergency or the need for assistance.~~
- ~~E. Faculty members teaching nonclinical aspects of massage therapy are not required to be licensed massage therapists.~~

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