

Summary of Proposed Changes
 Rules for Massage Therapy in Arkansas

REVISION by Section	Supporting Information
§1 Massage Therapy Section	
<p>§ 1. Remove language “regulation”</p> <p>§ 2. Add language “Purpose – These Rules are prepared for the purpose of establishing standards to regulate the vocation of massage therapy, to provide for the licensing of persons to carry on and to teach such vocation, to regulate the conduct and sanitation of massage therapy clinics, Massage Therapy schools, and Massage Therapy postsecondary schools to prevent the spreading of communicable diseases and to provide penalties for violation thereof.”</p>	<p>Correct Rule to meet requirements of Act 315</p> <p>Better clarification of the Rules</p>
§2 Principles, Methods and Definitions	
<p>§ 1. – 7. Replace language “is defined as to means”</p> <p>§ 7. Remove language “who does not teach more than sixteen (16) clock hours in school curriculum”</p> <p>§ 8. Remove language “and Regulation.”</p> <p>§ 10. C. (v) Replace language “(a) Heliotherapy means to with” (vi) Move language “Therapist must demonstrate training in the use of electrical devices other than simple mechanical vibrators and present qualifications acceptable to the Department before using such devices.” (vii) Replace language “this chapter to the Massage Therapy Act”</p> <p>§ 10. D. (iv) Add language “ Piercing, lancing, or penetrating the skin”</p> <p>§ Add language “11. “Massage Therapy Act” means Arkansas Code § 17-86-101 et. Seq.”</p> <p>§ Add language “17. “NCBTMB” means National Certification Board of Therapeutic Massage and BodyWork.”</p> <p>§ Add language “18. “Passing grade” means score of seventy (70%) percent or better.”</p> <p>§ Add language “19. “Postsecondary massage therapy school” means a massage therapy school that: (A) Offers a postsecondary curriculum approved by the State Board of Health; and (B) Has an enrollment in which no more than fifty percent (50%) of its students do not have a diploma or the recognized equivalent of a high school diploma.”</p>	<p>Better Clarification of the definition</p> <p>Industry Concerns raised by subcommittee</p> <p>Correct Rule to meet requirements of Act 315</p> <p>Better Clarification of the definition</p> <p>Moved to educational requirements</p> <p>Better Clarification of the definition</p> <p>Better Clarification of the definition</p> <p>Better Clarification of the Rules</p> <p>Better Clarification of the Rules</p> <p>Better Clarification of the Rules</p> <p>Correct Rule to match Statute § 17-86-102</p>

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§3 Policies and Procedures	
<p>§ 1. Remove language “to accompany requests such as applications for licensure, licensing renewals, applications for upgrades to master, massage therapy instructor, continuing education program applications, school renewals, school and/or clinic inspections, and any other such forms and letters,”</p>	<p>Remove restrictive language</p>
<p>§ 2. Remove language “pre-determined” a. The MTTAC may adopt Robert’s Rules of Order or such procedures or methodologies, as it deems necessary.”</p> <p>§ 2. c. Remove language “for school and spa/clinic inspections”</p> <p>§ 2. c. Replace language “Article Four to Section 4.”</p>	<p>Remove restrictive language</p>
<p>§ 3. Remove language “Applications to the Department continuing education program courses and all r” “from members of the public” “by mail or email and postmarked or sent”</p> <p>Replace language “thirty (30) to fourteen (14)”</p>	<p>Remove restrictive language</p>
<p>§ 4. Remove language “and Regulations”</p>	<p>Correct Rule to meet requirements of Act 315</p>
<p>Add language § 6. “The MTTAC may deny, suspend, place on probation, or revoke a license if a licensee or applicant has pleaded guilty or nolo contendere to or been found guilty of any felony listed under Ark. Code Ann. § 17-2-102</p>	<p>Correct Rule to Statute § 17-2-102</p>
<p>§ 7. Replace language “Unless waived by the Department of Health, no applicant is eligible to receive or hold a license issued by the Department if the applicant has pleaded guilty or nolo contendere to or been found guilty of a felony or Class A misdemeanor or any offense involving fraud, theft, dishonesty, sexual misconduct, sexual solicitation, lewd behavior, child abuse or molestation, statutory rape, sexual assault, human trafficking, or other violent crime.</p> <p>a. The Department, at its sole discretion, and upon written request from the applicant, may consider waiver of the bar to eligibility to licensure as provided in Ark. Code Ann. § 17-86- 203(e)-(h).</p> <p>b. If the Department waives the bar to eligibility, the Department must submit the reasons for waiving the bar to eligibility in writing, and the determination and reasons shall be made available to members of the Department for review.</p> <p>To Pre-Licensure Criminal Background Check</p> <p>(A) Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual’s criminal record will disqualify the individual from licensure and whether a waiver may be obtained.</p> <p>(B) The individual must obtain the pre-licensure criminal background check petition form from the Department.</p> <p>(C)The Department will respond with a decision in writing to a completed petition within a reasonable time.</p>	<p>Correct Rule to meet requirements of Act 990</p>

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(D) The Departments response will state the reasons for the decision.

(E) All decisions of the Department in response to the petition will be determined by the information provided by the individual.

(F) Any and all decisions made by the Department in response to a pre-licensure criminal background check petition are not subject to appeal.

(G) The Department will keep and maintain a copy of the petition and response, which will be reviewed during the formal application process.

Add language § 8. Waiver Request:

(A) If an individual has been convicted of a felony listed in A.C.A. § 17-2-102, the Department may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by:

- (i) An affected applicant for a license; or
- (ii) An individual holding a license subject to revocation.

(B) The Department may grant a waiver upon consideration of the following, without limitation:

- (i) The age at which the offense was committed;
- (ii) The circumstances surrounding the offense;
- (iii) The length of time since the offense was committed;
- (iv) Subsequent work history since the offense was committed;
- (v) Employment references since the offense was committed;
- (vi) Character references since the offense was committed;
- (vii) Relevance of the offense to the occupational license; and
- (viii) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health and safety of the public.

(C) A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees. A request for waiver, if made by a licensee, must be in writing.

(D) The Department will respond with a decision in writing and will state the reasons for the decision.

(E) Appeals under this section will be subject to the Administrative Procedures Act §25-15-201 *et seq.*

§ 9. Remove language "Individuals who perform "rubdowns" or apply tanning lotions, oils, or apply other substances over the body of clients must hold a current massage license or a license from another discipline and are allowed to use only such procedures as are within the limits of their respective licenses and scope of practice. i. Each service performed without a massage license will constitute a violation of Ark. Code Ann. § 17-86-101 and may be subject to penalties under Ark. Code Ann. § 17-86-103.

Correct Rule to Statute § 17-2-102

Industry Concerns raised by subcommittee

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<p>§ 10. As a part of the original approval process, the Department considers only U.S. State-approved medical doctors, nurse practitioners and departments of health, and their equivalents, as qualified health care providers for purposes of certifying health compliance. A copy of the verifiable statement or health card issued by such providers indicating that the holder is free from contagious tuberculosis must be provided and meet the requirements of <i>Arkansas Code</i> 17-86-303(a) (6).</p>	<p>Industry Concerns raised by subcommittee</p>
<p style="text-align: center;">§ 4 Enforcement</p>	
<p>§ (A) Remove language “Complaint against a person, a clinic/spa, or massage therapy school or postsecondary massage therapy school.”</p> <p>§ Add language 1. “Consumer Information: (A) A copy of the most recent inspection sheet shall be posted in a conspicuous area. (B) All Massage Therapy schools, Massage Therapy postsecondary schools, Massage therapist licenses, Master massage therapist license and Massage instructor licenses and spa and clinic registration letter shall be conspicuously posted in a designated place in reception areas, outside individual work rooms, or in the clinic area. (C) A copy of the online complaint website and phone number for the Arkansas Department of Health Cosmetology and Massage Therapy Section shall be posted in a designated place in reception area, outside individual work rooms, or in the clinic area.”</p> <p>§ Add language 2. “Inspections: Initial, routine and complaint inspections are conducted to ensure compliance with the licensing law and rules. Any inspector shall have the authority to enter into and inspect any massage therapy spa, clinic or school at any time during business hours. Massage Therapy spas or clinics are inspected at least annually but not limited to, to ensure compliance with the licensing law and rules promulgated by the Board unless complaints are received by the Department. The inspectors examine licenses; inspect buildings and equipment; report violations of the law or rules; investigate complaints; - and perform initial inspections of new spas, clinics and schools.”</p> <p>§ Add language 3. “Complaints:”</p> <p>§ Add language 3. “ (A) and who practices massage therapy, massage therapy”</p> <p>§ Remove language 3. (A) “licensed by the Board”</p> <p>§ Remove language 3. (B) “The accusations must be in writing, signed by the accuser, and verified under oath.”</p> <p>§ Remove language 3. (C) “one (1) member of the MTTAC with assistance of”</p> <p>§ Add language 3. (D) “ The Department has the authority to investigate all such written complaints, investigate and refer to MTTAC any information that comes to their attention</p>	<p>Remove repetitive language</p> <p>Rule for transparency of health and safety consumer information</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p> <p>Moved for clarification of Rule for better understanding</p>

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<p>constituting reasonable belief that a violation of the Law or rule has occurred.”</p> <p>§ Add language 4. “Hearings”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ 5 Licensing and Renewals</p>	
<p>§ Remove language 2. “the Federation of the State Massage Therapy Board Massage Therapy and Bodywork Licensing Exam (MBLEx)</p>	<p>Better flow and ease for reciprocity candidates</p>
<p>§ Add language 2. “(A) Federation of State Massage Therapy Board Massage and Bodywork Licensing Exam (MBLEx) (B)National Certification Examination for Therapeutic Massage (NCETM) (C) National Certification Examination for Therapeutic Massage & Bodywork (NCETMB)”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ Replace language 3. “choose specific exams to approve additional exams that are equivalent to those listed in Section 5, number 2.”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ Remove language 4. A., b., 1. a., “a. The Department determines the location for practical examinations b. Guidelines for massage and draping techniques will be tested at all locations. 1. The Department will be testing the draping of unclothed clients. a. However, exceptions may be allowed for documented medical or religious reasons.”</p>	<p>Clarification of Rule for better understanding</p>
<p>§ Move language 5. “Every massage therapy license, active or inactive, is valid for a period of two (2) years and expires on the licensee’s birthday. a. The licensee must submit the following for renewal of his or her license: a completed license renewal application, payment of the appropriate fees and documented proof of no fewer than eighteen (18) hours of continuing education that have been approved in accordance with Article Six. b. A renewal application must be postmarked on or before the first day of the month preceding the month in which the licensee’s birthday falls in the biennial renewal year. <i>Example: Joe’s birthday is June 14th and his license expires in 2011. His renewal application must be postmarked on or before May 1, 2011.</i> c. A renewal application postmarked after the first day of the month preceding the month in which the licensee’s birthday falls shall be charged a late fee of twenty-five dollars (\$25.00) in addition to renewal fees. d. A license is expired if application is postmarked after the birthday of the licensee in the biennial renewal year. (1) Before the Department issues a new license to an applicant with an expired license, the applicant shall: (a) Submit a new application that requires the applicant to meet current requirements; and (b) Successfully complete an examination recognized by the Department of Health.</p>	<p>Moved Rule for better understanding and flow</p>

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<p>§ Move language 6. Renewal application forms will be mailed out the first of the month preceding the month they are due.</p> <p>§ Move language 7. Any individual licensee who is currently not practicing and wishes to place his or her license on the inactive list shall: a. Submit a renewal application for inactive status every two (2) years, even if remaining inactive. b. Surrender his or her current license to the Department of Health office. c. Not practice massage therapy during the time licensee is on the inactive list. d. Not remain on the inactive list for a period to exceed four (4) years without reexamination. e. An individual who has been placed on the inactive list for fewer than four (4) years and wishes to reactivate licensure shall follow the procedures for license renewal, present satisfactory evidence of completion of continuing education hours for the inactive period and pay all appropriate fees before resuming active practice of massage therapy. f. An individual who passes the four (4) year time allotment shall be considered to have an expired license and must meet the current requirements for licensure and successfully complete an examination recognized by the Department before resuming active practice of massage therapy.</p> <p>8. Persons practicing with an expired license may be referred for prosecution or civil action for practicing without a license and penalties of Arkansas Code § 17-86-103 may be applied.</p>	<p>Moved Rule for better understanding and flow</p> <p>Moved Rule for better understanding and flow</p>
<p>§ 6 Reciprocity, Temporary Licensure and Military Licensure.</p>	
<p>§ Add language "Reciprocity under Act 1011 of 2019 1. Reciprocity (A) Required Qualifications. An applicant applying for reciprocal licensure shall meet the following requirements: (i) The applicant shall hold a substantially similar license in another United States jurisdiction. (a) A license from another state is substantially similar to an Arkansas Massage Therapy license if the other state's licensure qualifications require: i. Completed and graduated with a minimum of five (500) in-classroom hours of massage therapy classes, or proof is given of completion of the specific classes and hours taken as required in Arkansas massage schools as required by Ark. Code Ann. § 17-86-306(e). (b) The applicant shall hold his or her occupational licensure in good standing; (c) The applicant shall not have had a license revoked for: i. An act of bad faith; or ii. A violation of law, rule, or ethics; (d) The applicant shall not hold a suspended or probationary license in a United States jurisdiction; (B) The applicant shall be sufficiently competent in the Massage Therapy and (C) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. 2. Required documentation. An applicant shall</p>	<p>Correct Rule to meet requirements of Act 1011</p>

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submit a fully-executed application, the required fee, and the documentation described below. (A) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas, the applicant shall submit the following information: (i) Evidence of current and active licensure in that state. The Department may verify this information online if the jurisdiction that issue provides primary source verification on its website and; (ii) Evidence that the other state's licensure requirements match those listed in 1. (A) (i) (a) The Department may verify this information online if the jurisdiction that issue provides primary source verification on its website. (B) To demonstrate that the applicant meets the requirements in 1. (A) (i) (b) through (d), the applicant shall provide the Department with: (i) The names of all states in which the applicant is currently licensed or has been previously licensed; (ii) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant has not had his license revoked for the reasons listed in 1. (A) (i) (c) and does not hold a license on suspended or probationary status as described in 1. (A) (i) (d) The Department may verify this information online if the jurisdiction that issue provides primary source verification on its website. (C) As evidence that the applicant is sufficiently competent in the field of Massage Therapy, an applicant shall: (i) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. (ii) Submit three (3) letters of recommendation from former employers, former educators, or clients. (D) Documents required to show compliance with least restrictive Requirements: (i) A valid photo identification or driver's license, or both; and (ii) A social security card issued in the same name as the applicant or licensee. (iii) Present a high school diploma, Certificate of General Educational Development, or college transcript and credentials issued by a department-accepted massage therapy school or a like institution with no less than five hundred (500) in-classroom hours of instruction. (iv) An applicant shall have the massage therapy school submit the transcript directly to the department office. (a) If the applicant's transcript is not obtainable from the original school, the applicant shall submit a statement to explain why it may not be obtained. (b) Other documentation of credentials may be submitted and accepted for licensure at (v) Furnish to the department satisfactory proof of passing an examination recognized and approved by the department;

(E) (A) An out-of-state applicant holding a current massage therapy license issued by another state and after receiving an Arkansas massage therapy license may apply for an upgrade to master massage therapist or massage therapy instructor by providing appropriate continuing education credits and experience gained before Arkansas licensure for department approval. (B) An upgrade request shall be made by submitting

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a complete application package and paying the fees required by this chapter.”

§ Add language 2. “Temporary License

(A) The Department shall issue a temporary license immediately upon receipt of the application, the required fee, and the documentation required under 2. (A) (i) and (ii). (B) The temporary license shall be effective for 90 days, unless the Department determines that the applicant does not meet the requirements in Reciprocity sections (A), (B), (C), and (D) in which case the temporary license shall be immediately revoked. (C) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary license.”

Correct Rule to meet requirements of Act 1011

§ Add language 3. “License for person from state that doesn't license profession pursuant to Act 1011 of 2019.

(A) Required Qualifications. An applicant from a state that does not license Massage Therapy shall meet the following requirements: (i) The applicant shall be sufficiently competent in Massage Therapy; and (ii) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. (iii) Submit three (3) letters of recommendation from former employers, former educators, or clients. (B) Required documentation. An applicant shall submit a fully-executed application, the required fee, and the documentation described below. (i) As evidence that the applicant is sufficiently competent in the field of Massage Therapy an applicant shall: (a) Pass a licensing exam comparable to Section 5, A, B or C and pass the Arkansas Massage Therapy Law examination. (b) Submit three (3) letters of recommendation from former employers, former educators, or clients; (ii) A valid photo identification or driver's license, or both; and (iii) A social security card issued in the same name as the applicant or licensee. (iv) Present a high school diploma, Certificate of General Educational Development, or college transcript and credentials issued by a department-accepted massage therapy school or a like institution with no less than five hundred (500) in-classroom hours of instruction. (v) An applicant shall have the massage therapy school submit the transcript directly to the department office. (a) If the applicant's transcript is not obtainable from the original school, the applicant shall submit a statement to explain why it may not be obtained. (b) Other documentation of credentials may be submitted and accepted for licensure at (vi)Furnish to the department satisfactory proof of passing an examination recognized and approved by the department;”

Correct Rule to meet requirements of Act 1011

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<p>§ Add language 4. "Reciprocity and state-specific education pursuant to Act 1011 of 2019. (A) The Department shall require an applicant to take no less than five hundred (500) in-classroom hours of instruction department-accepted massage therapy school or a like institution if the applicant is licensed in another state that does not offer reciprocity to Arkansas residents that is similar to reciprocity provided to out-of-state applicants in A.C.A. § 17-1-108. (B) Reciprocity in another state will be considered similar to reciprocity under A.C.A. § 17-1-108 if the reciprocity provisions in the other state: (i) Provide the least restrictive path to licensure for Arkansas applicants; (ii) Do not require Arkansas applicants to participate in the apprenticeship, education, or training required as a prerequisite to licensure of a new professional in that state, except that the state may require Arkansas applicants to participate in continuing education or training that is required for all professionals in that state to maintain the licensure. (iii) Do not require Arkansas applicants to take a state-specific education unless required to do so under the same conditions described in A.C.A. § 17-1-108."</p>	<p>Correct Rule to meet requirements of Act 1011</p>
<p>§ Add language 5. "Military licensure under Act 820 of 2019 (A) As used in this subsection, "returning military veteran" means a former member of the United States Armed Forces who was discharged from active duty under circumstances other than dishonorable. (B) The Department shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is: 1. An active duty military service member stationed in the State of Arkansas; 2. A returning military veteran applying for licensure within one (1) year of his or her discharge from active duty; or 3. The spouse of a person under (B)1 or 2 above. C. The Department shall grant such automatic licensure upon receipt of all the below: 1. Payment of the initial licensure fee; 2. Evidence that the individual holds a substantially equivalent license in another state; and 3. Evidence that the applicant is a qualified applicant under Section B. "</p>	<p>Correct Rule to meet requirements of Act 820</p>
<p>§7 Continuing Education</p>	
<p>§7 Replace language "under to within" and "practice as relates to the definition of massage therapy found in Article 2 to practice of massage therapy" §7 1. Add language "unless approved by the NCBTMB, AMTSA, or ABMP." §7 2. b. Remove language "college level", "of C or higher", "as", "defined in Article Two and accepted by the Department." §7 2. b. Add language "from a U.S. Department of Education approved and accredited postsecondary institution"</p>	<p>Clarification of Rule for better understanding Clarification of Rule for better understanding Clarification of Rule for better understanding</p>

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<p>§7 5. b. Remove language "Continuing education course providers must"</p> <p>§7 5. b. Add language "2. The certificate"</p> <p>§7 5. c. Remove language "Continuing education course providers must"</p> <p>§7 5. c. Add language "course revisions"</p> <p>§7 5. c. Replace language "forms for the approval for any substantial changes or additional subjects that they may wish to offer to for approval"</p> <p>§7 5. c. Add language "1. Course revisions are defined as changes to the following:</p> <ul style="list-style-type: none"> i) proposed title ii) schedule of course iii) learning outcomes iv) relevance of course v) program content/time frame vi) teaching strategies vii) learning environment <p>2. Course revisions affecting less than ten (10) percent of the currently approved content may be approved by the Department.</p> <p>3. Course revisions exceeding ten (10) percent of the currently approved content may be approved by the Massage Therapy Technical Advisory Committee."</p>	<p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p>
<p>§7 5. f. Replace language "audit and/or monitor to review"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. Add language "course approval applicant and any"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. 1. Replace language "administrative adjudication to hearing"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. 2. Replace language "which to The hearing"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 5. g. 2. Remove language "procedures adopted in and in accordance with"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 6. Replace language "college level to from a U.S. Department of Education approved and accredited postsecondary institution completed with a passing grade"</p>	<p>Industry Concerns raised by subcommittee</p>
<p>§7 Remove language "7. Instructors may only teach courses that reflect a percentage level of their training consistent with hours of credit being offered by the instructor.</p> <p>a. No more than twenty (20) percent of the hourly credit can be offered in relation to the training received by the instructor.</p> <p>1. For example, if a trainer takes an approved thirty (30) hour continuing education program, he or she would qualify to teach a six (6) hour course in that particular subject.</p>	<p>Industry Concerns raised by subcommittee</p>

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<p>b. At the Department's discretion, credit may be given for extensive experience teaching the course and/or related courses, and/or years employed in the field."</p> <p>§7 9. Replace language "may to shall, a to five to ten"</p> <p>§7 9. Remove language "as determined by the Department"</p> <p>§7 9. Add language "renewals and annually"</p> <p>§7 9. a. Add language "within thirty days of receipt"</p> <p>§7 Remove language "9. Disciplinary action for violations of rules of the Conduct and Ethics will be conducted in accordance with the procedures adopted in Article Three of these rules."</p>	<p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p> <p>Industry Concerns raised by subcommittee</p>
<p>§8 Massage Clinics</p>	
<p>§8 1. Add language "With the exception of treatments that are given at the location of a client, or treatments given at a temporary location lasting not more than 14 days such as a trade show, sporting event or community festival"</p> <p>§8 1. Replace language "be given to have a"</p> <p>§8 1. Add language "a., b., c. Sanitize all body surface area(s) that come into contact with a client, prior to such contact, with a disinfecting solution that is bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. Contact time listed on the manufacturers label must be adhered to at all times to effectively destroy pathogens d. Have accessible restrooms that are clean and sanitary without offensive odors and in working order at all times. e. Keep furniture, equipment, electrical equipment and other fixtures clean and in good repair at all times. f. Launder linens after each use. g. Have a separate receptacle for soiled and clean linens. h. Keep clean linens stored out of public use areas including but not limited to restrooms, reception area, hallways and other public traffic areas. i. Keep oils, lotions, or any other products that are used on clients in containers that are labeled and closed. n. Be compliant with all applicable city, state and local statutes and regulations., o., p., q."</p> <p>§8 1. q. Replace language "Article Two to Section 2"</p> <p>§8 Remove language "4. A towel or sheet that has been used by one (1) client may not be used on another person unless the towel or sheet has been re-laundered. 5. Therapists must comply with all city, county, and/or state regulations. 6. Anyone who has an infectious, contagious, or communicable disease which may be spread by airborne, droplet, contact, or</p>	<p>Rule for health and safety of consumer</p> <p>Clarification of Rule for better understanding</p> <p>Rule for health and safety of consumer</p> <p>Clarification of Rule for better understanding</p> <p>Clarification of Rule for better understanding</p>

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indirect methods and who is in contact with the public must not practice until all risk of disease transmission is cleared. Any employee with such a disease must be immediately relieved from duty until all risk of disease transmission is cleared.”

§8 Add language “2. In-home massage clinics/offices must be located in a separate room or rooms, used only for massage therapy services during business operations. 3. Mobile clinics are not considered temporary. 4. Anyone who has an infectious, contagious, or communicable disease which may be spread by airborne, droplet, contact, or indirect methods and who is in contact with the public must not practice until all risk of disease transmission is cleared. Any employee with such a disease must be immediately relieved from duty until all risk of disease transmission is cleared.”

Rule for health and safety for consumer

§ 9 Massage Therapy Schools and Postsecondary Massage Therapy Schools

- 1. Application for Massage Therapy School:
 - A. Any person, firm or corporation seeking to open a school of Massage Therapy shall submit an application with required forms to the Massage Therapy Section office and receive pre-approval from the Department. The application shall include:
 - 1. Completed application provided by the Department and available on the Department’s website at www.healthy.arkansas.com .
 - 2. Describe the location of your school, type of structure, and furnish a detailed floor plan in compliance with Section 2.
 - 3. List of proposed equipment used for instructional purposes in compliance with Section 2.
 - 4. Submit proposed curriculum including name and addition of textbooks and any other material that will uses for instructional purposes.
 - 5. List of instructors and their qualifications.
 - 6. Submit samples of all forms to be used in the School, such as, contract, sign-in sheets, attendance records, transcripts, guest instructor log, etc.
 - 7. Submit a copy of your school’s handbook- including refund policy. Postsecondary Schools must also include a disciplinary policy.
 - 8. Valid background checks for each owner.
 - 9. Application Fee
 - B. A person shall not establish, operate, or maintains a massage therapy school without first having obtained a certificate of massage therapy school licensure issued by the Department.
 - C. Any Massage Therapy School wishing to teach both secondary and postsecondary students shall obtain both a license for a Massage Therapy School and a Postsecondary Massage Therapy School. The School shall also provide a procedure by which it will ensure that only students with a high school diploma or the equivalent are enrolled in the postsecondary school and receive Title IV funds.
 - D. After satisfactory completion of initial requirements, schools are required to undergo Department inspection before they can be licensed.
 - a. A Department staff member will perform an inspection of the school premises with required forms completed, and the results of such inspection will be returned to the Department for approval and/or adjustment recommendations.
 - b. Facilities that do not pass the first inspection will be re-inspected within thirty (30) days of notification of corrections.
 - E. Postsecondary Massage Therapy Schools must show proof that the school adopts and discloses to the students a complaint process substantially similar to the one outlined in Section Four of these Rules.
- 2. Facility and Sanitary Requirements
 - 1. School facilities must:
 - a. Be kept clean, sanitary and in good repair at all times.

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- b. Clean equipment and tools thoroughly on a routine basis and sanitize them with a disinfecting solution that is bactericidal, capable of destroying bacteria; virucidal, capable of destroying viruses; and fungicidal, capable of destroying fungi. Disinfectants must be used according to manufacture labels to be safe and effective. Contact time listed on the manufacturers label must be adhered to at all times to effectively destroy pathogens.
- c. Have clinical workspace allowing for unrestricted movement around massage tables.
- d. Have adequately ventilated workspace to keep them free of excessive vapors, odors and fumes.
- e. Be heated and air-conditioned with adjustable temperature control.
- f. Have adequate space to accommodate all students during the theory and clinical instructional hours for which they are enrolled.
- g. Have an instructional classroom that is clean, in good repair and well ventilated.
- h. Have a minimum of one (1) massage table for every three (3) students in class.
- i. Have an accessible hand-washing sink supplied with hot and cold running water, a soap dispenser and a sanitary hand drying method. Common towels are not allowed.
- j. Have accessible restrooms that are clean and sanitary and in working order at all times. Restrooms shall not be used for storage of products used for servicing clients.
- k. Have trash containers that are durable and easily cleanable that do not leak. Trash containers must be emptied daily to prevent an accumulation of garbage and the development of odors.
- l. Dispose of all one time use towels, sheets and protective covering that cannot be disinfected immediately after use.
- m. Have furniture, equipment and other fixtures that are made of washable material and kept clean and in good repair. Electrical equipment shall be kept clean and in good repair at all times.
- n. Launder sheets and towels to disinfect after each use on client.
- o. Have a separate receptacle for soiled linens.
- p. Keep clean linens separate from public and/or covered in public use areas.
- q. Keep oils, lotions or any products that are used on the public in containers that are labeled and sanitary.
- r. Anyone who has an infectious, contagious, or communicable disease which may be spread by airborne, droplet, contact, or indirect methods and who is in contact with the public must not practice until all risk of disease transmission is cleared. Any employee or student with such a disease must be immediately relieved from duty until all risk of disease transmission is cleared.

2. Schools shall have an identifiable Massage Therapy Instructor who provides oversight and supervision under which other Master Massage Therapist or Massage Therapy Instructors can teach.
3. Schools must adhere to all state and local ordinance and provide a copy of the fire inspection, occupancy license, and/or business permits where required by law, and furnish copies to the Department upon request.
4. Schools must inform students regarding emergency evacuation procedures and clearly mark or post all routes and exits.

3. Curriculum

1. Schools have the discretion to grant CLEP credit for any previously obtained, successfully passed, and officially documented classroom education relevant to massage therapy.
 - a. Such credit may be granted at the rate of three (3) college credits to equal no more than forty (40) clock-hours.
 - b. Schools will maintain a file copy of all such examinations for Department inspection.
2. Schools must follow the curriculum outlined in Ark. Code Ann. § 17-86-306(e). The curriculum must be presented to and approved by the Department and will make further applications to the Department for any substantial modifications in the subjects, contents, or instructional methods offered to the students.
3. Schools must provide no less than three (3) clock-hours of HIV/AIDS and other basic communicable disease education within their twenty-five (25) hours of hygiene and infectious control as required by Arkansas Code § 17-86-306 (e)(4).

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4. Schools that teach massage with students wearing swimsuits or underwear must instruct students at some time during their school on how to work on unclothed clients with a minimum of twenty (20) hours of classroom or student clinic massages on unclothed clients, unless there is a documented religious or medical objection made by the student.
5. Schools may not include more than five (5) percent of their total school curriculum of instruction with reiki, polarity, or other energy-based modalities.

4. Instruction Methods

1. Each specified course of study must be outlined with a syllabus that includes written learning objectives. Instructors will follow daily lesson plans and will provide active, organized learning sessions.
2. Recognized methods of instruction, such as, but not limited to, lecture, demonstration, and supervised hands-on practice will be utilized to ensure reasonable learning objectives and outcomes.
3. All classes must be instructed and supervised by qualified and approved personnel and consist of no less than fifty (50) minutes of active teaching per credit hour. In-school independent study time is limited to no more than five (5) percent of the total hours of a program.
4. Active teaching means qualified school personnel offering organized lecture, activities, demonstration, and/or direct and immediate supervision of students during hands-on practice.
5. Written and practical evaluations shall be conducted with all grades recorded and available for inspection.

5. Instructor Qualifications

1. All persons who instruct any portion of a curriculum within an approved massage therapy school must be a licensed master massage therapist or massage therapy instructor.
 - a. Each school must have on file such diplomas, transcripts, certifications, resumes, and/or other verifiable documents that attest to the person's qualifications and technical expertise.
 - b. Each school must be able to supply the Department with a list of instructors who have taught or who will be teaching at that school along with documentation of their qualifications and the subjects they have instructed or will instruct.
2. For the purposes of qualifying instructors for subjects required by Arkansas Code § 17-86-306, the following definitions will be used:
 - a. Technical subjects are those defined as massage therapy techniques, hydrotherapy, heliotherapy, electrotherapy, and any hands-on training that may occur under various related subjects.
 - b. Academic subjects include anatomy, physiology, pathology, and related human sciences; and
 - c. Non-technical subjects include massage therapy laws, ethics, and business management.
 - d. Persons to instruct technical subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor, and must have a minimum of two (2) consecutive years of active experience in the practice of massage therapy.
 - e. Persons to instruct academic subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor as defined in Arkansas Code § 17-86-102 (6)(A) or hold a minimum of a Bachelor's degree plus two (2) years practical experience in a subjects directly related to that being taught.
 - f. Persons to instruct non-technical subjects must be qualified and hold a current license as a master massage therapist or massage therapy instructor as defined in Arkansas Code § 17-86-102 (6)(A) or hold a minimum of a two (2) year associate's degree and two (2) years practical experience in a subject directly relates to that being taught.
3. Schools may invite guest instructors to teach within their program without Department pre-approval if such guest instructor instructs on no more than sixteen (16) hours per school curriculum. (Section 9), 5.1 and 2 show how guest instructors shall be qualified.
 - a. Schools may utilize guest instructors to provide no more than a total of twenty-five (25) hours per school curriculum. A Record of all hours of instruction provided in this manner must be maintained by the school and be made available for Department inspection upon request.

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<p>b. Schools must keep a log of guest instructors.</p> <p>6. Student Clinical</p> <ol style="list-style-type: none"> 1. The purpose of any student clinical is to provide advancing students, enrolled in approved schools, an opportunity to gain practical experience working with the public in a supervised setting. 2. The status of the practitioner must be made clearly evident to the recipient of student massage. 3. Any student to be considered eligible for clinical practice must have completed the following requirements: <ol style="list-style-type: none"> a. one hundred (100) hours of anatomy, physiology, pathology, and contraindications for massage therapy, and one hundred (100) hours of technical training, and all portions of the school’s curriculum pertaining to personal hygiene, sanitation, ethics, and professional standards; b. provide proof of student liability insurance. 4. All clinical massages by a student must be documented and performed under the supervision of a qualified technical instructor who has access to the treatment area at all times. 5. No more than fifty (50) hours of student massage may be attained in this manner and applied to meet the requirements for licensure. 6. Students may not solicit payment in any form during clinical practice either on school premises, at chosen locations for field trips, or while practicing away from school facilities and direction. <ol style="list-style-type: none"> a. This includes barbers, donations and/or trades. b. The student may accept gratuities during supervised clinical massage. 7. No student may leave classroom instruction to perform student-client massages. <p>7. Records</p> <ol style="list-style-type: none"> 1. All student records must be maintained for a period of not less than five (5) years. 2. In the event of school closure or change of school ownership a copy of all current student records and all student records maintained for the previous five (5) years must be submitted to the Department. 3. Attendance records will be maintained and verified by the school and must be made available for inspection by the Department upon request. Such records must verify both the subject and the actual attendance in class of each student enrolled. 4. Schools must require and maintain proof of CPR training for all students at the time of their graduation. <p>8. Mics.</p> <ol style="list-style-type: none"> 1. Each school operated within the state shall be inspected during regular operations by the Department at least one (1) time each year. 2. Any school desiring to move the location of its license must notify the Department in writing at least thirty (30) days prior to any location change. The Department will inspect the school’s new location within thirty (30) days of receiving a relocation notice. 3. Schools providing off-site student massages shall be allowed only under the direct supervision of a Massage Therapy Instructor or Master Massage Therapist. 	<p>Section 9 rearranged for clarification and better flow of the Rule</p>
<p>§10 Conduct and Ethics</p>	
<p>§10 1. Add Language “(therapists)”</p> <p>§10 1. Remove language “and comfortable and the engenders trust and mutual respect”</p> <p>§10 2. Add language “including but not limited to the following: a. Their right to terminate the treatment at any time; b. Their right to modify the treatment at any time;”</p> <p>§10 3. Replace language “Massage therapists to Therapists”</p> <p>§10 3. b. & d. Move language “Inform the client of their right to terminate or modify their treatment at any time” and “Refer all clients to appropriate health care practitioners or other professionals as such need arises; and”</p>	<p>Clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p> <p>Rearranged for clarification and better flow of the Rule</p>

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<p>§10 4. c. Move language “Upholds the highest standards of concern and respect for the well-being of their clients:”</p> <p>§10 4. d. Remove language “and Regulations”</p> <p>§10 4. e. Remove language “Wears proper and professional attire that is suitable and consistent with accepted business and professional practices.”</p> <p>§10 6. Remove language “Disciplinary action for violations of Rules of Conduct and Ethics will be conducted”</p>	<p>Rearranged for clarification and better flow of the Rule</p> <p>Correct Rule to meet requirements of Act 315</p> <p>Removed does not cause health and safety risk to the public.</p> <p>Remove repetitive language</p>
<p>§11 Miscellaneous Guidelines</p>	
<p>§11 1. Replace language “Draping and treatment to Massage Therapy”</p> <p>§11 2. Remove language “Draping must take place during the massage, and the therapist shall comply with the client’s request to remain partially or fully clothed under the drape”</p> <p>§11 3. Add language “or dressed”</p> <p>§11 5. Remove language “female”</p> <p>§11 5. D. Remove language “female and her”</p> <p>§11 5. E. Remove language “female”</p>	<p>Clarification and better flow of the Rule</p> <p>Remove repetitive language</p> <p>Clarification and better flow of the Rule</p> <p>Clarification of the Rule</p> <p>Clarification of the Rule</p>