

Part 3 Licensing

58-47b-301 Licensure required.

- (1) An individual shall hold a license issued under this chapter in order to engage in the practice of massage therapy, except as specifically provided in Section 58-1-307 or 58-47b-304.
- (2) An individual shall have a license in order to:
 - (a) represent himself as a massage therapist or massage apprentice;
 - (b) represent himself as providing a service that is within the practice of massage therapy or use the word massage or any other word to describe such services; or
 - (c) charge or receive a fee or any consideration for providing a service that is within the practice of massage therapy.

Amended by Chapter 278, 2013 General Session

58-47b-302 License classifications -- Qualifications for licensure.

- (1) The division shall issue licenses under this chapter in the classifications of:
 - (a) massage therapist; and
 - (b) massage apprentice.
- (2) Each applicant for licensure as a massage therapist shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) be 18 years of age or older;
 - (e) have either:
 - (i)
 - (A) graduated from a school of massage having a curriculum which meets standards established by division rule made in collaboration with the board; or
 - (B) completed equivalent education and training in compliance with division rule; or
 - (ii) completed a massage apprenticeship program consisting of a minimum of 1,000 hours of supervised training over a minimum of 12 months and in accordance with standards established by the division by rule made in collaboration with the board; and
 - (f) pass examinations established by rule by the division in collaboration with the board.
- (3) Each applicant for licensure as a massage apprentice shall:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) be of good moral character;
 - (d) be 18 years of age or older;
 - (e) provide satisfactory evidence to the division that the individual will practice as a massage apprentice only under the direct supervision of a licensed massage therapist in good standing and who has engaged in the lawful practice of massage therapy as a licensed massage therapist for not less than 6,000 hours; and
 - (f) successfully complete an examination as required by division rule.
- (4)
 - (a) Any new massage therapist or massage apprentice applicant shall submit fingerprint cards in a form acceptable to the division at the time the license application is filed and shall consent

to a fingerprint background check by the Utah Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.

- (b) The division shall request the Department of Public Safety to complete a Federal Bureau of Investigation criminal background check for each new massage therapist or apprentice applicant through the national criminal history system (NCIC) or any successor system.
 - (c) The cost of the background check and the fingerprinting shall be borne by the applicant.
- (5)
- (a) Any new massage therapist or massage apprentice license issued under this section shall be conditional, pending completion of the criminal background check. If the criminal background check discloses the applicant has failed to accurately disclose a criminal history, the license shall be immediately and automatically revoked.
 - (b) Any person whose conditional license has been revoked under Subsection (5)(a) shall be entitled to a post-revocation hearing to challenge the revocation. The hearing shall be conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.
- (6) An applicant who successfully completes a fingerprint background check under Subsection (4) may not be required by any other state or local government body to submit to a second fingerprint background check as a condition of lawfully practicing massage therapy in this state.

Amended by Chapter 183, 2009 General Session

58-47b-303 Term of license -- Expiration -- Renewal.

- (1)
- (a) Each license issued under this chapter shall be issued in accordance with a two-year renewal cycle established by rule.
 - (b) A renewal period may be extended or shortened by as much as one year to maintain established renewal cycles or to change an established renewal cycle.
- (2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Enacted by Chapter 76, 1996 General Session

58-47b-304 Exemptions from licensure.

- (1) In addition to the exemptions from licensure in Section 58-1-307, the following individuals may engage in the practice of massage therapy as defined under this chapter, subject to the stated circumstances and limitations, without being licensed, but may not represent themselves as a massage therapist or massage apprentice:
- (a) a physician or surgeon licensed under Title 58, Chapter 67, Utah Medical Practice Act;
 - (b) a nurse licensed under Title 58, Chapter 31b, Nurse Practice Act, or under Title 58, Chapter 44a, Nurse Midwife Practice Act;
 - (c) a physical therapist licensed under Title 58, Chapter 24b, Physical Therapy Practice Act;
 - (d) a physical therapist assistant licensed under Title 58, Chapter 24b, Physical Therapy Practice Act, while under the general supervision of a physical therapist;
 - (e) an osteopathic physician or surgeon licensed under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;
 - (f) a chiropractic physician licensed under Title 58, Chapter 73, Chiropractic Physician Practice Act;
 - (g) a hospital staff member employed by a hospital, who practices massage as part of the staff member's responsibilities;

- (h) an athletic trainer licensed under Title 58, Chapter 40a, Athletic Trainer Licensing Act;
- (i) a student in training enrolled in a massage therapy school approved by the division;
- (j) a naturopathic physician licensed under Title 58, Chapter 71, Naturopathic Physician Practice Act;
- (k) an occupational therapist licensed under Title 58, Chapter 42a, Occupational Therapy Practice Act;
- (l) an individual performing gratuitous massage; and
- (m) an individual:
 - (i) certified by or through, and in good standing with, an industry organization that is recognized by the division, and that represents a profession with established standards and ethics;
 - (ii)
 - (A) who limits the manipulation of the soft tissues of the body to the hands, feet, and outer ears only, including the practice of reflexology and foot zone therapy; or
 - (B) who is certified to practice ortho-bionomy and whose practice is limited to the scope of practice of ortho-bionomy;
 - (iii) whose clients remain fully clothed from the shoulders to the knees; and
 - (iv) whose clients do not receive gratuitous massage from the individual.
- (2) This chapter may not be construed to authorize any individual licensed under this chapter to engage in any manner in the practice of medicine as defined by the laws of this state.
- (3) This chapter may not be construed to:
 - (a) require insurance coverage or reimbursement for massage therapy from third party payors; or
 - (b) prevent an insurance carrier from offering coverage for massage therapy.

Amended by Chapter 330, 2014 General Session

Amended by Chapter 330, 2014 General Session, (Coordination Clause)

Amended by Chapter 348, 2014 General Session

58-47b-305 State and local jurisdiction.

- (1)
 - (a) The division is the only agency authorized to license individuals to practice massage therapy within the state or any of its political subdivisions.
 - (b) This chapter does not prevent any political subdivision of the state from enacting:
 - (i) ordinances governing the operation of establishments offering massages; or
 - (ii) ordinances regulating the practice of massage therapy, if the ordinances are not less stringent than this chapter.
- (2) This chapter does not prohibit any political subdivision of the state from prosecuting unlicensed individuals engaged in the practice of massage therapy or from prosecuting licensed individuals who are engaged in unlawful conduct.

Amended by Chapter 159, 1998 General Session