

1 **MASSAGE THERAPY PRACTICE ACT AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4

5 **LONG TITLE**

6 **General Description:**

7 This bill amends the Massage Therapy Practice Act.

8 **Highlighted Provisions:**

9 This bill:

- 10 ▶ creates and amends definitions;
- 11 ▶ creates a license classification for a massage assistant and a massage assistant
- 12 in-training;
- 13 ▶ establishes the qualifications and scope of practice for a massage assistant and a
- 14 massage assistant in-training;
- 15 ▶ amends massage therapist examination and background check requirements;
- 16 ▶ addresses supervision of a massage apprentice, massage assistant, and massage
- 17 assistant in-training;
- 18 ▶ requires certain signage and disclosures when a massage assistant or massage
- 19 assistant in-training provides a massage service; and
- 20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

- 27 **58-47b-102**, as last amended by Laws of Utah 2012, Chapter 34
- 28 **58-47b-301**, as last amended by Laws of Utah 2013, Chapter 278
- 29 **58-47b-302**, as last amended by Laws of Utah 2020, Chapter 339
- 30 **58-47b-303**, as enacted by Laws of Utah 1996, Chapter 76
- 31 **58-47b-304**, as last amended by Laws of Utah 2021, Chapter 403
- 32 **58-47b-305**, as last amended by Laws of Utah 1998, Chapter 159

33 **58-47b-501**, as last amended by Laws of Utah 2018, Chapter 318

34 **58-47b-502**, as last amended by Laws of Utah 1998, Chapter 159

35 ENACTS:

36 **58-47b-302.1**, Utah Code Annotated 1953

37 **58-47b-306**, Utah Code Annotated 1953

38

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **58-47b-102** is amended to read:

41 **58-47b-102. Definitions.**

42 In addition to the definitions in Section 58-1-102, as used in this chapter:

43 (1) "Board" means the Board of Massage Therapy created in Section 58-47b-201.

44 (2) "Breast" means the female mammary gland and does not include the muscles,
45 connective tissue, or other soft tissue of the upper chest.

46 (3) "Homeostasis" means maintaining, stabilizing, or returning to equilibrium the
47 muscular system.

48 (4) "Massage apprentice" means an individual licensed under this chapter as a massage
49 apprentice [~~to work under the direct supervision of a licensed massage therapist~~].

50 (5) "Massage assistant" means an individual licensed under this chapter as a massage
51 assistant.

52 (6) "Massage assistant in-training" means an individual licensed under this chapter as a
53 massage assistant in-training.

54 [~~(5)~~] (7) "Massage therapist" means an individual licensed under this chapter as a
55 massage therapist.

56 (8) "Massage therapy supervisor" means:

57 (a) a massage therapist who has at least three years of experience as a massage therapist
58 and has engaged in the lawful practice of massage therapy for at least 3,000 hours;

59 (b) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;

60 (c) a physician licensed under Chapter 67, Utah Medical Practice Act;

61 (d) an osteopathic physician licensed under Chapter 68, Utah Osteopathic Medical
62 Practice Act;

63 (e) an acupuncturist licensed under Chapter 72, Acupuncture Licensing Act; or

64 (f) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
 65 Act.

66 (9) "Practice of limited massage therapy" means:

67 (a) the systematic manual manipulation of the soft tissue of the body for a purpose
 68 described in Subsection (10)(b);

69 (b) seated chair massage;

70 (c) the use of body wraps;

71 (d) aromatherapy;

72 (e) reflexology; or

73 (f) in connection with an activity described in this Subsection (9) the use of:

74 (i) the hands;

75 (ii) a towel;

76 (iii) a stone;

77 (iv) a shell;

78 (v) a bamboo stick; or

79 (vi) an herbal ball compress.

80 ~~[(6)]~~ (10) "Practice of massage therapy" means:

81 (a) the examination, assessment, and evaluation of the soft tissue structures of the body
 82 for the purpose of devising a treatment plan to promote homeostasis;

83 (b) the systematic manual or mechanical manipulation of the soft tissue of the body for
 84 ~~[the purpose of: (A) (i)]~~ the purpose of promoting the therapeutic health and well-being of a
 85 ~~client[; (ii)]~~, enhancing the circulation of the blood and lymph[; (iii)], ~~relaxing and lengthening~~
 86 ~~muscles[; (iv)]~~, relieving pain[; (v)], ~~restoring metabolic balance[; (vi)]~~, or achieving
 87 homeostasis[; or], or for any other purpose;

88 ~~[(vii) other purposes;]~~

89 (c) the use of the hands or a mechanical or electrical apparatus in connection with this
 90 Subsection ~~[(6)]~~ (10);

91 (d) the use of rehabilitative procedures involving the soft tissue of the body;

92 (e) range of motion or movements without spinal adjustment as set forth in Section
 93 58-73-102;

94 (f) ~~[or]~~ the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower,

95 steam, and cabinet baths;

96 (g) manual traction and stretching exercise;

97 (h) correction of muscular distortion by treatment of the soft tissues of the body;

98 (i) counseling, education, and other advisory services to reduce the incidence and
99 severity of physical disability, movement dysfunction, and pain;

100 (j) [~~similar or related~~] activities and modality techniques similar or related to the
101 activities and techniques described in this Subsection (10);

102 (k) [~~the~~] a practice described in this Subsection [~~(6)~~] (10) on an animal to the extent
103 permitted by:

104 (i) Subsection 58-28-307(12);

105 (ii) the provisions of this chapter; and

106 (iii) division rule made in accordance with Title 63G, Chapter 3, Utah Administrative
107 Rulemaking Act; or

108 (l) providing, offering, or advertising a paid service using the term massage or a
109 derivative of the word massage, regardless of whether the service includes physical contact.

110 [~~(7)~~] (11) "Soft tissue" means the muscles and related connective tissue.

111 [~~(8)~~] (12) "Unlawful conduct" [~~is as~~] means the same as that term is defined in Sections
112 58-1-501 and 58-47b-501.

113 [~~(9)~~] (13) "Unprofessional conduct" [~~is as~~] means the same as that term is defined in
114 Sections 58-1-501 and 58-47b-502 and as may be further defined by division rule made in
115 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

116 Section 2. Section **58-47b-301** is amended to read:

117 **58-47b-301. Licensure required.**

118 (1) An individual shall hold a license issued under this chapter in order to engage in the
119 practice of massage therapy or the practice of limited massage therapy, except as specifically
120 provided in Section 58-1-307 or 58-47b-304.

121 (2) An individual shall have a license in order to:

122 (a) represent [~~himself~~] oneself as a massage therapist[~~or~~], massage apprentice, massage
123 assistant, or massage assistant in-training;

124 (b) represent [~~himself~~] oneself as providing a service that is within the practice of
125 massage therapy or the practice of limited massage therapy or use the word massage or any

126 other word to describe ~~[such]~~ the services; or

127 (c) charge or receive a fee or any consideration for providing a service that is within the
128 practice of massage therapy or the practice of limited massage therapy.

129 Section 3. Section **58-47b-302** is amended to read:

130 **58-47b-302. License classifications -- Qualifications for licensure.**

131 (1) The division shall issue licenses under this chapter in the classifications of:

132 (a) massage therapist; ~~[and]~~

133 (b) massage apprentice~~[-]~~;

134 (c) massage assistant; and

135 (d) massage assistant in-training.

136 (2) ~~[Each]~~ An applicant for licensure as a massage therapist shall:

137 (a) submit an application in a form prescribed by the division;

138 (b) pay a fee determined by the department under Section 63J-1-504;

139 (c) be 18 years ~~[of age]~~ old or older;

140 (d) have either:

141 (i) (A) graduated from a school of massage having a curriculum ~~[which]~~ that meets

142 standards established by division rule made in collaboration with the board and in accordance

143 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

144 (B) completed equivalent education and training in compliance with division rule made

145 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

146 (ii) completed a massage apprenticeship program consisting of a minimum of 1,000

147 hours of supervised training over a minimum of 12 months and in accordance with standards

148 established by ~~[the]~~ division ~~[by]~~ rule made in collaboration with the board and in accordance

149 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

150 (e) pass ~~[examinations]~~;

151 (i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing

152 Examination; or

153 (ii) any other examination established by ~~[rule by the division]~~ division rule made in

154 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative

155 Rulemaking Act.

156 (3) ~~[Each]~~ An applicant for licensure as a massage apprentice shall:

- 157 (a) submit an application in a form prescribed by the division;
- 158 (b) pay a fee determined by the department under Section 63J-1-504;
- 159 (c) be 18 years ~~[of age]~~ old or older;
- 160 (d) provide satisfactory evidence to the division that the ~~[individual]~~ applicant will
- 161 practice as a massage apprentice only under the direct supervision of a licensed massage
- 162 therapist in good standing ~~[and who has]~~ who, for at least 6,000 hours, has engaged in the
- 163 lawful practice of massage therapy as a licensed massage therapist ~~[for not less than 6,000~~
- 164 ~~hours];~~ and
- 165 (e) ~~[successfully complete]~~ pass an examination as required by division rule made in
- 166 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 167 (4) An applicant for licensure as a massage assistant shall:
- 168 (a) submit an application in a form prescribed by the division;
- 169 (b) pay a fee determined by the department in accordance with Section 63J-1-504;
- 170 (c) be 18 years old or older;
- 171 (d) complete at least 150 hours of education and training approved by division rule
- 172 made accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, while:
- 173 (i) enrolled in a massage school; or
- 174 (ii) (A) licensed as a massage assistant in-training; and
- 175 (B) under the direct supervision of a massage therapist in good standing who, for at
- 176 least 6,000 hours, has engaged in the lawful practice of massage therapy;
- 177 (e) complete at least 150 hours of education and training approved by division rule
- 178 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, while:
- 179 (i) licensed as a massage assistant in-training; and
- 180 (ii) under the indirect supervision of a massage therapy supervisor;
- 181 (f) provide satisfactory evidence to the division that the applicant will practice as a
- 182 massage assistant only under the indirect supervision of a massage therapy supervisor; and
- 183 (g) pass an examination as required by division rule made in accordance with Title
- 184 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 185 ~~[(B) under the direct supervision of a massage therapist in good standing who has~~
- 186 ~~engaged in the lawful practice of massage therapy for at least 6,000 hours; and]~~
- 187 (5) An applicant for licensure as a massage assistant in-training shall:

188 (a) submit an application in a form prescribed by the division;
189 (b) pay a fee determined by the department in accordance with Section 63J-1-504;
190 (c) be 18 years old or older; and
191 (d) provide satisfactory evidence to the division that the applicant will practice as a
192 massage assistant in-training under the supervision of a massage therapist for a period of no
193 more than six months to satisfy the requirements described in Subsections (4)(d)(ii) and (e) for
194 licensure as a massage assistant.

195 (6) (a) A massage therapist may supervise at one time up to six individuals licensed as
196 a massage apprentice or massage assistant in-training.

197 (b) A massage therapy supervisor may supervise at one time up to six individuals
198 licensed as a massage assistant.

199 ~~[(4)(a) Any]~~ (7) A new massage therapist [or], massage apprentice, massage assistant,
200 or massage assistant in-training applicant shall submit [fingerprint cards in a form acceptable to
201 the division at the time the license application is filed and shall consent to a fingerprint
202 background check by the Utah Bureau of Criminal Identification and the Federal Bureau of
203 Investigation regarding the application.] to and pass a criminal background check in accordance
204 with Section 58-47b-302.1 and any requirements established by division rule made in
205 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

206 ~~[(b) The division shall request the Department of Public Safety to complete a Federal~~
207 ~~Bureau of Investigation criminal background check for each new massage therapist or~~
208 ~~apprentice applicant through the national criminal history system (NCIC) or any successor~~
209 ~~system.]~~

210 ~~[(c) The cost of the background check and the fingerprinting shall be borne by the~~
211 ~~applicant.]~~

212 ~~[(5) (a) Any new massage therapist or massage apprentice license issued under this~~
213 ~~section shall be conditional, pending completion of the criminal background check. If the~~
214 ~~criminal background check discloses the applicant has failed to accurately disclose a criminal~~
215 ~~history, the license shall be immediately and automatically revoked.]~~

216 ~~[(b) Any person whose conditional license has been revoked under Subsection (5) (a)~~
217 ~~shall be entitled to a post-revocation hearing to challenge the revocation. The hearing shall be~~
218 ~~conducted in accordance with Title 63G, Chapter 4, Administrative Procedures Act.]~~

219 ~~[(6) An applicant who successfully completes a fingerprint background check under~~
220 ~~Subsection (4) may not be required by any other state or local government body to submit to a~~
221 ~~second fingerprint background check as a condition of lawfully practicing massage therapy in~~
222 ~~this state.]~~

223 Section 4. Section **58-47b-302.1** is enacted to read:

224 **58-47b-302.1. Criminal background check.**

225 (1) An applicant for licensure under this chapter who requires a criminal background
226 check shall:

227 (a) submit fingerprint cards in a form acceptable to the division at the time the license
228 application is filed; and

229 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
230 Identification and the Federal Bureau of Investigation regarding the application.

231 (2) The division shall:

232 (a) in addition to other fees authorized by this chapter, collect from each applicant
233 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
234 Identification is authorized to collect for the services provided under Section 53-10-108 and the
235 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
236 obtaining federal criminal history record information;

237 (b) submit from each applicant the fingerprint card and the fees described in Subsection
238 (2)(a) to the Bureau of Criminal Identification; and

239 (c) obtain and retain in division records a signed waiver approved by the Bureau of
240 Criminal Identification in accordance with Section 53-10-108 for each applicant.

241 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
242 Section 53-10-108:

243 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
244 and regional criminal records databases;

245 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
246 criminal history background check; and

247 (c) provide the results from the state, regional, and nationwide criminal history
248 background checks to the division.

249 (4) For purposes of conducting a criminal background check required under this

250 section, the division shall have direct access to criminal background information maintained
251 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

252 (5) The division may not disseminate outside of the division any criminal history
253 record information that the division obtains from the Bureau of Criminal Identification or the
254 Federal Bureau of Investigation under the criminal background check requirements of this
255 section.

256 (6) (a) A new license issued under this chapter is conditional pending completion of the
257 criminal background check.

258 (b) Notwithstanding Title 63G, Chapter 4, Administrative Procedures Act, if the
259 criminal background check required in Subsection 58-47b-302(7) demonstrates the applicant
260 has failed to accurately disclose a criminal history, the license is immediately and automatically
261 revoked upon notice to the licensee by the division.

262 (c) A person whose conditional license is revoked under Subsection (6)(b) is entitled to
263 a postrevocation hearing to challenge the revocation.

264 (d) The division shall conduct a postrevocation hearing in accordance with Title 63G,
265 Chapter 4, Administrative Procedures Act.

266 (7) An applicant who successfully completes a background check under this section
267 may not be required by any other state or local government body to submit to a second
268 background check as a condition of lawfully engaging in the practice of massage therapy or the
269 practice of limited massage therapy in this state.

270 Section 5. Section **58-47b-303** is amended to read:

271 **58-47b-303. Term of license -- Expiration -- Renewal.**

272 (1) (a) ~~[Each]~~ Except as provided in Subsection (3), the division shall issue a license
273 [issued] under this chapter [shall be issued] in accordance with a two-year renewal cycle
274 established by [rule] division rule made in accordance with Title 63G, Chapter 3, Utah
275 Administrative Rulemaking Act.

276 (b) A renewal period may be extended or shortened by as much as one year to maintain
277 established renewal cycles or to change an established renewal cycle.

278 (2) ~~[Each]~~ Subject to Subsection (3), a license automatically expires on the expiration
279 date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

280 (3) A massage assistant in-training license expires six months after the day on which

281 the division issues the massage assistant in-training license.

282 Section 6. Section **58-47b-304** is amended to read:

283 **58-47b-304. Exemptions from licensure.**

284 (1) In addition to the exemptions from licensure in Section 58-1-307, the following
285 individuals may engage in the practice of massage therapy [~~as defined under this chapter,~~] or
286 the practice of limited massage therapy, subject to the stated circumstances and limitations,
287 without being licensed[~~, but may not represent themselves as a massage therapist or massage~~
288 ~~apprentice;~~] under this chapter:

289 (a) a physician or surgeon licensed under Chapter 67, Utah Medical Practice Act;

290 (b) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act;

291 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a,

292 Nurse Midwife Practice Act;

293 (d) a physical therapist licensed under Chapter 24b, Physical Therapy Practice Act;

294 (e) a physical therapist assistant licensed under Chapter 24b, Physical Therapy Practice
295 Act, while under the general supervision of a physical therapist;

296 (f) an osteopathic physician or surgeon licensed under Chapter 68, Utah Osteopathic
297 Medical Practice Act;

298 (g) a chiropractic physician licensed under Chapter 73, Chiropractic Physician Practice
299 Act;

300 (h) a hospital staff member employed by a hospital, who practices massage as part of
301 the staff member's responsibilities;

302 (i) an athletic trainer licensed under Chapter 40a, Athletic Trainer Licensing Act;

303 (j) a student in training enrolled in a massage therapy school approved by the division;

304 (k) a naturopathic physician licensed under Chapter 71, Naturopathic Physician
305 Practice Act;

306 (l) (i) an occupational therapist licensed under Chapter 42a, Occupational Therapy
307 Practice Act; and

308 (ii) an occupational therapy assistant licensed under Chapter 42a, Occupational
309 Therapy Practice Act, while under the general supervision of an occupational therapist;

310 (m) an individual performing gratuitous massage; and

311 (n) an individual:

312 (i) certified by or through, and in good standing with, an industry organization that is
 313 recognized by the division and that represents a profession with established standards and
 314 ethics:

315 (A) who is certified to practice reflexology and whose practice is limited to the scope
 316 of practice of reflexology;

317 (B) who is certified to practice a type of zone therapy, including foot zone therapy, and
 318 whose practice is limited to the scope of practice for which the individual is certified;

319 (C) who is certified to practice ortho-bionomy and whose practice is limited to the
 320 scope of practice of ortho-bionomy;

321 (D) who is certified to practice bowenwork and whose practice is limited to the scope
 322 of practice of bowenwork; or

323 (E) who is certified to practice a type of brain integration and whose practice is limited
 324 to the scope of practice for which the individual is certified;

325 (ii) whose clients remain fully clothed from the shoulders to the knees; and

326 (iii) whose clients do not receive gratuitous massage from the individual.

327 (2) An individual described in Subsection (1) may not represent oneself as a massage
 328 therapist, massage apprentice, massage assistant, or massage assistant in-training.

329 (3) This chapter may not be construed to:

330 (a) authorize any individual licensed under this chapter to engage in any manner in the
 331 practice of medicine as defined by the laws of this state[-];

332 ~~[(3) This chapter may not be construed to:]~~

333 ~~[(a)]~~ (b) require insurance coverage or reimbursement for massage therapy or limited
 334 massage therapy from third party payors; or

335 ~~[(b)]~~ (c) prevent an insurance carrier from offering coverage for massage therapy or
 336 limited massage therapy.

337 Section 7. Section **58-47b-305** is amended to read:

338 **58-47b-305. State and local jurisdiction.**

339 (1) (a) The division is the only agency authorized to license individuals to ~~[practice]~~
 340 engage in the practice of massage therapy or the practice of limited massage therapy within the
 341 state or any of ~~[its]~~ the state's political subdivisions.

342 (b) This chapter does not prevent any political subdivision of the state from enacting:

343 (i) ordinances governing the operation of establishments offering massages; or
 344 (ii) ordinances regulating the practice of massage therapy or the practice of limited
 345 massage therapy, if the ordinances are not less stringent than this chapter.

346 (2) This chapter does not prohibit any political subdivision of the state from
 347 prosecuting [~~unlicensed individuals~~]:

348 (a) an unlicensed individual who is engaged in the practice of massage therapy [~~or from~~
 349 ~~prosecuting licensed individuals who are~~] or the practice of limited massage therapy; or

350 (b) a licensed individual who is engaged in unlawful conduct.

351 Section 8. Section **58-47b-306** is enacted to read:

352 **58-47b-306. Required signage and disclosures.**

353 (1) As used in this section, "massage establishment" means an establishment in which
 354 an individual lawfully engages in the practice of massage therapy or the practice of limited
 355 massage therapy.

356 (2) If a massage assistant or massage assistant in-training engages in the practice of
 357 limited massage therapy at a massage establishment, the massage establishment shall
 358 prominently display to the public a sign that indicates certain massage services offered at the
 359 massage establishment are performed by a massage assistant or a massage assistant in-training.

360 (3) If an individual requests a massage service that is performed by a massage assistant
 361 or a massage assistant in-training, the licensee performing or the massage therapy supervisor
 362 supervising the massage service shall ensure that the individual is notified before scheduling or
 363 agreeing to the massage service that the massage service is performed by a massage assistant or
 364 massage assistant in-training.

365 Section 9. Section **58-47b-501** is amended to read:

366 **58-47b-501. Unlawful conduct.**

367 (1) "Unlawful conduct" includes:

368 [(+) (a) practicing, engaging in, or attempting to practice or engage in the practice of
 369 massage therapy without holding a current license as a massage therapist or a massage
 370 apprentice under this chapter;

371 [(2) (b) advertising or representing [~~himself as practicing~~] oneself as engaging in the
 372 practice of massage therapy when not licensed to do so; [~~and~~]

373 (c) practicing, engaging in, or attempting to practice or engage in the practice of limited

374 massage therapy without holding a current license as a massage therapist, massage apprentice,
 375 massage assistant, or massage assistant in-training under this chapter;

376 (d) advertising or representing oneself as engaging in the practice of limited massage
 377 therapy when not licensed to do so; and

378 ~~[(3)]~~ (e) massaging, touching, or applying any instrument or device by a licensee in the
 379 course of [practicing or] engaging in the practice of massage therapy or the practice of limited
 380 massage therapy to the:

381 ~~[(a)]~~ (i) genitals;

382 ~~[(b)]~~ (ii) anus; or

383 ~~[(c)]~~ (iii) except as provided in Subsection (2), breasts of a female patron[;except when
 384 a female patron].

385 (2) Subsection (1)(e)(iii) does not apply if a female patron:

386 (a) requests breast massage, as may be further defined by division rule[;] made in
 387 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

388 (b) signs a written consent [form, which must also include] form before the procedure
 389 is performed that includes the signature of a parent or legal guardian if the patron is a [minor,
 390 authorizing the procedure and outlining the reason for it before the procedure is performed.]
 391 minor and authorizes and outlines the reason for the procedure.

392 Section 10. Section **58-47b-502** is amended to read:

393 **58-47b-502. Unprofessional conduct.**

394 "Unprofessional conduct" includes the following and may be further defined by division
 395 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

396 (1) maintaining, operating, or assisting in the establishment or operation of any place of
 397 business for the purpose of performing the practice of massage therapy or the practice of
 398 limited massage therapy without first obtaining a business license, if a license is required;

399 (2) failing to comply with any applicable ordinances relating to the regulation of
 400 massage establishment;

401 (3) failing to comply with all applicable state and local health or sanitation codes;

402 (4) failing to properly supervise ~~[an apprentice]~~ a massage apprentice, massage
 403 assistant, or massage assistant in-training;

404 (5) failing to maintain mechanical or electrical equipment in a safe operating condition;

405 (6) failing to adequately monitor patrons utilizing steam rooms, dry heat cabinets, or
406 water baths;

407 (7) prescribing or administering medicine or drugs;

408 (8) engaging in any act or practice in a professional capacity that is outside of the
409 practice of massage therapy or the practice of limited massage therapy; and

410 (9) engaging in any act or practice in a professional capacity for which the licensee is
411 not competent to perform through training or experience.