

1 **MASSAGE THERAPY PRACTICE ACT AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Candice B. Pierucci

7 **LONG TITLE**

8 **Committee Note:**

9 The Business and Labor Interim Committee recommended this bill.

10 Legislative Vote: 10 voting for 3 voting against 7 absent

11 **General Description:**

12 This bill amends the Massage Therapy Practice Act.

13 **Highlighted Provisions:**

14 This bill:

- 15 ▶ creates and amends definitions;
- 16 ▶ creates a license classification for a massage assistant and a massage assistant

17 in-training;

18 ▶ establishes the qualifications and scope of practice for a massage assistant and a

19 massage assistant in-training;

- 20 ▶ amends massage therapist examination and background check requirements;

21 ▶ addresses supervision of a massage apprentice, massage assistant, and massage

22 assistant in-training;

23 ▶ requires certain signage and disclosures when a massage assistant or massage

24 assistant in-training provides a massage service; and

- 25 ▶ makes technical and conforming changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **58-47b-102**, as last amended by Laws of Utah 2012, Chapter 34

33 **58-47b-301**, as last amended by Laws of Utah 2013, Chapter 278

34 **58-47b-302**, as last amended by Laws of Utah 2020, Chapter 339

35 **58-47b-303**, as enacted by Laws of Utah 1996, Chapter 76

36 **58-47b-304**, as last amended by Laws of Utah 2021, Chapter 403

37 **58-47b-305**, as last amended by Laws of Utah 1998, Chapter 159

38 **58-47b-501**, as last amended by Laws of Utah 2018, Chapter 318

39 **58-47b-502**, as last amended by Laws of Utah 1998, Chapter 159

40 ENACTS:

41 **58-47b-302.1**, Utah Code Annotated 1953

42 **58-47b-306**, Utah Code Annotated 1953



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

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

46 **58-47b-102. Definitions.**

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

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

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

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

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

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

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

59 ~~[(5)]~~ (7) "Massage therapist" means an individual licensed under this chapter as a
 60 massage therapist.

61 (8) "Massage therapy supervisor" means:

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

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

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

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

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

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

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

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

74 (b) seated chair massage;

75 (c) the use of body wraps;

76 (d) aromatherapy;

77 (e) reflexology; or

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

79 (i) the hands;

80 (ii) a towel;

81 (iii) a stone;

82 (iv) a shell;

83 (v) a bamboo stick; or

84 (vi) an herbal ball compress.

85 ~~[(6)]~~ (10) "Practice of massage therapy" means:

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

88 (b) the systematic manual or mechanical manipulation of the soft tissue of the body for

89 ~~[the purpose of: (i)]~~ the purpose of promoting the therapeutic health and well-being of a client[;

90 ~~(ii)~~, enhancing the circulation of the blood and lymph~~;~~ ~~(iii)~~, relaxing and lengthening
 91 muscles~~;~~ ~~(iv)~~, relieving pain~~;~~ ~~(v)~~, restoring metabolic balance~~;~~ ~~(vi)~~, or achieving
 92 homeostasis~~;~~ ~~or~~, or for any other purpose;

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

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

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

97 (e) range of motion or movements without spinal adjustment as set forth in Section
 98 [58-73-102](#);

99 (f) ~~[(8)]~~ the use of oil rubs, heat lamps, salt glows, hot and cold packs, or tub, shower,
 100 steam, and cabinet baths;

101 (g) manual traction and stretching exercise;

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

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

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

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

109 (i) Subsection [58-28-307](#)(12);

110 (ii) the provisions of this chapter; and

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

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

115 ~~[(7)]~~ (11) "Soft tissue" means the muscles and related connective tissue.

116 ~~[(8)]~~ (12) "Unlawful conduct" ~~[is as]~~ means the same as that term is defined in Sections
 117 [58-1-501](#) and [58-47b-501](#).

118 ~~[(9)]~~ (13) "Unprofessional conduct" ~~[is as]~~ means the same as that term is defined in
 119 Sections [58-1-501](#) and [58-47b-502](#) and as may be further defined by division rule made in
 120 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

122 **58-47b-301. Licensure required.**

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

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

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

129 (b) represent [~~himself~~] oneself as providing a service that is within the practice of
130 massage therapy or the practice of limited massage therapy or use the word massage or any
131 other word to describe [~~such~~] the services; or

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

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

135 **58-47b-302. License classifications -- Qualifications for licensure.**

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

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

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

139 (c) massage assistant; and

140 (d) massage assistant in-training.

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

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

143 (b) pay a fee determined by the department under Section [63J-1-504](#);

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

145 (d) have either:

146 (i) (A) graduated from a school of massage having a curriculum [~~which~~] that meets
147 standards established by division rule made in collaboration with the board and in accordance
148 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

149 (B) completed equivalent education and training in compliance with division rule made
150 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or

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

152 hours of supervised training over a minimum of 12 months and in accordance with standards
153 established by ~~the~~ division ~~by~~ rule made in collaboration with the board and in accordance
154 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

155 (e) pass ~~examinations~~;

156 (i) the Federation of State Massage Therapy Boards Massage and Bodywork Licensing
157 Examination; or

158 (ii) any other examination established by ~~rule by the division~~ division rule made in
159 collaboration with the board and in accordance with Title 63G, Chapter 3, Utah Administrative
160 Rulemaking Act.

161 (3) ~~Each~~ An applicant for licensure as a massage apprentice shall:

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

163 (b) pay a fee determined by the department under Section [63J-1-504](#);

164 (c) be 18 years ~~of age~~ old or older;

165 (d) provide satisfactory evidence to the division that the ~~individual~~ applicant will
166 practice as a massage apprentice only under the direct supervision of a licensed massage
167 therapist in good standing ~~and who has~~ who, for at least 6,000 hours, has engaged in the
168 lawful practice of massage therapy as a licensed massage therapist ~~for not less than 6,000~~
169 hours]; and

170 (e) ~~successfully complete~~ pass an examination as required by division rule made in
171 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

172 (4) An applicant for licensure as a massage assistant shall:

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

174 (b) pay a fee determined by the department in accordance with Section [63J-1-504](#);

175 (c) be 18 years old or older;

176 (d) complete at least 150 hours of education and training approved by division rule
177 made accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, while:

178 (i) enrolled in a massage school; or

179 (ii) (A) licensed as a massage assistant in-training; and

180 (B) under the direct supervision of a massage therapist in good standing who, for at
181 least 6,000 hours, has engaged in the lawful practice of massage therapy;

182 (e) complete at least 150 hours of education and training approved by division rule

183 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, while:

184 (i) licensed as a massage assistant in-training; and

185 (ii) under the indirect supervision of a massage therapy supervisor;

186 (f) provide satisfactory evidence to the division that the applicant will practice as a

187 massage assistant only under the indirect supervision of a massage therapy supervisor; and

188 (g) pass an examination as required by division rule made in accordance with Title

189 63G, Chapter 3, Utah Administrative Rulemaking Act.

190 (5) An applicant for licensure as a massage assistant in-training shall:

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

192 (b) pay a fee determined by the department in accordance with Section [63J-1-504](#);

193 (c) be 18 years old or older; and

194 (d) provide satisfactory evidence to the division that the applicant will practice as a

195 massage assistant in-training under the supervision of a massage therapist for a period of no

196 more than six months to satisfy the requirements described in Subsections (4)(d)(ii) and (e) for

197 licensure as a massage assistant.

198 (6) (a) A massage therapist may supervise at one time up to six individuals licensed as

199 a massage apprentice or massage assistant in-training.

200 (b) A massage therapy supervisor may supervise at one time up to six individuals

201 licensed as a massage assistant.

202 ~~[(4) (a) Any]~~ (7) A new massage therapist [or], massage apprentice, massage assistant,

203 or massage assistant in-training applicant shall submit [fingerprint cards in a form acceptable to

204 the division at the time the license application is filed and shall consent to a fingerprint

205 background check by the Utah Bureau of Criminal Identification and the Federal Bureau of

206 Investigation regarding the application.] to and pass a criminal background check in accordance

207 with Section [58-47b-302.1](#) and any requirements established by division rule made in

208 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

209 ~~[(b) The division shall request the Department of Public Safety to complete a Federal~~

210 ~~Bureau of Investigation criminal background check for each new massage therapist or~~

211 ~~apprentice applicant through the national criminal history system (NCIC) or any successor~~

212 ~~system.]~~

213 ~~[(c) The cost of the background check and the fingerprinting shall be borne by the~~

214 applicant.]

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

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

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

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

227 **58-47b-302.1. Criminal background check.**

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

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

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

234 (2) The division shall:

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

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

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

244 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of

245 Section 53-10-108:

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

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

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

252 (4) For purposes of conducting a criminal background check required under this
253 section, the division shall have direct access to criminal background information maintained
254 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

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

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

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

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

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

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

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

274 **58-47b-303. Term of license -- Expiration -- Renewal.**

275 (1) (a) [Each] Except as provided in Subsection (3), the division shall issue a license

276 [issued] under this chapter [~~shall be issued~~] in accordance with a two-year renewal cycle
277 established by ~~[rule]~~ division rule made in accordance with Title 63G, Chapter 3, Utah
278 Administrative Rulemaking Act.

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

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

283 (3) A massage assistant in-training license expires six months after the day on which
284 the division issues the massage assistant in-training license.

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

286 **58-47b-304. Exemptions from licensure.**

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

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

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

294 (c) a nurse licensed under Chapter 31b, Nurse Practice Act, or under Chapter 44a,
295 Nurse Midwife Practice Act;

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

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

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

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

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

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

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

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

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

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

313 (m) an individual performing gratuitous massage; and

314 (n) an individual:

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

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

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

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

324 (D) who is certified to practice bowerwork and whose practice is limited to the scope
325 of practice of bowerwork; or

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

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

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

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

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

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

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

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

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

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

341 **58-47b-305. State and local jurisdiction.**

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

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

346 (i) ordinances governing the operation of establishments offering massages; or

347 (ii) ordinances regulating the practice of massage therapy or the practice of limited
348 massage therapy, if the ordinances are not less stringent than this chapter.

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

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

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

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

355 **58-47b-306. Required signage and disclosures.**

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

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

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

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

369 **58-47b-501. Unlawful conduct.**

370 (1) "Unlawful conduct" includes:

371 ~~[(1)]~~ (a) practicing, engaging in, or attempting to practice or engage in the practice of
372 massage therapy without holding a current license as a massage therapist or a massage
373 apprentice under this chapter;374 ~~[(2)]~~ (b) advertising or representing ~~[himself as practicing]~~ oneself as engaging in the
375 practice of massage therapy when not licensed to do so; ~~and]~~376 (c) practicing, engaging in, or attempting to practice or engage in the practice of limited
377 massage therapy without holding a current license as a massage therapist, massage apprentice,
378 massage assistant, or massage assistant in-training under this chapter;379 (d) advertising or representing oneself as engaging in the practice of limited massage
380 therapy when not licensed to do so; and381 ~~[(3)]~~ (e) massaging, touching, or applying any instrument or device by a licensee in the
382 course of ~~[practicing or]~~ engaging in the practice of massage therapy or the practice of limited
383 massage therapy to the:384 ~~[(a)]~~ (i) genitals;385 ~~[(b)]~~ (ii) anus; or386 ~~[(c)]~~ (iii) except as provided in Subsection (2), breasts of a female patron~~;~~
387 ~~except when a female patron].~~388 (2) Subsection (1)(e)(iii) does not apply if a female patron:389 (a) requests breast massage, as may be further defined by division rule~~;~~ made in
390 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and391 (b) signs a written consent ~~[form, which must also include]~~ form before the procedure
392 is performed that includes the signature of a parent or legal guardian if the patron is a ~~[minor,~~
393 ~~authorizing the procedure and outlining the reason for it before the procedure is performed.]~~
394 minor and authorizes and outlines the reason for the procedure.395 Section 10. Section **58-47b-502** is amended to read:396 **58-47b-502. Unprofessional conduct.**397 "Unprofessional conduct" includes the following and may be further defined by division
398 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

399 (1) maintaining, operating, or assisting in the establishment or operation of any place of

400 business for the purpose of performing the practice of massage therapy or the practice of
401 limited massage therapy without first obtaining a business license, if a license is required;
402 (2) failing to comply with any applicable ordinances relating to the regulation of
403 massage establishment;
404 (3) failing to comply with all applicable state and local health or sanitation codes;
405 (4) failing to properly supervise [~~an apprentice~~] a massage apprentice, massage
406 assistant, or massage assistant in-training;
407 (5) failing to maintain mechanical or electrical equipment in a safe operating condition;
408 (6) failing to adequately monitor patrons utilizing steam rooms, dry heat cabinets, or
409 water baths;
410 (7) prescribing or administering medicine or drugs;
411 (8) engaging in any act or practice in a professional capacity that is outside of the
412 practice of massage therapy or the practice of limited massage therapy; and
413 (9) engaging in any act or practice in a professional capacity for which the licensee is
414 not competent to perform through training or experience.