TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 20. MASSAGE THERAPY
SUBCHAPTER 1. GENERAL PROVISIONS

175:20-1-1. Purpose
This chapter provides information pertinent to the licensure and regulation of massage therapists by the State Board of Cosmetology and Barbering pursuant to the Massage Therapy Practice Act (59 O.S. §§ 4200 et seq.).

175:20-1-2. Definitions
The following rules and terms shall have the same meaning throughout this chapter unless the context clearly indicates otherwise:

"Advisory Board" means the Advisory Board on Massage Therapy.
"Board" means the State Board of Cosmetology and Barbering.
"Direct access" means the ability that the public has to seek out treatment by a massage therapist without the direct referral from a medical or health care professional.
"Massage therapist" means an individual who practices massage or massage therapy and is licensed under the Massage Therapy Practice Act. A massage therapist uses visual, kinesthetic, and palpatory skills to assess the body and may evaluate a condition to the extent of determining whether massage is indicated or contraindicated.
"Massage therapy" means the skillful treatment of the soft tissues of the human body. Massage is designed to promote general relaxation, improve movement, relieve somatic and muscular pain or dysfunction, stress and muscle tension, provide for general health enhancement, personal growth, education and the organization, balance and integration of the human body and includes, but is not limited to:
(a) the use of touch, pressure, friction, stroking, gliding, percussion, kneading, movement, positioning, holding, range of motion and nonspecific stretching within the normal anatomical range of movement, and vibration by manual or mechanical means with our without the use of massage devices that mimic or enhance manual measures; and
(b) the external application of ice, heat and cold packs for thermal therapy, water, lubricants, abrasives and external application of herbal or topical preparations not classified as prescription drugs.
"Massage therapy school" means a facility providing instruction in massage therapy.
"Seated massage" means any massage provided to the human body while the massage recipient is seated, including massage and techniques performed on clothed clients.

SUBCHAPTER 3. ADVISORY BOARD ON MASSAGE THERAPY

175:20-3-1. Composition, powers and duties of Advisory Board
(a) Title 59 O.S. §4200.4(C) creates the Advisory Board on Massage Therapy. The Advisory Board shall consist of five (5) members appointed by the Governor for four-year terms. The composition of
the Advisory Board shall be as follows:
(1) three members shall be licensed massage therapists and have practiced in Oklahoma for not less than three (3) years prior to their appointment;
(2) one member shall be an administrator or faculty member of a nationally accredited school of massage therapy; and
(3) one member shall be a citizen member.
(b) The Advisory Board shall assist the Board in carrying out the provisions of the Massage Therapy Practice Act regarding the qualifications, examination, registration, regulation, and standards of professional conduct of massage therapists.
(c) The Advisory Board shall elect from its members a Chair and Vice Chair. Meetings may be called by the Chair as needed for the Board to fulfill its duties.

SUBCHAPTER 5. LICENSURE OF MASSAGE THERAPISTS

175:20-5-1. Original Licensure
(a) The Board may issue a license to practice massage therapy to a person who:
(1) files a completed application on a form prepared by the Board;
(2) submits satisfactory evidence in the form of a birth certificate, driver’s license or other government-issued identification that the person is at least eighteen (18) years of age;
(2) provides documentation that the applicant currently maintains liability insurance for practice as a massage therapist;
(4) provides a certificate and certified transcript from a state-licensed massage school showing successful completion of at least five hundred (500) hours of formal education in massage therapy;
(5) provides a certified copy of test scores showing the applicant has completed and passed the Massage and Bodywork Licensing Examination (MBLEx);
(6) states under penalty of perjury in a manner prescribed on the application as to whether the applicant has in any jurisdiction:
   (a) pleaded guilty, nolo contendere or been convicted of a felony;
   (b) pleaded guilty, nolo contendere or been convicted of a misdemeanor involving moral turpitude;
   (c) pleaded guilty, nolo contendere or been convicted of a violation of federal or state controlled dangerous substance laws
(7) submits a current criminal history information report obtained from the Oklahoma State Bureau of Investigation.
(b) A criminal history background information report required by this section shall be current if dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the Board. The OSBI criminal history background report shall include a search of the Department of Corrections Sex Offender Database and Violent Offender Database. All fees required for the criminal history background report shall be paid by the applicant.
(c) The Board may deny a license or impose probationary conditions when the applicant has engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare or safety of
the public. Evidence of conduct that endangers or is likely to endanger the health, welfare or safety of the public may include but shall not be limited to:

(1) pleading guilty, nolo contendere or being convicted of a felony;
(2) pleading guilty, nolo contendere or being convicted of a misdemeanor involving moral turpitude;
(3) pleading guilty, nolo contendere or being convicted of a violation of federal or state controlled dangerous substance laws; or
(4) violating any provision of the Massage Therapy Practice Act or any rule of the Board.

175:20-5-2. Licensure by Reciprocity
(a) The Board may issue a license by reciprocity to a person who:

(1) submits an application on a form prepared by the Board;
(2) possesses a valid license or registration to practice massage therapy issued by the appropriate examining board under the laws of any other state or territory of the United States, the District of Columbia or any foreign nation;
(3) has met educational and examination requirements equal to or exceeding those established pursuant to the Massage Therapy Practice Act;
(4) provides documentation that the applicant currently maintains liability insurance for practice as a massage therapist;
(5) states under penalty of perjury in a manner prescribed on the application as to whether the applicant has in any jurisdiction:

(a) pleaded guilty, nolo contendere or been convicted of a felony;
(b) pleaded guilty, nolo contendere or been convicted of a misdemeanor involving moral turpitude; or
(c) pleaded guilty, nolo contendere or been convicted of a violation of federal or state controlled dangerous substance laws;

(6) submits a current criminal history information report obtained from the state or territory of the United States, the District of Columbia or foreign nation where the applicant is licensed. If no such report is available from the state, territory or foreign nation, the applicant shall submit a criminal history background information report from the Oklahoma State Bureau of Investigation.

(b) The applicant from another state or territory of the United States, the District of Columbia or a foreign nation may be required to provide evidence that documents have been certified as valid by a creditable agency as recognized by the Board. Any cost incurred for validation of documents shall be paid by the applicant.

(c) A criminal history background information report required by this section shall be current if dated no more than thirty (30) days prior to the date on which the applicant submits a completed application to the Board and shall include a search of sex offender and violent offender databases. All fees required for the criminal history background report shall be paid by the applicant.

(d) The Board may deny a license or impose probationary conditions when the applicant has engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare or safety of the public. Evidence of conduct that endangers or is likely to endanger the health, welfare or safety of the public may include but shall not be limited to:
(1) pleading guilty, nolo contendere or being convicted of a felony;
(2) pleading guilty, nolo contendere or being convicted of a misdemeanor involving moral turpitude;
(3) pleading guilty, nolo contendere or being convicted of a violation of federal or state controlled dangerous substance laws; or
(4) violating any provision of the Massage Therapy Practice Act or any rule of the Board.

175:20-5-3. License Renewal
(a) Massage therapy licenses shall be renewed biennially on the last day of the birth month of the licensee.
(b) In order to renew a license, a licensee shall:
   (1) submit a renewal application on a form prepared by the Board;
   (2) demonstrate completion of all continuing education requirements in a manner prescribed by the Board;
   (3) provide documentation that the applicant currently maintains liability insurance for practice as a massage therapist;
   (4) remit all required fees for renewal; and
   (5) states under penalty of perjury in a manner prescribed on the application as to whether the applicant has in any jurisdiction:
      (a) pleaded guilty, nolo contendere or been convicted of a felony;
      (b) pleaded guilty, nolo contendere or been convicted of a misdemeanor involving moral turpitude; or
      (c) pleaded guilty, nolo contendere or been convicted of a violation of federal or state controlled dangerous substance laws.
   (d) A thirty-day grace period shall be allowed after the end of the renewal period. During the grace period, a license may be renewed upon payment of the renewal fee and a late fee as prescribed by the Board.
   (e) If a massage therapist license is not renewed by the end of the thirty-day grace period, the license shall be placed on inactive status for a period not to exceed one (1) year. No person shall practice massage therapy while the license is in inactive status.
   (f) If within a period of one (1) year from the date the license was placed on inactive status the massage therapist wishes to resume practice, the massage therapist shall notify the Board in writing and, upon receipt of proof of completion of all continuing education requirements and payment of a reactivation fee, the license shall be restored in full.
   (g) If a license is not reactivated within one (1) year from the date that it was placed in inactive status, the license shall automatically expire. If the person who held the expired license wishes to practice as a massage therapist, the person shall apply for an original license and shall meet all requirements for original licensure as prescribed in this chapter.

175:20-5-4. Licensee address and name change
Each person holding a license shall notify the Board of any change in name and/or address within thirty (30) days after the change. Any name change shall require court or other legal documentation of
the change before the change may be recognized and recorded in files of the Board.

175:20-5-5. Report of disciplinary action in another jurisdiction
Each person holding a license shall notify the Board within thirty (30) days of disciplinary action taken against the licensee by another state, territory, foreign nation or other jurisdiction where the person is licensed to practice massage therapy. The licensee shall also notify the Board when the licensee’s application for licensure is denied by another state, territory, foreign nation or other jurisdiction.

175:20-5-6. Report of criminal plea or conviction
Each person holding a license shall notify the Board within thirty (30) days of pleading guilty, no contest (nolo contendre), or being convicted of a felony or misdemeanor other than a misdemeanor traffic violation.

SUBCHAPTER 7. CONTINUING EDUCATION

175:20-7-1. Continuing education requirement
(a) A licensee shall complete sixteen (16) hours of continuing education per license period. Acceptable continuing education shall address topics within the scope of practice of massage therapy or related business practices and may include training in CPR or First Aid. In order to receive credit for CPR or First Aid, the licensee must take a complete course with certification. If the licensee has lapsed, the licensee shall complete an additional two (2) hours related to best practices for sanitation and safety before the license can be restored to active status.
(b) The Board shall accept continuing education approved or provided by any of the following:
   (1) a state-licensed or accredited massage therapy school;
   (2) an accredited institution of higher education;
   (3) local, state, or national chapters of professional organizations that address improvement of the profession, including but not limited to the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) and the Federation of State Massage Therapy Boards (FSMTB).
(c) Continuing education may be in the form of in-person instruction or distance learning.
(d) Each licensee shall, at the time of making application for renewal, sign a statement on the application certifying that the licensee has completed the required hours of continuing education and provide verifiable evidence of completion.
(e) Each licensee shall maintain verifiable of completion of the continuing education activity until the licensee submits the next application for renewal.

SUBCHAPTER 9. STANDARDS OF PROFESSIONAL CONDUCT

175:20-9-1 Professional conduct
(a) A licensee shall maintain current knowledge of massage practice and perform services only if the licensee has the necessary knowledge, training or skill to perform the technique.
(b) A licensee shall be clean, fully-clothed and professional in dress and appearance. A licensee shall not practice in the nude, while partially nude, or in clothing designed to arouse or gratify the sexual desire of any individual.

(c) A licensee shall not engage in an activity, interest or influence that conflicts with the licensee’s obligation to act in the best interest of the client.

(d) A licensee shall not exploit a relationship with a client for the licensee’s personal advantage, including, but not limited to, a personal, sexual, romantic, or financial relationship.

(e) A licensee shall not engage in a romantic or sexual relationship with a client during the time that a therapist/client relationship exists.

(f) A licensee shall conduct business with honesty and integrity.

(g) A licensee shall be truthful in advertising and marketing, and not misrepresent services, charges for services, credentials, training, experience or result.

(h) A licensee shall not massage the genitalia of a client.

(i) A licensee shall only massage the breasts of a female client if:
   (1) the licensee has training in techniques related to therapeutic treatment of mammary tissue;
   (2) the massage is ordered by a licensed physician, documentation of which is maintained by the licensee; and
   (3) signed written consent is obtained from the client.

(j) A licensee shall not practice when under the influence of alcohol, drugs or any illegal substances, with the exception of legal or prescribed medication in dosages that do not impair the licensee’s ability to render massage therapy services in a safe manner.

(k) A licensee may refuse to treat any person or any part of the body for just or reasonable cause.

(l) A licensee shall immediately modify or terminate treatment at the client’s request regardless of prior consent.

(m) A licensee shall report to the Board if the licensee has first-hand knowledge or evidence of unlicensed practice or evidence indicating any unethical or illegal act that has been committed by another licensee.

(n) A licensee shall not perform pregnancy massage unless the licensee has been trained in techniques related to pregnancy or prenatal massage and has first obtained an informed written consent for the treatment from the client.

(o) A licensee shall not use fraud, misrepresentation or deception in obtaining a massage therapy license, in renewing a license, in passing a massage therapy license examination, in assisting another to obtain a license or pass a license examination, in providing massage therapy services, or in conducting any other activity related to the practice of massage therapy.

(p) A licensee shall cooperate with any inspection or investigation conducted by the Board.

(q) Upon request, licensee shall produce proof of licensure and photo ID.

175:20-9-2. Client Records

(a) A licensee shall maintain the confidentiality of client information at all times and not disclose the client’s identity or other information unless release of information is:
   (1) consented to in writing by the client;
   (2) required for the purpose of immediate treatment of the client by a third party; or
   (3) otherwise required by law.
(b) A licensee shall maintain client files and business records for at least three (3) years from the date of service and in a manner that secures client confidentiality.
(c) A licensee shall dispose of client records in a secure manner that prevents disclosure of personal information.
(d) A licensee shall obtain informed written consent from all clients. If the client is a minor, the licensee shall obtain written consent from the client’s parent or legal guardian. The client intake form shall include the client’s name, gender, date of birth, date of session, pertinent medical history, client sensitivities, allergies and medication.
(e) If a written plan of treatment is required, the client file shall include the intake form, progress notes signed by the licensee, complaints, ongoing assessments, client’s response to treatment, referrals to other professionals if indicated, and goals or desired outcome of treatment medications as disclosed by the client.
(f) Written consent without an intake form but with notification of pre-existing conditions that could affect a massage for a sports event massage, a public demonstration or a chair or seated massage.

175:20-9-3. Sanitation and Safety Standards
(a) All client contact items and work areas must be cleaned and disinfected between client therapy sessions.
(b) Disinfectants shall only be used if registered with the Environmental Protection Agency for use as a disinfectant to achieve its intended purpose in accordance with the product label. Licensees shall be responsible for product knowledge.
(c) Licensees shall wash their hands, forearms and above the elbows after each client session.
(d) Clean towels, gowns, linens and sheets shall be used for each client.
(e) Clean towels, gowns, linens and sheets shall be kept in a closed area that is free from contamination.
(f) A suitable hamper-type container shall be provided for soiled towels, gowns, linens or sheets.
(g) All liquids, creams and other products shall be kept in clean, closed containers.
(h) All products used on a client must be dispensed by a spatula, scoop, spoon, squeeze bottle, pump, dropper or similar dispenser so that the remaining product is not contaminated.
(i) Products applied to one client cannot be removed and reused on another client.
(j) Licensees shall observe universal precautions as published by the Centers for Disease Control in the event of exposure to blood or bodily fluids.
(k) No licensee shall massage any person when the surface to be massaged or has open cuts, lesions or infection.

175: 20-9-4. Client draping and privacy
(a) A licensee shall use appropriate draping to protect the client’s physical and emotional privacy. When a client remains dressed for a seated massage or sports massage, draping is not required.
(b) A licensee shall provide a private area for the client to change before and after service. The licensee shall respect the client’s privacy while changing unless the client requires assistance due to age or disability and the client consents to assistance.
SUBCHAPTER 11. GROUNDS FOR DISCIPLINE

175:20-11-1. Grounds for discipline
(a) The Board may take the following disciplinary action against a licensee:
   (1) refuse to renew a license;
   (2) suspend or revoke a license;
   (3) issue an administrative reprimand; or
   (4) impose probationary conditions.
(b) The Board may take disciplinary action upon a finding that the licensee has violated any provision of the Massage Therapy Practice Act, any rule of the Board or has engaged in any unprofessional conduct that endangers or is likely to endanger the health, welfare or safety of the public. Evidence of conduct that endangers or is likely to endanger the health, welfare or safety of the public may include but shall not be limited to:
   (1) pleading guilty, nolo contendere or being convicted of a felony;
   (2) pleading guilty, nolo contendere or being convicted of a misdemeanor involving moral turpitude; or
   (3) pleading guilty, nolo contendere or being convicted of a violation of federal or state controlled dangerous substance laws.

SUBCHAPTER 13. COMPLAINTS AND HEARINGS

175:20-13-1. Complaints and disciplinary proceedings
(a) Disciplinary proceedings may be instituted by sworn complaint of any person, including members of the Board, and shall conform to the provisions of the Administrative Procedures Act.
(b) Complaints shall be made, and investigations and disciplinary proceedings shall be conducted, as provided for in Subchapter 5 of Chapter 1 of this Title.
(c) A license holder who has been found guilty and sanctioned by the Board shall be responsible for the payment of all costs of the disciplinary proceedings and any administrative fees imposed.

SUBCHAPTER 15. FEE SCHEDULE

175:20-15-1. Massage Therapy Practice Act license and penalty fees
(a) The following license and penalty fees are hereby adopted:
   (1) Massage Therapist License (prior to May 1, 2017) - $25.00
   (2) Massage Therapist License (after May 1, 2017) - $50.00
   (3) Massage Therapist License by Reciprocity - $65.00
   (4) License Renewal - $50.00
   (5) Duplicate license (in case of loss or destruction of original license and/or renewal application) - $5.00
(6) Notary Fee - $1.00
(7) Certification of Records - $10.00
(8) Late fee (for licenses renewed during the one-month grace period) - $10.00
(b) All fees shall be submitted to the Board in the form of a cashier's check, money order or business check. Personal checks are not accepted by the Board.