

**TITLE 175. STATE BOARD OF COSMETOLOGY AND BARBERING
CHAPTER 20. MASSAGE THERAPY**

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 at its first meeting of each fiscal year. 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;
 - (3) 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 or a misdemeanor involving an act of violence;

(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 if the applicant has

(1) pleaded guilty, nolo contendere or been convicted of a felony;

(2) pleaded guilty, nolo contendere or being been convicted of a misdemeanor involving moral turpitude or a misdemeanor involving an act of violence;

(3) pleaded guilty, nolo contendere or being been convicted of a violation of federal or state controlled dangerous substance laws;

(4) engaged in unprofessional conduct as described in this chapter that has endangered or is likely to endanger the health, welfare or safety of the public;

(5) violated any provision of the Massage Therapy Practice Act or any rule of the Board; or

(6) had a license revoked in another jurisdiction or been the subject of disciplinary action in another jurisdiction.

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 if the applicant has:

- (1) pleaded guilty, nolo contendere or being been convicted of a felony;
- (2) pleaded guilty, nolo contendere or being been convicted of a misdemeanor involving moral turpitude;
- (3) pleaded guilty, nolo contendere or being been convicted of a violation of federal or state controlled dangerous substance laws;
- (4) engaged in unprofessional conduct that has endangered or is likely to endanger the health, welfare or safety of the public;
- (5) violated any provision of the Massage Therapy Practice Act or any rule of the Board; or
- (6) had a license revoked in another jurisdiction or been the subject of disciplinary action in another jurisdiction.

175:20-5-5. Report of disciplinary action in another jurisdiction

Each person holding a license shall notify the Board in writing 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 in writing within thirty (30) days of the date 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 contendere), or being convicted of a felony or misdemeanor other than a ~~misdemeanor~~ minor traffic violation.

Subchapter 7. Continuing Education

175:20-7-1. Continuing education requirement

(a) A licensee shall complete five (5) hours of continuing education per year. Acceptable continuing education shall address topics within the scope of practice of massage therapy as defined in the

Massage Therapy Practice Act 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.

- (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), the American Massage Therapy Association, and the ~~American~~ Associated Bodywork and Massage Professionals;
 - (4) the Federation of State Massage Therapy Boards (FSMTB);
 - (5) A seminar licensed by the Oklahoma Board of Private and Vocational Schools (OBPVS)
 - (6) The State Board of Cosmetology and Barbering;
 - (7) Any entity authorized to provide certification in CPR or First Aid that meets or exceeds standards set by the American Heart Association or the American Red Cross; or
 - (8) A continuing education provider approved by the Advisory Board.
- (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.
- (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 nor engage in, or offer to engage in, any activity with the intent of sexually arousing 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;
and
- (2) 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.
- (r) It shall constitute unprofessional conduct for a licensee to plead guilty, nolo contendere, be convicted of, or receive a deferred sentence for a crime that has a direct bearing on the fitness or ability of the licensee to perform one or more of the duties or responsibilities necessarily related to the practice of massage therapy. Such crimes shall include, but are not be limited to, prostitution, human trafficking, sexual assault, crimes of violence against a person, robbery, larceny, money laundering, or fraud committed in billing or charging for massage services.
- (s) It shall constitute unprofessional conduct for a licensee to violate any provision of the Massage Therapy Practice Act or any rule of the Board.
- (t) A licensee shall report to the Board any disciplinary action taken against the licensee in another jurisdiction.

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) In performing a sports event massage, a public demonstration or seated massage, a licensee may obtain a written consent without an intake form but with notification of pre-existing conditions that could affect the massage.

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:
- (1) pleaded guilty, nolo contendere or been convicted of a felony;
 - (2) pleaded guilty, nolo contendere or been convicted of a misdemeanor involving moral turpitude;
 - (3) pleaded guilty, nolo contendere or been convicted of a violation of federal or state controlled dangerous substance laws.
 - (4) violated any provision of the Massage Therapy Practice Act or any rule of the Board;
 - (5) engaged in any unprofessional conduct; or
 - (6) been the subject of disciplinary action in another jurisdiction;

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.

(d) If the Board finds that public health, safety or welfare imperatively requires emergency action, the Board may summarily suspend the license of a licensee pending the outcome of an individual proceeding which shall be promptly instituted in conformity with the provisions of the Administrative Procedures Act.

175:20-15-1 Massage Therapy Practice Act license and penalty fees

(c) Waiver of fee for low-income individuals. Pursuant to the provisions of 59 O.S. § 4003A, upon presentation of satisfactory evidence that an applicant for initial licensure or certification, or that a licensee or certificate-holder seeking renewal, is a low-income individual, the Board shall grant a one-time one-year waiver of the fee for licensure, certification or renewal. A low-income individual is a person who is enrolled in a state or federal public assistance program, including, but not limited to, the Temporary Assistance for Needy Families, Medicaid or the Supplemental Nutrition Assistance Program, or whose household adjusted gross income is below one hundred forty percent (140%) of the federal poverty line. An applicant for licensure must provide documentation showing participation in one of the afore-mentioned programs or submit income tax returns showing income below the established threshold. The documentation must be current and must be issued by the federal or state entity administering the program. Copies of income tax returns must be from the most recent tax year prior to the date of licensure application.