MISSISSIPPI
STATE BOARD OF MASSAGE THERAPY

Rules and Regulations

Effective 05/01/2011

TITLE 30 PROFESSIONS AND VOCATIONS
PART 2501

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Title 30: Professions and Occupations

Part 2501: Massage Therapy, Board of

Part 2501 Chapter 1: General Provisions

Rule 1.1 Statutory Authority. The State Legislature granted Statutory Authority for the Licensing of Professional Massage Therapist in 2001. Section 73-67-1 et seq., of the Mississippi code of 1972, Annotated provides for the regulation of the practice of massage as well as the use of the title "Licensed Massage Therapist" (LMT) for those who offer massage services to the public for fees. In 2004, authority to regulate Massage Therapy Schools, programs and instructors was granted. Effective July 1, 2008, the authority for the use of the title "Licensed Massage Therapist" was granted.

Source: *Miss Code Ann.* § 73-67-1 (Rev. 2008)

Rule 1.2 Non-Discrimination. The Mississippi State Board of Massage therapy does not discriminate against any applicant, candidate, or licensee because of race, color, creed, sex, religion, national origin, age, physical handicap, disability, or political affiliation.

Source: *Miss Code Ann.* § 43-33-723 (2001); § 25-9-103 (2001)

Rule 1.3 Purpose. The purpose of these rules shall be to provide interpretation and application guidelines regarding state law as indicated in Rule 1.1 above and to communicate established procedures and requirements for the following:

A. The establishment of a State Board of Massage Therapy;
B. The selection of Board members;
C. The establishment of rules and procedures for Board meetings;
D. Standards and qualifications requisite in the issuance of licenses;
E. Evaluation of qualifications of individuals applying for licensure;
F. Issuance and renewal of licenses to qualified persons;
G. Setting fees necessary for administration of the licensing program; and,
H. Establishing criteria for disciplinary actions against licensees.

Source: *Miss Code Ann.* § 73-67-9 (Rev. 2008)*;* § 73-67-15 (Rev. 2008); § 73-67-17 (Rev. 2008)

Rule 1.4. Definitions.

A. "Annual Pass Rate" means the ratio of the total number of individuals who passed any Board-approved comprehensive examination to the total number of individuals who sat for a Board-approved comprehensive examination. The Board will periodically establish a protocol for the annual pass rate.
B. "Approved Massage Therapy School" means a facility that meets the school requirements as stated in § 73-67-1 et seq. Miss. Code Ann. (1972) as amended.
C. "Board" means the state Board for licensing massage therapists as created by § 73-67-9, Miss. Code Ann. (1972) as amended.

D. “Board-Accepted Hours” means hours of education accepted by the Board to meet requirements of exemption and/or continuing education for pre-act practitioners and is different from “Board approved programs” and/or “Board-approved school hours.”
E. “Classroom Hour” means no less than fifty (50) minutes of any one (1) clock hour during which the student participates in a learning activity under the supervision of a member of the faculty of the school.
F. “Completion of Program” means satisfying all of the graduation requirements for the school’s massage therapy program as published in the school catalog and all requirements for students contained in the school’s license from the Board.
G. “Comprehensive Pass Rate” means calculated the equivalent of the annual pass rate by combining the two most recent years’ data.
H. “Examination” means the State Board of Massage Therapy approved examination for licensure.
I. ”Graduate” means a student who has achieved completion of the program.
J. “License” means a State Board of Massage Therapy approved form of credential indicating that the license holder has met the requirements of the Board for the practice of massage therapy.
K. “Massage” means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment). “Therapy” means action aimed at achieving or increasing health and wellness. “Massage therapy” means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (Iii) use hand held tools such as electrical hand massagers used adjunctively to the application of hand massage or devices designed as t-bars or knobbies, and (iii) instruct self care and stress management. “Manual” means by use of hand or body.
L. “Massage Establishment” means a place of business where massage is being conducted.
M. “Massage Therapist” means a person who practices massage therapy.
N. “MPMTA” means the “Mississippi Professional Massage Therapy Act”.
O. “Pre-Act Practitioner” means an individual who has practiced professional massage therapy before January 1, 2001.
P. “Professional” means requiring minimum standards of conduct, ethics and education.
Q. “Provisional permit” means a temporary license approved by the Board when all requirements other than Board-approved national or state examinations or the Mississippi law examination, have been met, not to exceed ninety (90) days.
R. “Applicant” means one who applies for or requests approval of any application.
S. “Practitioner” means licensed massage therapist.
T. “Osseous Tissue” means bone.
U. “Out-of-State Massage Therapy Instructor” means an instructor who is licensed in another jurisdiction and teaching in a Mississippi State Board approved school (see Rule 7.2.A and Rule 9.1 for specific requirements).
V. “Temporary Instructor License” means a license issued when emergency need can be demonstrated by a Mississippi licensed massage school. See 9.1.G.

W. “MSBMT” means the Mississippi State Board of Massage Therapy. See “Board” above.

X. “Board Comprehensive Examination” means a comprehensive competency exam approved by MSBMT, including but not limited to:

1. The Mississippi Board Examination administered by or on behalf of MSBMT.
2. The Massage and Bodywork Licensing Exam (MBLEx) administered by or on behalf of the Federation of State Massage Therapy Board (FSMTB). Cost is determined by FSMTB.
3. The National Examination for State Licensing (NESL) administered by or on behalf of the National Certification Board of Therapeutic massage and Bodywork (NCBTMB). Students MUST take the NCETMB option and select Mississippi as the Official Score Report section for automatic reporting to MSBMT. Cost is determined by NCBTMB.

Y. “Mississippi State Law Examination” (MSLE) means the comprehensive examination on the Mississippi Massage Therapy Practice Act § 73-67 and the associated relevant MSBMT Rules and Regulations that is given by the Board or its representative. A score of 70% or higher is required on the MSLE prior to licensure.

Source: *Miss Code Ann.* § 73-67-7 (Rev. 2008); § 73-67-25 (2) (Rev. 2008)

Part 2501 Chapter 2: Fees

Rule 2.1. Fee Schedule

A.	Application Packet Fee (or actual per page cost) if mailed	$ 15.00
B.	Application Fee for Licensure. If a license has not been issued within 24 months of receipt of the application, even if a provisional permit was issued, the applicant must submit a new application and application fee	$ 50.00
C.	Two year License or Renewal Fee and Mobile Therapist Card	$ 200.00
D.	Paper Application Fee for LMT renewals by paper application method	$ 35.00
E.	Charge back fee for bounced eChecks and/or credit card denials	$ 40.00
F.	Convenience fee for online processing * (amount determined by Mississippi Department of Finance and Administration and Mississippi Department of Information Technology Services	*
G.	Renewal Late Fee for applications 1 – 30 days late (Paper renewals become late when postmarked less than 30 days prior to expiration)	$ 100.00
H.	Renewal Late Fee for applications 31 – 60 days late	$ 150.00
I.	Renewal Late Fee for applications 61 – 90 days late	$ 200.00
J.	Reapplication Fee for applications more than 90 days late	$ 250.00
K.	Additional Certificate – LMT Certificate or Instructor Certificate	$ 25.00

L.	Replacement Certificate Fee – LMT or Instructor or Mobile Therapist Card. Must return certificate in exchange (Section 603)	$ 10.00
M.	Code of Ethics	$ 5.00
N.	Provisional Permit (Provisional permit fee shall be submitted with Application Fee and License Fee)	$ 30.00
O.	Directory or Labels of Licensed Massage Therapists	$ 50.00
P.	Mississippi Board Examination Fee for pre-licensure:	$150.00
Q.	Instructor License or Renewal Fee	$ 50.00
R.	Instructor Renewal Late Fee	$ 100.00
S.	Temporary Instructor License Fee	$ 100.00
T.	Per Page Copying Fee (plus postage if mailed)	$ .50
U.	Continuing education provider biennial fee (initial or renewal)	$ 100.00
V.	Continuing education program biennial application fee (initial or renewal)	$ 50.00
W.	Out of State Individual CEU approval fee (see 1002 D)	$ 100.00
X.	Inactive Fee (valid for inactive status up to 3 years)	$ 30.00
Y.	Mississippi State Law Examination (MSLE)	$100.00
Z.	Mississippi State Pre-Licensure Examination (MSPLE)	$150.00

Source: *Miss Code Ann.* § 73-67-15 (1) (m) (iii) (Rev. 2008); § 73-67-15 (1) (p) (Rev. 2008); 73-67-25 (2) (Rev. 2008)

Rule 2.2 A. Fines and Penalties. The Board shall establish reasonable and customary fines and penalties. Any violation of the Rules and Regulations, or provisions of 73-67-1 through 73-67-39, shall be punishable by a fine of no less than $25.00 and no more than $100.00 per occurrence unless otherwise set forth by rule or statutory provision. By definition, a violation is the first day that sufficient evidence is received, either in writing or via on-site inspection. Fine schedule for violations (including but not limited to):

1.	Working without a License properly displayed	$25.00 per occurrence
2.	Working without a License for that location	$25.00 per occurrence
3.	Working without a Code of Ethics properly displayed	$25.00 per occurrence
4.	Working with an expired Provisional Permit	$100.00 per occurrence for the first violation; and Up to $500.00 per occurrence for each violation thereafter
5.	Working with an expired License	$100.00 per occurrence for first violation; and Up to $500.00 per occurrence for each

		violation thereafter
6.	Advertising with a revoked, inactive, retired, suspended or expired Provisional Permit or License	$100.00 per occurrence for first violation; and Up to $500.00 per occurrence for each violation thereafter
7.	Working without a license: See section 73-67-27(3)(a), (b), (c) Miss. Code Ann. (1972) as amended	
8.	It shall be the responsibility of a massage therapy establishment to verify the current license of any and all persons practicing massage therapy at the location of or on behalf of the establishment. Failure to comply is subject to penalty assessed by the Board of not less than $500.00 and not more than $1000.00 per violation.	
9.	It shall be the responsibility of the licensee, a massage therapy establishment, a Board approved school, and/or a separate advertising entity to verify and include current license numbers in all advertising, no matter the format. (See section 73-67-29 (7). Failure to comply is subject to penalty assessed by the Board up the $1000.00 per violation. See Exemptions in 73-67-21 (2).	
10.	Failure to comply with any provisions of Rule 7.5 is subject to penalty assessed by the Board up to $500.00 per violation.	
11.	Failure of an LMT or a massage establishment to maintain all required documents including, but not limited to, client history/intake forms and client release forms for a period of two (2) years.	
In addition to administrative penalties of the Board, criminal sanctions for violations may be imposed in accordance with § 73-67-27(3)(a), (b), (c) Miss. Code Ann. (1972) as amended.		

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008); § 73-67-21 (1); 21 (2) (Rev. 2008); § 73-67-25 (2) (Rev. 2008); § 73-67-27 (Rev. 2008); § 73-67-29 (Rev. 2008)

Rule 2.2 B. Other Fines and Penalties

Violation		1st violation	2nd violation
1.	Operating of unlicensed school	$ 1000.00	$ 5000.00
2.	Operating with an expired school license (unless written extension from the Board)	$ 1000.00	$ 5000.00
3.	Failure to meet with Board and or submit compliance plan	$ 500.00	$ 1000.00
4.	Late submission of annual Renewal Application	$ 500.00	$ 1000.00
5.	Submission of documents to the Board that contain false and/or misleading information	$ 500.00	$ 1000.00
6.	Failure to allow authorized representatives of the Board to	$500.00	$ 1000.00

	conduct inspections of the school		
7.	Refusal to make available to representatives of the Board full information as requested	$ 1000.00	$ 2500.00
8.	Failure to submit any report when due unless otherwise specified	$ 250.00	$ 500.00
9.	Failure to immediately notify the Board of any change in accreditation status, including violations with accrediting Board	$ 250.00	$ 500.00
10.	Failure to meet all the provisions of school licensure as required by the application and Chapter 9 of these Rules and Regulations	$ 500.00	$ 1000.00
11.	Provider who advertises approval by the Board when approval has not been granted in writing	Up to $ 1000.00	
12.	Provider who teaches a continuing education program for massage therapy renewal credit prior to receiving approval from the Board in writing	Up to $ 1000.00	
13.	CEU provider who does not meet reporting requirements as required by Rule 10.2 A.	Up to $ 1000.00	

Source: *Miss Code Ann.* § 73-67-15 (1) (Rev. 2008); § 73-67-19 (7) (Rev. 2008)

Rule 2.2.C. Licenses may not be renewed if fines or penalties are outstanding.

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008)

Rule 2.3 General Provisions

1. All fees are non-refundable.
2. a. For paper applications, fees shall be paid in full by a cashier's check or money order made payable to MSBMT (Mississippi State Board of Massage Therapy). Personal checks will be returned.
   b. For online renewals, MasterCard or Visa debit/credit cards or eChecks may be accepted.
3. No application shall be considered complete unless accompanied by the required fees.

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008)

Rule 2.4 Reapplication Fee

A. The Reapplication Fee is charged when a LMT, who has allowed his/her license to lapse for more than 90 days, expire, retire, or become inactive, or has been suspended or revoked and seeks to return to current status. This fee is always charged in addition to the current license fee.

Source: *Miss Code Ann.* § 73-67-15 (1) (p) (Rev. 2008)

Rule 2.5 Request for Directory or Labels of Current Licensed Massage Therapist

A. A directory or labels of current licensed massage therapists shall be updated annually and made available to CEU providers licensed with the Board and other massage related service at the discretion of the Board, upon written request or upon online request and payment of the required fee.

B. Labels shall be made available to Mississippi state agencies upon request at no cost.

Source: *Miss Code Ann.* § 73-67-15 (1) (r) (Rev. 2008)

Part 2501 Chapter 3: Organization

Rule 3.1 Mississippi State Board of Massage Therapist

A. Composition and Appointment

1. The Board shall consist of five (5) members appointed by the Governor, with advice and consent of the Senate.
2. At least three (3) members shall be appointed from a list submitted by State representatives of one or more nationally recognized professional massage therapy association(s), all of whom must be residents of Mississippi and must have engaged in the practice of massage therapy within the State for at least three (3) years.
3. One (1) member shall be a registered health professional in a health field other than massage therapy and one (1) member shall be a consumer at large who is not associated with or financially interested in the practice or business of massage therapy.
4. Initial appointments to the Board will be for staggered terms. All subsequent appointments to the Board shall be appointed by the Governor for the terms of four (4) years from the expiration date of the previous term. No person shall be appointed for more than two (2) consecutive terms. By approval of the majority of the Board, the service of a member may be extended at the completion of a four-year term until a new member is appointed or the current member is reappointed.
5. Board members shall receive the per diem authorized under Section 25-3-69 of the Miss. Code Ann. (1972) as amended for each day actually discharging his official duties, and shall receive reimbursement for mileage and necessary expense incurred, as provided in Section 25-3-41 of the Miss. Code Ann. (1972) as amended.
6. No Board member shall be associated with or have financial interest in a school of massage therapy in the State of Mississippi. No member of the Board may be an owner or partner of a massage therapy school. Nothing in these rules

shall prohibit a Board member from being an instructor in a school of massage therapy provided they are licensed as an instructor with this Board.

B. Oath, Officer Elections and Exemption from Civil Liability

1. The Board shall elect one (1) of the appointed massage therapists as the chairman of the Board.
2. Each Board member shall be held accountable to the Governor for the proper performance of all duties and obligations of the member's office.
3. A Chair, Vice-Chair, and Secretary/Treasurer shall be chosen by the Board from among its members in January of even numbered years.
4. Board members shall be immune from civil liability pertaining to any legal functions involving the carrying out of the activities and responsibilities of the Board.

Source: *Miss Code Ann.* § 73-67-9 (Rev. 2008)

Rule 3.2 Board Operations

A. The Board shall:

1. Adopt an official seal and keep a record of its proceedings, persons licensed as massage therapists, and a record of the licenses that have been revoked or suspended;
2. Keep on file all appropriate records pertaining to each license;
3. Annually, on or before February 15, make a report to the governor and Legislature of all of its official acts during the preceding year, its total receipts and disbursements and a full and complete report of relevant statistical and significantly notable conditions of massage therapist in this state as uniformly stipulated by the Board;
4. Evaluate the qualifications of applicants for licensure under this act, and advise applicants as to the acceptance or denial of licensure with any reasons for denial within forty-five (45) days;
5. Issue licenses to applicants who meet the requirements of the Board;
6. Inspect, or have inspected, when required, the business premises of any licensed massage therapist during their operating hours, so long as such inspection does not infringe on the reasonable privacy of any therapists' clients;
7. Establish minimum training and educational standards for obtaining a license, provided that requirements do not decrease;
8. Establish a procedure for approval of educational standards;
9. Investigate persons suspected of engaging in practices which may violate provisions of the law, rules and regulations governing massage therapists;
10. Revoke, suspend or deny a license in accordance with the provisions of the law, rules and regulations governing massage therapists;
11. Adopt an annual budget;
12. Establish policies with respect to continuing education;
13. Adopt rules:
    a. Specifying standards and procedures for issuance of provisional license and provisional permit;

b. Specifying license procedures for practitioners desiring to be licensed in this state who hold an active license or credentials from another state Board;

c. The Board shall prescribe renewal procedures, requirements, dates and fees for massage therapy licenses issued by the Board and shall include provisions for inactive, retired, and lapsed licenses;

d. Make available all forms necessary for carrying out all provisions of this act and any and all necessary business of the Board;

e. Establish written duties of the executive director;

f. Establish a set of reasonable and customary fines and penalties for violations of this act, and fees, including refund policies, which shall be standardized and not exceeded unless amended with at least thirty (30) days' notice to those who are licensed;

g. Establish, amend or repeal any rules or regulations necessary to carry out the purposes of the law, rules and regulations governing massage therapists. Affected practitioners shall be sent relevant changes no less than once per license renewal;

h. The Board shall maintain a current register listing the name of every massage therapist licensed to practice in this state, his/her last known place of business and the last known place of residence, and the date and number of his/her license.

B. The Board will hold at least four (4) regular meetings each year. Additional meetings may be called by the Chair of the Board or at the written request of a majority of the Board.

C. Meeting dates, times, and locations are published in the Board's minutes.

D. An organizational meeting shall be held in January of even numbered years for the purpose of electing officers.

E. All meetings of the Board are open to the public, and citizens are encouraged to attend meetings. The following regulation is enacted for the purpose of providing reasonable written procedures concerning the cost, time, place, and method of access, under the provisions of the Mississippi Public Record Act of 1983 (Open Records Act). It is not intended that these procedures shall apply to any public record or other document, which is exempt from the provisions of said Act or not covered by the provisions of the Open Records Act.

1. Any individual seeking to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of the board should make a written request, signed by themselves to be mailed to the Executive Director, Mississippi State Board of Massage Therapy, Post Office Box 20, Morton, MS 39117.

2. The written request must be typed or clearly hand printed on a letter size piece of paper and shall specify in detail the public record sought. The request should include, if possible, a description of the type of record, dates, title of a publication, and other information which may aid in locating the record.

3. The written request must specify what the applicant proposes to do with the record, i.e., inspect, copy, etc. state the date and time for the proposed

activity; state the number of persons scheduled to participate; and shall provide the name, address, and home and office telephone number of the applicant.

4. The Executive Director, upon receipt of any such request, shall review same and determine whether the records sought are exempt under the Mississippi Public Records Act, and shall either produce records or access to records or deny access to or production of the records sought within seven (7) working days from the date of the receipt of the request for the production of the record. If the Board is unable to produce a public record by the seventh working day after the request is made, the Board will provide a written explanation to the person making the request stating that the record requested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is a mutual agreement of the parties, in no event shall the date for the Board's production of the request records be any later than fourteen (14) working days from the receipt of the original request.

5. All inspection, copying or mechanical reproduction shall be done in the [i] offices of the Board or such other reasonable place within the State of Mississippi as may be designated by the Board. It shall be the duty of the applicant to contact the Executive Director by phone before noon of the first working day preceding the proposed date set out in the application to determine if same is acceptable and, if not, what date and/or time will be substituted.

6. Where possible, nonexempt material will be separated from exempt material and only the exempt material will be withheld.

7. If the Executive Director determines that the records requested are exempt or privileged under the law, she shall deny the request and shall send the person making the request a statement of the specific exemption relied upon by the Board for the denial. Such denials shall be kept on file for inspection by any person for three (3) years. This file shall be made available for inspection or copying or both during regular office hours to any person upon written request.

8. The Executive Director is authorized to calculate the estimated cost of searching, obtaining from storage, reviewing, shipping and/or duplicating records and to require payment in advance of such estimated charges prior to complying with the request. There shall be a charge of $0.50 per page for each copy. Copies printed on both sides (front & back) shall be considered as two pages for copy charge purposes. Mailing cost shall be calculated at the applicable rate for each such mailing. If request involves notice to be given to a third party, the cost of mailing such notice via certified mail return receipt requested shall be charged to the person requesting such public records. In the event the actual cost of such activity exceeds the estimate, the Executive Director is authorized to withhold mailing or delivery of said documents or to delay the inspection until the difference is paid.

9. There shall be no charge for inspection of the current Board's records maintained at the Board office. Cost of obtaining records from any state storage facilities and the search for it shall be charged to the applicant.
10. The Executive Director may waive any or all of the foregoing requirements related to written notice, time, and method of access prepayment of expenses whenever the determination is made that such waiver would be in the public interest.

F. Information regarding the Board's activities, submissions to the Board, and requests of the Board should be made in writing to the Board.

G. Individuals who wish to be included on the Board's agenda must submit a written request to the Board on the Agenda Request form provided by the Board. The Board must receive this request at least ten (10) working days prior to the regularly scheduled Board meeting.

H. The board will review only complete applications for licensure. Incomplete applications will be returned to the applicant.

I. The Board may deny initial application for licensure or license renewal for the following reasons, including, but not limited to:

1. Failure to meet all requirements for licensure;
2. Failure to pay required fees;
3. Conviction of a felony other than a violation of federal or State tax laws;
4. Unacceptable or unlicensed practice of the applicant;
5. Violation of the ethical code;
6. Declaration of mental incompetence by the court.

Source: *Miss Code Ann.* § 73-67-15 (1) (Rev. 2008); § 73-67-9 (Rev. 2008); § 75-67-25 (2) (Rev. 2008)

Rule 3.3 Open Meetings Law. The Mississippi State Board of Massage Therapy shall adhere to the Open Meetings Law, Section 25-41-3, Miss Code Ann. (1972) as amended.

Source: *Miss Code Ann.* § 25-41-3.101 (Rev. 2006)

Rule 3.4 Oral Proceeding. This rule applies to all oral proceedings held for the purposes of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to Rule 3.4.

A. The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

B. Each request must be printed, typewritten, or legibly handwritten. Each request must be submitted on standard business letter-sized paper (8-1/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).

C. The date, time, and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no

earlier than twenty (20) days from the filing of this information with the Secretary of State.

D. The Chairman or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

E. Public Presentations and Participation

1. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.

2. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one (1) business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer, in his or her discretion may allow individuals to participate that have not previously contacted the Board.

3. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

4. The presiding officer may place time limitations on individual oral presentations when necessary to ensure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

5. Persons making oral presentations are encouraged to avoid restating matters that have already been stated or matters that have already been submitted in writing. Written materials may, however, be submitted at the oral proceedings.

6. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the participant's time where the orderly conduct of the proceeding so requires.

F. Conduct of Oral Proceeding

1. Presiding Officer. The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceedings. The presiding officer shall:

a. call the proceeding to order;

b. give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule;

c. call on those individuals who have contacted the Board about speaking on or against the proposed rule;

d.allow for rebuttal statements following all participant's comments;

e adjourn the proceeding.

2. Questions. The presiding officer where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matters relating to that rule-making

proceeding, including any prior written submissions made by those participants in that proceeding, but no participant shall be required to answer any questions.
3. Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.
4. Recording. The Board may record oral proceedings by stenographic or electronic means.

Source: *Miss Code Ann.* § 25-43-2.105 (Rev. 2006)

Rule 3.5 Declaratory Opinions
These rules set forth the Mississippi State Board of Massage Therapy hereinafter "Board", rules governing the form and content of requests for declaratory opinions, and the Board's procedures regarding the requests as required by Mississippi Code 305. These rules are intended to supplement and to be read in conjunction with the provisions of the Mississippi Administrative Procedure Law, which contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedure Law, the latter shall govern:

A. Any person with a substantial interest in the matter may request a declaratory opinion from the Board by following the specified procedures. "Substantial interest in the subject matter" means: an individual, business, group, or other entity that is directly affected by the Board's administration of the law within its primary jurisdiction. "Primary jurisdiction of the Board" means the Board has a constitutional or statutory grant of authority in the subject matter at issue.

B. The Board will issue a declaratory opinion regarding the applicability to specified facts of:

1. a statute administered or enforceable by the Board, or
2. a rule promulgated by the Board.

The Board will not issue a declaratory opinion regarding a statute or rule which is outside the primary jurisdiction of the agency.

C. The Board may, for good cause, refuse to issue a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. lack of clarity;
2. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make and answer unnecessary;
3. the statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
4. the facts presented in the request are not sufficient to answer the question presented;
5. the request fails to contain information by these rules or the requestor failed to follow the procedure set forth in these rules;

6. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statutes or rule on which a declaratory opinion is sought;
7. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;
8. the question presented by the request concerns the legal validity of a statute or rule;
9. the request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;
10. clear answer is determinable;
11. the question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;
12. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;
13. the question is currently the subject of an Attorney General's opinion request which has been answered by an Attorney General's opinion;
14. a similar request is pending before this Board or any agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;
15. where issuance of a declaratory opinion may adversely affect the interest of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;
16. the question involves eligibility for a license, permit, certificate, or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate, or other approval would be determined.

D. Each request must be printed or typewritten, or legibly handwritten. Each request must be submitted on standard business letter-sized paper (8-1/2 inches by 11 inches). Request may be in the form of a letter addressed to the Board.

E. All requests must be mailed, delivered, or transmitted via facsimile to the Board. The request shall clearly state that it is a request for a declaratory opinion. No oral telephone requests or e-mail requests will be accepted.

F. Each request must include the full name, telephone number, and , mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

G. Each request shall contain the following:

1. a clear and concise statement of all facts on which the opinion is requested;
2. a citation to the statute or rule at issue;
3. the question(s) sought to be answered in the opinion, stated clearly;
4. a suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;

5. the identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address, and telephone number; and

6. a statement to show that the person seeking the opinion has a substantial interest in the subject matter.

H. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

1. issue a declaratory opinion regarding the specific statute or rule as applied to the specific circumstances;

2. decline to issue a declaratory opinion, stating the reason for its action; or

3. agree to issue a declaratory opinion by a specific time but not later than ninety (90) days after receipt of the written request.

The forty-five (45) day period shall begin on the first State of Mississippi business day on or after the request is received by the Board, whichever is sooner.

I. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

J. The Board may give notice to any person, agency, or entity that a declaratory opinion has been requested and may receive and consider data, facts, arguments, and opinions from other persons, agencies or other entities other than the requestor.

K. Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and request shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from the requirements and shall remain confidential.

L. The Board will not pursue any civil, criminal or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any transaction or occurrence beyond that set forth by the requesting person.

Source: *Miss Code Ann.* § 25-43-2.105 (Rev. 2006)

Part 2501 Chapter 4: Licensing Requirements

Rule 4.1 *General Requirements*

A. No person shall practice massage for compensation in the State of Mississippi except as provided by state statute and these regulations.

B. An applicant must be eighteen (18) years of age, or older, on the date the application is submitted.

C. An applicant must provide proof of high school graduate equivalency.
D. An applicant must be of legal status not only to receive a license, but also to work in the State of Mississippi with such license.
E. All required fees for initial licensure must be submitted by the applicant with a cashier's check or money order.
F. Any and all requirements regarding good moral character and competency, as provided for in accepted codes of ethics shall be met.
G. The Board must receive a complete application packet, fees and official transcript(s) by the established application deadline for the application to be considered for licensure at the next regularly scheduled Board Meeting.
H. An applicant must supply proof of current certification in cardiopulmonary resuscitation (CPR) and first aid of at least eight (8) hours of training, including practical testing, and supply documentation of familiarity with the American with Disabilities Act.
I. An applicant must have completed an approved course on communicable diseases, including HIV/AIDS information and prevention. Board approved schools shall include these courses and those listed in 'H' above in the curriculum.

Source: *Miss Code Ann.* § 73-67-15 (1) (e) (Rev. 2008); . § 73-67-15 (1) (m) (ii) (Rev. 2008); §73-67-21 (Rev. 2008); § 73-67-35 (1) (Rev. 2008)

Rule 4.2 Educational Requirements
The following is a list of education requirements, which all applicants must meet in order to be licensed.

A. To obtain a massage therapy license, an applicant must submit to the Board the applicant's official and certified transcript(s) from the applicant's massage therapy school. Official transcripts must be submitted to the Board directly from the approved massage therapy school.
B. The transcript must verify that the applicant has completed a board-approved training program of not less than six hundred (600) hours of directly supervised in-class massage therapy instruction, and at least one hundred (100) hours of student clinic, with a minimum grade requirement of "C" or better in every course of instruction, in the following subjects:

1. Two hundred (200) hours in massage theory and practicum, which must include a minimum of the following classroom hours in the specified subject areas:

a. Ten (10) hours in legalities including Mississippi massage law and ethics. Students must be furnished complete copies of the most current MS Law 73-67-1 et seq., and the Rules and Regulations for this class;
b. Twenty (20) hours in history, benefits, indications and contraindications;
c. One hundred (100) hours in massage demonstration and supervised practice, which must include, but is not limited to, client evaluation, stroking, kneading, stretching, friction, percussion, vibration, range of motion, hand held tools and devices designated as t-bars or knobbies, and draping and turning; and

d. The remaining seventy (70) hours may expand on any or all of the previous three (3) subject areas including electric hand held massagers, and/or be related to practical massage.

2. Two hundred (200) hours in science of the human body and must include a minimum of the following classroom hours in the specified subject areas:

a. Twenty (20) hours in anatomy, including all body systems;
b. Twenty (20) hours in physiology, including all body systems;
c. Twenty (20) hours in myology/kinesiology;
d. Twenty (20) hours in neurology;
e. Twenty (20) hours in pathology, including medical terminology; and
f. The remaining one hundred (100) hours may expand on any or all of the previous six (6) subject areas and/or be related to the science of the human body.

3. Two hundred (200) hours in allied modalities and must include, but are not limited to, a minimum of the following classroom hours in the specified subject areas:

a. Seven (7) hours in Eastern, European and Western theory/methods;
b. Eight (8) hours in cardiopulmonary resuscitation (CPR) and first aid;
c. Ten (10) hours in charting and documentation;
d. Twenty-five (25) hours in hydrotherapy and infrared heat;
e. Twenty (20) hours in referral methods within the health care system; and
f. The remaining one hundred thirty (130) hours may expand on any or all of the previous five (5) subject areas, including The Americans with Disabilities Act, and/or be devoted to any approach to massage therapy and wellness, such as trigger points, management, communication, safety, oriental or Eastern massage techniques and specialized populations.

4. One hundred (100) hours in supervised student clinic and must include at least fifty (50) practical hands-on one-hour massage therapy sessions, to be evaluated on documents filed and kept on record at the school for a minimum of six (6) months. These evaluations are to be completed by the clients of the massage therapy sessions and shall include the client's name, address, reason for session, indications and contraindications, date and signature of client, student and supervising instructor. All sessions must be documented in SOAP (Subjective/Objective/Assessment/Plan) note format with date and signature of student and supervising instructor. Each completed session shall constitute two (2) hours of student clinic, to include the one hour of actual session and one hour of class time for instruction and evaluation of the session. All 100 hours shall be acquired in the school student clinic. All hands-on sessions must be supervised by an instructor, board licensed in the area being supervised. While students are prevented from accepting any form of compensation for these sessions, and a notice to this effect shall be clearly posted in the clinic reception area, the school may maintain a tip jar for those clients desiring to tip. Any such proceeds shall be used for the benefit of the class as a whole or may be donated to a charitable organization.

Source: *Miss Code Ann.* § 73-67-15 (1) (g) (h) (Rev. 2008); § 73-67-25; (Rev. 2008); § 73-67-35 (1) (Rev. 2008)

Rule 4.3 Massage Therapy Curriculum Requirements

A massage therapy program shall not operate in the State of Mississippi unless it meets the minimum standards of curriculum for license approved by the Board and is licensed with the State Board of Massage Therapy.

A. Massage schools and massage curriculums for license preparation must obtain a national accreditation from such agencies as the Commission on Massage Therapy Accreditation or programs with the same or greater requirements. New massage schools will have five (5) years from opening of the massage school to show conformity with the accreditation requirements and shall within two (2) years from opening show proof of application with periodic reporting to the board of its progress.

B. No massage therapy program shall consist of more than forty (40) in-class clock hours per week.

C. Hours credited through transfer credit shall not be recognized by the board unless the following transfer standards are met:

1. The transferring school shall provide a certified transcript that includes the schools name, state license number, physical address and mailing address if different, telephone number and signed by the owner, director or administrator of the school;
2. Courses for which credit is granted shall parallel in content and intensity to the course offered by the school; and
3. Documentation of previous training shall be included in each student's permanent file.

Source: *Miss Code Ann.* § 73-67-35 (Rev. 2008)

Rule 4.4 Examination Requirements

A. All persons seeking licensure with the Board must pass one of the following board comprehensive examinations:

1. The Mississippi Board Examination administered by or on behalf of MSBMT (effective June 30, 2007);
2. The Massage and Bodywork Licensing Exam (MBLEx) administered by or on behalf of the Federation of State Massage Therapy Boards (FSMTB) (effective April 10, 2009). Cost is determined by FSMTB;
3. The National Examination for State Licensing (NESL) (effective April 10, 2009) or the National Certification Examination for Massage Therapy and Bodywork (NCETMB) (effective July 1, 2001) administered by or on behalf of the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB). Students MUST take the NCETMB option of the NESL and select Mississippi as the Official Score Report section for automatic reporting to MSBMT. Cost is determined by NCBTMB;
4. The Asian Bodywork Therapy Examination (ABTE) administered by or on behalf of the National Certification Commission for Acupuncture and Oriental

Medicine (NCCAOM) (effective July 1, 2001). Cost is determined by NCCAOM;

5. Any other state, nationally or internationally accredited examination approved by the Board.

B. Effective January 1, 2011 all persons submitting an application for licensure with the Board must also pass the Mississippi State Law Examination (MSLE) that is given by the Mississippi State Board or its representative. Any student graduating from a Board approved massage therapy school may request a waiver of this requirement if the graduate will not be practicing in Mississippi. The content includes the Mississippi Professional Massage Therapy Act § 73-67 and its relevant MSBMT Rules and Regulations. The Board may schedule a session of the MSLE in coordination with a school. A minimum score of 70% is required prior to licensure.

Source: *Miss Code Ann.* § 73-67-7 (e); § 73-67-35; (Rev. 2008)

Rule 4.5 Reciprocity

A. An applicant may be licensed by demonstrating proof that the applicant holds a valid, current license in another state with similar education requirements to those required by this chapter, and that all other licensure requirements under this chapter are met. This is subject to investigation by the Board and excludes grandfathering by other states.

B. If an individual who is licensed in another state that has licensing standards substantially equivalent to the standards under this chapter as reviewed and approved by the Board, applies for licensure, the Board may issue a Provisional Permit authorizing the applicant to practice massage therapy for up to 90 days, pending completion of documentation that the applicant meets the requirements for licensure under this chapter, including but not limited to the Mississippi Law/Rules and Regulations Examination. The provisional permit may reflect statutory limitations on the scope of practice. Reciprocity is defined, as follows:

1. From a regulated State:

Must be licensed and in good standing with the State regulatory Board (excludes grandfathering), must:

►show proof of at least three (3) years work experience as a massage therapist,

►must show proof of passing scores from the FSMTB or NCBTMB or NCCAOM, and/or any other state, nationally or internationally accredited examination approved by the Board,

►must take and pass the Mississippi State Law Examination (MESL) offered by the Board, and

►must submit transcript(s) from a massage therapy school with a minimum of 500 hours of in-class academic education.

2. From a non-regulated State:

►Must show proof of at least three (3) years work experience as a massage therapist,

►must show proof of passing scores from the FSMTB or NCBTMB or NCCAOM, and/or any other state, nationally or internationally accredited examination approved by the Board,

►must take and pass the Mississippi State Law Examination (MSLE) offered by the Board, and
►must submit transcript(s) from a massage therapy school with a minimum of 500 hours of in-class academic education.

Source: *Miss Code Ann.* § 73-67-15 (1) (m) (i) (2008); § 73-67-15 (1) (m) (ii); § 73-67-17 (f); (Rev. 2008); § 73-67-25 (2) (Rev. 2008)

Part 2501. Chapter 5. Application Procedures

Rule 5.1 Phases of the Application Process

A. Application Phase

1. Individual submits all application requirements including all applicable fees in the form of a certified check or money order.
2. Complete application is reviewed and information validated according to the procedures set forth by the Board. The application is then submitted to the Board for approval.
3. Applicants who have already taken the NESL or NCETMB, ABTE, MBLEx or the Mississippi Board Examination and submitted official passing scores will be considered for licensure by the Board.
4. All persons submitting an application for licensure with the Board must also pass the Mississippi State Law Examination (MSLE) that is given by the Mississippi State Board or its representative. Any student graduating from a Board approved massage therapy school may request a waiver of this requirement if the graduate will not be practicing in Mississippi. The content includes the Mississippi Professional Massage Therapy Act § 73-67 and its relevant MSBMT Rules and Regulations. The Board may schedule a session of the MSLE in coordination with a school. A minimum score of 70% is required prior to licensure.
5. If a certificate of licensure has not been issued within 24 months of receipt of the application, license fee and application fee due to the applicant's failure to meet all requirements for licensure, then the applicant must submit a new application and application fee. This applies even if the applicant received a Permit.
6. If a first time licensing applicant completed a Mississippi massage therapy program and passed the Mississippi State Law Examination (MSLE) more than 24 months prior to applying for licensure, a 3-hour Mississippi Law CEU course must be taken prior to licensure OR the applicant must re-take and pass the Mississippi State Law Examination (MSLE).

Source: *Miss Code Ann.* § 73-67-21 (Rev. 2008)

Rule 5.2 Administrative Appeal

A. Where the Board refuses to grant, or renew a license or revokes or suspends a license, an opportunity for a hearing shall be afforded before final action by the Board. The Board may designate any competent person(s) to preside at such hearing.

B. After the administrative hearing, the Board will notify the individual of its final decision.
C. An individual may appeal the decision of the Board to the Circuit Court of Hinds County.
D. An applicant may appeal the decision of the Circuit Court to the Mississippi Supreme Court.

Source: *Miss Code Ann.* § 73-67-19 (4) (Rev. 2008); § 73-67-27; (Rev. 2008); § 73-67-25 (2) (Rev. 2008)

Part 2501. Chapter 6. License Renewal, Directory, and Duplicate / Replacement Wall Certificates

Rule 6.1 Renewal
Licenses expire on May 31st of the second year following issuance or any renewal thereafter. Therapist shall not practice massage after the expiration date listed on their license unless renewed either by paper or online method.

A. Proof of current CPR and First Aid certifications will be required with each renewal application. CEU credits will not be awarded for these certifications.
B. A 3-hour CEU class of Mississippi Law / Rules and Regulations and a 3-hour course in ethics will be required with each renewal.
C. As a courtesy, Licensed Massage Therapists may be notified of renewal.
D. Failure to receive a renewal notice from the Board will not relieve the license holder from the renewal requirements.
E. Paper Renewals: The following items must be postmarked 30 days prior to expiration for every licensed therapist who continues to practice:
1. The most recent renewal form which may be downloaded from the Board website, completed in its entirety; and the prescribed license renewal fee.
2. The late fee must be included for applications postmarked less than 30 days prior to expiration plus any other fees that may apply as listed in Chapter 2 above.
3. A fee of $35.00 will apply to LMT's who renew by paper method.
4. Payment must be remitted by Cashier's Check or Money Order.
F. Online Renewals: Massage therapists may renew licenses online. The licensee is not excused from paying late fees or other consequences of license expiration due to the unavailability of the on-line renewal method on the last working day or any holiday or weekend day for state employees prior to license expiration, or failure of the licensee to complete the on-line renewal process prior to midnight on the last day for which the license is active. All other provisions for renewal will apply. The most up to date information may be found at www.msbmt.state.ms.us.
1. Renewals may be processed up to 60 days prior to license expiration and theoretically up to midnight prior to the expiration date provided.
a. There is no change that would require verification such as a name change.
b. All requirements including CEU's are posted to the therapist's account. While Providers are responsible for reporting CEU's promptly, it is the

therapist's responsibility to verify that the information is current and accurate.

2. Renewals may be processed up to 90 days after license expiration; however, the therapist shall not practice massage until the license has been renewed. Applicable late fees apply.

G. The license status will be changed to "Expired" for all licensees who fail to renew their license more than 90 days after expiration date listed on their license.

H. An individual with an "Expired" license for up to and including 90 days who wishes to return to current status must pay applicable late fee(s) in additional to the current renewal fee. An individual with an "Expired" license for more than 90 days who wishes to reinstate to active status must submit a paper application for renewal, pay the current renewal fee, reapplication fee and submit proof to the Board that the licensee has satisfied the CEU requirements that would have been applicable had the licensee been on active status. An individual with an "Expired" license cannot move to "Inactive" or "Retired" status. After three (3) years on expired status, the licensee must follow the rules set forth in Chapter 4 "License Requirements" as if a new applicant.

I. "Inactive" Status: Those who wish to put their active license on the inactive list, remaining there for a period not to exceed three (3) years before returning to active practice, may do so without reexamination or late fees upon submission of all fees and an affidavit provided by the Board requesting inactive status, which shall attest that they shall not perform massage therapy for compensation within the State of Mississippi while on inactive status. They shall surrender their license to the Board and no license shall be issued while on inactive status. To reinstate to active status the licensee must submit an application for renewal, play the current renewal fee, reapplication fee and submit proof to the Board that the licensee has satisfied the CEU requirements that would have been applicable had the licensee been on active status. CEU credits do not expire while on "Inactive Status". After three (3) years of inactive status, the license shall be considered expired. Should the license expire, all requirements of an "expired" license shall apply.

J. Any license that is not renewed or placed on inactive or retired status before the license has expired/lapsed will be deemed expired.

K. Any individual whose license has expired/lapsed for failure to pay the required renewal fees for a period of three (3) years must follow the rules set forth in Chapter 4 "License Requirements" as if a new applicant.

L. "Military personnel": refer to Section 33-1-39, Miss. Code Ann. 1972 (as amended).

M. "Retired" Status: Those who wish to be removed from active status and have held a Mississippi Massage Therapist License for a period of five (5) years with no fines or penalties imposed for the last three (3) years of active service. This status is provided upon request of the licensee to the Board and no license shall be issued while on retired status. To reinstate to active status, the licensee must submit an application for renewal, pay the current renewal fee, reapplication fee and submit proof to the Board that the licensee has satisfied the CEU requirements that would have been applicable had the licensee been on active status. CEU credits do not expire while on "Retired" status. A "retired" massage therapist may remain in this status for an indefinite period of time.

N. "Suspended" Status: The Board at its discretion may place a license on suspended s status which indicates that the privilege to practice massage therapy has been temporarily

terminated. This status results from actions taken under Chapter 8 of these Rules and Regulations.

O. "Revoked" Status: The board at its discretion may place a license on revoked status which indicates that a license has been nullified. This status results from actions taken under Chapter 8 of these Rules and Regulations.

Source: *Miss Code Ann.* § 73-67-15 (1) (m) (iii) (Rev. 2008); § 73-67-17 (g); (Rev. 2008)

Rule 6.2 The State of Mississippi Directory of Licensed Massage Therapists

A. The State of Mississippi Directory of Licensed Massage Therapists (Directory) is maintained.

B. All licensees who paid the renewal fee on or before their deadline will be included in the Directory as "Active".

C. All current licensees will be listed in alphabetical order by county of residence.

D. All current licensees who reside outside the State of Mississippi will be listed in alphabetical order by their states of residence.

E. Individuals for whom a renewal fee was not received on or before their expiration will be included in the Directory as "Expired".

F. Individuals who have an expired, inactive, retired, suspended, or revoked license will be listed according to the category under which they fall.

G. Any individual or organization interested in obtaining a Directory shall submit a written request and the required publication fee.

Source: *Miss Code Ann.* § 73-67-15 (1) (r) (Rev. 2008)

Rule 6.3 Additional / Replacement Wall Certificates and Mobile Therapist Cards (MTC)

A. Each licensee shall have a current wall certificate attesting to the licensee's title as a Mississippi Licensed Massage Therapist at each place of business where massage therapy is practiced. Multiple wall certificates must be obtained from the Board. See Chapter 2 for additional location certificate fee. A Mobile Therapist Card will be provided with the initial license and each renewal license thereafter (Effective July 1, 2010), which must be prominently displayed when performing massage therapy off-site. For establishment responsibility, see 11.1.G.

B. Any and all certificates issued by the Board are the property of the Board and must be surrendered upon official request.

C. Each licensee must ensure that the current wall certificate or Mobile Therapist Card bears his / her current legal name. A licensee in good standing whose name is legally changed may request a replacement wall certificate or Mobile Therapist Card by submitting the following:

1. Written notification of the change and a request for a new wall certificate or Mobile Therapist Card bearing the licensee's current legal name;
2. A copy of the legal paper document indicating the change;
3. Returning the original wall certificate or Mobile Therapist Card to the Board Office; and
4. Paying the prescribed replacement certificate fee. See Chapter 2.

D. A licensee in good standing may request a replacement wall certificate or Mobile Therapist Card if his / her original wall certificate or Mobile Therapist Card was damaged by submitting the following:

1. A written request for a replacement wall certificate or Mobile Therapist Card;
2. The damaged original wall certificate or Mobile Therapist Card; and
3. Payment of the prescribed replacement certificate fee.

E. A licensee in good standing may request a replacement wall certificate if his / her original wall certificate or Mobile Therapist Card was destroyed by submitting the following items:

1. A written request for a replacement wall certificate or Mobile Therapist Card, indicating that the original wall certificate or Mobile Therapist Card was destroyed.
2. A notarized affidavit, including a statement and an explanation that the wall certificate or Mobile Therapist Card was destroyed; and
3. Payment of the prescribed replacement certificate fee.

F. Any other request for an additional or replacement wall certificate or Mobile Therapist Card will be handled by the Board on a case by case basis.

G. All changes must be in writing to the Board office in the event of any change in name, address or telephone number for home or business location(s).

Source: *Miss Code Ann.* § 73-67-17 (3) (Rev. 2008); § 73-67-33 (Rev. 2008)

Part 2501. Chapter 7. Professional Responsibilities

Rule 7.1 Standards of Practice

The protection of the public health, safety, welfare, and the best interest of the public are the guides in determining the appropriate professional conduct of all individuals licensed through the Mississippi State Board of Massage Therapy. Persons licensed by the Board shall adhere to all parts of the Mississippi State Board of Massage Therapy Code of Ethics and Standards of Practice.

Source: *Miss Code Ann.* § 73-67-3 (2008) § 73-67-19 (5) (Rev. 2008); § 73-67-31; (Rev. 2008)

Rule 7.2 Exemption From Licensure

A. The provisions of this chapter regarding licensure do not apply to the following:

1. Persons state licensed, state registered, state certified, or otherwise s state credentialed by the laws of this State to include massage therapy as part of their practice, or other allied modalities that are certified by a nationally accredited organization recognized by the Board;
2. Students enrolled in a massage therapy school and at the same time working in a student clinic; and out of state massage therapy instructors when teaching in these programs.

B. Any exemption granted under this section is effective only insofar as and to the extent that the bona fide practice of the profession or business of the person exempted overlaps into the field comprehended by this law, and exemptions under this section are only for

those activities that are currently authorized in the course of bona fide practice of the business or profession of the person exempted.

Source: *Miss Code Ann.* § 73-67-5; (Rev. 2008)

Rule 7.3 Representation as "Licensed Massage Therapist" by an Unlicensed Person
Any person who represents himself/herself by the title "Licensed Massage Therapist" without having first complied with the application procedures set forth and without having been awarded a license by the Mississippi State Board of Massage Therapy shall be fined not more than Five Hundred Dollars ($500.00), or imprisonment for up to one (1) month in jail, or both, per offense. See section 73-67-27 (3) (c).

Source: *Miss Code Ann.* § 73-67-27 (1) (a) (Rev. 2008); § 73-67-27 (3) (c) (Rev. 2008)

Rule 7.4 Advertising

A. Any licensed massage therapist advertising by the use of radio, newspaper, television, electronic media, flyers, business cards, phone book or any other means shall include legibly, or clearly audible, the massage therapy license number issued to the therapist(s) on and/or with such advertising. It shall be the responsibility of the licensee, a massage establishment, and/or a separate advertising entity to verify and include current license number(s) in all advertising, no matter the format. (See § 73-67-29 (7)). Failure to comply is subject to penalty assessed by the Board up to One Thousand Dollars ($1,000.00) per offense. See exemptions in § 73-67-21 (2).

B. Any and all advertising of the licensed massage therapist shall be of a professional and ethical nature and shall not be attached to or identified with any pornographic or other establishment that may be construed as unprofessional and/or unethical in the practice of professional massage therapy.

C. No practice of, or advertisement by any means of, any type of therapy involving soft tissue movement by the use of any body part, instrument(s) or device(s), or any term that may be interpreted to involve massage, shiatsu, acupressure, oriental, Eastern or Asian massage technique, spa, rub, or therapeutic touch, shall be allowed unless such therapy is performed by person(s) who are licensed or exempt as stated in this chapter.

D. Providing information concerning continuing education of massage therapy shall not constitute advertising as that term is used in this section. National massage publications and out-of-state instruction/education/information materials are exempt.

E. The advertising of any designation of massage, including the word "Swedish" (as used in this context), shall not be allowed in conjunction with any other term that the board finds questionable. Questionable terms may include bath, shampoo and escort.

F. Massage schools that advertise for student clinic, or any other type of student massage must conspicuously include the respective words "student massage" within the advertisement.

G. Advertisers shall obtain the license number from each massage therapist before entering into an agreement or contract to advertise any form of massage therapy as stated in this chapter. The license number(s) shall be part of the actual advertisement.

Source: *Miss Code Ann.* § 73-67-27 (1) (g) (Rev. 2008); § 73-67-29 (Rev. 2008); § 73-67-15 (f), (q) (Rev. 2008); § 73-67-19 (7) (Rev. 2008)

Rule 7.5 Duties and Responsibilities of Licensed Massage Therapists

A. All licensed massage therapists shall:

1. Perform only those services for which they are qualified and which represent their training and education;

2 Acknowledge their professional limitations and refer the client to an appropriate health professional when necessary, in cases where massage may be or is contraindicated;

3. Recognize and respect the rights of all ethical practitioners and cooperate with health professionals in a professional manner;

4. Obtain and keep an overview or profile of the client's state of being and health history and discuss any problem areas that may contraindicate massage;

5. Keep accurate and up-to-date records regarding a client's condition before and after massage therapy session in cases of a client being treated for a specific condition. Public, sports and on-site seated massage sessions are exempt from documentation; sports massage sessions are exempt from post event documentation;

6. Provide sensitive attention and response to client's comfort levels for pressure and touch, and shall not cause bruising with any regularity;

7. Maintain clear and honest communications with their clients, and acknowledge the confidential nature of the professional relationship with a client and respect rights to privacy;

8. Abide by all laws that pertain to their work as a massage therapist;

9. In no way instigate or tolerate any kind of sexual advance while acting in the capacity of a massage therapist;

10. Provide and use draping to cover all genitalia;

11. Clean/disinfect hands immediately before each massage session and/or use medical gloves;

12. Prior to the use of electrical hand held massagers, must obtain Board approved education regarding use and contraindication for use of such instruments;

13. No massage therapist shall diagnose or prescribe medicine, drugs or treatment;

14. The massage therapist shall provide and use draping to cover female breast unless prior written consent is given for breast massage.

15. Client intake forms must be signed and dated by the massage therapist and must comply with all Federal and State regulations including but not limited to HIPAA.

16. The massage therapist shall abide by all Rules and Regulations set forth by the Mississippi State Board of Massage Therapy.

17. The massage therapist shall retain all required client documentation of massage sessions for a period of two (2) years, unless the massage establishment has the responsibility for maintaining such documentation, and insure that it is readily available for inspection at the request of the Board or their duly appointed

representative. This includes, but is not limited to client history/intake forms and client release forms, as well as SOAP notes, appointment schedule book and client evaluations if requested by the Board or their duly appointed representative. Refer to Rule 2.2.B.7 for fines and penalties for failure to comply.

Source: *Miss Code Ann.* § 73-67-31 (Rev. 2008), § 73-67-15 (f) (Rev. 2008); § 73-67-15 (q) (Rev. 2008); § 73-67-19 (7) (Rev. 2008)

Part 2501. Chapter 8. Complaints, Disciplinary Hearings, Sanctions, Disciplinary Appeal

Rule 8.1 Grounds for Disciplinary Action

A. This Chapter applies to individual massage therapist, instructors or schools licensed by the Mississippi State Board of Massage Therapy. The Board may refuse to issue or renew or may deny, suspend or revoke any license held or applied for under this act upon finding that the holder of a license or applicant:

1. Is guilty of fraud, deceit, or misrepresentation in procuring or attempting to procure any license provided for in § 73-67-1, et. seq. Miss. Code Ann. (1972) as amended;
2. Attempted to use as his/her own the license of another;
3. Allowed the use of his/her license by another;
4. Has been adjudicated as mentally incompetent by regularly constituted authorities;
5. Has been convicted of a crime, or has charges or disciplinary action pending that directly relates to the practice of massage therapy or to the ability to practice massage therapy or instruct massage therapy. Any plea of nolo contendere shall be considered a conviction for the purposes of this section;
6. Is guilty of unprofessional or unethical conduct as defined by the code of ethics;
7. Is guilty of false, misleading or deceptive advertising, or is guilty of aiding or assisting in the advertising or practice of any unlicensed or unpermitted person in the practice of massage therapy or instruction of massage therapy;
8. Is grossly negligent or incompetent in the practice of massage therapy or instruction of massage therapy;
9. Has had rights, credentials, or one or more license(s) to practice massage therapy or instruct in any massage therapy program revoked, suspended, or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee similar to acts described in this section. A certified copy of the record of the jurisdiction making such a revocation, suspension or denial shall be conclusive evidence thereof; or
10. Has been convicted of any felony, other than a violation of federal or state tax laws.

B. Investigative proceedings may be implemented by a complaint by any person, including members of the Board.

Source: *Miss Code Ann.* § 73-67-19 (4) (Rev. 2008); § 73-67-27; (Rev. 2008)

Rule 8.2 Complaint Procedures

Any person who believes he has been aggrieved by a violation of § 73-67-1 et. seq. or any Board regulation shall have the right to file a written complaint within two (2) years of the alleged violation. The Board shall maintain a written record of each complaint that is made. The Board shall also send to the complainant a form acknowledging the complaint and requesting further information if necessary.

A. All complaints concerning a massage therapy school, instructor, business or against an individual therapist's professional service or activities shall be received by the Board. Complaints must be submitted in writing on an official complaint form provided by the Board. The Board will assign each complaint a case number.

B. Each complaint shall be assigned to a Board member or an Investigator assigned by the Board for investigation, notification, and determination of probable cause. Once the case is assigned, this individual becomes the case reviewer.

C. The Board shall send the appropriate complaint forms to the complainant. The complainant is responsible for completing, notarizing, and returning all forms to the Board Office. All complaints may trigger an investigation for which the complainant will be a party to.

D. The accused is notified of the complaint and is either informed that he/she has ten (10) days to respond or may be offered an informal conference. The Board will send the accused a waiver which must be notarized and returned to the Board prior to the informal conference. Should this informal appearance or process not resolve the issues, the accused is entitled to a formal hearing before the Board to address the same. The accused may request an extension, of up to thirty (30) days, to respond to the complaint. Extensions will be granted on a case by case basis. Justification for additional time is determined by the Board.

E. The Board shall conduct a meeting, with quorum present to hear a complaint case(s) presented by a case reviewer. The Board may, at this time:

1. Vote to take no action, if no action is merited; or
2. Authorize a disciplinary hearing and initiate a formal complaint and notice of disciplinary hearing.

F. Resolution of any formal complaint may be made between the Board and the accused.

G. The Board, at its discretion, may assess and tax any part or all of the costs of any disciplinary proceedings conducted against either the accused, the charging party, or both, as the Board may elect.

Source: *Miss Code Ann.* § 73-67-15 (1)(s) (Rev. 2008); § 73-67-19 (4) (Rev. 2008); § 73-67-27 (3)(d); Rev. 2008)

Rule 8.3. Notice of Formal Complaint and Disciplinary Hearing

A. The Board shall notify the accused that a complaint has been received and that a disciplinary hearing will be held. The accused shall be notified at least thirty (30) days prior to the date of the disciplinary hearing.

B. Notice shall be considered to have been given if the notice was successfully mailed "certified" to the last known address as listed with the Board, or otherwise served.

C. The notice shall inform the accused of the facts which are the basis of the complaint and which are specific enough to enable the accused to defend against the complainant. The notice of the complaint shall also inform the accused of the following:

1. The date, time, and the location of the hearing;
2. That the accused may appear personally at the disciplinary hearing and may be represented by Counsel; and,
3. That the accused shall have the right to produce witnesses and evidence on the individual(s) behalf and shall have the right to cross-examine adverse witnesses and evidence.

D. The disciplinary hearing shall be before the Mississippi State Board of Massage Therapy and shall be presided over by the Chair, Senior member, or designee of the Board. Following the disciplinary hearing, the Board shall, in writing, notify the accused as to what sanction(s), if any, shall be imposed and the basis for the Board's action. All disciplinary hearing proceedings are a matter of public record and shall be preserved pursuant to the state law.

E. All final orders issued by the Board shall be reflected in the Board minutes.

F. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

Source: *Miss Code Ann.* § 73-67-15 (1)(s) (Rev. 2008)

Rule 8.4 Disciplinary Proceedings

A. General Statement. In any contested case, opportunity shall be afforded to all parties to respond and present evidence and argument of all issues involved. Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, default or dismissal.

B. Informal Disposition of Contested Case. Prior to the imposition of disciplinary sanctions against a license, the licensee may be offered an opportunity to attend an informal conference and show compliance with all requirements of law.

1. Informal conferences may be attended by an attorney employed by the Board, a Board member and/or other representatives of the Board as the Chairman and legal counsel may deem necessary for the proper conduct of the conference. The licensee and/or the licensee's authorized representative may attend the informal conference and shall be provided an opportunity to be heard.

a. In any case where charges are based upon information provided by a person who filed a complaint with the board (complainant), the complainant may attend the informal conference, and shall be provided with an opportunity to be heard with regard to charges based upon the information provided. Nothing herein requires a complainant to attend an informal conference.

b. Informal conferences are not deemed to be official meetings of the Board.

c. Any proposed order shall be presented to the Board for its review. At the conclusion of its review, the Board shall approve, amend, or disapprove the proposed order. Should the Board approve the proposed order, the appropriate notation shall be made in the minutes of the Board

and the proposed order shall be entered as a official action of the Board. Should the Board amend the proposed order, the executive director shall contact the respondent to seek concurrence. If the respondent does not concur, or should the Board disapprove the proposed order, the case shall be rescheduled for purposes of reaching an agreed order, or in the alternative forwarded to the designated Board attorney for formal action.

C. Formal Disposition of a Contested Case. All contested cases not resolved by informal conference shall be referred for hearing.

1. Notice. The respondent shall be entitled to reasonable notice of not less than thirty (30) days. Notice shall include:

a. a statement of the time and place of the hearing;

b. a statement of the offense or offenses for which the licensee is charged;

c. a copy of the complaint.

2. Service of notice. The notice of hearing and a copy of the formal complaint shall be served by mailing a copy thereof by certified mail, postage prepaid to the respondent's last known residence or business address at least thirty (30) days prior to the hearing.

a. Filing of documents. All pleadings and motions relating to any contested case pending before the Board shall be filed at the Board office and shall be deemed filed only when actually received. Copies of all pleadings and motions shall be served on Board counsel.

b. Motion for Continuance. Continuances may be granted by the Board.

c. Transcription. All proceedings shall be transcribed by a court reporter. The agency may pay the cost of the transcript or assess the cost to one or more parties.

Source: *Miss Code Ann.* § 73-67-27 (Rev. 2008)

Rule 8.5 Sanctions

A. Civil:

The Board may impose any of the following sanctions, singularly or in combination, when it finds that a licensee is guilty of any of the offenses including but not limited to those referred to in Chapter 8:

1. Issuance of a letter of official reprimand to the licensee;
2. Refusal to renew license;
3. Restriction or limitation of the individual's scope of practice;
4. Suspension of the licensee for any period of time; and
5. Revocation of the license.
6. Reasonable and customary fines and penalties.

B. Criminal Liabilities:

1. Any person(s) found guilty of prostitution using as any advertisement, claim or insignia of being an actual licensed massage therapist or to be practicing massage therapy by using the word "massage" or any other description indicating the same, whether or not such person(s) have one or more such license for person(s) or establishment(s), shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00), nor

more than Five Thousand Dollars ($5,000.00), or imprisonment of up to six (6) months, or both, per offense, per person.
2. Any person who knowingly participates in receiving illegal services of any person found guilty as described in paragraph (a) of this subsection, upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars ($500.00), or imprisonment for up to one (1) month in jail, or both. Persons officially designated to investigate complaints are exempt.
3. Any person who violates any provision of this act, other than violation(s) of paragraph "B (1)' of this subsection, is guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) unless otherwise specified, or imprisonment for up to one (1) month in jail, or both, per offense.

Source: *Miss Code Ann* § 73-67-15 (1)(p) (Rev. 2008); § 73-67-19 (3) (Rev. 2008); § 73-67-27 (3) (Rev. 2008)

Rule 8.6 Disciplinary Appeal

A. An accused may appeal the decision of the Board to the Circuit Court of Hinds County.
B. An applicant may appeal the decision of the Circuit Court to the Mississippi Supreme Court.
C. Further appeal shall be pursuant to any remedies available by law.

Source: *Miss Code Ann.* § 73-67-19 (Rev. 2008)

Rule 8.7 Reinstatement Following Disciplinary Action

A. Any person or school whose license or license has been revoked as a result of a disciplinary action may totally reapply for licensure, including payment of all fees, one (1) year after the revocation of the license unless otherwise provided in a Board order. All current requirements for licensure must be met.
B. The Board may, at its discretion, grant reinstatement of the license following a disciplinary appeal.

Source: *Miss Code Ann.* § 73-67-15 (m) (iii) (Rev. 2008)

Part 2501. Chapter 9. Instructor and School Qualifications

Rule 9.1 Instructor Qualifications

Any person involved in the instruction of students must be licensed by the Board as an Instructor in all Mississippi Board approved schools of massage therapy, during any part of the 700 hours required by MSBMT. Every instructor must be a licensed, inactive or retired status massage therapist in good standing with this Board unless exempt from this provision by § 73-67-5 or the exceptions for CPR, First Aid or HIV/AIDS training, Law, Business, Pathology, Anatomy and Physiology, or Kinesiology lecture instructors who must have other qualifications as specified below.

A. A person desiring to be licensed as a massage therapy instructor of palpatory anatomy / kinesiology or a specific therapy technique or clinical practicum-related modality (Category M) shall produce evidence satisfactory to the Board of Massage Therapy that the applicant:

1. is a graduate from a qualified school of massage therapy and is a licensed therapist in good standing with the Board of Massage Therapy; and
2. has lawfully practiced massage therapy for at least three (3) years; and,
3. has completed at least 2 times the hours education in the subject matter, except that this subparagraph shall not apply to instruction of basic Swedish and / or relaxation massage therapy; and
4. has completed a Board approved course of at least 20 hours in teaching skills for adult education and have practical experience in adult education.

B. A person desiring to be licensed as an instructor of pathology, anatomy lecture, physiology lecture, kinesiology lecture or AIDS/HIV and infectious disease awareness (Category A) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. has a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in pathology, anatomy, physiology, kinesiology, sports medicine, exercise physiology, nursing, education with a concentration in biology or a substantially equivalent major; or
2. has accumulated a minimum of 270 classroom hours of discrete science courses related to the human body. Acceptable courses are pathology, anatomy, physiology, kinesiology, palpatory anatomy, or AIDS/HIV and infectious disease. Each course must be documented in a transcript from a Board-approved school of massage therapy and / or from a college or university which is accredited by a regional accrediting body recognized by the U.S. Department of Education or a substantially equivalent accrediting body of a foreign sovereign state. One college or university semester credit shall be converted to fifteen (15) classroom hours. One college or university quarter credit shall be converted to ten (10) classroom hours. Only courses that were successfully completed with a grade of "C" or higher will be accepted; or
3. a licensed physician (MD), osteopath or chiropractor.

C. A person desiring to be licensed as an instructor of business practices and marketing (Category B) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. is a graduate from a qualified school of massage therapy, has at least three (3) years of experience as a full-time practicing massage therapist and owner / operator of a massage therapy establishment; or
2. has a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in business, marketing, or a substantially equivalent major.

D. A person desiring to be certified as an instructor of Mississippi Law, Rules and Regulations pertaining to massage therapy (Category L) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. is a graduate from a qualified school of massage therapy, is a licensed massage therapist in good standing with the Board of Massage Therapy and has lawfully practiced massage therapy for at least three (3) years; or
2. is licensed to practice law in Mississippi, as evidenced by a certificate from the Supreme Court of Mississippi that the individual is a member in good standing of the bar of that Court.

E. A person desiring to be licensed as an instructor of hydrotherapy, safety, hygiene and/or sanitary practices (Category H) shall produce evidence satisfactory to the Board of Massage Therapy that the individual either:

1. is a graduate from a qualified school of massage therapy, is a licensed massage therapist in good standing with the Board of Massage therapy and has lawfully practiced massage therapy for at least three (3) years; or
2. has specialized training satisfactory to the Board; or
3. has a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the US Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in nursing, or a substantially equivalent major.

F. A person desiring to be approved as a instructor of CPR, First Aid or AIDS/HIV and infectious disease awareness (Category C) shall produce evidence satisfactory to the Board of Massage Therapy that the individual is certified by the Red Cross, The American Heart Association, or another organization recognized by the Board, as an instructor in these topics. Individuals who will teach only CPR and First Aid are not required to be a MSBMT licensed instructor as long as their credentials are on file at the school.

G. 1. Temporary Instructor License may be granted for a period of ninety (90) days when a school can show proof of an emergency need including but not limited to the following conditions:

a. The unexpected resignation or termination of an instructor immediately preceding the scheduled class.
b. The absence of an instructor due to illness, bereavement, relocation, or military deployment.
c. Increase in class enrollment that dictates additional staff to meet the Instructor/Student ratio requirements.

2. The Temporary Instructor License application must include the following:

a. certification from all states in which the applicant holds a license and/or educational credentials in the area of instruction.
b. payment in the form of a cashier's check or money order in the amount of One Hundred Dollars ($100.00) payable to MSBMT.

3. Renewals will not be granted for a temporary instructor license.
4. Should an individual who has been granted a temporary instructor license desire to become a full licensed instructor, they must complete the instructor application as a new applicant and submit a $50.00 instructor license fee.

H. Instructor certificates must be prominently displayed in the Board approved school where instructing.

I. If a licensed instructor is teaching at two (2) or more Board approved schools, a separate certificate must be prominently displayed at each location.

J. The Board licenses instructors and has the right of acceptance or revocation for cause.

K. All instructor licenses expire June 30th of each year. Schools may submit instructor renewals; however, the instructor is responsible for insuring that the renewal is filed in a timely manner. No instruction may be provided under an expired license. A $100 late fee will be charged on instructor renewals filed after June 30th. Renewals may be accomplished by either online renewal (effective July 1, 2010) or by paper renewal:

1. If by online method, the renewal may be initiated between April 1st and June 29th of each year. No additional areas of instruction will be licensed via the online renewal method.
2. If by paper form, the renewal applications must be submitted on forms prescribed by the Board and must be submitted by June 15th of each year. The licensee must renew by this method to seek approval of any additional areas of instruction not authorized on the current license.

Source: *Miss Code Ann.* § 73-67-35 (Rev. 2008); § 73-67-7 (Rev. 2008); § 73-67-15 (1) (s) (Rev. 2008)

Rule 9.2 School Application for License

A. Any school making application for a license under the Mississippi Professional Massage Therapy Act should contact the Board through its website, www.msbmt.state.ms.us or directly at director@msbmt.state.ms.us for further directions.

1. The application packet fee is $25.00 and must be submitted by certified check or money order; however, there is no charge for downloading the application from the web.
2. After receipt of the written request, and a $25.00 application fee, each prospective applicant will be sent a copy of the Mississippi State Board of Massage Therapy Regulations and a copy of the application packet.

B. The completed application must be returned to the Board along with a non-refundable application fee of Five Hundred Dollars ($500.00) payable to MSBMT (Mississippi State Board of Massage Therapy).

C. A surety bond in the penal sum of Fifty Thousand Dollars ($50,000.00) in favor of The Mississippi State Board of Massage Therapy is required. The bond form must be completed by the Insurance Company or Agency and signed by a Mississippi Resident Agent. See Attachment 'C'.

D. Applicants may file in lieu of the bond, cash, a certificate of deposit or government bonds in the amount of Fifty Thousand Dollars ($50,000.00).

E. Schools shall maintain a professional liability insurance policy covering any aspect of the facility, personnel and/or students. The Board shall be provided a copy of such policy and notified of any changes or renewals.

F. A license shall be granted or denied within sixty (60) days after receipt of the completed application by the Board of Massage Therapy.

G. All school locations shall meet all requirements set forth in these Regulations. This shall include, but is not limited to the following:

1. Providing complete verification of all information and commitments made in the application for a license or renewal, including but not limited to the following:

General School Information
Instructional Equipment
Job Placement Services
The Student Enrollment Contract
Additional Information
Annex Locations
Facility Information
Program of Study Information
Instructors
Student Grievance Procedures
School Ownership
Evaluation System
Disclosure of Information to Students
Documents Verifying Completion of a Program of Study
Financial Resources Information
Adherence to Refund Policy
Administrators
Bond Information
School Financial Status (Solvency) as determined by accrediting body

2. Making available all records related to the above statement upon request.

3. Meeting all applicable health and safety standards that may be required by local, state and federal agencies.

4. Agreement to notify the Board within 10 working days of changes in any of the following:

Ownership
Agents
Instructors
Programs of Study
Facility Standards
Instructional Equipment
Loss of Financial Aid Program Eligibility
Job Placement Service
School Director
Financial Stability
Evaluation System
School Name

5. Agreement to maintain all premises, equipment, and facilities of the school in adequate, safe, and sanitary condition.

6. Agreement to make enrollees accessible to be interviewed for the purpose of securing information to verify compliance with the conditions of the application for a license or license renewal.

H. All school locations are subject to announced and unannounced visitation by the Board of Massage Therapy or its representatives.

Source: *Miss Code Ann.* § 73-67-15 (1)(s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.3 Annex School Locations

A. A license is only valid for the school and courses for which it is issued. A license does not include other schools or additional locations, unless the Board of Massage Therapy has approved annex or franchise locations on the license application or license renewal application.

B. Annex Locations

1. An annex is an additional location that a license may include if:
   a. The location offers exactly the same courses as the licensed school; and
   b. The location is under the same ownership, management and control as that of the licensed location.
2. An annex location must be applied for on the license.
3. The annex location must meet all the requirements set forth in these Regulations.
4. Annex locations must have the same name as the licensed location, distinguishable by individual site location.
5. All policies, procedures, tuition, fees, catalogs, and academic calendars utilized at the licensed location must also be utilized at the annex location.
6. If a license is suspended, revoked, or canceled by the Board of Massage Therapy, the licensed school and all annex locations must comply.
7. The approved annex location will be a permanent additional location of the licensed school. This location must always be identified as an annex location on each application for a license renewal.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.4 Refund Policy

Each school is required to take and keep a record of student attendance for each individual course meeting. The following Refund Policies shall be stated in the school's catalog. The total tuition charges shall be divided evenly among the quarters.

If a student withdraws or is discontinued after instruction is begun during the first quarter of any program the school may retain no more than:

A. 0% of the quarter's tuition if the termination is during the first week of instruction; or

B. 25% of the quarter's tuition if the termination is during the second week of instruction; or

C. 50% of the quarter's tuition if the termination is during the third week of instruction; or

D. 75% of the quarter's tuition if the termination is during the fourth week of instruction; or

E. 100% of the quarter's tuition if the termination occurs after the fourth week of instruction.

If a student withdraws or is discontinued after instruction is begun during the second or any subsequent quarter of a program the school may retain no more than:

A. 25% of the quarter's tuition if the termination is during the first week of instruction; or

B. 50% of the quarter's tuition if the termination is during the second week of instruction; or

C. 75% of the quarter's tuition if the termination is during the third week of instruction; or

D. 100% of the quarter's tuition if the termination occurs after the third week of instruction.

Prospective Student's Signature: _____ Date: _____

School Official's Signature: _____ Date: _____

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.5 Disclosure of Information to Students

Prospective students are entitled to sufficient data which will assist them with making informed decisions regarding training opportunities and institutions. A school is therefore obligated to provide sufficiently detailed data in advance of enrollment to enable prospective students to clearly understand their opportunities, limitations, and obligations. The following information must be fully disclosed to prospective students prior to enrollment and prior to the signing of an enrollment contract or agreement.

*A. Recruiting Policies
*B. Admission Requirements
*C. Academic Calendars
*D. Grading System Used By the School
*E. Graduation Policy
*F. Program Length
*G. Objectives of the Programs of Study
*H. Licensing Requirements for Jobs
*I. Student Support Services
*J. Campus Security Policy
K. School's Refund Policy
*L. Withdrawal Procedures
M. Tuition and Fees (what is / is not included)
N. The percentage of students who have completed their program of study within 150% of the normal time for completion of or graduation from the program of study.
O. The percentage of your graduates employed in their field of study or related field, within six months after completion of or graduation from their program of study.
P. The percentage of student mastery of stated program of study goals.
Q. A list of post-secondary educational institutions that have accepted credit from your institution.
R. Complaint policy to resolve issues between students and school and staff.
* Those items listed above that are marked with an asterisk may be disclosed via the student catalog.

The items listed above that are not marked with an asterisk must be provided separately from the student catalog and enrollment contract or agreement. This information must be maintained by the school for verification of compliance with this regulatory requirement.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

9.6 Admissions and Recruitment

A. Admissions

1. The admission policy shall conform to the school's philosophy and objectives, shall be publicly stated, printed and made available to its students) and shall be administered as written.
2. The school is required to maintain student records which reflect the requirements for admission of all students.
3. An applicant must be eighteen (18) years of age, or older, on the date the application is submitted.
4. An application must provide proof of high school graduate equivalency.
5. An applicant must be of legal status not only to receive a license, but also to work in the State of Mississippi with that license.
6. Any and all requirements regarding good moral character and competency, as provided for in § 73-67 and in accepted codes of ethics, shall be met.
7. A school shall conduct an orientation session for persons who have applied for admission or who are considering application for admission. Such orientation shall include an overview of the program's educational objectives and curriculum, the academic and physical requirements of the program, existing employment opportunities in the field, the time and financial requirements of the program, and state requirements for licensure.
8. A school shall conduct a pre-enrollment interview with each applicant to determine the applicant's qualifications. The information gathered should include, but not be limited to, criminal record relating to a misdemeanor or felony, a determination regarding the persons cognitive, motor and behavioral skills, moral character necessary for admission into the profession and completion of the program of massage therapy and bodywork. The information gathered from this interview shall be evaluated with all written documentation submitted by the applicant before the school renders a decision of the application.
9. A school shall maintain written documentation of the basis for admission of the student. Such records shall include copies of high school diploma or transcripts, proof of age, and other specific admission requirements of the school.
10. Documentation of the reasons for the denial of admission of any student shall be maintained for at least three (3) years.

B. Recruitment

1. Recruiting shall be ethical and compatible with the educational objectives of the school.
2. The school should provide, in writing, the information being communicated to students. This will insure that each representative is communicating current and accurate information. Recruitment information should include the following:
    a. Programs of Study and Individual Courses
    b. Tuition and Fees
    c. Terms
    d. School Operating Policies
    e. Certificates
    f. Diplomas
    g. Transfer of Credit Hours
    h. Graduation Policies

i. The percentage of students who have completed their program of study within 150% of the normal time for completion of or graduation from the program of study.

j. The percentage of your graduates employed in their field of study or related field, within six months after completion of or graduation from their program of study.

3. Representatives of the school shall use only those titles which accurately reflect their actual duties and responsibilities.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.7 Advertisement

A. Any promotional literature used by a school must be presented in such a manner as to be factual with respect to services offered and / or benefits received.

B. A school licensed by the Board of Massage Therapy shall use the statement "Licensed by the Mississippi State Board of Massage Therapy, License No. _____" on all advertising, both oral and written, and on all school publications. It shall be the responsibility of the Board-approved school to verify and include current license numbers in all advertising, no matter the format. Failure to comply is subject to penalty assessed by the Board up to One Thousand Dollars ($1,000.00) per offense.

C. Massage schools that advertise for student clinic, or any other type of student massage, must conspicuously include the respective words "student massage" within the advertisement. The advertisement may include the prices for student clinical services.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-29 (6) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.8 Records

A. Each school shall develop and maintain adequate records pertaining to students and the school's administrative operations. These records should include, but are not limited to the following:

1. Student attendance for each individual course meeting via daily sign-in sheets.
2. Administrators
3. Instructors
4. Staff
5. Student activities
6. Student academic records
7. Student enrollment
8. Student admission
9. Student enrollment contracts
10. Financial aid information
11. Job placement service information
12. Program of study and individual courses
13. Graduation information
14. Instructional supplies and equipment

15. The Library or the Instructional Resource Center
16. The physical facility
17. Student withdrawals
18. Student refund policy
19. Student financial records (tuition, fees, payments, refunds, etc.)
20. Student complaints

B. A permanent academic record (transcript) shall be maintained of the student's progress. Compatible with the school's philosophy and objectives, the transcript shall indicate student accomplishment in terms of clock hours. The grading system used shall be fully explained on the transcript.

C. Each school shall maintain a record listing of all students who enroll which shall include, but is not limited to the student's name, address, telephone number, social security number, programs of study, start date, and anticipated graduation date. This information should be current as of the date on which the student enrolls and shall be available for inspection by or submission to the Board of Massage Therapy.

D. All basic records and reports pertaining to students and staff shall be maintained so that they will be safe from theft, fire, or other possible loss.

E. In the event that a school closes its facility, the Board of Massage Therapy must be informed of:

1. The location of all student records; and
2. Information pertaining to how students may obtain these records.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.9 Certificates or Diplomas

The conferring of diplomas, degrees, certificates, or other written evidence of proficiency issued by a school shall be consistent with applicable state laws.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.10 Instructional Resources and Materials

A. The instructional resources, including audiovisual teaching equipment and instructional materials, shall meet the needs of the school's educational program.

B. An evaluation of this material may be conducted to verify items listed on the application for new and existing schools.

C. A school should have available, and make easily accessible, to faculty and students such standard references relative to the educational philosophy and objectives of the school. Availability and utilization of audiovisual equipment is also important.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.11 Educational Facilities

A. Each school must provide an environment that is conducive to effective instruction, promotes learning, and supports the educational programs offered by the school.

B. The buildings, classrooms, equipment, furniture, grounds, instructional tools, instructional facilities, machinery, and other physical requirements of the educational

program shall be appropriate and shall contribute to the achievement of the educational philosophy and objectives of the school.

C. The school shall meet the general test of safety, usefulness, cleanliness, maintenance, health, lighting, and compliance with any local or state laws governing physical facilities, particularly with respect to fire, safety, and sanitation.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.12 Classroom Facilities

A. Academic Classes

1. Classroom size: regular classrooms shall contain a minimum of 600 square feet of floor space, or a minimum of 20 square feet per student enrolled, whichever is greatest.

2. Equipment: Every classroom shall provide appropriate equipment for students and teachers.

a. Individual student seats and desks or tables and chairs chosen for comfort

b. Teacher's desk

c. Filing and storage facilities

d. Sufficient amounts of chalkboard and tack board

e. Shades or Venetian blinds to improve visual comfort and efficiency

f. Adequate laboratory facilities, equipment, and supplies for courses offered.

B. Non Academic and Clinic Classes

1. Classroom Size: The minimum size of the classroom shall be 600 square feet and equipped to provide the greatest possible learning experience.

2. Classroom Equipment will conform to the section under 'Academic' above.

3. In Clinical, laboratory or skills training classes, a minimum of one massage table per every three students enrolled.

4. Massage tables shall have a minimum of three (3) feet spacing around each table.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.13 Student – Instructor Ratio

A. The student-instructor ratio should be reasonable at all times in keeping with general accepted teaching modes for the subject matter. Skills training require more individual instruction or attention thereby requiring smaller classes. Student enrollment for any class that exceeds the following ratios requires the presence of a qualified instructor assistant.

1. The student-instructor ratio shall not exceed 20 to 1.

2. Ratios for skills training, laboratory or clinical instruction shall not exceed 15 students per instructor.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.14 Educational Standards

A. The course content and length of instruction shall be of such nature and quality as to assure that the students will adequately develop the job skills and knowledge necessary for passing any and all examinations required for licensure by the Mississippi State Board of Massage Therapy.

B. Instructional practices: Schools shall provide favorable conditions for effective classroom instruction. A total pattern of successful instruction includes (a) well defined instructional objectives, (b) systematic planning, (c) selection and use of varied types of learning materials and experiences, (d) adaptation of organization and instructional procedures to student needs, (e) use of varied evaluation instruments and procedures, and (f) good student and teacher morale.

C. Each Board approved school of massage therapy must provide proof to the Board of an annual pass rate that meets or exceeds the current minimum standard as established by the Board. All Board approved schools must include a comprehensive review class of no less than sixteen (16) hours.

D. Each Board approved school of massage therapy must provide a list of graduates to the Board noting status of MSLE or appropriate waiver. This list must accompany the annual report.

School Licenses

a. Temporary licenses are issued for a 1 year period. These licenses are issued to new schools with less than two (2) graduating classes. Annual reports are required and are due by July 16th of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the schools temporary status. Schools with a temporary Board status license must include three (3) hours to sit for and pass a board comprehensive exam.

b. Probationary licenses indicate warning status and are issued for a 1 year period. These licenses are issue d to new schools with less than two (2) graduating classes and with any significant violation(s) in the most recent year. Annual reports are required and are due by July 16th of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the schools probationary status. Schools with a probationary Board status license must include three (3) hours to sit for and pass a board comprehensive examination.

c. Conditional licenses are issued to schools for a 1-year period. These licenses are issued to schools with two (2) or more graduating classes and with any of the following:

1. Any significant violation(s) in the most recent year.
2. Either the school's annual pass rate or the school's comprehensive pass rate does not meet or exceed the Board's current minimum standard.

Annual reports are required and are due by July 16th of each year unless otherwise specified. Prospective students prior to enrolling and enrolled students must be notified in writing of the school's conditional status.

d. Non-conditional licenses are issued for a 2-year period. These licenses are issued to schools with two or more graduating classes and with all of the following:

1. No significant violation(s) in the most recent year.
2. Either the school's annual pass rate or the school's comprehensive pass rate meets or exceeds the Board's current minimum standard.

Annual reports are required and are due July 16th of each year.

e. Conditional license status for schools that previously held a non-conditional license shall not exceed 2 years.

f. The combined temporary, probationary, and/or conditional license status for schools shall not exceed a 5-year consecutive period before moving to a non-conditional license status.

D. Massage therapy school owners, instructors, and/or employees or contractors of the school shall adhere to generally accepted Code of Ethics as well as the Mississippi Board of Massage Therapy Code of Ethics and shall regard students with the same care and consideration as clients.

E. The Board of Massage Therapy will evaluate school curriculum for conformance with educational requirements set forth by the Mississippi Professional Massage Therapy Act.

Source: *Miss Code Ann.* § 73-67-15 (1) (g) (h) (Rev. 2008); §73-67-35; § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.15 Attendance and Sign In Sheets

A. If a student misses more than 10% of any course for any reason, the specific coursework missed must be repeated.

B. A sign in sheet must be retained on file with other class records to include the students name, signature, date, class title, time in/time out, instructors signature and assistant's signature (if applicable). No class credit shall be given for lost or missing sign in sheets, or for failure of a student to sign in.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.16 Employment Based on Commission

No school may employ a recruiter on the basis of a commission, bonus or quota.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.17 Changes During the School Licensure Period

A. The Board of Massage Therapy must be informed immediately of any changes in the following areas:

1. Ownership
2. School Name
3. Instructors
4. Programs of Study
5. Evaluation Methods
6. Job Placement Service
7. Administrators
8. Financial Stability

9. Location
10. Accreditation status, including violations
11. Prior to any Change of Ownership

Source: *Miss Code Ann* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.18 School Change of Ownership, Location or Trade Name; Addition of Partners; Renovation of Existing School

A. No license is transferable from one owner or partner to another or from one location to another.

B. School owners or partners who contemplate selling or transferring the ownership of a school must notify the Board, in writing, prior to sale or transfer. A temporary license, not to exceed 90 days, will be issued by the Board effective the date of sale or transfer.

C. An application for Initial School Approval must be submitted to the Board by the prospective new owners or partners, in accordance with Rule 902 within 30 days following completion of a sale or transfer.

D. Upon receipt of a completed Application for School Approval, the Board may conduct an inspection. The inspection will be conducted in order to determine that all requirements as indicated in the application, have been strictly adhered to by the owners and/or partners. The inspection will be performed by two or more agents of the Board, at least one of which may be a Board member for purposes of determining:

1. Suitability of:
   a. the location
   b. rooms, including adequacy of floor space, plumbing, lighting, etc., in accordance with the floor plan.
   c. items of equipment and material.
2. School has met building or fire code requirements as evidenced by inspection report of local authorities.
3. Satisfactory evidence of proper provisions for duly licensed instructors and manager/ supervisor.
4. The findings of this inspection will be submitted to the Board for its approval at its next regular meeting, and the applicant will be notified in writing, of the decision of the Board, within 30 days.
5. If all requirements and qualifications are met, written approval will be issued. No school will be considered approved for licensure until same has been executed.
6. The Massage Therapy Board reserves the right to deny school approval to any applicant who fails to meet the requirements for conducting a school and/or who fails to present satisfactory evidence of his or her business, professional and personal integrity.

E. In most cases, violators will be given the opportunity to resolve first instances of noncompliance. Failure to respond to the violation will be recommended to the Board for administrative hearing or for referral to the proper city / county authorities.

1. There will be a $500.00 charged to the school for each additional inspection required due to noncompliance.

2. A second offense of the same violation within a three (3) year period will be recommended to the Board for administrative hearing or for referral to proper city / county authorities.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.19 Evaluation of a School

A. The Board of Massage Therapy may conduct periodic announced and unannounced evaluations of a school.

B. These evaluations will be to determine if the school is complying with the Mississippi Professional Massage Therapy Act and MSBMT Regulations. This evaluation will also be used to verify that the school is in compliance with material presented in its application.

C. Any of the following areas may be evaluated during visitation:

1. General School Information (Location, Telephone, Advertisements, etc.)
2. Type of Ownership
3. Personnel, including Instructors
4. Equipment
5. Evaluation System
6. Job Placement Services
7. Disclosure of Required Information to Students
8. Financial Resources
9. Facilities
10. Refund Policy Procedures.
11. Program of Study and Individual Course Information

D. The school will be notified of the results of the evaluation, and may be requested to provide information concerning any questionable areas.

E. The school shall provide a compliance plan for any violation of deficiency noted.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.20 School Closing

In the event that a school closes a facility, the following is required:

A. The Board of Massage Therapy must be informed within sixty (60) days of:

1. Proof of official closing date.
2. Proof of reason for the closure.
3. Proof of method developed to assist students with the completion of their program of study and individual courses.
4. Proof of notice sent to all currently enrolled students, notifying them of the closure.
5. Proof of notice given to students indicating where they may obtain any of their records.
6. Proof of disposition of student records, with a contact person, complete address, and telephone number and how students' information may be obtained.

7. Proof of notice sent to all students who have paid for any tuition and/or fees for future enrollment in a program of study or individual course informing them of the closure, and refund information.

B. In the event a school files a bankruptcy petition, a certified copy must e filed with the Board of Massage Therapy.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.21 School License Renewal

A. The following information must be returned simultaneously to the Board of Massage Therapy no later than July 15th preceding the expiration date of the current license:

1. The License Renewal Application completed in its entirety, and signed by the school owner. Be certain that all sections are completed and included.
2. An application renewal fee of $500.00 is payable to the Board of Massage Therapy.

B. If the renewal fee and application are not received by July 15 prior to the expiration date of the school's current license, in addition to the renewal fee, a delinquent fee of $500.00 will be assessed unless an extension is otherwise granted by the Board.

C. If the renewal application and renewal fee are not received by the expiration date of the current license, the current license will expire and the school or college must reapply as a new applicant. The licensed school and all annex and franchise locations will be notified to cease operation. A copy of this notification will be sent to the Attorney General's Office.

D. All programs of study, including any change of program must be approved by the Board of Massage Therapy at least thirty (30) fays prior to being offered to students.

E. Upon receipt of a completed Application for School Approval or a renewal application, the Board shall conduct an inspection. The inspection will be conducted in order to determine that all requirements as indicated in the application have been strictly adhered to by the owners and/or partners. The inspection will be performed by two or more agents of the Board, at least one of which may be a Board member.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Rule 9.22 School License Suspension / Revocation or Denial

A. The Board of Massage Therapy may suspend, revoke or deny a license for any one (1) or any combination of the following causes:

1. Violation of any provision of § 73-67 or any regulation made by the Board;
2. The furnishing of false, misleading or incomplete information requested by the Board;
3. The signing of an application or the holding of a license by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of any other indictable offense.
4. The signing of an application or the holding of a license by a person who is addicted to the use of any narcotic drug, or who is found to be mentally incompetent;
5. Violation of any commitment made in an application for a license.

6. Presentation to prospective students of misleading, false or fraudulent information relating to the course of instruction, services, supplies or equipment offered, employment opportunity, or opportunities for enrollment in accredited institutions of higher education after entering or completing courses offered by the holder of a license;
7. Failure to provide or maintain premises or equipment for offering courses of instruction in a safe and sanitary condition;
8. Failure to maintain financial resources adequate for the satisfactory conduct of courses of study as presented in the plan of operation or to retain a sufficient number and qualified staff or instruction;
9. Conviction or a plea of nolo contendere on the part of any owner, operator or director of a licensed school of any felony under Mississippi law or the law of another jurisdiction;
10. Incompetence of any owner or operator to operate a school.
11. The Board may suspend a license upon the failure of a school to pay any fee, fine or penalty as required unless such a failure is determined by the Board to be for good cause.

Source: *Miss Code Ann.* § 73-67-15 (1) (s) (Rev. 2008); § 73-67-35 (Rev. 2008)

Part 2501. Chapter 10. Continuing Education Requirements

Rule 10.1 Continuing Education Requirements

A. Each licensed massage therapist shall complete a minimum of twelve (12) hours of Continuing Education units (CEUs) each calendar year. CEUs may carry over for no more than two (2) license renewal periods. Hours obtained through approved home study programs may not exceed five (5) per year and must be used in the current renewal period. Three (3) CEUs of Mississippi Law, Rules and Regulations and three (3) CEUs of Ethics will be required per renewal period. CEU credits do not expire while on inactive, retired, or expired status.
B. The continuing education requirement shall apply to the licensee for every calendar year of licensure.
C. One hour of continuing education is defined as no less than fifty (50) minutes of any one (1) clock hour with no credit to be given for introduction of the speaker, meals or other breaks, business meetings or unapproved topics.
D. Presenter / moderators / instructors of courses shall not receive credit for courses they present.
E. CEU's will be tracked through the CEU provider reporting system. It will not be necessary to submit copies of certificates with the electronic renewal; however therapist must retain their certificates for possible verification, if required.
F. Failure of the massage therapist to satisfy the requirements of this rule results in the inability to renew or reinstate licenses.

Source: *Miss Code Ann.* § 73-67-7 (c) (Rev. 2008) § 73-67-15 (1) (Rev. 2008); § 73-67-17 (d) (Rev. 2008)

Rule 10.2 Requirements for Board Approval of Continuing Education Provider and Programs

A. For the purpose of renewing or reinstating an LMT license, credit for Continuing Education Units (CEUs) will be awarded only for providers and programs approved by the Board. Each provider must make application for Board approval on forms provided by the Board, submit fees in accordance with Chapter 2 for a biennial approval and demonstrate that the provider will meet the following requirements:

1. The provider must retain a "sign-in sheet" with the signature of participants and copies of any promotional materials for at least four (4) years following each program. The provider must furnish each participant with a certificate or letter of attendance verifying that the program has been completed. The certificate or letter shall not be issued until completion of the program and shall contain the provider's name and number, the title of the program and instructor, the date, the number of CEU hours, and the therapist's name and license number. Within five (5) days after the program, the provider must complete the required CEU reporting form in full of the persons who received a certificate or letter of attendance for the program. Please visit the Board website at www.msbmt.state.ms.us for form CEU.04. A CEU certificate cannot be issued for other than the number of hours approved.

2. Each program presented for Mississippi CEU credits shall be relevant to and focus on massage theory, practice, methods, or laws, regulations and ethical principles pertaining to the practice of massage therapy and shall have stated learning objectives. No Mississippi CEU credits will be approved for programs which exceed the scope of knowledge for massage therapy practice as described in § 73-67-7 (g).

3. Each program presented for Mississippi CEU credits shall be taught by a person who:

a. holds a minimum of a bachelor's degree from a college or university which is accredited by a regional accrediting body recognized by the United States Department of Education, or a substantially equivalent accrediting body of a foreign sovereign state, with a major in a subject directly related to the content of the programs to be offered; or,

b. has completed at least three (3) years of professional experience in the practice of massage therapy; and

(i) has, within the last five years of practical experience, had a minimum of two (2) years teaching experience in the subject matter to be offered; or

(ii) has completed specialized training in the subject matter satisfactory to the Board and has a minimum of two (2) years of practical experience in the subject.

4. The provider must provide to the Board, in writing, the name and address of the person responsible for ensuring that each program meets the requirements of subparagraphs (1) through (3) above and said person shall so certify in the application for provider approval.

B. Providers must have approval, in writing, from the Board before advertising or presenting a program. In the event a provider does advertise approval by the Board or present the program and approval has not been granted in writing, that provider will be

subject to a fine not to exceed $1,000.00 and will be subject to a period of up to two years, during which time no application for approval of continuing education programs by that provider will be considered for approval. At the end of that two-year period all fines must have been paid before any applications are considered for any future programs by that provider.

C. Program Approval. Providers approved pursuant to Paragraph (A) above may obtain two-year approval for all programs to be offered during their period as an approved provider. Providers may obtain program approval by making timely application on a form approved by the Board, submitting a program fee of $50.00 that will cover all sessions of the program within the two-year period that is exactly the same material presented and the same presenter. The provider must demonstrate that each program and presenter meets the requirements of Paragraph (A) above. The provider may amend the program application at any time during the two-year period to add and/or change presenters after an application has been approved by the State Board and a $50.00 fee has been paid. Approval for a particular program will be denied if sought later than forty-five (45) day before the start of the program. Programs that include copyrighted materials must submit proof that the presenter has express permission to use said materials.

D. Out-of-State Programs. Mississippi licensees may request approval of an individual out-of-state program that has not been approved pursuant to the foregoing provisions by submitting forty five (45) days before the date of the program, an application form approved by the Board, all materials showing curriculum objectives and presenter qualifications pursuant to and satisfying paragraph A (2) and (3) above and a program review fee of $100.00. If the individual is seeking approval for multiple programs offered at a national convention of a professional massage therapy organization, only a single $100.00 fee need be paid by the licensee to seek approval for the multiple programs. Approval shall be for the program sessions attended by the licensed massage therapist(s) requesting approval. No credit will be issued to any other licensed massage therapist(s) attending the program.

E. Provider and Program Renewal. A certificate from the Board approving a provider pursuant to Paragraph (A) above or a certificate from the Board approving a program pursuant to Paragraph (C) above shall be valid through the second December 31st following the date that the certificate was issued. During the certificate renewal period, a renewal reminder will be sent to the provider at the last address supplied to the Board. In order to obtain renewal of the certificate, the provider must return the executed renewal form to the Board on or before December 15th of the expiration year, together with a provider renewal fee stated in Chapter 2. Alternatively, effective October 1, 2010, the provider may renew both the provider and program(s) online.

F. Statement as to Approval.

1. The provider of a program approved for Mississippi CEU's, including Nationally Approved Providers and Programs under Paragraph (c) above, may announce or indicate as follows in advertising, promotional and other materials: "This program has been approved by the Mississippi Board of Massage Therapy for a maximum of ___ hours CEU credit". No other statement regarding Mississippi CEU approval may be made in advertising, promotional and/or other materials, including, but not limited to, a statement that an application has been made to the Board for approval or that the provider intends to apply for approval.

2. Providers may offer programs that are not approved pursuant to this Section. However, if a provider offers a program for which approval is not sought, or for which approval has been denied, the provider must announce in all advertising, promotional and other materials concerning the program as follows: "Not offered for Mississippi State Board of Massage Therapy CEU's".

G. Authority to Renew and Revoke Approval. The Board retains the right and authority to audit and/or monitor CEU providers and/or programs. The Board may at any time evaluate any provider and/or program and deny, revoke, and/or decline to renew approval of that provider and/or program for good cause. This right to deny, revoke and/or decline to renewal approval includes, but is not limited to, the right to deny, revoke and/or decline to renew approval if the provider has disseminated any false or misleading information in connection with the continuing education program or if the provider has failed to conform to and abide by any governing standards, rules and/or written agreements concerning the provider and/or program.

H. Violations of this chapter will result in fines and penalties as assessed in Chapter 2.

Source: *Miss Code Ann.* § 73-67-15 (1) (f) (Rev. 2008); § 73-67-17 (d) (Rev. 2008)

Part 2501. Chapter 11. Massage Establishments

11.1 Advertising, Business License and other Requirements

A. Massage establishments shall be exempt with 6 or more licensed massage therapists from the advertising provisions found in Section 73-67-29 (Chapter 7, Section 4) provided that such therapy or service is performed by person(s) licensed under this chapter.

B. Sanitary lavatories or wash basins provided with an adequate supply of both hot and cold running water shall be available. Lavatories or wash basins shall be provided with soap in a dispenser and paper, individual use towels, or air dryers.

C. Sanitary linens shall be provided for each individual client.

D. Any out call massage shall have a previous recording of the client's name, address where the therapy is to occur, estimated time of return, and phone number (if available) in a conspicuous record.

E. Every massage establishment shall be equipped with a workable telephone for emergency calls.

F. A copy of the Mississippi State Board of Massage Therapy Code of Ethics and Professional Conduct shall be prominently displayed.

G. Every massage establishment shall have prominently displayed during business hours a current and valid Provisional Permit or License issued by the Mississippi State Board of Massage Therapy for every person who provides massage therapy services on the premises or offsite on behalf of the establishment.

H. It shall be the responsibility of a massage therapy establishment to verify the current license of any and all persons practicing massage therapy at the location of or on behalf of the establishment. Failure to comply is subject to penalty assessed by the Board of not less than Five Hundred Dollars ($500.00) and not more than One Thousand Dollars ($1,000.00) per offense.

I. Every massage establishment designated as the custodian of client records shall retain all required client documentation of massage sessions for a period of two (2) years and insure that it is readily available for inspection at the request of the Board or their duly appointed representative. This includes, but is not limited to client history/intake forms and client release forms, as well as SOAP notes, appointment schedule book and client evaluations if requested by the Board or their duly appointed representative. Refer to Rule 2.2.B.7 for fines and penalties for failure to comply.

J. Massage therapists or establishments may not be discriminated against by cities or municipalities in obtaining business licenses and shall be treated as any other health care profession.

Source: *Miss Code Ann.* § 73-67-15 (f); (q) (Rev. 2008); § 73-67-19 (7) (Rev. 2008); § 73-67-17 (a) (Rev. 2008); § 73-67-21 (Rev. 2008); § 73-67-25 (2) (Rev. 2008); § 73-67-29 (Rev. 2008)

11.2 Inspections

A. The Board or its agent(s) shall conduct on-site inspections upon notification that massage therapy services are being rendered. Notification may include but not be limited to the following sources:

1. The general public through any means of advertising in any format; or
2. A new or existing licensed massage therapist applies for a license or an LMT who is renewing their license has identified the establishment as their place of business; or
3. Notification by the MSBMT office that LMT's are due for renewal within 90 days, or
4. Notification by the MSBMT office that LMT's did not renew, go inactive or move to retired status 91 days after expiration, or
5. Notification by the MSBMT office that the license of an LMT has been suspended or revoked.
5. Reapplication (reactivation) received by Board office.

B. The inspection may be conducted within ninety (90) days of the receipt of notification.

C. The inspection may be conducted for the following purposes:

1. To ascertain whether or not all massage therapists working on the premises are properly licensed and in compliance with all Board regulations and statute.
2. To ascertain whether or not the establishment is in compliance with MSBMT including but not limited to equipment and sanitation requirements.

D. Follow-up inspections may be required at the discretion of the Board.

E. Fines and penalties are set forth in Chapter 2.

Source: *Miss Code Ann.* § 73-67-15 (1) (Rev. 2008); § 73-67-17 (c) (Rev. 2008); § 73-67-21 (Rev. 2008)

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