

**TITLE 847 STATE BOARD OF MASSAGE THERAPY**

**Proposed Rule**  
LSA Document #21-507

DIGEST

Adds [847 IAC 1-1-9](#) to define "on-site massage therapy". Amends [847 IAC 1-2-2](#) concerning general requirements for a massage therapist to be a massage therapist license holder. Amends [847 IAC 1-2-3](#) concerning client assessment and consent. Amends [847 IAC 1-2-4](#) concerning retention of records. Amends [847 IAC 1-2-5](#) concerning the ethical conduct of massage therapists. Amends [847 IAC 1-2-6](#), [847 IAC 1-2-7](#), and [847 IAC 1-3-5](#) to change "certificate holder" to "license holder". Adds [847 IAC 1-5](#) concerning continuing education requirements. Repeals [847 IAC 1-1-2](#), [847 IAC 1-1-3](#), [847 IAC 1-1-6](#), [847 IAC 1-1-7](#), [847 IAC 1-1-8](#), [847 IAC 1-3-1](#), [847 IAC 1-3-2](#), [847 IAC 1-3-3](#), [847 IAC 1-3-4](#), [847 IAC 1-3-6](#), [847 IAC 1-3-7](#), and [847 IAC 1-4](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[847 IAC 1-1-2](#); [847 IAC 1-1-3](#); [847 IAC 1-1-6](#); [847 IAC 1-1-7](#); [847 IAC 1-1-8](#); [847 IAC 1-1-9](#); [847 IAC 1-2-2](#); [847 IAC 1-2-3](#); [847 IAC 1-2-4](#); [847 IAC 1-2-5](#); [847 IAC 1-2-6](#); [847 IAC 1-2-7](#); [847 IAC 1-3-1](#); [847 IAC 1-3-2](#); [847 IAC 1-3-3](#); [847 IAC 1-3-4](#); [847 IAC 1-3-5](#); [847 IAC 1-3-6](#); [847 IAC 1-3-7](#); [847 IAC 1-4](#); [847 IAC 1-5](#)

SECTION 1. [847 IAC 1-1-9](#) IS ADDED TO READ AS FOLLOWS:

**ARTICLE 1. MASSAGE THERAPIST LICENSURE**

**[847 IAC 1-1-9](#) "On-site massage therapy" defined**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-21.8](#)

**Sec. 9. "On-site massage therapy" means the provision of massage therapy services at a place other than the licensee's usual place of practice, or the place of practice in which the licensee is employed, but instead at a site mutually agreed upon by the massage therapist and the client.**

*(State Board of Massage Therapy; [847 IAC 1-1-9](#))*

SECTION 2. [847 IAC 1-2-2](#) IS AMENDED TO READ AS FOLLOWS:

**[847 IAC 1-2-2](#) General requirements**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-1-11](#); [IC 25-21.8](#)

Sec. 2. (a) A ~~certificate~~ **license** holder in the conduct of ~~his or her~~ **the license holder's** practice of massage therapy shall do the following:

(1) Comply with the following:

(A) This rule.

(B) The professional licensing standards of practice set forth in [IC 25-1-11](#) and [IC 25-21.8](#).

(C) The legal requirements of the city, town, or other jurisdiction where massage therapy is practiced.

(2) Practice massage therapy within the scope of ~~his or her~~ **the massage therapist's** education and training and not misrepresent professional qualifications relating to:

(A) ~~certification~~ **licensure**;

(B) education;

(C) experience; ~~or~~ **and**

(D) areas of competence.

(3) Practice massage therapy with that level of care, skill, and treatment recognized by a reasonably prudent massage therapist as being acceptable under similar circumstances and conditions.

(4) Acknowledge the limitations and contraindications of massage therapy.

(b) A ~~certificate~~ **license** holder in the conduct of his-~~or-her~~ **the license holder's** practice of massage therapy shall not do the following:

- (1) Delegate massage therapy responsibilities to a person who is not qualified.
- (2) Encourage or permit another person to use:
  - (A) the title "Certified Massage Therapist", ~~or~~ "Massage Therapist", "**Licensed Massage Therapist**", "**Medical Massage Therapist**", "**Clinical Massage Therapist**", "Masseuse", "Masseur", "Bodyworker", "Muscle Mechanic", or a similar term; or
  - (B) the abbreviation "CMT", ~~or~~ "MT", "LMT", "MMT", or other words, letters, abbreviations, or insignia to imply that the individual is a licensed massage therapist or practices massage therapy;if such person is not ~~certified~~ **licensed** under this article.
- (3) Knowingly allow another person to use the ~~certificate~~ **license** holder's ~~certification~~ **license**.

(c) A ~~certificate~~ **license** holder that advertises massage therapy services **in any medium, public or private, in a written, electronic, televised, or audio form**, shall do so in a **the following** manner: ~~that is:~~

- (1) **The advertisement shall include:**
  - (A) the massage therapist's name; and
  - (B) the massage therapist's license number.
- (2) **The advertisement shall be:**
  - (1) (A) accurate;
  - (2) (B) free of deception;
  - (C) free of fraud; and
  - (3) (D) representative of the services that can be provided.

**(d) If the massage therapist is providing on-site massage therapy, the massage therapist will have in their possession a copy of proof of licensure for presentation on demand.**

*(State Board of Massage Therapy; [847 IAC 1-2-2](#); filed Jan 13, 2009, 11:54 a.m.: [20090211-IR-847080351FRA](#); readopted filed Nov 20, 2015, 3:30 p.m.: [20151216-IR-847150225RFA](#); readopted filed Nov 5, 2021, 8:41 a.m.: [20211201-IR-847210378RFA](#))*

SECTION 3. [847 IAC 1-2-3](#) IS AMENDED TO READ AS FOLLOWS:

### **[847 IAC 1-2-3](#) Client assessment and consent**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-21.8](#)

Sec. 3. (a) Prior to providing massage therapy, the ~~certificate~~ **license** holder shall obtain the following from the client:

- (1) Information about the reasons and expectations for the massage therapy session.
- (2) Health history and current health status to determine the indications and contraindications for the application of massage therapy.
- (3) Voluntary and informed consent, either oral, ~~or~~ written, **or electronic**, for the agreed upon massage therapy services.
- (4) ~~Written~~ Consent of a parent or guardian for any massage therapy services to be provided to a client less than eighteen (18) years of age.

(b) The ~~certificate~~ **license** holder shall do the following:

- (1) Request from the client only information that is relevant to the professional client-massage therapist relationship.
- (2) Display a fee schedule or discuss fees and payment with the client prior to providing massage therapy services.
- (3) Maintain documentation for each massage therapy session, when practicable, including the following:
  - (A) The date of service.
  - (B) Client assessment.
  - (C) Nature of treatment and services provided.
  - (D) Treatment plan, when applicable.
- (4) Refer the client to a licensed health care professional when appropriate.
- (5) Respect the client's right to refuse, modify, or terminate services at any point, regardless of the client's

prior consent.

(c) The **certificate license** holder shall not do the following:

(1) Massage the breasts of a female client unless the **certificate license** holder has:

- (A) training in techniques related to therapeutic massage of mammary tissue; and
- (B) first obtained informed written **or electronic** consent for the treatment from the client.

(2) Perform pregnancy massage unless the **certificate license** holder has:

- (A) training in techniques related to pregnancy or prenatal massage; and
- (B) first obtained informed written **or electronic** consent for the treatment from the client.

**(3) Perform therapies done in the mouth or ears unless the license holder has:**

- (A) training in techniques related to therapeutic massage of the interior of the mouth or ears; and**
- (B) first obtained informed written or electronic consent for the treatment from the client.**

(State Board of Massage Therapy; [847 IAC 1-2-3](#); filed Jan 13, 2009, 11:54 a.m.: [20090211-IR-847080351FRA](#); readopted filed Nov 20, 2015, 3:30 p.m.: [20151216-IR-847150225RFA](#); readopted filed Nov 5, 2021, 8:41 a.m.: [20211201-IR-847210378RFA](#))

SECTION 4. [847 IAC 1-2-4](#) IS AMENDED TO READ AS FOLLOWS:

#### **[847 IAC 1-2-4](#) Confidentiality of client information**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-21.8](#)

Sec. 4. The **certificate license** holder shall do the following:

(1) Maintain the confidentiality of client information at all times and not disclose the client's identity or other information unless the release of information is:

- (A) consented to in writing by the client;
- (B) required for purposes of immediate medical treatment of the client by a third party; or
- (C) required by law.

(2) Maintain client files and business records, including accurate financial records, for at least ~~four (4)~~ **six (6)** years from the date of service and in a manner that secures client confidentiality.

(3) Dispose of client records in a secure manner that prevents disclosure of personal information.

(State Board of Massage Therapy; [847 IAC 1-2-4](#); filed Jan 13, 2009, 11:54 a.m.: [20090211-IR-847080351FRA](#); readopted filed Nov 20, 2015, 3:30 p.m.: [20151216-IR-847150225RFA](#); readopted filed Nov 5, 2021, 8:41 a.m.: [20211201-IR-847210378RFA](#))

SECTION 5. [847 IAC 1-2-5](#) IS AMENDED TO READ AS FOLLOWS:

#### **[847 IAC 1-2-5](#) Boundaries; ethical conduct; sexual misconduct**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-21.8](#)

Sec. 5. (a) When providing massage therapy, a **certificate license** holder shall do the following:

- (1) Wear clothing that is clean, modest, and professional.
- (2) Provide privacy for the client while the client is dressing and undressing.
- (3) Provide draping in a manner that ensures the safety, comfort, and privacy of the client.
- (4) Use draping so that the:
  - (A) gluteal cleft and genital areas of male and female clients; and
  - (B) breasts of female clients;are not exposed.

(b) Draping is not required when the client remains fully clothed during the massage therapy session.

(c) With prior voluntary and informed consent of the client, the gluteal cleft and breast draping may be temporarily moved in order to perform therapeutic treatment to structures in those areas.

(d) A certificate **license** holder shall not do the following:

- (1) Perform massage therapy while under the influence of alcohol, drugs, or controlled substances, except for prescribed medications that do not impair the massage therapist's ability to perform massage therapy.
- (2) Engage in any behavior with a client that is verbally, physically, or emotionally abusive.
- (3) Exert influence or take unfair advantage of a client for financial or other gain.
- (4) Exploit the client-massage therapist relationship.
- (5) Engage in sexual activity with a client:
  - (A) during a massage therapy session; or
  - (B) at an establishment where massage therapy is conducted; or
  - (C) at any on-site location where massage therapy is being conducted.**
- (6) Permit any other person to engage in sexual activity with a client:
  - (A) during a massage therapy session; or
  - (B) at an establishment where massage therapy is conducted; or
  - (C) at any on-site location where massage therapy is being conducted.**
- (7) Initiate, **agree to**, or ask the client to engage in sexual activity or behave verbally or nonverbally in a manner intended to solicit sexual activity with a client.
- (8) Expose, touch, or massage the genitalia of a client.
- (9) Enter a client's bodily orifices, external body hole or opening, with any device, apparatus, tool, or body part at any time during a massage therapy session with the exception of therapy done in the mouth or ears pursuant to consent from the client:**
  - (A) during a massage therapy session;**
  - (B) at an establishment where the individual practices massage; or**
  - (C) at any on-site location where the massage therapy is conducted.**

(e) A certificate **license** holder may:

- (1) terminate a massage therapy session; or
- (2) refuse to treat any person or part of the body;

for just and reasonable cause.

(State Board of Massage Therapy; [847 IAC 1-2-5](#); filed Jan 13, 2009, 11:54 a.m.: [20090211-IR-847080351FRA](#); readopted filed Nov 20, 2015, 3:30 p.m.: [20151216-IR-847150225RFA](#); readopted filed Nov 5, 2021, 8:41 a.m.: [20211201-IR-847210378RFA](#))

SECTION 6. [847 IAC 1-2-6](#) IS AMENDED TO READ AS FOLLOWS:

### **[847 IAC 1-2-6](#) Environment**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 16-41-11-4](#); [IC 25-21.8](#)

Sec. 6. A certificate **license** holder shall do the following:

- (1) Provide an environment that is safe, clean, and comfortable for the client.
- (2) Maintain all facilities, equipment, and products used in the practice of massage therapy in a safe, clean, and sanitary condition.
- (3) Comply with the legal requirements of the city, town, or other jurisdiction for sanitation, health, and safety that are applicable to the location or establishment where massage therapy is conducted.
- (4) Utilize proper hygienic practices that, at a minimum, include the following:
  - (A) Hand washing before and after each client.
  - (B) Storing and dispensing products in a manner that prevents contamination.
  - (C) Using only materials furnished for the personal use of the client during treatment, including towels, linens, or gowns, that:
    - (i) have been laundered and sanitized before reuse; or
    - (ii) are single-use items disposed of after each use.
- (5) Use universal precautions if required by [IC 16-41-11-4](#) and in accordance with rules adopted by the Indiana state department of health at [410 IAC 1-4](#).

(State Board of Massage Therapy; [847 IAC 1-2-6](#); filed Jan 13, 2009, 11:54 a.m.: [20090211-IR-847080351FRA](#); readopted filed Nov 20, 2015, 3:30 p.m.: [20151216-IR-847150225RFA](#); readopted filed Nov 5, 2021, 8:41 a.m.: [20211201-IR-847210378RFA](#))

SECTION 7. [847 IAC 1-2-7](#) IS AMENDED TO READ AS FOLLOWS:

**[847 IAC 1-2-7](#) Reporting violations**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-21.8](#)

Sec. 7. (a) The ~~certificate~~ **license** holder shall notify the board or other appropriate authorities of any violations of [IC 25-21.8](#) or this article of which the ~~certificate~~ **license** holder has personal knowledge.

(b) The ~~certificate~~ **license** holder shall cooperate, within the limits of the law, with any investigative proceedings of alleged violations of [IC 25-21.8](#) or this article.

*(State Board of Massage Therapy; [847 IAC 1-2-7](#); filed Jan 13, 2009, 11:54 a.m.: [20090211-IR-847080351FRA](#); readopted filed Nov 20, 2015, 3:30 p.m.: [20151216-IR-847150225RFA](#); readopted filed Nov 5, 2021, 8:41 a.m.: [20211201-IR-847210378RFA](#))*

SECTION 8. [847 IAC 1-3-5](#) IS AMENDED TO READ AS FOLLOWS:

**[847 IAC 1-3-5](#) Notification of changes**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-21.8](#)

Sec. 5. Each ~~certificate~~ **license** holder is responsible for submitting a change of address or change of name to the board not later than thirty (30) days after the change occurs.

*(State Board of Massage Therapy; [847 IAC 1-3-5](#); filed Jan 13, 2009, 11:54 a.m.: [20090211-IR-847080351FRA](#); readopted filed Nov 20, 2015, 3:30 p.m.: [20151216-IR-847150225RFA](#); readopted filed Nov 5, 2021, 8:41 a.m.: [20211201-IR-847210378RFA](#))*

SECTION 9. [847 IAC 1-5](#) IS ADDED TO READ AS FOLLOWS:

**Rule 5. Continuing Education Requirements**

**[847 IAC 1-5-1](#) General continuing education requirements**

**Authority:** [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

**Affected:** [IC 25-1-4](#); [IC 25-1-11](#); [IC 25-21.8-6](#)

Sec. 1. (a) A minimum of twenty-four (24) hours of continuing education activities are required for the quadrennial renewal period, which must include two (2) hours in ethics, which may include boundaries and safety.

(b) Only activities that have been approved under this article will be accepted as credit for license renewal.

(c) Continuing education hours:

- (1) must be obtained within the quadrennial renewal period; and
- (2) may not be carried over from one (1) renewal period to another.

(d) If a license is valid for:

- (1) twelve (12) months or less, no continuing education activity is required;
  - (2) thirteen (13) to twenty-four (24) months, twelve (12) hours are required;
  - (3) twenty-five (25) months to thirty-six (36) months, eighteen (18) hours are required; or
  - (4) thirty-seven (37) months to forty-eight (48) months, twenty-four (24) hours are required;
- for renewal.

(e) Audits for compliance with continuing education requirements and actions regarding noncompliance will be conducted as provided for in [IC 25-1-4](#).

(f) Continuing education activities ordered by the board pursuant to a disciplinary proceeding held under to [IC 25-1-11](#) may not be counted towards the quadrennial requirement.

(g) Indiana massage therapy license holders that hold a current Board Certification in Therapeutic Massage and Bodywork (BCTMB) credential issued by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) can submit that credential identification for meeting Indiana requirements for continuing education.

(State Board of Massage Therapy; [847 IAC 1-5-1](#))

#### [847 IAC 1-5-2](#) "Continuing education activities" defined

Authority: [IC 25-21.8-2-9](#); [IC 25-21.8-3-1](#)

Affected: [IC 25-1-4-0.2](#); [IC 25-21.8-6](#)

Sec. 2. (a) Continuing education subject matter for massage therapists should be educational and relating directly to the theory or clinical application of massage therapy and bodywork for the betterment of performance and public safety. The continuing education hours may be from the following topics:

- (1) Massage and bodywork techniques.
- (2) Use of thermal modalities, topical preparations, and mechanical assistive devices/appliances.
- (3) Stretching and gymnastics that lengthen and shorten soft tissues.
- (4) Posture and movement assessment.
- (5) Anatomy and physiology of the human body.
- (6) Kinesiology of the human body.
- (7) Pathology of the human body.
- (8) Cultural competency.
- (9) Body mechanics.
- (10) Somatic education.
- (11) CPR/first aid.
- (12) Sanitation, communicable disease control, and universal and standard precaution.
- (13) Medication.
- (14) Research in the field of the massage therapy profession.
- (15) Professional ethics, boundaries, safety, or communication.
- (16) Indiana state law and rules as it pertains to the massage therapy profession.
- (17) Management, administration, or supervision of a business practice, which:
  - (A) relates directly to the operation of a massage therapy business.
  - (B) does not include instruction on computer skills; and
  - (C) is limited to three (3) hours per quadrennium.
- (18) Any other subject approved by the board.

(b) The board may approve continuing education activities if it determines that the activity:

- (1) contributes directly to professional education;
- (2) relates directly to the practice, management, or education of massage therapy practitioners; and
- (3) is conducted by individuals who have demonstrated expertise in the subject matter of the program.

(c) As used in this rule, "continuing education activities" must be at least one (1) hour in length, be relevant to the practice of massage therapy, and include the following:

- (1) Formally organized courses.
- (2) Workshops.
- (3) Seminars.
- (4) Symposia.
- (5) Home study correspondence course programs, or distance learning, including approved computer, audio, and video instructional programs, such as webinars and streamed programs, designed by board-approved organizations and subject to board verification and approval procedures.
- (6) Approved for credit courses that are related to the practice of massage therapy from an approved organization as defined in [IC 25-1-4-0.2](#).

**(d) The following conversion will be used for continuing education credit:**

**(1) One (1) semester hour equals fifteen (15) continuing education hours.**

**(2) One (1) quarter hour equals ten (10) continuing education hours.**

**(3) One (1) trimester hour equals twelve and one-half (12 1/2) continuing education hours.**

*(State Board of Massage Therapy; [847 IAC 1-5-2](#))*

SECTION 10. THE FOLLOWING ARE REPEALED: [847 IAC 1-1-2](#); [847 IAC 1-1-3](#); [847 IAC 1-1-6](#); [847 IAC 1-1-7](#); [847 IAC 1-1-8](#); [847 IAC 1-3-1](#); [847 IAC 1-3-2](#); [847 IAC 1-3-3](#); [847 IAC 1-3-4](#); [847 IAC 1-3-6](#); [847 IAC 1-3-7](#); [847 IAC 1-4](#).

[Notice of Public Hearing](#)

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