TITLE 847 STATE BOARD OF MASSAGE THERAPY

ARTICLE 1. MASSAGE THERAPIST CERTIFICATION

Rule 1. Definitions

847 IAC 1-1-1 Applicability
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 1. The definitions in this rule apply throughout this title. *(State Board of Massage Therapy; 847 IAC 1-1-1; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-1-2 "Board" defined
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8-2-1

Sec. 2. "Board" means the state board of massage therapy established by IC 25-21.8-2-1. *(State Board of Massage Therapy; 847 IAC 1-1-2; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-1-3 "Certificate holder" defined
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 3. "Certificate holder" means a massage therapist certified by the board under this title. *(State Board of Massage Therapy; 847 IAC 1-1-3; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-1-4 "Client" defined
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 4. "Client" means a person:
(1) requesting;
(2) receiving; or
(3) who has received;
massage therapy. *(State Board of Massage Therapy; 847 IAC 1-1-4; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-1-5 "Draping" defined
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 5. "Draping" means covering a client with an opaque material that is sufficiently large to protect the client's personal privacy. *(State Board of Massage Therapy; 847 IAC 1-1-5; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-1-6 "Licensing agency" defined
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-1-5-3; IC 25-21.8

Sec. 6. "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-5-3. *(State Board of Massage Therapy; 847 IAC 1-1-6; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-1-7 "Massage therapist" defined
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 7. "Massage therapist" has the meaning set forth in IC 25-21.8. *(State Board of Massage Therapy; 847 IAC 1-1-7; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-1-8 "Massage therapy" defined
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 8. "Massage therapy" has the meaning set forth in IC 25-21.8. *(State Board of Massage Therapy; 847 IAC 1-1-8; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

Rule 2. Standards for Competent Practice

847 IAC 1-2-1 Purpose
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 1. This rule establishes standards for the competent practice of massage therapy. *(State Board of Massage Therapy; 847 IAC 1-2-1; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

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 holder in the conduct of his or her 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.
(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 education and training and not misrepresent professional qualifications relating to:
(A) certification;
(B) education;
(C) experience; or
(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 holder in the conduct of his or her 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"; or
(B) the abbreviation "CMT" or "MT";
if such person is not certified under this article.
(3) Knowingly allow another person to use the certificate holder's certification.
(c) A certificate holder that advertises massage therapy services shall do so in a manner that is:
(1) accurate;
(2) free of deception; and

(3) representative of the services that can be provided.
(State Board of Massage Therapy; 847 IAC 1-2-2; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

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 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, 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 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 holder shall not do the following:
(1) Massage the breasts of a female client unless the certificate holder has:
(A) training in techniques related to therapeutic massage of mammary tissue; and
(B) first obtained informed written consent for the treatment from the client.
(2) Perform pregnancy massage unless the certificate holder has:
(A) training in techniques related to pregnancy or prenatal massage; and
(B) first obtained informed written 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)

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 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) 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)

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 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 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.
(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.
(7) Initiate 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.
(e) A certificate 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)*

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 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)

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 holder shall notify the board or other appropriate authorities of any violations of IC 25-21.8 or this article of which the certificate holder has personal knowledge.

(b) The certificate 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)*

Rule 3. Certification

847 IAC 1-3-1 Requirements for certification
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 1. (a) In order to be certified as a massage therapist, all applicants for certification must do the following:
(1) File a completed application in the form and manner required by the board.
(2) Submit with the application a recent passport-quality photograph of the applicant, approximately two (2) inches by two (2) inches in size, signed by the applicant.
(3) Pay fees established by the board in 847 IAC 2.
(4) Provide a history of any criminal convictions, including any convictions relating to the practice of the profession.
(5) Verify the information submitted on the application.

(b) Except as provided in sections 4 and 5 of this rule, applicants must also furnish evidence satisfactory to the board showing that the applicant:
(1) is at least eighteen (18) years of age;
(2) has a high school diploma or the equivalent;
(3) has completed a massage therapy school or program as specified in section 2 of this rule; and
(4) has taken and passed a certification examination as specified in section 3 of this rule.
(State Board of Massage Therapy; 847 IAC 1-3-1; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

847 IAC 1-3-2 Education and training
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 21-17-2-1; IC 25-21.8

Sec. 2. (a) Applicants for certification must have successfully completed a massage therapy school or program that:
(1) requires at least five hundred (500) hours of supervised classroom and hands-on instruction on massage therapy;
(2) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and
(3) is:
(A) accredited by:
(i) the Indiana commission on proprietary education established by IC 21-17-2-1; or
(ii) another state where the standards for massage therapy education are substantially the same as the standards in Indiana; or
(B) a program at an institution of higher learning that is approved by the board.

(b) An applicant who has been educated as a massage therapist in a foreign country may be required to submit a certified copy of all academic records and an evaluation, from an accredited evaluation service approved by the board, of all academic records and credentials so that the board can determine if the applicant's education is equivalent to the educational requirements in this section.
(State Board of Massage Therapy; 847 IAC 1-3-2; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

847 IAC 1-3-3 Examination required for certification
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 3. An applicant for certification must successfully complete and pass an examination adopted by the board. *(State Board of Massage Therapy; 847 IAC 1-3-3; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

847 IAC 1-3-4 Certification by endorsement
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 4. The board may issue a certification by endorsement to an applicant who completes the requirements set forth in section 1(a) of this rule and:
(1) is licensed, certified, or registered in another state having credentialing standards that are at least as strict as the credentialing standards specified under this rule;
(2) is in good standing with the standards of the other state; and
(3) causes each state that previously credentialed the applicant to provide the board with verification of the applicant's current status and whether the applicant has been subject to disciplinary action in that state.
(State Board of Massage Therapy; 847 IAC 1-3-4; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

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 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)*

847 IAC 1-3-6 Certification expiration and renewal
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-21.8

Sec. 6. (a) A massage therapist certification issued under this article expires on a date established by the licensing agency, and every four (4) years thereafter, unless renewed before the expiration date.
(b) Applicants for renewal must:
(1) apply for renewal in the manner required by the board; and
(2) pay a renewal fee established by the board in 847 IAC 2.
(c) If a renewal application is not submitted before the certification expires under subsection (a), the certificate:
(1) is delinquent; and
(2) may be reinstated under section 7 of this rule.
(d) A certificate holder's failure to receive notice of the upcoming certificate expiration because of failure to notify the board of a change of address or change of name shall not:
(1) constitute an error on the part of the board or the licensing agency; or
(2) excuse the certificate holder from timely renewal of the certification.
(State Board of Massage Therapy; 847 IAC 1-3-6; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)

847 IAC 1-3-7 Reinstatement of delinquent certificate
Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-1-8-6; IC 25-21.8

Sec. 7. (a) The holder of a certificate that was issued by the board that is three (3) years or less delinquent shall be reinstated

upon meeting the requirements of IC 25-1-8-6(c).

(b) The holder of a certificate that was issued by the board that is more than three (3) years delinquent shall be reinstated upon meeting the requirements of IC 25-1-8-6(d). *(State Board of Massage Therapy; 847 IAC 1-3-7; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

Rule 4. Compliance with Standards; Failure to Comply

847 IAC 1-4-1 Disciplinary sanctions for noncompliance with standards

Authority: IC 25-21.8-2-9; IC 25-21.8-3-1
Affected: IC 25-1-7; IC 25-1-11; IC 25-21.8

Sec. 1. (a) Certificate holders are responsible for having knowledge of and complying with the professional licensing standards of practice set forth in IC 25-1-11 and the standards for competent practice of massage therapy in this article.

(b) Certificate holders are subject to the disciplinary sanctions and procedures set forth in IC 25-1-11 and IC 25-1-7 for failure to comply with the licensing standards or the standards for competent practice of massage therapy. *(State Board of Massage Therapy; 847 IAC 1-4-1; filed Jan 13, 2009, 11:54 a.m.: 20090211-IR-847080351FRA)*

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